

Submissions in relation to the proposed Material Alterations to the Castleconnell Draft Local Area Plan (LAP) 2023 – 2029

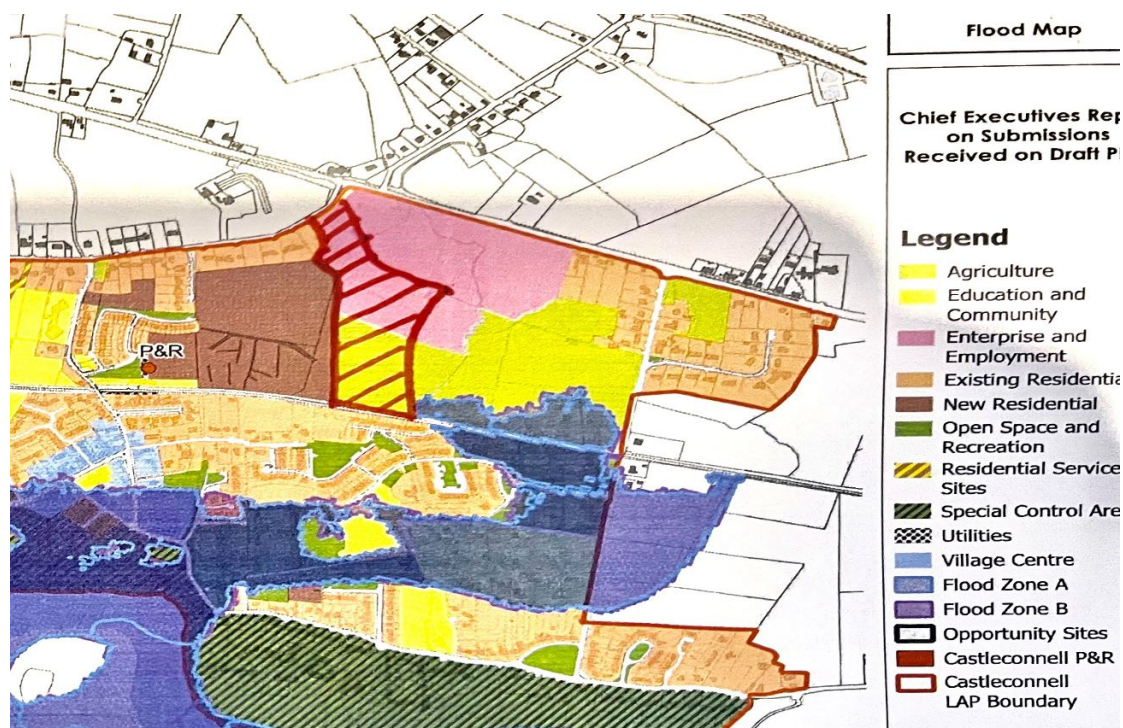
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Introduction

For ease of reference, our submission relates to the lands hatched in red (the subject lands), as identified in the map below and to the amendments to the settlement capacity audit contained within the Material Alterations to the Draft Castleconnell Local Area Plan 2023 – 2029.



1. Submission.

The basis of our submission is that certain information contained within the material alterations to the Castleconnell Draft local area plan is incorrect, or, alternatively, that the information contained within the Draft Local Area Plan (DLAP) is incorrect.

Specifically, the information referred to relates to the capricious nature of the settlement capacity audits, and to the inconsistent detail on the availability of services.

Should it be the former, then the basis of the proposed amendments to be put before the elected members is flawed. Should it be the later, which is now our opinion, then the right to make a submission in relation to the zoning proposed in the draft LAP was effectively denied to the public and to the Office of the Planning Regulator. Had the services that are now available to site 10 in the material amendments been included in the DLAP, then we would have made a submission in relation to the draft plan.

Our submission relates specifically to the following amendments.

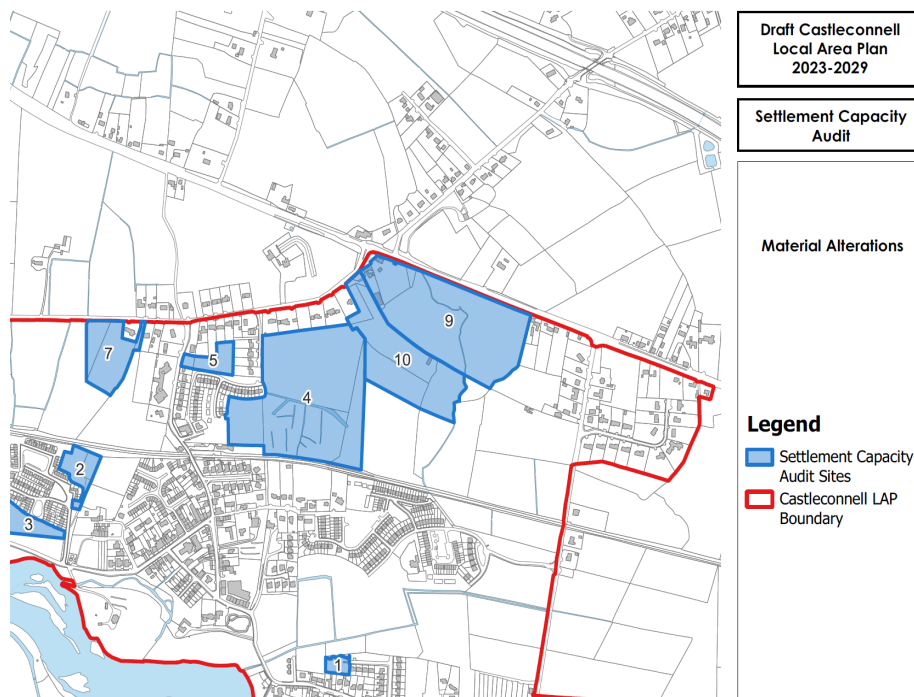
1.1. Chapter 6 amendment No. 1

This amendment relates to Traffic and Transport Assessment and to boundary issues relating to the proposed enterprise and employment zoning designation proposed for “site 10”. However, I will set out below that the proposed zoning designation “enterprise and employment” for the subject land contravenes s 28 of the Planning and Development Act 2000, (as amended).

1.2. Amendment 1 to Settlement Capacity Audit Map as it relates to site “10”.

Material alteration map-

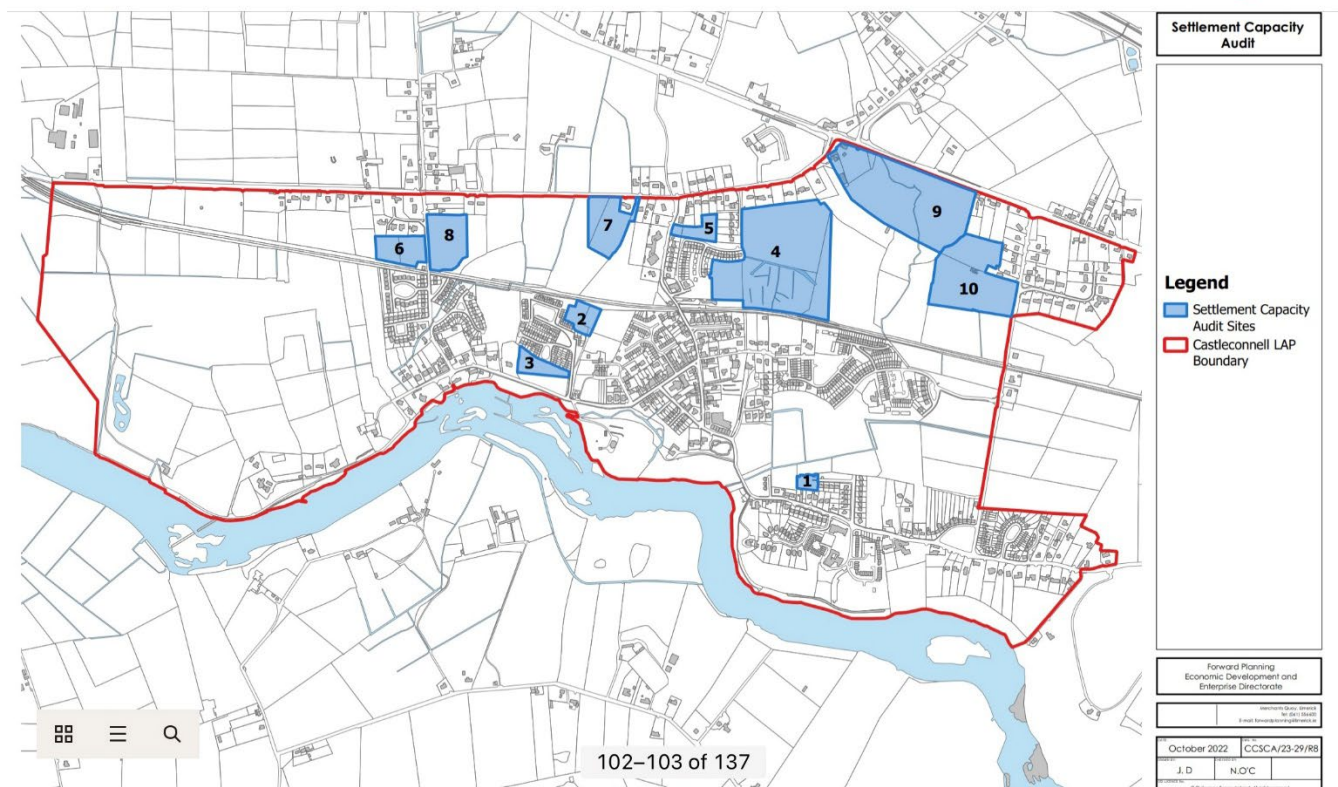
Fig 1



The subject lands have been included in “site 10” in the above map as contained in the amendments to the plan. They were not included in the settlement capacity audit in the draft LAP (see map below), so therefore were not assigned a number. The effect of the subject land’s inclusion has allowed for the availability of services described in the amendment of the settlement capacity audit for site “No 10”. The only conclusion is that the subject lands are serviced.

Please see below the settlement capacity audit map as contained within the DLAP, you will note that the subject lands are not included-

Fig. 2



1.3. Amendment to Settlement Capacity Audit as set out in fig 11.1.

See below table included in the proposed amendments-

Fig 3

Site No.	Zoning	Area (ha)	Density	Est. Yield	Lighting	Footpath	Public Transport	Road Access	Water	Foul	Surface Water	Flood Risk	Infill/Brown-field	Cost	Comments if applicable	Tier
10	E and E	4	n/a	n/a										€600K	Applicants will have to provide a TTA and a minimum landscaped buffer zone of 20m to the adjoining residential properties.	
11	E and E	4	n/a	n/a	✓	✓	▲	✓	✓	✓	↓	*	*	€600K	<u>Applicants will have to provide a TTA and a minimum landscaped buffer zone of 20m to the adjoining residential properties.</u>	
					✓	✓	●	✓	✓	✓	!	✗	✗			

The above table illustrates the changes to the availability of services by the substitution of the subject lands to site “10”.

We submit, on the basis of the clear demonstration in the proposed Material Alterations to the Castleconnell Draft Local Area Plan (LAP) 2023 – 2029, that the subject lands are in fact serviced, and therefore should remain zoned for residential use. Any de-zoning of the subject lands would be in breach of S.28 of the Planning and Development Act, 2000, as amended.

2. Zoning status of the subject lands –

2.1 The current zoning under the Castleconnell Local area plan 2013-2019 is “Residential Area- Phase 3”.

- 2.1. The zoning proposed in the draft Castleconnell Local Area plan 2023-2029 is “agriculture”.
- 2.2. The Chief Executive’s report to the elected members proposes two separate zoning designations - “agriculture” and “employment and enterprise”.
- 2.3. Material Alterations to the Draft Castleconnell Local Area Plan 2023 – 2029 proposes two separate zoning designations - “agriculture” and “employment and enterprise”.

3. Legislative basis of the submission

3.1 S.20 (5) c of the Planning and Development Act, 2000, (as amended) sets out the statutory obligations of the local authority. It states-

“In this section ‘statutory obligations’ includes, in relation to a local authority, the obligation to ensure that the local area plan is consistent with—

(c) specific planning policy requirements specified in guidelines under subsection (1) of section 28.”

3.2. *Development Plans-Guidelines for Planning Authorities*, prepared by the Department of Housing, Local Government and Heritage, were published under Section 28 of the Planning and Development Act 2000 (as amended), in June 2022.

3.3. 1.4 of the guidelines sets out the legislative basis of the ministerial guidelines. It states that Planning authorities **are required** to apply any specific planning policy requirements (SPPRs) of guidelines, in carrying out their functions. Accordingly, SPPRs take precedence over any conflicting policies and objectives of existing development plans.

3.4. One such SPPR is contained within 4.4.1

“It is a policy and objective of these Guidelines that zoned housing land in an existing development plan, that is serviced and can be developed for housing within the life of the new development plan under preparation, should not be subject to de-zoning.”

4. Stages of the LAP Process

4.1. Draft LAP

It was proposed in the draft LAP to de-zone the subject lands from housing to agricultural use. As per the above policy, the only lawful circumstance where residential land can be de-zoned is where it is not serviced.

The subject lands were not assigned a number in the settlement capacity audit and were not included in the associated map. Therefore, it is a reasonable assumption that the planning authority had considered the lands as not serviced. While we considered the lands as zoned and serviced (and purchased the lands on that basis), we did not make a submission against the de-zoning of the subject lands. We relied upon the expertise of the Limerick City and County Council in that regard. We note that the Office of the Planning Regulator did not make any comment on the de-zoning, presumably on the same basis.

4.2. Chief Executive’s Report to the Elected Members on Submissions

On foot of submission by the Office of the Planning Regulator, the Chief executive recommended that part of the subject lands was to be zoned “Employment and Enterprise”. Submissions cannot be made at this point of the process.

4.3. Proposed Material Alterations to the Castleconnell Draft Local Area Plan (LAP)2023–2029

Contained within the proposed material alterations of the LAP is an amended settlement capacity audit map (see fig.1)

The map is accompanied by a table (see fig 3) which sets out the services available to each site. The table clearly states that the subject site is serviced for lighting, Footpaths, Public Transport, Road Access, Water, and Foul, and is serviceable for surface water.

5. Conclusion

The state is currently in the middle of a severe housing crises. It flies in the face of all logic and public sentiment to de zone serviced residential land.

The amended settlement capacity audit contained within the Proposed Material Alterations to the Castleconnell Draft Local Area Plan (LAP)2023–2029 clearly states that a portion of the subject lands is serviced. It would be a nonsense to consider the remainder of the subject lands as not serviced, when the effect of their addition to site “10” renders those lands as serviced.

We therefore submit the entirety of the subject lands should remain as residential as per Section 28 of the Planning and Development Act 2000 (as amended) and as specifically required by Ministerial guidelines “*Development Plans-Guidelines for Planning Authorities*”.