

[REDACTED]
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[REDACTED]

31 March 2025

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

By email: rzlt@clarecoco.ie

Re: Residential Zoned Land Tax - Final Map for 2025 – Rezoning Request

Dear Sirs,

I write to you in my capacity as the legal Personal Representative of [REDACTED] [REDACTED] who died on the [REDACTED] the registered owner of lands described in Folio CE1689, and [REDACTED] who died on the [REDACTED] [REDACTED] and I wish to make a rezoning request on behalf of their estates, respectively, in relation to the lands at [REDACTED] 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 - Final Map for 2025 as CELA 0001540**, a revised map for the year 2025 published in accordance with section 653M(1) of the Taxes Consolidation Act, 1997, as amended, and a change to the zoning of the said lands included in the revised map is hereby requested as the lands have been identified in the Clare County Development Plan 2023-2029 for the purpose of Land Use Zoning as “Residential” and marked R4 in the enclosed map of Scariff in the Draft County Development Plan 2023 - 2029.

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 Clare County Council of a decision pursuant to s 653E 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 on the lands. No indication to the contrary was made by Clare County Council in its evaluation of the submission made in May 2024 pursuant to the s. 653I, nor was any such indication ever made.

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 of ensuring the proper planning and sustainable development of the area. At the same time, lands to the west of the lands behind (west of) the Church were zoned as residential. Those said lands, comprised part of CELA 0001698 in the last Draft Map. 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 Clare County Development Plan 2023-2029, part of the field behind (west 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 was zoned as per the map. In light of the excess of zoned land, it is also not clear why, or how, the continued zoning of this particular parcel of land as Residential is in the interest of the proper planning and sustainable development of the area, in circumstances where adjoining lands closer to the town

of Scariff are zoned as Strategic Residential Reserve and the reason cited for the original zoning of the said lands in local area plans was that they were “a natural extension to the town”.

Thirdly, even if the lands were to be developed, which they will not be due to the acknowledged absence of demand for large-scale residential development in Scariff at the current time, the development would not form an extension to the town due to the intervening lands, zoned as Strategic Residential Reserve, and, therefore, would not be in the interest of the proper planning and sustainable development of the area.

It is submitted that, the appropriate zoning for the entirety of the lands described in lands described in Folio 1689 as Strategic Residential Reserve. In order to coherently develop the lands, previously zoned together, 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 - Final Map for 2025, is agricultural. A copy of information received as part of last year’s Basic Income Support for Sustainability (BISS) Scheme is enclosed, together with a map from which it can be seen that the lands in question form part of land parcel C229080016 which are used as permanent pasture (upon which livestock graze). Following the death of [REDACTED], the lands were farmed by [REDACTED]. The lands were farmed by the Representative of [REDACTED] and will be again this year when it is hoped to complete the administration of their respective estates. It is intended and desired to continue to use the lands for the ongoing economic activity of agriculture indefinitely thereafter.

Yours faithfully,

[REDACTED]

ENC: BISS 2024 Statement of Land Details.pdf

Department of Agriculture
Food and the Marine,
Direct Payment Unit,
Old Abbeyleix Road,
Portlaoise.
Co. Laois.
R32 RPA6



An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine

M3 0287 A3

Herd No: [REDACTED]

Opening of the 2024 Basic Income Support for Sustainability and related area-based schemes

A chara,

I am writing to inform you that applications for the 2024 Basic Income Support for Sustainability (BISS) and related area-based schemes are now being accepted. Further information in relation to the 2024 schemes are included in the Help Sheet enclosed, which you should read along with this letter. The **closing date** for receipt of applications under these schemes is the **15-May-2024**.

What do you need to do to apply?

In 2024 you must apply for your BISS and area-based payments using the Department's online facility. Please log onto www.agfood.ie and click on the BISS/area-based schemes link to start your application. Alternatively, you can authorise a Farm Advisory System (FAS) approved advisor to apply on your behalf. To authorise a FAS approved advisor, please see relevant authorisation forms <https://www.gov.ie/en/service/department-of-agriculture-and-foods-online-services/#information-on-agriculture-agents>. For a list of FAS approved Advisors, please see <https://www.gov.ie/en/publication/b41a6-farm-advisory-system/#find-a-farm-advisor>.

You should not share your logon details with anyone, including your agricultural advisor. FAS approved advisors have their own logon details for agfood.ie and should submit applications for the various schemes through their own account and not use the individual logon details of farmers.

Before submitting your BISS and related area-based schemes application, you should note the following:

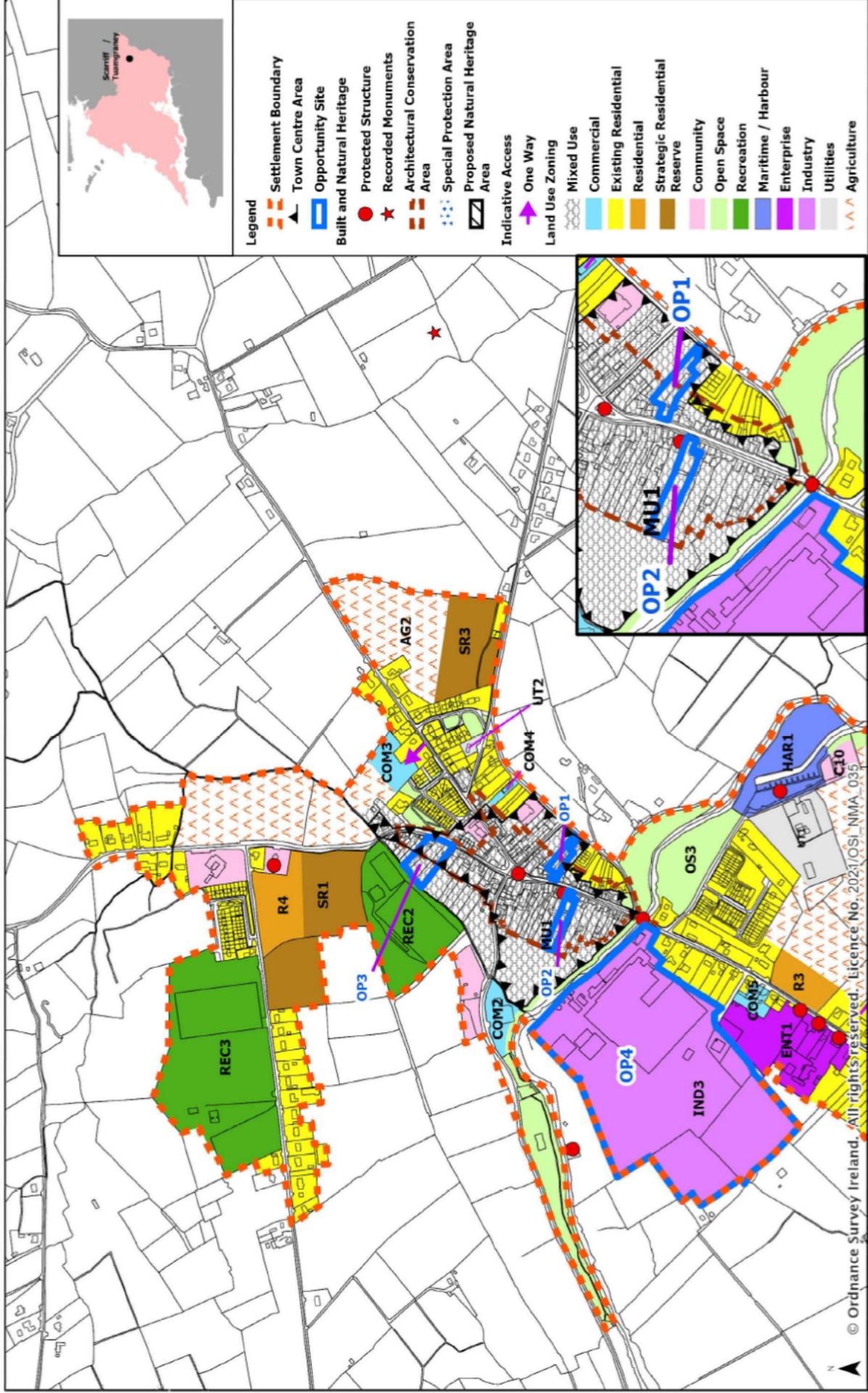
- You should familiarise yourself fully with the Terms and Conditions of the BISS and related area-based schemes before completing your application form, as the onus will be on you the applicant(s) to comply fully with them, in order to qualify for payment. A full copy of the Terms and Conditions is available on the Government's website (www.gov.ie), or, alternatively, can be obtained by contacting the Direct Payments Helpdesk on 057 8674422.
- The BISS scheme is paid based on Payment Entitlements. If you wish to transfer entitlements to a third party or require a change to the registration details of your herd number (such as adding or removing a name), it will be necessary to complete a 2024 Transfer of Entitlements application on www.agfood.ie. This facility is now available. All entitlements allocated under BISS, and the National Reserve are subject to a two-year usage rule. Any entitlement that remains unused for two consecutive years will revert to the National Reserve. Further information on your payment entitlement position, types of transfers and usage of entitlements is available on www.agfood.ie and at <https://www.gov.ie/en/service/3f1f2-transferring-farm-entitlements/>.

- Enclosed with this letter you will find a **statement of land** declared by you under the 2023 BISS with associated maps for the land parcel(s) listed. While your enclosed statement of land and maps were correct at the time of printing, the online application system will provide the most up-to-date land details and maps. The enclosed maps should now be examined to identify any new ineligible feature(s) such as buildings, farmyards, quarry or other ineligible area(s) or new eligible areas such as re-claimed land. It is not enough to simply reduce the claimed area on the land parcel(s) i.e., all ineligible feature(s) **should be mapped**. Please submit any mapping changes using the Department's online mapping facility. As the inclusion of ineligible land can impact your payment, please ensure any ineligible land is delineated properly.
- The person claiming the land must be the person farming and/or managing the land i.e., the **Active Farmer**. The farming activities can include meeting a minimum stocking rate (0.10 livestock unit per forage hectare), producing crops, cutting hay/silage, maintaining landscape features etc. If you are not the person farming/managing the land, you should not be declaring the land on your 2024 BISS application.
- All land parcels must be available to you on 31st May 2024, and have an **agricultural activity** carried out by you on the parcel, for them to be eligible for payment. Please ensure you select the correct crop type for each parcel on your application. Applicants may be asked what agricultural activity they are carrying out on specific parcels.
- The **Area Monitoring System (AMS)** was introduced in 2023 for BISS, Areas of Natural Constraints (ANC), Straw Incorporation Measure (SIM) and Protein Aid. This is extended to all area-based schemes in 2024 including ACRES. The AMS is defined as the regular and systematic observation, tracking and assessment of agricultural activities and practices on agricultural areas by satellite data. The AMS will interpret satellite imagery to provide decisions on agricultural activity on all your declared land parcels. This will be an automated process and will continue throughout the year. The AMS has many significant benefits for farmers. These include a reduction in the number of on-farm physical inspections and warning alerts to farmers, which aims to minimise the occurrence of non-compliances. If required, you or your FAS approved advisor should respond promptly to any AMS notifications the Department issues during 2024, so as to not delay your payments in 2024.
- The other area-based schemes covered in the online application system are the Eco-Scheme, Complementary Income Support for Sustainability (CRISS), Complementary Income Support for Young Farmers (CISYF), Protein Aid, ANC, and SIM. In addition, approved applicants in the Organic Farming Scheme and Agri Climate Rural Environment Scheme (ACRES) also make their annual claim through the online application system. Further information in relation to these schemes are included in the Help Sheet accompanying this letter.

If you experience any difficulties in logging on to the Department's online facility, please contact the Agfood.ie helpdesk on 049 4368288. If you have any queries in relation to completing your online application, please contact the Direct Payments Helpdesk on 057 8674422.

Is mise le meas,

Thomas Harty
Direct Payments Unit



- Legend**
- Settlement Boundary
 - Town Centre Area
 - Opportunity Site
 - Built and Natural Heritage
 - Protected Structure
 - Recorded Monuments
 - Architectural Conservation Area
 - Special Protection Area
 - Proposed Natural Heritage Area
 - Indicative Access
 - One Way
 - Land Use Zoning
 - Mixed Use
 - Commercial
 - Existing Residential
 - Residential
 - Strategic Residential Reserve
 - Community
 - Open Space
 - Recreation
 - Maritime / Harbour
 - Enterprise
 - Industry
 - Utilities
 - Agriculture

Draft Clare County Development Plan 2023 - 2029

Scarriff