

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

31 May 2024

Planning Department,
Clare County Council,
New Road,
Ennis,
Co Clare.

By email: rzlt@clarecoco.ie

Re: Residential Zoned Land Tax Annual Draft Map – Rezoning Request

Dear Sirs,

I write to you in my capacity as the legal Personal Representative of [REDACTED] the registered owner of lands described in Folio CE1689, [REDACTED] and I wish to make a rezoning request on behalf of their estates, respectively, in relation to the lands at Fossabeg, Scariff Co Clare that form part of their estates.

Part of the lands, described in Folio CE1689, which are behind the Church at Fossabeg, Scariff Co Clare are included in the **Residential Zoned Land Tax Draft Map as CELA 0001540** and have been identified in the Clare County Development Plan 2023-2029 for the purpose of Land Use Zoning as “Residential”.

The previous Draft Map included the lands described in Folio CE1689 which are opposite and behind the Church at Fossabeg, Scariff, Co. Clare as CELA 0001531, CELA 0001540 and part of CELA 0001698. The parcel CELA 0001698 was a 4.91 ha parcel comprised of some 3.4 ha of lands described in Folio 1689 but also lands described in Folio CE27682 which is not within the ownership of [REDACTED]. Those other parcels are not included in the current draft map and are identified in the most recent Development Plan as “Strategic Residential Reserve” and “Agriculture”.

Planning History

A planning application was made in respect of the lands at the rear of the Church (P99-2144 for 90 dwellings) which was refused due to sewerage and water infrastructure constraints.

Whilst there has been considerable investment in the wastewater treatment facilities which have been upgraded in recent years and may now be in a position to provide sufficient capacity for the target population, there has not been a similar investment in the water infrastructure. Water is supplied from the Scariff Public Water Supply, fed from a groundwater source. In fact, in its Response to RZLT Query dated 7 February 2023, which said response was not provided to me in advance of the making by the County Council of the previous decision in relation to this land, Uisce Eireann confirmed that there was “*limited capacity available at present*” in the water supply and that “*Additional capacity is likely to be required to facilitate the development of the entire site. Groundwater investigations are underway to augment supply and a Water Treatment Plant capacity upgrade is at scoping stage.*” It is therefore clear that, neither currently, nor it appears in the immediate future, is there capacity in either the water supply or water treatment for further residential development.

All of the lands described in Folio 1689 were zoned as Residential in the East Clare Local Area Plan 2004 and subsequently, up to and including the East Clare Local Area Plan 2011-2017.

Part of the lands opposite (east of) the Church were dezoned from Residential zoning in the Clare County Development Plan 2017 – 2023 inexplicably and without any reason ever having been provided to the landowners, notwithstanding the stated objectives of the East Clare Local Area Plan 2004 and the East Clare Local Area Plan 2011-2017. At the same time, lands to the west of the lands behind (west of) the Church were zoned as residential. Those said lands, comprise part of CELA 0001698. The said portion of the lands which dezoned from Residential zoning in the Clare County Development Plan 2017 – 2023 were to the north and east of a new sewer line through the field opposite the Church which line was the subject of litigation between the landowners and Clare County Council. There is no history of flooding in the said lands although they abut a stream on the eastern boundary and smaller stream on the northern boundary.

The Clare County Development Plan 2023-2029 dezoned from Residential zoning all the lands opposite (east of) the Church and inexplicably and without any reason being provided does not even include them in the Strategic Residential Reserve. As can be seen from the extract from the Clare County Development Plan 2023-2029, part of the field behind (east of) the Church has been included as Strategic Residential Reserve.

As set out above, the adequacy of the water infrastructure to accommodate a large-scale development has not been resolved following the previous refusal of planning permission for that reason.

Secondly, the Clare County Development Plan 2023-2029 as adopted, confirms that there is little or no demand for large-scale residential development in Scariff at the current time. The Core Strategy Table noting that 3.72 ha of land is required but 6.08 ha is being zoned as per the map. In light of the excess of zoned land, it is also not clear why this particular parcel of land remains zoned Residential whilst the adjoining parcels are zoned as Strategic Residential Reserve.

Thirdly, it is submitted that, notwithstanding the existing zonings, the appropriate zoning for the entirety of the lands described in lands described in Folio 1689 is Strategic Residential Reserve and a rezoning request is made in respect of the said lands. In order to coherently develop the lands, previously described in local area plans as “a natural extension to the town” all of the lands need to be developed as part of a coherent plan which would ensure the proper planning and sustainable development of the area in accordance with the Residential Zoned Land Tax – Guidelines for Planning Authorities.

Fourthly, the existing and uninterrupted use for all of the lands described in Folio 1689, including the parcel described as CELA 0001540 in the Residential Zoned Land Tax Draft Map is agricultural.

Yours faithfully,

A solid black rectangular box used to redact the signature of the sender.