

# Chief Executive's Report

to the Elected Members on submissions received on  
proposed amendments to the  
Draft Clare County Development Plan 2017-2023

**8th November 2016**



Prepared in accordance with Section 12 (8) (b) of the  
Planning and Development Act 2000, as amended





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## **Section 1 Introduction**

The Draft Clare County Development Plan 2017-2023 was placed on public display for a period of 10 weeks from 8<sup>th</sup> December 2015 to 29<sup>th</sup> February 2016. Following receipt of submissions on the Draft Development Plan and the Proposed Record of Protected Structures during the public consultation period, a Chief Executive's Report on the submissions was prepared. That Chief Executive's Report was submitted to the Elected Members on 19<sup>th</sup> May 2016 for their consideration. Having considered:

- i. The Draft Clare County Development Plan 2017-2023
- ii. The associated Strategic Environmental Assessment (Environmental Report); Appropriate Assessment (Natura Impact Report) and the Strategic Flood Risk Assessment;
- iii. The Chief Executive's Report to Elected Members on submissions received between 8<sup>th</sup> December 2015 and 29<sup>th</sup> February 2016 on the Draft Clare County Development Plan 2017-2023
- iv. The Mid-West Regional Planning Guidelines 2010-2022
- v. The policies and objectives of the Minister contained in the Guidelines prepared under Section 28 of the Planning and Development Act, 2000 (as amended); and
- vi. The proper planning and sustainable development of the area

the Elected Members, on the 25<sup>th</sup> July 2016, resolved to make amendments to the Draft Clare County Development Plan 2017-2023, in accordance with the provisions of Section 12(6) of the Planning and Development Act, 2000 (as amended).

The proposed amendments would, if made, be a material alteration of the draft concerned and the amendments were placed on public display for a period of 4 weeks from the 13<sup>th</sup> September 2016 to the 12<sup>th</sup> October 2016. In total, 80 submissions were received and I wish to sincerely thank all stakeholders who took an interest in the future social and economic development of the county by viewing the proposed amendments to the Draft Clare County Development Plan 2017-2023 and by taking the time to make a submission or observation on the Draft Plan.

During this public consultation period copies of the proposed amendments were submitted to the Elected Members, the Minister for the Housing, Planning, Community and Local Government, An Bord Pleanála, the prescribed authorities, adjoining local authorities and other statutory bodies. The proposed amendments to the Draft Clare County Development Plan 2017-2023 was also made available to the public in hard copy format, in CD format and electronically on the Clare County Council website.

Under Section 12(8) of the Planning and Development Act, 2000 (as amended) I am required to prepare a report on any submissions and observations received following the period of public consultation and to submit the report to you, the Elected Members of Clare County Council, for your consideration. The report herein submitted to you complies with the requirements of Section 12(8) of the Act.

This report relates to the submissions received on the proposed amendments to the Draft Clare County Development Plan 2017-2023, the associated Strategic Environmental Assessment, Appropriate Assessment and Strategic Flood Risk Assessment. Each of the 80 submissions received within the statutory period is summarised and my response is given in relation to the issues raised, taking account of any direction of the Members of the authority arising from the Chief Executive's Report to the Members at 'Draft' public consultation stage, the proper planning and sustainable development of the area, the statutory obligations of the local authority and any relevant policies or objectives of the Government or of any Minister of the Government.

This Chief Executive's Report is divided into 4 sections:

- Section 1 outlines the introduction and background of the Chief Executive's Report
- Section 2 discusses the legislative requirements which must be complied with in relation to the preparation and adoption of the Draft Development Plan.

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- Section 3 of the report lists those who made submissions and summarises the issues raised. I then give my response to each of the issues raised in the submission, followed by my recommendation.
- Section 4 explains the next stage in the process of preparing and adopting the new Clare County Development Plan 2017-2023.
- Appendix 1 includes copies of submissions from the Statutory Bodies.

**This report is hereby submitted to you, the Elected Members, on the 8<sup>th</sup> November 2016, in accordance with the requirements of Section 12(8) of the Planning and Development Act, 2000 (as amended).**

## **Section 2 Legislative Requirements**

As noted previously in Section 1 of this report, Section 12(8) of the Planning and Development Act, 2000 (as amended) sets out the statutory requirements that I am obliged to adhere to in the preparation of this Chief Executive's Report.

Under Section 12(9) of the Planning and Development Act, 2000 (as amended), following receipt of this document you, the Elected Members, are required to consider the proposed amendments to the Draft Development Plan and the Chief Executive's report. Your consideration of these matters must be completed within 6 weeks after the receipt of this report on 8<sup>th</sup> November 2016.

Section 12(10) of the Planning and Development Act, 2000 (as amended) states that after consideration of the report you, the Elected Members, shall, by resolution, having considered the Chief Executive's Report, make the plan with or without the proposed amendments, except where you decide to accept the amendment you may do so subject to any modifications to the proposed amendments as considered appropriate, which may include a further modification to the alteration.

A further alteration to the modification may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site.

A further alteration to the modification shall not be made where it relates to:

- (i) an increase in the area of land zoned for any purpose, or
- (ii) an addition to or deletion from the Record of Protected Structures.

### **Section 2.1 Strategic Environmental Assessment**

A Strategic Environmental Assessment (SEA) was carried out in relation to the Draft Clare County Development Plan 2017-2023. The resulting Environmental Report contains the findings of the assessment of the likely significant effects on the environment, of implementing the Draft Clare County Development Plan 2017-2023. SEA is required under the European Directive (2001/42/EC) on the Assessment of the Effects of Certain Plans and Programmes on the Environment (the SEA Directive), and was transposed into national legislation in Ireland by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 435/2004) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. 436/2004). Further to the transposition of this Directive two amending regulations were signed into Irish law on the 3<sup>rd</sup> of May 2011 (amending the original transposing regulations):

- **European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011**, (S.I. No. 200 of 2011), amending the *European Communities* (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004),
- **Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011**, (S.I. No. 201 of 2011), amending the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004).

Following consideration of the Draft Plan, the Chief Executive's Report on submissions and the Chief Executives Report on Members Resolutions (July 2016), it was resolved by the Elected Members at a Special Council Meeting on the 25<sup>th</sup> of July to amend the Draft Development Plan. As a number of these amendments constitute a Material Alteration to the Draft Development Plan, the Council resolved to place the Material Amendments back on public display for a period of not less than 4 weeks, in accordance with Section 12(7)(b) of the Planning and Development Act 2000 (as amended).

The proposed amendments were assessed under the SEA legislation. In particular the assessment focused on the proposed amendments which comprises or affected plan provisions (e.g. Policies,

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Objectives, Land Use Zoning). Changes to other parts of the Plan (e.g. text which sets out the context for policies and objectives but does not interact with these provisions) were screened out from the scope of the assessment.

Following completion of the assessment and incorporation of appropriate mitigation measures through the SEA process it is considered that the overall effect of the proposed amendments to the Draft Clare County Development Plan 2017-2023 on the environment was likely to be neutral and in some cases beneficial. Any likely significant environmental effects have been prevented, reduced or offset through the inclusion of recommendations and/or mitigation measures.

Following the period of consideration of the proposed amended Draft Development Plan, the *Information on the likely Significant Effects of implementing the Proposed Amendments to the Draft Clare County Development Plan 2017-2023* and this Chief Executive's Report, should you the Members resolve to make the development plan with or without the proposed amendments or with modifications to the amendments, the making of the Plan will be required to have regard to and be informed by the SEA process.

### **Section 2.2 Habitats Directive Assessment**

The preparation of the Draft Clare County Development Plan 2017-2023 has regard to Article 6 of the Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (as amended) (hereafter referred to as the Habitats Directive). This is transposed in Ireland by the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477) (hereafter referred to as the Habitats Regulations) and Part XAB of the Planning and Development (Amendment) Act 2010.

Articles 6(3) and 6(4) of the Habitats Directive set out the requirement for an assessment of proposed plans and projects likely to affect Natura 2000 sites (Annex 1.1).

Pursuant to Part XAB, Section 177V of the Planning and Development Act, 2000 as amended, the Council, as the competent authority for the appropriate assessment of this land use plan, must carry out an appropriate assessment before the plan is made. This must include a determination by the Council as to whether or not the draft plan, including any amendments, would adversely affect the integrity of a European site or sites. The carrying out of the appropriate assessment is a pending step in the plan-making process. No plan that would have (or perpetuate) adverse effects on the conservation objectives or integrity of a European site may be made (unless in exceptional circumstances where the provisions of Article 6(4) of the Habitats Directive and associated legislation may be invoked).

When the appropriate assessment is carried out, it is required to take account of the NIR and, in this case, 'Addendum to Environmental Assessments' in the new Volume 10.

This Addendum to the Environmental Assessments which were prepared as part of the Draft Clare County Development Plan 2017-2023 presents the findings of the assessment of the proposed amendments under the Habitats Directive.

The Addendum to the Environmental Assessments recommended that certain zonings be omitted/modified or mitigated to avoid adverse effects. This Addendum in conjunction with the Plan's commitments to the Habitats Directive and to the requirements under Article 6(3) predominately, as presented elsewhere in the draft plan ensures that these measures will be sufficient to ensure that there will be no adverse effect on the integrity of any European Site arising from the implementation of the draft plan. It is imperative however, that for the conclusions of this assessment to be definitive that the recommendations as outlined in the addendum are implemented as part of the final Plan. This includes for the removal of zonings which have the potential to cause significant effects on the integrity of a European site due to lack of scientific information or analysis at this plan level.

Following the period of consideration of the proposed amended Draft Development Plan, the *Information on the likely Significant Environmental Effects of Implementing the Proposed Amendments to the Draft Clare County Development Plan 2017-2023*, and this Chief Executive's

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Report, should you the Members resolve to make the development plan with or without the proposed amendments or with modifications to the amendments, the making of the Plan will be required to comply with the requirements and recommendations of the Habitats Directive as outlined above.



### **Section 3 Summaries of Submissions and Chief Executive's Response to the Issues Raised**

On 13<sup>th</sup> September 2016 the Planning Authority put on display the proposed amendments to the Draft Clare County Development Plan 2017-2023. The process commenced with a notice on the local newspapers and the subsequent commencement of 4 weeks of public consultation having regards to the provisions of Section 12(7) of the Planning and Development Act, 2000 (as amended).

In all, 80 formal written submissions were received by Clare County Council within the statutory timeframe.

In the following section of this document, I have provided a summary of the issues raised in each of the 80 formal written submissions. In addition, for each individual submission, I put forward my response to the issue raised, taking account of the proper planning and sustainable development of the area, of any direction of the Members of the Authority arising from the Chief Executive's Report to the Members at the 'Draft' public consultation stage in accordance with Section 12(4) of the Planning and Development Act, 2000 (as amended), the statutory obligations of any local authority in the area, and any relevant policies or objectives for the time being of government, or of any Minister of the government.

Accordingly, please find below a summary of the issues raised in each of the submissions together with my Chief Executive's responses and recommendations.

## **Section 4 Summaries of Submissions and Observations made and Chief Executive's Response to the Issues Raised**

## Ref. 001 Department of Housing, Planning, Community and Local Government

### Submission Summary

In the submission the Department has reviewed the proposed amendments to the Draft Clare County Development Plan 2017-2023 and while a number of the proposed amendments are welcomed, it requests that other proposed amendments to zoning objectives are *"not proceeded with given serious breaches of legislative and policy requirements"*.

The Department notes that their observations made to the Draft Plan have been addressed in the Proposed Amendments to the Draft Plan, including in particular those relating to urban regeneration, implementation of the vacant site levy and the Ministers guidelines on apartment developments published in 2015. Also noted is the clarification provided concerning the quantum of land for residential development within the core strategy and the extent of lands proposed to be zoned under objective IND1 Industry zoning (Ennis) which has been significantly reduced.

The Department strongly supports the introduction and pursuit of policies to ensure that there will be a clear requirement for developments to be connected to public waste water collection and treatment plant facilities, opposed to developer provided infrastructure.

In relation to aspects of the material amendments that the *"Department does not support"*, the Department states that *"the following observations should be carefully considered and acted upon to ensure that the development plan, as adopted, provides a framework for the proper planning and sustainable development of County Clare and complies with the requirements of the Act"*.

### Material Amendments to Zoning Objectives

The Department has serious concerns regarding the consistency between certain material amendments and requirements of statutory guidelines of the Minister including Sustainable Residential Development in Urban Areas, 2009, SEA guidelines 2004, Appropriate Assessment of Plan and Project guidelines, 2009, and Flood Risk Guidelines, 2009. Significantly the concerns above are echoed in the Environmental Assessments of the proposed amendments as regards SEA, AA and SFRA.

### Breach of Core Strategy Requirements

In the submission the Department notes a number of proposed amendments seek to zone additional land for residential development that significantly exceed the extent of land required and already provided for in the Core Strategy of the Draft Development Plan. The Department states that *"Zoning inappropriate sites either outside settlement boundaries, in excess of the quantum of land required from the core strategy analysis and that would lead to non-sequential development, is contrary to Sustainable Residential Development in Urban Areas and the Core Strategy Guidelines"*.

The Department has identified proposed amendments to residential zonings that *"are in excess of desired requirements"* and should not be undertaken *"as the proposed additional zoning objectives would be contrary to the statutory guidelines on Sustainable Residential Development in Urban Areas 2009 and the Core Strategy"*. These zonings are:

- Kilrush R12
- Miltown Malbay LDR7
- Ardnacrusha LDR5
- Drumline Cluster proposed zoning of low density residential development. This is within a rural area and no zonings are identified in any clusters within Clare and therefore the proposed residential zoning is contrary to the County's settlement hierarchy and policy and is not in line with the Core Strategy.

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The Department then states that "The Department respectfully requests your authority not to adopt these residential zonings (Kilrush R12, Miltown Malbay LDR7, Ardnacrusha LDR5 and Drumline Cluster) and to retain the Draft Plan (December 2015) zonings on these sites".

Flood Risk

The Departments initial submission on the Draft Development Plan noted the SFRA stated (and quotes section 8.1 of the SFRA which is in accordance with Section 4 of the Planning System and Flood Risk Management Guidelines, 2009) any new development within Flood Zones A and B that does not pass a justification test will not be permitted and that any lands that may have retained a zoning objective for development, then such development is restricted to Flood Zone C, with water compatible uses located within zone A and B.

The Department now notes that within individual settlement plans and land-use zonings there are a number of proposed amendments to zoning objectives that relate to land that have been identified as flood zone A and B. The Department states that "This is a serious breach of clear national policy and the authority is requested to ensure that there is clear and robust correlation between the SFRA, Development Plan written statement and zoning maps".

The Department identifies a number of sites with vulnerable uses that are wholly or partially located within Flood Zone A and/or B: Doolin MU6 Roadford Bridge; Bunratty COM1; Ennis LDR1; Ennis LDR6; Ennis LDR7; Ennis LDR15; Ennis LDR, Roslevan (Ref. Proposed Amendment No. 38 in SEA); Clarecastle TOU3.

The Department requests "that any zoning objectives identified within Flood Zone A and B are amended to water compatible uses. All recommendations and mitigation measures as stated within the SFRA report are to be incorporated and implemented within the Draft Plan and adhered to in accordance with the Flood Risk Management guidelines".

It is noted that a number of the proposed amendments warranted a Justification Test and through this analysis that the SFRA concludes that a number of proposed material alterations fail the justification text in total or in part, specifically:

- Quilty LDR6 - SFRA recommendation to retain zoning of countryside is per the Draft Plan.
- Ennis OP18 - SFRA recommendation is to partially zone lands for commercial.
- Ennis LDR67 – Derhidnagower - SFRA recommendation is to zone only the portion of the site which coincides with Flood Risk Zone C for low density residential development. Locate open space for housing on Flood Zone B.
- Ennis LDR64 - Tulla Road, Roslevan - SFRA recommendation is to zone open space for land in Flood Zone B. Area in Flood Zone C is suitable for development.
- Ennis LDR5 – Gaurus - SFRA recommendation is to retain open space zoning as per the Draft Plan as all land falls within Flood Zone A and B.
- Ennis LDR8 - Kevin Barry Avenue - The full site has failed the justification test and it is the SFRA recommendation that zoning is to remain as per the Draft Plan.
- Ennis LDR7 – Brookville – The full site has failed the justification test and it is the SFRA recommendation that zoning is to remain as per the Draft Plan.

The Department states that "Taking account of the above, the Department is of the view that the proposed Material Alteration above constitute a clear breach of the Planning System and Flood Risk Management Guidelines, 2009 and that material alterations Quilty LDR6, Ennis OP18, Ennis LDR67, Ennis LDR64, Ennis LDR8, Ennis LDR5 should not be adopted and the relevant lands should revert to their status under the Draft Plan as published in December 2015".

The submission states the recommendations contained within Volume 10 SFRA should be implemented within the Draft Plan.

In the submission the Department reminds the Planning Authority to have regard to any issues raised separately by the Office of Public Works and ensure full compliance with the guidelines and Circular PL2/14 in considering the zoning of areas of existing vulnerable uses such as housing, and which are now in flood zones.

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### Environmental Appraisals

The submission states that the environmental appraisals carried out on the proposed amendments within Volume 10 highlight two serious areas of concern:

- Ballybeg – a number of additional residential zonings are proposed specifically Ennis LDR14, LDR (SEA Ref. Proposed amendment No. 26), LDR17. Given the environmentally sensitive area the SEA recommends not to zone site LDR14 and LDR26.
- An Appropriate Assessment was carried out on LDR17 which concluded that this area is not suitable for zoning for low density residential development.

The Department requests that the zoning of the above lands revert to the Draft Plan zonings for Ballybeg given the environmental sensitivities and being out of line with the core strategy figures. It is stated that specifically in relation to LDR17 *"the adoption of this zoning would be in clear breach of Part XAB Planning and Development Act 2000 (as amended) and S.28 guidelines Appropriate Assessment of Plans and Projects in Ireland. Therefore LDR17 Ballybeg should not be adopted and these lands must revert to their status under the Draft Plan as published in December 2015 to comply with the requirements above"*.

The Department states further that *"Due to environmental sensitivities and additional residential zonings being out of line with the core strategy figures, The Department requests reverting to the Draft Plan (December 2015) zonings for Ballybeg"*.

The submission makes reference to Killaloe, Ardcloony T0U7 where a large area of land is proposed for Tourism which is a greenfield site outside a settlement area and half of the site is within the Lower River Shannon cSAC and the SEA and AA recommends that this zoning be excluded. In addition it is stated that *"the zoning is not within a sustainable location or sequential to existing settlement development"*. Also that *"Adopting this tourism zoning would be in clear breach of Part XAB Planning and Development Act 2000 (as amended) and S.28 guidelines Appropriate Assessment of Plans and Projects in Ireland"*.

The submission states that the Department requests the Planning Authority to remove this proposed tourism zoning and revert to the zoning of the Draft Plan (December 2015) and that the Council is required to implement and adhere to all mitigation measures arising from AA.

The submission concludes that the steps outlined in the submission are *"critical in ensuring that the decision of the Planning Authority in relation to the adoption of the Clare County Development Plan 2017-2023 is not in breach of statutory requirements under the Planning Act, which the Minister is determined to ensure are upheld, including if necessary through the powers under the Planning Act"*.

### **Chief Executive's Response**

I would like to thank the Department of Housing, Planning, Community and Local Government for its submission on the Proposed Amendments to the Draft Clare County Development Plan 2017-2023.

I respond to the specific observations made by the Department in its submission as follows:

#### Breach of Core Strategy Requirements

I note the concerns expressed with regard to additional lands proposed for zoning which is in excess of the requirement as well as the zoning of inappropriate land, either in terms of location or quantity. The submission sets out four residential zonings which are in excess of the desired requirement and which I consider should not be undertaken and I respond to these in turn:

- *Kilrush R12* – I agree that the inclusion of these lands is in excess of the residential lands required for Kilrush and in the response to submission Ref. 273 to the Draft Clare County Development Plan 2017-2023 (19<sup>th</sup> May 2016), given the peripheral location of the lands in

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comparison to other undeveloped lands closer to the town centre, it was not considered appropriate to zone these lands. Having considered the submissions to the Proposed Amendments this view remains. I therefore concur with the observations of the Department that these lands should not be zoned for residential development and that this Proposed Amendment should not be adopted.

- *Miltown Malbay LDR7* – I agree that the inclusion of these lands is in excess of the residential lands required for Miltown Malbay in accordance with the Core Strategy and, as set out in the response to submission Ref. 232 to the Draft Clare County Development Plan 2017-2023 (19<sup>th</sup> May 2016) in relation to these lands, would be contrary to the proper planning and sustainable development of the settlement. Having considered the submissions to the Proposed Amendments this review remains and the Proposed Amendment should not be adopted.
- *Ardnacrusha LDR5* – I agree that the inclusion of these lands is in excess of the residential lands required for Ardnacrusha and in the response to submission Ref. 224 to the Draft Clare County Development Plan 2017-2023 (19<sup>th</sup> May 2016) in relation to these lands the opinion given was that given the peripheral location of these lands in comparison to other undeveloped lands closer to the village centre, it was not appropriate to zone these lands. Having considered the submissions to the proposed Amendments this view remains. I therefore concur with the observations of the Department that these lands should not be zoned for residential development and that this Proposed Amendment should not be adopted.
- *Drumline Cluster* – I agree with the serious concerns expressed with regard to the zoning of lands in this cluster as it is a large unserviced site located in the open countryside between, and detached from, the clusters of Drumline 1 and Drumline 2. I concur with the opinion expressed in the response to submission Ref. 357 to the Draft Clare County Development Plan 2017-2023 (19<sup>th</sup> May 2016) that the zoning of these lands is contrary to the Core Strategy and settlement hierarchy for the County and would be contrary to proper planning and sustainable development and therefore should not be adopted.

### Flood Risk

I acknowledge the observations with regard to a number of proposed amendments to zoning objectives that relate to lands that have been identified as Flood Zone A and B which is a serious breach of national policy. The submission refers specifically to a number of sites with vulnerable uses that are wholly or partially located within Flood Zone A and/or B and I respond to these in order as follows:

- *Ennis LDR1- Lahinch Road* – This site was the subject of two submissions to the Draft Clare County Development Plan 2017-2023 (Refs. 035 and 116) (May 19<sup>th</sup> 2016) and in the response to them it was noted that there was evidence of flooding on parts of the site during December 2015 and January 2016, at a time when the flood defence work in the area was fully completed. In addition, I note environmental concerns with regard to this site and the potential impacts that development could have on the adjacent River Fergus which forms part of the Lower River Shannon cSAC and was not therefore suitable for zoning for Low Density Residential development. However, it was agreed by resolution to zone for Low Density Residential, but given the nature and extent of the flooding and environmental issues associated with this site, a comprehensive site specific zoning objective is a Proposed Amendment to the Draft Plan to address all the necessary mitigation requirements regarding potential flooding and ecological impacts. As the zoning of the Low Density Residential lands is not subject of a Proposed Amendment to the Draft Plan, only the written zoning objective for LDR1, consideration cannot be given to the removal of the LDR1 zoning. Taking all factors into account regarding this site I therefore consider the Proposed Amendment to the written zoning objective for LDR1, in particular the additional text mitigation, should be adopted.
- *Ennis LDR6 – Loughville, Lahinch Road* – I note the concerns expressed with regard to this site and agree with the Department and reiterate the concerns outlined in the response to submissions Ref. 236 to the Draft Clare County Development Plan 2017-2023 (19<sup>th</sup> May 2016), whereby the Strategic Flood Risk Assessment for this site identified that there is fluvial/groundwater risk in this area and is likely to operate as a storage basin. Historical flooding in and around this site is clearly marked on the flood risk maps which implies groundwater risk from turloughs. In addition, the site is located within the Inner Protection Zone for Drumcliffe Springs and as such poses potential risk to the drinking water source and

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therefore public health. I am in agreement with the Department that this Proposed Amendment should not be adopted. (Refer also to my response to submission Ref. 038 regarding this site).

- *Ennis LDR7 – Brookville* – This site was subject of submission Ref. 259 to the Draft Clare County Development Plan 2017-2023 (19<sup>th</sup> May 2016) and was assessed as part of the SFRA for the Draft Plan and is shown to be located within Flood Zone B as shown on both CFRAM and Clare County Council Flood Risk mapping. Given the highly vulnerable use of Low Density Residential proposed for this site located within Flood Zone B, a justification test was undertaken for which this site failed (Volume 10c). Therefore residential zoning is not an appropriate use for this site and I am in agreement with the Department that this Proposed Amendment should not be adopted.
- *Ennis LDR15 – St. Flannan's Drive* – I note the CFRAM mapping shows the majority of this site lies within Flood Zone C with a small boundary of Flood Zone A/B. The site specific zoning objective stipulates the need for a Stage 3 detailed Flood Risk Assessment to accompany any planning application, however I consider it appropriate to incorporate a minor modification to the wording to make reference to the fact that "No vulnerable uses will be accommodated within the area of the site within Flood Zone A/B". With this minor modification to the Proposed Amendment I am satisfied that it overcomes any flood risk concern at this plan level stage within the zoning objective and that the Proposed Amendment is in line with national policy in this regard.
- *Ennis LDR Roslevan (now referenced LDR18)* – I note from the CFRAM mapping that the lands zoned are predominantly within Flood Zone C and as such Low Density Residential land-use zoning is acceptable on these lands. I am also aware that the adjacent Fen is a wetland habitat, fed by groundwater, which has potential to be impacted on in heavy rainfall causing localised flooding, as historical flood records show. In order to manage any flood risk in this regard, a Flood Risk Assessment will be required to accompany any planning application and that the south east area of the site closest to the Fen should be allocated for the Open Space element of any development, to integrate additional resilience to any potential risk of localised flooding. I consider that the Proposed Amendment should be adopted with a minor modification to include text to the site specific zoning objective to provide clarification. This should read: "The site is suitable for a low density residential scheme of high quality design and layout. Any development application shall provide for the Open Space area to be located to the south-east of the site adjacent to the Fen to provide an attractive amenity and additional protection of the natural habitat. A Flood Risk Assessment and Hydrological Assessment shall be required to accompany any development proposal for the site."
- *Doolin - MU6 Roadford Bridge* – I note the concerns expressed regarding the inclusion of this site and in response would like to confirm that this site was assessed as part of the Strategic Flood Risk Assessment (SFRA) which accompanies the Proposed Amendments to the Draft Clare County Development Plan 2017-2023. Given the location of the lands and the nature of development proposed I considered it appropriate to zone these lands which include a significant sized buffer between the Mixed Use zoning and the river based on the guidance of the SFRA. I consider that the mitigation included within the zoning objective as set out above with regard to flood risk adequately and clearly overcomes any flood risk concerns at this plan level stage on land that may fall within Flood Zones A and/or B. In addition, that any development proposals will have to clearly demonstrate that it will not contribute to flooding and/or flood risk either on the site or on other properties. I refer to a section of the zoning objective that is proposed to accompany the zoning of this site as set out in the Proposed Amendment as follows:

"The site directly adjoins lands that have a recorded flood history and parts of the subject site are identified as being at risk of flooding. No raising of land levels will be permitted on this site. Lands that are within Flood Zone A and B may be developed for water-compatible uses only. A detailed Stage 3 Flood Risk Assessment must accompany any future development proposals on this site to confirm the flood extent in this area. Only development proposals that can clearly demonstrate that there will be no resultant flooding/increase in flood risk, either on the subject site or other properties, will be considered."



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I therefore consider that the zoning objective for this site overcomes any flood risk concerns at this plan level stage, in particular the requirement for water compatible uses on these lands, and that the Proposed Amendment is in line with national policy in this regard.

- *Bunratty COM1* – I note the concerns expressed with regard to the Proposed Amendment to extend the existing Commercial zoning to include additional lands in Bunratty and this site was assessed as part of the Strategic Flood Risk Assessment for the Draft Plan. The site is located within Flood Zone A (defended) and has passed the Justification Test for Commercial zoning. I consider that it is appropriate to zone these lands based on the advice of the SFRA. I refer to a section of the site specific zoning objective that is proposed to accompany the zoning on this site, with the additional text as set out in the Proposed Amendment as follows:

*“Holiday homes and all residential development will be excluded. A flood impact assessment must be carried out as part of any future planning application brought forward on this site.”*

This site was assessed as part of the SFRA on foot of this submission in October 2016 and I consider that the mitigation included within the zoning objective as set out above with regard to flood risk adequately incorporates the requirement for a flood risk assessment to be undertaken as part of any development proposal and that residential development, which is a highly vulnerable use, is excluded as an acceptable use.

I therefore consider that the zoning objective for this site overcomes any flood risk concern at this plan level stage and that the Proposed Amendment is in line with national policy in this regard.

- *Clarecastle TOU1 (referred to as TOU3 in submission) – Killadysart Rd* – I note the concerns expressed with regard to this site which was subject of the SFRA of the Proposed Amendments to the Draft Clare County Development Plan 2017-2023. I confirm that the north-west corner of the site lies within Flood Zone A and B, however given the location of the lands and the nature of development proposed under this zoning, I considered it appropriate to zone the northern half of these lands as TOU1 based on the guidance of the SFRA, in particular regarding water compatible uses. I refer to a section of the zoning objective that is proposed to accompany the zoning of this site as set out in the Proposed Amendment as follows:

*“This site is zoned for tourism and presents an opportunity for development which complements its location directly adjacent to Ballybeg Lough. Given its location and that the north and north western portions of the site are prone to flooding, any proposals must be for water-compatible uses and be accompanied by a Flood Risk Assessment.”*

I consider that the mitigation included within the zoning objective as set out above with regard to flood risk adequately and clearly prescribes that only water compatible uses will be considered on land that may fall within Flood Zones A and/or B. I therefore consider that the zoning objective for this site provides adequate flood risk mitigation by stating the requirement for water compatible uses on these lands and that the Proposed Amendment is in line with national policy in this regard.

This site is also subject of submission Ref. 036 whereby my recommendation is to adopt the Proposed Amendment changing the zoning from Agriculture to Tourism TOU1 on the northern half of this site and not to adopt the Proposed Amendment to change the zoning from Community C2 to Tourism TOU1 on the southern half of the site. I consider that my response in relation to these lands as set out above with regard to flooding and the zoning of these lands is consistent with my response and recommendation for submission Ref. 036.

### Justification Test

I acknowledge the concerns expressed in the submission with regard to the sites below which failed the Justification Test and as such constitute a breach of the Planning System and Flood Risk Management Guidelines 2009. I address my response to these individually as follows:



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- *Quilty - LDR6* – This site failed the Justification Test and the SFRA concluded that the zoning should remain as Open Space on these lands as presented in the Draft Plan. As set out in the response to submission Ref. 272 to the Draft Clare County Development Plan 2017-2023 (19<sup>th</sup> May 2016) and in accordance with the national Planning System and Flood Risk Management Guidelines, 2009, I consider these lands should not be zoned as Low Density Residential and that the Proposed Amendment should not be adopted.
- *Ennis - OP18, Commercial Site, Tulla Road* – I believe that the expansion of site OP18 in a southern direction, onto an area identified as being in Flood Zone A, has the potential to impact negatively on the surrounding areas. I remain of the opinion as set out in the response to submission Ref. 374 to the Draft Clare County Development Plan 2017-2023 (19<sup>th</sup> May 2016) and agree with the Department and consider that this commercial zoning should not be extended and that the Proposed Amendment should not be adopted.
- *Ennis - LDR67, Drehidnagower* – The Proposed Amendment to the Low Density Residential zoning on this site is to reduce the area zoned from that in the Draft Clare County Development Plan 2017-2023. Lands that were included in the Draft Plan and were within Flood Zone A and B failed the Justification Test and these are now proposed to be zoned Open Space. The remaining lands that lie within Flood Zone C are proposed to remain zoned as Low Density Residential with the requirement that a site specific Flood Risk Assessment will be required for the site. A small area on the eastern side of the site is within Flood Zone A where “the zoning objective for the site specifies that no vulnerable uses shall be allowed and any hard surfaces must be permeable in nature”. I am satisfied that the site specific zoning objective overcomes any flood risk concerns at this plan level stage for this reduced zoned area, which takes account of the flood risk on the site, and that the Proposed Amendment should be adopted.
- *Ennis - LDR64, Tulla Road, Roslevan* – Part of this site is in Flood Zone B with the remainder in Flood Zone C. The result of the Justification Test concluded that development is suitable on the lands within Flood Zone C, but lands in Flood Zone B failed the Justification Test and the recommendation of the SFRA is to zone lands for Open Space. As the Proposed Amendment does not relate to any change in zoning on the site there is no provision which permits me to introduce a change in zoning at this stage in the process. I am of the opinion that the proposed additional text should include a minor modification to incorporate the recommendation of the SFRA whereby “The area of the site zoned which lies within Flood Zone B should be excluded from development and utilised as open space within any proposed development.” Subject to this modification I consider the site zoning objective overcomes any flood risk concerns at this plan level stage for this site and that the Proposed Amendment be adopted.
- *Ennis - LDR5, Gaurus, Tulla Road* - This Proposed Amendment seeks to change the zoning from Open Space to Low Density Residential. The site has been filled but the northern part remains in Flood Zone B. The site failed the Justification Test and the SFRA recommends the Open Space zoning as per the Draft Plan should be retained. In accordance with the recommendation in submission Ref. 422 to the Draft Clare County Development Plan 2017-2023 (19<sup>th</sup> May 2016) I agree with the recommendation that this site is not zoned for Low Density Residential and that the Proposed Amendment should not be adopted. (Refer also to my response to submission Ref. 068 which also relates to this site).
- *Ennis - LDR8, Kevin Barry Avenue* – This Proposed Amendment seeks to change the zoning from Existing Residential to Low Density Residential. According to the new CFRAM mapping the site is located entirely within Flood Zone A and failed the Justification Test for zoning for Low Density Residential and therefore I consider this Proposed Amendment should not be adopted and the site reverts to Existing Residential as per the Draft Plan.
- *Ennis - LDR7, Brookville* – This site was subject of submission Ref. 259 to the Draft Clare County Development Plan 2017-2023 (19<sup>th</sup> May 2016) and was assessed as part of the SFRA of the Draft Plan and it is shown to be located within Flood Zone B. Given the highly vulnerable use of Low Density Residential proposed for this site, a Justification Test was undertaken for which this site failed. Therefore residential zoning is not an appropriate use for this site and I am in agreement with the Department that this Proposed Amendment should not be adopted.

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### Environmental Appraisals

- The Department identifies where the environmental appraisals raise two serious areas of concern with regard to the Proposed Amendments. The first relates to Ballybeg, Ennis and a number of Low Density Residential zonings proposed, namely LDR17, LDR14, LDR zoning adjacent to LDR14. I note the request of the Department for these zonings to revert to that of the Draft Plan given the environmental sensitivities and in particular LDR17 which would be in breach of Part XAB Planning and Development Act 2000, as amended and of the S.28 Appropriate Assessment Guidelines. An Appropriate Assessment was carried out on this Proposed Amendment which concludes that *"the tourism zoning should be removed from all parts of the site as it is not possible to determine a finding of no significant effects"*. These sites were the subject of a number of submissions to the Draft Clare County Development Plan 2017-2023 (19<sup>th</sup> May 2016) where the Chief Executive was strongly of the opinion that the environmental considerations were significant and that there was insufficient scientific evidence to justify a finding of no significant effects in relation to zoning these sites for residential development. I am therefore in agreement with the requirement of the Department and consider that these Proposed Amendments should not be adopted as they would contravene Article 6(3) of the Habitats Directive, the European Communities (Birds and Natural Habitats) Regulations, 2011 and Part XAB of the Planning and Development Act, 2000, as amended.
- The second area of concern relates to T0U7 at Ardcloney, Killaloe and I note the points of concern with regard to this zoning which the SEA and AA recommends should be excluded given that half of the site is within the Lower River Shannon cSAC, as well as being located on a green-field location outside of a settlement. In the response to submission Refs. 444 and 445 made to the Draft Clare County Development Plan 2017-2023 (19<sup>th</sup> May 2016) with regard to this site the Chief Executive was of the very strong opinion that the zoning of this isolated, unserviced parcel of land can lead to unsustainable patterns of development, in addition to the significant environmental concerns, given half of the site lies within the Lower River Shannon cSAC. I agree with the Department that the zoning of this land would be contrary to the proper planning and sustainable development of the area and would contravene Article 6(3) of the Habitats Directive, the European Communities (Birds and Natural Habitats) Regulations, 2011 and Part XAB of the Planning and Development Act, 2000, as amended and the Proposed Amendment should not be adopted.

In considering this submission I am obliged to refer to Section 31(a) of the Planning and Development Act 2000, as amended, which states that *"where the Minister is of the opinion that a planning authority, in making a development plan ..... has ignored, or has not taken sufficient account of submissions or observations made by the Minister to the planning authority under section 12, 13, or 20 .... the Minister may in accordance with this section, for stated reasons, direct a planning authority to take such specified measures as he or she may require in relation to that plan"*.

### **Chief Executive's Recommendation**

I recommend that the following Proposed Amendments to the Draft Clare County Development Plan 2017-2023 be adopted:

- Doolin MU6
- Clarecastle T0U1, northern half of the site
- Ennis LDR67, Drehidnagower
- Ennis LDR64, Tulla Road, Roslevan – with minor modification to wording at the end of the final paragraph of the site specific zoning objective which states that: *"The area of the site zoned which lies within Flood Zone B should be excluded from development and utilised as open space within any proposed development."*
- Ennis LDR1, Lahinch Road
- Bunratty COM1

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- Ennis LDR15, St. Flannan's Drive – with minor modification to wording of the site specific zoning objective which states that "No highly vulnerable or less vulnerable development will be accommodated within the area of the site within Flood Zone A/B".
- Ennis LDR Roslevan (now referenced LDR18) - the Proposed Amendment to be adopted with a minor modification to include a site specific zoning objective for the site to provide clarification. This should read:

**"LDR18 Tulla Road, Roslevan**

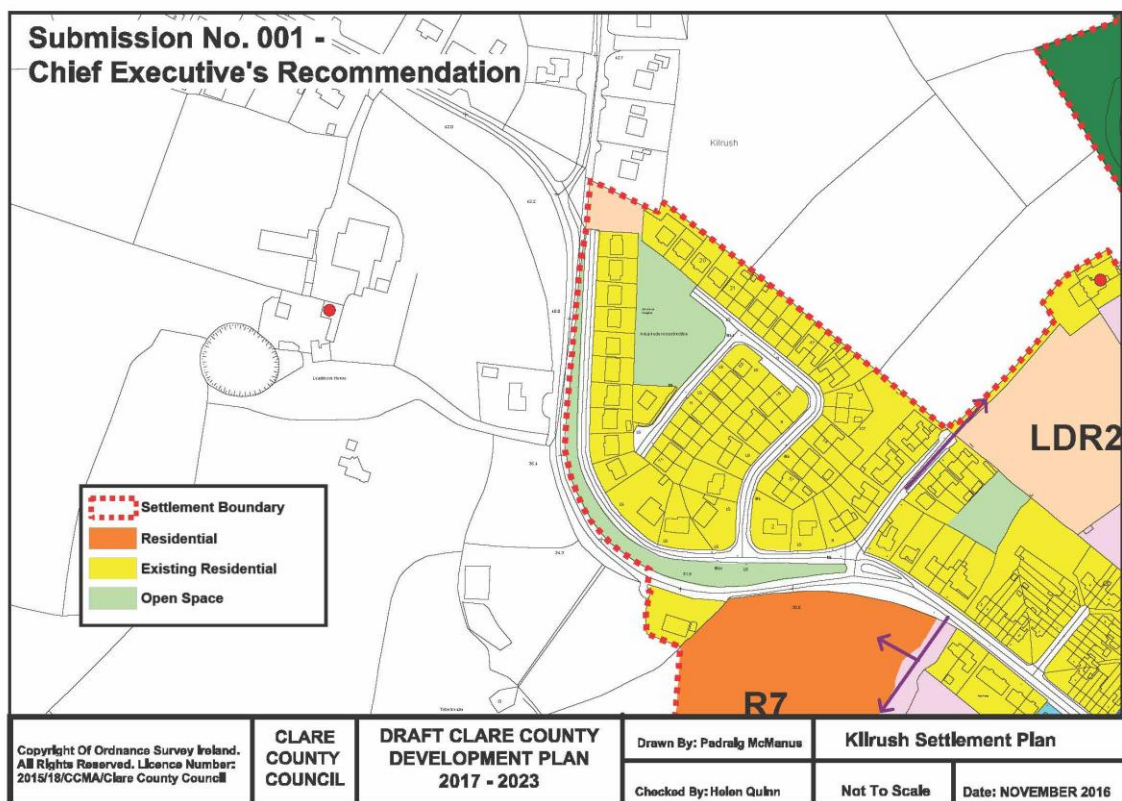
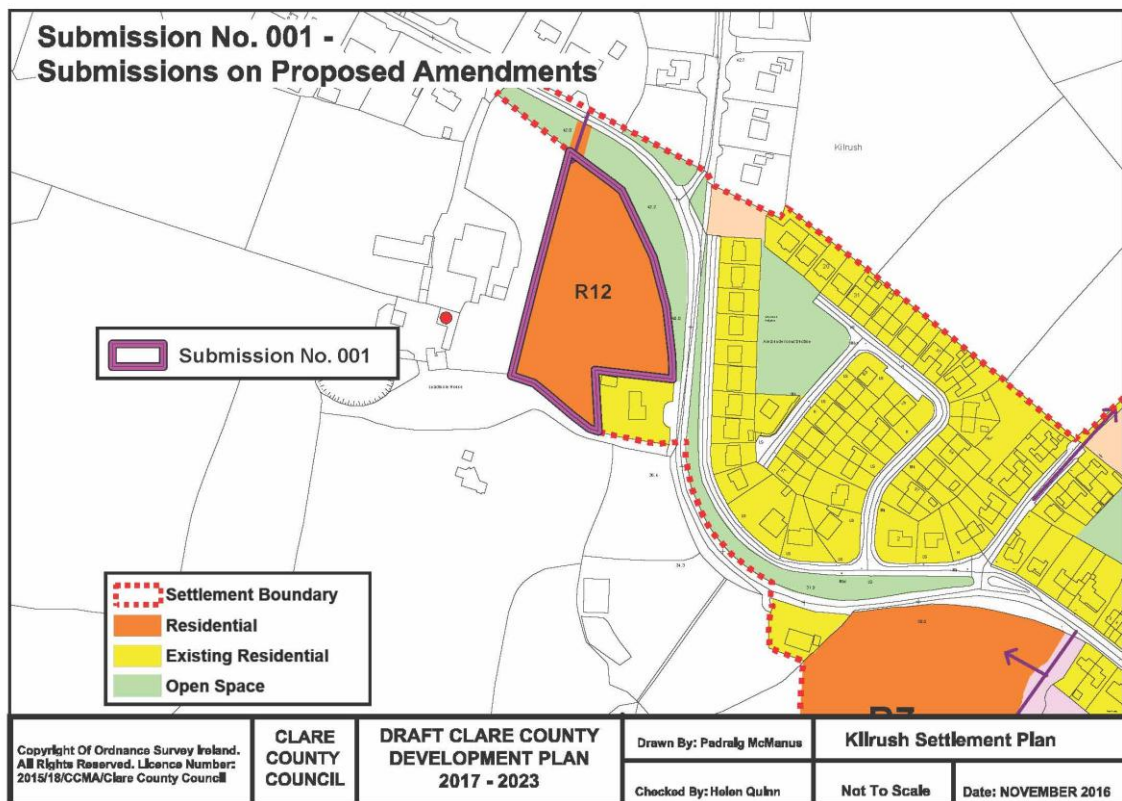
This site is suitable for a low density residential scheme of high quality design and layout. Any development application shall provide for the Open Space area to be located to the south-east of the site adjacent to the Fen to provide an attractive amenity and additional protection of the natural habitat. A Flood Risk Assessment and Hydrological Assessment shall be required to accompany any development proposal for the site."

I recommend that the following Proposed Amendments to the Draft Clare County Development Plan 2017-2023 not be adopted:

- Clarecastle TOU1, southern half of the site
- Kilrush R12
- Miltown Malbay LDR7
- Ardnacrusa LDR5
- Drumline Cluster LDR zoning
- Ennis LDR6, Loughville
- Ennis OP18 Commercial Buildings, Tulla Road
- Ennis LDR5, Gaurus
- Ennis LDR8 Kevin Barry Ave
- Ennis LDR14/LDR17/LDR13/LDR, Ballybeg
- Ennis LDR7 Brookville
- Ardcooney TOU7 Killaloe
- Quilty LDR6

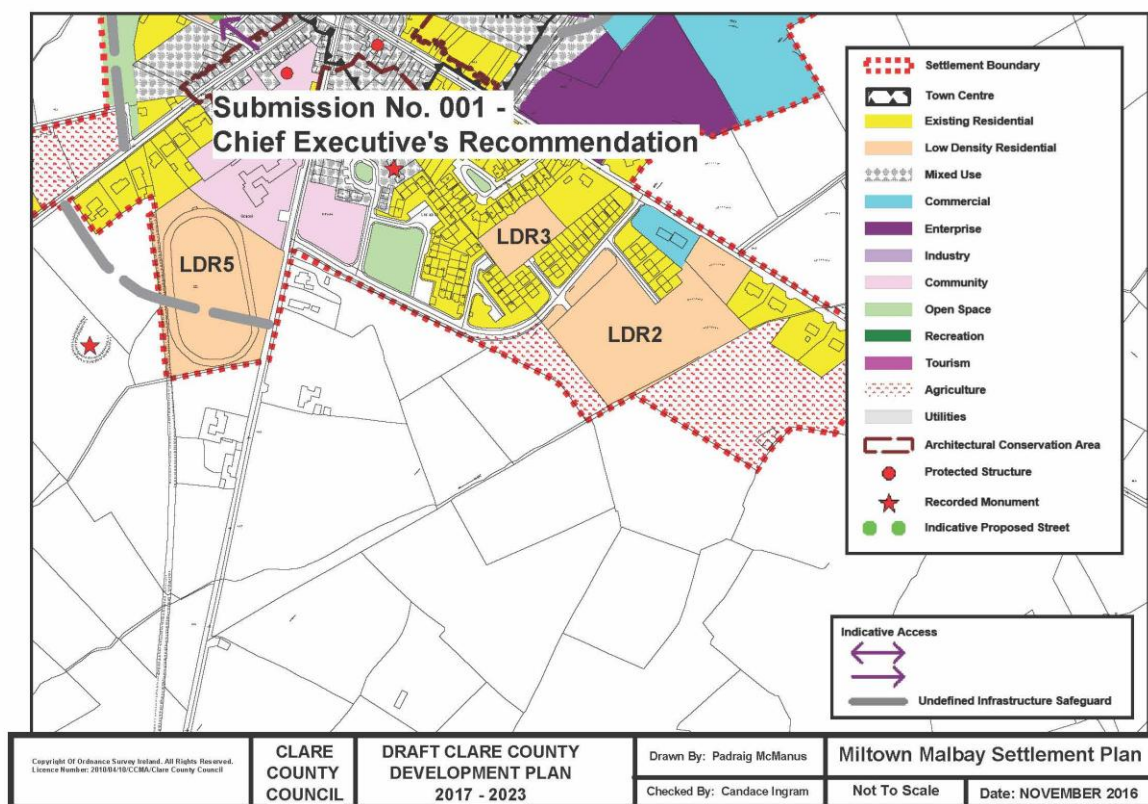
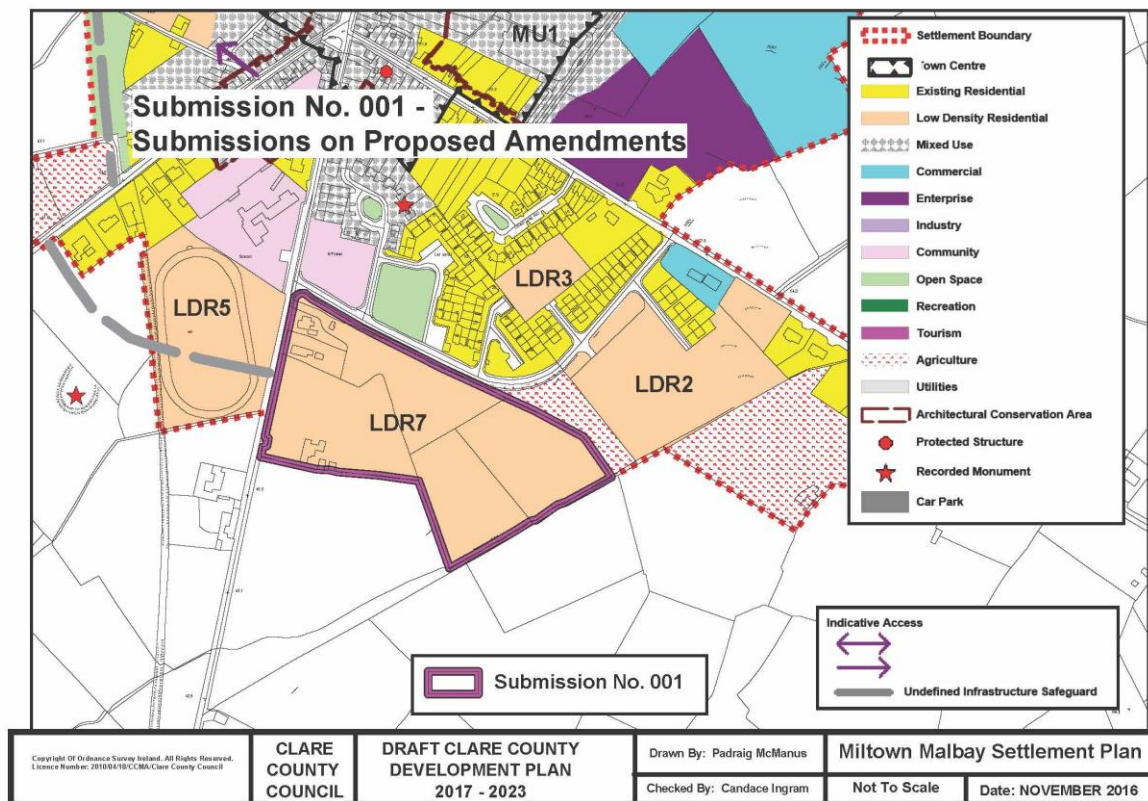
In the interest of clarity, I recommend the lands subject of the aforementioned Proposed Amendments revert to their status/zoning as per the Draft Clare County Development Plan 2017-2023 (December 2015).

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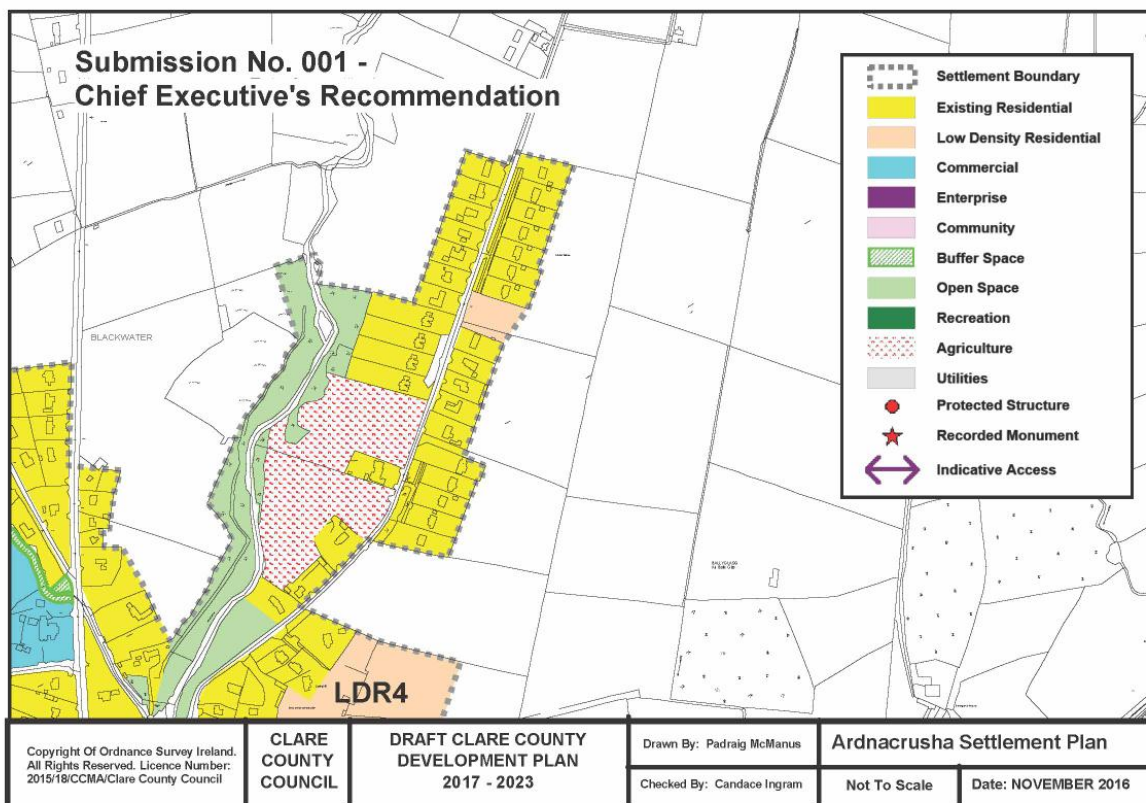
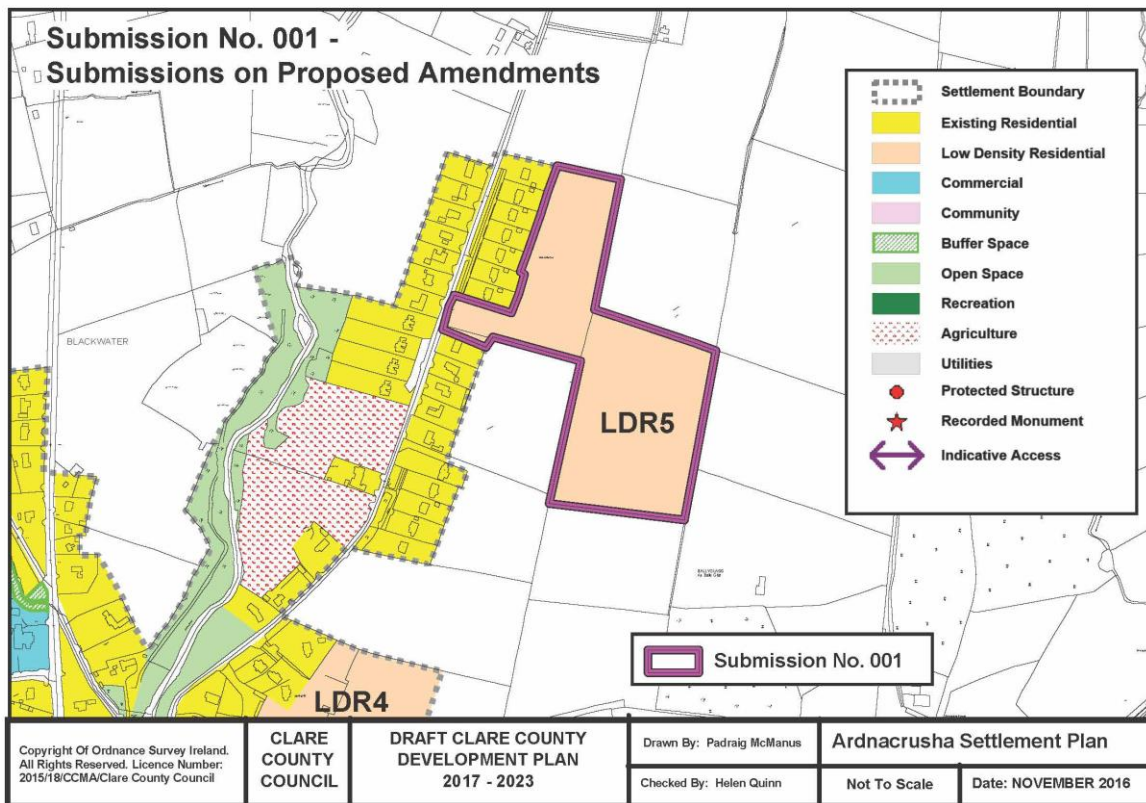




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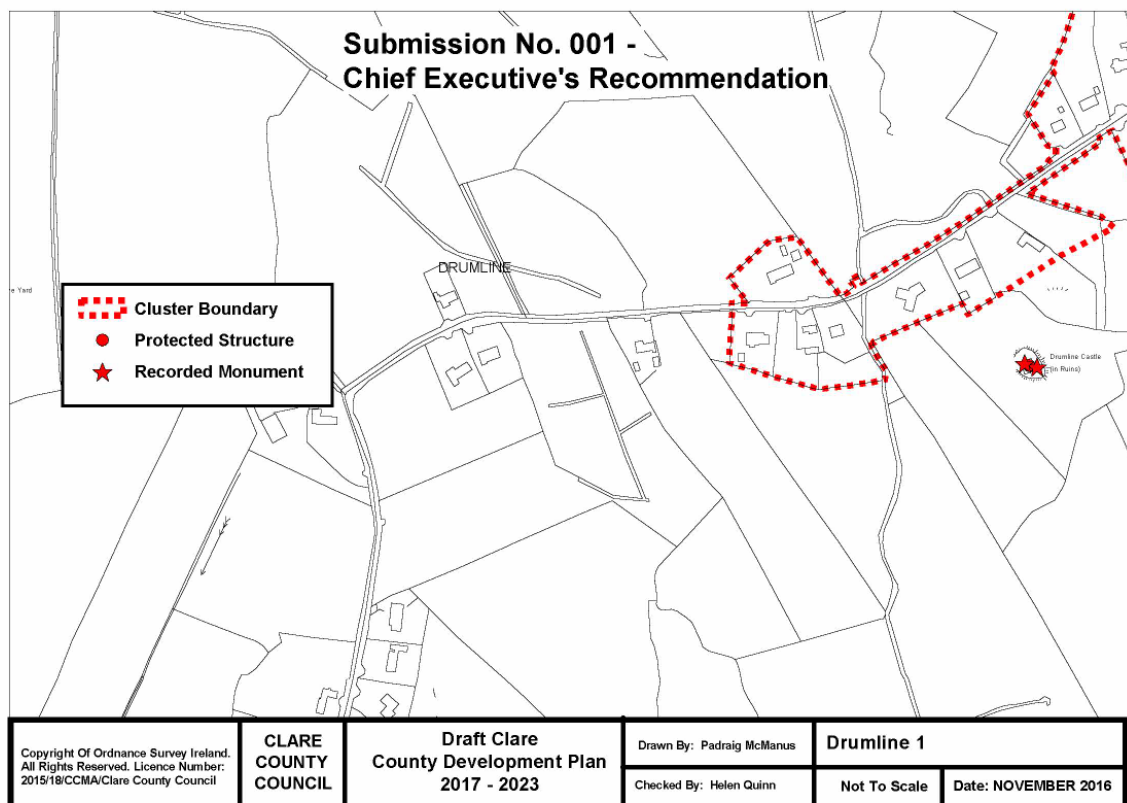
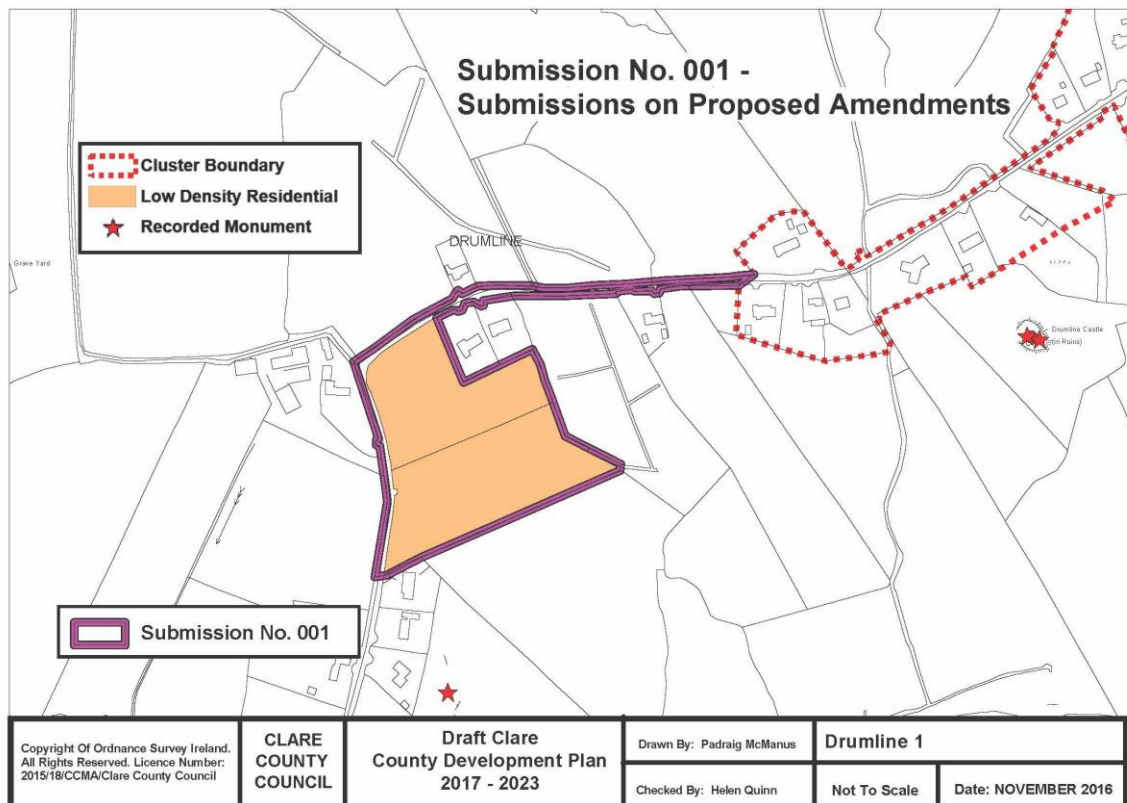


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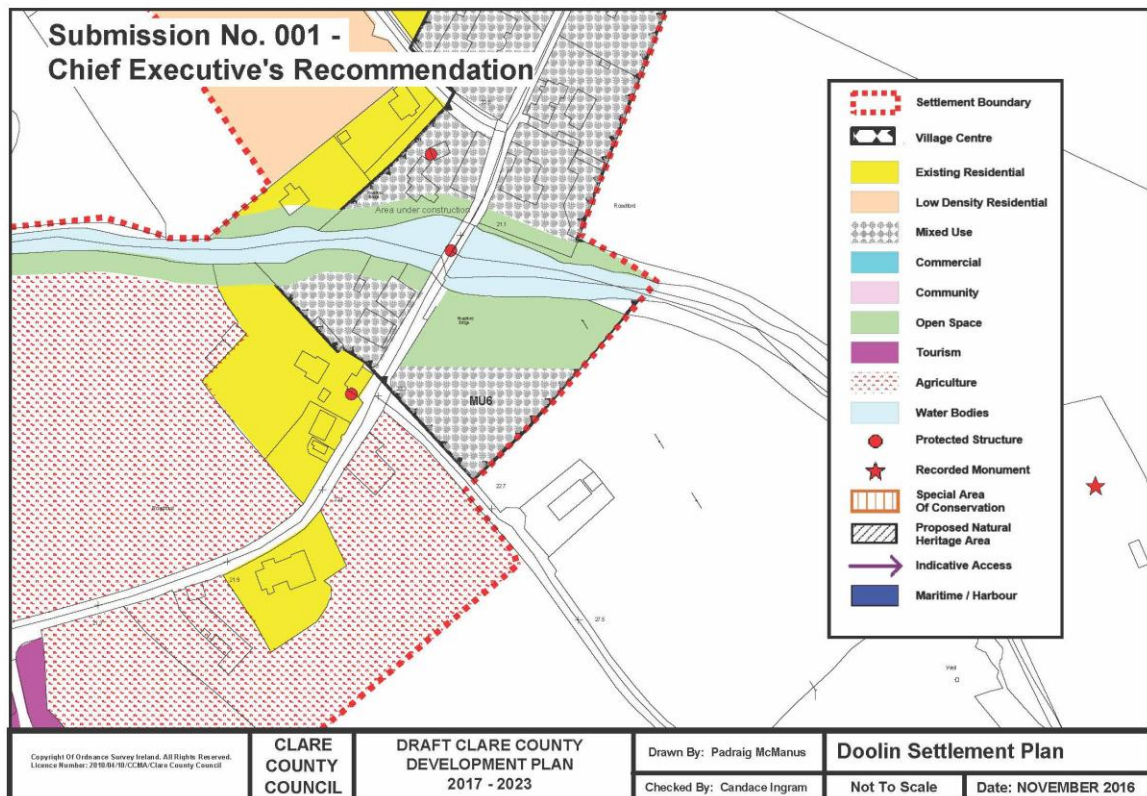
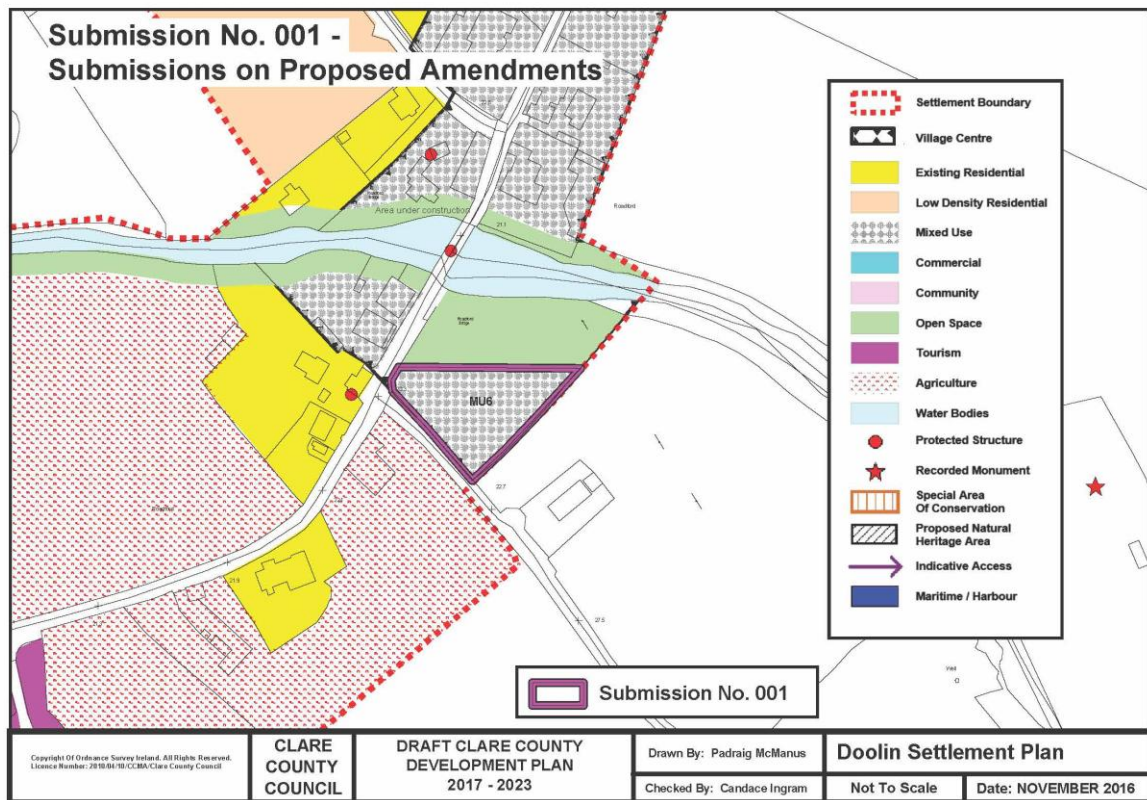




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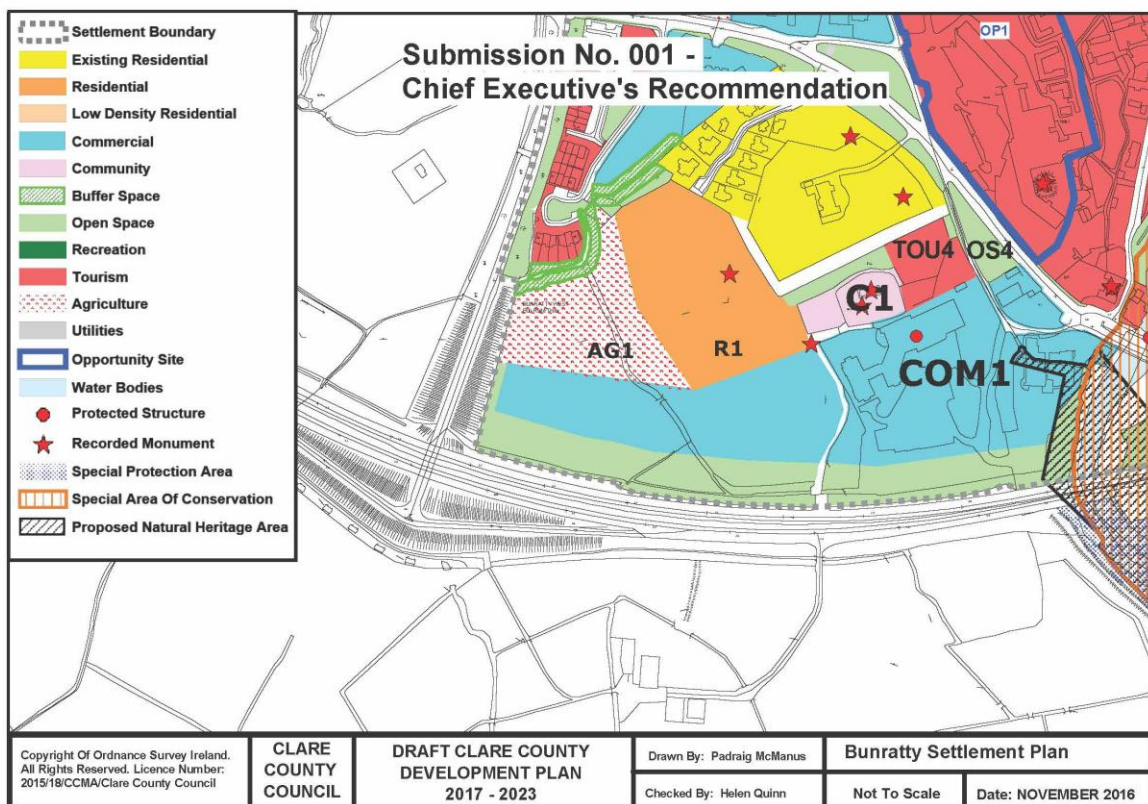
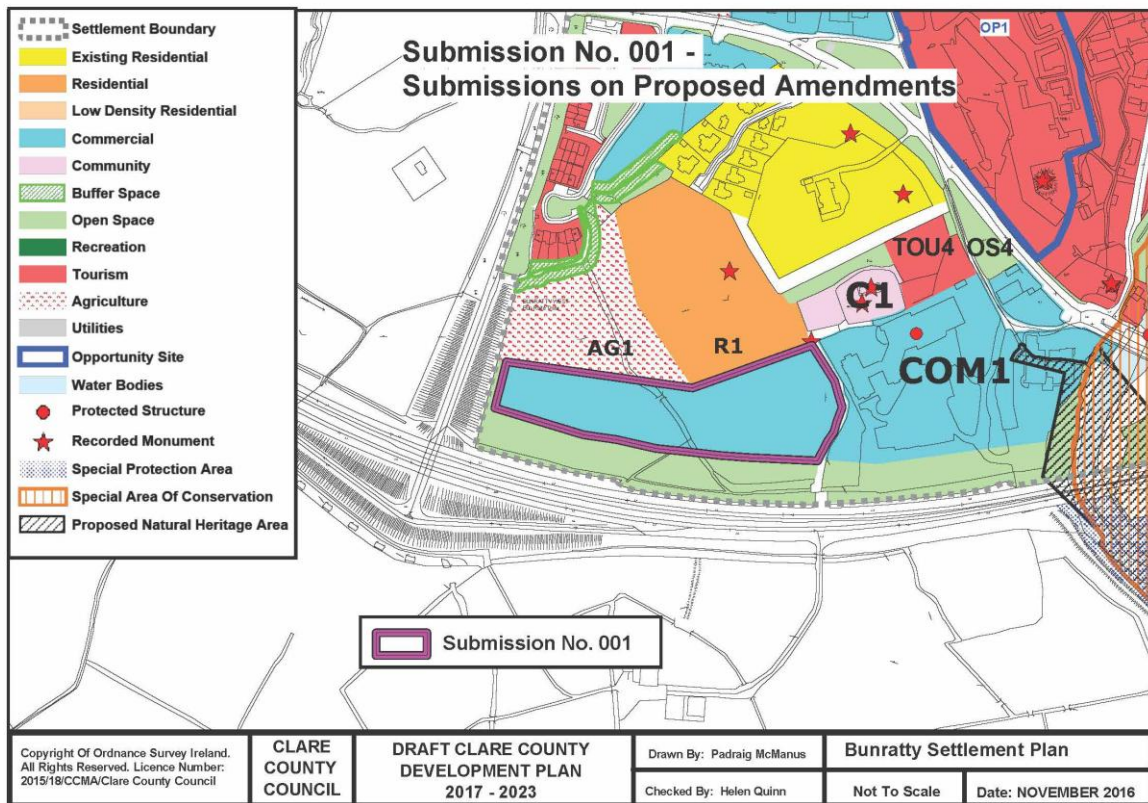


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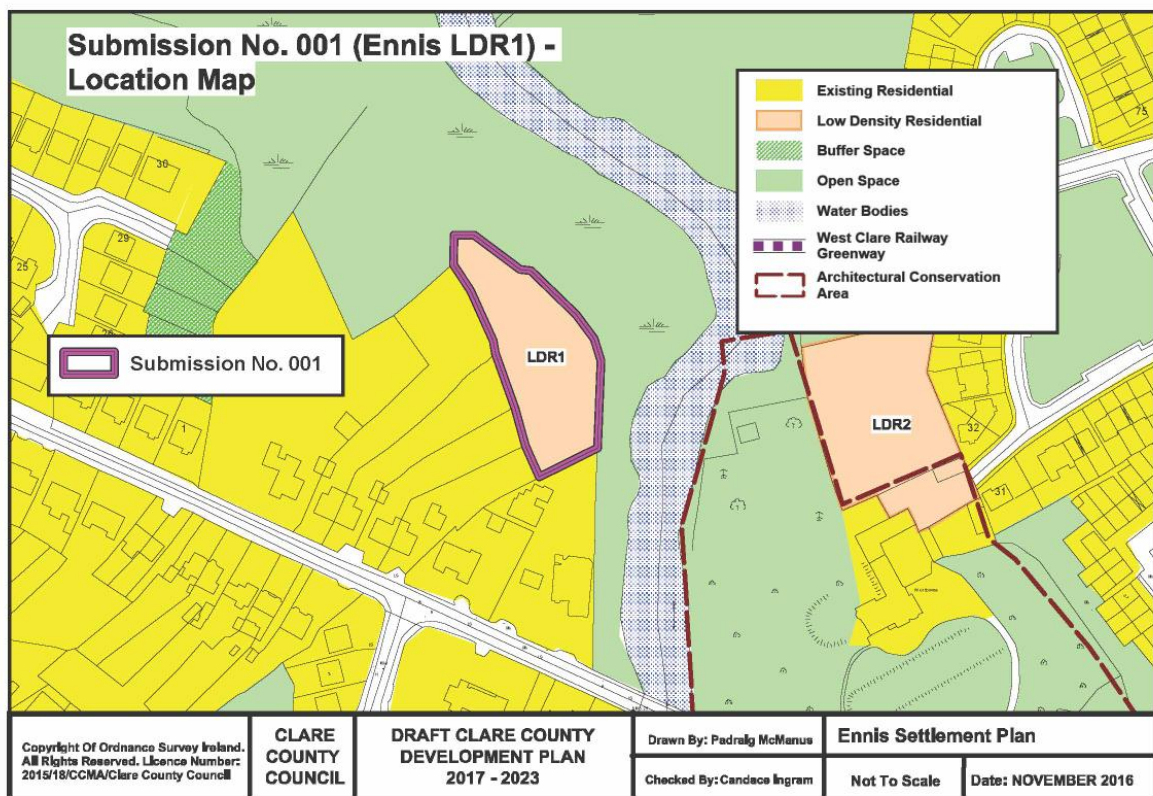




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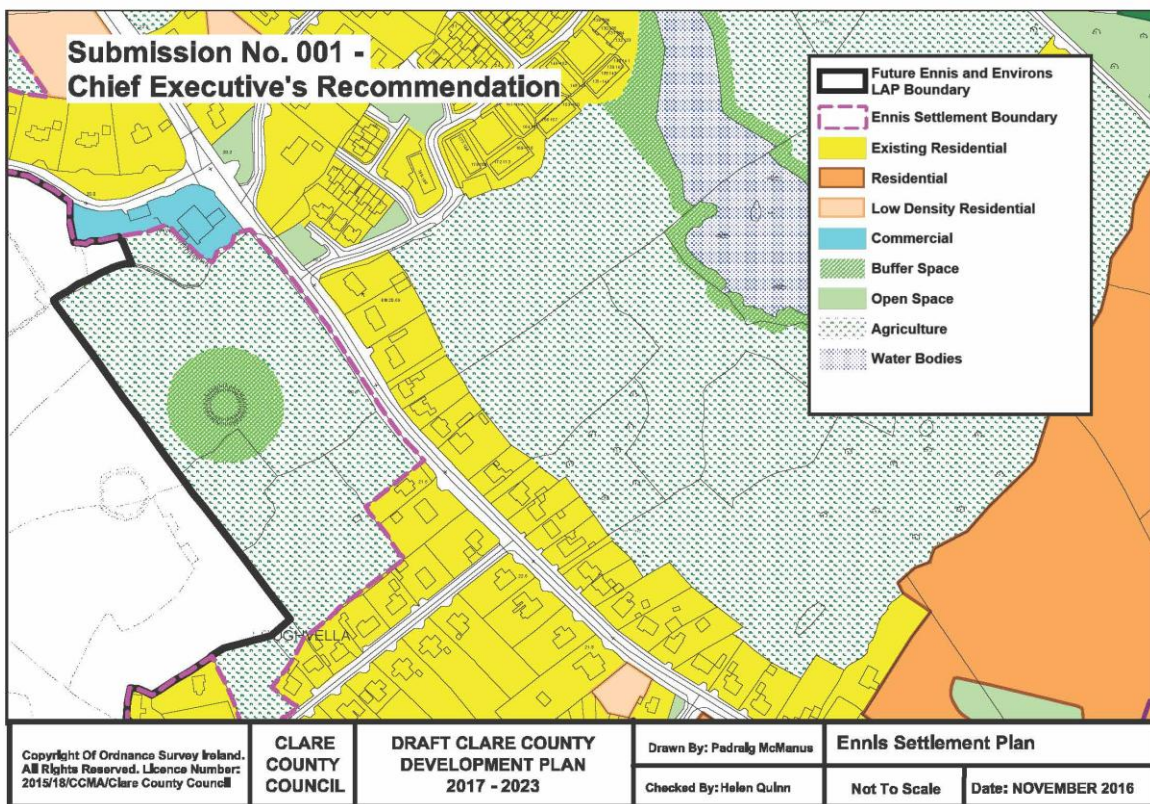
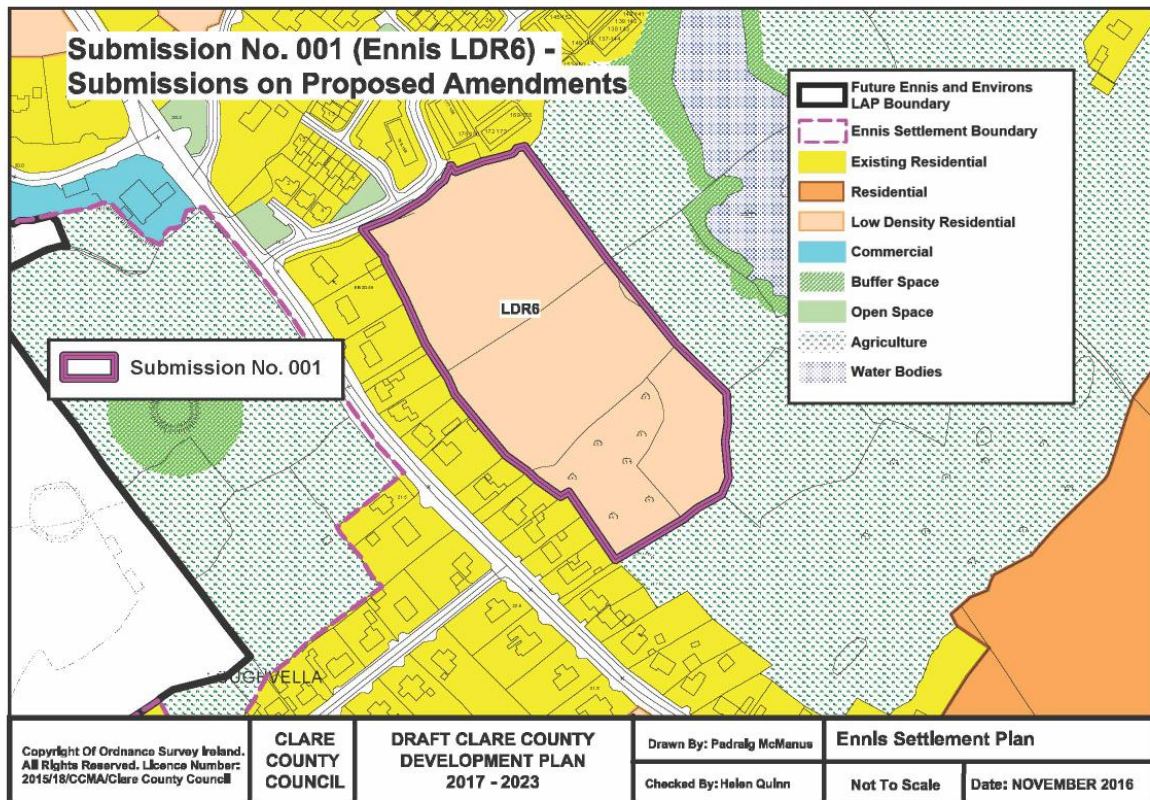


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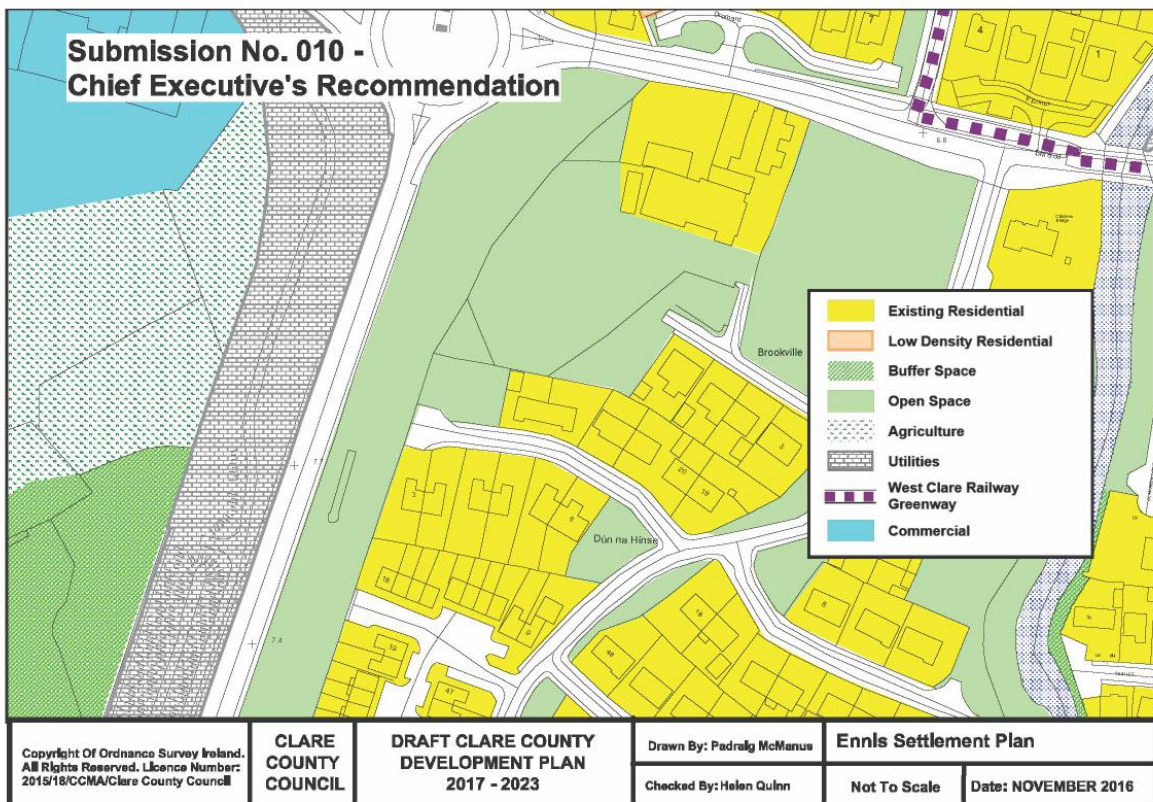
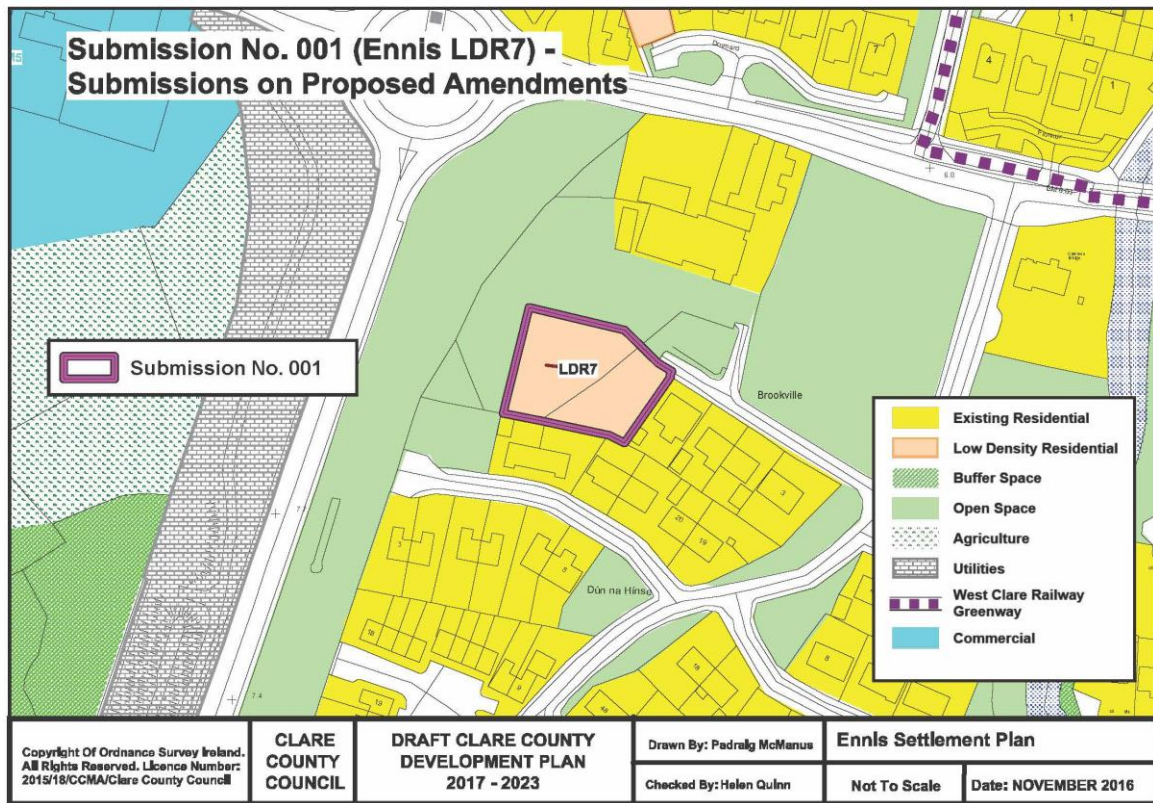


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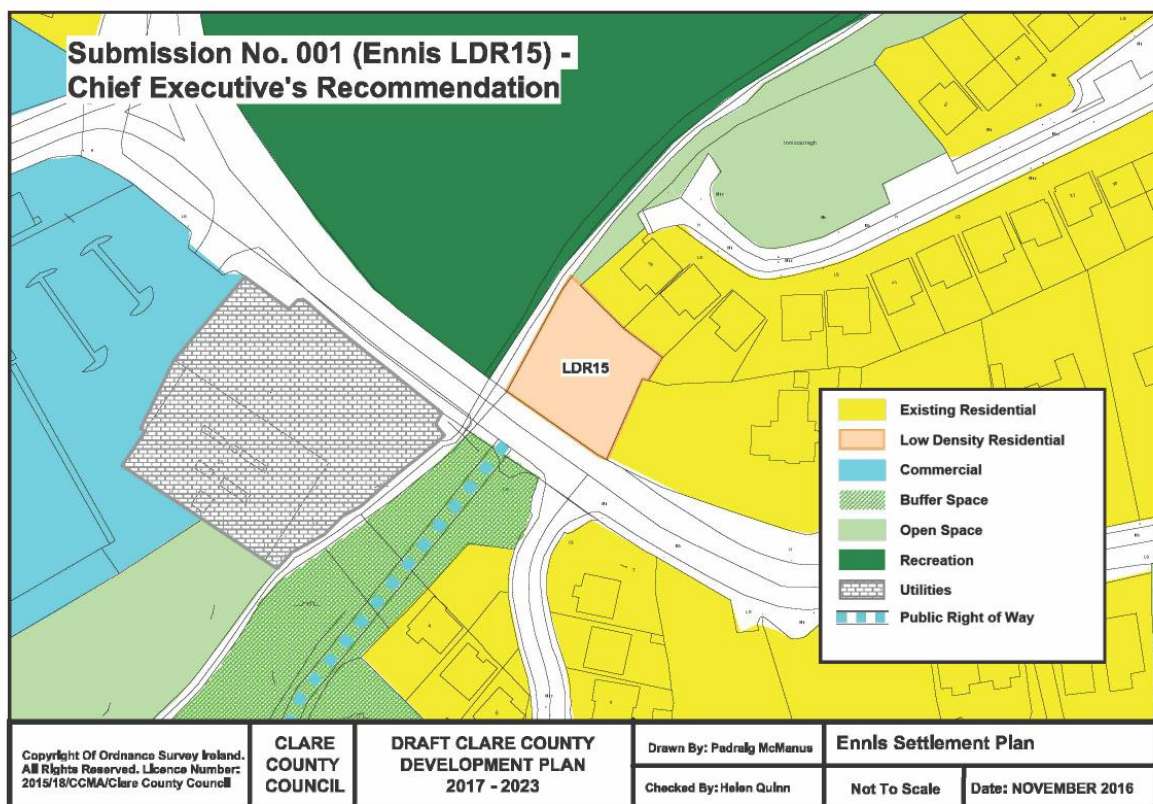
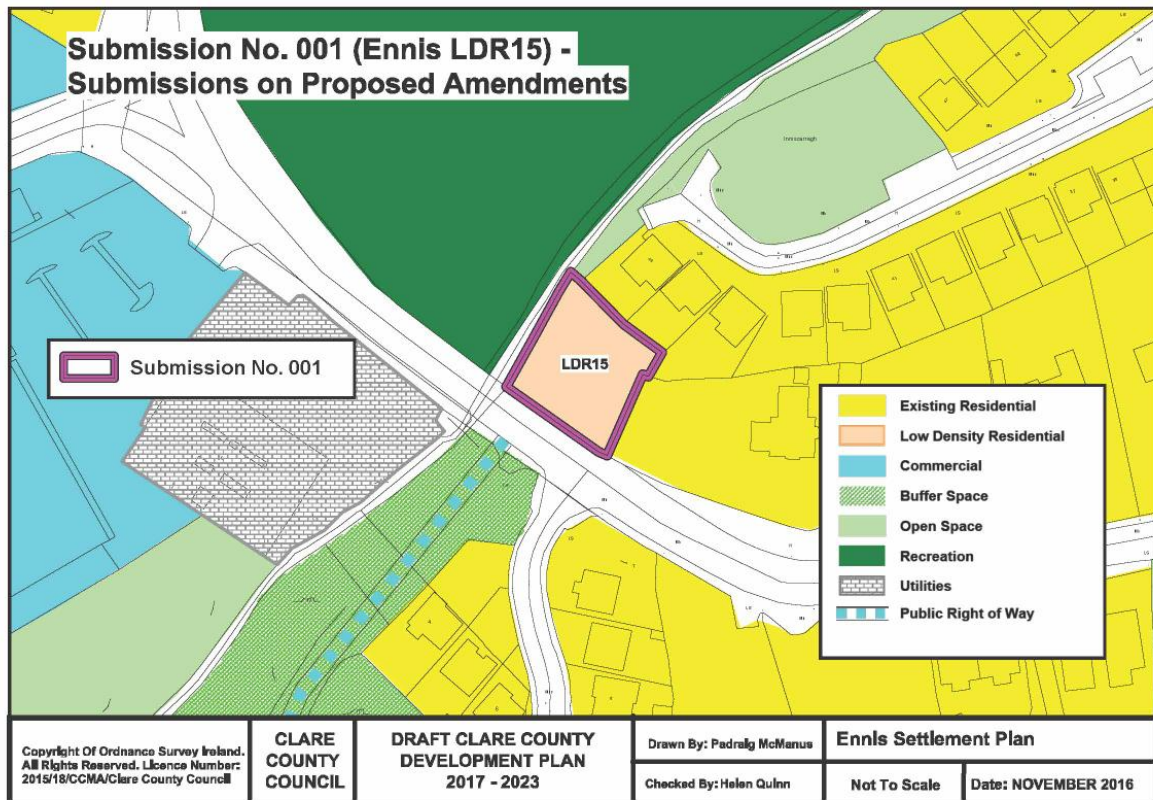


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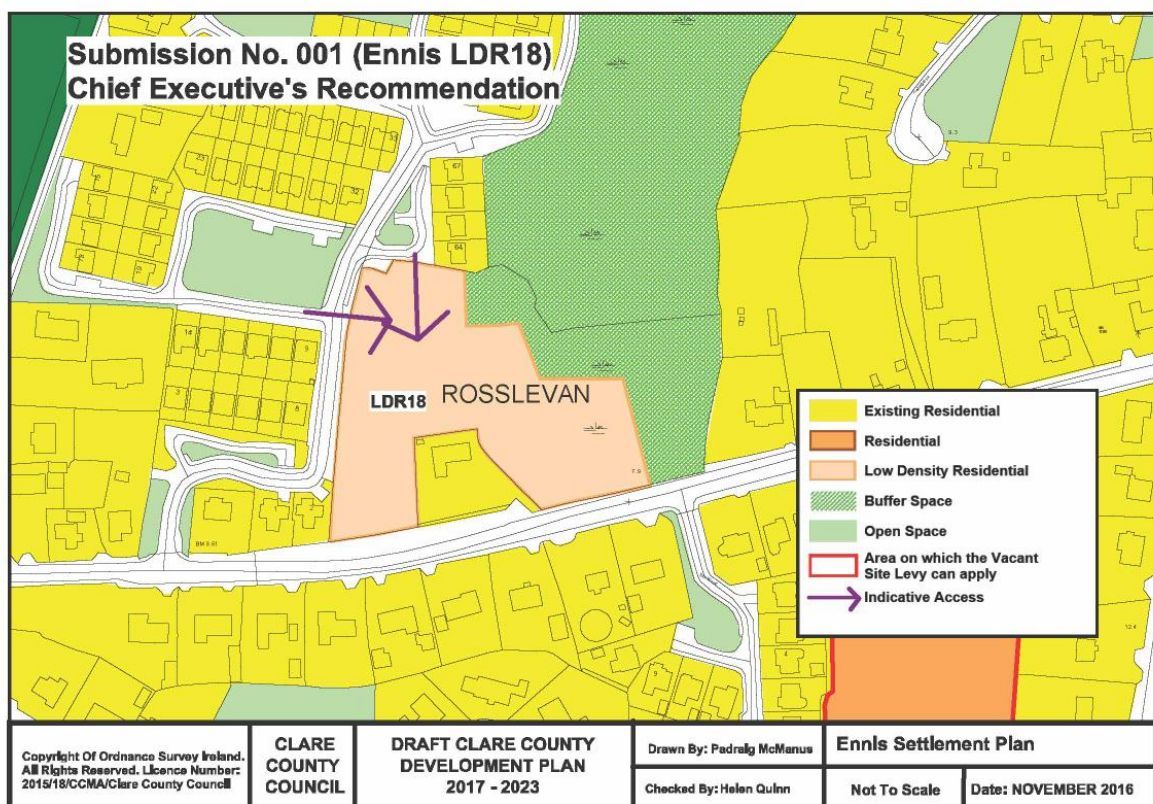
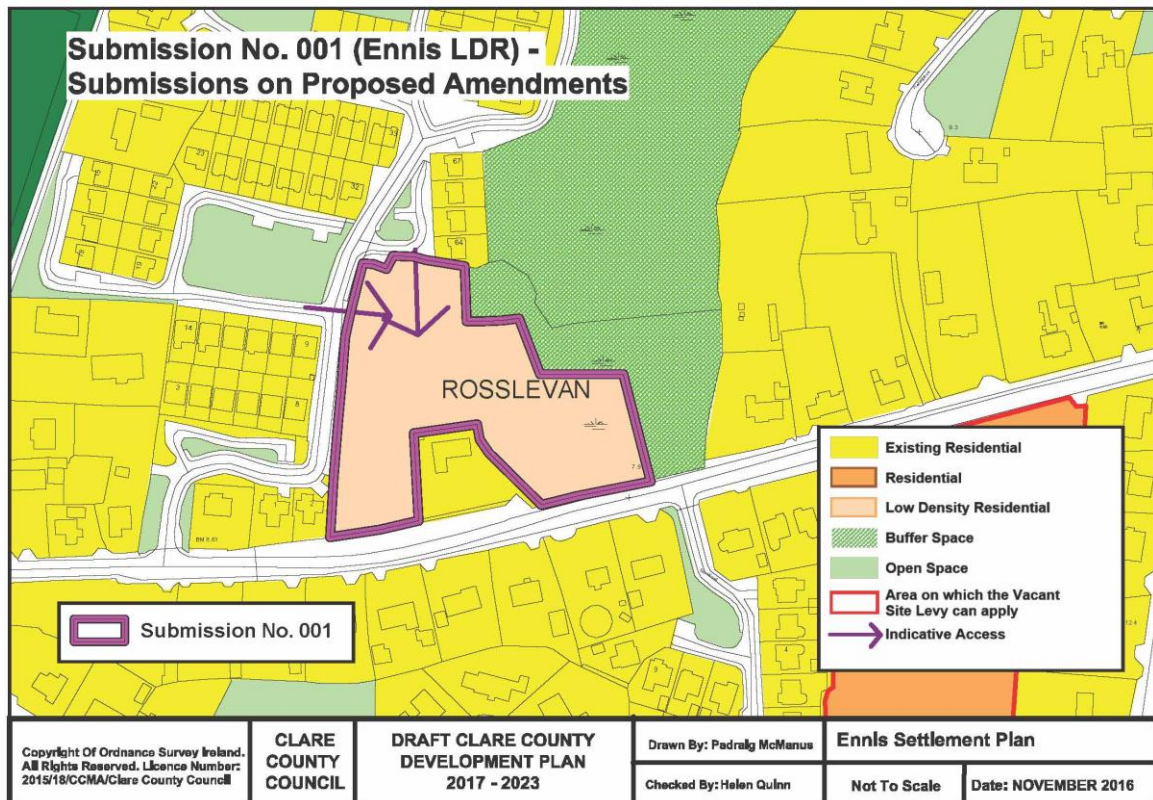


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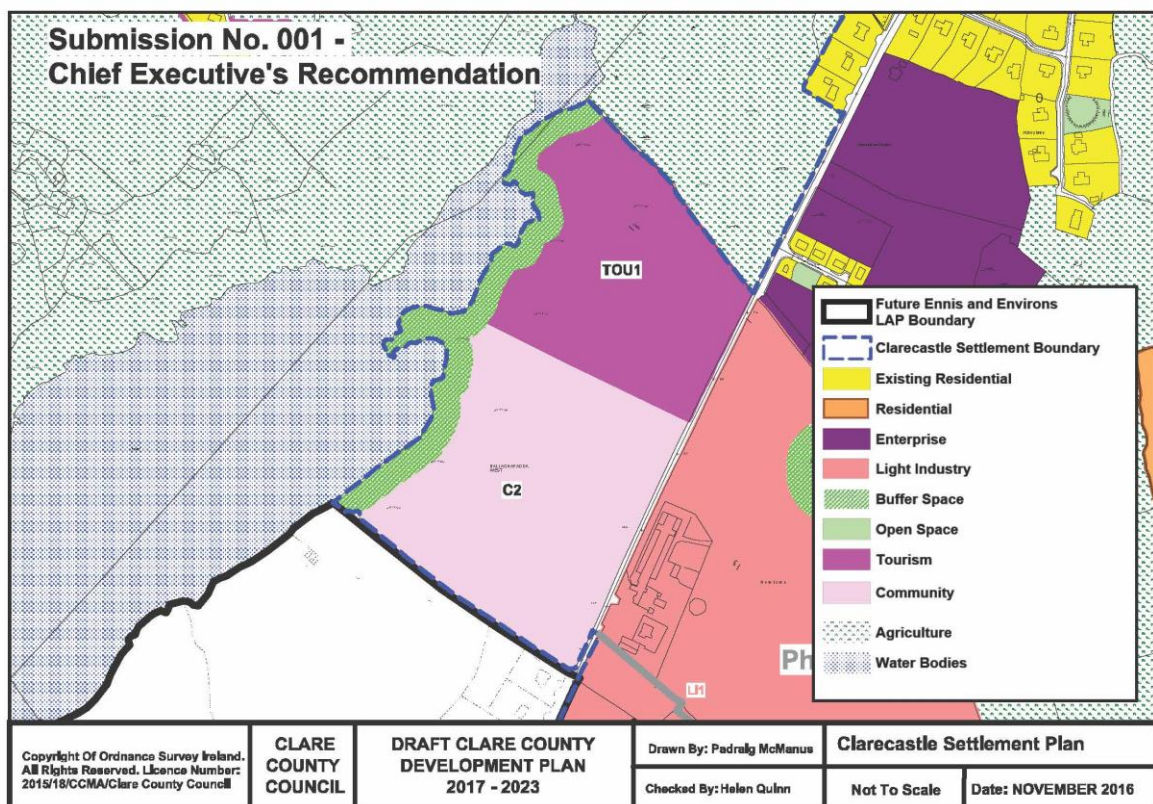
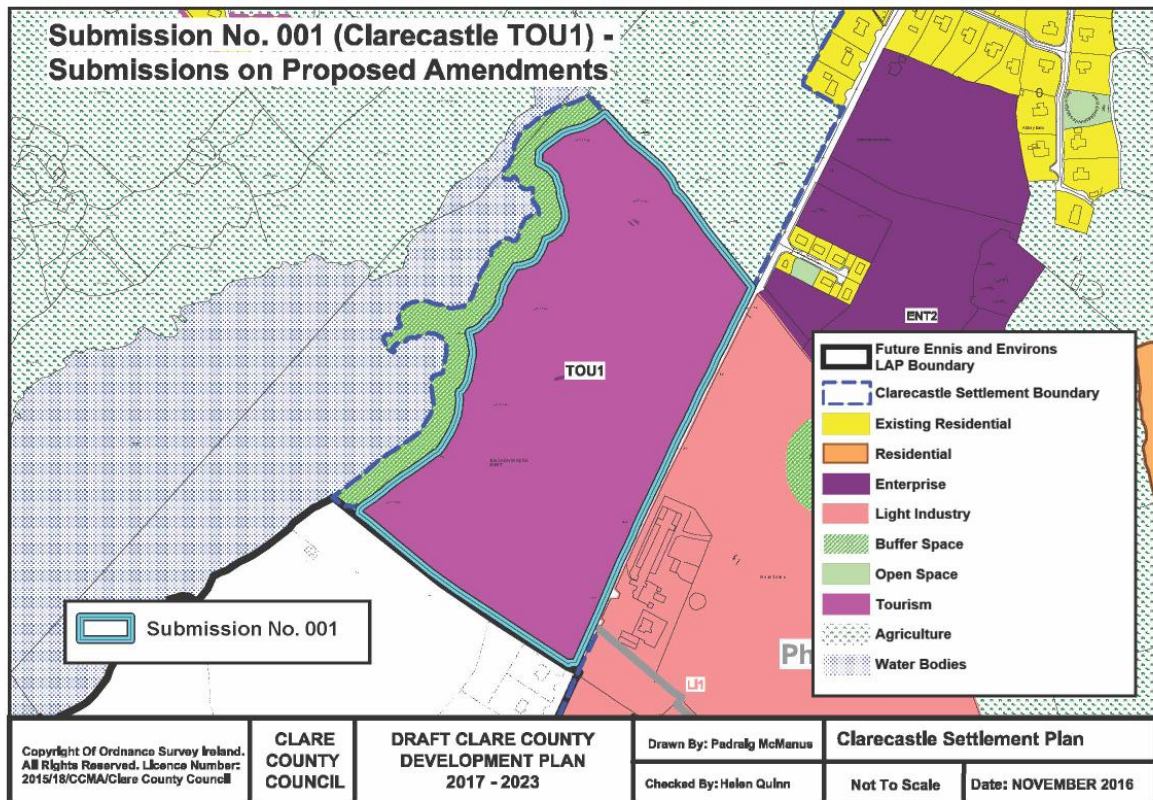


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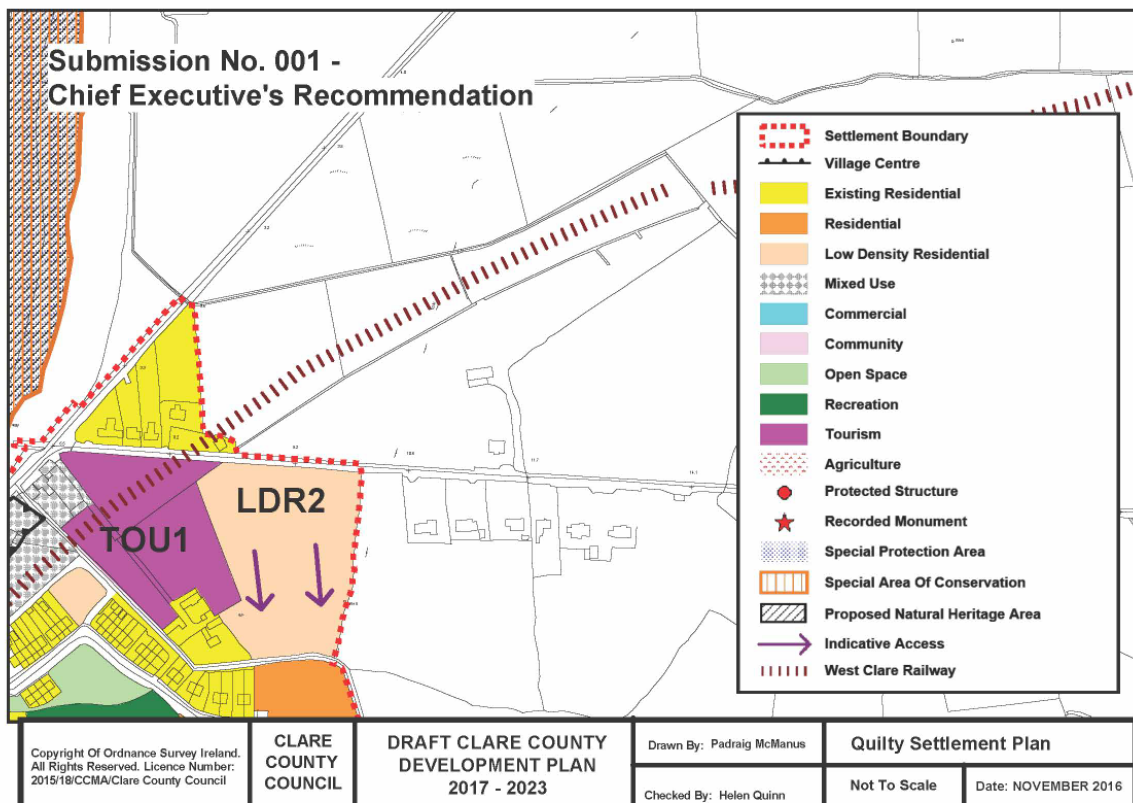
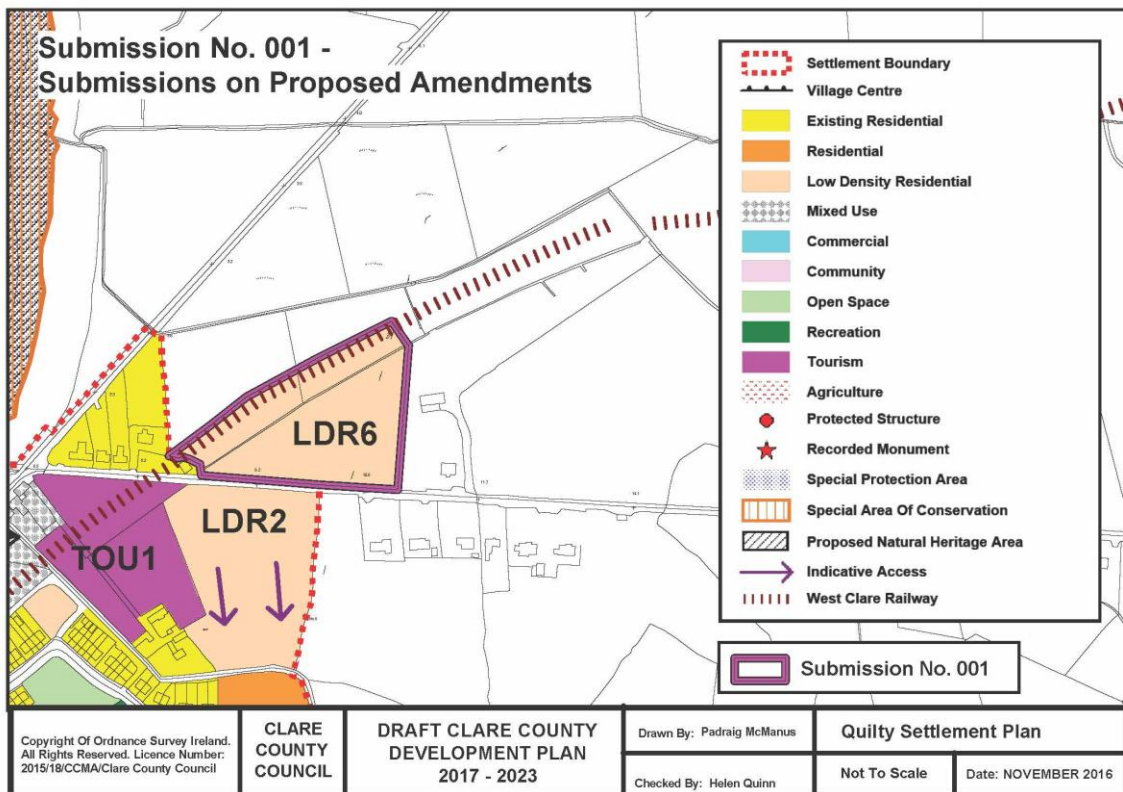




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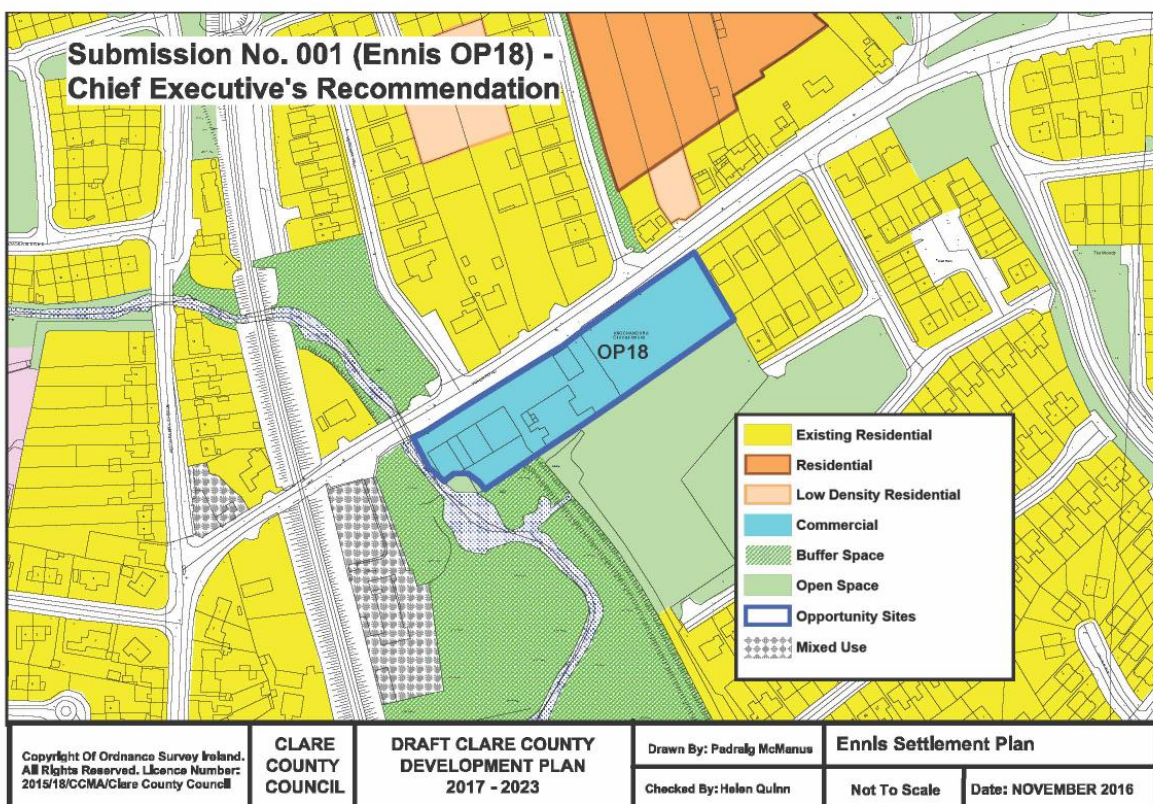
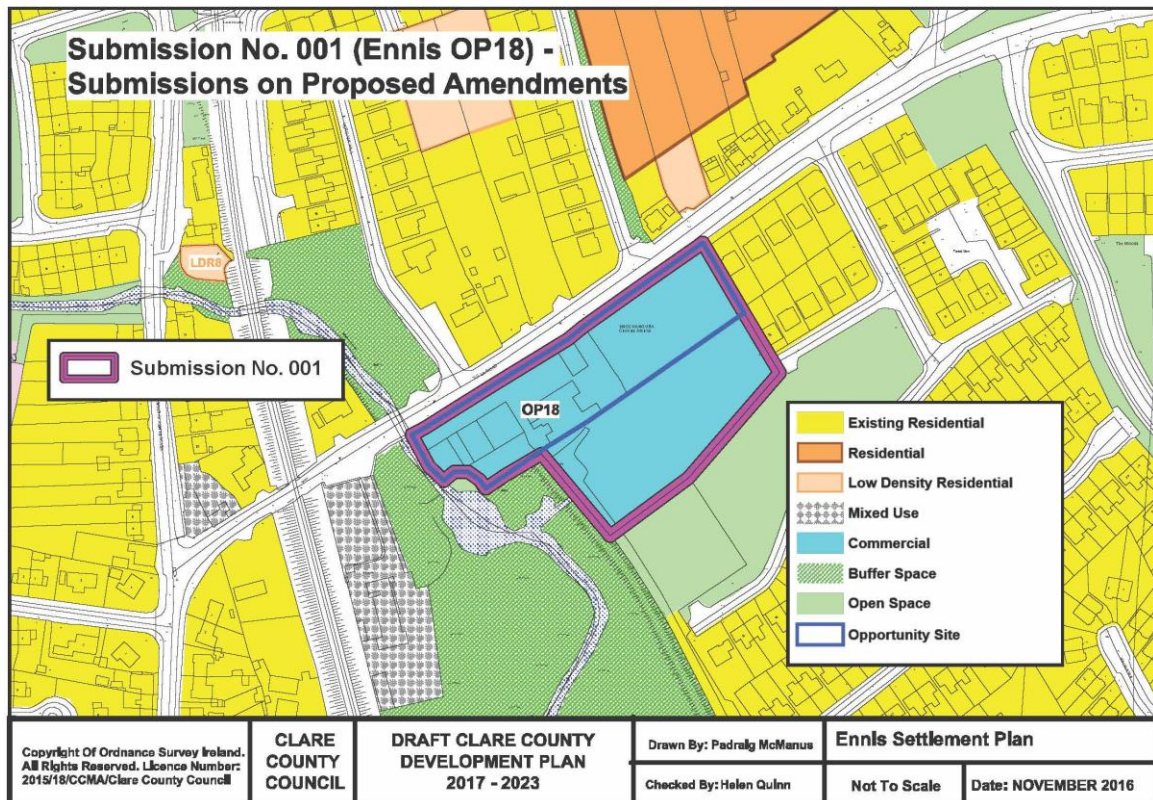


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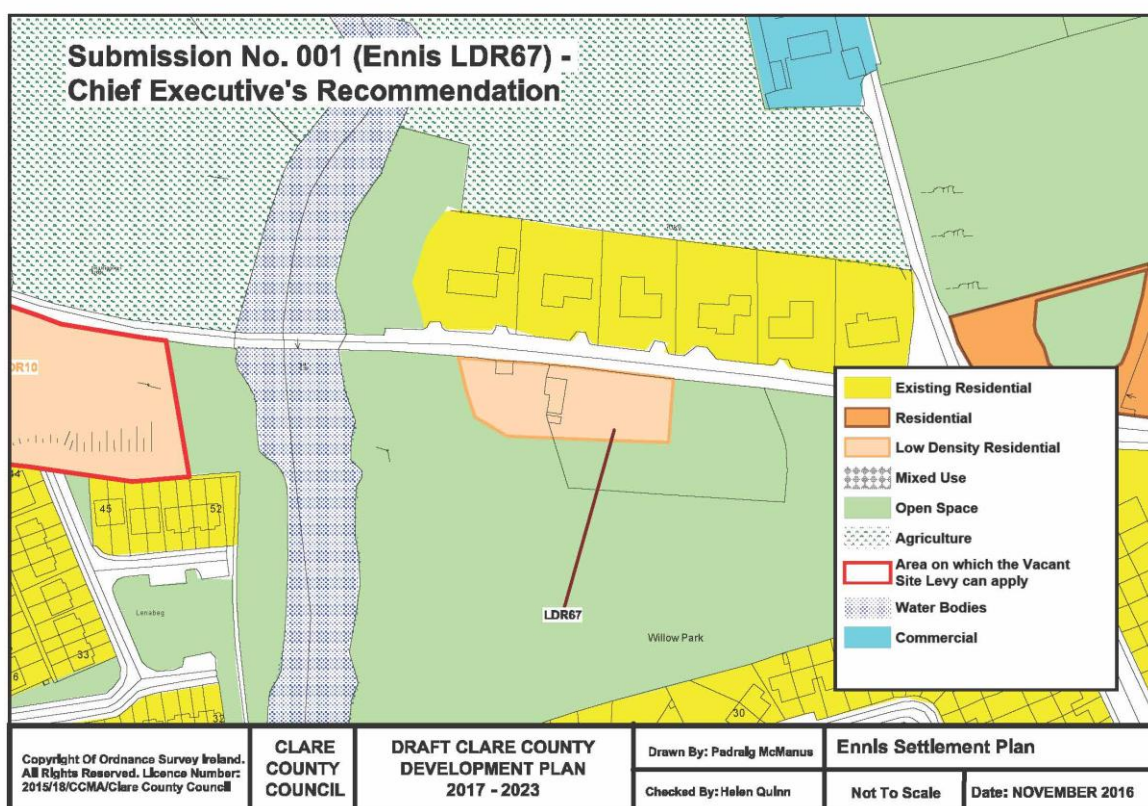
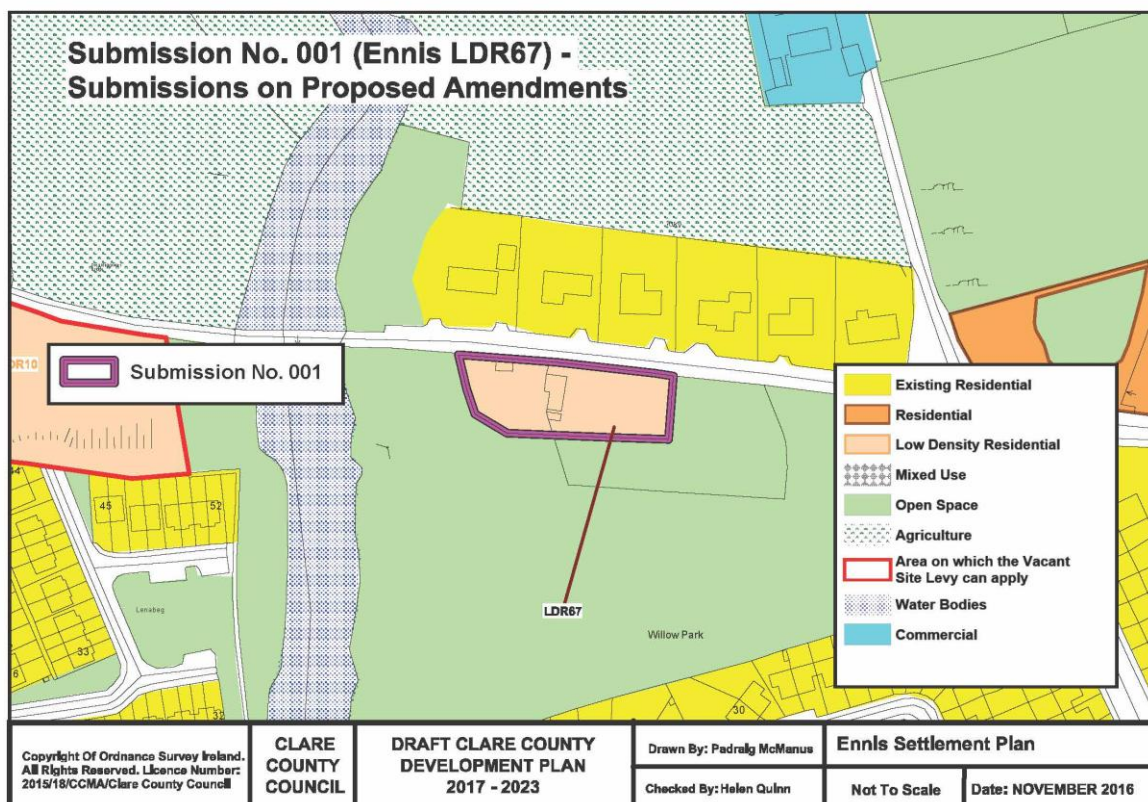


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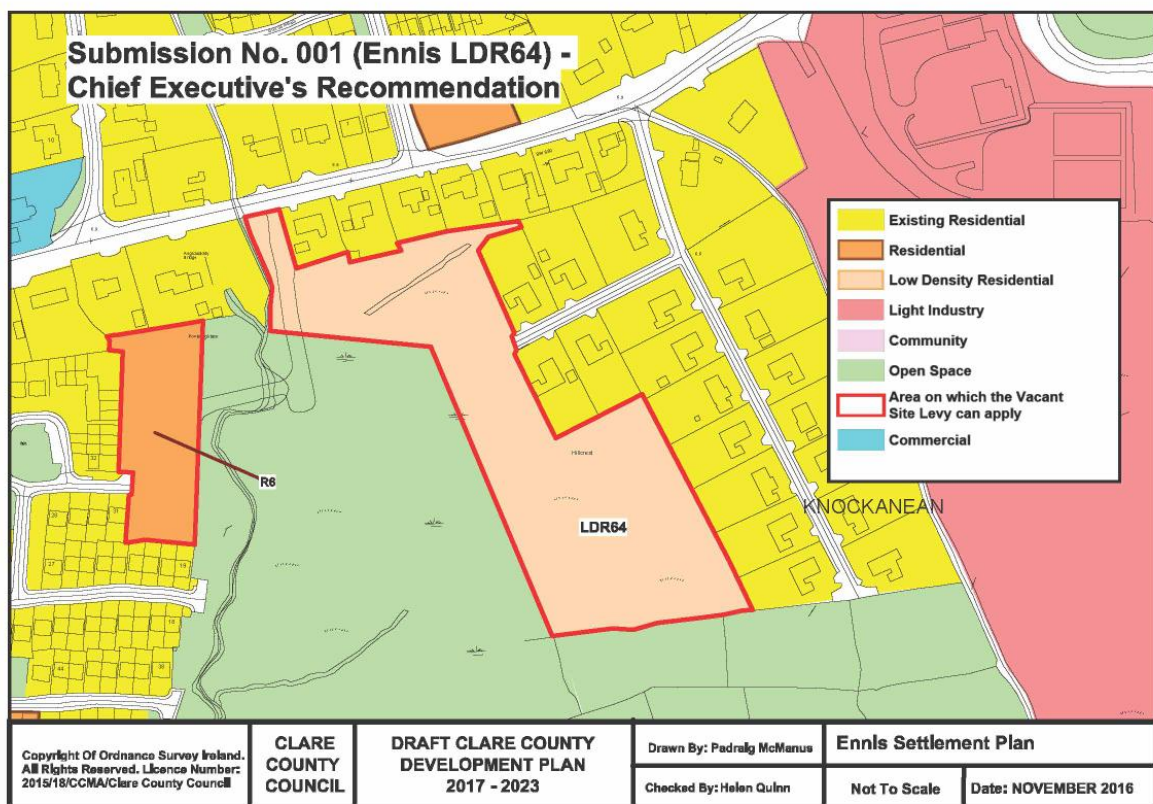
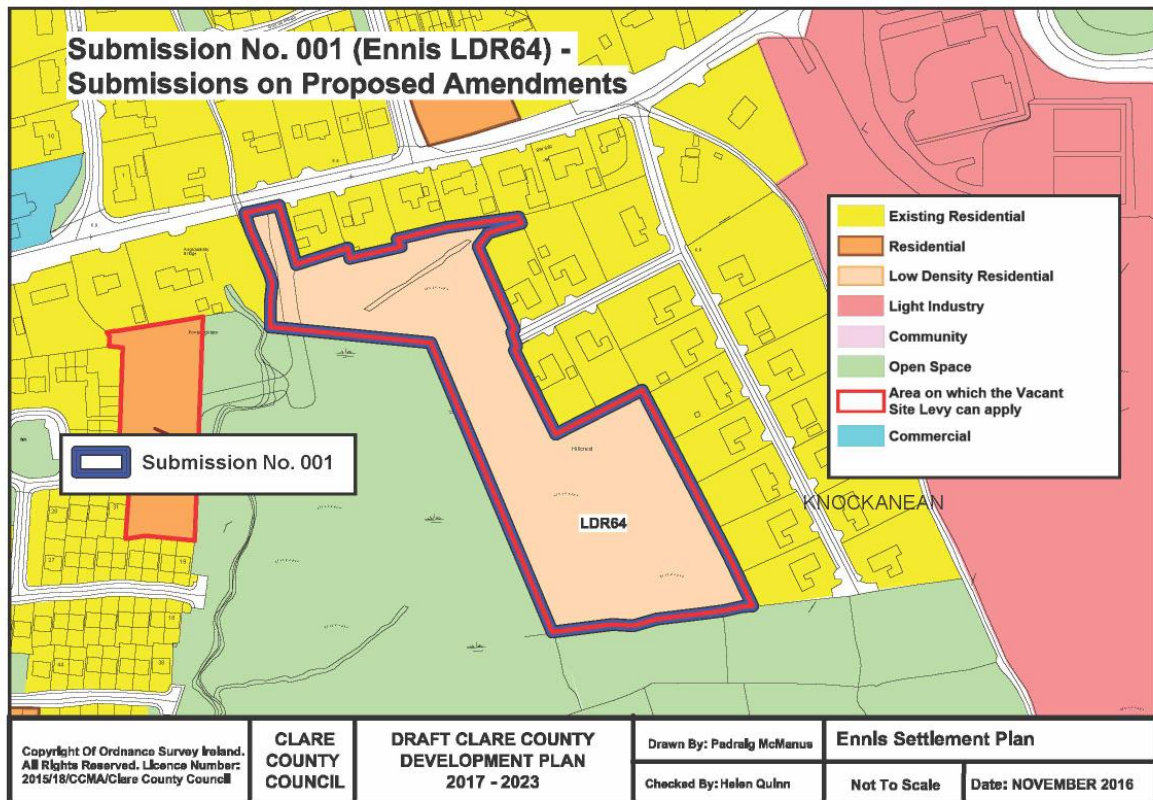


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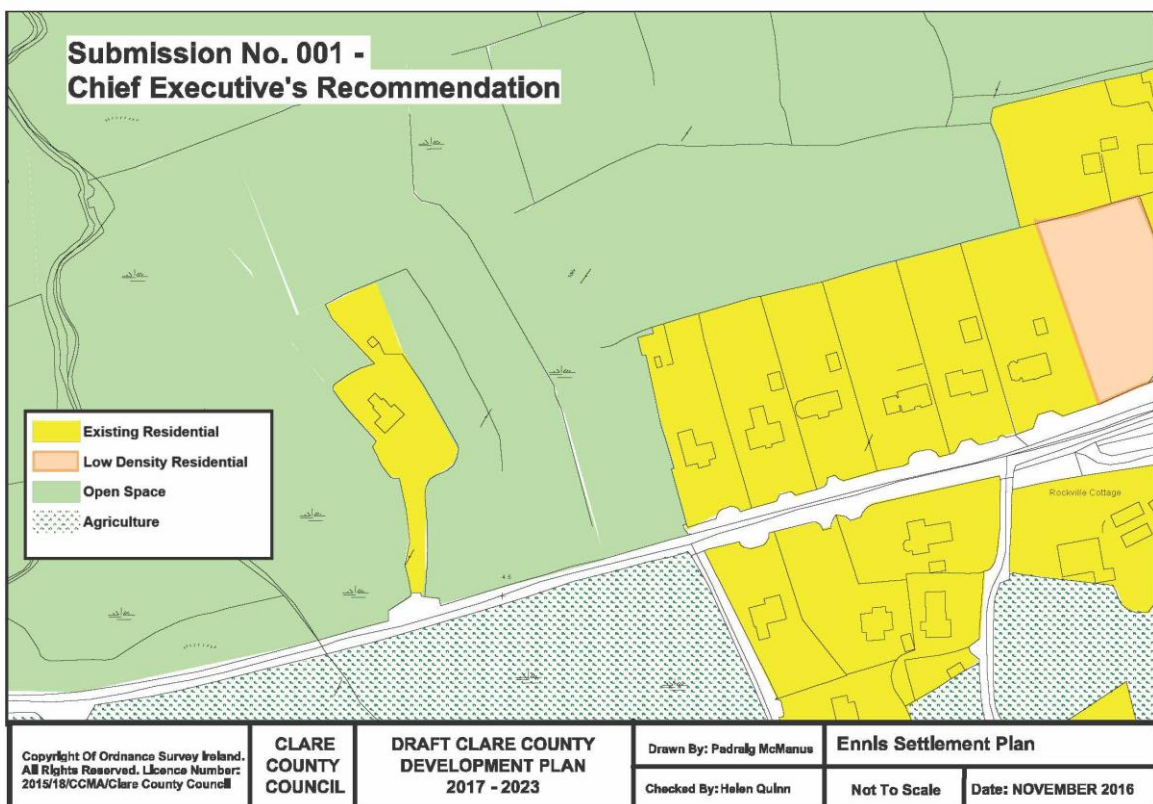
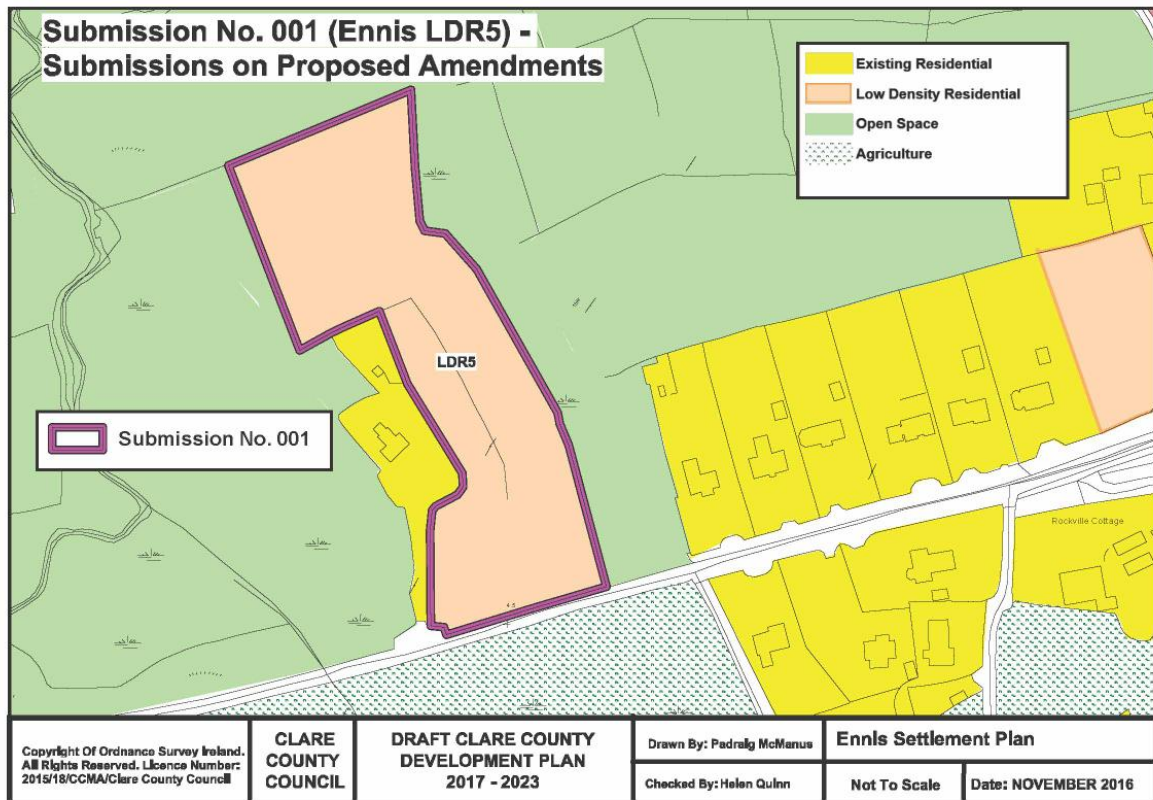




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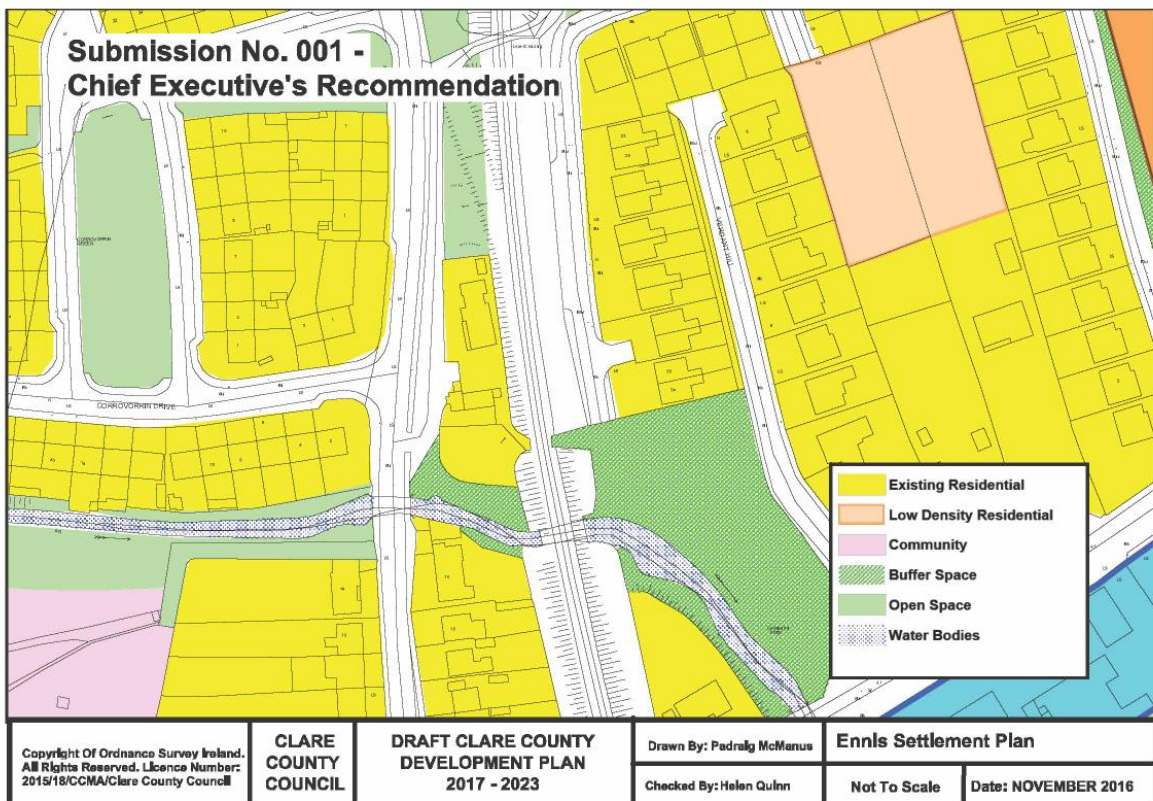
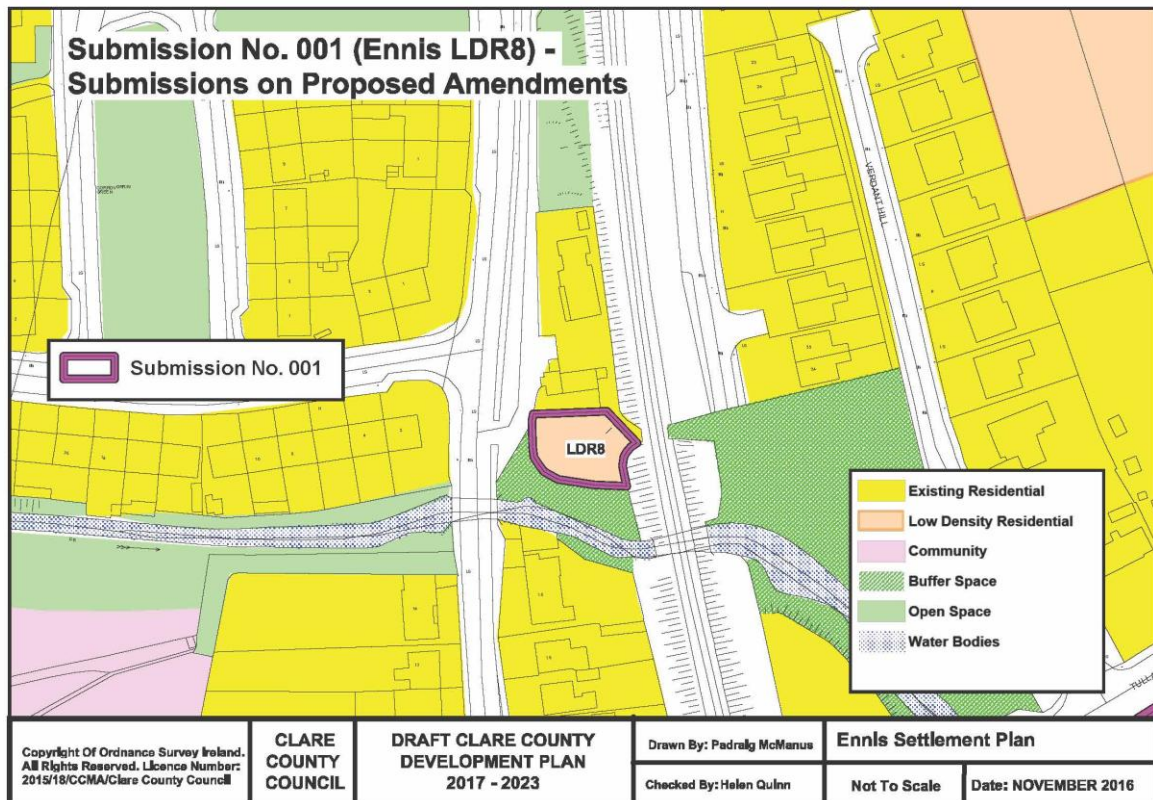


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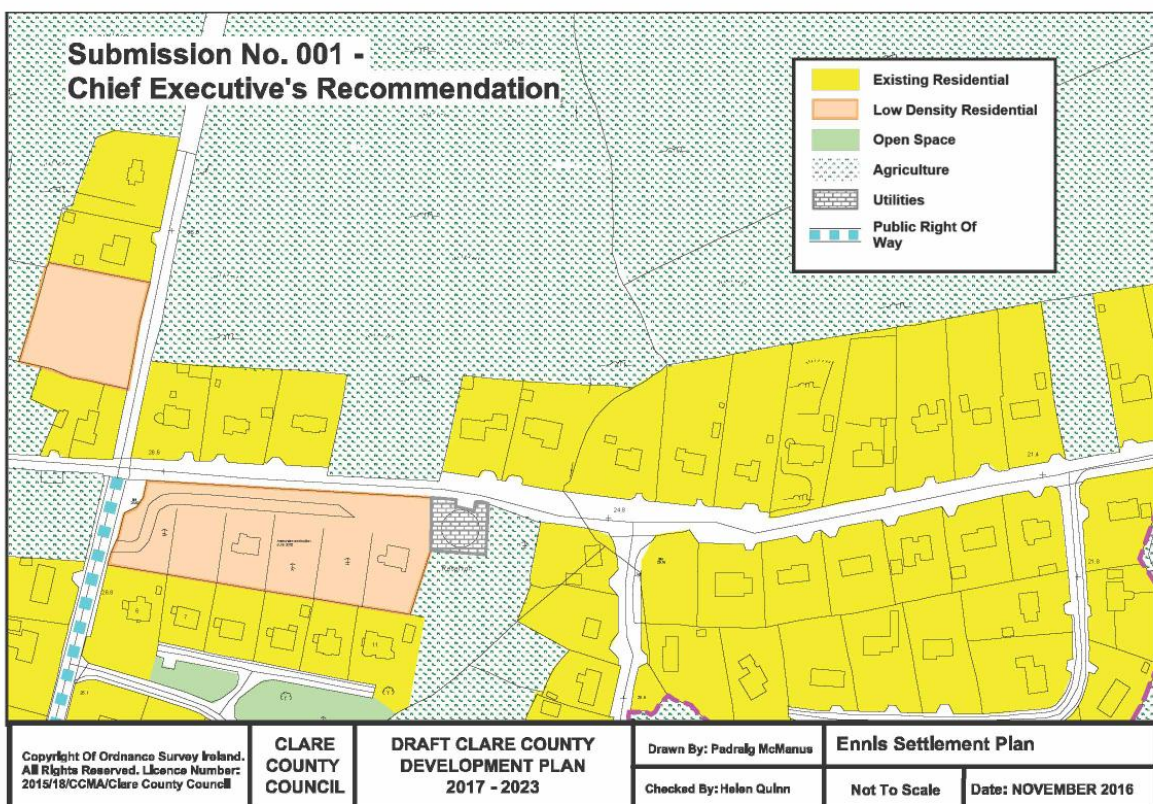
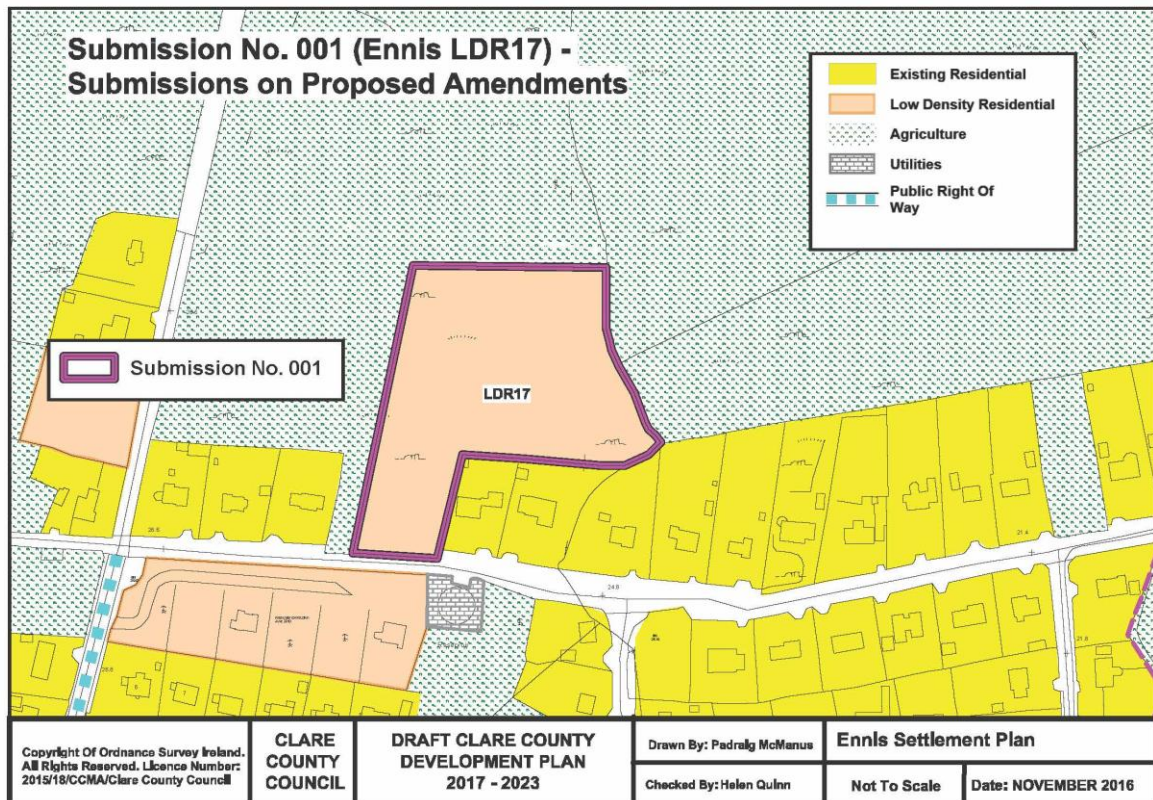


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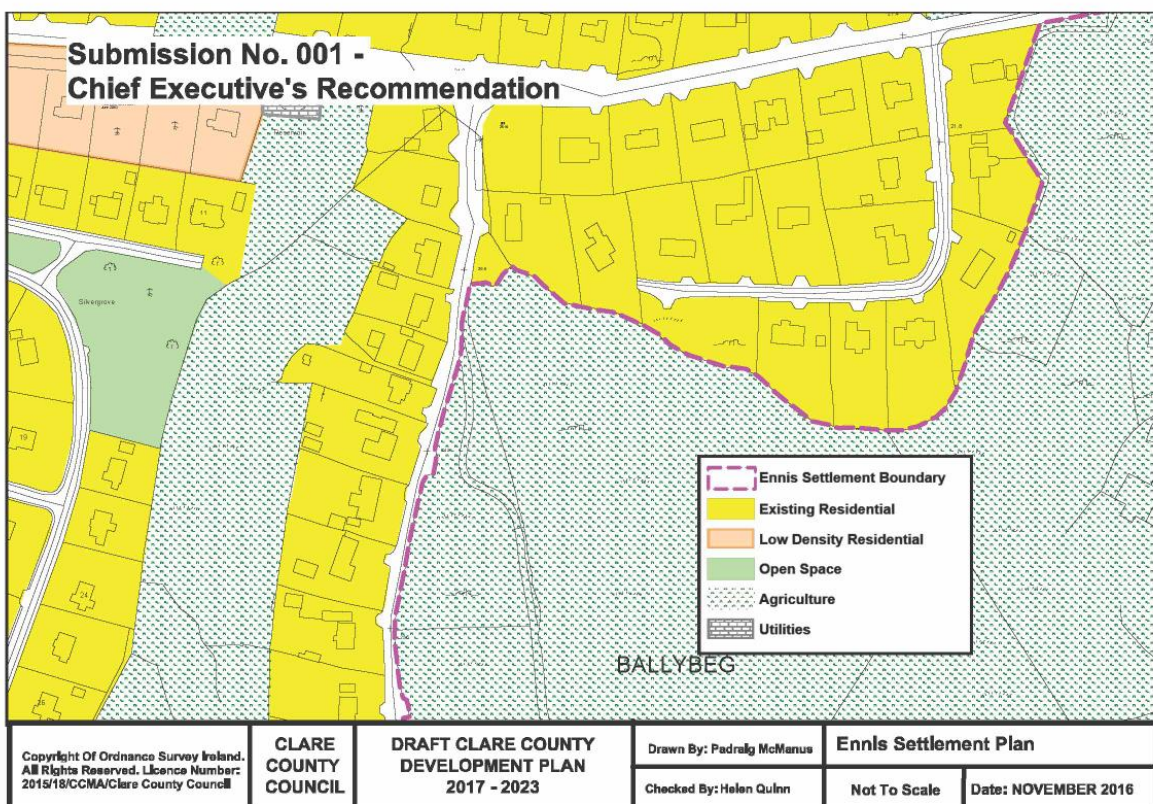
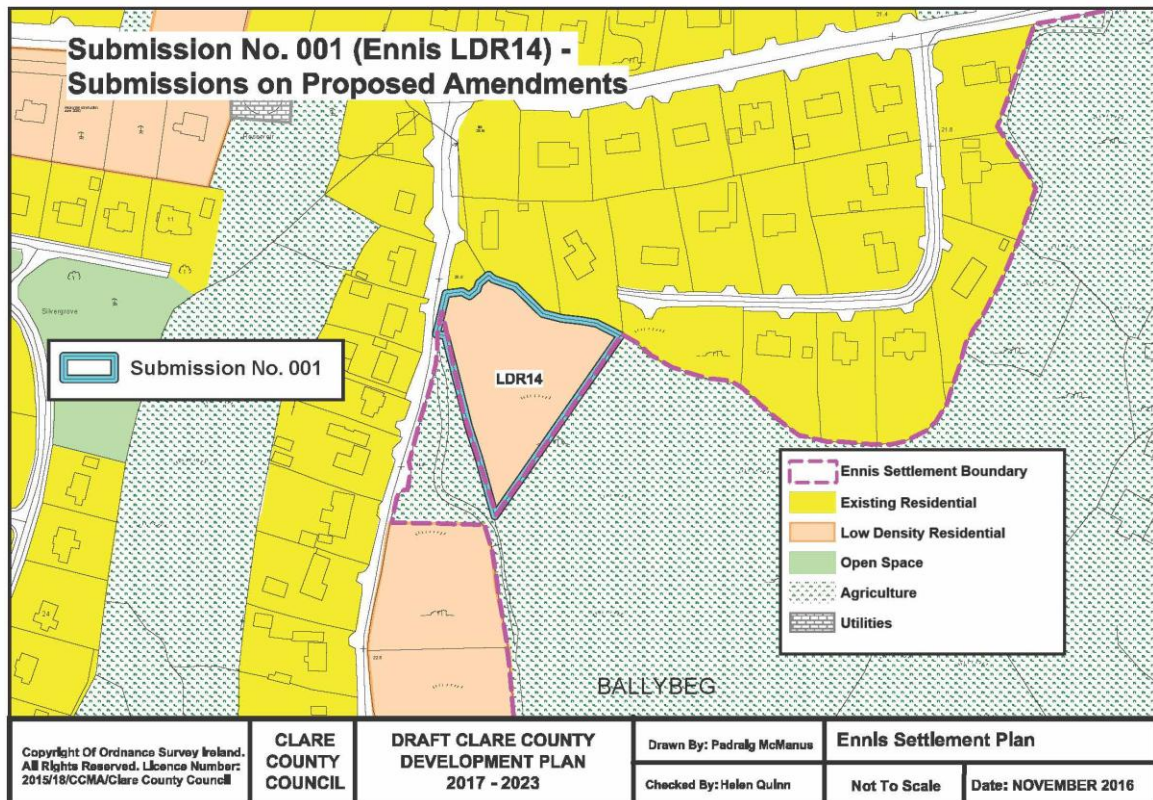


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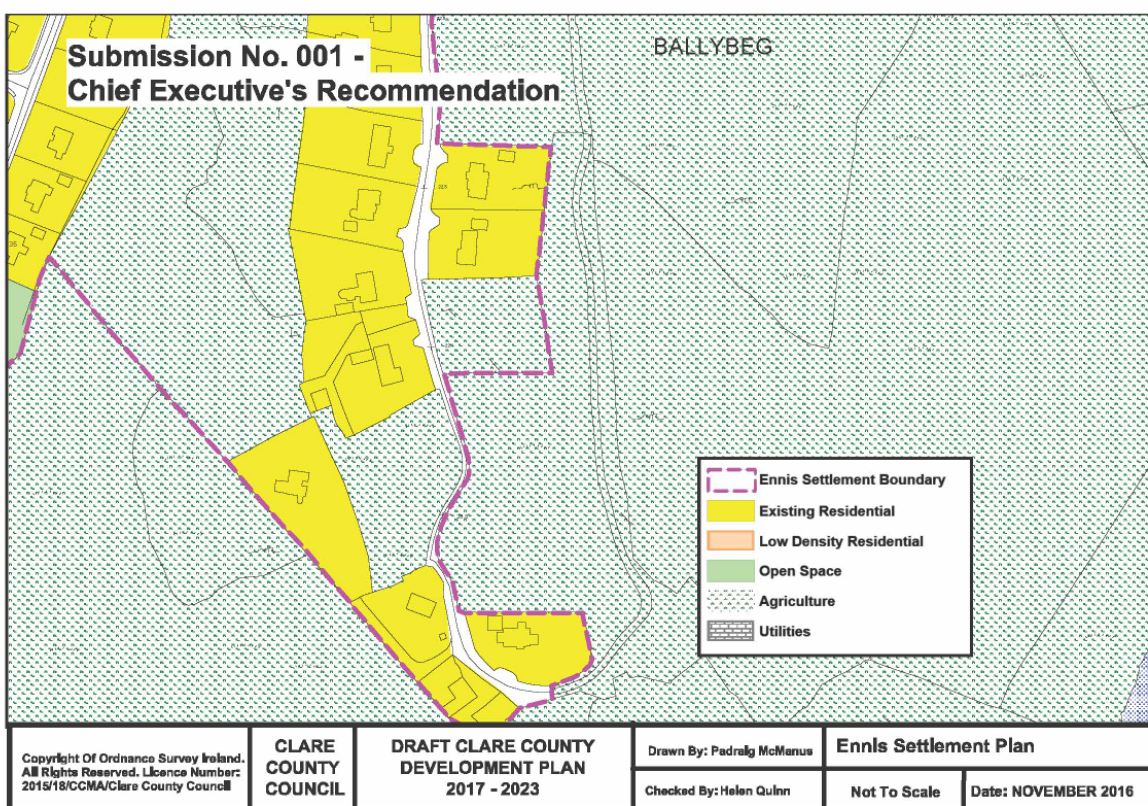
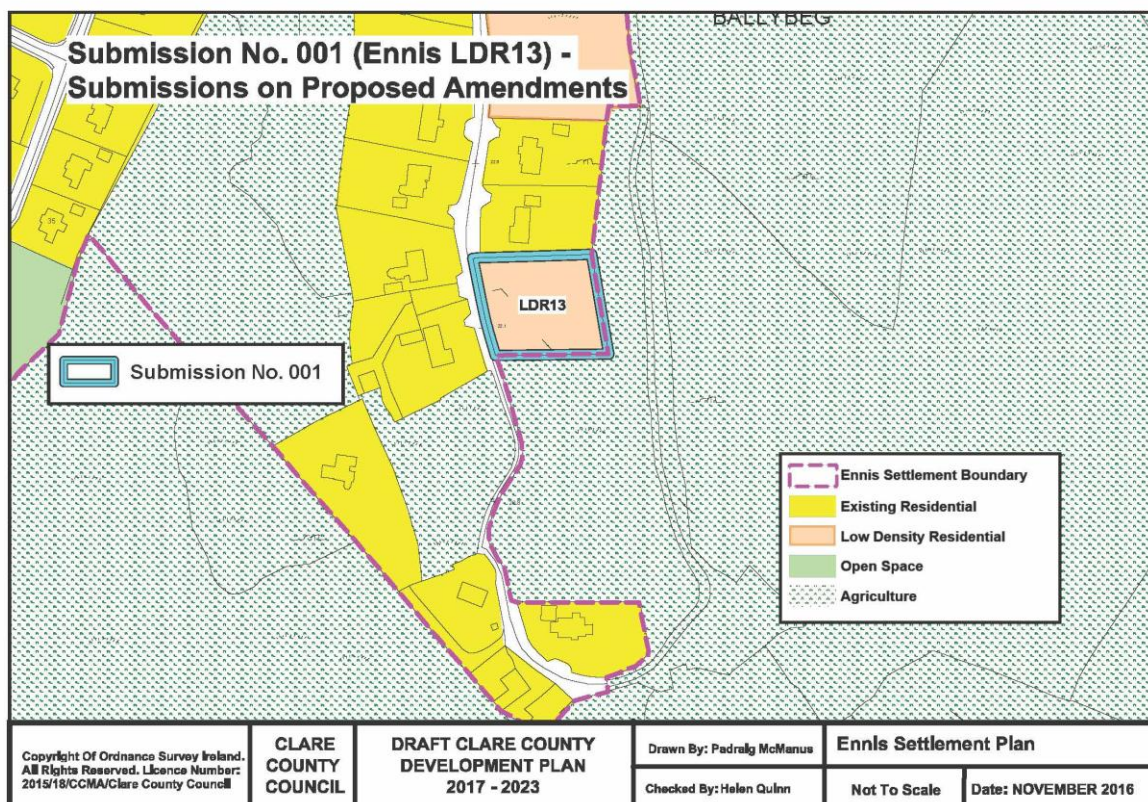


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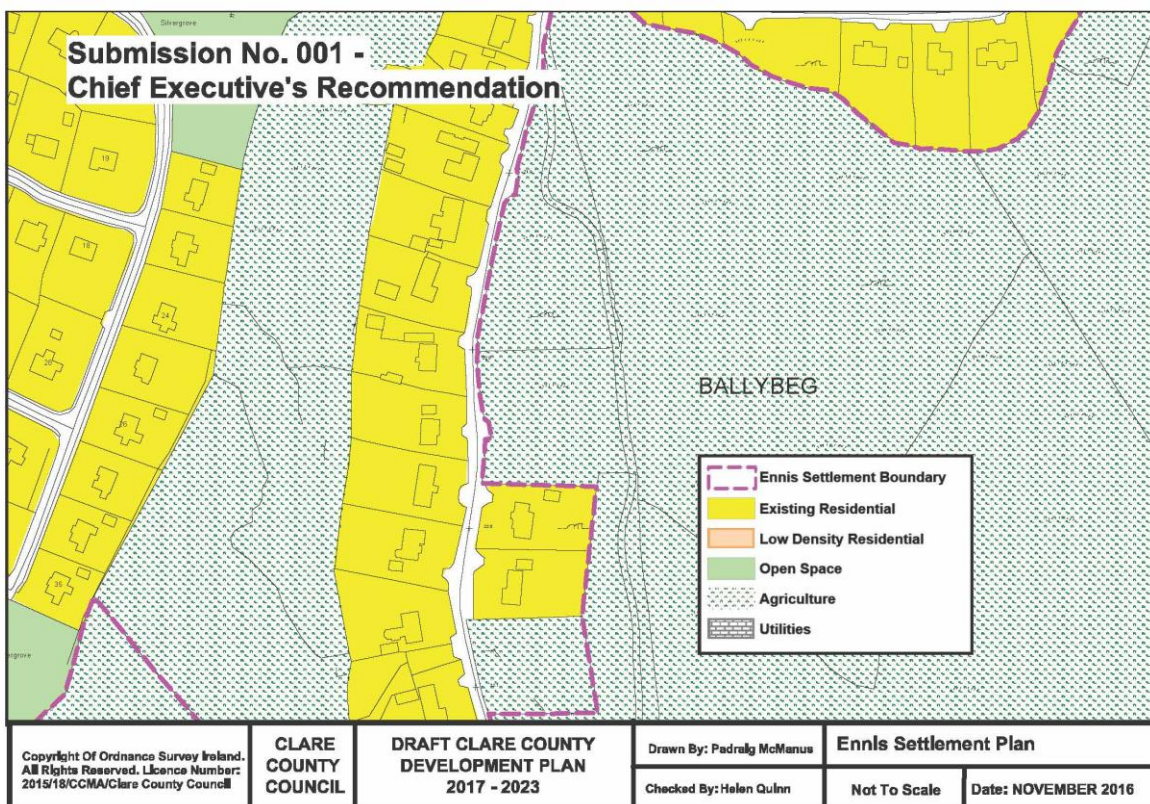
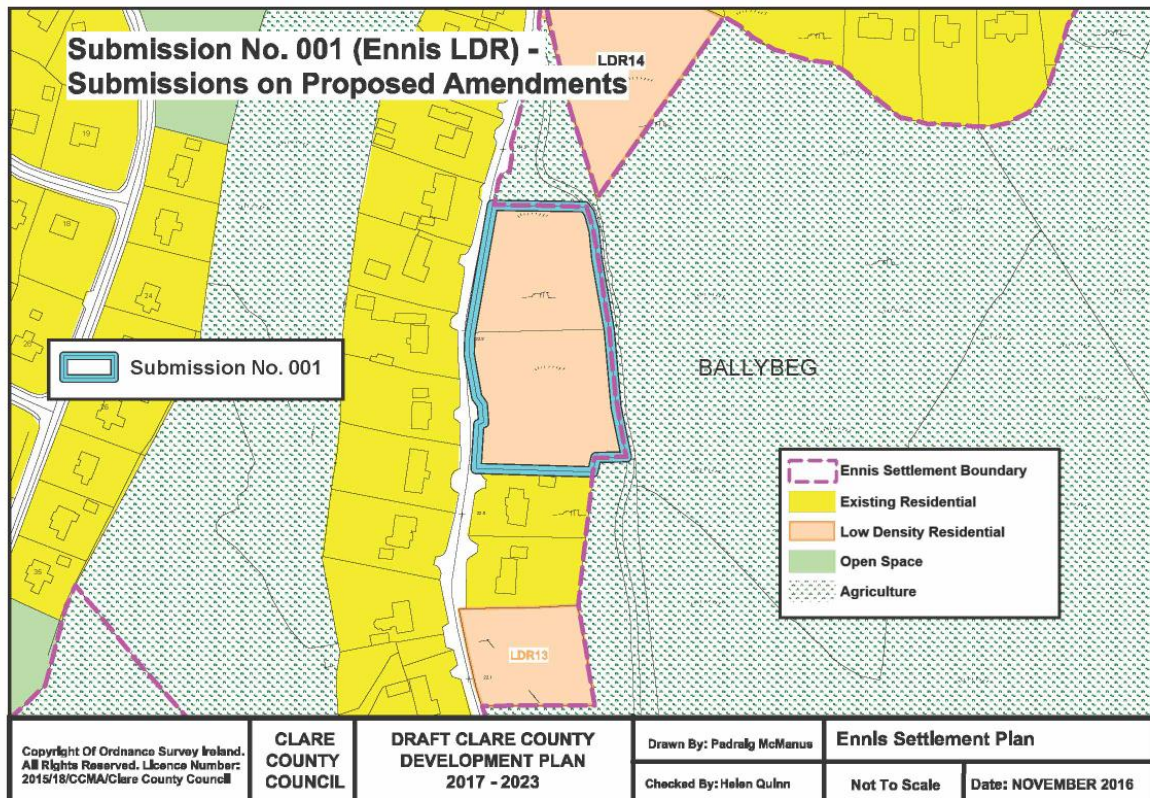


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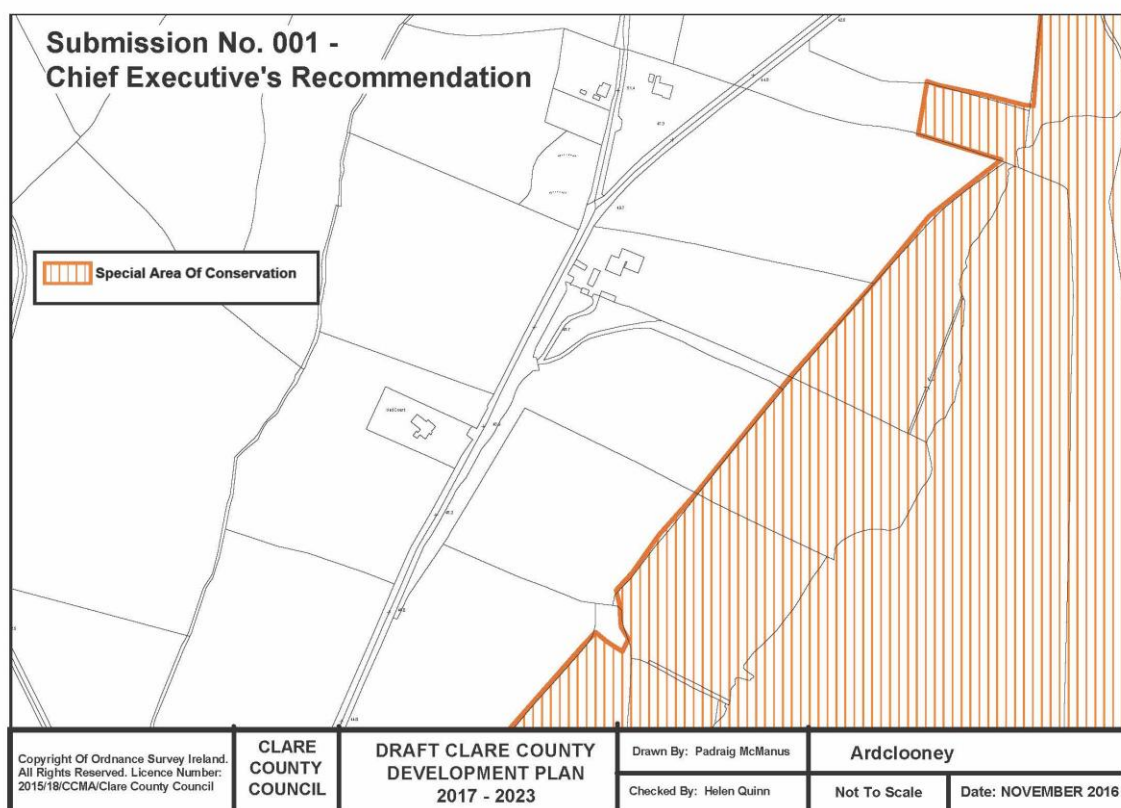
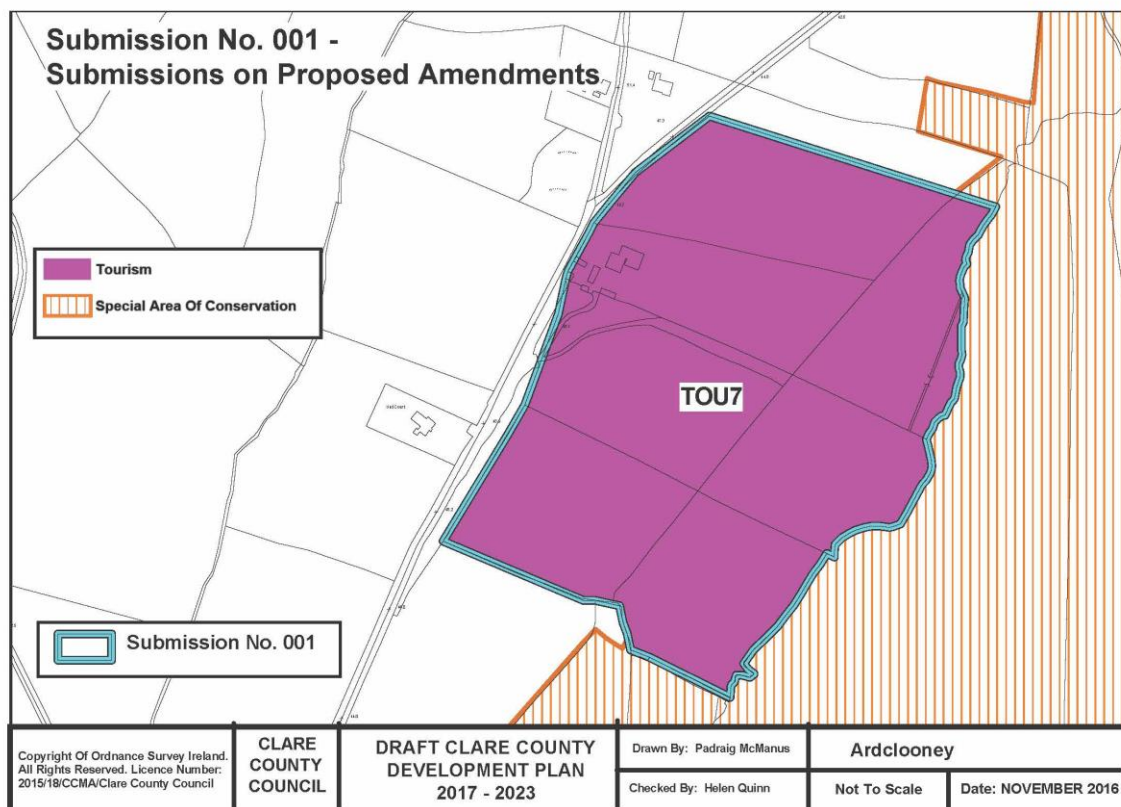


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## **Ref. 002 Environmental Protection Agency (EPA)**

### **Submission Summary**

In its submission the EPA acknowledge the notice regarding the Proposed Amendments to the Draft Clare County Development Plan 2017-2023.

#### SEA Determination

- The submission notes the position with regard to the need for Strategic Environmental Assessment (SEA) of the proposed amendments and a number of specific comments on the amendments are provided below which should be taken into account prior to adopting the Plan.
- The EPA's previous submission on the Draft Plan/SEA ER should be taken into consideration as appropriate and relevant to the proposed amendments.

#### Specific Comments on the Amendments

- The submission acknowledges the screening assessment of the amendments has identified a number of proposed land-use zoning related amendments which require further mitigation measures to minimise the potential for likely significant effects identified. These are noted and acknowledged and also the relevant recommendations necessary to avoid these potential significant impacts.
- The submission acknowledges the screening assessment for some of the proposed zoning land-use changes should not proceed or should be rezoned to less vulnerable uses.
- The submission advises to ensure the proposed amendments remain consistent with the Regional Planning Guidelines and County Core Strategy and in accordance with proper planning and sustainable development and that a commitment should be included to integrate the National Planning Framework and Regional Spatial Economic Strategies upon finalisation.
- The amendments should, where relevant and appropriate, fully integrate the requirements of the Planning System and Flood Risk Management Guidelines, 2009 and the relevant Shannon CFRAMS Flood Risk Management Plans. Also the requirements of the EIA, Habitats and Water Framework and Floods Directives need to be fully integrated as appropriate and relevant.
- Given the number of proposed amendments included where additional mitigation measures required to be implemented, the potential for cumulative effects should also be taken into consideration and assessed prior to the adoption of the Plan. There is also merit in highlighting whether the lands zoned/re-zoned in the amendments will be developed over the lifetime of the Plan and on a phased basis.

#### Future Amendments to the Plan

- Clare County Council should determine whether or not the implementation of the proposed amendments would be likely to have significant effects on the environment. This assessment should take account of the SEA Regulations Schedule 2A Criteria (S.I. No. 436 of 2004) and should be subject of the same method of assessment as undertaken in the "environmental assessment" of the Draft Plan.

#### SEA Statement – "Information on Decision"

- Following the adoption of the Plan and SEA Statement should summarise how environmental considerations have been integrated into the Plan.
- How the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of the Plan.
- The reasons for choosing the Plan as adopted in the light of other reasonable alternatives dealt with.
- The measures decided upon to monitor the significant environmental effects of the implementation of the Plan.

## **Chief Executive's Response**

I would like to thank the Environmental Protection Agency for their submission on the Proposed Amendments to the Draft Clare County Development Plan 2017-2023 and I respond to the observations made as follows:

### SEA Determination

I can confirm that the previous advice and recommendations made by the EPA have been fully taken into consideration as appropriate and relevant to the proposed amendments.

### Specific Comments on the Amendments

- I confirm that the proposed amendments will remain consistent with the Regional Planning Guidelines and County Core Strategy and will be in accordance with the proper planning and sustainable development.
- I can confirm that text has already been included under section 2.3.2 Mid-West Regional Planning Guidelines 2010-2022 (MWRPGs) in relation to Clare County Councils commitment to integrate the National Planning Framework and Regional Spatial Economic Strategies upon finalisation as follows;

*During the lifetime of this development plan the Mid-West Regional Planning Guidelines will be superseded by a Regional Spatial and Economic Strategy that will be prepared by the Southern Regional Assembly. Clare County Council will ensure that, upon its adoption, the key aspects of the Regional Spatial and Economic Strategy are integrated into the Clare County Development Plan 2017-2023.*

- I can confirm that the amendments will, where relevant and appropriate, fully integrate the requirements of the Planning System and Flood Risk Management Guidelines, 2009 and the relevant Shannon CFRAMS Flood Risk Management Plans. Also the requirements of the EIA, Habitats and Water Framework and Floods Directives will be fully integrated as appropriate and relevant.
- I confirm that the proposed amendments will be assessed for the potential for cumulative effects prior to the adoption of the Plan.
- In relation to the development of lands which are zoned in the Plan in line with the Core Strategy where appropriate, an indication as to whether the lands are to be developed on a phased basis is included within the relevant volumes.

## **Chief Executive's Recommendation**

I recommend no change to the Proposed Amendments to the Draft Clare County Development Plan 2017-2023 on foot of this submission.



## **Ref. 003 Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs**

### **Submission Summary**

In the submission the Department has made a number of observations in the context of the Department's role in relation to nature conservation, including as an environmental authority under SEA legislation. The Department highlights that their observations are not exhaustive and are offered to assist the Council in meeting the nature conservation obligations that arise in respect of the final plan, and the appropriate assessment and SEA which have yet to be carried out.

#### Previous Submissions and Consultations

The Department highlights the advice provided through previous written submissions and direct consultation some of which have been re-submitted with the current submission and indicates it's expectation for the points raised within them to have been or will be taken into account where relevant and still valid.

#### Completion of the Council's appropriate assessment

In the submission the Department highlights the role of Clare County Council as the competent authority for carrying out the appropriate assessment of the County Development Plan and further outlines the requirement for the inclusion of a determination by the Council in relation to adverse effects and the pending requirement to prepare an appropriate assessment.

#### Process of appropriate assessment

The Department highlights a number of examples from the introductory section of Volume 10 *Addendum to Environmental Assessments* which require rewording specifically in relation to the use of the terminology surrounding appropriate assessment. The Department indicates that a clear distinction must be made within these examples and throughout the Plan documentation between the appropriate assessment as a process and the NIR and addenda as documents or reports necessary to inform that process.

The Department highlights the requirement for Clare County Council to take into consideration the following when preparing the appropriate assessment;

- The Natura Impact Report
- Addendum to Environmental Assessments
- Content of submissions
- Case law
- Best scientific knowledge
- Conservation objectives and site integrity information for European sites

#### Case Law

The Department highlights the councils responsibility in resolving scientific uncertainties or discrepancies in light of recent judgements (Balz and others versus An Bord Pleanála) and how the final determination should demonstrate how the differences in scientific opinion or conclusions were addressed, including how the differences in scientific view was preferred over another noting the standards required for appropriate assessment. The Department highlights that as their submission at draft plan stage is not addressed directly in the current plan documentation which is on display, the Council must consider whether its response to the key concerns regarding plan effects on European sites in the Chief Executive's Report of 16/05/15 suffices to meet the standards required.

#### Matters relating to the content of the plan

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The Department reiterates the point raised in relation to the use of terminology relating to the appropriate assessment process throughout all plan documents. The Department suggests the Council considers whether the various references to compliance with EU Directives in plan objectives and text should be amended and expanded to specify compliance with the national legislation that implements or transposes these directives.

The Department further highlights 8 specific locations within Volume 1 text and objectives which require review in relation to terminology and reference to Directives and/or legislation.

### Matters relating to material alterations

The Department notes the many changes or amendments of land use zonings together with the general commentary contained in the Addendum to Environmental Assessments report. It further notes that no ecological or environmental information is presented to identify key constraints or potential impediments to future development that may exist, including possible contraventions or protective ecological and environmental objectives in the plan.

### Plan level mitigation

The Department notes the approach taken in regard to compliance with relevant legislation and highlights that this is already a legal requirement. It goes on to highlight that this requirement also applies where damage to European sites is caused through deterioration of natural habitats or significant disturbance to species as a result of exacerbation by development objectives in the plan.

In relation to the support and promotion through plan objectives of the use of trails, greenways and other natural sites and features, including for amenity, recreation and tourism purposes (e.g. Cliffs of Moher trail, the Loop Head trail, and tourism and amenity developments in and around Lough Derg) the Department is of the view that it is unlikely that direct impacts on the European sites can be avoided. The Department outlines that the NIR should demonstrate how mitigation measures will address, mitigate and ameliorate the adverse effects that may result from a plan and its implementation.

The Department recommends a precautionary approach should be taken in relation to the residual effects of the plan following the implementation of plan-level mitigation measures.

In conclusion, in relation to plan level mitigation the Department concludes that it cannot be excluded at present that aspects of the plan, including the objectives it contains, will have or perpetuate adverse effects on the conservation objectives and integrity of one or more European sites.

### Duties of a public authority

The Department brings to the Council's attention Regulation 27 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (The 2011 Regulations), as this places duties on all public authorities in relation to European sites that should be reflected in the plan commitments and the associated assessments. The Department highlights the Council's responsibility to ensure compliance and prevent deterioration of natural habitats and the habitats of species. In doing so the Department advises that in achieving this, the council could include the development of systems and internal mechanisms that will monitor and ensure the compliance of 'downstream' projects with these obligations, and ensure the appropriate assessments for future projects meet the standards required. This is particularly relevant to the plan-level mitigation specified.

### The Burren National Park

The Department refers to its earlier comments on the references made to the Burren National Park in the Draft Development Plan. It notes that some amendments have been made to set the context of the park based on the Department's previous submission however it re-iterates previous comments made here again. The Department outlines their views on objective CDP 14.6 in relation to the drafting of a management plan for the national park prior to the inclusion of some more

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concrete objectives or policies on how the park should be development and managed within the CDP.

### **Chief Executive's Response**

I recommend the following minor modifications to the text and terminology used in the Draft Clare County Development Plan 2017-2023 as follows:

#### Previous Submissions and Consultations

I thank that the Department of Arts, Heritage, Regional and Gaeltacht Affairs for their submission and I would like to respond to the issues raised as follows:

I can confirm that the previous advice and recommendations made by the Department have been fully taken into account as follows:

- DAHG Ref: FP2015/001 (dated 6<sup>th</sup> March 2015). Review of existing Clare County Development Plan 2011-2017 and preparation of a new County Development Plan 2017-2023;
- DAHG Ref: FP2015/021 (dated 20<sup>th</sup> March 2015)
- DAHG Ref: FP2015/119 (dated 29<sup>th</sup> February 2016) Draft Plan Stage
- Notes from meeting held on the 20<sup>th</sup> March 2015

#### Completion of the Council's appropriate assessment

- I note the point made in relation to the role of Clare County Council as the competent authority for carrying out the appropriate assessment of the County Development Plan and the requirement for the inclusion of a determination by the Council in relation to adverse effects and the pending requirement to prepare an appropriate assessment.
- I confirm that Clare County Council will carry this out in compliance with Part XAB, Section 177V of the Planning and Development Act, 2000 as amended.
- In relation to the terminology surrounding appropriate assessment I confirm that the text highlighted in the submission arising from the introductory section of Volume 10 *Addendum to Environmental Assessments* will be amended to make a clear distinction between appropriate assessment as a process and the NIR and addenda as documents or reports necessary to inform the process. In addition, all other plan documentation will also be amended to make this distinction.
- I confirm that Clare County Council will take the following into consideration when preparing the appropriate assessment;
  - The Natura Impact Report
  - Addendum to Environmental Assessments
  - Content of submissions
  - Case law
  - Best scientific knowledge
  - Conservation objectives and site integrity information for European sites

#### Case Law

- I confirm that Clare County Council as the decision making authority will address and resolve scientific uncertainties or discrepancies in the final determination and demonstrate how the differences in scientific opinion or conclusions were addressed, including how the differences in scientific view was preferred over another noting the standards required for appropriate assessment.

#### Matters relating to the content of the plan

- I confirm in relation to the terminology surrounding appropriate assessment that all plan documentation will be amended to make a clear distinction between appropriate assessment

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as a process and the NIR and addenda as documents or reports necessary to inform the process.

- I confirm the Council will propose a recommendation to amend objective CDP2.1 to make reference to all relevant transposing national legislation of relevance to nature protection.
- I confirm that the text highlighted in the submission in relation to Volume 1 text and objectives which require review in relation to terminology and reference to Directives and/or legislation will be undertaken.

### Matters relating to material alterations

- In relation to the Departments concerns as to the use of ecological or environmental information to inform the assessment I would like to highlight the following;
  - Where there were proposed amendments that were predicted to have adverse effects on the integrity of European Sites, the AA team recommended either their removal, amendment of the zoning layout, insertion of buffer zones or addition of mitigation measures that would remove the potential for adverse effects on integrity of European Sites, as deemed applicable.
- No zonings or objective are recommended, that when implemented as set out in the CE Report and Plan (incorporating mitigation measures and in full compliance with the rest of the Plan), would result in adverse effects on integrity of European Sites in terms of their Conservation Objectives.
- Scientific assessment has included consideration of the sensitivity of the Qualifying interests to certain impact types, the favourable conservation status of the feature, its status as set down in Article 17 reports and any location specific data that may be relevant and available at this strategic plan level of assessment.
- Best scientific knowledge has been represented by data held by NPWS and published as supporting documentation for European sites, Article 17 reports and survey reports and data held by Clare County Council. Much of this data was collated as part of the overall process of preparation of the NIR for the Draft Plan and was again used to inform the assessment of the proposed amendments. In addition, data sets available through Biodiversity Ireland, EPA EnVision and EDEN databases, NPWS amongst others were again interrogated to inform the assessment of the potential for significant effects on European sites from the proposed amendments.
- Baseline data such as Lesser horseshoe bat roosts, water quality, invasive species records and other ecological data held by Clare County Council were used in a GIS database to identify geographic sensitivities. Changes over time for various qualifying interests was determined by reference to data at a national scale as local data was often not available.

### Plan level mitigation

- In relation to the Departments concerns in regard to the potential for significant effects arising from objectives in the development plan relating to amenity, recreation and tourism, no zonings or objective remain, that when implemented as set out in the Plan (incorporating mitigation measures and in full compliance with the rest of the Plan), would result in adverse effects on integrity of European Sites in terms of their Conservation Objectives.
- Whilst there is potential for increased visitor numbers as a result of the development of additional tourism, recreation and/or amenity facilities, any proposals will be screened for appropriate assessment at project level and this will remove any unsustainable proposals from going forward. It is regarded that there are sufficient caveats/conditions in relation to these various objectives pertaining to specific locations such as Loop Head or more general recreation related objectives to ensure that its implications do not pose adverse effects on the integrity of the sites.
- As a general rule, the requirement for assessment at lower level plans and projects has not been stated as it is a matter of law that screening is required. However, in some cases this requirement has been stated to reinforce its application at the lower level.
- To further reinforce this point the following states in generic terms how the mitigation measures will ensure that no adverse effects on site integrity will result;

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This section discusses how the Objectives have addressed the potential for adverse effects on European sites. It selects examples from Table C1 to demonstrate the approach that has been taken for certain impact types:

1. **Objectives that reinforce statutory requirements e.g. CDP12.1, CDP9.25, CDP9.3, CDP9.4.** As a general rule, the requirement for assessment at lower level plans and projects has not been stated as it is matter of law that screening for appropriate assessment is required. However, in some cases this requirement has been cross referenced to objective CDP2.1 to reinforce its application at the lower level. Development applications that do not follow statutory requirements will not be permitted.
2. **Objectives that place conditions and caveats e.g. CDP9.4, CDP14.27, RES8.2.** This type of mitigation measure will only allow specific development to be considered if it can be shown to have considered specific aspects in the application documentation – usually in the provision of information to the local Authority to allow them to carry out Screening for appropriate assessment.
3. **Objectives that lack geographic specificity.** In several cases the objective may not be expressed with reference to defined locations to permit a “complete” assessment in so far as site-specific impacts could be described. In such cases it was determined, given the nature of the Objective, as to whether impacts could be better avoided and proposals assessed at the project stage when project details are known.

### Duties of a public authority

- I confirm that Clare County Council are fully aware of their obligations under Regulation 27 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (The 2011 Regulations), in ensuring compliance and prevention of deterioration of natural habitats and the habitats of species.
- The council ensures compliance and already have in place a system of monitoring which ensures the compliance of ‘downstream’ projects with these obligations through the Development Management process. At this level, projects are conditioned for example in relation to discharge limits, ongoing site monitoring of turbidity, BOD and pH levels etc to prevent and ensure no deterioration of habitat quality or of species. These conditions are monitored by the council through the requirement for the provision of compliance reports.

### The Burren National Park

- Clare County Council is aware of the need for an overall management plan for the park that will take a comprehensive, holistic approach to over-arching issues such as traffic management, signage, access and environmental protection. However, one of the stated roles of the Heritage Division of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, of which the National Parks and Wildlife Service is part, is “to manage, maintain and develop State-owned National Parks and nature reserves” ([www.npws.ie/about-npws](http://www.npws.ie/about-npws)). I also note that the NPWS have an overseeing role in “Policy and management of National Parks and Reserves, Nature Services strategy, Finance and Regional operational procedures (including enforcement and health and safety)”. It is therefore our understanding that responsibility for the overall management of the National Park rests with the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs through the National Parks and Wildlife Service of that Department. However, as the Park exists within a rural setting and its successful management depends upon positive relations and co-operation with a broad range of local interests and statutory agencies, Clare County Council, as a key stakeholder, will be fully supportive of the preparation of a plan and/or comprehensive policies for the Burren National Park by the DAHRRGA and the Council will endeavour to engage, contribute and cooperate in the process of preparing such a Plan or policies. However, I do not consider it to be the responsibility of Clare County Council to take the lead role in the management of the National Park. I consider Objective CDP14.6 to be appropriate and necessary and I recommend that it remains unaltered in the Draft Plan. In addition, I feel it is not appropriate to consider the inclusion of additional policies or objectives relating to signage, traffic, access etc as I consider it premature in light of the current study which is underway by the Department in relation to a Traffic and Visitor Management Plan which is addressing traffic management, visitor

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management, conservation management of visitor impacts together with significant consultation with not only Clare County Council but also with the wider community, statutory and non statutory authorities and the many stakeholders with a vested interest.

### Chief Executive's Recommendation

#### Vol. 10. (Addendum to Environmental Assessments) Section 1.1

The Draft Clare County Development Plan 2017-2023 was prepared in accordance with Sections 11 and 12 of the Planning and Development Act 2000 (as amended). As part of the Draft Development Plan, a Strategic Environmental Assessment (SEA), a **Natura Impact Report** ~~Appropriate Assessment (AA)~~ and a Strategic Flood risk Assessment (AFRA) were undertaken

~~An Appropriate Assessment~~ **A Natura Impact Report** was also ~~undertaken~~ **prepared** on the Draft Plan in order to comply with the Habitats Directive and transposing Regulations and a Strategic Environmental Assessment in accordance with the SEA Directive.

#### Vol. 10. (Addendum to Environmental Assessments) Section 8.0

This Addendum to the Environmental Assessments which were prepared as part of the Draft Clare County Development Plan 2017-2023 presents the findings **of the assessment carried out in compliance with the Habitats Directive for likely significant effects** ~~of Screening for Appropriate Assessment and the Appropriate Assessment~~ together with the assessment of the proposed amendments under the Strategic Environmental Directive.

The ~~Screening for Appropriate~~ **Addendum to the Environmental Assessment** identified that there was potential for likely significant effects arising from 15 of the proposed amendments. Accordingly, ~~Appropriate Assessment~~ **a full Habitats Directive Assessment** was undertaken to ensure that potential adverse effects on the integrity of the European sites were avoided.

#### Vol. 1. Section 2.4.6

This Core Strategy has also been informed by Strategic Environmental Assessment (SEA) and ~~Appropriate Assessment (AA)~~, **the Natura Impact Report**, which were undertaken as parallel processes in tandem with each stage of the development plan preparation.

#### All Plan documents

All Plan documentation will be reviewed regarding the terminology used to request 'appropriate assessment screening' and in relation to 'NIR' and 'appropriate assessment' in light of the requirement for Clare County Council as the competent authority to undertake appropriate assessment and to make the clear distinction between the appropriate assessment as a process (which includes decision making), and the NIR and addenda as documents or reports necessary to inform that process.

#### Matters relating to the content of plan

c) To require compliance with the objectives and requirements of the Habitats Directive, specifically Article 6(3) and where necessary 6(4), Birds, Water Framework, and all other relevant EU Directives **and all relevant transposing national legislation**.

#### Vol. 1. Section 1.1.3

"It is ~~a requirement of the Habitats Directive~~ **necessary** to incorporate or assimilate into the plan ~~that any~~ mitigation measures or measures proposed to avoid **or ameliorate the (potential) adverse effects impacts** on European sites ~~be incorporated~~ into the policy or detail of the Clare County Development Plan 2017-2023"



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c) To require compliance with the objectives and requirements of the Habitats Directive, ~~specifically Article 6(3) and where necessary 6(4),~~ Birds, Water Framework, ~~and~~ all other relevant EU Directives ~~and all relevant transposing national legislation.~~

Plan Objectives

Objective CDP9.4 Tourism Developments and Tourist Facilities – amend objective to read:

c) Development proposals ~~must be in compliance with Objective CDP2.1 must be accompanied by an Appropriate Assessment Screening Report and/or Natura Impact Statement, whichever is deemed necessary.~~ The proposal should clearly identify the spatial extent of any tourism activities and should address the implications of increased recreational disturbance (both in isolation and in combination with other tourism activities) on any European sites as a result of increased tourism and recreation in the area/County, taking into account any current pressures on these Sites.

All text within the various volumes of the Plan will be reviewed in relation to the requirements for screening and appropriate assessment and amended in line with the change to objective CDP9.4.

Objective CDP14.3 Requirement for Appropriate Assessment under the Habitats Directive– amend objective to read:

a) To implement Article 6(3) and where necessary Article 6(4) of the Habitats Directive and to ensure that Appropriate Assessment is carried out in relation to works, plans and projects likely to impact on European sites (SACs and SPAs), whether directly or indirectly or in combination with any other plan(s) or project(s). ~~All assessments must be in compliance with the European Communities (Birds and Natural Habitats) Regulations, 2011.~~

b) To have regard to 'Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities 2009' or any updated version.

Volume 1 Section 14.3.3 Appropriate Assessment

In accordance with the ~~Birds and Natural Habitats Regulations 2011 EU Habitats Directive~~, any plan or project ~~which is not directly connected with or necessary to the management of a European site~~ must be screened for appropriate assessment (by the Council) to establish if there is potential for significant effects on a European site and to determine if an appropriate assessment (by the Council) is required.

If the Appropriate Assessment indicates that ~~there is an adverse effect on the integrity of a site (and in the absence of alternative solutions) the subject site hosts a priority natural habitat type and/or a priority species, and the proposed development will have a significant negative impact on that habitat or species,~~ the plan or project can only proceed if there are *imperative reasons of overriding public interest (IROPI)*, ~~excluding~~ including those of a social or economic nature in line with Article 6(4) of the Habitats Directive. In such cases, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of the Natura 2000 network is protected. It shall inform the European Commission of the compensatory measures adopted and await the opinion of the Commission regarding the proposed plan or project. Any such project or plan which is identified as having adverse effects on the integrity of a European site and has made the case for IROPI should be guided by the European Commission's guidance on the application of Article 6(4) of the Habitats Directive<sup>1</sup>.

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1

[http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/guidance\\_art6\\_4\\_en.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/guidance_art6_4_en.pdf)

**Volume 1 Section 9.4.4 Tourism in North Clare**

Any significant tourism project in North Clare should be accompanied by ~~an ecological impact assessment~~ a Natura Impact Statement to inform an Appropriate Assessment where required.

## **Ref. 004 Shannon Airport**

### **Submission Summary**

The submission makes comments on the following elements of the Draft Clare County Development Plan 2017-2023.

#### Volume 1 Written Statement

- *Development Plan objective; Shannon Rail Link* – Shannon Airport welcome the reference and inclusion of the development plan objective (CDP8.15) to safeguard the route of the proposed Shannon Rail link
- *Appendix 3 – Natural Heritage Sites in County Clare*. The submission notes Table A3.3 has been amended to remove proposed Natural Heritage Areas including Rosroe Lough which is the source for drinking water supply to the airport in Shannon. Shannon Airport wish to re-iterate that Rosroe Lough continues to be the raw water source for the supply of treated drinking water to Shannon airport and its associated campus and strongly re-emphasise their raw water abstraction rights (riparian rights) from Rosroe Lough which have been in existence since the late 1930s and which will require protection under any plans for future NHA designation.
- *Volume 5 – Clare Wind Energy Strategy*. The submission notes that there are no proposed amendments under this section but Shannon Airport remain of the view as presented in their submission to the Draft Clare County Development Plan 2017-2023 regarding consultation on the siting of turbines and the need for wind farm developers to seek the views of the IAA at pre-planning stage.
- *Volume 6 – Clare Renewable Energy Strategy – Section 8.3 Planning Issues and Policy*. The inclusion of the “requirement for an exclusion zone/restrictions around Shannon Airport, due to potential conflict between aircraft radar systems and large PV tracker technology; also potential reflection /glare issues” is noted and welcomed.
- *Volume 7 – Strategic Integrated Framework Plan for the Shannon Estuary – Section 5.7.4 Shannon International Airport pg 112*. It is noted that there is no proposed amendments under this section. The view remains that paragraph 2 is replaced to include the most up-to-date figures in relation to the airport.

### **Chief Executive's Response**

I acknowledge the observations of Shannon Airport with regard to the Draft Clare County Development Plan 2017-2023 and Proposed Amendments. I note the comments in relation to the abstraction rights from Rosroe Lough, a proposed NHA, to provide drinking water for Shannon Airport. I note also the request for consideration of a number of inclusions which do not relate to Proposed Amendments to the Draft Plan, specifically in relation to Section 6.10 Aviation Safety and Navigation and Volume 7, SIFP, however as these elements of the Draft Plan are not subject of Proposed Amendments they can be given no further consideration at this time. However I wish to thank Shannon Airport for their overall positive comments on the Draft Plan.

### **Chief Executive's Recommendation**

I recommend no change to the proposed amendments arising from this submission.

## **Ref. 005 Mr. Joseph Halpin c/o NAPS**

### **Submission Summary**

The submission relates to the lands at Limerick Road, Newmarket-on-Fergus and the land-owner wishes to submit a proposal to amend the boundary between the Enterprise zoning (ENT1) and the Low Density Residential (LDR4) by including the area where the family home was built, which was subsequently burnt down, within the area shown as LDR4. It is submitted that this site has always been residential and is currently bounded separately from the existing petrol station and it is his wish to see it remain so. The overall site is approximately 1.15ha and it is proposed for the zoning of Enterprise on portion A as shown on the accompanying map of 0.57ha and the remaining lands on portion B would be included as Low Density Residential.

### **Chief Executive's Response**

I thank NAPS for this submission on behalf of Mr. Halpin and note the request to change the zoning on these lands, which are the subject of a Proposed Amendment, and are zoned ENT1 and LDR4 in Newmarket-on-Fergus. I note that although this submission relates to a Proposed Amendment, it is seeking a new change to zoning which cannot be considered at this stage in the process.

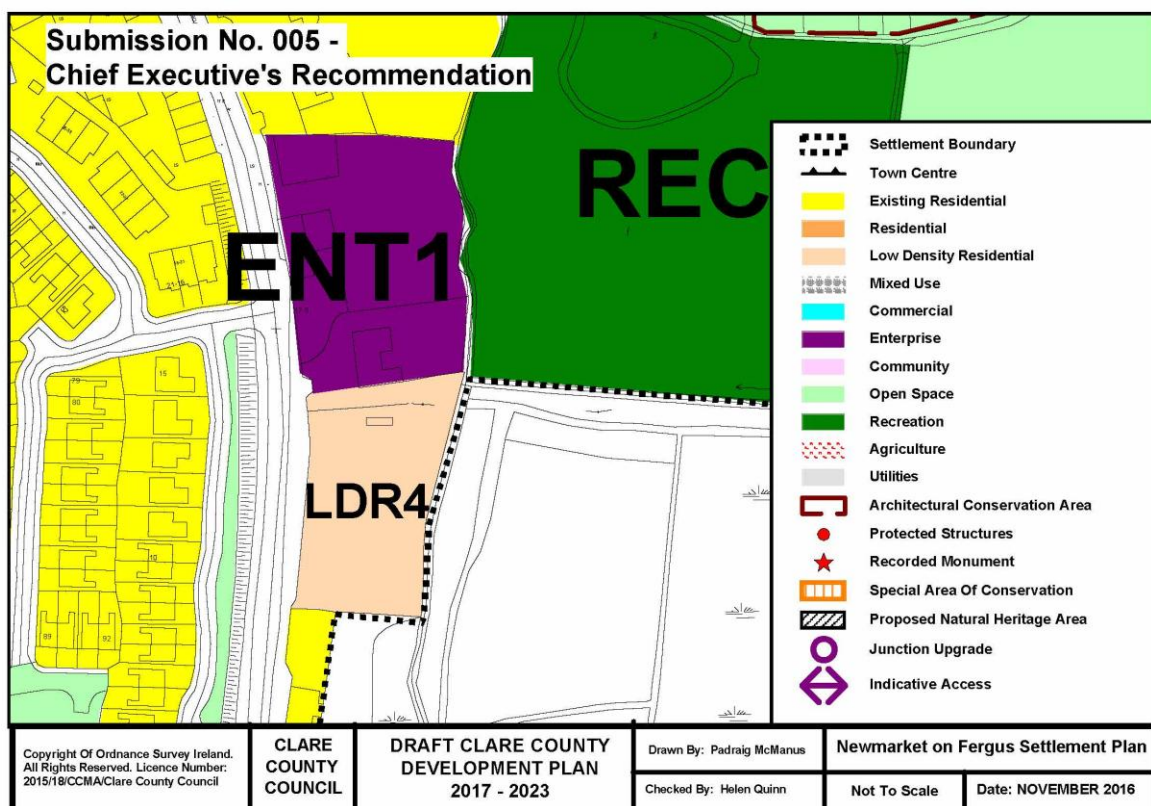
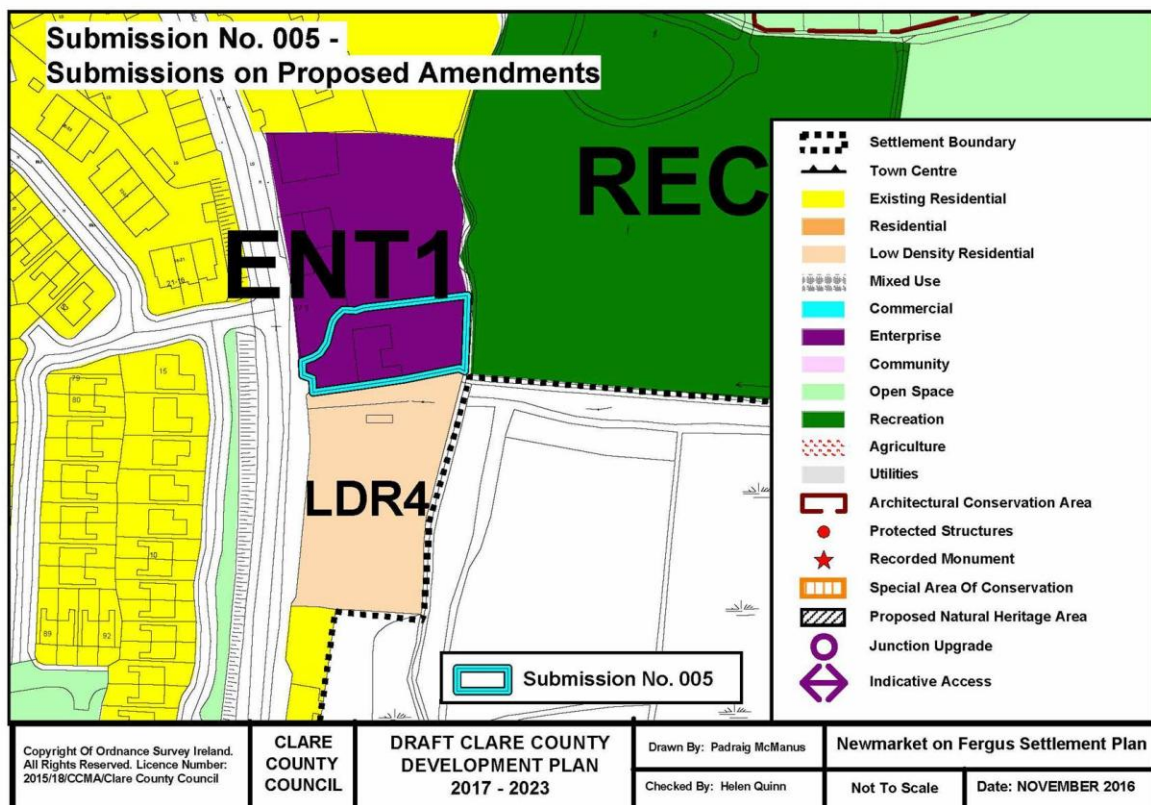
In considering this submission I must review the Proposed Amendment to which it relates and determine whether it should be adopted or not. The proposed amendment can be adopted or the zoning can revert to that which appears in the Draft Clare County Development Plan 2017-2023 (entire site zoned for Enterprise uses). There is no scope within the legislation to make further changes to land use zonings at this stage in the process.

### **Chief Executive's Recommendation**

I recommend that the Proposed Amendment to the Draft Clare County Development 2017-2023 which relates to ENT1 and LDR4 in Newmarket-on-Fergus be adopted, without the additional change that has been requested in this submission.



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## **Ref. 006 Transport Infrastructure Ireland (TII)**

### **Submission Summary**

The submission states that TII acknowledge the detailed review and assessment of their initial submission on the Draft Development Plan and welcomes the resulting proposed material amendments. In relation to other proposed material amendments on display, TII provides the following observations for the Council's consideration:

#### Amendment to Section 6.3.5 University of Limerick Clare Campus

TII notes the proposed amendment to Section 6.3.5, including CDP6.7 which outlines that a Master Plan for the University Zone will be prepared providing for significant growth areas of the University and its hinterland within the University Zone around a new access corridor off the future Limerick Northern Distributor Road (LNDR).

Regarding the LNDR the Council will already be aware of the special requirements of the tolling scheme (N18 and the Limerick Tunnel Scheme) and TII's position remains as previously outlined in that regard.

#### Amendment to Section 8.2.3.2 Motorway Service and Rest Areas

TII notes the rationale for the proposed amendment to the text of Section 8.2.3.2 and Objective CDP8.3 is unclear. In the interest of clarity TII recommends the retention of the initial text of the Draft Plan as it accurately reflects the TII Service Area Policy, 2014.

#### Amendment to Section 8.2.3.3 'Exceptional Circumstances' for developments of Strategic Importance

TII notes the proposal to include five 'exceptional circumstances' cases where a less restrictive approach to the general policy on restriction of access to national roads might apply and welcomes the collaboration that has taken place. TII has reviewed the additional report submitted to support the inclusion of the 'exceptional circumstances' cases in the Development Plan and is of the opinion that there remains a requirement to clarify elements of the proposals in this Section of the plan to ensure compliance with the National Road Guidelines. In addition to the technical appraisal provided there is a need for clarity with regard to the 'strategic' uses that will be facilitated at each of the locations identified, in particular with regard to sites at Fountain Cross, Doonbeg and Ballyduffbeg, Inagh.

#### Amendments to Section 9.3.4 Visitor Accommodation

TII notes the proposed change to the text concerning tourism developments in locations outside of settlement boundaries and in the interest of clarity recommends a cross-reference with Section 8.2.3.3 Access on National Roads.

#### Amendments to Section A1.9.4 Traffic Impact, Road Safety Audit and Road Safety Impact Assessment

TII welcomes the proposed amendments and in the interest of clarity any references to TII/NRA Design Manual for Road and Bridges and TII/NRA DRMB in the Draft Plan should be updated to TII Publications which have replaced the DMRB referencing system. In addition Road Safety Impact Assessment (RSIA) is described as a strategic comparative analysis of the impact of a new road, or for substantial modifications to an existing road, on the safety performance of the road network in the EU Directive on Road Infrastructure Safety Management (EU RISM) 2008/96/EC and TII would welcome this being addressed in the Draft Plan.

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#### Amendment to Section 1.5.2 Lands for Employment Generating Development

## **Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023**

It is noted that under this section it is proposed to reduce the area of IND1 lands zoned for industrial from approx. 18.5ha to 8ha. TII acknowledge the M18 Junction Capacity analysis Report undertaken by the Council as an evidence base to assess zoning proposals at this location; the collaboration undertaken with TII since the publication of the Draft Plan; and notes the recommendation of the Chief Executive that the zoning designation IND1 be removed from the lands concerned having regard to national road safety concerns and policy implications. TII supports the recommendation of the Chief Executive in this regard.

TII remains of the opinion that it is inappropriate to zone lands at this location as currently proposed and that there appears to be more suitable and sustainable available lands to give effect to a more consolidated development strategy within the Plan area without compromising safety, efficiency and investment in the national road network in the area. TII's position remains whereby it recommends that in the interest of safety and capacity on the M18 and associated junction, and in the interests of proper planning and sustainable development that the subject zoning designation is not adopted.

### Amendment to Section 1.14.2 Roads Infrastructure

TII supports the redesign of both Clareabbey roundabout and the approach roads to the roundabout in accordance with the principles of the Design Manual for Urban Road and Streets (DMURS).

### Volume 3d West Clare Municipal District Written Statement

Lisdoonvarna - TII notes lands LDR3 which adjoin the N67 national road where a 100kph speed limit applies does not appear to have been resolved following TII's initial submission to the Draft Plan. As such TII recommends a further review of the lands concerned and removal if necessary, to ensure compliance with the provision of the DoECLG Spatial Planning and National Road Guidelines (2012).

Miltown Malbay - TII note proposals to designate a new 'Commercial' zoning on the N67 south of Miltown Malbay. The site adjoins the national secondary road at a location where a 100kph speed limit applies and appears to conflict with the provision of the DoECLG Guidelines concerning access to national roads. TII recommends the review of the isolated zoning objective to ensure compliance with the objectives of the guidelines.

TII welcomes the proposed amendments to the settlement plans arising from consideration of the Authorities initial submission, however, there remain a number of specific locations, as advised by TII, where land-use zoning objectives adjoining national roads where a 100kph speed limit applies and gives rise to potential conflicts with official policy. Prior to adoption of the Development Plan, TII recommends further review of the locations previously identified, in particular, at Lissycasey and Quilty.

### Other Matters

#### Section 8.2.3.3 Existing Access onto National Secondary Roads

TII acknowledges the recommendation of the Chief Executive's Report that the relevant text "*the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60kph apply.....*" be removed from the Draft Plan and TII remain strongly of the opinion that 'exceptional circumstances' included in this section of the Draft Plan, Existing Access onto national Secondary Roads, is at variance with the provision of official policy and conflicts with objectives to safeguard capacity and road safety on the national road network. TII respectfully requests the removal of the foregoing provision from the Draft Plan prior to adoption.

### Road Schemes and Road Improvements Schemes

## **Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023**

In relation to schemes related to national roads included in the Draft Plan and Proposed Amendments TII advises that although the proposals may not relate to Government objectives, the Authority acknowledges that it is beneficial to identify road schemes that are proposed to be delivered at a local/regional level within the term of the Plan. The Council should be aware that TII may not be responsible for financing such additional projects. Nevertheless the projects should be developed by the scheme promoter to complement the strategic function of the national road network and should not undermine or compromise this function.

TII conclude that there remain issues in the Draft Plan/Proposed Amendments that, in their opinion, require review prior to the formal adoption of the Development Plan to ensure consistency with official policy and in order to safeguard the strategic function of the national road network in the area.

### **Chief Executive's Response**

I thank Transport Infrastructure Ireland (TII) for their comprehensive submission and note the observations made to the Proposed Amendments to the Draft Clare County Development Plan 2017-2023 and I respond as follows:

#### Amendment to Section 6.3.5 University of Limerick Clare Campus

I acknowledge TII's observation in this regard and I note TII's confirmation of its position with regard to the LNDR and the special requirements of the tolling scheme as previously outlined.

#### Amendment to Section 8.2.3.2 Motorway Service and Rest Areas

I note the comments with regard to the Proposed Amendment to the wording in this section and I acknowledge that it is the opinion of TII that the initial text in the Draft Plan accurately reflects TII Service Area Policy and recommends that it is retained. I am of the opinion that, in the interest of clarity, the wording of the Draft Plan should be retained and that the Proposed Amendment in this regard should not be adopted.

#### Amendment to Section 8.2.3.3 'Exceptional Circumstances' for developments of Strategic Importance'

In addition I note TII request clarity with regard to 'strategic' uses that will be facilitated at each of the locations identified and I propose to include a minor modification to the Proposed Amendment under this section to include additional text under each of the identified developments of strategic importance as follows:

- Moneypoint – provision of alternative sources of energy supply.
- Former Whelan's Quarry – re-use of quarry; rehabilitation of site for outdoor activity/adventure park.
- Hotel and Golf Links, Doonbeg – intensification of existing uses.
- Central Waste Management Facility – renewable energy project; waste transfer and recovery facility; eco-park.

I note the requirement to clarify elements of the proposals in this section of the Plan and propose to include a minor modification to the Proposed Alteration under this section to include additional text in this regard.

"The following provisions are also required whereby the applicant/developer is responsible for all costs associated with any road upgrades and/or junction improvements required to facilitate the development proposal. All upgrade proposals are to conform to road safety and design standards in the TII Publications. Demand management measures shall accompany relevant planning applications to include mobility management/travel planning to address future trip management/travel planning and, where appropriate, visitor trips to the site.



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Temporary access requirements for renewable energy developments are required to be to road safety and design standards in TII Publications and to include appropriate Traffic Management Measures."

Amendment to Section 9.4 Visitor Accommodation

The suggestion to cross-reference this section with Section 8.2.3.3 Access onto National Roads is welcomed and I consider this a clarification which is non-material can be accommodated.

Amendment to Section A1.9.4 Traffic Impact Assessment, Road Safety Audit and Road Safety Impact Assessment

I note the request for the up to date referencing to TII publications in the Draft Plan should be updated and this will be undertaken if and where necessary.

With regard to the request to include the description of a Road Safety Impact Assessment (RSIA) as set out in the EU Directive on Road Infrastructure Safety Management (EU RISM) 2008/96/EC, I consider that this can be included as a minor modification under A1.9.4 to provide further clarification.

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Amendment to Section 1.5.2 Lands for Employment Generating Development

I note and welcome TII's support for the Chief Executive's response and recommendation to its submission with regard to the removal of IND1 as set out in the Draft Plan. TII have also noted that contrary to the recommendation a Proposed Amendment was agreed by resolution to include a reduced area from approximately 18.5 ha to approx. 8ha to be zoned as IND1. I acknowledge TII's continued stance whereby the inclusion of these lands is inappropriate in this location, with serious concerns regarding the safety and capacity of the M18 junction 13, recommending that the IND1 zoning not be included.

In the response to TII's submission Ref. 006 to the Draft Clare County Development Plan 2017-2023 (19<sup>th</sup> May 2016) the Chief Executive concurs with the TII recommendation set out in this submission, the legislative requirements as set out in the Planning and Development Act 2000, as amended, only allow for consideration of the Proposed Amendment and whether it should be adopted or not. Therefore in this instance, the options are to adopt the Proposed Amendment which is to zone the smaller area of approx 8ha as IND1, or not to adopt the Proposed Amendment in which case the zoning will revert to that proposed in the Draft Plan, i.e. approx.18.5ha as IND1. I therefore consider that the Proposed Amendment in relation to the zoning of IND1 should be adopted.

Amendment to Section 1.14.2 Roads Infrastructure

I acknowledge the observations of TII on this section and that it welcomes the consultation in this regard.

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I note the observations with regard to the zoned lands LDR3 in Lisdoonvarna which adjoin the N67 where the 100kph speed limit applies which was included in TII's submission to the Draft Plan (19<sup>th</sup> May 2016) and to which the response concurred. However, the recommendation was not agreed and LDR3 is not subject of a Proposed Amendment and only observations relating to Proposed Amendments can be considered by the Planning Authority at this stage in the planning process. However, a speed limit review is currently underway and I will ensure that a proposal is put forward for consideration with regard to this section of the N67 in order try and to address this issue.

## **Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023**

Regarding the Proposed Amendment to zone a Commercial site on the N67 outside of Miltown Malbay I can confirm that this existing fully developed site lies within the 60kph speed limit.

Regarding the Proposed Amendment to show the access point into LDR1 in Lissycasey, I can confirm that this is at a point on the N67 where the 60kph speed limit applies.

I can confirm the lands zoned as Tourism at Quilty represent an existing use within the settlement area with no additional lands to allow for expansion or intensification of the use.

### **Other Matters**

#### **Section 8.2.3.3 Existing Access onto National Secondary Roads**

I note the observations which refer to the removal of the text regarding existing access onto National Secondary Roads which was at variance with national policy and, as TII noted, in the response to its submission to the Draft Plan (19<sup>th</sup> May 2016), recommended that it be removed. However, the recommendation was not agreed and the removal of the text is not therefore subject of a Proposed Amendment. Only observations relating to Proposed Amendments can be considered by the Planning Authority at this stage in the planning process.

### **Chief Executive's Recommendation**

I recommend that the following Proposed Amendment to the Draft Clare County Development Plan 2017-2023 should be adopted:

Section 8.2.3.3 'Exceptional Circumstances' for developments of Strategic Importance be adopted subject to the following minor modification:

- Moneypoint – provision of alternative sources of energy supply.
- Former Whelan's Quarry – re-use of quarry; rehabilitation of site for outdoor activity/adventure park.
- Hotel and Golf Links, Doonbeg – intensification of existing uses.
- Central Waste Management Facility – renewable energy project; waste transfer and recovery facility; eco-park.

I note the requirement to clarify elements of the proposals in this section of the Plan and propose to include a minor modification to the Proposed Alteration under this section to include additional text in this regard.

"The following provisions are also required whereby the applicant/developer is responsible for all costs associated with any road upgrades and/or junction improvements required to facilitate the development proposal. All upgrade proposals are to conform to road safety and design standards in the TII Publications. Demand management measures shall accompany relevant planning applications to include mobility management/travel planning to address future trip management/travel planning and, where appropriate, visitor trips to the site.

Temporary access requirements for renewable energy developments are required to be to road safety and design standards in TII Publications and to include appropriate Traffic Management Measures."

- Ennis IND1
- Lissycasey LDR1
- Miltown Malbay Commercial Site on N67
- Appendix A1.9.4 - insert description of a Road Safety Impact Assessment (RSIA) – "Road Safety Impact Assessment (RSIA) is described in the EU Directive on Road Infrastructure Safety Management (EU RISM) 2008/96/EC as a strategic comparative analysis of the impact on a new road, or for substantial modification of an existing road, on the safety performance of the road network."

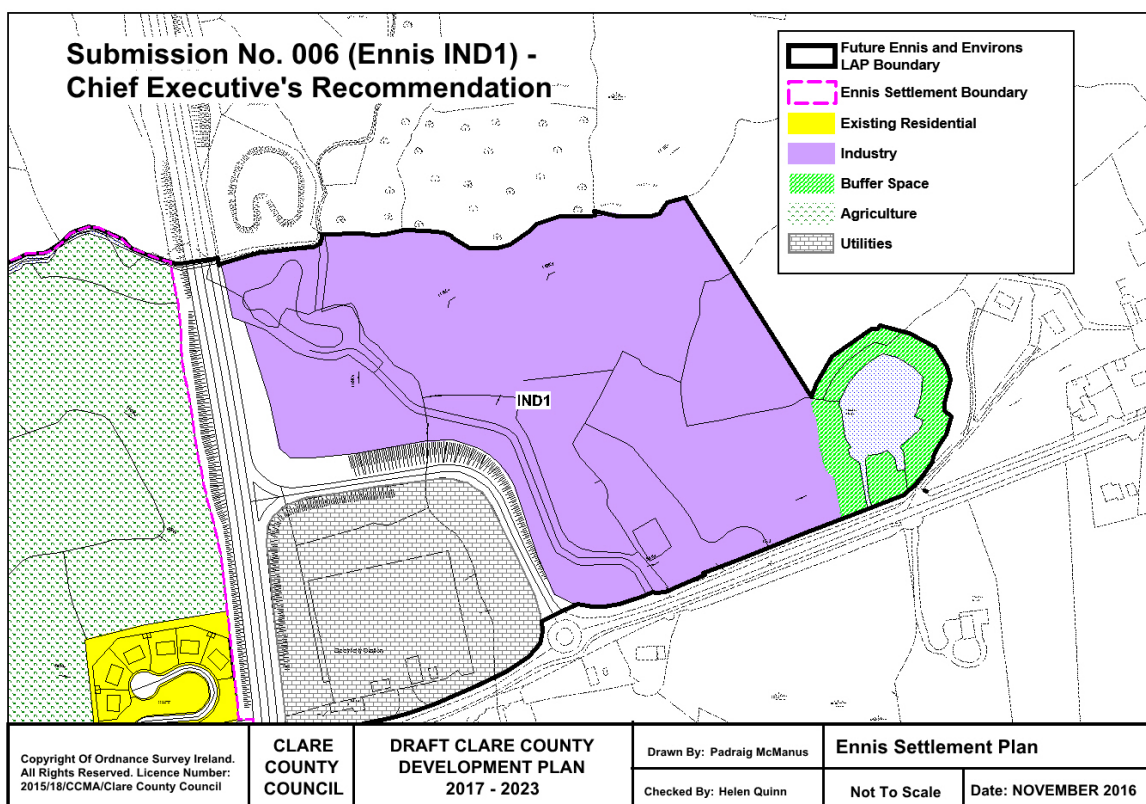
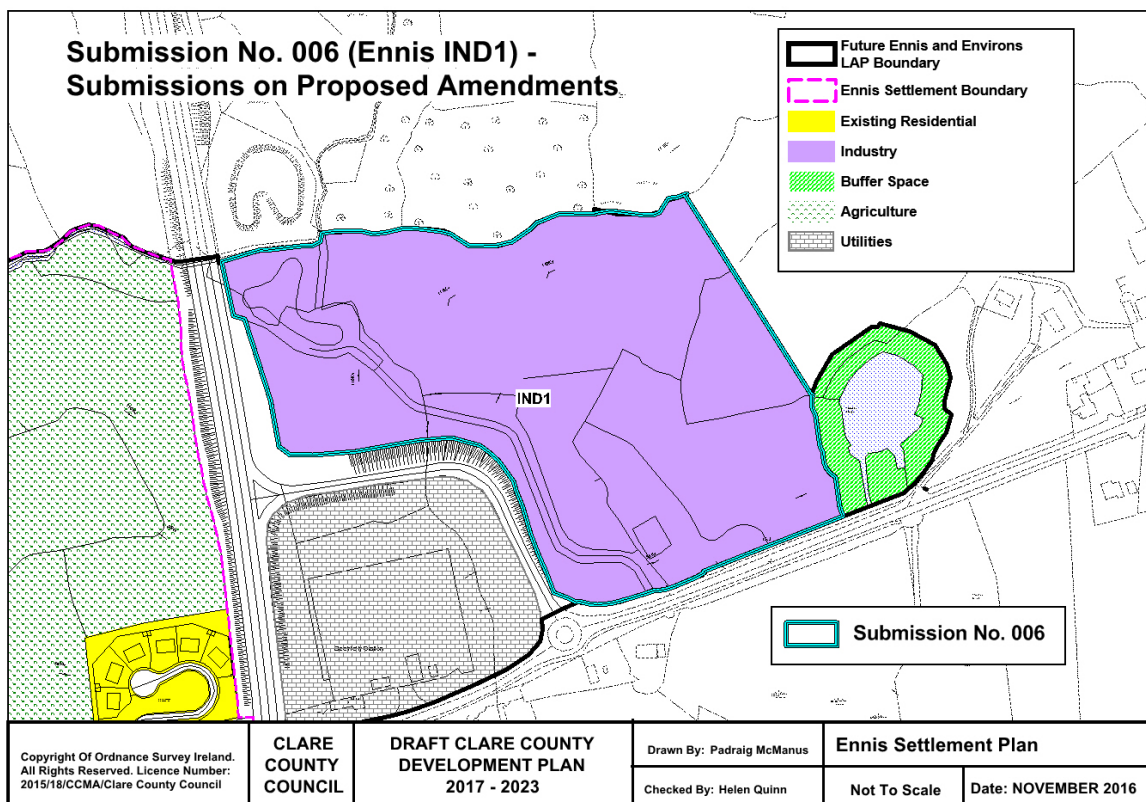
**Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County  
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I recommend that the following Proposed Amendments to the Draft Clare County Development Plan 2017-2023 should not be adopted:

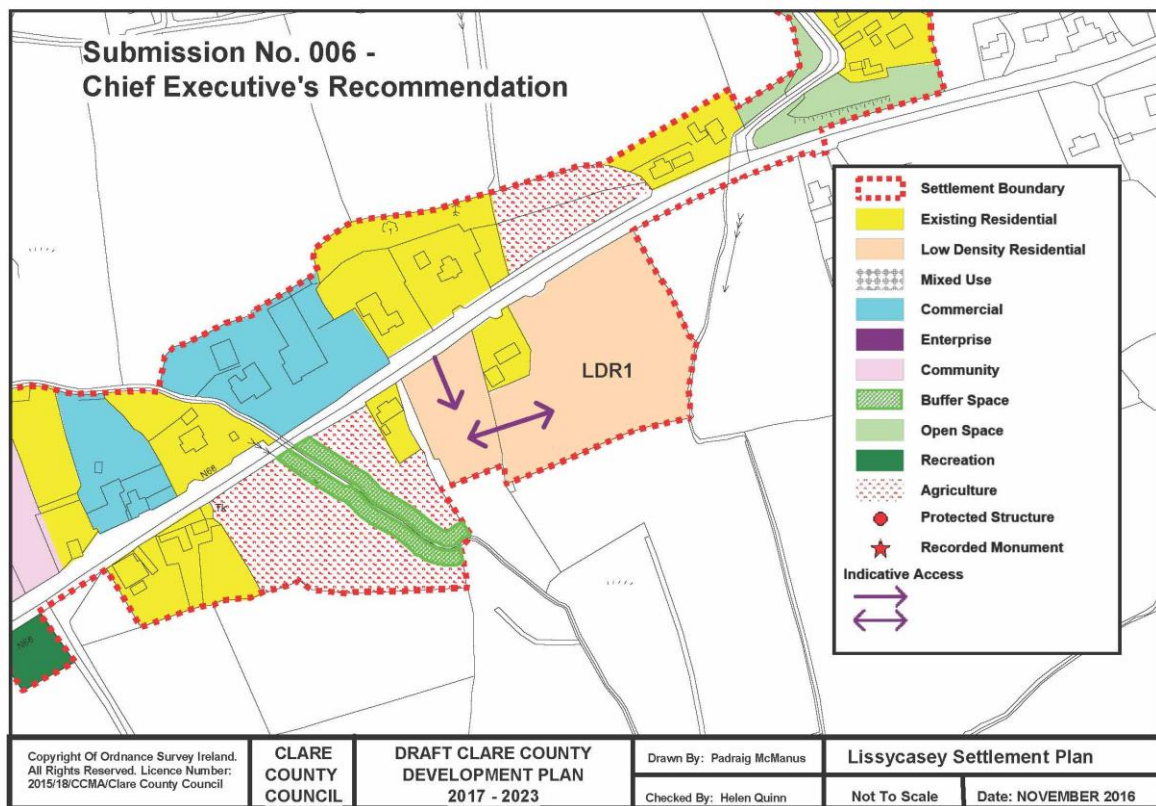
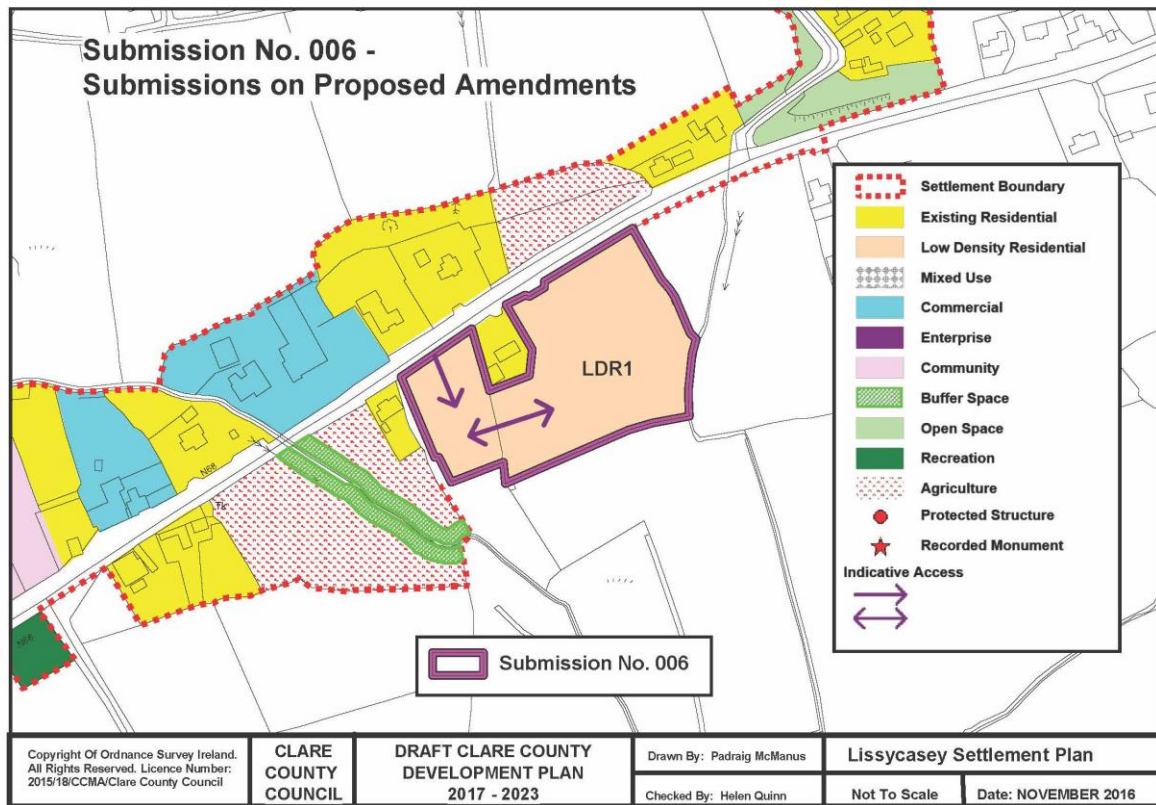
- Section 8.2.3.2 and CDP 8.3 Motorway Service and Rest Areas.



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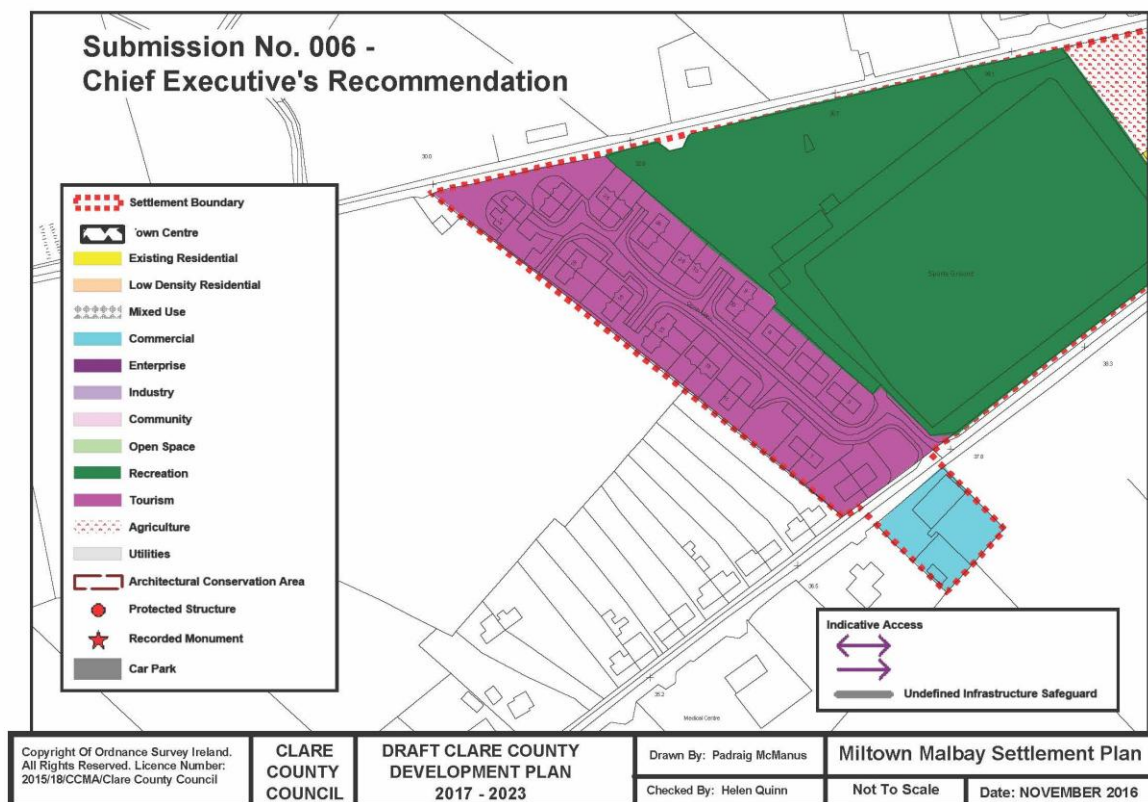
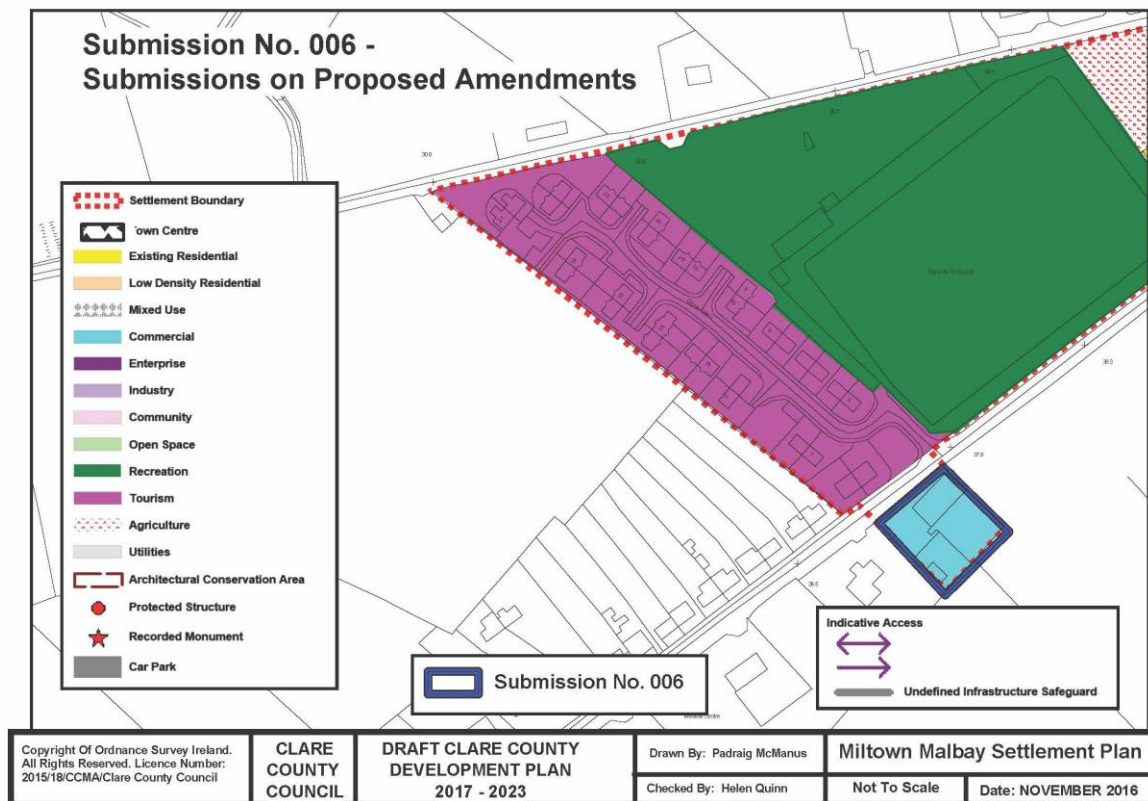


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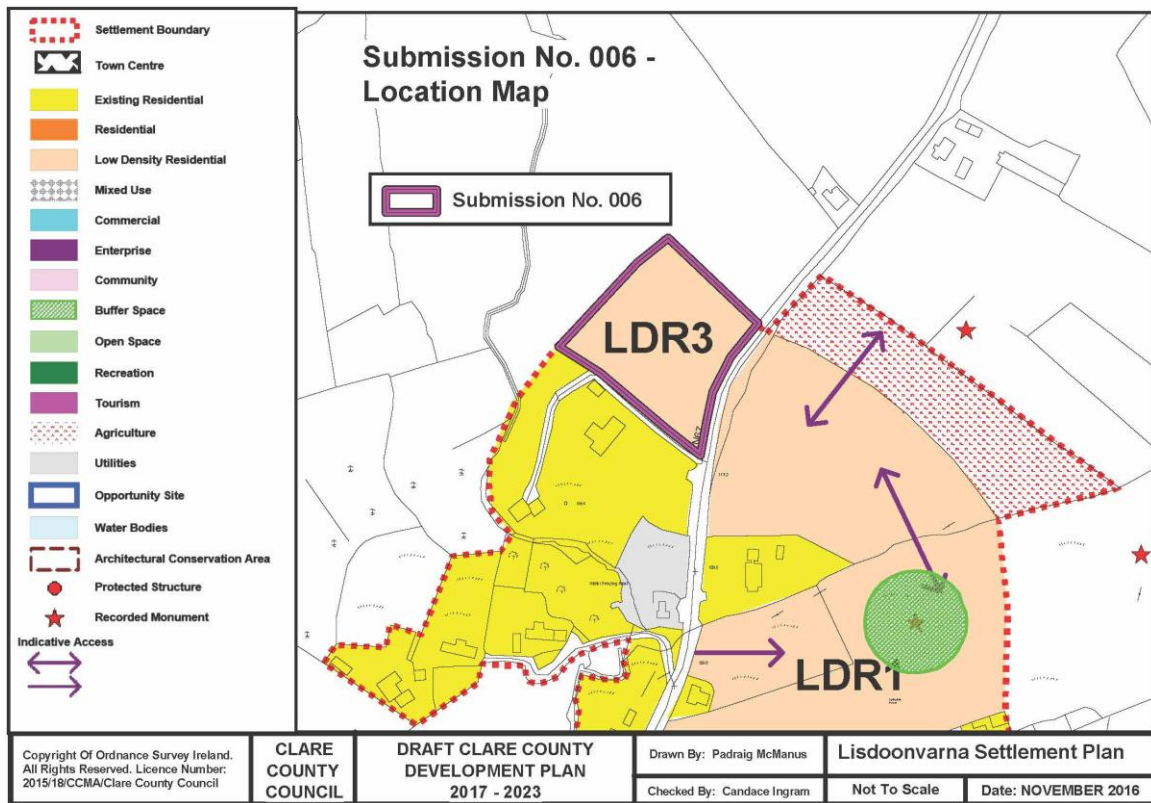


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## **Ref. 007 Mr. Gerard Mungovan c/o Brian Foudy & Associates**

### **Submission Summary**

The submission seeks a plot of land (2.057ha) at Kilquane, Ennis to be zoned as 'Low Density Residential'. The land is directly across from the Woodstock Hotel, Golf and Country Club. The submission lists a number of factors for consideration including:

- The land is beside existing residential developments.
- All infrastructure is in place
- It will encourage and bolster existing amenities already in place by the promoters i.e the Golf club; Leisure Centre; Hotel and Restaurant; Bars; Local GAA club.
- Site is close to the Ennis by-pass, local shops, schools etc.
- There is minimal zoned land in the area. Development would be of low density, high quality, energy efficient housing.
- The promoter had envisaged to develop this land in conjunction with the lands east of the site as a combined development.
- Tentative agreement on these lands had been reached with former Senior Executive Planner Mr. Gordon Daly and town boundary was moved to facilitate same.

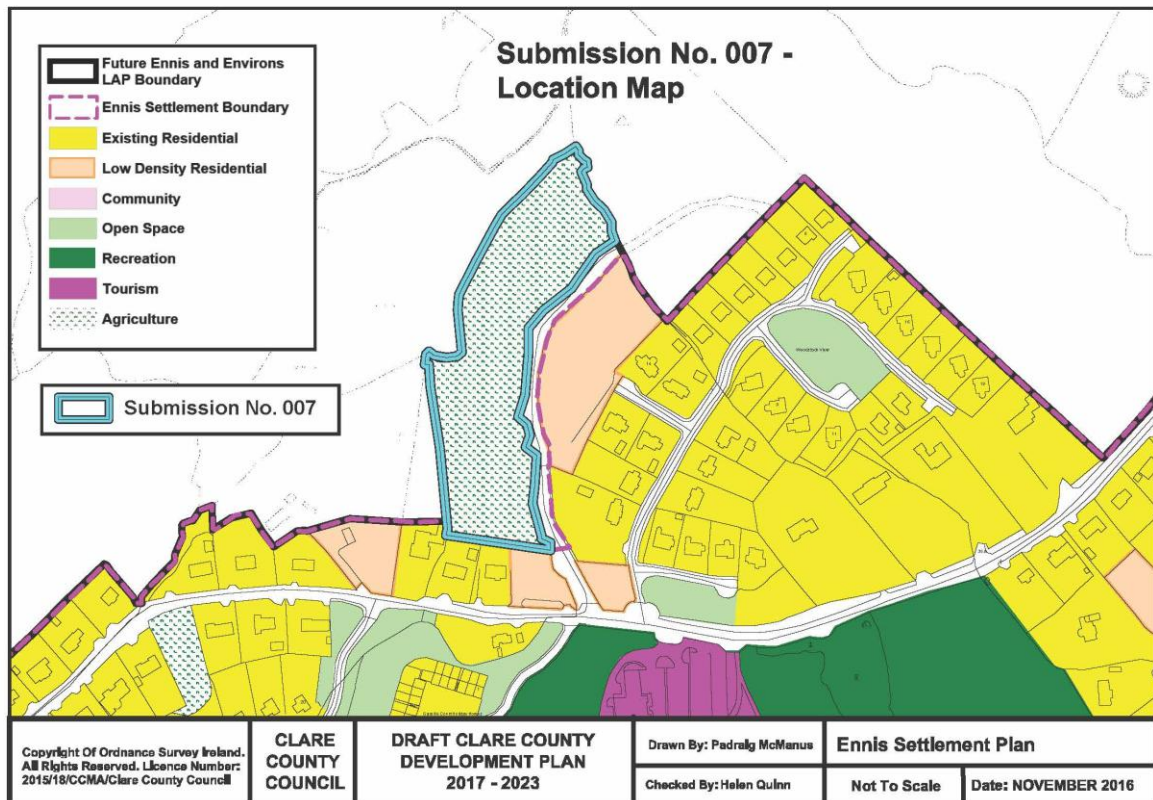
### **Chief Executive's Response**

I wish to advise that the most recent round of public consultation in the County Development Plan process was to obtain submissions in relation to the Proposed Amendments only to the Draft Clare County Development Plan 2017-2023. While I thank Brian Foudy & Associates, on behalf of Mr. Mungovan, for their submission, I note that it does not relate to any Proposed Amendment to the Draft Clare County Development Plan 2017-2023. Only submissions relating to Proposed Amendments can be considered by the Planning Authority at this stage in the planning process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

### **Chief Executive's Recommendation**

I recommend no change to the proposed amendments arising from this submission.

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## **Ref. 008 Southern Regional Assembly**

### **Submission Summary**

The submission states that, having reviewed both the Draft Clare County Development Plan 2017-2023 and the Proposed Amendments with regard to the policies and objectives of the Regional Planning Guidelines for the South-East Region 2010-2022 and relevant national planning policy, the Southern Regional Assembly are satisfied that the proposed amendments would be consistent with national and regional planning policy.

### **Chief Executive's Response**

I acknowledge the submission from the Southern Regional Assembly regarding the Proposed Amendments to the Draft Clare County Development Plan 2017-2023. I note with thanks the review of the Proposed Amendments and the satisfaction that they are consistent with national and regional planning policy.

### **Chief Executive's Recommendation**

I recommend that no action is required regarding the proposed amendment to the Draft Clare County Development Plan 2017-2023 on foot of this submission.

## **Ref. 009 Mr. Christy Guerin c/o Brian Foudy & Associates**

### **Submission Summary**

The submission requests the zoning of lands at Ballylannidy, Woodstock for Low Density Residential development.

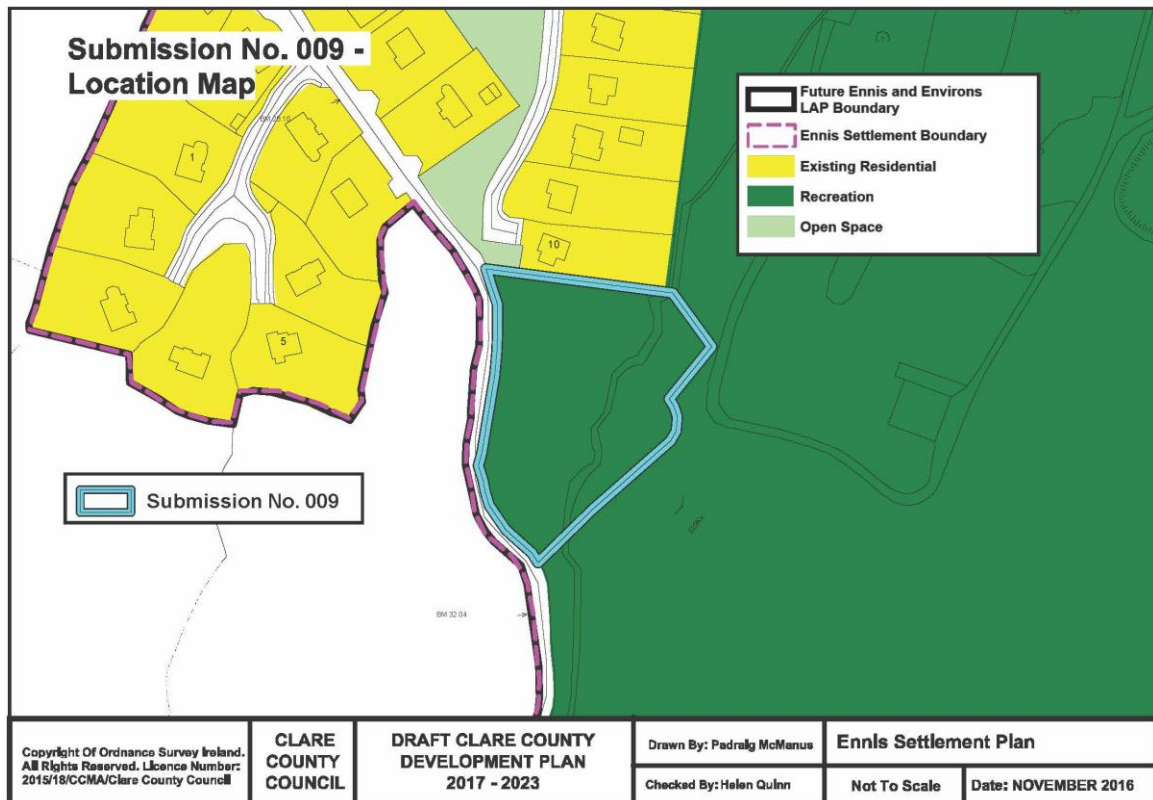
### **Chief Executive's Response**

I wish to advise that the most recent round of public consultation in the County Development Plan process was to obtain submissions in relation to the Proposed Amendments only to the Draft Clare County Development Plan 2017-2023. While I thank Brian Foudy & Associates, on behalf of Mr. Guerin, for their submission, I note that it does not relate to any Proposed Amendment to the Draft Clare County Development Plan 2017-2023. Only submissions relating to Proposed Amendments can be considered by the Planning Authority at this stage in the planning process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

### **Chief Executive's Recommendation**

I recommend no change to the proposed amendments arising from this submission.

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## **Ref. 010 Office of Public Works (OPW), Design Section**

### **Submission Summary**

The submission states that the OPW welcomes the references within the Draft Clare County Development Plan 2017-2023 to the Planning System and Flood Risk Management Guidelines for Planning Authorities, November 2009. The submission sets out the three stage Flood Risk Assessment process to be followed by the Planning Authority to identify whether flood risk exists, the degree to which it is an issue and the planning principles to apply.

In the submission the OPW asks Clare County Council to clarify flood risk aspects and decision making points in the application of Justification Test points relating to the nine areas set out below and to supply the Justification Test report for these areas, or the reasoning principals that have allowed the Test to be set aside. In particular, in relation to Climate Change and the risks associated with the estimation of the boundary of the flood extents in case each scenario would support the retreat of zoning boundaries. The areas are identified as follows:

- Ennis LDR12
- Ennis LDR9
- Ennis LDR lands in Roslevan
- Ennis LDR7
- Ennis LDR73
- Ennis LDR8
- Ennis LDR1
- Ennis LDR15
- Killaloe R3

Ennis Zoning Proposal – The submission refers to Ennis zoning COM9a and 9b an undefended site previously classified as Flood Zone A. The Guidelines recommend that it remains Flood Zone A even after the proposed defence scheme. The provision of COM9a and 9b zoning appears to contravene this direction. The submission refers to page 96 of Volume 10c Strategic Flood Risk Assessment which states that there are “unknown impacts relating to groundwater recharge”. The OPW state that risks can come from one of two sources, first from a recognised quantified hazard and second from uncertainty in quantifying a hazard. This uncertainty would have that this area remain Flood Zone A and that only development appropriate to that zoning can be proposed with confidence.

The submission concludes that while the OPW recognises that a balanced view of land use and flood risk should be taken, it can be achieved in full compliance with the Guidelines.

### **Chief Executive's Response**

I would like to thank the Office of Public Works (OPW) for their submission on the Proposed Amendments to the Draft Clare County Development Plan 2017-2023 and I respond to the observations made with regard to specific sites below, all of which have been assessed as part of the Strategic Flood Risk Assessment for the Draft Clare County Development Plan 2017-2023. Additionally, a further flood risk analysis of the proposed amendments was undertaken in October/November 2016 and the results of that analysis informed this Chief Executive's Report.

- *Ennis LDR12* – This site is located within Flood Zone C within which Low Density Residential is an appropriate land-use zoning in accordance with the Planning System and Flood Risk Management Guidelines for Planning Authorities. Notwithstanding this, I have concerns about the zoning of this land for residential uses. Having regard to issues such as habitat protection, availability of services, consolidation of urban form and planning history, I do not consider these lands to be suitable for residential development and I recommend that the proposed amendment in relation to this area is not adopted.
- *Ennis LDR9* – This site is located predominantly within Flood Zone C and Low Density Residential is an appropriate land-use zoning in accordance with the Flood Risk Management Guidelines. A detailed Flood Risk Assessment will be required with any planning application on

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these lands. I am satisfied that the Proposed Amendment to zone these lands is in compliance with the Guidelines and that it should be adopted.

- *Ennis LDR lands at Roslevan(now referenced LDR18)* - I note from the CFRAM mapping that the lands zoned are predominantly within Flood Zone C and as such Low Density Residential land-use zoning is acceptable on these lands. I am also aware that the adjacent Fen is a wetland habitat, fed by groundwater, which has potential to be impacted on in heavy rainfall, causing localised flooding, as historical flood records show. In order to manage any flood risk in this regard, a Flood Risk Assessment will be required to accompany any planning application and that the southeast area of the site closest to the Fen should be allocated for the Open Space element of any development to integrate additional resilience to any potential risk of localised flooding. I consider that the Proposed Amendment should be adopted with a minor modification to include a site specific zoning objective for the site to provide clarification. This should read: "The site is suitable for a low density residential scheme of high quality design and layout. Any development application shall provide for the Open Space area to be located to the south-east of the site adjacent to the Fen to provide an attractive amenity and additional protection of the natural habitat. A Flood Risk Assessment and Hydrological Assessment shall be required to accompany any development proposal for the site." (This site is also subject of submission Refs. 001 and 067).
- *Ennis LDR7* - This site was subject of submission Ref. 259 to the Draft Clare County Development Plan 2017-2023 (19<sup>th</sup> May 2016) and was assessed as part of the SFRA for the Draft Plan and is shown to be located within Flood Zone B as shown on both CFRAM and Clare County Council Flood Risk mapping. Given the highly vulnerable use of Low Density Residential proposed for this site located within Flood Zone B, a justification test was undertaken for which this site failed (Volume 10c). Therefore residential zoning is not an appropriate use for this site and I am in agreement with the OPW that this Proposed Amendment should not be adopted.
- *Ennis LDR73* - This site is located within Flood Zone C and Low Density Residential is an appropriate land-use zoning in accordance with the Flood Risk Management Guidelines. A detailed Flood Risk Assessment will be required with any planning application on these lands. I am satisfied that the Proposed Amendment to zone these lands is in compliance with the Guidelines and that it should be adopted.
- *Ennis LDR8* - This Proposed Amendment seeks to change the zoning from Existing Residential to Low Density Residential. According to the new CFRAM mapping the site is located entirely within Flood Zone A and failed the Justification Test for zoning for Low Density Residential and therefore I consider this Proposed Amendment should not to be adopted and the site revert to Existing Residential as per the Draft Plan.
- *Ennis LDR1* - This site was the subject of two submissions to the Draft Clare County Development Plan 2017-2023 (19<sup>th</sup> May 2016) and in the response to them it was noted that there was evidence of flooding on parts of the site during December 2015 and January 2016, at a time when the flood defence work in the area was fully completed. In addition, environmental concerns were noted with regard to this site and the potential impacts that development could have on the adjacent River Fergus which forms part of the Lower River Shannon cSAC and was not therefore suitable for zoning for Low Density Residential development. However, it was agreed by resolution to zone for Low Density Residential, but given the nature and extent of the flooding and environmental issues associated with this site a comprehensive site specific zoning objective is a Proposed Amendment to the Draft Plan to address all the necessary mitigation requirements regarding potential flooding and ecological impacts. As the zoning of the Low Density Residential lands is not subject of a Proposed Amendment to the Draft Plan, only the written zoning objective for LDR1, consideration cannot be given to the removal of the LDR1 zoning. Taking all factors into account regarding this site, I therefore consider the Proposed Amendment to the mitigation text associated with the objective for LDR1, should be adopted.
- *Ennis LDR15* - I note the CFRAM mapping shows the majority of this site lies within Flood Zone C with a small boundary of Flood Zone A/B. The site specific zoning objective stipulates the need for a Stage 3 detailed Flood Risk Assessment to accompany any planning application, however I consider it appropriate for a minor modification to the wording to make reference to

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the fact that "No highly or less vulnerable development will be accommodated within the area of the site within Flood Zone A/B". With this minor modification to the Proposed Amendment I am satisfied that there is adequate flood mitigation included within the zoning objective and that the Proposed Amendment is in line with national policy in this regard.

- *Killaloe R3* – I note that the Strategic Flood Risk Assessment for this site identifies a small encroachment of Flood Zone A/B into R3 in the area adjacent to the marina. The SFRA recommends that development of this site is appropriate provided that land within Flood Zone A/B is retained for Open Space or other water compatible uses, in addition to any development proposals for the site requiring a site specific Flood Risk Assessment. I consider that the site specific zoning objective includes adequate flood risk mitigation whereby it states "Part of the site is identified as being within Flood Zone A/B. Development within Flood Zone A/B shall be retained for open space or other water compatible uses. A site specific Flood Risk Assessment will be required.", and that the Proposed Amendment should be adopted.
- *Ennis COM9(a) and 9(b)* – I note the comments of the OPW regarding this site and also that a Justification Test was undertaken and passed on the western/central area with provision for only water compatible uses on the eastern area of the site. The site specific zoning objective (as per Proposed Amendment) sets out the requirements regarding the different areas of the site in line with the findings of the SFRA, as follows:

"The development of the site shall be subject of a detailed master plan to facilitate the phased development of appropriately defined land-uses for the entire site. These uses shall be informed by the Strategic Flood Risk Assessment undertaken as part of the development plan process. The master plan shall also be informed by a specific flood risk assessment carried out in accordance with the Strategic Flood Risk Assessment and the Planning System and Flood Risk Management Guidelines.

Future development on this site must have regard to the findings of the Strategic Flood Risk Assessment in Volume 10 of this Plan. ~~Commercial Retail~~ and community uses shall be located on Site COM9(a) and water compatible uses such as car-parking located on Site COM9(b).

The landscaping and positioning of buildings on COM9(a) must maintain the flow route from the road to the South Central Area (as identified on the maps contained in the SFRA). Development of the road frontage at the north of the site may be possible subject to a site specific flood risk assessment being carried out. The finished floor levels of buildings on this site must be a minimum of 300mm above ground level to prevent egress of water. Floor levels should also be raised above the level of the overflow spill between the Southern Central Area and the Eastern Area (SFRA Volume 10c)".

The SFRA has identified that the eastern area of the site should remain undeveloped and zoned for water compatible uses (open space) as a high risk of flooding will remain, even after completion of the flood relief scheme. As the site is at groundwater risk and is known to operate as a storage basin for this water, any development could be directly at risk, or through blocking the natural infiltration route (such as through hard standing), could increase flood risk elsewhere. This area has been zoned Open Space in the plan.

I am satisfied that the detailed guidance provided within the site specific objective is comprehensive and adequately provide flood mitigation in accordance with national guidelines and as such the Proposed Amendment should be adopted.

### Chief Executive's Recommendation

I recommend that the following Proposed Amendments to the Draft Clare County Development Plan 2017-2023 be adopted:

- Ennis LDR9
- Ennis LDR lands, Roslevan (now referenced LDR18) with a minor modification to include a site specific zoning objective for the site to provide clarification. This should read:



**"LDR18 Tulla Road, Roslevan**

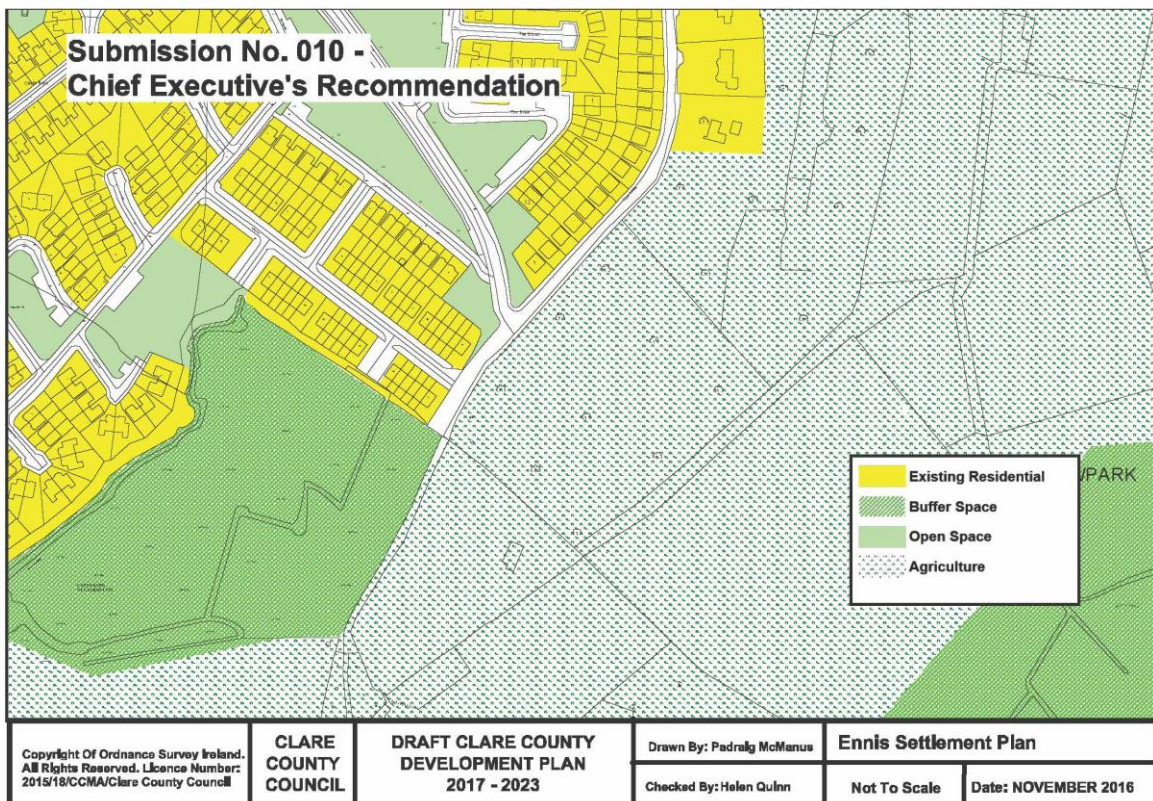
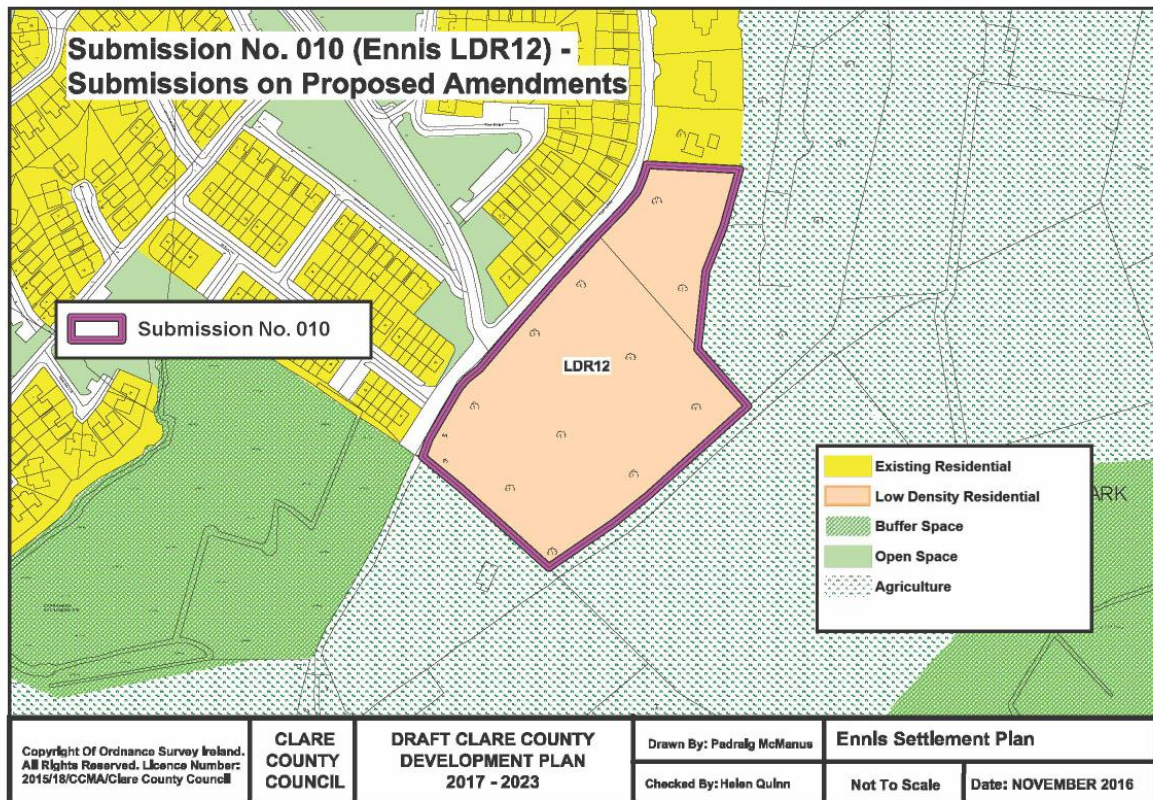
The site is suitable for a low density residential scheme of high quality design and layout. Any development application shall provide for the Open Space area to be located to the south-east of the site adjacent to the Fen to provide an attractive amenity and additional protection of the natural habitat. A Flood Risk Assessment and Hydrological Assessment shall be required to accompany any development proposal for the site."

- Ennis LDR73
- Ennis LDR1
- Ennis LDR15 with minor modification to include within the site specific zoning objective at the end of the first paragraph to read: "No highly or less vulnerable development will be accommodated within the area of the site within Flood Zone A/B".
- Killaloe R3
- Ennis COM9(a) and 9(b)

I recommend that the following Proposed Amendments to the Draft Clare County Development Plan 2017-2023 not be adopted:

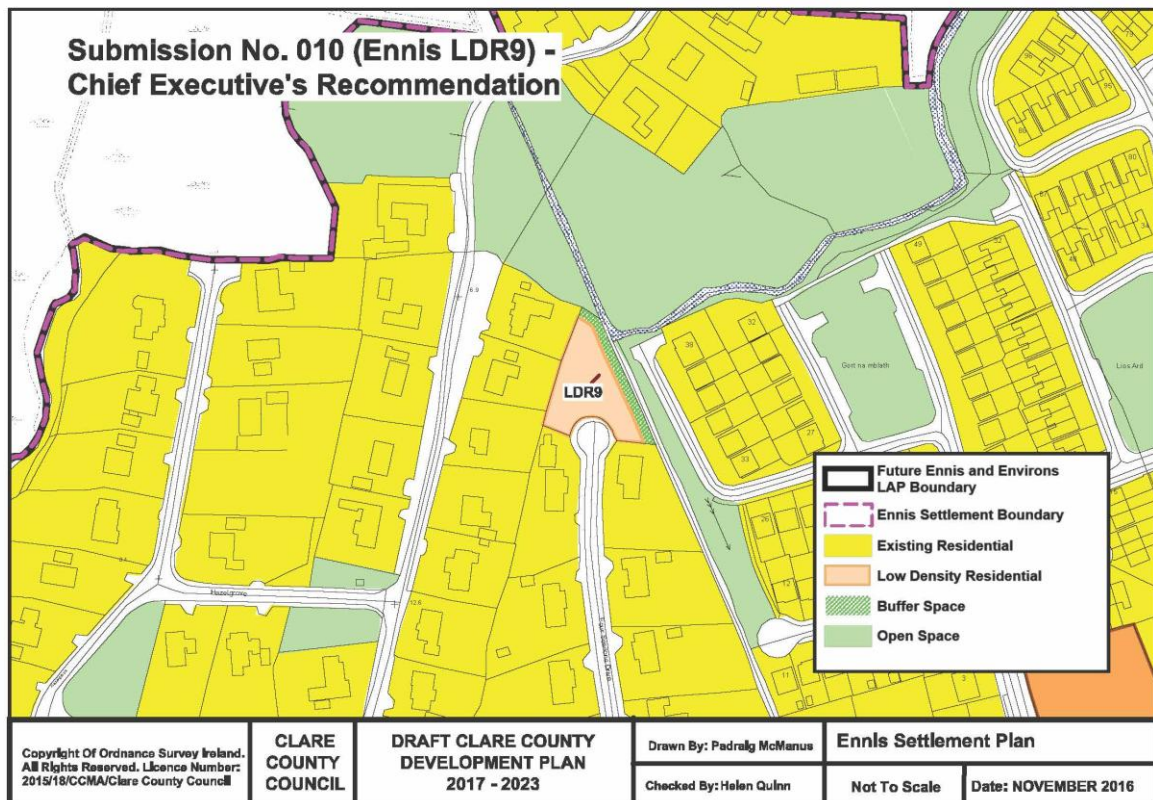
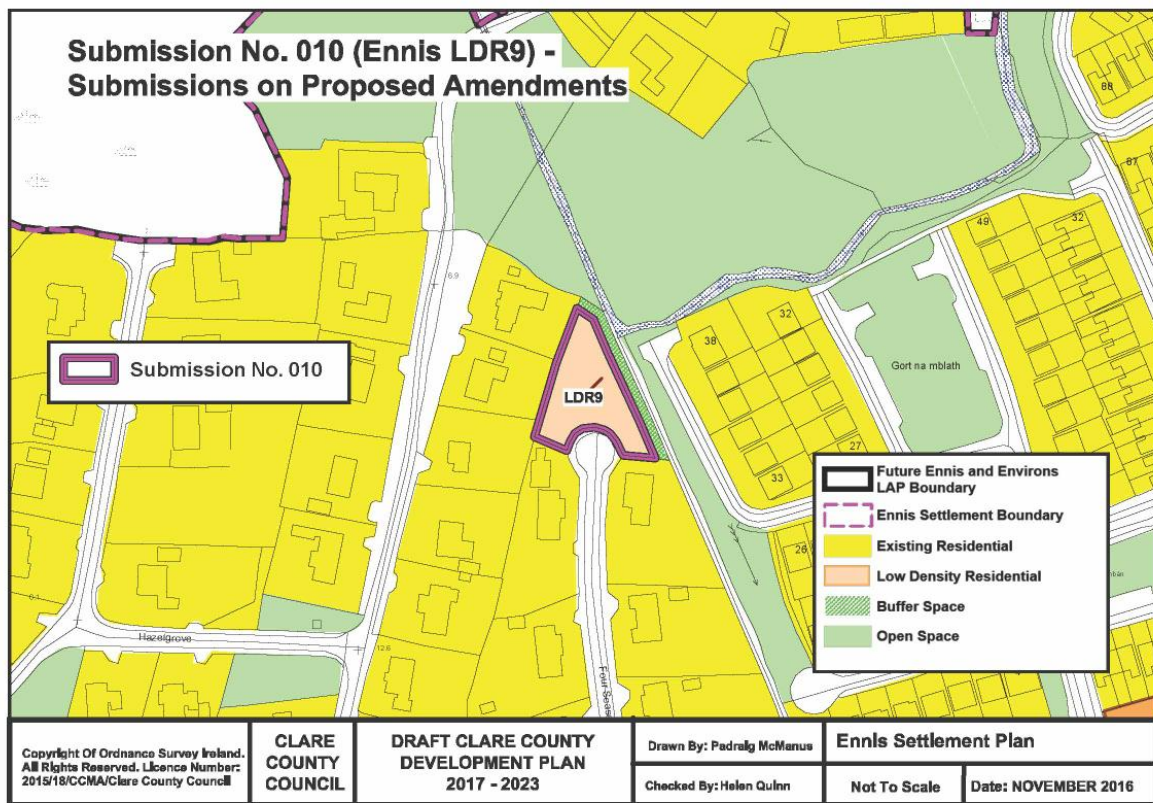
- Ennis LDR12
- Ennis LDR7
- Ennis LDR8

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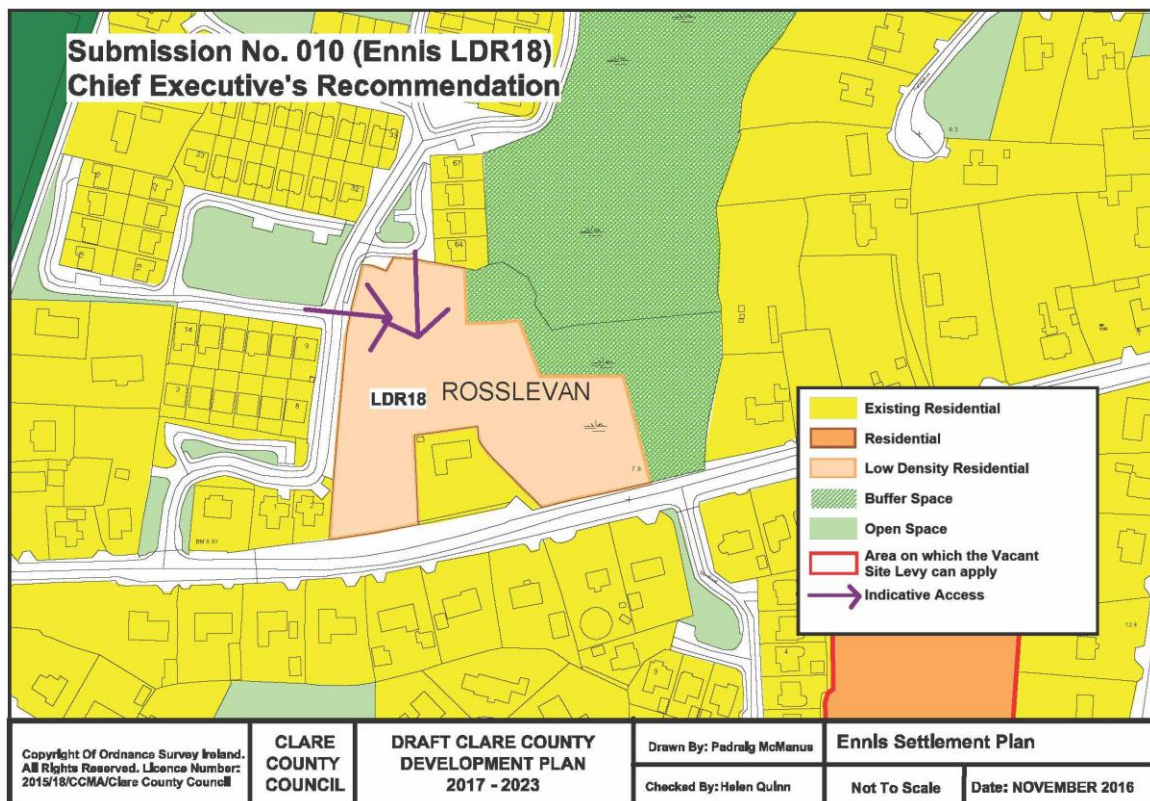
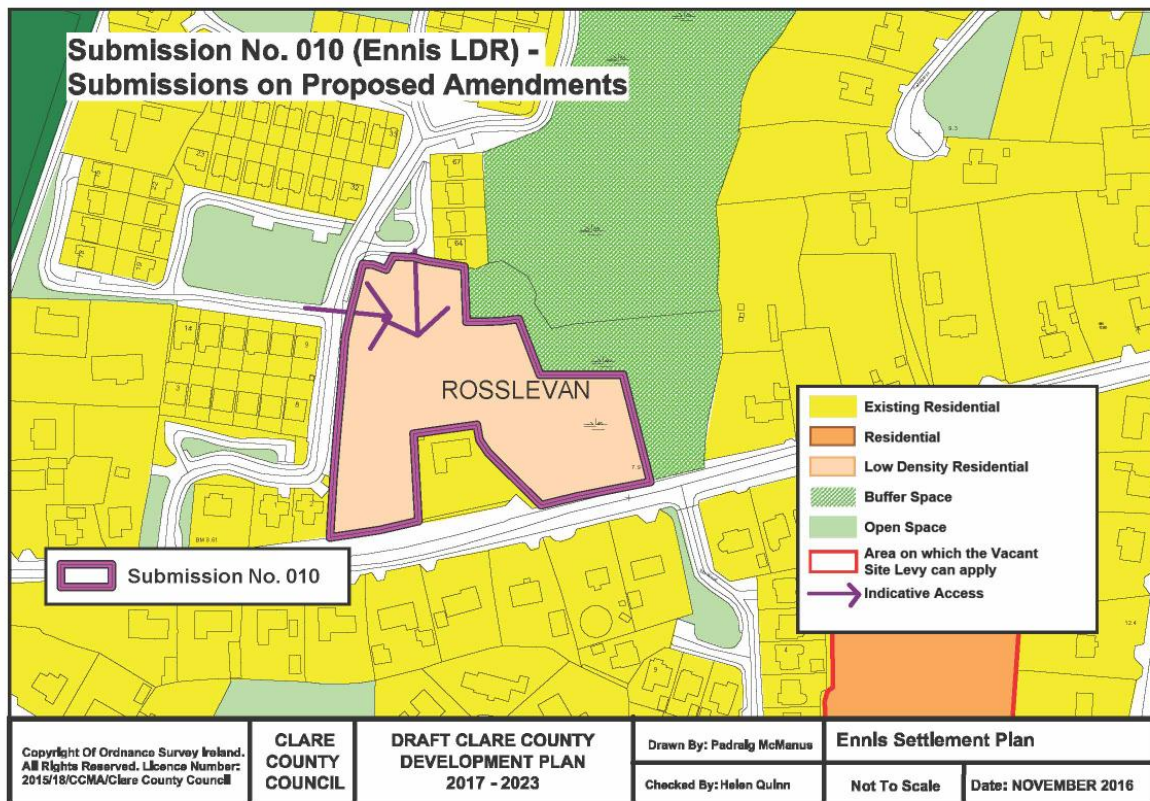


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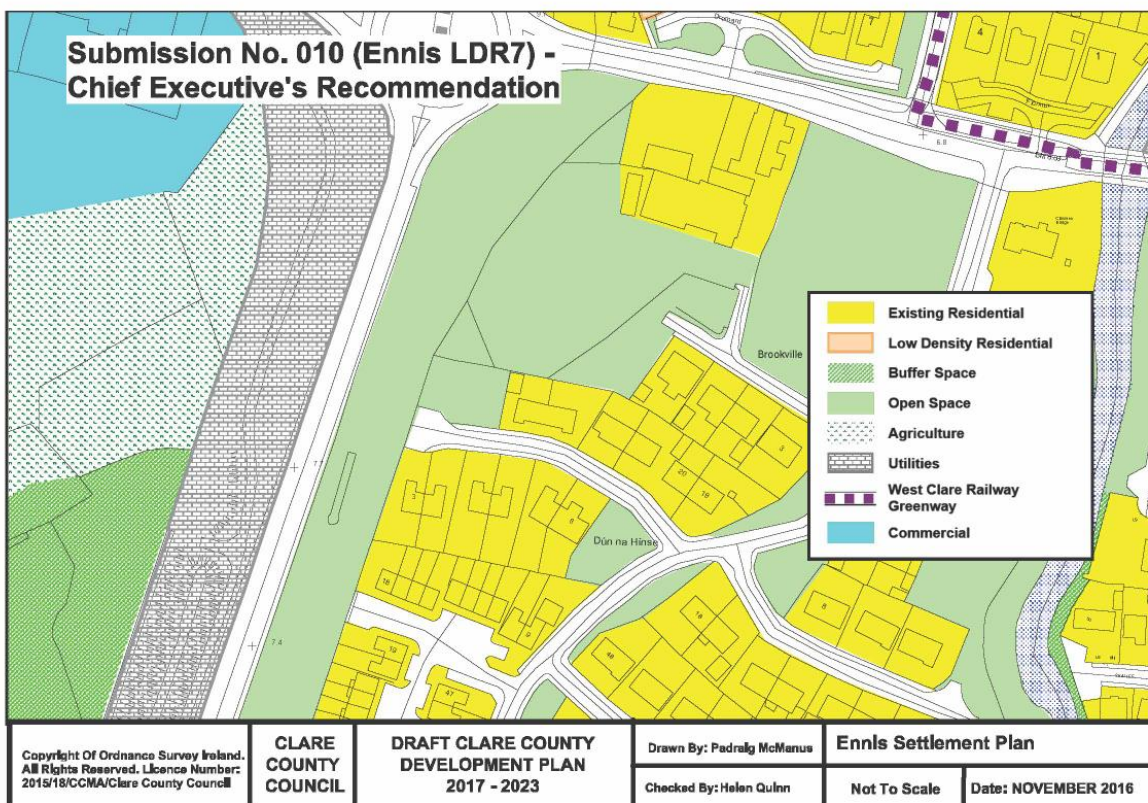
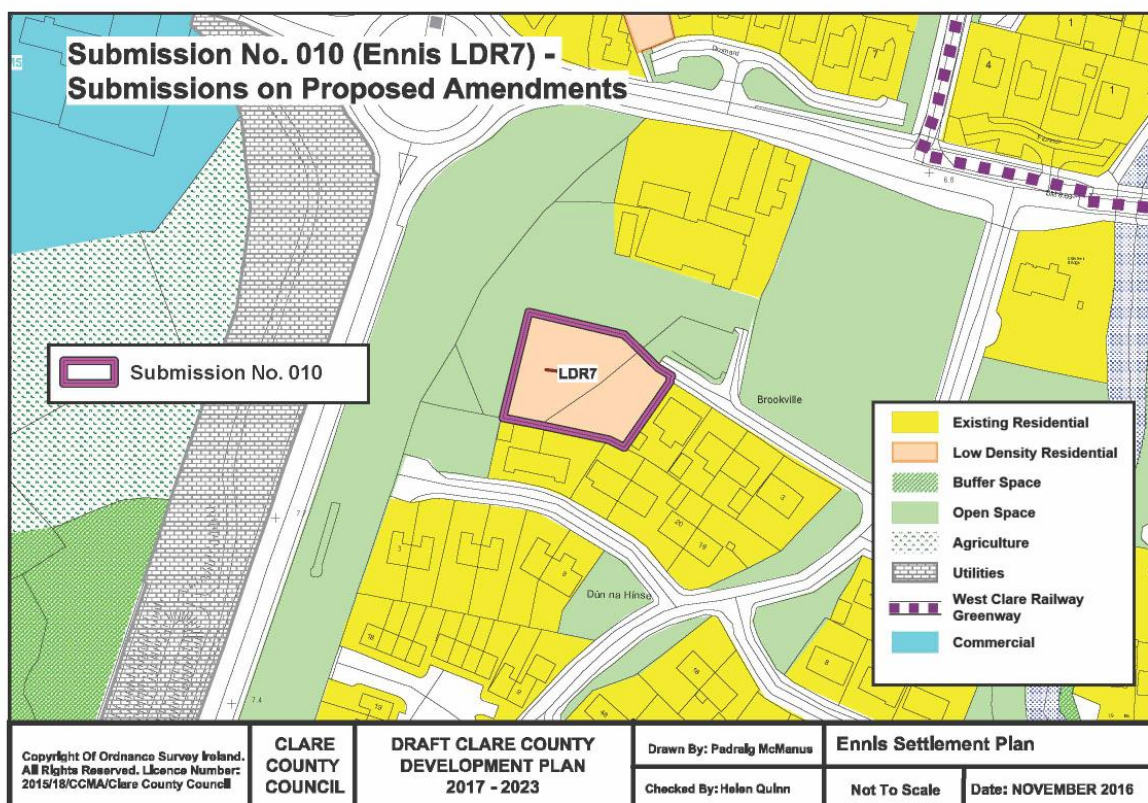


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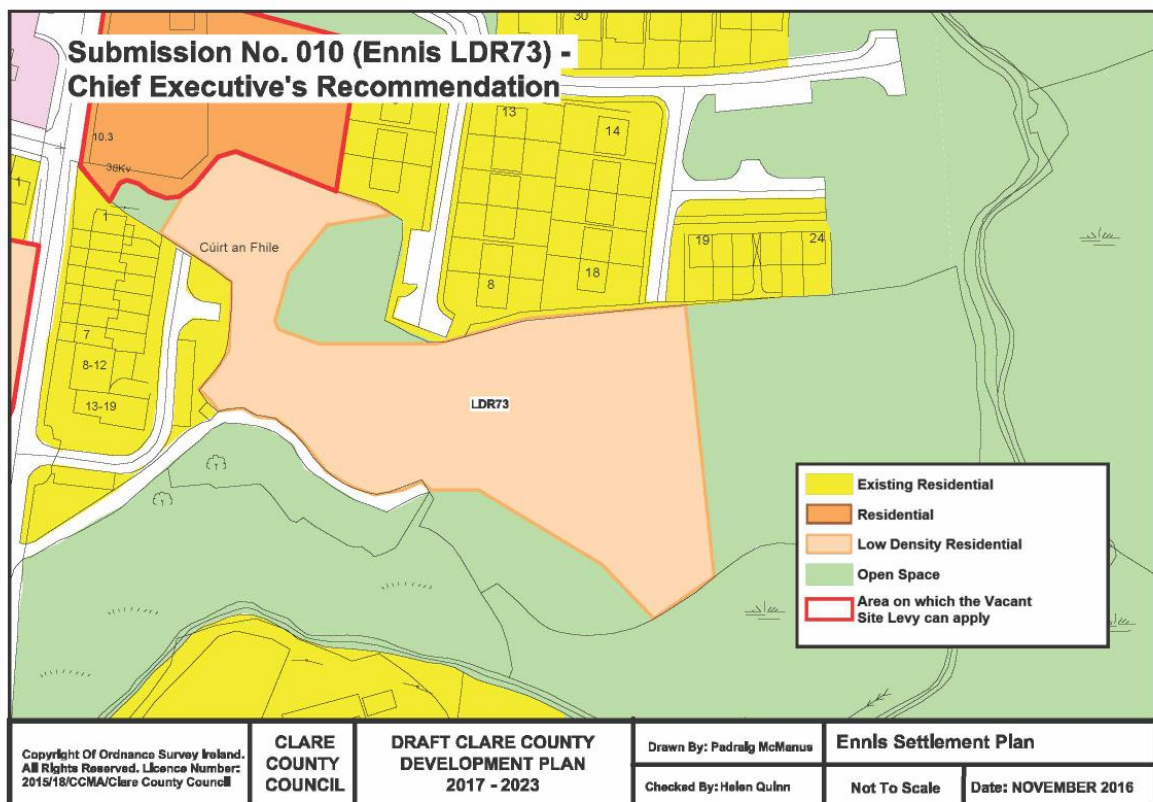
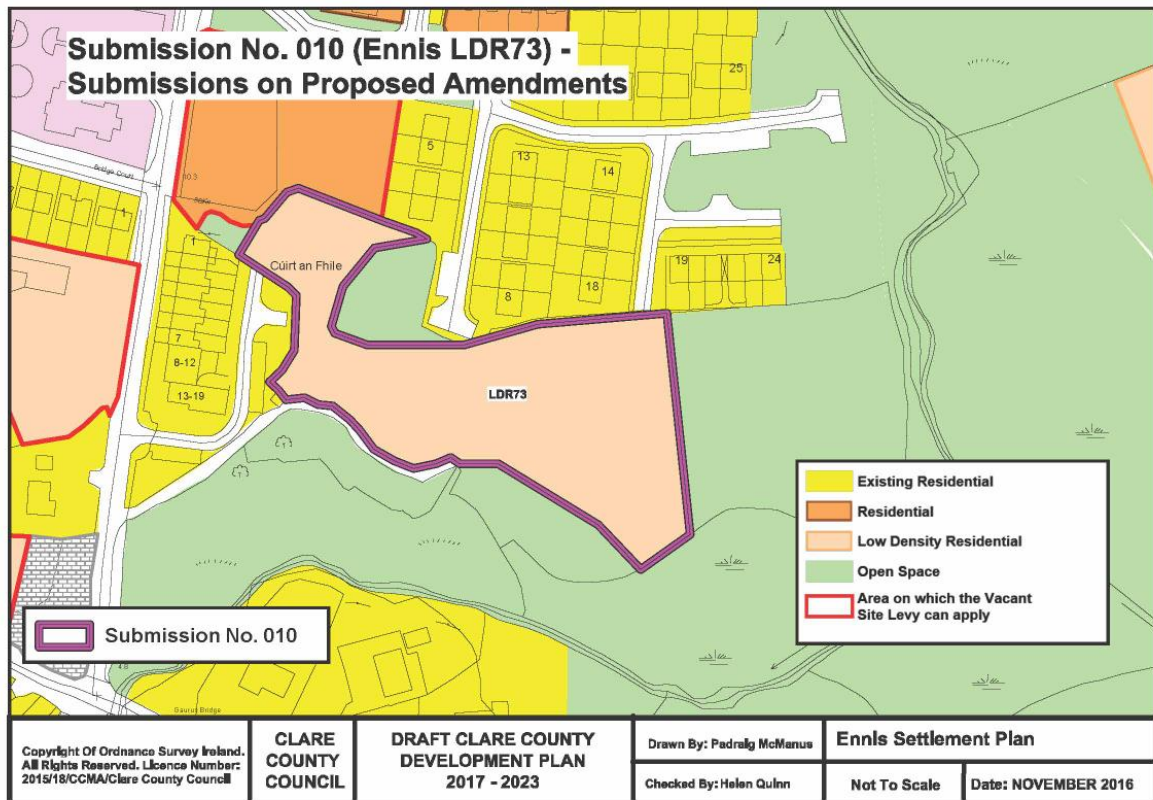


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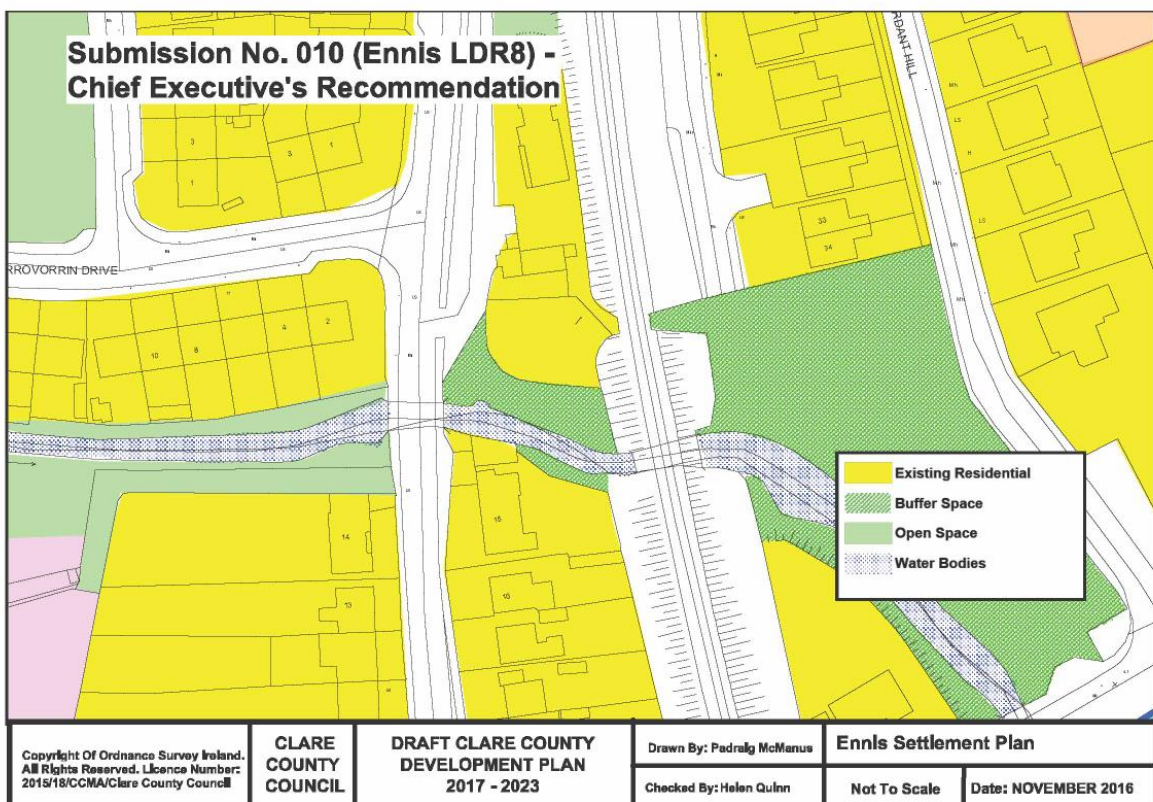
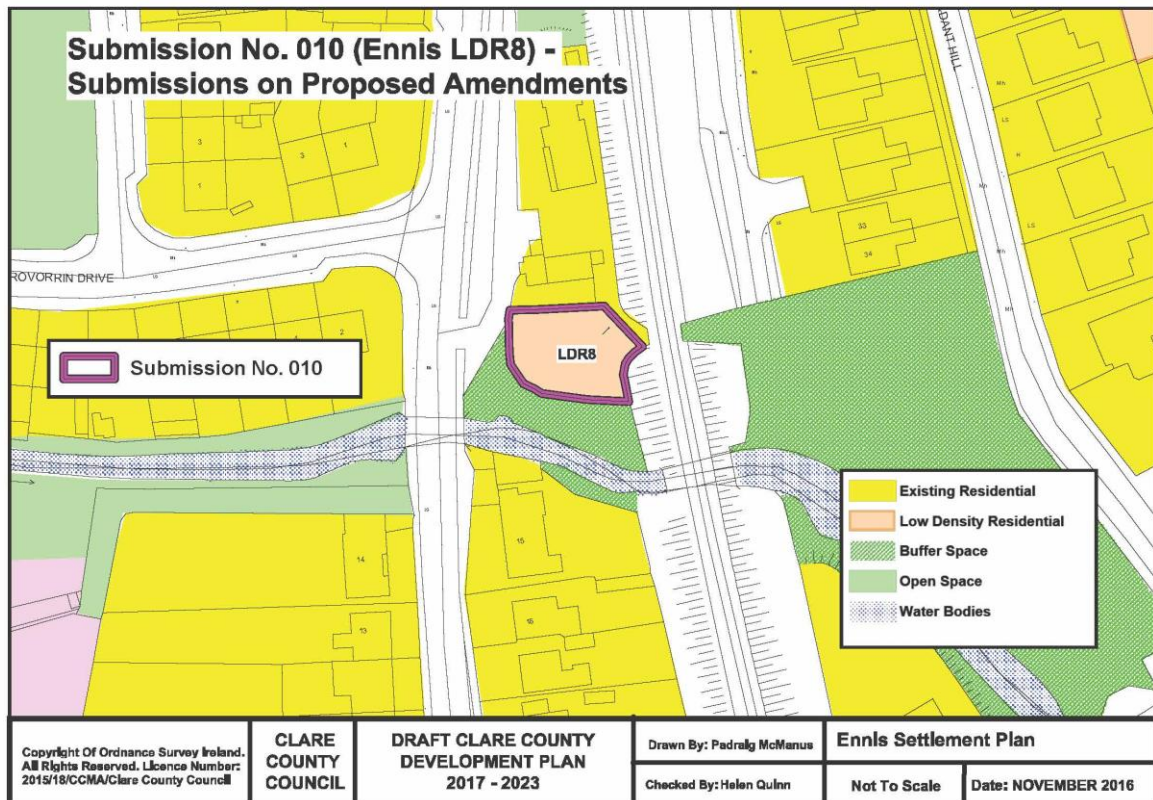


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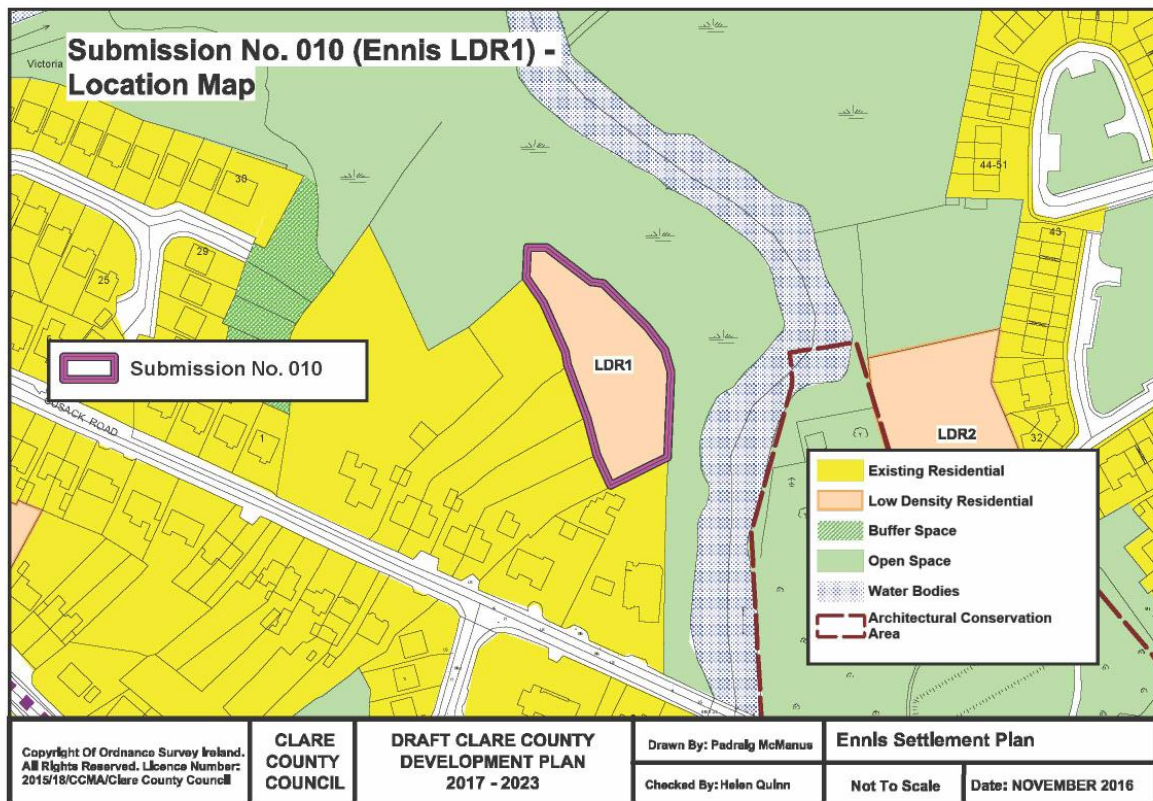




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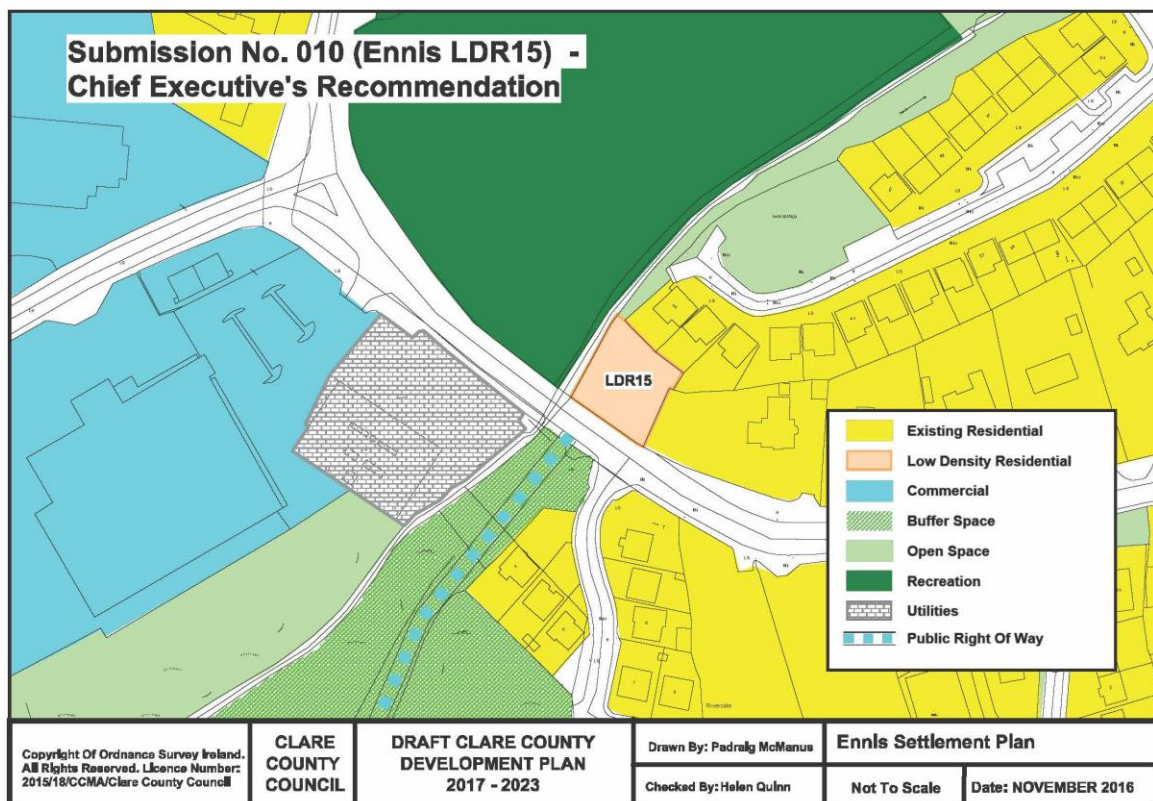
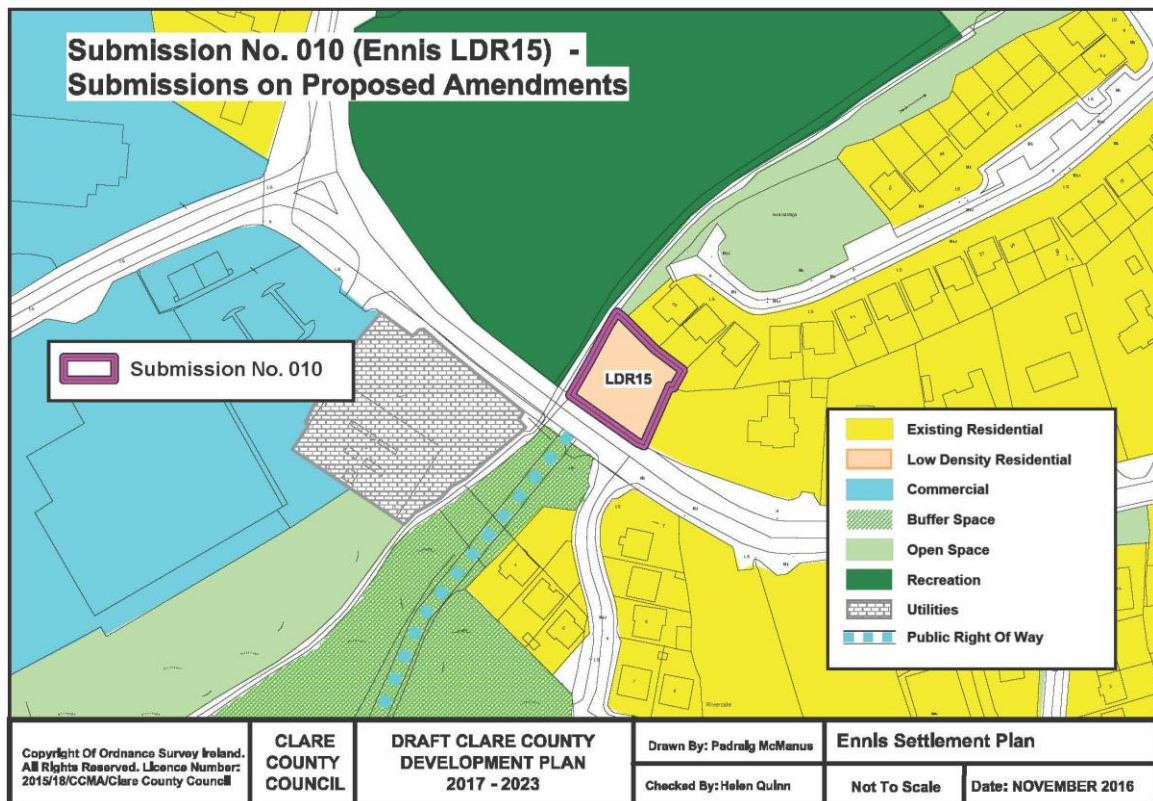


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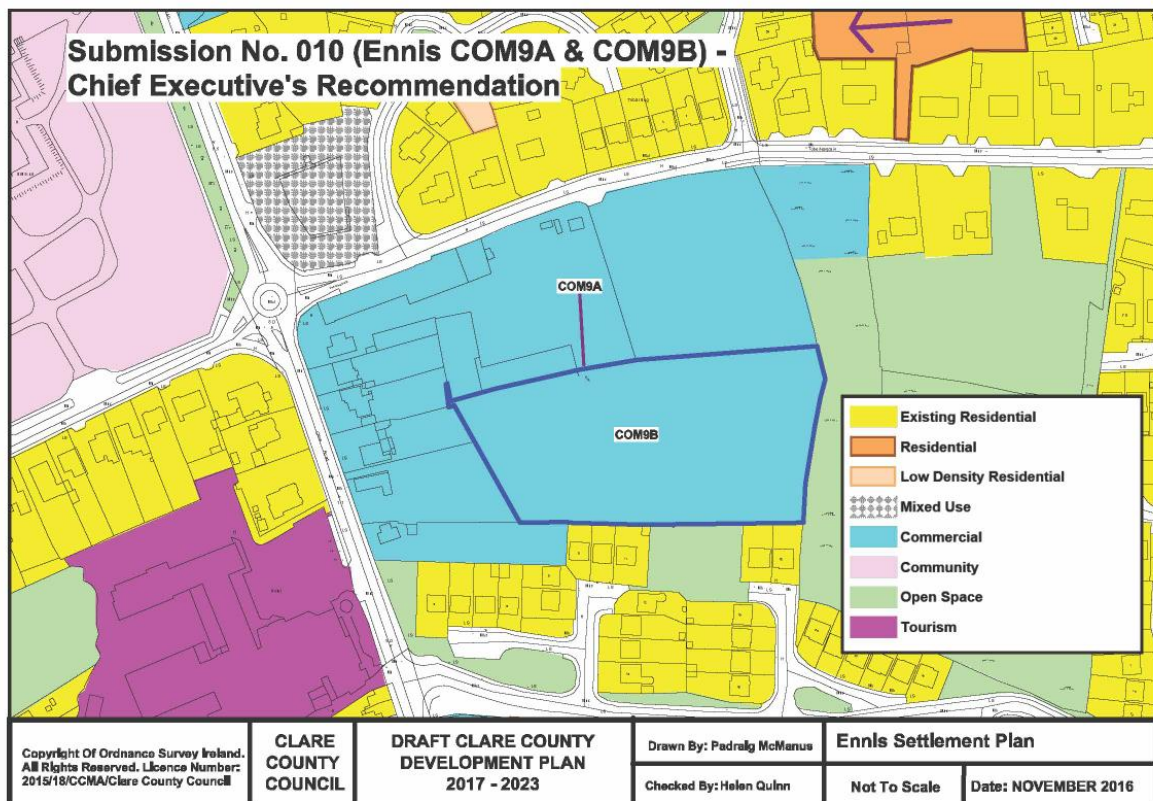
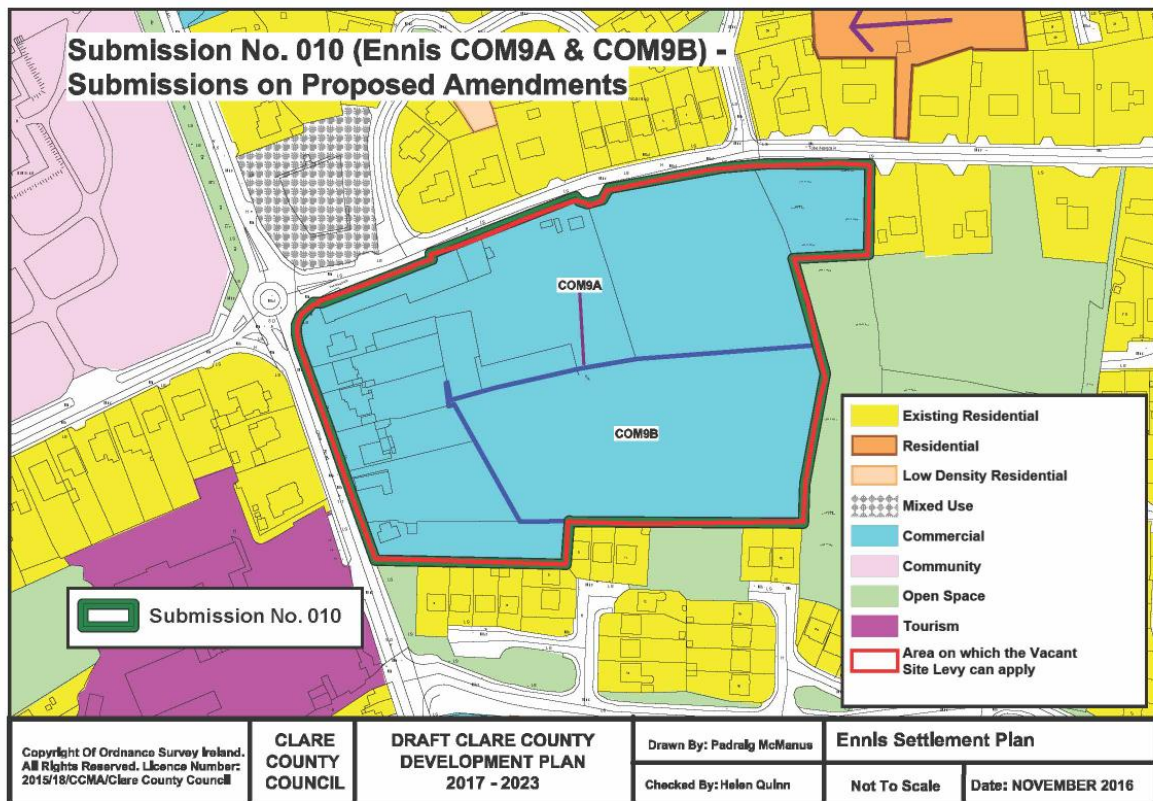


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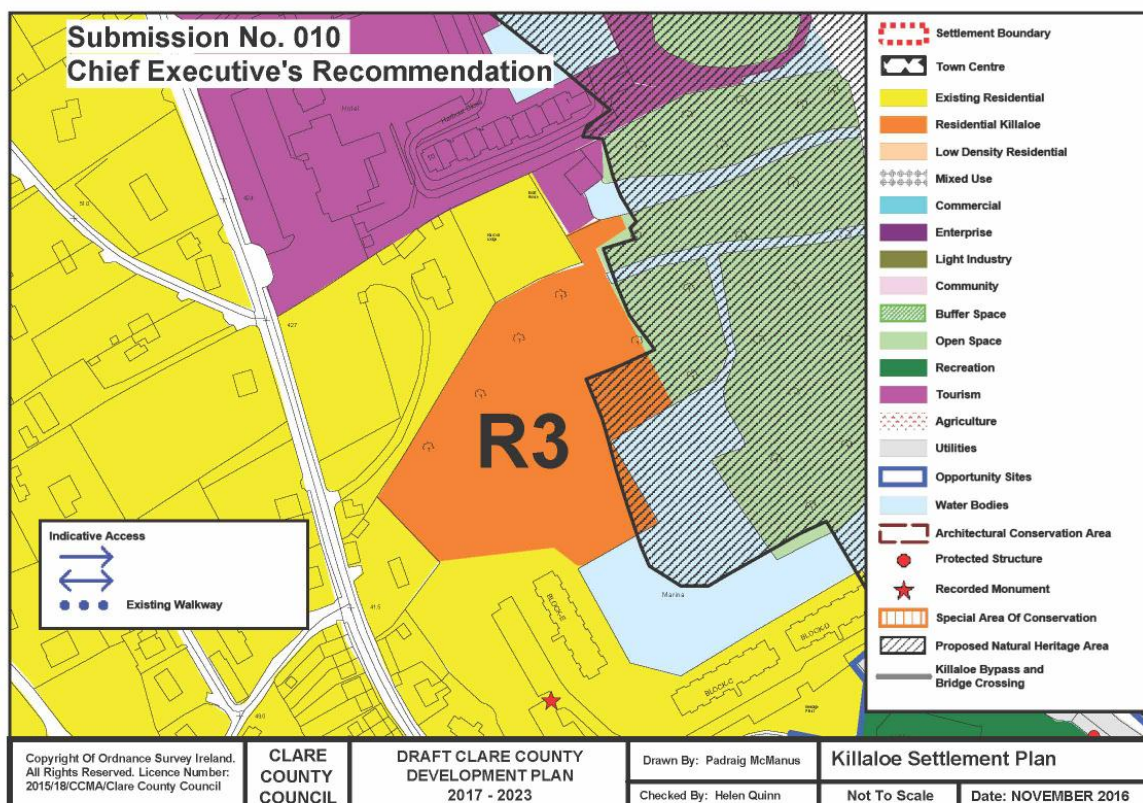
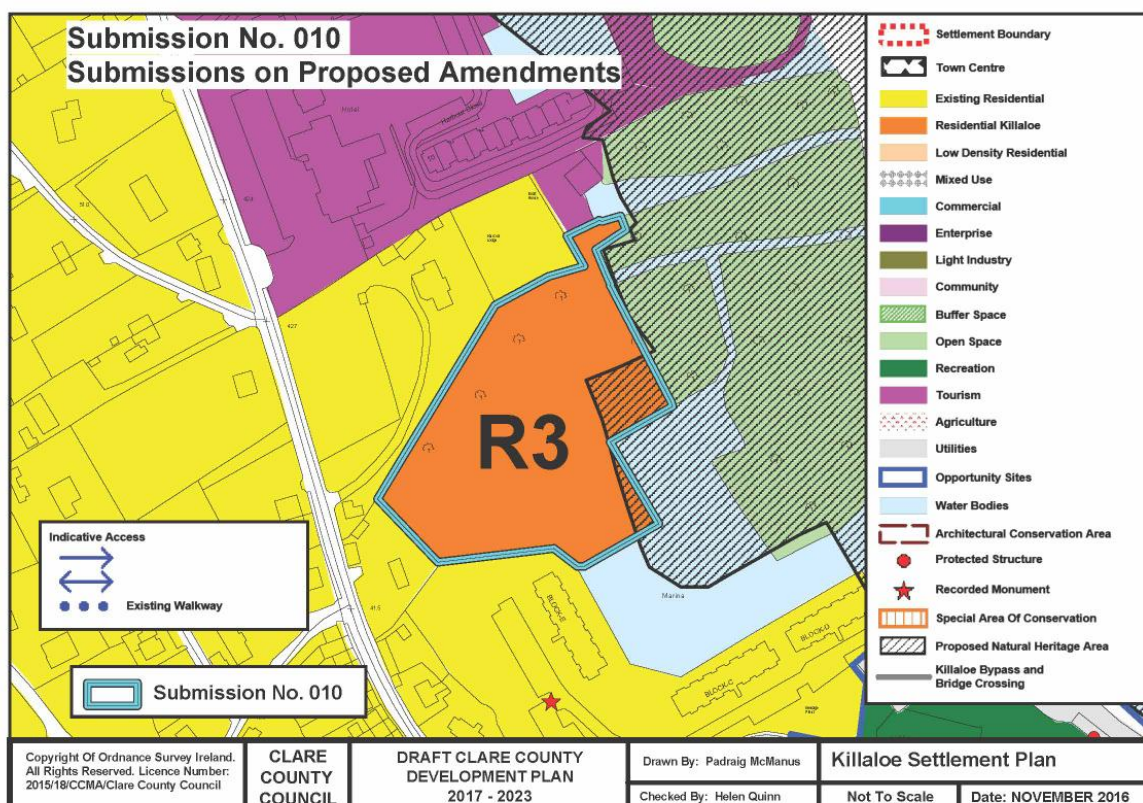


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## **Ref. 011 Terra Solar Limited**

### **Summary of the Issues Raised in the Submission**

Terra Solar Limited is an Irish solar energy developer whose business is to develop, finance, construct and operate solar energy assets in Ireland, with a primary focus on the south-western counties of Clare, Kerry and Limerick.

The submission relates to Volume 6, Chapter 8 (Solar Energy) of the Draft Clare County Development Plan 2017-2023, specifically sections 8.1.1, 8.2.1 and 8.2.2 where the preferred angle of solar panels is stated as a range between 35-55 degrees. It is requested that these sections be amended to allow for solar panel angles of between 15 and 35 degrees.

The submission states that the preferred angle of solar panels is a decision based on site location and size, topography and project economics. On smaller sites an angle of 15 degrees can be preferable to reduce space between panel rows, whereas in other conditions a greater angle of 35 degrees can be preferable. It is stated that in their opinion an angle higher than this, i.e. 35-55 degrees positions the panels too close to the vertical plane, reduces electricity generation and potentially renders the installation unviable. Constructed solar farms in the UK generally have an angle between 15-35 degrees and it is suggested that this practice be followed in Ireland. In the opinion of Terra Solar Limited the ideal angle for solar panels in Ireland is 30 degrees.

### **Chief Executive's Response**

I would like to thank Terra Solar Limited for making a submission which requests an amendment to the stated preferred angle of solar panels as referred to in Volume 6 of the Draft Clare County Development Plan 2017-2023. I note the requested changes within the text of the Renewable Energy Strategy are not subject of a proposed amendment to the Draft Clare County Development Plan 2017-2023. However, I consider the request refers to text in the Renewable Energy Strategy in sections 8.1.1, 8.2.1 and 8.2.2, where the angle range for solar panels is stated as 35-45/35-55 degrees, should be amended to include 15-25 degrees as a text correction, providing technical clarification which will not change the meaning of the policies, objectives and zonings in the Draft Plan.

### **Chief Executive's Recommendation**

I recommend the minor technical text correction be made in Sections 8.1.1, 8.2.1 and 8.2.2 of Volume 6, Chapter 8 Solar Energy of the Draft Clare County Development Plan 2017-2023 on foot of this submission, to include the solar panel angles 15-25/30-55 degrees.



## **Ref. 012 Gerry and Caroline Collins**

### **Summary of the Issues Raised in the Submission**

This submission relates to a land holding located in the Woodstock area of Ennis, part of which has been zoned for Low Density Residential further to submission Ref. 460 made to the Draft Clare County Development Plan 2017-2023.

Approximately one third of the total land-holding is subject of the proposed amendment to change the zoning from Agriculture to Low Density Residential and it is submitted that the full land-holding should be rezoned to Low Density Residential (map enclosed with submission). The reasons stated are:

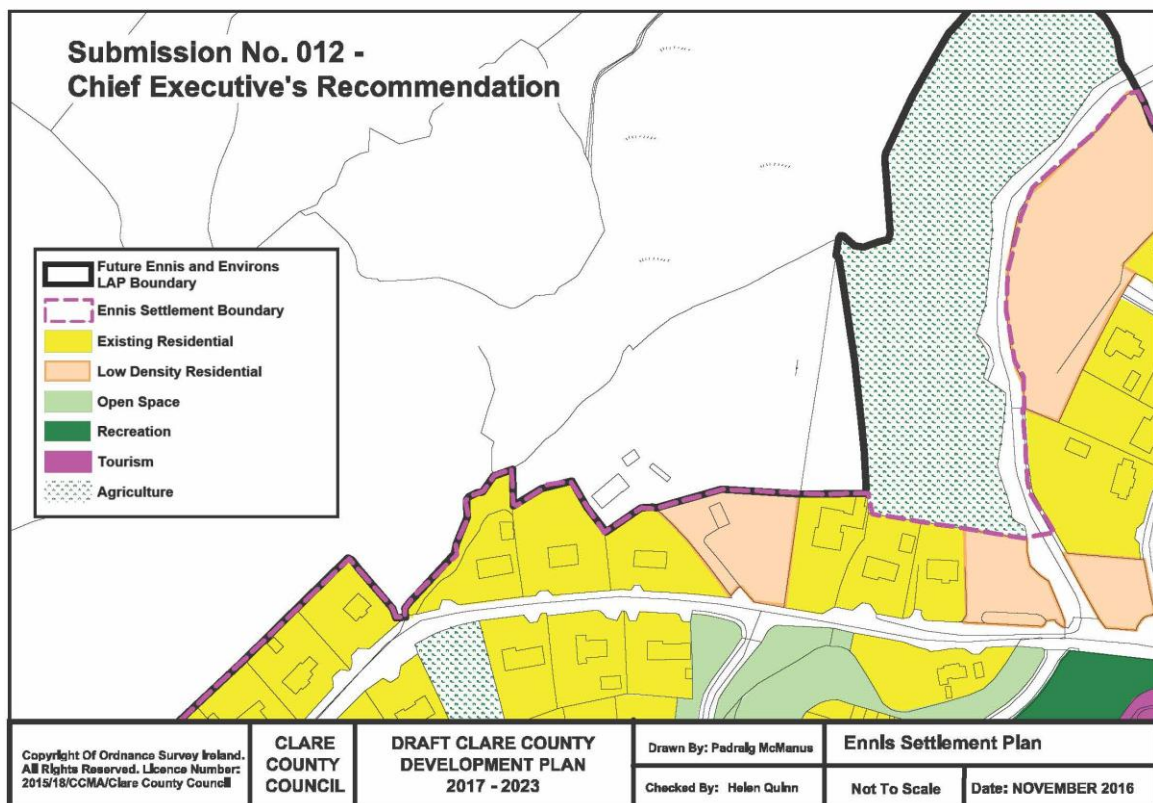
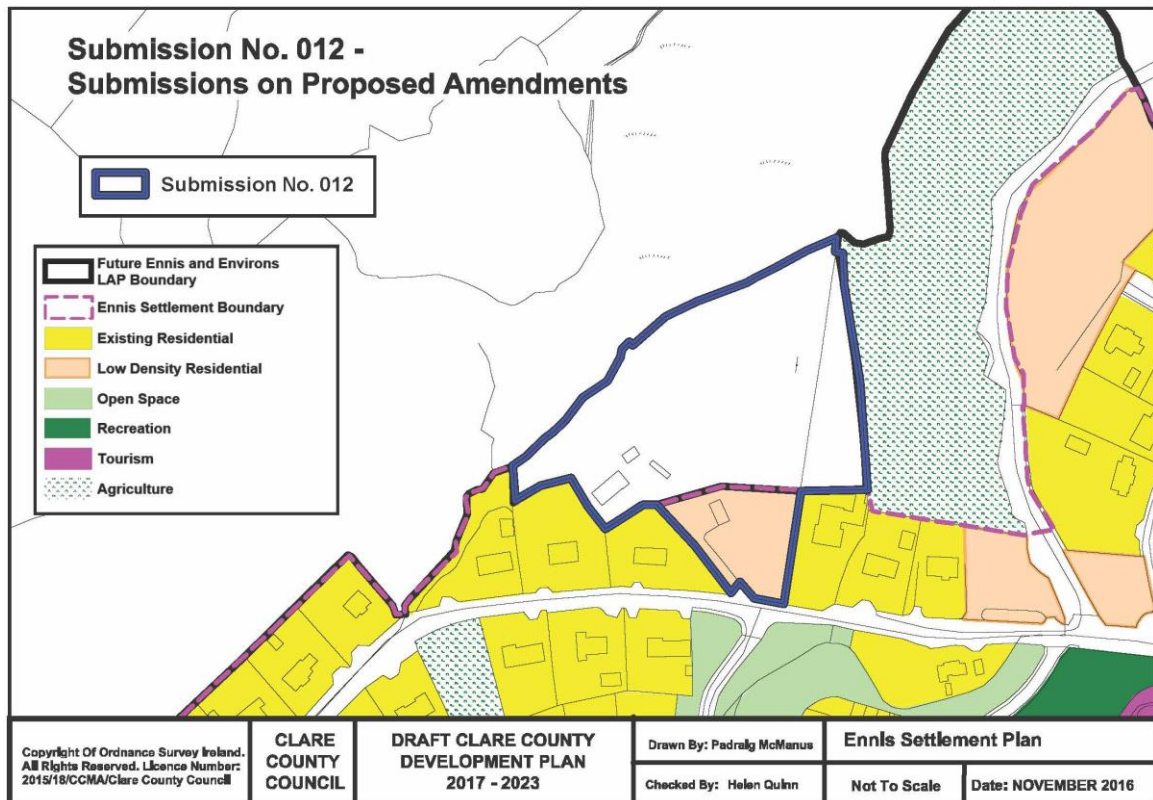
- A portion of the full in-fill site has been re-zoned not allowing for the full potential for residential development in the neighbourhood.
- Adjacent lands are zoned Existing Residential and request the zoning of the full land-holding as Low Density Residential is in keeping with the surrounding area.
- The settlement boundary through the field is arbitrary and bisects the land into zoned and un-zoned portions. To change the zoning on the entire field would allow for in-depth development to accommodate people from within and outside the area.

### **Chief Executive's Response**

I wish to advise that the most recent round of public consultation in the County Development Plan process was to obtain submissions in relation to the Proposed Amendments only to the Draft Clare County Development Plan 2017-2023. While I thank Gerry and Caroline Collins for their submission, only submissions relating to proposed amendments can be considered by the Planning Authority at this stage in the development plan process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended. The submission relates to the Proposed Amendment for a single infill site to be zoned Low Density Residential with the request to extend the area of zoning significantly beyond what is proposed which cannot be considered. Consideration cannot therefore be given to zoning additional land which is not subject of a Proposed Amendment, but only to the land subject of the Proposed Amendment itself.

### **Chief Executive's Recommendation**

This submission refers to substantial lands not included within the Proposed Amendment to the Clare County Development Plan 2017-2023, to which it relates. Therefore I recommend no change to the proposed amendments arising from this submission.



## **Ref. 013 Castlerock Residents' Association**

### **Summary of Submission:**

The Castlerock Residents' Association (CRA) express their extreme concern regarding the decision of Clare County Council to substantially increase the commercial zoning of OP19 – Commercial Building and ER13 Tulla Road, Ennis, which will result in flooding of local properties this winter. The submission continues to make the following points:

- The site is located just east of the Corrovorran River (Fergus Minor) which is a Natura 2000 site, currently zoned as Other Settlement Land and recently identified as primarily being within Flood Zone A and some in Flood Zone B. During the building of the flood defences the site was used for machine storage and construction spoil storage. The Part 8 planning documents did not show proposals for filling of the site.
- A portion of the front of the site along the road was significantly land-filled and levelled after completion of the flood defences. Since then further unauthorised filling has occurred. In the preparation of the Draft Clare County Development Plan 2017-2023 the planners seemed to accept the land filling to the roadside and recommended commercial zoning on that portion of lands. The proposed amendment recommended by the Elected Members extends much further to the remaining three-quarters of the site. The submission states that this decision follows the alleged unauthorised filling of a flood plain, which previously acted as a vital flood barrier for 70 houses in the Castlerock estate.
- Whilst the planners and Chief Executive recommended that the existing zoning should remain on the Tulla Road site due to flood risk concerns, councillors voted against (by majority) this recommendation by supporting a members' resolution, the reason given being "to make the site more viable for commercial development".
- No reference was given to any scientific evidence to support this resolution and no reason given as to why the statutory national flood risk guidelines were being ignored, when there is an obligation on councillors to comply with planning guidelines and scientific engineering experts undertaking work on behalf of the Local Authority.
- The objective of the 'Planning System and Flood Risk Management' is to integrate flood risk management into the planning process to assist in sustainable development. The submission quotes the core objectives under para. 1.6 of the guidelines including the avoidance of inappropriate development in flood risk areas, where it may increase flood-risk elsewhere, ensure management of residual risks for development on a flood plain etc.
- The submission states that Councillors are required under Section 12 of the Planning and Development Act. 2000 to consider the Draft Development Plan and the Chief Executive's Report and were reminded by the Chief Executive that in making any amendments to the draft plan, that they were restricted to the consideration of the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and the relevant policies and objectives of the government or any government minister.
- The submission states that JBA Consulting was appointed by Clare County Council to carry out the Strategic Flood Risk Assessment for the Draft Clare County Development Plan 2017-2023 which included a very thorough analysis of the site concluding that development should only be permitted along the road frontage of this site as per existing zoning and not the rear of the site as proposed in the draft. The submission also refers to and quotes extensively from other previous analysis of the site undertaken by JB Barry regarding flooding in relation to OP19 and a site referred to as ED13/ER13, concluding with the final quote, "The lowest part of the site, immediately behind the defences should be retained as open space in order to ensure the attenuation function is maintained".
- The view of the CRA is that the proposed re-zoning is developer-led; contrary to statutory flood risk management guidelines, increases the risk of flooding for homes in the estate following the removal of the flood plain and therefore contrary to proper planning and sustainable development of the area. As such the CRA request that Clare County Council use its statutory powers to revert to its original zoning to comply with national flood risk guidelines and recommendations of local planners.



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**Chief Executive's Response**

I thank the residents of Castlerock estate for their detailed and considered submission and I acknowledge the concerns that they have raised. Firstly I would like to clarify the site referencing in relation to this site. The Commercial lands on the Tulla Road were identified as OP19 in the Draft Clare County Development Plan 2017-2023. Under the proposed amendments, it is proposed to change the numbers of the Opportunity Sites and the Tulla Road site will be referred to as OP18. The residents refer to site OP19 in their submission. I have used the new reference below and refer to the site as OP18.

In response to the issues raised, the Planning Authority strives at all times to comply with Section 28 guidance documents, including The Planning System and Flood Risk Management Guidance document. It is particularly important to ensure that the zoning and development of land will not result in an increased risk of flooding, either on the subject site or elsewhere.

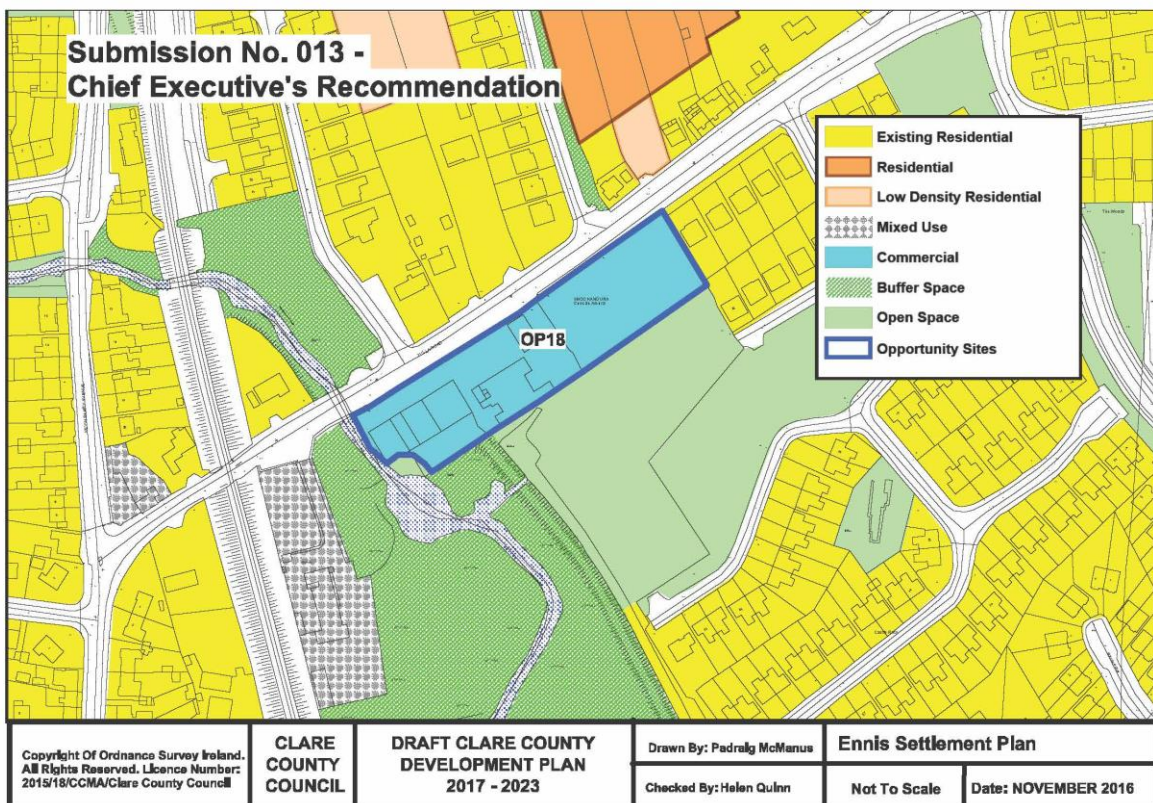
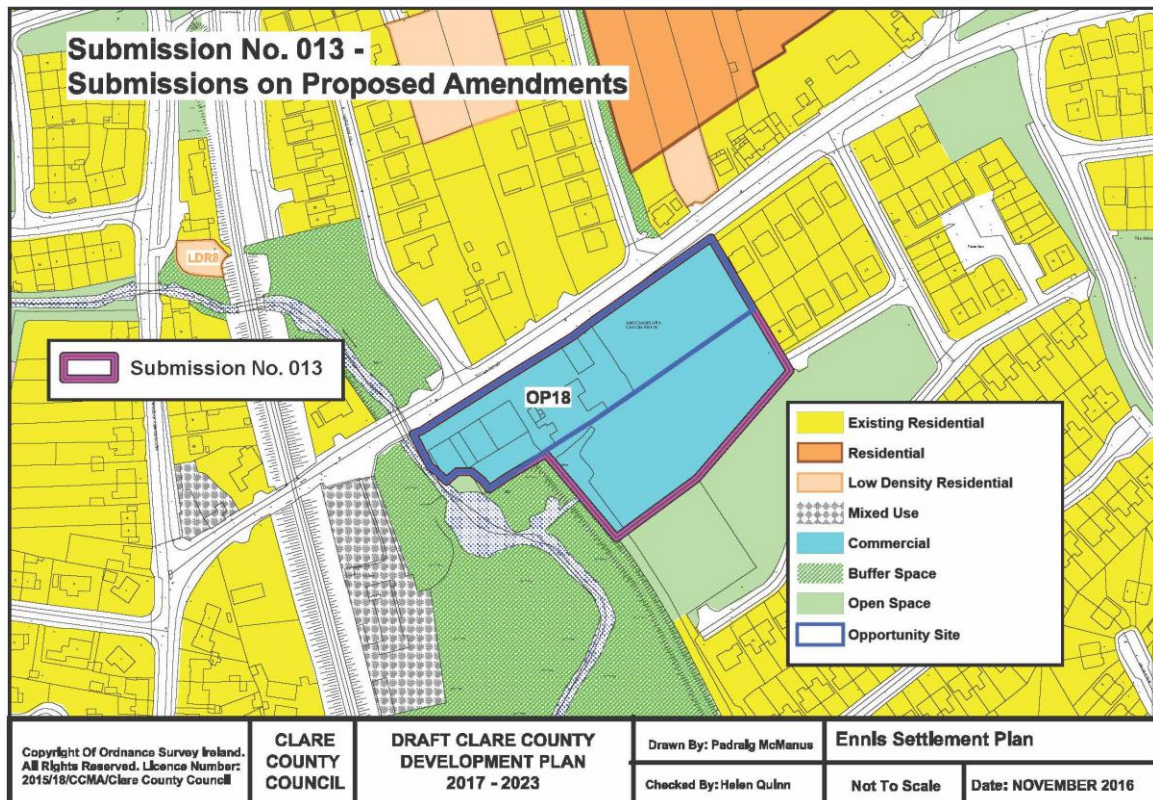
I believe that the expansion of site OP18 in a southern direction, onto an area identified as being in Flood Zone A, has the potential to impact negatively on the surrounding areas. I agree with Castlerock Residents Association and consider that this Commercial zoning should not be extended and that the Proposed Amendment should not be adopted.

I refer also to Submission 001 from the Department of Housing, Planning and Local Government, which also raised concerns in relation to the expansion of the Commercial zoning on this site.

**Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023, which relates to Site OP18 in Ennis, not be adopted

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## Ref. 014 Feidhlim Harty, F.H. Wetland Systems Ltd.

### Summary of Submission

The submission suggests some inclusions for Chapter 18 of the Draft Development Plan, specifically to:

Section 18.4 Climate Change Adaptation – an expressed examination of potential energy supply interruption should be included in the County Development Plan along with other climate change adaptation objectives to ensure Clare is adequately prepared for any shifts in energy supply and that the infrastructure for resilience are built into new projects going forward.

Additional wording is proposed in Section 18.4 under first bullet point under third paragraph as follows:

- Determining an area's vulnerability to climate risks *including contingencies for fossil energy interruptions*

Section 18.5 Low Carbon Strategy – the submission states that this section does not mention carbon sequestration. It should be mentioned in Section 18 either as a full section or as an amendment of section 18.4 Climate Change and Sequestration with additional section as follows:

*Climate change can also be tackled directly by employing carbon sequestration across all levels of society and the economy. Although Co. Clare's contribution to this may be small, it is the collective cumulative carbon dioxide emissions that have contributed to climate change and similarly collective sequestration activity can help to reduce the impact of climate change on our environment and weather systems.*

Additional wording is proposed for Objective CDP18.3 Climate Change Adaptation and Sequestration

It is an objective of Clare County Council:

- a) To endeavour to implement any elements of Sectoral Adaptation Plans, prepared in accordance with the Climate Action and Low Carbon Development Act 2015, relating to the work of Clare County Council;
- b) To liaise with all relevant stakeholders to prepare a Climate change Adaptation Strategy for County Clare during the lifetime of this development Plan, *specifically including fossil energy supply interruption as a potential consequence of climate change policies;*
- c) To raise general awareness of issues associated with climate change, *climate change adaptation and mitigation and carbon sequestration* during the lifetime of this plan;
- d) *To support, promote and encourage carbon sequestration measures within Co. Clare as a way to minimise the extent and impact of climate change.*

The submission states that Section 18.3.1 on Radon is not a climate issue and this should be located in an alternative section in the County Development Plan.

The submission submits that recent research and increasing trends in the EU demonstrate that storing water within the landscape is a viable and valuable element of flood control. Mr. Harty expresses concern that Section 18.6.4 Maintenance of Rivers and Waterways is misleading in this regard and may encourage further drainage of stream and river catchments, leading to exacerbation of urban flooding rather than providing a solution. The following amended wording is suggested:

Blockage of rivers and waterways, particularly in urban areas, has the potential to obstruct the natural drainage regime in an area. *However a growing body of evidence and examples in Ireland and internationally suggests that retaining water within rural catchments is also a key element of urban flood control. Addressing balancing* these issues is a key element of flood risk management in the towns and village of County Clare. *Ponds, wetlands, woodland cover, hedgerows, planted drains, riparian habitats and even agricultural soils all provide valuable storage for flood water and*



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*reduce the catchment response time in storm conditions, helping to minimise flood risks further downstream.*

It is further suggested that **Objective CDP18.10 Maintenance of Rivers** be amended to include an additional point b) as follows:

*b)To encourage broad-scale water retention within the wider catchment context to minimise runoff volumes and velocities and ensure greater protection of downstream urban areas from flood risk; including intentional damming of drains, plant proliferation in streams and riparian zones and other catchment based amelioration measures where appropriate and subject to the requirements of Objective CDP2.1.*

### Chief Executive's Response

I thank Mr. Harty for this detailed and considered submission. I note that the submission primarily sets out a series of recommended amendments and additions in relation to the Climate Change section of the Draft Development Plan.

I wish to advise that the most recent round of public consultation in the County Development Plan process was to obtain submissions relating to the Proposed Amendments only to the Draft Clare County Development Plan 2017-2023. While I thank Mr. Harty for his submission, I note that it does not relate to any proposed amendment to the Draft Clare County Development Plan 2017-2023. Only submissions relating to proposed amendments can be considered by the Planning Authority at this stage in the development planning process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

I note the comments made in relation to the relevance of 'Radon' to the 'Climate Change, Flooding and Low Carbon Strategy' chapter of the development plan. I agree with Mr. Harty and recommend that this proposed section be moved to Chapter 4 Housing. As this does not involve a change to the text of the plan, but rather a relocation within the overall layout of the development plan, I consider it to be a minor issue than can be accommodated at this time.

Moreover, I have referred the submission in its entirety to the Limerick Clare Energy Association for their information in the context of the worthy issues it raises regarding climate change adaptation and energy usage.

### Chief Executive's Recommendation

I recommend that Section 18.3.1 Radon and the associated objective be moved to Chapter 4 Housing of the Draft Clare County Development Plan 2017-2023.

## **Ref. 015 Kilkee Tourism Ltd.**

### **Summary of Submission**

The submission expresses disappointment that the submission made at the pre-draft stage (of the Clare County Development Plan 2017-2023) was totally ignored. The submission refers to one example of where suggestions were made and was not taken on board. This relates to OP2 an Opportunity Site on the Kilrush Road which was noted in the submission that this old garage had been purchased and was trading successfully. This OP2 designation was not removed from the final edition and was marked for a Vacant Site levy. A copy of the original submission was attached.

### **Chief Executive's Response**

I thank Kilkee Tourism Ltd. for their submission and note their comments accordingly. I would like to state that all submissions submitted with regard to the pre-draft and draft stages of the Draft Clare County Development Plan 2017-2023 were individually considered in the preparation of the Draft Development Plan.

This submission refers to the Proposed Amendment which identifies Opportunity Site OP2, the garage site at Kilrush Road, Kilkee as a site where the Vacant Sites levy can apply. I have reviewed the site and have established that the garage has been purchased and is operating as a garage as the submission states. In addition, in seeking clarification on the areas where the Vacant Sites Levy may be applied I note that this is where it is identified 'Regeneration' land and 'Residential' land in existing land-use zonings of the Clare County Development Plan 2017-2023. 'Residential' land is identified and applied to 'Existing Residential', 'Low Density Residential' and 'Residential' zoned land and 'Regeneration' land is applied to 'Mixed Use', 'Neighbourhood Centres', 'Tourism', and 'University Zone' zonings.

Based on the categories above, the OP2 site on the Kilrush Road, Kilkee does not fulfil the criteria for Regeneration. In addition, I note there are a number of other sites identified as Areas where the Vacant Sites Levy can Apply, which also do not comply with the criteria for 'Regeneration' or 'Residential' lands, these being:

- OP3, St. James Church, Carrigaholt Road, Kilkee;
- OP1 Former Convent Site, Ennistymon;
- Commercial lands, Our Ladies Hospital, Gort Road, Ennis; and COM9a and COM9b, Limerick Road, Ennis.

I therefore consider that these sites should be removed from the Proposed Amendments which relate to the insertion of the Sites where the Vacant Sites Levy can Apply in Volume 1, Volume 3(a) and Volume 3(d) of the Draft Clare County Development Plan 2017-2023.

With regard to the designation as an Opportunity Site I am of the opinion that this designation should remain as it imposes no constraint on the current use. In this regard I proposed that in order to ensure the most up-to-date status of the site that a minor modification be made to the text of OP2 to provide clarification.

### **Chief Executive's Recommendation**

I recommend that the Proposed Amendment to the Draft Clare County Development Plan 2017-2023 which relates to the designation of Opportunity Site OP2, Kilrush Road, Kilkee as an Area on which the Vacant Site Levy can Apply, not be adopted.

I further recommend that a minor modification be made to the text of OP2, Kilkee to provide clarification as follows:

"This site consists of a ~~former~~ petrol station, forecourt, canopy, shed and ancillary structures. ~~Which is currently vacant and falling in to disrepair.~~ Given the prominent location on the principal

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approach to Kilkee, ~~its vacant status and poor condition do not present a positive first visual impression for the town and have a negative visual impact,~~ options ~~should~~ could be explored for viable ~~future new~~ uses for the site ~~should the site become available~~. Any new development requires a suitable boundary along the back of the footpath. Any new development should include a shelterbelt of trees around the site and between the garage and house."

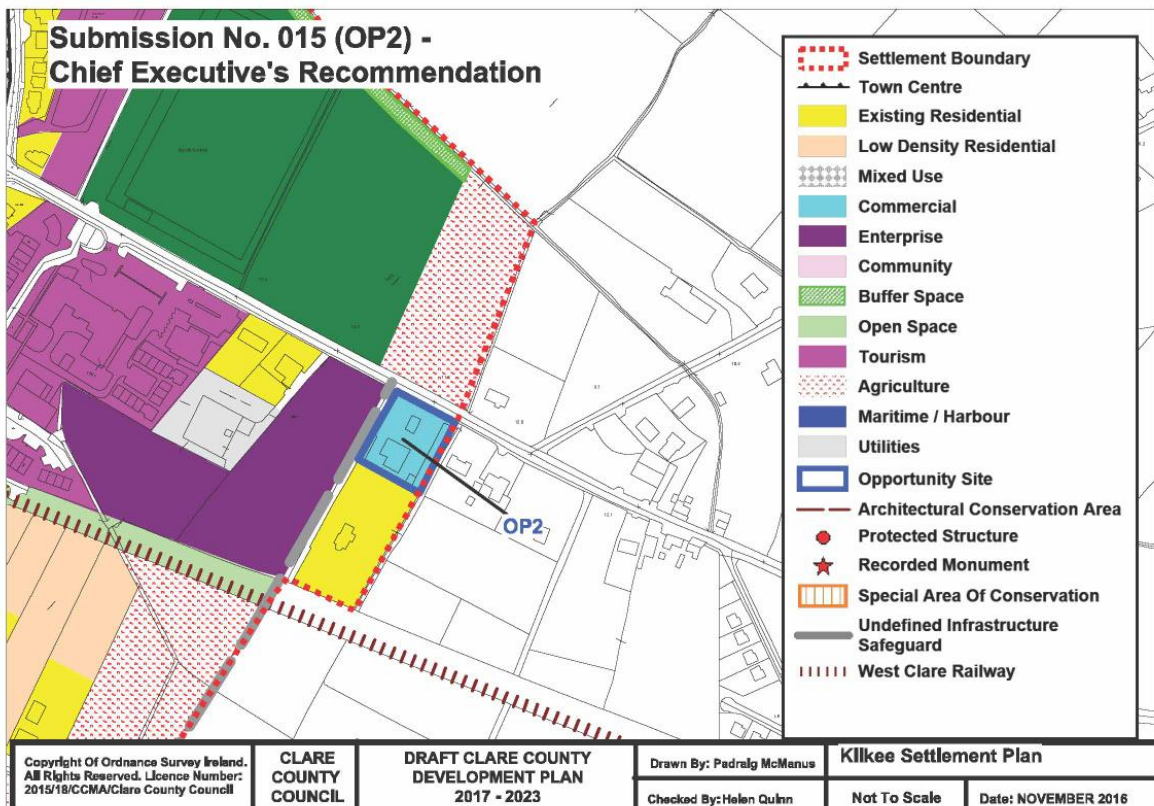
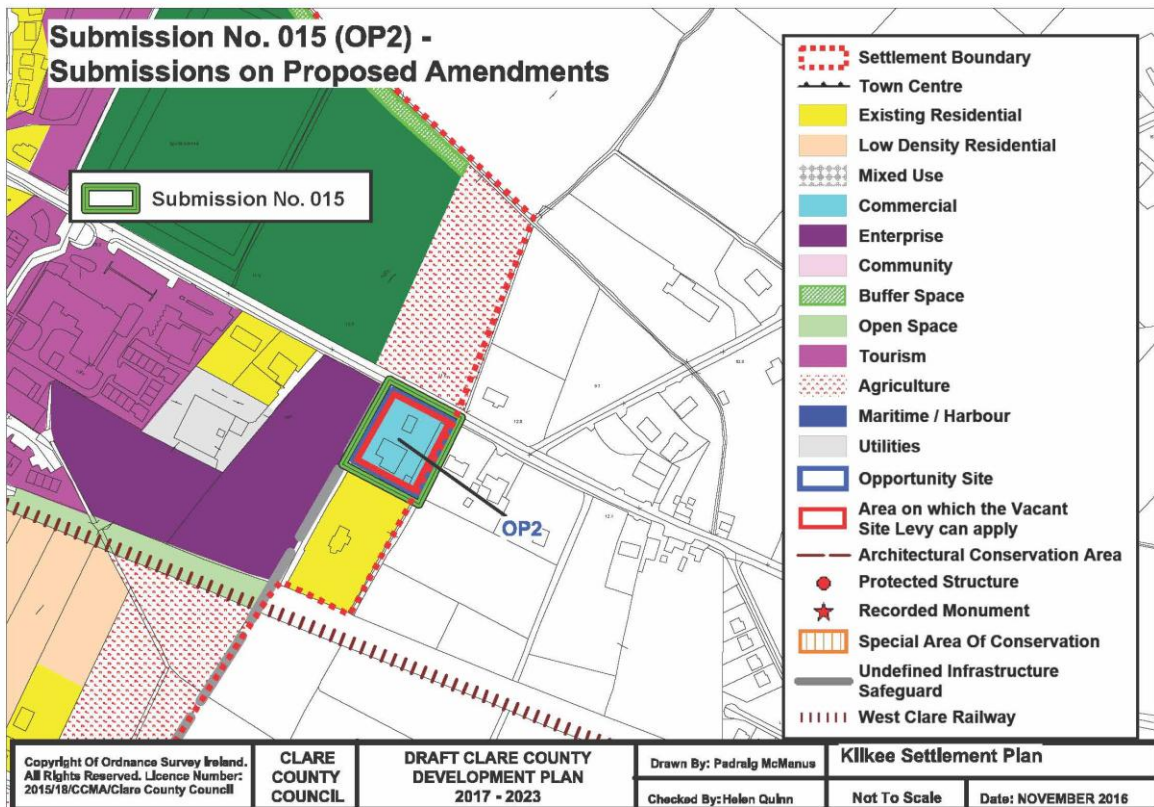
In relation to the Proposed Amendment to Section 16.2.8 of Volume 1 of the Draft Clare County Development Plan 2017-2023, I recommend that the following sites not be included in the adopted list of Sites on which the Vacant Site Levy can Apply:

- Kilkee - OP2 garage site on Kilrush Road
- Kilkee - OP3 St. James Church, Carrigaholt Road
- Ennistymon – OP1 Convent Site
- Ennis – Commercial lands at the former Our Lady's Hospital, Gort Road
- Ennis – COM9a and COM9b, Limerick Road

I recommend that the sites above also not be adopted into the lists contained in Volume 3(a) Ennis Municipal District Settlement Plans and Volume 3(d) West Clare Municipal District Settlement Plans.

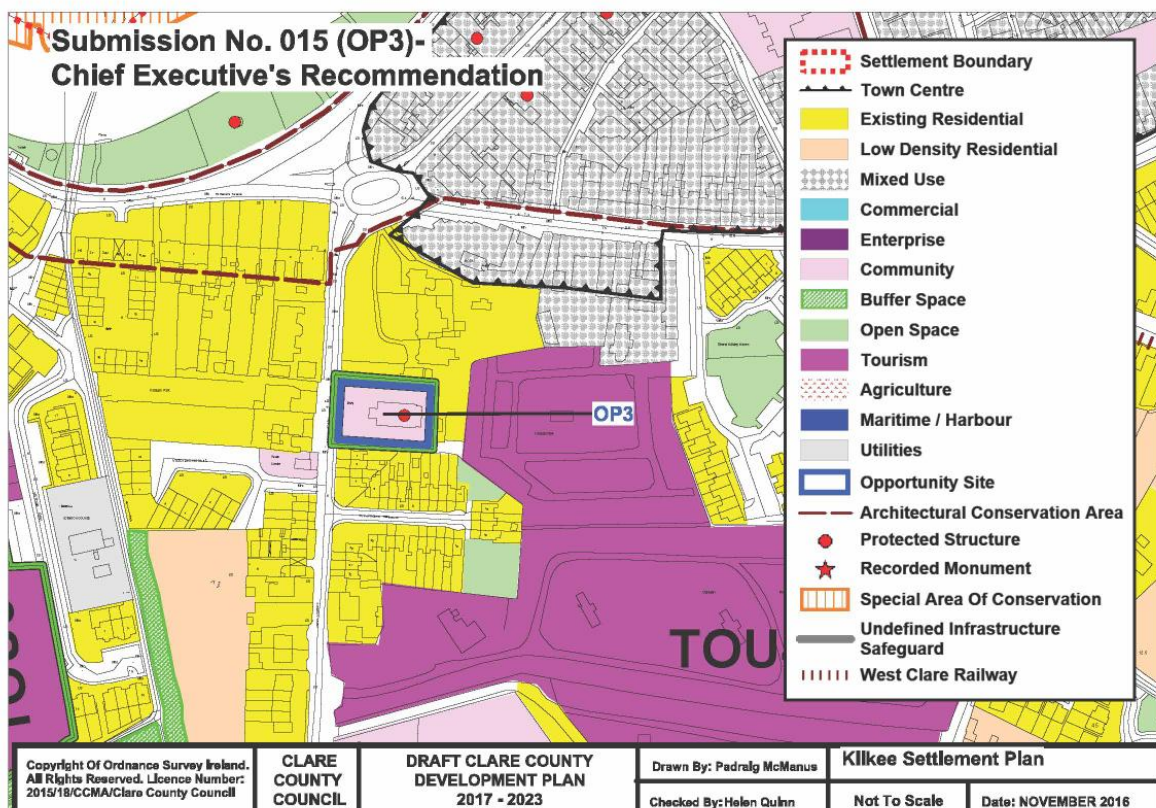
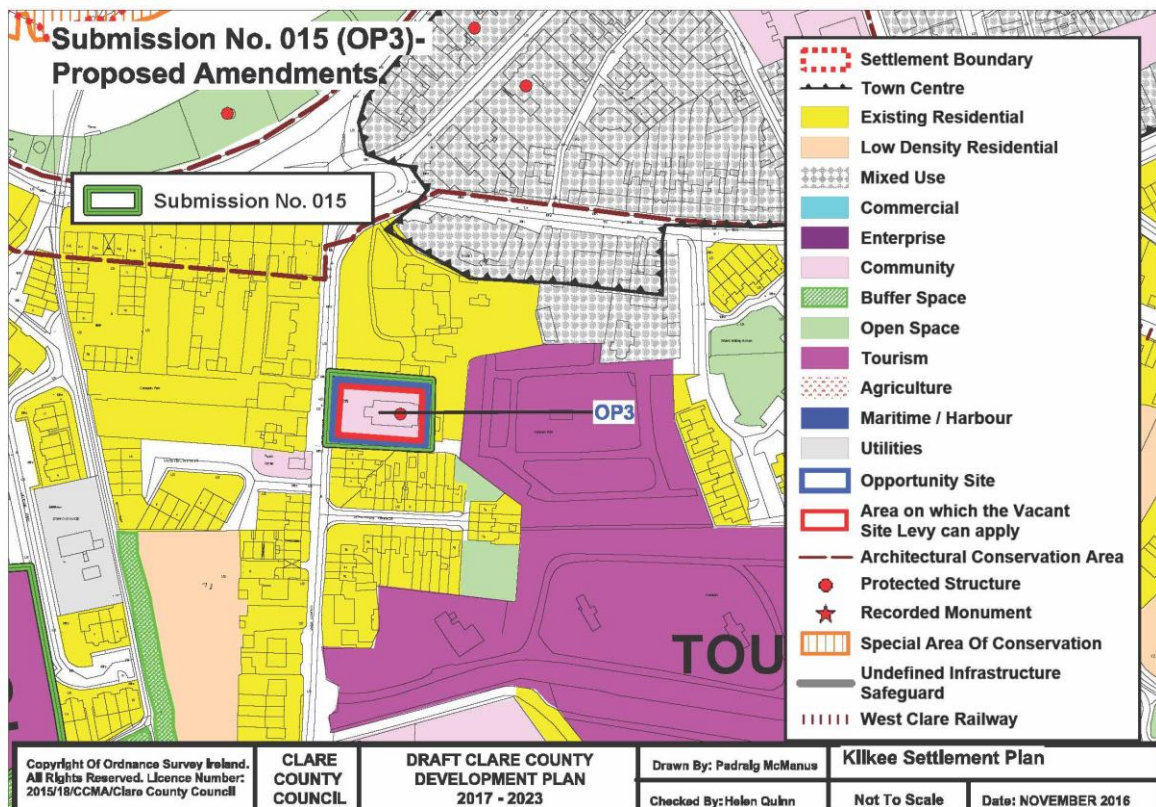


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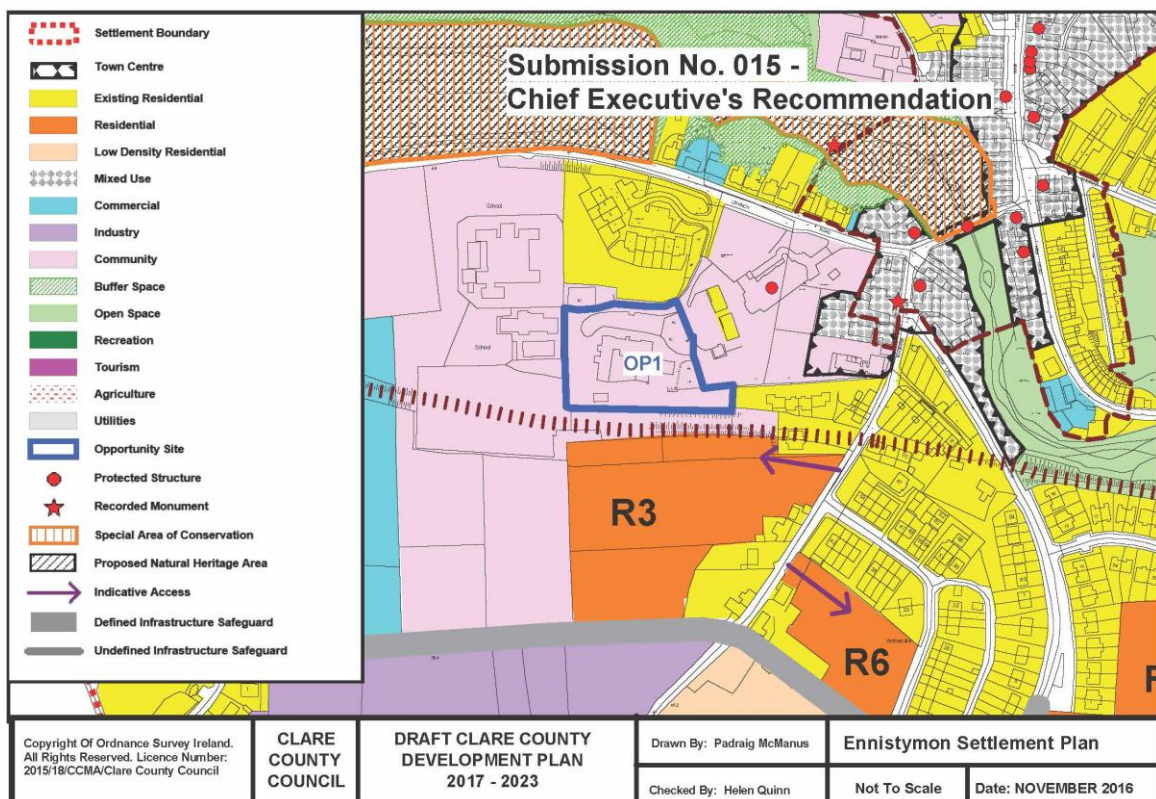
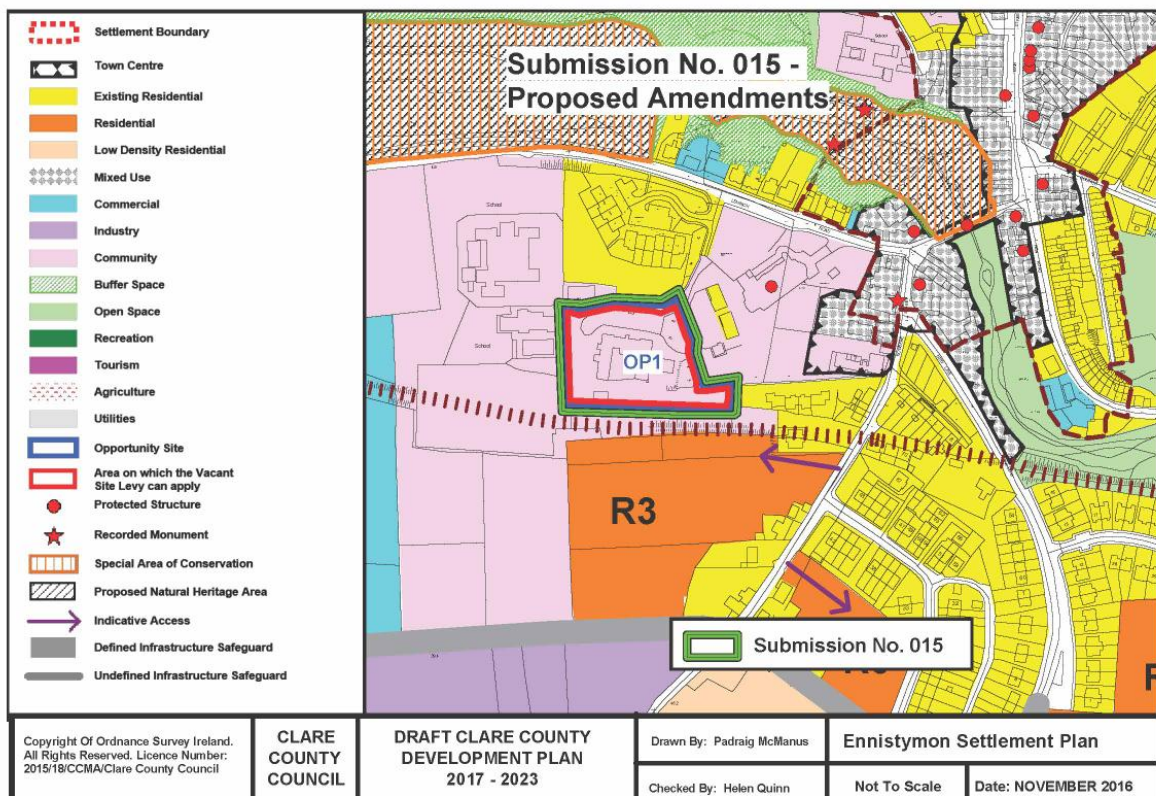


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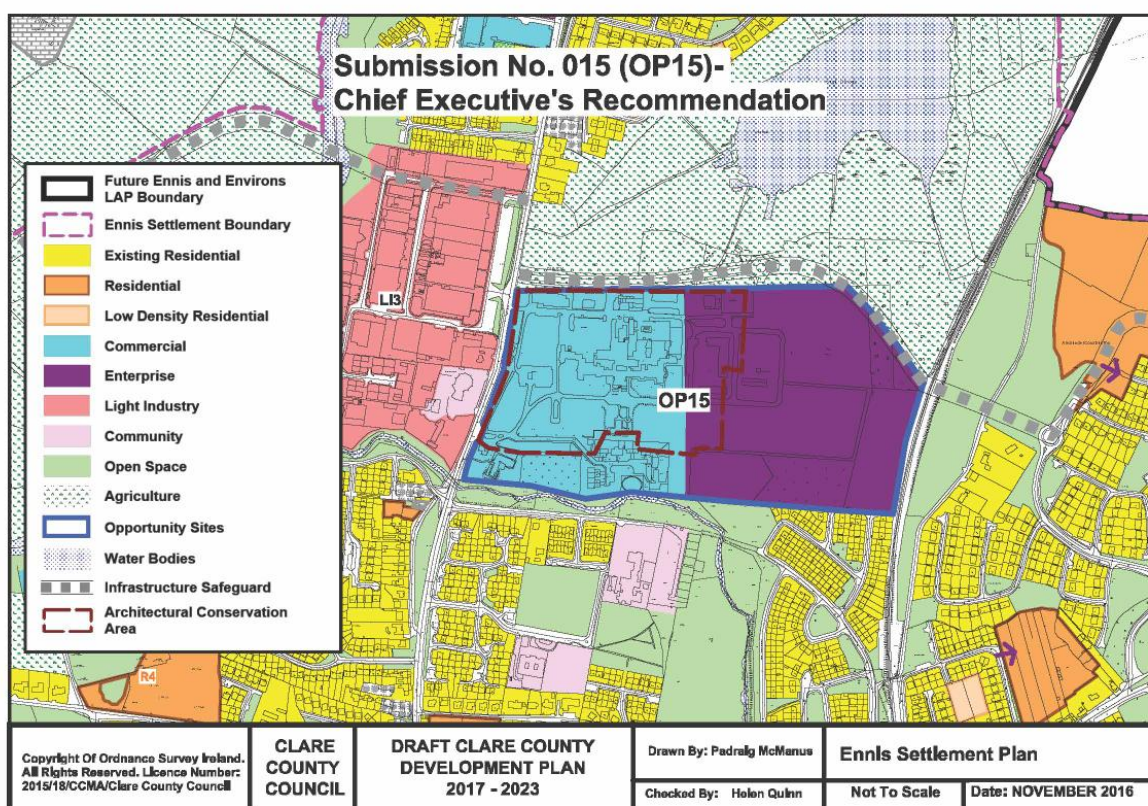
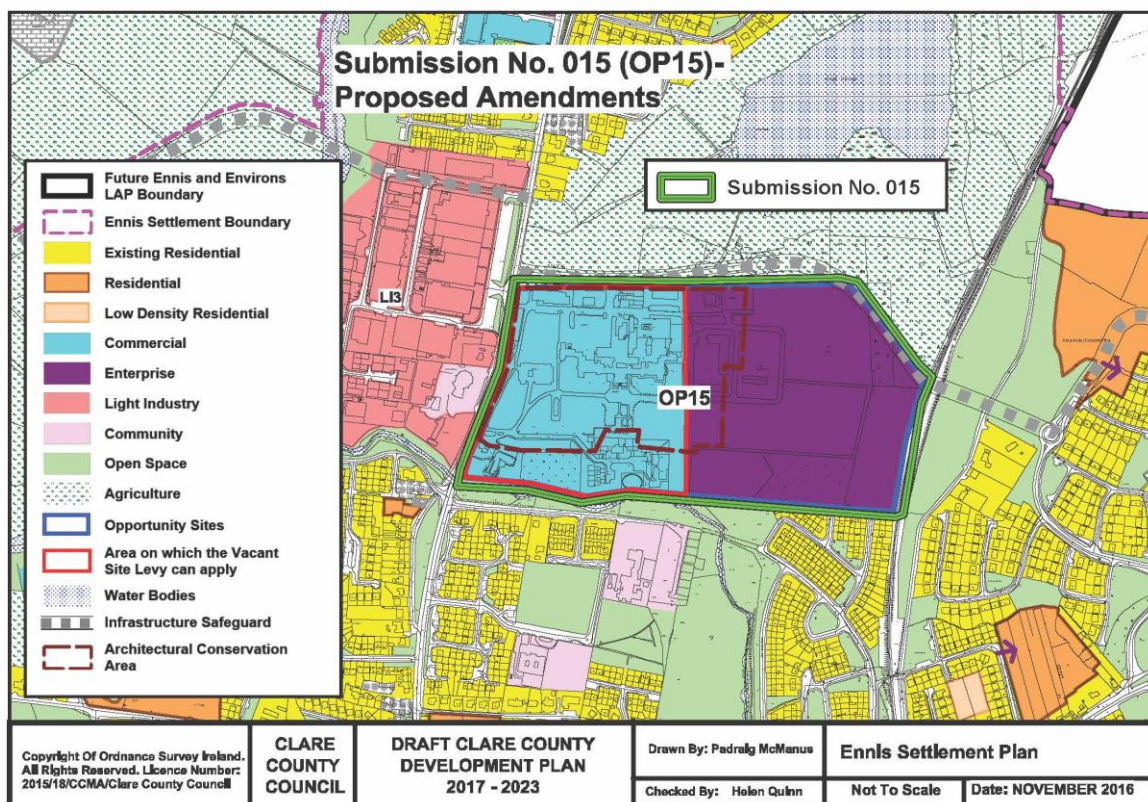


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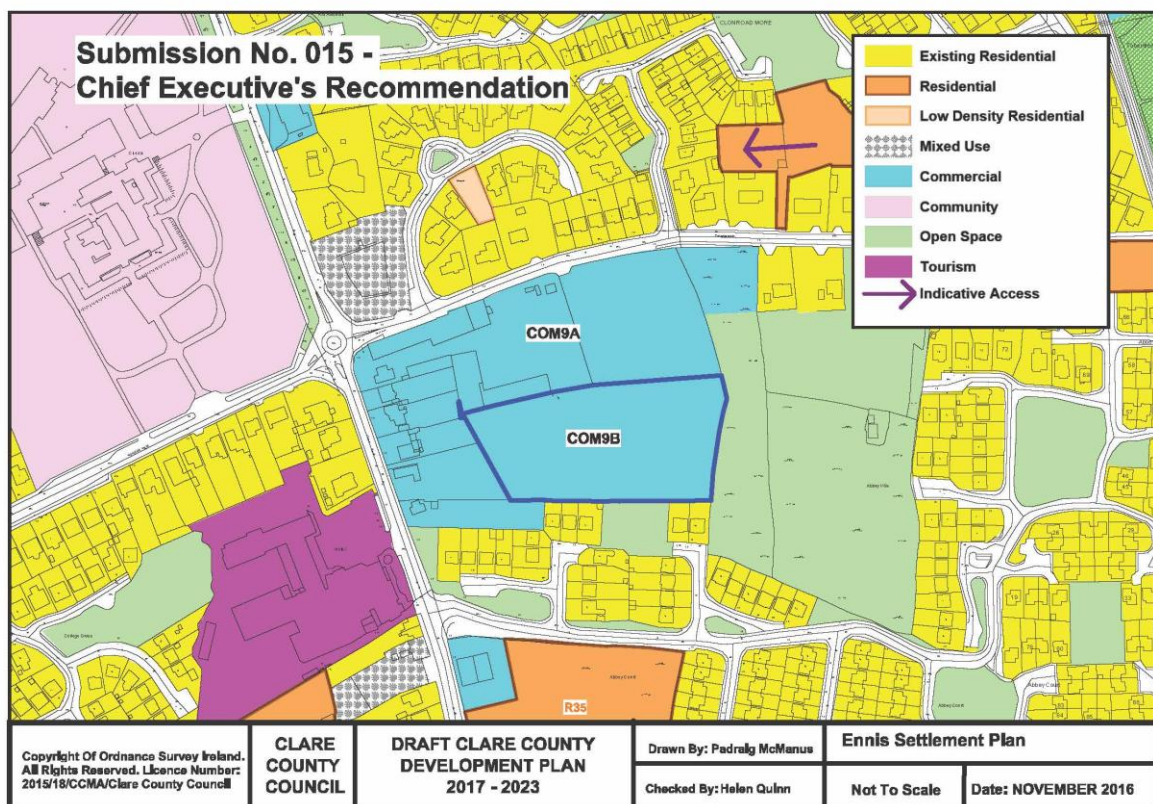
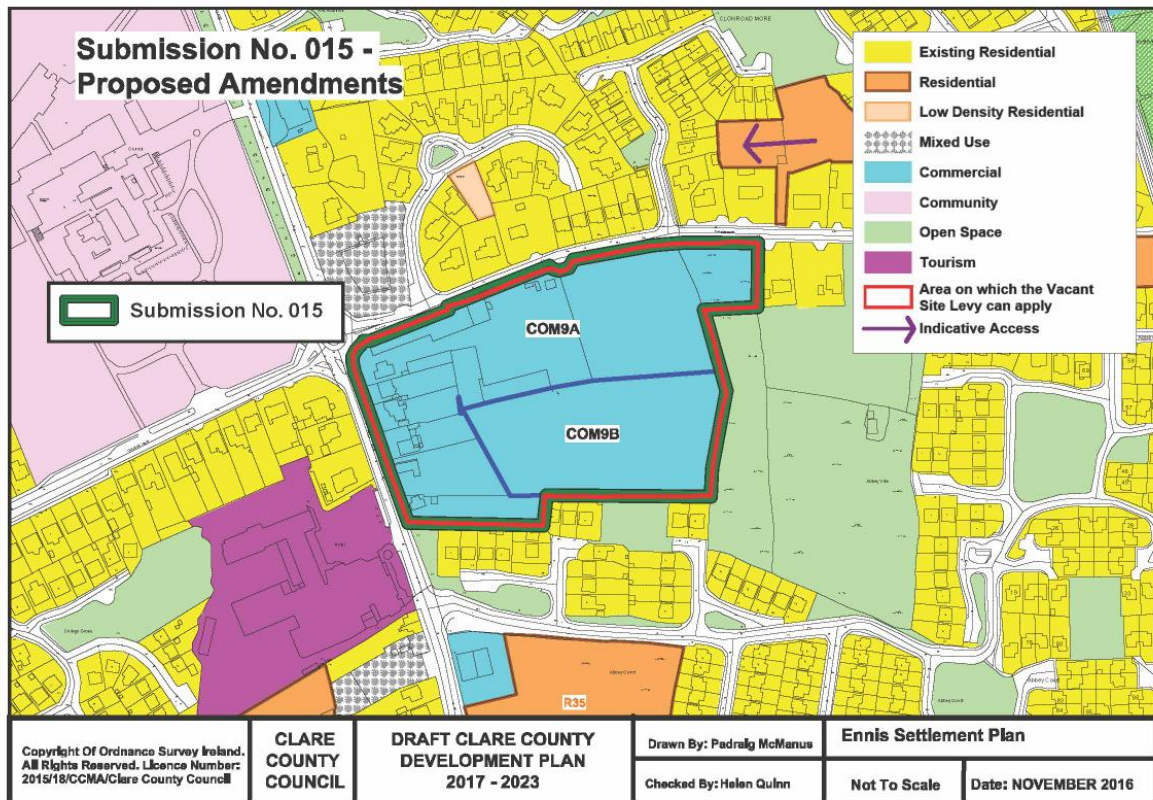


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## **Ref. 016 Ms. Mary Burke**

### **Submission Summary**

The submission refers to the revised zoning indicated for two sites at the northern end of the Ballymacaula ("Beechpark") small housing development. The submission states that the area has been developed as separate sites since the 1980s, built on largely exposed rock requiring fill material to provide level sites and for appropriate waste water treatment.

The northern end of the road is a fenced cul-de-sac and immediately adjacent is a thick patch of hazel scrub, with some Ash and Oak trees with extremely thin soil cover. The gradient is of the order of 1/20, with the most significant longitudinal fall (approx. 3 metres) adjacent to the northern boundary of the two existing houses at the end of the cul-de-sac (photographs included with submission).

The submission states the zoning of the two sites appears unusual as the necessary works required to bring the sites up to the existing ground level will be significant and disruptive to the existing settlement and in particular the two adjacent houses. The extent of fill material required for the sites and the suitability of the filled sites for ongoing development is questionable.

Should the variation be considered acceptable by the Council the submission requests the sites be zoned for development consistent with the existing pattern of development in the settlement.

### **Chief Executive's Response**

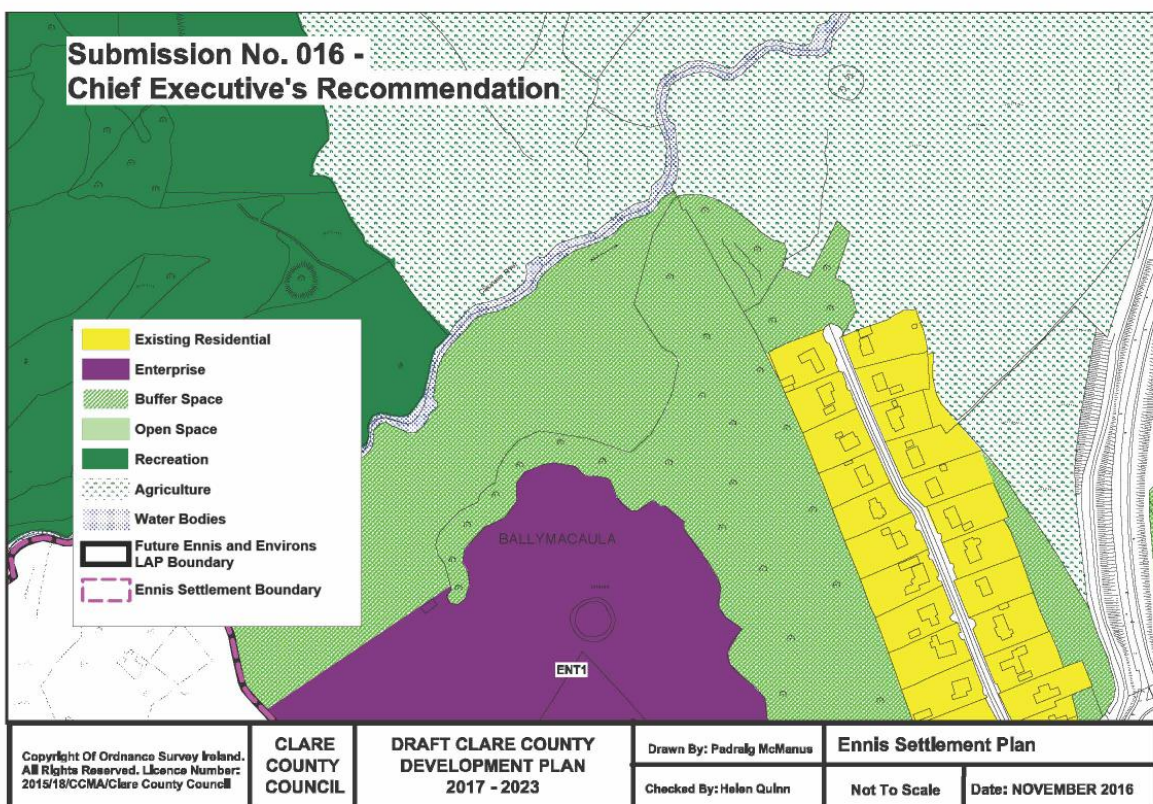
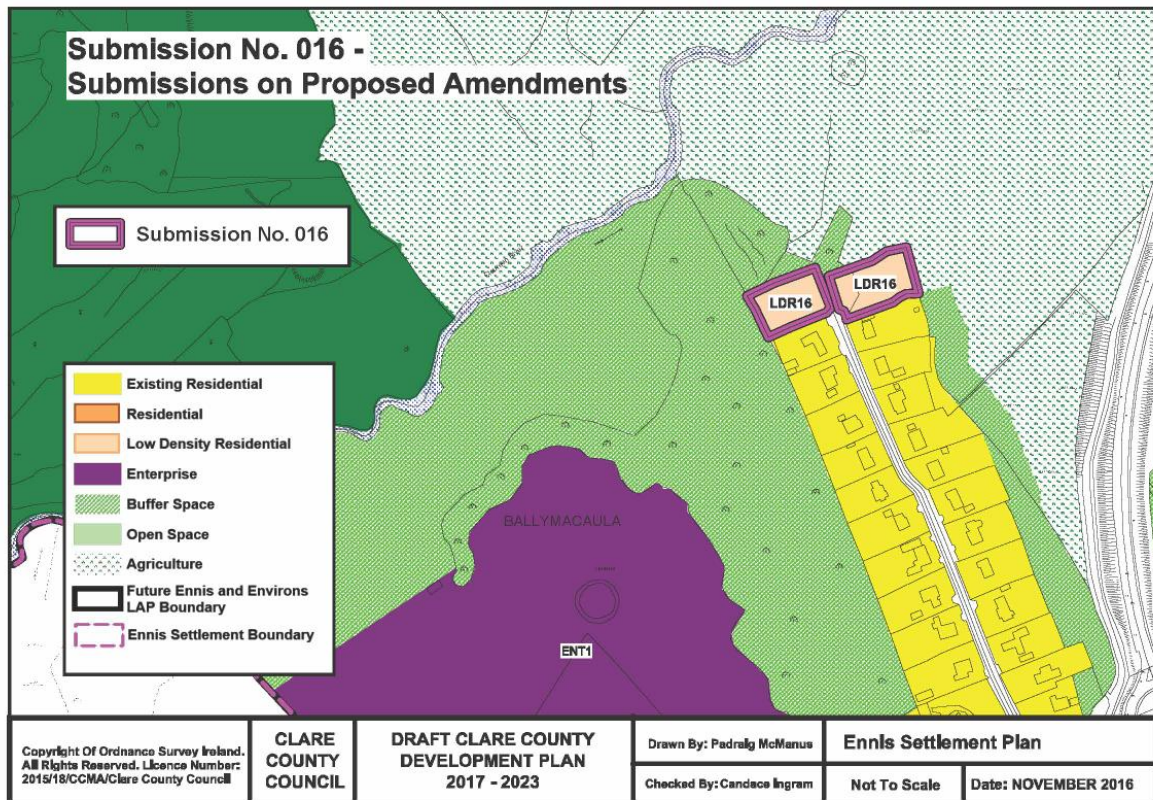
I thank Ms. Burke for her submission and I note the concerns that she has raised. I acknowledge and agree with the concerns raised in the submission regarding the nature and topography of the lands, which are very significantly below that of the existing levels on the estate road and also of the adjoining developed sites.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to LDR16 in Ennis, not be adopted



**Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023**



## **Ref. 017 Gerard Reidy, Chairperson, Ballyvaughan Fanore Walking Club**

### **Submission Summary**

The submission requests that a site for a club house for Ballyvaughan Fanore Walking Club be included in the zoning matrix. It is the intention to seek planning permission to erect a clubhouse containing a meeting room, drying room, kitchen, toilets and storage facilities as well as proposals for a climbing wall for local school children, an outdoor fitness area for community use and car-parking facilities. A location map and photographs accompany the submission.

### **Chief Executive's Response**

I note the contents of this submission and I would like to comment on the issues raised as follows:

I note the Land Use Zoning Matrix is the subject of proposed amendments and I consider the 'Leisure, gym, recreation, sports club' use has the potential to be compatible with the maritime/harbour zoning. I consider the change required to the matrix to accommodate this to be a minor alteration to a proposed amendment and it can be accommodated at this time.

### **Chief Executive's Recommendation**

I recommend a minor alteration to the proposed amended Land Use Zoning Matrix such that the 'leisure, gym, recreation, sports club' land use is 'open for consideration' on lands zoned for Maritime/Harbour uses.

## **Ref. 018 Mr. Brian McGowan**

### **Submission Summary**

The submission makes the following observations and responses in response to submissions on the original CDP

- Objection is made to the interpretation of the author's letter submitted to the draft plan as it mis-represents what was written by stating that he supported development on this land in line with the original development proposed whereby it would not increase the housing density above that initially envisaged in the original grant of planning permission. The submission clearly objected to any further development in the proposed zoned areas of R2, R3 and R4. Also disagree with the statement that the initial Maigh Dara estate design catered for this large scale extension of developed lands.
- Glad to see the change of status of R2 from Residential to Agriculture.
- Is indifferent to the extension of LDR1, but if it provides alternative access to the construction sites in LDR4, R4 and LDR1 extension then it is supported.
- If residential access to former "R3" via Maigh Dara is to be considered by CCC, then he objects to the extension of R3 and LDR1. Any construction on R3 should be accessed via LDR/R4.
- Strongly objects to the continued zoning of former R3 and extended zoning of LDR4 due to the inadequate existing infrastructure to accommodate either construction traffic or that generated by any new development; the entrance to Maigh Dara is dangerous and increased traffic will increase the risk of serious accident. Disappointed these concerns were not address in the Chief Executive's Report on submissions to the Draft Plan.

### **Chief Executive's Response**

Firstly I would like to acknowledge that the summary of Mr. McGowan's submission that appeared in my earlier Chief Executive's Report, dated 19<sup>th</sup> May 2016, contained an incorrect statement. The text which indicated that Mr. McGowan supported development on lands adjoining Maigh Dara, in line with the original development proposals, was incorrect and did not accurately represent the contents of his submission.

In relation to Site R2 in Quin, I recommend that the proposed amendment to remove the residential zoning from this site be adopted.

Overall I consider that greater clarity is needed in the plan in relation to which sections of zoned land will be accessed from which points. The addition of a number of indicative access arrows on the zoning map would resolve any confusion in relation to this matter.

It is intended that Site R3, on which there is a proposed amendment to change the zoning to LDR4, will be accessed via the existing Maigh Dara housing development. This proposed access is unchanged from the existing Quin Settlement Plan as contained in the South Clare Local Area Plan 2012. It may be necessary for construction traffic to access these lands via a different means but once constructed the residents will utilise the Maigh Dara access. All other lands, i.e. LDR1 and R4, will be accessed via a new entrance roadway.

I note that Mr. McGowan has indicated that if the lands to the north of Maigh Dara are to be accessed via the existing estate then he strongly objects to this zoning. However, the Planning and Development Act, 2000 (as amended) makes provision for the making of the development plan either with or without the proposed amendments. It does not allow for alterations to the zoning beyond this. The zoning must revert to that shown in the Draft Development Plan (Residential) or remain as illustrated in the proposed amendments (Low Density Residential). I consider that the latter option is preferable in this instance given the concerns expressed by Mr. McGowan in his submission.



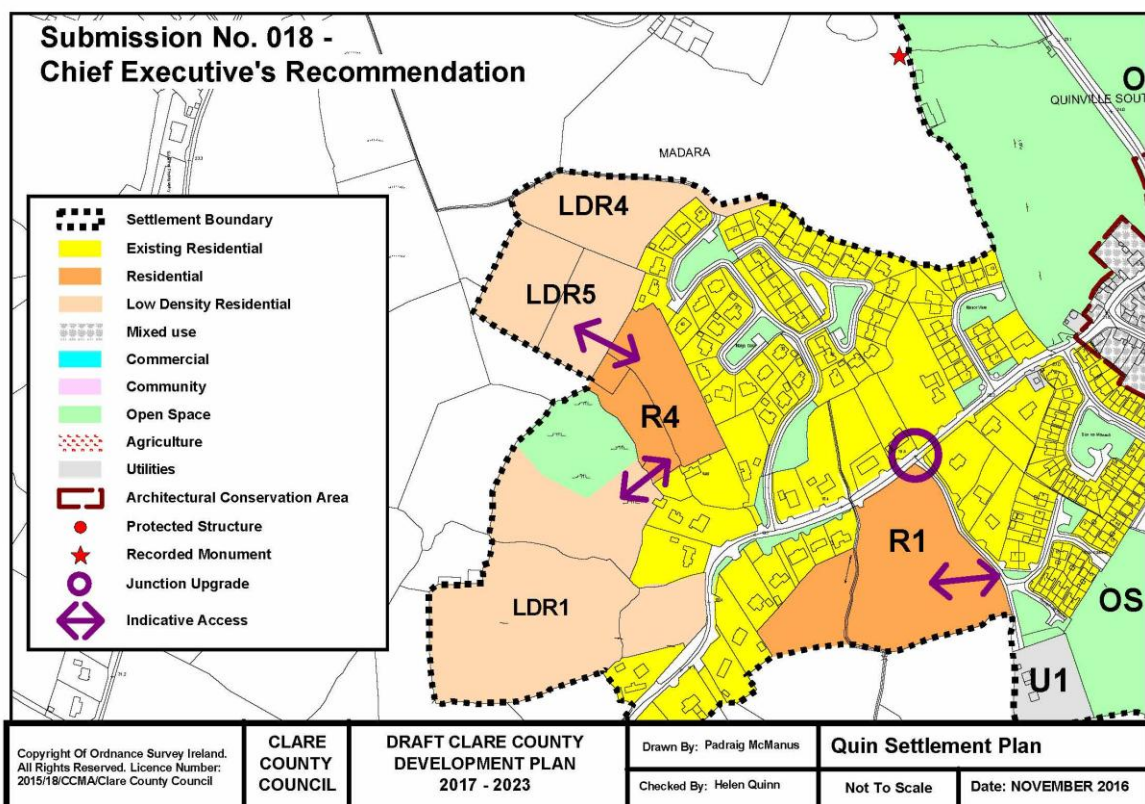
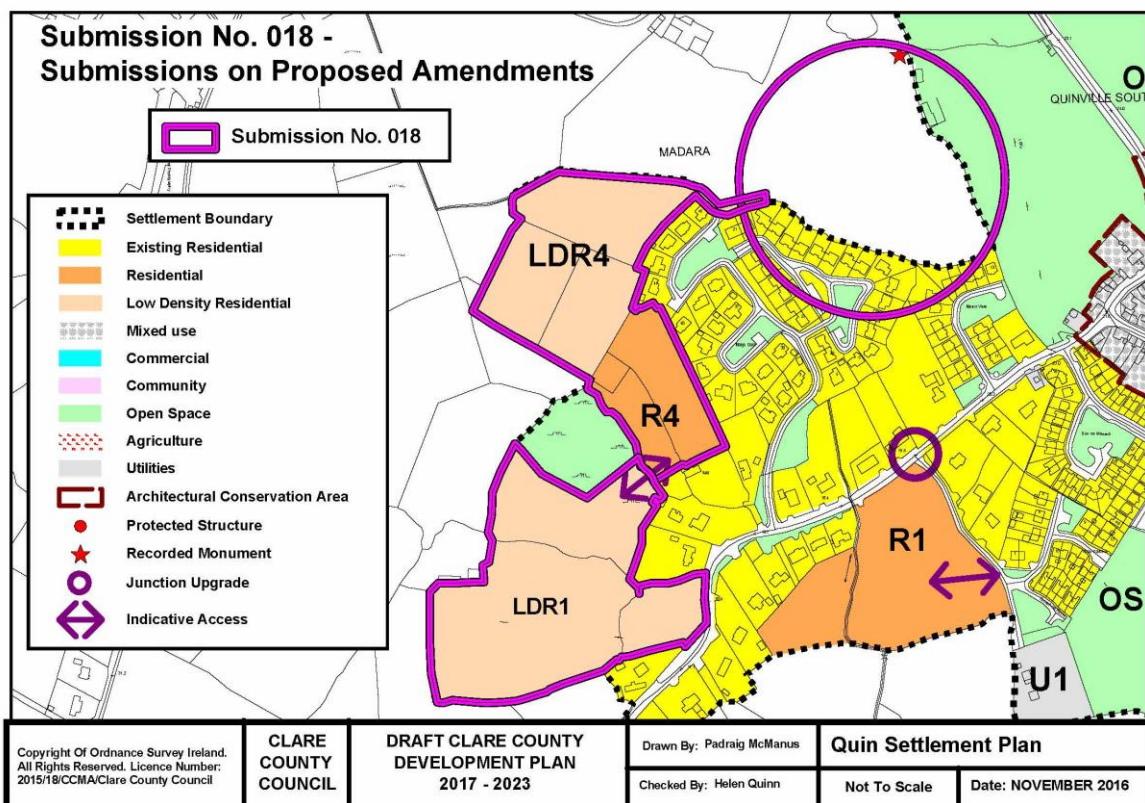
### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to Site R2 in Quin, be adopted

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023, which relates to Site R3/LDR4 Northwest of Maigh Dara, be adopted subject to the following minor modifications which are required in the interest of clarity:

- The label 'LDR4' be relocated to indicate that it relates solely to the former R3 site and does not relate to the additional lands to the southwest
- Label the additional lands to the southwest LDR5
- An indicative access arrow be added to illustrate that the development of Site R4 must provide for future access to the LDR5 lands to the northwest
- A sentence added to the Volume 3(a) of the plan to indicate that a new local road will be required to connect LDR1, R4 and LDR5 to the public road as follows:  
*A new road shall be provided connecting LDR1, R4 and LDR5 in Quin to the public road. The road shall be progressed as part of the development of the lands and shall be designed in accordance with the Design Manual for Urban Roads and Streets.*

**Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023**



## **Ref. 019 Mr. Graham Lightfoot, Clare Accessible Transport**

### **Submission Summary**

Further to a submission to the Draft Clare County Development Plan and Chief Executive's response to the submission, clarification is submitted about the nature of the work carried out by Clare Accessible Transport (CAT) – which has two distinct tasks:

1. CAT have been contracted by the National Transport Authority to be the Clare Transport Co-ordination Unit which is responsible for, amongst other matters, working with relevant local bodies such as Clare County Council and the HSE, to identify unmet transport needs in the county and to formulate plans and proposals for meeting the unmet needs identified.
2. Under the brand name Clare Bus, a fleet of easy access low floor buses providing public bus services on routes throughout the county and part of South Galway adjacent to the county boundary.

It is in CAT's role as Clare Transport Co-ordination Unit that we seek to have more formal links with the County Council, e.g. direct participation in one of the relevant SPCs and/or the LCDCC. Request the role set out in Point 1 above is included in the County Development Plan.

### **Chief Executive's Response**

I thank Mr. Lightfoot for his submission on behalf of Clare Accessible Transport. I wish to advise that the most recent round of public consultation in the County Development Plan process was to obtain submissions in relation to the Proposed Amendments only to the Draft Clare County Development Plan 2017-2023. While I thank Mr. Lightfoot for his submission, I note that it does not relate to any proposed amendment to the Draft Clare County Development Plan 2017-2023. Only submissions relating to proposed amendments can be considered by the Planning Authority at this stage in the development plan process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

### **Chief Executive's Recommendation**

I recommend no change to the proposed amendments arising from this submission.



## **Ref. 020 Mr. Patrick G. Quinn**

### **Submission Summary**

This submission relates to OP18, Commercial Buildings, Tulla Road. The submission makes a number of points in relation to this site:

- OP18 as identified in the Written Statement section 1.2.1 with an area measurement of 0.74ha differs from what is shown on the accompanying map, as OP18 extends eastwards far beyond the commercial buildings as referenced, encompassing the entire area of separate lands adjacent which extend to the boundary of Mr. Quinn's private residence. There is no problem with OP18 provided it is confined to the 0.74ha and the commercial zoning proposed is confined to that.
- The land-use zoning map of the Ennis and Environs Development Plan 2008-2014 (as varied) shows the 0.74ha as 'petrol station'. It is the understanding of Mr. Quinn that at all times, the adjoining lands to the east of the petrol station which are located within Flood Zone have been designated Other Settlement Land. It is the understanding that the Electoral, Local Government and Planning and Development Act 2013 provides in this case that the existing Ennis and Environs Development Plan will continue to remain in force to the extent provided for by that plan.
- It is submitted that these adjoining lands continue to be so designated rather than having either a commercial use ascribed to them and/or by being subsumed into OP18, which is how it appears the anomaly arises between the Written Statement and the Map.
- As an adjoining landowner and resident of the Tulla Road there is a reasonable expectation by the OSL designation of the lands, affording some comfort as regards the protection of his residential amenities and the proper planning and development of the area.
- The submission contains web links to photographic evidence of ground levels of the lands from Summer 2014 and now. Mr Quinn requests the ground levels be compared between these time periods against his boundary wall.
- Entry was made through the adjacent lands as a temporary access to undertake the protection works along the Fergus Minor River. However what has followed to date seems to have entailed a subversion of the planning code which it is hoped is not further compounded further by the rezoning of these adjoining lands, or their incorporation or by apparent subterfuge into OP18.
- Under the guise of the Ennis Flood Relief Scheme entry and for a long period of time after, and to the knowledge of the local authority, whole-scale infilling of the entirety of the adjoining lands was undertaken. This appears to have extended over an area of 1.214 ha and entailed a uniform increase in ground levels in excess of 3 feet throughout.
- The effect of this has been to severely diminish residential amenity; grossly interfere with privacy as what was a 6ft wall is now a 3ft wall; serious devaluation of the property.
- Mr. Quinn asks what public consultative process was afforded to him. He considers none whatsoever.
- These lands are now publicly (and presumptively) being advertised for sale as a "3 acre site – commercial zoning" and he invites the Planning Authority to consider the points raised, specifically: whether the infilling and increase in ground levels of the 3 acres amounted to development pursuant to S3(1) of the Planning and Development Act 2000; Whether development consent was required and whether it was obtained; and whether the adjoining land has the benefit of commercial zoning, as being advertised, and if so how was this procured.
- It is the contention that the Planning and Development Act 2000 and Regulations provide legislative policy against the facilitation of unauthorised development; that as part of an application to rezone lands it is incumbent on the Planning Authority to consider the planning status of lands and any unauthorised status; that it is repugnant to the planning code and legislation for unauthorised development to be facilitated.
- It is submitted that:
  - It is the duty of the planning authority to secure the objectives of the development plan.
  - The Map and the Written Statement should be reconciled by confirming the area of OP18 to the 0.74ha as specifically provided for in the Written Statement.

## **Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023**

- To preserve the zoning of the adjacent lands adjoin the residence as Other Settlement Land, in line with objective of this zoning, in particular to 'protect residential amenity'.

### **Chief Executive's Response**

I thank Mr. Quinn for his submission and I consider it important to firstly clarify some of the issues raised in the submission.

Mr. Quinn mentions the Other Settlement Land zoning and the extension of the lifetime of the Ennis and Environs Development Plan 2008-2014. Section 11A of the Planning and Development Act, 2000 (as amended) addresses the extension of the life of a development plan in towns that have seen the abolition of the town council structure through recent local government reform. It states that the development plan of such a town, in this case Ennis and Environs Development Plan 2008-2014, shall continue to have effect until such time as a development plan that includes the administrative area of that authority is made. The new Clare County Development Plan 2017-2023 includes the administrative area of the former Ennis Town Council and therefore the Ennis and Environs Development Plan 2008-2014 will be replaced by the new development plan once it is made.

The Other Settlement Land zoning was highly generic in nature and it is considered that the new zoning terminology in this draft plan provides greater certainty for local residents in relation to the nature or type of development that they could expect to see in their area in the future. For this reason the OSL zoning is not being incorporated into new plans in County Clare.

In relation to the expansion of the Commercial zoning on the site on the Tulla Road in Ennis, the 0.74 hectare area referred to in the Plan correlates to the zoning area that was included in the Draft Clare County Development Plan 2017-2023. The zoned area in the Draft Plan incorporated the existing roadside commercial units, the existing petrol station and an undeveloped area of land between the petrol station and the nearest adjoining residence to the northeast.

The Elected Members, by resolution, proposed to extend the Commercial zoning on the site to include further lands to the south, the subject of the proposed amendment. The 0.74 hectare area given in the Draft Plan was not updated because the proposed additional zoning was subject to further public consultation and has not yet been adopted. I did not consider it appropriate to cite a larger site area until such time as the final zoning was agreed.

I wish to advise that the most recent round of public consultation in the County Development Plan process was to obtain submissions relating to the Proposed Amendments only to the Draft Clare County Development Plan 2017-2023. Therefore the matter open for consideration at this juncture is the proposed extension of the Commercial zoning to the south. The roadside Commercial zoning, as per the Draft Development Plan, is not open for reconsideration at this time. Mr. Quinn has indicated in his submission that he is satisfied with the 0.74 hectares Commercial area and objects to any extension of that zoned area.

I agree that the expansion of site OP18 in a southern direction, onto an area identified as being in Flood Zone A, has the potential to impact negatively on surrounding areas and I have serious concerns about this proposed zoning. I recommend that the additional zoning be removed and the plan be adopted without this proposed amendment.

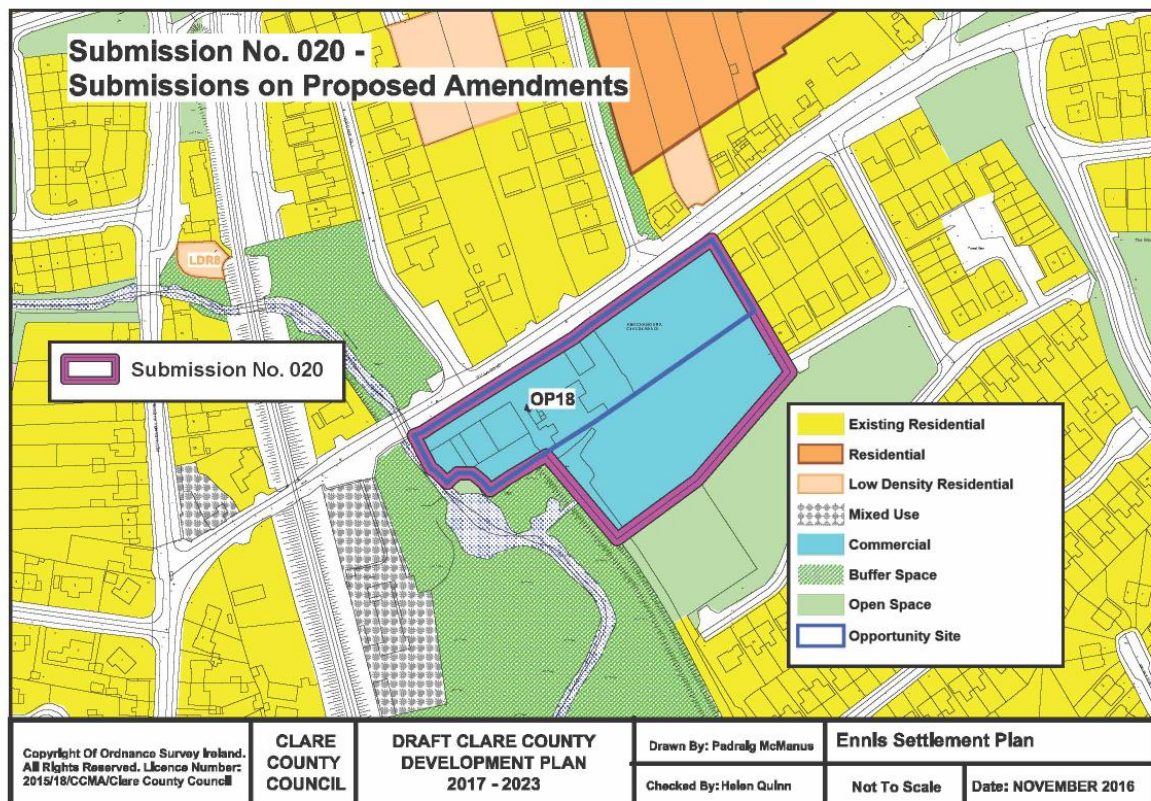
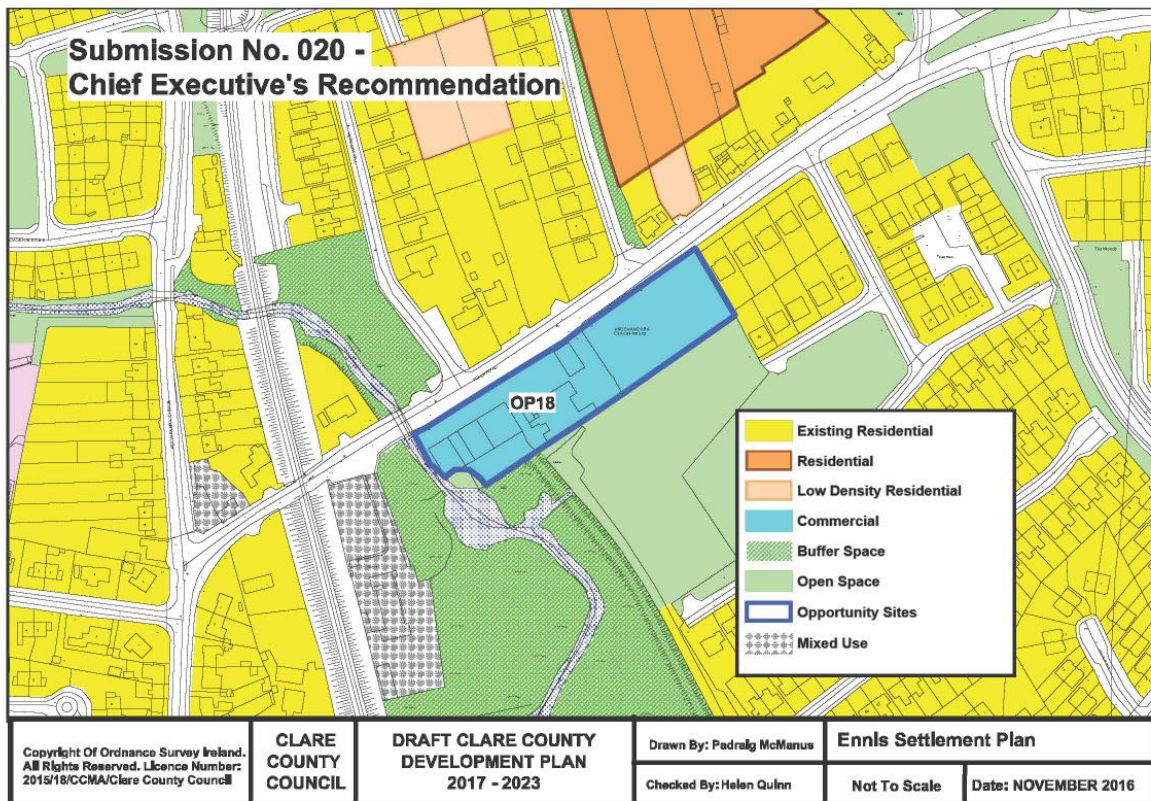
Mr. Quinn had also mentioned a number of issues such as the raising of ground levels and the associated impact on his amenities and the potential future sale of the Commercial lands adjoining his property. While recognising the serious nature of Mr. Quinn's concerns, this is a matter for Planning Enforcement and cannot be addressed through the development plan process.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to Site OP18 in Ennis, not be adopted.



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## Ref. 021 Mr. Brendan Manning

### Submission Summary

The submission objects to LDR73 relating to lands at Roslevan. Currently zoned as Residential under the Ennis and Environs Development Plan 2008-2014 and under the Draft Clare County Development Plan 2017-2023 Volume 3a the land was zoned as Open Space. The proposed amendment to the draft Plan is to zone the site Low Density Residential (LDR73).

It is considered that the site is unsuitable for any development and certainly not suitable for the density of houses being proposed. The site at present is a natural wood land site containing an array of broadleaf species. It is known to be home to a bat roost and the ground levels fall to a significant degree below that of the adjoining housing estate Gort Leamhan. No ecological evaluation of the lands in question has been done in nearly 9 years. The lands have matured and developed further as an important habitat and should not be interfered with.

It is the responsibility of the Council to protect this significant habitat from any development and zone it as Open Space in keeping with the original draft development plan.

### Chief Executive's Response

I would like to thank Mr Manning for his submission and note the content of it in relation to the suitability of the site for bat species. I note the record for Brown Long Eared bat *plecotus auritus* to the south west of this site which is outside of the proposed zoning in LDR73. I also note the value and importance of preserving the natural woodland surrounding this site which I am satisfied the zoning at LDR73 allows for through the exclusion of the areas containing broadleaf species primarily to the south and south west of the zoning. However, in order to ensure the hedgerows are retained as important "wildlife corridors" in accordance with Article 10 of the Habitats Directive I propose a minor amendment to the text associated with LDR73 contained in Volume 3(a).

### Chief Executive's Recommendation

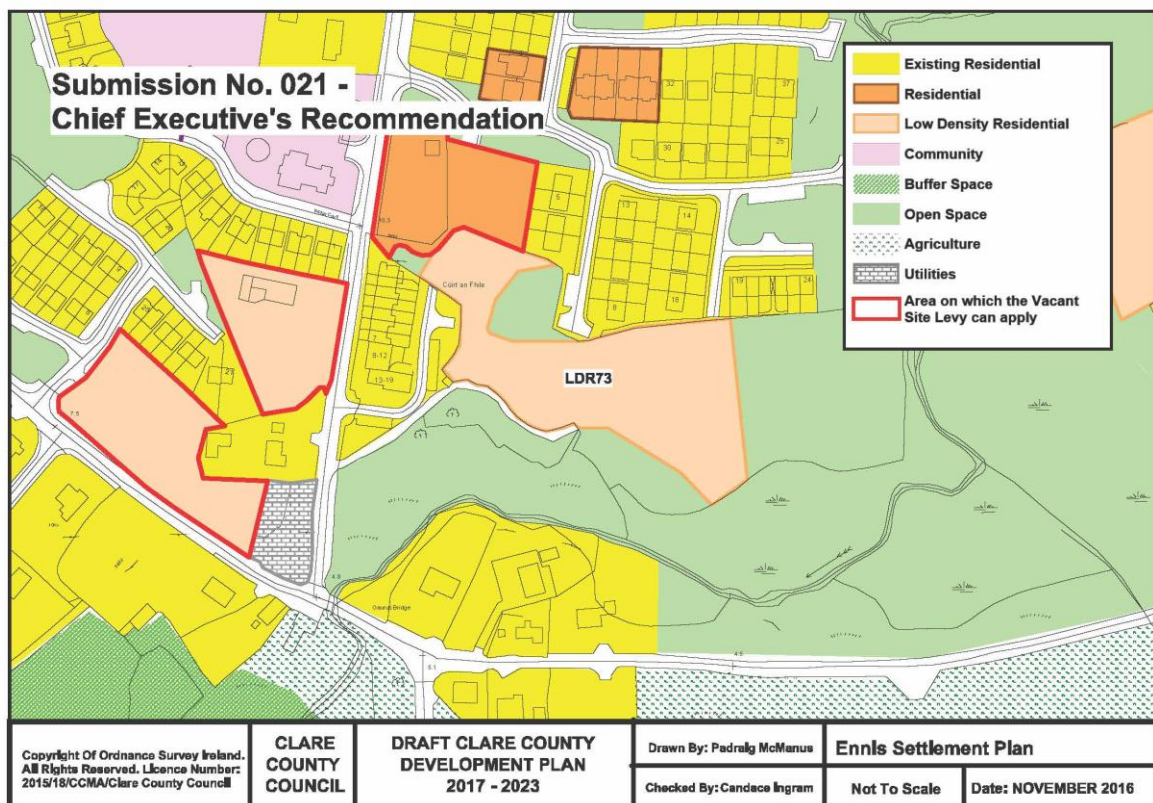
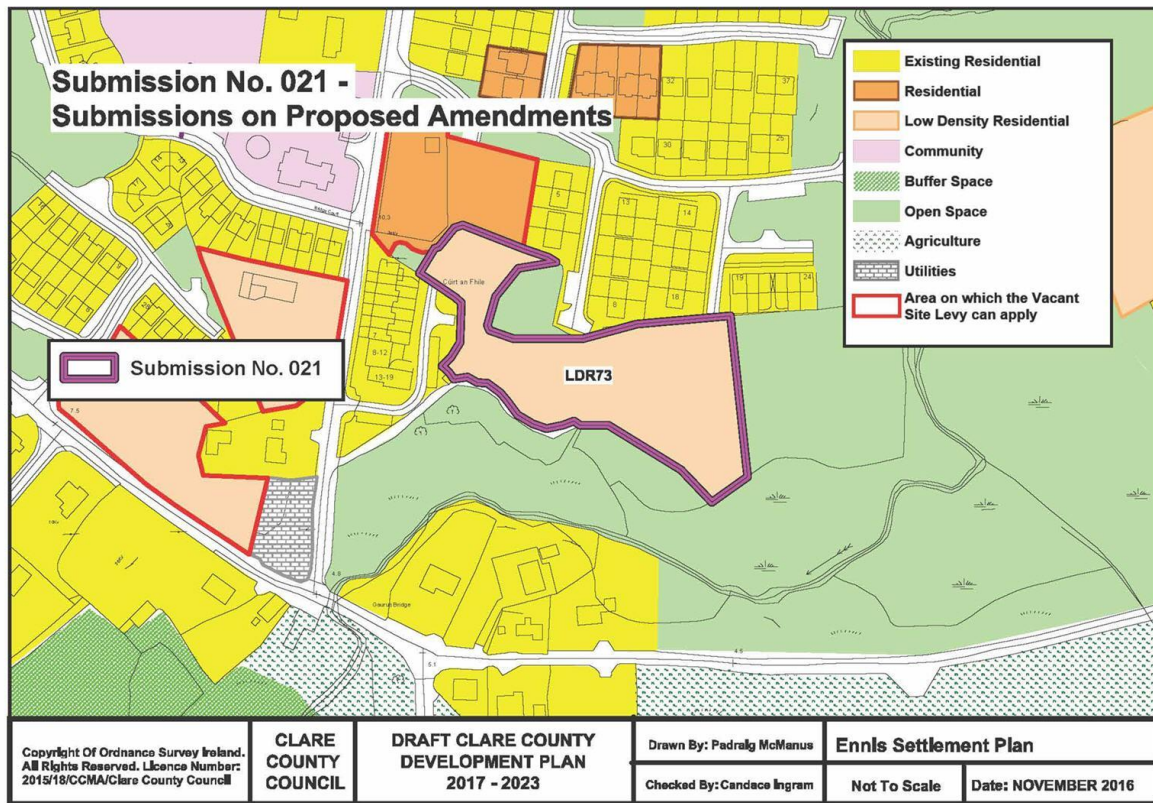
I recommend that the Proposed Amendment to the Draft Clare County Development Plan 2017-2023 which relates to LDR73 Low Density Residential, Roslevan, Ennis be adopted subject to the following minor modification:

#### LDR73 Millbank

"The site is suitable for a low density residential housing scheme of a high quality design and layout. Any development application shall be accompanied by proposals to provide a river walk from the site towards the river to the east, within the Open Space area. No residential development shall take place on the zoned Open Space areas. Additionally, development proposals shall be accompanied by a surface water management plan to ensure that the run-off flow rates from the development are managed and to reduce the impact of development on flooding. This will also serve to protect and enhance water quality. All development proposals for this site must ensure the sensitive incorporation of mature trees and hedgerows located on the lands and provide a buffer of these features.

Future development on this site must be connected to public waste water treatment facilities with adequate capacity to accommodate the proposed development."

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## **Ref. 022 Ms. Mary Lehane c/o Richard Flynn, Flynn & Shaw**

### **Submission Summary**

The submission seeks the settlement boundary for Lahinch, as shown in the Draft Clare County Development Plan 2017-2023 to be amended to include lands at Crag, Lahinch to allow development of a tourism related project which would be a natural extension to the existing tourism facilities.

### **Chief Executive's Response**

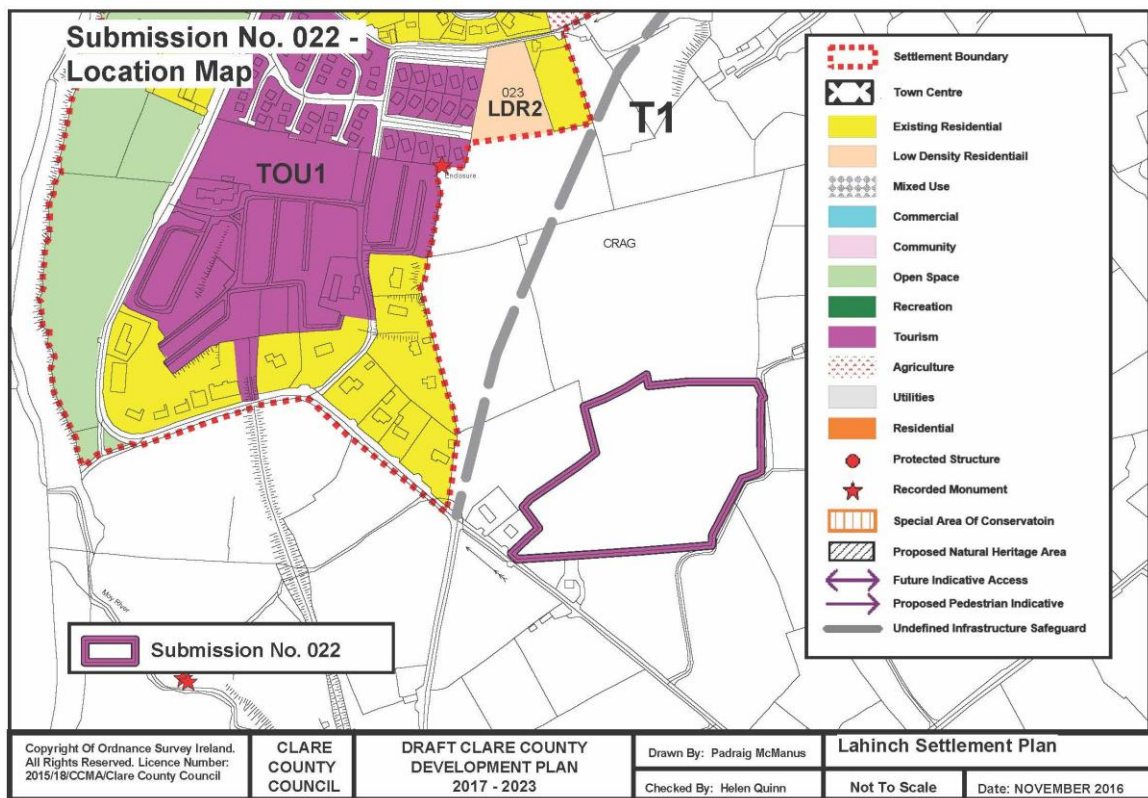
I wish to advise that the most recent round of public consultation in the County Development Plan process was to obtain submissions in relation to the Proposed Amendments only to the Draft Clare County Development Plan 2017-2023. While I thank Flynn & Shaw, on behalf of Ms. Lehane, for their submission, I note that it does not relate to any Proposed Amendment to the Draft Clare County Development Plan 2017-2023. Only submissions relating to Proposed Amendments can be considered by the Planning Authority at this stage in the development plan process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

### **Chief Executive's Recommendation**

I recommend no change to the proposed amendments arising from this submission.



Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023



## **Ref. 023 Ms Mary Lehane c/o Richard Flynn, Flynn & Shaw**

### **Submission Summary**

The submission seeks the proposed zoning of lands at Crag, Lahinch shown as LDR2 in the Draft Clare County Development Plan 2017-2023 to be amended to Tourism as the landowner considers it more appropriate given its location adjacent to the existing caravan park.

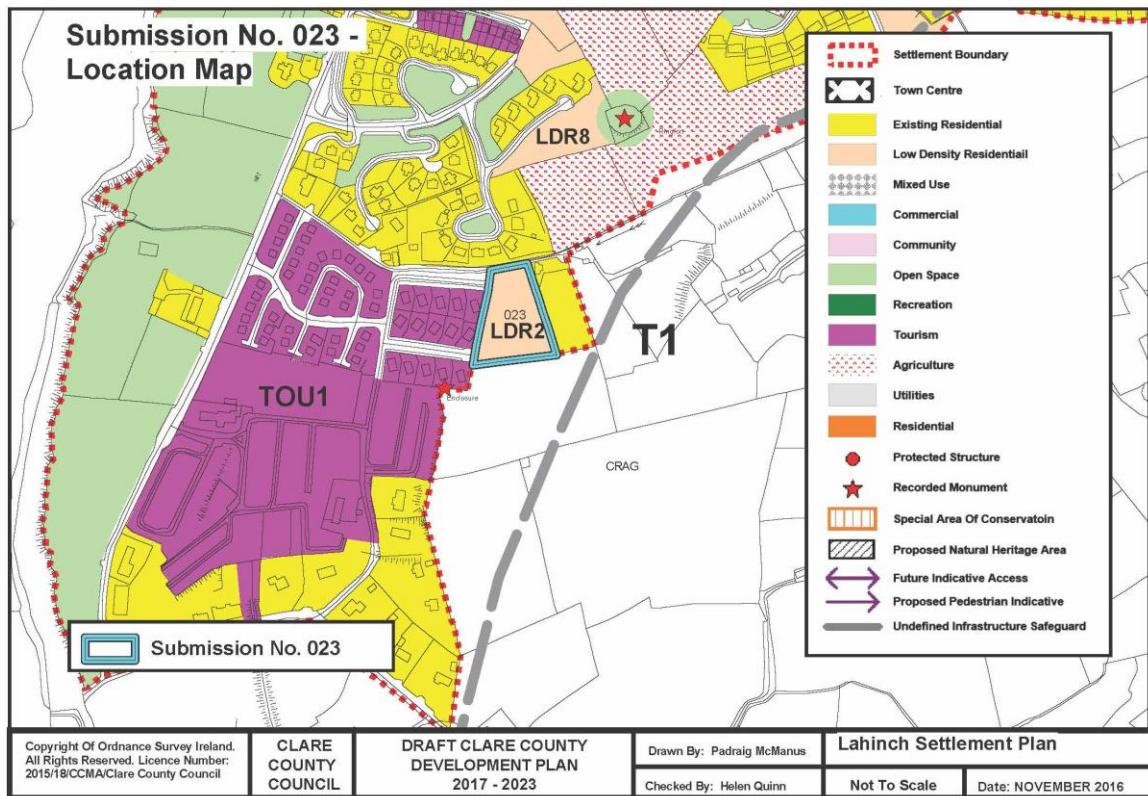
### **Chief Executive's Response**

I wish to advise that the most recent round of public consultation in the County Development Plan process was to obtain submissions in relation to the Proposed Amendments only to the Draft Clare County Development Plan 2017-2023. While I thank Flynn & Shaw, on behalf of Ms. Lehane, for their submission, I note that it does not relate to any Proposed Amendment to the Draft Clare County Development Plan 2017-2023. Only submissions relating to Proposed Amendments can be considered by the Planning Authority at this stage in the development plan process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

### **Chief Executive's Recommendation**

I recommend no change to the proposed amendments arising from this submission.

Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023





## **Ref. 024 Mr. Michael O'Loughlin**

### **Submission Summary**

The submission is made by the owners of land identified as LDR1 in Ennis and have made previous submissions in relation to the lands, who are surprised by the level of amendments now proposed in relation to the site which detail the amount of specialist reports required as any future planning application on the site. The impression given is that the Council are trying to frighten away any development of the land. It is noted that there is far more amended text than any other site proposed for zoning. Mr. O'Loughlin suggests that given the site is suitable for approximately 4 houses the level of scrutiny is very inconsistent.

It is understood that the specialist reports/drawing/documents referred to may be required during the course of the planning process. It is not believed that the development plan is the right place for listing such requirements, but instead as part of a planning application.

The submission states that the role of the development plan in terms of housing is to identify areas of land which if developed, will meet the housing demand over the plan period and that it should not make assumptions. There are a number of options regarding access to the lands, including from Victoria Court housing estate to the west, which would require the buffer zone to be modified.

If part of a development site falls within a flood zone or conservation area, reports in relation to these are required to be lodged with a planning application and therefore it is unnecessary to state the requirement for such reports in the plan.

The submission concludes by requesting the removal of the sections requiring specific reports as part of any planning application on the site. Also it proposed the buffer area to the rear of Victoria Court estate be modified in some way to allow for possible access to lands via the estate.

### **Chief Executive's Response**

I acknowledge the issues raised by Mr. O' Loughlin in this submission and I would like to comment on the various issues raised as follows:

Text is commonly included in the various settlement plans to set out any specific requirements associated with the future development of zoned lands, in particular areas of zoned land with specific environmental requirements. This is essential to guide future development and to ensure that the development management process works as efficiently as possible. It also significantly reduces the amount of delay in the development management process because those hoping to develop the land are aware at the outset of what is required and can integrate site-specific requirements into the preparation of their development proposals.

The subject site is located in a sensitive riverside location, to the rear of existing dwellings and in close proximity to areas that are at risk of flooding. Therefore development proposals must be carefully designed to ensure that future occupiers of houses on the site have a high level of amenity, to ensure that existing residences are not negatively affected and to ensure compliance with the necessary environmental legislation. Potential applicants, aware of these issues, can ensure that they are addressed from the outside in their planning applications. No unnecessary information has been included and this site has not been treated differently from any other site in the plan area. Relevant information has been included to assist potential developers and to guide future development proposals.

In relation to future access to the proposed site, the proposed amendments to the Draft Development Plan state: "*Development proposal for this site must clearly demonstrate that safe access to/from the site can be achieved*". The plan does not specify an access location and the optimum location can be decided at development application stage. However, in relation to the request to remove the buffer zoning from the lands adjoining Victoria Court, this zoning is not the

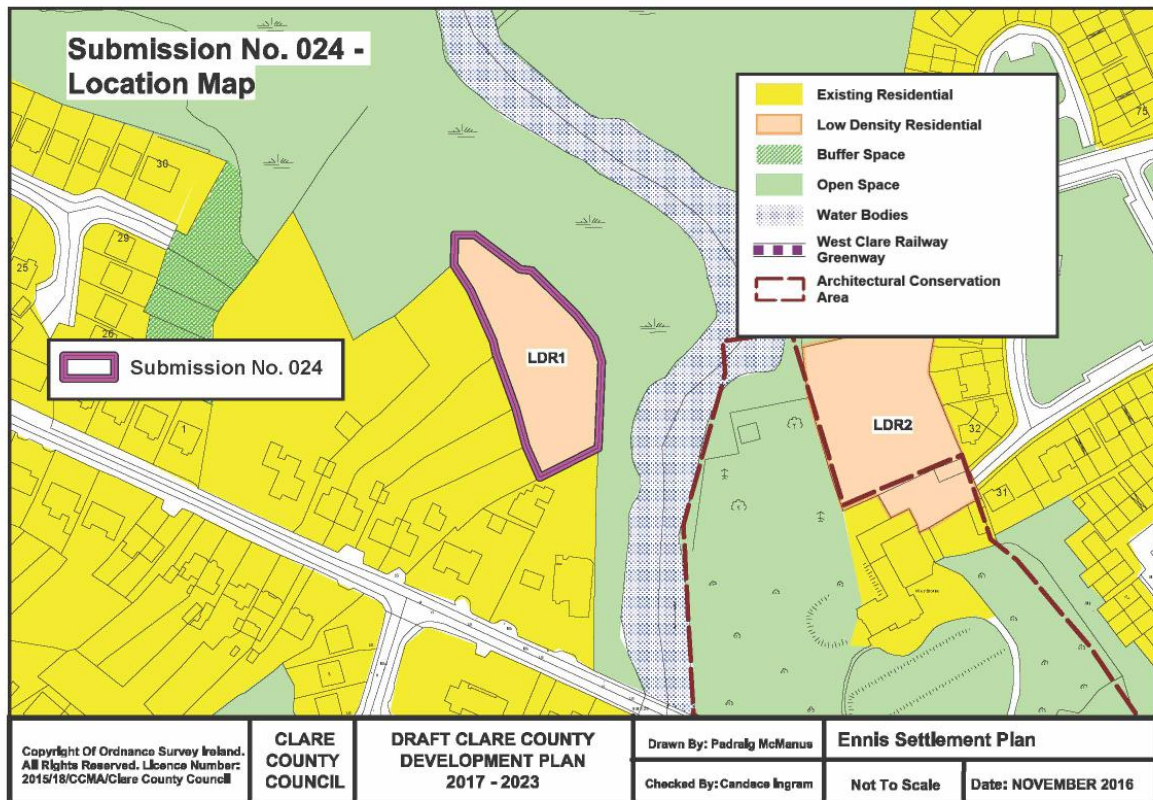
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subject of a proposed amendment and therefore, in accordance with the Planning and Development Act, 2000, an alteration to the zoning on this site cannot be considered at this time.

**Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023, which relates to Site LDR1 in Ennis, be adopted

**Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023**





## **Ref. 025 Mr. Patrick J. Cusack**

### **Submission Summary**

The submission relates to the proposed amendment to Site R2 in the Lisdoonvarna Settlement Plan. The reduction in the area zoned in R2 is welcomed but there is an objection to the location of the area zoned R2 for the following reasons:

- Questions how the zoning of R2 adheres to the requirement in CDP4.4(d) - to ensure that new social and affordable housing developments are strongly integrated into the structure of existing settlements and are not isolated from services or segregated from the surrounding community.
- Chief Executive's Recommendation to submission ref. 039 on the Draft Clare County Development Plan 2017-2023 which states "The expansion of these towns should be sympathetic to the surrounding area with a focus on developing brownfield sites and developing from the centre out". The proposed residential zoning R2 location is developing from the settlement boundary in.
- The area zoned R2 is open countryside remote from the town centre, schools, shops, health centre, church etc.
- Private housing will not happen at any location in the town in the medium or long term as it has very limited re-sale value, employment prospects etc.

For the above reasons it is proposed that the area at the rear of the existing social housing be rezoned from AG5 to R2 for future social housing (1.54 ha approx.).

### **Chief Executive's Response**

I thank Mr. Cusack for his submission and I wish to comment on the issues raised as follows:

I note Mr. Cusack's concern in relation to the location of this site and its potential for future development. The proposed amendment significantly reduces the extent of land zoned in this area and this has been balanced with proposals to zone additional land on the east side of the town, ensuring compliance with the requirements of the Core Strategy.

I agree that the area is on the periphery of the settlement. However, all other residential lands in the town are also on the edge of the settlement i.e. LDR1, LDR2, LDR3 and LDR4. Residential development is encouraged to progress in a sequential manner and therefore it is not uncommon for residential lands to be zoned in close proximity to the settlement boundary.

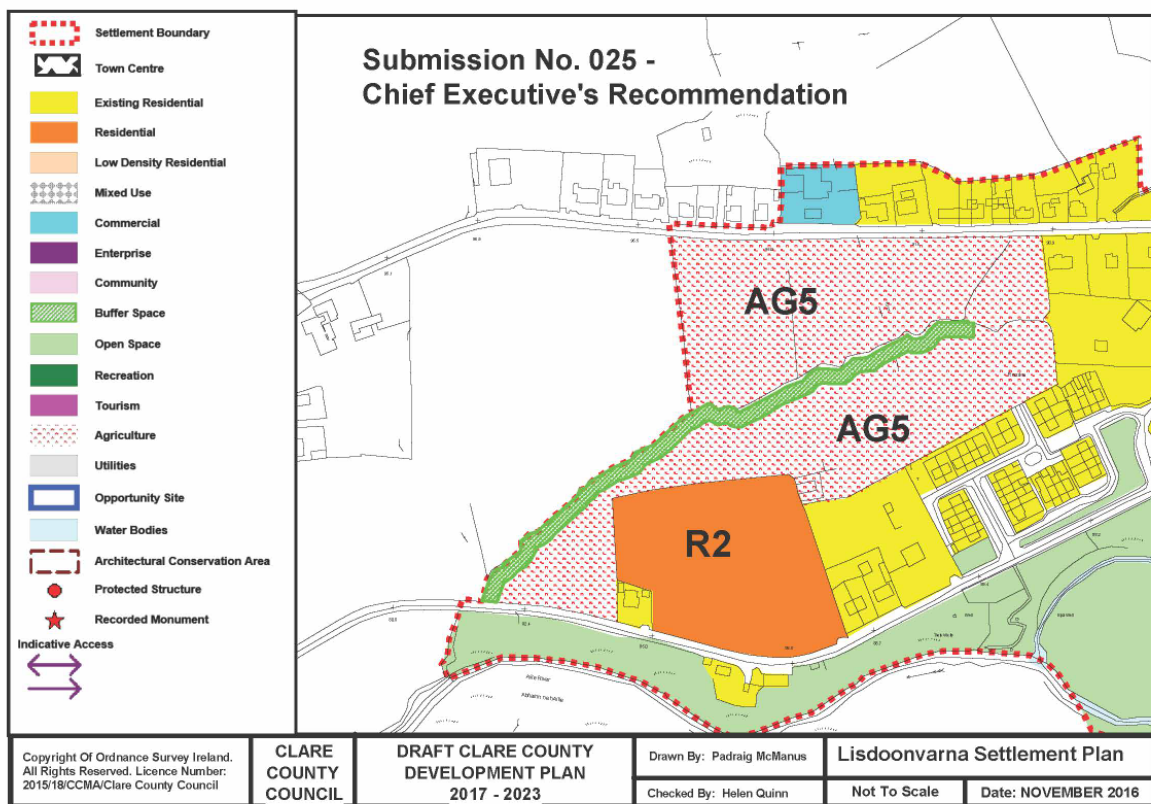
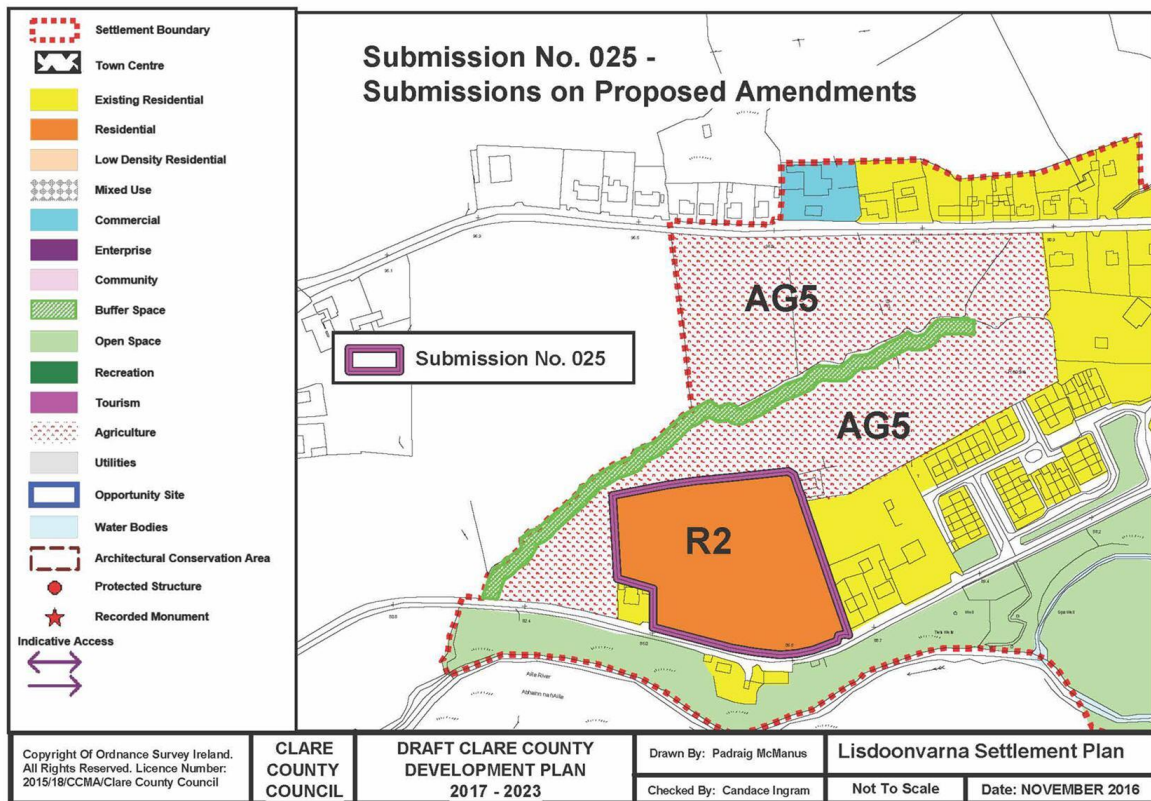
I also note that there is an existing residential community in the Rooska area and the text associated with the proposed zoning supports the development of facilities such as recreational amenities, childcare facilities etc which would support the creation of a vibrant local community.

It is also important to note that the Planning and Development Act, 2000 (as amended) makes provision for the making of the development plan either with or without the proposed amendments. It does not allow for alterations to the zoning beyond this. The zoning must revert to that shown in the Draft Development Plan (the whole site zoned Residential) or remain as illustrated in the proposed amendments (a mixture of Residential, Agriculture and Buffer Space zoning). I consider that the latter option is preferable in this instance given the concerns expressed by Mr. Cusack in his submission.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to lands at Rooska, Lisdoonvarna, be adopted.

**Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023**



## Ref. 026 University of Limerick c/o Connellan & Associates

### Submission Summary

The submission states that the University broadly welcomes the amendments as put forward in the Draft Plan. The submission seeks modifications in so far as they relate to these amendments as follows:

- a) The insertion of the term 'Strategic Master Plan' instead of 'Master Plan' where this term occurs in the amended document, as it better reflects the type of master plan that would be appropriate to the University Zone.
- b) The insertion of the following in the list of uses:

*Uses appropriate to the development of the University hinterland* – as there is no linkage between the list of uses given at 1-9 as uses to be 'favourably considered', with the amended paragraph added to the Plan about the role of the hinterland in Section 6.3.5.

### Chief Executive's Response

I thank the University of Limerick for their submission and the broadly positive response to the content of the Draft Clare County Development Plan 2017-2023.

The submission relates to Section 6.3.5 University of Limerick, a section of the Draft Development Plan which is subject to a number of proposed amendments.

I consider the requested amendments to be minor in nature and constitute clarification of the text rather than a significant change to the meaning or content of the Plan. Given that the requested changes do not relate to the zoning of land or to the Record of Protected Structures, I consider it appropriate to update the text of Section 6.3.5 in accordance with the information contained in this submission.

### Chief Executive's Recommendation

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to Section 6.3.5 be adopted, incorporating the minor amendments requested in this submission, as follows:

- The words 'master plan' be replaced with 'strategic master plan' where they occur in the amended document in relation to the future development of the university campus.
- The replacement of the sentence "*The following uses will be favourably considered for development in the University Zone:*" with "*Uses appropriate to the development of the university hinterland include:*".



## **Ref. 027 Declan and Noreen Staunton**

### **Submission Summary**

The submission thanks the Chief Executive for his response to the previous submission to the Draft Clare County Development Plan 2017-2023 and welcomes the de-zoning of R2 in Quin. The submission also welcomes the change of access to R4 to an alternative access via LDR1 to the southwest. Both amendments will address significantly the health and safety concerns previously raised.

However, there is strong objection to the amendment to land zoning R3 as in the Draft Plan to LDR4 lands in the Proposed Amendments which incorporate R3 and request that this be reviewed. The submission request that the LDR4 lands that are proposed to incorporate R3 be changed so that R3 remains as is in the Draft Plan and the remaining lands proposed to be zoned LDR4 be incorporated in R4 as in the Draft Plan.

The request is based upon ensuring the health and safety of the residents of Maigh Dara. Additional traffic generated by both construction traffic and additional resident traffic from any development on additional lands would pose a serious health and safety risk to existing residents of the estate, many of which are children.

### **Chief Executive's Response**

I thank Declan and Noreen Staunton for this submission and I would like to comment as follows:

In relation to Site R2 in Quin, I consider that having regard to the flood risk issues associated with this site that it is appropriate and in the interest of the proper planning and sustainable development of the area that the zoning should be removed. Therefore, I consider that the proposed amendment to remove the Residential zoning from this site be adopted.

In relation to the proposed amendment to Site R3, I consider that this is an issue that needs to be clarified in the Plan. The location of the 'LDR4' label on the map appears to be causing some confusion in relation to the extent of the site. It is also necessary to provide greater clarity in relation to which areas of land will be accessed from which location.

It is intended that only houses constructed on the R3 site (as it appeared in the Draft Clare County Development Plan 2017-2023) will be accessed via the existing Maigh Dara estate. Construction traffic to this site may need to utilise an alternative access and this will be agreed at the development management stage. All other lands in this area of the village will be accessed via a new local road that will serve lands at LDR1, R4 and a newly labelled LDR5.

I consider that these minor modifications will add greater clarity and will address the concerns that have been raised in this submission.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to Site R2 in Quin, be adopted

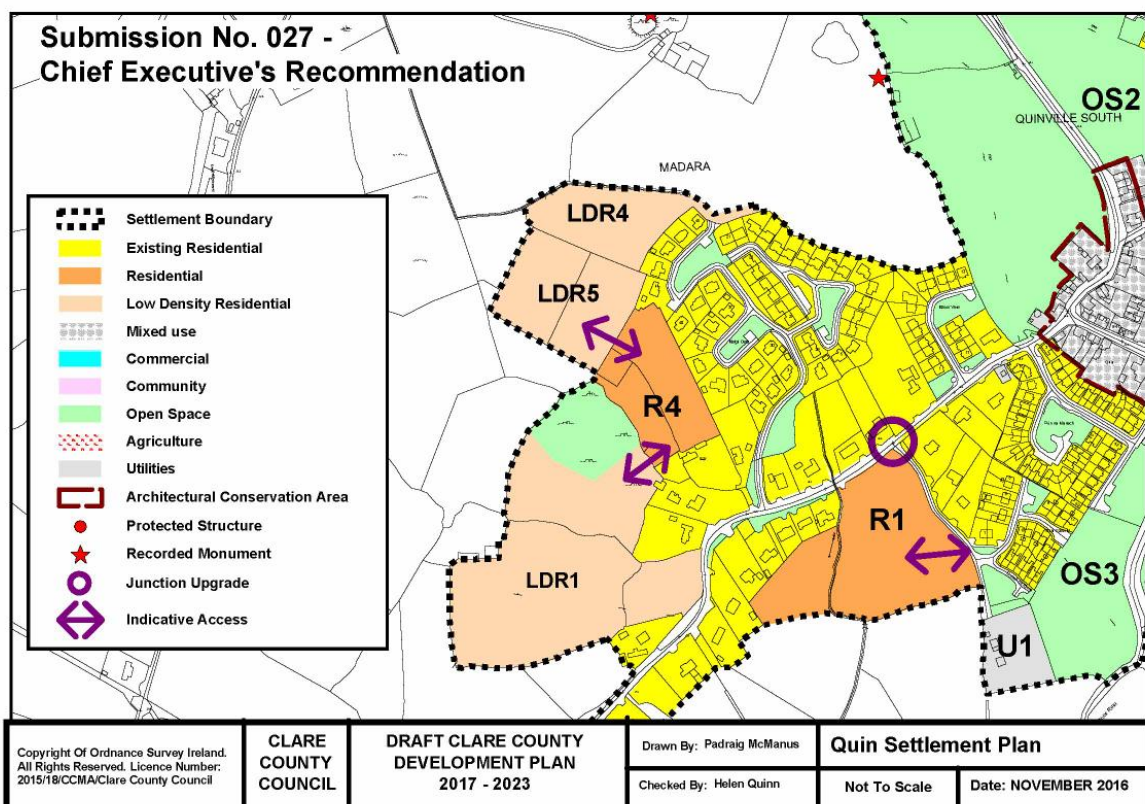
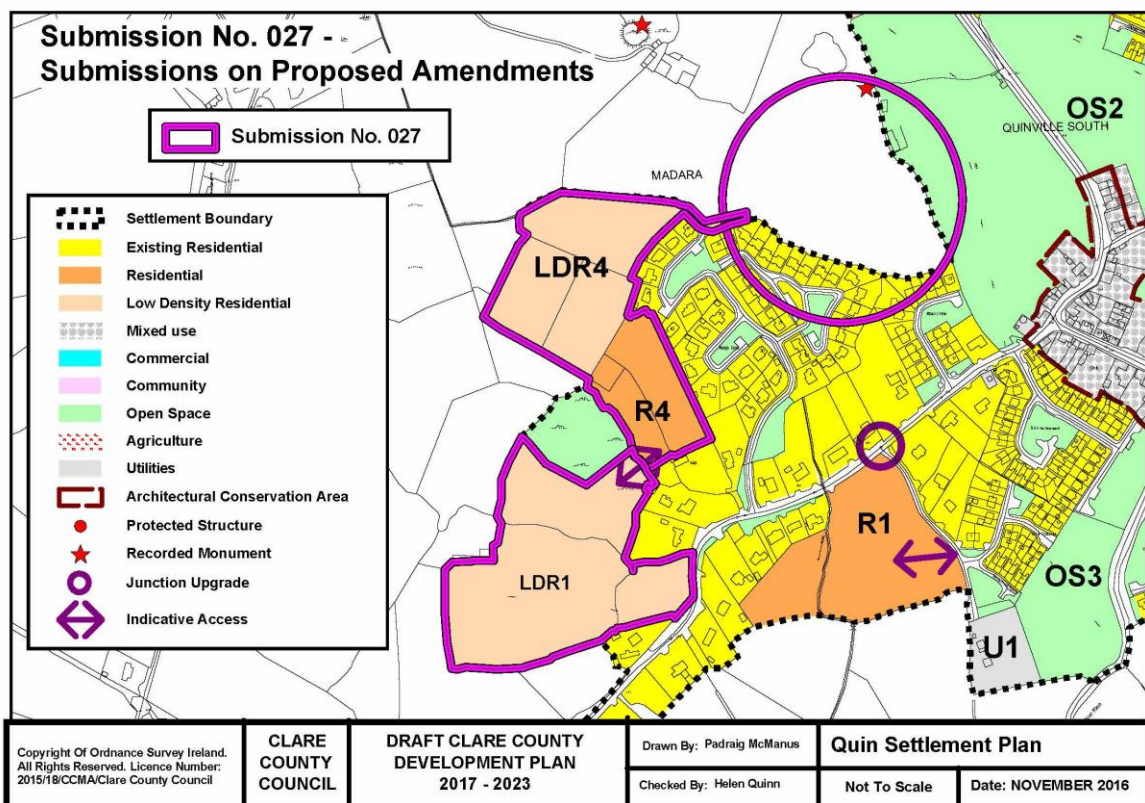
I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023, which relates to Site R3/LDR4 Northwest of Maigh Dara, be adopted subject to the following minor modifications which are required in the interest of clarity:

- The label 'LDR4' be relocated to indicate that it relates solely to the former R3 site and does not relate to the additional lands to the southwest
- Label the additional lands to the southwest LDR5
- An indicative access arrow be added to illustrate that the development of Site R4 must provide for future access to the LDR5 lands to the northwest

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- A sentence added to the Volume 3(a) of the plan to indicate that a new local road will be required to connect LDR1, R4 and LDR5 to the public road as follows:  
*"A new road shall be provided connecting LDR1, R4 and LDR5 in Quin to the public road. The road shall be progressed as part of the development of the lands and shall be designed in accordance with the Design Manual for Urban Roads and Streets."*

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## **Ref. 028 Lightsource Renewable Energy Ireland Ltd. c/o Aidan Collins on behalf of**

### **Submission Summary**

This submission related to Volume 6 of the Draft Clare County Development Plan 2017-2023 – the Renewable Energy Strategy and the introduction of policy guidance for solar development in County Clare.

In relation to Volume 6, Section 8.2.2, which identifies site selection criteria for ground mounted solar arrays, the submission proposed the addition of new text outlining the challenges in relation to grid connection and the application process.

The submission summarises other grid constraints, in addition to grid capacity availability, that can impact on the viability of a solar farm. It is submitted that many grid connections fall under exempted development provisions and as such are not required to be covered in the planning application for non-EIA developments. At the time of applying for planning permission the exact point of connection and location of the grid connection cable route may not have been finalised. It may be possible to provide indicative information but where final details are not available this should not prejudice the assessment or determination of a solar farm application.

The submission recommends that the following issues are incorporated into Chapter 8 of the Renewable Energy Strategy:

- a) Availability and method of grid connection – non EIA planning applications should only be required to include indicative plans for grid connection and capacity.
- b) Glint, glare and radar issues – the restrictions around Shannon Airport are not considered necessary because radar, glint and glare issues can be dealt with through mitigation. The submission includes a list of airports where solar panels have been constructed within or close to the airport and recommends that the Council refrain from being too prescriptive.
- c) Lifespan of developments – it is important that a one-size-fits-all approach is not taken and that individual applicants should identify the expected lifespan for each individual solar application.
- d) Development contributions – the submission notes that there is no class within the development contribution scheme which relates to solar farms and sets out a proposed wording for the condition relating to development contributions with respect to permitted solar applications.

### **Chief Executive's Response**

I thank Lightsource Renewable Energy Ireland Ltd. for their detailed submission and I note the recommendations that they have set out for additions to Volume 6 – Clare Renewable Energy Strategy.

However, I wish to advise that the most recent round of public consultation in the County Development Plan process was to obtain submissions in relation to the Proposed Amendments only to the Draft Clare County Development Plan 2017-2023. While I thank Mr. Collins for this submission, I note that it does not relate to any proposed amendment to the Draft Clare County Development Plan 2017-2023. Only submissions relating to proposed amendments can be considered by the Planning Authority at this stage in the planning process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended

### **Chief Executive's Recommendation**

I recommend no change to the proposed amendments arising from this submission.

## **Ref. 029 Mary Lehane c/o Flynn & Shaw**

### **Submission Summary**

The submission requests the settlement boundary of Lahinch be amended to include the lands at Crag, Lahinch and the proposed zoning on the part of the lands shown as LDR2 be amended to Tourism as the landowner considers it more appropriate given its location adjacent to the existing caravan park.

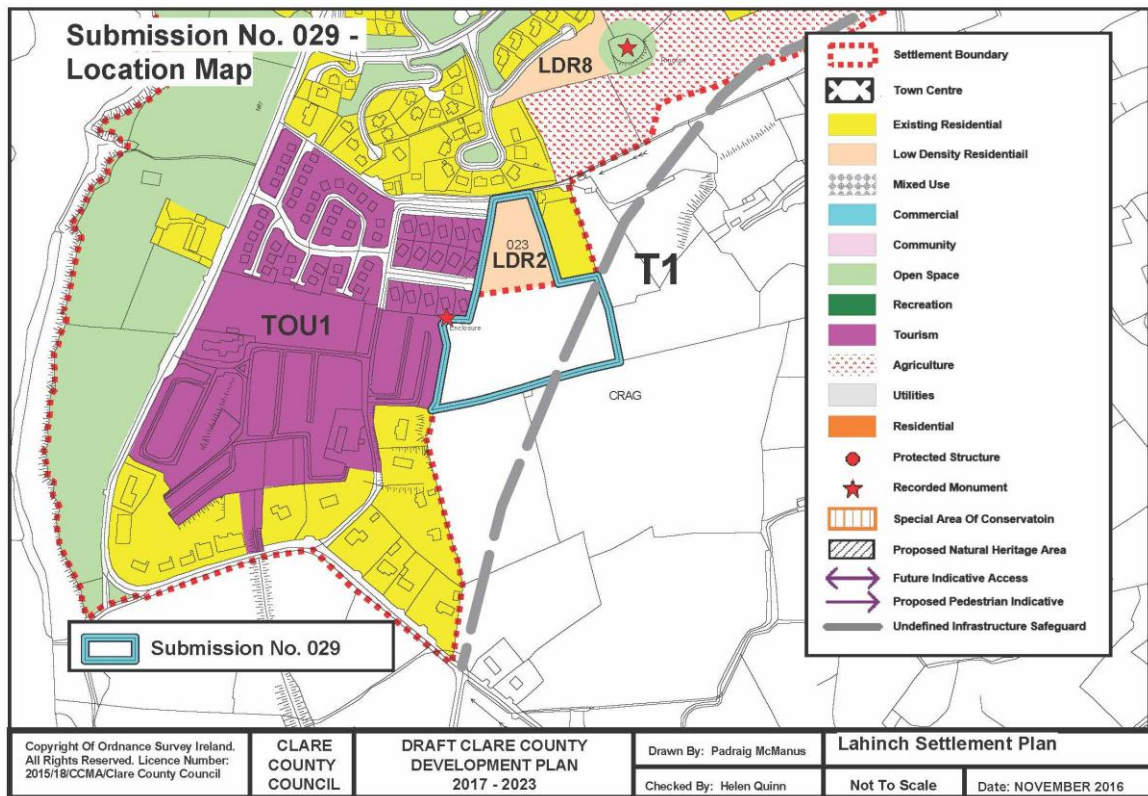
### **Chief Executive's Response**

I wish to advise that the most recent round of public consultation in the County Development Plan process was to obtain submissions in relation to the Proposed Amendments only to the Draft Clare County Development Plan 2017-2023. While I thank Flynn & Shaw, on behalf of Ms. Lehane, for their submission, I note that it does not relate to any Proposed Amendment to the Draft Clare County Development Plan 2017-2023. Only submissions relating to Proposed Amendments can be considered by the Planning Authority at this stage in the planning process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

### **Chief Executive's Recommendation**

I recommend no change to the proposed amendments arising from this submission.

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## **Ref. 030 Residents of Blackwater, Ardnacrusha c/o Andrew Hersey**

### **Submission Summary**

This submission relates to the proposed zoning of lands for Low Density Residential development in the settlement of Ardnacrusha – Site LDR5. Local residents have made this submission in order to strongly object to the proposed zoning, on the following grounds:

- The lands are poorly drained and are not suitable for the purposes of waste water treatment plants. Previous experience in the area have shown that such plants do not function on these lands and surface water has been polluted in the part as a consequence of malfunctioning waste water treatment plants.
- The proposal is contrary to the Core Strategy as set out in the draft Clare County Development Plan 2017-2023.
- The site is too far removed from the core of the village (c. 900m.) and is not connected to the village core by pedestrian footpaths or streetlights. Also, the area is not served by public transport.
- The development of houses to the rear of existing properties in the area will have a serious impact on the residential amenities of existing residents in the area.
- Any proposal for houses along this narrow county road will increase traffic and increase the traffic hazard for existing road users.
- The proposal will have a detrimental impact on the receiving natural environment.
- The proposal may result in flooding of adjoining properties and surrounding lands.

### **Chief Executive's Response**

I thank Mr. Hersey for this submission and I acknowledge the concerns contained therein.

I am in agreement with the sentiment of the submission that the zoning of these lands is not appropriate. In addition to the concerns raised in the submission, I note again that the quantum of residential land required to meet the population target in Ardnacrusha during the lifetime of the development plan is 6.7ha and this has already been provided in the draft Settlement Plan. To exceed the quantum by zoning further lands would be contrary to the proper planning and sustainable development of the area.

Furthermore, the subject lands are located on the periphery of the settlement, in an area that is predominantly rural in character. The lands are located to the rear of an existing line of houses in an area where in-depth development is not desirable at this time, given the availability of lands for in-depth development closer to the services and amenities at the core of the settlement.

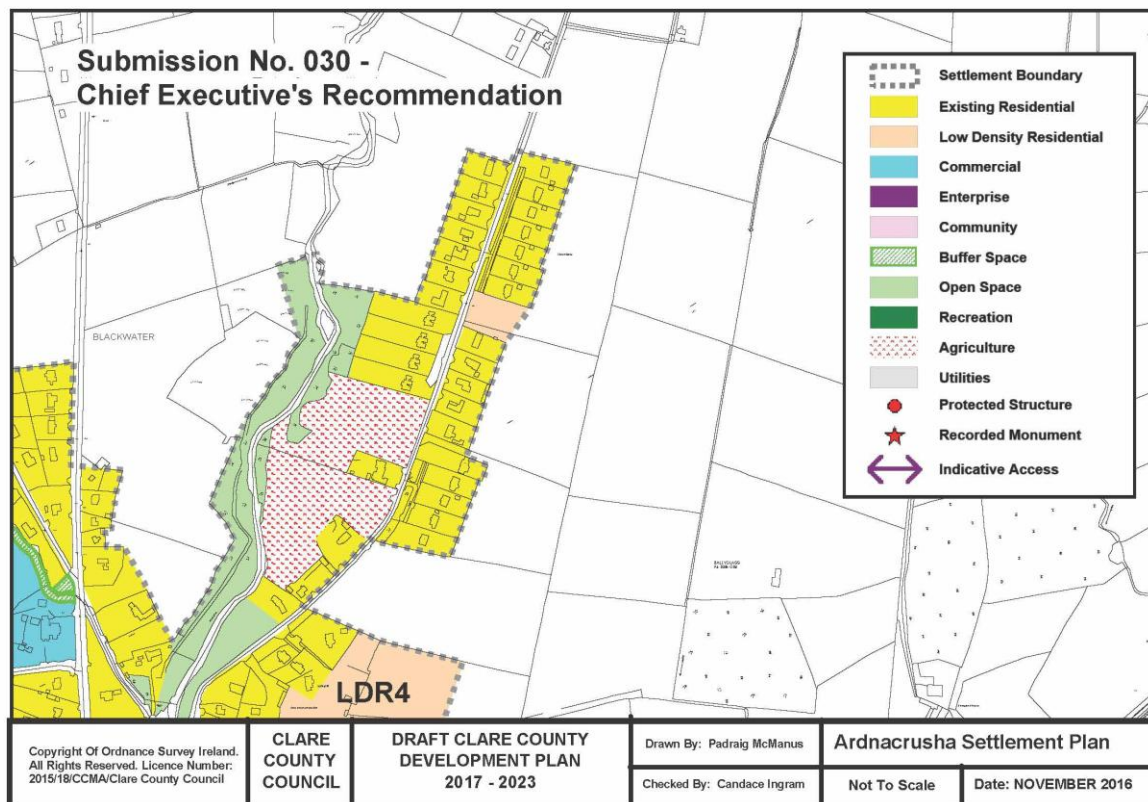
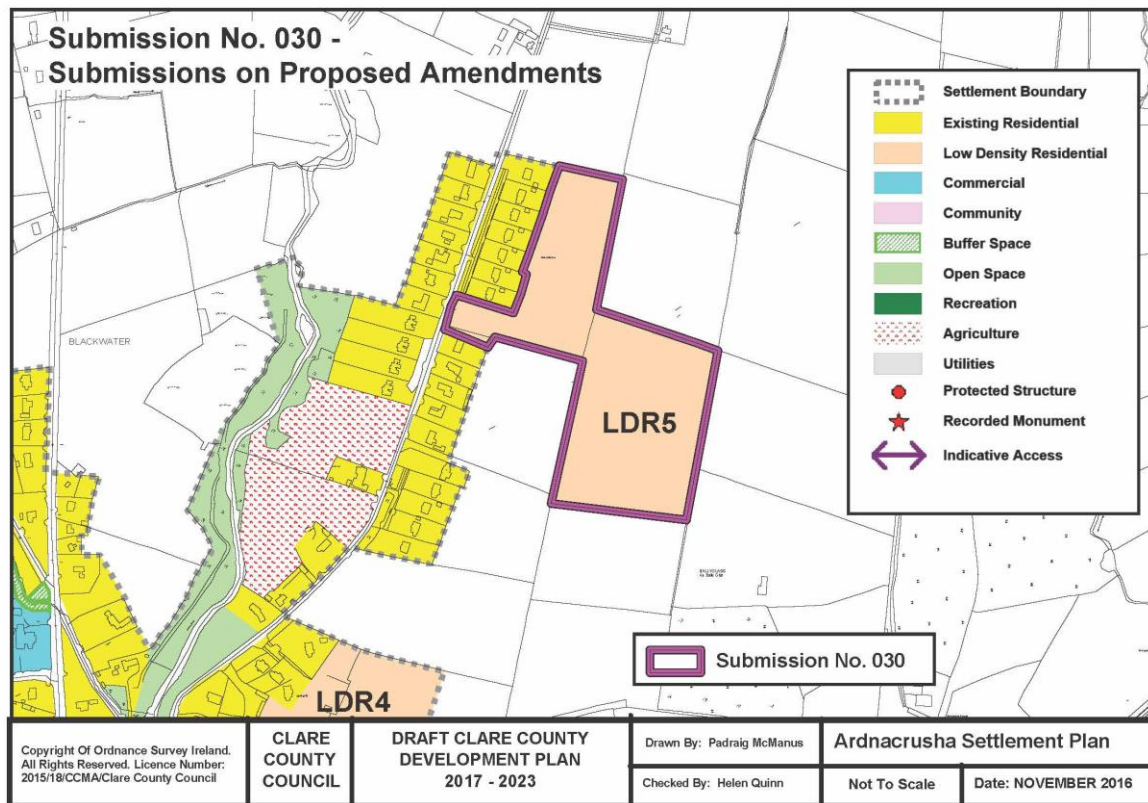
I refer also to Submission Ref. 001 from the Department of Housing, Planning and Local Government, who oppose the zoning of this land for residential purposes.

I consider that it is not appropriate to zone the subject lands given the peripheral location in comparison to other undeveloped lands closer to the village centre and would be contrary to the proper planning and sustainable development of the area and therefore this Proposed Amendment should not be adopted.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to Site LDR5 in Ardnacrusha, not be adopted.

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## **Ref. 031 Cllr. Paul Murphy**

### **Submission Summary**

The submission relates to lands LI1 at Ballaghafadda, Clarecastle that are being zoned for Light Industrial use. It is proposed that the plan is amended to provide a protective buffer around the full boundary of this site in order to have due regard to the rural environment and lifestyle that is currently experienced by those who reside in the area.

### **Chief Executive's Response**

I note with thanks the submission from Cllr. Paul Murphy with regard to the Proposed Amendment relating to lands zoned 'Light Industrial' (LI1) at Ballaghafadda, Clarecastle and the request to extend the protective buffer around the full boundary of the site.

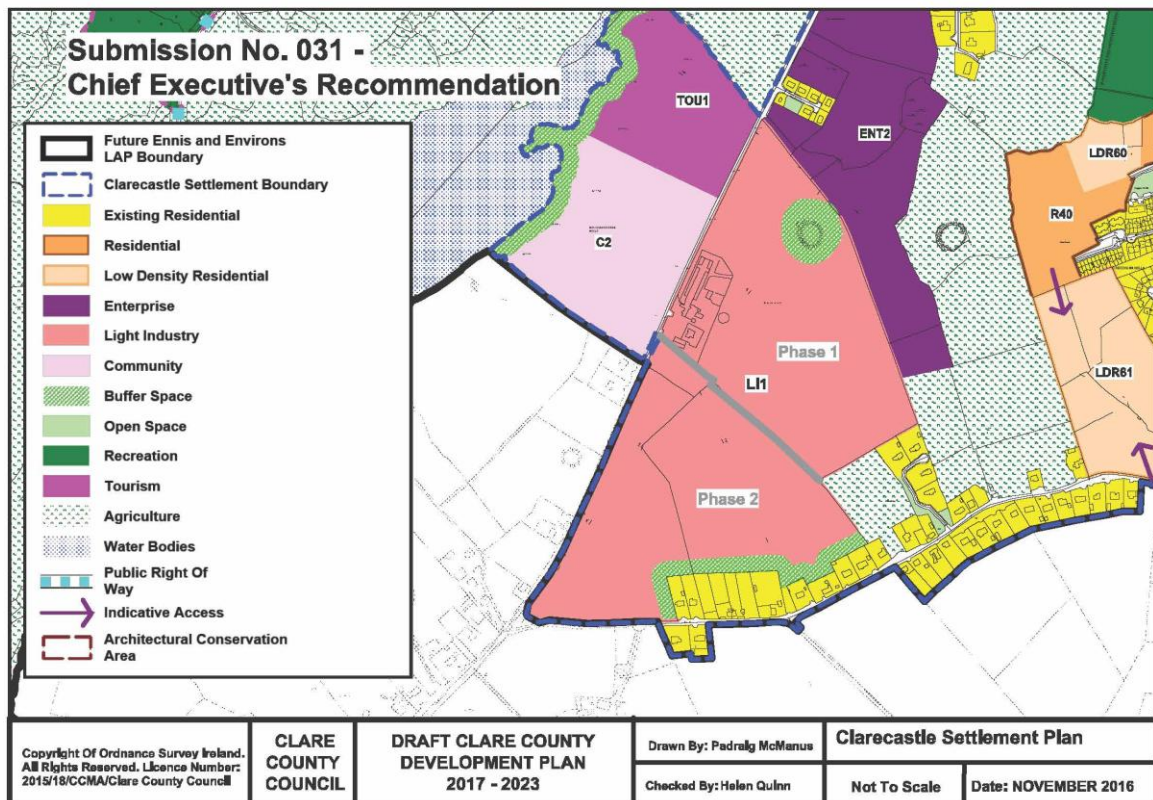
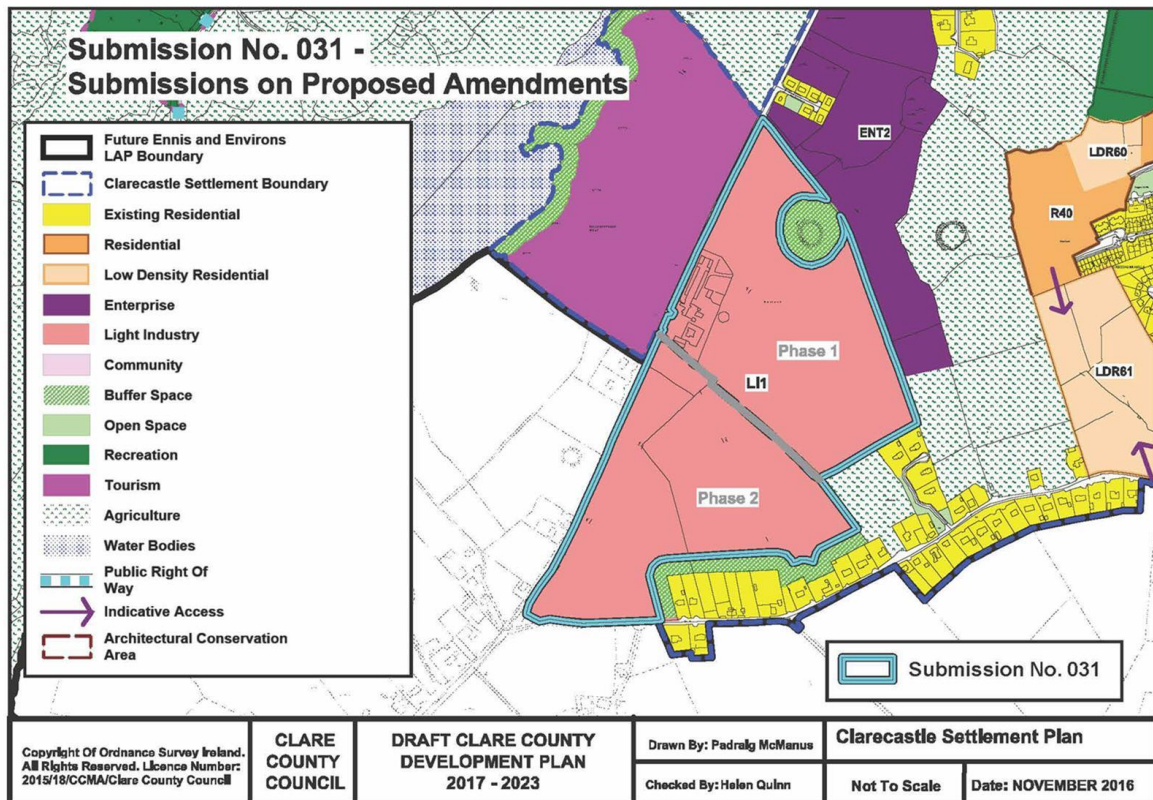
The making of further modifications to an alteration to the Draft Development Plan is governed by Section 12(10)(c) of the Planning and Development Act, 2000 (as amended) and this section of the Act clearly states that a further modification shall not be made where it relates to an increase in the area of land zoned for any purposes. Therefore, I am precluded from recommending the requested extension of the 'Buffer Space' zoning at this stage in the plan-making process.

### **Chief Executive's Recommendation**

I recommend that the proposed amendments to the Draft Clare County Development Plan 2017-2023, which relate to lands at Ballaghafadda, Clarecastle, be adopted without the additional change requested in this submission.



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## **Ref. 032 P. Coleman & Associates on behalf of Roche Ireland Ltd.**

### **Submission Summary**

The submission relates to the proposed amendment for lands at Clarehill, Clarecastle (Parcel A) which have been re-zoned from 'Open Space' to 'Light Industrial' with 'Buffer Space' around the perimeter of the site and request that it be adopted.

### **Chief Executive's Response**

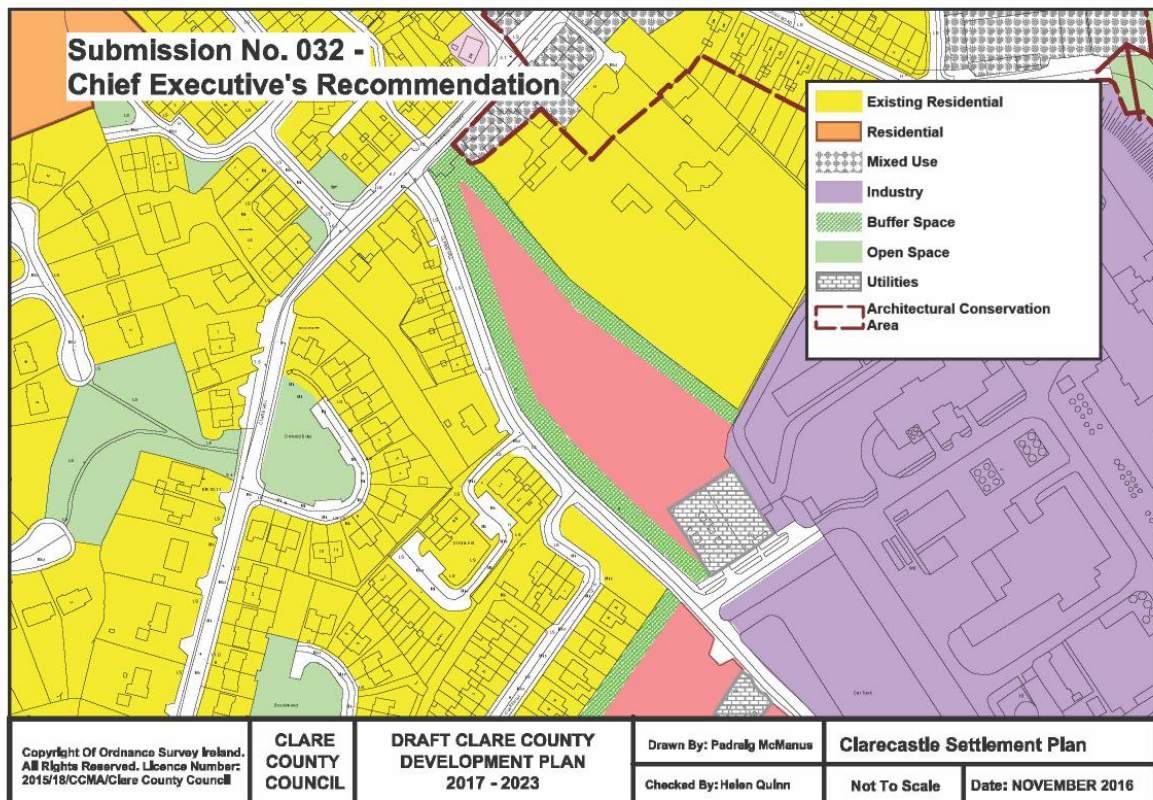
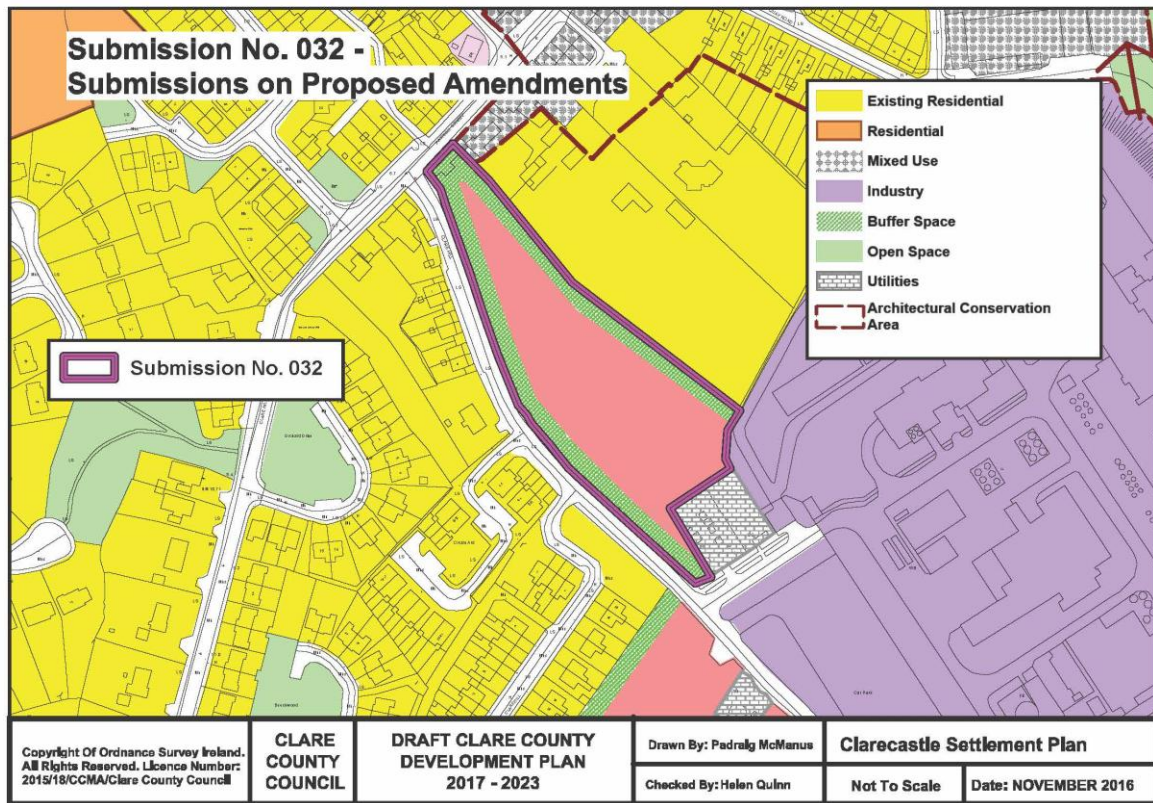
I note the content of this submission requesting that the Proposed Amendment to amend the zoning of lands zoned 'Open Space' to 'Light Industrial' with 'Buffer Space' proposed around the perimeter of the parcel (A) of these lands at Clarehill, Clarecastle be adopted. I consider that to adopt this Proposed Amendment is in the interest of proper planning and sustainable development.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to the lands referred to in this submission at Clarehill, Clarecastle, be adopted.



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## **Ref. 033 P. Coleman & Associates on behalf of Roche Ireland Ltd.**

### **Submission Summary**

The submission relates to the proposed amendment for lands at Clarehill, Clarecastle (Parcel B) which have been re-zoned from 'Open Space' to 'Light Industrial' with 'Buffer Space' around the perimeter of the site and requests that it be adopted.

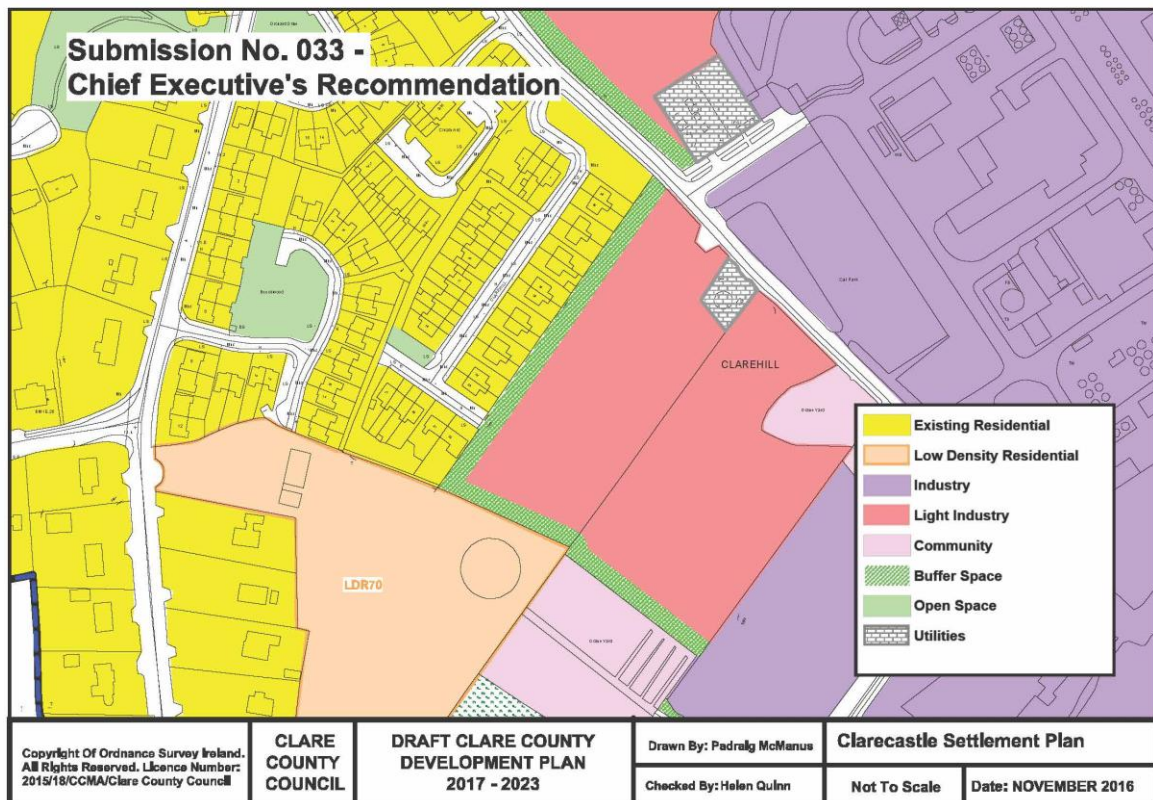
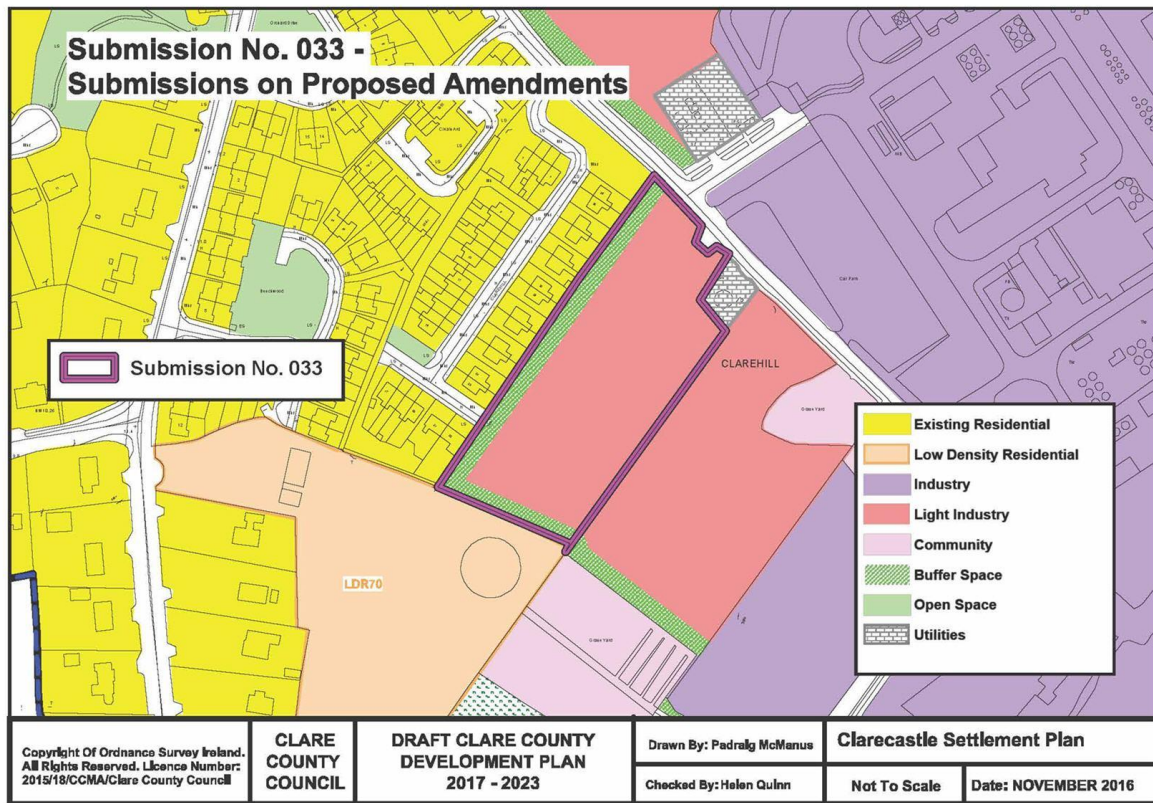
### **Chief Executive's Response**

I note the content of this submission requesting that the Proposed Amendment to amend the zoning of lands zoned 'Open Space' to 'Light Industrial' at Clarehill, Clarecastle be adopted. I consider that to adopt this Proposed Amendment is in the interest of proper planning and sustainable development.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to the lands referred to in this submission at Clarehill, Clarecastle, be adopted.

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**Ref. 034 P. Coleman & Associates on behalf of Roche Ireland Ltd.**

**Submission Summary**

The submission relates to the proposed amendment for lands at Clarehill, Clarecastle (Parcel C) and note the zoning objective for the existing plant land remains as IND2 Industry with the parcel C land being re-categorised from the proposed "Community" zoning objective to "Industry" with "Buffer Space" proposed around the southern site boundary and request these be adopted.

**Chief Executive's Response**

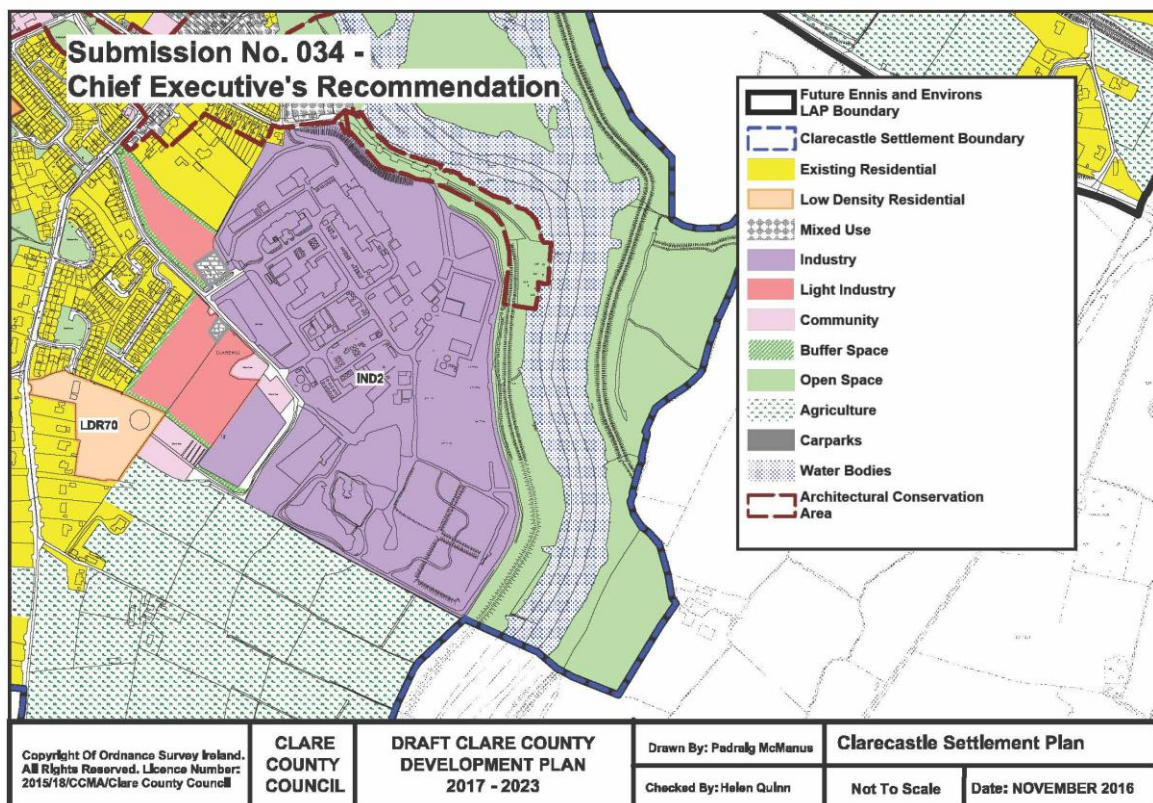
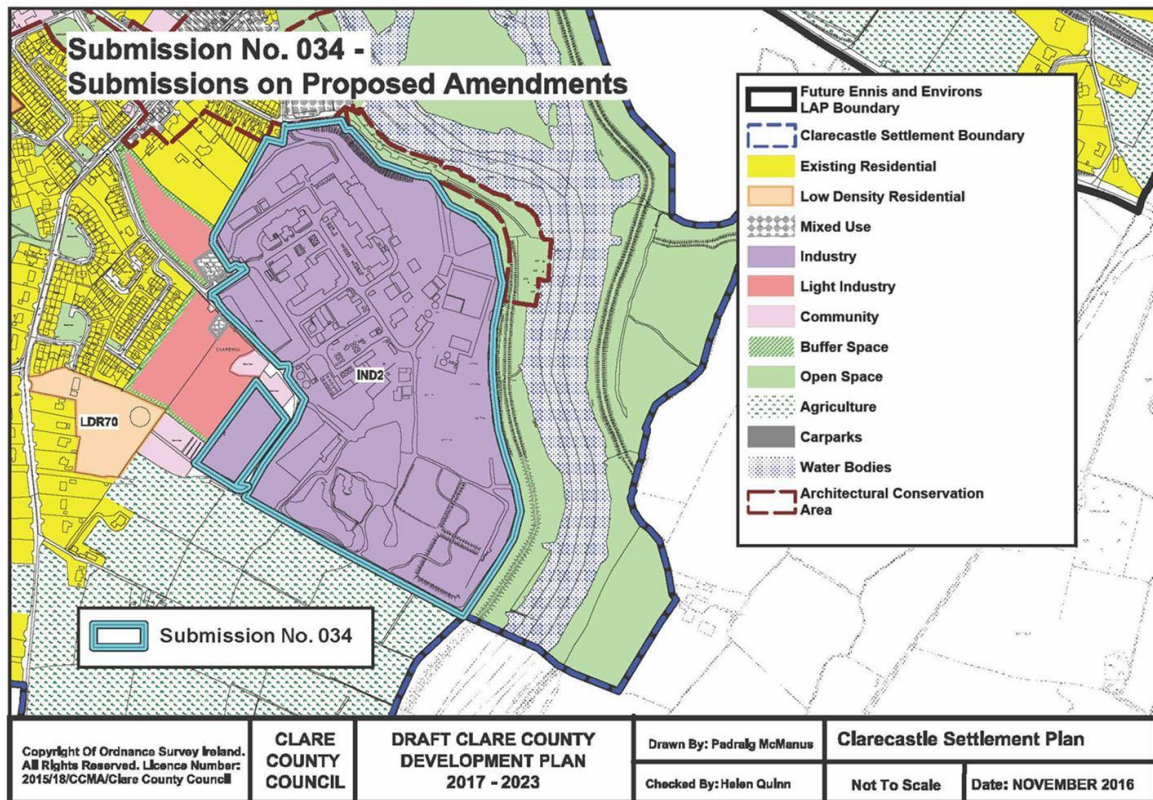
I note the content of this submission requesting that the Proposed Amendment to amend the zoning of lands zoned 'Community' to 'Industry' and 'Buffer Space' at Clarehill, Clarecastle be adopted. I consider that to adopt this Proposed Amendment is in the interest of proper planning and sustainable development.

**Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to the lands referred to in this submission at Clarehill, Clarecastle, be adopted.



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## Ref. 035 Gaeil Gibson, Grid Development, EirGrid plc.

### Submission Summary

The submission relates to the proposed amendments within Chapter 8, Section 8.8.4 of the Draft Clare County Development Plan 2017-2023. The amendments are welcomed and this submission serves as an update to the previous submission made in February 2016 and proposes a modification to the proposed amended text in response to the update as follows:

"Eirgrid is currently progressing a number of projects ~~that will to accommodate renewable various energy projects generators and reinforce the national grid, in their requirements to connect to the National Grid.~~ In County Clare the project will involve works at Moneypoint in order to allow increased use of the capability of the existing 400kV overhead lines and the proposed construction of a new submarine 499kV cable to connect Moneypoint to North Kerry on the southern side of the Shannon Estuary."

### Chief Executive's Response

I thank Ms. Gibson for this submission and I acknowledge the information contained therein. The submission relates to a proposed addition to the Draft Clare County Development 2017-2023 and requests an amendment to the proposed new text.

I consider the requested amendment to be minor in nature and, given that it does not relate to the zoning of land or to the Record of Protected Structures, I consider it appropriate to update the text of Section 8.8.4 in accordance with the updated information contained in this submission.

### Chief Executive's Recommendation

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to Section 8.8.4 be adopted, incorporating the minor amendments requested in this submission, as follows:

*"Eirgrid is currently progressing a number of projects to accommodate various energy generators and reinforce the national grid. In County Clare the project will involve works at Moneypoint in order to allow increased use of the capability of the existing 400kV overhead lines and the proposed construction of a new submarine 499kV cable to connect Moneypoint to North Kerry on the southern side of the Shannon Estuary."*

## **Ref. 036 Fenloe Property Development Ltd. c/o P. Coleman & Associates**

### **Submission Summary**

This submission relates to the landholding at Ballaghfadda West, Killadysart Road, Clarecastle which is identified as two parts, plots A and B. It is requested that:

Plot A – the proposed TOU1 Tourism zoning be adopted in this section of lands. It is requested that the area within Plot A, which lies outside Flood Zone A and B, is not restricted to only water compatible uses and that it be allowed to be developed to an appropriate use compatible with the Tourism zoning objective.

Plot B - is identified as the site zoned C2 (Community) in the Draft Clare County Development Plan 2017-2023 and proposed to be amended to be incorporated into TOU1 (Tourism). It is requested that the C2 Community zoning objective as presented in the Draft Plan be adopted and that the proposed amendment to change the zoning to TOU1 Tourism not be adopted. It is considered there is no justification for the change in zoning as proposed and the site lies fully outside of Flood Zones A and B. Therefore there is no justification for Plot B to be restricted to only water-compatible uses which is unduly restrictive. The site should be allowed to be developed as an appropriate use compatible with the proposed C2 Community zoning objective in the Draft Clare County Development Plan 2017-2023.

### **Chief Executive's Response**

I note this submission from P. Coleman & Associates on behalf of Fenloe Property Development Ltd. relates to a Proposed Amendment to the Draft Clare County Development Plan 2017-2023 with regard to two plots of land:

- Plot A is subject of a Proposed Amendment to change the Agriculture zoning as proposed in the Draft Clare County Development Plan 2017-2023 to Tourism TOU1. I note the request to remove the restriction of only water compatible uses outside of the areas within Flood Zone A and B and am of the opinion that given the location of these lands directly adjacent to Ballybeg Lough that the current stipulation should remain as there are many tourism-related activities that can be developed in this regard which would be in keeping with the location.
- Plot B is subject of a Proposed Amendment to change the Community zoning C2 to Tourism TOU1. I note the request to keep the Community zoning C2 as proposed in the Draft Plan to allow the site to be developed as an appropriate use compatible with the zoning. I am of the opinion that this is an appropriate site for Community use and consider that this zoning should be retained in accordance with the Draft Plan and that the Proposed Amendment should not be adopted.

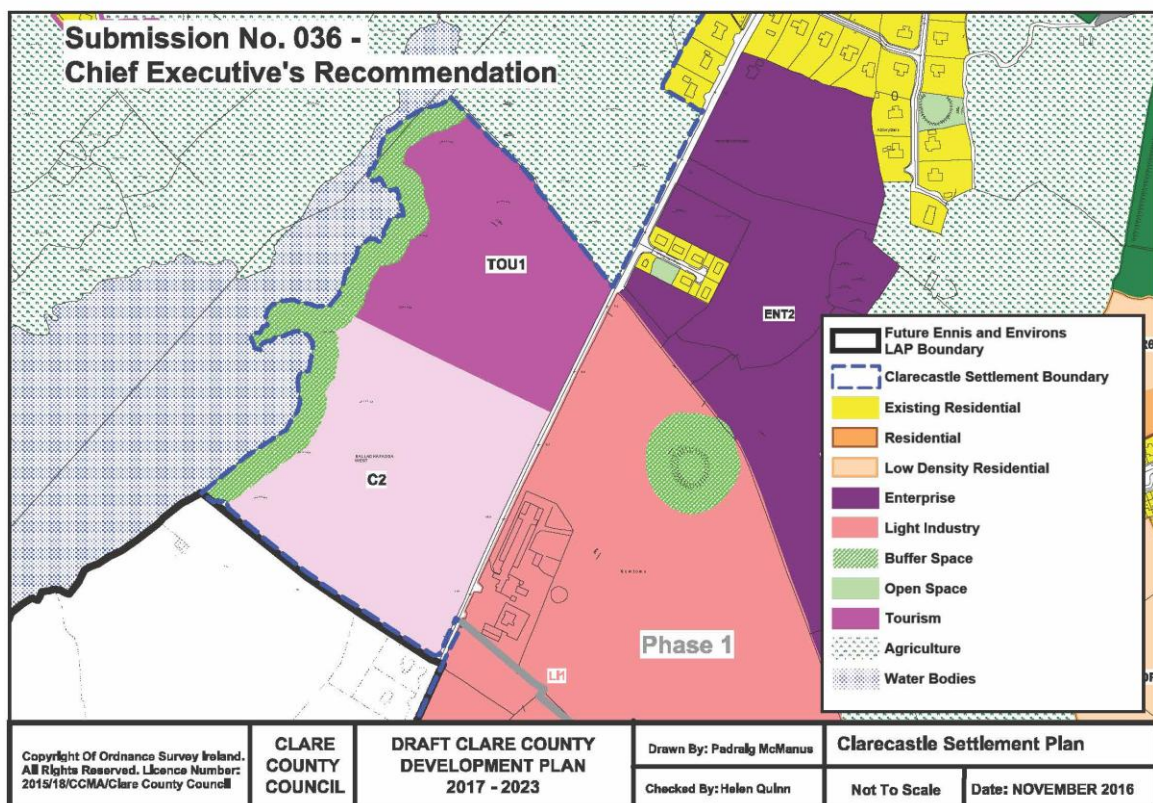
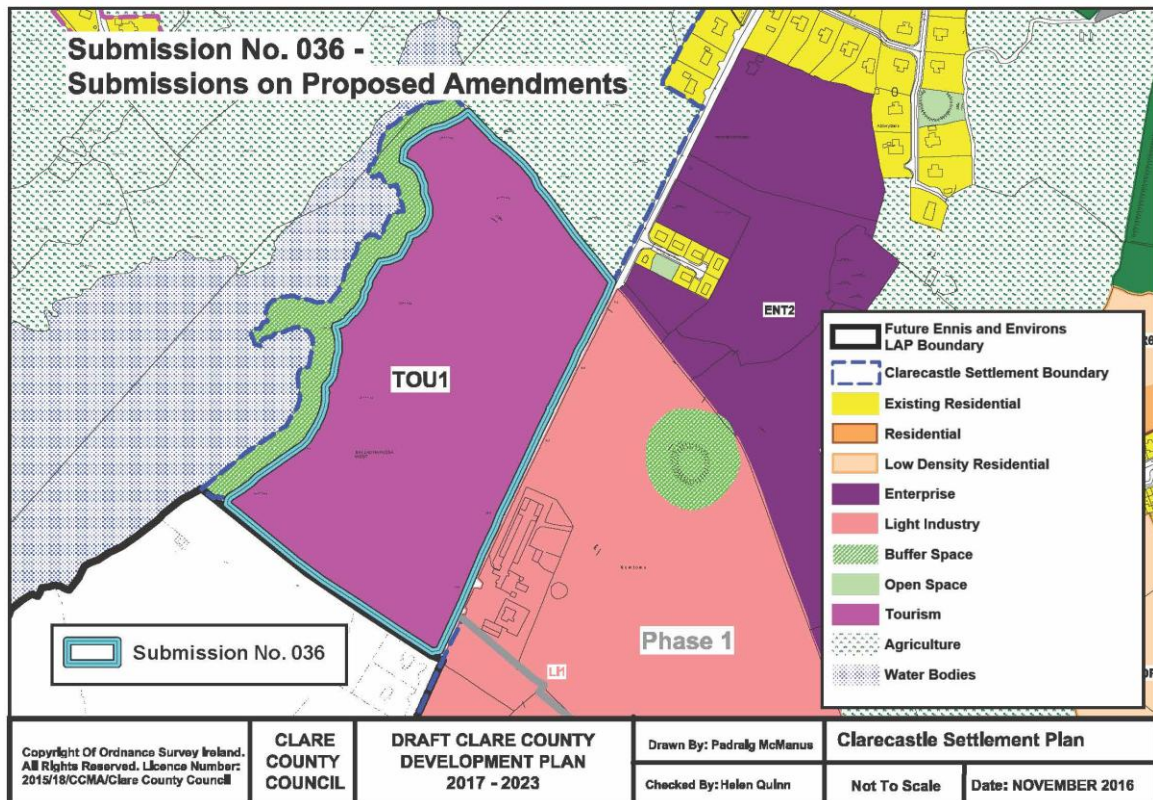
### **Chief Executive's Recommendation**

I recommend that the Proposed Amendment to the Draft Clare County Development Plan 2017-2023 which relates to TOU1 land at Clarecastle, identified as Plot A in the submission, be adopted.

I recommend that the Proposed Amendment to the Draft Clare County Development Plan 2017-2023 which relates to C2 land at Clarecastle, identified as Plot B in the submission, should not be adopted.



Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023



## **Ref. 037 Acha Bhile Construction Ltd. c/o P. Coleman & Associates**

### **Submission Summary**

The submission notes, on behalf of the client, the proposed amendments to the Draft Clare County Development Plan 2017-2023 and requests that the proposed R41 Residential zoning objective be adopted in the final plan. This would support the completion of this unfinished housing estate.

### **Chief Executive's Response**

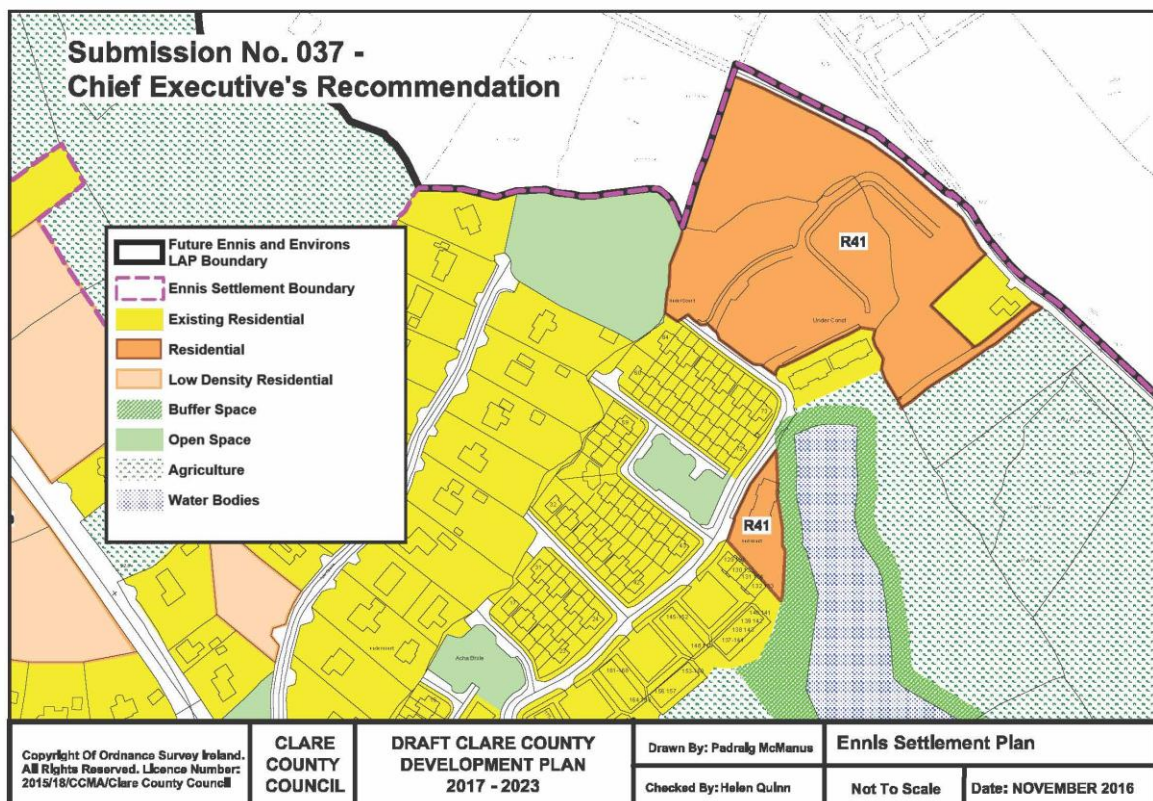
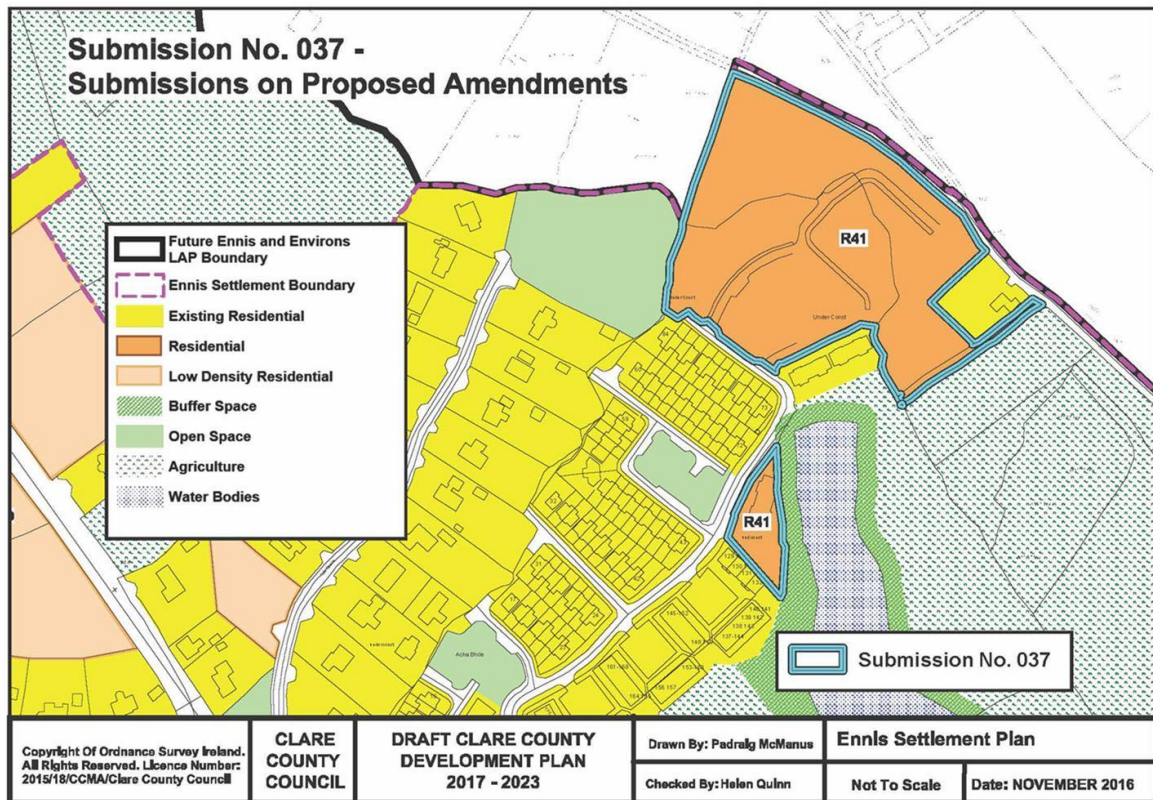
I note the contents of this submission requesting that the Proposed Amendment, to change the zoning of lands from 'Existing Residential' to 'Residential', at Acha Bhile, Loughville, Lahinch Road, Ennis, and the amended site specific zoning objective, be adopted. I consider that the adoption of this Proposed Amendment would be in the interest of proper planning and sustainable development.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to the lands referred to in this submission at Acha Bhile, Loughville, Lahinch Road, Ennis, be adopted.



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## **Ref. 038 Loughville Properties c/o P. Coleman & Associates**

### **Submission Summary**

The submission notes on behalf of the client the proposed amendments to the Draft Clare County Development Plan 2017-2023 and requests that the proposed change of zoning of lands at Loughville from Agriculture to LDR6 Low Density Residential be adopted.

### **Chief Executive's Response**

I thank Loughville Properties for their submission on the proposed amendments and I note their request for the proposed amendment which relates to their property to be adopted.

I have serious concerns in relation to the proposal to change the zoning on this site from Agriculture to Low Density Residential. The subject lands were examined in detail as part of the Strategic Flood Risk Assessment and it was found that historical flooding was noted in and around the ponds, which are clearly marked on the maps, which implies groundwater flood risk from turloughs.

The SFRA stated that, as the site appears to be at potential groundwater risk, and is therefore likely to operate as a storage basin for this water, any development could be directly at risk, or through blocking the natural infiltration route, could increase flood risk elsewhere. The SFRA concluded that the site is suitable for water compatible uses such as open space or agriculture

The water supply for Ennis town and its environs is taken from Drumcliff Springs whose recharge area is karst aquifer. This submission relates to an area which is located within the Zone of Contribution as delineated by the GSI for the Drumcliff Springs. Previous studies have indicated that due to the geology of the catchment, the varying thickness in overlying soils and fast travel time in the groundwater flow regime, there is minimal attenuation of contaminants, both natural and anthropogenic, thereby making the groundwater and the Drumcliff Springs supply well extremely vulnerable to pollution. According to the GSI Source Protection Report<sup>1</sup> there are five main tributary river systems which are of significance to the Drumcliff Springs. The Greenpark system to the south which sinks at Drumcarron More swallow holes is a key supply of the Drumcliff Springs and it is highly dependent on the surface water catchment of it, within which the subject site of this submission relates. Following analysis of the groundwater flow and associated tracing by the GSI, Drumcliff Springs are considered as both surface water and groundwater source with Drumcarron More swallow hole contributing both from a surface and groundwater perspective with very good connectivity they need to be considered together in protecting the source. The National Groundwater Protection Scheme has therefore delineated the Inner Protection Area which protects the source from microbial and viral contamination and the Outer Protection Area which is designed to protect the source from chemical contamination. The lands which are the subject of this submission are within the Inner Protection Area for the Drumcliff Springs. Any loss of this surface water catchment supplying water to the Drumcarron More swallow hole would also have a knock on effect in terms of supply to the Drumcliff Springs.

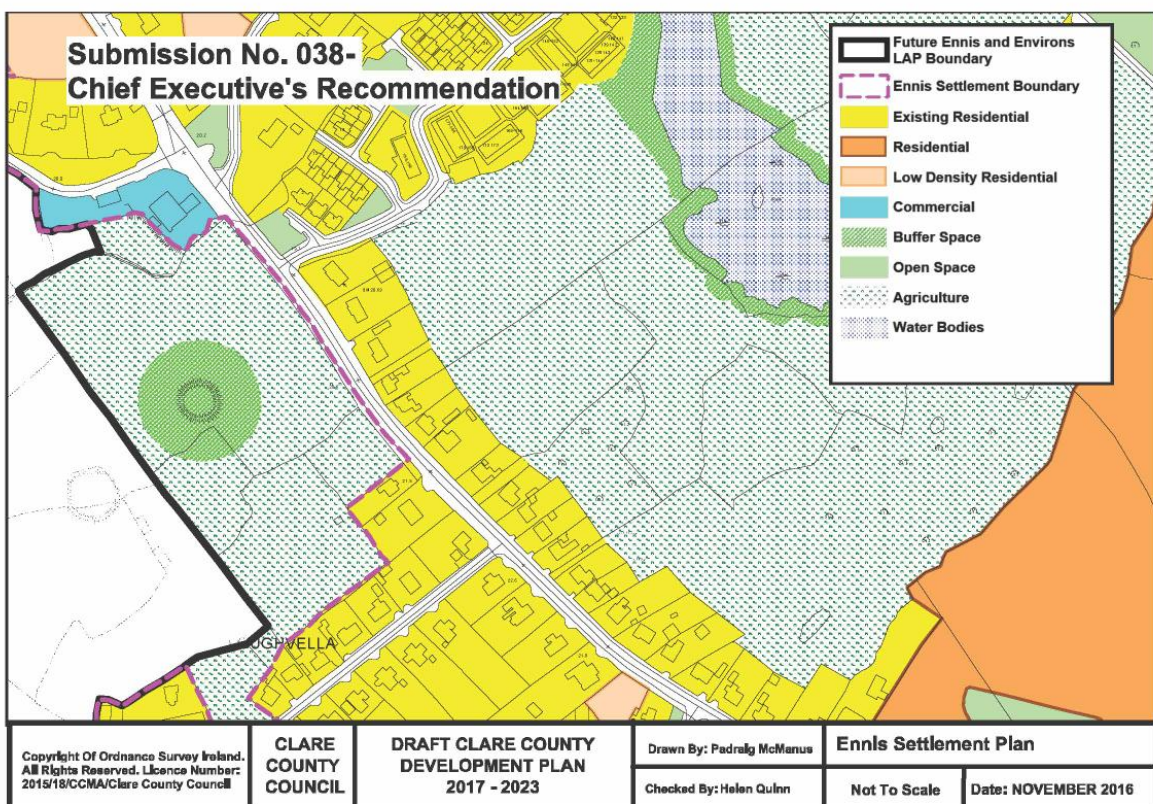
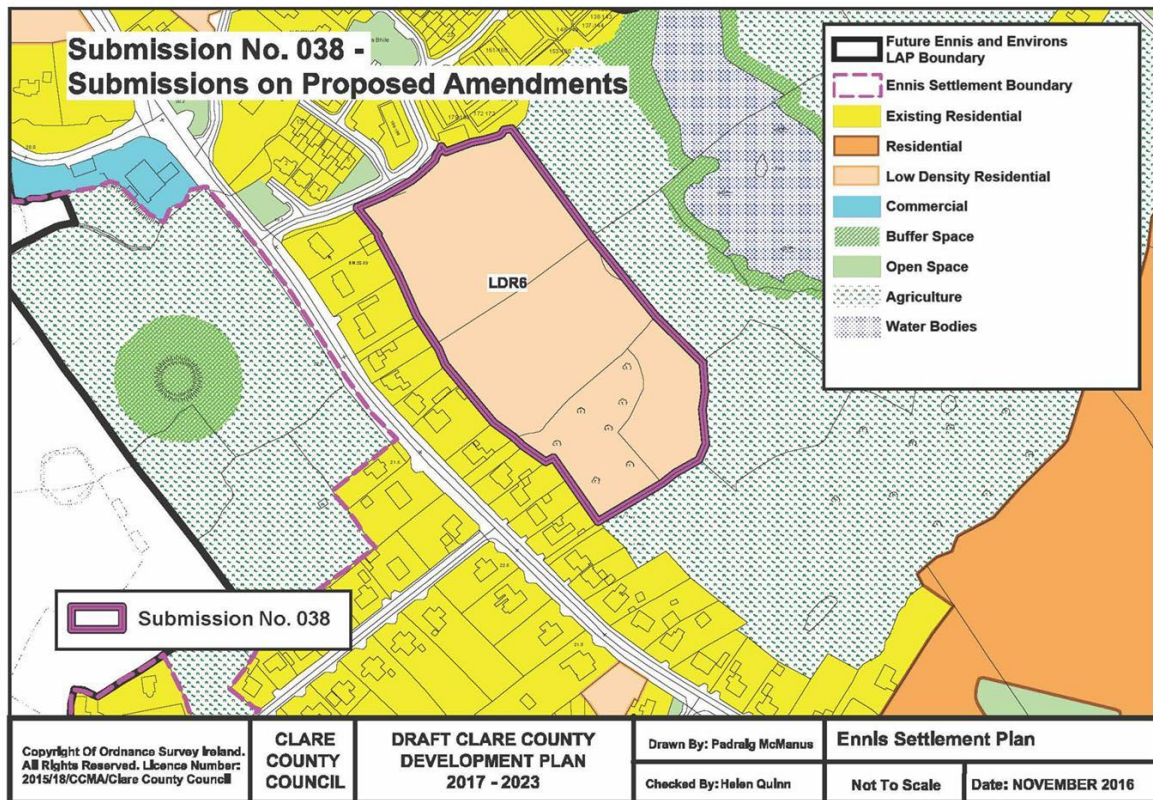
The serious issues set out above indicate that future residential development on these lands could jeopardise the Ennis water supply and could also put new and existing homes in the area at risk of flooding.

<sup>1</sup> <http://www.gsi.ie/nr/rdonlyres/c32601e4-a939-4905-92f8-6aee112b83c4/0/drumcliffe09.pdf>

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to Site LDR6 in Loughville, Ennis, not be adopted, and the zoning on the site reverts to Agriculture as per the Draft Plan.

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**Ref. 039 Hartnett Homes and Estate Developers Ltd. c/o P.  
Coleman & Associates**

**Submission Summary**

The submission notes on behalf of the client the proposed amendments to the Draft Clare County Development Plan 2017-2023 and notes the zoning objective for their land identified as Parcel F, Cahircalla More/Ashline, Kilrush Road, Ennis is to be re-categorised from Community to Commercial (COM3) with a specific zoning objective. It is requested that this proposed zoning change to Commercial (COM3) be adopted in the final Plan.

**Chief Executive's Response**

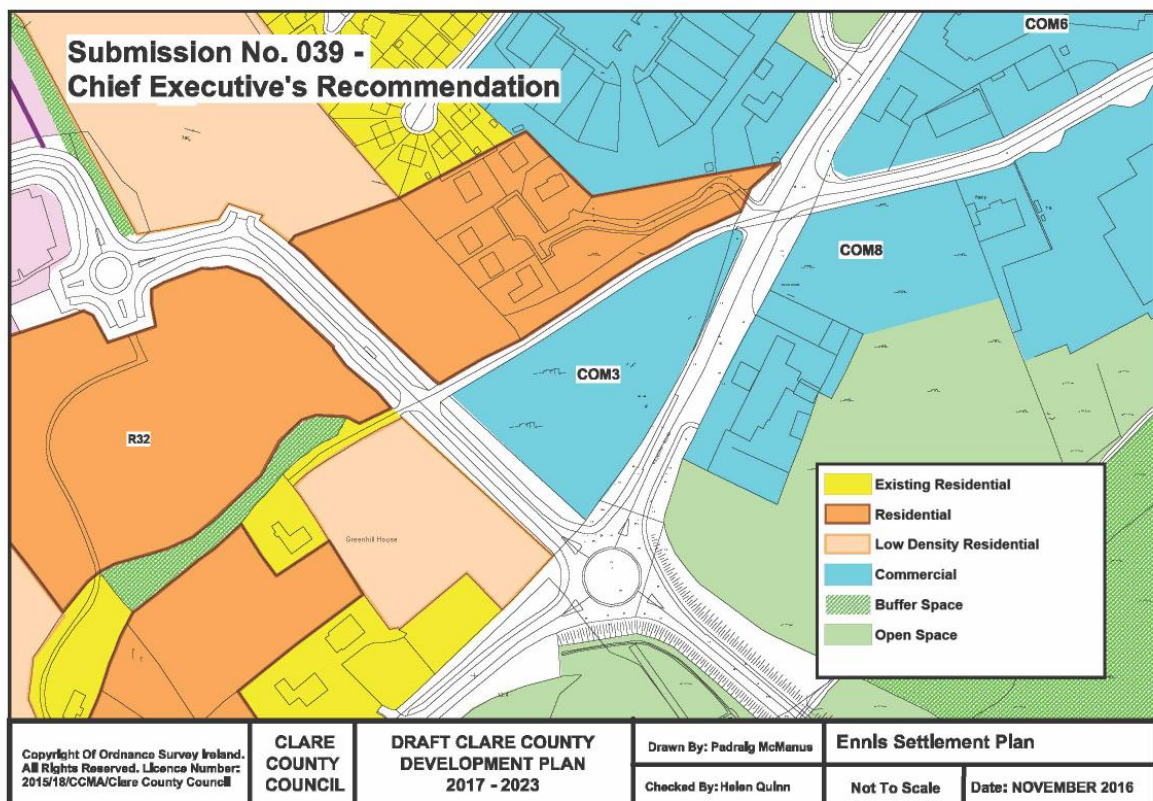
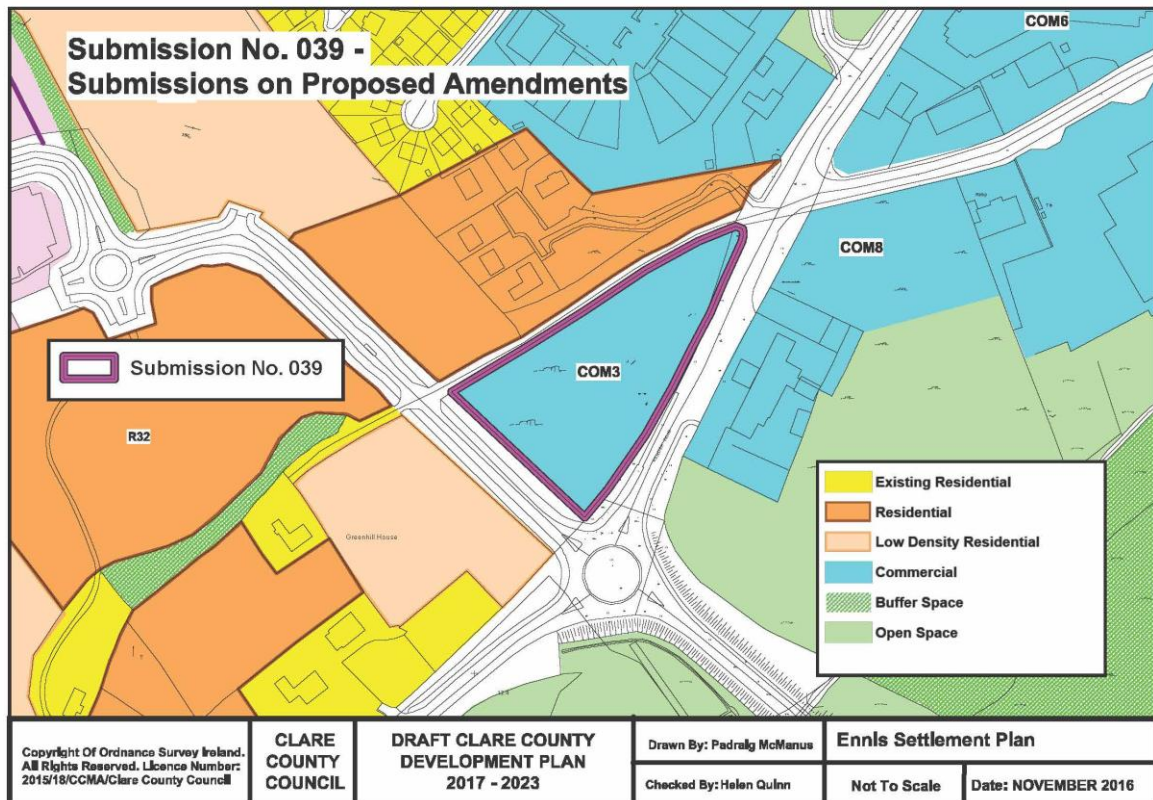
I note the content of this submission requesting that the Proposed Amendment to change the zoning of lands from 'Community' to 'Commercial' (COM3) at Cahircalla More/Ashline, Kilrush Road, Ennis, with the site specific zoning objective, be adopted. I consider that the adoption this Proposed Amendment is in the interest of proper planning and sustainable development.

**Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023, which relates to the lands referred to in this submission at Cahircalla More/Ashline, Kilrush Road, Ennis, be adopted.



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## **Ref. 040 Hartnett Homes and Estate Developers Ltd. c/o P. Coleman & Associates**

### **Submission Summary**

The submission notes on behalf of the client the proposed amendments to the Draft Clare County Development Plan 2017-2023 and notes the zoning objective for their land identified as Parcel H, Cahircalla More/Ashline, Kilrush Road, Ennis is to be re-categorised from Open Space to Commercial (COM6) with a specific written zoning objective. It is requested that this proposed zoning change to Commercial (COM6) be adopted in the final Plan.

### **Chief Executive's Response**

I note the content of this submission requesting that the Proposed Amendment to change the zoning of lands from 'Open Space' to 'Commercial' (COM6) at Cahircalla More/Ashline, Kilrush Road, Ennis, with the site specific zoning objective, be adopted. I consider the adoption of this Proposed Amendment to be in the interest of proper planning and sustainable development.

In relation to Site COM6, I note that there appears to be an error in the reference number given to this site. In Volume 3(a) of the Draft Clare County Development Plan 2017-2023, site COM6 refers to Westpoint Business Park, which has been identified for potential redevelopment as a neighbourhood centre. However, on the associated map, the label has been placed on the newly zoned piece of land to which this submission relates (corner site, north of O' Sullivan & Hansbury Motors). I recommend that, in the interest of the clarity, the labels on the maps be corrected.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to the lands referred to in this submission at Cahircalla More/Ashline, Kilrush Road, Ennis be adopted.

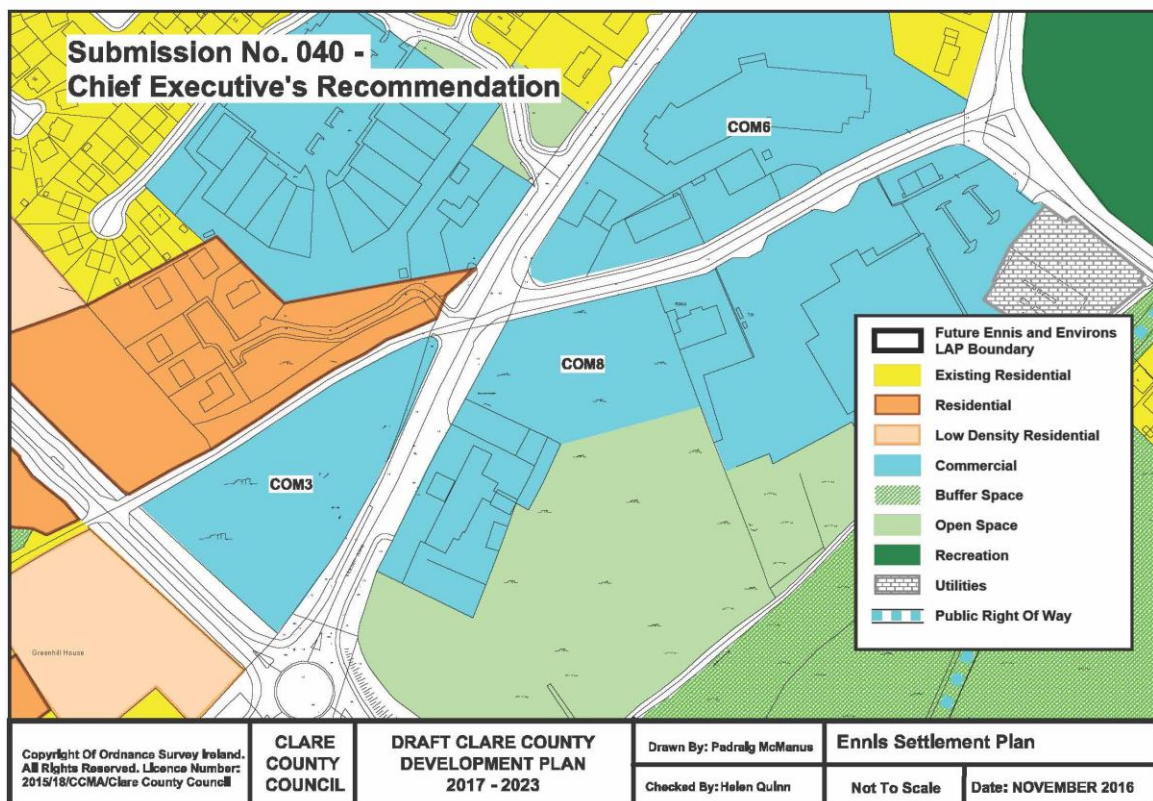
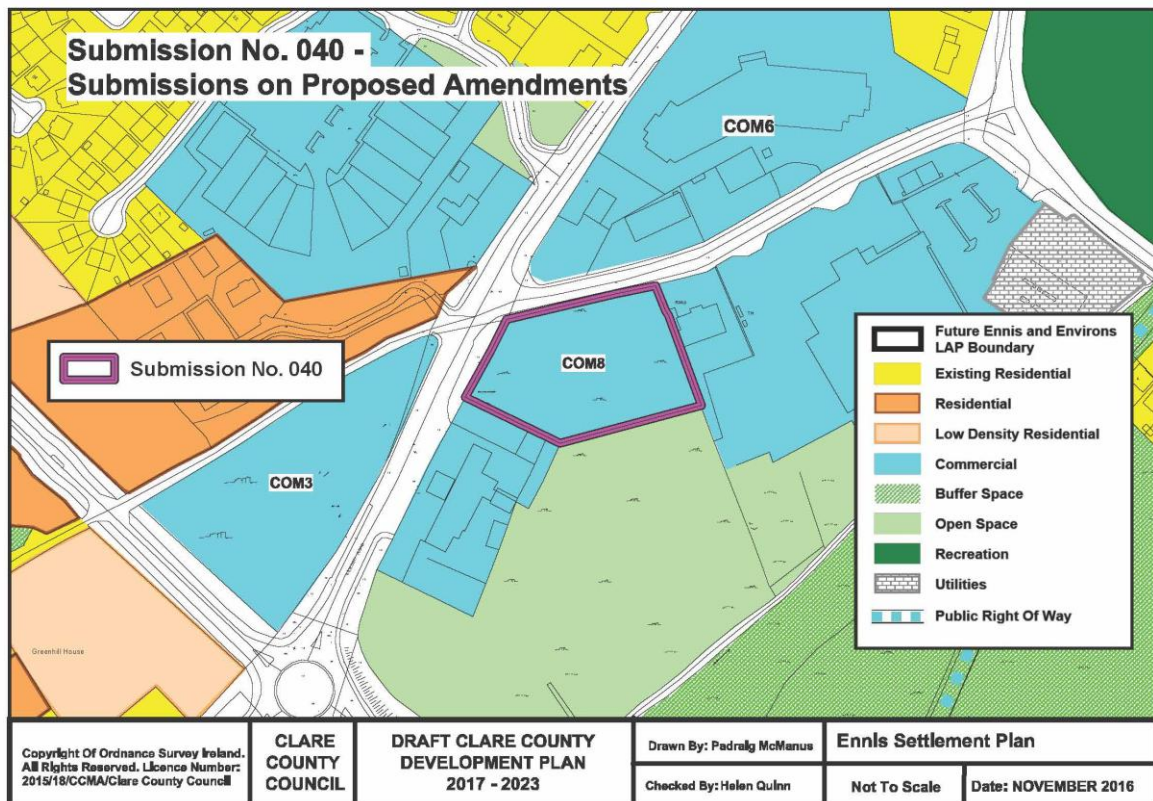
Furthermore, in the interest of clarity, I recommend that a minor modification is made to the labels association with the Commercial sites in this area of Ennis as follows:

- COM6 Westpoint Business Park
- COM8 New area of zoned land north of O' Sullivan & Hansbury Motors.

I also recommend that the correct labels be applied to the text associated with these sites in Volume 3(a) of the Draft Clare County Development Plan 2017-2023.



**Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023**





## **Ref. 041 Killaloe Diocesan Trust c/o P. Coleman & Associates**

### **Submission Summary**

The proposed amendments to the Draft Clare County Development Plan 2017-2023 are noted and the zoning objective for part of their land-holding at St. Flannan's College has been re-categorised from Community to Low Density Residential (LDR). It is requested that the proposed Low Density Residential (LDR) zoning objective be re-categorised to Residential (R) as it is considered better suited to the site and can be deemed to be minor variation in terms of Section 12(10)(c)(i) of the Planning and Development Act 2000, as amended, given that the principal of the zoning objective is the same and the proposed change is simply an intensification of the same use.

There are a number of reasons given to support the request for a change in zoning from Low Density Residential (LDR) to Residential, some of which include that the site is strategically located within the town and is a much sought after location; the site would become the largest residentially zoned parcel of land closest to the town centre; the re-classification as Residential would be in compliance with national policy and the sequential approach to development within the town; intensification of residential uses within existing residential areas should be encouraged so as to ensure the proper planning and sustainable development of the area. The landowner is interested in providing community housing on some of their landholdings.

If the request in this submission is not to be adopted then it is requested that the proposed zoning of Low Density Residential as outlined in the proposed amendments to the draft Plan be adopted.

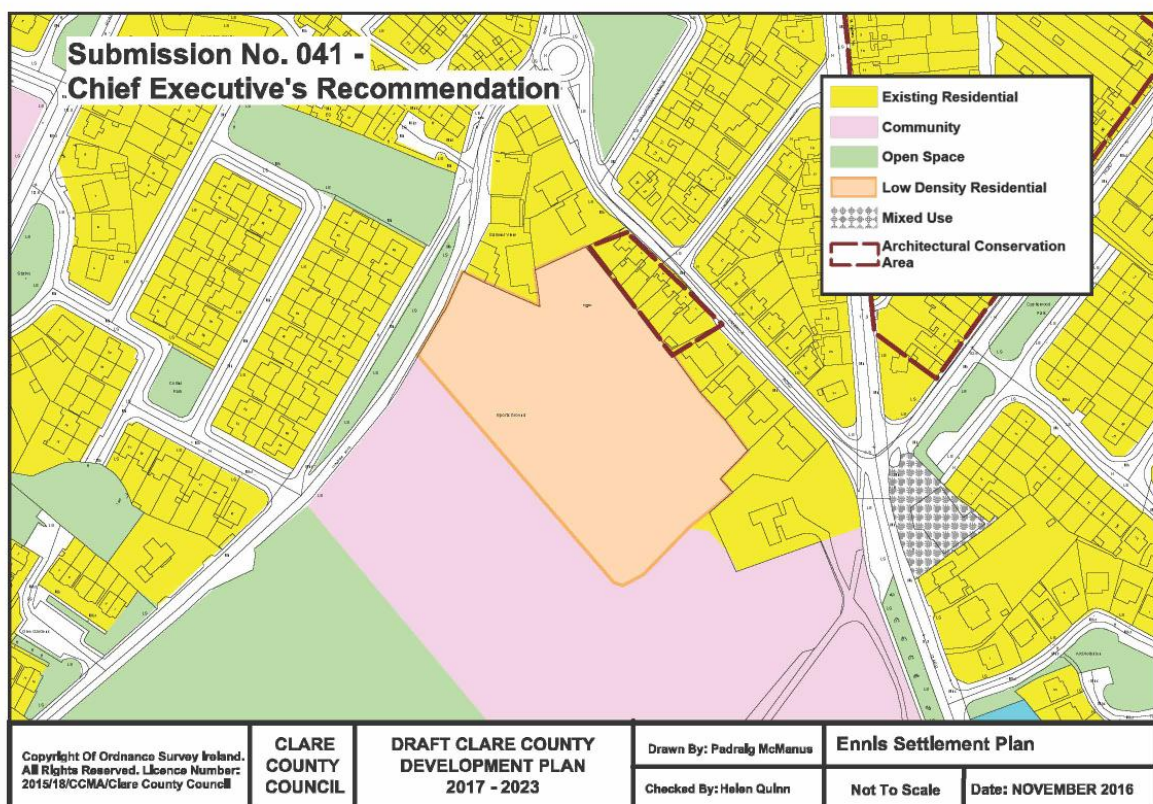
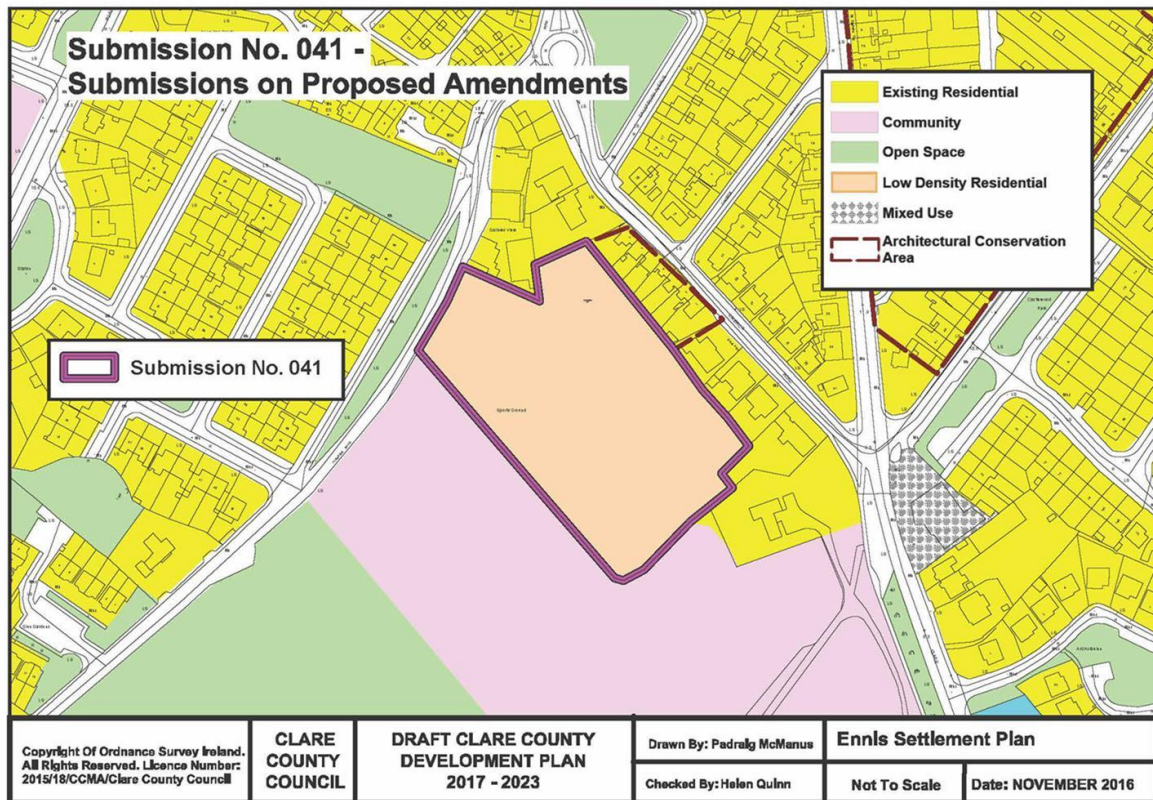
### **Chief Executive's Response**

I thank the Killaloe Diocesan Trust for their submission. The site in question is the subject of a proposed amendment. However, proposed amendments may either be adopted or the zoning may revert to that which appeared in the Draft Development Plan. The Planning and Development Act, 2000 states that a further modification to an alteration shall not be made where it relates to an increase in the area of land zoned for any purpose. Given that the requested change requests an increase in the area of land zoned for Residential purposes, it cannot be accommodated at this time.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023, which relates to a change in zoning from Community to Low Density Residential, be adopted without the further proposed modification requested in this submission.

**Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023**



## **Ref. 042 Killaloe Diocesan Trust c/o P. Coleman & Associates**

### **Submission Summary**

The submission refers to lands in the ownership of the Killaloe Diocesan Trust at St. Flannan's Drive, Cahircalla More, Ennis whereby the proposed amendment regarding these lands to re-categorise the zoning from 'Open Space' to 'LDR15 Low Density Residential' with the specific zoning objective as stated. It is requested that this proposed amendment is adopted in the final Plan.

### **Chief Executive's Response**

I note the submission from P. Coleman & Associates, on behalf of the Killaloe Diocesan Trust, which relates to the Proposed Amendment to the Draft Clare County Development Plan 2017-2023 to change the zoning from 'Open Space' to 'LDR15 Low Density Residential', requesting that this be adopted.

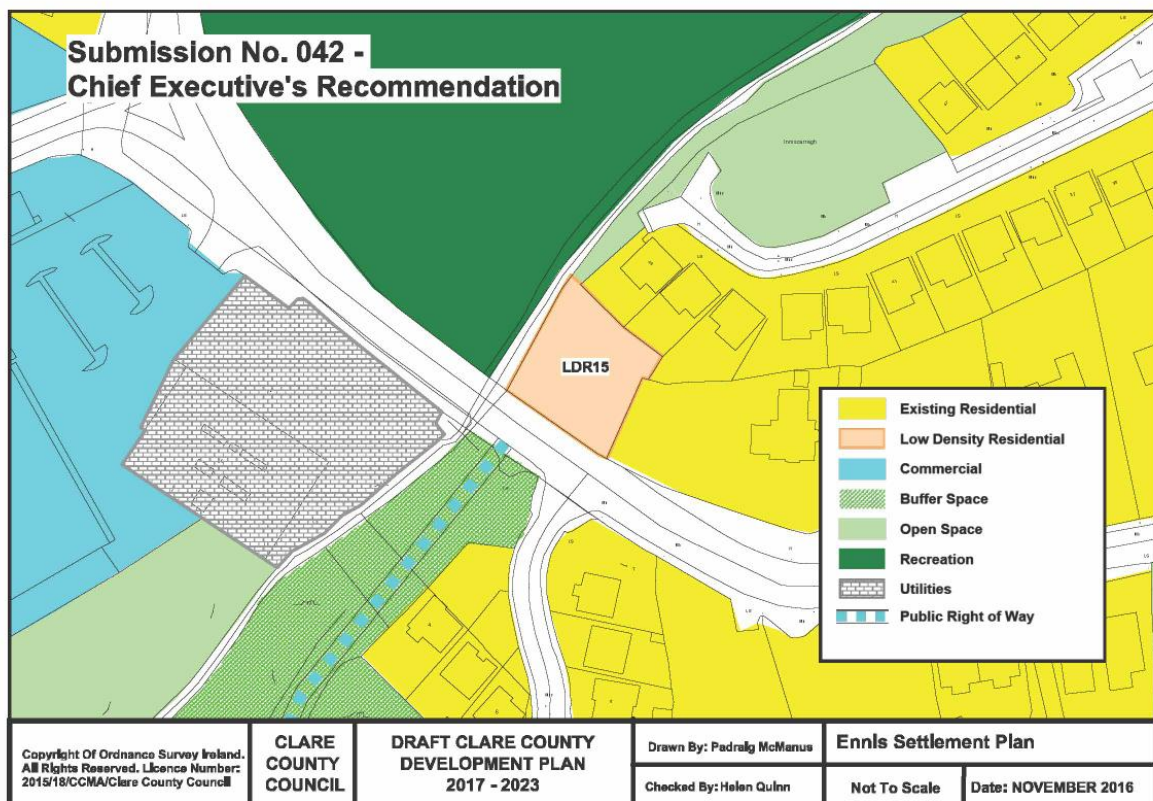
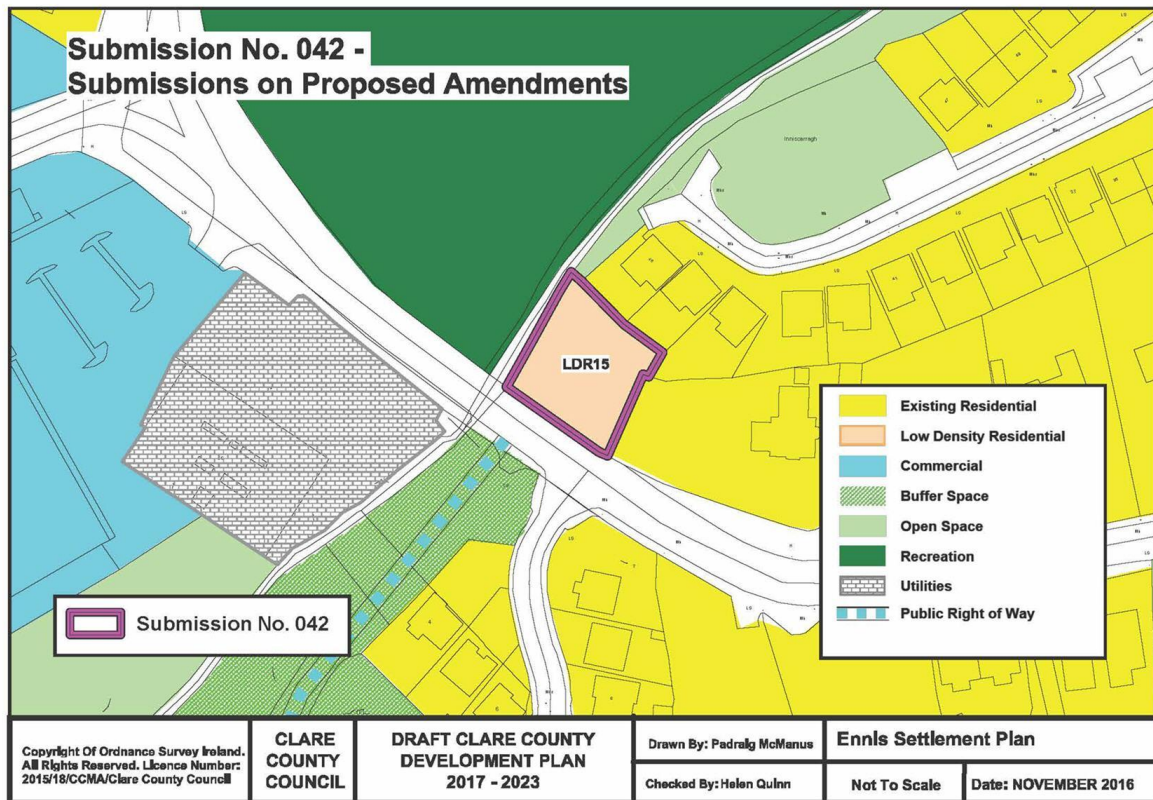
I note the CFRAM mapping shows the majority of this site lies within Flood Zone C with a small boundary of Flood Zone A/B. The site specific zoning objective stipulates the need for a Stage 3 detailed Flood Risk Assessment to accompany any planning application, however I consider it appropriate to incorporate a minor modification to the wording to make reference to the fact that only water compatible development will be accommodated within the area of the site within Flood Zone A/B. With this minor modification to the Proposed Amendment I am satisfied that there is adequate flood mitigation included within the zoning objective and that the Proposed Amendment is in line with national policy in this regard.

### **Chief Executive's Recommendation**

I recommend that the Proposed Amendment to the Draft Clare County Development Plan 2017-2023 which relates to the change of zoning from 'Open Space' to 'LDR15 Low Density Residential' at St.Flannan's Drive, Ennis be adopted with a minor modification to wording of the site specific zoning objective which states that "Only water compatible development will be accommodated within the area of the site within Flood Zone A/B".



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## **Ref. 043 Killaloe Diocesan Trust c/o P. Coleman & Associates**

### **Submission Summary**

The submission refers to lands in the ownership of the Killaloe Diocesan Trust at Green Park House, St. Flannan's College, Ennis whereby the proposed amendment regarding these lands to re-categorise the zoning from 'Community' to 'Existing Residential'. It is requested that this proposed amendment is adopted in the final Plan.

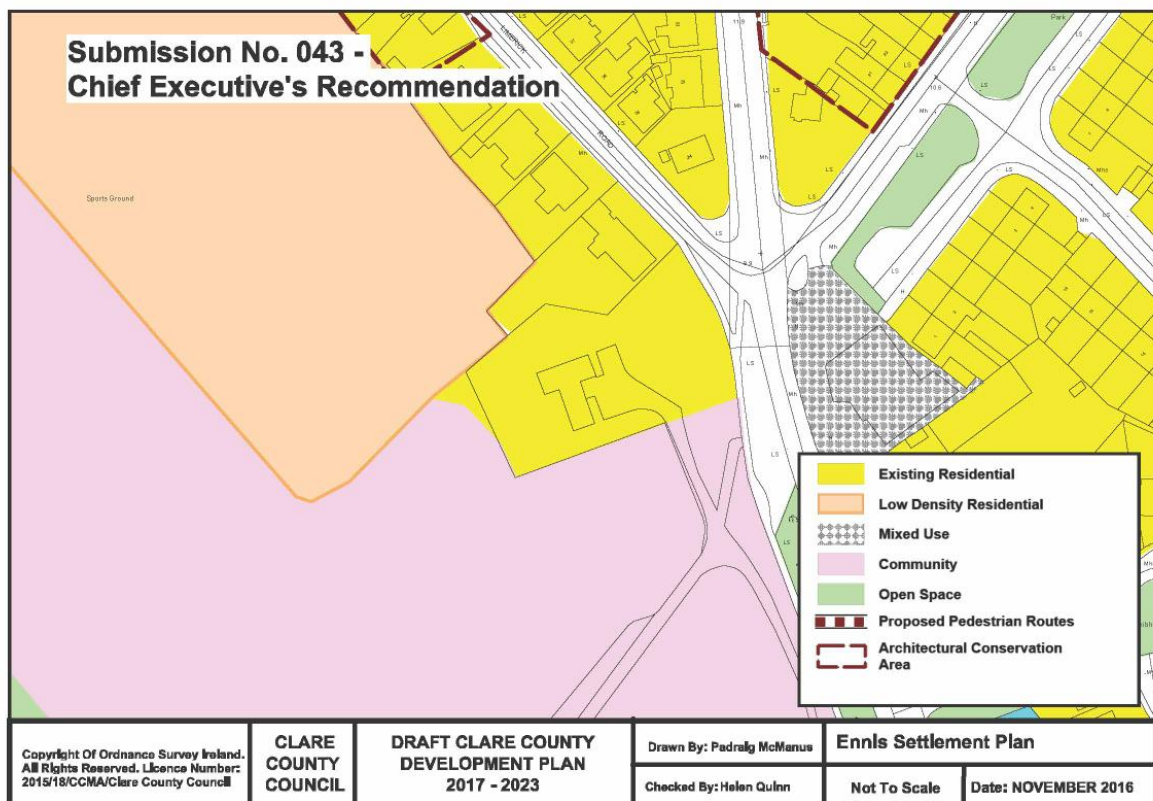
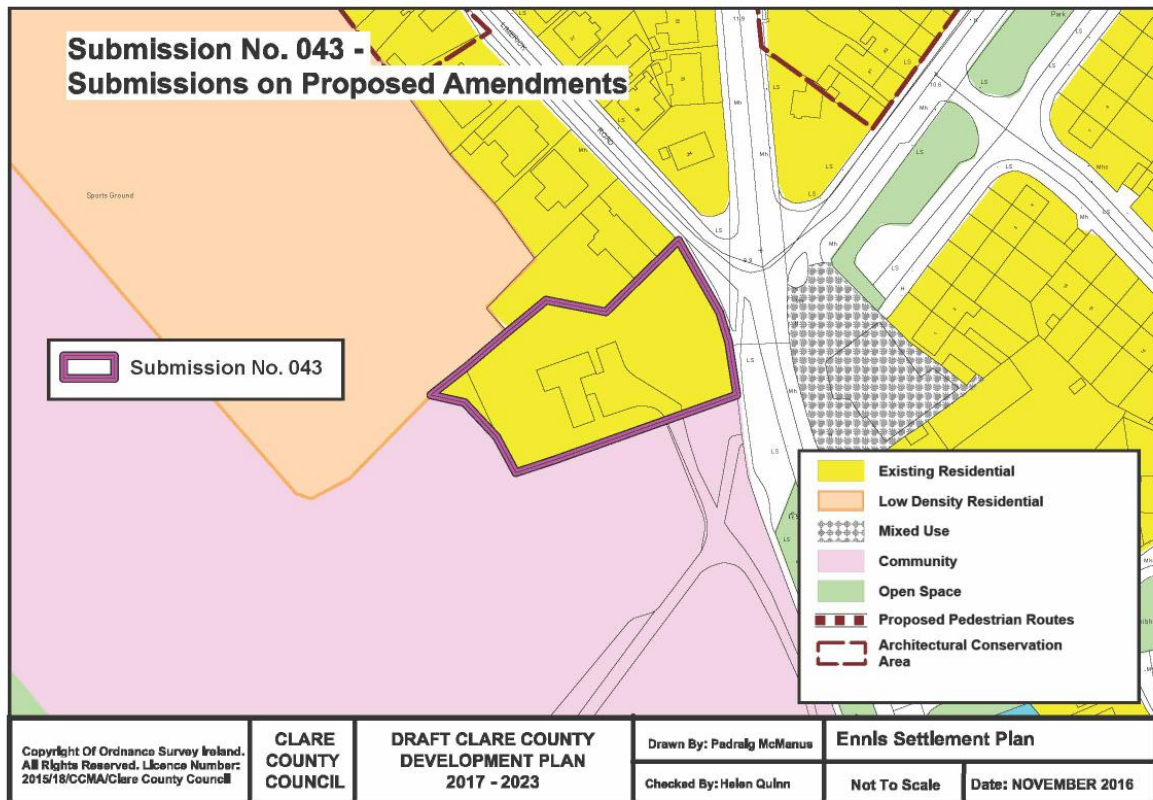
### **Chief Executive's Response**

I note the content of this submission requesting that the Proposed Amendment to amend zoning on the lands from 'Community' to 'Existing Residential' at Green Park House, St Flannan's College be adopted. I consider that to adopt this Proposed Amendment is in the interest of proper planning and sustainable development.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to the lands referred to in this submission at Green Park House, St. Flannan's College, Ennis be adopted.

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## **Ref. 044 Gus Murphy c/o P. Coleman & Associates**

### **Submission Summary**

The submission refers to lands in the ownership of Mr. Murphy at Drehidnagower, Lifford, Ennis whereby the proposed amendment regarding these lands is to re-categorise the zoning from 'Open Space' to 'Agriculture'. It is requested that this is adopted in the final Plan.

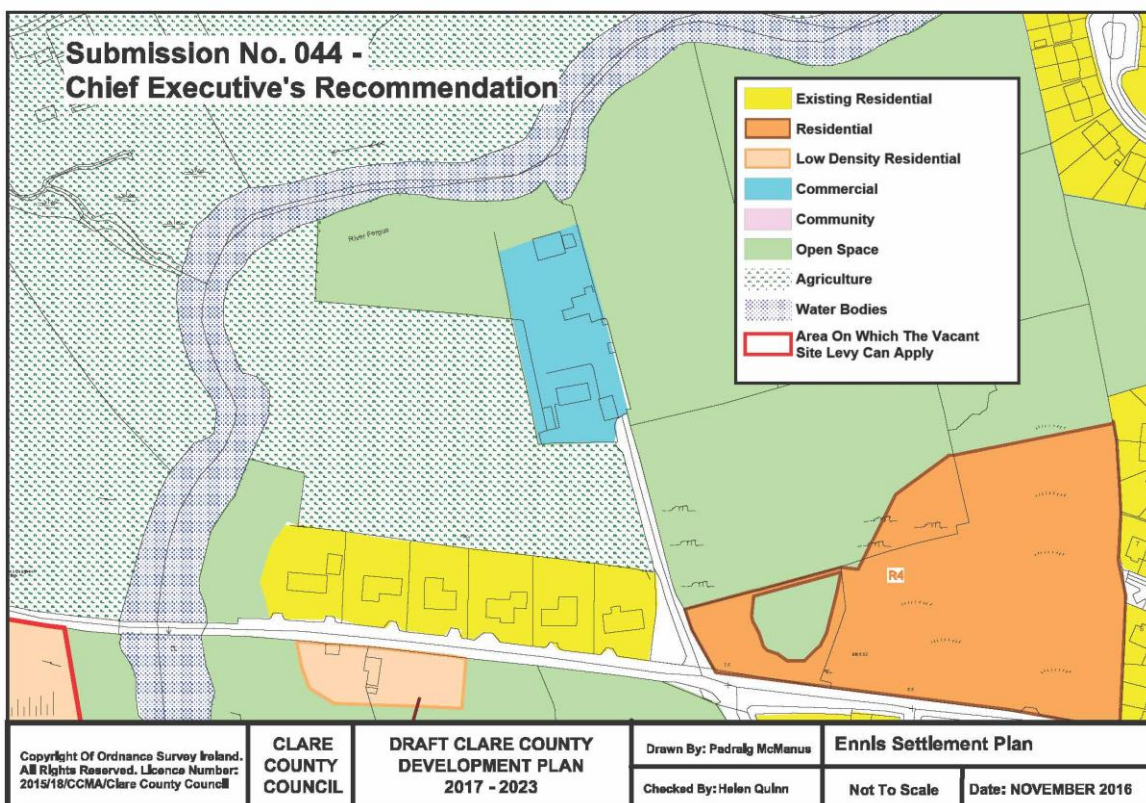
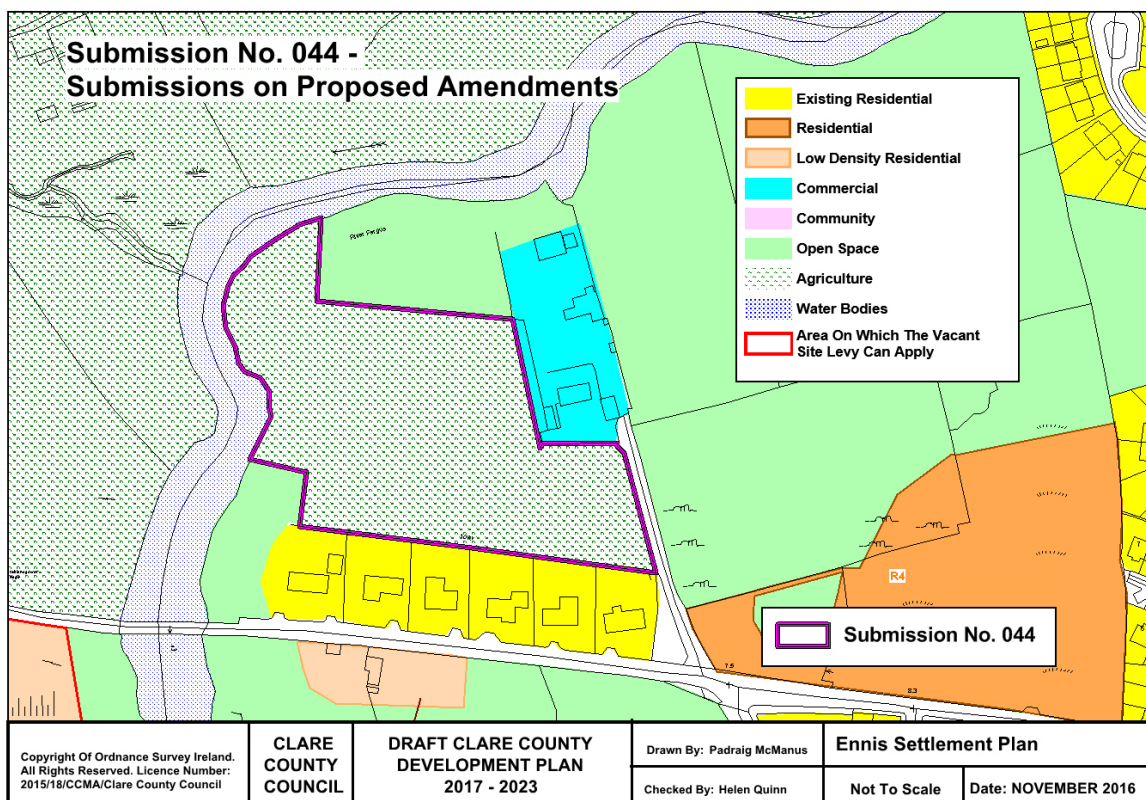
### **Chief Executive's Response**

I note the content of this submission requesting that the Proposed Amendment to amend the zoning from 'Open Space' to 'Agriculture' at Drehidnagower, Lifford be adopted. I consider that to adopt this Proposed Amendment is in the interest of proper planning and sustainable development.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023, which relates to the lands referred to in this submission at Drehidnagower, be adopted.

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## **Ref. 045 Mr. Pat Burke c/o P. Coleman & Associates**

### **Submission Summary**

The submission refers to lands in the ownership of Mr Burke at Knocknaoura, Tulla Road, Ennis whereby the proposed amendment regarding these lands is to re-categorise the zoning from 'Existing Residential' to 'LDR8 Low Density Residential' with the site specific zoning objective set out for LDR8 Kevin Barry Avenue. It is requested that this proposed amendment is adopted in the final Plan.

### **Chief Executive's Response**

I note the submission made by P.Coleman & Associates, on behalf of Mr. Burke, which relates to the Proposed Amendment to the Draft Clare County Development Plan 2017-2023 to change the zoning from 'Existing Residential' to 'LDR8 Low Density Residential' at Knocknaoura, Tulla Road, Ennis.

I note that the new CFRAM mapping shows the site is located entirely within Flood Zone A and the full site has failed the Justification Test and the recommendation of the Strategic Flood Risk Assessment (SFRA) of the Proposed Amendment is that zoning should remain as per the Draft Plan, i.e. as 'Existing Residential'. On the basis of the outcome of the SFRA, I am of the opinion that to zone these lands for Low Density Residential would not be in line with the Section 28 Planning System and Flood Risk Management Guidelines and that the Proposed Amendment should not be adopted.

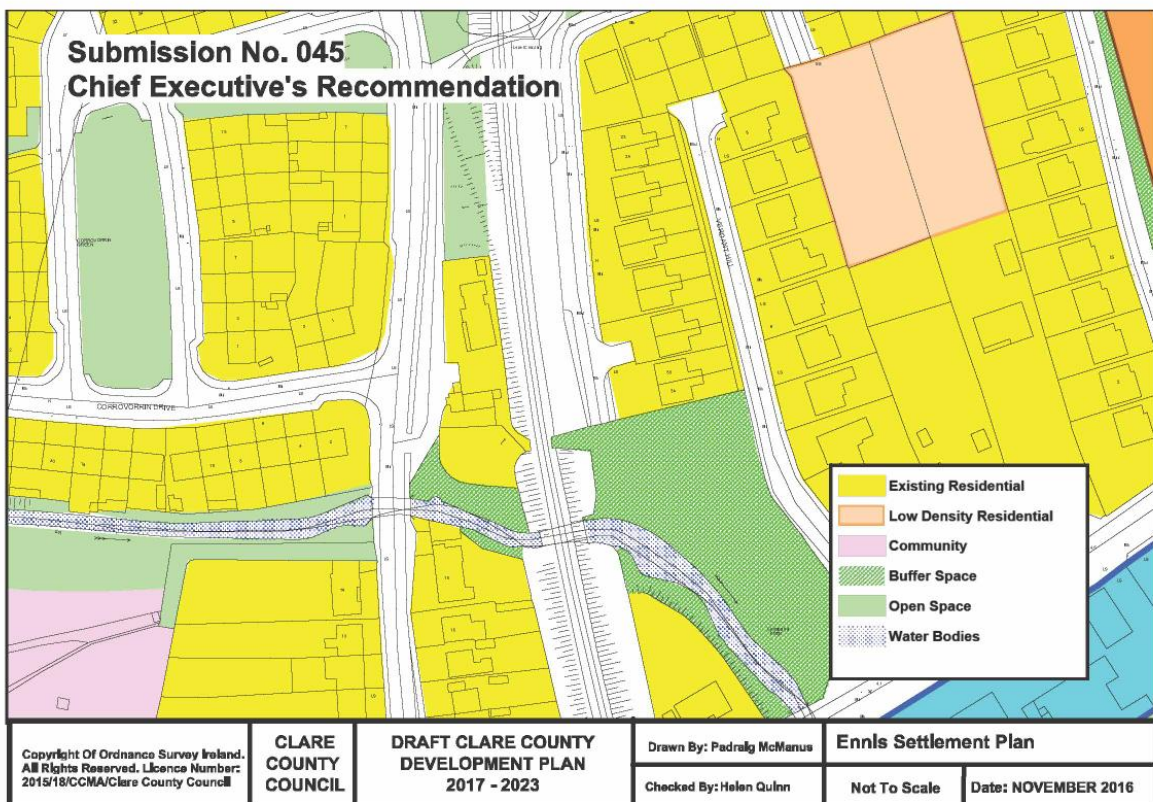
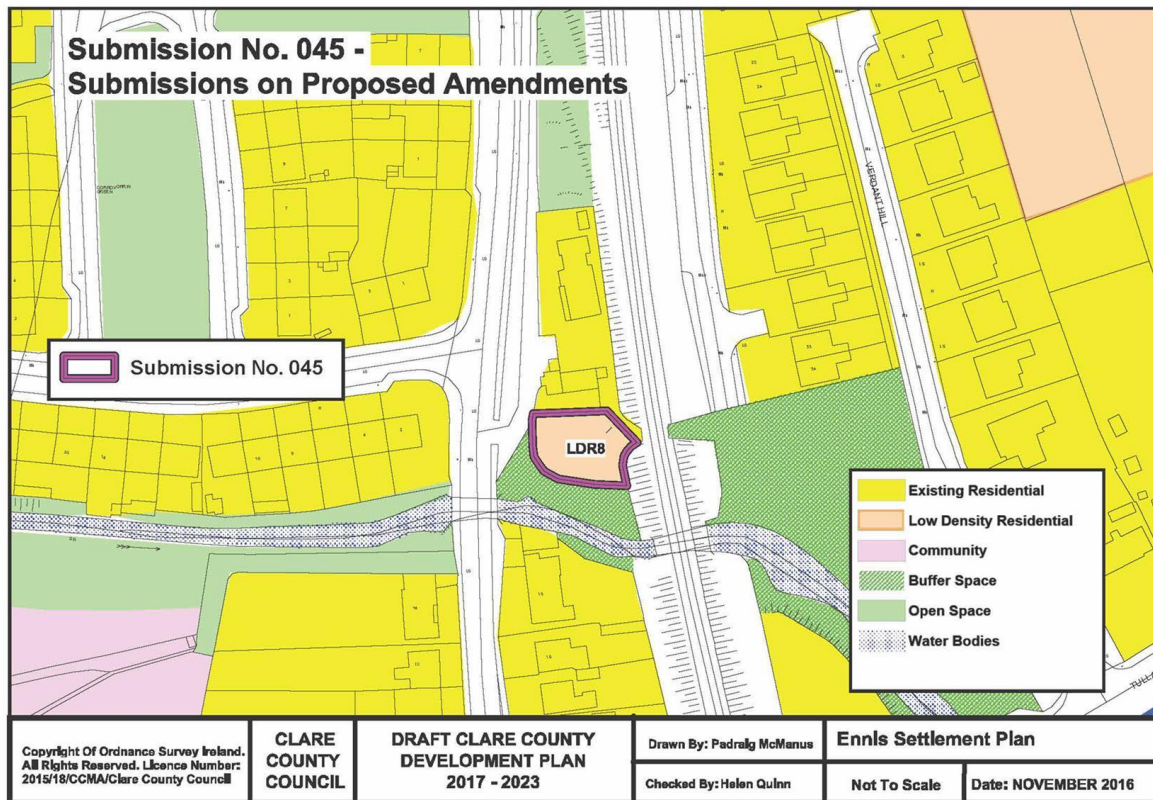
I note also that the Department of Housing, Planning, Community and Local Government has, in its submission (ref. 001) also recommended that the zoning on this site revert to that which was shown in the Draft Clare County Development Plan 2017-2023.

### **Chief Executive's Recommendation**

I recommend that the Proposed Amendment to the Draft Clare County Development Plan 2017-2023 which relates to a change of zoning from 'Existing Residential' to 'LDR8 Low Density Residential' at Knocknaoura, Tulla Road, Ennis, not be adopted.



Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023



## **Ref. 046 Killaloe Diocesan Trust c/o P. Coleman & Associates**

### **Submission Summary**

The submission refers to lands in the ownership of the Killaloe Diocesan Trust at Ashline/Cahircalla More with specific reference to a Proposed Amendment to change the area zoned for 'Recreation'. It is noted there is very little change from the Draft Plan and none of the requests in the submission to the Draft Plan are proposed to be adopted. The change proposed i.e. a switch from LDR51 Low Density Residential to "Recreation" and vice versa is not one that has been made in response to the submission to the Draft Plan.

The submission states that there is no justification for the extent of the 'Buffer Space' zoning based on ecological grounds and it is inconsistent with other proposed zonings within the Plan. The submission quotes a series of examples which are considered to illustrate this point.

The submission expresses serious reservations about both of the proposed locations for the 'Recreation' land use up to the school boundary and:

- There is no infrastructural safeguard proposed for an access road and footpaths to service the remainder of this land-holding. Either of these locations will prevent the development of the remainder of this landholding which is unreasonable.
- Both proposed areas are elevated greenfield sites directly adjacent to the N85 with little or no screening. If pitches were to be proposed as part of this use the sites would require substantial cutting to bring the ground to a suitable level which would have a negative impact on an area highly visible from the N85.
- The proposed central location offers a much better location in terms of accessibility to all the various land uses and would act as a focal point of the overall development.

The submission refers to the Buffer Space zoning and understands that no change can be made to this zoning objective at this stage. However, this is extremely disappointing and frustrating that a portion of their landholding has been given a 'Buffer Space' zoning. They consider that this has effectively sterilised a substantial portion of their land. Similarly with regard to the 'Recreation' zoning, it has not been relocated as requested in their submission to the draft.

For now it is requested that the Proposed Amendments regarding these two zonings are adopted. However, it is imperative that the new Plan include a Site Specific Zoning objective which allows for an access road and footpaths to service the remaining lands to the north of this land holding. Given that the Ennis National School has been relocated to a Greenfield site the development of this full landholding substantially for residential use is essential to ensure the sustainability and vitality of this school.

### **Chief Executive's Response**

I thank P.Coleman & Associates for their submission, on behalf of the Killaloe Diocesan Trust, with regard to lands at Cahircalla More/Ashline. I note the observations made which refer to the Proposed Amendment to the Draft Clare County Development Plan 2017-2023 relating to these lands and confirm that the issues that relate to the Proposed Amendment are the only issues that can be considered at this stage in the plan process and I will focus my response accordingly.

To clarify, the Proposed Amendment to the Draft Plan relates to the switch of zoning between LDR51 Low Density Residential and the Recreation zoning, and the inclusion of a number of indicative access points. I note in the submission that there are concerns with the lands zoned for Recreation, both in the Draft Clare County Development Plan 2017-2023 and that in the Proposed Amendment. I note that given the nature of the ground at that location, whatever development takes place, it will require significant ground-works to be undertaken and the purpose of the zoned buffer along the boundary of all the sites adjacent to the N85 is to provide both a visual landscaping and sound buffer for any future development on these lands which will in turn provide

## **Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023**

visual screening from the N85. Given the extent of lands zoned for development in this area, access and circulation of traffic into and through it is an important consideration and it is for this reason that the recreation lands are proposed as they are, leaving the central area open to allow for overall traffic circulation to access lands west and north of the school. To include an infrastructure safeguard within the zoning would be over-prescriptive at plan stage and will need to be considered in the context of the overall development of the lands, preferably through the preparation of a Masterplan. I therefore consider that in showing the indicative accesses, it provides the guidance necessary to be incorporated into any future layout and design.

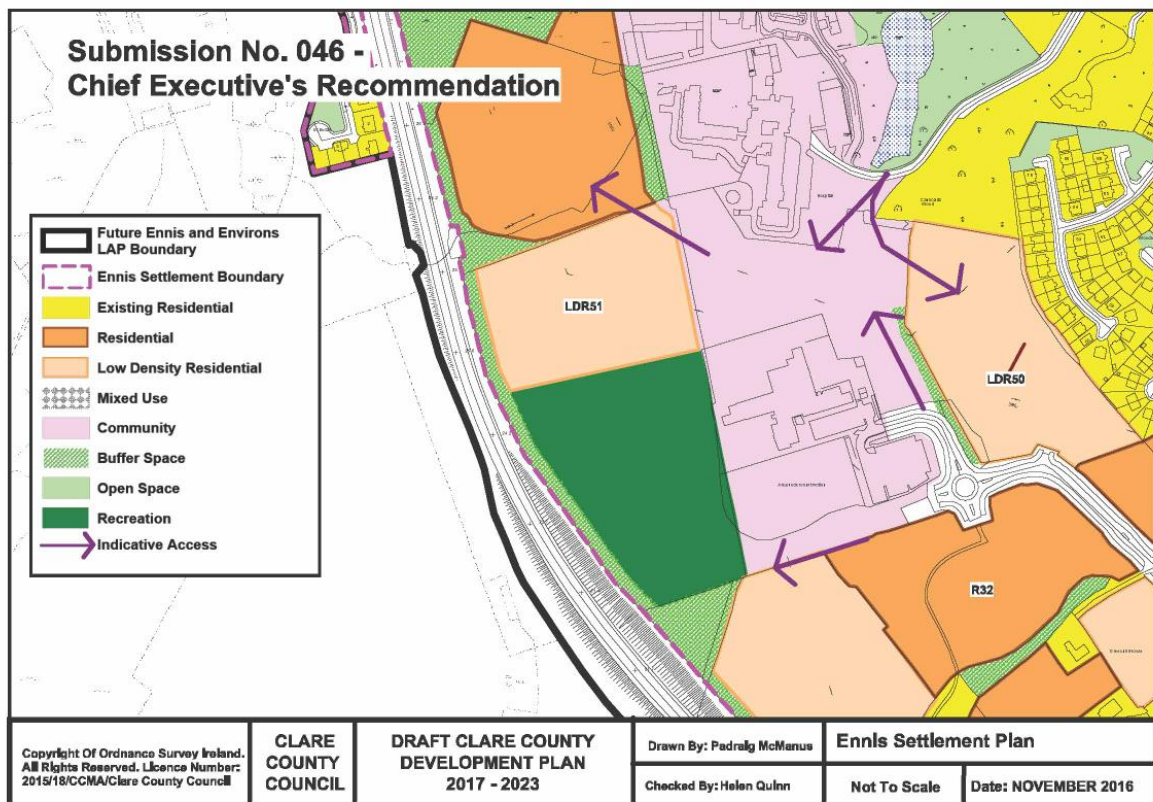
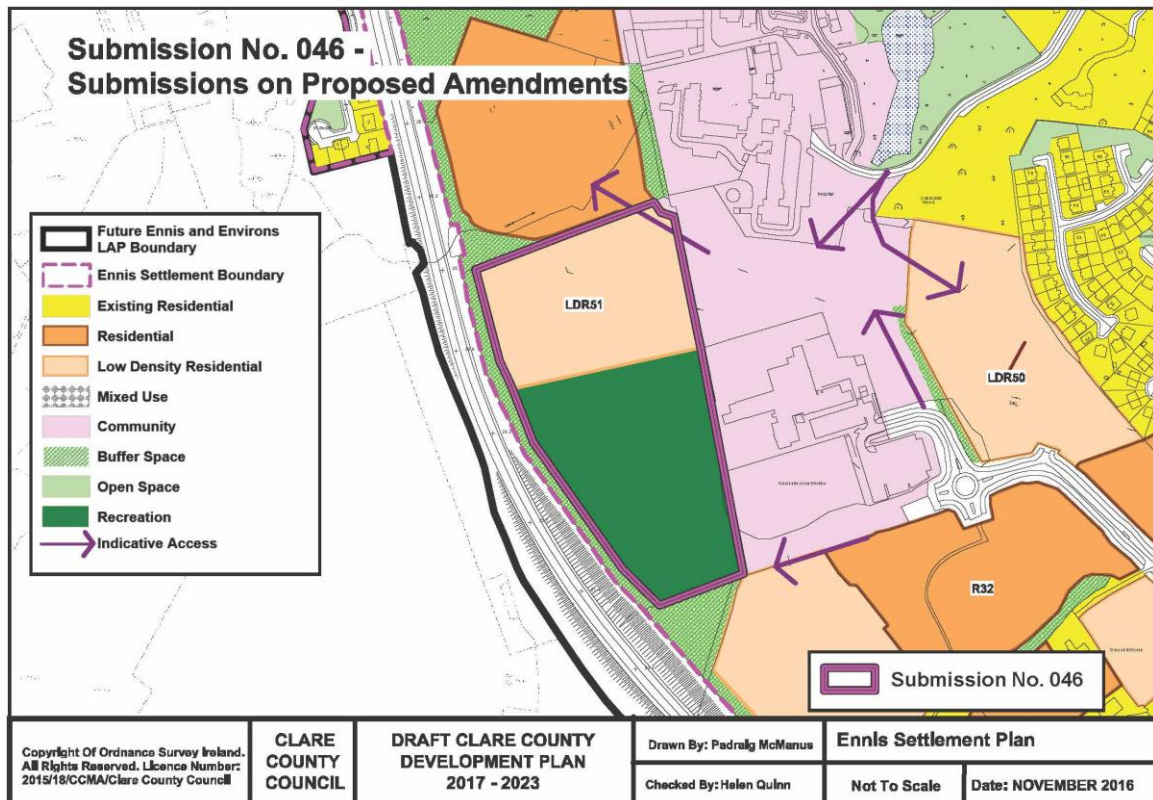
I note the submission concludes with the request to adopt the Proposed Amendment with an addition to the written site zoning objective for the provision of an access road and footpaths to the north of the site. I consider that including wording to clarify the intention behind the access arrows on the zoning map should be included within the site specific objective for LDR51 and LDR50 which reads: "Access to this site shall be considered within the context of the overall circulation of all modes of transport throughout and between all the zoned lands in and around the school, as indicated on the Ennis Settlement Plan." With this minor modification I consider the Proposed Amendment should be adopted.

### **Chief Executive's Recommendation**

I recommend that the Proposed Amendment to the Draft Clare county Development Plan 2017-2023 which relates to Ashline/Cahircallamore LDR51 Low Density and Recreation zoned lands be adopted with a minor modification to wording to insert wording into the zoning objective for LDR51, LDR50, R30 and R32 as follows: "Access to this site shall be considered within the context of the overall circulation of all modes of transport throughout and between all the zoned lands in and around the school, as indicated on the Ennis Settlement Plan."



**Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023**



## **Ref. 047 Mr. Pat Burke c/o P. Coleman & Associates**

### **Submission Summary**

The submission refers to lands in the ownership of Mr Burke at Knocknaoura, Tulla Road, Ennis where there has been no change to the proposed zoning objective of "Buffer Space" as proposed in the Draft Clare County Development Plan 2017-2023. The owner of the land understands that there can be no change to the zoning at this stage, however he wishes to express his extreme disappointment and frustration as this effectively sterilises this land for development.

In the submission it states that this land was originally part of the land now developed as the Cloverhill housing development. The subject land is the remaining portion of the land-holding and the issue of the topography of the site was never an issue when this housing development was being constructed. The submission also queries the reference to Beechpark Housing development in the Chief Executive's Report and queries if the response is correct to the original submission to the draft Plan.

It is the opinion that the reasons in the Chief Executive's Report are unwarranted and have not been based on any site suitability issues. It was always the intention to develop these lands as an extension to Cloverhill Housing development and given the definition of a Buffer Space, the application of this zoning on these lands is unwarranted to the entire site.

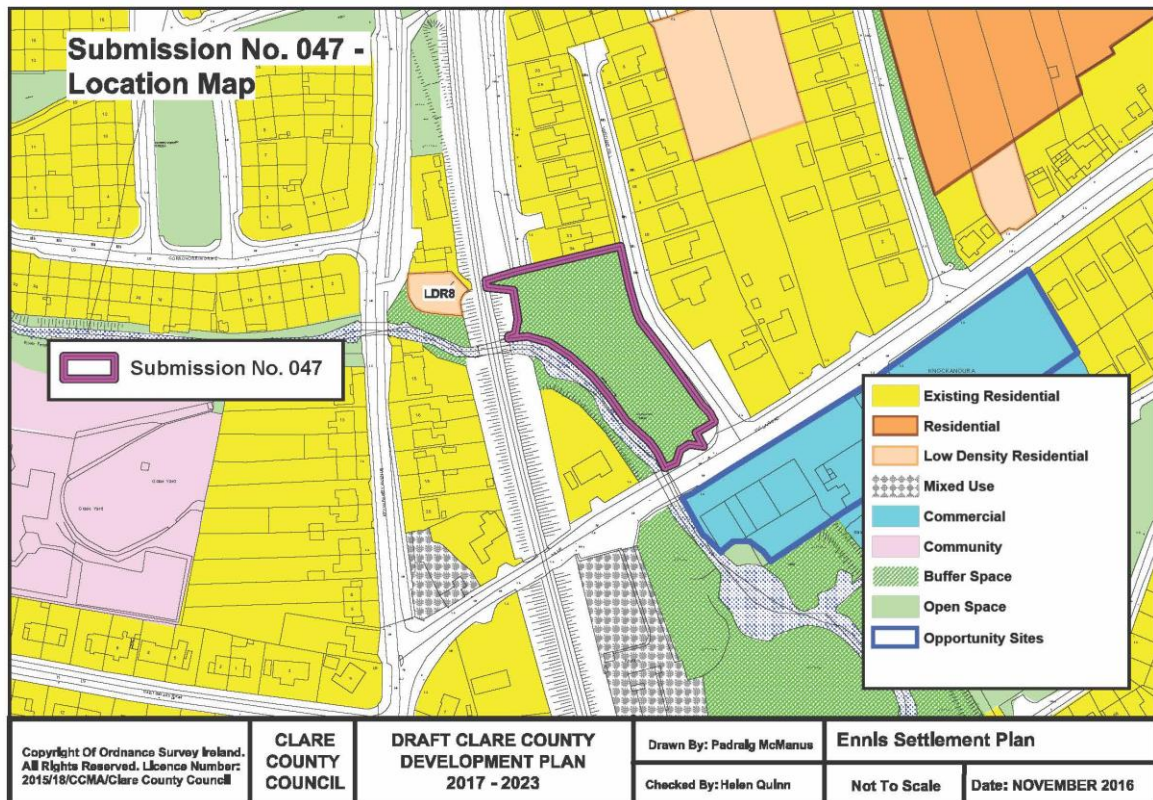
### **Chief Executive's Response**

I wish to advise that the most recent round of public consultation on the County Development Plan process was to obtain submissions in relation to the Proposed Amendments only to the Draft Clare County Development Plan 2017-2023. While I thank P. Coleman & Associates on behalf of Mr. Burke for this submission, I note that it does not relate to any Proposed Amendment to the Draft Clare County Development Plan 2017-2023. Only submissions relating to Proposed Amendments can be considered by the Planning Authority at this stage in the planning process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

### **Chief Executive's Recommendation**

I recommend no change to the proposed amendments arising from this submission.

Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023





## **Ref. 048 Ms. Rosaleen O'Sullivan c/o P. Coleman & Associates**

### **Submission Summary**

The submission refers to the proposed amendment to remove the proposed pedestrian linkage and bridge crossing the River Fergus to provide connectivity to the town centre from the C3 Community zoned site. Also noted is the change in the OP13 zoning objective which also eliminates this proposed pedestrian linkage originally proposed via the CBS Primary School. It is requested that the proposed amendments in this regard are adopted in the Final Plan.

Ms. O'Sullivan resides directly adjacent to the school grounds and has serious concerns regarding the proposed pedestrian linkage proposed directly adjacent to her property as access ways such as these are notorious points for late night drinking, anti-social behaviour, littering and vandalism and that its location would devalue her property and diminish security of her property.

### **Chief Executive's Response**

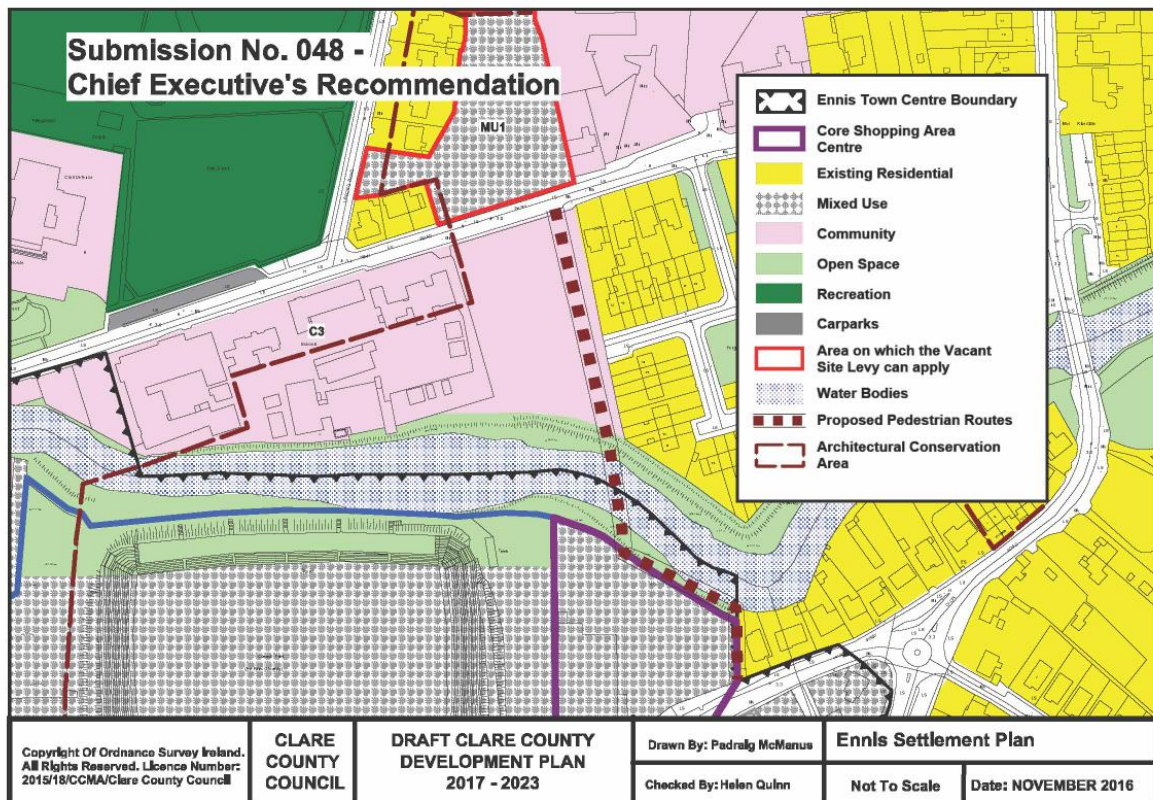
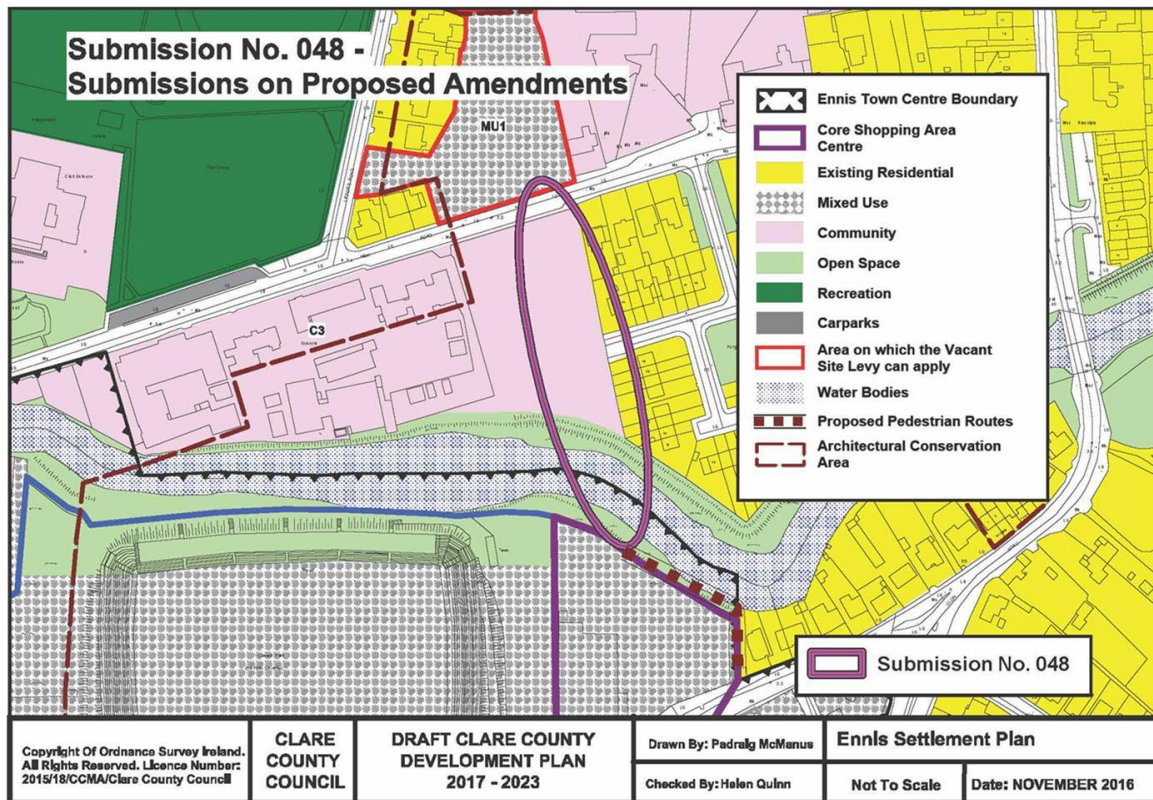
I note the submission from P. Coleman & Associates, on behalf of Ms. O'Sullivan, which relates to the Proposed Amendment to the Draft Clare County Development Plan 2017-2023 to remove the proposed pedestrian linkage and footbridge bridge crossing the River Fergus. I appreciate the concerns expressed with regard to the perceived negative impacts the pedestrian linkage would have on Ms. O'Sullivan's property, however as set out in the response to submission Ref. 229 to the Draft Plan it is considered that the benefits of providing a pedestrian connection as proposed in the Draft Plan are very significant with regard to increased connectivity as well as the potential to alleviate vehicular congestion on New Road, particularly at peak traffic periods. I believe that with careful and sensitive design of the pedestrian link which will promote user safety and that of neighbouring properties, these issues of concern can be addressed.

As a point of information, the current planning application for the development of a new school on the adjacent CBS Primary School site to Ms. O'Sullivan includes a pedestrian footpath from New Road to the bank of the River Fergus. I remain strongly in favour of the pedestrian linkage and river-crossing, given that it is a strategic aim of this Draft Plan to maintain and improve pedestrian permeability and connectivity to and within the town centre of Ennis. In addition, there are substantial traffic congestion issues with regard to the operation of the school which is in need of serious attention and I consider that the inclusion of this pedestrian linkage will also contribute to addressing the traffic management in this area. I therefore consider that the Proposed Amendments to remove reference to the provision of a footpath and pedestrian foot-bridge over the River Fergus within text associated with the CBS in Volume 3a under "*C2 Ennis CBS Primary School, New Road*"; text in Volume 3a under section *1.9.1 Strategic Aims for Transport and Mobility*; text in Volume 3a under "*OP13 Cusack Park, Francis Street*" and the removal of the footpath and pedestrian foot-bridge from the Ennis zoning map should not be adopted.

### **Chief Executive's Recommendation**

I recommend that the Proposed Amendments to Volume 3(a) and the Ennis Zoning Map of the Draft Clare County Development Plan 2017-2023 which relate to the removal of the pedestrian footpath and footbridge crossing the River Fergus should not be adopted.

Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023



## **Ref. 049 Colaiste Muire, Ennis c/o P. Coleman & Associates**

### **Submission Summary**

The submission refers to lands at Colaiste Muire, Harmony Row, Ennis whereby the proposed amendment is to re-categorise the zoning from 'OP12 Car Park' to 'OP11 Mixed Use' with modification of the site specific zoning objective for 'OP11 The Colaiste Car Park Harmony Row' as set out in the Proposed Amendments. It is requested that this proposed amendment is adopted in the final Plan.

It is also requested that the proposed pedestrian route through the property of the school be eliminated from the final Plan, the justification for which was outlined in their submission to the Draft Plan.

### **Chief Executive's Response**

I thank Colaiste Muire for their submission and I note that they are satisfied with the proposed amendment in relation to their site.

In relation to the proposed pedestrian route, I again acknowledge the school's concerns but reiterate that the purpose of the plan is to identify pedestrian linkages in the public realm and form a vision for the overall potential development of the town. While some aspects of this vision might not be realised, it is important to show the potential in the plan for sustainable movement around the town. It is important to keep such options open for consideration.

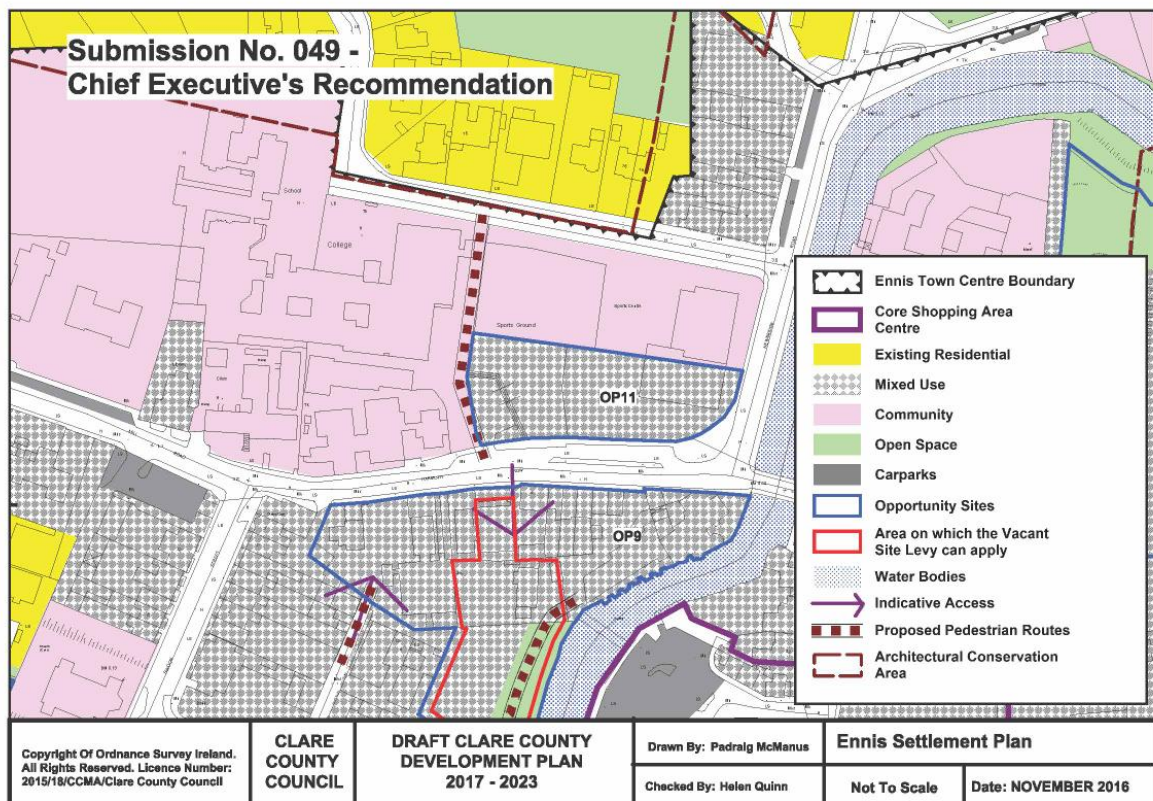
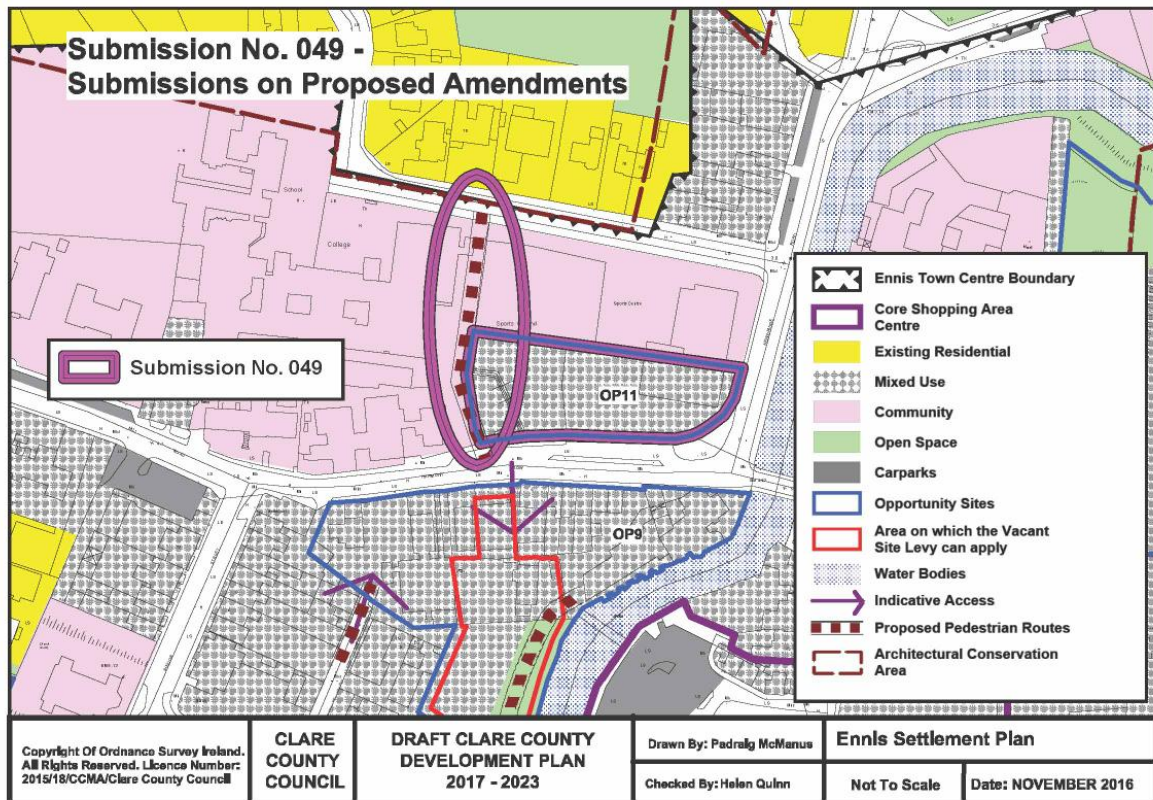
Notwithstanding the above, I wish to advise that the most recent round of public consultation in the County Development Plan process was to obtain submissions relating to the Proposed Amendments only to the Draft Clare County Development Plan 2017-2023. While I note the comments made in relation to the indicative pedestrian route, the route was not the subject of any proposed amendment to the Draft Clare County Development Plan 2017-2023. Only submissions relating to proposed amendments can be considered by the Planning Authority at this stage in the planning process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to Colaiste Muire in the Ennis area, be adopted.



Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023



## **Ref. 050 Mr Thomas McGann c/o P. Coleman & Associates**

### **Submission Summary**

The submission refers to lands at Drehidnagower, Lifford, Ennis and notes the area proposed to be zoned 'LDR67 Low Density Residential' has been scaled back from that proposed in the original Draft Plan with the reason stated that the lands are within Flood Zones A and B. The submission also notes the change to the Site Specific Zoning Objective for 'Site LDR67 East of Drehidnagower Bridge' as set out in the Proposed Amendments. It is requested that this Proposed Amendment is adopted in the final Plan.

### **Chief Executive's Response**

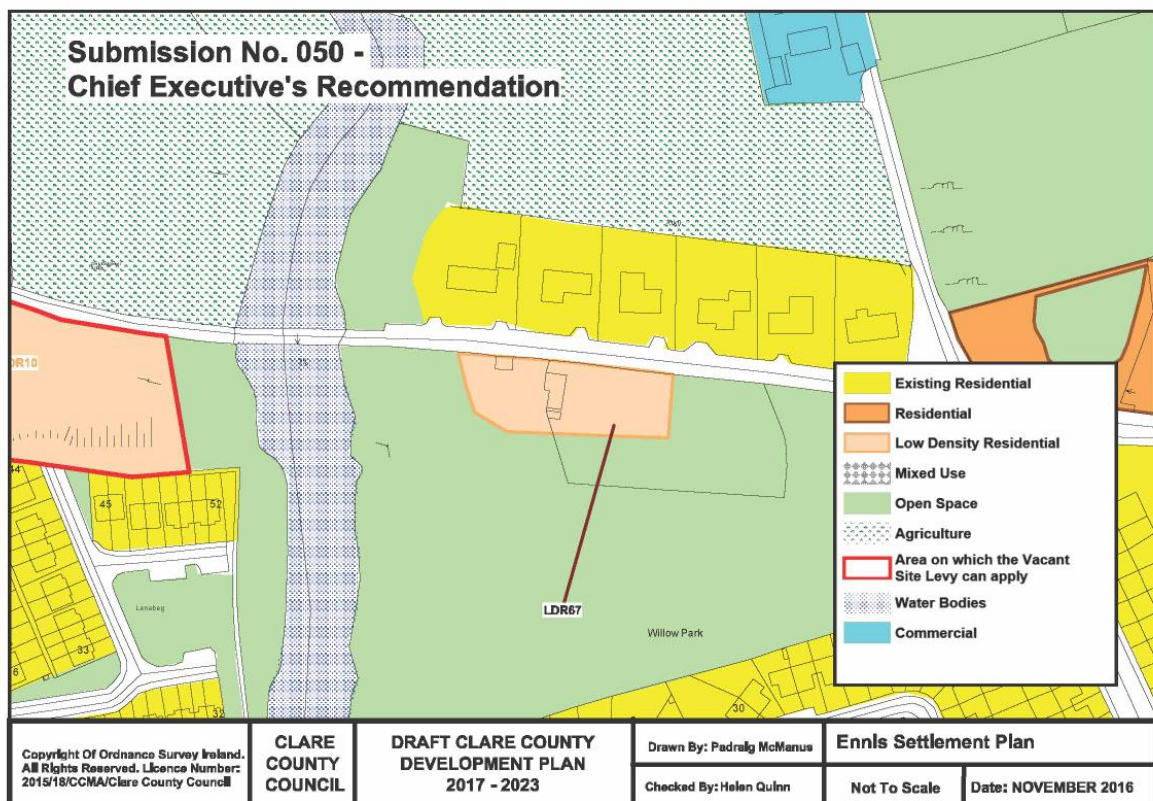
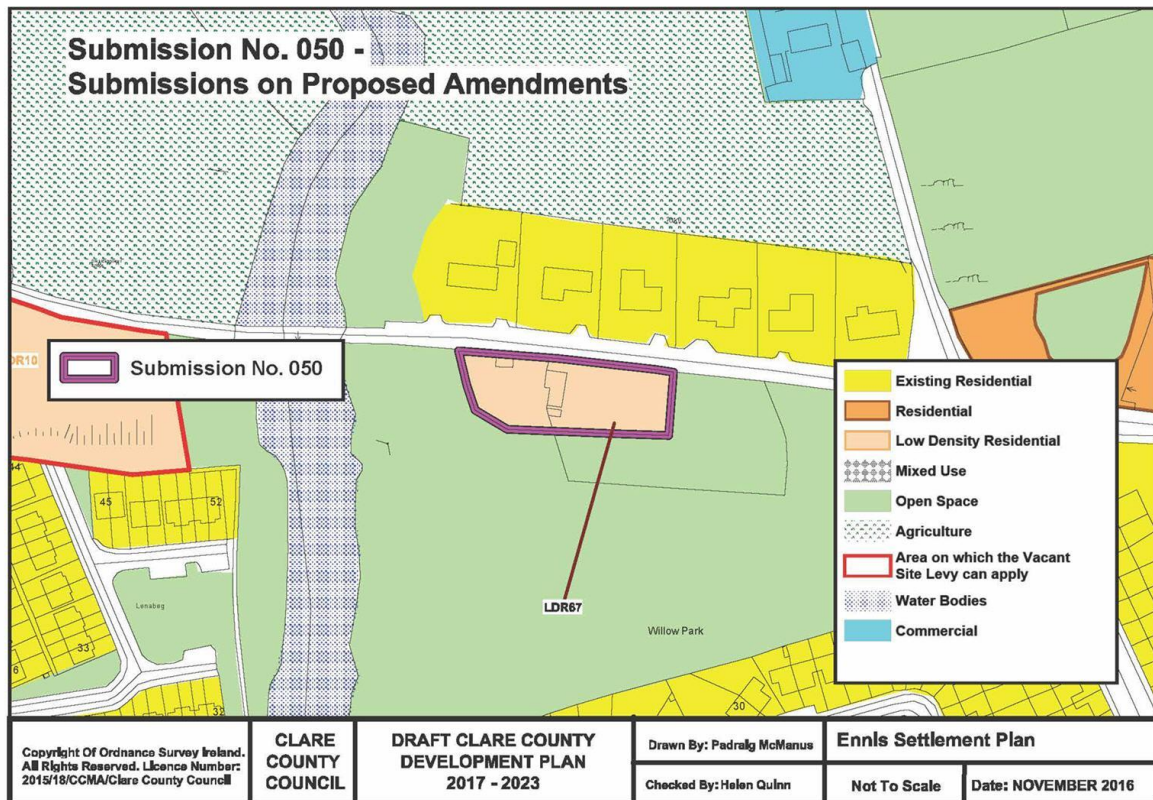
I note the content of this submission requesting that the Proposed Amendment to lands zoned Low Density Residential at Drehidnagower, Lifford be adopted. I consider that to adopt this Proposed Amendment is in the interest of proper planning and sustainable development.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to the lands referred to in this submission at Drehidnagower be adopted.



Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023





## Ref. 051 Ms. Mandy Coleman

### Submission Summary

The submission refers to the proposed zonings of lands at Beechpark, subject of a previously lodged submission on the draft plan (Sub ref. 430) and refers to lands 'R5 Residential Zoned lands at Circular Road, Beechpark'. It is noted that the Proposed Amendment regarding these lands has changed the zoning from 'LDR66 Low Density Residential' to 'R5 Residential'.

Ms. Coleman is of the opinion that these lands are not suitable for a high density approach as:

- The proposal to up-zone the 'R5' lands would not be compatible with the adjoining residential land uses and would not be in keeping with the existing pattern of development in the area and would seriously injure the amenity of residential properties in the area.
- The up-zoning is contrary to national policy regarding sequential approach and that any exception to this must be clearly justified in the written statement of the development plan.
- The SEA states that these lands have been identified as providing important habitat etc, potentially for the Lesser Horseshoe Bat and that the Ecological Assessment of the site is required but this has not been incorporated into the site specific zoning objective for these lands.
- The subject lands provide very little buffer space between the R5 lands and the N85 and if zoned high density residential it will impact negatively on future residents.
- The lands are not fully serviced and an extension of existing infrastructure would be required.
- The area is badly served by retail provision, public parks, playground facilities and other services. It is noted the 'COM6' lands have been identified for development of local shops/neighbourhood centre but it is stated that this land cannot be considered to be within a convenient distance to these lands and will still require a car.
- The area is not serviced by public transport.

It is requested that the Proposed Amendment to zone lands R5 be rejected and that the lands remain as originally zoned LDR66 and be adopted as such in the Clare County Development Plan 2017-2023.

### Chief Executive's Response

I note the submission made by Ms. Coleman regarding to the Proposed Amendment to the Draft Clare County Development Plan 2017-2023 which seeks to change the zoning from 'LDR66 Low Density Residential' to 'R5 Residential' at Circular Road, Beechpark, Ennis. My response to the points raised is set out as follows:

- With regard to the 'up-zoning' as referred to in the submission from Low Density Residential to Residential on these lands, I consider that the zoning of these lands needs to be considered in the context of the overall strategy for Ennis as set out in Section 1.2.1 of Volume 3a of the Draft Clare County Development Plan 2017-2023 which states:

*"As a key starting point to ensuring that Ennis achieves its full potential in a national, regional and local context, the Council will advocate a neighbourhood-based approach to future development in the settlement area. This approach recognises that Ennis and its environs is made up of a series of dynamic communities, each with its own identity, which are inter-dependent, both on each other and on the town centre."*

A neighbourhood is then defined as "a locality or community within a town, a distinctive place surrounding a local institution such as a school, church or other social or community facility".

Section 1.4.1 of the Draft Plan then clearly sets out a series of strategic aims in the pursuit of housing development and sustainable neighbourhoods which includes to "Promote the creation of strong, vibrant neighbourhoods in the Ennis area, each with a range of services and amenities which are easily accessible for local residents and attractive for growth." A number

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of neighbourhoods are identified for expansion within the Draft Plan, one of which is Cahircalla More.

Based on the above I am confident that the development strategy for Ennis, including the creation and development of neighbourhoods, is very clearly set out in the Draft Plan and is entirely compliant with national policy.

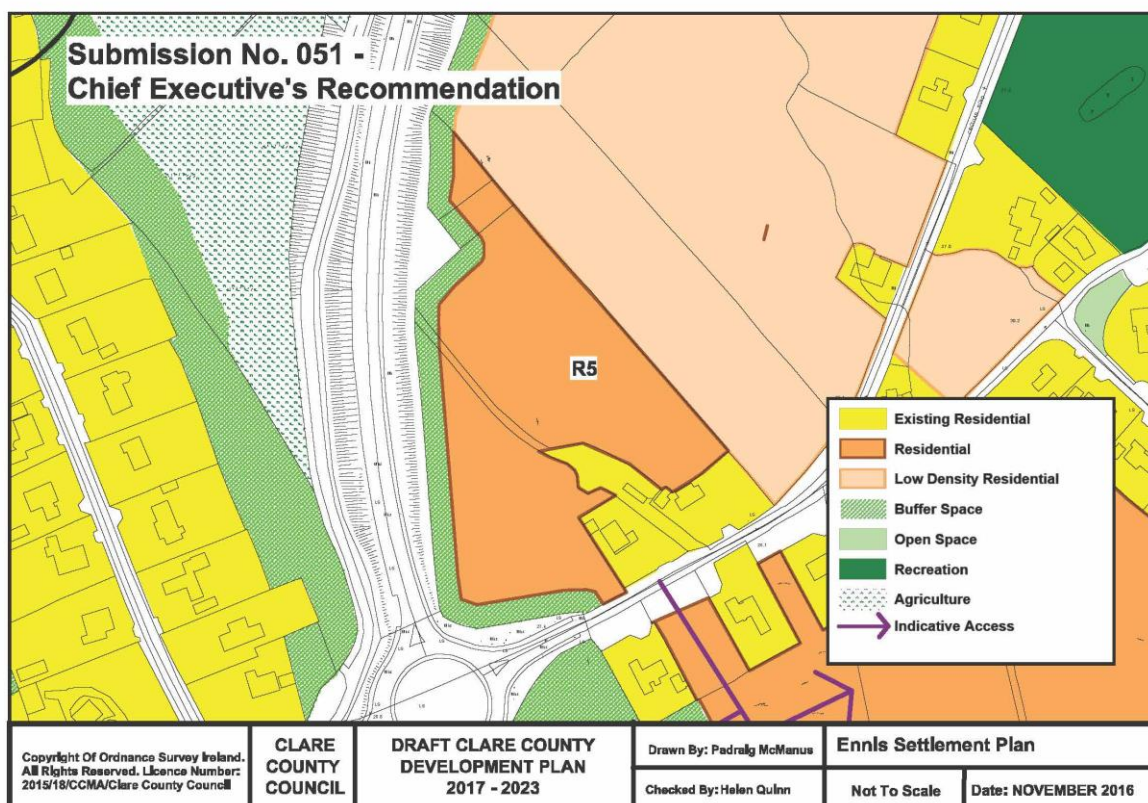
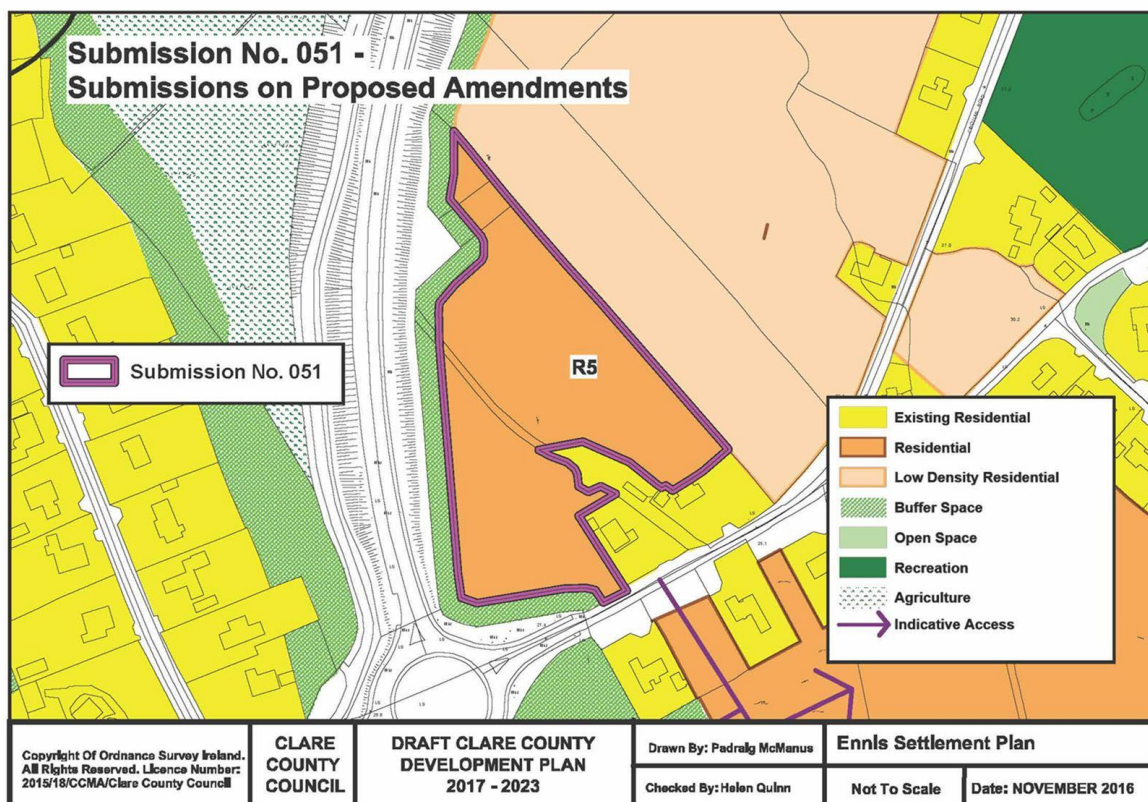
- With regard to the zoning for 'Residential' on this section of lands, and again in the context of the neighbourhood of Cahircalla More, there is a requirement to ensure that there is provision for a range and mix of house types to be provided. Given the substantial areas of land zoned in this area, required to meet the Core Strategy, the overall pattern of development is going to change in the future and the challenge is therefore to encourage well designed proposals which contribute to the comprehensive development of the neighbourhood, integrating pedestrian and cycle connectivity within and between where people live and the services within the neighbourhood. The lands across the road from this site in and around the new National School are also zoned both 'Residential' as well as 'Low Density Residential'.
- I note the comments with regard to the SEA and the requirement for an Ecological Assessment and I agree that this should be incorporated into the site objective as a minor modification.
- The buffer as shown is the same for all the lands zoned adjacent to the N85 and is considered sufficient to allow for planting. In addition, as part of the Proposed Amendment it is stipulated in the site objective that *"The buffer area between the N85 and the Residential zoning must be maintained and will not be considered as part of the usable open space in the development. Development proposals must have regard to the Noise Action Plan 2013 and appropriate noise mitigation must be incorporated into any proposal"*.
- In providing a neighbourhood centre it would be unrealistic to expect that it would remove the need for car-use within the neighbourhood, but rather that the number of car trips would be reduced and the distance of car trips would be reduced because daily needs would be met locally rather than having to travel to the town centre or other areas. In addition, development of good pedestrian connectivity between residential areas and the neighbourhood centre, school and other community services will encourage a modal shift towards walking and cycling.
- It is acknowledged that additional service infrastructure is required but it is considered that if a development proposal comes forward for these lands, it will include provision for the services to be provided.
- It is acknowledged that public transport generally is an issue but I consider that the expansion of this neighbourhood will generate a demand which will create the establishment of a service more viable.

Taking the above points into consideration, I am of the opinion that the Proposed Amendment which refers to 'R5 Residential' at Ashline should be adopted.

### Chief Executive's Recommendation

I recommend that the Proposed Amendment to the Draft Clare County Development Plan 2017-2023 which relates to a change of zoning from 'LDR66 Low Density Residential' to 'R5 Residential' at Ashline/Cahircalla More be adopted with a minor modification to the wording of the site objective, last paragraph: *"Development proposals for the site shall also be accompanied by an Ecological Assessment."*

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## Ref. 052 Applegreen Service Areas Ltd. c/o McGill Planning Ltd.

### Submission Summary

The submission relates to the need for service areas along the strategic route of the M18 motorway as clearly established in national policy within the 'Spatial Planning and National Roads Guidelines for Planning Authorities, 2012', for both on-line and off-line provision.

While the guidelines state that Local authorities "may" consider policies for the provision of off-line MSA, recent decisions from An Bord Pleanála have indicated that off-line proposals on un-zoned rural sites that are not identified in either the County Development Plan or 'NRA Service Area Policy' as a suitable location will be refused, particularly where TII also stated their intention to lead the delivery of an on-line service area.

Applegreen have actively engaged in the drafting process for the new Clare County Development Plan from the outset with submissions at pre-draft and draft stages, as well as an unsolicited letter to the Chief Executive following the decision of An Bord Pleanála to refuse permission for the off-line MSA at Junction 12 of the M18. The decision to refuse was issued in August 2016 despite proposed zoning of the site under the Draft County Development Plan, due to other reasons relating to 'inherently hazardous' conditions; 'unacceptable public health and environmental risk' due to risk of groundwater pollution; and negative visual impact due to poor building design.

Applegreen made the argument that instead of the Council persisting with COM7 zoning, a clearly unsuitable site, they should apply a broader forward planning approach for off-line MSA provision, where a small number of potential locations adjacent to interchanges along the M18 be identified in the County Development Plan with the optimum location chosen during the development management process.

The submission suggests that any potential applicant should be required to provide a detailed comparison report of their site against other potential locations having regard to the criteria identified and used by TII in the Options Comparison (Section 5.3) in the recently published M18 MSA Site Selection Report.

The response to the Applegreen letter by the Senior Planner clarified that, despite the refusal of permission, Clare County Council had decided not to remove the COM7 zoning and that the amendments to the draft adopted by the members did not include for zoning of any other specific sites at Junctions along the M18.

The Chief Executive's Report on the submission to the Draft Plan (May 2016) did not consider the need to adopt this approach. In addition, Applegreen suggest that the subsequent decision by the Board in relation to the Junction 11 and Junction 12 proposals now contradict part of the Chief Executive's Report as follows:

*"In relation to the zoning at Junction 12, this zoning reflects an existing planning permission that has been granted by Clare County Council (currently being considered by An Bord Pleanála) and as such I consider it appropriate for this zoning to be retained.*

*It is important to note that the zoning of Site COM7 does not preclude the consideration of other applications at different locations in the Plan area."*

It is considered that the changes to the Draft Plan are very minor and in the submission Section 8.2.3.2 Motorway Service and Rest Areas and CDP8.3 are set out as per Proposed Amendments.

While Policy CDP8.3 includes the reference to 'any other agencies' it still relates only to the provision of on-line Type 1 Service Area. The purpose of this additional text is unclear as it is clearly established in the 'Spatial Planning & National Roads: Guidelines for Planning Authorities' that the TII is the agency directly involved in providing on-line MSAs in accordance with the Roads Act 1993.

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The Draft Plan as amended has failed to provide any policy support for the provision of an off-line MSA along the M18 as promoted in the guidelines. The COM7 zoning has been showed to be flawed and its adoption into the Plan will be counterproductive should any subsequent application for an MSA at that site be refused again by the Board for technical reasons.

Given the recent ABP decisions against the two off-line MSA proposals on the M18, Applegreen requests that the Council reconsider their client's off-line MSA objective. In this regard it is requested that Development Plan Objective CDP8.3 be further amended with the following text:

### **Development Plan Objective: Service and Rest Areas**

#### **CDP8.3 it is an objective of Clare county Council:**

*To collaborate with Transport Infrastructure Ireland ~~and any other agencies~~ to secure the development of an on-line Type 1 Service Area on the M18 during the lifetime of this plan, having regard to the 'NRA Service Area Policy 2014' and 'Spatial Planning and national Roads – Guidelines for Planning Authorities 2012'. To also facilitate the development of an off-line service area at the most suitable location adjacent to M18 junctions 7-12. Any planning application for an offline MSA proposal shall include a comprehensive justification report demonstrating optimum site suitability.*

It is the belief that this amendment should be made and a broader policy incorporated so that all applicants through the development control process can demonstrate their suitability in accordance with the TII criteria.

The submission included all submissions and correspondence regarding the preparation of the County Development Plan.

### **Chief Executive's Response**

I acknowledge this submission from Applegreen Service Areas Ltd. Firstly I wish to advise that the most recent round of public consultation in the County Development Plan process was to obtain submissions in relation to the Proposed Amendments only to the Draft Clare County Development Plan 2017-2023. I note that the majority of the issues raised in this submission do not relate to proposed amendments.

With regard to the request for new text to be added to Objective CDP8.3, further modifications to proposed amendments can only be made at this stage if they are minor in nature. Adding significant new text in relation to future development on this site would constitute a material change that cannot be considered at this time. The text must be adopted as per the proposed amendment or revert to that which was set out in the Draft Plan.

In relation to the suggestion that there is a contradiction between the Chief Executive's Report on submission on the Draft Clare County Development Plan 2017-2023 and the decision by An Bord Pleanala, I would like it to be noted that the C.E. Report was submitted to Elected Members on 19<sup>th</sup> May 2016, predating the decision from An Bord Pleanala by 3 months. It is not possible to pre-empt a decision from An Bord Pleanala and the recommendation in the C.E. Report was reflective of that.

However, it is important to note at this juncture that, in response to the submission from Transport Infrastructure Ireland (ref. 006), I have recommended that the proposed amendments to Section 8.2.3.2 Motorway Service and Rest Area and associated Objective CDP8.3, not be adopted and that the text in relation to this issue revert to that which appeared in the Draft Clare County Development Plan 2017-2023, which is consistent with NRA Service Area Policy 2014.

With regard to the request for the Commercial zoning to be removed from Site COM7 in the Ennis area, the zoning on that site was also not the subject of a proposed amendment to the Draft Clare County Development Plan 2017-2023. Only submissions relating to proposed amendments can be considered by the Planning Authority at this stage in the planning process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

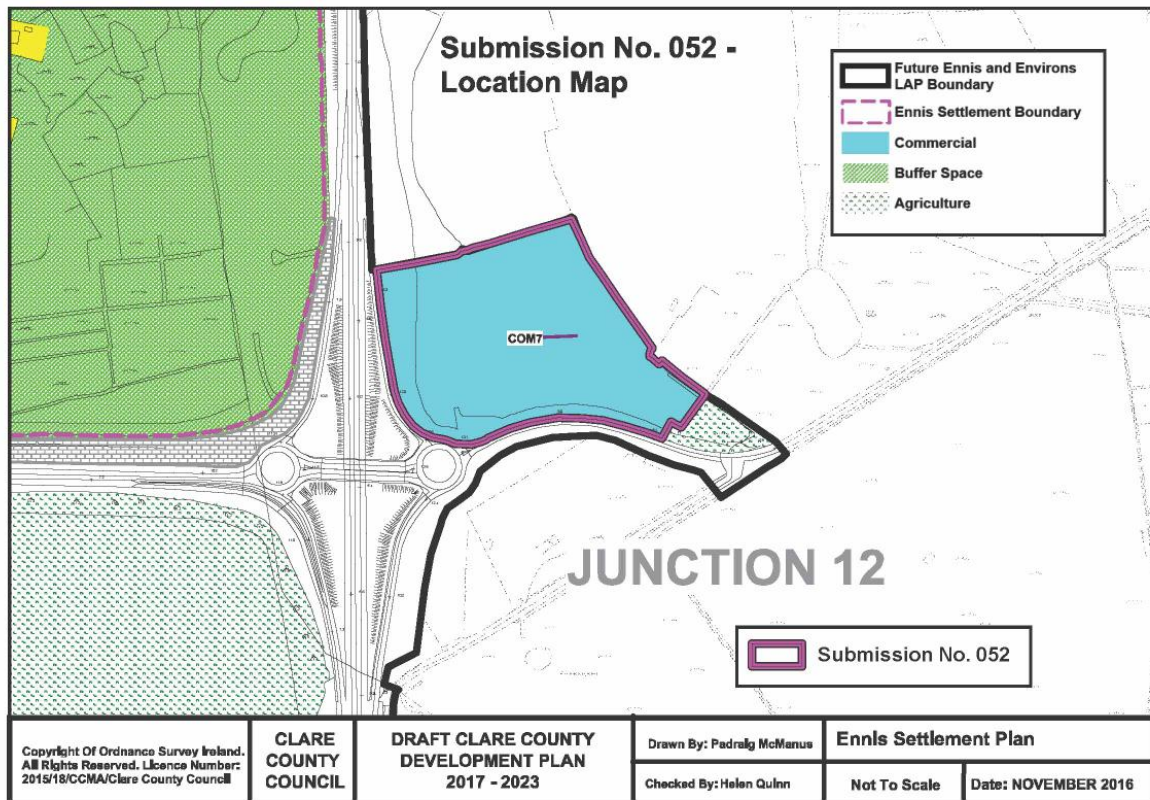
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**Chief Executive's Recommendation**

I recommend that the proposed amendments to Section 8.2.3.2 Motorway Service and Rest Areas and Objective CDP8.3 of the Draft Clare County Development Plan 2017-2023, not be adopted.



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## Ref. 053 TBP Planning and Development Consultants

### Submission Summary

The submission relates to the Proposed Amendment associated with zoning of site R4, Drehidnagower Road, Lifford, Ennis. It is noted that the site has been reallocated from a "Low Density Residential" site to a "Residential" site and this is welcomed.

The submission refers to a current planning application (P16/758) which has been informed by a detailed Flood Risk Assessment (attached to this submission) for these lands for 61 houses. The proposed zoning impacts on the development area in particular the proposed policy for the land R4 not to allow any residential development on zoned Open Space. The submission illustrates the areas of the proposed development overlaid by the zoning which highlights where the proposed development area covered by the planning application exceeds the area of land zoned. This occurs in three areas (referred to as Areas X, Y and Z) described in detail in the submission. It is requested that the extent of the Residential zoned area in R4 is increased to include the main areas of development, within areas X, Y and Z as proposed under P16/758 and wider Master Plan.

The submission also requests to amend the text for the site specific zoning objective for site R4. In the submission, two sentences are identified which are subject of proposed amendment, the first which reads "*An area of open space shall be provided in the northwest-western section of the site to serve the development, with housing arranged to overlook the public road and the open space.*" This appears to relate to an area of open space to the western side of the site. It is unclear where this open space is to be located and whether it is to be inside or outside the proposed amended zoning.

The last paragraph then relates to the treatment of surface water and appears to recommend that surface water is discharged directly to the river or a mains system. It reads: "*Should the site be developed, the FRA must also consider surface water management and discharge, whether this is to the River Fergus directly or into the surface water system, particularly during (but not limited to) flood events.*"

Regarding the Open Space it is unclear as to where the open space is to be located along the western section of the site i.e. whether it is in the amended zoned area along the western boundary, or to the north of it which is in Flood Zone C.

It is therefore requested that this objective is removed. It is proposed that Open Space can be provided in the main development area along the south and east of the site, as is proposed in the recent planning application 16/758. The paragraph should be reworded to remove reference to the open space at the western section of the site as follows (~~Red is to be removed~~):

*"This site is identified for low density residential development of high quality design and layout, incorporating an area of Open Space. Any development at this site will be required to make provision for junction improvements adjacent to the site, including a roundabout to access the site, and provide a cycle and pedestrian pathway along Drehidnagower Road fronting the site. ~~An area of open space shall be provided in the northwest-western section of the site to serve the development, with housing arranged to overlook the public road and the open space.~~ No development can take place on the land which are zoned open space and the natural woodland in this area of the site shall be retained."*

It is also suggested that a wording amendment be included: "*Should the site be developed, the FRA must also consider surface water management and discharge, whether this is to the River Fergus directly, to ground water or into the surface water system, particularly during (but not limited to) flood events.*", as the ground water discharge approach better balances the need to discharge against flood events and environmental impacts.

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**Chief Executive's Response**

I note the submission from TBP Planning and Development Consultants which refers to the Proposed Amendment to the Draft Clare County Development Plan 2017-2023 regarding zoned lands R4, Drehidnagower, Lifford Road, Ennis requesting an increase in the area of zoned land in line with the area subject of a current planning application.

I note this site was subject of the Strategic Flood Risk Assessment which informed the zoning set out in the Proposed Amendment. Also, to clarify with regard to the location of the Open Space, the site specific zoning objective states that it is to be situated as depicted in the zoning map along the western section of the site within the amended zoned area along the western boundary and not within any Flood Zone. This is also to ensure the retention and protection of the natural wooded area within this location. I therefore do not agree that this objective be removed.

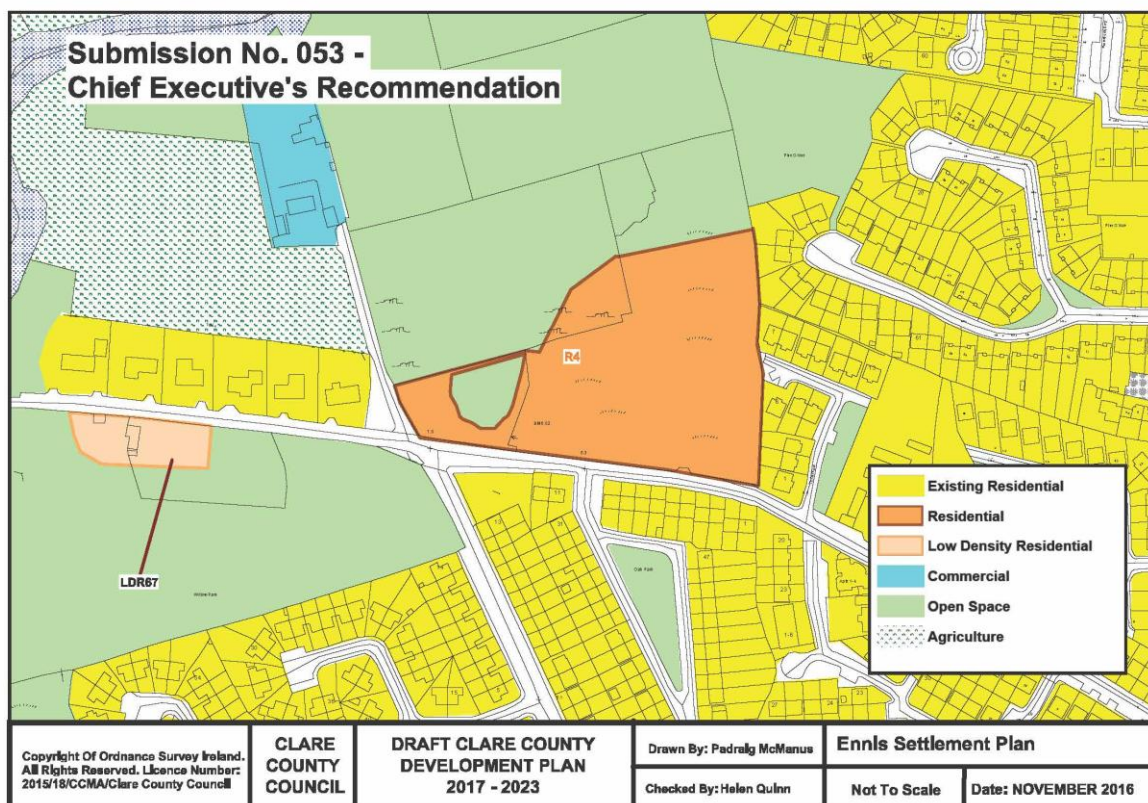
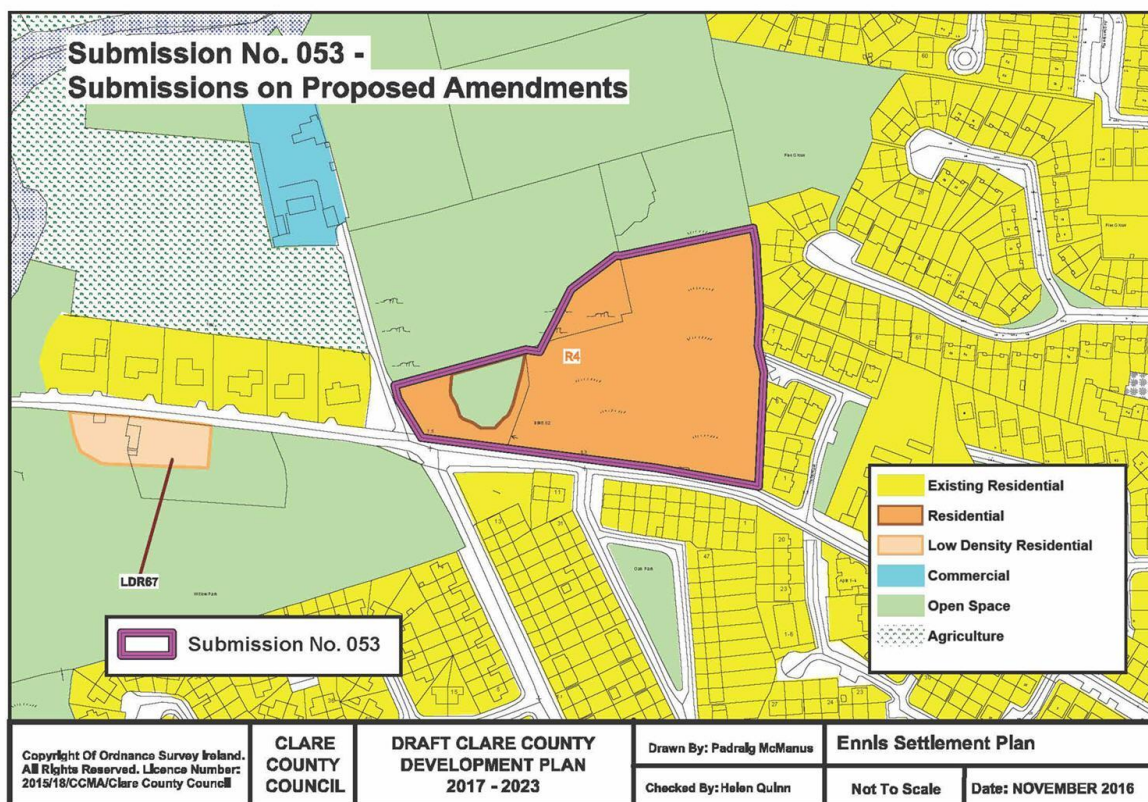
The submission seeks an extension to the zoning of the site to include areas referred to as X, Y and Z. I am not in the position to be able to consider any additional zoning at this stage in the process, only to consider whether to recommend the adoption of the Proposed Amendment as presented. I am therefore of the opinion that the Proposed Amendment for this site should be adopted.

**Chief Executive's Recommendation**

I recommend that the Proposed Amendment to the Draft Clare County Development Plan 2017-2023 which relates to R4, Drehidnagower Road, Lifford, Ennis, be adopted.



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## Ref. 054 Rita McInerney on behalf of Ennis Chamber of Commerce

### Submission Summary

Ennis Chamber is concerned with the proposed Commercial zoning at sites COM3 and COM6 in the Kilrush Road area of Ennis. It is submitted that this constitutes over-zoning of out-of-town commercial sites.

The submission states that the proper planning and development of Ennis should allow for the sustainable revitalisation of the town centre and the phased development of edge-of-town zoned sites. The Chamber of Commerce wish to object to the following proposed amendments:

- Change from Community to Commercial – site COM3
- Change from Open Space to Commercial – Site COM6

The reasons for the objections are as follows:

- These lands have not been identified as required under the Mid West Regional Authority retail Guidelines
- The extensive distance from the core commercial centre of Ennis
- Recent national estimates indicate that the country is 20-30% overstocked in terms of commercial space in towns. Therefore Ennis Chamber believes that Ennis Town Centre should be the primary focus of retail development and that major out-of-town-centre and motorway retail developments would have a detrimental impact on Ennis town centre's retail survival
- There is a lack of medium-sized retail units (150-200m<sup>2</sup>) but the Chamber of Commerce these units could be located on Opportunity Site 6 (the Post Office Field), retaining footfall and supporting existing retail in the town centre.
- There is over 20% vacancy in Ennis town centre. The data in the Mid West Retail Strategy 2009 is out-of-date and inaccurate and the Chamber refutes the need for an additional 10,803m<sup>2</sup> of floorspace.
- The need of existing and new bulky comparison retail business for larger units, up to 3,000m<sup>2</sup> can be facilitated within Opportunity Site 2 (former Boys National School site) and linked to the town centre.

### Chief Executive's Response

I thank the Chamber of Commerce for its submission and I acknowledge the concerns that it has raised.

In relation to the proposal to zone additional lands for Commercial uses in the Kilrush Road area of Ennis, lands have been zoned at this location for a mix of uses including the provision of new facilities such as offices, warehousing, enterprise uses and retail development, where appropriate. Westpoint Business Park has also been identified as a suitable location for the development of a neighbourhood centre to serve the surrounding residential community.

I note the definition of Commercial land use as set out in the Draft Plan:

*The use of land zoned for 'commercial' purposes shall be taken to include the use of the lands for commercial and business uses including offices, service industry, warehousing and the facilitation of enterprise/retail park/office type uses as appropriate. Retailing is open for consideration in this area, provided that a sequential test is carried out and the lands are demonstrably the optimum location for the nature and quantum of retail development proposed.*

Retail development at this location will not only be subject to the sequential test but will also be assessed having regard to Volume 3(a) of the Draft Plan which clearly indicates that out-of-centre convenience retail development in the Ennis area is not considered necessary during the lifetime of the Plan (with the exception of the locations identified for Neighbourhood Centres). Volume 3(a) also directs edge-of-centre and out-of-centre comparison retail to two identified sites in the town

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(Ballymaley and Quin Road). Having regard to these policies and objectives in the plan, combined with strong objectives to protect and enhance the vitality and viability of the town centre, I am satisfied that the proposed zoning can proceed and that development can take place in these areas that will support employment-creation in the town without having a negative impact on the town centre.

In relation to the proposal from the Chamber of Commerce to locate retail units in the town centre on Opportunity Site 6 – The Post Office Field, I do not consider this to be a suitable location for development of this nature. The Post Office Field is located in Flood Zone A and forms a highly important flood relief function in the town centre area. The Draft Plan contains proposals to enhance the area from a public amenity perspective and the development of retail units at this location is not appropriate.

With regard to site OP2 – the former Boys National School site, this site has been identified for convenience and non-bulky comparison retail development, creating strong linkages with the existing town centre and revitalising the southern side of the town. These lands provide a natural expansion area for the existing town centre and are not an appropriate location for bulky comparison retail development.

**Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to Commercial land on the Kilrush Road, be adopted.



## **Ref. 055 Mr. Roger Garland, Keep Ireland Open**

### **Submission Summary**

Mr. Garland commences by thanking the Planning Authority for accepting some of their suggested amendments and notes that there is nothing in the proposed amendment to which they are opposed. The submission supports the following proposed amendments:

- Chapter 2 – additional paragraph to Section 2.3.2
- Chapter 5 – Section 5.4.2, amendments to 1<sup>st</sup> and 2<sup>nd</sup> paragraph and Objective CDP5.11
- Chapter 5 – amendments to Section 5.4.2.1 and Objective CDP5.12
- Chapter 8 – amendments to Section 8.2.3.5 and Table 8.2
- Chapter 9 – amendments to Section 9.3.9 and Objective CDP9.10
- Chapter 9 – amendments to Section 9.4.3 and Objective CDP9.23
- Chapter 10 – amendments to Section 1.4.2
- Chapter 12 – changes to last paragraph of Section 13.3.2.3
- Chapter 14 – amendment to Objective CDP14.1
- Chapter 14 – amendments to the last paragraph of Section 14.3.5 and Objective CDP14.5
- Chapter 14 – amendment to Objectives CDP14.6 and CDP14.14, CDP14.23 and CDP14.27
- Chapter 14 – addition to 1<sup>st</sup> paragraph of Section 14.3.19 The Burren
- Chapter 14 – amendment to Objective

The submission notes that the Planning Authority has not accepted their earlier submission that the public rights of way contained in the Ennis and Environs Development Plan 2008 should be included in the County Development Plan. While the explanation that certain criteria must be met, it is submitted that there has been no change in the law since their inclusion in the 2008 Plan. It is requested that the response to this submission indicates whether any of these rights of way have been extinguished.

Mr. Garland requests that the public right of way across Doonbeg golf course be included, having regard to the recent court case.

The submission also notes that the number of rights of way in the plan has been reduced to two and it is requested that it be put on record that they consider the list as the worst form of tokenism.

The submission concludes by drawing attention to a potential omission. The Chief Executive's Response to their earlier submission mentioned a proposed amendment to Objective CDP8.29 Cycling and Walking but this does not appear to have been carried forward to the proposed amendments. It is possible that this is regarded as a non-material amendment and will appear in the final version of the plan.

### **Chief Executive's Response**

I thank Mr. Garland for his submission on behalf of Keep Ireland Open and I note that he is satisfied with a large number of the amendments that are proposed to the Draft Clare County Development Plan 2017-2023.

In relation to the Public Rights of Way that are listed in the Ennis and Environs Development Plan 2008-2014, it should be noted that the requirement for a development plan to contain objectives relating to the preservation of public rights of way was introduced in the Planning and Development (Amendment) Act, 2010 which postdates the making of the Ennis and Environs Development Plan 2008. The provisions of Section 10(2)(o) of the Act indicate that a development plan shall include objectives for *the preservation of public rights of way which give access to seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility*. Following assessment it was found that parts of the Rocky Road in Ennis meet the necessary legislative criteria and it was duly incorporated into the Draft Clare County Development Plan 2017-2023.

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In relation to the right-of-way in Doonbeg, the Planning and Development Act, 2000 (as amended) makes provision for the making of the development plan either with or without the proposed amendments. It does not allow for material alterations beyond this at this stage in the plan-making process. The addition of the right-of-way in Doonbeg would constitute a larger material change that cannot be considered at this stage.

I note Mr. Garland's assertion that the public-rights-of-way listed in the plan amount to a gesture of tokenism. However, I am satisfied that the legislative requirements have been met in this regard.

In relation to the final comment, the amendment that was recommended in relation to Section 8.2.9 Walking and Cycling was minor in nature and referred to the inclusion of reference to the National Cycle Policy Framework 2009 and the Irish Trail Strategy in the relevant sections of the plan.

### **Chief Executive's Recommendation**

I recommend that the proposed amendments to the Draft Clare County Development Plan 2017-2023, which relation to the following sections/objectives, be adopted:

- Chapter 2 – additional paragraph to Section 2.3.2
- Chapter 5 – Section 5.4.2, amendments to 1<sup>st</sup> and 2<sup>nd</sup> paragraph and Objective CDP5.11
- Chapter 5 – amendments to Section 5.4.2.1 and Objective CDP5.12
- Chapter 8 – amendments to Section 8.2.3.5 and Table 8.2
- Chapter 9 – amendments to Section 9.3.9 and Objective CDP9.10
- Chapter 9 – amendments to Section 9.4.3 and Objective CDP9.23
- Chapter 10 – amendments to Section 1.4.2
- Chapter 12 – changes to last paragraph of Section 13.3.2.3
- Chapter 14 – amendment to Objective CDP14.1
- Chapter 14 – amendments to the last paragraph of Section 14.3.5 and Objective CDP14.5
- Chapter 14 – amendment to Objectives CDP14.6 and CDP14.14, CDP14.23 and CDP14.27
- Chapter 14 – addition to 1<sup>st</sup> paragraph of Section 14.3.19 The Burren
- Chapter 14 – amendment to Objective

I further recommend that the proposed amendments to the list of Public Rights of Way, contained in Appendix 6 of the Draft Clare County Development Plan 2017-2023, be adopted.

I recommend that the National Cycle Policy Framework 2009 and the Irish Trails Strategy be referenced in the Volume 1, Section 8.2.1 of the plan as a minor and non-material amendment.

## **Ref. 056 Mr. James Whelan c/o Jim Hughes**

### **Submission Summary**

This submission relates to lands at Ardcloney, Killaloe and states that the subject lands are zoned for integrated tourism development in the East Clare Local Area Plan 2011 and that Mr. Whelan has a pending planning application lodged.

The submission welcomes the inclusion of policy objective T0U7 Ardcloney but it is submitted that it is important that that policy objective is measurable to allow for appropriate plan-led development. Therefore the policy objective should be accompanied by a mapping objective similar to that contained in the current East Clare Local Area Plan.

It is requested that the amendment to the Draft County Development Plan be updated and that the adopted plan reflects the zoning as contained in the East Clare Local Area Plan 2011 and also that the following objective be included in the adopted plan:

*This site is located approximately 3.5km south of the town of Killaloe. This site has been zoned for Integrated Tourism uses, which could include marina and ancillary/complementary uses. Due to the location of the subject lands at Ardcloney, part of which adjoins the Lower River Shannon SAC and part of which is located within the SAC, all proposals for development on the lands must initially be subject to a habitats and species survey, an ecological assessment and Habitats Directive Assessment.*

### **Chief Executive's Response**

I thank Mr. Whelan for his submission and I would like to respond to requests contained therein as follows:

In the Chief Executive's report dated 19<sup>th</sup> May 2016 in response to submission Refs. 444 and 445 made to the Draft Clare County Development Plan 2017-2023 with regard to this site the CE was of the very strong opinion that the zoning of isolated, unserviced parcels of land can lead to unsustainable patterns of development, in addition to the significant environmental concerns given that half of the site lies within the Lower River Shannon cSAC. Having considered the submissions to the Proposed Amendments I maintain that view.

I refer also to the submission received from the Department of Housing, Planning and Local Government on the proposed amendments (Ref. 001) where they state that the proposed zoning at Ardcloney is not in a sustainable location or sequential to existing settlement development. They further state that adopting this zoning would be in clear breach of Part XAB Planning and Development Act 2000 (as amended) and S.28 Appropriate Assessment guidelines.

The Department requests the Planning Authority to remove this proposed Tourism zoning and revert to the zoning of the Draft Plan (December 2015) and sets out that the Council is required to implement and adhere to all recommendations arising from both the SEA and AA.

I agree with the Department that the zoning of this land would be contrary to the proper planning and sustainable development of the area and that the Proposed Amendment should not be adopted. In light of recent changes to legislation it is no longer sufficient to say that protective policies or objectives included in parts of the plan will counteract potential significant or adverse effects of development of sites within the plan area. Strategic examination and analysis are required at the plan level as the basis for considering the effects alone or in combination with other plans and projects on European sites in view of their conservation objectives.

Clare County Council, as the competent authority, must have sufficient information to screen out the potential for significant effects, otherwise zoning which potentially could lead to this significant effect cannot be accommodated. It is not possible to determine a finding of no significant effects at this plan level stage from zoning this site for Tourism, therefore to pursue the zoning would contravene Article 6(3) of the Habitats Directive, the European Communities (Birds and Natural



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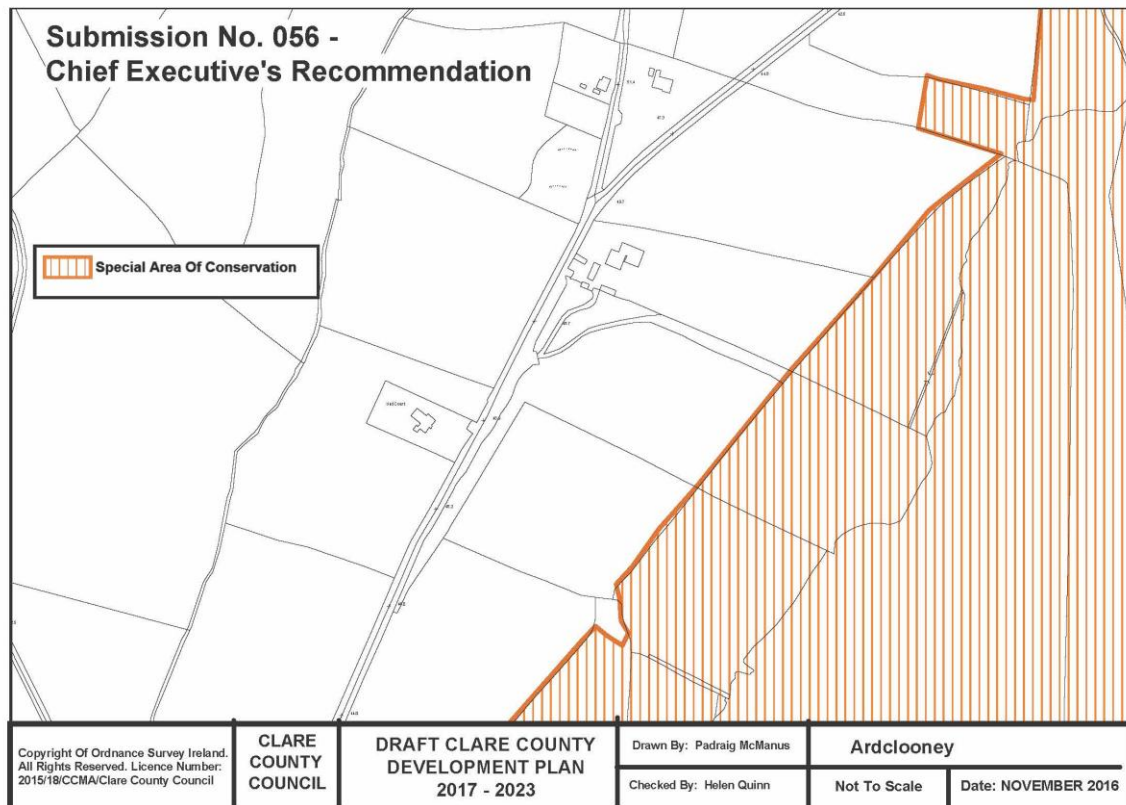
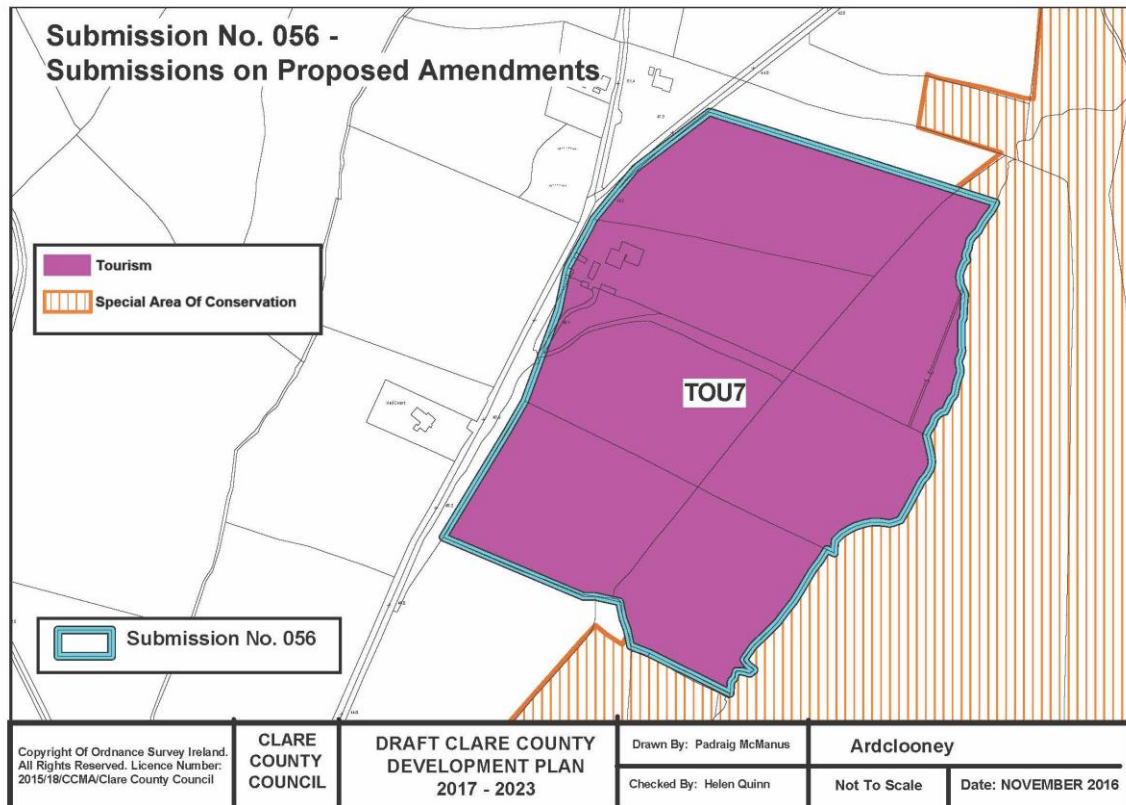
Habitats) Regulations, 2011 and Part XAB of the Planning and Development Act, 2000, as amended and therefore this Proposed Amendment should not be adopted.

In considering this submission I am obliged to refer to Section 31(a) of the Planning and Development Act 2000, as amended, which states that "*where the Minister is of the opinion that a planning authority, in making a development plan ..... has ignored, or has not taken sufficient account of submissions or observations made by the Minister to the planning authority under section 12, 13, or 20 .... the Minister may in accordance with this section, for stated reasons, direct a planning authority to take such specified measures as he or she may require in relation to that plan*".

**Chief Executive's Recommendation**

I recommend that the Proposed Amendment to the Draft Clare County Development Plan 2017-2023, which relates to Ardcloney T0U7, not be adopted, and that the lands revert to Open Countryside as per the Draft Clare County Development Plan 2017-2023.

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## Ref. 057 Prof. Gabriel Cooney, UCD School of Archaeology

### Submission Summary

UCD School of Archaeology is involved as project partner on the Burren and Cliffs of Moher Geopark LIFE programme with a remit to assess and analyse current policies that impact on the relationship of sustainable tourism and conservation management. It is against this background that the submission has been prepared.

#### Chapter 1

The submission welcomes the inclusion of the term *sustainable* into Goal I and the inclusion of the term *participation* into Goal IV. In order for the terminology of the plan to be consistent, it is recommended that the following addition is made to Goal VIII:

*A County Clare in which sustainable tourism growth continues to play a major role in the development of the county, adapting to the challenges of competing markets by maximising the development of a high quality, diverse tourism product.*

#### Chapter 2

Professor Cooney welcomes the addition of a new point (c) to Objective CDP2.1, as it demonstrates the commitment of the Clare County Development Plan to be consistent with the conservation and protection of the environment.

#### Chapter 5

The submission supports the proposed additions to Objectives CDP5.11 and CDP5.12. Professor Cooney also strongly welcomes the commitment expressed on p.78 (in the context of educational services) and in Section 16.7 of the development plan to address rural depopulation. Sustainable tourism in areas like the Burren depends on, and makes a significant contribution to, vibrant and sustainable rural communities.

#### Chapter 8

It is submitted that section 8.2.11 and the associated Objective CDP8.17 are very closely aligned with Section 8.2.6 SmarterTravel. It is recommended that a specific cross-reference should be made linking Section 8.2.11 and 8.2.6 together and referring to them working in alignment to achieve integrated transport services.

The submission indicates that transport is key to the development of sustainable tourism. Recognising the specific reference to 'sustainable growth' on Goal I, it is recommended that a similar phrase should be added to the end of the wording of Objective CDP8.17, as follows:

*To support the integration of transport services throughout the county in order to create more efficient transport services that meet the needs of a wide range of users and local and regional sustainable growth.*

#### Chapter 9

The submission recommends that it is appropriate and in keeping with the phrasing of Goal I that the first paragraph of Chapter 9 should make reference to sustainable tourism. The following addition is recommended:

*County Clare is one of the leading tourist counties in Ireland and attracts significant domestic and foreign investment annually. Fáilte Ireland estimates that there will be a considerable growth in the performance of County Clare as a tourism centre during the lifetime of this development plan, making sustainable tourism a key economic pillar for the county in the coming years.*



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The submission welcomes the additions to Section 9.1 Strategic Aims. The proposed addition of a new Objective CDP9.1 is also strongly supported. The submission recommends that 'sustainable' is added to the first line of Section 9.3.1 Tourism Promotion as follows:

*The promotion and branding of County Clare as a **sustainable** tourist destination both nationally and internationally...*

The submission also recommends that a similar addition be made to Objective CDP9.2, points (a) and (b):

*a) To support Clare Tourism is their work to promote and market County Clare as a **sustainable** tourist destination*

*b) To work in partnership with local, national and international agencies/bodies to promote County Clare as a **sustainable** tourist destination.*

Professor Cooney strongly supports the proposed addition of point (f) to Objective CDP9.3 and the addition of point (c) to Objective CDP9.4. In relation to Section 9.3.3, the proposed new introductory paragraph is welcomed but the following addition is recommended:

*Clare County Council is committed to making the county a high quality place in which to live, work and visit. In particular it is recognised that infrastructure development must meet the needs of both resident and visitor populations. Long-term projects such as the Wild Atlantic Way are also recognised as being essential to the future **sustainable** tourism and economic growth in the county.*

In relation to Section 9.3.5, Professor Cooney recommends that specific reference and commitment is made to sustainable tourism. The following addition is recommended:

*The overall objective of the Wild Atlantic Way project is to grow the **sustainable** economic contribution of tourism...by increasing local spend, international bed nights and by **creating** and **sustaining** employment.*

In boarder terms, it is suggested that the wording of Chapter 9 needs to be considered in the light of the amended wording of Goal I and the addition of the word 'sustainable'. Section 9.3.16 Sustainable and Responsible Tourism, in its current location in the chapter, could be seen as a type of 'niche' in the wider tourism sector. It is submitted that the location of Section 9.3.16 should be reconsidered and that it should be given a more prominent location in the chapter and its important contribution to the narrative of the chapter should be made clear.

### Chapter 14

The submission welcomes the changes to Objective CDP14.54. In relation to Section 14.3.19, it is submitted that the amended introductory text had led to an unsatisfactory narrative as the general introduction on the Burren now follows on from the discussion of the Burren National Park. Currently there is some confusion around the distinction and overlap between the areas defined as 'The Burren', 'the National Park' and the 'Geopark'. It is submitted that the structure of Section 14.3.19 does not help to clarify these issues.

Professor Cooney suggests that it would be more appropriate and effective if there was a general introduction on the Burren and then three sub-heading:

1. The Burren National Park
2. Limestone Habitats
3. The Burren and Cliffs of Moher Geopark

Each section would have an objective (CDP14, 20, 21 and 22) and this approach would also enable a direct linkage to be made between the text on the Burren National Park and the associated objective.

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The submission concludes by noting that the proposed addition of a new point 9(b) to Objective CDP14.23 is welcomed.

### **Chief Executive's Response**

I thank Prof. Cooney for his detailed consideration of the proposed amendments to the Draft Clare County Development Plan 2017-2023 and I would like to respond to the issues he has raised as follows:

Prof. Cooney has requested that the word 'sustainable' be added to a number of policies and objectives throughout the plan. I consider sustainability to be the cornerstone of the future development of County Clare and this is reflected in the goals and objectives throughout the plan and also in the detailed environmental assessments that were conducted to ensure that the implementation of the development will not have a negative impact on the receiving environment. I do not consider it necessary to include the word 'sustainable' repeatedly in the text. The overall aim and function of the plan is to secure the proper planning and sustainable development of the county and the concept of sustainability is strongly embedded in all work undertaken by Clare County Council.

In relation to proposed new layout of the sections of the plan that relate to The Burren, I agree that Prof. Cooney's suggested layout would enhance clarity. It does not involve the additions or deletions to the new text and therefore the change can be accommodated at this time.

### **Chief Executive's Recommendation**

I recommend that the proposed amendments to Chapter 14 of the Draft Clare County Development Plan 2017-2023, that relate to the The Burren, The Burren National Park, Limestone Habitats and The Burren and Cliffs of Moher Geopark, be adopted.

I recommend that the layout of Section 14.3.19 of the development plan be amended as follows:

#### Section 14.3.19 The Burren

The Burren is renowned for its unusual and diverse flora and for its rich archaeological and historical heritage. It is also one of the most distinctive landscape regions in Ireland. It features bare rock pavements; cliffed and terraced hills; a dense network of caves; turloughs; disappearing streams; and a varied coast that passes south to the Cliffs of Moher, which is one of the most dramatic coastlines in Ireland. It is also considered to be one of the best preserved agricultural landscapes in Europe.

The Burren has been aptly described as 'one vast memorial to bygone cultures', containing the remnants of over 6,000 years of human habitation. Today, it is home to 5,000 people, living in villages, farmsteads and single rural houses. Its culture is a vibrant mix of recent and ancient.

The Burren has been described as 'an archaeological landscape fossilised in time'. The region contains architectural remnants and settlement patterns from all of the significant archaeological periods in Western Europe and presents a tangible record of continuity between each period.

#### 14.3.19.1 The Burren National Park

The Burren National Park was established in 1991. It is located in the south eastern corner of the Burren and is approximately 1500 hectares in size. The Park is a Category II Protected Area as defined by the International Union for the Conservation of Nature – the IUCN. As such, the Burren National Park shares the same international status as other natural heritage sites of world renown such as Yellowstone National Park, Yosemite National Park and the Great Barrier Reef.

#### Followed By:

- Objective CDP14.20 The Burren National Park

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- Section 14.3.19.2 Limestone Habitats
- Section 14.3.19.3 Burren and Cliffs of Moher Geopark

All headings on this chapter renumbered accordingly after this point.



## Ref. 058 Ms. Andrea Goble

### Submission Summary

This submission relates to the Sixmilebridge settlement plan. The submission quotes from the settlement plan which states: "*the town experiences congestion, exacerbated by motorists travelling through from Tulla to both Shannon and Limerick*". It is submitted that this is untrue. The town does not experience congestion generally and it is not exacerbated by motorists travelling from Tulla to Shannon and Limerick. Ms. Goble states that there is no empirical and objective evidence to support this statement and it should be omitted because it is misleading.

It is submitted that the statement in the development plan is also not in keeping with the Design Manual for Urban Roads and streets, which is a mandatory document for the Local Authority, and indicates that a certain amount of queuing and slower speeds is to be expected at junctions and DMURS promotes this balanced approach.

The submission refers to an objective in the Sixmilebridge settlement plan *to proactively pursue the provision of additional car parking in or adjoining Sixmilebridge town centre*. It is submitted that this objective should be removed because there is no empirical and objective evidence that additional car parking is required. It should not be proactively pursued before it has been objectively analysed and found that it is needed.

### Chief Executive's Response

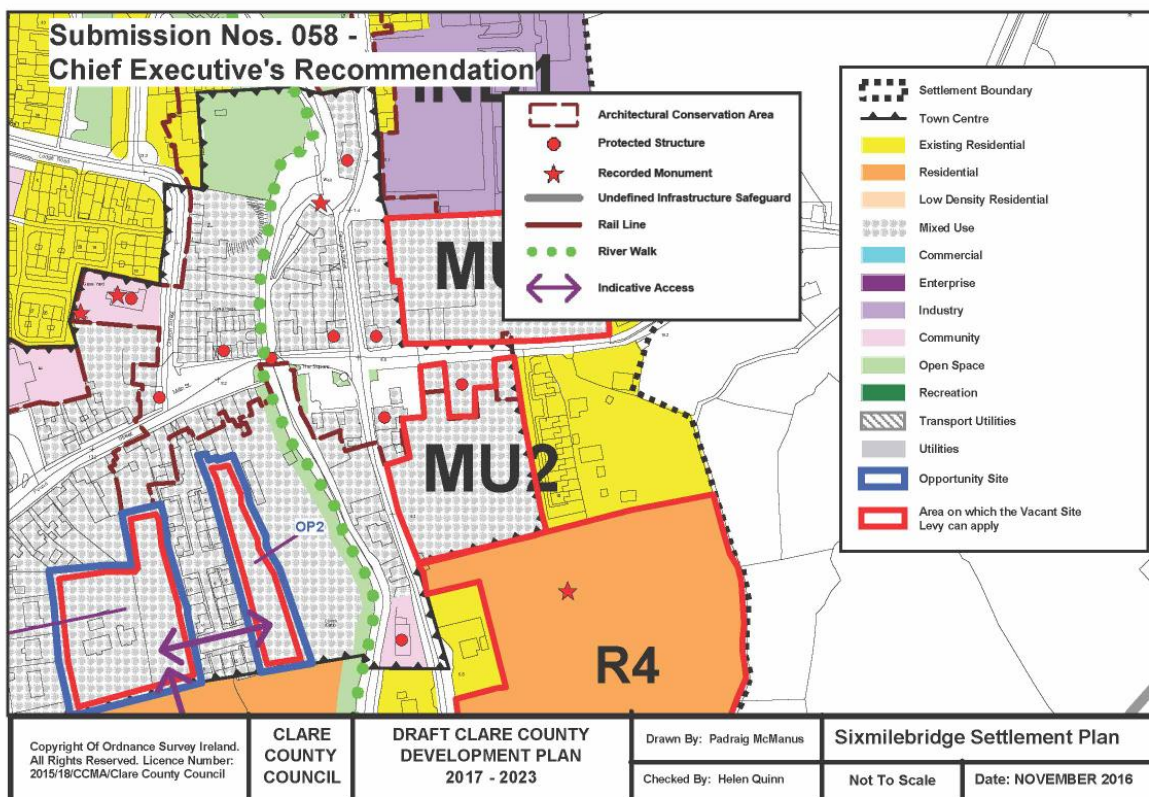
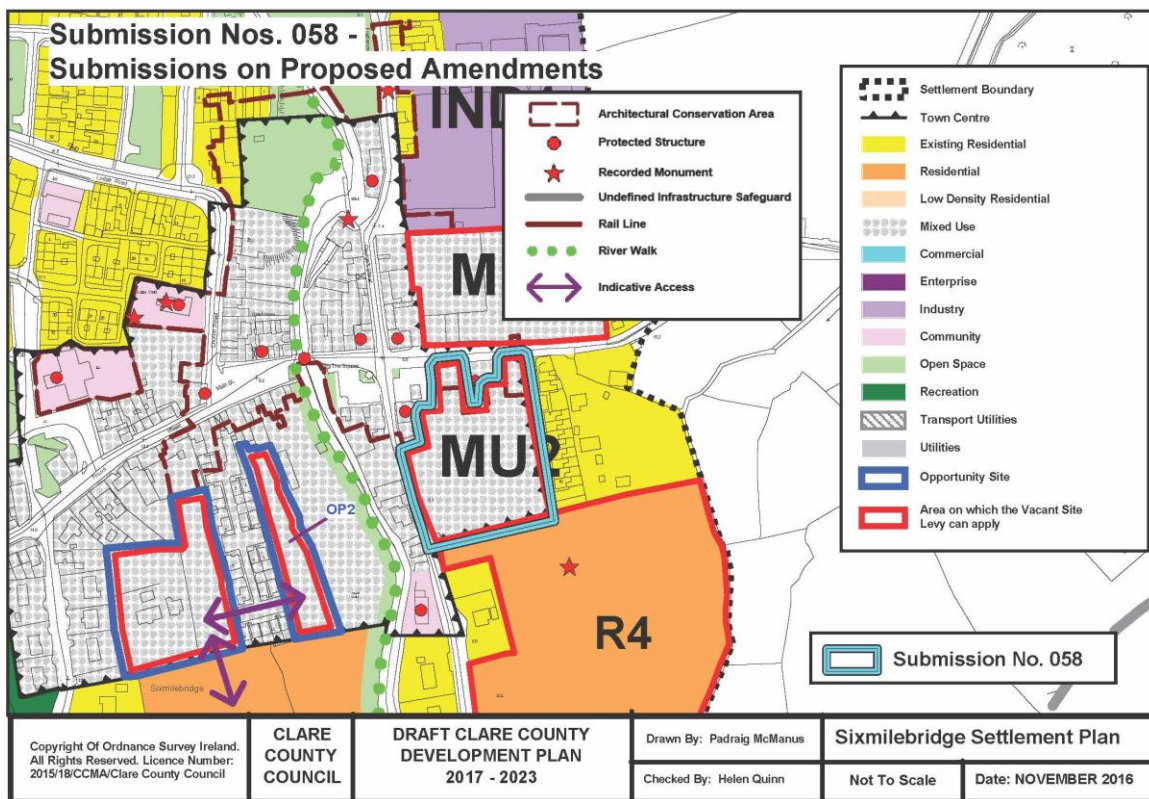
I thank Ms. Goble for her submission and I wish to comment on the issues that have been raised as follows:

The Draft Plan makes a commitment to carry out traffic surveys in the town to assess traffic flows and parking needs during the lifetime of the Plan. Adequate car-parking to serve the town centre is essential, especially with respect to any new development that may take place on site MU2, which has been identified for Mixed Use development for the future growth of the town. With regard to the proposed text, it states that the site "*has the potential*" to accommodate a car park. This does not in any way undermine the Mixed Use zoning or limit the range of uses that can be accommodated on the site in the future.

### Chief Executive's Recommendation

I recommend that the proposed amendments to the Draft Clare County Development Plan 2017-2023 which relate to Sites MU2 Mixed Use, Sixmilebridge, be adopted.

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## **Ref. 059 Mr. John Madden**

### **Submission Summary**

This submission relates to sites R5 and LDR66 in the Beechpark/Keelty/Ballymacaula area of Ennis. Mr. Madden submits that he made a detailed submission in February 2016 and he feels that his earlier submission was completely ignored despite the outcome of previous planning applications on these lands.

In relation to flooding, Mr. Madden quotes from the proposed amendments to the Draft County Development Plan and states that the Council acknowledges that there is a major flooding issue in this area, but rather than addressing the issue now, facilitates a developer to submit a planning application which the Planning Authority may be under duress to accept. It is submitted that the principles of natural justice require that the issues raised be addressed now.

In relation to the Strategic Flood Risk Assessment, Mr. Madden quotes from the plan and, in relation to the statement that the outcomes of the SFRA have informed the land use zoning maps and policy objectives contained in the settlement plans, questions where this claim is with regards to the Claureen River.

Mr. Madden demands that the proposed zonings on the subject sites be postponed until there is a full public or statutory inquiry into all the issues that he has raised. If necessary, the relevant Minister for Local Government should be asked to intervene as Clare County Council has effectively ignored the substantive issues that Mr. Madden has raised.

### **Chief Executive's Response**

I thank Mr. Madden for his submission and I would like to comment on the issues that he has raised as follows:

I refute the suggestion that his previous submission was ignored and wish to clarify that all submissions or observations made on the Draft Clare County Development Plan 2017-2023 were considered in detail and the response and recommendation in relation to Mr. Madden's earlier submission is set out in the Chief Executive's Report dated 19<sup>th</sup> May 2016.

The matter of flood risk on Site R5 in Ennis was assessed in detail as part of the Strategic Flood Risk Assessment that was carried out on both the Draft Development Plan and the proposed amendments to same. It was found that proposed Site R5 is located in Flood Zone C and therefore is suitable for Residential development. The SFRA recommended that *"Any development proposal should include a flood risk assessment to ensure floor levels are set to an appropriate height (1 in 100 year flood event, plus climate change allowance and freeboard). A drainage impact assessment will also be required"*. This recommended text was duly included as a proposed amendment to Draft Clare County Development Plan 2017-2023.

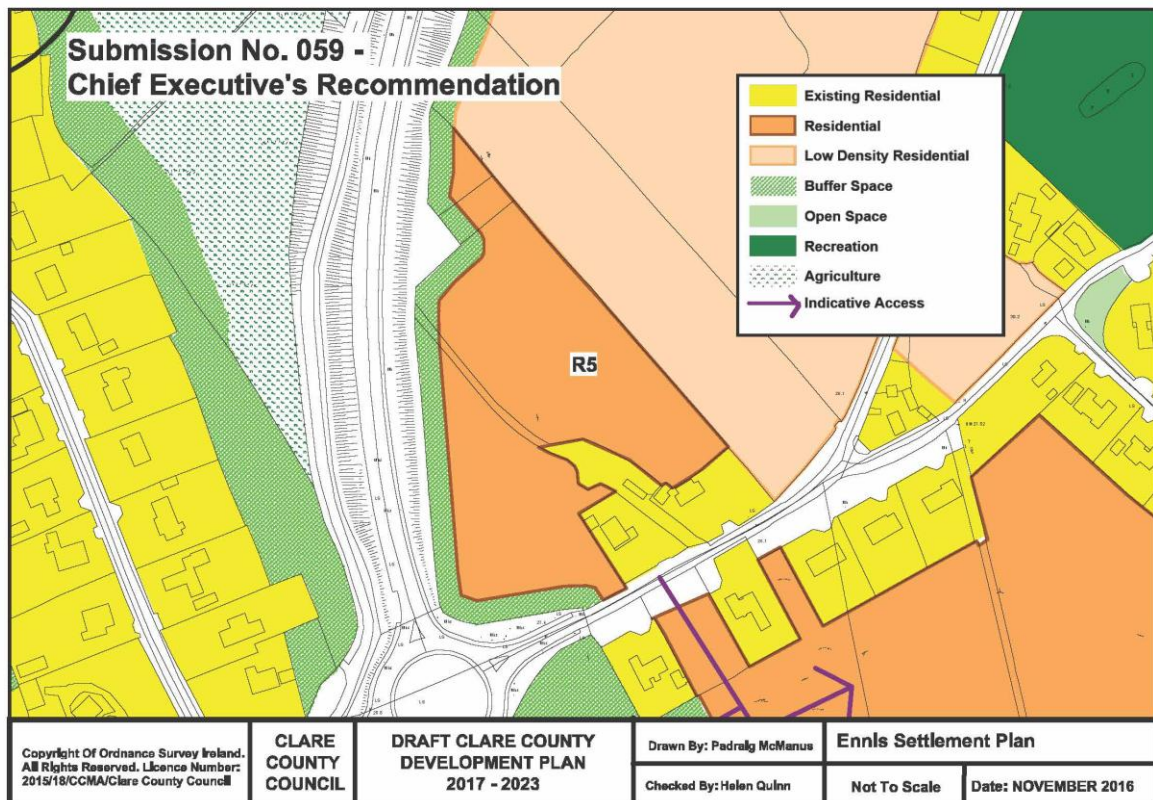
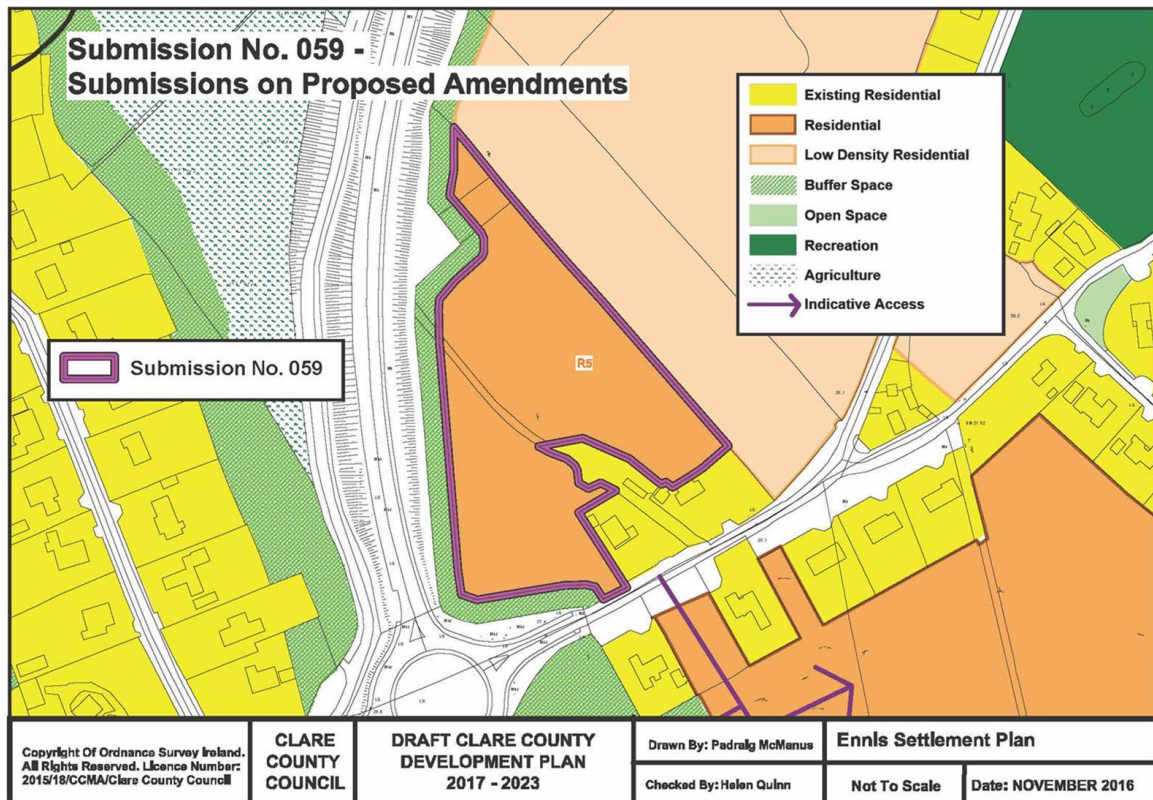
In relation to the Claureen River, I am a little uncertain as to what question is being posed by Mr. Madden in his submission. I consider his query to relate to the impacts of the proposed zonings/proposed developments on the Claureen River. The Strategic Flood Risk Assessment assessed the likelihood of a proposed zoning resulting in a risk of flooding, either on the subject land or at another location. The potential impact on watercourses, including the Claureen River, was taken into consideration at all times in the assessment.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023, which relates to a change in the zoning at Circular Road, Ennis from Low Density Residential to Residential and the labelling of the site as R5, be adopted.



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## **Ref. 060 Mr. Patrick Hassett c/o Cyril O' Reilly**

### **Submission Summary**

This submission relates to lands in Quin Village. The Council has proposed to zone a portion of Mr. Hassett's property Agriculture. It is submitted that the vacant buildings were originally used as stables but this use has been discontinued following the construction of more suitable accommodation at a different location.

The submission notes that there is an occupied dwelling attached to the disused stables which is now proposed to be zoned Existing Residential. The subject stables will have no further use as agricultural buildings having regard to their location in a residential area.

It is again requested that the Council zone the former stables 'Residential', having regard to the adjoining dwelling houses and residential uses in the vicinity, to ensure that they can be used for a purpose other than stables which will preserve the integrity of the buildings.

### **Chief Executive's Response**

I thank Mr. Hassett for his submission and I note the issue that he has raised. I note that he made a submission (Ref 270) to the Draft Plan and I refer to the response set out to same in the CE report dated 19<sup>th</sup> May 2016. The subject site/building is located in the village of Quin and, in recent years, has performed an agricultural function, though I note Mr. Hassett's statement that this used has ceased.

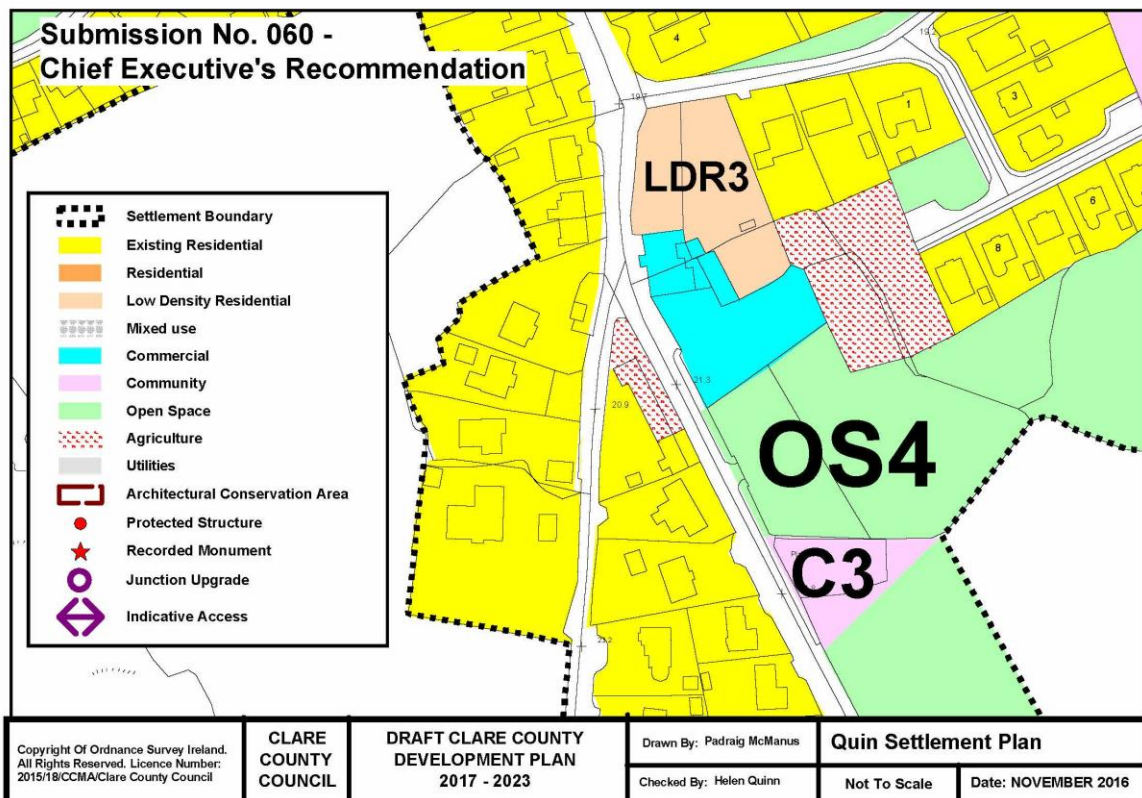
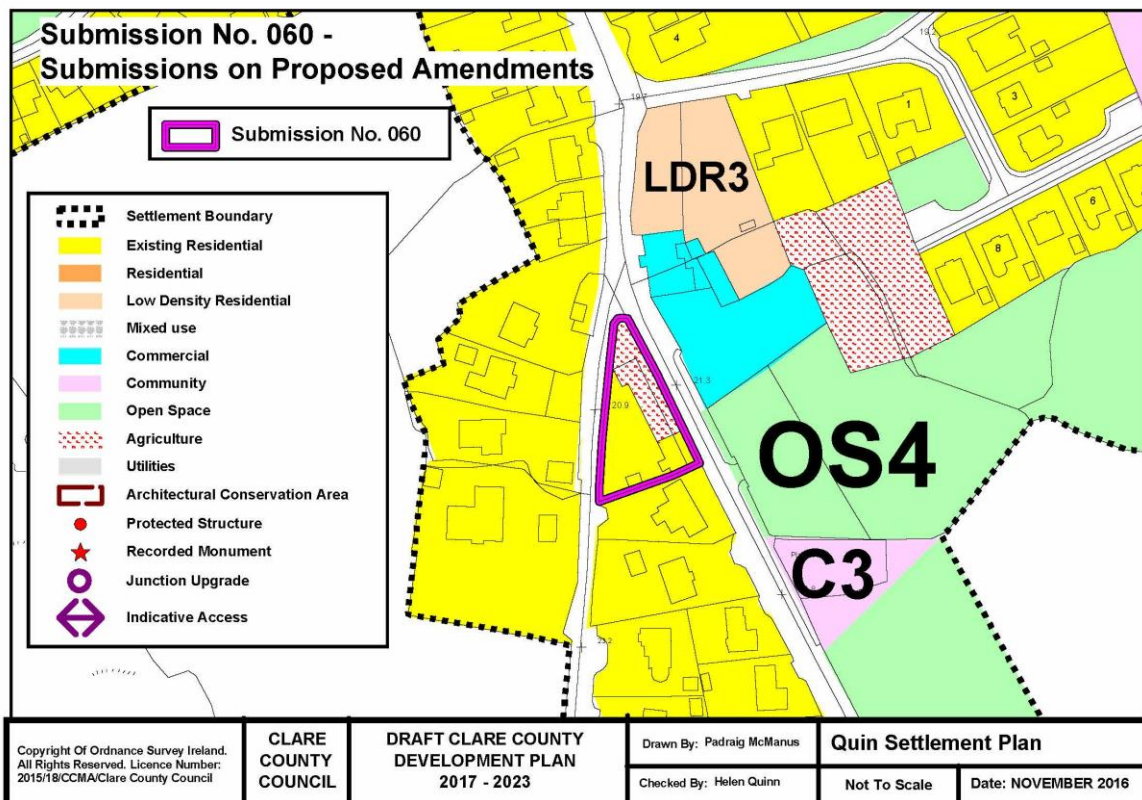
Nonetheless the buildings are agricultural in nature and located on a restricted area of land. I do not consider it appropriate to zone these lands for residential use. The Agriculture zoning allows for a wider range of activities, as illustrated in the Indicative Land Use Zoning Matrix and I consider the zoning appropriate having regard to the location of the site and the nature of the buildings located thereon.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023, which zoned the subject area 'Agriculture', be adopted.



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## **Ref. 061 Mr. Thomas Sheils c/o Cyril O' Reilly**

### **Submission Summary**

This submission relates to site R15, located on the Gort Road in Ennis. In response to the Chief Executive's proposed amendments in relation to this site, it is requested that the following issues are taken into consideration:

- The flood risk assessment proposed by the Council should be carried out on the entire site and the extent of open space proposed should be based on the outcome of this assessment. This will allow the land to be used to its full potential, having regard to its location and potential for high-quality, sustainable development.
- The previous flood risk reports for this site are outdated having regard to the flood protection works that have taken place in Ennis in recent years. Reference is made to information submitted during the previous public consultation period. It is submitted that the site should be zoned Residential, conditional on the Council receiving an acceptable and satisfactory FRA prior to any development taking place. The extent of open space should reflect the requirement relative to the density of development and should not be based on reports which they believe do not now reflect the current position regarding flood risk in the area.
- The requirement for the existing stone wall surrounding the subject site to be retained is noted. However, if access to R15 is to be provided via Hazel Lane then a significant section of the wall will have to be removed to allow for road widening and sight line improvements.
- To achieve the objective to retain the stone wall, access to the site should be from the more suitable access road that leads to Ivy Hill. There are no dwellings opening directly onto this section of the access road to Ivy Hill, unlike Hazel Lane.
- If access is taken from Ivy Hill then no sightline improvements are necessary, traffic control can be effectively managed and health and safety risks will be reduced.

In conclusion it is submitted that to successfully implement the Chief Executive's proposed amendments in relation to the subject site, two amendments are required:

1. The stone wall surrounding the site can be maintained by using the much more suitable access to the south of the site;
2. The proposed FRA should take into account the flood relief work carried out in this area of Ennis recently and only after this assessment should the extent of any Open Space be decided.

It is requested that the Council give serious consideration to this submission having regard to:

- The potential for residential development within walking distance of Ennis town centre
- The potential for a high quality residential development
- The strategic location of the site and its importance as a gateway site to the town of Ennis

It is submitted that, in the event that the Council is unable to consider this submission at this stage of the process, they would again respectfully request that the Council consider a further detailed submission including a Flood Risk Assessment in the context of a possible material alteration of the plan, to enable a high-quality, appropriate and sustainable residential development at this significant site in the town of Ennis.

### **Chief Executive's Response**

In response to the issues raised in this submission, I would like to comment as follows. A comprehensive and objective Flood Risk Assessment was in fact undertaken as part of the preparation of the Draft Clare County Development Plan 2017-2023. The draft land-use zonings, and any proposed amendments to same, were prepared having regard to the information contained in that assessment and also having regard to the fact that an element of the lands proposed to be zoned as open space in the plan have previously flooded. I note the request that the Residential zoning on the site be extended to cover the entire site. However, the most recent round of public consultation in the County Development Plan process was to obtain submissions

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relating to the proposed amendments only to the Draft Clare County Development Plan 2017-2023. The zoning on this site is not the subject of a proposed amendment and only submissions relating to proposed amendments can be considered by the Planning Authority at this stage in the planning process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

In relation to the proposed new text to guide future development on Site R15, I note the comments that have been made in relation to future access to the site. A further modification can be made to a proposed amendment provided it is minor in nature and therefore I consider that a small change in relation to the boundary wall can be accommodated at this time to ensure clarity in the text, as follows.

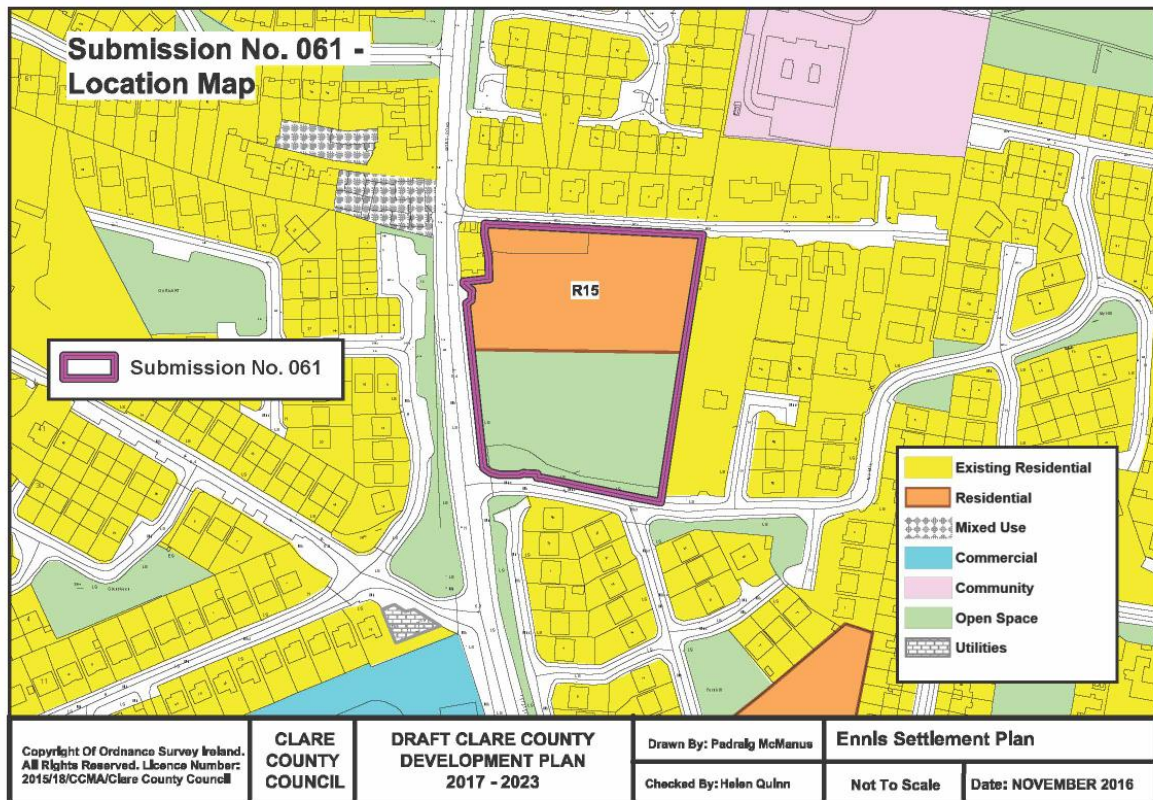
**Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to Site R15 in Ennis be adopted subject to the following minor modification:

Volume 3(a), text associated with Site R15 in Ennis, final paragraph amended to read:

The design of any future developments on this site must retain the existing stone boundary wall and perimeter boundary of trees, **except with their removal is necessary to provide safe vehicular access to the site.** ~~and must incorporate landscaping to protect the adjoining wetland from any adverse environmental impacts.~~

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## **Ref. 062 Kevin and Triona O' Gorman**

### **Submission Summary**

This submission related to lands in the village of Quin. In relation to the proposal to remove the Residential zoning from site R2, they consider this proposed amendment to be appropriate, having regard to the high frequency of flooding that had occurred in this area in recent years.

In relation to the proposed extended zoning on site LDR4 (to the rear of Maigh Dara) and R4 (to the west of Maigh Dara), it is submitted that development on these lands should not be accessed through the existing Maigh Dara estate for the following reasons:

- The existing road through the estate would not be adequate to cater for both a significant increase to residential traffic plus construction traffic in respect of any subsequent development of these land areas, given their size relative to the existing development.
- The existing roads in the Maigh Dara estate were not completed in compliance with the original planning application. As the roads have yet to be completed a significant increase in the volume of traffic would lead to the worsening of their condition.
- The land contained in R4 is largely limestone and any preparation works for development will require significant amounts of rock breaking which will cause disturbance and discomfort to all residents in the area.
- If any development is carried out, they strongly request, for the health and safety of all residents in the estate, that an alternative access would be used for those lands, both at the development stage and when the houses are completed.

### **Chief Executive's Response**

I thank Kevin and Triona O' Gorman for their submission. In relation to Site R2 in Quin, I recommend that the proposed amendment to remove the residential zoning from this site be adopted.

Overall I consider that greater clarity is needed in the plan in relation to which sections of zoned land will be accessed from which points. The addition of a number of indicative access arrows on the zoning map would resolve any confusion in relation to this matter.

It is intended that Site R3, on which there is a proposed amendment to change the zoning to LDR4, will be accessed via the existing Maigh Dara housing development. This proposed access is unchanged from the existing Quin Settlement Plan as contained in the South Clare Local Area Plan 2012. It may be necessary for construction traffic to access these lands via a different means but once constructed the residents will utilise the Maigh Dara access. All other lands, i.e. LDR1 and R4, will be accessed via a new entrance roadway.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to Site R2 in Quin, be adopted

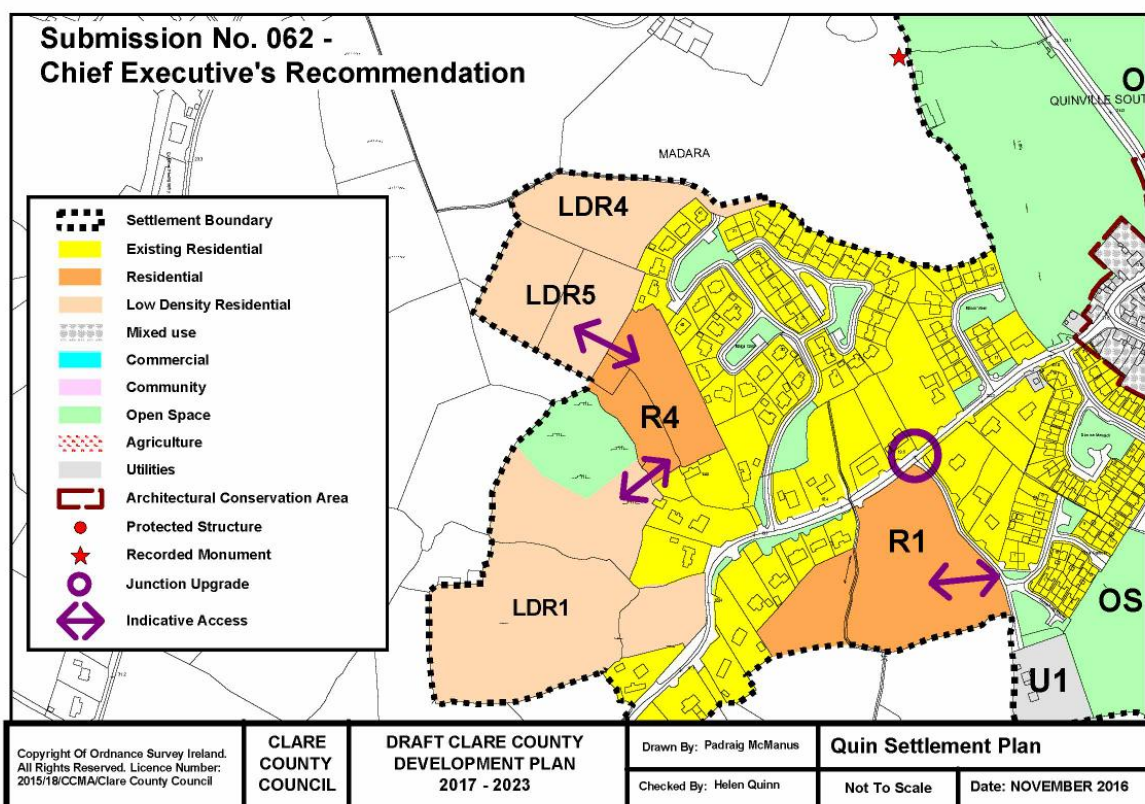
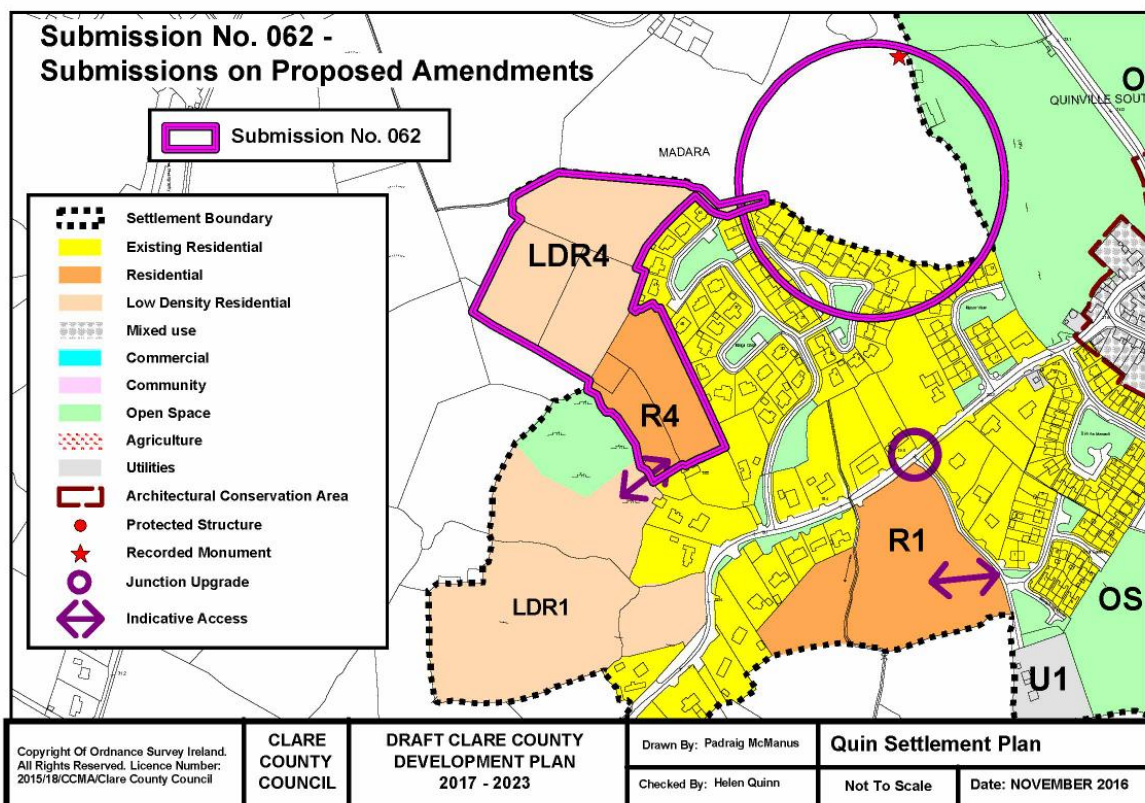
I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023, which relates to Site R3/LDR4 Northwest of Maigh Dara, be adopted subject to the following minor modifications:

- The label 'LDR4' be relocated to indicate that it relates solely to the former R3 site and does not relate to the additional lands to the southwest
- Label the additional lands to the southwest LDR5
- An indicative access arrow be added to illustrate that the development of Site R4 must provide for future access to the LDR5 lands to the northwest
- A sentence added to the Volume 3(a) of the plan to indicate that a new local road will be required to connect LDR1, R4 and LDR5 to the public road as follows:

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*"A new road shall be provided connecting LDR1, R4 and LDR5 in Quin to the public road. The road shall be progressed as part of the development of the lands and shall be designed in accordance with the Design Manual for Urban Roads and Streets."*

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## **Ref. 063 Paul and Rose McHugh**

### **Submission Summary**

This submission related to lands in the village of Quin. Paul and Rose McHugh submit that they are delighted that the lands zoned R2 in the original draft are no longer zoned for development. They feel that the land is not suitable for development based on the current condition of the land in addition to the traffic issues that would arise from development on that site.

In relation to site R3, they support the development of this area in line with the original development proposal and are happy with the proposal to zone this area Low Density Residential. However it is submitted that they are perplexed by the absorption of the former R3 into a larger land area (LDR4) and do not consider it a valid description of this land holding to say that it is "behind Maigh Dara". Only the original R3 site is behind their estate.

It is submitted that the proposed LDR4 site now appears to incorporate some of the former R4 site and Paul and Rose McHugh submit that the most logical access point for these lands is via the newly shown R4/LDR1 lands.

They consider it appropriate that an alternative access point for LDR1/R4 is provided from the main road because Maigh Dara would not have been able to cope with the anticipated traffic volumes through the estate.

The submission concludes by noting that the development plan does not address the incomplete road surface within the Maigh Dara estate and they believe that this should be dealt with as a matter of urgency in advance of the granting of any permission that will affect the residents of the estate.

### **Chief Executive's Response**

I thank Paul and Rose McHugh for their submission. In relation to Site R2 in Quin, I recommend that the proposed amendment to remove the residential zoning from this site be adopted.

Overall I consider that greater clarity is needed in the plan in relation to which sections of zoned land will be accessed from which points. The addition of a number of indicative access arrows on the zoning map would resolve any confusion in relation to this matter.

It is intended that Site R3, on which there is a proposed amendment to change the zoning to LDR4, will be accessed via the existing Maigh Dara housing development. This proposed access is unchanged from the existing Quin Settlement Plan as contained in the South Clare Local Area Plan 2012. It may be necessary for construction traffic to access these lands via a different means but once constructed the residents will utilise the Maigh Dara access. All other lands, i.e. LDR1 and R4, will be accessed via a new entrance roadway.

In relation to the unfinished road surface in Maigh Dara, this is an issue for the day-to-day operations of the Council and is not a matter that can be directly addressed in the County Development Plan.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to Site R2 in Quin, be adopted

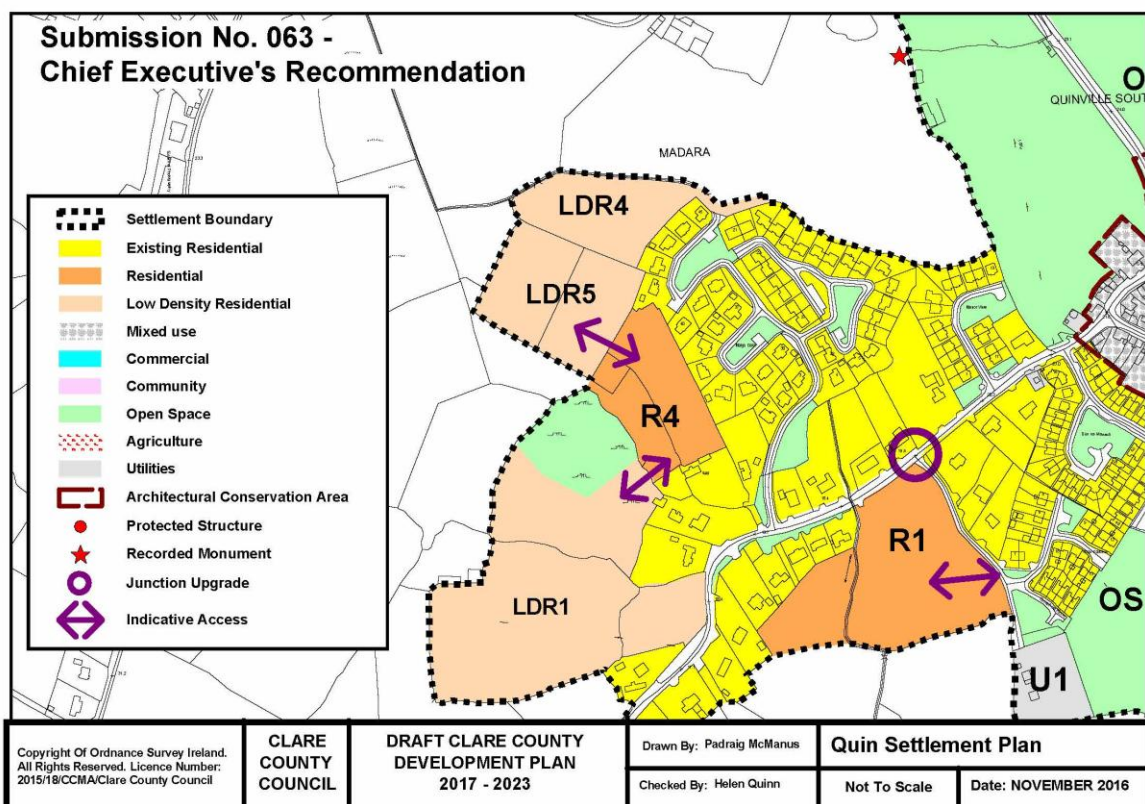
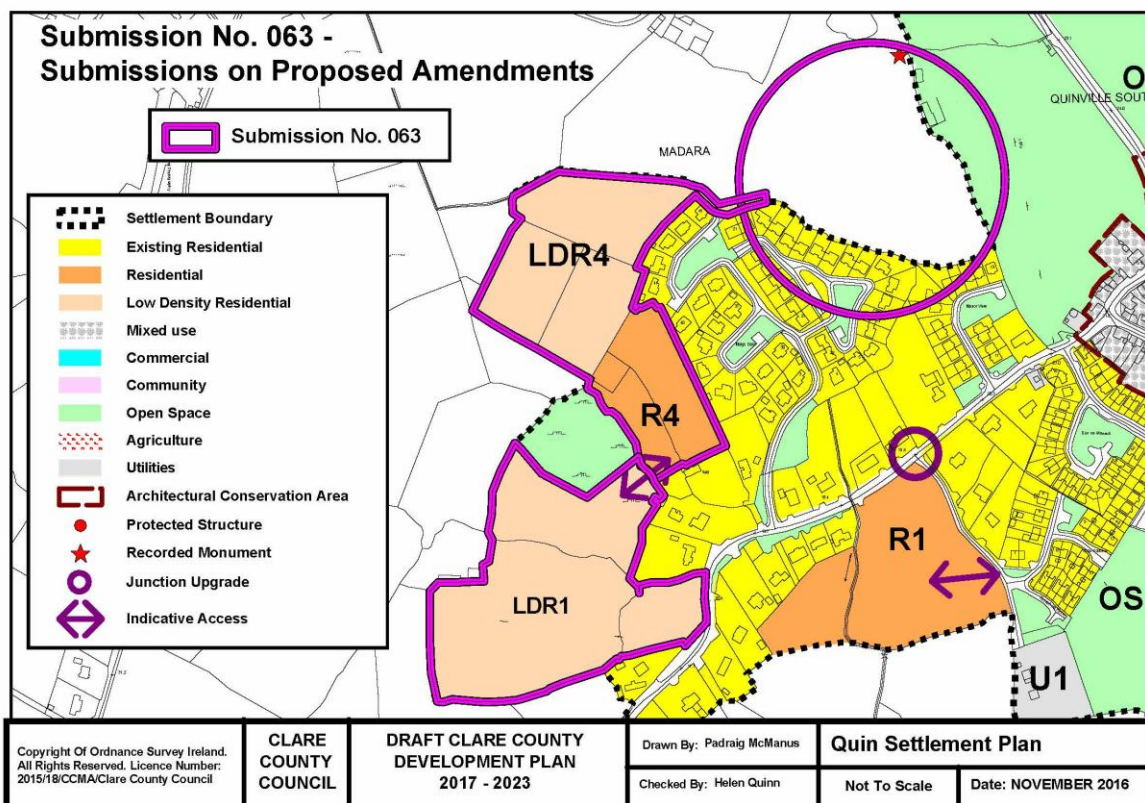
I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023, which relates to Site R3/LDR4 Northwest of Maigh Dara, be adopted subject to the following minor modifications:

- The label 'LDR4' be relocated to indicate that it relates solely to the former R3 site and does not relate to the additional lands to the southwest

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- Label the additional lands to the southwest LDR5
- An indicative access arrow be added to illustrate that the development of Site R4 must provide for future access to the LDR5 lands to the northwest
- A sentence added to the Volume 3(a) of the plan to indicate that a new local road will be required to connect LDR1, R4 and LDR5 to the public road as follows:  
*"A new road shall be provided connecting LDR1, R4 and LDR5 in Quin to the public road. The road shall be progressed as part of the development of the lands and shall be designed in accordance with the Design Manual for Urban Roads and Streets."*

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## **Ref. 064 Marianne and John Keane**

### **Submission Summary**

This submission relates to lands in the Knockanean area of Ennis, in particular an area of undeveloped land adjoining the Keane's dwelling house. It is submitted that they were surprised to see the proposal to change the zoning on the land from Other Settlement Land to Open Space but they were too late to make a submission at that time. They note that there is a proposal to zone neighbouring lands for Low Density Residential development and that a planning application has been lodged for a housing development on those lands.

It is submitted that they purchased the subject lands to afford their children the opportunity to build a house close to their homeplace and the proposed Open Space zoning would make this very difficult. The submission indicates that development in the surrounding area is mostly single houses on half acre sites and it makes sense for development of this nature to continue on their land also.

It is requested that the zoning on their land be changed from Open Space to Low Density Residential, which would also complete the row of houses along the road without leaving any gaps.

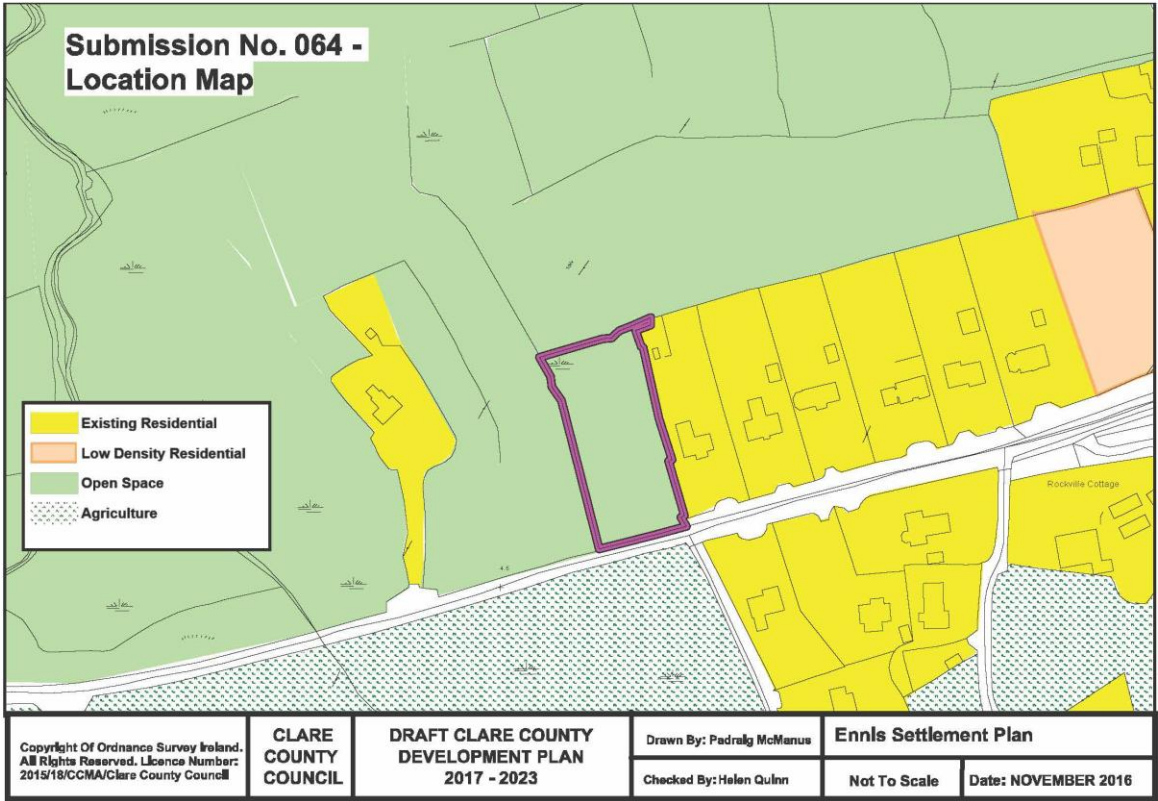
### **Chief Executive's Response**

I wish to advise that the most recent round of public consultation in the County Development Plan process was to obtain submissions in relation to Proposed Amendments to the Draft Clare County Development Plan 2017-2023. While I thank the Keane's for their submission, I note that it does not relate to any proposed amendment to the Draft Clare County Development Plan 2017-2023. Only submissions relating to proposed amendments can be considered by the Planning Authority at this stage in the planning process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

### **Chief Executive's Recommendation**

The submission does not relate to a proposed amendment to the Draft Clare County Development Plan 2017-2023 and therefore is not open for consideration.

Chief Executive’s Report on Submissions on Proposed Amendments to the Draft Clare County  
Development Plan 2017-2023



## **Ref. 065 Mr. Pdraig Howard**

### **Submission Summary**

This submission relates to Site LDR3 in Barefield village and sets out objections to the proposed change of zoning of the corner of this site from Low Density Residential to Existing Residential. It is submitted that the house on the corner of the site is a modest building in need of major redevelopment. It is submitted that the house is bounded to the north and east by a wall and hedge and the balance of the lands, outside of this boundary should remain as part of LDR3. This will support access to future development on LDR3 and provide better linkages between LDR3 and the school.

It is submitted that the Existing Residential zoning outside of the boundary wall of the house is not necessary for the use and residential amenity of that property and not necessary for onsite treatment of effluent because the house is connected to the public sewer.

### **Chief Executive's Response**

I thank Mr. Howard for his submission. The submission requests that part of the subject site be zoned Low Density Residential and that the area surrounding the existing cottage be zoned Existing Residential. However, the Planning and Development Act, 2000 (as amended) makes provision for the making of the development plan either with or without the proposed amendments. It does not allow for alterations to the zoning beyond this. Therefore, the new scenario requested by Mr. Howard cannot be accommodated. The zoning must revert to that shown in the Draft Development Plan or remain as illustrated in the proposed amendments.

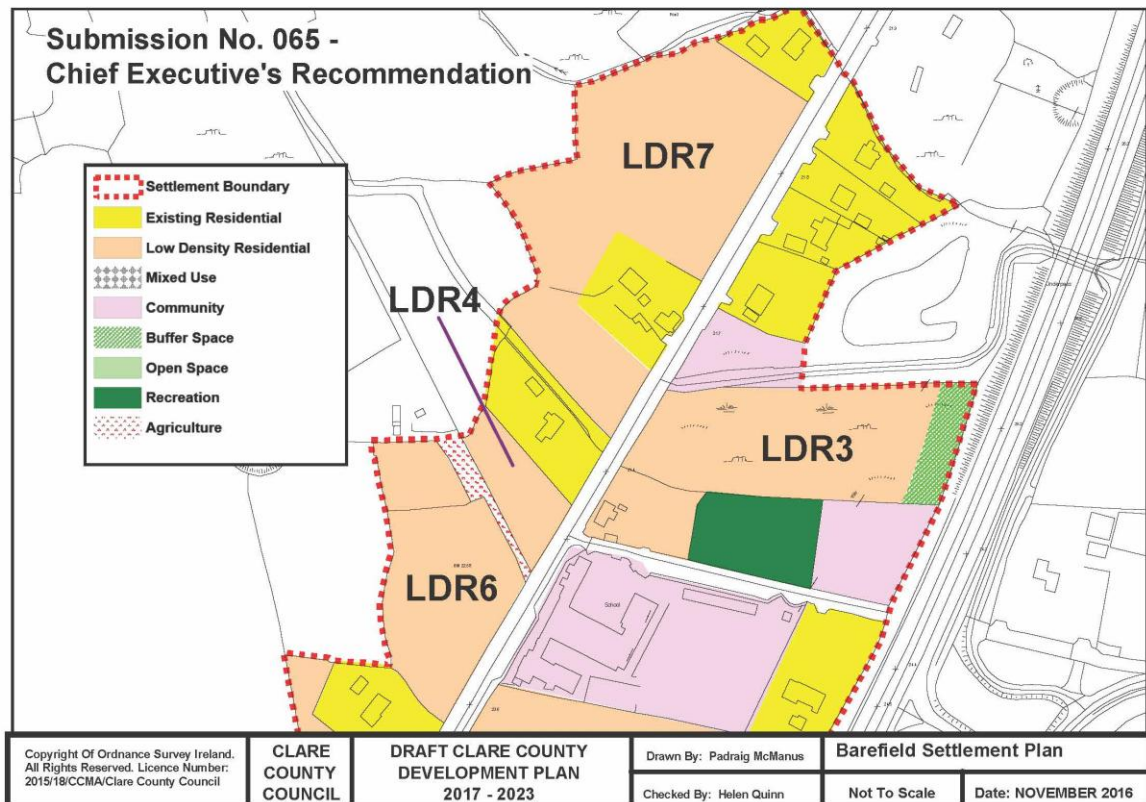
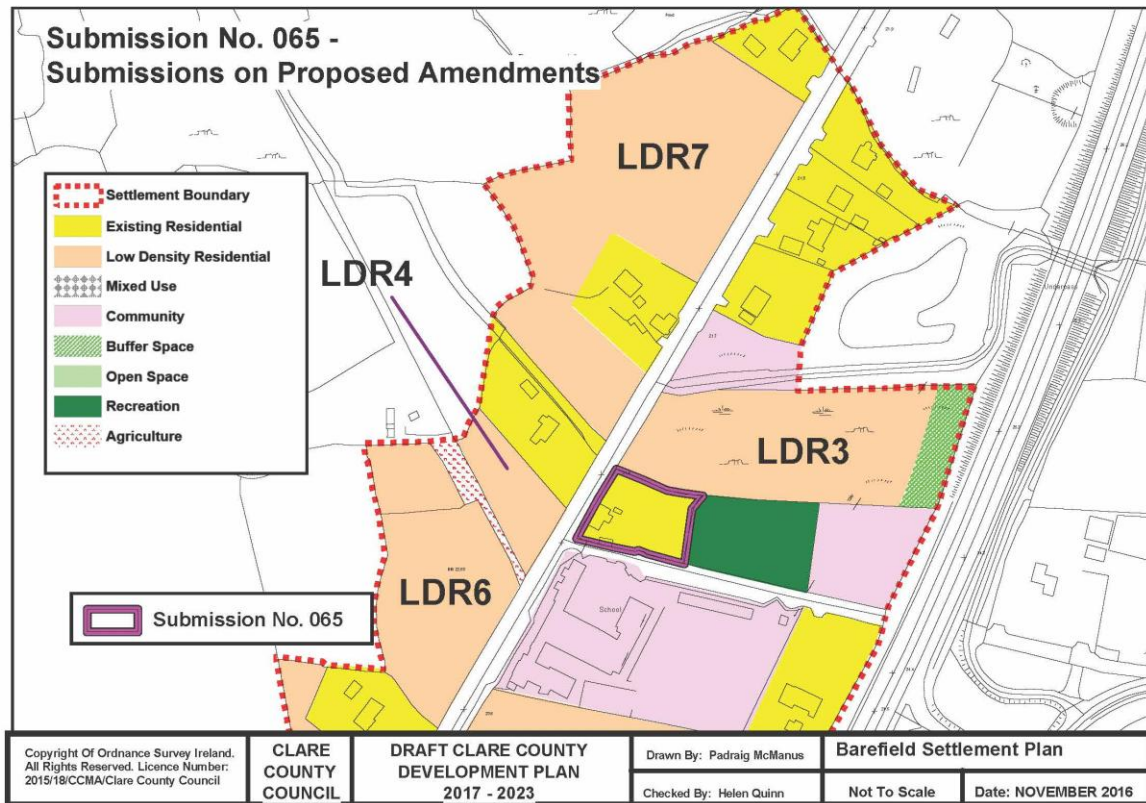
I note the issues Mr. Howard raised in the submission, in particular the availability of public waste water services and the potential to create strong linkages between the site and the neighbouring school. I therefore consider it appropriate for the Low Density Residential zoning as per the Draft Plan to remain on the subject site.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023, which relates to the subject site in Barefield village, not be adopted and that the zoning for the site reverts to that of the Draft Clare County Development Plan 2017-2023 (Low Density Residential)



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## **Ref. 066 Mr. Pdraig Howard**

### **Submission Summary**

This submission relates to site TOU1 Ballaghafadda, Clarecastle and site TOU2 Beechpark.

The submission welcomes and supports the proposed zoning of site TOU1 at Ballaghafadda West in Clarecastle for tourism purposes. Mr. Howard requests that, given the inclusion of TOU1, the Council reconsider the tourism zoning at site TOU2 in Beechpark. It is submitted that plans for a Green Campus development have been progressed and promoted since 2007 and the change of zoning from Industrial to Tourism is very disruptive to their goals and ambitions for the site.

The author attempted to make a submission on this issue earlier this year but the submission e-mail was rejected by the Council computer server for being "too large". The rejection e-mail was not noticed prior to the closing date for submissions and thus precluded their submission from being considered at that time.

It is now submitted that the inclusion of TOU2 results in a significant reduction in the amount of land zoned for enterprise and employment in the plan area and there is a strong case to be made to revisit the tourism zoning at Beechpark. The submission requests that the designation of the area at Beechpark be reconsidered for Enterprise/Employment or Mixed Use. If this is not possible, they request that the current Industry zoning remains on the land.

A copy of the original submission and the automated response from Clare County Council e-mail server are attached to the submission.

### **Chief Executive's Response**

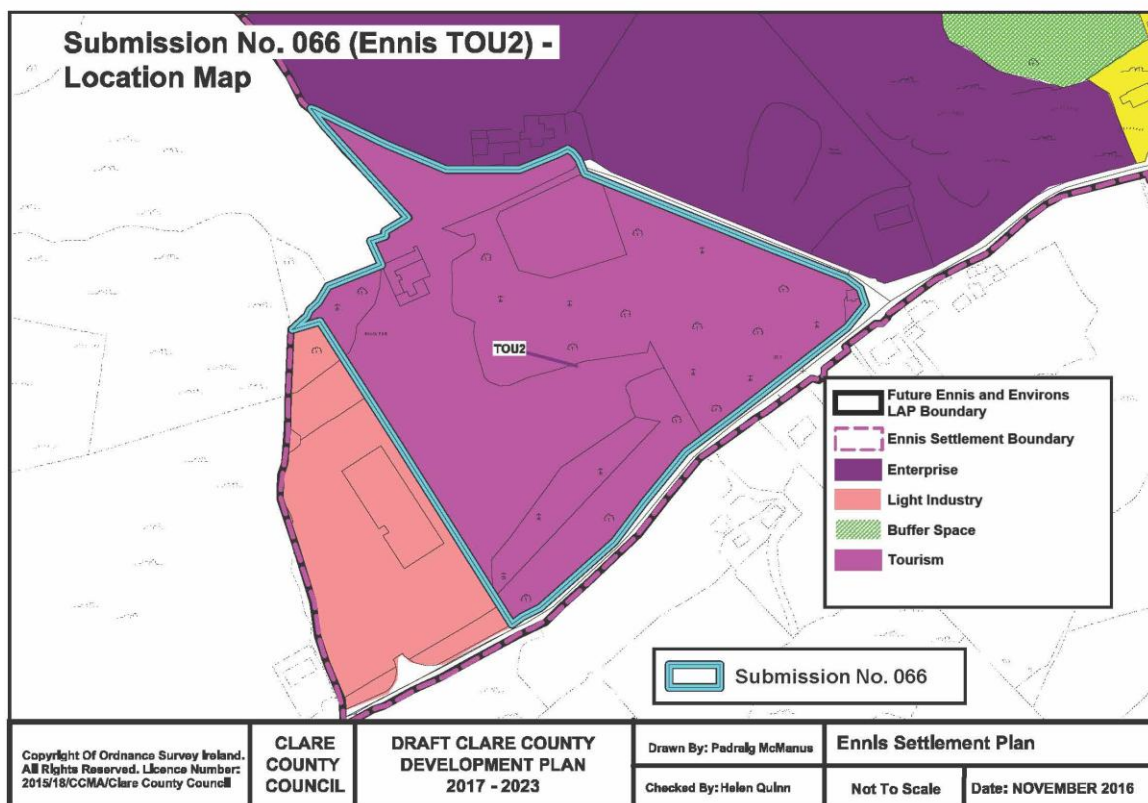
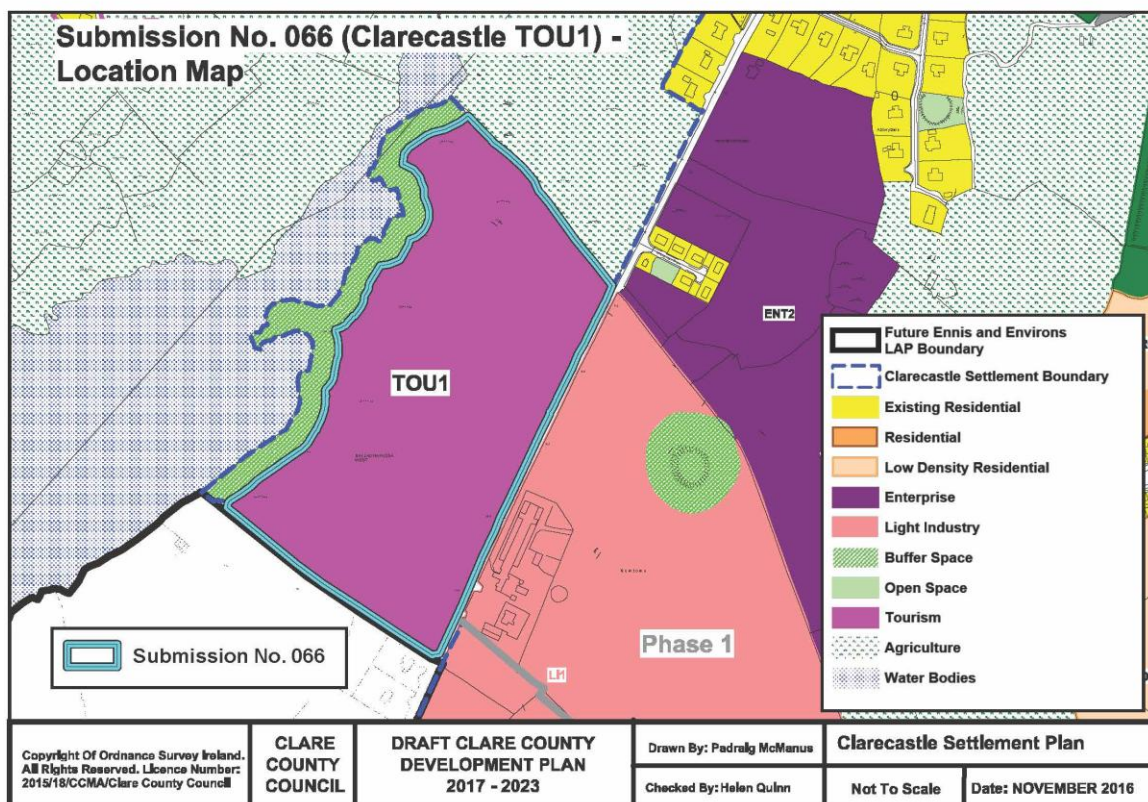
I thank Mr. Howard for this submission and I note his request that the zoning on Site TOU2 in Beechpark be reconsidered at this time. However, the most recent round of public consultation in the County Development Plan process was to obtain submissions relating to the Proposed Amendments to the Draft Clare County Development Plan 2017-2023 only. I note that the change of zoning that he has requested relates to an area of land that is not subject to a proposed amendment to the Draft Clare County Development Plan 2017-2023. Therefore it is not open for consideration by the Planning Authority at this stage in the development plan process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

### **Chief Executive's Recommendation**

This change requested in the submission does not relate to a proposed amendment to the Draft Clare County Development Plan 2017-2023 and therefore is not open for consideration.



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## **Ref. 067 Drumquin Construction Ltd. c/o Pádraig Howard**

### **Submission Summary**

This submission relates to lands on the Tulla Road in Ennis and generally welcomes the inclusion of a larger portion of land in the site than previously proposed in the Draft Development Plan. However it is submitted that the map illustrating the proposed amendment is not in keeping with the resolution passed by the Elected Members.

Mr. Howard indicates that the Elected Members resolved to zone the lands which were the subject of planning application p16/298 for Residential use. However, the map contained in the proposed amendments omits a significant and vital portion of the lands required to accord with the planning application. A map which indicates the area which was the subject of the resolution/planning application was also submitted. The submission notes that the subject area avoids all lands in Flood Zone A and B and therefore a Justification Test is not required. The site specific flood risk assessment was also appended to the submission.

### Buffer Zone

Volume 10(a) and 10(b) Addendum to Environmental Assessments notes that there is a portion of the subject site within the Fen area and the buffer zone is identified to protect this fen area. Mr. Howard purports that this is laudable. He states that the fen in question covers an area of 26 hectares and it is not necessary to impose a buffer in order to protect it. The buffer is very disruptive to the development of the site as planned and is not in keeping with the resolution of the Council.

It is submitted that the fen area corresponds with flood zone A and B. It is requested that the buffer zone be amended to correspond with Flood Zone A and B and the requirement for a Construction Environmental Management Plan be inserted in the plan as an appropriate protection and mitigation measure for the fen.

### History of the Site

The submission sets out the planning permission on the site, noting the land is zoned Phase 1 Residential in the current development plan and that there is currently a planning permission on the site that will not expire until July 2017. Development on the site has been delayed due to the economic climate but the planning permission is being supplemented by a new planning application. As part of the new planning application, a detailed flood risk assessment was prepared and submitted which supports the retention of a residential zoning on this site.

The findings of the flood risk assessment that accompanied the original planning application are summarised in the submission and a copy of the updated assessment has been appended. It is submitted that the extant permission and flood risk assessment clearly demonstrate that the subject lands are suitable for residential development.

### Location, Accessibility & Sequential Test

It is submitted that residential development on the subject site is key to the sustainable growth of the Roslevan area. The lands are in a highly accessible location, close to local services and amenities. The lands are in a neighbourhood identified for significant growth in the current development plan, as evidenced by the extant planning permission on the site. Mr. Howard states that the residential development of these prominent and accessible lands clearly meets the sequential test.

### Flood Risk

It is submitted that the current permitted residential layout does not include any vulnerable development in the area identified as Flood Zone A and B. It is requested that the portion of the subject lands that is outside any flood risk area, as identified in the CFRAMS mapping, is retained

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in the residential land use zoning in order to support the live permission on the site and to support the economic case for the successful commencement and completion of the permitted scheme.

The submission concludes by reiterating the request that the maps in the plan are amended to accurately reflect the resolution of the Elected Members.

### **Chief Executive's Response**

I note the content of this submission requesting that the buffer zone be amended to correspond with Flood Zone A and B and the requirement for a Construction Environmental Management Plan be inserted in the plan as an appropriate protection and mitigation measure for the fen.

I note from the CFRAM mapping that the lands zoned (now referenced LDR18) are predominantly within Flood Zone C and as such Low Density Residential land-use zoning is acceptable on these lands. I am also aware that the adjacent Fen is a wetland habitat, fed by groundwater, which has potential to be impacted on in heavy rainfall, causing localised flooding, as historical flood records show. In order to manage any flood risk in this regard, a Flood Risk Assessment will be required to accompany any planning application and that the south east area of the site closest to the Fen should be allocated for the Open Space element of any development to integrate additional resilience to any potential risk of localised flooding. I consider that the Proposed Amendment should be adopted with a minor modification to include text to the site specific zoning objective to provide clarification. This should read: "This site is suitable for a low density residential scheme of high quality design and layout. Any development application shall provide for the Open Space area to be located to the south-east of the site adjacent to the Fen to provide an attractive amenity and additional protection of the natural habitat. A Flood Risk Assessment and Hydrological Assessment shall be required to accompany any development proposal for the site."

Furthermore, in the preparation of the Draft Clare County Development Plan 2017-2023 regard has been had to the recent EPA guidance note *"Integrating Climate Change into Strategic Environmental Assessment in Ireland, EPA 2015"*, which clearly outlines how the Plan-maker must consider mitigation and adaption measures in their plans where an increased vulnerability to climate change has been identified, as is the case at this location. Given the uncertainty inherent in predicting future change, consideration must be given to factoring flexibility into plans, through the provision of buffer zones between development and sites of ecological importance such as the Fen located on this site. Avoiding inappropriate development in areas of known flood risk, or ensuring that sufficient flexibility is maintained within the Plan to allow flood water to alter its course should future climate impacts differ significantly from those anticipated should be included. I believe that to extend the area for zoning to the extent requested in this submission is not appropriate given such close proximity to a recognised flood risk, as it will make it more difficult to manage climate change in the future. Therefore, I consider that the buffer zoning to protect the Fen adjacent to the LDR zoning is appropriate and the extent of low density residential zoning is at the limit to allow for, and build in, climate change resilience.

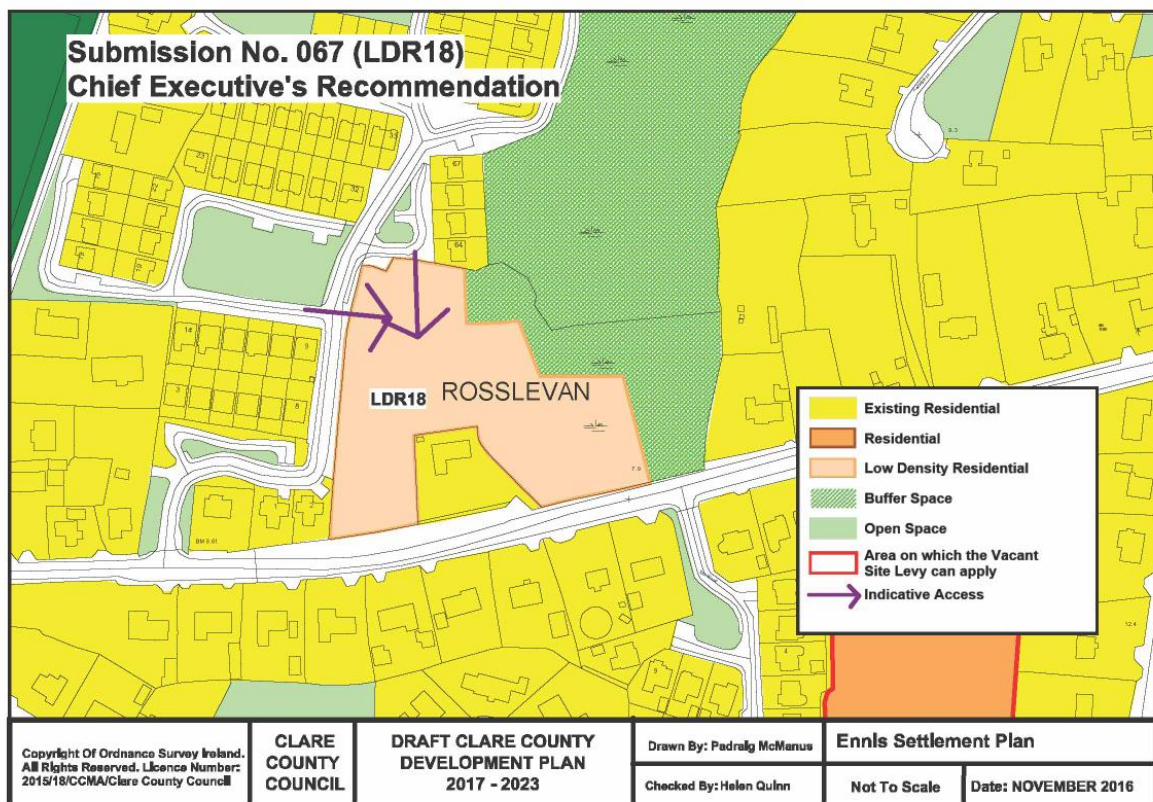
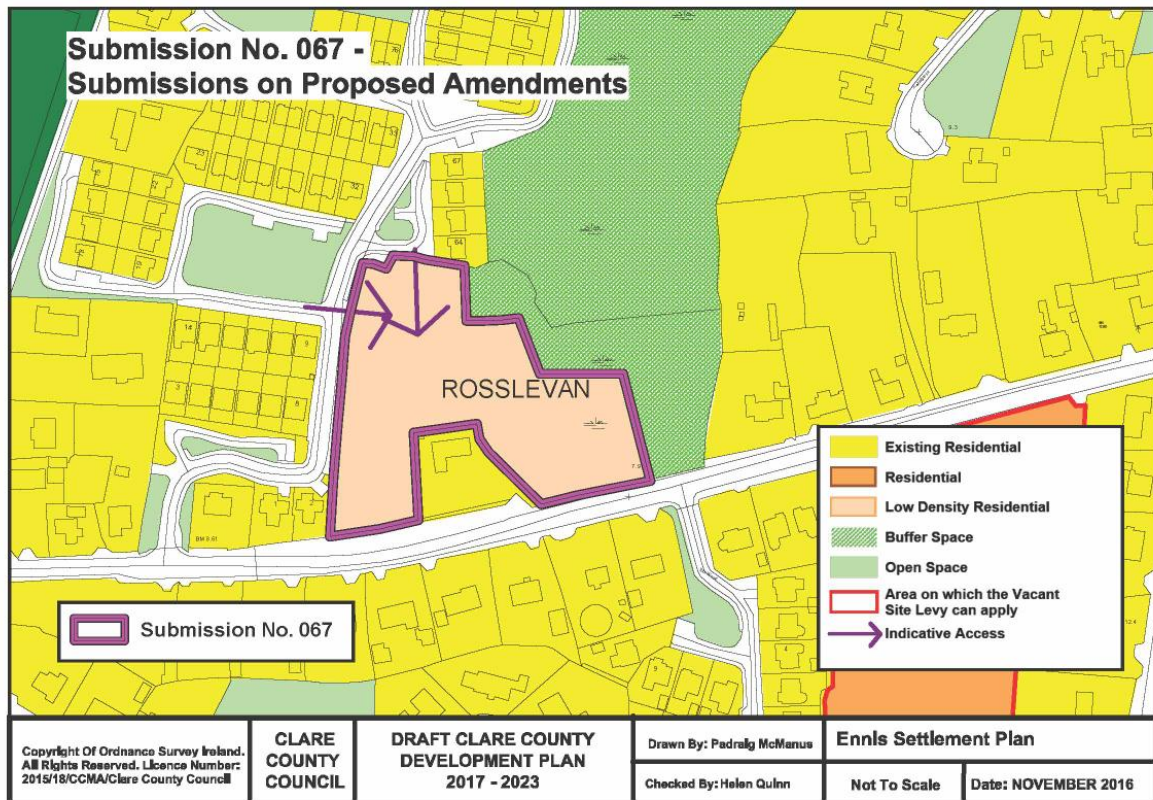
### **Chief Executive's Recommendation**

I recommend that the Proposed Amendment to the Draft Clare County Development Plan 2017-2023 which relate to LDR lands, Roslevan, Ennis be adopted with a minor modification to include in the site specific zoning objective for clarification which reads:

#### **"LDR18 Tulla Road, Roslevan**

This site is suitable for a low density residential scheme of high quality design and layout. Any development application shall provide for the Open Space area to be located to the south-east of the site adjacent to the Fen to provide an attractive amenity and additional protection of the natural habitat. A Flood Risk Assessment and Hydrological Assessment shall be required to accompany any development proposal for the site."

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## **Ref. 068 Mr. Pdraig Howard**

### **Submission Summary**

This submission relates to Site LDR5 in the Knockanean area of Ennis. Mr Howard welcomes the proposal to include the site in the Residential zoning, and not as open space as previously proposed in the earlier draft. It is submitted that this is appropriate and supported by the evidence contained in a previous submission and through the planning permission granted on the site in the past. However, Mr. Howard submits that there are serious inaccuracies in the published draft plan and ask that these be corrected to avoid policy conflicts and judicial review of the plan.

The Draft Development Plan contains a statement that Site LDR5 is highly sensitive and is located in Flood Zones A and B. Mr. Howard states that this description is objectionable, inaccurate and unsupported by any evidence. It is further states that the Natura Impact Statement which he submitted indicates that the site is significantly altered and that this is supported by Volumes 10(a) and 10(b) of the Draft Plan.

It is submitted that works such as boundary walls and the provision of services such as water and waste water have been constructed on the site and that the entire site has been raised to a level above the 1/1000 year flood levels. Mr. Howard submits that it is inaccurate to state that the site is located in Flood Zone A and B. It is located in Flood Zone C, at a level of approximately 4.90, OD malin and as such should not have been subject to a Justification Test. Mr. Howard supports this by quoting information from the flood risk assessment which he submitted with an earlier submission. The credibility and accuracy of the information contained in the Volume 10(c) Strategic Flood Risk Assessment is undermined given that the site is described as 'undeveloped' when works have already taken place there.

Mr Howard submits that land is zoned for residential development in the existing development plan and formed part of Phase 1, indicating that it was considered to be suitable for immediate development. Planning permission was granted for a significant residential development but development was delayed, primarily due to the economic situation. That permission is now extant and a new planning application has been lodged. A detailed flood risk assessment accompanies that application. It is submitted that significant investment has been made on the site to date and the new planning application proves the owners intention to complete the works that have commenced on the site.

It is purported in the submission that the residential development of the lands is consistent with the sustainable growth of the Roslevan area. The new school facilities at Knockanean are within easy walking distance of the site and the lands provide convenient access to the M18, the neighbourhood centre and other facilities. It is submitted that the lands are in an area where the current development plan has sought to secure significant residential development and a residential development at this location would clearly meet the requirements of the sequential test. Mr. Howard also indicated that the houses proposed on the site are larger housing in a lower density setting, for which there is a strong demand at present.

The submission concludes by stating that Mr. Howard welcomes the decision to zone the land Low Density Residential and requests that this zoning be retained but that the points of conflict set out in the submission be corrected/updated, particularly in Volume 10 of the plan.

### **Chief Executive's Response**

I thank Mr. Howard for his submission and I note the issues that he has raised with regard to the Proposed Amendment to LDR5 in Ennis. I note these lands are also referred to in the submission from the Department of Housing, Planning, Community and Local Government (Re. 001) and refer to my response in this regard. I would like to respond specifically to this submission as follows:

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In relation to the application of the Justification Test, even when the most up-to-date CFRAMS data is applied to LDR5, certain parts of the site are identified as Flood Zone B. Residential uses were proposed on the site therefore, in accordance with the Planning System and Flood Risk Management Guidelines, required that the planning authority carry out a Justification Test. Any inference that this test was not required is incorrect.

The proposed amendment in relation to this site i.e. to zone the site Low Density Residential, was subject to a Strategic Flood Risk Assessment and the following was reported:

*We would also observe that the updated CFRAM maps indicate that the site is located partly within Flood Zone B, rather than Flood Zone A & B as stated within the SFRA and SEA. The fact that the site is partly within Flood Zone B still dictates that the JT must be applied and passed to secure zoning of the lands within Zone B.*

Having reviewed the Justification Test that is contained in the Strategic Flood Risk Assessment, I consider that it is accurate in terms of the information it contains in relation to this site. Mr. Howard refers to the description of the sites as "undeveloped land which falls into Flood Zone A and B". This text is contained in Row 4 of the Justification Test and refers to lands surrounding the site, intended to put the site in context in terms of the surrounding area. It does not refer to the site itself. The site description in Row 1 states "the site has been filled but the northern part remains in Flood Zone B" which is an accurate description of these lands.

The Planning System and Flood Risk Management Guidelines clearly sets out the criteria that must be assessed in the Justification Test and the responses in relation to this site are as follows:

Justification test for sites within Flood Zone A and / or B	Ennis Site LDR5 at Gaurus (Knockanean)
<i>The urban settlement is targeted for growth</i>	Ennis is a designated Hub town (NSS) which is identified for growth in the RPGs. The site has been filled but the northern part remains in Flood Zone B
<i>The zoning or designation of the lands for the particular use or development type is required to achieve the proper planning and sustainable development of the urban settlement</i>	It is proposed to zone the lands for Low Density Residential Development
<i>Is essential to facilitate regeneration and / or expansion of the centre of the urban settlement.</i>	No, the lands are not essential to the achievement of the core strategy targets.  They are not needed to facilitate regeneration or expansion of the town centre.
<i>Comprises significant previously developed and/ or under utilised lands</i>	Lands are currently undeveloped and they are surrounded by undeveloped land which falls into Flood Zones A and B.
<i>Is within or adjoining the core of an established or designated urban settlement</i>	The site is not within or adjoining the core, but there is some existing housing which is ribbon development not serviced by services or footpaths.
<i>Will be essential in achieving compact</i>	No. Residential development on the site will not contribute to compact and

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<i>and sustainable urban growth</i>	sustainable growth.
<i>There are no suitable alternative lands for the particular use or development type, in areas at lower risk of flooding within or adjoining the core of the urban settlement.</i>	These lands are located at the fringe of a neighbourhood designated for expansion.
<i>A flood risk assessment to an appropriate level of detail has been carried out</i>	N/A
<b>Result</b>	<b>Fail</b>
<b>Recommendation for zoning</b>	Retain Open Space zoning as per Draft Plan

Mr Howard disputes the description of the site as 'undeveloped' and I acknowledge that infilling has taken place on this site in recent years which constitutes development works on the site. I consider that this description of the site should be amended accordingly.

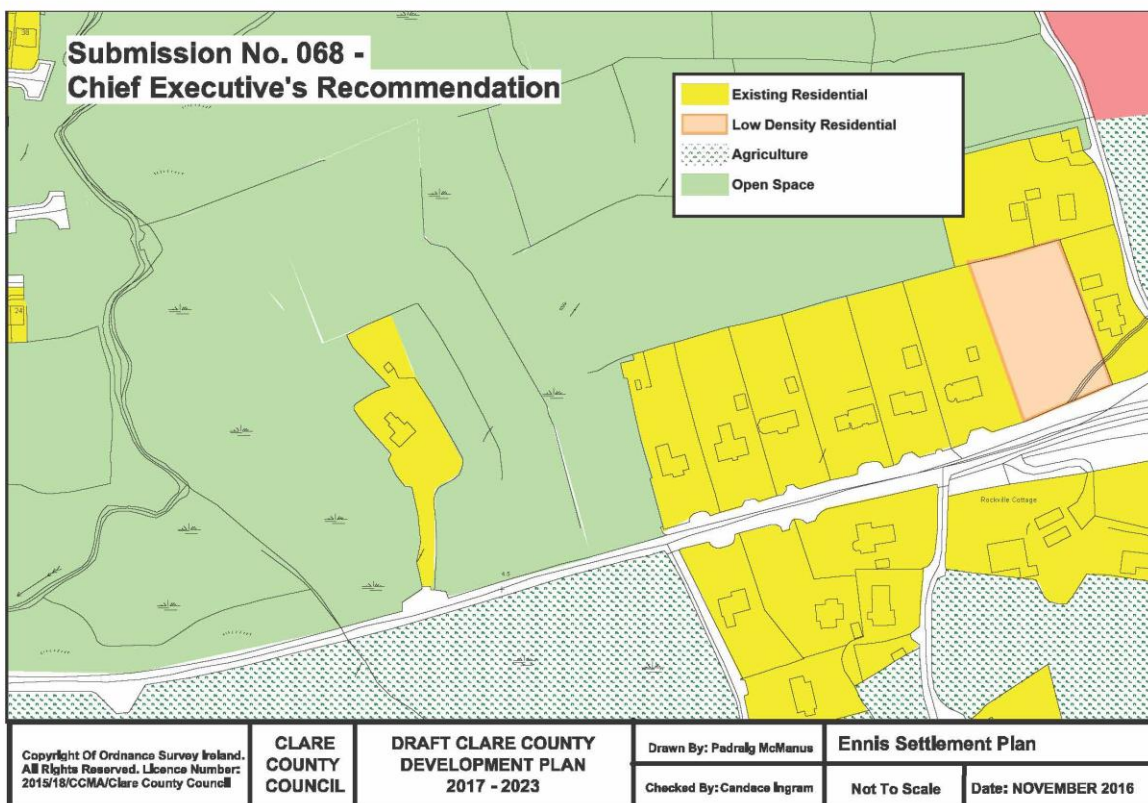
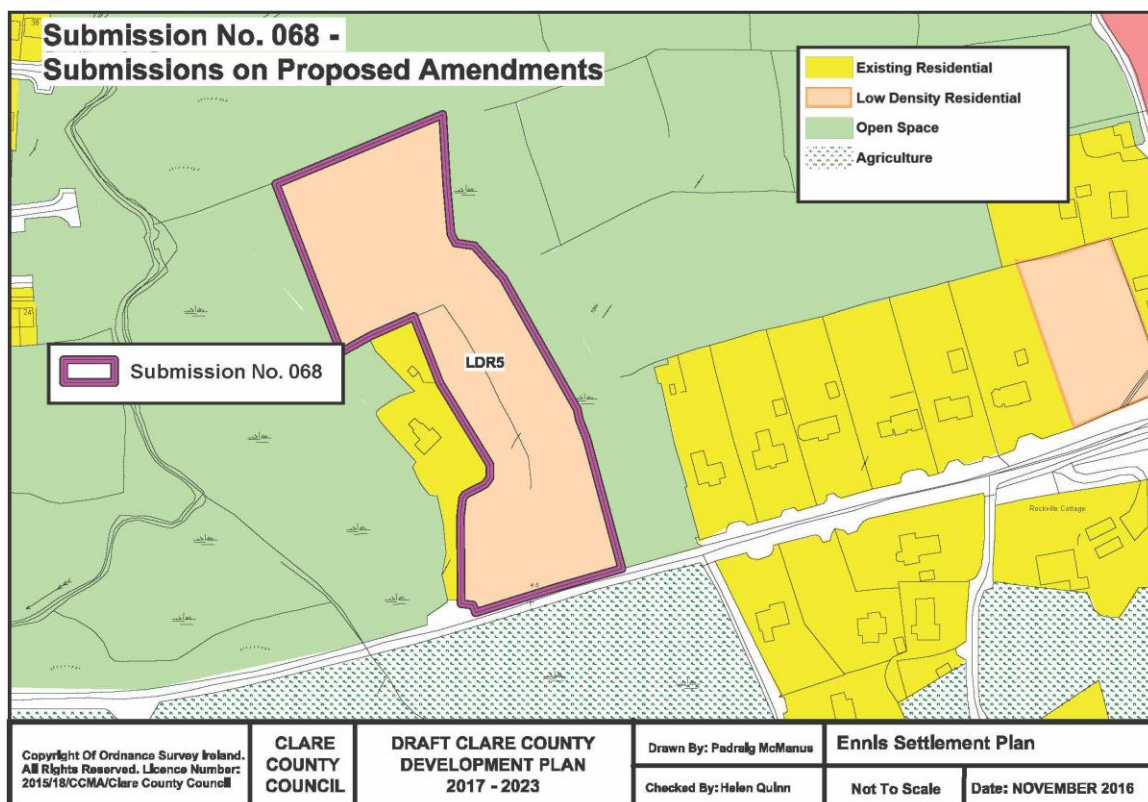
I disagree with Mr. Howard's assertion that residential development on this site is consistent with the sustainable growth of the Roslevan area. The site is on the periphery of both the neighbourhood and the overall settlement. It is at a distance from all local services and is not connected by footpath to key services such as the neighbourhood centre or the community centre. The development of this site does not constitute sequential development nor will it aid the consolidation of the neighbourhood. The site is not, as stated by Mr. Howard, within 'easy walking distance' of Knockanean National School. It is a distance of approximately 1 kilometre, the majority of which is a narrow local road that is not served by footpath or public lighting.

#### **Chief Executive's Recommendation**

Having regard to the substantive concerns relating to the sustainability of the future development of this site, I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to Site LDR5 at Knockanean, Ennis, not be adopted.



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## **Ref. 069 Theresa Corcoran-O' Neill & Jim O' Neill**

### **Submission Summary**

This submission relates to site to the west of the Springfield estate in the Clonroadmore neighbourhood and the proposal to change the zoning on the site from Open Space to Low Density Residential. It is submitted that they have no objection in principle to the development of a dwelling house on the site but their concerns relate mainly to the positioning and level of the proposed dwelling and the method of connection to waste water infrastructure.

The submission raises concerns that future development on the subject site would overlook their dwelling and, while a buffer area has been included on the proposed zoning map, there are no details of what this buffer area will consist of. It is requested that the Council include text in the development plan, similar to what has been included in relation to LDR6 in Loughville, stating that any future development proposals must be designed to avoid any negative impacts on the residential amenity of adjoining houses and that development close to existing houses may be restricted to single story development.

It is submitted that the existing Springfield estate is a cul-de-sac and the only link with the land is via the author's garden space. It is requested that the Council clearly include text in the development plan stating that access to any development on the site would be as proposed in planning application p16-138 which was by means of direct access from the public road to the north.

Previous development proposals indicated a proposed connection to the public sewer via a pumped connection to the public sewer in the Springfield estate. It is reiterated in the submission that the only connection point between the subject site and Springfield is via the author's garden. It is requested that the Council include text in the development plan to ensure that connection to the sewer is by gravity to the public road to the north.

### **Chief Executive's Response**

I thank Ms. Corcoran O' Neill and Mr. O' Neill for their submission and I note the concerns raised therein.

In relation to the request for new text to be added to the plan regarding future development on the subject site, further modifications to proposed amendments can only be made at this stage if they are minor in nature. Adding significant new text in relation to service provision etc. would constitute a material change that cannot be considered at this time.

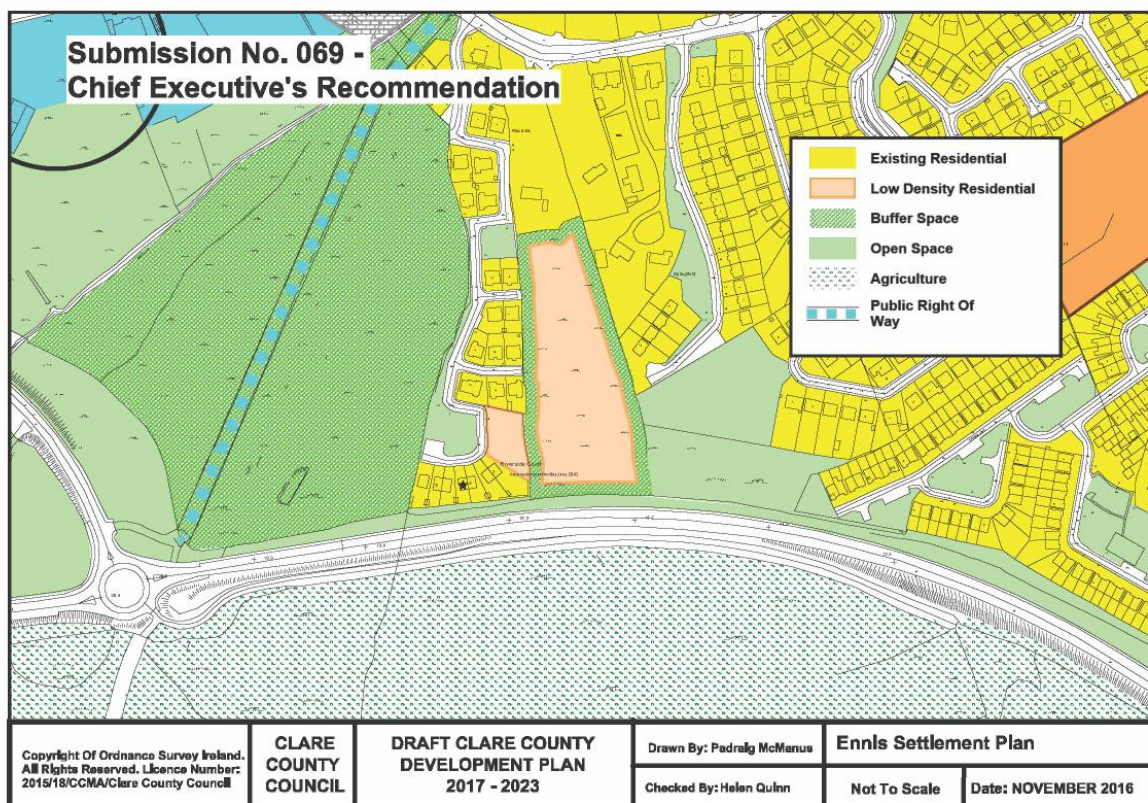
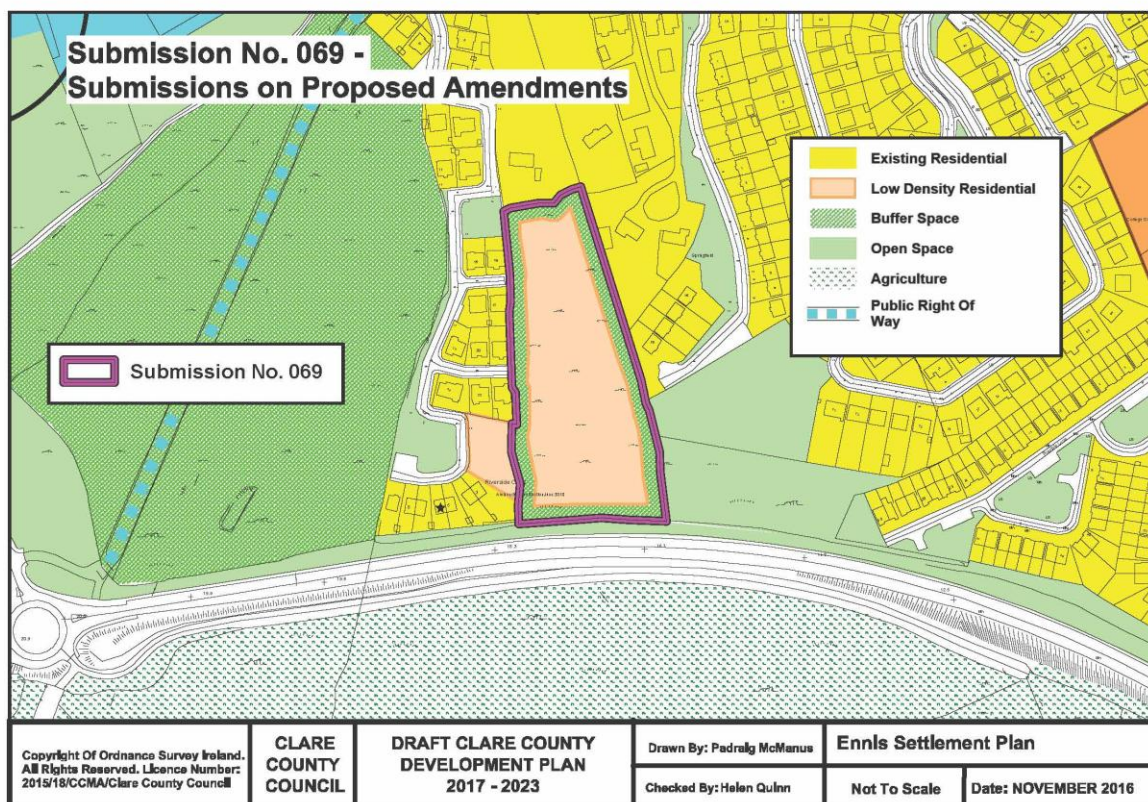
Notwithstanding the above, I would like to note that any future development proposals on this site will be subject to the development management process and the protection of amenities of adjoining residences is a high priority in the assessment of every application. In relation to the connection to water and wastewater services, any issues relating to the connections through the O' Neill's property is a civil matter, to be agreed, or otherwise, between the two interested parties. The Planning Authority does not have a role in the resolution of matters of this nature.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023, which relates to this site in the Clonroadmore area, be adopted.



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## **Ref. 070 Mr. David Dillon**

### **Submission Summary**

Mr. Dillon has made this submission on behalf of the citizens of the parishes of Kilmaley, Kilmurry-Obrickane, Inagh-Kilnamona and Miltown Malbay and wishes to register strong objections to the draft plans for a piped hydro-electric scheme on Mount Callan for the following reasons:

- Noise and disruption to local residents during construction
- Noise and disruption from pumping millions of gallons of water when operational
- Potential damage to local road infrastructure
- Affects on peoples' lives from the point of view of travel, access etc.
- Mount Callan is prone to landslides. A news article in relation to a landslide in the area in 1901 is appended to the submission. It is submitted that major excavation on the mountain could trigger an even greater landslide.
- Recently there was a minor slippage as part of the works on the Mount Callan windfarm. This gives an indication of what could happen if any attempts were made to develop a piped-hydro facility there.
- The Mount Callan area is of archaeological importance.
- It is one of the most scenic areas in the county and an important area for flora, fauna and people.
- The area could be depopulated because nobody would come to live in an area so ravaged and with such a level of noise.
- Land and houses in the area would be seriously devalued.
- Any depopulation would have a knock-on effect on local schools, shops, businesses and on local sporting, cultural and other organisations.
- The existence of a piped-hydro could result in the area becoming saturated with wind-turbines.

The submission requests that their objections are taken into account when making a final decision on the project.

### **Chief Executive's Response**

I wish to advise that the most recent round of public consultation in the County Development Plan process was to obtain submissions in relation to the Proposed Amendments only to the Draft Clare County Development Plan 2017-2023. While I thank Mr. Dillon for his submission, I note that it does not relate to any proposed amendment to the Draft Clare County Development Plan 2017-2023. Only submissions relating to proposed amendments can be considered by the Planning Authority at this stage in the planning process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

### **Chief Executive's Recommendation**

The submission does not relate to a proposed amendment to the Draft Clare County Development Plan 2017-2023 and therefore is not open for consideration

## Ref. 071 Ms. Evelyn Whelan c/o Jim Hughes

### Submission Summary

This submission relates to lands in the Ardnacrusha settlement plan. Under the Proposed Amendments to the Draft Clare County Development Plan 2017-2023 it is proposed to zone an area of land to the north of the settlement for Low Density Residential development. It is also proposed to label the subject site LDR5 and include associated text in the plan in relation to future development proposals in the area.

The submission welcomes the proposed zoning and associated text but requests the following amendment to the proposed text in the settlement plan (proposed changes highlighted in bold and strike-through):

#### LDR5

This land is to the rear of existing development served by one entrance/exit point. Any development proposals for these lands should respect existing residential amenity of adjoining properties. Proposals shall provide for a low density development **and or with potential to accommodate service sites that are independently serviced**. The proposed development shall be served by a single vehicular entrance.

Development proposals shall incorporate a full bat survey, 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 would not create any increase in ambient light levels beyond the perimeter of the development footprint must accompany any planning application on this site. Development applications shall also incorporate the protection of vegetation around the perimeter of the site and must address how linkages across the landscape can be maintained. Existing hedgerows should be retained as part of any future development in order to maintain foraging and commuting roosts for bat species. A buffer zone shall be incorporated as along the northern boundary of the site which runs adjacent to the small stream.

### Chief Executive's Response

I acknowledge the contents of this submission in relation to lands at Ardnacrusha and the request contained therein. However, at this juncture, I wish to draw attention to my recommendation in response to submission Refs. 001 and 030 in which I recommend that the subject lands are not zoned for Low Density Residential development.

The subject lands are located on the periphery of the settlement and I note there are other undeveloped lands closer to the village centre. The area is predominantly rural in character. The lands are located to the rear of an existing line of houses in an area where in-depth development is not desirable at this time, given the availability of lands for in-depth development closer to the services and amenities at the core of the settlement.

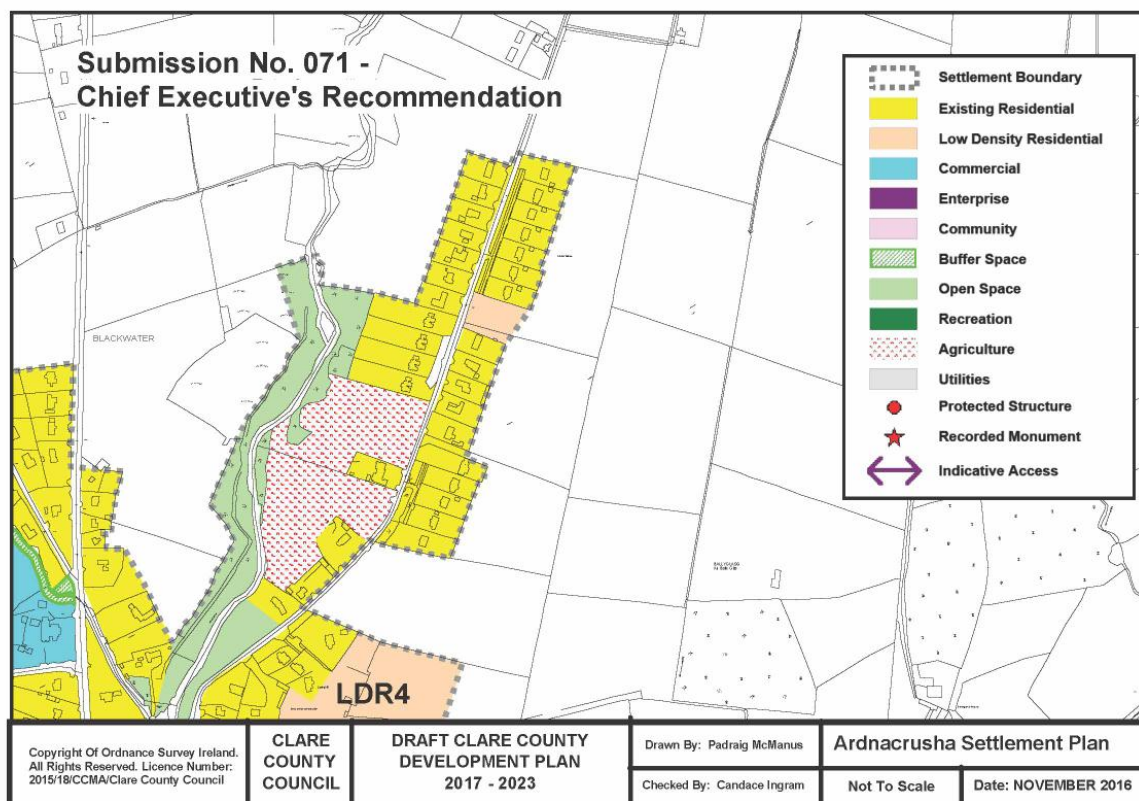
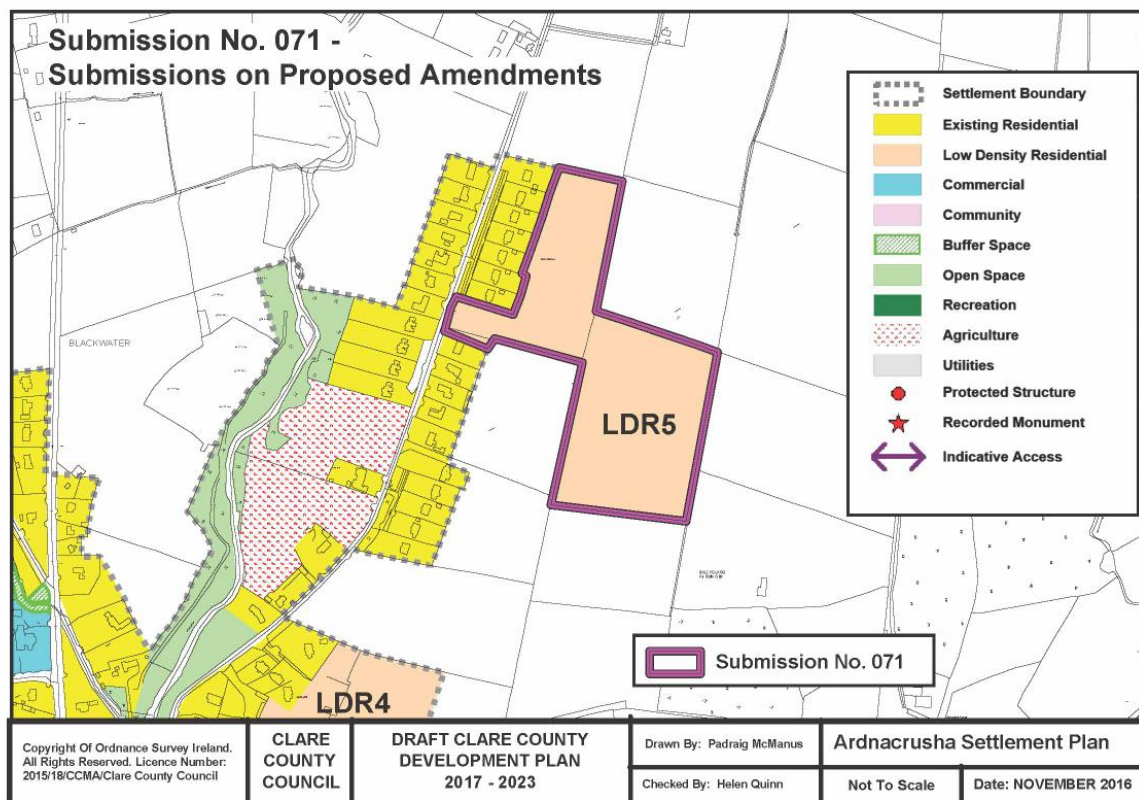
I refer also to Submission Ref. 001 from the Department of Housing, Planning and Local Government, who oppose the zoning of this land for residential development.

I consider that it is not appropriate to zone the subject lands given the peripheral location in comparison to other undeveloped lands closer to the village centre and would be contrary to the proper planning and sustainable development of the area and therefore this Proposed Amendment should not be adopted.

### Chief Executive's Recommendation

I recommend that the Proposed Amendment to the Draft Clare County Development Plan 2017-2023, which relates to Site LDR5 in Ardnacrusha, not be adopted.

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## **Ref. 072 Fáilte Ireland**

### **Submission Summary**

The submission welcomes the opportunity to comment on the proposed amendments to the County Development Plan and notes that many of the issues that have been raised in previous submissions have been included in the plan. Fáilte Ireland is seeking to enhance the partnership approach between the County Council and to ensure that the expertise of both organisations is shared.

The submission notes that County Clare is an established tourism area and that there are opportunities for the county to capitalise on its location on the Wild Atlantic Way. Fáilte Ireland welcomes the inclusion of a dedicated Tourism chapter in the plan. They suggest a small number of additions, based on their original submission, that would further strengthen the tourism policies and objectives in the Draft Clare County Development Plan 2017-2023:

- Inclusion of revenue and visitor numbers in order to highlight the economic importance of the tourism sector.
- Identification of the primary target markets in order to provide a more detailed profile of the visitor market and the observed patterns and prioritised markets identified by Fáilte Ireland for the plan period.
- Mapping of nodes along the Wild Atlantic Way – 'Signature Points' and 'Discovery Points' in particular.
- Support for environmental monitoring along the Wild Atlantic Way.
- Inclusion of recommendations for Heritage and Cultural Tourism in CDP9.15, as set out in the original submission.
- Support for the development of Lough Derg as a tourism destination and future collaboration between Fáilte Ireland and the Council in the further development of a plan for the area.

A description and some information in relation to the Wild Atlantic Way are appended to the submission, along with a copy of Fáilte Ireland's original submission on the preparation of a Draft Clare County Development Plan 2017-2023.

### **Chief Executive's Response**

I thank Fáilte Ireland for their interest and significant contribution to the development plan process to date and for this, their most recent submission. In relation to the issues raised I would like to comment as follows:

Amendments are proposed to the Draft Development Plan to place a greater emphasis on the economic benefits of tourism to County Clare. However, as previously indicated, it is not considered beneficial to include specific figures such as visitor numbers or amount of revenue generated. Such figures would be reflective of a particular year or time period and, given that the County Development Plan will be in place from 2017-2023, any specific figures would date quickly and would not be of benefit to the plan in the long term. I do not consider a further alteration to this amendment necessary.

In relation to the request that further text be added to Section 9.3.1 of the Draft Development Plan in order to provide a more detailed profile of the visitor market, I note that this section of the Plan already highlights the importance of tourism to the economy of the county and summaries the different categories of visitor that are attracted to County Clare. Section 9.3.1 also indicates the areas on which tourism promotion will focus in the coming years. I consider that the current text contains an appropriate level of detail for a county development plan.

I note the request, as also contained in Fáilte Ireland's submission on the Draft Plan, to map the nodes along the route of the Wild Atlantic Way in the County Development Plan, in particular the 'Signature Points' and 'Discovery Points'. While I agree that these nodes on the WAW are highly

## **Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023**

important, I do not consider it appropriate to include them on the Core Strategy Map (map 2A) in the County Development Plan.

With regard to the recommended additions to Objective CDP9.15 Heritage and Cultural Tourism, most of the issues recommended for inclusion relate to access to heritage features, visitor management, the development of trails linking heritage sites and features and access to funding for facilities, signage etc. Many of these issues were not included in Objective CDP9.15, because they have already been addressed in other parts of the plan e.g. Objective CPD5.12 Off-Road Walking and Cycling and Objective 9.3 Integrated Tourism Products. I do not consider that alterations to the Draft Development Plan necessary in relation to this issue.

I note the issues raised in relation to future collaboration on a plan for the development of Lough Derg as a tourism destination. Objective CDP9.23 Tourism in East Clare makes a clear commitment to supporting tourism initiatives in the Lough Derg area. However, I consider that a minor amendment can be made to the draft plan to clarify that this can also involve collaboration with Fáilte Ireland and other relevant stakeholders. This addition will constitute a minor amendment, unlikely to have a significant effect on the environment or the integrity of a European site, and does not relate to the zoning of land or the Record of Protected Structures. Therefore I considered that it can be added to the plan as a further modification to the amendment, in accordance with Section 10(12)(c) of the Planning and Development Act, 2000 (as amended).

### **Chief Executive's Recommendation**

I recommend that the following further modification be made to Section 9.3.1 of the Draft Clare County Development Plan 2017-2023:

#### Objective CDP9.23 Tourism in East Clare – amend Point (b) of the objective as follows:

"To promote the Lough Derg (on the Shannon) Heritage and Nature Trail and the work of the Lough Derg Marketing Strategy Group and to collaborate with Fáilte Ireland and relevant stakeholders on other future initiatives that enhance established attractions and work to promote Lough Derg and the surrounding area as a tourism destination;"

## **Ref. 073 Mr. Brian O' Brien**

### **Submission Summary**

Mr. O' Brien states that, as part of their engagement to develop a Visitor Management and Sustainable Tourism Development Plan for Holy Island, they have been instructed to identify various options for a possible site for a new land based visitor centre in Mountshannon.

The submission sets out the role and function of the proposed visitor centre and included a map setting out the shortlisted locations for the centre, Their assessment is not yet complete and so a single location has not yet been defined. They have also given an indication of the anticipated building size (no bigger than 1,000m<sup>2</sup>) and have set out the criteria for the visitor centre site selection.

In relation to parking, they note that most parking, including coached, would be at a distance from the visitor centre at a yet to be identified site in an unobtrusive village edge location. It is submitted that planners may like to consider zoning land for such a use in the new CDP.

Mr. O' Brien concludes by stating that he will leave it up to the Planning Authority to decide how to best cater for this important potential development in the new CDP, whether by zoning, special objective or similar.

### **Chief Executive's Response**

I wish to advise that the most recent round of public consultation in the County Development Plan process was to obtain submissions relation to the Proposed Amendments only to the Draft Clare County Development Plan 2017-2023. While I thank Mr. O' Brien for his submission, I note that it does not relate to any proposed amendment to the Draft Clare County Development Plan 2017-2023. Only submissions relating to proposed amendments can be considered by the Planning Authority at this stage in the planning process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

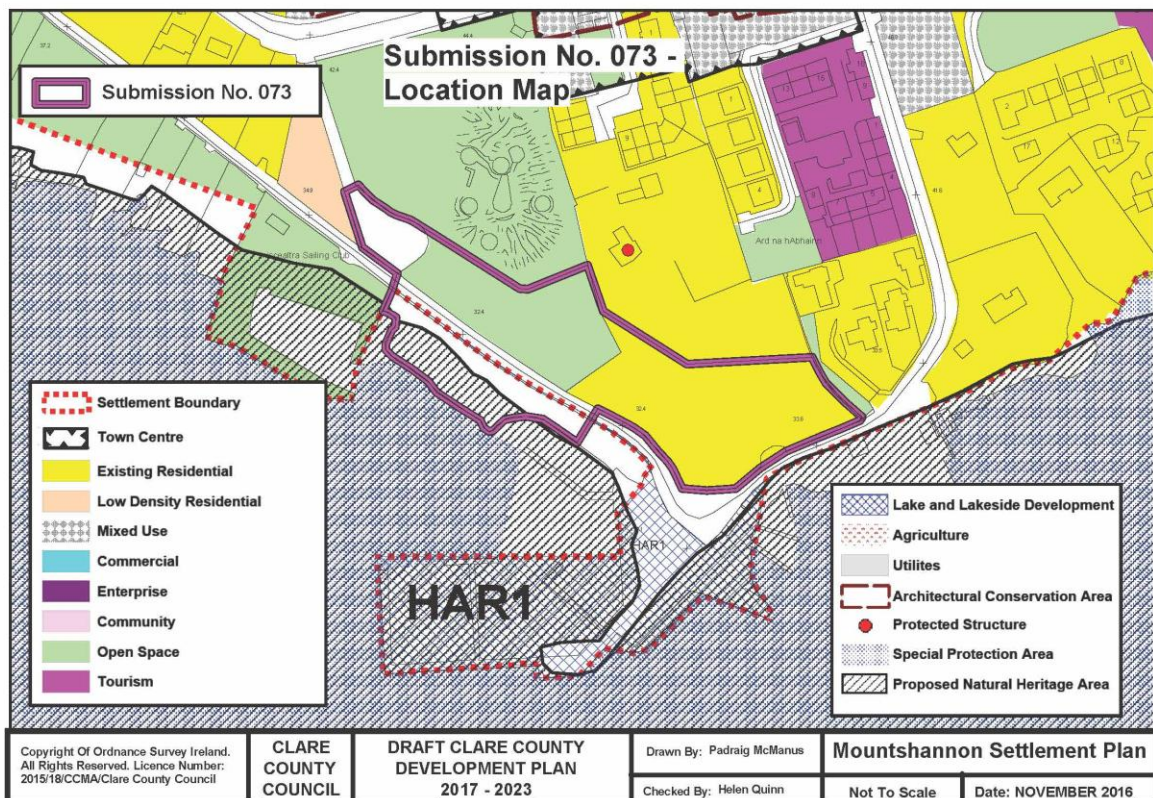
Notwithstanding the above, I note that the development of ancillary services in local villages to support the sustainable tourism development of Holy Island is supported in the Draft Development Plan.

### **Chief Executive's Recommendation**

This submission does not relate to a proposed amendment to the Draft Clare County Development Plan 2017-2023 therefore is not open for consideration



Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023



## **Ref. 074 Mr. Shane Brigdale c/o Michael Duffy**

### **Submission Summary**

Mr. Duffy refers to an earlier submission made on behalf of his client in which it was requested that the Commercial zoning be removed from Site COM7 at Doora, as set out in the Draft County Development Plan 2017-2023. The submission notes the recommendation that no amendments be made to the Draft Clare County Development Plan 2017-2023 on the basis of that submission and sets out a summary of the issues contained in the Chief Executive's Response that lead to this recommendation.

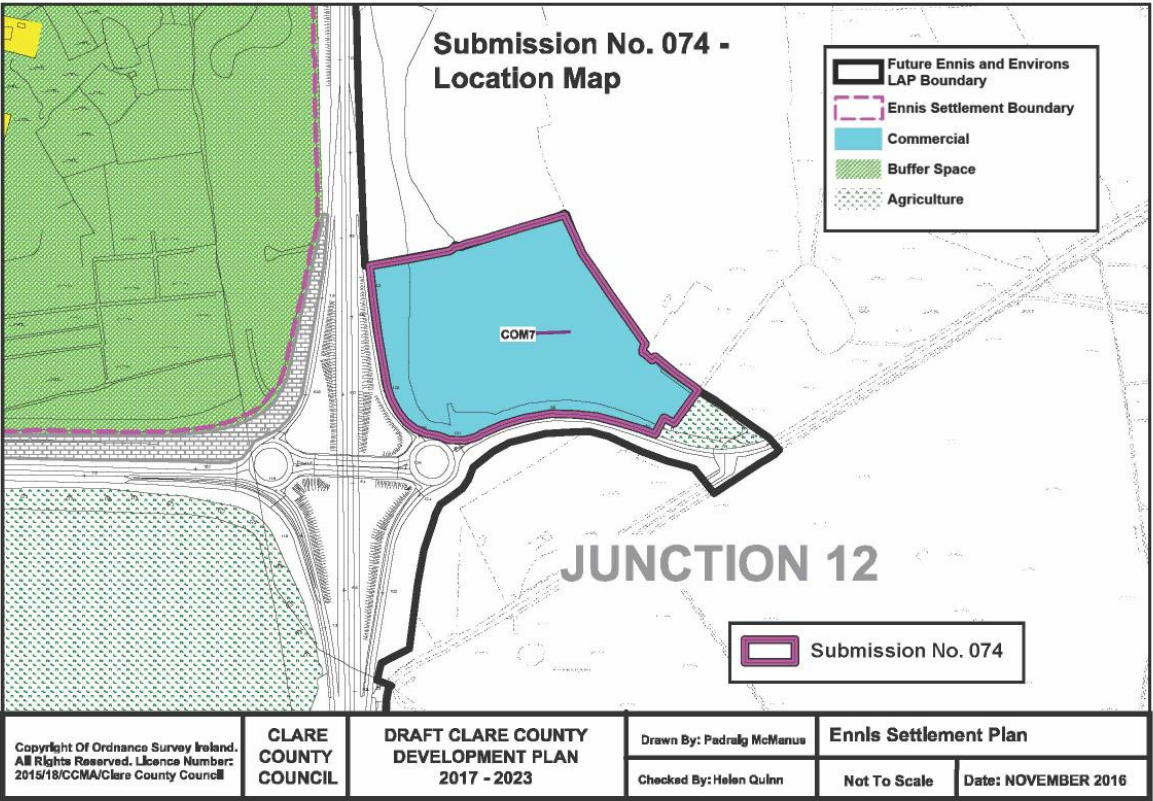
It is submitted that in the interim period An Bord Pleanala have overturned the decision of Clare County Council to grant permission for a Motorway Service Area on the site. Mr. Duffy states that the Chief Executive saw fit to recommend the removing the Industry zoning from Site IND1 at Junction 13 on foot of traffic concerns from TII. He notes that TII have the same traffic concerns for Junction 12. Given that the sole reason given for maintaining the zoning at COM7 was because a permission was granted and, at the time, under appeal, it is now appropriate to recommend removing the COM7 zoning.

### **Chief Executive's Response**

I wish to advise that the most recent round of public consultation in the County Development Plan process was to obtain submissions in relation to the Proposed Amendments only to the Draft Clare County Development Plan 2017-2023. While I thank Mr. Brigdale for his submission, I note that it does not relate to any proposed amendment to the Draft Clare County Development Plan 2017-2023. Only submissions relating to proposed amendments can be considered by the Planning Authority at this stage in the development plan process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

### **Chief Executive's Recommendation**

I recommend no change to the Proposed Amendments to the Draft Clare County Development Plan 2017-2023 arising from this submission.





## **Ref. 075 Ms Therese McCarthy**

### **Submission Summary**

This submission relates to lands in the Ballybeg area of Ennis and is set out in 11 points:

1. Ms. McCarthy makes reference to attached reports from Cormac Rabbitt Associates, Planning and Civil Engineer Consultants, namely 'Analysis of Site & History of Development Plans to Date' and 'Final Report & Conclusion on Species and Habitats'.
2. Ms. McCarthy also refers to report from planning consultants which outline that the development of the subject site carried no greater risk to species than other residential zonings adjacent to the site. It is also submitted that the topographic analysis demonstrates that there is no risk to species.
3. It is submitted that development of the subject site would have very limited habitat impact, no risk to species and is remote from the SAC.
4. Ms. McCarthy strongly objects to the dezoning of her land, which she has gone to the Supreme Court to protect and maintain, a case which she won in December 2007.
5. It is submitted that her constitutional property rights are being seriously affected.
6. Ms. McCarthy submits that she has gone to enormous expense in the past and made numerous submissions at various development plan consultations and variations.
7. She urges that the Council refer to these previous submissions which were made at great expense to defend the zoning on her land.
8. The submission indicates that the land was purchased based on the Ennis Town Development Plan in 2005 but due to legal issues she was not in a position to develop the site.
9. Ms. McCarthy submits that she has sustained high debts on the site during the housing sector collapse but now that the market is returning for high-quality, owner-occupied sites, she now intends to proceed with development on a phased basis.
10. The original zoning on the site was recommended in the 2003 Plan for the area. It is submitted that there has been no material change in terms of the proper planning and sustainable development of the area. In zoning reductions in recent years, the site retained its Phase 1 Residential status and it is inexplicable that it is now proposed to change the zoning to Agriculture.
11. To summarise, Ms. McCarthy states that the Supreme Court decision in relation to this site was a landmark ruling which set a precedence in law. As per the reports attached to the submission, the site represents and infill site with 52 acres of developed land adjoining it on the Ballybeg Road. The site is not in the SAC and will have no risk to species and limited habitat impact.

Documents attached to the submission:

- Analysis of the Site and Development Plans to Date – prepared by Cormac Rabbitt Associates
- Final Report and Conclusion on Species and Habitats – prepared by Cormac Rabbitt Associates
- Letter from Mr. Cormac Rabbitt to Ms. McCarthy dated 11<sup>th</sup> October 2016 setting out Mr. Rabbitt's considerations and opinions in relation the zoning of the site. Many of the points in the letter are set out in the 11 points above.

### **Chief Executive's Response**

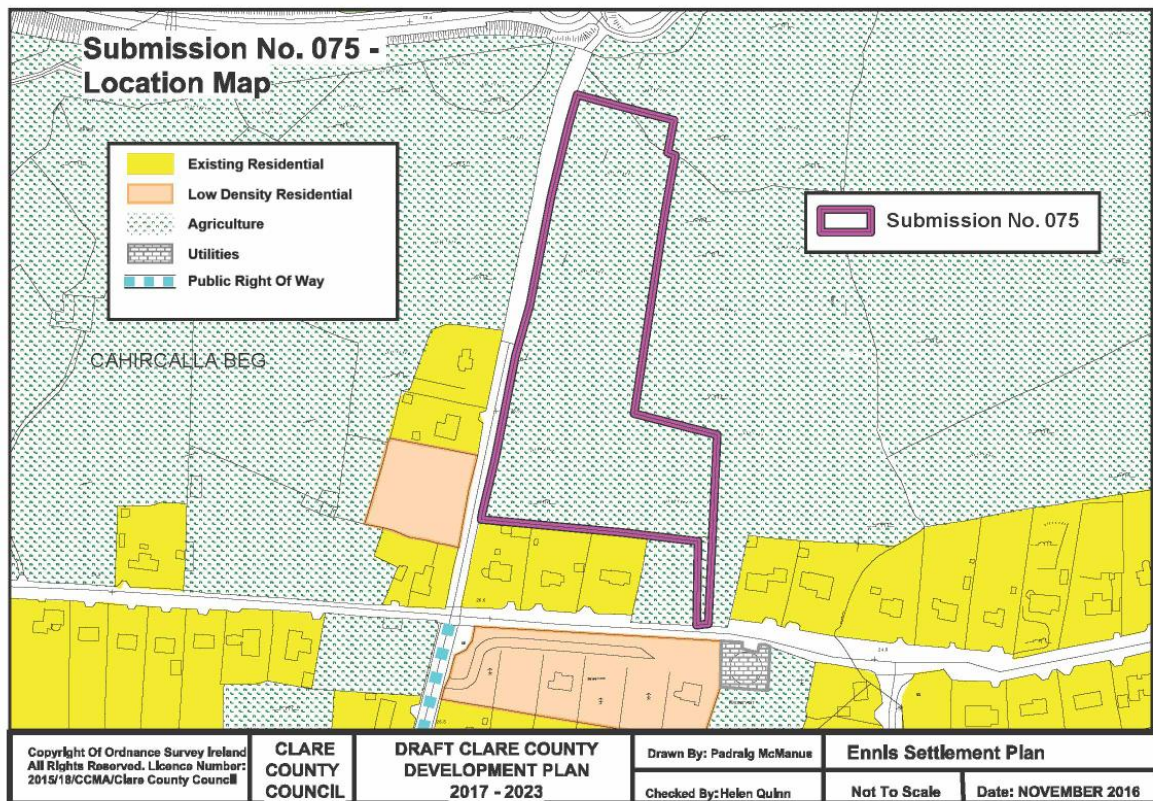
I wish to advise that the most recent round of public consultation in the County Development Plan process was to obtain submissions in relation to the Proposed Amendments only to the Draft Clare County Development Plan 2017-2023. While I thank Ms. McCarthy for her submission, I note that it does not relate to any proposed amendment to the Draft Clare County Development Plan 2017-2023. Only submissions relating to proposed amendments can be considered by the Planning Authority at this stage in the development plan process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

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**Chief Executive's Recommendation**

I recommend no change to the Proposed Amendments to the Draft Clare County Development Plan 2017-2023 arising from this submission.

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## **Ref. 076 Ms. Andrea Goble**

### **Submission Summary**

The submission relates to site MU2 in Sixmilebridge. It is submitted that under the proposed amendments to the Draft Clare County Development Plan 2017-2023, it is proposed to identify the subject lands as a Vacant Site and make the site subject to the vacant site levy.

Ms. Goble submits that the site should not be identified as such because:

- The site is not zoned 'Regeneration land'
- It has no adverse effects on existing amenity
- There are other sites zoned 'Residential' that are not identified in the proposed amendments to the Draft CDP and should be.

It is submitted that this adds an unfair burden to the site, above other more applicable and obvious sites (i.e. residential sites) which have not been identified as suitable for the vacant site levy.

### **Chief Executive's Response**

I note the submission from Ms. Goble which refers to the Proposed Amendment to the Draft Clare County Development Plan 2017-2023 regarding MU2 Mixed Use lands in Sixmilebridge. The submission states that the site should not be identified as a Vacant Site and subject to the vacant site levy, for a number of stated reasons.

As a point of clarification, the site MU2 is identified as "An Area on which the Vacant Site Levy can Apply". This levy may be applied to all identified 'Regeneration' land and 'Residential' land in existing land-use zonings of the Clare County Development Plan. 'Residential' land is identified and applied to 'Existing Residential', 'Low Density Residential' and 'Residential' zoned land. Regeneration land, as defined by the Urban Regeneration and Housing Act 2015, will apply to 'Mixed Use', 'Neighbourhood Centres', 'Tourism', and 'University Zone' zonings in the Plan.

The MU2 lands in Sixmilebridge fulfil the criteria for Regeneration land as defined above. It is important to note that the identification of this site as a site to which the Vacant Site Levy can Apply, does not necessarily mean that a Vacant Sites Levy will apply, but only that it can be applied. I am of the opinion that there is a need for additional text in the Draft Plan which provides clarification with regard to what land the Vacant Sites Levy may apply to and how Regeneration Land is defined. I propose that this can be included as a minor modification to the Proposed Amendment in Volume 1 Written Statement, Section 16.2.8 and in Volumes 3(a), 3(b), 3(c), and 3(d) Written Statements. Subject to these modifications I consider that the Proposed Amendment should be adopted.

### **Chief Executive's Recommendation**

I recommend that the Proposed Amendment to the Draft Clare County Development Plan 2017-2023 which relates to lands zoned MU2 Mixed Use lands in Sixmilebridge be adopted with minor modification as follows:

Volume 1 Written Statement, Section 16.2.8., after the first paragraph, as follows:

"The Vacant Site Levy may be applied to all identified 'Regeneration' land and 'Residential' land in existing land-use zonings of the Clare County Development Plan 2017-2023. 'Residential' land is identified and applied to the following zonings:

- Existing Residential
- Low Density Residential
- Residential

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Regeneration of land and buildings in need of development and renewal throughout the County is a central objective of this Plan as set out in Objective CDP16.8. In addition, 'Regeneration Land' as defined under the Urban Generation and Housing Act 2015 is identified as applying to the following zonings:

- Mixed Use
- Neighbourhood Centres
- Tourism
- University Zone

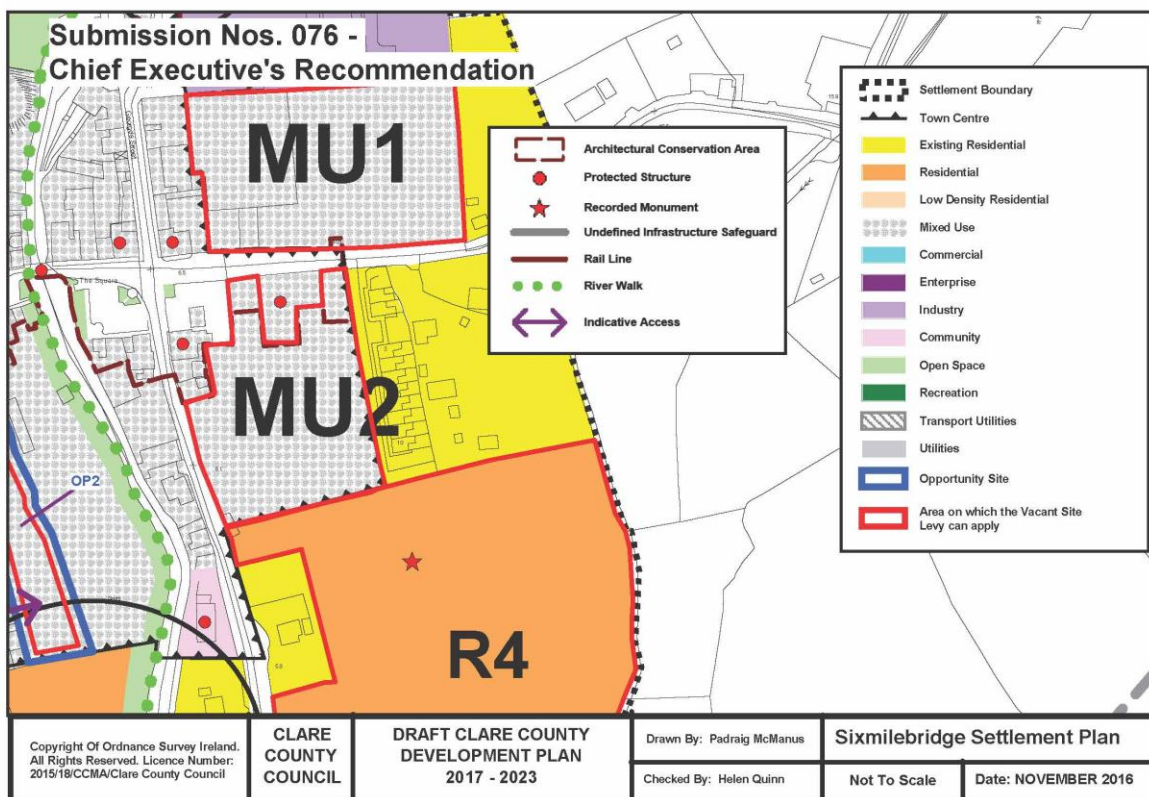
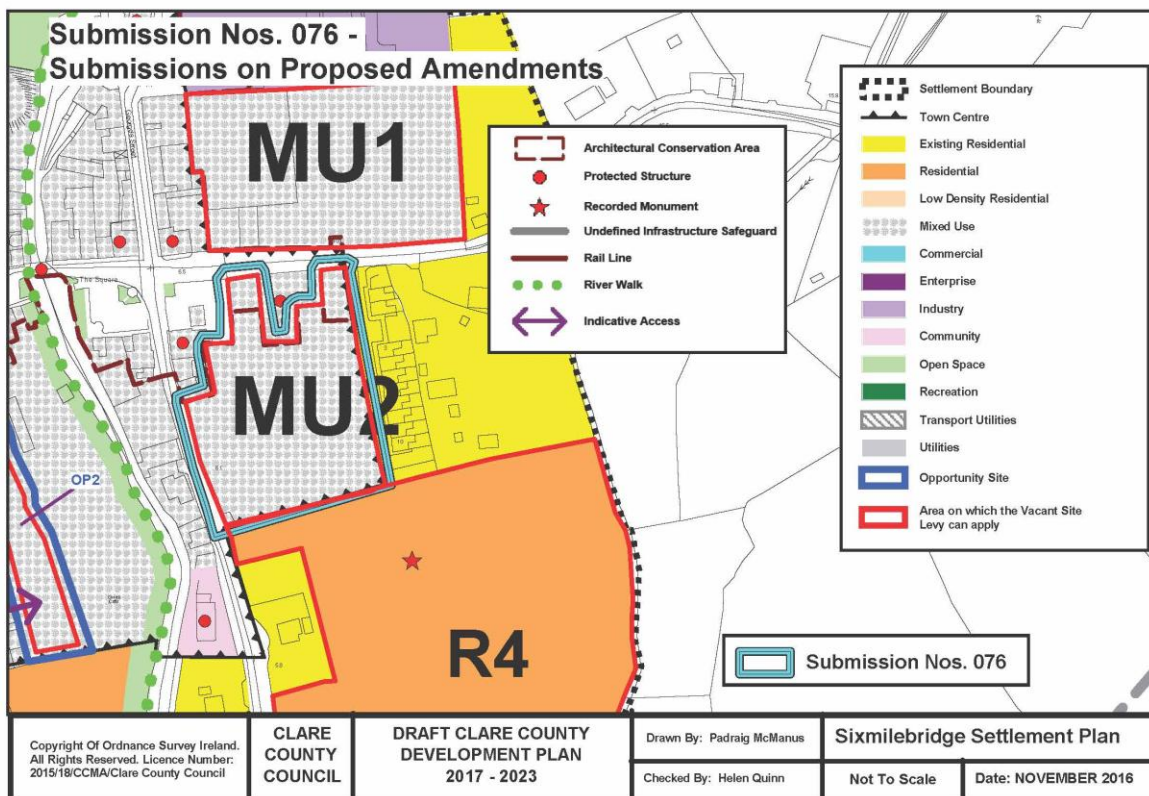
\*Please refer to the specifics of each land-use zoning objectives in Chapter 19 of the Draft Clare County Development Plan 2017-2023 which should be read in association with this section."

Volumes 3a, 3b, 3c, and 3d Written Statements, Introduction as set out above under the heading as follows:

### **"Areas where the Vacant Sites Levy can Apply**

There are a number of sites within the settlements of (name) Municipal District that are identified as Areas where the Vacant Sites levy can apply."

Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023





## **Ref. 077 Mr. Aidan Conway**

### **Submission Summary**

This submission relates to Sixmilebridge in the Shannon Municipal District.

In relation to Site MU2, it is submitted that all development sites in Sixmilebridge are within easy walking distance of the town centre and to identify MU2 for parking is far too biased for any private land and is unjustified. Mr. Conway questions how the 'demand' on MU2 was identified given that the plan clearly states that no traffic survey has been carried out in the area.

The submission states that all development sites should have the same onus for parking provision as set out elsewhere in the plan. It is submitted that existing badly-planned businesses have affected the current perception of poor levels of parking, even though no evidence exists. Mr Conway objects in the strongest possible terms to providing parking for other commercial entities in the town.

The submission also expresses concern regarding the proposal to change the zoning on lands in Sixmilebridge from Agriculture to Residential (R4). It is submitted that this proposed change has not been consulted upon and is contrary to the consultation process and natural justice. It is submitted that the proposed alteration would need to be advertised fully and submissions allowed as well as the normal follow up process, amendment and subsequent observations.

### **Chief Executive's Response**

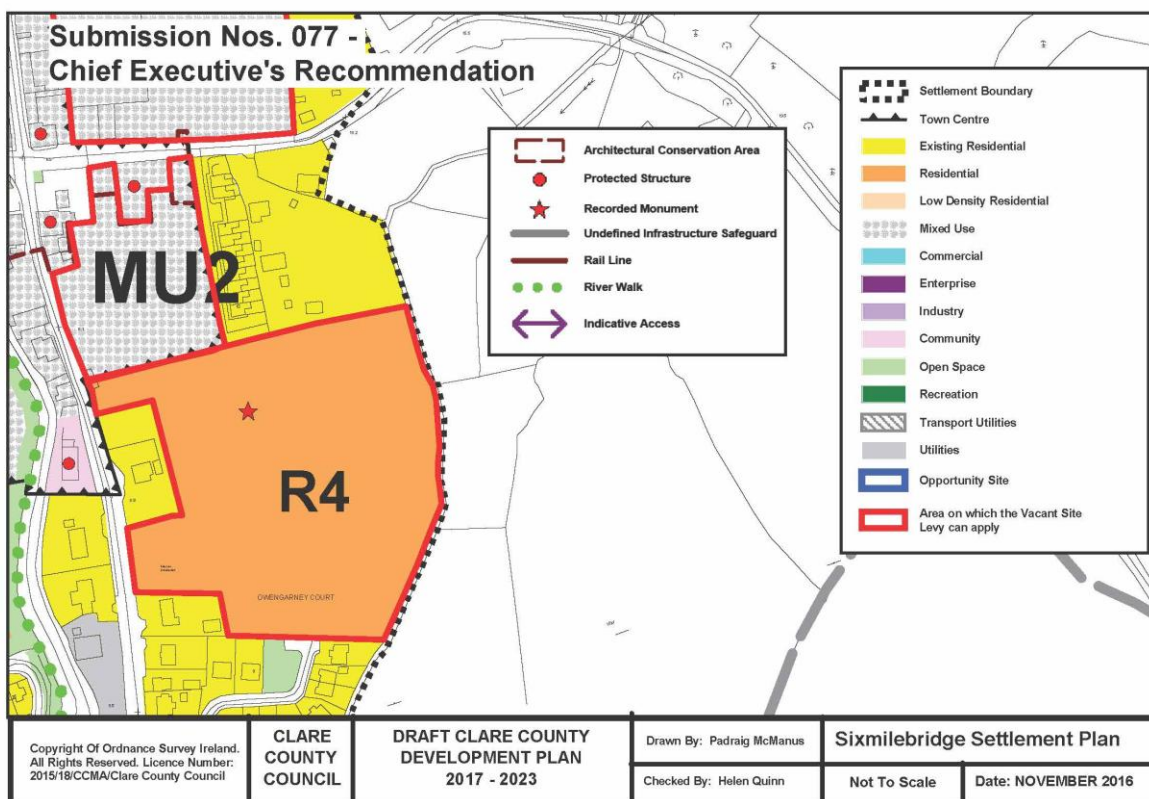
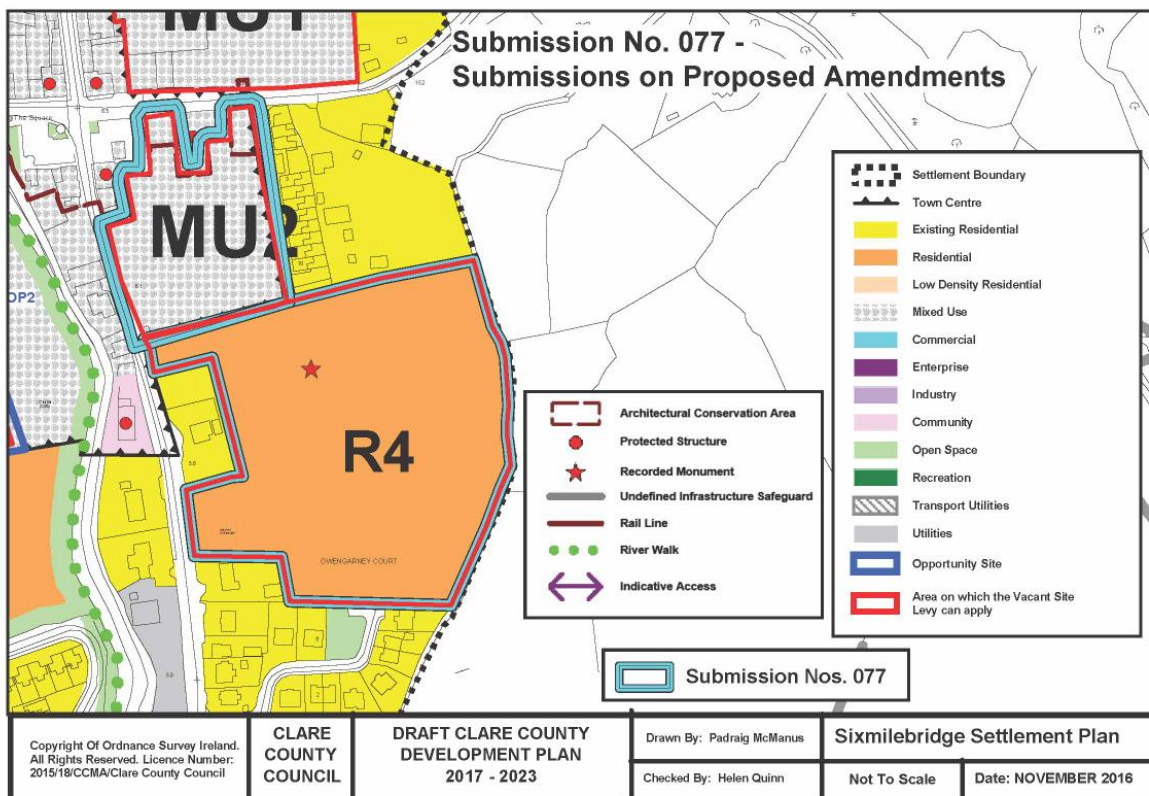
I thank Mr. Conway for his submission and I wish to comment on the issues that have been raised as follows:

The Draft Plan makes a commitment to carry out traffic surveys in the town to assess traffic flows and parking needs during the lifetime of the Plan. Adequate car-parking to serve the town centre is essential, especially with respect to any new development that may take place on site MU2, which has been identified for Mixed Use development for the future growth of the town. With regard to the proposed text, it states that the site "*has the potential*" to accommodate a car park. This does not in any way undermine the Mixed Use zoning or limit the range of uses that can be accommodated on the site in the future.

In relation to the proposal to change the zoning from Agriculture to Residential on site R4, the proposed amendment to this zoning was advertised and put on public display and submissions or observations were invited. It was through that very consultation process that Mr. Conway noted the proposed change and made his submission.

### **Chief Executive's Recommendation**

I recommend that the proposed amendments to the Draft Clare County Development Plan 2017-2023 which relate to Sites MU2 and R4 in Sixmilebridge, be adopted.



## **Ref. 078 Ms. Siobhan Doohan**

### **Submission Summary**

This submission refers to the proposed zoning of lands at Ballaghafadda, Clarecastle for Light Industrial use (LI1). It is submitted that the lands have been zoned with a buffer benefitting some residents on the Claremount Road.

It is requested that the buffer be extended along the boundary of the site to protect adjoining lands in the Mount Clare area.

### **Chief Executive's Response**

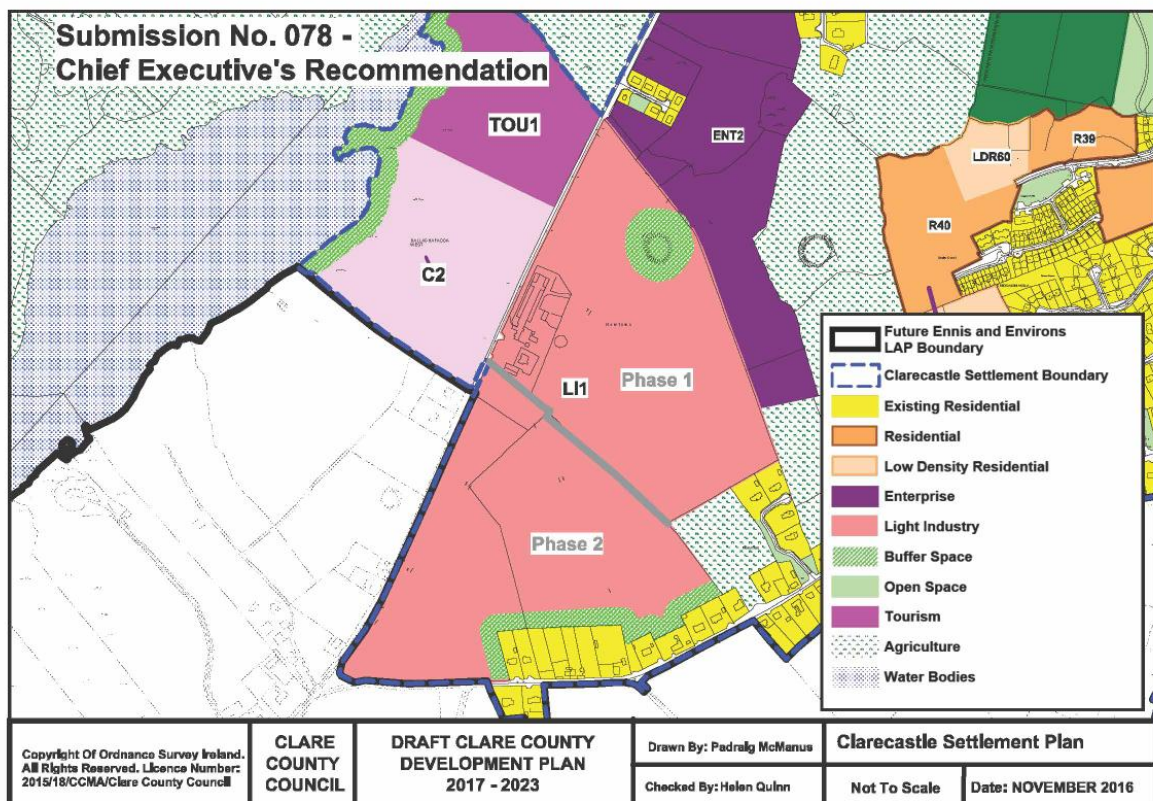
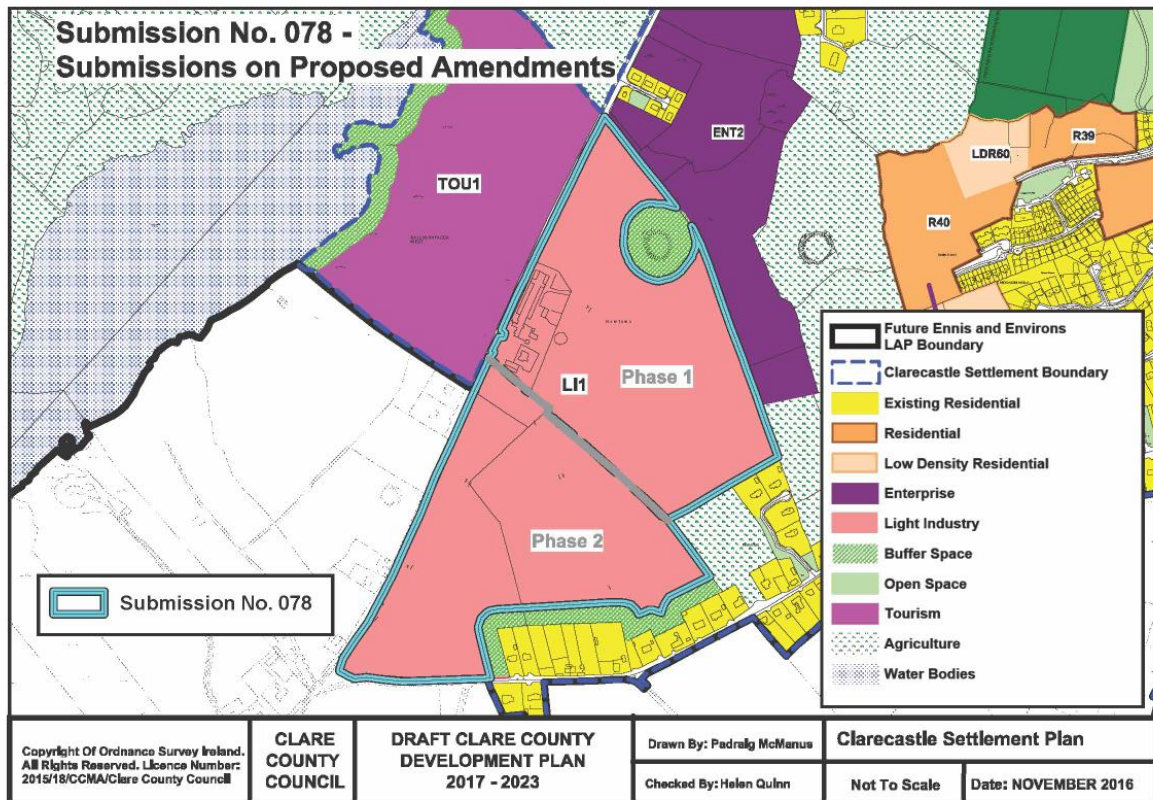
I thank Ms. Doohan for her submission and I acknowledge the issue that she has raised. The making of further modifications to an alteration to the Draft Development Plan is governed by Section 12(10)(c) of the Planning and Development Act, 2000 (as amended) and this section of the Act clearly states that a further modification shall not be made where it relates to an increase in the area of land zoned for any purposes. Therefore, I am precluded from recommending the requested extension of the 'Buffer Space' zoning at this stage in the plan-making process.

### **Chief Executive's Recommendation**

I recommend that the proposed amendments to the Draft Clare County Development Plan 2017-2023 which relate to lands at Ballaghafadda, Clarecastle, be adopted, without the additional change requested in this submission.



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## Ref. 079 Mr. Aidan Conway

### Submission Summary

The submission relates to site MU2 in Sixmilebridge. It is submitted that under the proposed amendments to the Draft Clare County Development Plan 2017-2023, it is proposed to identify the subject lands as a Vacant Site and make the site subject to the vacant site levy.

Mr. Conway submits that the site should not be identified as such because:

- The site is not zoned 'Regeneration land'
- It has no adverse effects on existing amenity
- There are other sites zoned 'Residential' that are not identified in the proposed amendments to the Draft CDP and should be.

It is submitted that this adds an unfair burden to the site, above other more applicable and obvious sites (i.e. residential sites) which have not been identified as suitable for the vacant site levy.

### Chief Executive's Response

I note the submission from Mr. Conway which refers to the Proposed Amendment to the Draft Clare County Development Plan 2017-2023 which relates to MU2 Mixed Use lands in Sixmilebridge and states that the site should not be identified as a Vacant Site and subject to the vacant site levy, for a number of stated reasons.

As a point of clarification, the site MU2 is identified as "An Area on which the Vacant Site Levy can Apply". This levy may be applied to all identified 'Regeneration' land and 'Residential' land in existing land-use zonings of the Clare County Development Plan. 'Residential' land is identified and applied to 'Existing Residential', 'Low Density Residential' and 'Residential' zoned land. Regeneration land is defined by the Urban Regeneration and Housing Act 2015 and will apply to 'Mixed Use', 'Neighbourhood Centres', 'Tourism', and 'University Zone' zonings in the Plan.

The MU2 lands in Sixmilebridge fulfil the criteria for Regeneration land as defined above. It is important to note that the identification of these lands as Areas on which the Vacant Site Levy can Apply does not necessarily mean that a Vacant Sites Levy will apply, but only that it can be applied. I am of the opinion that there is a need for additional text in the Draft Plan which provides clarification with regard to what land the Vacant Sites Levy may apply to and how Regeneration Land is defined. I propose that this can be included as a minor modification to the Proposed Amendment in Volume 1 Written Statement, Section 16.2.8 and in Volumes 3a, 3b, 3c, and 3d Written Statements. Subject to these modifications I consider that the Proposed Amendment should be adopted.

### Chief Executive's Recommendation

I recommend that the Proposed Amendment to the Draft Clare County Development Plan 2017-2023 which relates to lands zoned MU2 Mixed Use lands in Sixmilebridge be adopted with minor modification as follows:

Volume 1 Written Statement, Section 16.2.8., after the first paragraph, as follows:

"The Vacant Site Levy may be applied to all identified 'Regeneration' land and 'Residential' land in existing land-use zonings of the Clare County Development Plan 2017-2023. 'Residential' land is identified and applied to the following zonings:

- Existing Residential
- Low Density Residential
- Residential

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Regeneration of land and buildings in need of development and renewal throughout the County is a central objective of this Plan as set out in Objective CDP16.8. In addition, 'Regeneration Land' as defined under the Urban Generation and Housing Act 2015 is identified as applying to the following zonings:

- Mixed Use
- Neighbourhood Centres
- Tourism
- University Zone

\*Please refer to the specifics of each land-use zoning objectives in Chapter 19 of the Draft Clare County Development Plan 2017-2023 which should be read in association with this section."

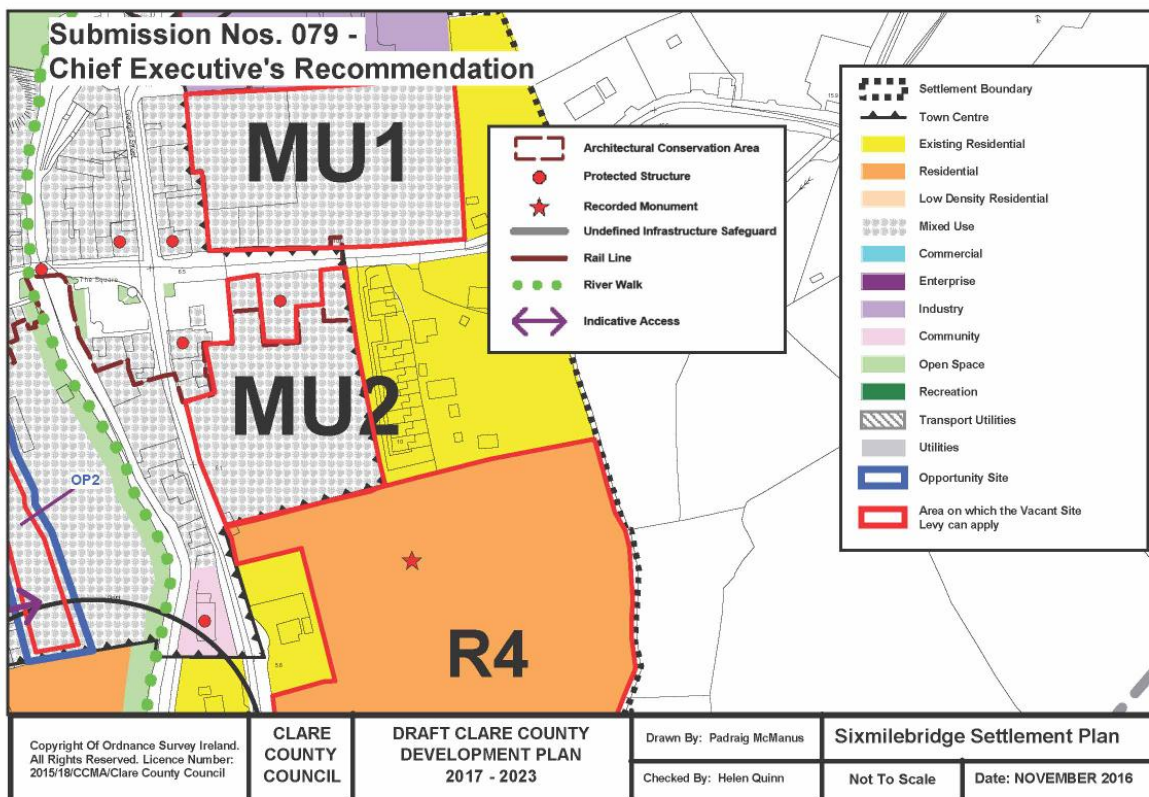
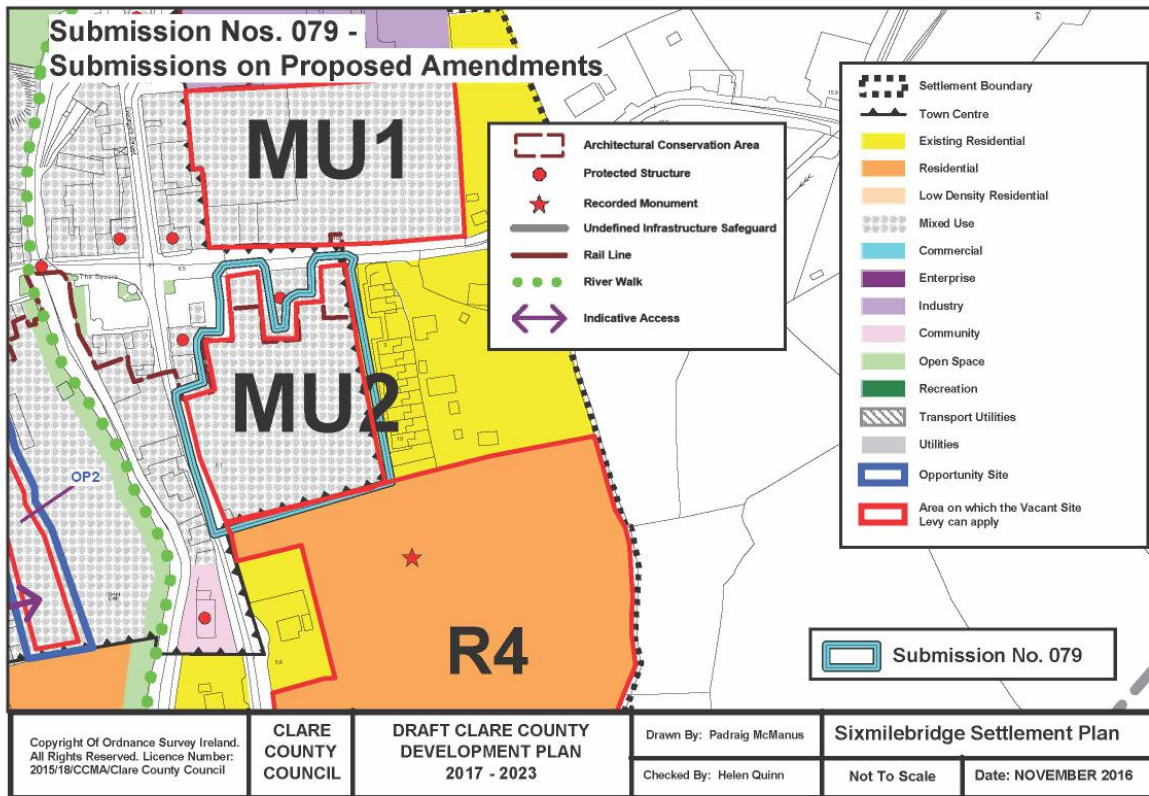
Volumes 3a, 3b, 3c, and 3d Written Statements, Introduction as set out above under the heading as follows:

**"Areas where the Vacant Sites Levy can Apply**

There are a number of sites within the settlements of (name) Municipal District that are identified as Areas where the Vacant Sites levy can apply."



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## **Ref. 080 Cllr. Johnny Flynn**

### **Submission Summary**

This submission addresses the following issues:

1. The need for housing in Ennis to deal with homelessness and the housing list
  - Cllr. Flynn objects to the extent of proposed rezoning of current residential zoning in and around Ennis e.g. in light of submitted report to the contrary about potential threat to Horseshoe Bats at locations in Ashline and Ballybeg.
2. Protecting the viability and vitality of Ennis town centre by using the sequential test for commercial developments and to avoid over-zoning and the hollowing out of the town centre. Cllr Flynn refers to his earlier submission in which he requested:
  - A clear objective to ensure the vibrancy and vitality of Ennis town centre by including the following actions:
    - Support for the development of a Town Team or equivalent
    - Recognise and support the need for a resourcing strategy, including financial, of the Town Team
    - Support for the Retail Excellence Ireland Framework of guidelines for best practice in town centres
    - Take note of and consider the recommendations in the 'A Nightmare on Every Street' report
    - A retail health check to be urgently carried out.
  - Cllr. Flynn believes that the figures in the two retail strategies are flawed and the quantum of commercial zoning is too high for what is needed for the sustainable development of Ennis.
3. The need for compliance with the Flooding Guidelines for Planning Authorities:
  - Cllr. Flynn objects to the change from Other Settlement Land to Commercial at OS18 which is located in Flood Zone A. It is submitted that land filling on Flood Zone A creates risks to other adjoining properties and those downstream.
  - Cllr. Flynn objects to Residential zoning on lands in Flood Zones A and B in the absence of Flood Assessment Report acceptable to the Planning Authority and its flood consultants.

### **Chief Executive's Response**

I thank Councillor Flynn for his submission and I wish to respond to the matters that he has discussed in the order that they have been raised:

1. I agree that there is a need for additional housing in the Ennis area and lands have been zoned throughout the town in accordance with the requirements set out in the Core Strategy. Land zoning has been carried out in accordance with the requirements of the Habitats Directive, Strategic Environmental Assessment Directive and Floods Directive and was informed by all relevant information available to the Council. The associated assessments in compliance with these directives find that in particular in light of recent changes to legislation, it is no longer sufficient to say that protective policies or objectives included in parts of the plan will counteract potential significant or adverse effects of development of sites within the plan area. The outcome of the assessments therefore recommend the removal of some zonings in order to ensure compliance with the relevant directives and transposing legislation.

2. I agree that the vitality and viability of Ennis town centre is paramount to the future of the town. Proposals for retail development or development with the potential to have a negative impact on the town centre will be assessed having regard to the Retail Planning Guidelines 2012,

## **Chief Executive's Report on Submissions on Proposed Amendments to the Draft Clare County Development Plan 2017-2023**

which advocate the application of the sequential test. This is reflected in Objective CDP7.2 of the Draft Clare County Development Plan 2017-2023.

The establishment of a Town Team is addressed on Objective CDP16.3 of the Draft Plan and the potential for an economic development fund to support the enhancement of town centre viability is addressed in Section 16.2.4 of the Draft Plan. Furthermore, I note that Clare County Council is currently collaborating with the Chamber of Commerce and the Heritage Council to carry out a comprehensive Health Check of Ennis town centre. The vitality of Ennis town centre is also strongly supported in the Section 1.7 Retail Development in Volume 3(a) of the Draft Clare County Development Plan 2017-2023.

I note Councillor Flynn's concerns in relation to the lands zoned for Commercial use in the wider Ennis area. While some retail activity is open for consideration on lands zoned for commercial purposes, I note the definition of the Commercial zoning, as set out in the Draft Plan, which states:

*"The use of land zoned for 'commercial' purposes shall be taken to include the use of the lands for commercial and business uses including offices, service industry, warehousing and the facilitation of enterprise/retail park/office type uses as appropriate. Retailing is open for consideration in this area, provided that a sequential test is carried out and the lands are demonstrably the optimum location for the nature and quantum of retail development proposed."*

The application of the sequential test will ensure that retail development is directed to the most appropriate location, having regard to the vitality and viability of the town centre. The zonings must also be considered in the context of the retail policy and objectives in Volume 3(a) of the Draft Plan which clearly indicate that bulky comparison retail development will be directed to the two identified areas within the town (Ballymaley and Quin Road) and, in general, it is not envisaged that edge-of-centre or out-of-centre convenience retail development will be required or permitted during the lifetime of the Plan, with the exception of the locations that have been identified for the provision of Neighbourhood Centres.

3. I agree that compliance with national guidance on Flood Risk Management is an essential element in the making of this development plan, especially in light of increased emphasis on climate change adaptation in recent times. I agree that the expansion of site OP18 in a southern direction, onto an area identified as being in Flood Zone A, has the potential to impact negatively on surrounding areas. I recommend that the additional zoning at this location, which is the subject of the proposed amendment, not proceed.

In relation to other sites located in Flood Zones A and B, I refer to my response to Submission 001, in which these locations are discussed in greater detail.

### **Chief Executive's Recommendation**

I recommend that the proposed amendment to the Draft Clare County Development Plan 2017-2023 which relates to Site OP18 in Ennis, not be adopted.





12 October, 2016.

Planning & Enterprise Development Department,  
Clare County Council,  
Áras Contae an Chláir,  
New Road,  
Ennis,  
Co. Clare.

**Re: Proposed Amendments to the Draft Clare County Development Plan 2017-2023**

A Chara,

I am directed by the Minister for the Housing, Planning, Community and Local Government to refer to your recent letter in relation to the above and set out hereunder observations on behalf of the Minister.

The Department has reviewed the proposed amendments to the Draft Plan and while a number of the proposed amendments are welcomed, it requests that other proposed amendments to zoning objectives are not proceeded with given serious breaches of legislative and policy requirements.

The Department notes that observations made in its submission dated 26<sup>th</sup> February 2016 have been addressed in the Proposed Amendments to the Draft Clare County Development Plan 2017-2023, including in particular those relating to urban regeneration, implementation of the vacant site levy and the Ministers guidelines on apartment developments published in 2015.

In addition to the above, the Department notes the clarification provided concerning the quantum of land for residential development within the core strategy and that the extent of lands proposed to be zoned under objective IND1 Industry zoning has been significantly reduced.

The Department strongly supports the introduction and pursuit of policies to ensure that, learning from past experience with developer provided water services infrastructure in housing developments, there will be a clear requirement for developments to be connected to public waste water collection and treatment plant facilities.

In relation to aspects of the material amendments that the Department does not support, the following observations should be carefully considered and acted upon to ensure that the development plan, as adopted, provides a framework for the proper planning and sustainable development of County Clare and complies with the requirements of the Act.

#### Material Amendments to Zoning Objectives

The Department has serious concerns regarding the consistency between certain material amendments and requirements of statutory guidelines of the Minister such as those relating to Sustainable Residential Development in Urban Areas, 2009, SEA guidelines, 2004, Appropriate Assessment of Plans and Projects guidelines, 2009, and Flood Risk Management Guidelines, 2009.

Significantly, the concerns above are echoed in the Environmental Assessments of the proposed amendments as regards SEA, Appropriate Assessment (AA) and Strategic Flood Risk Assessment (SFRA).

#### Breach of Core Strategy Requirements

A number of proposed amendments seek to zone additional land for residential development, that significantly exceed the extent of land required and already provided for in the Core Strategy of the Draft Development Plan.

The Department fully accepts that it is critical to the successful, sustainable development of County Clare that appropriate and sufficient land in sustainable locations is identified for future development such as areas that have been identified for growth through core strategy analysis and which are, or can, be properly serviced.

On the other hand, zoning inappropriate sites either outside settlement boundaries, in excess of the quantum of land required from the core strategy analysis and that would lead to non-

sequential development, is contrary to Sustainable Residential Development in Urban Areas and Core Strategy Guidelines.

Moreover, the Volume 10 (SEA) in relation to the proposed amendments, has identified that three such residential zonings are in excess of desired requirements. Such zonings are as follows: Kilrush No.2 R12, Miltown Malbay No. 1 LDR7, Ardnacrusha No.2 LDR5 and Drumline Cluster No.1 – proposed zoning of low density residential development.

The latter proposed zoning is within a rural area. No zonings are identified in any cluster development within Clare. Therefore these proposed residential zonings are contrary to the County's settlement hierarchy and policy for County Clare and is not in line with the Core Strategy.

The SEA has recommended that these proposed amendments should not be undertaken, an assessment with which the Department concurs as the proposed additional zoning objectives would be contrary to the statutory guidelines on Sustainable Residential Development in Urban Areas, 2009 and the Core Strategy.

Therefore, the Department respectfully requests your authority not to adopt these residential zonings (Kilrush No.2 R12, Miltown Malbay No. 1 LDR7, Ardnacrusha No.2 LDR5 and Drumline Cluster No.1) and to retain the Draft Plan (December 2015) zonings on these sites.

#### Flood Risk

The Department's initial submission on the Draft Clare County Development Plan noted that Section 8.1 of the SRFA report on Undeveloped Land in the draft plan stated that:

*'new development within Flood Zones A and B that does not pass the justification test will not be permitted. Lands that may have retained a zoning objective which would include development, apply the guidance in Section 7 means such development is restricted to Flood Zone C, with water compatible uses located within zone A and B'.*

This policy is in accordance with Section 4 of the planning System and Flood Risk Management Guidelines, 2009.



However, the Department now notes that within individual settlement plans and land use zonings there are a number of proposed amendments to zoning objectives that relate to lands that have been identified as flood zone A and B. This is a serious breach of clear national policy and your authority is requested to ensure that there is clear and robust correlation between the SFRA, the Development Plan written statement and any zoning maps.

The Strategic Environmental Assessment (SEA) Report identified a number of sites with vulnerable uses that are wholly or partially located within Flood zone A and / or B including Doolin MU6 Roadford Bridge, Bunratty No.1 COM1, Ennis No.2 LDR1, Ennis No.13 LDR6, Ennis No.15 LDR7, Ennis No.33 LDR15, Ennis No.38 LDR and Clarecastle TOU3.

The Department requests that any zoning objectives identified within flood zone A and B are amended to water compatible uses. All recommendations and mitigation measures as stated within the SFRA report on the proposed amendments are to be incorporated and implemented within the Draft Plan and adhered to in accordance with the requirements of the Planning System and Flood Risk management Guidelines, 2009.

An SFRA was carried out on the proposed amendments. It is noted by the Department that in accordance with Section 4.23 of the OPW Guidelines a number of proposed Material Alterations (MA) warranted a Justification Test. Through this analysis the SFRA concludes that a number of proposed material alterations fail the justification test in total or in part, specifically;

- Quilty LDR6 (Low density residential). This MA has failed the justification test. Recommendation in the SFRA is that zoning should remain as per Draft Plan – open countryside.
- Ennis OP18 – Opportunity site for commercial. This MA has partially failed the justification test. Recommendation in the SFRA is to partially zone lands for commercial development.
- Ennis LDR67 – Drehidnagower. Recommendation in the SFRA is to zone only the portion of the site which coincides with flood risk zone C for low density residential development. Locate open space for housing on Flood Zone B.
- Ennis LDR64 – Tulla Road, Roslevan. Recommendation in the SFRA is to zone open space for land in Flood Zone B. Area in Flood Zone C is suitable for development.
- Ennis LDR5 at Gaurus. All lands fall within Flood A and B. Recommendation in the SFRA is to retain open space zoning as per the Draft Plan.

- Ennis LDR8 – Kevin Barry Avenue. The full site has failed the justification test and it is recommended that zoning is to remain as per the Draft Plan.
- Ennis LDR67 - Brookville. The full site has failed the justification test and it is recommended that zoning is to remain as per the Draft Plan.

Taking account of the above, the Department is of the view that the proposed Material Alterations above constitute a clear breach of the *Planning System and Flood Risk Management Guidelines, 2009* and that material alterations Quilty LDR6, Ennis OP18, Ennis LDR67, Ennis LDR64, Ennis LDR8, Ennis LDR5 should not be adopted and the relevant lands should revert to their status under the Draft Plan as published in December 2015.

Furthermore, the recommendations contained within Volume 10 SFRA should be implemented within the Draft Plan.

The Department reminds the Planning Authority to have regard to any issues raised separately by the Office of Public Works and ensure full compliance with the guidelines above and Circular PL2/14 in considering the zoning of areas of existing 'vulnerable uses' such as housing, and which now find themselves in flood zones.

#### Environmental Appraisals

The environmental appraisals carried out on the proposed amendments within volume 10 highlight two serious areas of concern.

- Ballybeg: A number of additional residential zonings are proposed within the Ballybeg area, specifically Ennis No.21 LDR14, No.26 LDR and LDR17. Ballybeg is situated within an environmentally sensitive area in close proximity to Ballybeg lake, which is classified as being extremely vulnerable. The SEA recommends not to zone site LDR14 and LDR26.
- An Appropriate Assessment was carried out on LDR17 AA. The proposed MA residential zoning LDR17 is in close proximity to Newhall and Edenvale Complex SAC. The AA has concluded that this area is not suitable for zoning for low density residential development due to the potential significant negative impact on the Lesser Horseshoe Bat.

Due to environmental sensitivities and additional residential zonings being out of line with the core strategy figures, the Department requests reverting to the Draft Plan (December 2015) zonings for Ballybeg.

Specifically in relation to proposed MA LDR17, the adoption of this zoning would be in clear breach of Part XAB Planning and Development Act 2000 (as amended) and S.28 guidelines Appropriate Assessment of Plans and Projects in Ireland. Therefore LDR17 Ballybeg should not be adopted and these lands must revert to their status under the Draft Plan as published in December 2015 to comply with the requirements above.

Killaloe, Ardclony No. 5 T0U7 – a large area of land is proposed for Tourism zoning which is located on a greenfield site approximately 4km from Killaloe and is not within a zoned settlement area. Approximately half the site is within the Lower River Shannon cSAC. The SEA recommends that this zoning be excluded. An Appropriate Assessment was also carried out on this proposed amendment which concludes that *'the tourism zoning should be removed from all parts of the site as it is not possible to determine a finding of no significant effects'*. This tourism zoning is not within a sustainable location or sequential to existing settlement development.

Adopting this tourism zoning (Ref: Killaloe, Ardclony No.5 T0U7) would also be in clear breach of Part XAB Planning and Development Act 2000 (as amended) and S.28 guidelines Appropriate Assessment of Plans and Projects in Ireland.

Therefore the Department requests the Planning Authority to remove this proposed tourism zoning (Ref: Killaloe, Ardclony No.5 T0U7) and revert the lands to their status under the Draft Plan (December 2015). The Council are reminded that under the above provisions they are required to implement and adhere to all mitigation measures arising from AA.

The planning authority should satisfy themselves in consultation with National Parks and Wildlife Services that the draft plan is fully compliant with its obligations under the Habitats Directive and that where appropriate, the proposed objectives and mitigation measures have been incorporated into the draft plan.



The steps above are critical in ensuring that the decision of the Planning Authority in relation to the adoption of the Clare County Development Plan is not in breach of statutory requirements under the Planning Act, which the Minister is determined to ensure are upheld, including if necessary through his powers under the Planning Act.

The officials of the Department are available to discuss the matters raised above and in the first instance you can contact Laura Courtney, Planning Inspector, on 01-8882203.

Is mise le meas,

A handwritten signature in black ink, appearing to read 'Niall Cussen', written in a cursive style.

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Niall Cussen

Principal Planning Adviser



Planning & Enterprise Development Department  
Clare County Council  
Áras Contae an Chláir,  
New Road  
Ennis  
Co. Clare

6<sup>th</sup> October 2016

Our Ref: SCP150101.3

**Re. Submission to the Proposed Amendments to the Draft Clare County Development Plan 2017-2023**

Dear Mr McCarthy,

The Environmental Protection Agency (EPA) acknowledges your notice, dated 12/09/2016, regarding the above and notes its contents.

**SEA Determination**

We note your position with regard to the need for Strategic Environmental Assessment (SEA) of the Proposed Amendments to the Draft Clare County Development Plan 2017-2023 (the Amendments). A number of specific comments on the Amendments are provided below and should be taken into account prior to adopting the Plan.

In addition to these, the EPA's previous submission on the Draft Plan / SEA ER should also be taken into consideration at this time, as appropriate and relevant to the proposed Amendments. This previous submission is also attached for reference purposes.

**Specific Comments on the Amendments**

We acknowledge that the screening assessment of the Amendments has identified that a number of proposed land use zoning-related amendments, require further mitigation measures to minimise the potential for likely significant effects identified. We note and acknowledge these additional SEA mitigation measures and also the relevant recommendations necessary to avoid these potential significant impacts.

We also acknowledge that the screening assessment for some of the proposed land use zonings changes (or additional new zoning) not proceed or should be rezoned to less vulnerable uses due to aspects such as:

- potentially significant adverse environmental impacts
- inconsistency with Regional Planning Guidelines and County Core Strategy
- not supporting proper planning and sustainable development
- inappropriate land use zoning relative to flood risk assessment findings

You should ensure that the proposed amendments remain consistent with the Regional Planning Guidelines and County Core Strategy and that they are in accordance with proper planning and sustainable development. A commitment should also be included to integrate the National Planning Framework and Regional Spatial Economic Strategies, upon finalisation.

The amendments should, where relevant and appropriate, fully integrate the requirements of the *Planning System and Flood Risk Management Guidelines* (OPW, DEHLG, 2009). The



Amendments should also take into account the relevant Shannon CFRAMS Flood Risk Management Plans, to ensure flood risk considerations are appropriately reflected in the amended Plan. In addition, the requirements of the EIA, Habitats, Water Framework and Floods Directives in particular also need to be fully integrated as appropriate and relevant.

Given the number of proposed Amendments included where additional mitigation measures are required to be implemented, the potential for cumulative effects should also be taken into consideration and assessed prior to the adoption of the Plan. There is also merit in highlighting whether the lands zoned/re-zoned in the amendments will be developed over the lifetime of the Plan and on a phased basis.

#### **Future Amendments to the Draft Plan**

Clare County Council should determine whether or not the implementation of the proposed Amendments would be likely to have significant effects on the environment. This assessment should take account of the SEA Regulations Schedule 2A Criteria (S.I No. 436 of 2004) and should be subject to the same method of assessment as undertaken in the “environmental assessment” of the Draft Plan.

#### **SEA Statement – “Information on the Decision”**

Following adoption of the Plan, an SEA Statement, should summarise the following:

- How environmental considerations have been integrated into the Plan;
- How the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of the Plan;
- The reasons for choosing the Plan adopted in the light of other reasonable alternatives dealt with; and,
- The measures decided upon to monitor the significant environmental effects of implementation of the Plan.

A copy of the SEA Statement with the above information should be sent to any environmental authority consulted during the SEA process.

Should you have any queries or require further information in relation to the above please contact the undersigned. I would be grateful if an acknowledgement of receipt of this submission could be sent electronically to the following address: [sea@epa.ie](mailto:sea@epa.ie).

Yours sincerely,

---

**Cian O'Mahony**  
*Scientific Officer*  
*SEA Section*  
*Office of Environmental Assessment*  
*Environmental Protection Agency*  
*Regional Inspectorate*  
*Inniscarra, County Cork*





Mr Brian McCarthy,  
Senior Planner,  
Planning & Enterprise Development Department,  
Clare County Council,  
Aras Contae an Chlar,  
New Road,  
Ennis,  
Co. Clare

26<sup>th</sup> February 2016

Our Ref: SCP150101.3

**Re. Draft Clare County Development Plan 2017 - 2023 and Strategic Environmental Assessment Environmental Report**

Dear Mr McCarthy,

The Environmental Protection Agency (EPA) acknowledges your notice, dated 14<sup>th</sup> December 2015 regarding the preparation of the Draft Clare County Development Plan (the Plan) and associated SEA Environmental Report (the SEA ER).

We welcome the incorporation of many of the issues made in our SEA Scoping submission, dated the 9<sup>th</sup> March 2015, into the Plan and the SEA ER. A number of key additional considerations are outlined below that should also be taken into account in finalising the Plan.

**Specific Comments on the Draft Plan to be considered**

In *Chapter 2-Core Strategy*, we note the deficiencies relating to the provision of adequate and appropriate water and wastewater infrastructure provision for certain settlements in the county, as outlined in *Tables 2.4-2.7 Core Strategy Population Targets for Zones 1-7*. The Plan should ensure that sustainable development and economic growth is promoted. Settlement growth and associated development in the Plan area should be linked to the ability of critical service infrastructure to accommodate further growth. This should be implemented in collaboration with other service providers. Issues with drinking water and wastewater treatment facilities should be addressed on a priority basis in collaboration with Irish Water in the context of *Irish Water's Water Services Strategic Plan and Capital Investment Programme*.

We acknowledge the commitment in *Chapter 3 Urban and Rural Settlement Strategy*; to prepare new local area plans (LAPs) for both Ennis & Environs and for Shannon Town. These LAPs should be prepared taking into account the requirements of the SEA, Floods, Water Framework and Habitats Directives and associated relevant national Regulations and Guidelines, in particular, to guide/inform the appropriate zoning and development of lands. With regard to flood risk in particular, where existing zoned undeveloped lands are identified as being at risk of significant flood risk (Flood Zone A or B), the LAPs should consider re-zoning or de-zoning to more appropriate land use as appropriate.

The Settlement Maps accompanying the Plan should also consider including the findings of any flood risk assessment(s) carried out. Superimposing existing (and proposed additional) land use zoning within the various settlements with available flood risk mapping, will highlight potential zoning conflicts to be considered. The Plan should ensure that only appropriate land uses are considered in areas of significant flood risk, in accordance with the *Flood Risk Management Guidelines* (DEHLG, 2009).

We welcome the commitments given in *Development Plan Objectives CDP 3.9 and CDP 3.10* relating to the implementation of the proposed '*Settlement Strategy and the Planned Growth of Settlements*'. In implementing this

development strategy, the Plan should ensure that zoning and development is consistent with the Regional Planning Guidelines and with the County Core Strategy. Once the proposed Regional Spatial and Economic Strategy for the Mid-West Region is prepared, it will have implications on future zoning and growth within the County. There is merit in including a commitment to integrate the recommendations of the relevant Regional Spatial and Economic Strategy covering the Plan area, upon its adoption.

We welcome the inclusion of *Development Plan Objective CDP 4.14 Green Infrastructure in Residential Developments*. *Objective CDP 4.14* could also be further strengthened by including a commitment to integrate the relevant aspects of the *County Clare Heritage Plan 2011-2017* and *Clare Biodiversity Action Plan 2014-2017*.

We note the inclusion of the various proposed developments referred to under *CDP 6.7 Development Plan Objective: University of Limerick-Clare Campus*, in particular the proposed Northern Distributor Road, Strategic Rail Link and the re-opening of the Errina Canal. The Plan should clarify whether EIA has been carried out for the Northern Distributor Road (including route selection options). If this is not the case, the SEA should consider including an assessment of the potential for significant environmental effects to inform the decision making process. In conjunction with Limerick City and County Council, the Plan should consider preparing a joint master plan for the campus redevelopment to ensure a co-ordinated approach to development is undertaken. This would be beneficial in the context of ensuring environmental (including flood risk) and ecological protection of environmentally sensitive areas is taken into account in a coordinated manner across each local authority area.

We welcome the integration of a Wind Energy Strategy, the Shannon Integrated Framework Plan, and a Renewable Energy Strategy into the Plan.

We note the commitments given to comply with the provisions of the *Clare Noise Action Plan (2013)* in *CDP 8.32 Development Plan Objective: Noise Pollution*. The Plan should clarify whether aviation-related noise aspects have been considered in the preparation of this noise action plan. In preparing the proposed Local Area Plan for Shannon, this should be considered as appropriate.

Where appropriate, the Plan should include a reference to the National Mitigation Plan (DECLG), which is currently being prepared. This national plan seeks to reduce greenhouse gas emissions across a range of sectors (transport, energy, agriculture etc.) in collaboration with other Government Departments including DTTAS, DAFM and DCENR.

We welcome the inclusion of the specific objectives relating to coastal zone management and coastal protection, included in *Chapter 12 – Marine and Coastal Zone Management*. The Plan should also consider future climate scenarios in terms of predicted higher sea levels and increased frequency and intensity of storm conditions and associated potential for infrastructural damage. The Plan should ensure the protection of ecological buffers/marshlands/estuaries, in order that the effects of coastal squeeze on protected species/designated habitats can be managed appropriately where possible. The role that estuaries and marshes play in terms of flood alleviation could also be highlighted.

We acknowledge that the Plan in *Chapter 13-Landscape*, provides for the protection of visually sensitive areas and areas of significant landscape character.

We welcome that many specific policies for the protection of natural heritage, biodiversity and associated green infrastructure are included in *Chapter 14-Biodiversity, Natural Heritage and Green Infrastructure*. It may be also useful to consider including a reference to the role ecosystem services can have in the development of the Plan area. Promoting community based engagement in citizen science and specific projects such as the Burren LIFE Programme would also be very beneficial to protect and manage environmental sensitivities at a local level while supporting local communities.

We welcome the inclusion of *CDP 14.7 Development Plan Objective: non-Designated Sites*, and in particular, the commitment given to prepare habitat mapping for County Clare. The Plan should, where possible, include a commitment that development be required to take into account any available habitat mapping.

We welcome the commitments given under *CDP 14.27 Development Plan Objective: Green Infrastructure*, to prepare green infrastructure plans for Ennis and Kilrush. We also acknowledge the intention to implement the adopted green



infrastructure plan for Shannon. These will provide a framework to inform future zoning and development proposals in the County while protecting ecological corridors and linkages (and associated biodiversity) at a Plan level. Such plans will also provide community related benefits in areas such as recreation. There is merit in considering the integration of Green Infrastructure into the development of the various settlements described in *Appendix B* of the SEA/ER, as appropriate, to protect local ecological linkages and corridors.

### **Specific Comments on the SEA Environmental Report**

Under section 2.2.2 *Scoping*, we welcome the comprehensive outline of submissions received in respect of the Plan. In particular, we acknowledge how the key issues raised in these submissions have been addressed in the SEA.

We note the inclusion of mapping showing radon levels within the county at between 10%-20% and greater than 20% above the reference level outlined in *Chapter 5 Environmental Baseline-5.7.7 Human Health and Quality of Life*. The Plan should include a commitment to provide appropriate measures to mitigate for the harmful effects of radon in line with the development management process.

*Table 5.10.1 Water Framework Directive Status* sets out the % of water bodies including river/lake/transitional/costal and groundwater currently classified as being of ‘moderate’, ‘poor’, or ‘bad’ status in Co Clare. The Plan should protect and improve water quality within the Plan area, in accordance with the requirements of the WFD. On-going monitoring of trends in water quality status should also be incorporated into the monitoring programme for the plan period. The EPA’s WFD Application, available on EDEN ([www.edenireland.ie](http://www.edenireland.ie)) may assist in monitoring the trend of water bodies.

*Chapter 8: Assessment of Effects of implementing the Clare County Development Plan*, in particular we note the environmental and cumulative/in-combination effects described. The Plan should ensure that proposed development including residential, industrial, energy related or infrastructural, is prepared and implemented in accordance with the requirements of EIA, Habitats, Floods and Water Framework Directives. This will ensure that appropriate risk assessment of environmentally sensitivities areas which may be affected by any proposed development, is undertaken, and appropriate environmental protection and mitigation is put in place to address any potential environmental risks and concerns.

We note the inclusion of *Table 10.1 – Strategic Environmental Objectives, Targets and Indicators*. Where possible, the Plan should include the frequency of monitoring for each of the Strategic Environmental Objectives described. Linking the Plan and SEA related monitoring would be useful to provide for assessing how well the Plan is protecting environmental sensitivities and vulnerabilities over the lifetime of the Plan.

### **Additional Plans/Programme considerations**

The Plan should consider taking into account the following additional Plans/Programmes.

- National Peatlands Strategy and associated Raised Bog SAC Management Plans and Raised Bog NHA Review (DAHG/NPWS, 2015)
- Draft Plan for Forestry and Freshwater Pearl Mussel in Ireland (DAFM, currently being prepared).
- Draft Freshwater Pearl Mussel Sub-Basin Management Plans (DAHG/NPWS, 2010)
- Draft National Bioenergy Plan (DCENR, currently under preparation).
- Renewable Electricity Policy and Development Framework (DCENR) recently commenced
- National Mitigation Plan (DECLG) currently being prepared
- Food Wise 2025
- OREDP
- Grid 25
- National Landscape Strategy Wild Atlantic Way
- National Planning Framework (to commence in 2016)

### **Future Amendments to the Draft Plan**

Where amendments to the Plan are proposed, these should be screened for likely significant effects in accordance with the criteria as set out in Schedule 2A of the SEA Regulations and should be subject to the same method of assessment applied in the “environmental assessment” of the Draft Plan.



**SEA Statement– “Information on the Decision”**

Following adoption of the Plan, an SEA Statement, should summarise the following:

- How environmental considerations have been integrated into the Plan;
- How the Environmental Report, submissions, observations and consultations have been taken into account during the preparation of the Plan;
- The reasons for choosing the Plan adopted in the light of other reasonable alternatives dealt with; and,
- The measures decided upon to monitor the significant environmental effects of implementation of the Plan.

A copy of the SEA Statement with the above information should be sent to any environmental authority consulted during the SEA process. Should you have any queries or require further information in relation to the above please contact the undersigned.

I would be grateful if an acknowledgement of receipt of this submission could be sent electronically to the following address: [sea@epa.ie](mailto:sea@epa.ie).

Yours sincerely



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**Cian O'Mahony**  
*Scientific Officer*  
*SEA Section*  
*Office of Environmental Assessment,*  
*Environmental Protection Agency,*  
*Regional Inspectorate,*  
*Inniscarra,*  
*County Cork*



An Roinn Ealaíon, Oidhreachta,  
Gnóthai Réigiúnacha, Tuaithe agus Gaeltachta

Department of Arts, Heritage,  
Regional, Rural and Gaeltacht Affairs



Our Ref: **FP2016/072** (*Please quote in all related correspondence*)

11 October 2016

Director of Services,  
c/o Forward Planning Section  
Clare County Council  
New Road  
Ennis  
Co. Clare

Via email to [forwardplan@clarecoco.ie](mailto:forwardplan@clarecoco.ie)

**Re: Proposed Material Alterations to the Draft Clare County Development Plan 2017-2023**

A chara

On behalf of the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, I refer to correspondence received in connection with the above. Outlined below are heritage-related observations/recommendations of the Department under the stated heading(s).

#### **Nature Conservation**

The Department refers to Clare County Council's notification of the material alterations to the draft Clare County Development Plan 2017-2023 (i.e. all volumes, as currently on public display).

The following observations are made in the context of this Department's role in relation to nature conservation, including as an environmental authority under SEA legislation. They are not exhaustive and are offered to assist the Council in meeting the nature conservation obligations that arise in respect of the final plan, and the appropriate assessment and SEA which have yet to be carried out.

This Department has provided input and advice to the Council and its consultants in relation to this plan, including in submissions of 06/03/15 (our ref. FP2015/001), 20/03/15 (FP2015/021) and 29/02/16 (FP2015/119 – draft plan stage), and at a meeting on 20/03/15. The current submission should be read in conjunction with previous advice and submissions to the Council by this Department, particularly the submission at draft plan stage which is attached again for the Council's consideration. The Council's response to this submission in the Chief Executive's Report of 16/05/15 has been noted. It is expected that previous submissions and advice provided by this Department

have been or will be taken into account where relevant and still valid, and, accordingly, not all issues raised in the past are repeated here.

#### Completion of the Council's appropriate assessment

Pursuant to Part XAB, Section 177V of the Planning and Development Act, 2000 as amended, the Council, as the competent authority for the appropriate assessment of this land use plan, must carry out an appropriate assessment before the plan is made. This must include a determination by the Council as to whether or not the draft plan, including any amendments, would adversely affect the integrity of a European site or sites. The carrying out of the appropriate assessment is a pending step in the plan-making process. No plan that would have (or perpetuate) adverse effects on the conservation objectives or integrity of a European site may be made (unless in exceptional circumstances where the provisions of Article 6(4) of the Habitats Directive and associated legislation may be invoked).

The Department has noted that statements are made in the current and previous plan volumes to the effect that the appropriate assessment has already been carried out. Some examples [direct quotes] are as follows:

- Vol. 10, Section 1.1 – Process to date: *"The Draft Clare County Development Plan 2017-2023 was prepared in accordance with Sections 11 and 12 of the Planning and Development Act (as amended). As part of the Draft Development Plan, a Strategic Environmental Assessment (SEA), an Appropriate Assessment (AA) and a Strategic Flood risk Assessment (AFRA) were undertaken."*
- Vol. 10, Section 1.1 – Process to date: *"An Appropriate Assessment was also undertaken on the Draft Plan in order to comply with the Habitats Directive and transposing Regulations" ...*
- Vol. 10, Section 8.0 – Conclusion: *"This Addendum to the Environmental Assessments which were prepared as part of the Draft Clare County Development Plan 2017-2023 presents the findings of Screening for Appropriate Assessment and the Appropriate Assessment" ...*
- Vol. 10, Section 8.0 – Conclusion: *"The Screening for Appropriate Assessment identified that there was potential for likely significant effects arising from 15 of the proposed amendments. Accordingly, Appropriate Assessment was undertaken" ...*
- Vol. 1, Section 2.4.6: *"This Core Strategy has also been informed by Strategic Environmental Assessment (SEA) and Appropriate Assessment (AA), which were undertaken as parallel processes in tandem with each stage of the development plan preparation."*

It is advised that the above and any other erroneous references in plan documentation to the carrying out of the appropriate assessment are amended before the plan is made. Making a clear distinction between the appropriate assessment as a process (which includes decision-making), and the NIR and addenda as documents or reports necessary to inform that process, would help to clarify. Terminology such as 'Appropriate Assessment Natura Impact Report' should be avoided and omitted.

When the appropriate assessment is carried out, it is required to take account of the NIR and, in this case, 'Addendum to Environmental Assessments' in the new Volume



10. It should also address the content of submissions made where issues and concerns are raised regarding the likely effects of the plan on European sites, including this submission and the Department's submission at draft plan stage. Case law of the Court of Justice of the European Union (e.g. case C-258/11) has established that an appropriate assessment cannot have lacunae, and must contain complete, precise and definitive findings and conclusions with regard to the implications of the project for the conservation objectives and integrity of a European site or sites. These standards and best scientific knowledge should underpin the determination made regarding the implications of the final plan, and its implementation, for the conservation objectives and integrity of European sites.

The decision-making authority has obligations to address and resolve scientific uncertainties or discrepancies, including matters raised by other parties, particularly in relation to the implications for European sites and their conservation objectives in the appropriate assessment (e.g. judgment of Justice Barton (Irish High Court, January 2016) in the case of *Balz and others versus An Bord Pleanála*); the final determination should demonstrate how the differences in scientific opinion or conclusions were addressed, including demonstrating how one scientific view was preferred over another, and noting the standards of the appropriate assessment as outlined above. The Department's submission at draft plan stage is not addressed directly in current plan documentation which is on display; the Council should consider whether its response to the key concerns regarding plan effects on European sites in the Chief Executive's Report of 16/05/15 suffices to meet the standards required.

#### Matters relating to the content of the plan

The Council is advised to review and amend erroneous text and references to the appropriate assessment process, and legislative requirements in that regard, in various plan documents. The Council should also consider whether the various references to compliance with EU Directives in plan objectives and text should be amended and expanded to specify compliance with the national legislation that implements or transposes these directives. The Department has noted that future plan or project compliance with directives and legislation, including in respect of screening, assessment and regulation or decision-making, is the primary plan-level mitigation measure to avoid or ameliorate the adverse effects of plan objectives on European sites and other ecological receptors.

In addition to the examples of problematic text, which are pointed out above, the following has also been noted by the Department:

- Vol. 1, Section 1.1.3 – Appropriate Assessment: the Council should note that, contrary to what is said, it is not a *"requirement of the Habitats Directive that mitigation measures or measures proposed to avoid impacts on European sites be incorporated into the policy or detail of the Clare County Development Plan 2017–2023"*. However, it is necessary to incorporate or assimilate into a plan any mitigation measures that are required to avoid or ameliorate the (potential) adverse effects of that plan on European sites, as it is the plan that must be able to pass the tests of the appropriate assessment process.
- Objective CDP2.1: it is noted that this objective has been amended with the addition of: *"c) To require compliance with the objectives and requirements of the Habitats Directive, specifically Article 6(3) and, where necessary, Article 6(4), the Bird Directive, Water Framework Directive and all other relevant EU Directives"*. The Council is advised that Articles 6(2) and 10 of the Habitats Directive are also

particularly relevant to this objective, and to the plan, so should be included in the objective, or the references to Article 6(3) and 6(4) should be removed to indicate the general requirement for compliance with the Habitats Directive. It is again queried whether the compliance should also be with national legislation, noting the cross-references to this objective in other objectives (e.g. CDP6.7 – see below). It should be noted that it is the Council that has the primary obligations to comply with the Habitats Directive, and national legislation, particularly in cases where it is the competent authority, or the public authority<sup>1</sup>. Note also that it is the Birds not Bird Directive.

- Objective CDP2.1 lists EU Directives, but no legislation. Part of Objective CDP6.7 – University of Limerick – Clare Campus is, *"To ensure compliance with all relevant legislation as outlined in Objective CDP2.1"*. This objective, which is repeated in the written statement and is presumed to be plan-level mitigation, should be revised. It has been noted that this objective or stipulation is applied in the case of various development objectives located within or unlikely to be able to avoid European sites, or potential direct, indirect or cumulative or in combination effects on these sites, their conservation objectives and their integrity.
- The Council should distinguish between formal legislative requirements and the Council's own requirements in respect of aspects of the appropriate assessment process, noting that, for example, screening for appropriate assessment must be carried out by the relevant competent authority (or public authority), and determinations must be reached and made available. There is no formal requirement for 'Appropriate Assessment Screening Reports' to be prepared or submitted, but the Council may request such information from an applicant as it considers necessary. In contrast, there is a requirement to prepare and/or submit a Natura Impact Statement (NIS) where the Council has determined that an appropriate assessment is required; the Council is obliged to give reasons for its determination. Taking these matters into account, the Council should review text and objectives in the plan, including for example, CPD9.4 *"c) Development proposals must be accompanied by an Appropriate Assessment Screening Report and/or Natura Impact Statement"*.
- Vol. 1, Section 14.3.3 – Appropriate Assessment (and repeated in Section A 1.7) – the following text should be reviewed and amended in line with what is said in the Habitats Directive and/or national legislation:
  - *"In accordance with the EU Habitats Directive, any plan or project must be screened for appropriate assessment (by the Council) to establish if there is potential for significant effects on a European site and to determine if an appropriate assessment (by the Council) is required"* – note that screening is required by legislation, and is not specified in the Habitats Directive
  - *"If the Appropriate Assessment indicates that the subject site hosts a priority natural habitat type and/or a priority species, and the proposed development will have a significant negative impact on that habitat or species, the plan or project can only proceed if there are imperative reasons of overriding public interest (IROPI), including those of a social or economic nature in line with Article 6(4) of the Habitats Directive"* – note

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<sup>1</sup> As defined in Part 1 of the European Communities (Birds and Natural Habitats) Regulations, 2011

that the effect is an adverse effect on the integrity of a site, and that need not involve an Annex I priority habitat. Furthermore, in the case of priority habitats, reasons of overriding public interest (IROPI) may not include those of social or economic nature. Also, there must be an absence of alternative solutions before an Article 6(4)/'IROPI' case may be made. The Council is advised to review the text of the Habitats Directive and planning legislation in these regards

- Vol. 1, Section 9.4.4 – Tourism in North Clare: contrary to what is said in this section, an NIS, and not an ecological impact assessment, is required to inform an Appropriate Assessment where required. See also above
- Objective CDP14.3 – *“It is an objective of the development plan: a) To implement Article 6(3) and where necessary Article 6(4) of the Habitats Directive and to ensure that Appropriate Assessment is carried out in relation to works, plans and projects likely to impact on European sites (SACs and SPAs), whether directly or indirectly or in combination with any other plan(s) or project(s).”* Again, it is advised to also reference compliance with national legislation in these regards. See also below in relation to the duties of the Council as a public authority under the European Communities (Birds and Natural Habitats) Regulations, 2011.
- Objective CDP 18.11 – *“To encourage and facilitate the maintenance of rivers and waterways by statutory authorities and the cleaning of drains in urban areas where appropriate, and subject to the requirements of Objective CDP2.1 Appropriate Assessment, where required, and OPW Best Practice Guidelines”.* Again, as above, Objective CDP2.1 does not list any legislation and, it should be noted, that this will or may include Regulations 27 and 42 of the European Communities (Birds and Natural Habitats) Regulations, 2011.

#### Matters relating to the material alterations

The many changes or amendments of land use zonings are noted. While these are addressed by way of general commentary in the 'Addendum to Environmental Assessments' report, no ecological or environmental information is presented to identify key constraints or potential impediments to future development that may exist, including possible contraventions of protective ecological and environmental objectives in the plan.

#### Plan-level mitigation

The Department notes that the over-arching approach to plan-level mitigation, as set out explicitly or implicitly in the plan and its objectives (but noting the inaccuracies or limitations of some of these, as outlined above), is to require future projects and plans to comply with relevant legislation. It is presumed that this includes compliance in respect of screening, assessment, regulation and decision-making, and it is pointed out that this compliance is already a legal requirement in general. This requirement for compliance also exists where damage to European sites, including deterioration of natural habitats, significant disturbances of species, or adverse effects on conservation objectives or site integrity, is occurring, or may result from, or be exacerbated by development objectives in the plan, and cumulative or in combination effects.

As previously pointed out by the Department, the plan supports and promotes the development and use of trails, greenways and other natural sites and features, including for amenity, recreation and tourism purposes. Examples noted by the Department included the Cliffs of Moher trail, the Loop Head trail, and tourism and amenity



developments in and around Lough Derg; in these cases, the plan contains objectives for development and/or increased usage where it is unlikely that direct impacts on the European sites can be avoided. In these, and other examples, it has not been demonstrated in the NIR or the 'Addendum to Environmental Assessments' report how the plan-level mitigation will assist in addressing and managing competing aspirations for development and more intensive usage with European site protection, and how the cumulative or in combination effects will be addressed and assessed. An NIR should demonstrate how mitigation measures will address, mitigate and ameliorate the adverse effects that may result from a plan and its implementation.

In the current absence of assessment and analysis of the residual effects of the plan, following the implementation of plan-level mitigation measures, a precautionary approach should be taken in concluding that the conservation objectives and integrity of various European sites will not be adversely affected.

Taking the above and previous observations into account, it cannot be excluded at present that aspects of the plan, including the objectives it contains, will have or perpetuate adverse effects on the conservation objectives and integrity of one or more European sites.

#### Duties of a public authority

The Council's particular attention is again drawn to Regulation 27 of the European Communities (Birds and Natural Habitats) Regulations, 2011 (the 2011 Regulations), as this places particular duties on all public authorities in relation to European sites that should be reflected in the plan commitments and the associated assessments. Among other things, this includes a duty to exercise all functions, including but not only consent functions, in compliance with, and so as to secure compliance with, the requirements of the Habitats and Birds Directives and the 2011 Regulations. Public authorities are obliged, when exercising their functions, to take appropriate steps to avoid in European sites the deterioration of natural habitats and the habitats of species, as well as disturbance of species for which a site has been designated insofar as this disturbance could be significant in relation to the objectives of the Habitats Directive. All public authorities are advised to incorporate such obligations into their plans and programmes, and associated assessments, as required and relevant. This could usefully include the development of systems and internal mechanisms that will monitor and ensure the compliance of 'downstream' projects with these obligations, and ensure the appropriate assessments for future projects meet the standards required, which is particularly relevant to the plan-level mitigation specified.

#### The Burren National Park

The Department refers to its earlier comments on the references made to the Burren National Park in the Draft Development Plan. It is noted that some amendments have been made that set the context of the park in an international context. It is of the view however that the main points contained in the Department's previous submission were not taken on board. The comments previously made in relation to policies and objectives in regard to the National Park are re-iterated again here. It is considered that objective CDP14.6 as drafted at present is putting the cart before the horse and that the drafting any (non-statutory) management plan for the national park should be informed by objectives contained in the (statutory) County Development Plan. It is suggested that Burren National Park is a great asset for Co. Clare and that Plan should contain some more concrete objectives or policies on how the park should be developed and managed.

Architectural heritage observations, if any, will follow in due course.

You are requested to send further communications to this Department's Development Applications Unit (DAU) at [manager.dau@ahg.gov.ie](mailto:manager.dau@ahg.gov.ie) (team monitored); if this is not possible, correspondence may alternatively be sent to:

The Manager  
Development Applications Unit (DAU)  
Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs  
Newtown Road  
Wexford  
Y35 AP90

Le meas



**Yvonne Nolan,  
Development Applications Unit**

Encl.



**An Roinn**  
**Ealaíon, Oidhreacht agus Gaeltachta**  
**Department of**  
**Arts, Heritage and the Gaeltacht**

29 February 2016

**Our Ref: FP2015/119**

Director of Services,  
c/o Forward Planning Section  
Clare County Council  
New Road  
Ennis  
Co. Clare

**Re: Draft Clare County Development Plan 2017-2023**

A Chara,

On behalf of the Department of Arts, Heritage and the Gaeltacht, I refer to the planning authority's recent notification of 07/12/15 that a new draft Clare County Development Plan 2017-2023 has been prepared for the functional area of the Council, and is currently on public display. Outlined below are heritage-related observations/recommendations of the Department under the stated heading(s).

**Nature Conservation**

It is understood that the new plan, on adoption, will replace the existing Clare County Development Plan 2011-2017, as well as Kilrush Town and Environs Development Plan 2014-2020, and Ennis and Environs Development Plan 2008-2014. It is also understood that the draft plan contains municipal district plans, with settlement plans and zonings for the settlements of the county, and that it is likely that, on adoption, the existing North, South, East and West Clare local area plans will be revoked.

The Department notes that the draft plan comprises ten volumes, including:

- Written statement (Volume 1);
- Volume of maps (Volume 2);
- Written statements and settlement plans for the new municipal districts of Ennis, Shannon, Killaloe and Kilrush/west Clare (Volume 3);
- Five strategies (Volumes 5-9), including the wind energy strategy, the renewable energy strategy and the SIFP; and
- Environmental appraisal of the plan (Volume 10), including the NIR, the SEA Environmental Report, and Strategic Flood Risk Assessment.

**Background considerations**

*Context of observations*



The following observations are made by the Department in its role as a prescribed body and an environmental authority under planning legislation. The observations are not exhaustive but are intended to assist the Council in meeting its obligations in relation to natural heritage and biodiversity in the plan area and in the new plan. Particular emphasis is placed on compliance with the Habitats Directive and Birds Directive, including in respect of Articles 6(2), 6(3) and 6(4) of the former, as set out in Part XAB of the Planning and Development Act, 2000 as amended, and in the European Communities (Birds and Natural Habitats) Regulations, 2011. The critical requirements, in this case, are that an appropriate assessment must be carried out by the Council before the plan is made, and that no plan that would have (or perpetuate) adverse effects on the integrity of a site may be made (unless in exceptional circumstances where the provisions of Article 6(4) of the Habitats Directive may be invoked).

#### *Duties of a public authority*

In addition to being the competent authority for the appropriate assessment of this plan, the Council should be mindful of its duties as a public authority, under Regulation 27 of the European Communities (Birds and Natural Habitats) Regulations, 2011, to exercise its functions, including consent functions, in compliance with or so as to secure compliance with the requirements of the Habitats Directive and the Birds Directive, and these Regulations.

#### *Previous Departmental submissions*

The Council will be aware of the Department's previous submissions of 06/03/15 and 23/03/15 in respect of this plan at pre-draft, Issues Paper and SEA scoping stages, as well as the advice and recommendations given by staff of this Department at a meeting with the Council on 20/03/15. In addition, the Department has made numerous detailed submissions to the Council over many years in relation to:

- the existing and/or former county and other development plans in Clare (e.g. Ennis and Environs, and Kiltrush Town and Environs);
- strategies which are being incorporated into and given effect by the new plan, including the wind energy strategy, renewable energy strategy and SIFP;
- Local Area Plans in Clare.

The Department has also made submissions to the Council (and its consultants) that are relevant to some specific development objectives within the current plan, e.g. West Clare Railway walking and cycling route, and the proposed Limerick Northern Distributor Road, and has outlined where there are or were uncertainties as to the implications of these projects for the conservation objectives and integrity of certain European sites. The current observations are made on the basis that previous advice and recommendations have been taken into account by the Council.

#### *The appropriate assessment*

It has been established by the Council that an appropriate assessment is required, and an NIR has been prepared for the current draft plan. The appropriate assessment has yet to be carried out and this must occur before the plan is made. Among other things, the Council must take account of the NIR when this assessment is carried out and the NIR should relate to the final iteration of the plan, whether or not there are amendments or material alterations. No land use plan may be made if it would adversely affect the integrity of a European site.

The Department notes various references and text in plan documentation, including the NIR, which suggest that the terms 'NIR' and 'appropriate assessment' are synonymous, and that the latter has been carried out<sup>1</sup>. As the Council will be aware, the appropriate assessment is a pending step in the plan-making process. When it is carried out, it cannot have lacunae, and must contain complete, precise and definitive findings and conclusions with regard to the implications of the plan for the conservation objectives and integrity of European sites. In the event that data gaps and

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<sup>1</sup> For example, Section 1.1 of the NIR (Volume 10a) states that, "*The Council's AA decision at the Draft Plan Stage is also published alongside the Draft CDP*", and page 3 of Volume 3C states that "*The Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment which have been undertaken in tandem with the preparation of this development plan have informed the formulation of plan objectives and land-use zonings*".

incomplete analysis in the current NIR (as set out below) or changes in the plan are addressed in the Manager's Report or in an addendum to the NIR, the Council should take account of these, in addition to the current NIR, when carrying out the appropriate assessment.

#### *Flooding*

The Strategic Flood Risk Assessment, which forms part of Volume 10, is noted. This was prepared prior to the extreme winter flooding of 2015/16. In the event that this requires revision, or new advice and recommendations come from the OPW or from other flood risk working groups, this should be taken into account, and reflected in objectives and recommendations of the plan, and subjected to any environmental assessments necessary.

#### **Specific considerations**

##### *Written statement (Volume 1)*

It is noted that the written statement comprises a vision, Core Strategy, and about 295 development objectives for the wide range of policy areas covered by the plan. Chapter 14 covers 'Biodiversity, Natural Heritage and Green Infrastructure', and sets out a suite of positive objectives to conserve, protect and enhance nature conservation sites, habitats, species, and ecological networks. These objectives are welcomed and are wide-ranging in their scope. However, the Council is advised that there should be further analysis of potential negative implications of proposed or increased amenity and recreational use of such areas, and in European sites in particular. Some suggested changes to the text of this chapter are made below, for technical accuracy. In addition, it is recommended that Objective 2.1<sup>2</sup>, which is a positive ecological and environmental measure, should be integrated or cross-referenced with objectives in this chapter, as appropriate.

Many of the objectives in other chapters of the written statement support or promote development, including changes in land use or in the likely intensity of land use. Future development that will or could result from these objectives will vary in its nature, scale and geographical specificity, as is normal in a county development plan. In some cases, however, the developments and their locations are specific, and European sites will be impacted, or are already being impacted. A plan should aim to manage the competing aspirations for development on the one hand, and ecological and environmental conservation and enhancement on the other, including through the incorporation of appropriate plan-level mitigation. It should also aim to identify areas where resources, advice and funding may need to be provided by the Council to assist in achieving certain development objectives, particularly when considering suitable project sites or options, when assessments are required, and when Council or community projects are involved.

It is understood that the processes of preparing the NIR and SEA Environmental Report have influenced the drafting of the written statement in a positive way, including through the incorporation of plan-level mitigation into the content of the objectives. However, apart from Chapter 14, this mitigation, if included, is largely concerned with general obligations to comply with the Habitats and Birds Directives and national legislation, including in respect of screening for appropriate assessment and carrying out appropriate assessment, where necessary, at some point in the future. It is noted that this limited mitigation is not always applied, and is not always applied or referenced consistently, and this, in itself, may result in some risks to European sites and may mislead those using the plan; if, for example, there are references to the need to comply with the Habitats Directive in some objectives, and not in others, this could be taken to mean that such matters will arise in the case of the former and not in the latter. It is recommended that, if future compliance of plans and projects is used as a mitigation measure, then there should be clearer and more consistent wording, cross-referencing or use of footnotes in each of the relevant objectives which, among other things, should include or encapsulate Objective CDP 2.1 and its

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<sup>2</sup> CDP2.1 – It is an objective of the development plan: a) To require the preparation and assessment of all planning applications in the plan area to have regard to the information, data and requirements of the Appropriate Assessment Natura Impact Report, SEA Environmental Report and Strategic Flood Risk Assessment Report contained in Volume 10 of this development plan; b) To require projects to be fully informed by ecological and environmental constraints at the earliest stage of project planning and any necessary assessment to be undertaken, including assessments of disturbance to species, where required

general principles and requirements. All the objectives should be further reviewed by the Council to ensure that there is rigorous, consistent and effective application of this approach to mitigation, wherever necessary.

The above type of mitigation should also be reviewed or expanded, where necessary, to cover the full range of considerations that may apply; e.g. Objective CDP8.39 – Renewable Energy, says as follows: *It is an objective of the development plan: g) To ensure that all proposals for renewable energy developments and ancillary facilities in the county are in full compliance with the requirements of the SEA and Habitats Directives.* For completeness, from a nature conservation perspective, this should also include reference to the Birds Directive, the EIA Directive, and relevant national legislation. Checks for the accuracy and appropriateness of some mitigation (or statements) should also be carried out, e.g. references in plan documentation to requirements for 'appropriate assessment screening reports' to be prepared or submitted by prospective developers should be rephrased either as information or reports to support screening for appropriate assessment which will be carried out by the Council, as the competent authority.

In line with the above approach, it would assist if, in relation to terms such as 'suitable sites' (e.g. Table 3.1, Types of Rural Housing Development allowed on Suitable Sites), European and other nature conservation sites, and sensitive habitats, were identified as factors for consideration in their definition.

#### *Municipal district written statements (Volume 3)*

Many of the above points are also relevant to the municipal district written statements and to the plan-level mitigation they contain. In addition, the Department notes that Tables C2(a) to (d) of Appendix C of the NIR list specific mitigation measures that are not integrated into the text and objectives of these four statements, and are not adequately cross-referenced or linked between the two documents. This needs to be reviewed and improved so that there is clarity and transparency regarding the mitigation that is deemed necessary, and so that plan and its objectives can be found to pass the tests of Article 6 of the Habitats Directive.

#### *NIR*

The approach to and detail in the NIR, including the appendices, are noted. Despite the significant work and analysis undertaken in the NIR, the written statement contains objectives for development within European sites or which are unlikely to be able to avoid such sites, or where the location is not currently known. The general mitigation, if any, in the NIR and written statement is to require future proposals going through consent procedures to be subject to the relevant assessment processes. This includes the Council's proposals as well as those of other bodies, authorities and private individuals. This approach to mitigation is covered above.

In one table in the NIR (Appendix C, Table C1), all c. 295 objectives of the main written statement are listed and their likely effects addressed by way of some text. When the Council reviews and takes account of the NIR, the responses in column three of this table should be noted, as should the findings of Table B2 (Appendix B), in relation to potential pathways for effects on the listed SACs and SPAs. The NIR identifies many objectives where likely significant effects on European sites (in view of their conservation objectives) are not excluded; this is generally for reasons of insufficient geographical or project specificity, or because related strategies were previously assessed in their own right. What is missing is some analysis of the likely efficacy of the mitigation, and analysis of the implications of the plan for the conservation objectives and integrity of European sites. Based on the approach to the NIR, including the findings in these tables, it is unclear to this Department how the conclusion in Section 4.2 of the NIR, which states as follows, is reached: *"The result of the assessment was that all of the objectives in Volume 1 were not regarded to give rise to adverse effects on the integrity of European Sites."* Plan-level mitigation must be demonstrated to be effective in addressing and ameliorating the full range of any adverse effects on the conservation objectives and integrity of European sites that would arise from the plan, or that already exist and may be perpetuated or worsened by the implementation of the plan.



Where it is stated in the NIR that there is insufficient geographical specificity, the locations of some development objectives are clearly in or cannot avoid European sites; some of the examples noted by this Department are CDP6.4, CDP6.7, CDP8.6, CDP8.9, CDP9.22 and CDP9.23, but there are many other examples in the plan. Regarding some of these objectives, the following points are raised for the Council's consideration:

- Proposed Limerick Northern Distributor Road: the Department has not yet seen an assessment of the road as a project, but is aware that lands are being safeguarded at plan level for a future road; it is this provision that has been assessed.
- References to community use of natural resources in places such as Ballyallia Lake, the Post Office Field and along the River Fergus which are within or adjacent to European sites: the NIR has identified that significant effects could arise from such uses, but targeted assessment and analysis of the implications for the conservation objectives and integrity of the European sites in question are lacking. The Department has advised the Council that amenity and recreational uses of European sites may not be consistent with their conservation objectives, and that this should be taken into account in the definition of and objectives for green infrastructure. In the current absence of targeted assessment and analysis in the NIR to support these uses, it must be concluded that the implications for the conservation objectives and integrity are unknown and unresolved. In these cases, the precautionary principle should apply and the objectives should be omitted or revised, or subjected to more detailed assessment and analysis.
- The plan supports and promotes the development and use of trails, greenways and other natural sites and features. Some examples noted by the Department include the West Clare Railway Greenway, the Cliffs of Moher trail, and Loop Head trail. The former passes through a European site and, while partly permitted and included in this plan, there is no assessment of the section within the European site. In relation to the two coastal trails, it is known that usage is increasing, and that habitat damage and disturbance are resulting from recreational pressures, e.g. through the ecological monitoring undertaken on behalf of Fáilte Ireland in relation to the Wild Atlantic Way and its implementation programme. Further consideration should be given to the need for corrective action in order to meet the requirements of Article 6 of the Habitats Directive in the case of the Cliffs of Moher trail in particular.
- Where there is reliance on mitigation measures from other strategies, the Council must ensure that this mitigation suffices and is up-to-date, particularly in respect of the location and extent of European sites, and the details of their conservation objectives, taking the current environmental baseline and pressures into account.

#### *Natural Heritage*

The overall plan would benefit from review and technical input in relation to European sites, NHAs and appropriate assessment matters and terminology, particularly, but not exclusively, in Chapter 14. Some suggestions are made below but the review by this Department is incomplete. The following observations are generally made with respect to the content and details of Chapter 14 of the written statement but may have wider implications for other parts of the plan.

- Section 14.3.2: *suggested change to* – The EU Habitats Directive, together with the EU Birds Directive, provide for the conservation, protection and, in some cases, restoration of habitats and species ...
- Section 14.3.2: SACs – *suggested change to* – These sites are for the conservation and protection of plants, animals (other than birds) and wildlife habitats ...
- Section 14.3.2: SPAs – *suggested change to* – These sites are for the conservation and protection of birds and their habitats ... (Note the Birds Directive dates from 1979 but was codified in 2009.)
- Section 14.3.2: *omit or rewrite the following to clarify and correct* – The Directive was incorporated into Irish law by the European Communities (Natural Habitats) Regulations (S.I. No. 94 of 1997) under Regulation 31 (Annex 1.2) and the European Communities (Birds and Natural Habitats) Regulation (S.I. No. 477 of 2011).
- Section 14.3.2: in addition to the obligations under planning legislation to 'take appropriate steps to avoid ...', the Council has duties as a public authority under Regulation 27 of the European Communities (Birds and Natural Habitats) Regulations, 2011, as outlined above.

- CDP14.2: *suggested change to* – likely significant effects on European sites in view of the site's conservation objectives ...
- Section 14.3.3: *suggested change to* – There is a requirement to ensure that future developments do not have or perpetuate adverse effects on the conservation objectives and integrity of a European site.
- Section 14.3.3: *suggested change to* – any plan or project must be screened for appropriate assessment (by the Council) to establish if there is potential for significant effects on a European site and to determine if an appropriate assessment (by the Council) is required.
- Section 14.3.4: *suggested omission of* – Natural heritage includes local flora and fauna, geology, parks and inland waterways. (This section is about NHAs.)
- CDP14.6 (and elsewhere): the European Communities (Natural Habitats) Regulations 1997 have been revoked so do not currently apply.
- Section 14.3.7: ... and Annex II and IV species
- Section 14.3.10: include references to Article 10 of the Habitats Directive in relation to wildlife corridors and stepping stones.
- Maps showing nature conservation sites should depict SPAs more clearly, including to reflect their status as European sites.
- Map F and the listing of NHA sites should distinguish established and legally protected NHAs from 'pNHAs'.
- Maps of environmental sensitivities in the plan area should include the Cloon and Doonbeg *Margaritifera* Sensitive Areas.
- Refer to European site and Natura 2000 network, but not Natura 2000 site;
- Glossary – NPWS is part of Department of Arts, Heritage and the Gaeltacht, and the 'N' is for National (not Natural) Parks and Wildlife Service;
- Section A.1.7: *Rephrase the following* – "If a development site is located on or near a Natura 2000 site, or the proposed development may have an impact on a Natura 2000 site, it is advisable to consult with the National Parks and Wildlife Service at the earliest possible opportunity", to "If a development site is located on or near a European site, or the proposed development may have an impact on a European site, it is advisable to consult with the Council at the earliest possible opportunity. The National Parks and Wildlife Service of the Department of Arts, Heritage and the Gaeltacht may also be consulted, including via <http://www.npws.ie/planning>."

#### *The Burren National Park*

It is considered that the Burren National Park has not received due consideration in the draft development plan, considering its status as an IUCN Category II protected area.

Section 14.3.6 refers to "...a number of other sites, such as national parks, nature reserves and wildfowl sanctuaries across the county.."

Development plan objective CDP14.6 refers to the Burren National Park. This is a general objective however, applying to areas of biodiversity importance and does not specifically deal with the National Park. 14.6(c) refers to "national parks". It should be noted that there is only one national park in Co. Clare.

It is suggested that consideration should be given to developing policies and objectives for the development plan, with the aim of protecting the environment and vistas and zones of visual influence in and around the national park and the visual character of the park.

The Burren National Park which is still in a relatively early stage of development, in terms of its overall area, is nonetheless a special and iconic site. It would be helpful if the development plan set out the council's view on how it wishes to see the park developing, how it views the park as a tourism asset for Co. Clare and its potential for assisting in local and county development.

Policies and objectives in relation to the promotion of the park, signage to the park, traffic, the facilitation of access to the park by tourists and other visitors while conserving the character, habitats and environment of the park would be welcome.

CDP14.20. It is considered that this objective is rather out of place in this draft plan. Any conservation management plan that may be drawn up by this Department would be an internal document with no legal status. It is suggested that it would be preferable if policies and objectives along the lines referred to above, were developed by the council –in consultation with this Department, if need be – and included in the county development plan. These could then form the framework around which any internal Departmental management plans for the national park would have to work.

### **Archaeology**

Having considered the information as submitted in the relevant documentation, the proposed new Local Area Plans shall take account of the following observations and recommendations of the National Monuments Service of the Department of Arts, Heritage and the Gaeltacht.

It is recommended that all LAPs contain detailed Cultural Heritage Sections that looks to assess all aspects of each individual areas and their Environs (both for terrestrial and underwater cultural heritage) and thus provide a more cognizant archaeological assessment that will then form part of a strategic assessment process to inform the LAPs generally and cover potential developments or works that may not be subject to the normal planning process. The potential for previously unrecorded archaeology, and particularly that from an underwater environment, is high for the multitude of zones relating to the proposed areas, particularly those in coastal locations, and not least the Shannon and Killaloe, but others too with maritime and riverine heritage an obvious part of the story of their cultural past.

Appropriate Assessments would be particularly relevant where any Flood Risk Management Scheme is proposed or is to be extended. It is therefore recommended that an LAP or subsequent SEA and any proposed Flood Risk Management Assessments be updated to included assessment of the known and potential cultural heritage in *all areas* of the proposed LD Plans. This shall include the known and potential terrestrial and underwater archaeological heritage of all areas that may be the subject of proposed works in the future, including coastal paths, flood schemes, coastal protection works, foreshore works, dredging programmes, etc.

An AA can be desk based in the first instance, with the more detailed fieldwork or underwater assessments being carried out as part of the statutory planning process, a general assessment, undertaken by a suitably qualified archaeologist (with underwater/maritime experience regarding the UCH), that shall ensure that future proposed works that fall under both statutory and non-statutory regulations with regard to the planning process, will be addressed. This will inform on the protection of all aspects of the cultural heritage when the Council considers works or zoning under the LAPs.

### **Terrestrial & Underwater Archaeology:**

In *The Record of Monuments and Places (RMP)* recorded archaeological sites are to be found within the areas addressed for the LAPs. These Recorded Monuments are protected under the National Monuments (Amendment) Act 1994. The RMP is not an exhaustive list of all archaeology in existence, and in this regard the DAHG would like to draw the applicant's attention to the Department's published policy in relation to the archaeological assessment of large-scale developments on sites where there are no previously recorded monuments (*Framework and Principles for the Protection of the Archaeological Heritage* – Published by Dúchas The Heritage Service).

Similarly, contained within the areas covered are estuarine, riverine and coastal environments. These may contain known and previously unknown underwater archaeological heritage that should



be considered in any appropriate assessment to inform the LAPs. Such sites can include fortifications with associated slipways, quays, etc., harbours with associated marine infrastructure, shipwrecks, fishtraps, lakeside dwellings, causeways, logboats, singular sites such as rock cut platforms and steps, and of course artefactual material associated with sites or as individual depositions in underwater environments.

It is the policy of the Department that proposed developments, due to their location, size, or nature, that may have implications for the archaeological heritage should be subject to archaeological assessment. This should be included in the LAPs. Such developments include those that are located at or close to an archaeological monument or site, those that are extensive in terms of area (1/2 hectare or more) or length (1 kilometre or more), those that may impact the underwater environment (marine, intertidal/foreshore, riverine or lacustrine) and developments that require an Environmental Impact Statement. Archaeological heritage includes:

- National Monuments in the ownership or care of the State or Local Authority; it shall be noted that these will have Consent requirements and will need to be addressed directly with the National Monuments Service in this regard.
- Archaeological and Architectural monuments/sites in the Record of Monuments and Places.
- Monuments in the Register of Historic Monuments
- Zones of Archaeological Potential in Historic Towns
- Underwater Archaeological Heritage, including Historic Wrecks
- Previously unknown and unrecorded archaeological sites (including subsurface elements with no visible surface remains and potential sites underwater in rivers, lakes or the sea, that can include wharves, jetties, quays, piers, fish traps, anchorages, bridges, fording points, rockcut steps or sea caves)
- Potential sites located in the vicinity of large complexes of site or monuments
- Present or former wetlands, unenclosed land, rivers or lakes, reclaimed areas, or the inter-tidal zone.

Kindly forward any further information electronically to the following email address:

[manager.dau@ahg.gov.ie](mailto:manager.dau@ahg.gov.ie)

Alternatively, hard copy documentation associated with the above can be referred to the DAU at the following address:

The Manager,  
Development Applications Unit,  
Department of Arts, Heritage and the Gaeltacht,  
Newtown Road,  
Wexford  
Y35 AP90

In addition, please acknowledge receipt of these observations by return.

Is mise le meas,



**Yvonne Nolan,**  
**Development Applications Unit**



Forward Planning Unit  
Planning Land Use and Transportation  
Clare County Council  
New Rd.  
Ennis,  
Co. Clare

Oct 12<sup>th</sup> 2016

**Re: Proposed Amendments to the Draft Clare County Development Plan 2017 - 2023**

A Chara,

SAA Ltd. wishes to make the following comments in addition to our previous correspondence of February 26<sup>th</sup>, 2016 in respect of the Proposed Amendments to the Draft Clare County Development Plan 2017-2023.

**Volume 1 of the Draft Development Plan – Written Statement  
Development Plan Objective; Shannon Rail Link**

We welcome reference and inclusion of the development plan objective (CDP8.15) to safeguard the route of the proposed Shannon Rail link and permit development where it is demonstrated it will not inhibit the future development of the selected route as rail link.

**Volume 1 of the Draft Development Plan – Written Statement  
Appendix 3 – Natural Heritage Sites in County Clare**

We note Table A3.3 has been amended to remove the proposed Natural Heritage Areas including Rosroe Lough which is the source for the drinking water supply to the airport in Shannon. We wish to re-iterate to you that Rosroe Lough continues to be the raw water source for the supply of treated drinking water to Shannon Airport and its associated campus and strongly re-emphasize our raw water abstraction rights (riparian rights) from Rosroe Lough which have been in existence since the late 1930's and which will require protection under any plans for future NHA designation.

**Volume 5 – Clare Wind Energy Strategy  
Section 6.10 Aviation Safety and Navigation Pg 44**

We note that Clare County Council has proffered “no proposed amendments” under this section. We remain of the view that the following content should be incorporated:





Shannon Airport Authority Ltd. may need to be contacted as a statutory consultee under the planning regulations in the siting of wind turbines at locations specifically in County Clare as these projects may have implications for the operations of the comms, navigation and surveillance systems used by Air Traffic Control for the separation and safety of aircraft. The geographical siting of these wind turbines may also have implications for the flight paths of aircraft.

Regard must be had to the IAA's *Obstacles to Aircraft in Flight Order, 2002 (S.I. No.14 of 2002)*, as amended, which specifies the criteria used to determine whether or not any object anywhere in the State is deemed to be an obstacle affecting aircraft operations. Also, in order to assure the safety and efficiency of aircraft operations in the vicinity of airports, the International Civil Aviation Organisation (ICAO) has defined a volume of air space above which new objects are not permitted to interfere.

It is also our contention that all wind energy developers should seek the views of the Irish Aviation Authority (IAA) at the pre-planning stage of consultation, with details of locations and proposed heights of turbines, to ensure that proposed developments do not cause difficulties with air navigation safety. If any potential adverse effects relating to wind turbine development were identified as part of the planning consultation process, Shannon Airport Authority Ltd. would fully support any submission from the IAA.

SAA would also ask that the planning authority highlight within the strategy the mandatory stipulation of the deployment of obstacle avoidance lighting on each individual wind turbine in the interests of flight safety.

**Volume 6 – Clare Renewable Energy Strategy**  
**Section 8.3 Planning Issues and Policy**

We note and welcome the inclusion of the *"requirement for an exclusion zone/restrictions around Shannon Airport, due to potential conflict between aircraft radar systems and large PV tracker technology; also potential reflection/ glare issues"*.

**Volume 7 - Strategic Integrated Framework Plan for the Shannon Estuary**  
**Section 5.7.4 Shannon International Airport Pg 112**

We note that Clare County Council has proffered "no proposed amendments" under this section. We remain of the view that the content below should be incorporated:

Paragraph 2 needs to be amended and replaced with the updated information as follows:

*"Shannon Airport has seen three successive years of growth since it became an independent operator in 2013. In 2015 passenger numbers grew 5% with over 1.7 million passengers passing through the airport which serves 35 destinations in 11 countries. Shannon has transatlantic services which fly*





*directly from the airport to the United States (New York JFK, Newark, Boston, Philadelphia and Chicago and sees significant growth in particular in the European market in 2015. The airport was the first outside of the Americas to implement a US Customs and Border Protection facility which provides a full pre-clearance for passengers into the US."*

### **Conclusion**

We once again welcome the publication of the Proposed Amendments to the Draft Clare County Development Plan 2017 - 2023 by Clare County Council.

SAA Ltd. respectfully request that our submission be given due consideration by Clare County Council during the Development Plan review process and finalization of the plan.

We would appreciate acknowledgement of receipt of this submission.

Yours sincerely,

---

**Paul Hennessy**  
**Safety Compliance & Environment Manager**  
**SAA Ltd.**

Planning & Enterprise Development Department  
Clare County Council  
Áras Contae an Chláir  
New Road  
Ennis  
Co. Clare

Dáta | Date  
12 October, 2016

Ár dTag | Our Ref.  
TII16-95589

Bhur dTag | Your Ref.

**Re. Proposed Material Amendments to the Draft Clare County Development Plan, 2017 – 2023**

Dear Sir/Madam,

Transport Infrastructure Ireland (TII) welcomes consultation on the Proposed Material Amendments to the Draft Clare County Development Plan, 2017 – 2023. The Authority acknowledges the detailed review and assessment of TII's initial submission on the Draft Development Plan outlined in the Chief Executives Report on Submissions and TII welcomes the resulting proposed material amendments.

In relation to other proposed material amendments on display, TII provides the following observations for the Councils consideration;

#### **Amendment to Section 6.3.5 University of Limerick Clare Campus**

TII notes the proposed amendment to Section 6.3.5, including Objective CDP 6.7, which outlines that a Master Plan for the University Zone will be prepared providing for significant growth areas of the University and its hinterland within the University Zone around a new access corridor off the future Limerick Northern Distributor Road (LNDR).

In relation to the LNDR, which is also addressed in Section 8.2.3.5 and Objective CDP 8.6 of the Draft Plan, the Council will be aware from previous submissions by TII of the special requirements of the tolling scheme (N18 and the Limerick Tunnel Scheme); details of potential implications have already been circulated to the relevant Council Chief Executives. TII's position remains as previously outlined in that regard.

#### **Amendment to Section 8.2.3.2 Motorway Service and Rest Areas**

While the Authority notes the proposed amendment to the text of Section 8.2.3.2 and Objective CDP8.3 of the Draft Plan, the rationale for the proposed amendment is unclear. TII considers that the initial text of the Draft Plan accurately reflected the TII Service Area Policy, 2014, and recommends it's retention unaltered in the adopted Plan, in the interests of clarity.

#### **Amendment to Section 8.2.3.3 'Exceptional Circumstances' for developments of Strategic Importance**

The Authority notes the proposal to include five 'exceptional circumstances' cases where a less restrictive approach to the general policy on restriction of access to national roads might apply. TII acknowledges and welcomes the collaboration that has taken place and has reviewed the additional report compiled by the Council to support the inclusion of the 'exceptional circumstances' cases in the Development Plan.

Having regard to the provisions of Section 2.6 (1) of the DoECLG Spatial Planning and National Roads Guidelines, the Authority is of the opinion that there remains a requirement to clarify elements of the proposals in Section 8.2.3.3 to ensure compliance with the provisions of the Guidelines. TII acknowledges the technical appraisal of the sites/junctions that has been undertaken, however, there remains, in the Authority's opinion, a lack of clarity in terms of 'strategic' uses that will be facilitated at the specific locations identified.

For example, Section 6.3.7 of the Draft Plan outlines with some degree of clarity the nature and extent of development proposals that might be considered acceptable at Moneypoint in determining 'exceptional circumstances' cases. However, no such clarity is provided for sites at Fountain Cross, Doonbeg or Ballyduffbeg, Inagh.

The Authority remains available to meet the Executive of the Council to discuss the proposals and it may be premature to include the 'exceptional circumstances' cases in the Development Plan pending full demonstration of compliance with the DoECLG Guidelines. TII is available to further explore the evidence base required to satisfy the provisions of the DoECLG Guidelines with the Executive of the Council.

#### **Amendment to Section 9.3.4 Visitor Accommodation**

TII notes the proposed change to the text concerning tourism developments in locations outside of settlement boundaries and recommends that there should be cross reference with Section 8.2.3.3 Access onto National Roads in the interests of clarity and to advise potential applicants of issues pertaining to proposals that may seek to develop an access to a national road outside an urban location, in the interests of clarity.

#### **Amendment to Section A1.9.4 Traffic Impact Assessment, Road Safety Audit and Road Safety Impact Assessment**

TII welcomes the proposed amendments arising in Section A1.9.4. In the interests of clarity, any references to TII/NRA Design Manual for Roads and Bridges and TII/NRA DMRB in the Draft Plan should be updated to TII Publications which has replaced the DMRB referencing system.

In addition, the Authority also referred to Road Safety Impact Assessment (RSIA) in TII's initial submission on the Draft Plan. RSIA is described in the EU Directive on Road Infrastructure Safety Management (EU RISM) 2008/96/EC as a strategic comparative analysis of the impact of a new road, or for substantial modifications to an existing road, on the safety performance of the road network; the Authority would welcome this addressed in the Draft Plan prior to adoption.

#### **Volume 3A Ennis Municipal District Written Statement**

##### **Amendment to Section 1.5.2 Lands for Employment Generating Development**

Section 1.5.2 of the Ennis Municipal District Written Statement indicates that it is proposed to reduce the area of IND1 lands, zoned for Industrial Use in the Toureen area on the eastern side of Ennis, from approximately 18.5ha to approximately 8ha. The subject lands are also considered in Section 2.13 of the Municipal District Written Statement.

TII acknowledges the M18 Junction Capacity Analysis Report that Clare County Council undertook as an evidence base to assess zoning proposals at this location. The Authority also acknowledges the collaboration that has taken place with the Council since the publication of the Draft Plan and notes that it was the recommendation of the Chief Executive that the zoning designation IND1 be removed from the lands concerned in the Draft Plan having regard to national road safety concerns and policy implications. TII supports the recommendation of the Chief Executive in this regard.

In relation to retaining a reduced IND1 zoning designation at this location, c. 8ha, TII still remains of the opinion that it is inappropriate to zone lands at this location as currently proposed. Following a review of the M18 Junction Capacity Assessment Report undertaken by the Council, the Authority remains of the opinion, as outlined in the Authority's initial submission on the Draft Plan, that there appears to be more suitable and sustainable, available lands to give effect to a more consolidated development strategy within the Plan area and which would also support the stated Plan goals concerning neighbourhood planning and use of sustainable transport options without compromising safety, efficiency and investment in the national road network in the area. TII's position as outlined in the Draft Plan concerning zoning designations at Junction 13 on the M18 remain and it is recommended, in the



interests of safety and capacity on the M18 and associated junction, and in the interests of proper planning and sustainable development that the subject zoning designation is not adopted.

#### **Amendment to Section 1.14.2 Roads Infrastructure**

TII notes the proposed amendment outlining that in consultation with TII and other relevant stakeholders, the Draft Plan supports the redesign of both Clareabbey roundabout and the approach roads to the roundabout, in accordance with the principles of the Design Manual for Urban Roads and Streets (DMURS).

The Council will be aware that the Clareabbey roundabout is on the N85, national secondary road, to which a general speed limit of 100kph applies, albeit reduced in the direct environs of the roundabouts; the Authority therefore welcomes consultation on this matter.

#### **Volume 3D West Clare Municipal District Written Statement**

It is noted that access proposals to lands identified as LDR3 in the Lisdoonvarna Settlement Plan which adjoin the N67, national road, at a location where a 100kph applies does not appear to have been resolved following the Authority's initial submission on the Draft Plan. Accordingly, TII recommends a further review of the lands concerned and removal if necessary, to ensure compliance with the provisions of the DoECLG Spatial Planning and National Roads Guidelines (2012).

TII notes proposals to designate a new 'Commercial' zoning on the N67, national secondary road, south of Miltown Malbay. The site adjoins the national secondary road at a location where a 100kph speed limit applies and appears to directly conflict with the provisions of the DoECLG Spatial Planning and National Roads Guidelines concerning access to national roads. TII recommends review of this isolated zoning objective to ensure compliance with the objectives of the DoECLG Spatial Planning and National Roads Guidelines.

While TII welcomes and acknowledges the proposed amendments to the settlement plans arising from consideration of the Authority's initial submission on the Draft Plan, there remain a number of specific locations, as advised in TII's initial submission, where land use zoning objectives adjoining national roads where a 100kph speed limit applies give rise to potential conflicts with official policy. Prior to adoption of the Development Plan, the Authority recommends further review of the locations previously identified, in particular, at Lisseycasey and Quilty.

#### **Other Matters**

##### **Section 8.2.3.3 Existing Access onto National Secondary Roads**

Although not subject to any proposed material amendment, TII wishes to reiterate observations made in relation to Section 8.2.3.3 *Existing Access onto National Secondary Roads* of the Draft Plan. As outlined in the Authority's initial submission on the Draft Plan, the Council will be aware that Section 2.5 of the DoECLG Spatial Planning and National Roads Guidelines clearly outline; *the policy of the planning authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60 kmh apply. This provision applies to all categories of development, including individual houses in rural areas, regardless of the housing circumstances of the applicant.*

TII acknowledges the recommendations of the Chief Executives Report that the relevant text be removed from the Draft Plan and the Authority remains strongly of the opinion that 'exceptional circumstances' included in this section of the Draft Plan, Existing Accesses onto National Secondary Roads, is at variance with the provisions of official policy and conflicts with objectives to safeguard capacity and road safety on the national road network. TII again respectfully requests removal of the foregoing provisions from the Draft Plan prior to adoption.

#### **Road Schemes and Road Improvement Schemes**

In relation to schemes related to national roads included in the Draft Plan and Proposed Material Amendments to the Draft Plan TII advises that although the proposals may not relate to Government objectives, the Authority acknowledges that it is beneficial to identify road schemes that are proposed to be delivered at a local/regional level within the term of the Plan. Though, the Council should be aware that TII may not be responsible for financing such additional projects. Nevertheless, such projects should be developed by the scheme promoter to complement the strategic function of the national road network and should not undermine or compromise this function.

### **Conclusion**

The Authority acknowledges the significant undertaking for the Council in drafting a development plan and the requirement to consider and address a multiplicity of factors in developing a sustainable spatial planning framework not just issues relating to national roads. The Authority also acknowledges the detailed assessment of the Authority's initial submission outlined in the Chief Executives Report on Submissions on the Draft Plan.

The Authority acknowledges and welcomes proposed amendments that have resulted from the consideration of the Authority's initial submission. However, as outlined above, there remain issues in the Draft Plan/Proposed Amendments that, in the Authority's opinion, require review prior to the formal adoption of the Development Plan to ensure consistency with official policy and in order to safeguard the strategic function of the national road network in the area. The Authority would welcome consideration of the issues identified in the foregoing.

It is respectfully requested that the above observations are taken into consideration prior to the adoption of the Clare County Development Plan, 2017 – 2023.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Michael McCormack', written over a horizontal line.

Michael McCormack  
Senior Land Use Planner

**Tionól Réigiúnach an  
Deiscirt**

Teach an Tionóil,  
Sráid Uí Chonaill,  
Pórt Láirge,  
Éire.  
X91 K256



**Southern Regional  
Assembly**

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R-phost/Email: info@southernassembly.ie Idirlíon/Web: www.southernassembly.ie

Planning and Enterprise Development Department,  
Clare County Council,  
Áras Contae an Chláir,  
New Road,  
Ennis  
Co. Clare.

Wednesday, 12 October 2016

**Re: Submission to the Proposed Amendments to the Draft Clare County Development  
Plan 2017-2023**

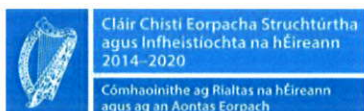
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A Chara,

I refer to recent correspondence, dated 12<sup>th</sup> September 2016, from Clare County Council to the Southern Regional Assembly inviting observations in relation to currently proposed amendments to the Draft Clare County Development Plan 2017-2023.

That correspondence referred to an enclosed notice, issued in accordance with Section 12(7) of the Planning and Development Act 2000, as amended, stating that Clare County Council has prepared proposed amendments to the Draft Clare County Development Plan 2017-2023 and that the proposed amendments constitute a material alteration to the Draft Clare County Development Plan 2017-2023.

The proposed amendments were accompanied by an Addendum to the Environmental Assessments and a Strategic Flood Risk Assessment and I note that a copy of the proposed amendments, along with the Addendum to the Environmental Assessments and a Strategic Flood Risk Assessment, were placed on public display on the 13<sup>th</sup> September 2016 and written submissions or observations have been invited in respect of the proposed amendments, and associated reports, to be received no later than 4pm on 12<sup>th</sup> October 2016.



**An tAontas Eorpach**  
Ciste Forbartha  
Réigiúnach na hEorpa



**Tionól Réigiúnach an  
Deiscirt**

Teach an Tionóil,  
Sráid Uí Chonaill,  
Pórt Láirge,  
Éire.  
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**Southern Regional  
Assembly**

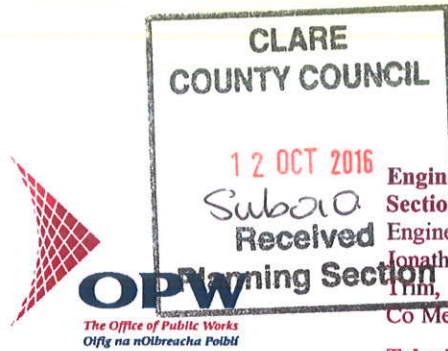
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Having reviewed both the Draft Plan and the Proposed Amendments having regard to the policies and objectives of the Regional Planning Guidelines for the South-East Region 2010-2022 and relevant national planning policy, the Southern Regional Assembly is satisfied that the proposed amendments would be consistent, in so far as is practicable, with both national and regional planning policy.

Stephen Blair  
Director, Southern Regional Assembly

Planning & Enterprise Development  
Department,  
Clare County Council,  
Aras Contae an Chlair,  
Ennis Road,  
Ennis, Co Clare.  
Email: forwardplan@clarecoco.ie



Engineering Design  
Section,  
Engineers' Branch, OPW,  
Jonathan Swift St,  
Ennis,  
Co Meath  
Telephone: 01- 6476724

**Re: Submission to the Proposed Amendments to the Draft Clare County Development Plan 2017-2023**

Dear Sir/Madam,

The following are OPW Design Section comments regarding the Proposed Material Alterations to the Draft Clare County Development Plan 2017-2023: due for submission by 4pm on Wednesday October 12<sup>th</sup> 2016.

**General OPW Comments**

The OPW welcomes much reference within the Draft Development Plan to the Planning System and Flood Risk Management Guidelines for Planning Authorities (with Technical Appendices) published in November 2009 (OPW /DoEHLG); hereafter referred to as the Guidelines.

**Flood Risk Management**

The Guidelines outline a three-stage Flood Risk Assessment process to be followed by the Planning Authority to identify whether flood risk exists and the degree to which it is an issue. The development plan's scale and zoning criteria determines the stage that needs to be implemented. The following is an overview of this three-stage process;

**Stage 1 Flood risk identification** – *this is to identify whether there may be any flooding or surface water management issues related to a proposed development that may warrant further investigation at the appropriate lower level plan and early in a planning application;*

- This can include, but is not limited to, identifying lands at risk of flooding via OSi 6" Mapping, GSI Alluvial Soils Mapping, OPW Preliminary Flood Risk Assessment (PRFA) flood maps (including fluvial, pluvial and ground water extents). Where available, use should be made of Catchment Flood Risk Management (CFRAM) flood maps and of the OPW flood hazard website; floodmaps.ie.

**Stage 2 Initial flood risk assessment** - *this is to find sources of flooding that may affect the plan area or proposed development site, and to appraise the adequacy of existing information and to scope the extent of flood risk; this may involve preparing a map of the three indicative flood zones, namely, Zone A - this will be damaged by freshwater events smaller than the 100-year (the probability of flooding is > 1%) or from brackish water events smaller than the 200-year (the probability of coastal or estuarine flooding is > 0.5%), Zone B is outside Zone A but is impacted by freshwater or brackish events smaller than the 1000-year and Zone C which is outside Zone B; so the probability of flooding is < 0.1%, i.e. an event would need to be more extreme than the 1000 year to impact the area). Also, the degree of uncertainty in such flood maps should be estimated; along with an allowance for the effects of climate change.*

- This assessment of the three flood zones can include, but is not limited to, an amalgamation of on-site investigation, local knowledge and reports, flood mapping of flood events, mapping available via floodmaps.ie. and use of hydraulic and/or hydrological flood estimation formula and available standardized flood hazard maps. Use should be made of the OPW Preliminary Flood Risk Assessment flood maps (including fluvial, pluvial and

ground water extents): these have also been disseminated to Local Authorities and, where available, Catchment Flood Risk Management (CFRAM) flood maps.

Stage 3 Detailed flood risk assessment - *to assess potential flood impacts in sufficient detail and to provide a quantitative appraisal of its risks to a proposed or existing development or land to be zoned, and/or to assess potential impacts and risks to other areas arising from the proposal.*

- This can include the use of coastal, hydraulic and/or hydrological models. Flood Risk Assessments (FRA's) aim to identify, quantify and communicate to decision-makers and other stakeholders the risk of flooding to people, property and land. This is to provide sufficient information to determine whether particular actions are appropriate; such as zoning of land for development, approving applications for proposed development, construction of a flood protection scheme or installation of a flood warning scheme.

### **Planning Principles**

The Guidelines highlight the need for a Sequential Approach to managing flood risk and incorporates the need to identify flood risk at as earliest stage as possible. This is to ensure that development shall be in areas with minimal risk or, where this not possible, to allow avoidance of those risks. Appropriate land use zonings should be incorporated into potential development areas. It is the intention of the Guidelines that a precautionary approach shall be implemented that reflects the uncertainty in flood risk.

The Guidelines place a firm onus on the local authority to avoid, mitigate or manage flood risk and, for Development Plans of a certain type, it recommends the need for defining three flood zones for this purpose; to allow for the application of the Guidelines Planning Principles using a Sequential Approach and where appropriate application of the Justification Test when zoning development in relation to flood risk.

The main sources of flood risk are, namely, coastal, fluvial, groundwater and pluvial; where all exist, all must be addressed. Simple measures can help define flood zones and provide the extra detail needed for a Stage 2 FRA, for example, taking onboard reliable local knowledge of past flooding extents and the source and direction of flood paths, and site walkovers by experienced personnel to identify vegetation associated with frequency of inundation. In addition, where confidence in the flood extent is low due to some complexity or severe restriction, numeric, hydraulic modeling can study flow conveyance performance and possible bypassing flow mechanisms at bridges and other pinch points. These measures should be added to over time and will make the transition to the CFRAM maps less onerous.

The approach applied nationwide is that any area in Flood Zone A without defences will still remain in Flood Zone A with defences in place; regardless of the fact that protection has been afforded. This is to avoid any increase in the residual risks; when the scheme is defeated by an event greater than its design standard.

In addition to the above points, the OPW would ask the Council to note that all areas currently prone to flooding, but that would become defended areas following the implementation of flood defence works, remain in their Flood Zone (defined under the Guidelines); as the Flood Zones are defined without the benefit of any defences (Guidelines 2009, Paragraphs 2.25 and 3.4).

Where appropriate, evidence of application of the Justification Test must be supplied. By utilizing the outputs from the Shannon CFRAMS, it will be possible to quantify and illustrate flood risk in terms of its frequency and duration of occurrence, depth, flow velocity and flood hazard. Knowledge of risk level along with the number of people that might be exposed to that risk will allow the Authority carry out its plans in accordance with the Guidelines and Health and Safety regulations, etc.



## Specific OPW Comments

Where there is a suspected flood risk to a proposed development, the Authority should apply the appropriate level of assessment recommended in the Guidelines; in certain cases, this may mean a Stage 3 FRA investigation to establish its specific exposure and, where appropriate, evidence of application of the Justification Test must be supplied.

The OPW asks the Local Authority to clarify flood risk aspects and decision making points in the application of Justification Test points relating to the 9 areas presented in Appendix A, below. The OPW asks the LA to supply the Justification Test report for these areas (and possibly others), or the reasoning principals that have allowed the Test to be set aside. In particular, in relation to Climate Change and the risks associated with the estimation of the boundary of the flood extents in each scenario would support the retreat of zoning boundaries.

## Ennis Zoning Proposal

The undefended site in Figure 1 has previously been classified as Zone A. The Guidelines recommend that it remains Flood Zone A even after the proposed defence scheme. The provision of Com 9A and 9B zoning appears to contravene this direction (See Figure 2 below). On page 96 of Volume 19 C of the draft plan 'Strategic Flood Risk Assessment', it is stated that there are "unknown impacts relating to groundwater recharge". Risks can come from one of two sources, first a recognised quantified hazard and second from uncertainty in quantifying a hazard. The referenced uncertainty would have that this area remain Zone A; and only development appropriate to that zoning can be proposed with confidence. In addition, for most development, including residential, nursing homes, shops and offices, the medium range future scenario (20% increase in flows and / or 0.5m increase in sea level) is an appropriate, necessary consideration.

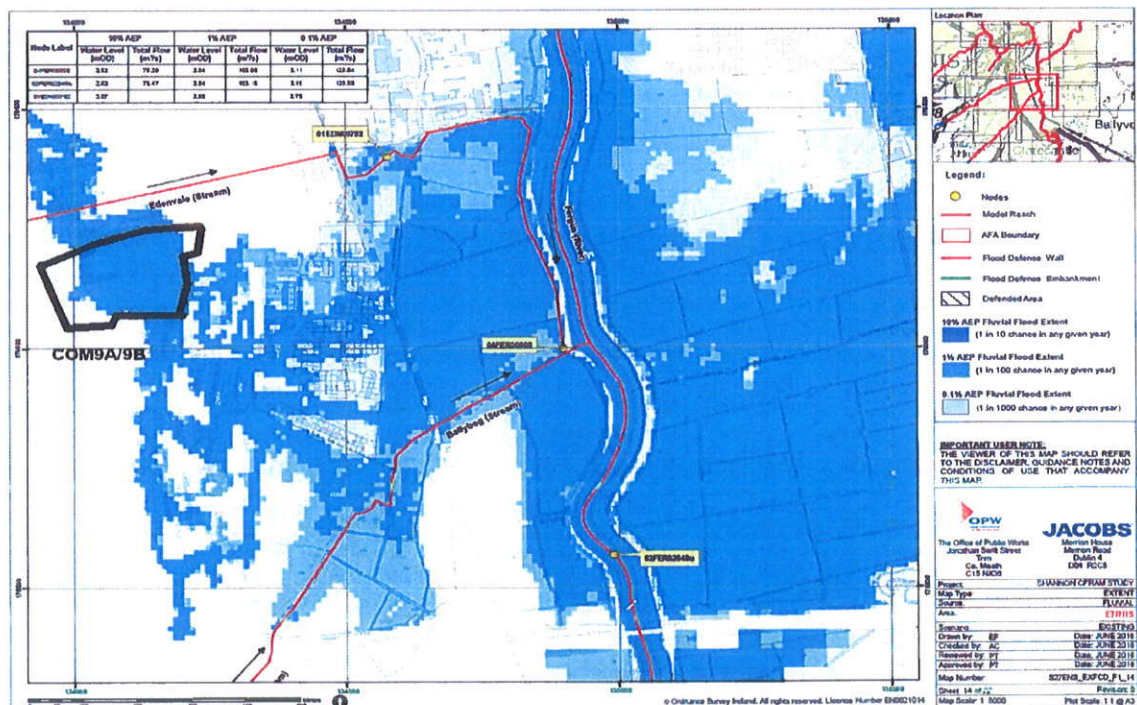
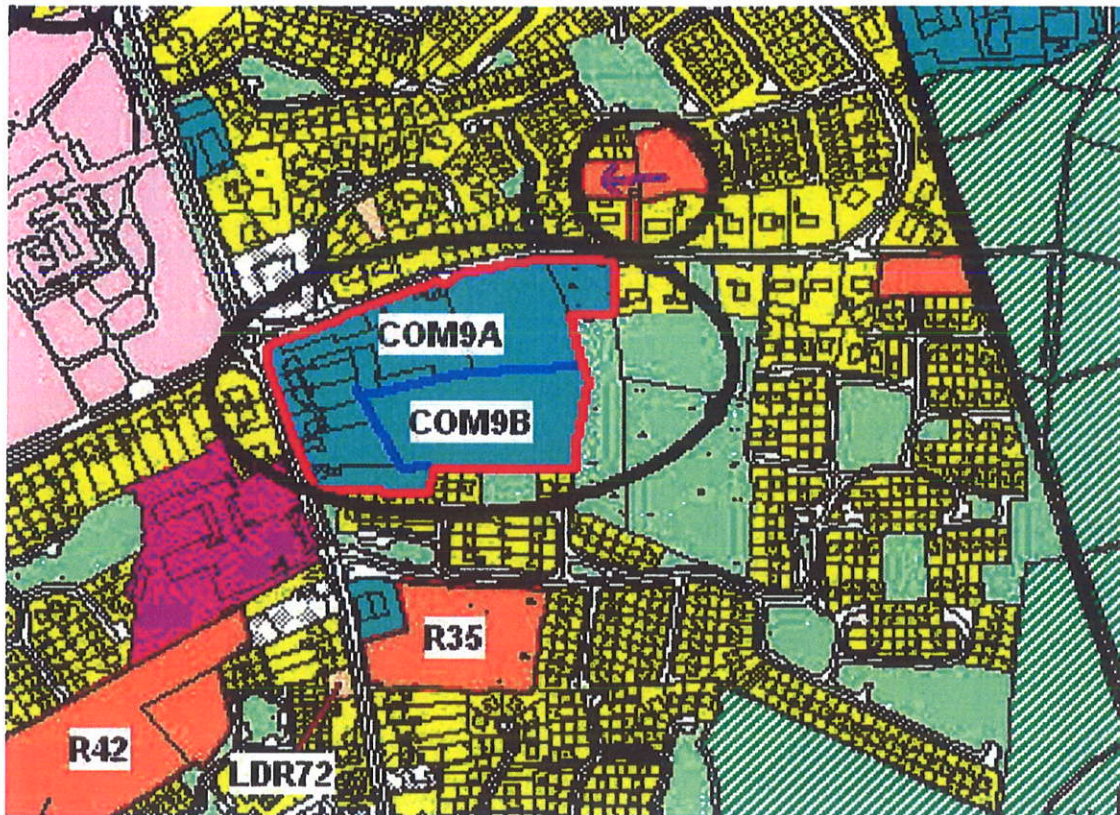


Figure 1 - CFRAM Flood extents map with area Com9A/9B outlined





*Figure 2 - Zoning Proposal COM9A and COM9B*

While OPW recognises that a balanced view of land use and flood risk should be taken, it considers that this can be achieved in full compliance with the Guidelines.

For further information refer to the Planning System and Flood Risk Management Guidelines and/or if one has any other queries contact, [noel.darcy@opw.ie](mailto:noel.darcy@opw.ie)

Yours faithfully,

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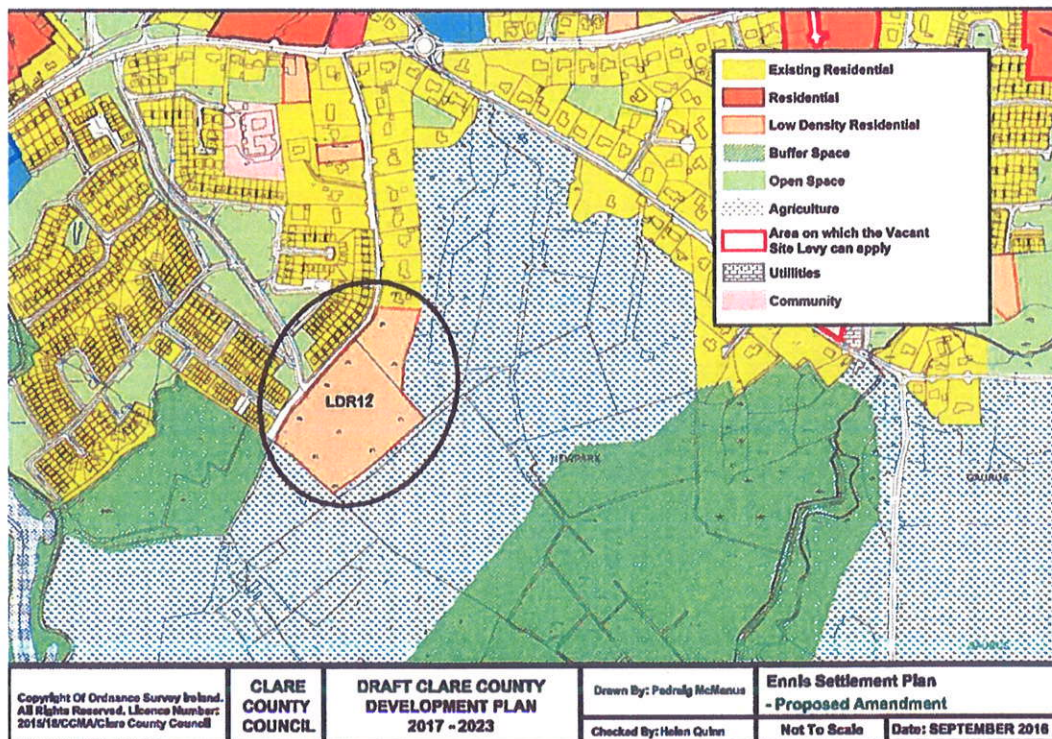
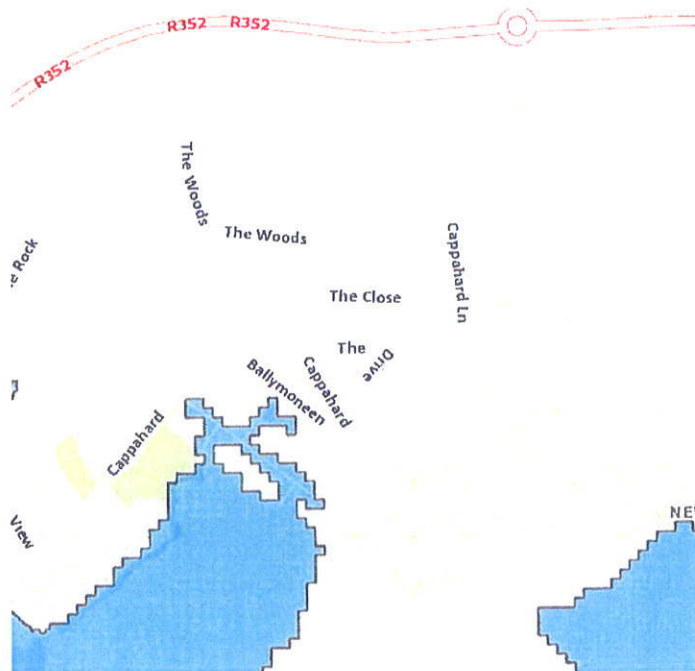
Engineering Services Administration.

10<sup>th</sup> October 2016.



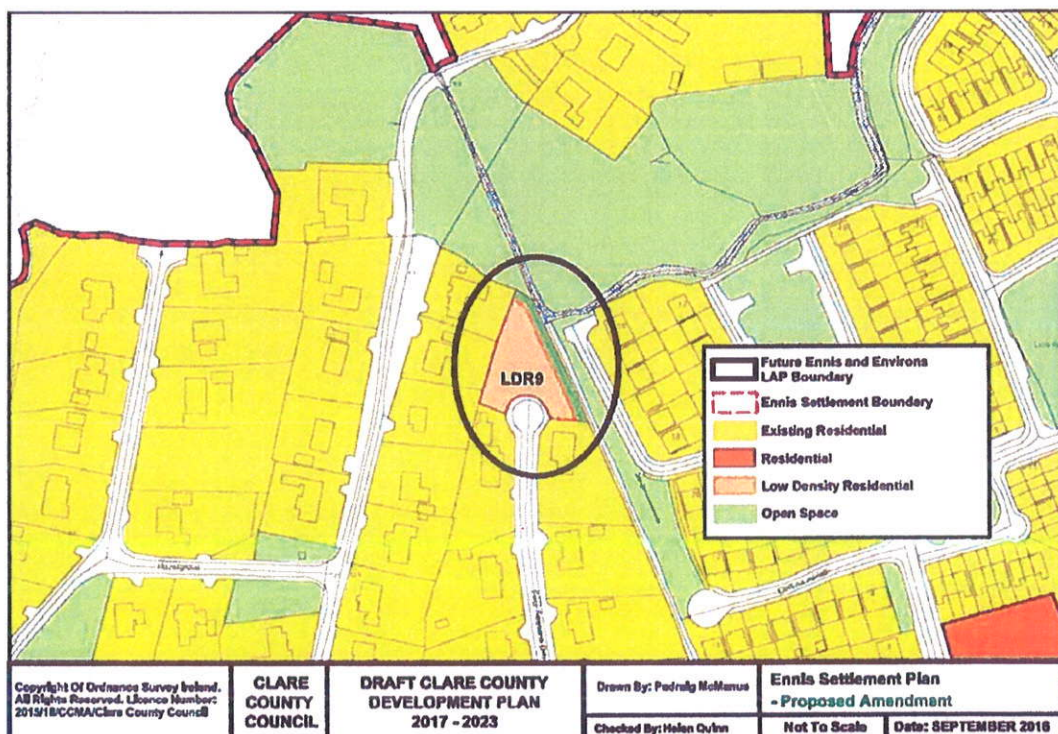
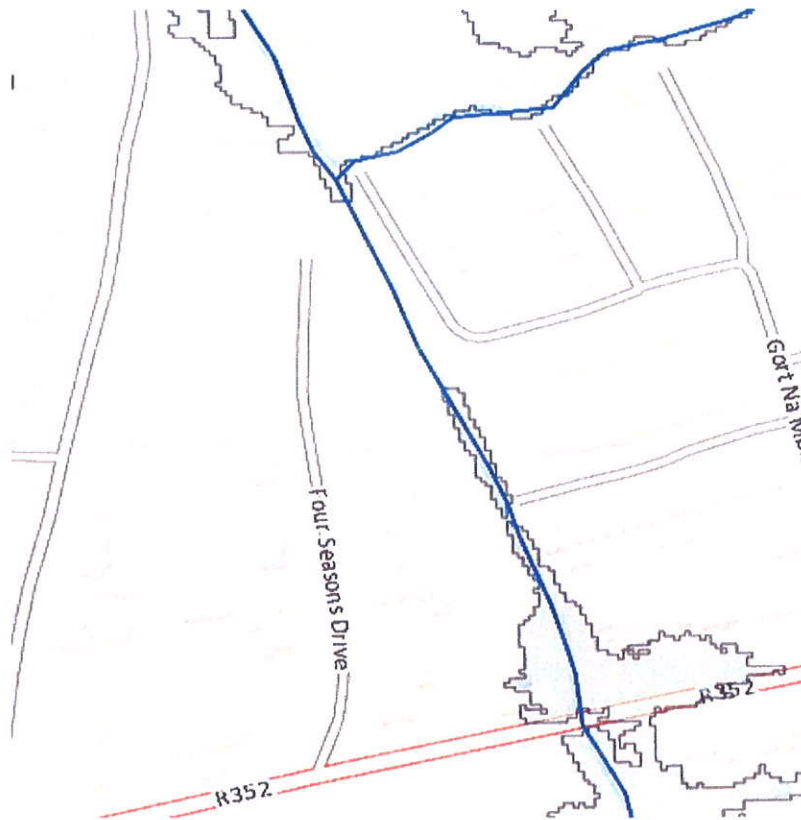
## Appendix A

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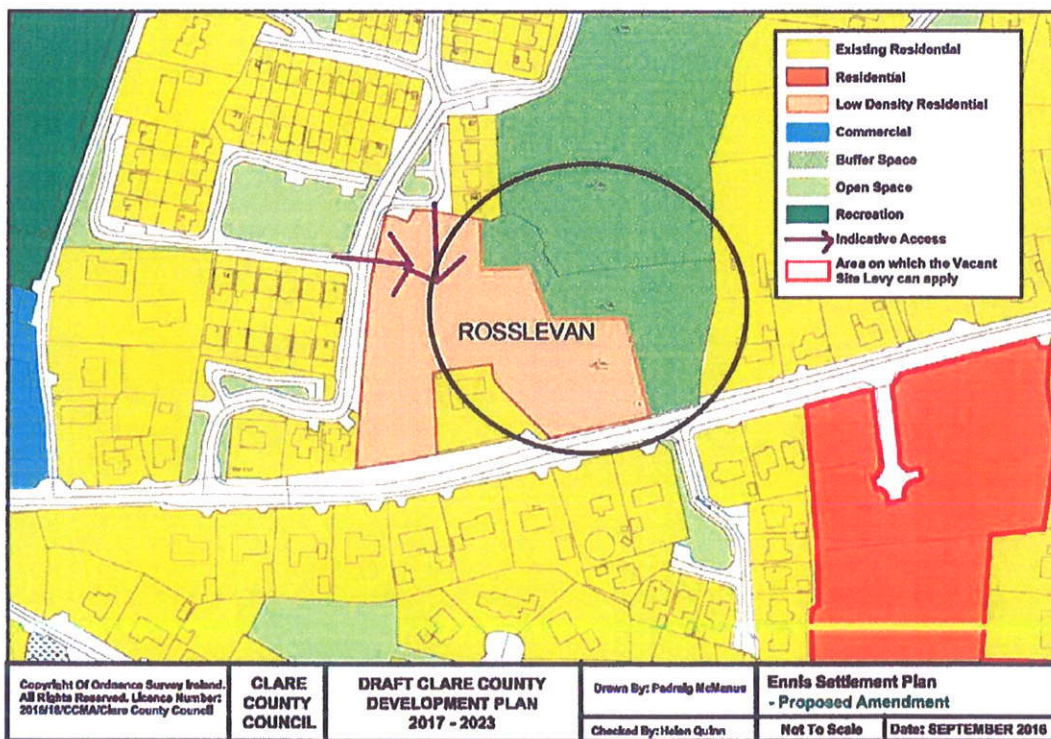
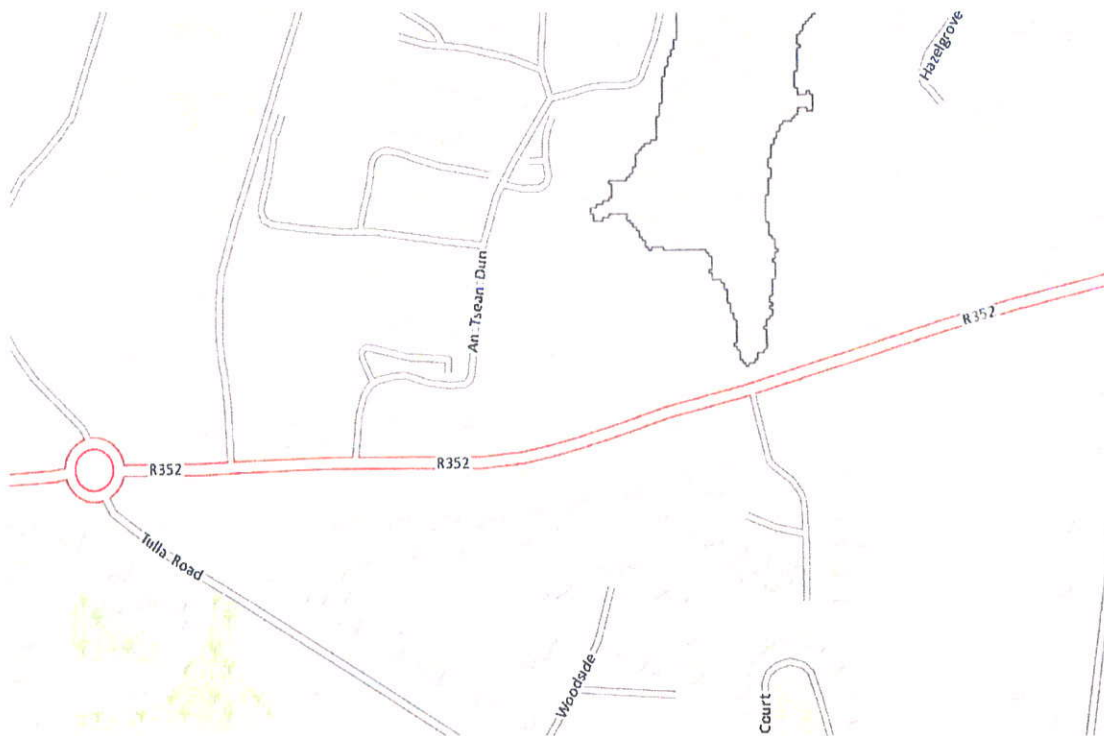




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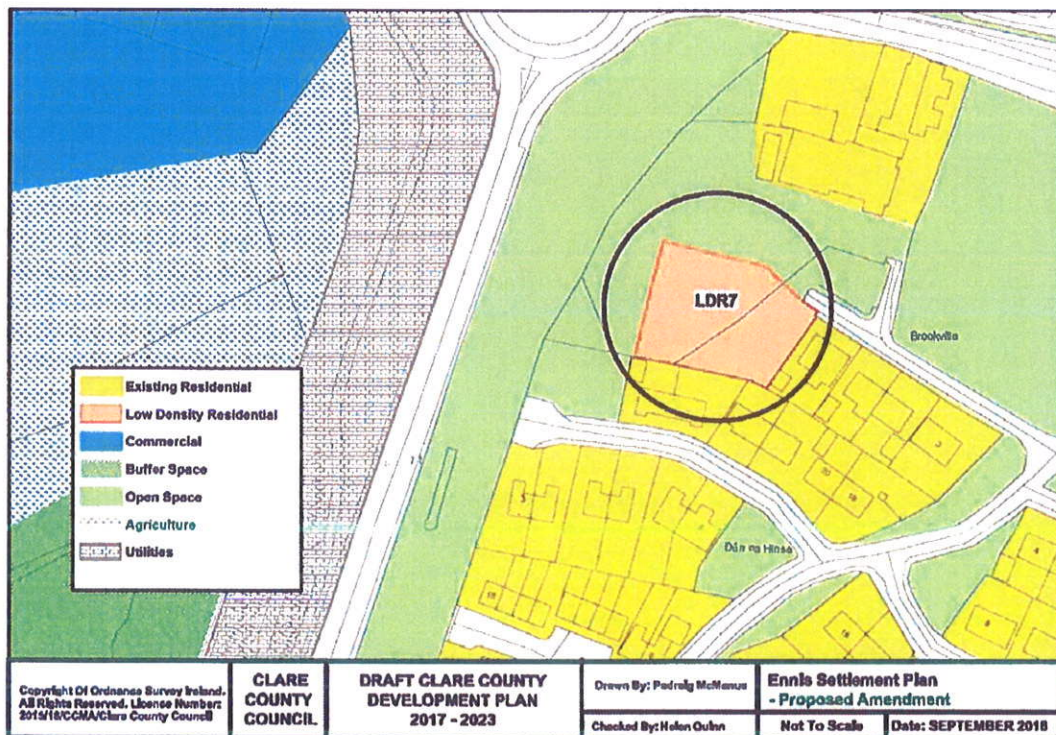
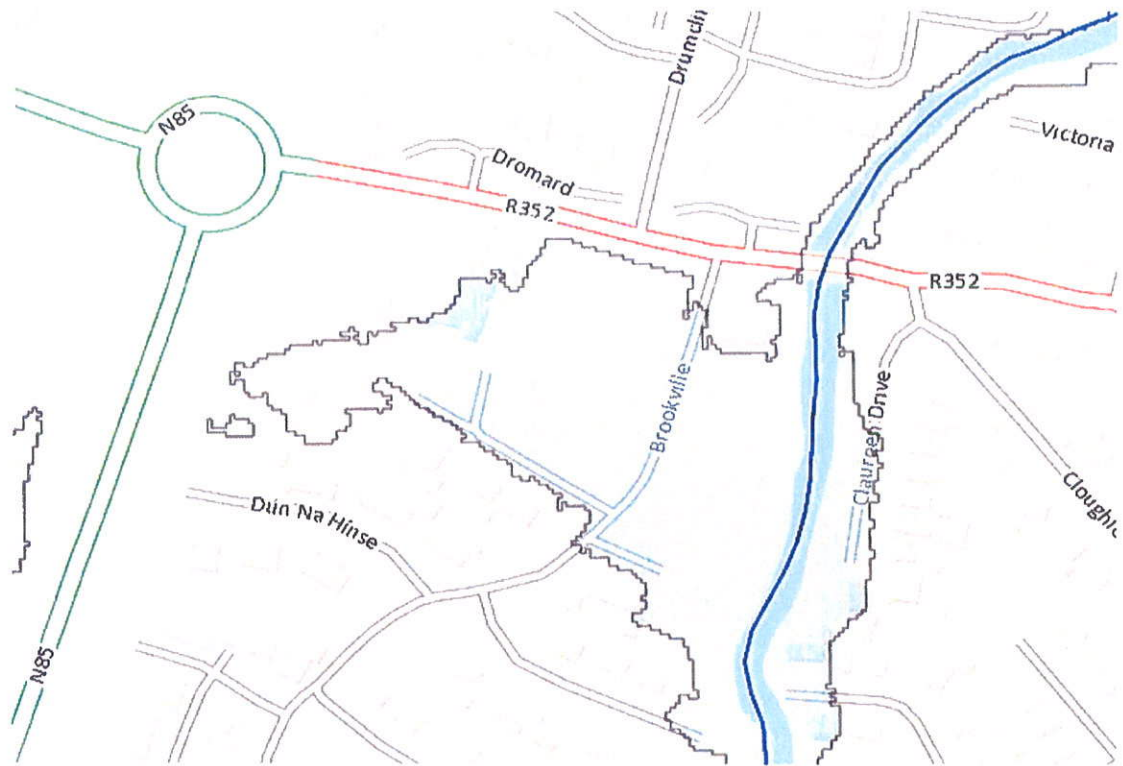


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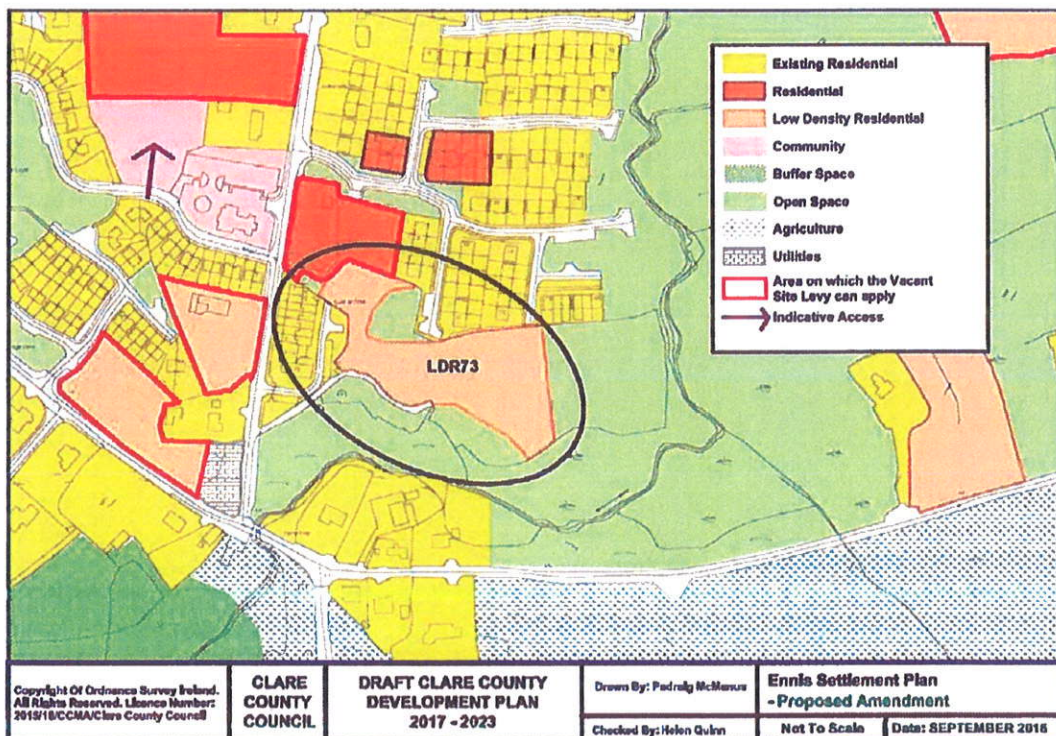
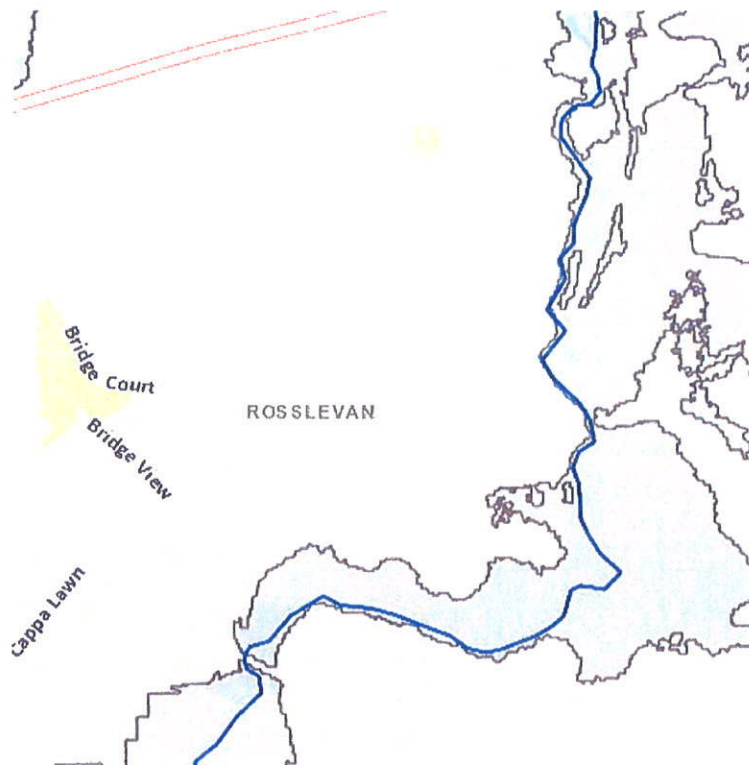


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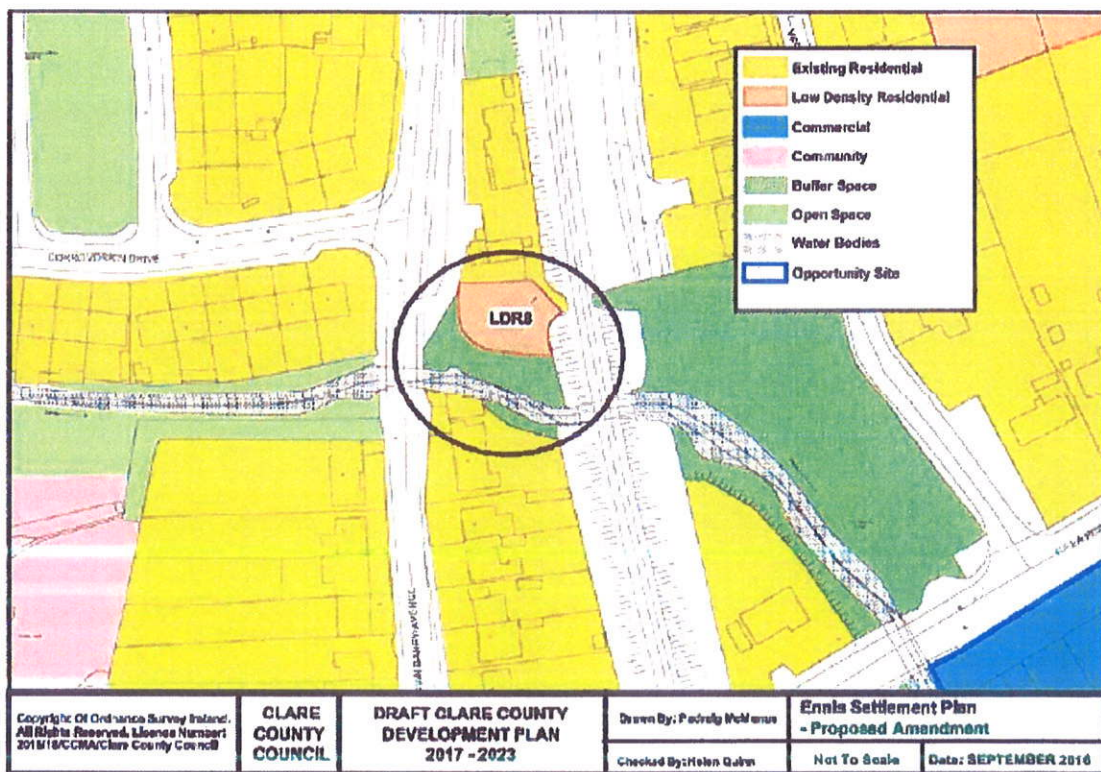
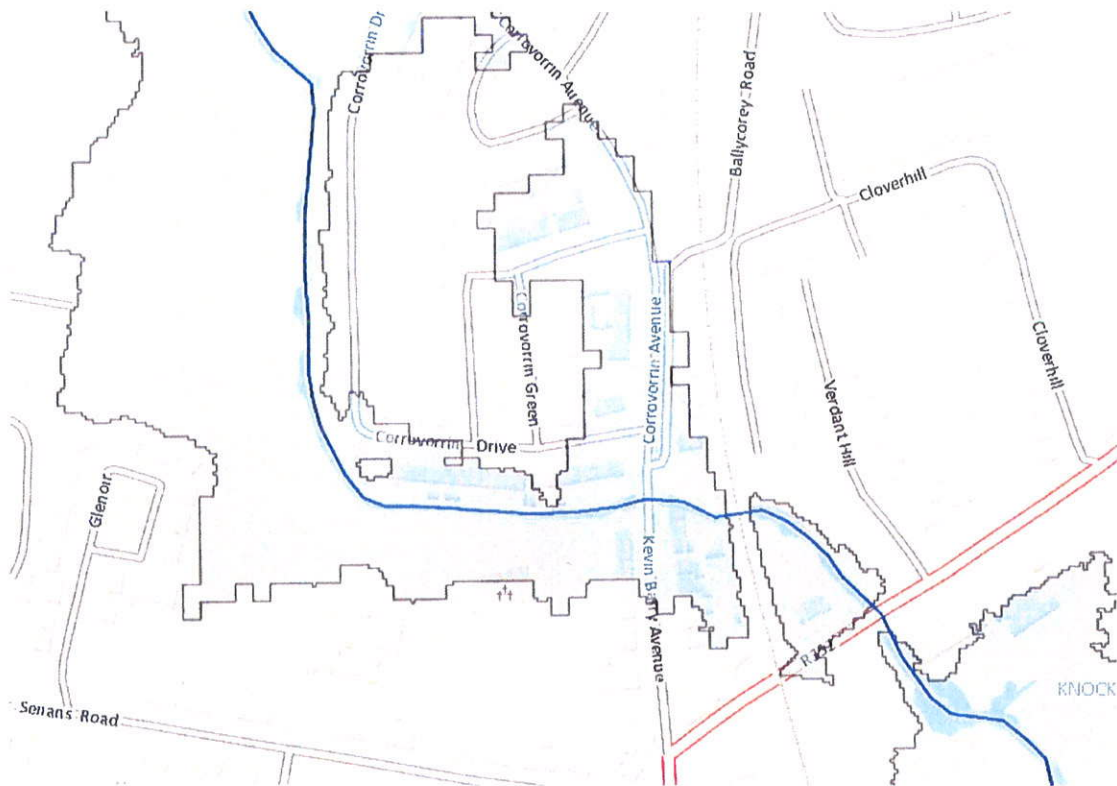




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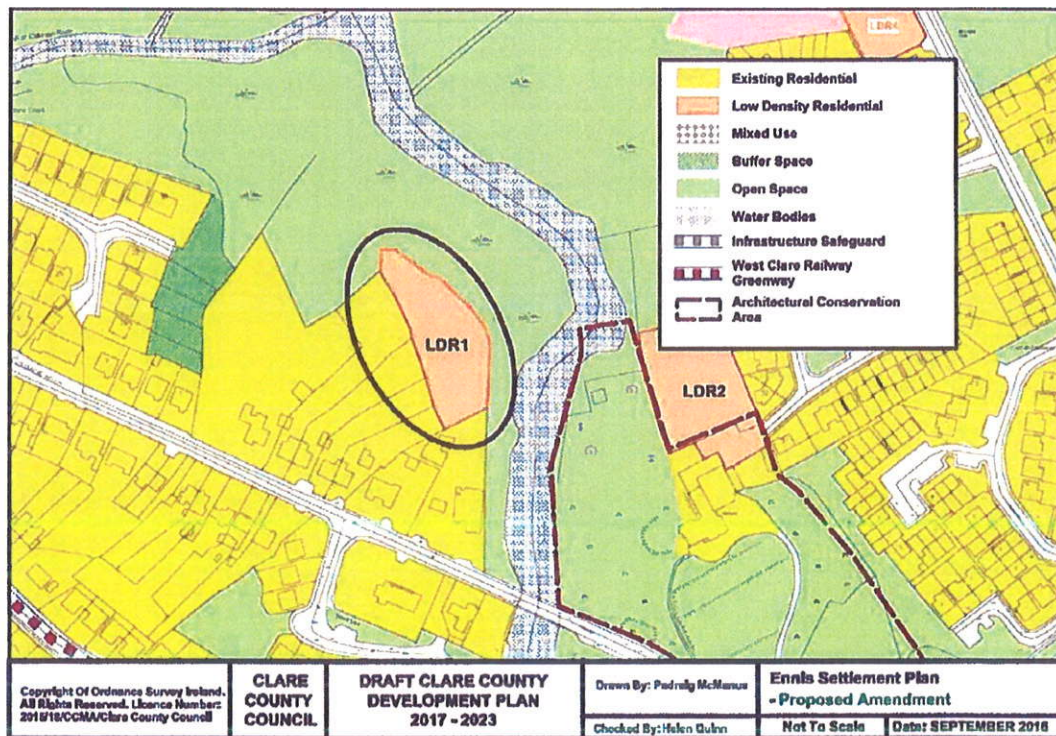
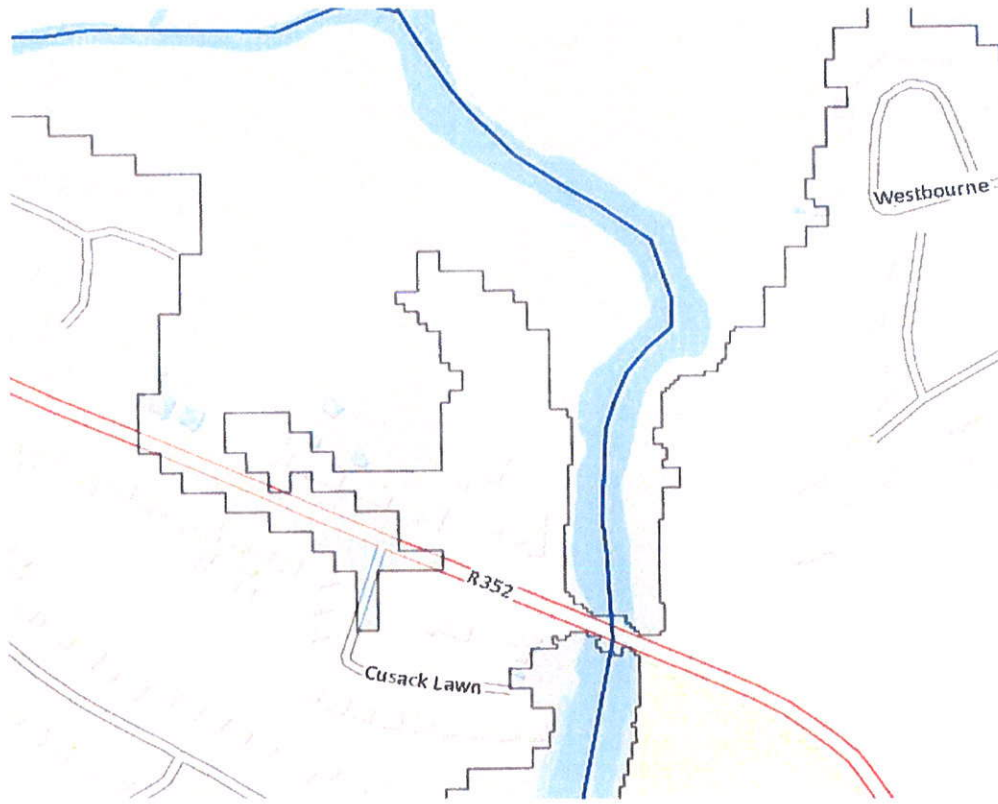


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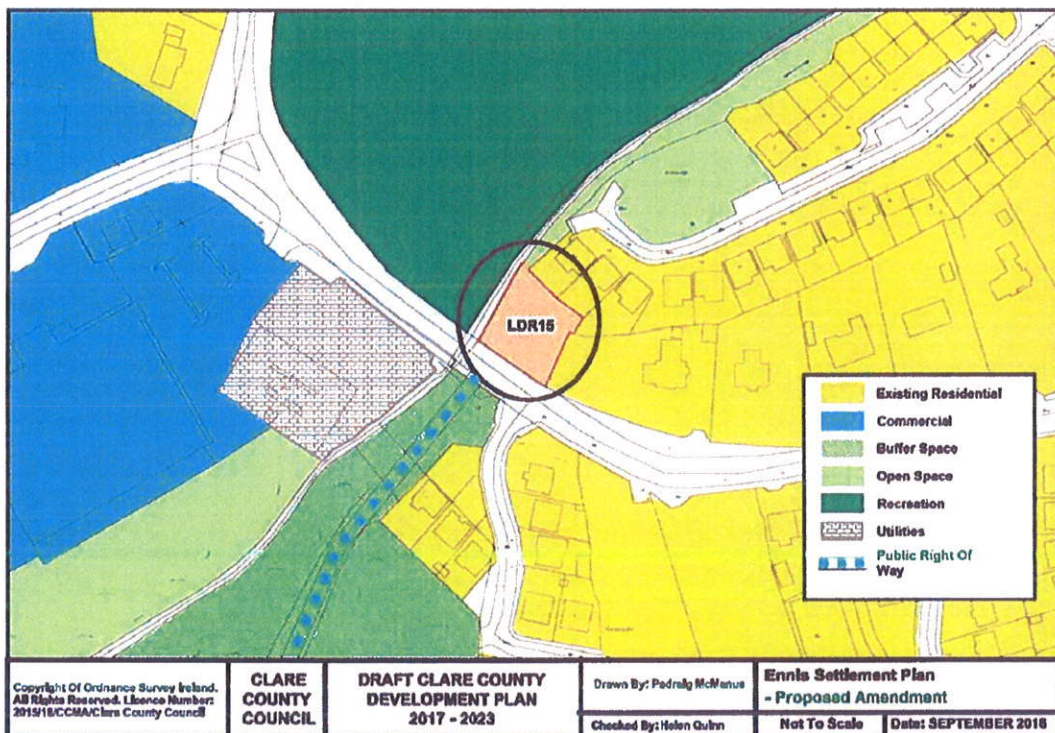
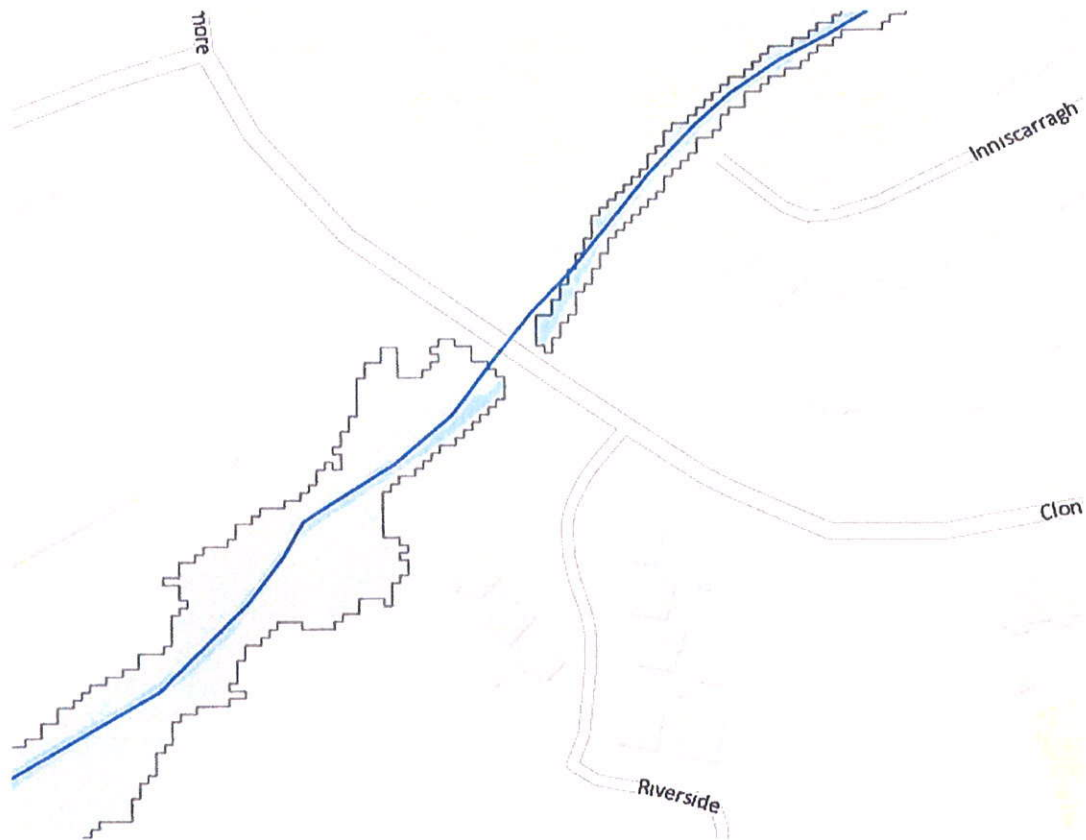


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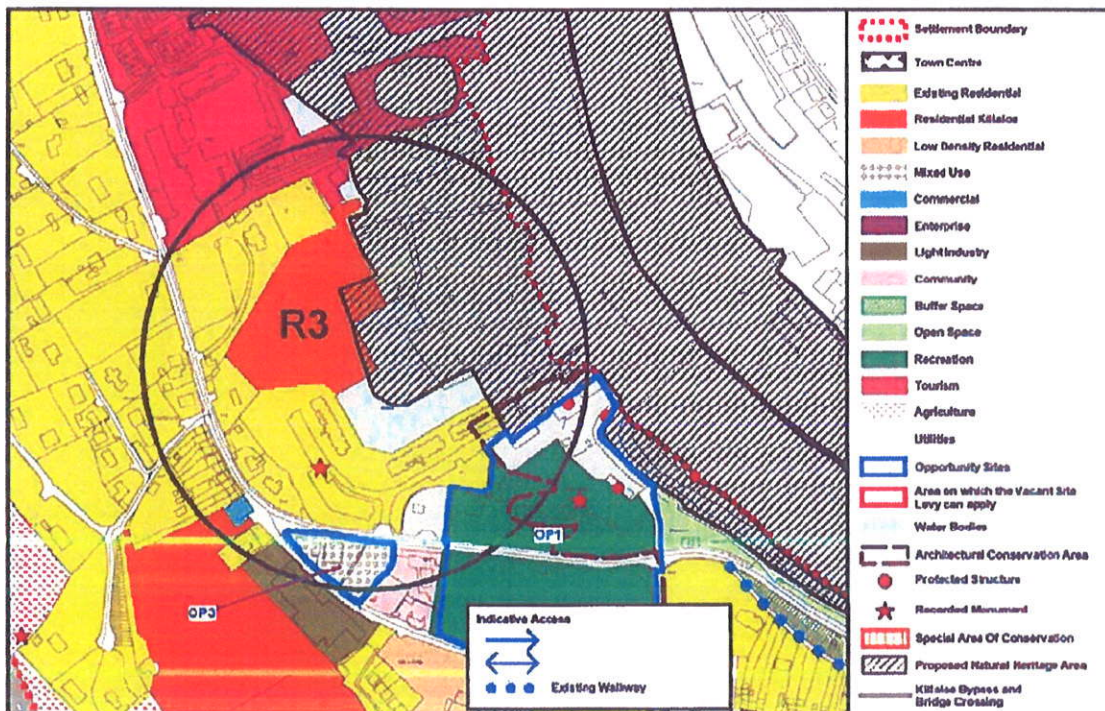
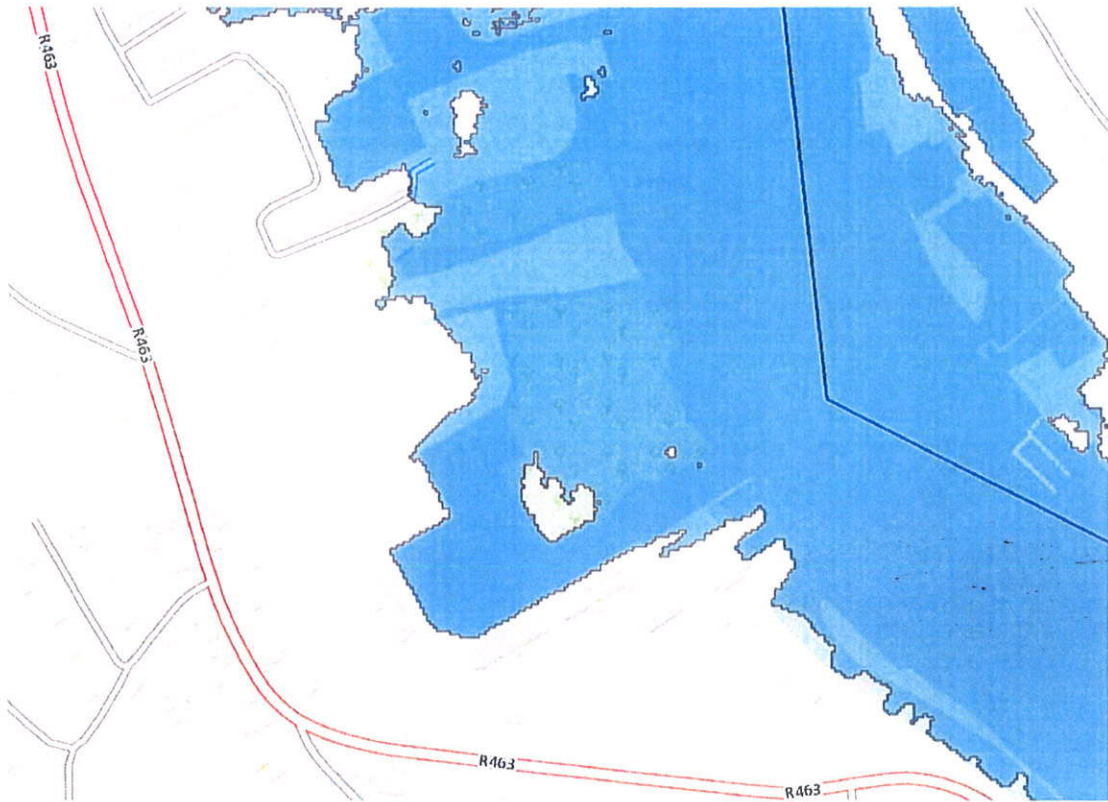




**Area 8:**



## Area 9:







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Ballsbridge, Dublin D04 FW28, Ireland

Telephone +353 1 677 1700

Email [info@eirgrid.com](mailto:info@eirgrid.com)

Planning and Enterprise Development Department  
Clare County Council  
Áras Contae an Chláir  
New Road  
Ennis  
Co. Clare

By email: [forwardplan@clarecoco.ie](mailto:forwardplan@clarecoco.ie)

06/10/2016

**RE: Submission to Proposed Amendments to Draft Clare County  
Development Plan 2017-2023**

Dear Sir/Madam,

## **1.0 INTRODUCTION**

We note that you are seeking submissions on the above "Proposed amendments to the Draft Clare County Development Plan 2017-2023". We welcome the opportunity to comment on the proposed amendments and in particular the Energy and Communication Chapter.

The amendments to the text under Section 8.8.4 of the Energy and Communications Chapter are welcome.

This submission is made in the context of our role as the Transmission System Operator (TSO) which operates and plans for the future development of the national electricity transmission network. This submission serves as an update to our previous submission made in February 2016.

## **2.0 SUGGESTED MODIFICATION TO THE TEXT**

The update pertains to the references in sub-section 8.8.4 of the Energy and Communications, Chapter 8.8. Section 8.8.4 pertains to the electricity network and sets out Development Objectives to facilitate the development of the electricity network.

### **DIRECTORS**

John O'Connor

*Chairman*

Fintan Slye

*Chief Executive*

Dr Joan Smyth

Richard Sterling

Dr Gary Healy

Liam O'Halloran

Bride Rosney

Doireann Barry

Niamh Cahill

*Company Secretary*





EirGrid suggests the following text modification to the third paragraph, under Section 8.8.4 of the Draft County Development Plan. Please note the text to be omitted is illustrated in strikethrough text, while the new text is in red font.

## **2.1 Suggested Modification**

"EirGrid is currently progressing a number of projects ~~that will~~ **to** accommodate ~~renewable~~ **various** energy projects ~~generators and reinforce the national grid, in their requirements to connect to the National Grid.~~ In County Clare the project will involve works at Moneypoint in order to allow increased use of the capability of the existing 400kV overhead lines and the proposed construction of a new submarine 400kV cable to connect Moneypoint to North Kerry on the southern side of the Shannon Estuary."

I would welcome an opportunity to discuss these or any other points in relation to the Proposed Amendments to the Draft Clare County Development Plan 2017-2023, which pertain to the electricity transmission system, in advance of the finalisation of the County Development Plan 2017-2023.

Yours sincerely,

***Sent by email - bears no signature***

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**Gael Gibson,  
Principal Planner,  
Grid Development, EirGrid plc.**

# **Submission to Draft Clare County Development Plan**

**by Fáilte Ireland**



**Fáilte Ireland**

National Tourism Development Authority

# Introduction

**This submission has been prepared by Fáilte Ireland, the National Tourism Development Authority, in response to the public display of the Draft Development Plan for County Clare for the period 2017 – 2023.**

The Authority welcomes the opportunity to engage with Clare County Council on the emerging Plan for the County and to build on the well-established relationship between the Authority and the County Council working together in one of Ireland's prime tourism counties.

The preparation of this submission comes at a time when Fáilte Ireland is emphasising the need for land use plans to manage all land uses and economic drivers – of which tourism is but one, in a more holistic, strategic and spatial manner to maximise the efficient use of resources and the achievement of greater outcomes for society at large.

We appreciate this opportunity to take part in shaping the Plan for the County and hope that this submission can represent a first step in a collaborative process that culminates in the adoption of the new Development Plan.



# The objective of this submission

**Fáilte Ireland has prepared this submission to support and assist Clare County Council in the formulation of planning policies and frameworks for the period 2017 – 2023.**

Fáilte Ireland are seeking to enhance the partnership approach between the County Council and the National Authority and ensure that the expertise of both organisations is shared.

The submission seeks to enhance the policy coverage in the new Development Plan to ensure a meaningful framework is established for the enhancement of tourism in the County, and the wider Region, during the Plan period. It has been prepared with inputs from professional planners as well as various strands within Fáilte Ireland. It provides the Council with a concise single submission from the Authority dealing with all aspects of tourism – from strategic planning, to visitor experience and destination management.

The submission has been prepared having regard to the tourism profile of the County; the existing policy context in the Draft County Development Plan; and the established template for sustainable tourism policies being used by Fáilte Ireland to guide Planning Authorities.

# Structure of the submission

For ease of reading, we have structured this submission as follows:

- **Commentary on the Draft Plan;**
- **Proposals for the Clare County Development Plan as it is finalised;**

# Commentary on the Draft Plan

The Authority is generally supportive of the Draft Plan and again welcomes the opportunity to assist the County Council in the important area of policy preparation. The Authority is acutely aware of the complex range of issues that a Development Plan must tackle. It is also mindful of both the responsibilities and limitations of the prevailing legislation and the role that the Development Plan plays in a statutory context. Our submission has been fully informed by these considerations.

The key comments the Authority would like to make in respect of the current plan are as follows:

1. Tourism is recognised as one of the key goals in attaining the Vision for County Clare - *A County Clare in which tourism growth continues to play a major role in the future development of the county, adapting to the challenges of competing markets by maximising the development of a high quality, diverse tourist product.*
2. The Draft Plan provides a positive framework for tourism in the County. Fáilte Ireland welcomes the inclusion of a dedicated chapter on tourism and the recognition provided for the tourism sector as a key economic driver. The range of policies currently set out in Chapter 9 – Tourism – of the Development Plan are comprehensive and Fáilte Ireland is generally supportive of these.
3. The inclusion of detailed Municipal District and Settlement Plans for the Towns and Villages of the County is particularly welcome as Clare's towns and villages are focal points for tourism and economic activity.
4. The review of the Clare County Development Plan comes at a time when there are significant opportunities to harness the positive impacts of a growing tourism sector as a driver for overall enhancement of the County – both as a place to visit and to live. We hope to assist the Council in ensuring the Plan realises those opportunities.



## Commentary on the Draft Plan, continued

5. The Clare County Development Plan should be implemented in the context of a revision of the 2010-2014 Clare County Council Tourism Strategy for the County. This is the most meaningful way to ensure that infrastructure and resources are used rationally and economically and the real dynamics of the market are harnessed.
6. There is additional scope for the Clare County Development Plan to ensure that tourism is managed as a dynamic economic force – particularly in the context of wider interactions with County and National services such as transport, touring routes including the Wild Atlantic Way, support infrastructure, etc. Mapping tourism resources would ensure this.
7. Fáilte Ireland would like to commend the Council on the inclusion of a stand alone ‘Tourism’ chapter in the Draft Plan. The tourism industry is a strong economic force and the County Development Plan must contain appropriate planning policies to manage interactions with other land uses.
8. The policy objectives for tourism as set out in Chapter 9 address the individual and specific aspects of the tourism industry in general the policies are comprehensive and aim to protect and enhance much of what is special and unique to County Clare. This is extremely positive from the point of view of the County’s tourism resource. We have included a number of additional recommendations to the text, where we feel that any gaps exist in the protection of this resource.

# Proposals for the Clare County Development Plan

We have prepared this part of the submission drawing on existing strategies for the enhancement and management of tourism in the County and wider Shannon Region.

Proposed statements are based on identified gaps in policy coverage and recommended good practice in the area of sustainable tourism. We have set out explanatory text for discussion among the plan-writing team and then included boxed text intended for consideration as a direct insert to the Plan itself.

## Recognition of the tourism product

County Clare has a significant and well established tourism industry based primarily on its natural advantages as a coastal county; its proximity to Shannon Airport and the City's of Limerick and Galway.

The Plan recognises the economic importance of tourism to the County – in terms of contribution to the local and regional economy and also as a sector that employs a significant number of people – both directly and indirectly. Fáilte Ireland would welcome the inclusion of a more robust statement to truly capture the importance of tourism to the County in economic terms.

**Proposed Text: - to be included in the first paragraph in section 9.0 - Introduction**

County Clare is one of the leading tourist counties in Ireland and attracts significant domestic and foreign investment annually. In 2014, overseas revenue for the tourism sector in County Clare was worth 201 million euro, as 561,000 visitors came to the area from an overall overseas visitor number of 7.1 million to Ireland. An additional 321,000 domestic visitors (including visitors from Northern Ireland), generating a further 75 million euro also came to the County in that period (1).

Fáilte Ireland estimates 7.9 million overseas visitors will have come to Ireland in 2015 – a 11% increase over the same period in 2014. Based on these figures, the final data for 2015 will show considerable growth in the performance of County Clare as a tourism centre - a growth which is expected to continue during the life of this Plan in keeping with tourism being a key economic pillar for the County for the duration of this Plan.

*References: (1) Fáilte Ireland Tourism Facts 2014*



# Recognition of the tourism product

In terms of the identification of hubs of tourism activity in the County, Fáilte Ireland would welcome a statement that identifies the County's key tourism attractions as this would assist greatly in the emergence of more spatially relevant policies throughout the County Plan. Ideally these features would be indicated on a suitable map.

Fáilte Ireland recognises the tourism product available in the County through its natural landscape and historical sites in particular. There is significant potential for the County to capitalise on the 1.2 million visitors to the Cliffs of Moher annually. We support the potential for the County to harness the revenue available from this visitor population and to enhance the dwell time and visitor spend throughout the County as a whole.

Fáilte Ireland would like the Plan to promote the key principle that recognition of the needs of visitors, and investment in the visitor sector, complements the County Council's commitment to enhancing the County for residents and visitors alike.

## **Proposed Text: - new text to be included after 9.3.3**

### *Infrastructure –*

The Council reaffirms its commitment to making County Clare a nice place to live, work and visit and is particularly committed to ensuring that investment in infrastructure meets the needs of both resident and visitor populations. Like the long term project the Wild Atlantic Way as it is a valuable resource to County Clare.

## Recognition of the tourism product

As currently written Chapter 9 - Tourism outlines a number of individual objectives based on the various strands of the tourism sector. Fáilte Ireland would support the inclusion of a number of strategic objectives that are more reflective of overall tourism product of the County.

**Proposed Text: - to be inserted as a second paragraph in Section 9.3 - Strategy**

The Council will continue to collaborate with Fáilte Ireland and other tourism development partners to adopt joint objectives for the development of the County's tourism sector during – and beyond, the lifetime of this Plan . These will include:

- Defining the tourist experience and developing a clear tourism identity for County Clare in partnership with Clare Tourism and recognising the significance of the Clare Tourism Forum;
- Improving the visitor experience to ensure that all visitors to the County – whether domestic or overseas, enjoy the unique experience of enjoying County Clare and all that it has to offer;
- To capitalise on the County's identified nodes along the Wild Atlantic Way (such as 'Signature Points, 'Discovery Points, etc.);

**Fáilte Ireland would recommend a more detailed commentary on the profile of the visitor market. In particular we would like the Plan to recognise both the observed patterns and the prioritised markets identified by Fáilte Ireland for the period covered by this Plan.**

**Proposed Text: - to be inserted in 9.3.1 Tourism Promotion**

Fáilte Ireland and other partners in the tourism sector have identified the primary target markets for the period to 2020. Ireland is being particularly promoted as a destination in the core overseas markets of the Britain, France, Germany and the US. The County Council is also aware of the significant contribution of the domestic market to the County's tourism sector.

# Additional Policy Coverage

Having regard to the strategic objectives of both the County Council and Fáilte Ireland for the development of the sector, the Plan needs to provide additional policies in a number of areas, namely:

- Wild Atlantic Way
- Strategic Planning
- Landscape and Natural Environment
- Signage and Wayfinding
- Transport and Access
- Accommodation
- Towns and Villages
- Heritage and Culture / Festivals and Events
- Business and Education Tourism



## Additional Policy Coverage - Strategic Planning

Tourism is a significant contributor to the economy of County Clare. The Clare County Tourism Strategy 2010-2014 recognises the Council's commitment to harnessing this potential. Fáilte Ireland would welcome a commitment to the timely revision of this Strategy which would define, promote and facilitate the tourism market for the County over the medium to long term.

**Proposed Text: - to be inserted at 9.3**

To support the preparation, adoption and implementation of a strategic regional plan for tourism for County Clare and the wider Shannon Region, to provide a framework for the sustainable and efficient provision and management of the tourism resource.

**Note:** *Strategic objectives of the County Tourism Strategy must align with the policy objectives of the CDP.*

Where policy statements have been developed and adopted – such as in the case of the 'Wild Atlantic Way' - there is a need to ensure such strategies do not stand in isolation from the Plan and indeed to knit the details of those frameworks into the spatial strategies of the Plan. Fáilte Ireland commends the Council on the inclusion of a number of excellent objectives for the WAW in the Draft Plan.

**Proposed :-**

Map 2A identifies the route of the Wild Atlantic Way. It is recommended that the locations of the 'Signature Points' and 'Discovery Points' are also included.

## **Additional Policy Coverage – *Landscape and Natural Environment***

Fáilte Ireland acknowledges that County Clare is a well established tourism area; a major tourism county with a surrounding attractive region. It has an extensive Atlantic seaboard coastline (53%), which includes 9 Blue Flag beaches and the remaining estuarine and freshwater coastline includes Ireland's largest estuary, the Shannon Estuary.

County Clare has a strong natural heritage. The Burren and Cliffs of Moher Geo-park UNESCO site is one of the most distinctive natural landscape regions in Ireland is considered to be one of the best preserved agricultural landscapes in Europe. The County boasts many geologically special Sea Cliffs along the west coast, including the Cliffs of Moher and the blanket bogs of Slieve Bearnagh and Slieve Aughty display a myriad of colour and wildlife activity. Lough Derg, the River Shannon and the Atlantic coast all offer significant marine and watersports activity locations.

The County coastline contains areas of Heritage Landscape, outstanding natural beauty and designated SAC 's and SPA's. Many opportunities exist for access to the heritage sites, the coast and inland landscape features. Further development of heritage trails, marine sports, golfing, walking, cycling, etc. will provide for greater public and visitor enjoyment of the natural environment. Good Planning will build on the capacity of the landscape to provide for open space, recreation opportunities and green corridors to enhance quality of life for all.

Complimentary to the natural landscape there are unique man-made landscapes including the county town of Ennis and an established network of towns and villages. There is a broad appreciation of the heritage value and tourism potential of these sites within the local community as evidenced in the County's strong performance in the National Tidy Towns Competition and the International Entente Florale.

## **Additional Policy Coverage – *Landscape and Natural Environment, continued***

The Draft Plan includes a number of excellent objectives for the management, development and enhancement of the landscape as a tourism resource. Fáilte Ireland would like to see support for key landscape objectives included in the maps of the Development Plan.

### **Proposed insertions to the Plan:**

- To promote the ongoing development of trails (walking, cycling, etc.) and collaboration with the National Trails Office to provide up to date information trail locations and routes.

### **Include text at CDP9.7**

- To support the development and funding for general enhancements along trails – e.g drying rooms for walkers and canoeists, repair facilities for cyclists, equipment drying and storage facilities for angling/fishing and surfing enthusiasts.

A key area of planning that can impact on tourism is wind energy planning. Fáilte Ireland is aware that the Department of Environment, Community and Local Government have advised that the existing Wind Energy Strategy will remain as the policy and objectives document governing wind energy in the county until the completion of the national policy review of Wind Energy Development Guidelines and the Renewable energy Export Policy and Development Framework.



## Additional Policy Coverage – *Signage and Wayfinding*

The Draft Development Plan provides excellent coverage of policies dealing with protection and enhancement of the public realm in general. Fáilte Ireland is wholly supportive of these for the enhancement of the visitor experience.

**Proposed Text: - to be inserted as a new objective for *Tourism Signage CPD9.19***

To support the provision of accurate and easy-to-use roadside information including:

- Integrated signage plans throughout the county to improve navigation and visual impact.
- To support the development of the digital platform to disseminate information to visitors.

**Fáilte Ireland supports the Development Plan objective to implement the signage plans that have been prepared for the Lough Derg and Burren Areas. We would like to ensure their timely implementation and suggest that this is reflected in the policy wording.**

**Proposed Text: - to be inserted as a new wording for objective CDP9.19 a)**

To implement the signage plans that have been prepared for the Lough Derg and Burren areas *during the lifetime of this plan.*

## Additional Policy Coverage – Wild Atlantic Way

Fáilte Ireland acknowledges the value of the key partnership with Clare County Council in the development of the Wild Atlantic Way. We also acknowledge the excellent objectives in CDP9.5 relating to the Wild Atlantic Way. It is proposed that additional descriptive text is included in the Plan in order to provide a more comprehensive overview of the project.

**Proposed Text: - to be inserted as a new paragraph in Section 9.3.5**

The Wild Atlantic Way is the longest defined coastal touring route in the world stretching 2,500km from the Inishowen Peninsula in Donegal to Kinsale in West Cork. The geography of the Wild Atlantic Way encompasses the coastline and hinterland of the nine coastal counties of the West of Ireland. The immediate catchment of the Wild Atlantic Way is the area surrounding the spine of the route itself, the landmass to the west of the route as far as the coast (and the islands) and immediate landmass to the east of the route. The route itself is a magnet or calling card to gain the attention of the international visitor and acts as a device to entice people to the West of Ireland. Once there, visitors are encouraged to further explore and engage with tourism experiences and communities in the wider geographical area.

The overall objective of the Wild Atlantic Way project is to grow the economic contribution of tourism to the nine coastal counties of the West of Ireland by increasing international bednights and revenue and by sustaining and creating employment in the geography. A key element of the project is the identification of Discovery Points and Embarkation Points which have been identified as 'must see' destinations. A total of 188 such locations have been identified along the route and these locations are being enhanced to improve the visitor experience

**Note:**

It is acknowledged that Map 2A identifies the route of the Wild Atlantic Way. It is recommended that the locations of key nodes such as 'Signature Points' and 'Discovery Points' are also included.

**Proposed Text: - to be inserted as a new objective for Wild Atlantic Way CDP9.5**

- The Council will work with Fáilte Ireland on any further development and implementation of the Wild Atlantic Way branding strategy. As part of that process Clare County Council will liaise with the Authority on the further development of the over arching strategy, as well as any smaller scale plans or programmes that are prepared to give effect to that strategy. The Council will consult with the Authority as required, on the assessment of any such plans, programmes or policies to ensure they are adequately screened or assessed in full compliance with Directives including the SEA Directive and the Habitats Directive.
- To develop the potential of Loop Head as a key node along the Wild Atlantic Way route.
- To support the environmental monitoring of key sites along the Wild Atlantic Way.

## Additional Policy Coverage - Transport and Access

County Clare's location on the Atlantic periphery of Europe places transport and access at the top of the development agenda. Shannon International Airport is a key hub for both national and international air travel and is a valuable asset to the wider Shannon Region.

Many visitors travel to Clare by car after arriving to Dublin, Shannon and Cork Airports. The County is well served by the national motorway network. Improvements in the regional and local road network would enhance the accessibility and connectivity of the more remote areas of the county.

Ennis is connected by rail to Limerick and Galway and further throughout Ireland from these transportation hubs. Regular bus services serve Ennis from Shannon Airport, Limerick, Cork, Galway and Dublin. There are a number of private bus companies offering tours of the County. A community transportation group also operates a demand service throughout east Clare.

While many visitors travel throughout the County by car, Fáilte Ireland would like to see tourism specific policy with regard to alternative forms of transport, particularly public transport. This accords with the move towards more sustainable forms of travel.

**Proposed Text: - to be inserted as a new policy**

To support sustainable travel in the tourism sector by the promotion of public transport use and by undertaking enhancements to overall accessibility thereby making the County easier for visitors to navigate.



## Additional Policy Coverage - Accommodation

There is a good variety of accommodation in County Clare, particularly in the key gateway towns like Ennis. Fáilte Ireland's new welcome standards have incorporated a wider variety of accommodation types include glamping, campsites, B&B's, guesthouses, hotels and holiday homes. It is important that a wide range of accommodation options are available to ensure that the County is an attractive location in which to spend increased amounts of time for a wide range of visitors.

The Draft Plan includes a number of good objectives for Visitor Accommodation.

Fáilte Ireland would like to see the inclusion of additional drying and storage facilities for tourists at appropriate accommodation locations.

**Proposed Text: - to be inserted at CDP9.4 *Tourist Accommodation***

Provision of additional facilities for tourists at appropriate accommodation locations including, drying rooms for walkers and canoeists, repair facilities for cyclists, equipment drying and storage facilities for angling/fishing and surfing enthusiasts.

## Additional Policy Coverage — Heritage, Festivals and Cultural Events

County Clare has a particularly strong heritage with a diverse range of sites and attractions. Recognition for these sites in the Development Plan would be welcomed by Fáilte Ireland.

The inclusion of key attractions in the CDP mapping would increase the awareness and facilitation of important trails and routes in strategic planning for the County.

**Proposed Text: - to be inserted**

- Heritage Sites (text previously suggested on page 9 of this submission)

**Proposed Text: - to be inserted at CDP9.15**

- To protect and enhance the County's heritage features and the improve access to these features for improved interpretation and understanding;
- To develop a management plan for specific busy tourist sites in order to facilitate the effective accommodation of large numbers of tourists at sensitive locations;
- To identify trails (walking, cycling, and driving) providing access to and linking heritage sites and features;
- To facilitate funding for general enhancements along these trails including the provision of parking, toilet and picnic facilities where appropriate, as well as interpretive signage providing information on specific sites and also the network of sites along a trail;

## Additional Policy Coverage – Heritage, Festivals and Cultural Events, *continued*

County Clare has a rich cultural heritage and is well known for its legacy of traditional Irish music and storytelling. A large number of events take place annually throughout the County centred around the arts, music and literary traditions. Doolin's annual writers weekend, Lisdoonvarna's international matchmaking festival and the Fleadh Cheoil na hÉireann, all attract large numbers of visitors to the county.

Fáilte Ireland looks forward to welcoming the 2016 Fleadh Cheoil to Ennis and will work with the county council to offer business supports and mentoring where necessary to ensure the success of such a major cultural event.

Fáilte Ireland would welcome the facilitation of festivals and events at an international and national scale as these increase the dwell time and spend of tourists to the region.

**Proposed Text:** - to be inserted as a new policy at *CDP9.14 Festivals and Events*

- To Promote the development of new festivals and sporting events to increase the profile of the County as a key tourism destination and fun place to be.
- To promote of a variety of activities to cater for a wide range of needs through the application of flexible policies in relation to festivals and entertainment activities in order to accommodate and promote innovation in this area of the market.

The profile of the County as a centre for high quality food and hospitality is growing with a number of Food Festivals and Craft Beer Festivals also taking place annually throughout the County. In addition a number of sporting festivals are also developing, focusing on surfing, boating, angling, running and cycling.

The development of new events based around these attractions is encouraged and supported by Fáilte Ireland.



## Additional Policy Coverage – Towns and Villages

The towns and villages of the County are significant attractions because of their locations and settings and also due to the unique range of options that they offer including heritage features and outdoor pursuits.

Ennis, the County town, is an independent tourist destination as well as the hub for the wider tourism product in the County. It is known as the Boutique capital of Ireland. Shannon also acts as a tourism hub for the South of the County with Bunratty Castle, hotels, golf courses and retail facilities available in the vicinity. Its proximity to Shannon Airport increases its connectivity to other tourism hubs around the county and country.

The coastal towns including Kilkee, Doonbeg, Doolin, Lahinch and Ballyvaughan are well located and benefit from the rich tourism resource of the geography of the area. Tourism has been growing steadily in west Clare and has recently received a number of accolades including *'The Best Place to Holiday in Ireland'* - Loop Head , *'Best Cultural Heritage Attraction'* – Loop Head Peninsula Trail and *'European Destination of Excellence'* – Loop Head Peninsula.

## Additional Policy Coverage – Towns and Villages

*continued*

Within the County Plan there needs to be a strong commitment to place-making and the long term enhancement of localities in a way that respects the traditions of the area and reflects the need to protect and enhance the qualities that give the county distinction and identity. It is also necessary that landscape designations and development zoning, while designed to protect the most sensitive areas of the county, do not impose unreasonable blanket bans on social and economic activity in designated areas.

There are a number of excellent objectives in the Draft Plan for each of the sub-county tourism areas of the County. It may however, be beneficial to insert a number of additional policies at *Urban Tourism CPD9.13*

**Proposed Text: - to be inserted as a new policy at CDP9.13**

- To implement appropriate guidelines in order to ensure that development and maintenance of viable rural communities can continue within landscape designations and that these designations do not impose unreasonable blanket bans on social and economic activity within the designated areas.
- To identify the tourism functions of settlements throughout the County and to assess the functional and planning impacts of these.
- To promote tourism features in the wider western tourism region via maps, tourism literature, integrated tourism signage and information points in local towns and villages.

## Additional Policy Coverage – Islands

As identified in the Draft Plan section 9.4.6, the Shannon Estuary islands, Scattery Island, Holy Island and Lough Derg are generally underutilised from a tourism perspective and offer a major opportunity to grow the tourism industry and encourage visitors to Clare.

Fáilte Ireland acknowledges the partnership with the key stakeholder, the OPW and encourages the ongoing collaboration between the relevant agencies to enhance the opportunity for the further development of Scattery Island as a valuable tourism resource.

**Proposed Text: - to be inserted as a new policy at CDP9.26 Tourism and the Islands**

- To identify the tourism function of the Islands and address the functional and planning impacts of additional visitors in order to facilitate increased access to the islands in a sensitive and appropriate manner.
- To work with the relevant agencies for the provision of improved infrastructure and transportation required to enhance Scattery Island's tourism resource.

**Proposed Text: - to be inserted as a new text at Section 9.4.3 – East Clare**

Fáilte Ireland supports the development of Lough Derg as a tourism destination and would welcome future collaboration with the Council in the further development of a Plan for the area.



## Additional Policy Coverage – Business Tourism

The further development of the conference and event market is an area of particular focus for tourism in County Clare. There is an increasing trend among professionals to add additional days onto a business trip. National connectivity via the motorway network and international connectivity via Shannon airport provide an opportunity for the County to maximise on this growing trend.

County Clare experiences many day trippers to the Cliffs of Moher, etc. from Dublin in particular. There is potential for the County to capitalise on this interest and to expand on its own ability to attract conference and business visitors to the region. Fáilte Ireland would support the development of suitable facilities to accommodate this market in local / urban hubs within the County and to capitalise on the associated dwell time.

The development Plan outlines the Council's commitment to working with hotels in the County that offer conference facilities, with the Shannon Region conference and sports bureau and with internationally-branded hotel chains, to ensure that the development of the County as a conference and business tourism destination, capable of competing with the Capital City, is facilitated and promoted.

## Spatial Planning

Fáilte Ireland encourages proactive planning for tourism as a dynamic land-use that is inherently linked with infrastructural provision, general settlement patterns, strategic planning objectives and the environmental protection policies built into the Plan.

The Draft Clare County Development Plan provides comprehensive cross referencing between tourism policy objectives and other chapters of the development plan. The Municipal District and Settlement Plans also provide comprehensive policy objectives for tourism in each settlement area and recognise the contributory role of tourism to the economy. Fáilte Ireland welcomes the inclusion of projects such as the West Clare Railway Greenway on the Settlement Plan Mapping in the Draft Plan.

County Clare's location on the periphery of Western Europe presents as its major strength in terms of its landscape and natural heritage features and its challenge in terms of access.

**It is recommended that the policies of the Development Plan as a whole:**

- encourage clustering of products and services within identified local centres and districts to increase linkages within and reduce leakage from, the local economy;
- improve links to the existing air infrastructure at Shannon, Cork, Dublin and Belfast airports through investment into the existing transportation links, signage and information infrastructure;
- evaluate public transport provision and where appropriate provide support for alternatives to the use of private cars to access visitor attractions; and
- build on the Mid-West taskforce's work on the development of jobs in the region.

## Concluding remarks

We wish to take this final opportunity to commend Clare County Council on the Draft Development Plan for the County. The development objectives for tourism have been thoroughly considered and cross referenced throughout the chapters of the Draft Plan.

The Draft Plan and associated Municipal District and Settlement Plans have a clear understanding of the economic benefits to be enjoyed by the proper planning and sustainable development of the tourism product in County Clare and the planning objectives and policies outlined in these Plans provide a solid framework to manage the interaction of tourism with other land uses.

Finally, we reiterate the commitment of Fáilte Ireland to working with the Authority on achieving the Plan objectives over the coming years.





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