

Submission to Proposed Amendments to Draft Clare County Development Plan 2023-2029

Lands at Ashline, Cahircalla More, Ennis

Submission Ref: S2.898

Killaloe Diocesan Trust

Issue: A

Customer Project Number: 2856

Customer Document Number:

Document Sign Off

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CURRENT ISSUE					
Issue No: A	Date: 31.12. 2022	Reason for issue: Submission Proposed Amendments to Draft Clare County Development Plan 2023-2029			
Sign Off	Originator	Checker	Reviewer	Approver	Customer Approval (if required)
Print Name	Mandy Coleman	Paddy Coleman		Mandy Coleman	
Signature	Authorised Electronically				
Date	31.12.22	31.12.22		31.12.22	

PREVIOUS ISSUES							
Issue No	Date	Originator	Checker	Reviewer	Approver	Customer	Reason for issue



1.0 INTRODUCTION

P. Coleman & Associates, Architects, Engineers and Planners make this submission on behalf of Killaloe Diocesan Trust (our Client), in respect of lands at Ashline, Cahircalla More, Ennis (subject land). Our Client lodged a submission to the Draft Clare County Development Plan 2023-2029 (the Draft Plan), Submission Ref: S2.898, and welcomes the general zoning objectives proposed on the subject land as outlined in the Proposed Amendments to the Draft Plan. Our Client is seeking to accept the majority of the proposed zoning objectives and to request two changes which are to be outlined in this submission.

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

2.1 Zonings to be Accepted

Our Client wishes to accept the following proposed zoning objectives as proposed in the Proposed Amendments to the Draft Plan and as identified in Figure 1 below and requests that they be adopted in the Final Clare County Development Plan 2023-2029.

- Block of land proposed '*Strategic Residential Reserve*' with specific zoning objective of '*SR4*'
- Block of land proposed '*Strategic Residential Reserve*' with specific zoning objective of '*SR5*'
- Block of land proposed '*Residential*' with specific zoning objective of '*R21*'
- Block of land proposed '*Residential*' with specific zoning objective of '*R9*'
- Block of land proposed '*Recreation*'
- Block of land proposed '*Low Density Residential*'.
- Block of land proposed '*Community*'

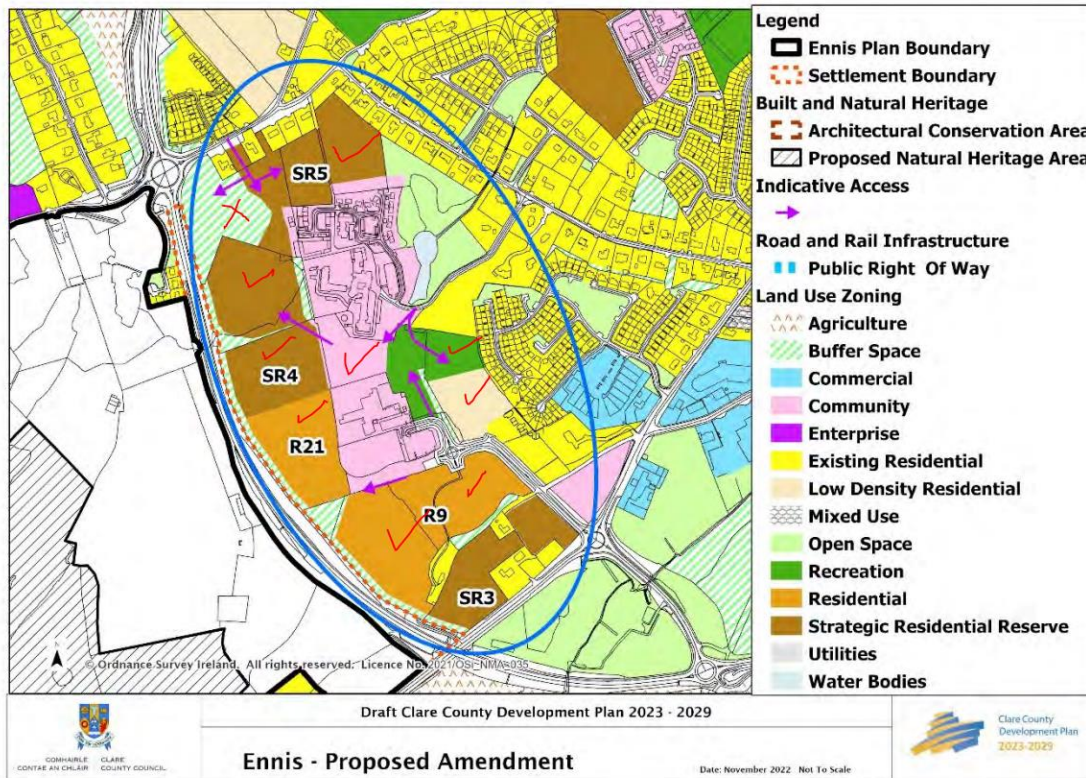


Figure 1 – Ashline Lands with Zonings requested to be accepted identified and areas requested to be changed.

2.2 Requested Changes

2.2.1 Request No. 1 – Block of land off Beechpark Roundabout proposed ‘Buffer Space’ re zoned to ‘Strategic Residential Reserve’

Our Client’s original request was that approximately 1.32ha. of the 1.88ha. of land proposed to be zoned as ‘Buffer Space’ at the Beechpark roundabout be rezoned to ‘Strategic Residential Reserve’ as shown in Figure 2 below. Support for this rezoning request was provided in our Client’s original submission which is summarised as follows:-

- No evidence to support the extent of this ‘Buffer Space’ zoning objective at this location.
- The subject site does not offer any ecological corridor or function of natural amenity.
- The site is not located in or adjacent to any designated EU Natura 2000 sites nor is the site hydraulically connected to such sites.
- Farm animals grazing the site.
- Bat Assessment by Inis Environmental carried out in 2016 concluded:-
 - No Lesser Horseshoe bats were recorded on the site;
 - Other species of bats are using the site, but numbers are very low;
 - No buildings/structures/trees to provide a viable roost for any bat species;
 - Significant light spillage from N85 and adjacent housing to deter light intolerant Lesser Horseshoe Bats from the site;



- The subject has been partly cleared by the ESB who have been working on the diversion of ESB lines associated with the Ballymacaula View housing estate development. Any biodiversity aspects associated with the site would have been cleared or interfered with.

Based on the assessment of this *'Buffer Space'* area as outlined in the Proposed Amendment No. 13 (Submission No. S2/898) of the Addendum to Environmental Assessments and Report – Volume 10a & b of the Proposed Amendments to the Draft Plan our Client is proposing that a site-specific zoning objective be included on a rezoning of the lands to *'Strategic Residential Reserve'*. This site-specific zoning objective would require that any development application shall be accompanied by a full and up to date bat survey by a suitable qualified ecologist, particularly in relation to Lesser horseshoe bats usage of the site and a full light spill modelling study to demonstrate that the chosen lighting design shall not create any increase in ambient light levels beyond the perimeter of the development footprint. Development applications would also be accompanied by a site-specific Appropriate Assessment, full Habitat and Ecological assessments. The zoning objective would also require that any future development proposals must demonstrate, through a Light Spill Modelling Study, that there will be no negative impacts on habitats of protected species. The provision of a site-specific zoning objective will ensure that any biodiversity aspects which maybe associated with the site will not be interfered with. Our Client is happy to accept a site-specific zoning objective for this block of land if it is rezoned to *'Strategic Residential Reserve'*.

2.2.2 Request No. 2 – Provide for Access to the landholding from Beechpark roundabout to serve northern portion of lands.

Our Client's original submission Ref: S2.898, noted that access to the lands at the northern side of the landholding was problematic as the access route shown on the Draft Plan from the R474 is not in the ownership of KDT. Our Client submits that this can be solved with the provision of an access off the Beechpark roundabout as shown in Figure 2 below. Access from the roundabout would open up the northern portion of the lands for development in the long term. This would also alleviate the traffic congestion associated with Ennis National School by allowing for traffic to access the school from the north.

There are adequate lands available at all four sides of the existing roundabout to accommodate any redesign/enlargement of this roundabout if this is required to provide for an additional spur to serve these lands. We note that an additional spur from the roundabout was provided to accommodate the traveller accommodation site.

Our Client requests that consideration be given to this request which would address the site access issues to this strategically located landholding and which would also be of huge benefit to the school.



Figure 2 – Proposed change of ‘Buffer Space’ zoning to ‘Strategic Residential Reserve’ with proposed access from Beechpark Roundabout.

3.0 CONCLUSION

Our Client seeks to have this request as outlined in this submission adopted in the Clare County Development Plan 2023-2029.

APPENDIX

Copy of Section 5.1 from Original Submission S2.898 requesting rezoning of 1.23ha. of 'Buffer Space' to 'Strategic Residential Reserve'

5.1 Buffer Space Zoning Objective

Our Client is seeking to have a large block of 'Buffer Space' zoning adjacent to the Beechpark Roundabout reduced in area and included in lands requested to be zoned as 'Strategic Residential Reserve' .

5.1.2 Insufficient Evidence to Support 'Buffer Space' Zoning Objective

According to our Client, there is no evidence to support the zoning of this large portion of their land (approx. 2Ha.) as 'Buffer Space', particularly given the zoning objective which states as follows:-

'Buffer spaces are intended to provide a buffer of undeveloped land for conservation of biodiversity, visual amenity or green space. Buffer spaces may include natural features such as floodplains, riparian zones, turloughs, valuable biodiversity areas including designated sites, amenity areas, woodlands, hedgerows, green spaces and archaeological features.

This proposed zoning objective is effectively sterilizing our Client's lands from development.

We refer to the Chief Executive's response to this 'Buffer Space' block in relation to a previous request our Client made to the Proposed Amendments to the Draft Clare County Development Plan 2017-2023 where it was stated:-

"The habitat type located here is comprised of the Fossitt classification WS1 Scrub which has links to the Annex I habitat "Juniperus communis formations on heaths or calcareous grasslands" (5130). The removal of scrub in this area could potentially impact on the foraging/community/roosting habitat of the Lesser Horseshoe Bat which is designated as qualifying interest of a number of surrounding SACs and primarily the Pouladatig Cave". (emphasis added)

The Chief Executive recommended

".....in the absence of site-specific assessments, I recommend this zoning stays the same".

Our Client commissioned a Bat Survey of this proposed "Buffer Space" in 2016. This Bat Survey was carried out by Howard Williams of Inis Environmental Consultants Ltd. a well-known reputable Ecologist with extensive knowledge of Bats. A copy of this Bat Survey Report is enclosed in the Appendix of this Submission. This Bat Survey concluded the following:-

- No Lesser Horseshoe bats were recorded using the subject site;
- Other species of bats are using the subject site but numbers were very low;



- There are no buildings/structures/trees associated with the subject site that would constitute a viable roost for any bat species;
- There is significant light spillage from the N85 and nearby housing over the subject site which will deter light intolerant Lesser Horseshoe Bats from entering and feeding here.

The Report on the Bat Survey states as follows:-

“Due to recent significant adjacent development (N85 and local housing) the Beechpark site is now an ‘island’ of vegetation that has no linear connection with any other Lesser Horseshoe bat habitats in the area – this, in effect, will stop all Lesser Horseshoe bats from entering the Beechpark site from any SAC, as bats follow linear features when feeding – these linear connections are not present at the Beechpark site. Furthermore, the area is completely polluted from light spillage which will deter light intolerant Lesser Horseshoe Bats from entering and feeding here”.

The Report also states that:-

“the proposed rezoning of the Beechpark site would not give rise to significant impacts affecting the integrity of any designated site, or its special conservation interests/qualifying interests (i.e., Lesser Horseshoe Bats), within the Natura 2000 network due to the fact that there are no Lesser horseshoe Bats using the Beechpark site due to site specific factors affecting their entering the site (Light spillage and lack of linear connection with surrounding foraging areas”.
(emphasis added)

The results of this Report are of significant importance to this submission. This Bat Survey Report totally eliminates any previous concerns the Council have had in relation to the possibility that *“The removal of scrub in this area could potentially impact on the foraging/community/roosting habitat of the Lessor Horsehoe Bat which is designated as qualifying interest of a number of surrounding SACs and primarily the Pouladatig Cave”.* This Report has concluded that as there are no Lessor Horsehoe Bats in this area, there is therefore no impact on the foraging/commuting/roosting habitat.

The ecology of this ‘Buffer Space’ area is limited and of only low localised value commensurate to the fact that it is simply ‘undeveloped’. It does not contain or support any habitat or feature whose preservation is necessary consequent to some form or National or European value or obligation.

There is little logic to the proposed ‘Buffer Space’ landuse zoning including on the subject land to provide an ‘ecological’ function. The subject site does not offer any ecological corridor or function or natural amenity.

In the context of proper planning, it is not considered necessary or of value, to zone this large plot as ‘Buffer Space’. The site and locational circumstances have demonstrated that a significant portion of the site is suitable for development.



The zoning objective for '*Buffer Space*' is quoted under Section 3.3 above of this submission, however, its application to the subject lands is entirely unjustified. The subject lands are not located in a flood plain or within a riparian zone and are not designated or of a particular specific amenity value. There are also no National Monuments on the subject land. The site does not contribute to the function or purpose of a '*Buffer Space*' zoning objective.

Our Client is aware that a certain amount of a buffer area will be required between the subject lands and the N85 for noise attenuation and to protect residential amenity. A narrow strip of buffer similar to what is proposed between the N85 and the housing development under construction at Beechpark roundabout and the LDR7 lands to the east of the N85 should be replicated on our Clients landholding. There are other '*Buffer Space*' areas also proposed within this landholding as well as the fact that the Site-Specific zoning objective for the '*R15*' requires a buffer of sufficient width between the proposed development and the N85 to protect residential amenity. It is our Clients view that the size of the '*Buffer Space*' as currently proposed in the draft plan is excessive given that there is no evidence to support its use. We have scaled back some of the proposed '*Buffer Space*' area proposed and included it within the '*Strategic Residential Reserve*' block as outlined in Figure 10 above.

Over the past 12 months the ESB have been working within this proposed '*Buffer Space*' block as part of the diversion of the 38KV line associated with the new housing development to the north. This work has resulted in the removal of some of the scrub from within this block. In addition, farm animals such as horses, cattle and sheep graze this area on a continuous basis.

We found no evidence of any Reports or Studies carried out on the subject lands provided as part of the preparation of the Draft Plan to justify why a substantial portion of our Client's land is being effectively sterilised for development purposes.

The landholding provides for a large area of '*Open Space*' and a large area of '*Recreational*' zoned land proposed on this landholding. In total we estimate approximately circa. 7 hectares of our Client's land on this landholding will be restricted or sterilized from development purposes by these zoning classifications proposed in the Draft Plan.

Our Client is a non-profit organisation who is interested in providing community housing on this landholding. Our Client has been approached by developers of community housing to acquire some of the proposed residentially zoned lands within this landholding. It is therefore imperative that a sufficient amount of residential zoned lands are made available to meet this demand. The original Masterplan for this landholding provided for most of this landholding to be developed as a residential neighbourhood to meet the demands of the greater Ennis area and to support the relocation of the Ennis National School.

We submit to the Planning Authority that there is no restrictive environmental factors which would or could prohibit or restrict zoning on the subject land.



5.1.2 Inconsistent with Other Proposed Zonings

We refer to two other parcels of land at Beechpark which are within close proximity to the subject land and which are proposed to be zoned for development purpose and which have been identified as being valuable habitats for Lesser Horseshoe Bats.

The first such parcel of land is identified as *'TOU2 Tourism'* and is located at Beechpark. The Strategic Environmental Assessment Environmental Report (Vol. 10b(i)) identifies this *"TOU2 Tourism"* land as being a *"Valuable habitat for Lesser Horseshoe Bats which roost in the nearby Pouldatig Cave (SAC)"*. While this land has been identified as being a valuable habitat for Lesser Horseshoe Bats, the land continues to remain zoned for development purposes with the Site-Specific zoning objective requiring that *"all future planning applications be accompanied by a full bat survey of trees, detailed tree surveys to demonstrate that only unsafe trees are being removed and being replaced with understorey planting to enhance bat habitats. All development of existing buildings on the site and tree conservation works will require a bat, red squirrels and barn owl survey in advance to ensure that they do not contain important sites for bats, other mammal or birds"*.

The second parcel of land is the land adjoining the *'TOU2 Tourism'* lands which is proposed to be zoned as *'ENT1 – Enterprise'*. This land has also been identified as being a habitat for Lesser Horseshoe Bats. The Strategic Environmental Assessment – Environmental Report (Vol. 10b(i)) recommends and an Ecological survey of the hedgerows and wildlife corridors on the site be undertaken on the *'ENT1 – Enterprise'* land and these should be protected and incorporated into any development proposals to ensure no net loss in order to protect habitat and commuting routes for Lesser Horseshoe bats.

Both the *'TOU2'* and *'ENT1'* lands have been identified as being habitats for Lesser Horseshoe Bats in the Strategic Environmental Assessment – Environmental Report (Vol. 10b(i)). The block proposed as *'Buffer Space'* has no evidence of Lesser Horseshoe Bat presence.

Our Client will accept a Site-Specific zoning objective similar to those attached to the *'TOU2'* and *'ENT1'* lands stating that an Ecological Assessment be provided to ensure protection and enhancement of existing hedgerows and other wildlife features which provide important habitat and feeding areas and connection corridors, potentially used by Lesser Horseshoe Bats. This will ensure a consistent approach to the zoning of lands in this area.

Our Client is frustrated at the lack of consistency with the zoning objectives for the *'TOU2'* and *'ENT1'* lands versus their lands. It should also be noted that neither the *'TOU2'* nor the *'ENT1'* lands are serviced lands whereas the subject lands are fully serviced.

Our Client submits that there is no part of this buffer space which is of environmental significance. In the interest of promoting compact growth, it is considered that a more balanced approach between land preservation and facilitating development must be considered. Urban Land is a scarce resource. Rather than preserving large inaccessible tracts of land, it is submitted that consideration must be given to the limited development of certain tracts.



Our Client requests that the Planning Authority recognise the need for zoned residential land in the area, in proximity to services, school, and acknowledge that under-utilizations of valuable urban land, located in proximity to existing services and facilities and which can function as a natural extension to a planned future residential development.