



NOTICE OF DRAFT DIRECTION ON THE CLARE COUNTY DEVELOPMENT PLAN 2023-2029

Notice is hereby given pursuant to Section 31(7) of the Planning and Development Act 2000 (as amended), that on the 18th April 2023, a draft direction relating to the Clare County Development Plan 2023-2029 was issued by the Minister.

The Minister has formed the opinion that:

- (i) Clare County Council, in making the development plan, has failed to implement recommendations made to it, as planning authority, by the Office of the Planning Regulator under section 31AM of the Act;
- (ii) The Plan, as made, fails to set out an overall strategy for the proper planning and sustainable development of the area;
- (iii) The Plan is inconsistent with national and regional policy objectives specified in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy for the Southern Region (RSES);
- (iv) The Plan, as made, is not in compliance with the requirements of the Planning and Development Act 2000 (as amended).

The statement of reasons given for the Draft Direction is as follows:

- 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.

A copy of the draft direction may be inspected during normal working hours between **Friday 28th April and Thursday 11th May 2023 (both dates inclusive)** at the following locations:-

- Áras Contae an Chláir, New Road, Ennis.
- Shannon Municipal District Office, Town Hall, Shannon.
- West Clare Municipal District Office, Town Hall, The Square, Kilrush.
- Ennistymon Area Office, Ennis Road, Ennistymon.
- Killaloe Municipal District Office, Mountshannon Road, Scarriff and

The draft direction may also be viewed on the Clare County Council website at www.clarecoco.ie and <https://clarecdp2023-2029.clarecoco.ie/>

Making a Submission or Observation

Written submissions or observations in respect of the Draft Direction may be made to the Planning Authority during the consultation period and are hereby invited from members of the public, children, or groups or associations representing the interests of children and other interested parties. Submissions/observations may be made during the period from **28th of April 2023 to 11th May 2023 (both dates inclusive)**. These submissions or observations shall be included in the Chief Executive's Report and shall be taken into consideration by the Office of the Planning Regulator before it makes a recommendation to the Minister on the matter.

In respect of making a submission or observation please note the following:

- Please insert the heading "**Submission to the Draft Direction on the Clare County Development Plan 2023-2029**" on your submission
- Please make your submission by one medium only i.e. email or by post. This will avoid the duplication of submission reference numbers and will streamline the process.
- Submissions/observations should include your name and may include address, a map (for identification purposes) and, where relevant, details of any organisation, community group or company etc., which you represent. Clare County Council is subject to the provisions of the Data Protection Act (as amended) and General Data Protection Regulation (GDPR). In order to assist us in complying with Data Protection and GDPR please include your name and contact details (and where relevant, details of any organisation, community group or company etc., which you represent), on a separate sheet to the content of your submission/ observation. This processing of your personal data is lawful under Article 6 (1)(e) of the GDPR regulations. The Council's Data Protection Policy is available on the Council website.
- Please be advised that all submissions received may be published online in accordance with the requirements of the Planning and Development Act 2000, as amended, and will be summarised in the Chief Executive's Report, which will be published. You should ensure that no vexatious, libellous or confidential information, including confidential information relating to a third party (in respect of which the third party has not, expressly, or impliedly in the circumstances, consented to its disclosure) is included in your submission. The Planning Authority reserves the right to redact any submission or part thereof that does not comply with this requirement. The planning process is an open and public process and therefore your submission (in part or in total) may be available to view online at <https://clarecdp2023-2029.clarecoco.ie/>.

A submission/observation can be submitted by one of the following methods:

- In writing to: Planning Department, Clare County Council, New Road, Ennis, Co Clare. V95 DXP2
- By email to: devplan@clarecoco.ie. Subject headline should read "**Submission to the Draft Direction on the Clare County Development Plan 2023-2029**".

The deadline for receipt of submissions/observations is Thursday 11th May 2023. Please note late submissions will not be considered.

If you have any queries or require more detail, please contact the Forward Planning Section by email at: forwardplan@clarecoco.ie or by phone at 065-6846407/6846451.

**Carmel Kirby, Director of Service,
Economic Development.**

28th April 2023.

