

**DRAFT DIRECTION IN THE MATTER OF SECTION 31**

**OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)**

**Clare County Development Plan 2023-2029**

“Development Plan” means the Clare County Development Plan 2023-2029

“Planning Authority” means Clare County Council

The Minister of State at the Department of Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Planning and Development Act 2000 (No.30 of 2000) and the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2023 (S.I. No. 116 of 2023), and consequent to a recommendation made to him by the Office of the Planning Regulator, hereby directs as follows:

1. This Direction may be cited as the Planning and Development (Clare County Development Plan 2023-2029) Direction 2023.
2. The Planning Authority is hereby directed to take the following steps with regard to the Development Plan:
  - a. Reinstate the following zoning objectives and associated text consistent with the recommendation of the Chief Executive’s Report dated 10<sup>th</sup> July 2022:
    - (i) Kilrush R5 – i.e. the subject lands revert to unzoned ‘white lands’ from Residential

- (ii) Killaloe R6 - i.e. the subject lands revert to Tourism from Residential
- (iii) Mullagh R3 - i.e. the subject lands revert to Agriculture from Residential
- (iv) Liscannor R3 - i.e. the subject lands revert to Agriculture from Residential
- (v) Broadford LDR1 - i.e. the subject lands revert to Agriculture from LDR
- (vi) Broadford LDR2 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR
- (vii) Broadford LDR4 - i.e. the subject lands revert to VGA from LDR
- (viii) Broadford LDR5 - i.e. the subject lands revert to Mixed Use (MU) from LDR
- (ix) Broadford LDR6 - i.e. the subject lands revert to VGA from LDR
- (x) Broadford LDR7 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR
- (xi) Broadford LDR8 - i.e. the subject lands revert to Existing Residential from LDR
- (xii) Broadford LDR9 - i.e. the subject lands revert to Existing Residential from LDR
- (xiii) Cooraclare LDR1 - i.e. the subject lands revert to VGA and Mixed Use (MU) from LDR
- (xiv) Cooraclare LDR2 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR

- (xv) Cooraclare LDR3 - i.e. the subject lands revert to VGA from LDR
- (xvi) Cooraclare LDR4 - i.e. the subject lands revert to VGA and Agriculture from LDR
- (xvii) Cooraclare LDR5 - i.e. the subject lands revert to Agriculture from LDR
- (xviii) Cooraclare LDR6 - i.e. the subject lands revert to VGA from LDR
- (xix) Ballynacally VGA3 - i.e. the subject lands revert to Agriculture and Mixed Use from VGA

and in the case of the following, the zoning objective and associated text shall be amended consistent with the recommendation of the Chief Executive's Report dated 10<sup>th</sup> July 2022:

- (xx) Ennis LDR2 - i.e. the northern portion of the subject lands is amended to Open Space from LDR as per Volume 3a of the proposed amendments to the draft Plan dated 28 November 2022.

- b. Delete subsection 'Existing Accesses onto National Secondary Roads' under 'Exceptional Circumstances' of section 11.2.9.3 of the Plan consistent with the recommendation of the chief executive's report dated 10<sup>th</sup> July 2022.

## **STATEMENT OF REASONS**

- I. The Development Plan as made includes material amendments to the draft Plan which zone additional residential land in excess of what is required for Clare County as set out in the Core Strategy. These zoning objectives and amendments are located in peripheral and/or non-sequential locations and would encourage a pattern of development in particular locations which is inconsistent with national and regional

policy objectives promoting compact forms of development (NPO 3 and RPO 35, which include lands that are not serviced or serviceable within the plan period inconsistent with the requirement to implement a tiered approach to zoning (NPO 72a-c), and inconsistent with national policy to promoting proportionate growth of settlements (NPO 18a), and fails to have regard to the policy and objective for a sequential approach to development under section 6.2.3 of the *Development Plans, Guidelines for Planning Authorities* (2022) issued under section 28 of the Act.

- II. The Development Plan as made includes policy provisions for exceptional circumstances for access on to national roads, which are not consistent with the National Strategic Outcome of the NPF for enhanced regional accessibility, including the maintenance of the strategic capacity and safety of the national road network, are not consistent with regional policy objective RPO 140 to maintain the strategic capacity and safety of the national road network, and do not have regard to section 2.5 and section 2.6 of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) issued under section 28 of the Act.
  
- III. The Development Plan as made includes zoning objectives and material amendments to the draft Plan which zone land for uses within flood risk zone A/B that are vulnerable and/or highly vulnerable to flood risk which lands have not passed the plan making Justification Test. These zoning objectives are inconsistent with national and regional policy objectives for flood risk management (NPO 57 and RPO 116) and fail to have regard to *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) issued under section 28 of the Act by not demonstrating on a solid evidence base that proposed land use zoning objectives will satisfy the Justification Test.

- IV. Further, the statement under section 28(1A)(b) attached to the Development Plan as made fails to include information which demonstrates that the planning authority has formed the opinion that it is not possible to implement the policies and objectives contained in the *Development Plans, Guidelines for Planning Authorities (2022)*, and/or in the *Spatial Planning and National Roads Guidelines for Planning Authorities (2012)* and/or in *The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009)* because of the nature and characteristics of the area, in addition to failing to include the reasons for the forming of that opinion contrary to section 28(1B)(b).
- VI The Development Plan has not been made in a manner consistent with, and has failed to implement, the recommendations of the Office of the Planning Regulator under section 31AM of the Act.
- VII In light of the matters set out at I-VI above, the Minister is of the opinion that the Development Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.
- VIII In light of the matters set out at I to VI, above, the Development Plan is not in compliance with the requirements of the Act.

GIVEN under my hand,

Minister of State with responsibility for Local Government and Planning

day of month, year.