

Clare County Council

Ennistymon (Blake's Corner) Compulsory Purchase Order

File Reference: ABP – 307413-20

Development: For the development of an Inner Relief Road in Ennistymon, including a new vehicular bridge crossing of the Inagh/Cullenagh River.

Date: 02/06/2021

1. Qualifications and Experience

I, Garreth Ruane, am a qualified planner working as a Senior Executive Planner in Clare County Council. I have over 15 years experience working in the Local Authority Sector. I hold a BA in Economics & Geography, and an MSc in Town & Country Planning. I am a member also of the Irish Planning Institute.

This brief of evidence has been prepared in conjunction with John O'Malley Director of Kieran O'Malley and Company Limited, Town Planning Consultants. John has more than 25 years of experience in private practice and is a member of the Irish Planning Institute and the Royal Town Planning Institute.

2. Introduction (overview of project and need)

The proposed works consist of the construction of the N67/N85 Inner Relief Road in Ennistymon as described in the brief of evidence of Eoin Ó Catháin. The proposed road development which underlies and necessitates the CPO, the subject of today's hearing, includes the following works and has been considered and approved in accordance with Part XI of the Planning and Development Act, 2000 as amended (referred to also herein as "the Act") and Part 8 of the Planning and Development Regulations 2001, as amended (also referred to herein as "the Regulations"):

- A new vehicular bridge crossing of the Inagh/Cullenagh River approximately 80 metres upstream of the existing bridge crossing.
- The pedestrianisation of the existing bridge.
- The inclusion of a roundabout at the western end of the proposed new bridge crossing on the L-1084
- The relocation of the existing public car park adjacent to New Road (N85).
- The demolition of three properties (two retail/residential units and one residential unit) in the Ennistymon Architectural Conservation Area.

The current road improvement scheme addresses the defined infrastructure safeguard for a new bridge crossing to address the on-going issue of traffic congestion in the vicinity of Blake's Corner

set out in Volume 3(d) of the Clare County Development Plan 2017-2023. Figure 1 is an inset map from the 'Ennistymon Settlement Plan' in Volume 3(d). The proposed river crossing linking the N85 to the N67 is indicated by a solid grey line on Figure 1 below. The proposed works are in accordance with the provisions of the current Clare County Development Plan.



Figure 1 Extract from 'Ennistymon Settlement Plan' map in the Development Plan

Need and benefits of the project:

The need for the road improvement scheme and the benefits of the scheme which continue in existence from the time of the Part XI/8 approval are as follows.

- The primary objective of the scheme is to address traffic congestion at Blakes Corner, which due to its geometry is considered unsuitable for existing and future traffic volumes.
- The route of the proposed road and bridge is considered to accord with the Development Plan which identifies a river crossing as a defined infrastructure safeguard.
- The proposal would improve pedestrian linkages between the town centre and the Lahinch Road, in particular noting the location of the new secondary school (PI. Ref 17/603 refers).
- The pedestrianisation of the Michael Conway Bridge together with associated public realm improvement works at Main Street and at the junction of Bogbere Street/Lahinch Road.
- The scheme delivers significant improvements to the public realm by widening existing footpaths, extending the network of footpaths within the CPO lands, incorporating raised tables and pedestrian crossings thereby improving the built environment for the most vulnerable road users.
- Provides an opportunity for the enhancement/redevelopment of the existing (currently vacant) buildings at Blakes Corner and to the south of the bridge.
- The pedestrianised bridge may also form a new focal point for the town with views of the river and the cascades in Ennistymon.
- The proposed development is a major tourist route into North Clare providing access to the Burren and the Cliffs of Moher, and the proposal would alleviate the significant traffic congestion that occurs during the summer months.
- The proposal would improve and connect to the existing shared cycle/pedestrian way along the Lahinch Road.

The development of the inner relief road and new bridge to which the CPO relates was initiated by Clare County Council and progressed to the statutory approval stage in accordance with Part

XI of the Planning and Development Act 2000 (as amended) and Part 8 of the Planning and Development Regulations 2001 (as amended). That process was carried out in accordance with the Act and Regulations, and provided for statutory public consultation, in which a number of submissions were received and considered in the assessment of the application.

The Part XI/8 application included an environmental report, ecological report and an Appropriate Assessment screening report. The Elected Members duly considered all relevant documentation and the proposed development was approved at a meeting of the Clare County Council on the 9th April 2018 in accordance with the aforementioned legislation and no legal challenge was made to same and that approval remains in full force and effect.

In advance of the statutory approval, an Environmental Impact Assessment (EIA) Screening was undertaken in which it was determined that the project was not likely to have a significant effect on any aspect of the environment and that an EIA was not required. An Appropriate Assessment Screening was also undertaken. The AA screening concluded that the proposed development individually or in combination with other plans or projects would not have any significant effect on any European site and An Bord Pleanála determined that AA and EIA was not required in relation to the scheme in question and again that decision has not been challenged in any way.

3. National Policy Context

3.1 National Planning Framework- Project Ireland 2040

The aim of the National Planning Framework is to create a framework to guide public and private investment and in doing so provide for the strategic development of Ireland's regions. The aim remains to achieve balanced regional development which depends on the establishment of strong viable transport and communication links between cities, towns and their rural hinterlands.

The National Planning Framework places Clare in the Southern Region (Southern Regional Assembly). A key place making policy priority for the area is to include measures to support the integrated development of the more remote parts of this region particularly towns on its western seaboard, including ongoing investment in the transport and communications area.

National Policy Objective 73 (b) is for Planning Authorities to use compulsory purchase powers to facilitate the delivery of enabling infrastructure to accommodate planned growth.

4. Regional Policy Context

4.1 Regional Spatial and Economic Strategy for the Southern Region

Strategy no 2 of the RSES is to enhance regional accessibility through upgraded transport infrastructure and digital connectivity allied to transformed settlement hierarchy. A key enabler for building the region will be investing in public services to tackle legacies, support planning growth, provide education health and transport infrastructure. Section 6.3.3. of the RSES sets a transport vision for the Southern Region and includes the following objectives which support the principle of the proposed development:

- To manage sustainably the existing and future demands for travel, in particular by private car and other passive travel modes, primarily through appropriate integrated land use planning to reduce the distance between origin and destination of the greatest portion of trips generated.
- To support improved strategic and local connectivity
- To reduce congestion.
- To reduce the environmental impact of travel on the region.

5. Local Policy Context

5.1 Clare County Development Plan 2017- 2023, as varied

The Clare County Development Plan 2017-2023 provides the planning context for the proposed development. Development plan objectives and land use zonings pertaining to the proposed development are set out below together with the relevant objectives for Ennistymon and extracts from Volume 3(d) of the County Development Plan in relation to road infrastructure serving Ennistymon and its environs. Other relevant policies are included in Appendix 1 of this evidence brief.

General Objectives for Ennistymon

Development Plan Objective CDP 7.6 Service Towns

It is an objective of the development plan:

- a) *To support Service Towns as important centres for the provision of convenience goods and retail services;*
- b) *To encourage the provision of good quality convenience outlets capable of supporting a main food shopping trip.*

Development Plan Objective: CDP 8.6 A

Proposed Projects identified for Future Development

It is an objective of Clare County Council:

To provide and/or facilitate the projects identified in Table 8.2 where necessary, and to ensure that such road infrastructure is designed and constructed to fulfil its intended purpose;

The subject development is identified as a specific project under Table 8.2.

Development Plan Objective: CDP19.2

Zoning of Land

It is an objective of Clare County Council:

To ensure that sufficient lands are zoned at appropriate locations in the settlement plans and local area plans of the County, in accordance with the Core Strategy population targets, in order to meet the envisaged land use requirements of the area during the lifetime of this Development Plan.

Development Plan Objective: CDP19.3

Compliance with Zoning

It is an objective of Clare County Council:

To require development proposals to comply with the zoning of the subject site in the settlement plans and local area plans.

Section 19.4 of the Development Plan outlines the nature of zonings:

Utilities/Infrastructure Safeguard

It is intended that land zoned 'utilities' and 'infrastructure safeguard' will be reserved for the existing and future provision of key infrastructural services and the upgrading of existing services and infrastructure relating to road, rail, air, electricity, telecommunications, gas, water and waste water treatment services.

The subject proposal is on a defined infrastructure safeguard, as per Objectives 19.2 and 19.3 of the Development Plan, and a specified project identified for future development under Objective CDP 8.6 of the Development Plan.

5.2 Extracts from Volume 3(d) of the Clare County Development Plan

“Ennistymon General Objectives”

- *To provide for comprehensive traffic management in Ennistymon/Lahinch that will contribute to an improved quality of environment and increased development potential;*
- *To make provision for the development and maintenance of physical infrastructure in Ennistymon/Lahinch that will effectively accommodate the resident population, meet the increase in demand during the summer months and allow for future growth;*
- *To safeguard the existing character of the town centres by permitting development that respects the existing built heritage and encourages regeneration through appropriate renovation and redevelopment of derelict buildings;*
- *To seek to provide parking to serve the Main Street and town centre as part of an overall traffic management plan for Ennistymon;*
- *To facilitate the development of safe routes to school by protecting the route of the former West Clare Railway for eventual development to serve this purpose.*

“Place Making and Amenity in Ennistymon”

Traffic management is a key element of place making and public realm enhancement. Balancing the needs of all users of the public realm is essential to making places that people are happy to be in and want to return to.

“Proposed River Crossing (Defined Infrastructural Safeguard)”

To address the on-going issue of traffic congestion in the vicinity of Blake’s Corner, a new bridge crossing is proposed between the N85 and the N67. In this regard, an infrastructural safeguard has been included within the settlement plan area. The proposed infrastructure safeguard allows for the construction of a new bridge, upstream of the existing Conway Bridge, linking with the N67 on the west side of the Inagh River via Bogbere Street. Development of this bridge crossing is dependent on all necessary planning and environmental consents being obtained, including a flood risk assessment.

In my opinion the scheme underlying the CPO herein accords with the local and national policies and objectives and the proper planning and sustainable development of the area.

6. Response to issues raised in objections

A total of 13 no. submissions were received with respect to the CPO. I have considered these submissions and have responded to the land use planning issues in each submission below. The responses should be read in conjunction with the engineering brief of evidence to this hearing.

1. Anna Christofides & Family and Helen Barry

- Photographs 1 and 2 enclosed with the objection show that there is a pedestrian footpath across the frontage of both houses. It is not proposed to amend the parking arrangements at this location and the proposal will not reduce car parking at the church grounds opposite.
- The scope of the project does not include the Old Mill Laneway.

2. Catherine Doyle Hassett

- No planning related issues.

3. Dept of Employment Affairs Branch Office Staff, c/o Monica Carroll, Frances Ryan, Kevin McNamara

- Part XI/8 approval was obtained for the development following a public consultation process.
- The proposed route is considered the most appropriate route and is in accordance with the defined infrastructure safeguard route as identified in the Development Plan.
- The Blakes/Linnanes Buildings (RPS 359) are protected structures and are both listed in the National Inventory of Architectural Heritage (NIAH).

4. Elizabeth McNamara

- Part XI/8 approval was obtained for the development following a public consultation process.
- The proposed route is considered the most appropriate route and is in accordance with the defined infrastructure safeguard route as identified in the development plan.
- The Armstead Building (RPS 357) and the Blakes/Linnanes Buildings (RPS 359) referred to in the submission are protected structures and are also listed in the National Inventory of Architectural Heritage (NIAH).

5. Erin McClure

- Condition no. 4 of the Part XI/8 approval requires the submission of a construction and environmental management plan to the Planning Authority.
- The development has been through a Part XI/8 public consultation process and residential amenity concerns were considered as part of same.
- Contrary to Ms. McClure's assertion, this scheme addresses traffic congestion at Blake's Corner by providing a new bridge to cross the river Inagh.

6. **Frank McDonald**

- It is noted that the submission is broadly in favour of the proposed development.
- He notes that the proposal will result in improvements to the public realm including along the existing bridge which is to be pedestrianised and at Main Street and at the junction of Bogbere Street/Lahinch Road.
- Both Blake and Linnane Buildings are within the ownership of the Local Authority and the proposal, once complete will provide opportunities for their future use and upgrading.

7. **John & Sheena Clancy**

- The subject development has been through the public consultation process and has been approved by the Elected Members of the Council pursuant to a Part 8 application.
- An Bord Pleanála determined that an Environmental Impact Assessment (EIA) was not required for the subject development (ABP 03.HD0037 refers).
- An Bord Pleanála determined that a Stage 2 Appropriate Assessment in respect of the proposed development was not required (ABP 03.JN0013 refers).
- The rationale for the inclusion of the Clancy lands in the CPO is that the lands are required to re-align the Lahinch Road (N67) with the Bogbere Street to provide a new link to the river crossing upstream of the existing bridge.
- The proposed acquisition is proportionate as all of the lands in plots 115.a are required to implement the approved scheme. All of the public road within the boundary of the scheme is being acquired including plot 115.b.
- Various planning arguments are set out at page 7 of the submission dated 18th September 2020. Ms. Courtney did not raise these matters in her submission to Clare County Council on behalf of her clients, John and Sheena Clancy, during the Part XI/8 process, which is the appropriate forum to express such concerns. Nevertheless I wish to respond as follows:
 - It is considered that the design of the proposed scheme is appropriate having regard to the existing character of the town of Ennistymon and the references to Dublin in the 1960's are not relevant or applicable here. There is no basis in the assertion that this scheme is "entirely predicated on road design engineering principles with no planning, architectural or urban design criteria included".
 - On the contrary, the approved works include considerable public realm improvements for pedestrians with the provision of new and wider footpaths throughout the scheme, new crossings and raised tables to prioritise the safe movement of pedestrians over vehicles in this urban area. The Part 8 scheme works address the bottleneck at Blake's Corner and avoid the demolition of the protected structures at the corner. The works will permanently remove vehicular traffic from the bridge, which is being pedestrianised creating a new link between both sides of the town across the river. Accordingly, the proposed development will not "rip the heart out of Ennistymon", but it will new inject life into the town in line with the principles of proper planning and place-making.
 - The works entail the pedestrianisation of the bridge and the initial scheme was modified to address potential impacts upon the built heritage of the town.
 - With respect to the alleged material contravention of the ACA, it is noted that the reasons and considerations in the Board's Order (ABP Ref. No. 03.HD.0037) wherein the Board directed that the proposed N67/N85 Blake's Corner Ennistymon Inner Relief Road did not warrant an EIA, the Board specifically considered the potential impact on cultural heritage including the loss of buildings within the Ennistymon Architectural Conservation Area.

8. John Linnane & Michael Linnane

- The development has been through the public consultation process of the Part XI/8 and issues regarding residential amenity were considered in the assessment of same.
- A key argument in this submission is that the proposed road development would not be necessary if the Council proceeded with the “outer relief road”. As noted above, Volume 3(d) of the Clare County Development Plan includes an objective for a river crossing at Ennistymon “to address the on-going traffic congestion in the vicinity of Blake’s Corner” by constructing a new bridge crossing between the N85 and N67. The CPO is necessary to carry out the approved Part 8 works to address traffic congestion at Blake’s Corner, which is a defined infrastructure safeguard as per the County Development Plan.
- There is also an objective in relation to a Relief Road (outer road) contained on the same page in Volume 3(d) as follows.

“Proposed Relief Road (outer road)”

In order to help alleviate the through flow of traffic in Ennistymon, the Council will seek the development of a relief road. In this regard a route selection process will be undertaken. Pending the outcome of the selection process the Council will preserve one option for the line of the proposed relief road running from the (N85) to the Lahinch Road (N67). In the event that planning applications are made on lands adjoining the proposed route of the relief road, provision shall be made whereby the site boundary will be set back to accommodate future road widening. Should the proposed relief road be provided during the lifetime of this Plan, the route selection process will be informed by a constraints study, including environmental considerations. In this regard, all environmental considerations must comply with best practice guidelines as per the Fisheries Board, the CIRIA, the NRA and Sustainable Urban Drainage Systems, in order to mitigate against any negative impacts from proposed road construction works.

- The above is classified as an “undefined infrastructure safeguard” denoted by a broken grey line on the “Ennistymon Settlement Plan” map. As is clear from the above extract, it is an objective of the Council during the period of the current County Development Plan to undertake a route selection study to identify the line of the proposed outer relief road. A route selection study for this road has not yet been commissioned. Pending the favoured route option, it remains an undefined infrastructure safeguard in the Development Plan. In contrast, the proposed river crossing is a committed project with Part XI/8 approval already secured and which fully accords with the defined objectives of the current Development Plan, and the approved works when implemented will fulfil the stated objective to relieve congestion at Blake’s Corner. The current proposal is a defined infrastructure safeguard, as per Objectives 19.2 and 19.3 of the Development Plan, and a specified project identified for future development under Objective CDP 8.6 of the Development Plan.
- It is considered that the proposal is in accordance with the Clare County Development Plan 2017-2023 and the proper planning and sustainable development of the town.

9. **Jonathan O’Gorman**

- No planning related issues.

10. **Miriam O’Doherty & Ross Doherty**

- The development has been through the public consultation process of the Part 8 and issues regarding residential amenity were considered as part of same.

11. **Paddy Clarke, Michael Lyons, Kevin Dore, Brid Howe, Paddy & Antoinette Reynolds**

- It is not proposed to amend the parking arrangements at this location.
- The scope of the project does not include the Old Mill Laneway.

12. **Patrick Donovan**

- The subject development has been through the public consultation process and received approval by way of the Part 8 application.
- An Bord Pleanála considered the proposed development and determined for the reasons set out in its Decision Orders that an Environmental Impact Assessment (EIA) and a Stage 2 Appropriate Assessment are not required.
- The design of the development is appropriate having regard to the nature of the works as proposed. The proposal follows the defined infrastructure safeguard in the Development Plan and includes significant public realm improvements including the pedestrianisation of the existing bridge, Main Street and at the junction of Bogbere/Lahinch Road.
- There is no “wholesale demolition of property within the urban area of Ennistymon” as claimed. To describe the approved Part 8 works as a “type of large scale interurban highway” is hyperbole and is not justified on any objective basis.
- Mr. Donovan did not avail of his opportunity to make a submission during the Part 8 process when these matters were considered.
- No evidence has been provided that there will be high vehicle speeds - the emphasis in this project is to address congestion and enable free flow not necessarily high speed.
- There is an existing footpath outside Mr. Donovan’s house at Bogbere Street near its junction at Bogbere Avenue, the acquisition of plot 191b will enable the completion of the realignment of Bogbere Street and the junction as part of the overall works and the lands immediately outside his property will comprise a footpath. Thus, there is no “detrimental impact to the urban amenities (or) the health and safety of our client” as claimed.
- The acquisition of Mr. Donovan’s lands is necessary and proportionate for this scheme.

7. Summary and Conclusions

The provisions cited in the plans and policy documents referred to above support the proposed road and bridge development, which will provide a safer road network serving the urban and rural population and will enable improved connectivity in the wider region and in particular the Wild Atlantic Way and North Clare. The development as approved and to which this CPO relates is consistent with the policies and objectives of the Clare County Development Plan 2017-2023 (as varied). The works which include an inner relief road and bridge crossing will provide a much improved section of national secondary road, following which the critical benefits will include the improvement of road safety and the significant reduction in traffic congestion in the town.

The development will also support increased economic, social, and cultural development of the town resulting from increased ease of movement and improved connectivity. The N85 is of critical importance to tourism development in Clare as it provides access via the N67 to Lahinch and the Cliffs of Moher which attracts approximately 1 million visitors per year.

The proposal also provides for significant improvements in the public realm by facilitating the pedestrianisation of the Michael Conway Bridge, wider pedestrian footpaths, extending the network of footpaths, encouraging the safe movement of pedestrians, creating a new plaza on the west end of the bridge and providing opportunities for the redevelopment of the existing Blakes Corner buildings, which are protected structures.

The project aligns with the strategic aims for Transportation and Mobility as detailed in the current Clare County Development Plan 2017- 2023 as varied.

In addition the project is consistent with National, Regional, and County Plans and improves regional accessibility and has already gone through the comprehensive Part XI/Part 8 approval process and being approved pursuant to same.

The acquisition of the land to which the C.P.O. relates gives effect to and facilitates the implementation of the Clare County Development Plan 2017-2023 as varied, as well a national and regional policies.

Overall it is considered that the proposed development is in accordance with the proper planning and sustainable development of the area. I consider that the CPO is proportionate and necessary for the approved scheme.



Garreth Ruane
Senior Executive Planner
02/06/2021

Appendix 1

Relevant Policies of the Clare County Development Plan:

Development Plan Objective CDP 8.2 Motorways & National Roads

It is an objective of Clare County Council:

- a) *To safeguard the motorway and national roads, and associated motorway and national road junctions, in line with national policy;*
- b) *To support the upgrade and improvement of motorways, national roads and their associated junctions, subject to compliance with requirements of the Habitats Directive;*
- c) *To advocate for the upgrade of National Secondary Routes in the county in order to improve connectivity between the North and West Clare areas, the Hub town of Ennis and the wider Mid-West Region;*
- d) *To advocate for the expeditious completion of the M18 motorway from Gort to Tuam.*

Development Plan Objective CDP8.7 Environmental Considerations in Road Construction Projects

It is an objective of Clare County Council to ensure that, for all major road construction projects, the route selection process will be informed by a constraints study, a significant criteria for which will be environmental considerations in compliance with Objective CDP2.1, in addition to compliance with best practice guidelines from the Fisheries Board, Transport Infrastructure Ireland and relevant Government Departments.

Development Plan Objective CDP8.8 Design Manual for Urban Roads and Streets (DMURS)

It is an objective of the Development Plan to implement the requirements and recommendations contained in DMURS in the assessment of development proposals, the preparation of design schemes and their implementation in the development of streets, roads and public realm improvement schemes in the County.

Development Plan Objective CDP17.2 Universal Design

It is an objective of the Development Plan to require all new buildings, facilities and works to the public realm to meaningfully engage with the principles of universal design so that all environments and buildings can be accessed, understood and used by all persons to the greatest extent possible, having regard to all existing relevant legislation, publications and guidelines in their design.