

# 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 51 - 100

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. 051 Tom Philips and Associates, Town Planning Consultants, Cliffs of Moher.**

*Key Words: Policy, Access and Movement*

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

The submission received relates to the Cliffs of Moher Visitor Centre and Car Park and is seeking clarification in the Clare County Development Plan 2017-2023 on the future plans for the Cliffs of Moher Visitor Centre and in particular the car park given the site's designation as a UNESCO Global Geopark.

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

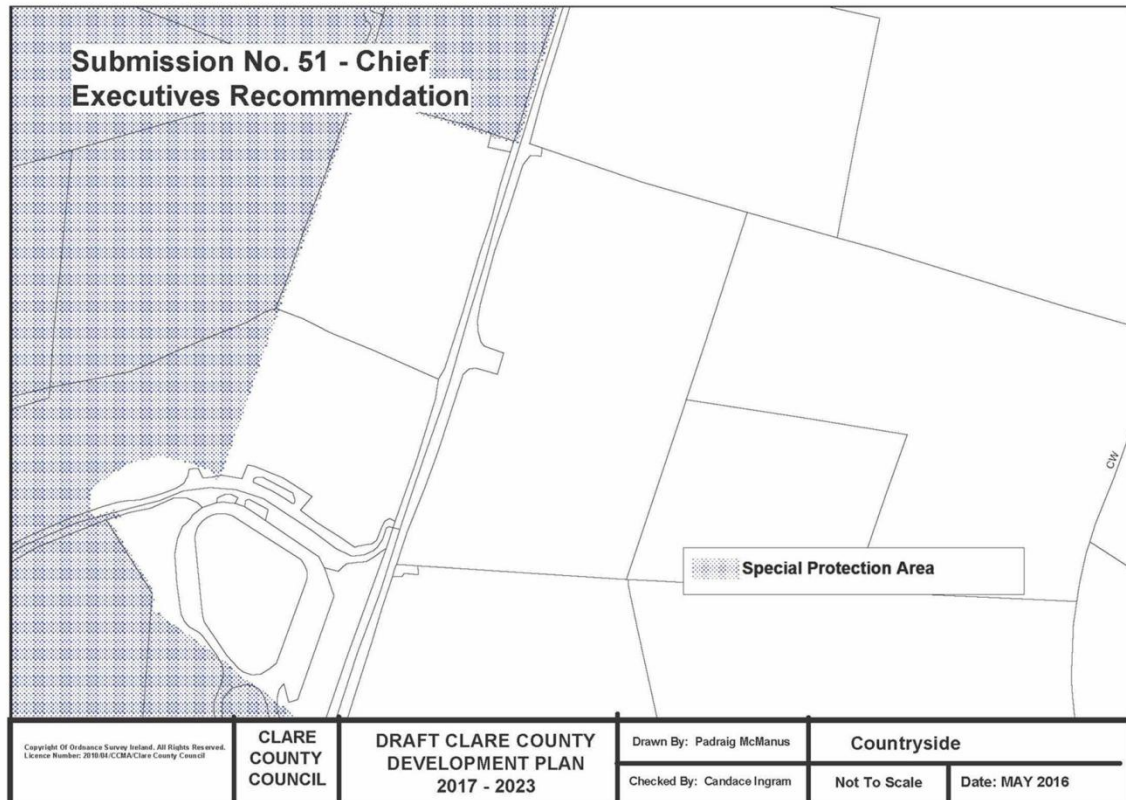
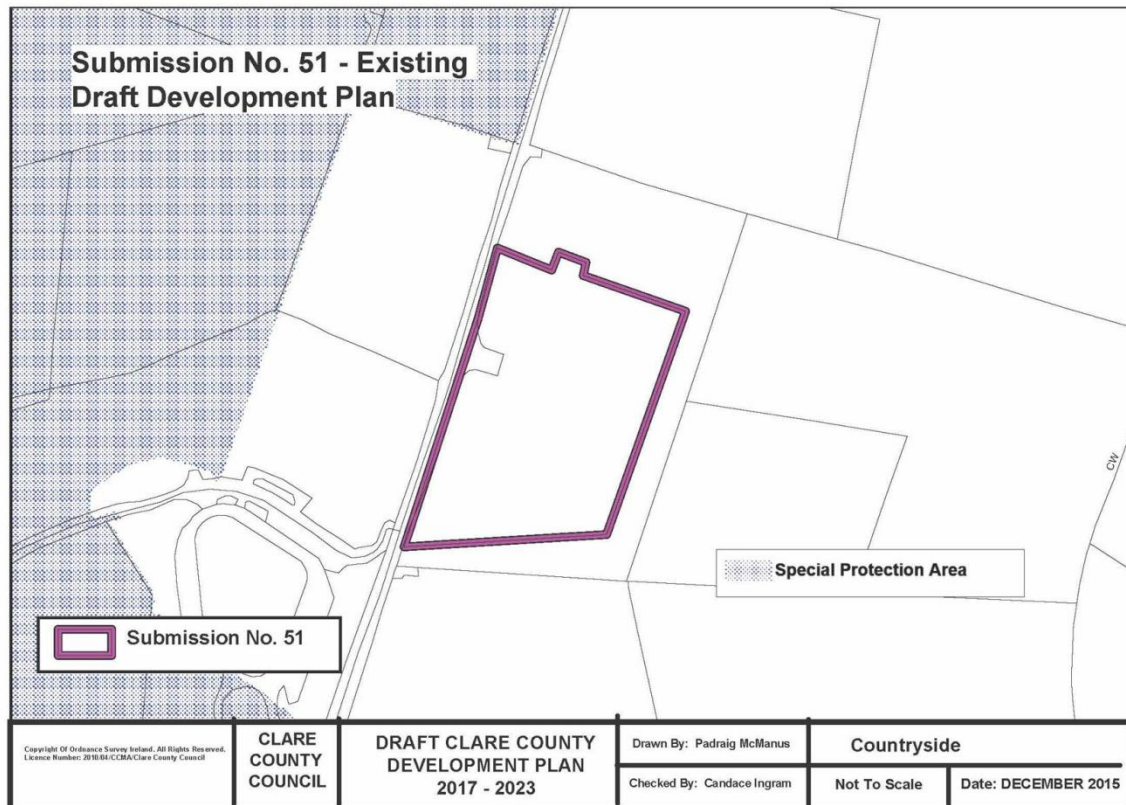
I thank Tom Philips and Associates for their submission with regard to the Cliffs of Moher Visitor Centre and Car-Park and respond as follows:

Clare County Council is committed to the on-going future sustainable development of the Cliffs of Moher Visitor Centre in recognition of its designation, with the Burren, as a UNESCO Global Geopark. The Council is currently satisfied with the existing parking facility provided. Specific detail regarding the facility is outside the remit of the Clare County Development Plan 2017-2023 and more a matter for development management.

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

I recommend no amendment to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.





## **Ref. 052 Kathleen Griffey**

*Key Words: Barefield*

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

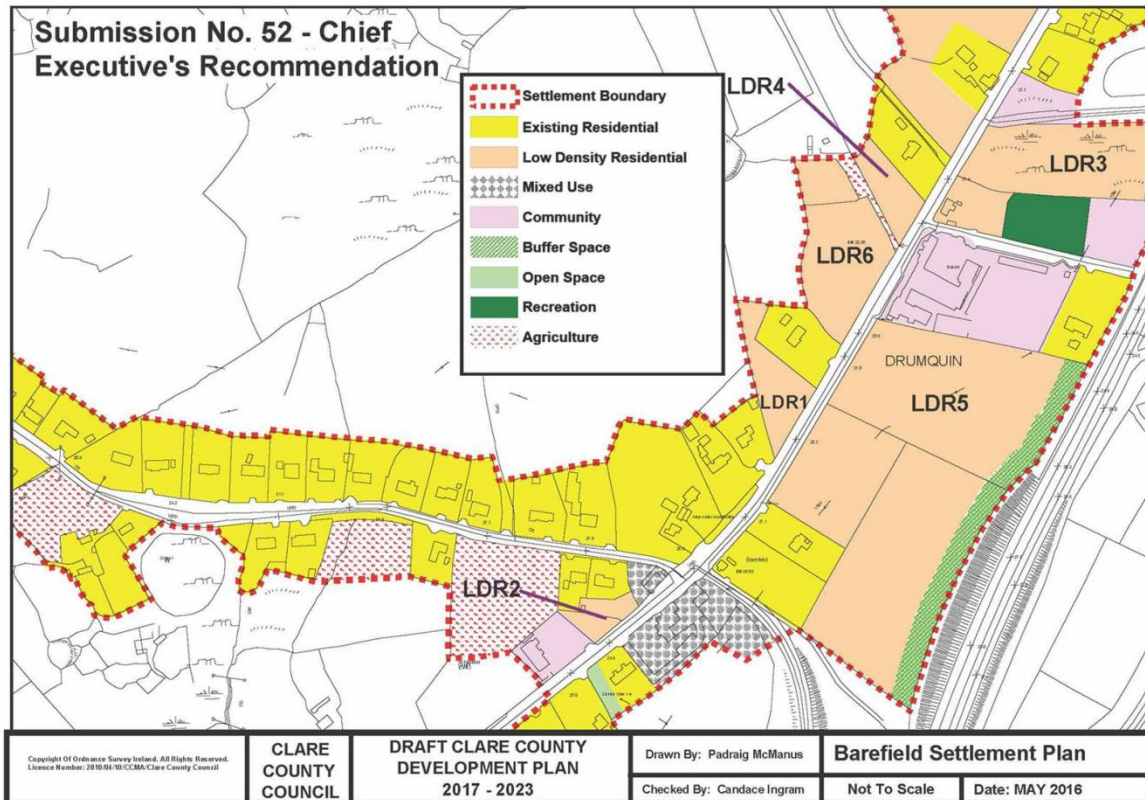
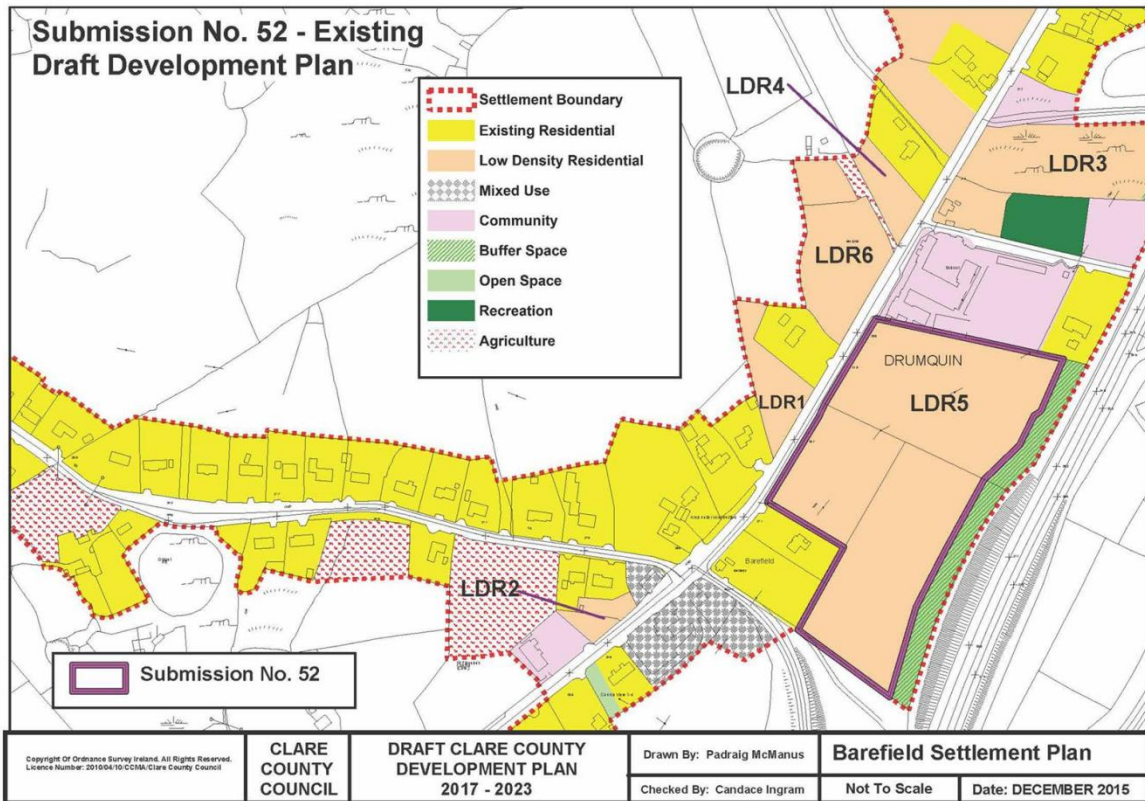
It is stated by the writer of the submission that she welcomes the fact that her land LDR5 (Residential planning) south of Barefield National School will be recognised in the Clare County Development Plan 2017-2023.

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

I thank Ms Griffey for her making her submission and I note the contents of same.

### **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. 053 Pat Gilligan**

*Key Words: Shannon*

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

The submission received relates to lands in Knockaun, Shannon and the landowner wishes to have a site identified on an accompanying map considered for the County Development Plan 2017-2023 or other development options.

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

I thank Mr Gilligan for sending in his submission and note the content which relates to the Shannon Town and Environs Local Area Plan 2012-2018. I wish to advise that this Local Area Plan does not form part of the Draft Clare County Development Plan 2017-2023 and as such cannot be considered as part of this process. Any future review of the Shannon Town and Environs Local Area Plan 2012-2018 will present the opportunity for submissions to be made at that time.

### **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. 054 Tom Ryan**

*Key Words: Ennis*

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

This submission requests the zoning of two sites located at Ballybeg as “residential”.

### **Chief Executive’s Response**

I wish to thank Mr Ryan for his submission. I note that the subject sites are located in Ballybeg area of Ennis. The aim of the settlement strategy for Ennis is to ensure that future development takes place in a balanced and plan-led manner throughout the Ennis and Environs area and it will guide where, when and how new residential development in Ennis and Clarecastle should take place in a manner, scale and form that is appropriate to the local characteristics of each area. The location and extent of land zoned for residential uses is determined by the Core Strategy, as set out in Volume 1 of the Draft Plan.

To zone the subject land for residential use would not be in accordance with the settlement strategy for Ennis. The sites are at a distance from the core areas of Ennis and Clarecastle, they are not located in an area identified for growth during the lifetime of the Plan and the area in which the sites are located is not serviced by wastewater infrastructure. I do not therefore consider it to be in the interest of the proper planning and sustainable development of the plan area to zone these lands for residential development.

### **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. 055 Cllr. Cathal Crowe, Cllr. John Crowe, Cllr. Gerry Flynn, Cllr. P.J. Ryan, Cllr. Pat McMahon, Cllr. Mike McKee, Kilquane**

*Key Words: Kilquane, Public Rights of Way*

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

The submission received relates to the Written Statement Volume 1 – Appendix 6 “Public Rights of Way” page 359.

It is submitted that the establishment of a public right of way at Kilquane, Parteen from the School Road to Kilquane Graveyard, through privately owned lands is fully supported.

It is submitted that having met and engaged with many families who have loved ones buried in Kilquane Graveyard, become familiar with the access road through privately owned lands to Kilquane Graveyard and appraised the substantial evidence of both current and historical usage of the aforementioned access road to Kilquane Graveyard, it is stated that it is imperative in the public interest to have a public right of way established at Kilquane, Parteen and therefore pledge to support this endeavour at all formative stages of the Clare County Development Plan 2017-2023.

**Chief Executive’s Response**

I wish to thank the Elected Representatives for making their submission which is acknowledged. However, I have reviewed the Public Right of Way issue with the county solicitor and I am advised that 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, and having regard to timeframes at this stage of the County Development Plan process, Clare County Council is unable to include the preservation of a designated public right of way at Kilquane, although public access to Kilquane Graveyard is permitted.

**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. 056 Joe Carmody, Chairman of the Board of Management and Sarah Barnes, Secretary of the Board of Management and School Principal, Holy Family Senior School, Ennis**

*Key Words: Ennis*

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

The submission received refers to paragraph 1.6.3 of Volume 3(a) of the Draft Plan for the Ennis Municipal District. Section 1.6.3 refers to Other Sites in the Town Centre specifically Holy Family School Site (Mixed use) Station Rd. The submission is based on an objection to the wording of the aforementioned section as contained in Volume 3 which deals with “....*the redevelopment of this site....*” and complementing adjoining shopping facilities adjacent to it.

It is stated that although this referred to only in the event that the schools might wish to relocate at any time during the term of this plan, the wording seems to encourage the use and development of the property for purposes other than a school. In this regard, the writers of the submission wish to register their objection to any proposal, aspirational or otherwise to any interference of the current use of this property.

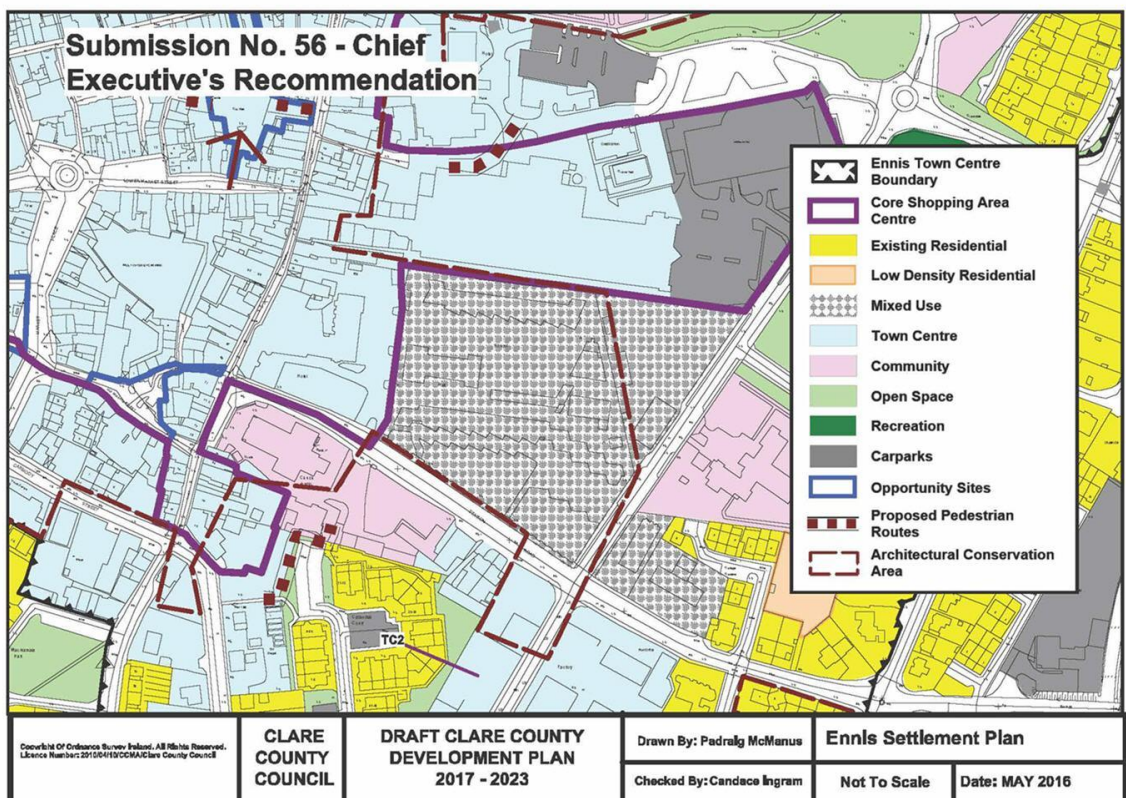
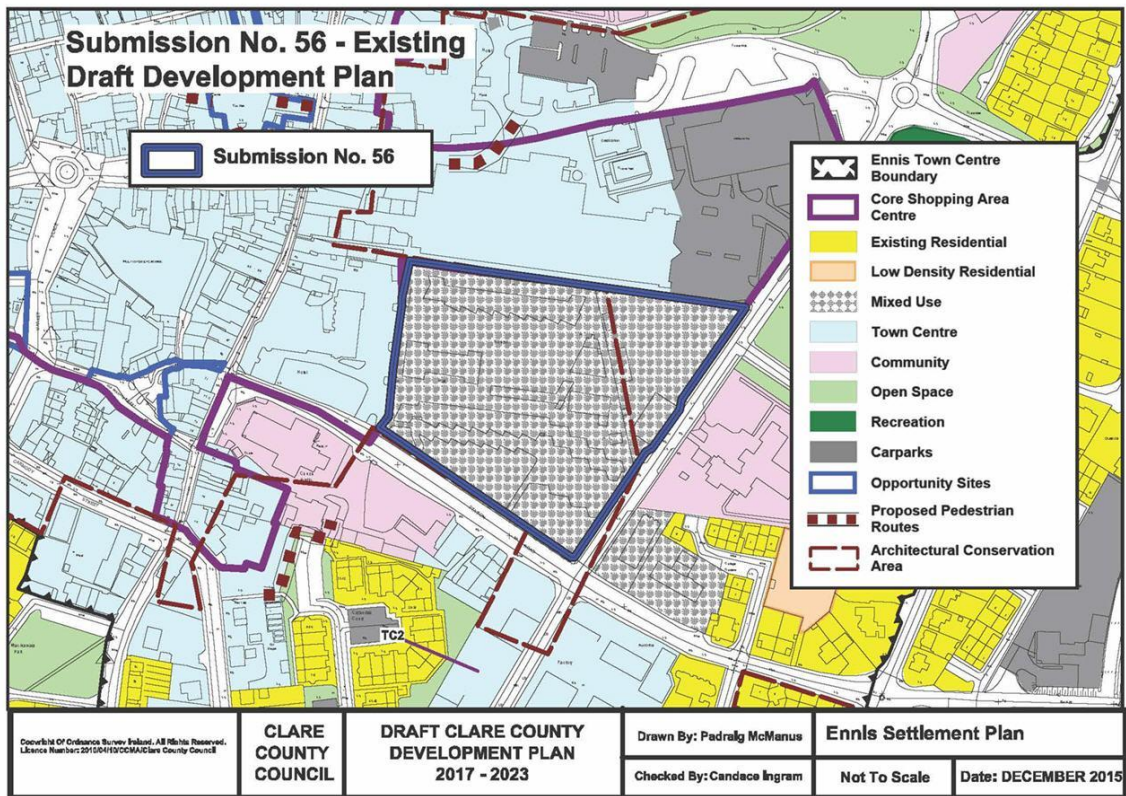
It is also submitted that the present Holy Family School have been an integral part of Ennis town for in excess of 50 years and it is the Board’s hope that they will continue to provide for and foster the educational requirements of the local Ennis community from within the local community, to the exceptionally high standards that they have always aspired to for many years into the future.

**Chief Executive’s Response**

I wish to thank the Holy Family Senior School for their submission and I acknowledge the Board of Management’s objection to the proposed mixed use zoning at the site. I also acknowledge the contribution the Holy Family Schools have played in the social development of the town in the past 50 years. The proposed mixed use zoning will not undermine the role of the schools. Such mixed use zoning would not affect the existing established use of the site for education or any future extension to the school. This plan takes a long-term view on the development of Ennis and its town centre. As a result I do not consider that the zoning of the site should be changed.

**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. 057 Kostas Wootis on behalf of Residents, Traders and Workers in the Friary Car Park Area, Ennis**

*Key Words: Ennis, Access and Movement*

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

This submission requests that the Friary car park area in Ennis be included in the list of areas identified for Town Centre Improvements. It is submitted that a number of meetings were held amongst those living and working in the area where the proposals contained in this submission were agreed.

The submission sets out the history of the area and indicates that the use of the area for car parking has resulted in the exclusion of other activities, including pedestrian movement. The submission sets out proposals aimed at improving the quality of the areas as a public and civic space, protecting and enhancing the visual amenities of the area and making the area more pedestrian-friendly in order to ensure that it becomes an area that people want to visit and spend time in.

### Traffic and Parking

The submission proposes the removal of the parking area along the wall of the Friary yard (with the exception of the two disabled spaces) in order to allow the provision of a pedestrian pathway linking Francis Street to the main parking area. This would also allow for the development of an outside seating area at the cafe/restaurant.

In order to discourage lorries from using the area, a road island is proposed at the entrance to the site with Francis Street. Businesses currently operating in the carpark area are serviced by vans only. New bicycle parking is proposed for the area outside the museum.

### Pedestrian Access and Movement

The creation of a pedestrian link from the Friary car park to the Temple Gate car park is proposed. This would be highly beneficial to local people and also to the visitors who could walk to the Friary and onwards to Abbey Street as part of the town walk, passing many architecturally-important buildings along the way. It is submitted that the existing connection to Abbey Street through Friar's Row could be upgraded with new paving and the introduction of a lighter colour scheme. Direct pedestrian access from the Temple Gate car park will ease pressure on Friary car park and be beneficial to local trade. The existing pedestrian access from Friary car park to the Temple Gate Hotel is via a narrow and rather hidden passageway which could be improved with artistically-designed paving and possibly a wall-mural.

### Landscaping and Scenic Improvement Interventions

The vacant site at the entrance to Friary car park from Francis Street is visible from a long distance and it is proposed that this site should be landscaped in a simple, inexpensive way until such time as it is developed. A landscaped area outside the Ennis bookshop is proposed and it is submitted that a new bin storage area should be developed and surrounded by a stone wall, high enough to conceal the bins from view.

The plaza area outside the museum, which is extended under the proposals in this submission, should be landscaped and fitted with street furniture. The space could then be used for musicians and/or small scale street performances. The new pedestrian link with the Temple Gate car park will be planted to create an inviting entrance to the Friary car park.

There is a vacant site in the car park, currently screened by an unrendered brick wall. Behind it one of the most attractive roofscapes in Ennis can be seen. It is proposed to screen this wall with a line of bamboo plants to underline this attractive view.

There are a number of small buildings facing the car park which are topped with a fence of barbed wire. It is proposed to remove the wire and improve the overall appearance of the buildings.

Security cameras in the area could be used to reduce anti-social behaviour.

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

The proposal for the improvement of Friary car park is most welcomed in view of the fact that it appears to have the support of many of the property owners and occupiers in the vicinity. I should clarify however that my support for the concept of enhancing this space should not be interpreted as support for the proposed layout plan which accompanies the submission, however it is indicative of what can be achieved. I understand that the proposed layout plan shows the potential for how this space could be re-imagined. Any final approved design would be subject to the requirements of Part XI of the Planning and Development Act 2000, as amended and Part 8 of the Planning and Development Regulations 2001, as amended, which includes for public participation. The group are to be commended for their efforts, and I look forward to working with them in the future to improve the public realm in this part of Ennis town. I therefore consider that Volume 3 (a) Section 1.8 "The Public Realm and Built Environment" should be amended to include Friary Car Park supported by the additional text.

I also note that this issue can be addressed in greater detail in the forthcoming Ennis and Environs Local Area Plan, which will set out greater detail on the enhancement of Ennis town centre.

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

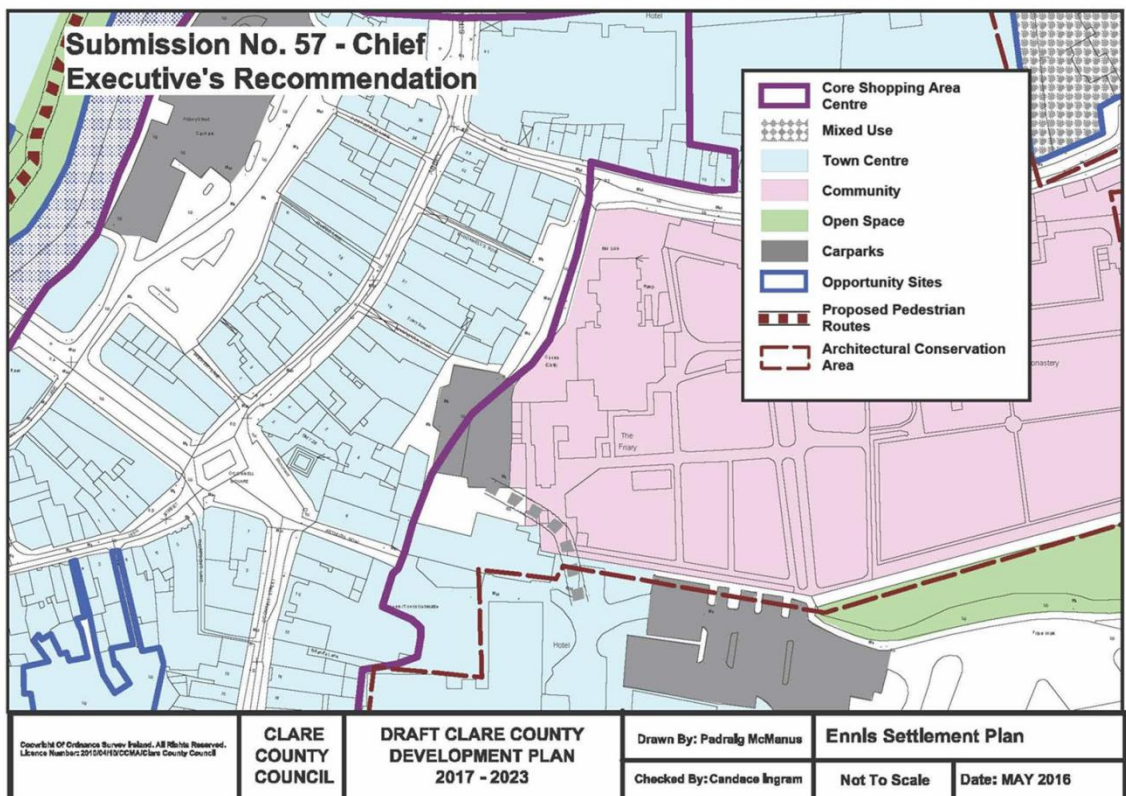
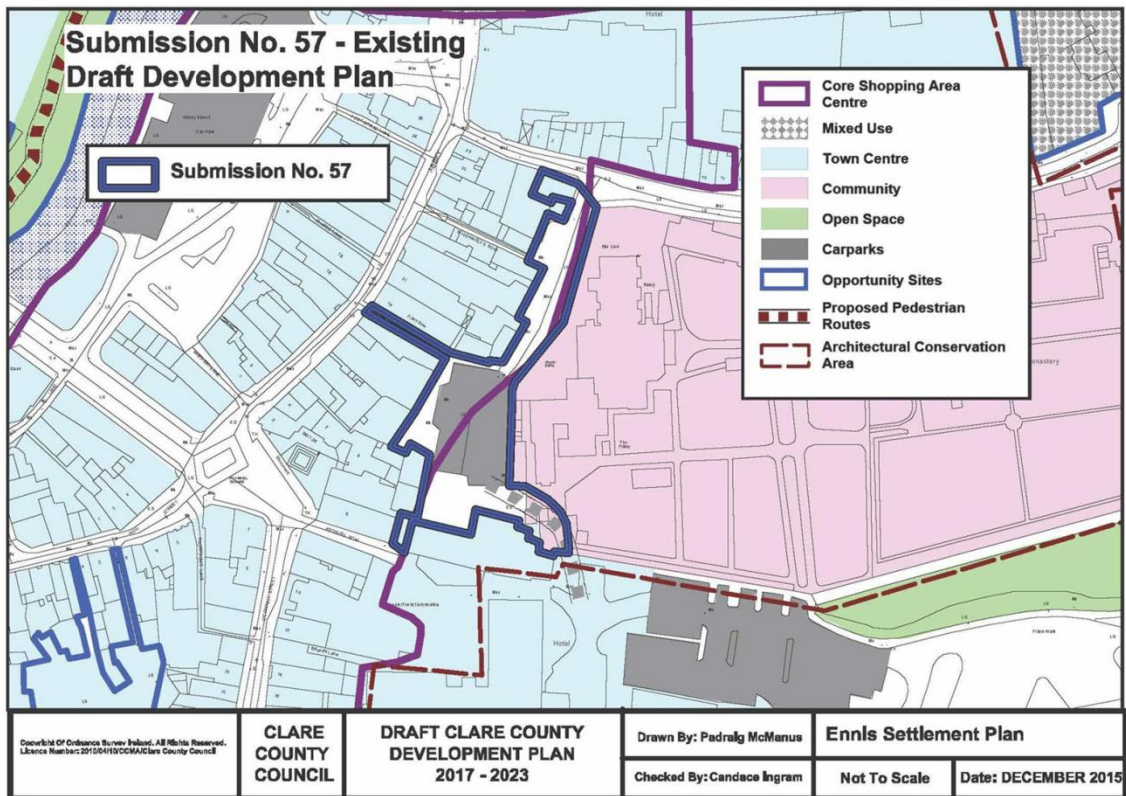
I recommend that Volume 3 (a) Section 1.8 "The Public Realm and Built Environment" is amended to include Friary Car Park supported by the additional text.

### The Friary Car Park

The Friary Car Park by virtue of its intimate scale and strong sense of enclosure offers significant potential to enhance the quality of the public realm in this area linking Francis Street, Abbey Street the County Museum, and Place de Fenouillet. The aim is to create a high quality civic space based on the principles of universal design which balances the needs of the traders, and the public. Traffic flow, car parking, bin storage, landscaping, surface treatment, signage, delivery bays, and possible link to Templegate Car Park will all be subject to a detailed design brief and appropriate consent processes.

Please also refer to submission no. 016





## **Ref. 058 McCarthy Keville O’Sullivan on behalf of Tom Howard**

*Key Words: Ennis*

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

This submission relates to lands in Claureen, identified in the Draft Plan to support a neighbourhood centre and the following points are made:

The Ennis & Environs Development Plan 2008-2014 zoned land for the purpose of a neighbourhood centre which was considerably larger than that proposed by the Draft Plan. The portion of land taken out of the earlier zoning belongs to Mr. Tom Howard. This portion is proposed in the Draft Plan for Agricultural zoning. The submission asserts that it is entirely unsuitable to have an isolated agricultural pocket in the built up area of Claureen and it claims there is no planning justification for such zoning.

The submission notes that Claureen is identified for significant future growth and believes that the quantum of land now proposed for a neighbourhood centre is insufficient to serve that expanded area. The site is on a main transport route into Ennis. The submission requests that the land in question be zoned for commercial purposes as in the Ennis & Environs Development Plan 2008-2014.

### **Chief Executive’s Response**

I wish to thank Mr Howard for his submission. I acknowledge that Claureen is identified for growth and it is therefore appropriate to ensure that neighbourhood facilities to serve the area are provided. The land zoned for Commercial use in Claureen is intended to facilitate the development of a neighbourhood centre to serve the surrounding community. The extent of the area zoned for Commercial use is 1.290ha which is comparable to the extent of land zoned to accommodate other neighbourhood centres in the Plan area e.g. Lifford (Sheil’s) 1.05ha and Roslevan 1.17ha. Therefore I consider that the zoning on the site in Claureen is sufficient to adequately accommodate the type of development that is envisaged on these lands in the future.

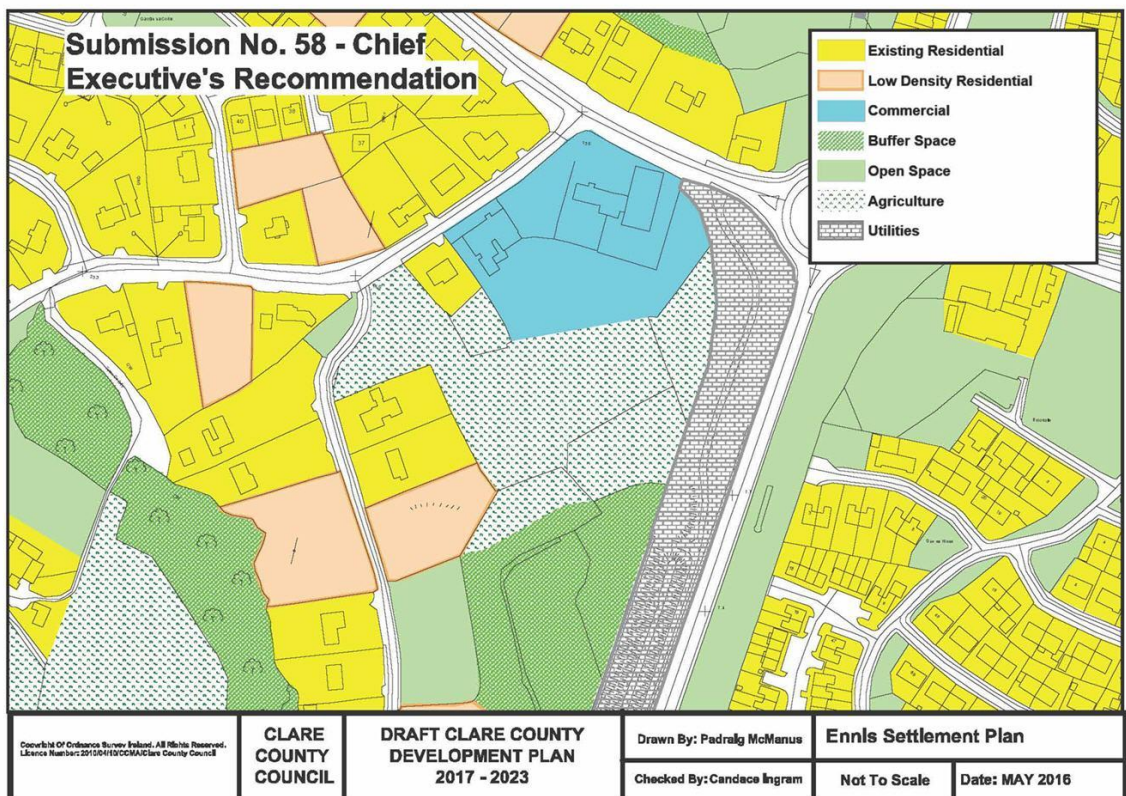
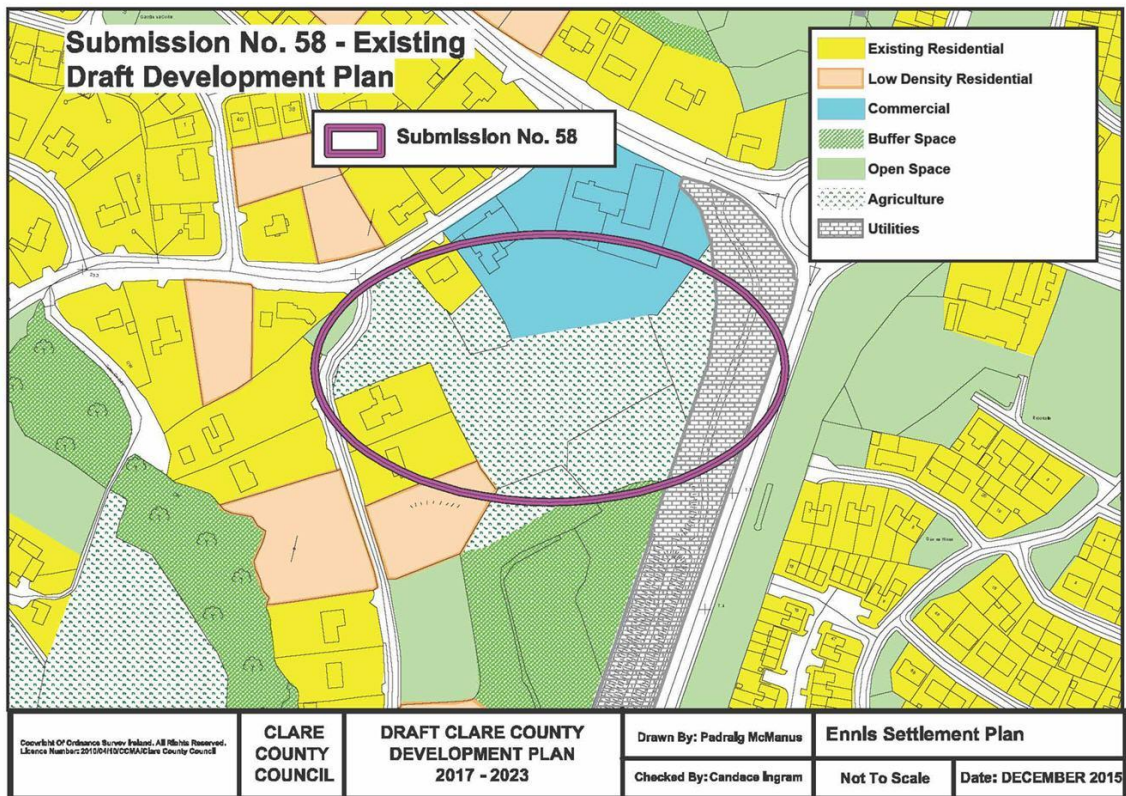
I refer also to Section 12.3.9 of the Strategic Flood Risk Assessment (Volume 10 of the Draft Plan) which identifies the southern half of the subject site as Flood Risk Zone A and B. Furthermore I do not consider the proposed Agriculture zoning to be inappropriate as it is representative of the current use and function of the lands.

Having regard to the foregoing, I do not consider the expansion of the Commercial zoning on this site to be in the interest of the proper planning and sustainable development of the area.

### **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. 059 Eoin O'Hagan**

*Keywords: Killaloe Municipal District, Policy*

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

The submission concerns historical sites in East Clare which contain the remains of a complex of blast furnaces and iron foundries which are a part of the history and heritage of this area. Tuamgraney, Scariff, Feakle and Whitegate are among the named sites. The case is made that these ironworks gave rise to the villages associated with them. It is said that there are remains of these structures dating from the early 17<sup>th</sup> Century. Apart from their intrinsic archaeological value, Mr. O'Hagan asserts their value as a potential tourist attraction as has happened at similar sites in America. He cites a strong link between the Scariff ironworks, which was replicated in Saugus in America, this latter site being the home of iron development in that country. A map attached to the submission shows 17<sup>th</sup> and 18<sup>th</sup> century furnaces in the East Clare /South Galway area. Weblinks are attached to the submission.

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

I thank Mr. O'Hagan for his submission, the content of which is acknowledged, and reply as follows:

I appreciate Mr. O' Hagan taking the time to make this submission. The structures and their historical context are of value in themselves as archaeological artifacts and may well have potential in terms of niche tourism interest. The submission has been referred to National Monuments for inclusion in the Record of Monuments and Places (RMP). In view of the possible benefits to East Clare tourism I propose that an additional reference be made in the relevant sub section of Chapter 9, Tourism. It is hoped that such a reference would facilitate further study on the artefacts and historical complex perhaps geared towards establishment of an archaeological trail.

### **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: include an additional point to CDP 9.22 which reads:

e) To facilitate the investigation of historical sites in East Clare containing the remains of a complex of blast furnaces and iron foundries.



## Ref. 060 Clare Timber Producer Group

*Key Words: Policy*

### Summary of the Issues Raised in the Submission

The Group are attempting to bring together the 1,650 private forestry owners in Clare to co-operate to enable the forestry sector to maximise the economic, community and individual benefits of the emerging forestry sector. Inter alia, their agenda is to provide advice and information to forestry owners, arrange connections between buyers, contractors and professional advisors, organise events and liaise with Teagasc, CLDC and the IFA Forestry section. They promote awareness of the wider benefits of amenity, building materials and sustainable source of energy.

The submission quotes a study County Clare Farm Forestry Market (2004) to illustrate the significant volume of land under private forestry in the county and that much of this is now approaching harvesting age. The group asks that the County Development Plan provides for the exploitation of the economic, social and environmental potential of this resource.

The submission proposes specific changes as follows:

### **Chapter 6 Economic Development and Enterprise:**

*6.3.24 Forestry Development. Identifying the absence in the County of any value improvement enterprise relating to timber extracted from Clare forests, Clare County Council will work in co-ordination with all other stakeholders to support the development of such enterprise in the County.*

*6.3.25 Forestry Promotion. To promote state and private afforestation and reforestation to a scale and in a manner which maximises its contribution to the County's economic and social well-being on a sustainable basis and which is compatible with the protection of the environment.*

**Reason:** The potential Clare-produced forest products have in developing economic development and enterprise in the County. The submission acknowledge the reference to 'Ancillary Enterprise' in CDP10.9 but it is felt that it is important that the true value in economic terms of adding value and promoting forestry should be recognised in this section.

### **CDP 9.9 Development Plan Objective: Rural Tourism and Forestry Tourism**

*c) To work in collaboration with Coillte, private forestry owners, community organisations and other interested parties to develop new forest accommodation, access, signage and trails for walking, cycling, mountain-biking and horse-riding (bridle paths).*

**Reason:** Private Forestry Owners not referenced specifically in original Draft.

### **10.4.2 Forestry**

*The spin-off industries associated with the growth sector include the harvesting and transportation and processing of the raw material. The Council will actively encourage and facilitate, where appropriate, the sustainable development of the forestry sector in a scale and manner which maximises its contribution to both the local rural and urban economy.*

**Reason:** Recognising the economic importance of adding value within the County to timber produced in the county will contribute to both rural and urban.

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

I would like to thank the Clare Timber Producers Group for reviewing the Draft Clare County Development Plan 2017-2023 and for taking the time to make this submission. The forestry industry is hugely important to County Clare and I agree with the issues raised in this submission regarding the potential for an even greater contribution to the economy of the county in the future.

In relation to the suggested additions to the text I consider that, in most cases, they would make a positive addition to the Plan. However, I note that some of the additions are proposed for Chapter 6 Economic Development and Enterprise. At present matters pertaining to forestry are primarily addressed in Chapter 10 - Rural Development and Natural Resources, a chapter that also has a strong economic theme. In the interest of consistency and clarity in the Plan, I recommend that any additions/amendments recommended hereunder, with the exception of the tourism-related text, are added to the existing text in relation to forestry in Chapter 10.

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

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

#### Chapter 9, Objective CDP9.9, amend point c) as follows:

"c) To work in collaboration with Coillte, *private forestry owners*, community organisations and other interested parties to develop new forest accommodation, access, signage and trails for walking, cycling, mountain-biking and horse-riding (bridle paths)."

#### Chapter 10, Section 10.4.2 Forestry, amend paragraph 2 as follows:

"The spin-off industries associated with the growth sector include the harvesting and transportation *and processing* of the raw material. The Council will actively encourage and facilitate, where appropriate, the sustainable development of the forestry sector in a scale and manner which maximises its contribution to *both* the local rural *and urban* economy."

#### Chapter 10, Objective CDP10.9 Forestry – amend text as follows:

"It is an objective of the development plan:

a) To *promote and* encourage ~~the development of state and private forestry~~ *afforestation and reforestation and ancillary enterprise* throughout the countryside in appropriate locations *in compliance with objective CDP 2.1* and on suitable soil types as a means of promoting rural diversity and strengthening *both* the rural *and urban* economy;

*b) To support the development of enterprises ancillary to the forestry industry, in particular value-improvement enterprises relating to timber extracted from County Clare forests;*

*c) To encourage the sustainable development of native woodlands as a means of enhancing biodiversity, climate and flood mitigation, landscape enhancement, recreational amenity, educational resource and strengthening the rural economy."*

## **Ref. 061 Michael and Patricia Culliney**

*Key Words: Ennis*

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

The submission requests that land in Ballaghboy, Doora be zoned for residential use.

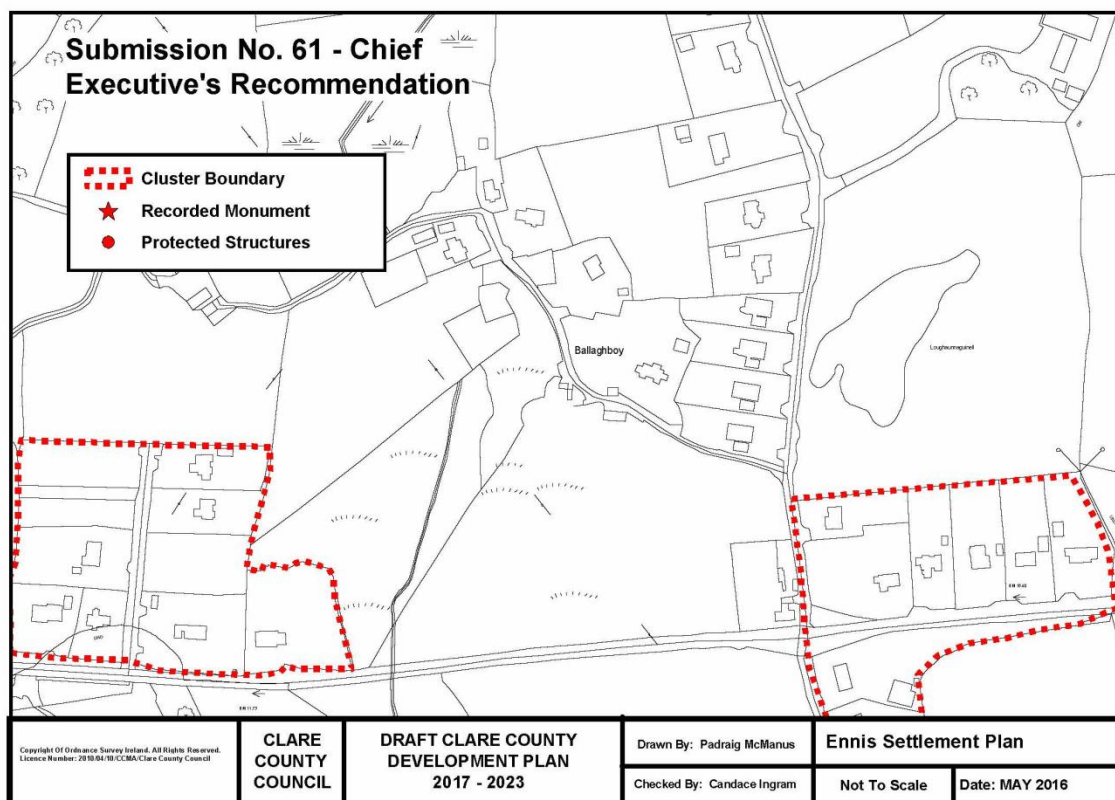
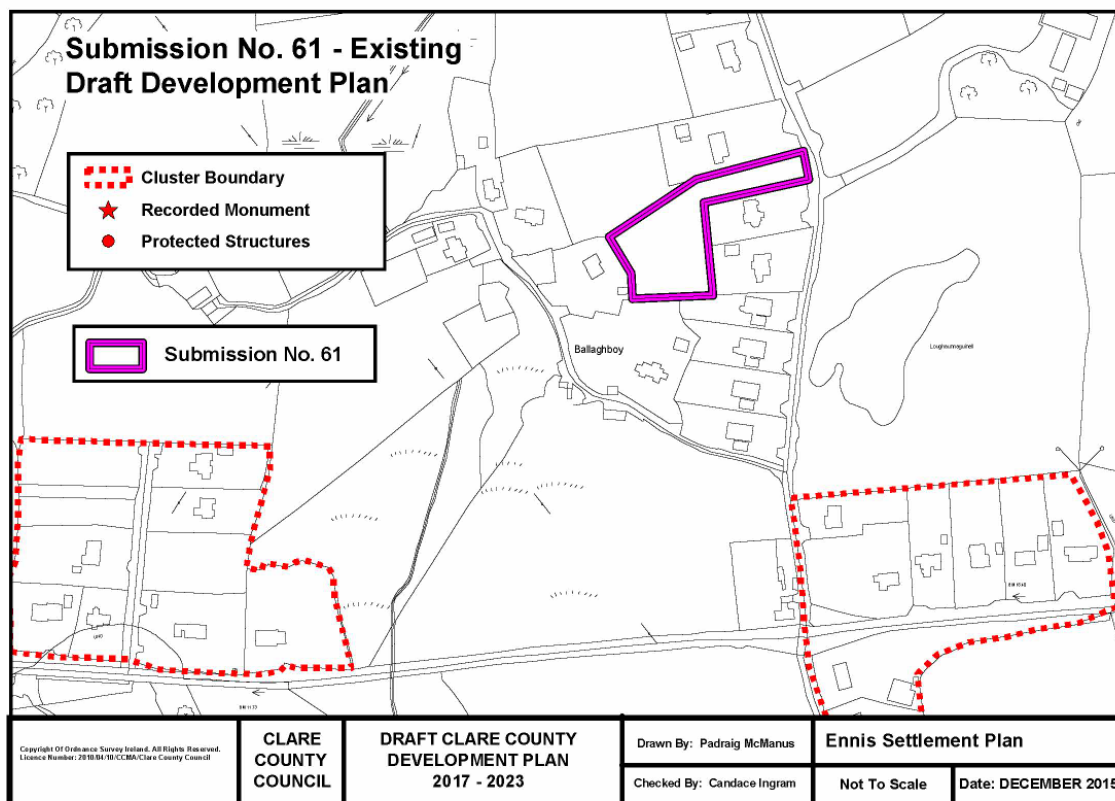
### **Chief Executive's Response**

I acknowledge the request contained in this submission and I would like to respond as follows:

The subject site is located in a rural area and is not within or adjoining a settlement or identified cluster. To zone an isolate site for development, at a distance from a town or village and their associated services, would lead to an undesirable, adhoc pattern of development that would be contrary to the proper planning and sustainable development of the area.

### **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. 062 Paddy Cusack**

*Key Words: Policy*

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

The submission is seeking the identification of agreed locations where an Air Ambulance can land safely at very short notice, thus eliminating confusion and reducing delay. It makes the case for this based on the 'Golden Hour' concept which represents a critical window of time available for the successful treatment of seriously ill persons. It is submitted that sites should be identified in the following areas:

- On the Atlantic Coastline from New Quay to Kilcredaun Point.
- On the Shannon Estuary from Kilcredaun Point to Rinbarra Point and part of Lough Derg North East of Whitegate.
- In all towns, especially those that are outside the 'Golden Hour' in terms of road access.

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

I would like to thank Mr. Cusack for his submission and I acknowledge the very serious issues that have been raised therein. This is an issue that was examined in detail in the preparation of the Draft Clare County Development Plan 2017-2023. The matter was raised at a meeting of the Mid-West Major Emergency Management Regional Working Group which includes representatives from the Irish Coast Guard and the Department of Defence, both of whom provide an Air Ambulance role.

It was indicated at that time that the Air Corp and the Irish Coast Guard carry out survey work throughout the county on an on-going basis to identify suitable landing sites. Furthermore it was highlighted that even if a number of areas are designated, it is a matter for the crew to decide where they wish to land when responding to a given emergency. This decision will be made in conjunction with ground support from Emergency Service and will often be an area such as a GAA pitch or a similar flat area that is as close as possible to the incident that they are providing assistance to.

In order to assist with the work of the air ambulance services in the county and to ensure that there are no unnecessary delays, the draft Development Plan contains an objective to continue to work in co-ordination with all relevant stakeholders to identify air ambulance landing locations in coastal, estuarine and lakeside locations throughout the county (Objective CDP5.22).

### **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. 063 Paul and Eileen O'Dea**

*Key Words: Access and Movement, Kilrush, Wind Energy, Flooding, Environment*

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

This submission relates to a number of issues in Volume 1 of the Draft Development Plan:

The proposed relief road from the N68 at Kilrush to the N67 at Kilrush is a matter of grave concern as the volume of traffic is already excessive. The heavy traffic is undermining their boundaries and they fear collapse of same. All property owners on the road should be consulted as they are just as important as Kilrush.

In respect of Development Plan Objective: CDP8.4 Direct Access onto National Roads and the objective *to safeguard the safety, efficiency and carrying capacity of national primary and secondary roads within the county in line with national policy*, the submission asserts that this has not been done in respect of L-2036 which has been damaged by construction traffic associated with the construction of Moanmore Wind Farm. It is requested that the Development Plan set out a requirement that damage caused to roads by private developments should be repaired at private expense, not that of the public. It is submitted that planning conditions relating to the use of roads during construction have not been adhered to or enforced.

In respect of GOAL II of the Draft Plan: *"A County Clare with strong and balanced urban and rural areas providing key services and a good quality of life and where people have the choice to live in the area where they are from"* and Objective CDP8.39 Renewable Energy, point e) *"To strike an appropriate balance between facilitating renewable and wind energy-related development and protecting the residential amenities of neighbouring properties"*, it is submitted that the authors live 600 metres from Moanmore Wind Farm and this has impacted negatively on their lives in terms of noise and 'shadow flicker'. The impact of heavy construction traffic on the L2036 has caused lasting damage which impacts on all local users. They object to a private developer imposing such costs of public facilities.

The location of the turbines is questioned on the basis of environmental damage and alleged consequent flooding in new areas. The local river, which is over grown, runs into Poulmasherry Bay and it is a source of potential flooding and pollution and Council is asked to examine all these issues.

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

I thank Paul and Eileen O'Dea for their submission and I would like to address the issues contained therein in the order they have been raised:

The proposed road linking the N67 and the N68 in Kilrush is a long-term proposal that will be progressed dependent on traffic volumes and the need for traffic alleviation in Kilrush town centre in the future. The route selection process has not commenced, however, the inclusion of the route in Volume 1 of the Plan is necessary in order to accommodate any further investigation that may progress during the lifetime of the Plan. Any route selection proposals or development proposals will be subject to a full public consultation process with all stakeholders, including landowners.

In relation to damage to local roads as a result of individual developments, Clare County Council works continuously to monitor ensure compliance with planning permissions granted in the county. However, it is not the role of the development plan process to address grievances in relation to particular developments. Notwithstanding this I note the general concern in relation to the maintenance of the local road network. Under the adopted Development Contribution Scheme, each development pays a contribution towards public infrastructure and facilities which can include the refurbishment, upgrade, enlargement or replacement of roads, thereby contributing to on-going remedial works and repair across the county.

I acknowledge the concerns raised in relation to the siting of wind turbines. The adopted Wind Energy Strategy is based on the best available data and this data, including details of flooding/hydrology will be updated and reassessed when the review of the Strategy commences. In the interim, the physical and geographical attributes of the site/development will be taken into

consideration in the assessment of any future development proposals by Clare County Council / An Bord Pleanála, along with issues such as impacts on local residents, impacts on habitats and species in the area, local hydrology, capacity of local road networks to accommodate traffic associated with the development etc. 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.

#### **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. 064 Cormac H. McGuinness

*Key Words: Quin*

### Summary of the Issues Raised in the Submission

The submission relates to the zoning of land in Quin settlement for Enterprise use. The objection is based on the following points:

- Existing roads are incapable of carrying heavy traffic.
- The wastewater treatment plant is at capacity and cannot sustain a development of this nature
- High speed broadband is not available.
- Enterprise use is incompatible with the Economic Development objective: *To continue to promote tourism and tourist activity within the village whilst being sensitive to its existing character and environment.*
- Enterprise use is incompatible with the text in Housing and Sustainable Communities: *In addition, future challenges centre on infrastructural limitations, access problems, traffic congestion along Main Street, road safety and ensuring that the traditional character of the village continues to be retained.*

The following questions are asked in respect of Enterprise zoning:

- What is council's definition of Enterprise and what activities would be permitted?
- What height restrictions would apply?
- Can confirmation be given that no windows in any buildings would overlook houses?
- What measures would be taken to limit light pollution?
- Will there be a landscaped buffer between this zoning and residential properties?

### Chief Executive's Response

I wish to thank Mr McGuinness for his submission. I acknowledge the issues raised and would like to respond as follows;

The subject site was zoned for enterprise use with a view to providing space for small-scale business and enterprise development such as incubator units, craft centres/workshops, small-scale manufacturing, local digital/technology businesses and other such developments that could provide employment opportunities for local residents. It was also considered appropriate to zone lands for Enterprise use in more rural towns and villages such as Quin to support the objectives of the CEDRA Report and to assist with Local Enterprise Office Clare's ambition to develop a network of digital hubs across the county, with two digital hubs in each Municipal District.

The definition of Enterprise was clearly defined in the Draft Plan.

However, I note that widespread local opposition has been voiced to this zoning, with this submission forming one of many in relation to the site. Planning is an inherently democratic process and I consider it appropriate to change the zoning on this site to Residential. I note that the draft CFRAM mapping shows, as integrated into Volume 10(c) Strategic Flood Risk Assessment of the Draft Plan, shows the entirety of the site to be within Flood Zone C. However there is evidence of pluvial flooding in this area. Therefore, a Stage 3 detailed Flood Risk Assessment will be required for any development proposals coming forward on these lands.

### Chief Executive's Recommendation

I refer to my recommendation in relation to Submissions ref. 065 to 083 (inclusive) which also refer to this site in Quin village.



## Ref. 065 to Ref. 083 inclusive

*Key Words: Quin*

Ref. 065 Ms. Jean Dunne	Ref. 066 Mr. Thomas Nihill
Ref. 067 Ms. Catherine Nihill	Ref. 068 Ms. Eva Rahilly
Ref. 069 Ms. Tina O' Halloran	Ref. 070 Mr. John Hogan
Ref. 071 Ms. Kathleen Hogan	Ref. 072 Ms. Ann O' Connell
Ref. 073 Ms. Eilish Corbett	Ref. 074 Ms. Eileen Kelly
Ref. 075 Mr. Cian Kelly	Ref. 076 John & Ann Crean
Ref. 077 Daniel & Christopher Kelly	Ref. 078 Mr. Bart O' Brien
Ref. 079 Mr. Stephen Hornibrook	Ref. 080 Ms. Helen Rochford
Ref. 081 Mr. Michael Reddan	Ref. 082 Mr. Thomas Crowley
Ref. 083 Ms. Ina Crowley	

### Summary of the Issues Raised in the Submission

These submissions relate to the zoning of land in Quin settlement for Enterprise use. The objections are based on the following points:

- Enterprise use is incompatible with the Economic Development objective: *To continue to promote tourism and tourist activity within the village whilst being sensitive to its existing character and environment.*
- Enterprise use is incompatible with the text in Housing and Sustainable Communities: *In addition, future challenges centre on infrastructural limitations, access problems, traffic congestion along Main Street, road safety and ensuring that the traditional character of the village continues to be retained.*
- High speed broadband is not available.
- The wastewater treatment plant is at capacity and cannot sustain a development of this nature
- Existing roads are incapable of carrying heavy traffic

In addition a number of the submissions mentioned the issue of flooding in the area.

### Chief Executive's Response

I wish to thank the residents of the Quin area for their submissions and I wish to respond as follows:

The subject site was zoned for enterprise use with a view to providing space for small-scale business and enterprise development such as incubator units, craft centres/workshops, small-scale manufacturing, local digital/technology businesses and other such developments that could provide employment opportunities for local residents. It was also considered appropriate to zone lands for Enterprise use in more rural towns and villages such as Quin to support the objectives of the CEDRA Report and to assist with Local Enterprise Office Clare's ambition to develop a network of digital hubs across the county, with two digital hubs in each Municipal District.

The definition of Enterprise was clearly defined in the Draft Plan.

However, I note that widespread local opposition has been voiced to this zoning, with this submission forming one of many in relation to the site. Planning is an inherently democratic process and I consider it appropriate to change the zoning on this site to Residential. I note that

the draft CFRAM mapping, as integrated into Volume 10(c) Strategic Flood Risk Assessment of the Draft Plan, shows the entirety of the site to be within Flood Zone C. However there is evidence of pluvial flooding in this area. Therefore, a Stage 3 detailed Flood Risk Assessment will be required for any development proposals coming forward on these lands.

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

I recommend that the zoning on this site be changed from Enterprise to Residential and labelled 'R1'. I also recommend that the following text be added to the plan:

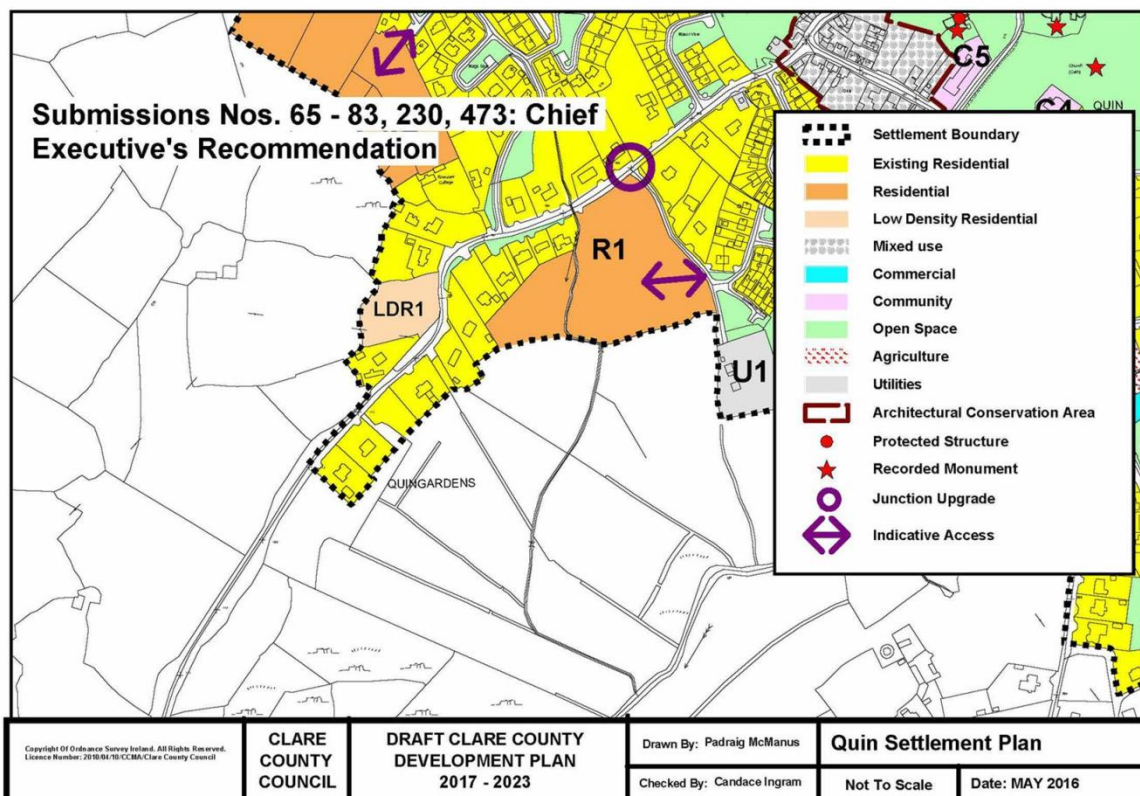
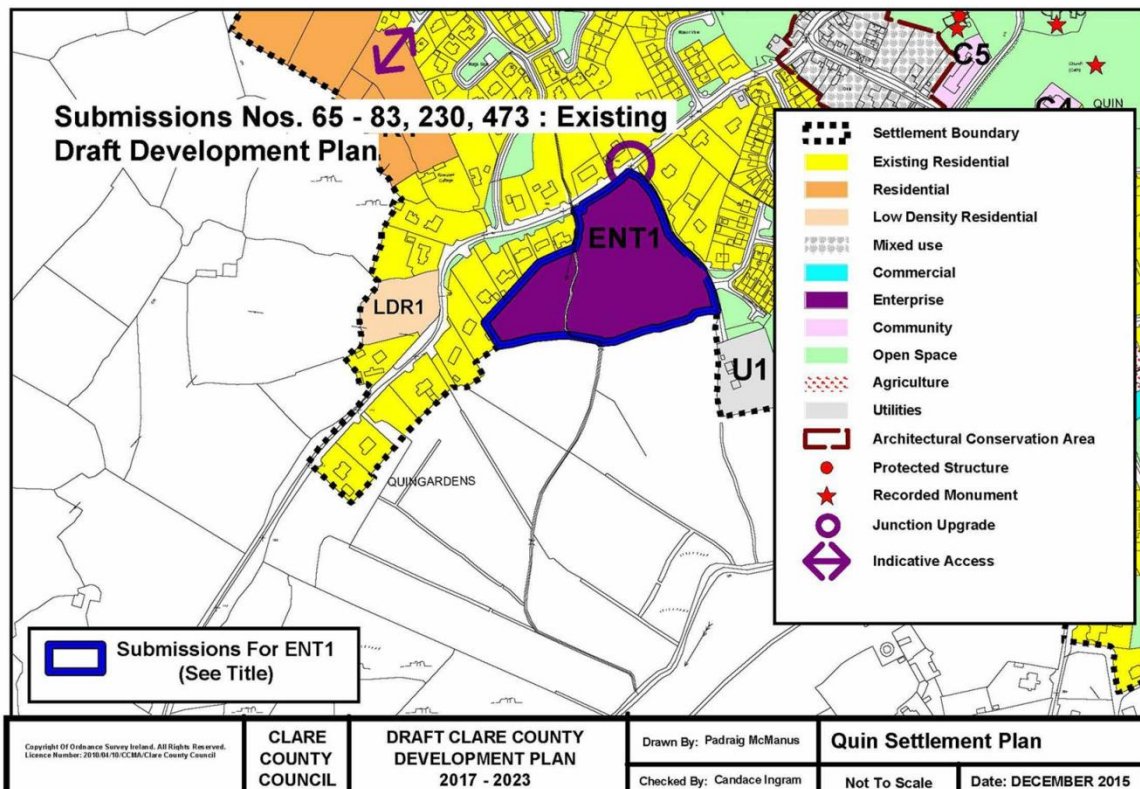
#### Volume 3(a), Quin Settlement Plan

##### **R1 – Quingardens**

This large site is located within easy walking distance of the village core and open space area OS3. It is bounded by mature hedgerows with existing housing to the west and east. A small stream traverses the site and any development proposals which involve crossing this stream shall ensure that it is adequately piped to ensure that no backup of waters occurs to the north of the subject site.

Due to evidence of pluvial flooding on the site, any planning application must be accompanied by a Stage 3 detailed Flood Risk Assessment.

Access to the lands shall be taken from the east. Layout and design of units on this site shall ensure that the residential amenities of existing adjacent houses at the northwest boundary are protected.



## Ref. 084 'Keep Ireland Open' c/o Roger T. Garland

*Key Words: Policy, Public Rights of Way*

### Summary of the Issues Raised in the Submission

This submission is an extensive one running to some 21,000 words. It is broadly concerned with perceived shortcomings in Volume 1 of the Draft Plan. The focus is on the following chapters: Chapter 1 Introduction and Vision, Chapter 2 Core Strategy, Chapter 5 Community Development, Chapter 6 Economic Development and Enterprise, Chapter 8 Physical Infrastructure, Chapter 9 Tourism, Chapter 10 Rural Development and Natural Resources, Chapter 12 Marine and Coastal Zone Management, Chapter 13 Landscape, Chapter 14 Biodiversity, Natural Heritage and Green Infrastructure, Chapter 15 Architectural, Archaeological and Cultural Heritage, Chapter 20 Implementation and Monitoring. Other county development plans are named as source material for many of the amendments which are requested to the Draft Plan.

#### Chapter 1 Introduction and Vision

The principal points here concern a requirement to state, in this chapter, that the Draft Plan is consistent with The National Spatial Strategy (NSS) the Mid West Regional Planning Guidelines (MWRPG), Development Plan Guidelines for Planning Authorities (DPG). Examples are given from other Development Plans i.e.

*This Plan has been drawn up to be consistent with the National Strategy (NSS).*

*This Plan has been drawn up to be consistent with RPG and development proposals shall be subject to Regional strategies. (MWRPG)*

*As far as practicable this Plan has been drawn up to be consistent with DoECLG and DAHG Guidelines and relevant strategies, guidelines, plans, policies and objectives of other Ministers. Development proposals shall be subject to National guidelines.*

It is also proposed:

- To include a definition to be given of Proper Planning and Sustainable Development
- To change the phrase 'have regard to' and to use 'to be consistent with' for clarity
- To insert an Objective 'To actively strive to secure the **financial resources** to implement the policies and objectives.'
- To require that the **Written Statement** includes a separate statement to demonstrate that the development objectives in the Development Plan are consistent, as far practicable, with the **protection and conservation of the environment**.

#### Chapter 2 - Core Strategy

The submission asks that in Section 2.3.4 **Development Plan Guidelines** and Section 2.3.6 **Adjoining Local Authorities' Development Plans** the words 'to be consistent with' are used instead of 'have regard to'. The submission notes that the wording in the Planning Acts uses the phrase 'have regard to' whereas they are suggesting 'to be consistent with' as the former is open to misinterpretation, stating there is no obligation to use the wording in the Planning Acts.

#### Chapter 5 - Community Development

Section 5.4.2.1 Off-road Walking & Cycling: The submission recommends that extra text is included and refers to eight different county development plans:

*Cycling and walking (including safe walking and cycling routes) are healthy modes of transport. It is recognised that there is an urgent need to enable individuals to incorporate more **physical activity** into their lives. These activities could improve the health and well being of both individuals and society, promote physical health, improve quality of life and tackle sedentary lifestyles.*

In Objective CPD5.12 Keep Ireland Open wants to replace text in Point f) with *To encourage support and promote the development of ancillary businesses such as bike hire, outdoor clothing etc, guided walks and walking/cycling tours in partnership with state, private and voluntary sectors, subject to normal planning considerations.*

An additional point i) is proposed: *To expedite the completion of the West Clare Railway Greenway*

#### Section 5.4.2.3 Public Rights of Way

It is submission that additional text should be included: *A public right of way is a person's right of passage along a road or path, even if the route is not in public ownership. Council recognises the importance of maintaining and protecting Public Rights of Ways.*

Objective CDP5.14 Public Rights of Way a) and b) should be merged and replaced by:

*In accordance with the provisions of the Planning and Development Act 2000(as amended) including Sections 10 & 14 and recognising the importance of established public rights of way for the common good, especially in tourist and coastal areas and those which provide access to archaeological sites, National Monuments, seashores, lakeshores, riverbanks, upland areas, water corridors or other places of natural beauty or recreational utility and to encourage cycling and walking, maintain, preserve, protect, conserve, enhance, maintain, promote and improve them. Ensure that they are effectively maintained by controlling undergrowth, trees and bushes.*

Additional Objectives are proposed under the following headings:

- a) To encourage and facilitate the creation of additional rights of way.
- b) To provide adequate signposting and waymarking on rights of way.
- c) To protect and promote Greenways and consider designating them as public rights of way.
- d) To identify and map on an ongoing basis public rights of way and incorporate into CDP.
- e) To prohibit development on ROWs and keep free from obstruction, legally if necessary.
- f) To favour planning applications which improve existing ROWs.
- g) To identify existing ROWs prior to any new forestry planting or other major developments.
- h) Not to permit development where a public right of way will be negatively affected.

### Chapter 6 Economic Development and Enterprise

Section 6.3.16 Agricultural Development an additional Objective is proposed namely:

*To ensure that all built elements of agri-tourism protect and conserve the landscape and the natural environment and are appropriately located and designed and satisfactorily assimilated into the landscape and do not have an unduly negative impact on the visual/scenic amenity of the countryside. Ensure that buildings/works shall be designed, located and screened will not take away from the rural character and appearance of the area. Buildings in visually sensitive areas must address the surroundings.*

### Chapter 8 Physical Infrastructure

Section 8.2.9 Cycling & Walking additional text is proposed under following headings:

- a) Provide for the needs of cyclists and pedestrians as identified in The Government's "Sustainable Development – A Strategy for Ireland"
- b) Set out the aims and actions of Smarter Travel.
- c) The National Cycling Policy Framework (DoT 2009) aims to create a strong cycling culture and includes the following points:
  - 1 Provide designated rural cycleways especially for visitors and recreational users.
  - 2 Ensure that all surfaces used by cyclists are maintained to a high standard and are well lit.
  - 3 Ensure that all cycling networks are sign posted to an agreed standard
  - 4 Improve driver education and driving standards for the safety of cyclists.
  - 5 Improve enforcement of traffic laws to enhance cycling safety and respect for cyclists

The submission requests references to the following:

- National Cycle Network Scoping Study (2010) identifies a comprehensive network of cycle routes.
- Irish Trails Strategy brings significant economic benefits and Council recognises the importance of hill walking from a social and an economic point of view and it opens up the countryside.
- Faillte Ireland's Strategy for the Development of Irish Cycling Tourism (2007) recommends the designation of a cycling network around the country and the improvement of existing routes with better sign posting, road surfaces and greater safety for the cyclist. It notes that cycle tourism represents a growing and valuable market for rural areas
- EuroVelo is the European Cycle Route Network and the European Cyclist's Federation is coordinating the development of a network of high-quality cycle routes that connect the whole continent.

The Council recognises the importance of cycling routes from a social and an economic point of view and that they facilitate, access to the countryside. Walking and cycling represent a way to discover and enjoy the pleasures of rural areas. The following text is recommended:

- *The promotion of walking and cycling requires pedestrian and cycle facilities that form a coherent network placing a strong emphasis **safety** and are free from obstruction and are given priority over vehicular traffic.*
- *Greenways are **shared-use routes** for non-motorised users (walkers, cyclists and horse riders.*
- ***Off-road walkways and cycleways** can be established through informal agreements with landowners, through formal agreements, or acquisition*

Tables (with maps) are proposed for inclusion:

Way-marked Ways of medium/long-long distance walking routes, Greenways Sli na Slainte, heritage/historic walking trails, pilgrim paths, paths to mass rocks and holy wells, looped walks, hill walks, forest walks and other defined walking trails and Cycle routes with accompanying maps.

Objective CDP8.13. It is proposed that d) *To support the development of new walking routes and trails throughout the county* be replaced by a 220 word alternative which expands on the detail of how these developments may be achieved. Additional Objectives are proposed thus:

- 1 *To promote, the development of the public footpath network and cycling and walking routes that suitable for people of different generations and levels of fitness,*
- 2 *To facilitate health and wellbeing by providing quality green space. Support awareness campaigns promoting the health benefits of walking and cycling.*
- 3 *To support a regional and local network of trails in partnership with the Irish Trails Strategy and other national programmes of their recreational and tourism potential.*
- 4 *To support Slí na Sláinte routes in consultation with community groups.*
- 5 *To research and map existing network of traditional paths to determine their legal status.*
- 6 *To support and promote the holding of a Walking Festival to attract visitors*
- 7 *To employ a full time Walks Officer at an appropriate senior level.*
- 8 *To promote linking cycle routes to tourist destinations.*
- 9 *To promote the development of the National Cycle Network with other bodies, where possible, on off-road tracks, quiet country roads or abandoned infrastructure.*
- 10 *To assign an officer at appropriate senior level as a "Cycling Officer".*
- 11 *To work with local community groups and bodies to support cycling and walking groups.*
- 12 *To explore the potential for development of suitable routes, along historic access routes.*
- 13 *To develop a Walking and Cycling Policy/Strategy by 2020.*
- 14 *To provide car parking and/or lay-by for walkers and cyclists*
- 15 *To establish new Walkways and cycle routes on a legal and permanent basis.*
- 16 *To investigate funding opportunities,*
- 17 *To **maintain** the public network of walking and cycling routes.*
- 18 *To protect and promote **Greenways and provide linear parks** to facilitate the spread of rural landscape into urban areas and work with adjoining local authorities and other stakeholders to achieve and improve external linkages.*
- 19 *To maintain a register of approved national trails*

- 20 *To protect the integrity and scenic quality of walking routes and cycleways by prohibiting the intrusion of development along these routes*

#### Section 8.8.10 Telecommunications Infrastructure

It is submitted that an additional objective should be included as follows: To identify existing Public Rights of Way and established walking routes prior to any new telecommunication developments which will be prohibited if they impinge thereon or on recreational amenities, public access to the countryside or the natural environment.

#### Chapter 9 Tourism

In Section 9.3.3 Tourism Development it is submitted that the following additional objectives should be included:

*To strictly control all tourism and recreational development that might be detrimental to environmental conditions since environmental heritage is an important amenity for tourism.*

*To generally require tourism and recreational related developments to locate within existing towns and villages, except where the nature of the activity renders this impossible.*

*To only permit the development of a tourism facility in a rural area where the activity requires a rural location.*

In relation to Section 9.3.7 Activity & Adventure Tourism the submission proposes that the list of activities in the draft Plan text be expanded to include 30 other activities and that coordination with other counties becomes policy.

It is also recommended that an additional objective be included to: *Support and promote the provision and the development of outdoor activities and preserve, improve and extend **rural recreational amenities** and explore the potential for rural recreational tourism in conjunction with Tourism bodies.*

In relation to Section 9.3.9 Rural & Forestry Tourism, the submission proposes the inclusion of Eco-Tourism (including whale/seal watching) and also mentions other themes such as a full list of forest parks, reference to Coillte's 'open forest policy'.

On Objective CDP9.9 it proposes on Point a) to include a more extensive listing of activities and on Point c) to refer to Coillte's 'Off road Cycling Strategy'. A further 7 objectives are proposed on points already covered in the draft Plan. Additional points include liaising with Bord na Mona and NPWS on land use strategies for tourism in forestry and regulation of development in forest parks.

#### Section 9.3.11 Coastal Tourism

Tables (with maps) showing main beaches and coastal walks are proposed for inclusion.

It is also submission that additional objectives should be included as follows:

*To promote, facilitate and support, in conjunction with adjoining counties and the National Trails Advisory Committee, the development and use of a waymarked coastal path along the entire coastline, as a tourist and recreational amenity.*

*To provide, support, actively promote, maintain, protect, preserve, enhance and improve **access** to the coast and seashore by identifying existing and/or potential coastal routes which can be developed as tourism attractions / local amenities. Facilities for maritime leisure development will be discouraged\* if they affect public access to beaches. \*not be permitted would be better.*

#### Section 9.4 Sub-County Tourism Development

It is submitted that additional objectives should be included as follows:

*To ensure that golf course development does not impinge on existing public rights of way or walking routes by identifying them prior to development.*

#### Chapter 10 Rural Development & Natural Resources

In relation to Section 10.4.2 Forestry it is submitted that additional text should be included as follows:

*The Council would welcome a revision of the planning regulations to bring forestry plantations under the control of the planning system due to it's capacity to transform the landscape.*

*The Council is a consultative body dealing with proposals for initial forestation. It will submit observations to the Forest Service, where appropriate, but particularly in areas of high amenity.*

Tables to be included of forestry service guidelines.

It is submitted that an additional objectives should be included as follows:

*To cover Neighbourhood schemes, adoption of an Indicative Forest Strategy, establishment of a County Forestry Advisory Committee, not to permit forestry on ridge lines, not planting on steep slopes above the 300 metre line, to discourage new forestry development in certain areas, to adhere to the relevant guidelines published by the Forest Service, Guide for Planning Authorities and Landscape Character Assessment and cumulative limits of 50ha.*

#### Section 10.4.4 Renewable Energy

It is submitted that an additional objectives should be included as follows:

By virtue of their nature proposals for development of hydro-electric schemes are unlikely to be suitable for locations within sites designated for nature conservation.

Additional Objectives are proposed in relation to ROWs which have already been proposed elsewhere in the submission and are covered in this summary.

#### Section 10.4.6 Extractive Industry

It is submitted that additional text should be included as follows:

*The location of quarries has the potential for significantly affecting sensitive landscapes especially when development reaches primary ridgelines; this has the potential to affect the visual integrity of a wide area. The Council favours the use of existing licensed quarries over proposals for extraction from green field sites.*

It is submitted that an additional objectives should be included as follows:

Inclusion of details for scheme of rehabilitation and after care, provision of details of proposed site and the reason for its selection, provision of details and plans of any other buildings, plant and structures to be erected. In making planning applications, to provide details of the location of all existing developments and other points already made on protection of ROWs. Requirements on environmental assessment of planning applications are covered elsewhere in the Draft plan.

An additional sub sec is proposed on **Agriculture** to include text:

Recognising the increasing demand for recreational space, provision should be made for the recreational use of agricultural land, particularly commonage and other rough grazing land which shall be regarded primarily as a recreational resource.

An additional sub section is proposed on **Motor Bikes & Quads**

Development proposals for Noise Generating Sports will not normally be permitted unless there is no conflict with the enjoyment of areas used for informal recreation.



## Chapter 12 Marine and Coastal Zone Management

In relation to Section 12.3.15 Beaches and Sand Dunes it is proposed to add the following objective to the existing text in the draft Plan: *To protect the overall integrity of sand dunes by excluding motor vehicles from beaches except for parking.*

### Section 12.3.17 Island Development

It is proposed to add additional text to the draft Plan in relation to Island Development.

## Chapter 13 Landscape

Extensive proposals for text and new objectives under the headings listed below have been proposed:

### Section 13.0 Introduction

- 13.2.1 Landscape Character Assessment
- 13.2.1.3 Landscape Character Areas

### Section 13.3 Clare's Living Landscape

- 13.3.2 Living Landscape Types
- 13.3.2.1 Settled Landscapes
- 13.3.2.3 Heritage Landscapes

### Section 13.4 Seascape Character Areas

### Section 13.5 Views and Prospects

## Chapter 14 - Biodiversity, Natural Heritage and Green Infrastructure

Extensive proposals for text and new objectives are proposed. Many issues discussed are already covered in the Draft Plan, with the exception of the following issues:

### Section 14.3.1 Biodiversity

To **review** the current Heritage Plan prior to its expiry and the new Plan be set within the context of the National Heritage Plan.

### Section 14.3.4 NHAs

### Section 14.3.5 Geological Heritage Sites

To encourage and facilitate the development of **geo-tourism**

### Section 14.3.13 Inland Waters, River Corridors and Riparian Zones

Tables: include tables of the main rivers and lakes.

- Objective CDP14.14 Point d) include: *In partnership with NPWS, local Wildlife Rangers, WI, community groups and other relevant stakeholders.*
- *To require that developments along rivers, canals, lakes and other watercourses provide for set aside land for walking/cycling routes and to provide, promote and facilitate the creation of waterside linear parks.*
- As **Water sports** cover a wide range of activities from tranquil uses such as angling, sailing, canoeing, rowing and sail boarding to powered activities such as water-skiing and powerboat uses, the Council may require management plans for particular areas to address the compatibility of such varying uses and may introduce bye-laws restricting or prohibiting **jet-skiing and water skiing**.

Section 14.4 Green Infrastructure: It is proposed that the following text should be included:

Fencing Of Hitherto Open Land

*It is a requirement of the Planning Regulations 2001 Art 9(I)(a)(x) that the fencing or enclosure of land open to or used by the public during the ten years preceding such fencing or enclosure.*

Chapter 15 Architectural, Archaeological & Cultural Heritage

The submission on this chapter consists of over 3000 words much of which is similar in content to text and policies in the Draft plan. The submission stresses the importance of public access to archaeological sites including historic graveyards. The following are new points:

New Tables should include

- 1 Record of National Monuments and Places
- 2 Preservation Orders on Monuments
- 3 Zones of Archaeological potential (with maps)
- 4 Areas of Special Archaeological Interest
- 5 Battlefield Sites
- 6 Archaeological Landscapes
- 7 Historic Graveyards

Also explain categories of monuments under the National Monuments Acts:

- a) National Monument in the ownership or guardianship of the Minister or a county council which are subject to preservation orders.
- b) Historic monuments or archaeological areas recorded in the Register of Historic monuments.
- c) Monuments recorded in the Record of Monuments and Places.

Section 15.11 Archaeological and Infrastructure Schemes

It is submitted that the following text should be included in the Plan:

*To take cognisance of the "Code of Practice between ESB National Grid and the Minister for the Environment in relation to Archaeological Heritage".*

*An Archaeological Impact Assessment and Method Statement is to be carried out (funded by the applicant) by a suitably qualified/licensed archaeologist prior to the commencement of any activity, in respect of development in areas in or adjacent to (minimum of 30m) a Recorded Monument in State care.*

Chapter 20 Implementation and Monitoring

The Submission proposes that an additional section be included on Planning Enforcement which explains the Councils power under legislation and sets out the stages in the process from Warning Letter to Circuit or High Court.

Appendix 6

The submission notes that the Public Rights of Way included in Section 11.6.1 of the Ennis & Environs Development Plan 2008 have not been included in the Draft Plan. The following Ways should also be included: Burren, Mid-Clare and East-Clare. Keep Ireland Open is satisfied that these Ways have been walked for many years without hindrance.

**Chief Executive's Response**

I would like to thank Keep Ireland Open for their consideration of the Draft Clare County Development Plan 2017-2023 and for their detailed submission. I note the issues that they have raised and I would like to comment as follows:

The submission contains highly detailed cross referencing to the development plans of other local authorities. While these references are extremely useful and developments plans of other authorities, particularly adjoining authorities, are always considered in detail, it should be noted that a development plan is prepared as a county-specific document. While I recognise that alignment between local authorities is essential to proper planning, it is important to note that directly transferring policies and objectives from other development plans is not always in the best interest of the county in question.

## Chapter 1 Introduction and Vision

I note the concerns that have been raised with regard to consistency with the NSS and the Regional Planning Guidelines. In the preparation of the Draft Development Plan, Clare County Council endeavoured at all times to ensure compliance with these parent documents. However, it is the role of the Southern Regional Assembly, under Section 27B, to decide whether or not the development plan is consistent with the Regional Planning Guidelines/Regional Spatial and Economic Strategy. Until such time as a submission to this effect has been received from the Regional Assembly it would not be appropriate for the local authority to include such as statement in the development. However I can confirm that the Regional Assembly, subject to a number of requested amendments, have confirmed that the Draft Plan is broadly consistent with the MWRPGS. Therefore a statement to this effect can now be included in the Plan.

In relation to consistency with Section 28 guidance documents, I note that Appendix 7 of the Plan sets out the Plans, Policies and Guidelines to which the Draft Development Plan must have regard and also sets out how these plans, policies and guidelines have been addressed in the Draft Plan.

It is submitted a definition of *proper planning and sustainable development* should be included in Plan. This is already clearly set out in Section 1.8 Proper Planning and Sustainable Development.

The submission requests a separate statement demonstrating how the objectives of the Plan are consistent to the protection and conservation of the environment. These issues are addressed in detail in the Strategic Environmental Assessment Environmental Report and Habitats Directive Assessment Natura Impact Report contained in Volume 10 of the Plan. All land use plans, such as the Draft Clare County Development Plan 2017-2023 must be prepared and examined to ensure that there will not be any adverse effects on sites that are designated for their special habitats and wildlife. In this regard a Natura Impact Report was prepared. Strategic Environmental Assessment (SEA) is a process for evaluation, at the earliest appropriate stage, the environmental effects of plans or programmes before they are adopted. It also gives the public and other interested parties an opportunity to comment and to be kept informed of decisions and how they were made.

The issue of funding is very important to the on-going work of the Council and the successful implementation of the Development Plan, upon adoption. I note that there are numerous objectives to actively pursue funding in different parts of the Plan e.g. sections relating to Active Travel, promotion of tourism, coastal defences, green infrastructure development etc. I am satisfied that this issue is satisfactorily addressed throughout the Plan and that there is no requirement for an additional objective in relation to this issue.

## Chapter 2 Core Strategy

I note the issue that has been raised in relation to '*having regard to*' the development plans of adjoining authorities and certain Section 28 Guidelines versus '*being consistent with*' these documents. I consider it to be more appropriate to utilise the term '*have regard to*'. While the Council endeavours at all times to be consistent with Section 28 guidance documents, the phraseology of the Planning and Development Act, 2000 allows each development plan to be tailored to the needs of the subject county. The wording of the Act allows for instances where it is not possible to implement certain policies and objectives contained in Section 28 guidelines. However I consider it essential to ensure that a reasoned justification for any such deviation from the guidelines can be provided.

## Chapter 5 Community Development and Social Infrastructure

I note the recommended amendments that are proposed for Section 5.4.2.1 Off-Road Walking and Cycling and I consider that it would be a beneficial addition to the Plan. However, given that the

proposed addition relates to walking and cycling generally and not just to off-road walking and cycling, it is more appropriate to integrate the proposed text into Section 5.4.2 Physical Recreation and Active Living. I am also in agreement with the proposed addition to Objective CDP5.12 Off-Road Walking and Cycling.

In relation to the request to add an additional objective in relation to the development of the West Clare Railway Greenway cycling route, I am satisfied that this issue is fully addressed in Objective CDP5.12, Point (b).

#### Section 5.4.2.3 Public Rights of Way

I have given consideration to the revised wording of objective CDP5.14 and the proposed new objectives in relation to public rights of way that are proposed in the submission. The Planning and Development Act, 2000 (as amended) indicates that the local authority has certain obligations in relation to the maintenance of public rights of way. I am satisfied that the legal requirements of the Council in this regard as reflected in the draft Plan and no amendments or additions are required to this objective at this time. I also do not consider it necessary to define a public right of way in the Draft Plan. Such definitions are set out in the relevant legislation

#### Section 6.3.16 Agricultural Developments

I note the issues that have been raised in this element of the submission. While the comments are linked to Section 6.3.16, they primarily relate to agri-tourism developments and therefore it is more appropriate to consider the issues raised in the context of Section 9.3.9 Rural Tourism and Forestry Tourism. I consider that Objective CDP9.9, which aims to ensure that rural tourism developments will not have a negative impact on the character, scenic value or rural amenity of the surrounding area, when combined with the objectives set out in Chapter 13 Landscape, address the issues that have been raised in this regard in the submission.

#### Section 8.2.9 Cycling and Walking

I acknowledge the proposed additions and amendments that are requested in relation to this section.

a) The document 'Sustainable Development – A Strategy for Ireland was studied and taken into consideration in the preparation of the draft Plan. However given that the Strategy will be 20 years old when the Plan is adopted and will be 27 years by 2023 when the Plan expires, it was considered that it was not appropriate to directly reference the document in the Plan.

b) Smarter Travel is addressed in detail in Section 8.2.6 and Objective CDP8.10 of the draft Plan.

c) I note that the National Cycling Policy Framework 2009 has not been referenced in the Plan and I recommend that it be included at this time.

d) The National Cycle Network Scoping Study is referenced in Section 8.2.1 Access & Movement Context of the Draft Plan

e) I note that the Irish Trails Strategy is not currently referenced in the Plan and I recommend that it be included at this time.

f) Failte Ireland's Strategy for the Development of Irish Cycling Tourism is not directly referenced in the Draft Plan. However I note that the further development and expansion of Activity Tourism, which includes walking and cycling, is addressed in detail in Section 9.3.7 of the draft Plan.

g) While I note the significant work that has been undertaken to develop the EuroVelo network, I do not consider its inclusion in the Draft Plan to be necessary at this time.

In relation to the importance of cycling routes from a social and economic viewpoint and the requirement to provide walking and cycling facilities that form a coherent network, I consider that this theme has been significantly reflected in the draft Plan. Sections 5.4.2 Physical Recreation and Active Living, 8.2.6 Smarter Travel, 8.2.7 Sustainable Urban Mobility Plans, 8.2.8 Active Travel Towns Programme and 8.2.9 Cycling and Walking, in addition to comprehensive policies and

objectives in relation to green infrastructure and the development of recreation and tourism amenities, all reflect the importance of this issue and the work that is being undertaken to promote walking and cycling and to create a coherent network of quality facilities.

#### Table of Way-marked Ways

I note the request to include a table and associated maps of way-marked ways, looped walks, Slí na Slainte routes etc. This information is readily available on the Clare County Council website and from sources such as Irish Trails, local tourist office, the Clare Tourism website and numerous websites that provide information for walkers. I do not consider it to be the function of the development plan to reiterate this information.

#### Objective CDP8.13

While I recognise the detailed alternative that has been provided to the text in this objective, I consider the objective as it currently appears to be concise and adequate.

My response to the series of additional objectives proposed is as follows:

1. I consider that the issue of accessibility and the provision of infrastructure for walking and cycling is dealt with in detail in the Plan in Sections 8.2.8 Active Travel Towns Programme, 8.2.9 Cycling and Walking and 5.3.4 Inclusivity.
2. The importance of health and well-being and, in particular, the provision of quality open spaces is addressed in numerous locations in the plan including Section 4.3.13 Green Infrastructure within Residential Developments and Section 14.4 Green Infrastructure.
3. In relation to supporting regional and local trails for their recreational and tourism potential. I note that this issue is addressed in Objective CDP5.12 Off-Road Walking and Cycling and Objective CDP9.7 Activity and Adventure Tourism.
4. I agree with the recommendation to include an additional objective to support Slí na Slainte walking routes throughout the county.
5. In relation to the traditional network of traditional paths around the county, the majority of these paths have been incorporated into way-marked routes, Slí na Slainte routes etc. throughout the county. I do not consider further research into this issue to be necessary at this time.
6. In relation to the proposal for a Walking Festival in County Clare, I note the East Clare Walking Festival has taken place over a number of years and has been highly successful. Section 9.3.14 and associated Objective CDP9.14 Festivals and Events support and promote existing festivals and facilitates the establishment of new events. I consider that the submitted suggestion in relation to a walking festival in the county is addressed by these provisions.
- 7 & 10. I note the proposals for a full time Walks Officer and Cycling Officer within the Council. At present there is a Rural Recreation Officer in the County (working for Clare Local Development Company) who deals with the development of walking routes and trails as part of his work remit and a Sustainable Transport Officer working within Clare County Council, both of whom perform a very valuable function in their respective areas of work.
8. In relation to cycling routes linking key tourist destinations, I am satisfied that this is covered by the commitment in Objective CDP8.13 to support the development of long-distance cycling routes in County Clare in accordance with the National Cycle Network Scoping Study 2010.
9. Support for the development of the National Cycle Network is already stated in Section 8.2.9 Cycling and Walking, as is the development of further walking and cycling infrastructure, both in towns and on abandoned infrastructure such as the West Clare Railway.
11. Clare County Council work on an on-going basis to support walking and cycling and other sports and recreation activities throughout the county. I agreed that an addition should be made to Objective CDP5.11 Physical Recreation and Active Living to work with local community groups and bodies to support recreational groups. I do not consider it appropriate to restrict this objective



to walking and cycling groups given the wide range of recreation groups currently operating in the county.

12 & 15. In relation to the development of new suitable routes, I note that the Draft County Development Plan supports the development of walking and cycling routes in all parts of the county. This is not restricted to historic access routes and I consider the current stance of the Plan to be more beneficial to the development of walking and cycling routes in the county. All new routes will be developed basis on the most appropriate arrangement with the given landowner e.g. right of way, permissive trails etc.

13. In relation to the development of a Walking and Cycling Strategy for the County, where a clear need for such strategies is identified I strongly support their preparation. The development and expansion of walking and cycling infrastructure has progressed significantly over recent years, in line with national policy, with the support of the County Development Plan. Given the strong support and guidance contained in the Draft Plan I do not consider an independent strategy on this issue to be necessary at this time.

14. I note that Objective CDP5.12 indicates that the provision of access, set-down and parking areas is an essential component of the development of off-road walking and cycling routes.

16. The investigation of funding opportunities for various projects is part of the on-going work of the Council. When such opportunities arise they are availed of to the full extent possible to progress projects and works for the benefit of the county.

17. The maintenance of walking and cycling routes that are in public ownership/management is part of the day-to-day operations of the Council. This is an operational matter and does not need to be addressed in the County Development Plan.

18. In relation to the protection and promotion of greenways and linear parks, this is a matter that has been extensively addressed in the County Development Plan. The development of the West Clare Railway Greenway will be one of the most significant projects in the county in the coming years. It is supported in Objective CDP5.12 Off-Road Walking and Cycling. The issue of linking the rural landscape with urban areas is addressed in detail in Section 14.4 Green Infrastructure, Section 4.3.13 Green Infrastructure within Residential Developments and Section A1.5 Green Infrastructure within Industrial and Enterprise Zones.

19. I do not consider it necessary to create and maintain a register of approved national trails. This information is readily available on the Clare County Council website and from sources such as Irish Trails, local tourist office, the Clare Tourism website and numerous websites that provide information for walkers. I do not consider it to be the function of the development plan to reiterate this information.

20. I note the requests to prohibit developments that will intrude upon the integrity and scenic quality of walking routes and cycle ways. The protection of the amenities of an area is one of the key considerations in the assessment of proposals for development via the development management process. I consider the appropriate approach is to assess each development proposal as it arises with regard to their potential impact on walking routes and cycle ways. An overall prohibition on development is overly prescriptive and any proposal should be considered on its merits.

#### 8.8.10 Telecommunications Infrastructure

I note the recommended addition to the objective relating to Telecommunications Infrastructure. The impact of a proposed development on the wider amenities of the area is always taken into consideration in the assessment of development proposals via the development management process. I consider all local amenities to be of equal merit and should be considered on that basis.

#### Section 9.3.3 Tourism Development

It is recognised that tourism developments should not in any way undermine the amenities that attract visitors to an area in the first instance. One of the Strategic Aims of the Tourism chapter is *"to protect the environmental quality of the county on which much of the tourism quality is based"*.

The development management process will then ensure, on a daily basis, that development proposals will not have a negative impact on environmental heritage of the county. In relation to the other amendments/additions that are proposed, I am satisfied that Objective CDP9.3 Tourism Development and Tourist Facilities directs developments to the appropriate urban/rural area, as recommended in the submission.

#### Section 9.3.7 Activity and Adventure Tourism

I note that the submission recommends the addition of a significant number of further activities to those mentioned in this section of the Plan. However, those activities that are currently mentioned are included solely to give the reader a guide to the type and range and is not intended to be a fully comprehensive list of current activities throughout the county and as such I do not consider any amendments necessary.

I acknowledge the proposed addition to the plan in relation to rural recreational amenities. However, I am of the opinion that this issue has been satisfactorily addressed in Section 5.4.2.2 Countryside Recreation. I note also the proposal that issues related to eco-tourism should be included in the Plan and I am satisfied that this issue is addressed under Section 9.3.16 Sustainable and Responsible Tourism.

#### Objective CDP9.9 Rural Tourism and Forestry Tourism

I note the proposal to add a more extensive list of activities to this objective, and advise that the activities listed are intended as examples of the types of development to which this objective relates and are not intended to be a comprehensive list. In relation to the reference to Coillte's Off Road Cycling Strategy, this strategy is addressed in detail in Section 5.4.2.1 Off Road Walking and Cycling Routes. The additional 7 proposed objectives all relate to issues that are currently addressed in the Draft Plan.

#### Section 9.3.11 Coastal Tourism

I consider the inclusion of a table and maps showing the main beaches and coastal walks in the county to be more appropriate for a tourism development/promotion strategy and do not consider it to be a necessary addition to the county development plan.

In relation to the request for an objective to promote, facilitate and support the development of a way-marked coastal path along the entire county, I do not consider it appropriate to include an objective to this effect in the County Development Plan. The Wild Atlantic Way already addresses this to some degree and from an environmental perspective there is limited capacity for the coastline to accommodate another initiative such as this at present. The monitoring undertaken through the Wild Atlantic Way is demonstrating that it is having an impact from a disturbance point of view on birds, through direct impact on habitat features, through compaction and overall negative effects. In the absence of a specific proposed route and a detailed study of potential environmental effects, it is not possible to include an objective in the Draft Development Plan in relation to a coastal walking route.

I note also the proposal to identify coastal routes that can be developed as tourism attractions/local amenities. While I note the merit of this suggestion, coastal environments and habitats are particularly sensitive to disturbance and damage. The increase use/development of any such coastal routes would have to be individually assessed having regard to the requirements of the Habitats Directive. Therefore while the suggestion is not without merit I do not consider it appropriate to include a generic objective supporting development of this nature, when the potential impacts of such developments cannot be fully assessed.

I further note the suggestion in relation to golf courses and ensuring that they do not impinge on public rights of way. Similar with the issue that was raised earlier in the submission in relation to telecommunications infrastructure, the impact of a proposed development on the wider amenities of the area is taken into consideration in the assessment of development proposals via the development management process. I do not consider it appropriate to identify particular forms of development above others in this regard.

#### Section 10.4.2 Forestry

In relation to the proposed revisions to the Planning Regulations to bring forestry plantations under the control of the planning system, this is not an issue that can be addressed via the County Development Plan.

I agree with the suggested addition to state the Council's role in dealing with applications for initial afforestation in the development plan. I do not, however, consider it necessary to include Forestry Service guidelines in the County Development Plan. Such information is readily available on the website of the Department of Agriculture, Food and the Marine.

I note that an extensive list of proposed additional objectives has been included. I am satisfied that the objectives contained in the Draft Clare County Development Plan 2017-2023 address the issues raised.

#### Section 10.4.4 Renewable Energy

The Clare Renewable Energy Strategy preparation was informed by both an Appropriate Assessment and Strategic Environmental Assessment. Any proposals for hydro-electric schemes will also be required to undertake detailed environmental assessment to accompany such proposals.

#### Section 10.4.6 Extractive Industry

I note the proposed addition to the text in the submission, and advise that any extensions to an existing quarry or proposals for new quarrying activity on a green field site is assessed on its own merits. It would be inappropriate to indicate that one form of development is preferable to another without reference to site specific considerations. Therefore I do not consider the proposed addition to be beneficial to the proper planning and sustainable development of the Plan area.

I note also the list of additional objectives proposed for inclusion. Items such as rehabilitation plans, details buildings and plant to be erected on site etc. form part of the standard suite of plans and assessments that are submitted with planning applications for quarrying activity, as supported by *Quarries and Ancillary Activities – Guidelines for Planning Authorities*. I do not consider it necessary to list these details in the development plan.

#### New Section on Agriculture

The submission proposes a new sub-section on Agriculture making provision for the recreational use of agricultural land, particularly commonage and other rough grazing land, and the proposals that such land shall be viewed primarily as a recreational resource. The Draft Plan recognises the importance of agricultural land as an economic and environmental resource and promotes economic development in rural areas, including growth of the agri-food sector. To identify agricultural lands primarily as a recreational resource would be detrimental to the rural areas of County Clare and contrary to European, national, regional and local policy.

#### New Section on Motor Bikes and Quads

Noise levels from proposed developments and impacts on the amenities of surrounding areas are taken into consideration in the assessment of development proposals through the Development Management process. I do not consider it necessary or appropriate to single out an individual activity or landuse. All development proposals will be assessed in relation to impacts on the surrounding area.

#### Section 12.3.5 Beaches and Sand Dunes

The exclusion of motor vehicles from beaches in the county is an issue that would have to be addressed through the introduction of bye-laws. It cannot be achieved through the County Development Plan process.

#### Section 12.3.17 Island Development

The points proposed for inclusion in the proposed additional text and objectives are already contained in text and objectives of the Draft plan e.g. Section 11.3.6.2 The Islands and Section 9.4.6 Tourism and the Islands

#### Chapter 13 Landscape

The submission makes detailed recommendations for amendments to Chapter 13 Landscape. I note that many of the proposed additions are already included in the draft Plan. The submission proposes a new objective *"to review the Landscape Character Assessment and the landscape objective in the Plan after the publication of the National Landscape Strategy and future guidelines issued by a Minister of the Government with respect to landscapes"*. I note that the National Landscape Strategy 2015-2025 was published when the Draft Plan was being prepared and was fully considered and integrated into the preparation of the Draft Clare County Development Plan 2017-2023. Section 13.2.1 Landscape Character Assessment of County Clare refers.

#### Chapter 14 Biodiversity, Natural Heritage and Green Infrastructure

I note that the submission extensively examines Chapter 14 of the Plan and makes numerous recommendations in relation to additions to the text. Many of the additions proposed are already included in the Draft Plan. I agree that an addition should be made to Objective CDP14.1 in relation to the review of the current County Heritage Plan.

I also agree that the proposed objective to promote geo-tourism in the county would be a beneficial addition to the text.

#### Section 14.3.13 Inland Waters. River Corridors and Riparian Zones

In relation to the proposal to list the main rivers and lakes in the county, this information is readily available from sources such as Ordnance Survey. I do not consider it necessary to reiterate this information in the County Development Plan.

I am in agreement that Point (d) of Objective CDP14.14 should be amended to indicate that the Council will work with all relevant stakeholders to achieve this objective.

In relation to the setting aside of land alongside rivers, canals, lakes and other watercourses for walking/cycling routes and the creation of waterside linear parks this can pose risks of adverse effects on the integrity of European sites on their own and in combination with other plans and projects. The identification of such routes or setting aside of lands can only be undertaken once the route selection has been fully informed by ecological and environmental constraints undertaken by suitably qualified and competent specialists.

I note the concerns raised in relation to motorised watersports and the suggestion that bye-laws may be required to manage activities in certain areas. I agree that bye-laws may be required in certain instances and they will be introduced where required. No change is required in relation to the County Development Plan in order for these bye-laws to be introduced where needed.

#### Section 14.4

I do not consider it necessary to reiterate the provisions of the Planning and Development Act, 2000 (as amended) in relation to the fencing of hitherto open land in the County Development Plan.

#### Chapter 15 Architecture, Archaeology and Cultural Heritage

I note the extensive additions that are proposed to this section of the Plan, however I am satisfied that all of the themes and issues raised are already addressed in the Draft Plan.

New tables are proposed for inclusion in the Draft Plan to add extensive lists to the Plan such as Recorded Monuments, historic graveyards and battlefield sites. This information is widely available from sources such as Clare Library, Ordnance Survey maps, the website of the National

Monuments Service and sites such as excavations. I do not consider it necessary to reiterate this information in the County Development Plan.

The submission also requests that different categories of monuments are explained in the Plan and I advise that this information is already set out on Section 15.4 Archaeological Heritage.

The Draft Plan, in Objective CDP15.11 Archaeology and Infrastructure Scheme, ensures that archaeological concerns are taken into consideration in the designing and developing of infrastructure schemes. I do not consider it necessary to directly reference the code of practice that has been agreed between the ESB and the Minister for the Environment in this regard.

In relation to Archaeological Impact Assessment, I wish to advise that this issue is addressed in Section 15.4 of Volume 1 and is further addressed in Section A1.8 of that volume.

#### Chapter 20 Implementation and Monitoring

In relation to the proposal to include a section on Planning Enforcement in the *Implementation and Monitoring* chapter of the Draft Plan, I note that this chapter is intended to set out how the policies and objectives of the plan will be implemented. Planning enforcement addresses a separate issue, namely developments that are progressed without planning permission or at variance/contrary to a permission that has been granted. This is a separate issue to that which is being addressed in Chapter 20 and I do not consider it appropriate to include a summary of the enforcement system in Chapter 20 of the County Development Plan.

#### Appendix 6

The submission requests that way-marked routes in the County and routes that were listed in the Ennis and Environs Development Plan 2008 in the list of Public Rights of Way included in the Plan. In order for a route to be listed as a Public Right of Way in the County Development Plan, certain criteria must be met:

- 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 it appropriate to add additional routes to those listed in the Draft County Development Plan.

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

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

##### Section 2.4.1 new first sentence:

*This Plan has been prepared to be consistent with the National Spatial Strategy 2002-2020 and the Mid-West Regional Planning Guidelines 2010-2022.*

##### Section 5.4.2 Physical Recreation and Active Living amendments to Paragraphs 2 and 3:

*There is a need to enable individuals to incorporate more physical activity into their daily lives. Physical recreation and active living are inherently interlinked with health and wellbeing. Peoples' health is largely determined by the social and built environments in which they live, work and learn and a lack of recreational spaces and facilities in community settings/neighbourhoods is closely associated with behavioural and health problems. There is a need to ensure that when such facilities are provided, they are appropriate for different groups in the community. The physical environment in the settlements of County Clare should enable all citizens to be physically active in*



day-to-day life. The Limerick and Clare Sports and Physical Recreation Strategy 2013 sets the policy context for the provision of a wide variety of amenities for communities across the county.

Local governments have a crucial role to play in creating environments and opportunities for physical activity and active living. Activities such as walking and cycling are not just healthy modes of transport, these activities also promote well-being and physical health, improve quality of life and tackle sedentary lifestyles. Taking part in physical activity also creates opportunities for socialisation, networking and cultural activity. Therefore active living can positively contribute to economic prosperity and social cohesion.

Objective CDP5.11 Physical Recreation and Active Living – addition of two new points:

To work with local community groups to support and expand the Slí na Sláinte network in County Clare, in compliance with all relevant legislation as outlined in County Development Plan Objective CDP2.1.

To work with local community groups and bodies to support local groups promoting/organising walking, cycling and other recreational activities.

Objective CDP5.12 Off-Road Walking and Cycling – amendment to Point f

f) To encourage and support the development of ancillary businesses such as bike hire, outdoor clothing and businesses offering walking and cycling tours subject to normal planning considerations;

Section 10.4.2 Forestry, addition to Paragraph 1 as follows:

The National Climate Change Strategy identifies the forestry sector as being the largest and most readily available biomass resource with significant scope for wood fuel to replace consumer dependence on fossil fuels. Forestry has the potential to provide economic, environmental and social gains. Clare County Council is a consultative body in relation to applications the Forestry Service for initial forestation. It will submit observations to the Forestry Service on such applications, as appropriate.

Chapter 14, Objective CDP14.1 – addition of new point (b) as follows:

To review the Clare County Heritage Plan 2011-2017 and to prepare a new Plan, which will be set within the context of the National Heritage Plan, upon the expiry of the existing adopted Plan.

Chapter 14, Objective CDP14.5 – addition of new point (c) as follows:

To promote and facilitate the development of geo-tourism in County Clare in compliance with CDP objectives 14.1 – 14.9, 14.11 and 14.13.

Chapter 14, Objective CDP14.15 – amendment to point (d) as follows:

To work with all relevant stakeholders to protect and improve appropriate access to waterways and river corridors whilst ensuring their conservation and the protection of the resources and water quality.

## **Ref. 085 Denise Dunne, Clare Haven Services**

*Key Words: Policy, Housing*

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

Clare Haven Services calls on Clare County Council to acknowledge in the Clare County Development Plan 2017-2018 that domestic abuse in the home can cause a need for safe emergency accommodation and longer term housing needs for those affected. They ask the local authority to ensure that all decisions and policies on social housing and funding for local domestic violence services demonstrate how they have taken this into account.

It is submitted that access to safe accommodation, including emergency provision, is critical for the safety of victims of domestic abuse, including children. Ms. Dunne sets out a summary of the services provided by Clare Haven and indicates that they have recently received funding to build a seven unit residential complex which incorporates a variety of other support services.

It is set out that, in many instances, woman are forced to make themselves and their children homeless in order to access safety. Therefore a mixture of house types needs to be made available in the local community for these families. Clare Haven Service can provide emergency, supported, short-term housing but Clare County Council needs to make provision for longer-term housing needs.

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

I thank Clare Haven Services for their submission on the Draft Clare County Development Plan 2017-2023. I would like to acknowledge the highly important work carried out by Clare Haven on an on-going basis and the essential services that they provide to the people of County Clare.

I agree with Ms. Dunne that the Clare County Development Plan should recognise the role that the local authority has to place in the provision of both emergency and long-term accommodation, particularly for those who are the victim of domestic abuse.

A key role of the Council is the provision of housing for those who are unable to secure accommodation through their own resources. Accommodation is allocated in order of priority, taking all circumstances into account. Whilst resources can often be limited, Clare County Council is continuously working to ensure that a variety of properties are available to meet the need of the people of County Clare. In 2016 the Council aims to construction 21 new houses in two locations, refurbish 70 existing residences and will seek funding to acquire 100 houses in communities throughout the county. In addition, emergency accommodation may be provided where the accommodation needs of a homeless person are immediate and acute.

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

I recommend that new text and a new objective be added to Chapter 4 Housing as follows:

#### "4.3.4 Emergency Accommodation

Clare County Council has an important role to play in the provision of emergency accommodation. The Council has a dedicated Homeless Unit that provides assistance to all homeless cases in accordance with need. Clare County Council will work to meet both the short and long-term housing of all residents of the county."

## **Ref. 086 Colm Keating**

*Key Words: Ennis*

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

The submission concerns the zoning of two parcels of land in Ballybeg which are zoned as Agriculture. In the Ennis and Environs 2008-2014 Plan the sites were zoned as Other Settlement Land, there is already housing in the area and the sites are effectively infill sites on a developed road of 21 houses. Additional houses will not have a serious negative impact on the landscape and the Council are asked to change the zoning back to Residential.

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

I wish to thank Mr Keating for his submission. I note that the subject sites are located in the Ballybeg area of Ennis. The aim of the settlement strategy for Ennis is to ensure that future development takes place in a balanced and plan-led manner throughout the Ennis and Environs area and it will guide where, when and how new residential development in Ennis and Clarecastle should take place in a manner, scale and form that is appropriate to the local characteristics of each area. The location and extent of land zoned for residential uses is determined by the Core Strategy, as set out in Volume 1 of the Draft Plan.

To zone the subject land for residential use would not be in accordance with the settlement strategy for Ennis. The sites are at a distance from the core areas of Ennis and Clarecastle, they are not located in an area identified for growth during the lifetime of the Plan and the area in which the sites are located is not serviced by wastewater infrastructure. I do not therefore consider it to be in the interest of the proper planning and sustainable development of the plan area to zone these lands for residential development.

### **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. 087 Ms. Gemma Hassett**

*Key Words: Quin*

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

The submission relates to land at Arbutus Grove, in Quin village which is zoned for Open Space and Agriculture in the Draft plan. The owner of the land requests that it be zoned to allow Low Density Residential use because the land: is in a residential area, is in a commuter village, is an infill site, is served by existing foul and storm sewers, has public lighting and footpaths.

Quin has a new school. Access to the land would be through the Arbutus Grove Estate and the stone boundary wall would be retained to maintain the village character.

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

I thank Ms. Hassett for her submission. The subject lands are located in the centre of Quin and are in close proximity to many of the services in the village. I agree that the site has the potential to accommodate low density residential development. However, it is in close proximity to a known Lesser Horseshoe Bat roost and is in a visually prominent location in the village and these key issues must be address in any development proposals brought forward on the site.

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

I recommend that zoning on the subject site be changed from 'Agriculture' and 'Open Space' to 'Low Density Residential' and the following text be added to the Draft Plan:

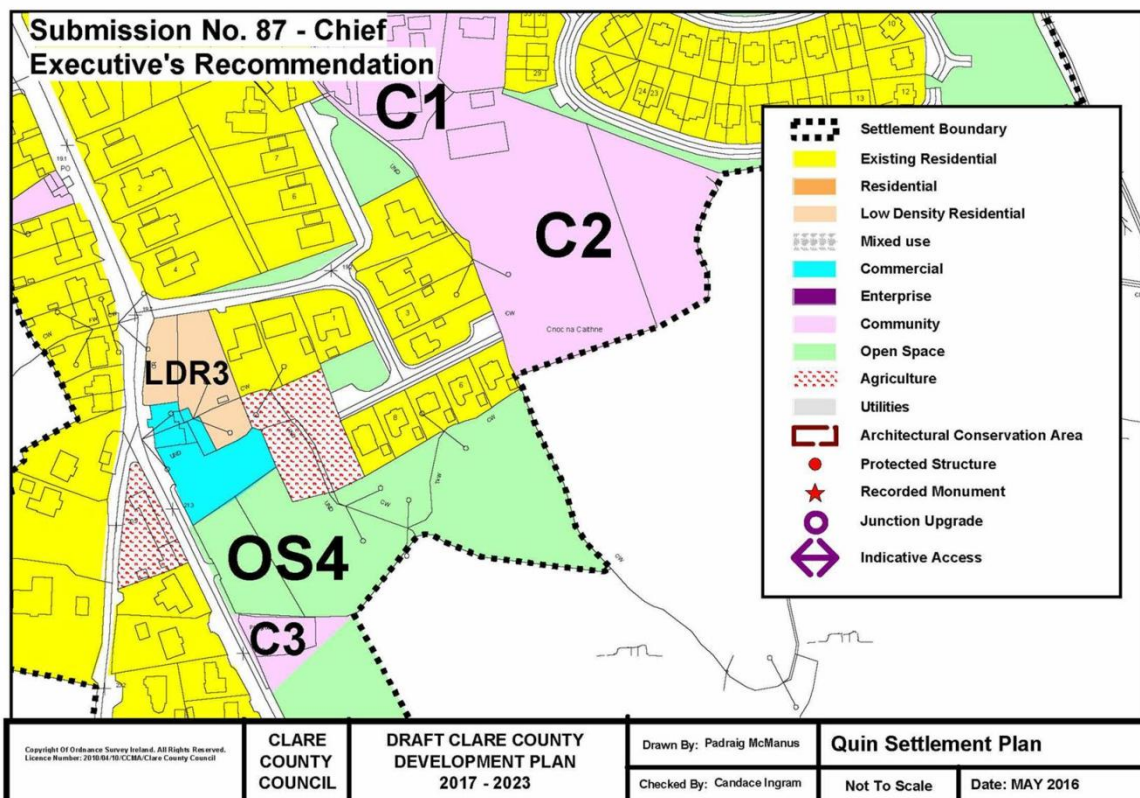
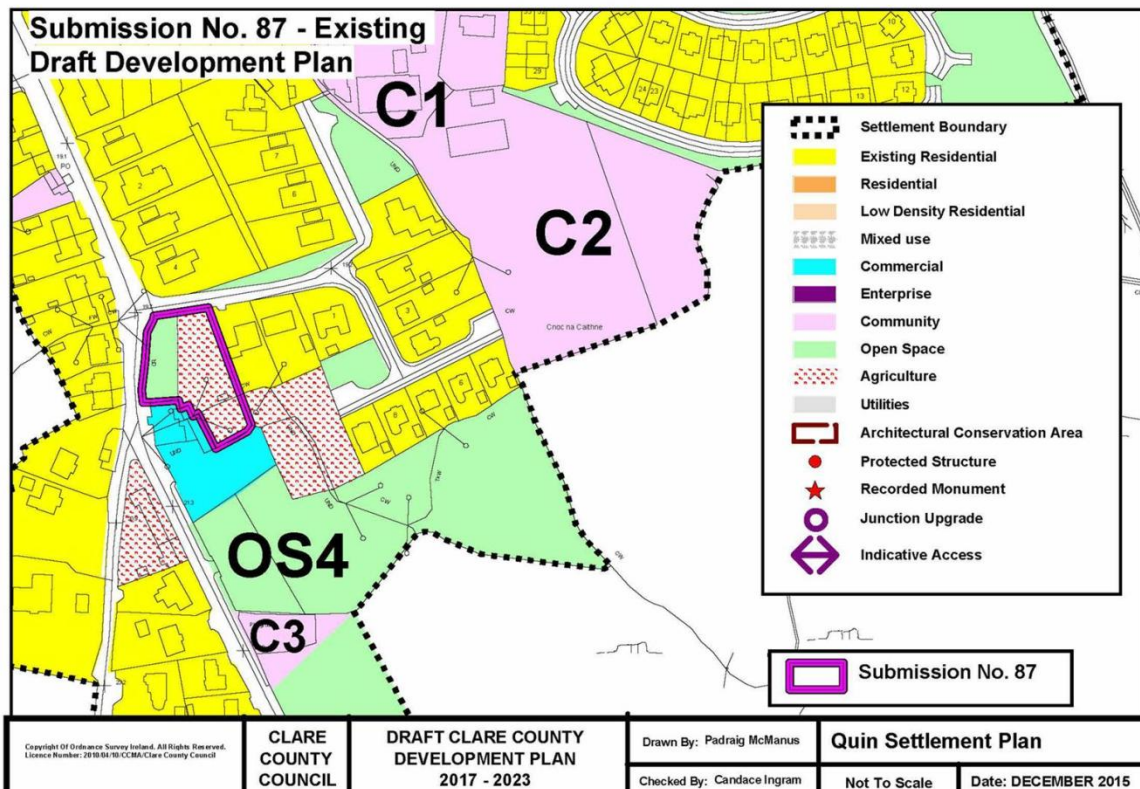
Volume 3(a), Quin Settlement Plan – new text added to read:

Site LDR3 Kilmurry Road

This site has the capacity to accommodate low density residential development. The site is in a visually prominent area and the existing stone boundary wall plays an important role in creating definition along the road edge in this area. For this reason, access to the site must be achieved from Arbutus Grove and the existing stone boundary along the Kilmurry Road (R469) shall be retained and refurbished.

The existing trees and plants on the site are particularly important. This site is located approximately 117m from a know Lesser Horseshoe Bat roosting site and therefore any proposed development application must be accompanied by a full bat survey, particularly in relation to Lesser Horseshoe bats usage of the site. A full light spill modelling study must also be carried out to demonstrate that the chosen lighting design would not create any increase in ambient light levels beyond the perimeter of the development footprint. Development applications must retain the woody vegetation around the perimeter of the site and must address how linkages across the landscape can be maintained.





## Ref.088 Ed English

*Keywords: Access and Movement, Physical Infrastructure, Flooding*

### Summary of the Issues Raised in the Submission

The submission is in relation to the proposed Northern Distributer Road and based on the authors opinions, it opposes the construction for a number of reasons:

1.Flood Risk. The route crosses Springfield flood plain and the construction will make flooding matters worse. The CFRAMS maps on which the route is based are inaccurate.

2. Environmental impact. The Lower Shannon is part of an SAC and the crossing point is also the location for salmon spawning beds. It is believed that the survey was wholly inadequate.

3. Impact on Parteen. The proposed location for the road will sever important circulation links for all sectors of the community, since church, school and shops are on one side and those needing access will have to cross a road which is completely out of scale with the village. The village also services the needs of people in Ardnacrusha and they will be seriously impacted. The proposed speed limit and crossing facilities are not regarded as realistic ways of mitigating the negative impact.

4. Traffic congestion in Corbally. The author does not believe traffic congestion at Corbally will be relieved by the LNDR. This would be more effectively addressed by provision of lay-bys or an adequate bus service.

5. Economic argument. The proposed NDR will not be tolled. Given the configuration of roads which would be in place after it's construction, traffic would be able to easily bypass the existing toll. It is feared that this could increase the number of HGVs using the NDR and passing through Parteen. This is not a good deal for Parteen or the taxpayer.

6. Back entrance to UL. This is welcomed. However, it can be achieved without the necessity for the NDR. There is an existing road to the back of UL and the feeder road to this road can be upgraded easily and cheaply as there are no houses or gardens to contend with. It is a road which carried considerable traffic in the past.

7. Rejection of NDR by Limerick. In view of the rejection of the NDR by Limerick, the continued inclusion of it by Clare is absurd. Land will be frozen indefinitely on the route corridor thus discommoding land owners for no good reason.

### Chief Executive's Response

I thank Mr English for his submission the content of which is noted and I reply as follows:

1. In relation to the issue of flood risk, a Flood Risk Assessment was previously commissioned by Clare County Council for Variation No. 3 of the CCDP 2011-2017. This assessment outlined the sequential approach adopted in the selection process for the preferred route corridor of LNDR and included the required Justification Test. The Flood Risk Assessment, which is required as part of the process under the Planning System and Flood Risk Management Guidelines for Planning Authorities (November 2009), makes reference to all available information which pertains to the flood regime in the vicinity of the proposed scheme. This is to ensure that all relevant knowledge and information is compiled and considered as appropriate in the process.

The justification for the scheme at the location of the proposed Shannon crossing, in terms of management of the flood regime, was not primarily based on the use of CFRAMS mapping. CFRAMS mapping was referenced and incorporated because of its relevance, in the interests of completeness, because on date of display of the proposed variation, the mapping was in the public domain. Section 6.2.5 of the Flood Risk Assessment document states that a detailed flood modelling assessment was carried out, using a combination of 1-dimensional and 2-dimensional hydraulic models, to determine the potential impact of the river and floodplain crossing on flood levels and flood risk in the area. The conclusion reached from this assessment was that an embanked road crossing of the floodplain with provision for channel and overbank flow conveyance

is feasible. From this exercise a minimum bridge span can be determined which will avoid any worsening of potential flood condition at properties or other areas which could be affected in a flooding context.

It is important to note that a submission was received from the Office of Public Works in 2015, in relation to the proposed variation No. 3. The following comments are noted in particular:

*"The OPW welcomes the detailed Flood Risk Assessment for Proposed Variation No.3 to Clare County Development plan 2011-2017 carried out by Hydro Environmental Ltd, commissioned by Roughan O'Donovan Ltd on behalf of Clare Co. Council.*

*The OPW welcomes the considered comments made throughout the FRA in particular to Section 3.2 outlining the process for assessment of flood risk in accordance with the Planning System and Flood Risk Management Guidelines for Planning Authorities (November 2009) and in the application of the Justification Test in Section 7.*

*The OPW agree with the conclusions set out in Section 7.3 that the proposal to progress the Limerick Northern Distributor Road project passes the justification test set out in the Flood Risk Management Planning Guidelines (Nov 2009), "given the clear strategic nature of the proposed road transport development, the sequential approach involved in the route corridor selection process and the findings from the flood risk assessment that flood risk to the proposed road development can be adequately managed and mitigated for and that the construction and operation of the road can be engineered not to cause unacceptable adverse flood impacts elsewhere."*

*The OPW welcomes reference to the Shannon CFRAM Flood Maps, such as in Figure 4.1 Draft CFRAM River Shannon Flood Mapping (Draft mapping November 2014) of the SFRA. The draft downstream model extent is available at [http://shannoncframstudy.ie/interactive/shannon\\_upperlower/pdfs/N16/N16\\_Extent\\_Map06.pdf](http://shannoncframstudy.ie/interactive/shannon_upperlower/pdfs/N16/N16_Extent_Map06.pdf) and would represent the flood zones more accurately in the figure.*

*The OPW are impressed with the amount of work which has gone into this FRA and adherence to the Planning System and Flood Risk Management Guidelines.*

I am satisfied, based on the above the issue of the flood risk assessment has been considered in detail in relation to the proposed route. Furthermore, I note that the construction of the LNDR will also be subject to OPW Section 50 consent which will ensure that there are no negative impacts to others in terms of flooding.

2. The Environmental Impact referred to, concerns the possibility of impact on salmon spawning beds and concern is expressed on the thoroughness of the impact analysis on the Lower Shannon SAC.

I can reassure Mr. English that the environmental assessment was comprehensive and carried out by suitably qualified people at all stages. These can be summarised as follows:

An initial consultation meeting was held with National Parks and Wildlife Service (NPWS) in April 2011 to discuss designated sites and protected species within the study area and to agree specific survey requirements in relation to the qualifying interests (habitats and species) of the Lower River Shannon SAC. The following surveys were agreed with NPWS and undertaken in 2011 and 2012:

- Detailed botanical community level surveys of wet grassland and wet woodland habitat types within the SAC to confirm classification of habitats;
- Detailed otter survey for all route options within SAC;
- In-stream habitat surveys to identify potential spawning and nursery grounds for salmon and lamprey;
- Kingfisher survey to identify potential nest sites;
- Barn and Long-eared Owl survey;
- Winter Whooper Swan survey;
- Bat survey to identify potential local roost sites and commuting corridors.

It should be noted that the survey information was used in the Route Selection process to ensure that the identified Route Corridor would have no direct impact on any of the Qualifying Habitats or Species of the Lower River Shannon SAC. This survey information has also been used in this NIR to inform the assessment of the proposed Variation. For example the route corridor at Knockalisheen was purposely amended to ensure no impact would occur on the Qualifying Habitat *Molinia* Meadows and the location of the Shannon Crossing was specifically selected to avoid impact on the qualifying habitat Alluvial Woodland and on aquatic & riparian habitat of the Otter, Salmon and Lamprey spp. All of this ecological survey information is available in the Route Corridor Selection Report, the Constraints Study and Supplementary Constraints Information report which are currently available on the website of Clare County Council ([www.clarecoco.ie](http://www.clarecoco.ie)).

In addition to the information outlined above, an up-to-date site walkover was carried out in March 2015 to ensure that any changes with regard to species and habitats within the proposed Variation area could be identified and assessed where necessary. The habitat maps (dated March 2015) shown in figures 6.1, 6.2 and 6.3 reflect these changes. This re-examination was carried out by Paul Murphy of EirEco Environmental Consultants.

The River Shannon is an internationally important salmon river with spawning occurring by salmon and all three lamprey species. Spawning habitat is present in reaches around Plassey – from downstream of the Mulkear confluence to the University where the islands create faster flowing channels, riffles and aerated gravels suitable for spawning.

The River Shannon at this point is deep and slow flowing and does not provide spawning habitat for salmon or lamprey species. Suitable spawning habitat is present approximately 600m downstream, beyond the Mulkear confluence, where the islands begin to form. With construction best practice water quality control measures it is considered that there will be no impact on spawning habitat. Lamprey ammocoete beds may occur in the mud along the shoreline at the crossing location.

3. In response to the concerns regarding the perceived isolation of certain communities as a result of the location of the proposed route, I would reassure those who have made submissions on this matter that any new route will seek to provide interconnectivity between the main villages and provide access onto and off of the LNDR where villages and facilities need to be accessed.

The detailed design has not been decided upon to date and will be formulated at project level stage. The provisions of the Design Manual for Urban Roads and Streets (DMURS) will be brought to bear on the route design as it passes through the settlement area. An Environmental Impact Assessment of the route will be completed at this later stage which will examine the impacts on the local population, and critically will be subject to further consultation as required by the EIA Directives. At project level stage the EIS will seek to incorporate mitigation measures into the design of the route to alleviate as many negative impacts as possible.

The impacts of the proposed route have been examined at both a local level and at a strategic level. Positive effects may be expected on the population and quality of life in the area which may be enhanced by the additional uses within the University zone as well as the additional access point from the University into the Plan area. This improved access will shorten the journey times of those accessing the University from the South Clare Area as well as creating an opportunity for those who previously may not have used the facilities on the campus. The route will also alleviate a lot of the traffic pressure and congestion that is currently experienced in the South Clare area.

It is proposed that the Limerick Northern Distributor Route will include sustainable elements including purpose built cycle lanes which address the concerns in this submission regarding the possible impact on of cycle facilities in the area. Any cycle lanes provided as part of the scheme would be in accordance with the current Road safety standards and provide safe connections between the various areas that the route will pass through. This in turn may encourage active travel.

The new route will provide improved access to UL and Limerick City but will also provide improved access to areas within South Clare. Appropriate junction provision will be made at Parteen, at the interface between the LNDR and the existing R464 Parteen – Ardnacrusha Road. This access will include safe provision for pedestrians, cyclists and motorised traffic using signalised control where appropriate. The viability of Parteen National School is therefore not expected to be impacted.

4. In relation to traffic issues in Corbally, the LNDR will enhance the connectivity of all communities and relieve traffic congestion in all areas, including Corbally.

5. It is not envisaged that the LNDR will compete with the Limerick Tunnel as the proposed route is a distributor road to the north of Limerick. LNDR has an altogether different purpose to the Limerick Tunnel. It serves local needs in terms of access to education and employment, and the reduction of socioeconomic deficit currently being experienced by certain parts of Limerick. The need for the scheme has been identified in local, regional and national planning policy. The potential impacts of the LNDR scheme on the N18 and Limerick Tunnel Scheme have been considered, as part of the Costs Benefit Analysis (CBA) which was carried out as part of the Route Selection Report for the LNDR scheme.

The Regional Planning Guidelines 2010 – 2022 guidelines envisage the Limerick Northern Distributor Road as a crucial element of the strategic development of the Region, linking the M7 and N18 to protect the City Centre, to enhance access to Shannon International Airport and its related industrial zone from eastern parts of the country, and to enhance access to the University of Limerick and its associated knowledge based industrial zone.

6. I consider that the importance of third level institutions to the growth and prosperity of regions has been widely recognised in economic and planning research. The role of UL in bringing an increasing range of benefits to County Clare is noted in regional guidance and is emphasised in the Clare County Development Plan 2011-2017 as quoted below:

*6.3.3 The importance of the University of Limerick and Limerick Institute of Technology as well as other third level institutions located in the West and Mid-West Region is acknowledged and recognised as a critical driver of economic success.*

*Policy 6.4(d) To support and encourage the further expansion onto the north side of the River Shannon of the University of Limerick campus and increase access from County Clare.*

This policy approach is carried through to the Draft Plan in Section 6.3.5 and Objective 6.7 University of Limerick- Clare Campus sub sections a) to k). The first two are as follows:

*a) To support and encourage the further expansion of the University of Limerick campus on the north side of the River Shannon;*

*b) To facilitate the development of the Limerick Northern Distributor Road to provide direct access from County Clare to the University;*

I believe that the new route will provide a necessary improved access to the Clare Campus of the University of Limerick.

7. The LNDR has been adopted by Clare County Council as the logical implementation of the strategic objectives identified at National and Regional level. These objectives had been incorporated into County policy documents i.e. Clare County Development Plan (2011-2017) and the South Clare Local Area Plan (2012-2018). It is entirely consistent and appropriate for the Council to carry forward these adopted policies on the LNDR into the Draft Plan. While it is part of a piece of infrastructure spanning county boundaries, it is a matter for partner authorities to progress National and Regional level objectives according to their own timetable.

### **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. 089 Carmel Saunders**

*Keywords: Mountshannon*

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

This submission concerns two plots of land in Mountshannon which have been zoned for Tourism (Site A) and Enterprise (Site B) in the Draft County Development Plan 2017-2023.

Site A is surrounded by Residential use. Ms. Saunders believes the options for Tourism use are very limited and would prefer Residential use. Dual zoning would be acceptable if this were possible.

Site B is a large site adjoining the town centre and backing onto the family pub but accessed from a narrow local road. Ms. Saunders feels that Enterprise zoning in this location is restrictive due to the constraints of access and asks for a Mixed Use zoning which would facilitate a broader range of development options.

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

I thank Ms. Saunders for her submission in relation to Mountshannon, the content of which is noted, and I reply as follows:

Both zonings appeared in this form in the East Clare LAP 2011-2017.

In relation to Site A, I note that it is surrounded by low density residential use and consider that this may be a more appropriate zoning for the site. The modest size of the site (.3Ha) will not have any implications for the quantum of land zoned in accordance with core strategy for residential use.

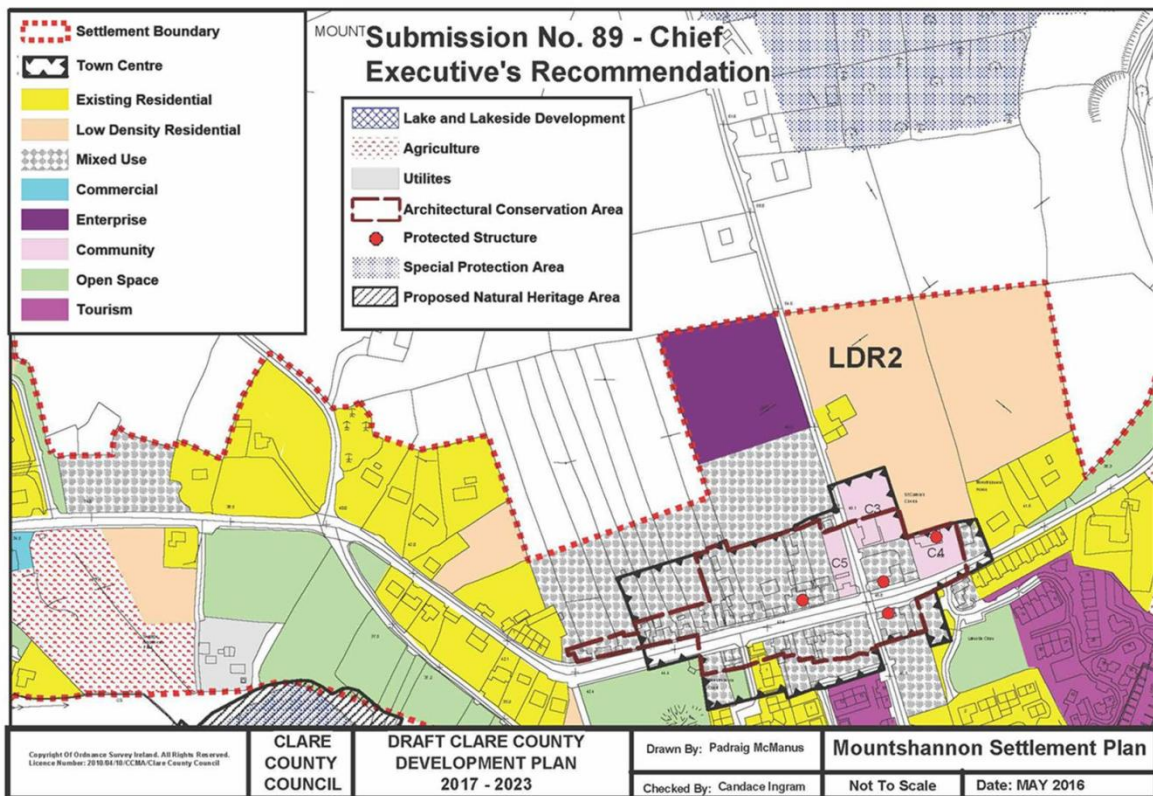
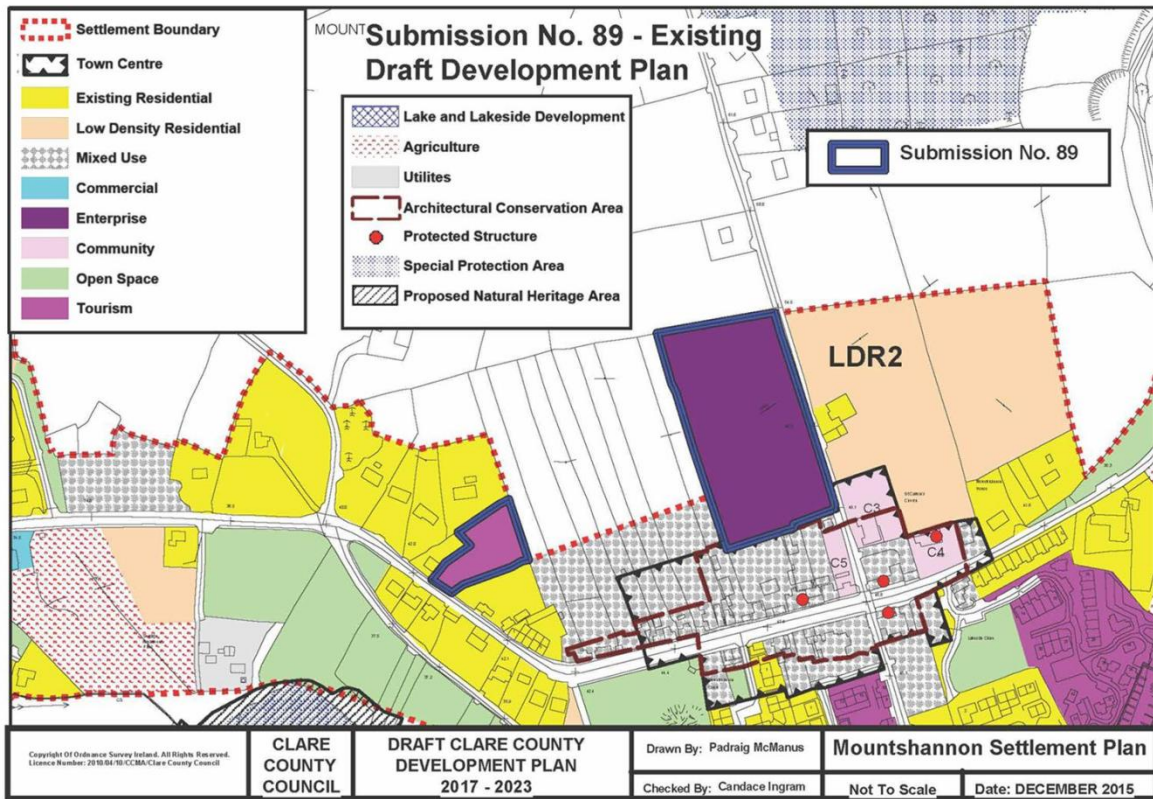
In relation to Site B, Enterprise zoning is intended to facilitate light industry, perhaps given the profile of Mountshannon, related to craft or tourism. While I note the present narrow rural character of the road, this may modify to some degree when LDR2 develops. I consider however, that the enterprise requirement for the village may be satisfied with a smaller area. The 1.76 Ha zoned in the Draft plan could be reduced to 1Ha with the balance of .76Ha being changed to Mixed Use.

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

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

Volume 3(c), Mountshannon Settlement Plan – amend zoning map as follows:

- Site A: change zoning from Tourism to Low Density Residential.
- Site B: change zoning on part of site (.76Ha) from Enterprise to Mixed Use.



## **Ref. 090 Cathal O'Loughlin**

*Key Words: Flooding, Miltown Malbay*

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

This submission draws attention to the town drainage system, particularly Church Street, Miltown Malbay which he believes to be very old. He proposes that the council investigate and repair the pipes to deal with what he describes as a 60 year old flooding problem.

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

I thank Mr. O'Loughlin for his submission and I would like to respond to the issue raised as follows:

I am aware of the flooding issues referred to in this submission and of the recent events in Miltown Malbay. As a consequence of these events the Council has commissioned an investigation by a consultant hydrogeologist. This matter is now under investigation and it is expected that the findings of the study will inform decisions regarding a long term solution to the problem.

This however, falls outside the remit of the Draft Clare County Development Plan 2017-2023 and therefore I propose no amendments to the Draft Plan.

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

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

## Ref. 091 Zinaida Nourreddine

*Keywords: Access and Movement, Physical Infrastructure*

### Summary of the Issues Raised in the Submission

The submission is in relation to the proposed Northern Distributer Road and based on the author's opinions, it opposes the construction for a number of reasons:

Flood Risk. The route crosses Springfield flood plain and the construction will make flooding matters worse. The CFRAMS maps on which the route is based are inaccurate.

Environmental impact. The Lower Shannon is part of an SAC and the crossing point is also the location for salmon spawning beds. It is believed that the survey was wholly inadequate.

Impact on Parteen. The proposed location for the road will sever important circulation links for all sectors of the community, since church, school and shops are on one side and those needing access will have to cross a road which is completely out of scale with the village. The village also services the needs of people in Ardnacrusha and they will be seriously impacted. The proposed speed limit and crossing facilities are not regarded as realistic ways of mitigating the negative impact.

Traffic congestion in Corbally. The author does not believe traffic congestion at Corbally will be relieved by the NDR. This would be more effectively addressed by provision of lay-bys or an adequate bus service.

Economic argument. The proposed NDR will not be tolled. Given the configuration of roads which would be in place after it's construction, traffic would be able to easily bypass the existing toll. It is feared that this could increase the number of HGVs using the NDR and passing through Parteen. This is not a good deal for Parteen or the taxpayer.

Back entrance to UL. This is welcomed. However, it can be achieved without the necessity for the NDR. There is an existing road to the back of UL and the feeder road to this road can be upgraded easily and cheaply as there are no houses or gardens to contend with. It is a road which carried considerable traffic in the past.

Rejection of NDR by Limerick. In view of the rejection of the NDR by Limerick, the continued inclusion of it by Clare is absurd. Land will be frozen indefinitely on the route corridor thus discommoding land owners for no good reason.

### Chief Executive's Response

I acknowledge the contents of this submission and I would like to respond to the issues contained therein in the order in which they have been raised:

1. In relation to the issue of flood risk, a Flood Risk Assessment was previously commissioned by Clare County Council for Variation No. 3 of the CCDP 2011-2017. This assessment outlined the sequential approach adopted in the selection process for the preferred route corridor of LNDR and included the required Justification Test. The Flood Risk Assessment, which is required as part of the process under the Planning System and Flood Risk Management Guidelines for Planning Authorities (November 2009), makes reference to all available information which pertains to the flood regime in the vicinity of the proposed scheme. This is to ensure that all relevant knowledge and information is compiled and considered as appropriate in the process.

The justification for the scheme at the location of the proposed Shannon crossing, in terms of management of the flood regime, was not primarily based on the use of CFRAMS mapping. CFRAMS mapping was referenced and incorporated because of its relevance, in the interests of completeness, because on date of display of the proposed variation, the mapping was in the public domain. Section 6.2.5 of the Flood Risk Assessment document states that a detailed flood modelling assessment was carried out, using a combination of 1-dimensional and 2-dimensional hydraulic models, to determine the potential impact of the river and floodplain crossing on flood levels and flood risk in the area. The conclusion reached from this assessment was that an

embanked road crossing of the floodplain with provision for channel and overbank flow conveyance is feasible. From this exercise a minimum bridge span can be determined which will avoid any worsening of potential flood condition at properties or other areas which could be affected in a flooding context.

It is important to note that a submission was received from the Office of Public Works in 2015, in relation to the proposed variation No. 3. The following comments are noted in particular:

*"The OPW welcomes the detailed Flood Risk Assessment for Proposed Variation No.3 to Clare County Development plan 2011-2017 carried out by Hydro Environmental Ltd, commissioned by Roughan O'Donovan Ltd on behalf of Clare Co. Council.*

*The OPW welcomes the considered comments made throughout the FRA in particular to Section 3.2 outlining the process for assessment of flood risk in accordance with the Planning System and Flood Risk Management Guidelines for Planning Authorities (November 2009) and in the application of the Justification Test in Section 7.*

*The OPW agree with the conclusions set out in Section 7.3 that the proposal to progress the Limerick Northern Distributor Road project passes the justification test set out in the Flood Risk Management Planning Guidelines (Nov 2009), "given the clear strategic nature of the proposed road transport development, the sequential approach involved in the route corridor selection process and the findings from the flood risk assessment that flood risk to the proposed road development can be adequately managed and mitigated for and that the construction and operation of the road can be engineered not to cause unacceptable adverse flood impacts elsewhere."*

*The OPW welcomes reference to the Shannon CFRAM Flood Maps, such as in Figure 4.1 Draft CFRAM River Shannon Flood Mapping (Draft mapping November 2014) of the SFRA. The draft downstream model extent is available at [http://shannoncframstudy.ie/interactive/shannon\\_upperlower/pdfs/N16/N16\\_Extent\\_Map06.pdf](http://shannoncframstudy.ie/interactive/shannon_upperlower/pdfs/N16/N16_Extent_Map06.pdf) and would represent the flood zones more accurately in the figure.*

*The OPW are impressed with the amount of work which has gone into this FRA and adherence to the Planning System and Flood Risk Management Guidelines.*

I am satisfied, based on the above the issue of the flood risk assessment has been considered in detail in relation to the proposed route. Furthermore, I note that the construction of the LNDR will also be subject to OPW Section 50 consent which will ensure that there are no negative impacts to others in terms of flooding.

2. The Environmental Impact referred to, concerns the possibility of impact on salmon spawning beds and concern is expressed on the thoroughness of the impact analysis on the Lower Shannon SAC.

The environmental assessment was comprehensive and carried out by suitably qualified people at all stages. These can be summarised as follows:

An initial consultation meeting was held with National Parks and Wildlife Service (NPWS) in April 2011 to discuss designated sites and protected species within the study area and to agree specific survey requirements in relation to the qualifying interests (habitats and species) of the Lower River Shannon SAC. The following surveys were agreed with NPWS and undertaken in 2011 and 2012:

- Detailed botanical community level surveys of wet grassland and wet woodland habitat types within the SAC to confirm classification of habitats;
- Detailed otter survey for all route options within SAC;
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- Kingfisher survey to identify potential nest sites;
- Barn and Long-eared Owl survey;
- Winter Whooper Swan survey;
- Bat survey to identify potential local roost sites and commuting corridors.



It should be noted that the survey information was used in the Route Selection process to ensure that the identified Route Corridor would have no direct impact on any of the Qualifying Habitats or Species of the Lower River Shannon SAC. This survey information has also been used in this NIR to inform the assessment of the proposed Variation. For example the route corridor at Knockalisheen was purposely amended to ensure no impact would occur on the Qualifying Habitat *Molinia* Meadows and the location of the Shannon Crossing was specifically selected to avoid impact on the qualifying habitat Alluvial Woodland and on aquatic & riparian habitat of the Otter, Salmon and Lamprey spp. All of this ecological survey information is available in the Route Corridor Selection Report, the Constraints Study and Supplementary Constraints Information report which are currently available on the website of Clare County Council ([www.clarecoco.ie](http://www.clarecoco.ie)).

In addition to the information outlined above, an up-to-date site walkover was carried out in March 2015 to ensure that any changes with regard to species and habitats within the proposed Variation area could be identified and assessed where necessary. The habitat maps (dated March 2015) shown in figures 6.1, 6.2 and 6.3 reflect these changes. This re-examination was carried out by Paul Murphy of EirEco Environmental Consultants.

The River Shannon is an internationally important salmon river with spawning occurring by salmon and all three lamprey species. Spawning habitat is present in reaches around Plassey – from downstream of the Mulkear confluence to the University where the islands create faster flowing channels, riffles and aerated gravels suitable for spawning.

The River Shannon at this point is deep and slow flowing and does not provide spawning habitat for salmon or lamprey species. Suitable spawning habitat is present approximately 600m downstream, beyond the Mulkear confluence, where the islands begin to form. With construction best practice water quality control measures it is considered that there will be no impact on spawning habitat. Lamprey ammocoete beds may occur in the mud along the shoreline at the crossing location.

3. In response to the concerns regarding the perceived isolation of certain communities as a result of the location of the proposed route, I would reassure those who have made submissions on this matter that any new route will seek to provide interconnectivity between the main villages and provide access onto and off of the LNDR where villages and facilities need to be accessed.

The detailed design has not been decided upon to date and will be formulated at project level stage. The provisions of the Design Manual for Urban Roads and Streets (DMURS) will be brought to bear on the route design as it passes through the settlement area. An Environmental Impact Assessment of the route will be completed at this later stage which will examine the impacts on the local population, and critically will be subject to further consultation as required by the EIA Directives. At project level stage the EIS will seek to incorporate mitigation measures into the design of the route to alleviate as many negative impacts as possible.

The impacts of the proposed route have been examined at both a local level and at a strategic level. Positive effects may be expected on the population and quality of life in the area which may be enhanced by the additional uses within the University zone as well as the additional access point from the University into the Plan area. This improved access will shorten the journey times of those accessing the University from the South Clare Area as well as creating an opportunity for those who previously may not have used the facilities on the campus. The route will also alleviate a lot of the traffic pressure and congestion that is currently experienced in the South Clare area.

It is proposed that the Limerick Northern Distributor Route will include sustainable elements including purpose built cycle lanes which address the concerns in this submission regarding the possible impact on of cycle facilities in the area. Any cycle lanes provided as part of the scheme would be in accordance with the current Road safety standards and provide safe connections between the various areas that the route will pass through. This in turn may encourage active travel.

The new route will provide improved access to UL and Limerick City but will also provide improved access to areas within South Clare. Appropriate junction provision will be made at Parteen, at the interface between the LNDR and the existing R464 Parteen – Ardnacrusha Road. This access will include safe provision for pedestrians, cyclists and motorised traffic using signalised control where appropriate. The viability of Parteen National School is therefore not expected to be impacted.



4. In relation to traffic issues in Corbally, the LNDR will enhance the connectivity of all communities and relieve traffic congestion in all areas, including Corbally.

5. It is not envisaged that the LNDR will compete with the Limerick Tunnel as the proposed route is a distributor road to the north of Limerick. LNDR has an altogether different purpose to the Limerick Tunnel. It serves local needs in terms of access to education and employment, and the reduction of socioeconomic deficit currently being experienced by certain parts of Limerick. The need for the scheme has been identified in local, regional and national planning policy. The potential impacts of the LNDR scheme on the N18 and Limerick Tunnel Scheme have been considered, as part of the Costs Benefit Analysis (CBA) which was carried out as part of the Route Selection Report for the LNDR scheme.

The Regional Planning Guidelines 2010 – 2022 guidelines envisage the Limerick Northern Distributor Road as a crucial element of the strategic development of the Region, linking the M7 and N18 to protect the City Centre, to enhance access to Shannon International Airport and its related industrial zone from eastern parts of the country, and to enhance access to the University of Limerick and its associated knowledge based industrial zone.

6. I consider that the importance of third level institutions to the growth and prosperity of regions has been widely recognised in economic and planning research. The role of UL in bringing an increasing range of benefits to County Clare is noted in regional guidance and is emphasised in the Clare County Development Plan 2011-2017 as quoted below:

*6.3.3 The importance of the University of Limerick and Limerick Institute of Technology as well as other third level institutions located in the West and Mid-West Region is acknowledged and recognised as a critical driver of economic success.*

*Policy 6.4(d) To support and encourage the further expansion onto the north side of the River Shannon of the University of Limerick campus and increase access from County Clare.*

This policy approach is carried through to the Draft Plan in section 6.3.5 and Objective 6.7 University of Limerick- Clare Campus sub sections a) to k). The first two are as follows:

*a) To support and encourage the further expansion of the University of Limerick campus on the north side of the River Shannon;*

*b) To facilitate the development of the Limerick Northern Distributor Road to provide direct access from County Clare to the University;*

I believe that the new route will provide a necessary improved access to the Clare Campus of the University of Limerick.

7. The LNDR has been adopted by Clare County Council as the logical implementation of the strategic objectives identified at National and Regional level. These objectives had been incorporated into County policy documents i.e. Clare County Development Plan (2011-2017) and the South Clare Local Area Plan (2012-2018). It is entirely consistent and appropriate for the Council to carry forward these adopted policies on the LNDR into the Draft Plan. While it is part of a piece of infrastructure spanning county boundaries, it is a matter for partner authorities to progress National and Regional level objectives according to their own timetable.

### **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. 092 Henry O' Boyle

*Keywords: Access and Movement, Physical Infrastructure, Environment*

### Summary of the Issues Raised in the Submission

The submission is in relation to the proposed Northern Distributer Road and based on the authors opinions, it opposes the construction for a number of reasons:

1. Flood Risk. The route crosses Springfield flood plain and the construction will make flooding matters worse. The CFRAMS maps on which the route is based are inaccurate.

2. Environmental impact. The Lower Shannon is part of an SAC and the crossing point is also the location for salmon spawning beds. It is believed that the survey was wholly inadequate.

3. Impact on Parteen. The proposed location for the road will sever important circulation links for all sectors of the community, since church, school and shops are on one side and those needing access will have to cross a road which is completely out of scale with the village. The village also services the needs of people in Ardnacrusha and they will be seriously impacted. The proposed speed limit and crossing facilities are not regarded as realistic ways of mitigating the negative impact.

4. Traffic congestion in Corbally. The author does not believe traffic congestion at Corbally will be relieved by the NDR. This would be more effectively addressed by provision of lay-bys or an adequate bus service.

5. Economic argument. The proposed NDR will not be tolled. Given the configuration of roads which would be in place after it's construction, traffic would be able to easily bypass the existing toll. It is feared that this could increase the number of HGVs using the NDR and passing through Parteen. This is not a good deal for Parteen or the taxpayer.

6. Back entrance to UL. This is welcomed. However, it can be achieved without the necessity for the NDR. There is an existing road to the back of UL and the feeder road to this road can be upgraded easily and cheaply as there are no houses or gardens to contend with. It is a road which carried considerable traffic in the past.

7. Rejection of NDR by Limerick. In view of the rejection of the NDR by Limerick, the continued inclusion of it by Clare is absurd. Land will be frozen indefinitely on the route corridor thus discommoding land owners for no good reason.

### Chief Executive's Response

I thank Mr O 'Boyle for his submission the content of which is noted and I reply as follows:

1. In relation to the issue of flood risk, a Flood Risk Assessment was previously commissioned by Clare County Council for Variation No. 3 of the CCDP 2011-2017. This assessment outlined the sequential approach adopted in the selection process for the preferred route corridor of LNDR and included the required Justification Test. The Flood Risk Assessment, which is required as part of the process under the Planning System and Flood Risk Management Guidelines for Planning Authorities (November 2009), makes reference to all available information which pertains to the flood regime in the vicinity of the proposed scheme. This is to ensure that all relevant knowledge and information is compiled and considered as appropriate in the process.

The justification for the scheme at the location of the proposed Shannon crossing, in terms of management of the flood regime, was not primarily based on the use of CFRAMS mapping. CFRAMS mapping was referenced and incorporated because of its relevance, in the interests of completeness, because on date of display of the proposed variation, the mapping was in the public domain. Section 6.2.5 of the Flood Risk Assessment document states that a detailed flood modelling assessment was carried out, using a combination of 1-dimensional and 2-dimensional hydraulic models, to determine the potential impact of the river and floodplain crossing on flood levels and flood risk in the area. The conclusion reached from this assessment was that an embanked road crossing of the floodplain with provision for channel and overbank flow conveyance

is feasible. From this exercise a minimum bridge span can be determined which will avoid any worsening of potential flood condition at properties or other areas which could be affected in a flooding context.

It is important to note that a submission was received from the Office of Public Works in 2015, in relation to the proposed variation No. 3. The following comments are noted in particular:

*"The OPW welcomes the detailed Flood Risk Assessment for Proposed Variation No.3 to Clare County Development plan 2011-2017 carried out by Hydro Environmental Ltd, commissioned by Roughan O'Donovan Ltd on behalf of Clare Co. Council.*

*The OPW welcomes the considered comments made throughout the FRA in particular to Section 3.2 outlining the process for assessment of flood risk in accordance with the Planning System and Flood Risk Management Guidelines for Planning Authorities (November 2009) and in the application of the Justification Test in Section 7.*

*The OPW agree with the conclusions set out in Section 7.3 that the proposal to progress the Limerick Northern Distributor Road project passes the justification test set out in the Flood Risk Management Planning Guidelines (Nov 2009), "given the clear strategic nature of the proposed road transport development, the sequential approach involved in the route corridor selection process and the findings from the flood risk assessment that flood risk to the proposed road development can be adequately managed and mitigated for and that the construction and operation of the road can be engineered not to cause unacceptable adverse flood impacts elsewhere."*

*The OPW welcomes reference to the Shannon CFRAM Flood Maps, such as in Figure 4.1 Draft CFRAM River Shannon Flood Mapping (Draft mapping November 2014) of the SFRA. The draft downstream model extent is available at [http://shannoncframstudy.ie/interactive/shannon\\_upperlower/pdfs/N16/N16\\_Extent\\_Map06.pdf](http://shannoncframstudy.ie/interactive/shannon_upperlower/pdfs/N16/N16_Extent_Map06.pdf) and would represent the flood zones more accurately in the figure.*

*The OPW are impressed with the amount of work which has gone into this FRA and adherence to the Planning System and Flood Risk Management Guidelines.*

I am satisfied, based on the above the issue of the flood risk assessment has been considered in detail in relation to the proposed route. Furthermore, I note that the construction of the LNDR will also be subject to OPW Section 50 consent which will ensure that there are no negative impacts to others in terms of flooding.

2. The Environmental Impact referred to, concerns the possibility of impact on salmon spawning beds and concern is expressed on the thoroughness of the impact analysis on the Lower Shannon SAC.

I can reassure Mr. O' Boyle that the environmental assessment was comprehensive and carried out by suitably qualified people at all stages. These can be summarised as follows:

An initial consultation meeting was held with National Parks and Wildlife Service (NPWS) in April 2011 to discuss designated sites and protected species within the study area and to agree specific survey requirements in relation to the qualifying interests (habitats and species) of the Lower River Shannon SAC. The following surveys were agreed with NPWS and undertaken in 2011 and 2012:

- Detailed botanical community level surveys of wet grassland and wet woodland habitat types within the SAC to confirm classification of habitats;
- Detailed otter survey for all route options within SAC;
- In-stream habitat surveys to identify potential spawning and nursery grounds for salmon and lamprey;
- Kingfisher survey to identify potential nest sites;
- Barn and Long-eared Owl survey;
- Winter Whooper Swan survey;
- Bat survey to identify potential local roost sites and commuting corridors.

It should be noted that the survey information was used in the Route Selection process to ensure that the identified Route Corridor would have no direct impact on any of the Qualifying Habitats or Species of the Lower River Shannon SAC. This survey information has also been used in this NIR to inform the assessment of the proposed Variation. For example the route corridor at Knockalisheen was purposely amended to ensure no impact would occur on the Qualifying Habitat *Molinia* Meadows and the location of the Shannon Crossing was specifically selected to avoid impact on the qualifying habitat Alluvial Woodland and on aquatic & riparian habitat of the Otter, Salmon and Lamprey spp.. All of this ecological survey information is available in the Route Corridor Selection Report, the Constraints Study and Supplementary Constraints Information report which are currently available on the website of Clare County Council ([www.clarecoco.ie](http://www.clarecoco.ie)).

In addition to the information outlined above, an up-to-date site walkover was carried out in March 2015 to ensure that any changes with regard to species and habitats within the proposed Variation area could be identified and assessed where necessary. The habitat maps (dated March 2015) shown in figures 6.1, 6.2 and 6.3 reflect these changes. This re-examination was carried out by Paul Murphy of EirEco Environmental Consultants.

The River Shannon is an internationally important salmon river with spawning occurring by salmon and all three lamprey species. Spawning habitat is present in reaches around Plassey – from downstream of the Mulkear confluence to the University where the islands create faster flowing channels, riffles and aerated gravels suitable for spawning.

The River Shannon at this point is deep and slow flowing and does not provide spawning habitat for salmon or lamprey species. Suitable spawning habitat is present approximately 600m downstream, beyond the Mulkear confluence, where the islands begin to form. With construction best practice water quality control measures it is considered that there will be no impact on spawning habitat. Lamprey ammocoete beds may occur in the mud along the shoreline at the crossing location.

3. In response to the concerns regarding the perceived isolation of certain communities as a result of the location of the proposed route, I would reassure those who have made submissions on this matter that any new route will seek to provide interconnectivity between the main villages and provide access onto and off of the LNDR where villages and facilities need to be accessed.

The detailed design has not been decided upon to date and will be formulated at project level stage. The provisions of the Design Manual for Urban Roads and Streets (DMURS) will be brought to bear on the route design as it passes through the settlement area. An Environmental Impact Assessment of the route will be completed at this later stage which will examine the impacts on the local population, and critically will be subject to further consultation as required by the EIA Directives. At project level stage the EIS will seek to incorporate mitigation measures into the design of the route to alleviate as many negative impacts as possible.

The impacts of the proposed route have been examined at both a local level and at a strategic level. Positive effects may be expected on the population and quality of life in the area which may be enhanced by the additional uses within the University zone as well as the additional access point from the University into the Plan area. This improved access will shorten the journey times of those accessing the University from the South Clare Area as well as creating an opportunity for those who previously may not have used the facilities on the campus. The route will also alleviate a lot of the traffic pressure and congestion that is currently experienced in the South Clare area.

It is proposed that the Limerick Northern Distributor Route will include sustainable elements including purpose built cycle lanes which address the concerns in this submission regarding the possible impact on of cycle facilities in the area. Any cycle lanes provided as part of the scheme would be in accordance with the current Road safety standards and provide safe connections between the various areas that the route will pass through. This in turn may encourage active travel.

The new route will provide improved access to UL and Limerick City but will also provide improved access to areas within South Clare. Appropriate junction provision will be made at Parteen, at the interface between the LNDR and the existing R464 Parteen – Ardnacrusha Road. This access will include safe provision for pedestrians, cyclists and motorised traffic using signalised control where appropriate. The viability of Parteen National School is therefore not expected to be impacted.

4. In relation to traffic issues in Corbally, the LNDR will enhance the connectivity of all communities and relieve traffic congestion in all areas, including Corbally.

5. It is not envisaged that the LNDR will compete with the Limerick Tunnel as the proposed route is a distributor road to the north of Limerick. LNDR has an altogether different purpose to the Limerick Tunnel. It serves local needs in terms of access to education and employment, and the reduction of socioeconomic deficit currently being experienced by certain parts of Limerick. The need for the scheme has been identified in local, regional and national planning policy. The potential impacts of the LNDR scheme on the N18 and Limerick Tunnel Scheme have been considered, as part of the Costs Benefit Analysis (CBA) which was carried out as part of the Route Selection Report for the LNDR scheme.

The Regional Planning Guidelines 2010 – 2022 guidelines envisage the Limerick Northern Distributor Road as a crucial element of the strategic development of the Region, linking the M7 and N18 to protect the City Centre, to enhance access to Shannon International Airport and its related industrial zone from eastern parts of the country, and to enhance access to the University of Limerick and its associated knowledge based industrial zone.

6. I consider that the importance of third level institutions to the growth & prosperity of regions has been widely recognised in economic and planning research. The role of UL in bringing an increasing range of benefits to County Clare is noted in regional guidance and is emphasised in the Clare County Development Plan 2011-2017 as quoted below:

*6.3.3 The importance of the University of Limerick and Limerick Institute of Technology as well as other third level institutions located in the West and Mid-West Region is acknowledged and recognised as a critical driver of economic success.*

*Policy 6.4(d) To support and encourage the further expansion onto the north side of the River Shannon of the University of Limerick campus and increase access from County Clare.*

This policy approach is carried through to the Draft Plan in section 6.3.5 and Objective 6.7 University of Limerick- Clare Campus sub sections a) to k). The first two are as follows:

*a) To support and encourage the further expansion of the University of Limerick campus on the north side of the River Shannon;*

*b) To facilitate the development of the Limerick Northern Distributor Road to provide direct access from County Clare to the University;*

I believe that the new route will provide a necessary improved access to the Clare Campus of the University of Limerick.

7. The LNDR has been adopted by Clare County Council as the logical implementation of the strategic objectives identified at National and Regional level. These objectives had been incorporated into County policy documents i.e. Clare County Development Plan (2011-2017) and the South Clare Local Area Plan (2012-2018). It is entirely consistent and appropriate for the Council to carry forward these adopted policies on the LNDR into the Draft Plan. While it is part of a piece of infrastructure spanning county boundaries, it is a matter for partner authorities to progress National and Regional level objectives according to their own timetable.

### **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. 093 Peter Golden**

*Keywords: Bunratty, Physical Infrastructure*

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

The submission consists of two parts:

The first part relates to land at Low Road, Bunratty East, Bunratty. This land is a half acre site adjoining the author's residence. The site was originally in the Deerpark/Corlack Cluster but he states that the site was "dezoned" in the South Clare LAP 2012-2018 in spite of a request not to do so. Mr. Golden requests that the Draft Plan be amended to restore the land to the cluster.

The second part relates to the proposed Shannon Rail Link the route of which runs through Mr. Golden's property with a buffer zone running through his site and house. He believes that principles of proper planning were not followed when this was done. He wants the safeguard relocated away from his property. He has confirmed with Irish Rail that there is no funding for this rail link.

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

I thank Mr. Golden for the submission and I wish to respond to the issues that he has raised as follows:

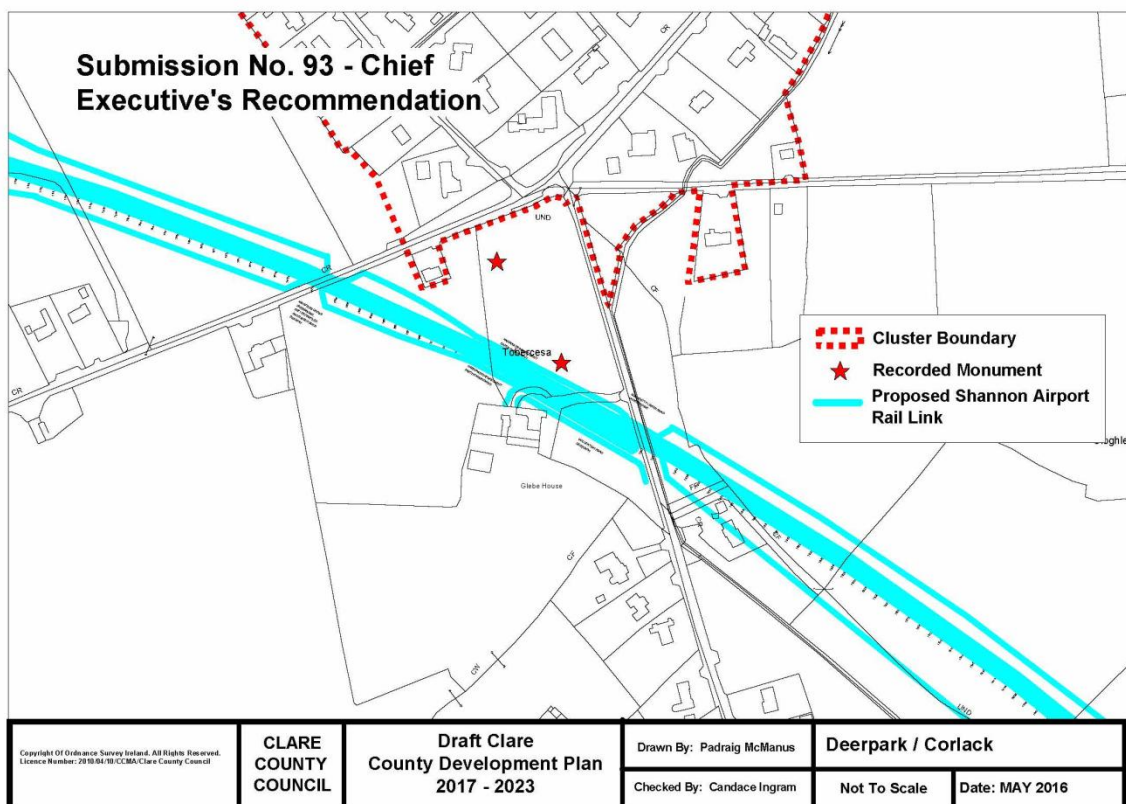
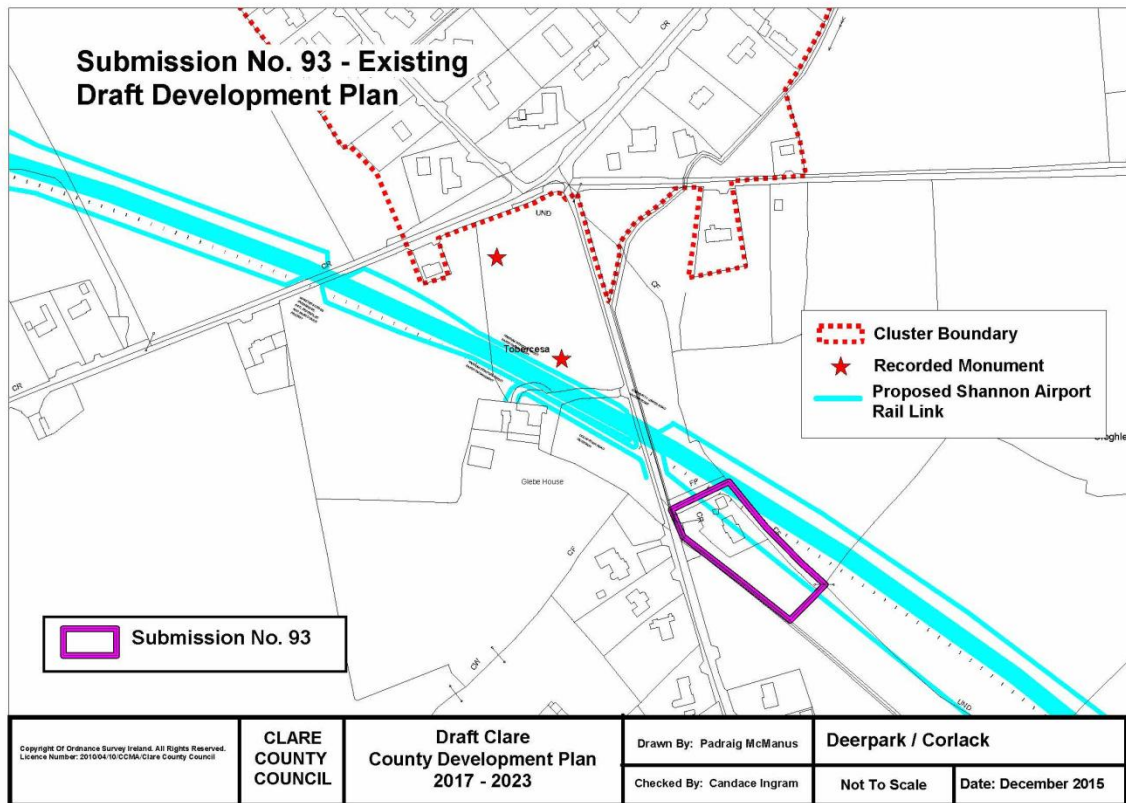
The site that has been referred to in this submission is on the Low Road adjoining Minister's Cross, is separated from the Deerpark/Corlack Cluster and is approximately 200m to the south of the existing cluster boundary. It is in an area designated as a Rural Area Under Strong Urban Pressure and the status of the area under river basin management is recorded as 'Poor'. The site is also located in an area that has been identified as being at risk of flooding. I consider that the identification of this area of land as part of the nearby cluster would be contrary to the proper planning and sustainable development of the area.

With regard to the second part of the submission relating to the route of the Shannon Rail Link, I acknowledge the case being made by Mr. Golden. However, the provision of new infrastructure is in the interest of the common good. The proposed route of the Shannon Rail Link was identified by a Shannon Rail Link Feasibility Study (2007), commissioned by Iarnród Éireann, which identified the line of the route. As such, I consider it my responsibility to adopt a long-term view and to provide for the delivery of this strategic piece of infrastructure by safeguarding the route selected which has been determined on the basis of the feasibility study undertaken. I suggest that Mr Golden should engage with Iarnród Éireann directly regarding his concerns relating to the location of the route safeguard. The inclusion of Objective *CDP8.15 Shannon Rail Link* within the Draft Clare County Development Plan 2017-2023 reflects the commitment to safeguard the route of the Shannon Rail Link and shall remain in place.

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

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





## **Ref. 094 Vincent JP Farry and Co. Ltd on behalf of Mrs. Bridget Barron**

*Key Words: Ennis*

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

The submission relates to land at Newpark, Ennis. Currently the land is zoned partly for housing and partly for open space. The Draft Plan proposes to rezone the land for exclusively agricultural use. The submission requests a reversal of the proposed zoning for the following reasons.

The submission considers that the subject land has easy access to the town centre and is within a serviced residential area. Although new housing is promoted for Ennis, the land zoned stated at 141Ha would not be sufficient to meet population targets. On a visual inspection of the map, it is submitted that the zoned area is less than this and also that the stated average density of 30 per hectare will not be achievable. The amount of land zoned for Low density Residential will further undermine the achievement of the target.

Based on an estimated 66% of the estimated 141Ha landbank being developed by the end of the plan period and on other alleged anomalies, calculations are done to demonstrate that the stated population target cannot be reached. On the basis of this the case is made for Residential zoning on the land as referred to in the submission.

The submission notes that the western boundary of the lands is currently designated for housing purposes and is adjacent to existing residential development. It further notes that much of the development within the town has been based on lower densities. The submission considered that certain areas of the grounds within Newpark House offer development potential for town related purposes, in comparison to the suggested use for farming. The submission further considers that a campervan facility would be more appropriately located on lands further out from the town centre, as the provision of such a facility of this site would not represent the best use of accessible urban land.

The submission concludes by noting that the land owners are happy with the zoning of the land as per the Ennis and Environs Development Plan 2008 – 2014, as varied, and request that this zoning be carried forward into the Draft Clare County Development Plan 2017-2023.

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

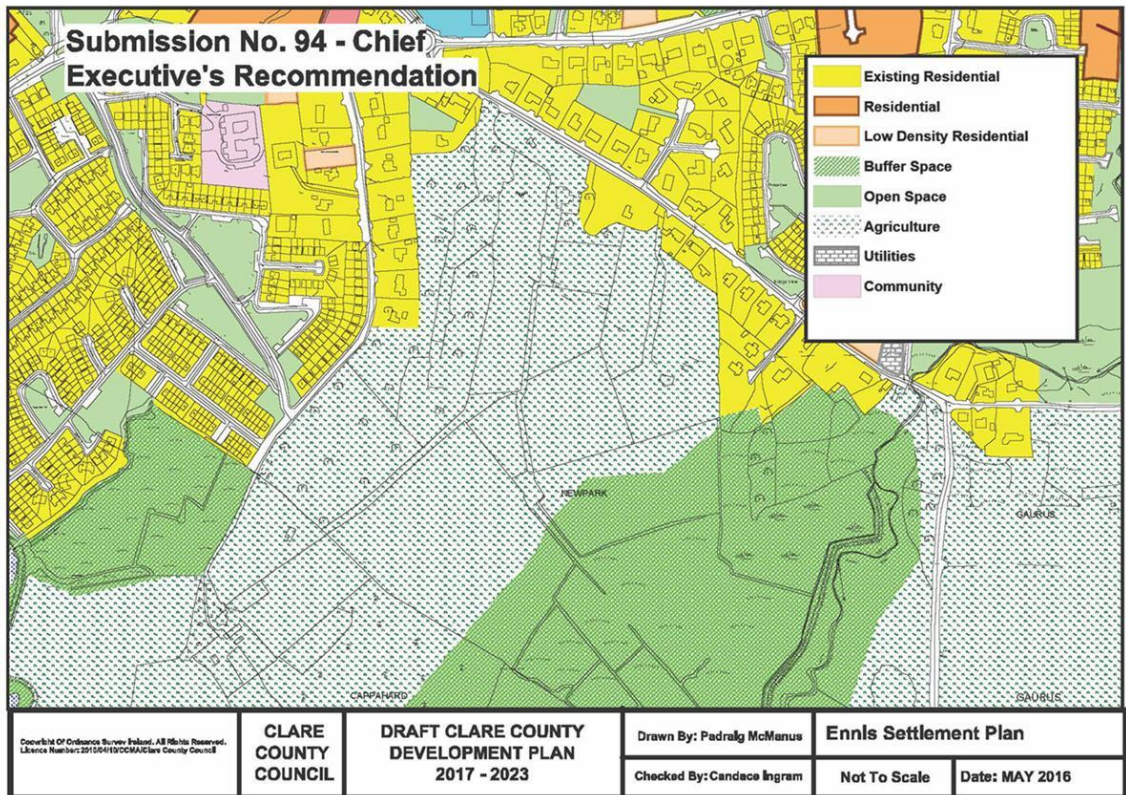
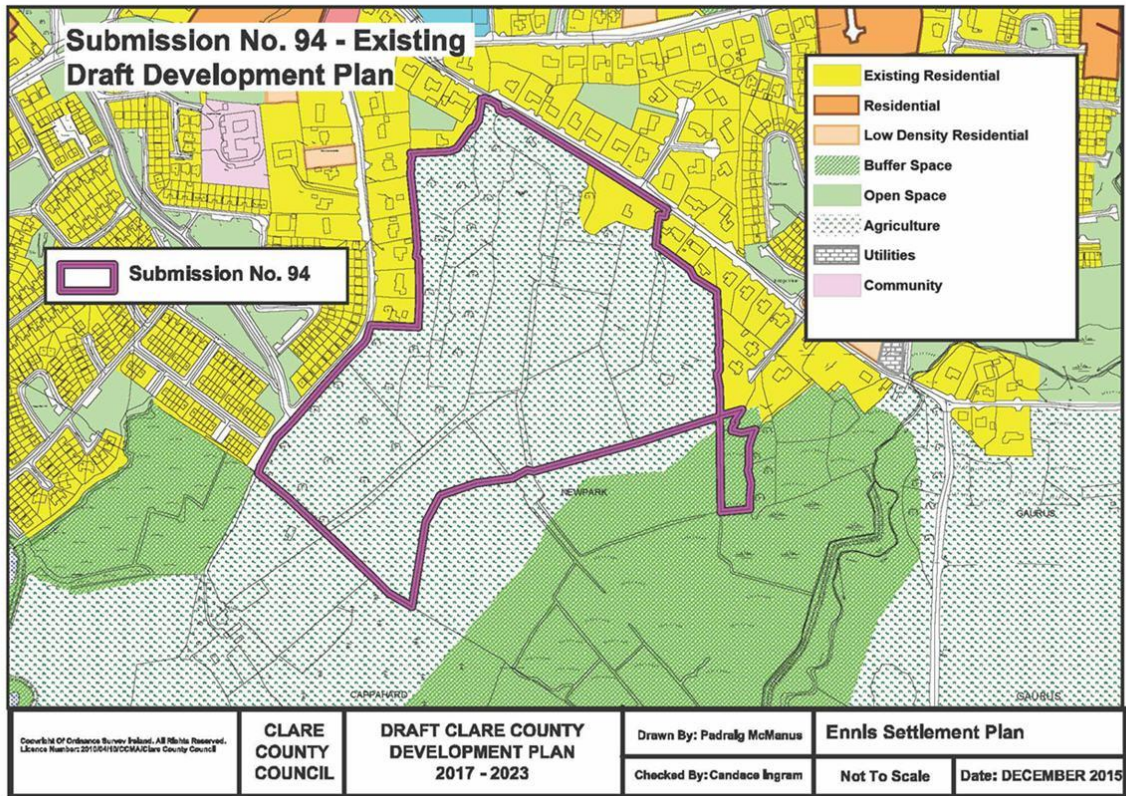
I wish to thank the Barron Family for their detailed submission. Residential zoning is determined having regard to the core strategy. The quantum of land included is in compliance with the populations targets as set out in the Mid West Regional Planning Guidelines 2010- 2022. In determining the scale, 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 I do not agree that site is suitable for residential zoning.

Having regard to the foregoing I do not agree that it is in the interest of proper planning to zone this site for residential 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.095 Stephen Dowds Associates on behalf of Wellingford Ltd. and Mr. Ian Symington**

*Keywords: Killaloe*

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

This submission relates to lands and property in Killaloe known as Harbour Village which are occupied by a partially completed development of apartments and private marina. The zoning in the current East Clare LAP and the Draft plan is Tourism. Three blocks of apartments, out of the original permission for six blocks, have been constructed along with 70 moorings. While the site has been landscaped, it includes foundation works for some incomplete blocks and is effectively an unfinished estate. Permission has now lapsed. Permission has been sought in order to complete the work but this was refused by the Bord on grounds of sewage treatment issues. A planning application history is included in the submission.

The Draft plan and the Guidance Manual on Unfinished Estates 2011 both contain objectives to work with stakeholders to achieve completion. The Tourism zoning makes this more difficult and there is an excess of Tourism zoning in Killaloe. The development is a private residential one which does not contain tourist elements and to introduce tourist elements would not be appropriate. The request is to rezone the land as Residential on the basis of facilitating completion of an unfinished estate, existing use and the principle of sequential development. There is a severe lack of lack of residential property in Killaloe. It is in the interest of all that the development be completed.

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

I thank Wellingford Ltd and Mr. Symington. for the submission, note the contents and wish to comment on the request made as follows:

While the council has been working actively with stakeholders in respect of unfinished estates around the county, this development as an apartment complex falls outside the terms of the Taking in Charge process. As such, the zoning status has no bearing on the Taking in Charge process.

In view of the fact that part of the site is developed for residential use, I consider that it is reasonable to change the zoning of that portion to show Existing Residential use, in the interests of accuracy. The major part of the remaining land may then be zoned as Residential with a small portion to be zoned as Open Space.

I consider that a portion (1.3Ha) of the land could be changed to Residential use. Its subsequent development would obviously be subject to planning permission and any site specific constraints.

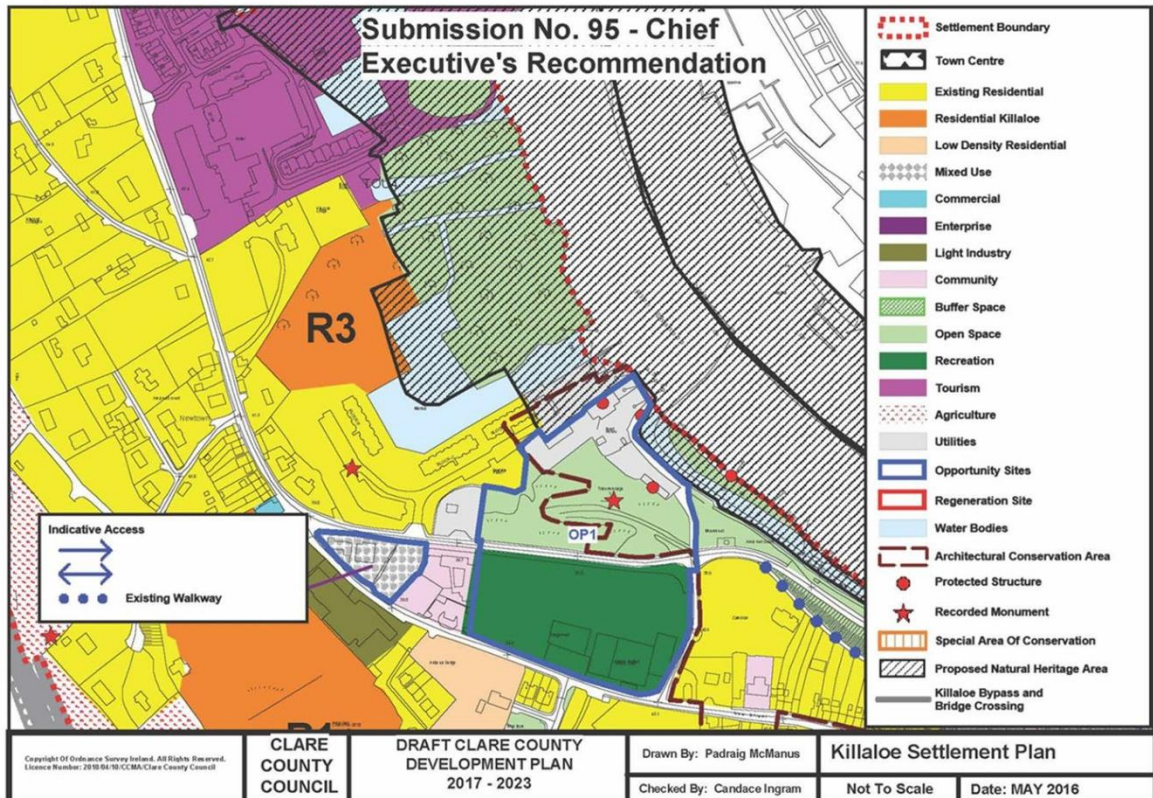
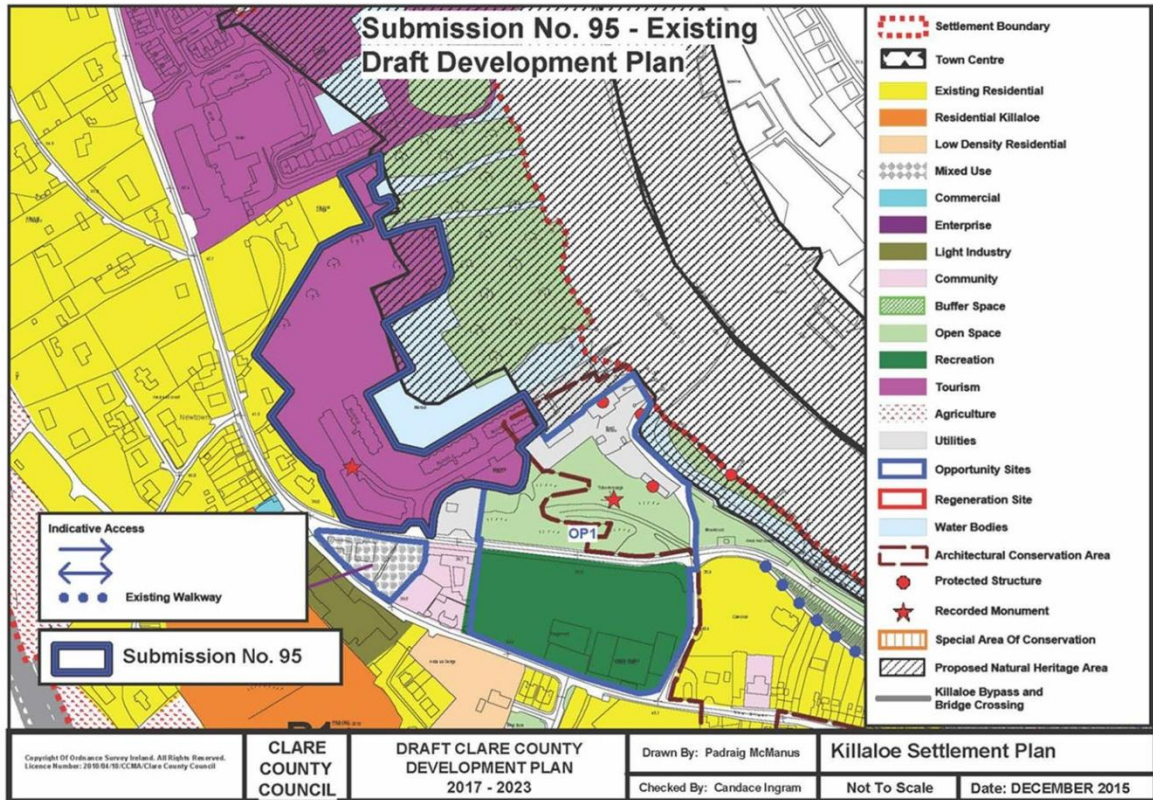
### **Chief Executive's Recommendation**

I recommend that the zoning as proposed in the Draft Clare County Development Plan 2017-2023 be amended a) Tourism to Existing Residential, b) Tourism to Residential and c) Tourism to Open Space on the basis of this submission.

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

R3 Harbour Village. This in an undeveloped portion of land within a partially developed site. Development of this site shall have regard to the existing nature of development in the vicinity and shall incorporate a high quality of design.





## **Ref. 096 Parish Secretary on behalf of Community Groups, Sixmilebridge**

*Key Words: Sixmilebridge, Policy*

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

Sixmilebridge community groups made a submission on the closure of the railway line as a result of flooding. It is a major loss and they are asking Clare County Council to engage with all the relevant parties to identify the cause of the flooding and to draw up and implement measures to permanently solve this problem. The line has been closed for months at a time almost annually since the reopening and station at Sixmilebridge in March 2010

It is stated that the closure is a waste of the state money spent upgrading the line and re-opening the station. Regular users in Ennis and Limerick but particularly Sixmilebridge are badly affected by this. The train was being used by those travelling to and from matches. Sixmilebridge Scouts, who are based in the original Station House, regularly invited other scout troops to visit them by train. The Shannonside Winter Music Weekend event, which generates significant economic activity in Sixmilebridge and Bunratty annually, was impacted this year by the closure of the line.

The group representatives ask for an objective in the County Development Plan on finding a permanent resolution to the flooding problem which causes the closure of this valuable and sustainable means of transport. The ten community groups are:

Groups who are party to this submission: Sixmilebridge Board of Management, Sixmilebridge GAA Club, Sixmilebridge ICA., 14<sup>th</sup> Clare Scout Troop, Sixmilebridge Tidy Towns, Sixmilebridge Men's shed, Sixmilebridge Folk Club, Shannonside Winter Music Weekend, Sixmilebridge Youth Club, Sixmilebridge Community Games.

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

I thank the Sixmilebridge Community Groups for their submission and I welcome the fact that the railway line has re-opened (17<sup>th</sup> May 2016) following its closure for 5 months. I wish to respond to the submission as follows:

The railway line is a critical and valuable resource to County Clare and this is expressed in Chapter 8 of the Draft Clare County Development Plan 2017-2023. Section 8.10 Public Transport, sets out the Council's position on the Rail Network:

*"The development of the Western Rail Corridor is important in terms of enhancing the economic and social development of the region thus achieving balanced regional development. The Council will therefore support land use policy, future development proposals and transportation strategies that ensure the viability of a rail service between centres of population".*

The periodic closure of the Limerick-Ennis section of the Western Rail Corridor due to flooding on the line at Ballycar has the potential to inhibit the improvement and expansion of the infrastructure associated with the rail line and the services provided to rail users. Resolution of this issue is the remit of Iarnrod Eireann and, potentially, the Office of Public Works. Clare County Council is committed to working with Iarnrod Eireann and other interested parties to find a resolution to this issue. However I respectfully consider that this matter does not warrant a specific objective in the County Development Plan.

### **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. 097 Drehidnagower Residents Group**

*Key Words: Policy, Physical Infrastructure, Ennis*

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

This submission requests the provision of footpaths, cyclepaths and public lighting on the approach roads either side and across Drehidnagower Bridge in the neighbourhood of Lifford.

They are seeking: a) Provision of a pedestrian walkway and cycle path alongside the external wall of the bridge, b) provision of footpaths and cyclepaths on the approach roads either side of Drehidnagower Bridge and connecting with the bridge, c) provision of lighting along the roadway from the north end junction of Watery Road to the Lee Road/Drumcliffe Rd Junction.

What they suggest are serious deficits in public infrastructure at Drehidnagower Bridge addressed due to:

1) The large volume of traffic using the road 2) the road being an access to Lees Road 3) the road being an access to Drumcliffe Cemetery 4) the road being an access to Gort Road from North Clare and Lahinch road 5) being a popular walking route for families in Ennis 6) the need to enhance the appearance of the area in line with town standards.

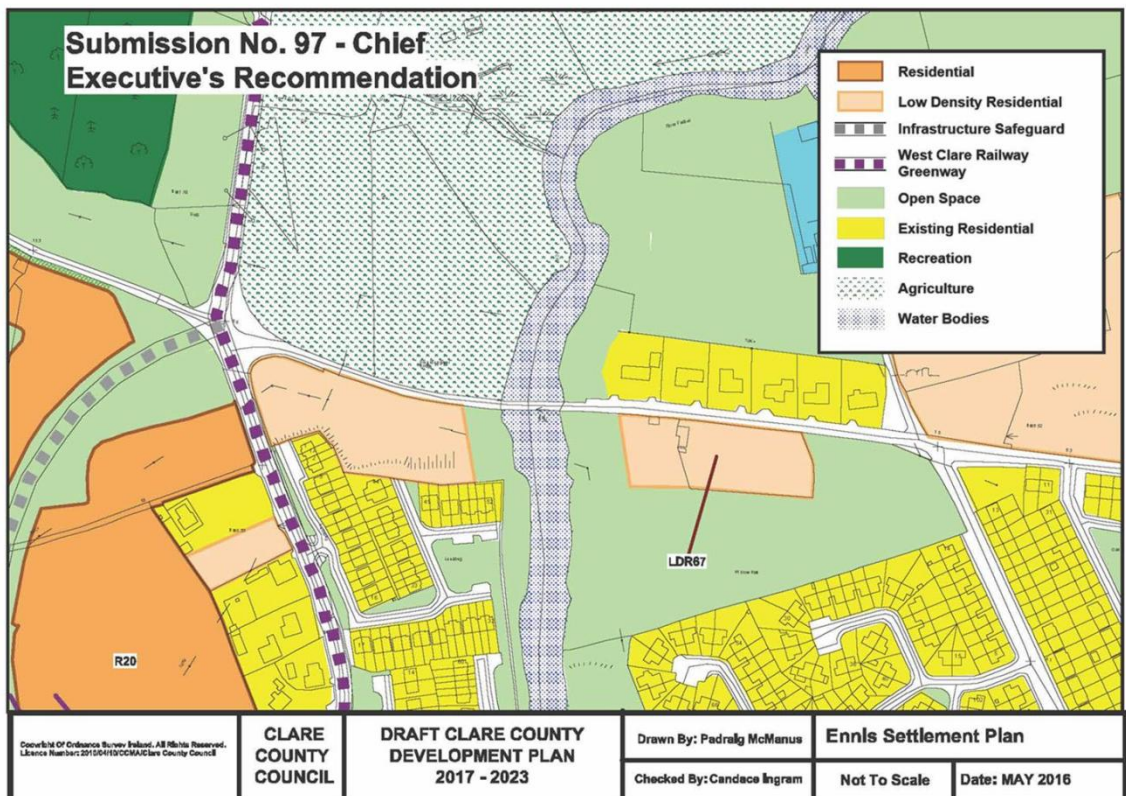
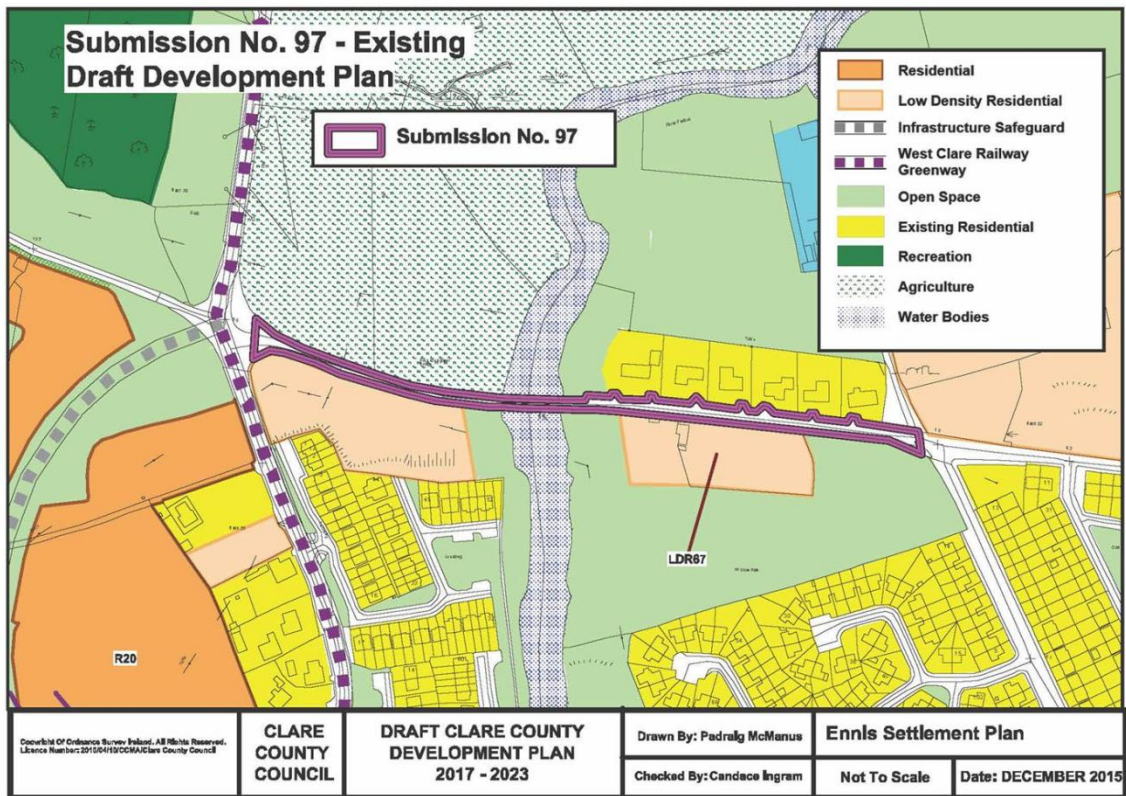
The submission quotes the strategic vision for Ennis 'to have sustainable neighbourhoods and a high level of environmental quality to ensure an excellent quality of life for all.' It also quotes Goals 5-11 in 1.3 of the Draft plan by way of support.

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

I wish to thank the Drehidnagower Residents Group for their submission. I acknowledge that this is a very busy road serving those accessing the cemetery, Active Ennis Lees Road Sport and Amenity Park and the Lahinch Rod. I note that it is also a very popular area for walkers availing of the amenity of the countryside and views from the bridge. I refer to Section 1.9.12 of Volume 3(a) of the Draft Plan where the strategic aims for travel and mobility are set out. It is the Council's intention to work towards ensuring better pedestrian and cycle access to the Active Ennis Lees Road Sport and Amenity Park from the town centre and to improve pedestrian and cycle facilities on Drehidnagower Bridge and its vicinity. This aim will be further detailed in the Ennis and Environs Local Area Plan which will be prepared during the lifetime of the development plan. Moreover I have referred this submission to the Ennis Municipal District office for their consideration.

### **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. 098 Sean O’Sullivan**

*Keywords: Policy, Killaloe*

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

This submission relates to a piece of land which is part of a steep roadside embankment on the approach road from Scarriff into Killaloe. The land spans between the road and the Ailliebhaun pathway. The site in question is zoned in the East Clare Local Area Plan for Residential use. The Draft plan proposes this be changed to Open Space. Submission maintains this land is overgrown and has no amenity value.

Mr. O Sullivan asks for the zoning to be returned to Residential as he wishes his three sons to be able to build houses there. The family home is part of the landholding and it’s site spans between the Ailliebhaun path and the Green.

### **Chief Executive’s Response**

I thank Mr. O’Sullivan for his submission the content of which is noted and respond as follows:

I am aware that the land bank in which the subject site is located is a steeply sloping bank on the R463 approach into Killaloe. The bank forms an important edge on this Scenic Route approach into Killaloe and while it is currently overgrown, the site presents a number of serious challenges to develop for residential use. Among these are:

Traffic Safety: Securing sightlines onto this busy regional road would be difficult if not impossible to achieve without significant setbacks, impacting negatively on the character of the landscape. Vehicular turning movements would be introduced by development in this location which would endanger public safety by reason of traffic hazard.

Scenic Route: Sightlines and site development would require very significant cut and fill which would impact negatively on the character of the landscape and contravene Scenic Routes Policy CDP 2011-2017 16.6 (a),( b), and (c) and 13.7 (a), (b) and (c) in the Draft Plan.

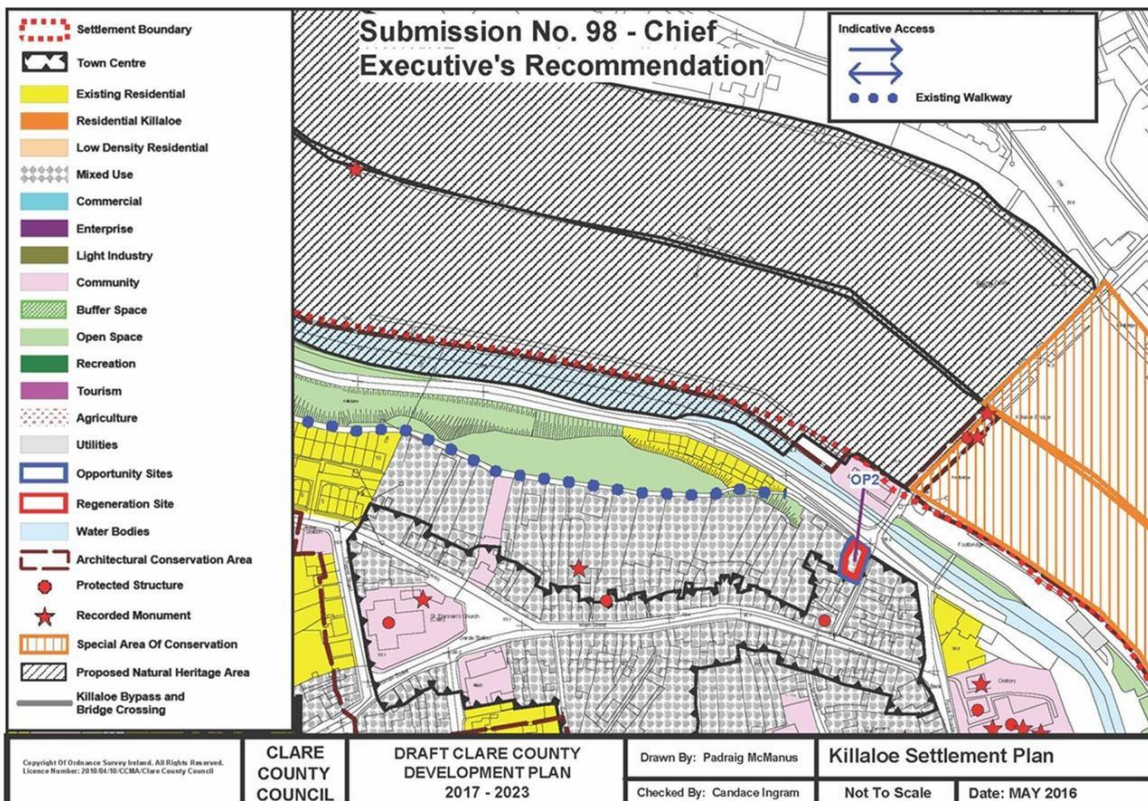
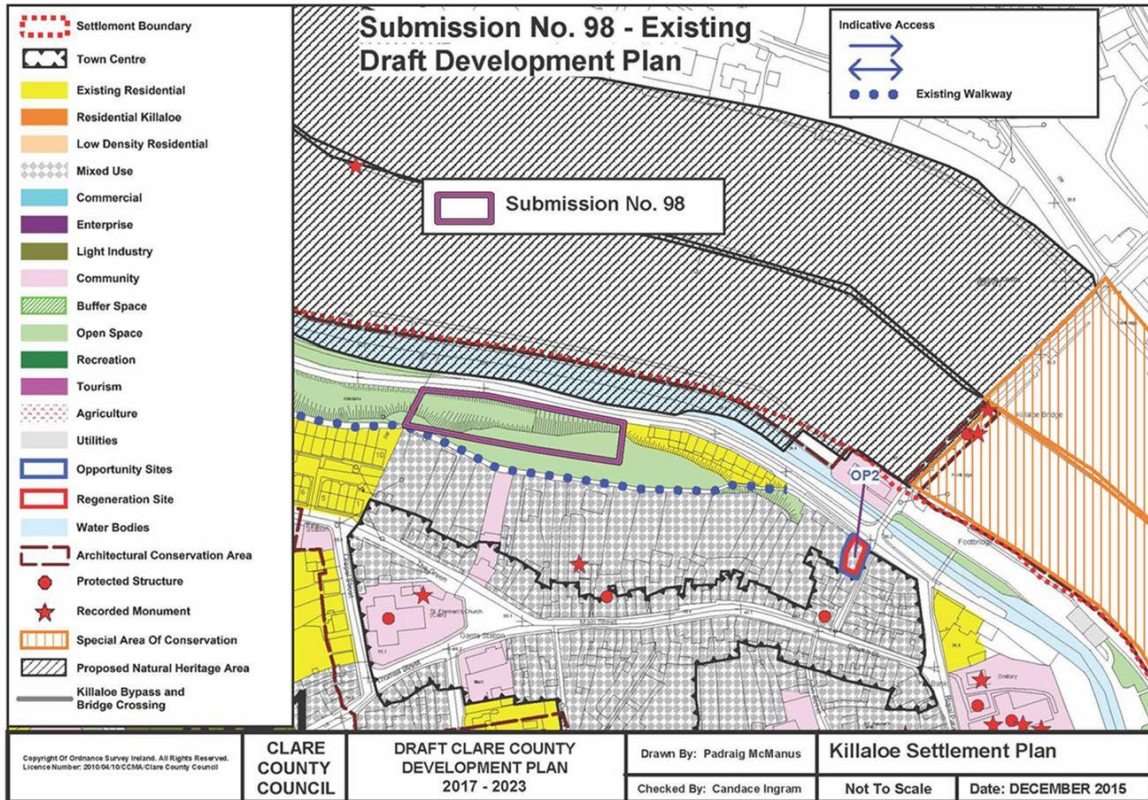
Residential Amenity: The location along a busy but narrow regional road would create a poor level of residential amenity generating excessive traffic noise and noxious fumes in excess of guidance.

Accordingly. I consider that the subject site, between the R463 and the Aillebhan footway, is not suitable for residential zoning.

### **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. 099 Phillis Flynn**

*Key Words: Sixmilebridge, Flooding*

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

This submission relates to an undeveloped parcel of land owned by Phillis Flynn to the west of the river which is zoned in the south Clare LAP as mixed use. In the Draft plan it has been zoned as Open Space.

The submission requests a return to Mixed Use zoning, saying that the land parcel is attached to OP2 which is also in her ownership.

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

I thank Ms. Flynn for her submission and I respond to the issues raised as follows:

I am aware that since the Draft Clare County Development Plan 2017-2023 was issued, draft CFRAM (Catchment Flood Risk Assessment Management) mapping has become available to inform our Strategic Flood Risk Assessment in the County. The draft CFRAM mapping, albeit at draft stage, is the most current flooding information available to us at this point in time, and as such, has informed the flood-risk assessment for this site. Having reviewed this particular site I am in agreement that in light of the most recent flood risk assessment, given the small size of the site and its proximity to the town centre that a change in zoning from Open Space is appropriate and can be accommodated provided a Buffer Space is included to protect the river.

However, I do not consider Mixed Use zoning to be appropriate in this location. The site is relatively inaccessible for passing traffic or the kind of traffic which would be expected to access uses found on Mixed Use zoning. Given the adjacent uses and zoning to the south and west I consider that the most appropriate zoning to be Residential. Flood Risk Assessment requires an Open Space buffer to be retained along the river's edge.

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

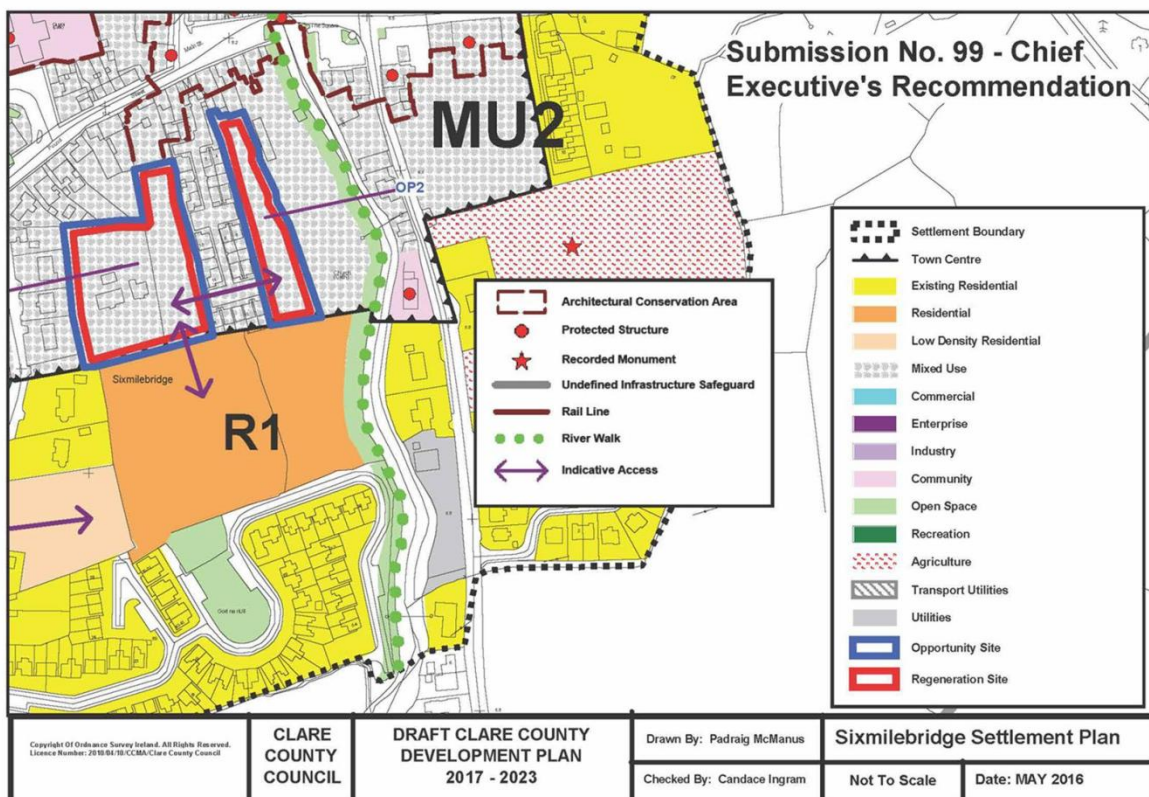
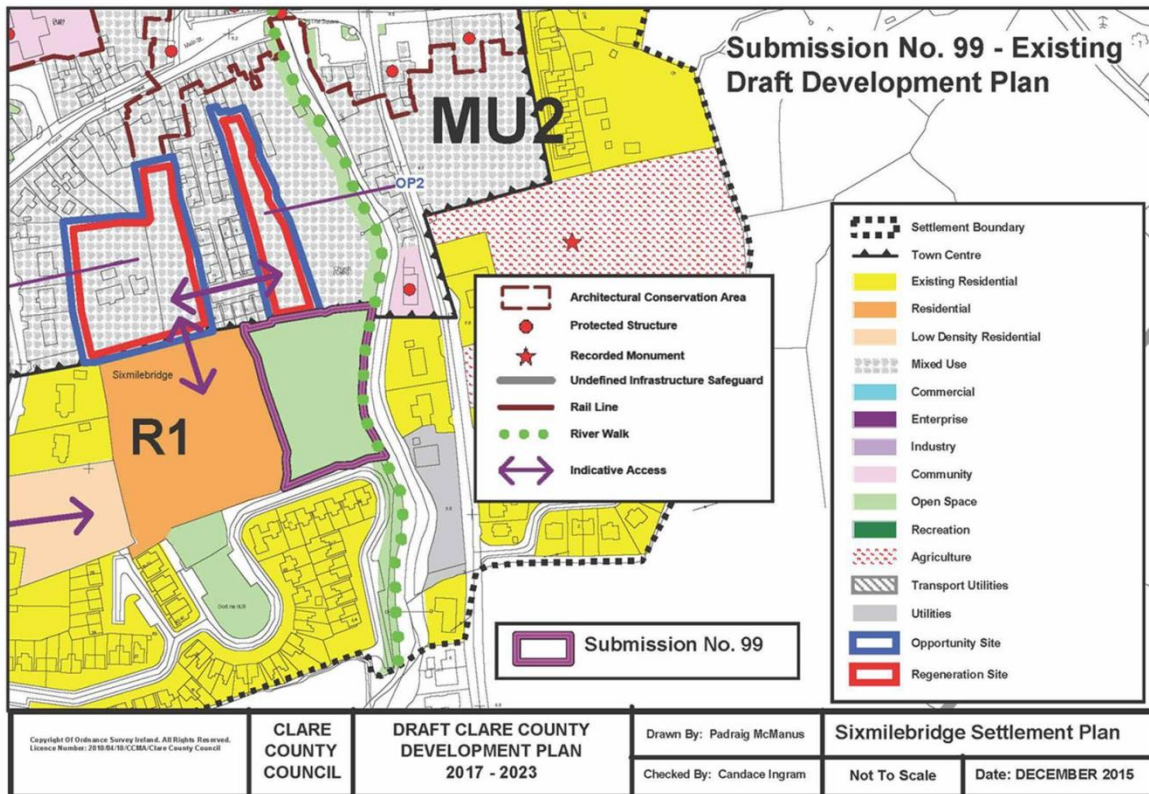
I recommend that the zoning as proposed in the Draft Clare County Development Plan 2017-2023 be amended from Open Space to Residential and Buffer Space on the basis of this submission.

Zoning to consist of Residential use on the site except for 12 metre Buffer Space along the river bank. This site will be an extension of R1 and will be referenced as such. The following existing text will be amended thus:

#### **R1 Adjoining Town Centre South**

"**Vehicular** access to this site shall be provided through the adjacent **LDR** site adjacent to the road to the west, **which will allow adequate width for road and footpaths and for sightlines at entry to serve a multi unit scheme. Ideally, the road layout on R1 would serve other undeveloped lands to the rear of the town centre.** Opportunities shall be explored to secure direct pedestrian access to the town centre to the north. Layout and design of units shall ensure that the residential amenities of existing houses to the west and south are protected. Units to the south shall be orientated to overlook the existing adjoining area of open space. The development of this site shall be addressed in the context of the overall development of adjoining lands."







## **Ref. 100 Dermot and Carmel McInerney**

*Key Words: Ennis*

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

The submission refers to a 1.4Ha parcel of land in Ballybeg which is proposed for 'Agricultural' zoning in the Draft Plan. It is submitted that the land is a quarry and is totally unsuited to Agriculture on the basis that the site is too small, the soil has been removed and the surrounding uses are residential.

They wish to develop the land as Low Density Residential which would be in keeping with the surroundings. It is an infill site in a speed restricted zone with existing services. Development of the site for this function would enhance the area and lead to greater road safety due to better visibility at the corner. Road widening or footpath provision would also be facilitated. The submission requests Low Density Residential zoning on the site.

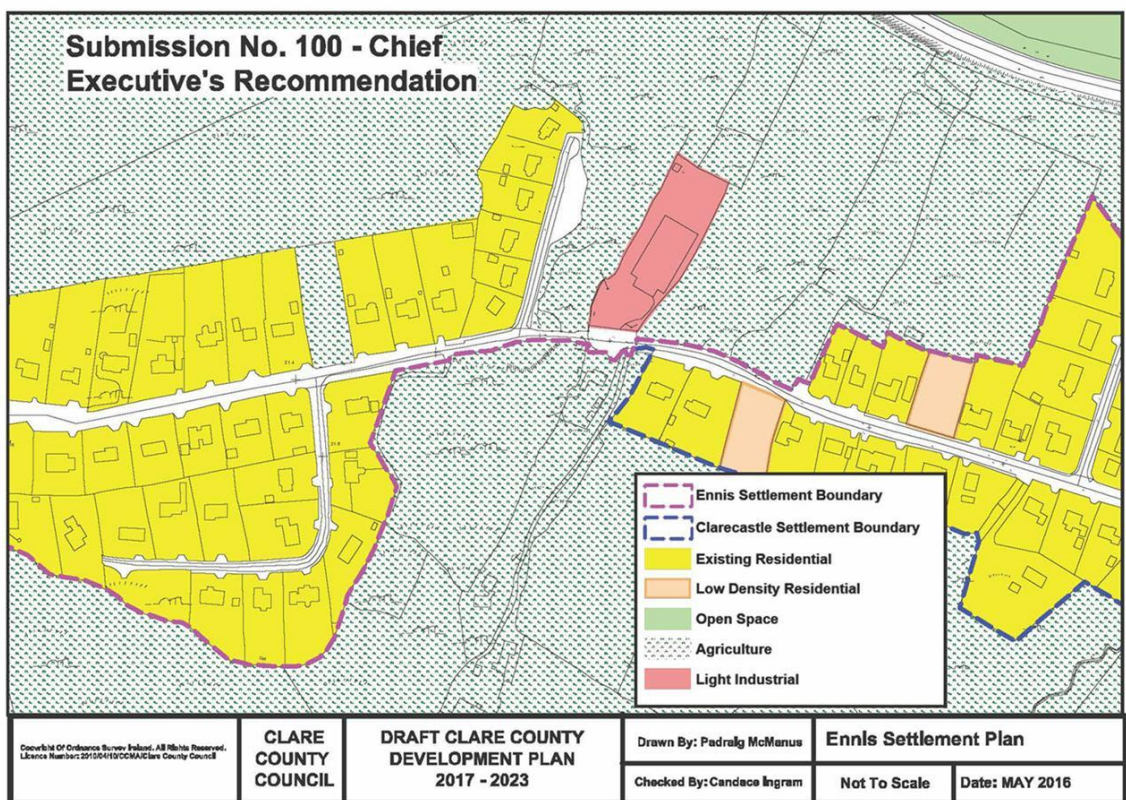
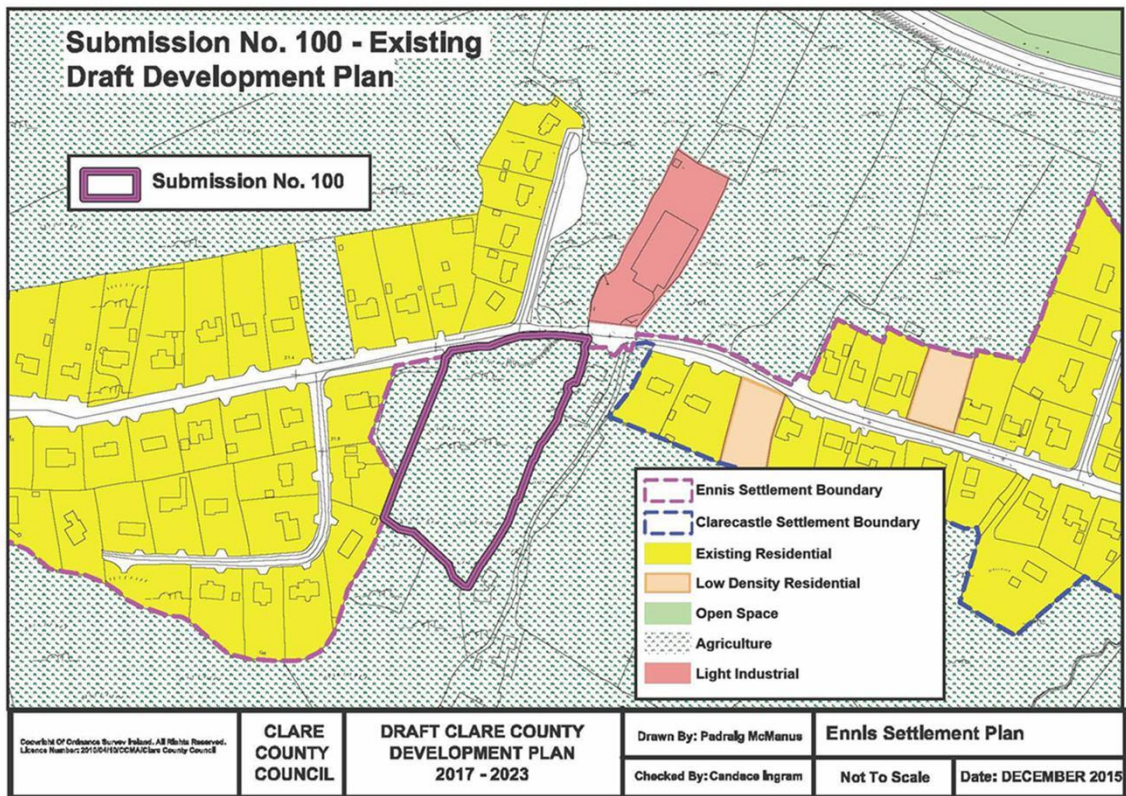
### **Chief Executive's Response**

I wish to thank the McInerneys for this submission. I note that the subject site is located in Ballybeg area of Ennis. The aim of the settlement strategy for Ennis is to ensure that future development takes place in a balanced and plan-led manner throughout the Ennis and Environs area and it will guide where, when and how new residential development in Ennis and Clarecastle should take place in a manner, scale and form that is appropriate to the local characteristics of each area. The location and extent of land zoned for residential uses is determined by the Core Strategy, as set out in Volume 1 of the Draft Plan.

To zone the subject land for Low Density Residential use would not be in accordance with the settlement strategy for Ennis. The site is at a distance from the core areas of Ennis and Clarecastle, is not located in an area identified for growth during the lifetime of the Plan and the area in which the site is located is not serviced by wastewater infrastructure. I do not therefore consider it to be in the interest of the proper planning and sustainable development of the plan area to zone these lands for residential development.

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

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



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