

Chief Executive's Report

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

Part I of III

Submissions 151 - 200

19th May 2016



Prepared in accordance with Section 12(4)(b) of the
Planning and Development Act 2000, as amended

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Ref. 152 – 183 (inclusive) Residents of Fern Hill.

Key Words: Ennis

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Submission ref. No. 171 Anne Horgan
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Submission ref. No. 173 Finbarr Lysaght
Submission ref. No. 174 Colm McDonagh
Submission ref. No. 175 Bernadette McDonagh
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Submission ref. No. 178 Mary Fogarty
Submission ref. No. 179 John Fogarty
Submission ref. No. 180 Mary O'Keeffe
Submission ref. No. 181 Peter O'Keeffe

Summary of the Issues Raised in the Submission

Submission nos. 151-183 inclusive all relate to the proposed change of zoning of land at Fern Hill on the Gort Road, (which the submissions state is designated R16 in the Draft Clare County Development Plan 2017-2023), from its current open green zoning to residential zoning. They are also concerned about the possibility of a link road through Fern Hill connecting the residential development with the Gort Road and its associated implications vis-a-vis traffic congestion and residents safety.

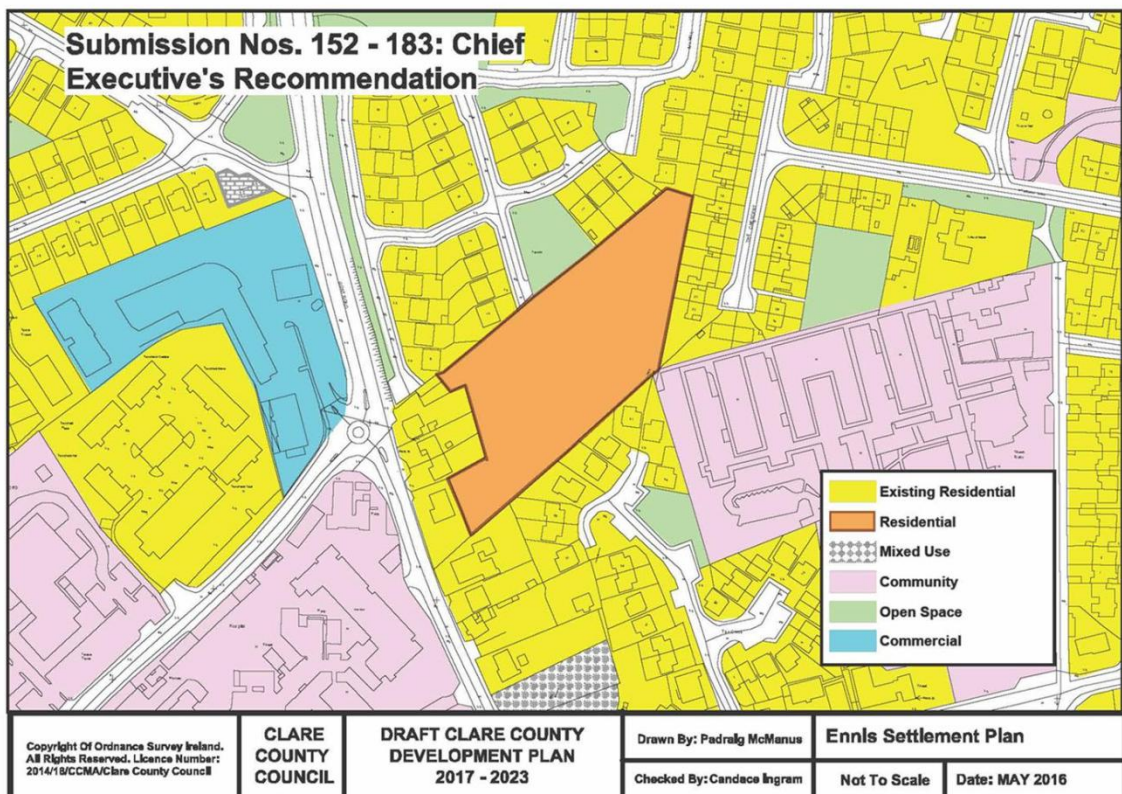
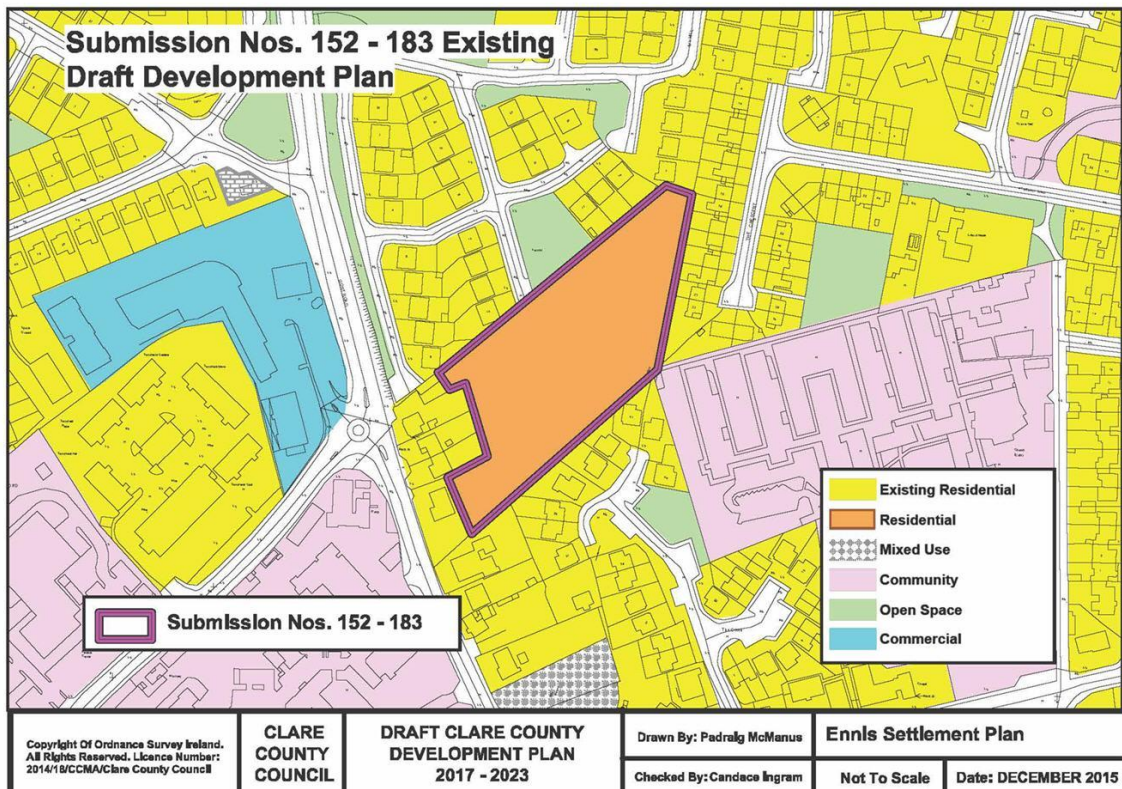
Chief Executive's Response

I wish to thank the residents of Fernhill for their submissions. It is noted that the submission refers to a zoning reference R16 which does not correlate with any zoning within the Draft County Development Plan for the settlement of Ennis. In the interest of fairness I am taking the description and location map which accompanied the incorrect zoning reference as the basis for identifying the location to which the submission refers, which in this case is taken to be land zoned residential to the south of Fernhill, and upon which I have formulated my response and recommendation. Zoning of this site for residential development purposes considers the guiding

principles of the core strategy where a sequential approach to development is recommended. The subject site is situated within the built up area of Lifford neighbourhood and within walking distance of the town centre.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 184 Janet Goobermann

Keyword: Killaloe

Summary of the Issues Raised in the Submission

This submission relates to the Glebe Field in the Killaloe Settlement Plan. Ms. Goobermann is requesting that the land bounded by Abbey St to the north and the R463 to the west currently be included in the Architectural Conservation Area.

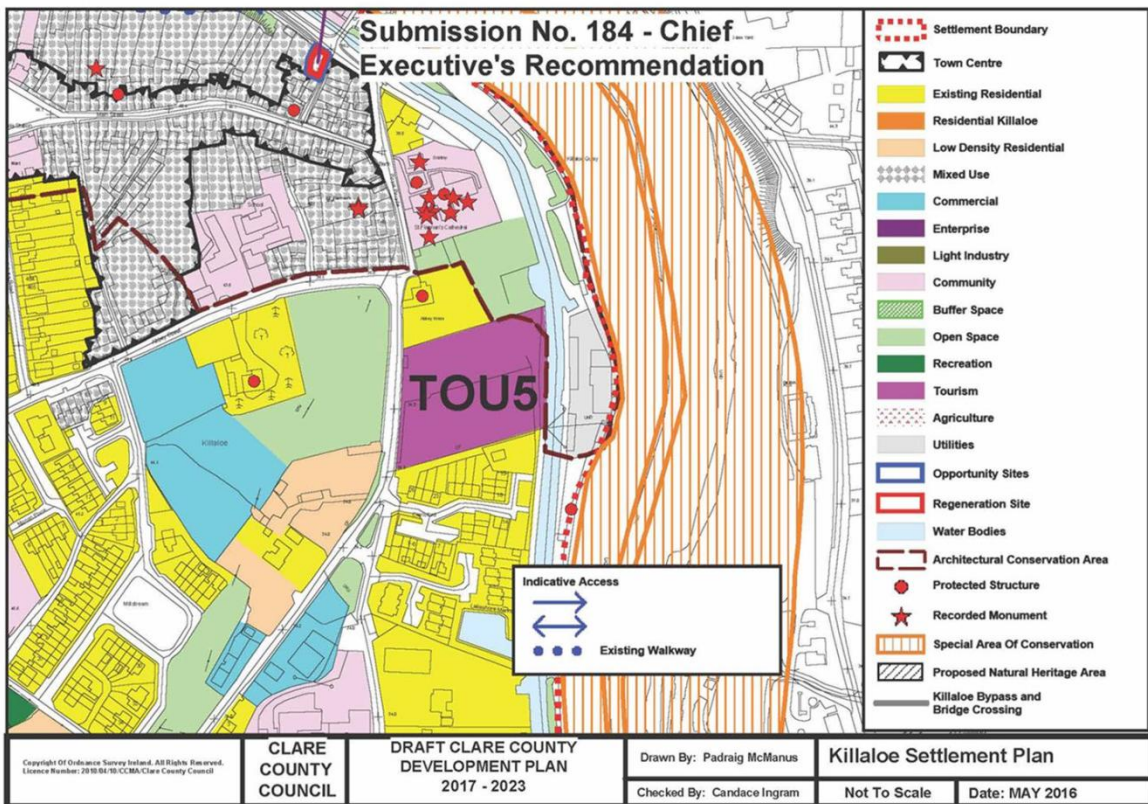
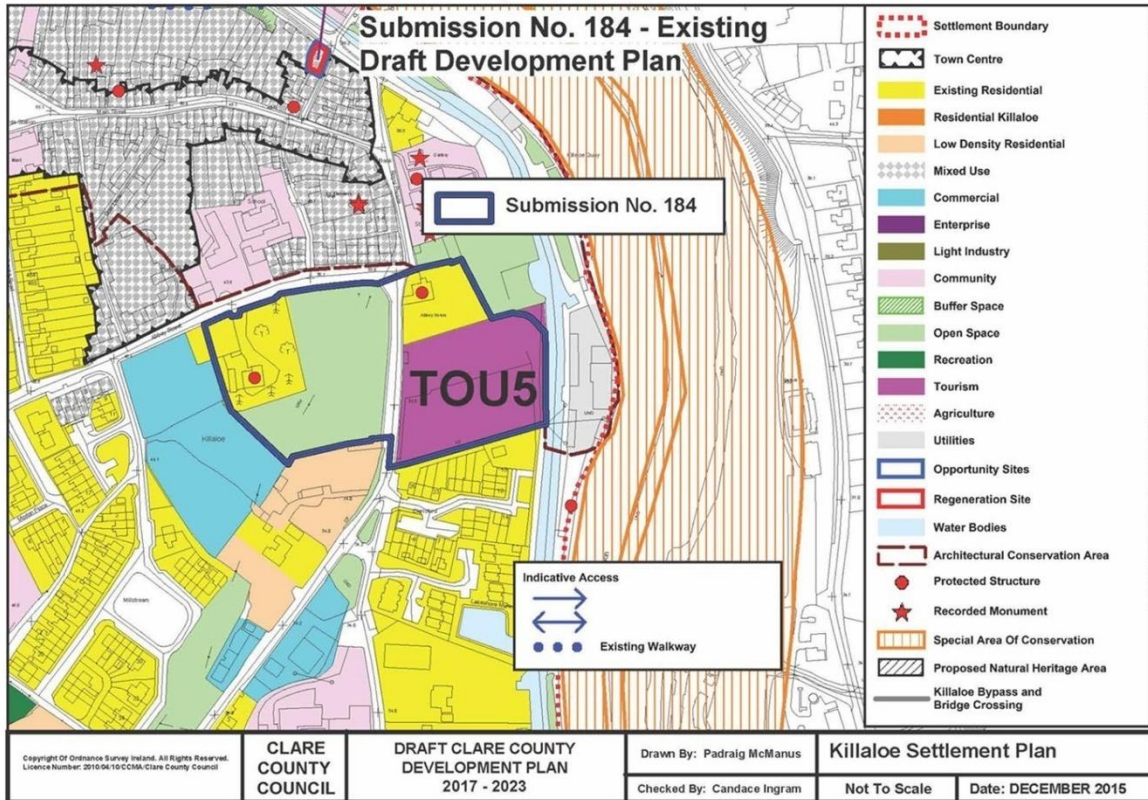
Chief Executive's Response

I thank Ms. Gooberman for her submission, the content of which is acknowledged and I reply as follows:

The Killaloe Architectural Conservation Area (ACA), along with its boundaries was reviewed in 2000 and was judged at that time to represent suitable and balanced protection of the architectural heritage of the town. Following receipt of this submission it was again appraised and deemed to be appropriate. Both the Deanery and Abbey house, while outside the boundary of the ACA, enjoy Protected Structure status. The curtilage of these houses provides their setting and this would have to be taken into account in any development proposals which would come forward.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 185 Andy Maloney

Key Words: Clarecastle

Summary of the Issues Raised in the Submission

This submission relates to lands at Skehanagh/Killow, Clarecastle in the Ennis Municipal District. Mr. Moloney is requesting that his Agriculture zoned lands be re-zoned Low Density Residential. He submits that such zoning would complete the cluster that exists in this area and would be sustainable development having regard to the proximity of these lands to the towns of Ennis and Clarecastle and the adjacent bypass route.

It is submitted that the lands are on a quiet cul-de-sac with no possibility of further development in the area. There is no flood risk associated with the site and, even though the lands are elevated, single storey dwellings would not have a major impact on the landscape.

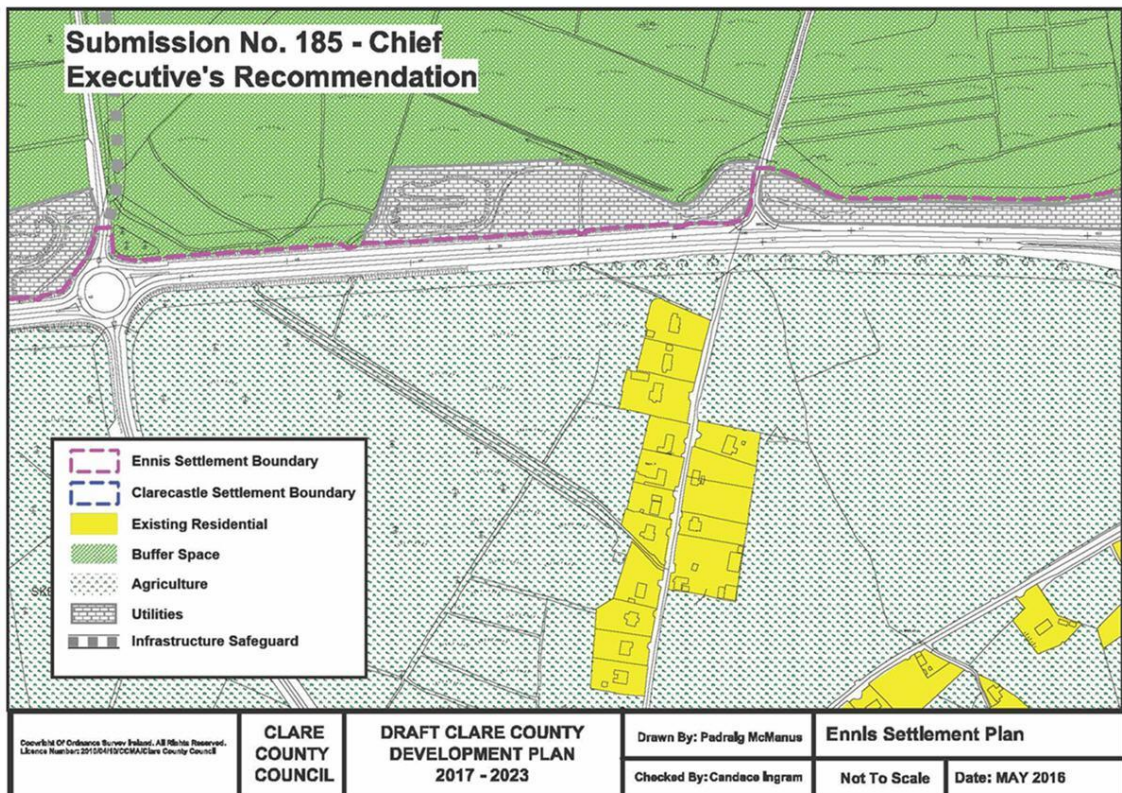
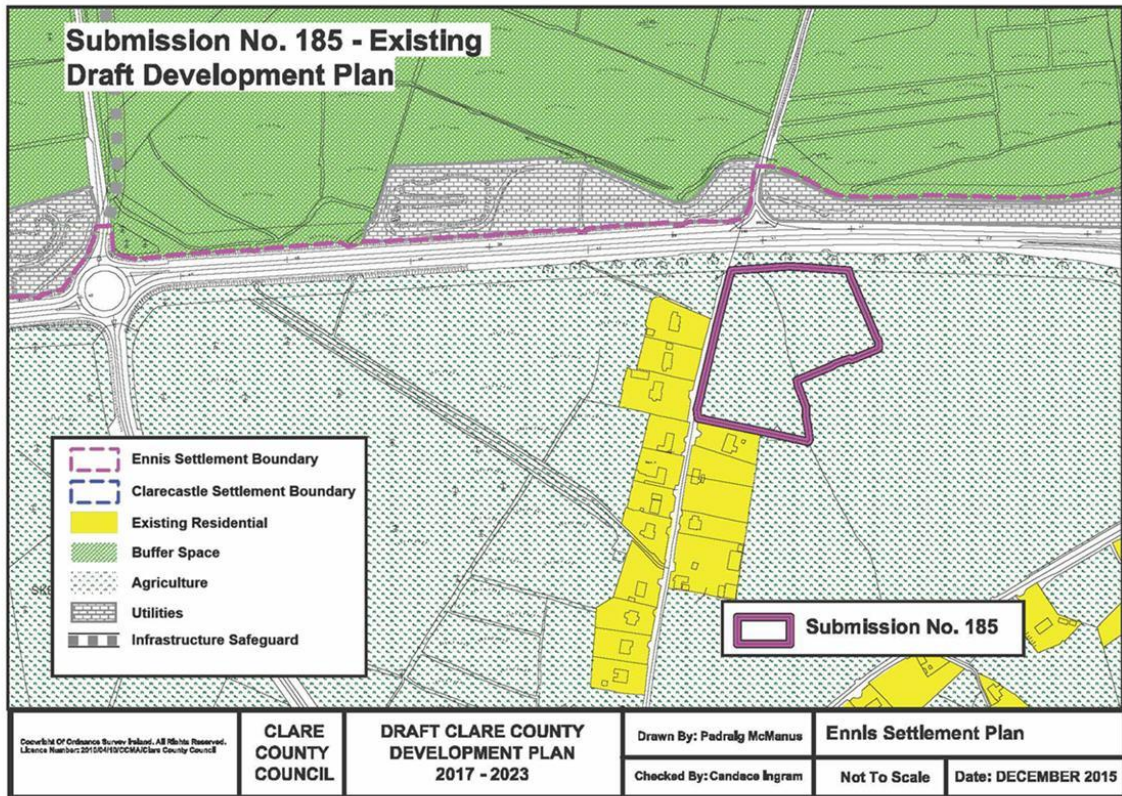
Chief Executive's Response

I wish to thank Mr. Maloney for his submission. I acknowledge that the site is in a quiet cul de sac and is on elevated ground. However, the subject lands are located in a primarily rural area and are at a distance from the village of Clarecastle and the town of Ennis and their associated services. It is more appropriate to direct residential development to towns and villages where public infrastructure connections are available and a variety of services and amenities are located close by. To zone lands at this location would lead to an ad hoc pattern of development, would contribute to ribbon development in this area and generally be contrary to proper planning and sustainable development

Furthermore, residential zoning is determined having regard to the Core Strategy, as contained in Chapter 2, Volume 1 of the Draft Plan. In determining the scale, location, and distribution of residentially zoned land the Core Strategy is consistent with 'Guidance notes on Core Strategy Nov 2010', together with the provisions and conclusions of the SEA and HDA process and the Water Framework Directive. In addition site specific land use issues were considered. These criteria include inter alia availability of services, sequential test, flood risk assessment, planning history, consolidation or urban form etc. Having regard to the foregoing zoning land at this location for residential development would be contrary to the guiding principles of the Core Strategy.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission



Ref. 186 Cyril O'Reilly on behalf of Vasfield Ltd.

Keywords: Ennis

Summary of the Issues Raised in the Submission

This submission relates to site R15 on the Gort Road/Hazel Lane in the Ennis Settlement Plan of Ennis Municipal District. It is proposed to zone the site Residential and Open Space and the site owner is requesting that the full extent of the open space to be zoned should not be decided until a full flood risk assessment is carried out for the entire site which is currently being commissioned by the site owners. Previous reports on this site are outdated having regard to the flood prevention works that have been completed in this area. It is further submitted that the flooding in December 2015 had little or no impact on the subject site.

Chief Executive's Response

I wish to thank Vasfield Ltd. for their submission relating to R15. I refer to Section 2.6, Volume 3 attached to the Draft Clare County Development Plan 2017-2022, which sets out guidance on R15, which specifies that any development taking place on this site does not impact on the drainage of the site or on the operation of the road drainage system in the area. It also requires a hydrology assessment to be under taken as part of any planning application. Surface water runoff must be managed to minimise the speed and quantity of runoff to the open space to the south of the subject site. It is a requirement that a flood risk assessment must be carried out in relation to any future development of the site.

I also wish to refer to Strategic Flood Risk Assessment Volume 10 attached to the Draft Clare County Development Plan 2017-2023. It is noted that the subject site does not benefit from flood defences. The site is wholly within Flood Zones B and C, so in extreme events could be vulnerable to fluvial flooding. Part of the site is identified in the surface water Preliminary Flood Risk Assessment (PFRA) outlines, and it is known that surface water flooding (probably combined with groundwater flooding) occurs relatively frequently. Examination of the topography of the site and the surrounding lands shows that, should depths be great enough, water would overtop the road to the south-western corner of the site. From that, it would appear that the water would dissipate either through the road drainage network or back into the ground water system on the site.

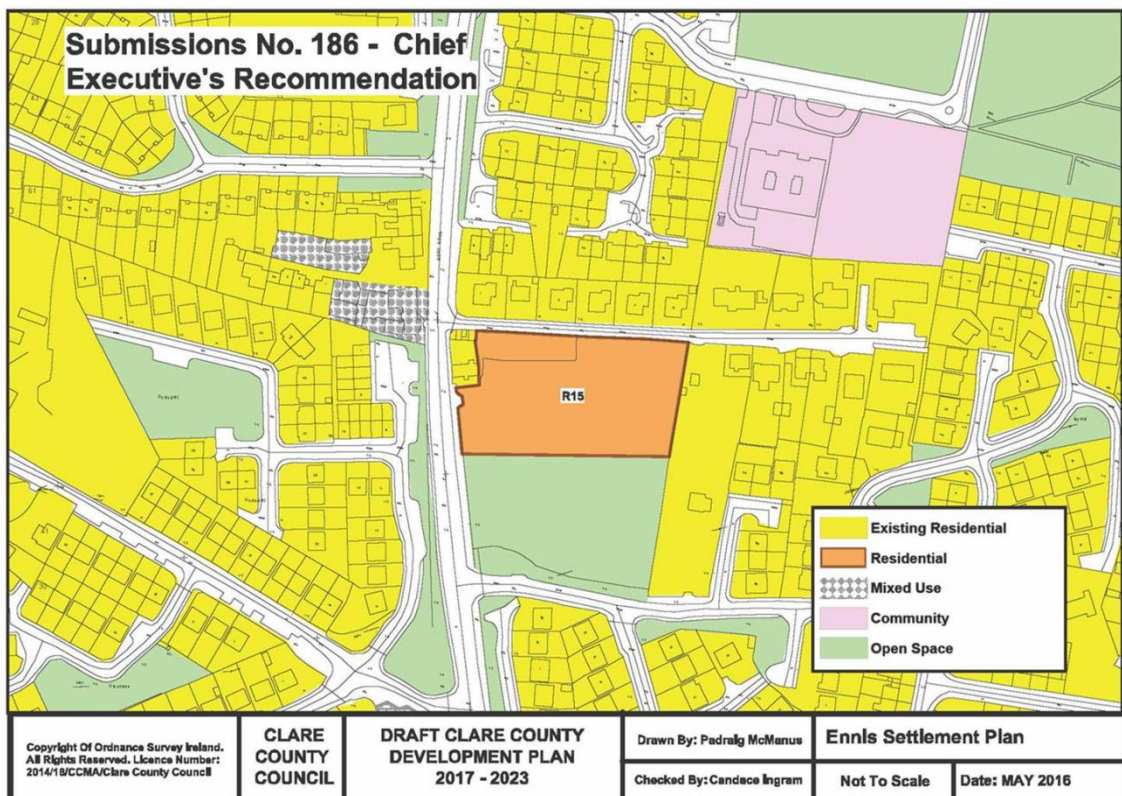
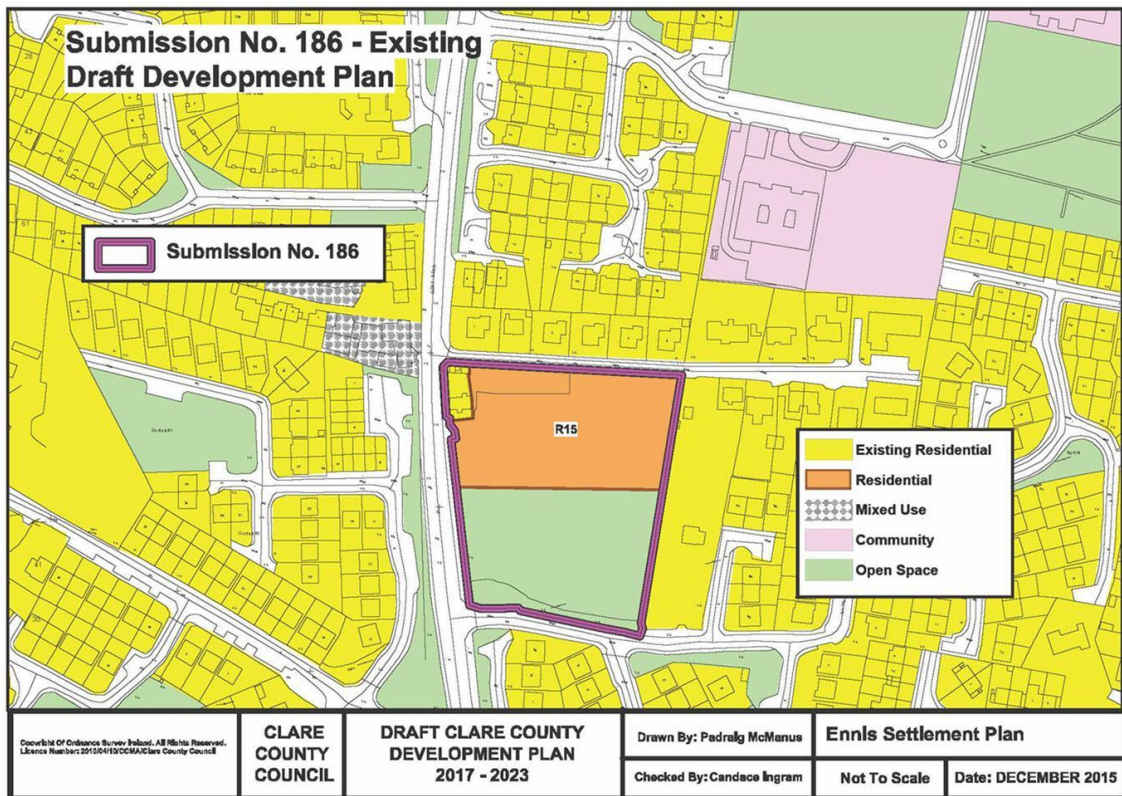
It is important that any development at the site does not impact on the drainage of the site, or the operation of the road drainage system. To achieve this, it is recommended that development is restricted to the northern portion of the site, and to land which is currently higher than the road level, which is proposed to be zoned Residential (R15) in the Draft Clare County Development Plan 2017-2023. I consider that no development, including raising land levels or laying areas of hard standing, should take place at lower levels as this may compromise the capability of the site to drain, and negatively impact on the runoff to the drainage network.

Surface water runoff from the residentially zoned portion of the land must be managed in such a way as to minimise the speed and quantity of runoff to the south-western corner of the site.

It is considered that development in the northern part of the site is possible, provided the southern part is kept as open space. This has informed the zoning for the site.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 187 Kilkee Tourism

Key Words: Kilkee

Summary of the Issues Raised in the Submission

This submission relates to general objectives which Kilkee Tourism would like to see implemented for the town of Kilkee in West Clare Municipal District under the following headings;

- Economic Development – development of ENT1 and ENT2 in the Kilkee Business Park
- Opportunity Sites – development of OP1, OP2, OP3, OP4 and other opportunity sites as included in “Towards a Better Kilkee”.
- Retail Development – it is submitted that retail structure in Kilkee is very weak.
- Tourism – future development should take account of the highly visible waterfront locations. Also MAR1, TOU1, TOU3 need to be reviewed.
- Geological Heritage – it is submitted that Geological Heritage should apply to the Loophead Peninsula in consultation with the geology educators.
- Place making and Amenity – Kilkee Tourism wish to have “Towards a Better Kilkee” implemented in relation to derelict sites within the town and particularly in the ACA.
- Transport and Movement – Kilkee Tourism wish to have the Traffic Management Plan for Kilkee implemented and specifically action taken on T1 Kilkee Relief Road and T3 Carpark to rear of Well Road.

Chief Executive’s Response

I thank Mr. Williams for this submission, the contents of which are acknowledged, and I would like to reply as follows:

In relation to Economic Development, CDP 16.4 Economic Development Fund, this is an objective of the Draft plan and as such it is the intention that this can be progressed during the lifetime of the plan. Generally, I am aware that considerable investment has been made in the public realm of Kilkee recently with the installation of new public lights along the seafront. Resources have also been invested in public realm enhancement at Percy French Park. The Council supported ‘Towards a Better Kilkee’, a study initiated by Kilkee Town Council which seeks to assist local groups to lead in the development and promotion of Kilkee.

In respect of developing economic opportunities, Local Enterprise Office Clare can provide assistance to any group that wishes to take the initiative to bring forward or develop projects. Indeed, during Enterprise week, held in March 2016 of this year, LEO held workshops/information evenings around the county, including the nearby town of Kilrush. While the Council aim to facilitate economic development subject to limited resources, it is not a development agency per se, and development of these lands is a matter for others to pursue.

Opportunity Sites: The highlighting of these sites in ‘Towards a Better Kilkee’ and then in the Draft County Development Plan is done to focus attention on their often unrealised potential. The Council, through their policies and Development Management, will be positive and proactive to suitable proposals which are brought forward.

Retail Development: The Draft plan acknowledges that there are gaps in the Retail provision in Kilkee. I can confirm that proposals for new or revitalised retail outlets coming forward in Kilkee will be considered positively. I repeat my comments above that the Local Enterprise Office is available to meet any group or individual who wishes to bring forward projects.

Tourism: In relation to MAR1, I agree that the text in the Draft plan needs to include reference to desirable improvements in this important area. The Diving Centre premises have been available on the public market for leasing and the Council has been endeavouring to secure a suitable tenant for this premises for some time. I am advised that progress is being made in that regard.

The majority of the Wild Atlantic Way is designated as a scenic route. Portions of the Way not so designated are those that run inland generally without the benefit of sea views.

In respect of Geological Heritage there are 45 sites of geological importance within County Clare, which include cave systems, limestone pavements and mushroom stones. The Geological Survey of Ireland (GSI) has identified some of these areas as County Geological Sites as part of their Irish Geological Heritage Programme. Appendix 3 lists several sites on Loop Head Peninsula including the Bridges of Ross and Kilbaha. I agree that given the traditional association with geological tourism in the Loop Head area that this should be highlighted in the text on Kilkee.

I note the issues raised under Placemaking and Amenity. It can be seen from the policies quoted (CDPs 16.1, 16.2, 16.7 and 16.9) that the council identifies the issues for attention in the period of the Plan. I must highlight that with 87 settlements in the county, there will be a considerable demand on limited resources.

In respect of derelict sites in the ACA, I am aware that there has been a focus on Kilkee in recent times. The process is governed by legislation which, by necessity, involves statutory timeframes. Thank you for your comments on imaginative new uses for the old reservoir. A remediation process has commenced which is likely to take a considerable time to complete.

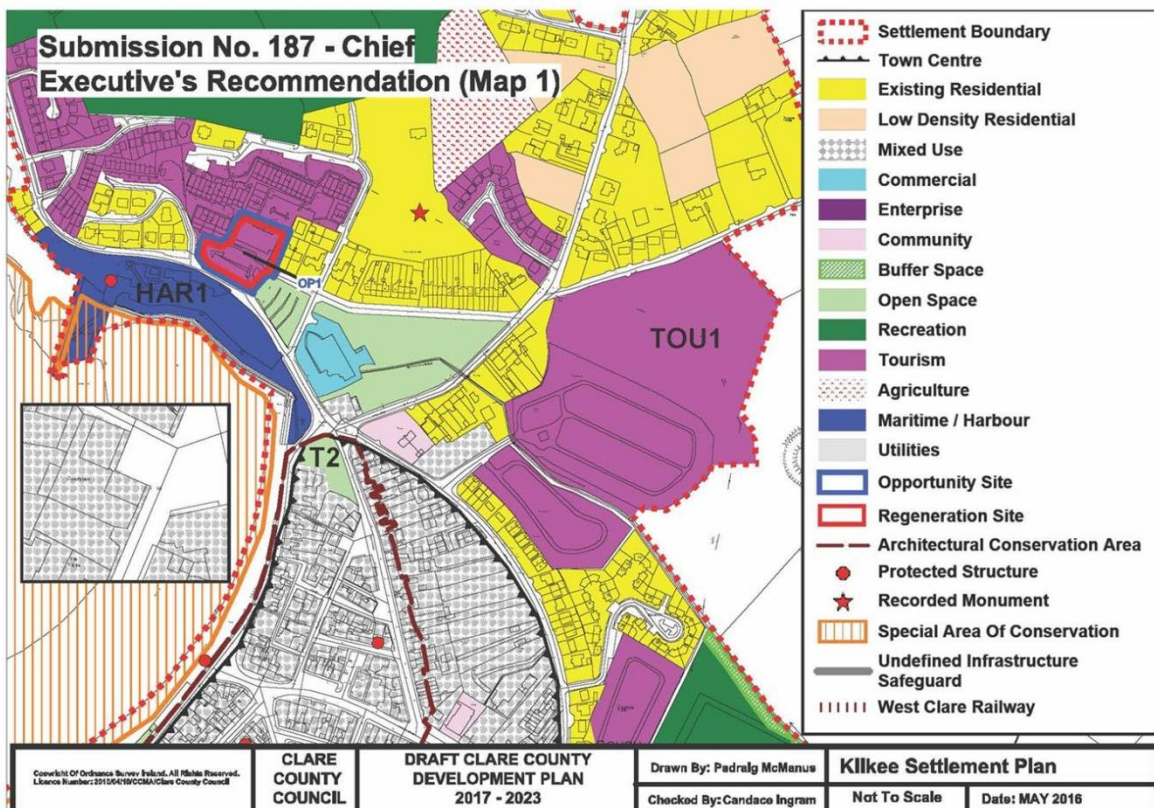
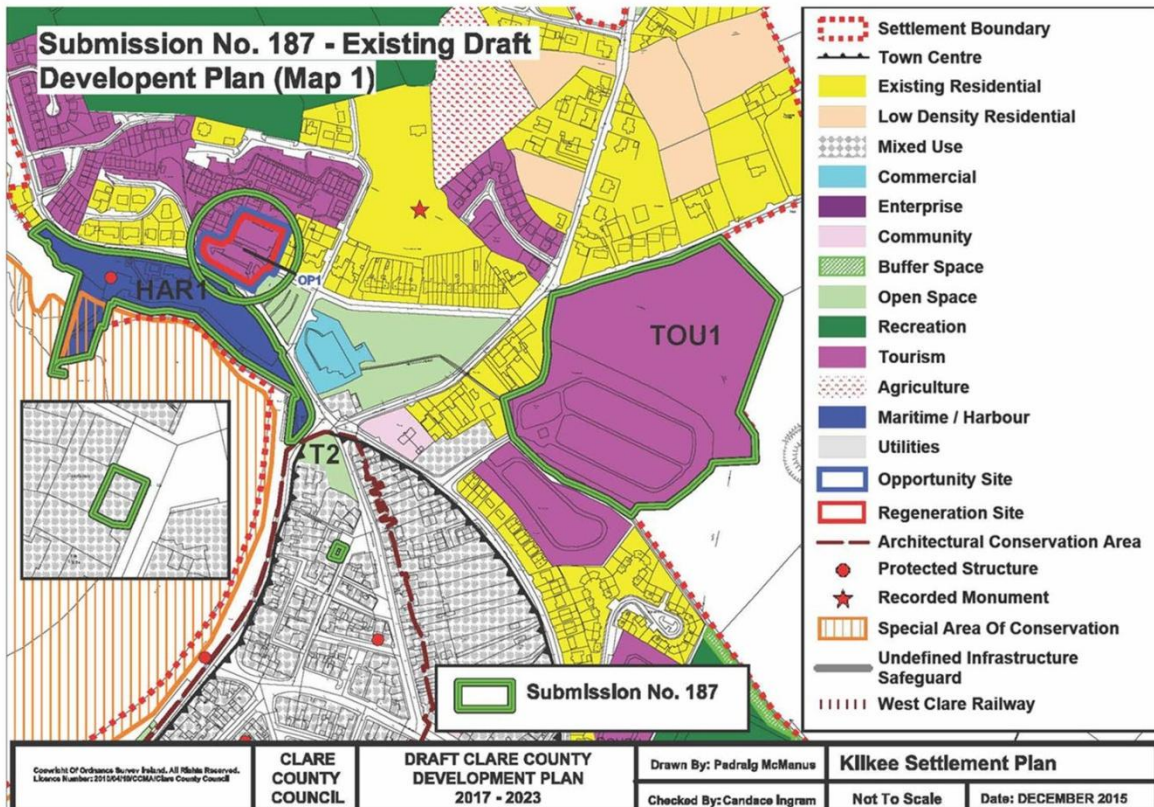
On the issue of the relief road, this road is intended to be a 'developer led' piece of infrastructure and is not identified as a project to be undertaken by the council.

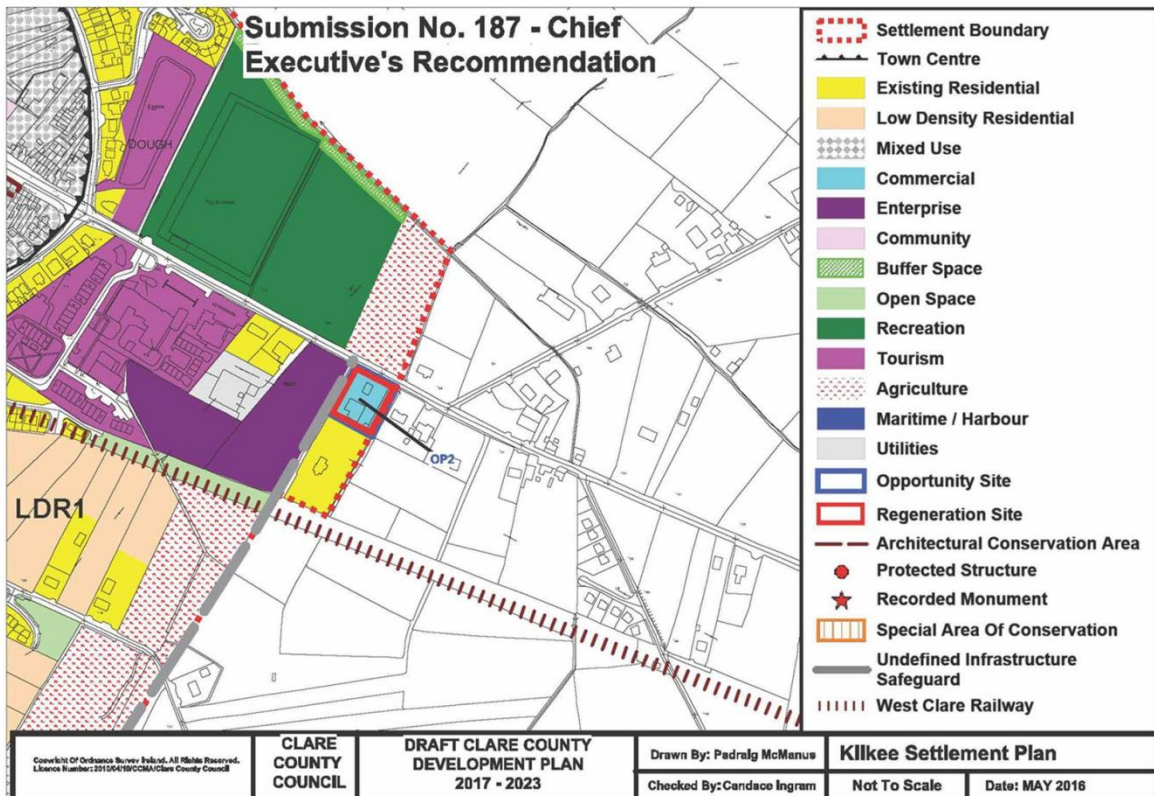
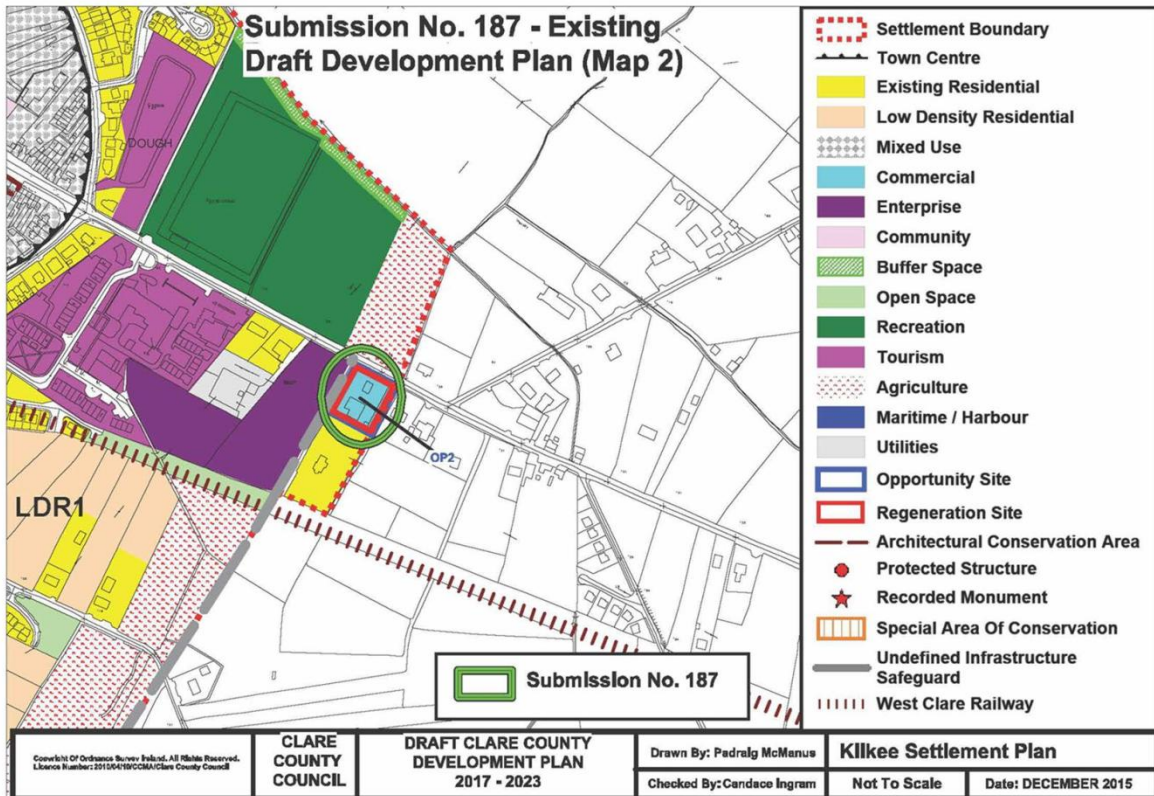
Chief Executive's Recommendation

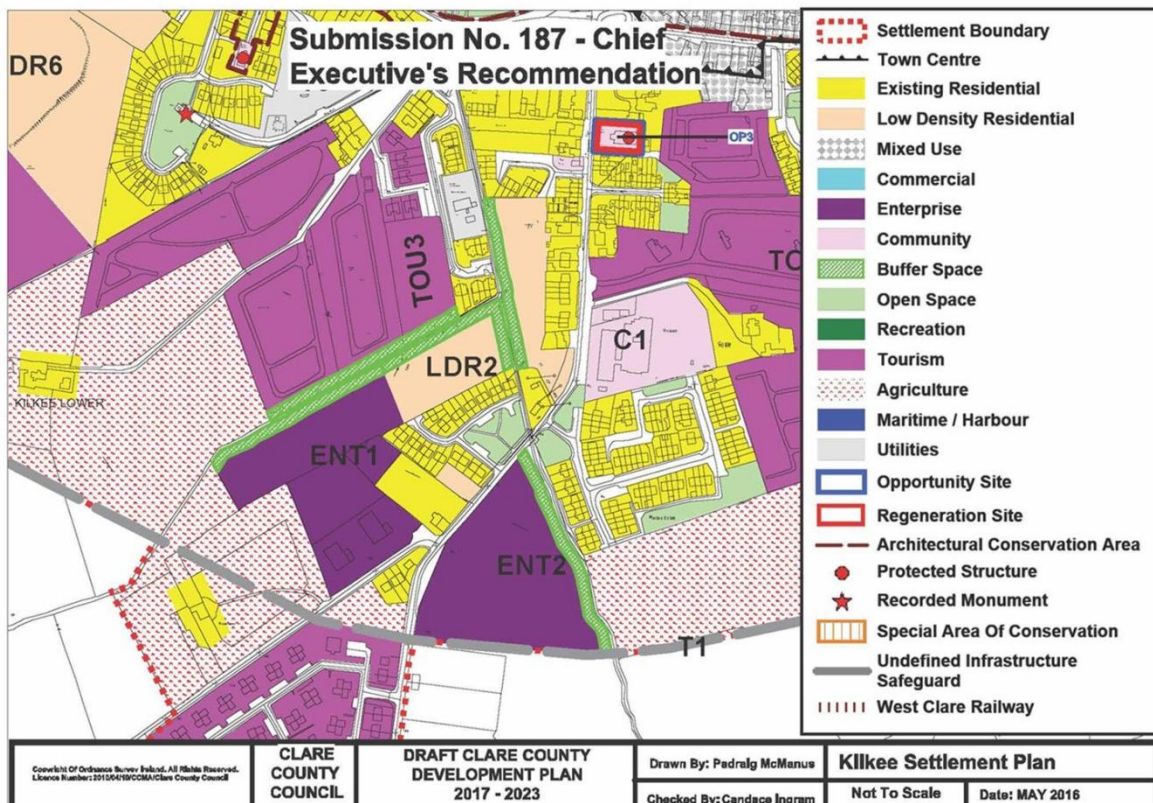
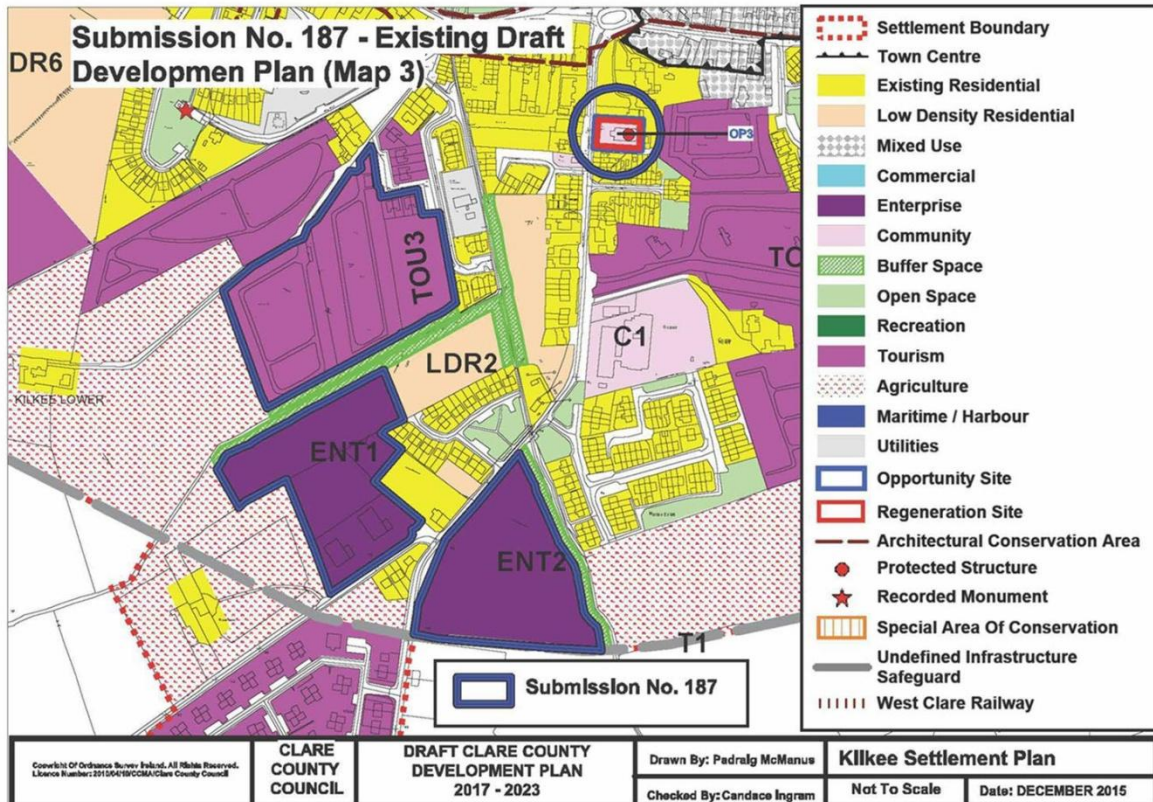
I recommend that the following amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.

Volume 3(d) Kilkee Settlement Plan, Section relating to Economic Development – new text added to read:

Kilkee situated on the Wild Atlantic Way is a gateway to the Loop Head peninsula and is ideally placed to strengthen its economy based on tourism activity. Kilkee and the surrounding dramatic coastline offer plenty of opportunity for niche activities including deep sea diving, bird watching and landscape painting. **Tourism based on the geological heritage of the Loop Head Peninsula is an established attraction which has potential for further expansion.** However the seasonal nature of tourism is both an opportunity and challenge. Therefore it is important to ensure that opportunities exist for the development of other forms of enterprise in the area, to ensure sustainable, year-round employment opportunities for the local community.







Ref. 188 Jimmy Spellissy

Keywords: Ennis

Summary of the Issues Raised in the Submission

This submission relates to Mr. Spellissy's lands at Cappahard in the Ennis Municipal District. The submission requests that part of the subject lands designated agricultural lands is incorrect and the buffer space requires clarification. There is a request to have land declared a wildlife sanctuary

Mr. Spellissy also raises his concerns re discharge of wastewater from the sewage treatment plant at Clonroad and requests published results of sampling of groundwater and surface water from the Gaurus river.

The submission also highlights how Mr. Spellissy has other ideas concerning the Environment and Community involvement together with Tourism including employment on the lands at Cappahard.

Chief Executive's Response

I wish to thank Mr. Spellissy for his submission and his continued interest in environmental protection in Ennis. A public consultation event was held in Ennis on 1st February 2016 which was very well attended. I note that Mr. Spellissy considers that designation of his land for agriculture is wrong but he has not submitted details to show how this could be amended/ corrected. Secondly I wish to advise that the extent of buffer area reflects the recorded flood extent and flood risk zones as per the Strategic Flood Risk Assessment as contained in Volume 10 of the Draft Clare County Development Plan 2017-2023.

I note the comments as contained in the submission regarding bird life at the former dump at Doora. However I consider that the closure of Doora Dump has been of environmental benefit to the town and has in more recent years allowed for the creation of recreation playing pitches.

I note Mr Spellissy has ideas for tourism development on his land. The Planning Authority would be happy to facilitate a pre planning query in this regard.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.

Ref. 189 Fáilte Ireland

Key Words: Policy, Environment, Physical Infrastructure

Summary of the Issues Raised in the Submission

This submission contains a commentary on the Draft Plan which is generally supportive and makes proposed statements for the final County Development Plan which are based on identified gaps in policy coverage and recommended good practice in the area of sustainable tourism.

In particular Fáilte Ireland would:

- Welcome the inclusion of a more robust statement to truly capture the importance of tourism to the County in economic terms;
- 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;
- Support the inclusion of a number of strategic objectives that are more reflective of overall tourism product of the County;
- Recommend a more detailed commentary on the profile of the visitor market. In particular the Plan should recognise both the observed patterns and the prioritised markets identified by Fáilte Ireland for the period covered by the Plan.

Fáilte Ireland recommends additional policies in a number of areas:

Wild Atlantic Way - proposes additional descriptive text in the Plan in order to provide a more comprehensive overview of the Wild Atlantic Way.

Strategic Planning - recommends revision of the Clare County Tourism Strategy 2010-2014 to define, promote and facilitate the tourism market for the County over the medium to long term.

Landscape and Natural Environment - would like to see support for key landscape objectives included in the maps of the Development Plan. Also recognises that importance of the County's natural heritage, including the Burren and Cliffs of Moher Geopark UNESCO site and the Slieve Aughty Mountains.

Signage and Wayfinding - supports the policies dealing with protection and enhancement of the public realm and the objective to implement the signage plans that have been prepared for Lough Derg and the Burren Areas and wishes to have their timely implementation reflected in the policy wording.

Transport and Access - would like to see a tourism specific policy with regard to alternative forms of transport, particularly public transport which accords with the move towards more sustainable forms of travel.

Accommodation - would like to see the inclusion of additional drying and storage facilities for tourists at appropriate accommodation locations.

Towns and Villages - recommends a number of additional policies for *Urban Tourism CDP9.13*.

Heritage and Culture - would like the inclusion of key attractions in the mapping associated with the Draft Plan in order to increase the awareness and facilitation of important trails and routes in strategic planning for the County.

Festivals and Events - would also welcome the facilitation of festivals and events at an international and national scale as they increase the dwell time and spend of tourists to the region.

Islands - suggests identifying the tourism function of the Islands i.e. Shannon Estuary Islands, Scattery Island, Holy Island and Lough Derg 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.

Business and Education Tourism - supports the development of suitable facilities to accommodate the conference and business visitors market in local /urban hubs within the County and to capitalise on the associated dwell time.

Chief Executive's Response

I would like to thank Fáilte Ireland for their submission on the Draft Clare County Development Plan 2017-2023 and I would like to respond to the issues raised as set out below:

I am in agreement with the proposal to include an overall statement capturing the importance of tourism to County Clare in economic terms. However I do not consider the inclusion of figures relating to the number of visitors to the county and the extent of income generated from this visitors in a given year to be beneficial. Given that the County Development Plan will be in place from 2017-2023, these figures will date and will not be of benefit to the Plan in the longer term. However I recommend that some amendments are made to the introduction to the Tourism chapter, based on the information contained in this submission, which place greater emphasis on the economic benefits of tourism to County Clare.

I note the proposal to include additional text in relation to infrastructure in the Development Plan and consider that this would be a positive addition to the Plan.

In relation to the proposed strategic objectives that are set out in the submission, while I consider that they are suitable for inclusion in the Plan, they are high-level, overarching aims and it would be more appropriate to include them in Section 9.1 Strategic Aims, than in Section 9.3 as submitted.

The marketing of County Clare to both national and international tourism markets is highly important to the future development of the industry in the county. The submission recommends a further addition to Section 9.3.1 Tourism Promotion and I agree that the proposed addition would make a beneficial contribution to the Plan.

The proposals contained in the submission for the development and implementation of a strategic plan for the provision and management of tourism resources is noted and I recommend that an additional objective be included to support the preparation of such a strategy.

Fáilte Ireland request that Map 2A in the Plan be modified to show not only the route of the Wild Atlantic Way but also the Signature Points and Discovery Points along the route. Map 2A is the map associated with the Core Strategy and the information illustrated on the map is guided by Section 10(2A) of the Planning and Development Act, 2000 (as amended). While I agree that WAW Signature Points and Discovery Points are highly important in the county, I do not consider their inclusion on the Core Strategy map to be appropriate.

I agree that the natural heritage of the county is highly important, not only to tourism but also to the quality of life of all residents. The achievement of World Heritage Site status for sites and features in County Clare will be a key aim during the life time of this development plan and I note that this is reflected in Section 14.3.22 of the Draft Clare County Development Plan 2017-2023. However, I consider that additional text should be added to further support the achievement of UNESCO status in the county.

In relation to the development of trails, such as walking and cycling trails, this issue is already addressed in detail in Section 5.4.2.1 and Objective CDP5.12 Off-Road Walking and Cycling. I do however recommend an addition to Objective CDP5.12 to support the development of ancillary facilities.

I welcome the statement that Fáilte Ireland is wholly supportive of the policies dealing with the protection and enhancement of the public realm, which in turn will enhance the visitor experience. The comments in the submission in relation to tourism signage are noted and I agree that the proposed addition to Objective CDP9.19 Tourism Signage would make a positive contribution to the Plan.

I acknowledge the additional information submitted in relation to the Wild Atlantic Way and consider it would be beneficial to include some of the detail to the text to add further context to

the objective that follows. In relation to the objective itself, the submission recommends a number of additional points that would generally contribute to the further development and promotion of the route as a tourist attraction.

I acknowledge the valid points in relation to encouraging tourist to utilise public transport but that, rather than add a new objective to address this issue, it would be more appropriate to add text to Objective CDP9.2 Integrated Tourism Products.

The proposed inclusion of an additional point as part of the objective relating to tourist accommodation pertaining specifically to facilities for the convenience of tourists engaging in outdoor activities I consider to be a positive addition to the Plan and recommend its inclusion.

I acknowledge the request to include key attractions on the maps associated with the Plan. However the inclusion of certain attractions would necessitate the exclusion of the others and I do not consider it appropriate for the Development Plan to prioritise some attractions over others. Furthermore the development of trails and routes in the county is already extensively addressed in the Plan.

Festivals and events contribute significantly to the tourism industry in County Clare and also to the cultural activities enjoyed by local residents. I am in agreement with the proposed addition recommended by Fáilte Ireland in relation supporting the development of a variety of new festivals and sporting events. I am satisfied that this amendment will support a variety of activities.

I acknowledge the requested amendments to the draft Plan in relation to urban tourism. The Draft Development Plan strongly supports the development of towns and villages across the county, rural enterprise and tourism developments and the physical enhancement of towns and village. Adherence to all relevant government guidelines has also been a key consideration in the preparation of the Plan and will continue to be so throughout the plan's implementation. The objectives of the Plan support the social and economic growth of all parts of the county and, for this reason, I do not consider the new objective proposed by Fáilte Ireland in this regard to be a necessary addition to the Plan. I note also the proposed addition to the Plan in relation to the promotion of tourism features in the wider western tourism region. I consider that this issue has been well address both through the objectives of the Draft Plan, in particular Section 9.3.1 Tourism Promotion, and through the work of Clare County Council in partnership with Clare Tourism Forum. I therefore consider that no amendments should be made to the Draft Plan on the basis of this element of the submission.

Clare County Council recognise that the islands of the county are an under-utilised but highly-sensitive resource. I agree with the sentiments contained in this submission that further assessment is required to ensure that future developments/visitors can be accommodated in a sensitive and appropriate manner. I recommend that additions are made to Objective CDP9.26 Tourism and the Islands in this regard.

The submission concludes with a number of recommendations in relation to the overall policies in the development plan such as improving links to existing air infrastructure both in Clare and around the country and supporting alternatives to private car use. I am satisfied that all the issues raised have been comprehensively addressed throughout the Draft Plan in Chapter including Chapter 8 Physical Infrastructure, Environment and Energy and Chapter 18 Climate Change, Flooding and Low Carbon Strategy.

Chief Executive's Recommendation

I recommend the following amendments/additions to the Draft Clare County Development Plan 2017-2023 on the basis of this submission:

Volume 1, Section 9.0 Introduction – addition to 1st paragraph as follows:

"The sustainable and successful development of the tourism industry is critical to the economy of County Clare and also to the wider Mid-West Region. 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 considerable growth in the performance of County Clare as a tourism

centre during the lifetime of this development plan making tourism a key economic pillar for the county in the coming years.”

Volume 1, Section 9.1 Strategic Aims – add new points to read:

- “To work in partnership with Fáilte Ireland, Clare Tourism Forum and other agencies to define the tourist experience and develop a clear tourism identity for County Clare;
- To work to improve the visitor experience to ensure that all visitors to the county enjoy the unique experience of County Clare and all that it has to offer;
- To capitalise on the county’s identified nodes along the Wild Atlantic Way.”

Volume 1, Section 9.3 – inclusion of a new objective to read:

“Objective CDP9.1* Strategic Plan for Tourism

It is an objective of the Council: to support the preparation, adoption and implementation of a strategic regional plan for tourism, covering County Clare and the wider Shannon Region, which will provide a framework for the sustainable and efficient provision and management of the tourism resource in the area in compliance with Objective CDP2.1.”

Volume 1, Objective CDP9.2 Integrated Tourism Products – add new point as follows:

- “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.”

Volume 1, Section 9.3.3 Tourism Developments and Tourist Facilities – insert additional paragraph at the start of the section, as follows:

“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 of tourism and economic growth in the county.”

Volume 1, CDP9.3.5 Wild Atlantic Way – insert new first paragraph as follows:

“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. Once there, visitors are encouraged to further explore and engage with tourism experiences and communities in the wider geographic 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 bed nights and revenue and by sustaining and creating employment.”

Volume 1, Objective CDP9.5 Wild Atlantic Way – 3 new points added as follows:

- “To work with Fáilte Ireland on any further development and implementation of the Wild Atlantic Way branding strategy.
- To develop the potential of Loop Head as a key destination on the Wild Atlantic Way
- To support the environmental monitoring of key sites along the Wild Atlantic Way.”

Volume 1, Objective CDP9.14 Festivals and Events – add new point as follows:

- “To promote the development of a variety of new festivals and sporting events to appeal to a wide range of visitors and to increase the profile of the county as a key tourism destination.”

Volume 1, Objective CDP9.19 Signage Management – new point (c) to be added as follows:

“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
- The development of the digital platform to disseminate information to visitors.”

Volume 1, Objective CDP9.26 Tourism and the Islands – insert new text to read:

“a) To identify the tourism function of the islands and address the functional, planning and environmental impacts of additional visitors in order to facilitate increased access to the islands in a sensitive and appropriate manner.

~~a)~~ b) To work with relevant agencies to support the development of improved infrastructure and transportation required to enhanced ~~d ferry services to~~ Scatterry Island’s tourism resource and to support the provision of signage associated with these services;

Existing points (b) and (c) of this objective are unchanged but will be renumbered to points (c) and (d).

Volume 1, Objective CDP5.12 Off-Road Walking and Cycling – amend point (f)* as follows:

“To support the development of ancillary businesses and facilities such as bike hire and repair, outdoor clothing, drying rooms for walkers, surfers etc. subject to normal planning considerations.”

* Note: amendments to point (f) of this objective are also proposed in response to submission 084.

Volume 1, Objective CDP14.23 World Heritage Site Status – add new point to read:

To protect the Outstanding Universal Value of the tentative World Heritage Sites in County Clare that are included in the UNESCO Tentative List, Ireland 2010 and engage with other national and international initiatives which promote the special built, natural and cultural heritage of places in the county.

Ref. 190 East Clare Community Development Group

Key Words: Policy, Environment, East Clare

Summary of the Issues Raised in the Submission

This submission proposes ideas to facilitate the development of East Clare as a tourism destination for activity based holidays namely:

- Support for joint marketing initiative
- Supports for networking
- Digital Display Boards with mapping to be erected in towns and villages across East Clare
- Trail and trail centre at Mountshannon Harbour with ancillary services such as information centre and dry/wet room amenities.
- Creation of a Lough Derg Blueway
- Development of cycle trails
- Development of off-road biking facilities at Cahermurphy in the Slieve Aughty mountains
- Development of an orienteering/walking product
- Development of a timed cycle of Lough Derg
- 'Boru for a Day' travel through East Clare undertaking activities renowned to the area e.g. fish, hike, cook, eat, learn, dance.
- Support the development of a variety of accommodation options at various locations throughout East Clare.
- Walking Guides Company and the training of community guides on tourism aspects of East Clare.
- Activity sector specialist in hiking, orienteering, sailing, kayaking etc.

From an Economic Development perspective the following is also requested/proposed:

- Enterprise incubation units/innovation space in Ogonnelloe, Scarriff and Kilkishen.
- Enterprise start-up supports
- Business mentoring and networking supports
- Development of food products and support for the development/use of the community kitchen facility in Scarriff.

Chief Executive's Response

I thank the East Clare Community Development Group for their submission and I would like to respond to the issues raised as follows:

The County Development Plan recognises the increasing popularity of activity and adventure tourism and the progression of this type of tourism is strongly supported in Section 9.3.7 of the Draft Plan and associated Objective CDP9.7. In relation to the specific issues raised in the submission:

- Objective CDP9.22 supports the Lough Derg Marketing Scheme which is a joint marketing scheme and also supports other future initiatives that would be of benefit to the area.
- I recognise the importance of networking to business and tourism development. Both the Local Enterprise Office and the Clare Tourism Forum organise and support networking events as part of their respective annual work programmes. This is not a matter that can be future progressed through the development plan process.
- Objective CDP9.2 aims to achieve "*a well-signed and interpreted heritage and landscape*". While it is unlikely that Clare County Council will have the resources to provide digital display boards in all towns and villages in East Clare in the lifetime of this Plan, the provision of amenities of this nature is supported in the Draft Development Plan.
- In relation to the Trail Centre at Mountshannon, the Draft Development Plan, I refer to submission 189 where I recommend the amendment of Objective CDP9.4 to support the development of ancillary facilities such as equipment storage, drying rooms etc.
- In relation to the development of a Lough Derg Blueway, I note that Objective CDP9.12 supports the development of tourist activities in lakeland areas and waterways. Low-impact experiential tourism is also supported in Objective CPD9.7. These objectives will

accommodate the development of a Blueway in the county should the opportunity arrive during the lifetime of the Plan.

- The development of walking cycle trails is widely supported in the Draft Plan e.g. Section 5.4.2.1 Off-Road Walking and Cycling, Section 5.4.2.2 Countryside Recreation and Section 8.2.9 Walking and Cycling.
- The Draft Development Plan supports Festivals and Events in general (Section 9.3.14). I do not consider it to deal with specific one-day events that may be developed throughout the county. However, the Council provides on-going support for such activities and events as part of their day-to-day operations.
- Similar in relation to the establishment of a walking guides company and the employment of an Activity Sector Specialist, these are not issues that can be addressed through the development plan process. However, the Council will endeavour to encourage and support such activities wherever possible.

In relation to the economic development aspects of the submission:

- The Draft Plan supports proposals by Clare Local Enterprise Office to establish a network of digital hubs across the county (Section 6.3.9). They aim to establish two digital hubs in each Municipal District and the towns listed in this submission will be considered when locations are being sought in the Killaloe Municipal District.
- Local Enterprise Office Clare provides numerous supports for start-up businesses including training, networking, mentoring, and financial supports. The development of new food products is also supported by the LEO and I consider these issues to be fully addresses by the on-going work of the LEO and Clare County Council.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.

Ref. 191 Brendan McGrath and Associates on behalf of Tony and Majella Cotgreave

Key words: Ennis

Summary of the Issues Raised in the Submission

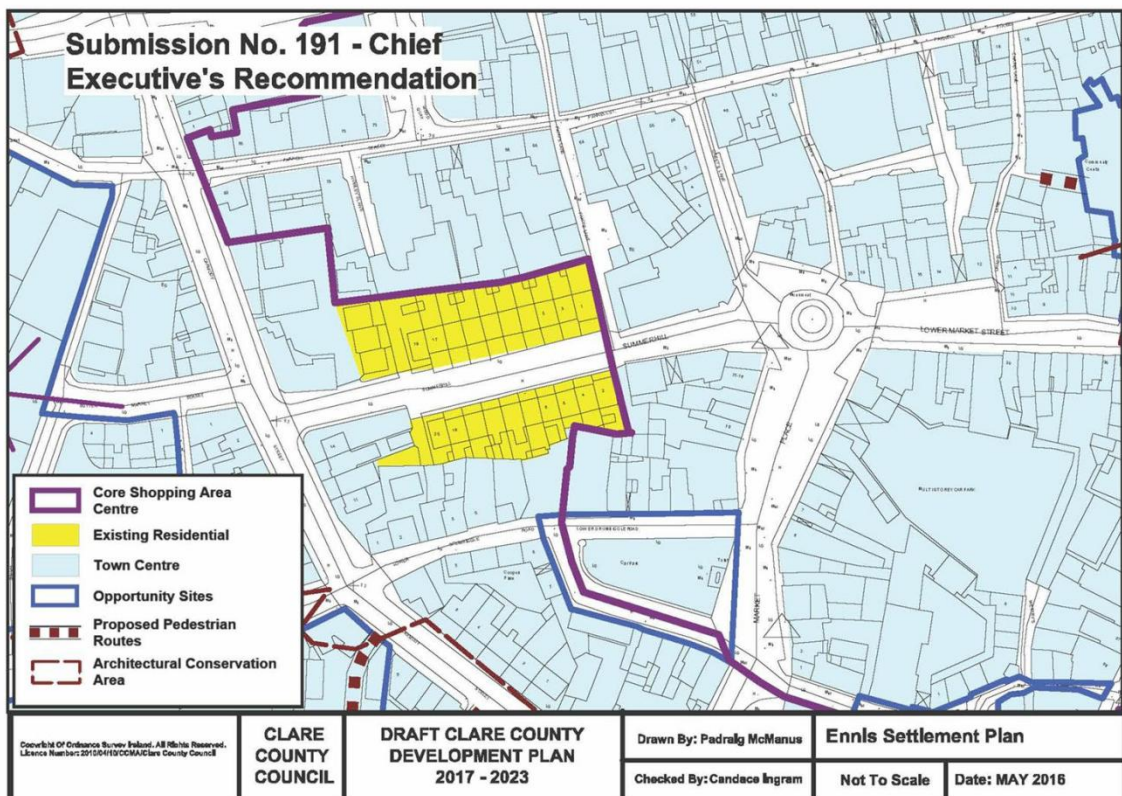
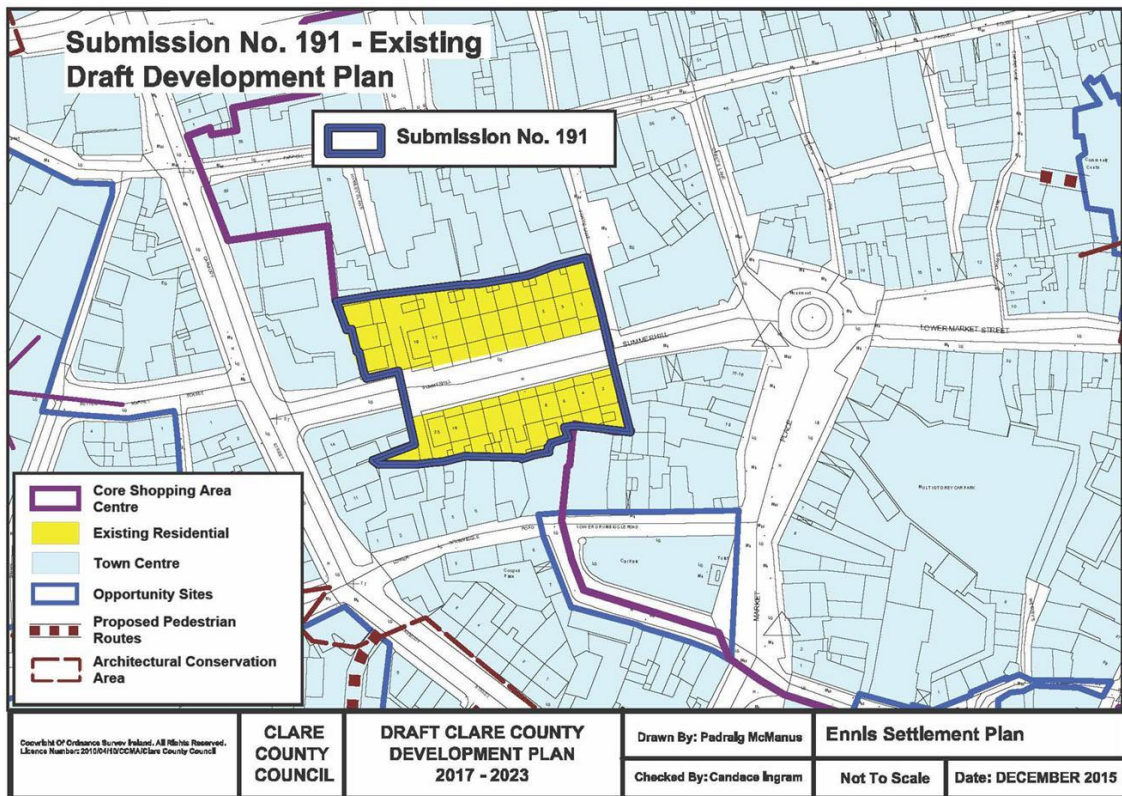
This submission relates to land in the mid-section of Summerhill in the Ennis Municipal District. It submits that Existing Residential is not appropriate zoning for the mid-section of Summerhill, given its location beside the designated retail core of Ennis town. It requests a Mixed Use zoning of Summerhill which would enable the residential use to continue but would also facilitate a diversification of uses in response to the growth of the town centre and market forces.

Chief Executive's Response

I wish to thank Tony and Majella Cotsgreave for their submission. I wish to advise that a number of uses are open for consideration on lands which are zoned existing residential, which may be subject to obtaining the appropriate planning permission. Moreover, I consider it appropriate that the amenity of those living in established residential areas are protected in so far as it is possible to encourage town centre living. Therefore I do not consider there is a requirement to change the zoning from existing residential to mixed use.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 192 Cunnane Stratton Reynolds on behalf of Trump International Golf Links & Hotel (TIGLH)

Key Words: Doonbeg, Wind Energy, Policy

Summary of the Issues Raised in the Submission

This submission relates to the Doonbeg Golf Resort in the Doonbeg Settlement Plan in West Clare Municipal District. The submission focuses on:

1. Economic Importance of Doonbeg Resort to the local economy and submit that the Council should support a proactive approach to protecting established rural tourism developments, recognising that such developments need to evolve and adapt to market demands so as to ensure their viability going forward and that there is a need for continued investment in additional tourism facilities at Doonbeg Golf Resort.
2. Wind Energy and Wind Energy Strategies – they submit that a balance must be struck between the apparent sustainable economic benefits of wind turbines and other conflicted development against the potential economic loss to the tourism industry in the Doonbeg area which is at capacity and beyond in terms of wind farm developments.
3. Tourism – they submit that it is imperative that the highest level of protection is afforded to existing tourism assets in the region including the Doonbeg Golf Resort so as to ensure that the special characteristics of the Golf Resort are protected.
4. Development Control Standards – requests an addition to *Section A1.9.3 Car Parking and Bicycle Parking Standards*.

Chief Executive's Response

I wish to thank Cunnane Stratton Reynolds for taking the time to review the Draft Clare County Development Plan 2017-2023 and for their submission on behalf of Trump International Golf Links and Hotel (TIGLH) and I would like to respond to the issues raised as follows:

My response to points 1 and 3 is combined and I acknowledge that the submission recognises the many supportive references to Doonbeg in the draft Plan. The value of Tourism to the economy of Clare is recognised in the Draft Plan as set out in Volume 1, Chapter 6- Economic Development and Enterprise which states:

"The tourism industry is one of the main contributors to the economy of County Clare and this is reflected in the considerable on-going investment made by the Council in tourism infrastructure throughout the county."

Objective CDP 6.26 Tourism

"It is an objective of Clare County Council: To harness the economic potential of tourism throughout the county."

Chapter 9 – Tourism expands further on the potential of the tourism industry which states Strategic Aims as follows:

"This chapter sets out the objectives required to promote a sustainable and well-managed year round, high-quality tourism industry that generates economic benefits to all areas of the county. In accordance with the overall vision of the development plan, these objectives are based on the following strategic aims:

- *To maximise the potential of tourism as a 'pillar of economic growth' thereby contributing to the balanced economic development of the county and the tourism industry of the region;*
- *To develop and enhance new and existing tourism products, attractions and tourism infrastructure;*
- *To capitalise on the distinct tourism attractions that County Clare has to offer including natural, built and cultural heritage, scenic landscapes and natural amenities;*
- *To develop strong, year-round, high-quality integrated tourism products;*
- *To increase the length of tourist stay and 'yield per visitor' in the county;*

- *To protect the environmental quality of the county on which much of the tourism quality is based;*
- *To enhance physical access and maximise the potential of underdeveloped areas for tourism."*

I am confident that these objectives would overlap with many of the aims of Doonbeg Golf Course and Hotel. As you will appreciate, it is not the role of the main policy document, Volume 1, to refer to individual tourist enterprises. However, in Volume 3 (d) Settlement Statement for Doonbeg, the following appears in the first paragraph of the Introduction and Context: *"The five star Trump International Golf Links and Hotel which attracts visitors from around the world is situated northeast of the village, adjacent to White Strand."*

The section also states that *"In order to promote economic development it is an objective to:*

- *Provide for the development of a diverse tourism product which offers potential to expand the tourism season to provide year-round employment and economic activity."*

In response to point 2 of the submission, I acknowledge that some stakeholders consider a review of the Wind Energy Strategy to be necessary and I have given a commitment to prepare an updated strategy during the lifetime of the Plan (see Objective CDP8.39(d)). The updated strategy will be prepared when the new national-level guidelines are available to the Council. It is essential that any county-level strategy is in line with higher national and regional strategies to ensure that conflicts between the strategies do not arise. We are requested, by Department of Environment Circular PL20-13, to delay reviewing the County Clare Wind Energy Strategy and I note that the approach taken by the Council in this regard is supported by The Department of Environment, Community and Local Government and the Southern Regional Assembly in their submissions on the Draft Plan (submissions 001 and 008 respectively).

The future review of the Wind Energy Strategy will involve consultation with all stakeholders including communities across the county and will be subject to full Appropriate Assessment and Strategic Environmental Assessment, both of which will examine cumulative effects, and will take into consideration any changes to SAC and SPA boundaries and new environmental information that have become available since the current Strategy was prepared.

In relation to the point on zoning, the WES does not 'zone' areas for windfarm development, but it identifies four classifications with specific objectives pertaining to each. The objective in identifying these four categories is to ensure that there were no significant environmental considerations which could be reasonably foreseen to arise in advance of the planning process. However, it is not intended to negate the requirement for detailed project and site specific assessments at the development management stage. Across the county changes in relation to nature designations and/or protected habitats and species can occur during the lifetime of the Development Plan and the WES. Development Management can respond quickly to such constant changes in designations and the Council's record in responding to updated changes in designations through the requirement for Appropriate Assessment and the appropriate decision on planning applications is clear.

In this regard you will note the Council's decision to refuse permission for a wind energy development at Moneypoint (Pl. Ref. 12/74), specifically due to the fact that the SPA site area (Site Code 004077) increased and there was insufficient details in the NIS to overcome concern in relation to it. Shragh Wind Farm (Strategic Infrastructure application PI03.PA0025) was refused by An Bord Pleanála due, in part, to the impact on protected species. West Clare Renewable Energy Ltd's application for a wind farm at Slieve Callan (Pl. Ref 10/09) was permitted by Clare County Council and modified by An Bord Pleanála who, in their Direction, made specific reference to the Wind Energy Strategy. Having regard to the reasoning set out above, coupled with the fact that the Wind Energy Strategy (Vol. 5), the Renewable Energy Strategy (Vol. 6) and Volume 1 Written Statement of the Clare County Development Plan should be read in conjunction and taken together with the objectives and mitigation measures identified in all three volumes, I am satisfied that every effort is taken to ensure that a balance is being achieved between the harnessing of renewable energy resources and other important issues such as environmental protection and tourism development.

It is clear that there is existing mitigation throughout the County Development Plan to protect all features of the natural environment and to adequately provide the level of protection that NHAs, pNHAs and European Sites together with protected habitats and species are afforded legally.

Notwithstanding this, I refer you also to submission 003 from the Department of Arts, Heritage and the Gaeltacht and the response to their submissions which contains recommendations for changes to some of the objectives in order to strengthen the protection afforded to such designations. I am therefore satisfied that the points raised in relation to the Wind Energy Strategy are addressed sufficiently within the County Development Plan.

With regard to point 4 of the submission concerning Development Control Standards, I consider that an addition to *Section A1.9.3 Car Parking and Bicycle Parking Standards which allows the sharing of parking provision for hotel and leisure uses* may be a beneficial option.

Chief Executive's Recommendation

I recommend that the following amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission:

An additional point 9 be added to Section A1.9.3 Car Parking and Bicycle Parking as follows:

"In rural areas, shared car parking provision for hotel and leisure facilities may be considered where these services are shared, so as to reduce a potential overprovision of car parking."

Ref. 193 David Dillon on behalf of Concerned Citizens of Kilmurry-Ibrickane and Kilmaley Parishes

Key Words: Policy, Renewable Energy

Summary of the Issues Raised in the Submission

This submission relates to the possible piped-hydro scheme on Mount Callan and requests that it be removed from the draft Plan for the following reasons:

- Noise and disruption during construction
- Noise when the plant is operational
- Industrial development inappropriate on the Scenic Route
- Endangerment of ancient monuments
- Impacts on habitats – of people, birds and mammals
- Negative effect on population levels and local services
- Devaluation of local property

In relation to renewable energy in general the following comments are made:

- There is a place for wave power, solar energy and biomass – in the right locations with proper consultation.
- In the case of biomass, it must be a type that does not omit an offensive smell
- There is a danger that parts of County Clare will be saturated with wind turbine – the west and middle areas are the worst affected at present.
- An entire rethink is needed between the government, county councils and local people in affected area and in areas that may be under threat in the future.

Chief Executive's Response

I would like to thank Mr. Dillon for his submission and I would like to comment on the matter raised therein as follows:

The site at Mount Callan was identified as an area of potential for Pumped Hydro-Electric Storage (PHES) when the Clare Renewable Energy Strategy was first prepared in 2013/2014. At that time a considerable level of analysis and assessment was undertaken to identify a site with the potential to accommodate PHES development in the county. The site at Mount Callan was identified because, after detailed assessment, it was identified as having the optimum geographical and physical attributes to accommodate development of this nature within County Clare.

It should be noted however, that the physical and geographical attributes of the site/development will be one of many issues that will be taken into consideration in the assessment of any future development proposals. Issues such as impacts on local residents, impacts on habitats and species in the area, capacity of local road networks to accommodate traffic associated with the development etc. will all be given very detailed consideration when any specific development proposals are being assessed. Assessments such as Environmental Impact Assessment, Appropriate Assessment and Strategic Environmental Assessment (if required) will also examine, avoid and mitigate negative impacts on local residents and the environment and will ensure that developments that would have an unacceptable level of impact are not permitted.

While I acknowledge the concerns raised by Mr. Dillon in this submission I am satisfied that the Indicative Area for Pumped Freshwater Hydro-Electric Storage as identified in Volume 5 of the Draft Clare County Development Plan 2017-2023 can remain.

In relation to wind energy development, the Council was precluded from reviewing the adopted Wind Energy Strategy as part of the preparation of the Draft County Development Plan by Department of Environment Circular Letter PL20-13. However, the draft Development Plan contains a commitment to prepare an updated Wind Energy Strategy during the lifetime of the Plan, upon the issuing of new national guidance.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.

Ref. 194 Rory Comyn

Key Words: Ballyvaughan

Summary of the Issues Raised in the Submission

This submission relates to land in the Ballyvaughan Settlement Plan of West Clare Municipal District. Mr. Comyn is requesting that his lands which are proposed to be zoned as Enterprise are re-zoned Residential as it is intended that both he and his sister will build a house on these fields.

Chief Executive's Response

I thank Mr. Comyn for his submission, the content of which I would like to respond to as follows:

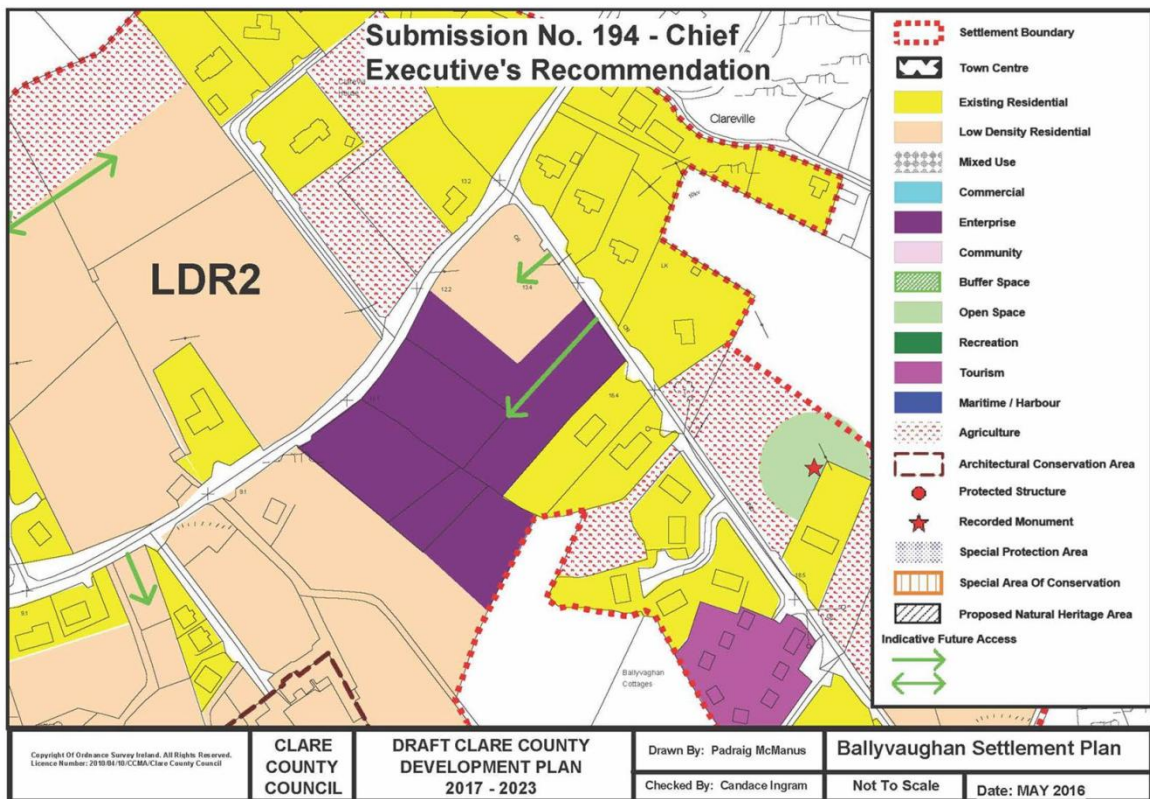
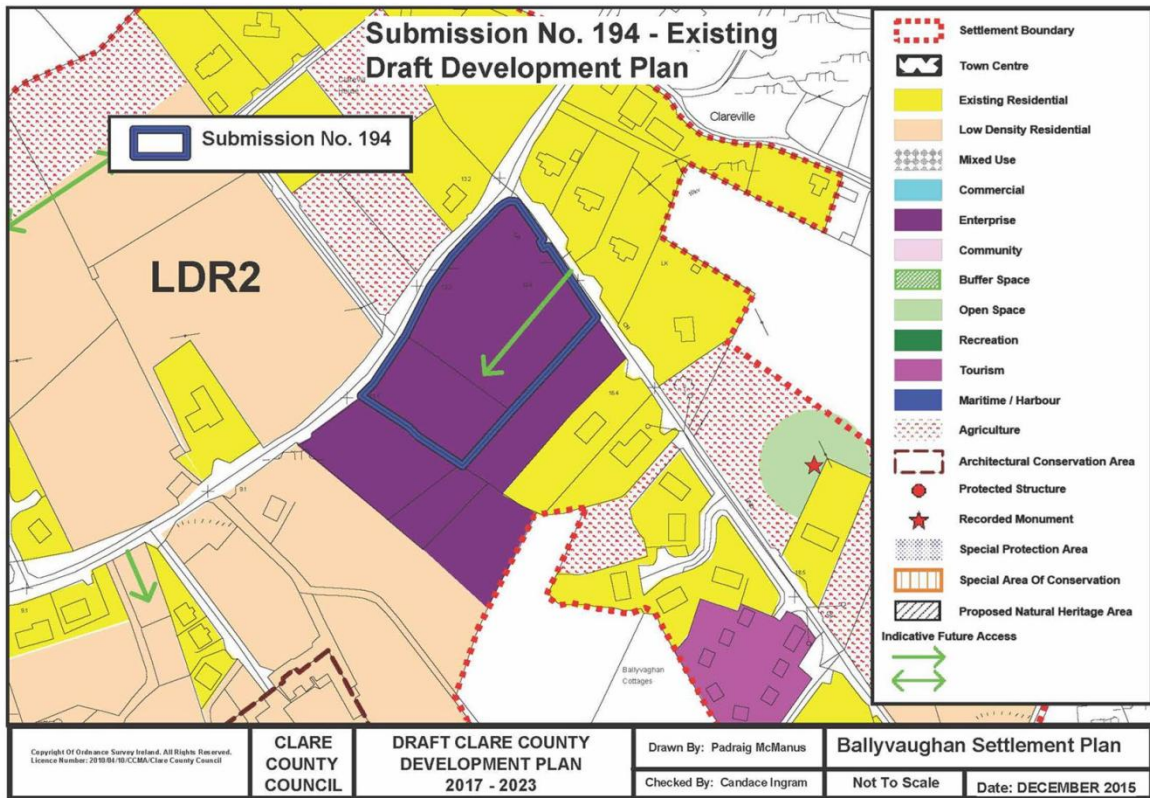
Under Planning Legislation it is required that provision is made for sustainable settlements and it is in this context that lands are zoned for Enterprise. The intention is that land would be available should people in the vicinity wish to start up a business which may provide local employment. It is for this reason that the Enterprise zoning is identified on the site in question. I have reviewed the proposed zoning and I consider that the while zoning for enterprise needs to be provided, the quantity proposed in the Draft Clare County Development Plan 2017-2023 could be amended to allow for a sufficient area of land as Low Density Residential zoning to accommodate dwelling house for Mr. Comyn and his sister, with the provision that the site must be accessed from the minor road.

Chief Executive's Recommendation

I recommend that the following amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission:

Volume 3(d), Ballyvaughan Settlement Plan – zoning map

- Amend the zoning map to change part of the subject site from Enterprise to Low Density Residential and alter the location of the Indicative Access arrow accordingly.



Ref. 195 Clare Public PPN and Doonbeg Tidy Towns

Key Words: Policy, Environment

Summary of the Issues Raised in the Submission

This submission requests that Local Authority officials are appointed to the County Development Plan areas of Economy & Employment, Rural Development and Tourism to assist and facilitate community projects and initiatives.

Chief Executive's Response

I would like to thank the Public Participation Network for their submission. I recognise that the importance of accessing grants and funding to progressing projects and programmes across the county. Staff resources and staff allocations are part of the day-to-day operations of the Council which is not an issue that can be effectively addressed through the development plan process.

However, I would like to note that Clare County Council works with communities on an on-going basis to assist them with funding applications. Staff in all sections of the Council, and in particular the Community, Enterprise, Planning and Tourism Directorate will provide as much assistance as possible, in particular in relation to tidy towns groups.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.

Ref. 196 Boru Cultural Enterprises

Keywords: Bunratty, Policy

Summary of the Issues Raised in the Submission

This submission is a proposal by Boru Cultural Enterprises for the development of a World Irish Diaspora Park at Bunratty Village ,further to the general objective in Shannon Municipal District Plan to facilitate the development of a Flagship Tourism development in Bunratty to complement the existing facilities and attractions.

It is submitted that the overall project will augment the attractions of the west while displacing none due to its uniqueness and would be a signature flagship engine for Irish and international tourism and research.

Chief Executive's Response

I thank Boru Cultural Enterprises for their submission. The Draft Clare County Development Plan 2017-2023 fully endorses the role of Bunratty as a major tourism destination. The large area of developed and undeveloped land zoned for Tourism use in Bunratty is confirmation of this policy. Many of these areas may be capable of supporting a World Irish Diaspora Park or similar venture. Of the eight General Objectives in the Bunratty Settlement Plan, several could support such a project.

Cultural and heritage-based tourism, which includes genealogical activities, is also strongly supported in Chapter 9 Tourism of Volume 1 of the Draft Plan. While activities of this nature are, in general, supported in the Plan, I consider it appropriate to make an addition to the Objective CDP

However, in view of the fact that such a centre would fit well within the existing character of Bunratty, I consider that an additional Objective should be included.

Chief Executive's Recommendation

I recommend that the following addition is made to the Objective CDP9.15 Heritage and Cultural Tourism in Volume 1 of the Draft Development Plan:

To facilitate the development of an International Centre dealing with Genealogical research and related matters

Ref. 197 Healy Partners Architects

Key Words: Ennistymon

Summary of the Issues Raised in the Submission

This submission relates to the proposed post primary amalgamation school site in the Ennistymon Settlement Plan in West Clare Municipal District. There is a request that consideration is given to rezoning of a greenfield site in COM11 to Community or Recreation to accommodate a playing field for the proposed post primary school.

Chief Executive's Response

I acknowledge the contents of this submission. I consider the provision of improved educational facilities to serve Ennistymon and the surrounding communities to be highly important and it is appropriate therefore to zone land for 'Recreation' to accommodate the development of a new playing fields to serve the local post-primary school.

Chief Executive's Recommendation

I recommend that the following amendments are made to the Draft Clare County Development Plan 2017-2023:

Volume 3(d), Ennistymon Settlement Plan, zoning map

Change zoning on the west side of site COM11 from Commercial to Recreation.

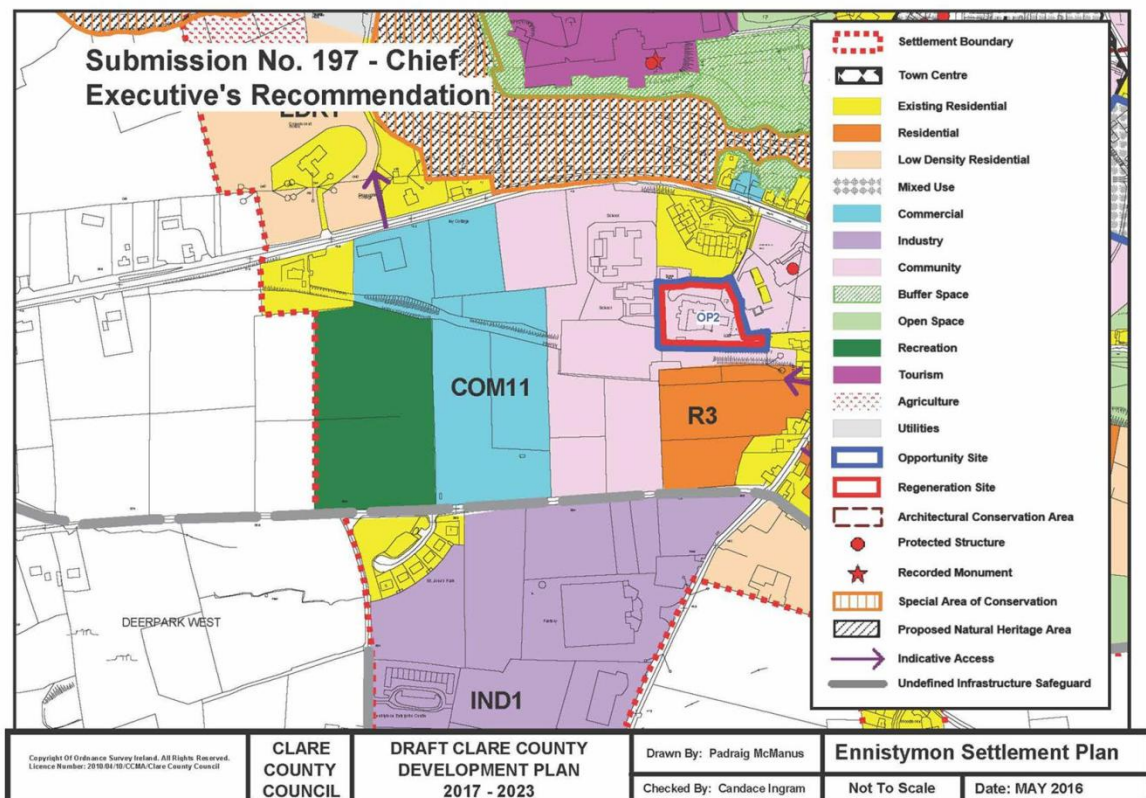
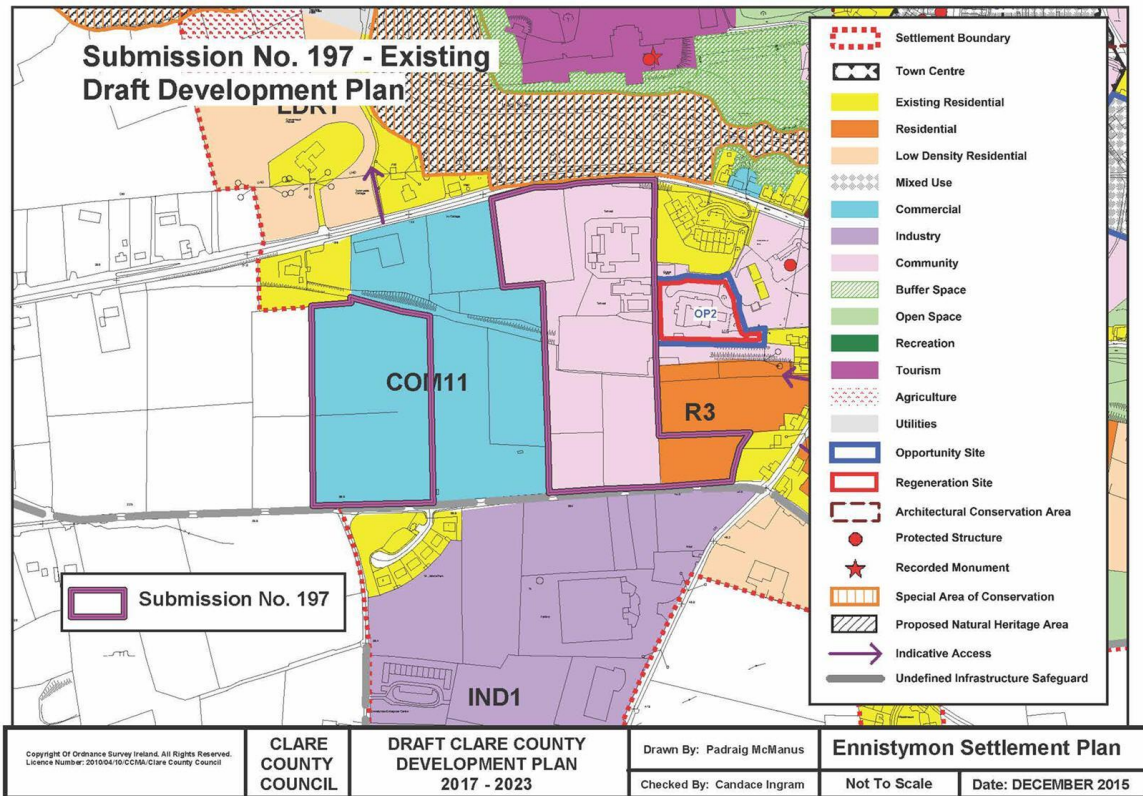
and

Show the route of the former West Clare Railway as it passes through Ennistymon.

I recommend that the following amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission:

Add a further point to the General Objectives-Service Town as follow;

To facilitate the provision of safe routes to school by protecting the route of the former West Clare Railway for eventual development to serve this purpose.



Ref. 198 Healy Partners Architects

Key Words: Ennistymon

Summary of the Issues Raised in the Submission

This submission relates to the proposed site for the new National School on the existing CBS secondary school site in the Ennistymon Settlement Plan in West Clare Municipal District. The subject site is currently zoned for both 'Community' and 'Recreation' uses. The submission requests that the entire site be zoned for community use.

Chief Executive's Response

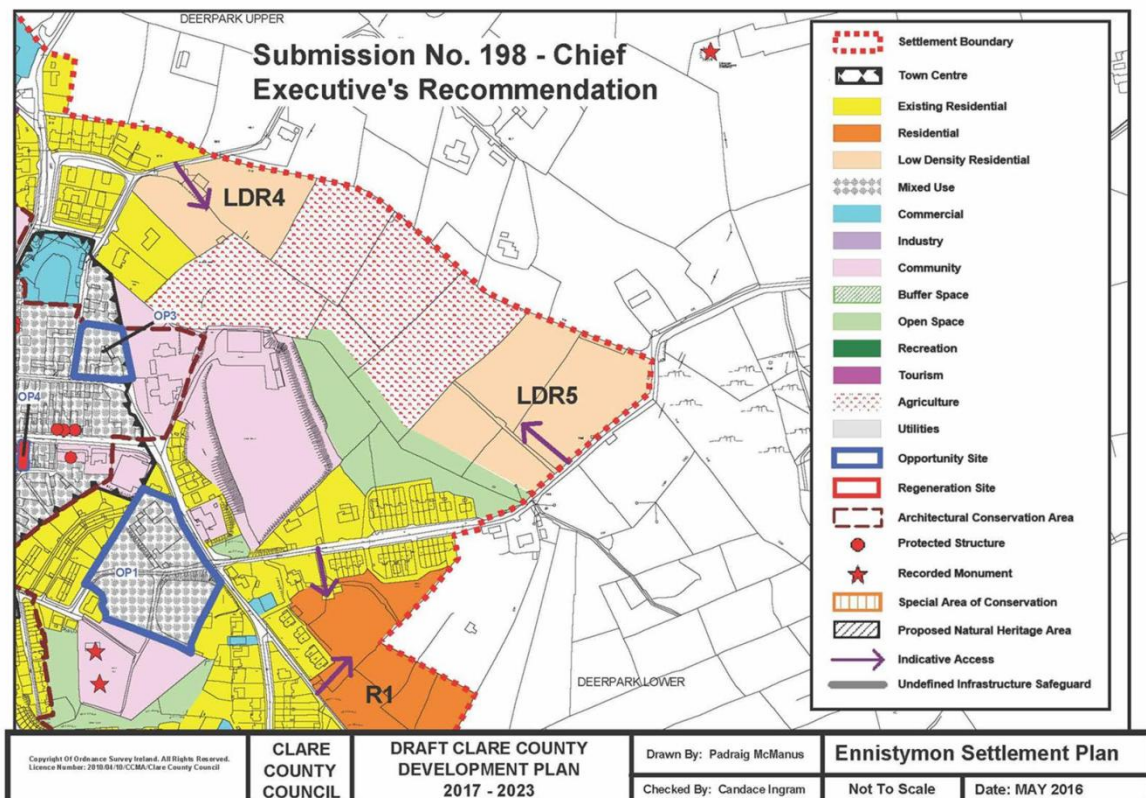
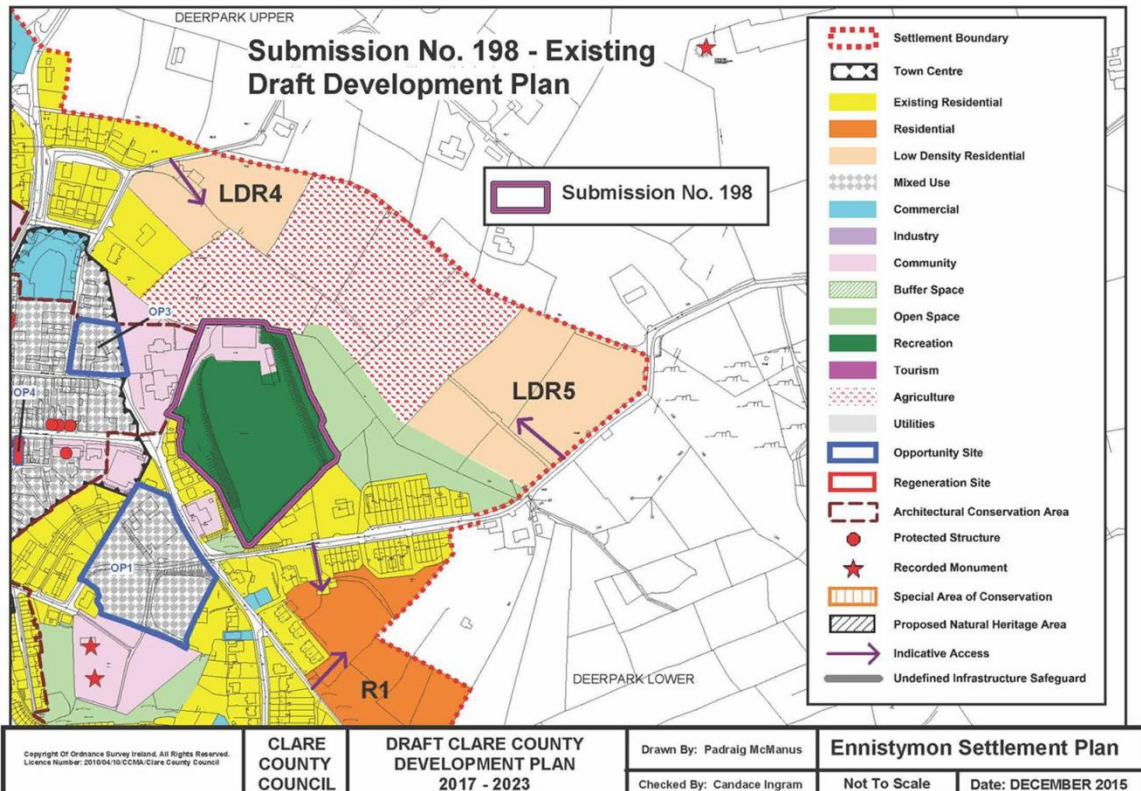
I acknowledge the contents of this submission and I consider the provision of improved educational facilities to serve Ennistymon and the surrounding community to be of great importance and as such it is appropriate that the development plan facilitates this accordingly. In this regard I agree with the amendment to zoning of these lands from Recreation to Community to facilitate the development of a new national school.

Chief Executive's Recommendation

I recommend that the zoning as proposed in the Draft Clare County Development Plan 2017-2023 be amended as follows:

Volume 3(d), Ennistymon Settlement Plan

Amend the zoning on lands at the existing CBS from Recreation to Community.



Ref. 199 Clare Public Participation Network

Key Words: Policy, Environment

Summary of the Issues Raised in the Submission

This submission requests an addition to the wording of Chapter 1, Section 1.5 *A Vision for Country Clare* and Section 1.6 (iv) of Volume 1 Written Statement to read as follows:

1.5 A Vision for County Clare

A County where people want to live and work sustainably and visit because of its unique quality of life. An inclusive County of sustainable communities, **who are consulted on and participate in the decisions that affect them**, and that each have respect for their environment, a sense of awareness of place, a sense of shared purpose and a sense of civic pride.

1.6 Goals

IV. A County Clare where healthy and sustainable communities are developed and integrated with the timely delivery of a wide range of community, educational and cultural facilities and where, through a commitment to equality, **participation**, accessibility and social inclusion, the county develops as a unique location with an enhanced quality of life for its citizens and visitors.

Chief Executive's Response

I would like to thank the Public Participation Network for making this submission to the Draft Clare County Development Plan 2017-2023. In relation to the proposed amendment to the Vision of the Plan, I would like to comment as follows:

The vision of the county sets out the desired outcome as a result of the proper planning and sustainable development of the county during the lifetime of the Plan. The goals that are set out at the start of each chapter, when combined, work to ensure the achievement of the vision. Therefore I consider it to be of greater importance to ensure that the issue of participation is incorporated in the goals of the plan. It is through active participation with all stakeholders that the goals, and therefore the vision, of the Plan will be achieved.

In light of the above I consider the proposed amendment to the wording of the overall goal for Chapter 5 - Community Development and Social Infrastructure, to be very positive, given the importance of participation in civil activities to achieving a high quality of life and ensuring that the vision for the county is achieved and such should be included.

Chief Executive's Recommendation

I recommend that the following addition is made to the goal for Chapter 5 of the Draft Clare County Development Plan 2017-2023:

"A County Clare where healthy and sustainable communities are developed and integrated with the timely delivery of a wide range of community, educational and cultural facilities and where, through a commitment to equality, **participation**, accessibility and social inclusion, the county develops as a unique location with an enhanced quality of life for its citizens and visitors."

Ref. 200 Clara Hoyne on behalf of Clare Roots Society Committee

Key Words: Policy, Public Rights of Way

Summary of the Issues Raised in the Submission

This submission is requesting that Rights of Way associated with graveyards should be strengthened within the County Development Plan to allow access during daylight hours for all including those with mobility issues.

Chief Executive's Response

I thank Ms. Hoyne for her submission and I acknowledge the importance of the issue she has raised. However, the legislation and case law in relation to public rights of way clearly states that:

- There must be actual dedication by the landowner to the public use of the route in question or there must be sufficient evidence to show that such a dedication was intended;
- A public right of way must be open to the public and not just a class of persons or limited number of the public;
- A public right of way must start in and finish in a public area (i.e. it cannot terminate in private property);
- A public right of way cannot be obtained by stealth, by force or by licence i.e. it must be a route to which the public have a right of access as a right not by way of permission.

Based on the foregoing, I do not consider the matter of access to graveyards to be an issue to be addressed in the County Development Plan. However, I have referred this submission to the relevant officials in the Community and Tourism Section of the Council for their consideration who deal with the day-to-day operations of many of the graveyards in the County.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.

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