

# 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 1 - 50

19th May 2016



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

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## Section 1 Introduction

The Draft Clare County Development Plan 2017-2023 was placed on public display for a period of 10 weeks from 10<sup>th</sup> December 2015 to 29<sup>th</sup> February 2016. During this public consultation period copies of the plan were submitted to the Elected Members, the Minister for the Environment, Community and Local Government, An Bord Pleanála, the prescribed authorities, adjoining local authorities and other statutory bodies in accordance with Section 12(1) of the Planning and Development Act, 2000 (as amended). The Draft Clare County Development Plan 2017-2023 was also made available to the public in hard copy format, in CD format and electronically on the Clare County Council website.

In accordance with Section 12(4)(a) of the Planning and Development Act, 2000 (as amended) I am required to prepare a report on any submissions or observations received during the period of public consultation and submit the report to you, the Elected Members of Clare County Council, for your consideration.

This Chief Executive's Report is divided into 2 separate parts:

- Part I – relates to submissions or observations received on the Draft Clare County Development Plan 2017-2023, the associated SEA Environmental Report, Appropriate Assessment Natura Impact Report and Strategic Flood Risk Assessment.
- Part II – relates to submissions received in relation to the proposed Record of Protected Structures.

This report constitutes Part I of the overall Chief Executive's Report and comprises a summary of each of the 887 submissions received (inclusive of 31 in relation to the Record of Protected Structures and 375 in relation to Public Rights of Way), and my response in relation to the issues raised, taking account of any directions from the Elected Members arising from the Chief Executive's Report to the Members at 'pre-draft' public consultation stage, the proper planning and sustainable development of the area, the statutory obligations of any planning authority in the area, and any relevant policies or objectives of the Government or of any Minister of the Government.

Part I of this Chief Executive's Report is subdivided into four sections. Section 1 outlines the purpose and content of the Chief Executive's Report. Section 2 discusses the legislative requirements that must be complied with in relation to the preparation of the Draft Development Plan. Section 3 explains the next phase of the process of preparing a new County Development Plan. Section 4 of the Report lists those who made submissions and summarises the matters raised therein. Finally I give my recommendations in relation to the next stage of the process of making the Clare County Development Plan 2017-2023.

I wish to sincerely thank all of the stakeholders who took an interest in the future social, economic and cultural development of County Clare by viewing the Draft Clare County Development Plan 2017-2023 and taking the time to make a submission of the Draft Clare County Development Plan 2017-2023.

**This report is herein submitted to you, the Elected Members on 19<sup>th</sup> May 2016 in accordance with the requirements of Section 12(4) of the Planning and Development Act, 2000 (as amended), for your consideration.**

## **Section 2 Legislative Requirements**

As noted previously in Section 1 of this report, Section 12(4) of the Planning and Development Act, 2000 (as amended) sets out the statutory requirements that I am obliged to adhere to in the preparation of this Chief Executive's Report.

Under Section 12(5) of the Planning and Development Act, 2000 (as amended), following receipt of this document, you the Elected Members, are required to consider the Draft Development Plan and the Chief Executive's report. Your consideration of these matters must be completed within 12 weeks of the receipt of this report on 19<sup>th</sup> May 2016.

Section 12(6) of the Planning and Development Act, 2000 (as amended) states that following consideration of the draft plan and this report, where a planning authority, after considering a submission, observation or recommendation from the Minister or the Regional Assembly, decides not to comply with those recommendations, it shall so inform the Minister or the Regional Assembly, as the case may be, as soon as practicable by notice in writing, which the notice shall contain reasons for the decision.

Following consideration of the Draft Development Plan and this Chief Executive's Report, you the Elected Members can then, by resolution, accept or amend the Draft Clare County Development Plan 2017-2023. I am obliged to inform you that in the making of any amendments to the Draft Plan, Elected Members are restricted to the consideration of the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area and the relevant policies and objectives of the Government or any Minister of Government.

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

Strategic Environmental Assessment (SEA) is the formal, systematic evaluation of the likely significant effects of implementing a plan or programme before a decision is made to adopt the plan or programme. An SEA has been carried out in relation to the Draft Clare County Development Plan in response to the requirements of the EU Directive 2001 on the Assessment of the Effects of Certain Plans and Programmes on the Environment (Directive 2001/42/EC), which came into effect on July 21<sup>st</sup> 2004. The enabling statutory instruments (S.I.s) which transpose this Directive into law in Ireland are the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. No. 435 of 2004), as amended, and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. No. 436 of 2004), as amended.

In complying with the Directive and associated Regulations, information on the likely significant effects on the environment of implementing the proposed development plan has been prepared in the form of an Environmental Report.

Following the period of consideration of the Draft Development Plan, the SEA Environmental Report and this Chief Executive's Report, should you the Members resolve to make amendments to the Draft Development Plan, and such amendments would constitute a material alteration, the Planning Authority must determine if a Strategic Environmental Assessment is required as respects one or more than one proposed material alteration to the Draft Plan.

### **Section 2.2 Appropriate Assessment**

Appropriate Assessment is the process whereby a plan or project is assessed in view of its potential impact on the conservation objectives of European sites. This includes the preparation of the Draft Clare County Development Plan 2017-2023. A European site is a site protected under the EU Habitats Directive and/or the EU Birds Directive for the species and habitats it supports. The two main types of European Sites are Special Protection Areas (SPAs) which supports birds and wetlands, and Special Areas of Conservation (SACs) which support a range of habitats and species. In general terms they are considered to be of exceptional importance in terms of rare, endangered or vulnerable habitats and species within the European Community.

Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme that is likely to have a significant effect on the conservation objectives of a

European site. This includes the preparation of the Draft Clare County Development Plan 2017-2023.

It is a requirement of the Habitats Directive that mitigation measures or measures proposed to avoid impacts on European sites be incorporated into the policy or detail of the Draft Development Plan before finalisation. More importantly, notwithstanding the proposed mitigation measures, if the Draft Development Plan continues to have the potential for significant effects on the conservation objectives of a European Site, it cannot be adopted unless there are imperative reasons of overriding public interest, including those of a social or economic nature and/or reasons of human health and public safety.

Following the period of consideration of the Draft Development Plan, the Appropriate Assessment Natura Impact Report and this Chief Executive's Report, should you the Members resolve to make amendments to the Draft Development Plan, and such amendments would constitute a material alteration, the Planning Authority must determine if an Appropriate Assessment is required as respects one or more than one proposed material alteration to the Draft Plan.

### **Section 3 Information on the next stage of the County Development Plan Process**

In accordance with Section 12(5) of the Planning and Development Act, 2000 (as amended), following receipt of this document you, the Elected Members must consider the Draft Development Plan and this Chief Executive's Report. Following this period of consideration, where it appears to the Members of Clare County Council that the draft plan should be accepted or amended, you may, by resolution, accept or amend the Draft Clare County Development Plan 2017-2023.

In the event that amendments to the Draft Development Plan are proposed, and such amendments would constitute a material alteration of the Draft Plan, the material alterations and the associated Strategic Environmental Assessment and Appropriate Assessment if deemed necessary, must be available for inspection for a period of no less than 4 weeks, in accordance with Section 12(7) of the Planning and Development Act, 2000 (as amended).

Following the public consultation period, I will prepare a Chief Executive's Report on any submissions or observations received on the proposed material alterations and submit the report to you, the Elected Members, for your further consideration.

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

## Ref. 001 Department of Environment, Community and Local Government

*Key Words: Policy, Flooding*

### Summary of the Issues Raised in the Submission

The Department has reviewed the Draft Development Plan and considers that it provides a strategic framework for the proper planning and sustainable development of the area and gives spatial expression to the economic, social, cultural and environmental aims of the County. Notwithstanding this, it is submitted that there are a number of topics that warrant further attention and clarification, as follows:

- The overall quantum of residential development should be provided alongside each town and village zoning map, which would link back to the core strategy in Volume 1 of the Plan.
- It is recommended that phasing be considered, especially in Ennis and Shannon.
- It is recommended that the Council assess the industry, enterprise and commercial zonings in terms of scale and location and that the overall quantum of each development zoning is provided alongside each land use zoning map.
- In relation to Site IND1 in Ennis, it is noted that no evidence base rationale has been provided for this zoning and it is strongly recommended that the suitability of this site for zoning is reassessed having regard to the requirements of the *Spatial Planning and National Roads Guidelines 2012*.
- The Council is advised to adhere to the *Spatial Planning and National Roads Guidelines* especially in relation to developments of national and regional strategic importance. The current wording of section 8.2 of the Draft Plan does not adhere to S.28 guidelines. The identification of developments of national and regional importance should be plan led. The current wording of this section seems to indicate that applications will be assessed on a case-by-case basis. The Department recommends that the Council rephrase this section in line with national policy guidelines.
- The Department advises a cautious approach in relation to section 8.2.3.3 Existing Accesses into National Secondary Roads in terms of possible intensification of accesses and recommends consultation with Transport Infrastructure Ireland.
- In relation to the SFRA, within individual settlement plans and land use zonings there are a number of incompatible zonings such as residential zoned land in areas that have been identified as flood zone A and B. The Council need to ensure that there is a clear and robust correlation between the SFRA, the Development Plan written statement and any zoning maps. It is strongly recommended that any zoning identified within Flood Zone A and B is amended to a water-compatible use.
- It is recommended that the Planning Authority should have regard to any issues raised separately by the OPW.

The Department has also submitted a number of minor observations and recommendations, as follows:

- Additional headroom of 34% is given to Ennis and Clarecastle and 50% in all other areas. It is unclear if this 34% is on top of the 50%. The rationale for this should be expanded upon.
- The population target for Ennis and Shannon includes an additional 1,000 persons above the MWRPGs. The rationale and justification for this should be outlined in the Plan.
- Where the core strategy table indicated that water and/or wastewater services will not be available in a settlement during the lifetime of the Plan, clarity should be provided as to either the alternatives or the possible implications that would arise from this lack of services, cross-referencing to the SEA.
- In relation to Objective CDP3.13 Infill/Gap sites, reference should be made to Appendix 4 of the *Sustainable Rural Housing Guidelines 2005* to ensure that this objective does not contribute to ribbon development.
- The Council is requested to reassess Objective CDP4.10(b) which requires all new residential buildings to provide a ground floor low level access shower. It is submitted that this objective could become onerous to development. It is important for the Council to

ensure that this objective does not unnecessarily increase the affordability of residential units.

- In Section 8.4 Water and Waste Water Infrastructure, the Department recommends the inclusion of a comprehensive list of water supply schemes throughout the county detailing current capacity, planned infrastructure upgrades, proposed new schemes and future capacity for the lifetime of the Plan. In terms of waste water, a table should be included detailing current capacity rates and future waste water investment programmes.
- Section 16.2.6 addresses the issue of vacancy. It is recommended that reference to the Urban Regeneration and Housing Act 2015 be including, specifically the vacant sites levy.

It is further submitted that the Department is of the opinion that the overall Strategic Environmental Assessment and Habitats Directive Assessment have been prepared in accordance with the relevant Directives and the proposed objectives and mitigation measures have been incorporated into the Draft Plan.

The Department is supportive of Clare's Wind Energy Strategy and Renewable Energy Strategy which are fully consistent with Planning Circular PL20-13 *Review of Wind Energy and Renewable Energy Policies in Development Plans*.

If the Planning Authority has formed the opinion that it is not possible to implement certain policies and objectives contained in S.28 guidelines, a reasoned justification for this approach needs to be set out in the Plan.

The Council is advised that it may be necessary to revisit the County Development Plan during its lifetime, especially the retail strategy and housing strategy, when the National Planning Framework and Regional Social and Economic Strategies are in place.

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

I acknowledge the contents of this submission from the Department of Environment, Community and Local Government and I would like to respond to the issues raised as follows:

- I agree with the suggestion that the quantum of zoned land in each settlement should be indicated in the Plan and I recommend that this be included within Volume 3 of the Clare County Development Plan 2017-2023 for each municipal district.
- No lands have been zoned in Ennis and Shannon in excess of what is required to meet the target population growth for the period 2017-2023 therefore I do not consider the phasing of lands to be necessary. You will note that Shannon is excluded from the Settlement Plans set out in the Plan.
- In relation to the scale and location of land zoned for enterprise, industry and commercial uses, please note that commercial and industrial uses are generally limited to larger settlements, with the exception of Tuamgraney. Although Tuamgraney is small settlement it is a strong employment centre linked to the Service Town of Scarriff. The former Finsa wood processing plant is a large industrial site and the Shannon Commercial Properties Enterprise Centre is long established and home to numerous business. Additional lands have been zoned in the vicinity of the business park to accommodate its further expansion. Given that Tuamgraney has a long history as an employment centre in the predominantly rural East Clare area, the extent of land zoned is considered appropriate to the role of the village and its status as a 'linked settlement' with Scarriff an identified Service Town in the Mid-West Regional Planning Guidelines 2010-2022.
- In terms of zoning lands for Enterprise uses into towns and villages across the county, it is an objective of the County Development Plan to support rural enterprise. Creating jobs and supporting economic development in rural areas is key to reversing population decline and ensuring that rural areas have the opportunity to contribute to the national economy, as outlined in the CEDRA report. While it is recognised that many rural enterprises require a location close to a natural resource, it is important to ensure that other businesses are encouraged and facilitated to locate in towns and villages. This is essential to create the critical mass to support the achievement of other goals such as improved physical infrastructure provision, broadband services and sustainable transport and travel patterns, all of which are goals at national, regional and local level.
- All areas of lands zoned for enterprise, industrial and commercial use were re-evaluated as part of my consideration of this submission and I am confident that the majority are appropriate in terms of scale and location. I have reviewed and expanded the definition of

'Enterprise' to provide clarity with regard to the nature of enterprise in smaller settlements. Overall I am satisfied with the quantum and location of enterprise lands zoned within the settlements throughout the County, however, I propose to amend the location and extent of enterprise zonings to reflect the nature of enterprise appropriate to the size of the villages in relation to Ballyvaughan, Tubber, Doonbeg, Ardnacrusha and Creegh. In addition, I note Ennistymon has significant areas of land zoned for commercial use but no lands are identified to provide for future Enterprise Development. In order to facilitate future enterprise I propose to amend COM12 to Enterprise zoning, to be referenced ENT1.

I also propose to include within each of the Volume 3 Settlement Statements and Maps a table of the lands zoned for all of the main land-uses for each of the settlements within the respective municipal districts.

- I consider that the wording of Sections 8.2 of the Draft County Development Plan should be amended in order to ensure compliance with the S.28 guidelines.
- The Strategic Flood Risk Assessment undertaken for the county has informed the zoning of appropriate lands for development within the Draft Clare County Development Plan 2017-2023. Where zoned lands have been subject of a submission as part of this stage in the process a flood risk assessment has been undertaken of those which were considered to be potentially at risk of flooding. This flood risk assessment was also informed in part by the draft CFRAM mapping which is the most up to date information available at this point in time. I am confident that these assessments have effectively informed the land-use zoning for the Clare County Development Plan 2017-2023.
- I confirm that detailed consideration has been given to the submission from the Office of Public Works (See sub. 010), as recommended in this submission.
- I can confirm that the allocated headroom for Ennis and Clarecastle is 38%, and not 50% to an additional 38% as queried in the submission.
- I am satisfied that the population targets for Ennis and Shannon are correct and there has not been an explained addition of 1,000 persons to each settlement. As indicated in the 'explanatory notes' contained in the Core Strategy an additional 1,000 persons was added to the target for Shannon in recognition as its status as a Gateway town. The projected population increase for Ennis for the 16 year period from 2006 to 2022 was 8700. This can be seen on Tables 2.2 and 2.3 of the Clare County Development Plan 2011-2017. When this figure is extrapolated to cover the 17 year period from 2006-2023, as required to cover the time period of the new development plan, the result is a target population increase of 9244 persons. When added to the 2006 population for Ennis this gives a 2023 target of 33,497 for the Ennis area, as shown in the draft development plan. The population target for Ennis of 8,147 which was shown in the Mid-West Regional Planning Guidelines 2010-2022 was incorrect and this was brought to the attention of the Regional Authority (as was) at the time. Similarly for Shannon, in 2006 the population in Shannon was 9,222 and the Mid-West Regional Planning Guidelines set a target increase of 2,550 people for the 16 years from 2006 to 2022. When extrapolated to cover the 17 year period from 2006 to 2023 the target increase is 2709 persons. In recognition of the Gateway status of the town an additional 1,000 persons was added to the target. The result is a 2023 target population of 12,931, as shown in the Core Strategy tables.
- I have re-assessed Objective CDP4.10 (b) as requested. I am satisfied that it would be beneficial for this objective to remain in the Plan. The Draft Clare County Development Plan addresses key themes such as 'aging in place' and the development of 'life-long homes'. Ensuring that homes are designed and built to, as much as possible, be adaptable to the changing needs of their occupants over the course of their lives is highly important and I consider that this objective will contribute to enhanced quality of life for the people of County Clare in years to come.
- With regard to detailed information on water and wastewater infrastructure, Irish Water has provided the Council with the most up to date information in relation to water and waste water infrastructure for the settlements within the County. This information is incorporated into the settlement statements within Volume 3 of the Draft Clare County Development Plan 2017-2023 and I am satisfied that this provides the most up to date information available at this time.
- The Urban Regeneration and Housing Act 2015 is addressed in detail in Section 16.2.8 of the Plan. I consider it appropriate it reference this section in Section 16.2.6 Addressing Vacancy.
- I acknowledge the comments that are made in relation to:
  - The Strategic Environmental Assessment and Appropriate Assessment
  - The Wind Energy Strategy and Renewable Energy Strategy
  - The implementation of Section 28 guidance documents

- The requirement to revisit the Housing Strategy and Retail Strategy during the lifetime of the Plan.

### **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:

#### Chapter 2 Core Strategy

Add a new column to Tables 2.4 to 2.7 to show the quantum of land that has been zoned in each settlement in the county.

#### Chapter 16 Towns and Villages - Section 16.2.2 Addressing Vacancy

Add cross reference to Section 16.2.8 Lands identified for Regeneration.

Volumes 3a -3d Written Settlement Statements and Maps – include under 'Introduction and Context' a section and summary table of zoned lands within each settlement within each respective municipal district area. The section to read:

"Zoned Lands within the Settlements of the Ennis Municipal District/Shannon Municipal District/Killaloe Municipal District/West Clare Municipal District (as relevant)

The table below provides a summary of lands zoned for the main land-uses for each settlement within the municipal district area."

Table to be inserted into each Volume 3

Volume 1, Section 8.2.3.3 – subsection 'Developments of National and Regional Strategic Importance' – replace final paragraph:

~~"Developments within the Moneypoint Power Station and developments, in accordance with the scope of the Strategic Integrated Framework Plan (SIFP) for the Shannon Estuary, within Strategic Development Location B—Moneypoint, fall within these exceptions."~~

"Clare County Council has identified four locations where exceptional circumstances to the general policy may be considered for developments of strategic importance, as follows:

- Moneypoint Power Station and the adjoining lands which are identified as a Strategic Development Location in the Strategic Integrated Framework Plan for the Shannon Estuary
- Former Whelan's Quarry site at Fountain Cross, Ennis
- Hotel and Golf Links, Doonbeg
- Central Waste Management Facility, Ballyduffbeg, Inagh
- Renewable Energy Developments that require temporary access.

Volume 1, Section 8.2.3.3 – subsection on Lightly-trafficked Sections of National Secondary Roads – amendment to layout of second paragraph

"It must be clearly demonstrated that:

- There is a genuine need for the dwelling proposed
- There are no other alternative sites available with access off a regional or local road
- The development ~~shall also~~ fully ~~comply~~ complies with the objectives set out in Chapter 3 of this Plan – Urban and Rural Settlement Strategy
- All safety issues and considerations are adequately addressed in accordance with the NRA's Design Manual for Roads and Bridges."

Volume 1, Section 8.2.3.3 subsection on Existing Access onto National Secondary Routes – remove the following text:

### ~~"Existing Accesses onto National Secondary Roads~~

~~A less restrictive approach will be applied to existing accesses onto national secondary roads where a balance needs to be struck between the important transport function of such roads and the social and economic development of these areas. The Council will give consideration to developments utilising existing accesses onto national secondary roads for farmers and their sons and daughters who are actively engaged in farming the land, wishing to build a dwelling house for their own permanent residence on family land. It must be clearly demonstrated that there is a genuine need for the dwelling proposed and that there are no other alternative sites available with access off a regional or local road. The development shall fully comply with the objectives set out in Chapter 3 of this Plan Urban and Rural Settlement Strategy and must also demonstrate that use of an existing entrance to serve the proposed development will not result in the creation of a traffic hazard."~~

Volume 1, Chapter 19 – Land-Use and Zonings – insert additional text under Enterprise as follows:

"Lands zoned for 'enterprise' in large villages and small villages shall be taken to include the use and development of land for small-scale business and enterprise development such as incubator units, craft centres/workshops, small-scale manufacturing, local digital/technology businesses etc. Retail uses on these sites shall only be considered where it is ancillary to the main activity taking place.

Enterprise developments in large villages and small villages must have a high standard of architecture and landscaping and must be relative and appropriate to their scale, size and character."

Volume 3 – amend enterprise zonings for the following settlements:

Volume 3(b) – Ardnacrusha

Amend zoning on Site ENT1 – northern section of the site to change to Low Density Residential and southern section to change to Mixed Use MU1. To amend the following text from the Plan:

#### ~~"ENT1 West Side~~ **MU1 West Side**

This site is located on the western side of the settlement, north of the power station. The site is considered to have potential to accommodate an appropriate form of 'Mixed Use'. Any development proposals must be appropriate to the residential nature of the surrounding area and demonstrate that established amenities are protected.

Volume 3 (c) – Tubber

Remove Enterprise zoning to the south of the village and return site to Open Countryside (amend settlement boundary accordingly).

Extend Industrial zoning to west of existing Industrial zoning.

Amend text in accompanying settlement statement as follows:

#### **"Economic Development**

In order to promote economic development, it is an objective:

- ~~• To cater for enterprise development by zoning lands for enterprise development and industry in the village~~
- To facilitate small-scale expansion of existing industrial operation and to facilitate new agri-related enterprise.

Volume 3 (d) – Ballyvaughan

Remove Enterprise zoning from site on the Lisdoonvarna Road and return site to Open Countryside (amend settlement boundary accordingly).

Volume 3 (d) – Doonbeg

Amend zoning on Site ENT1 such that the zoning on the southern half of the site is changed to Agriculture.

Volume 3 (d) – Creegh

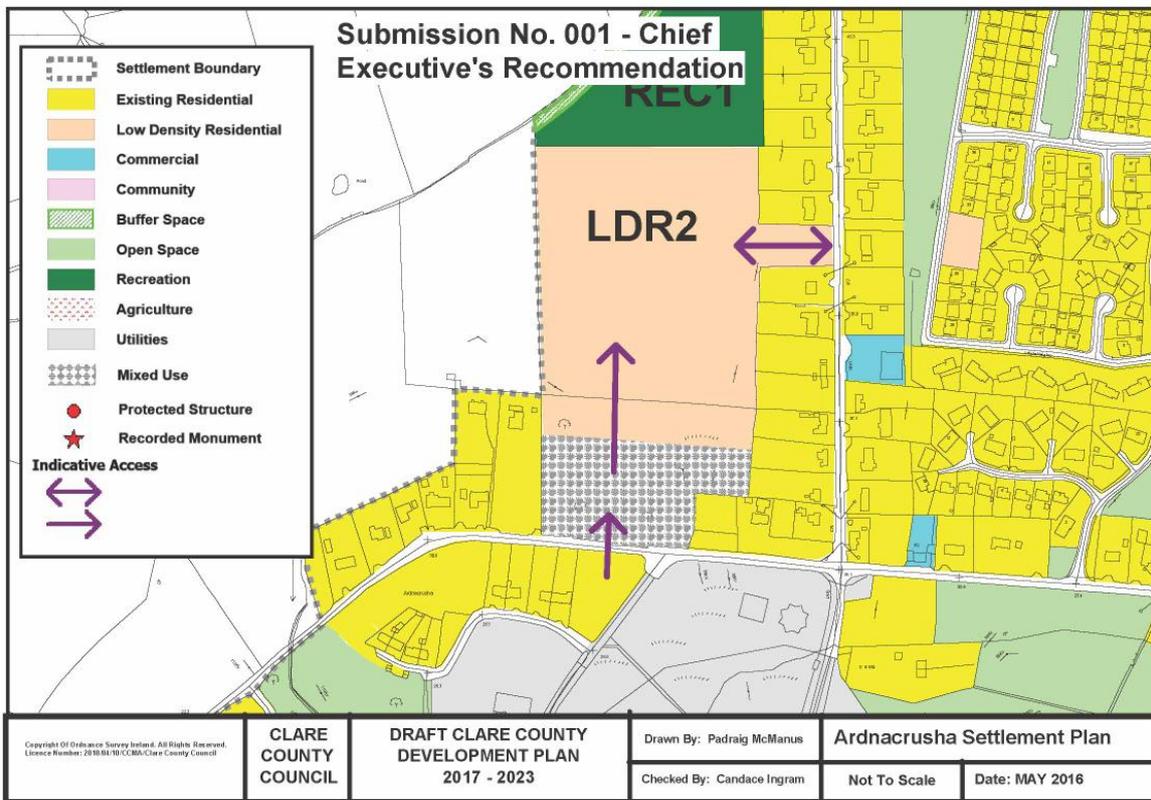
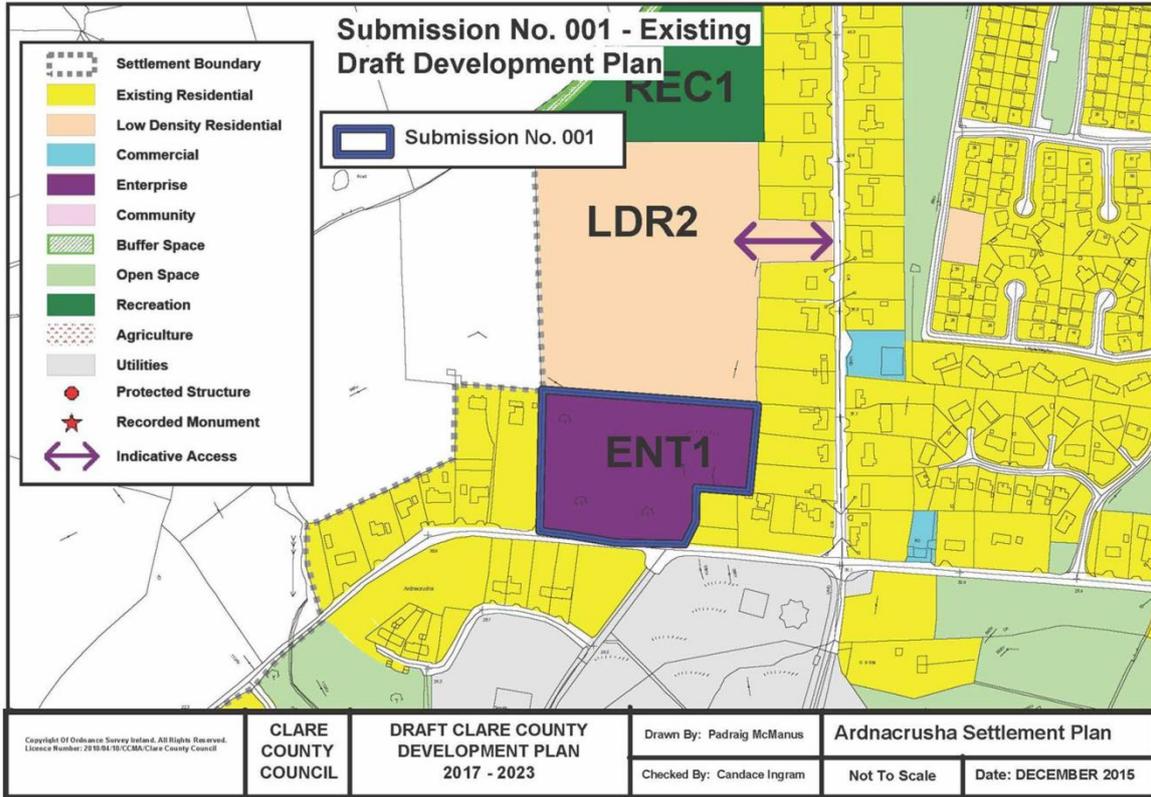
Change zoning on Site ENT2 from Enterprise to Open Space and remove the following text from the Plan:

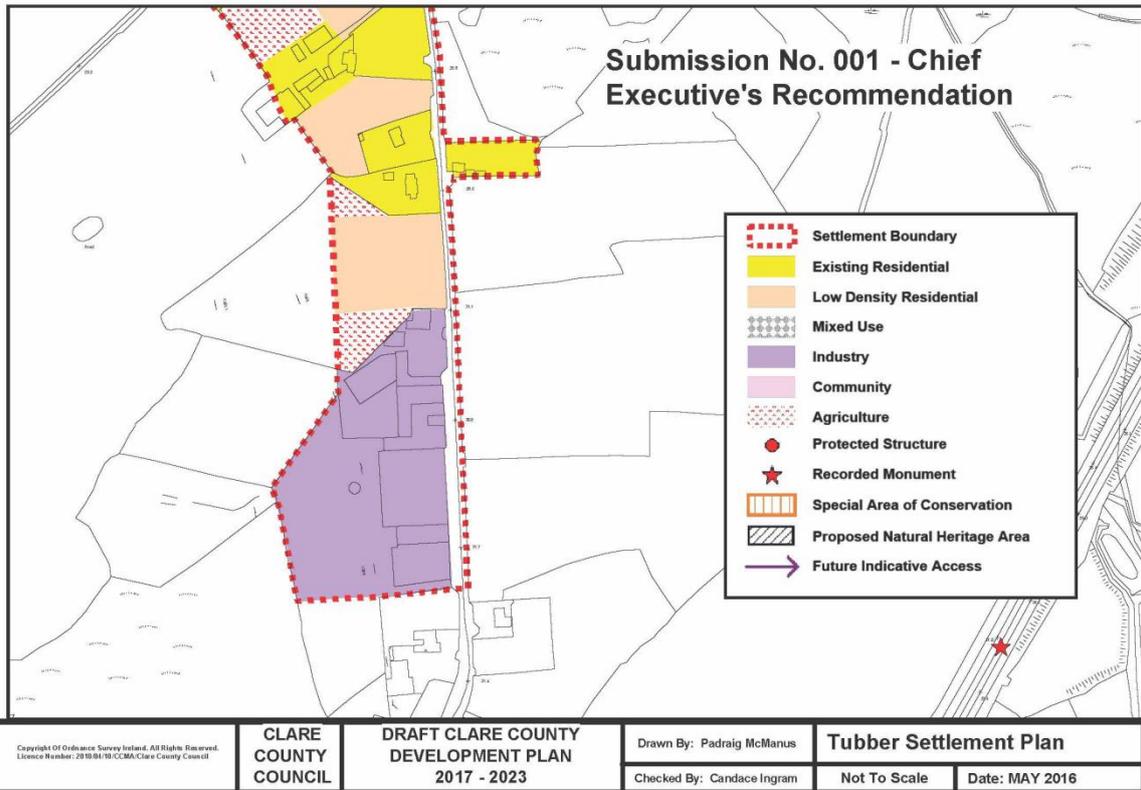
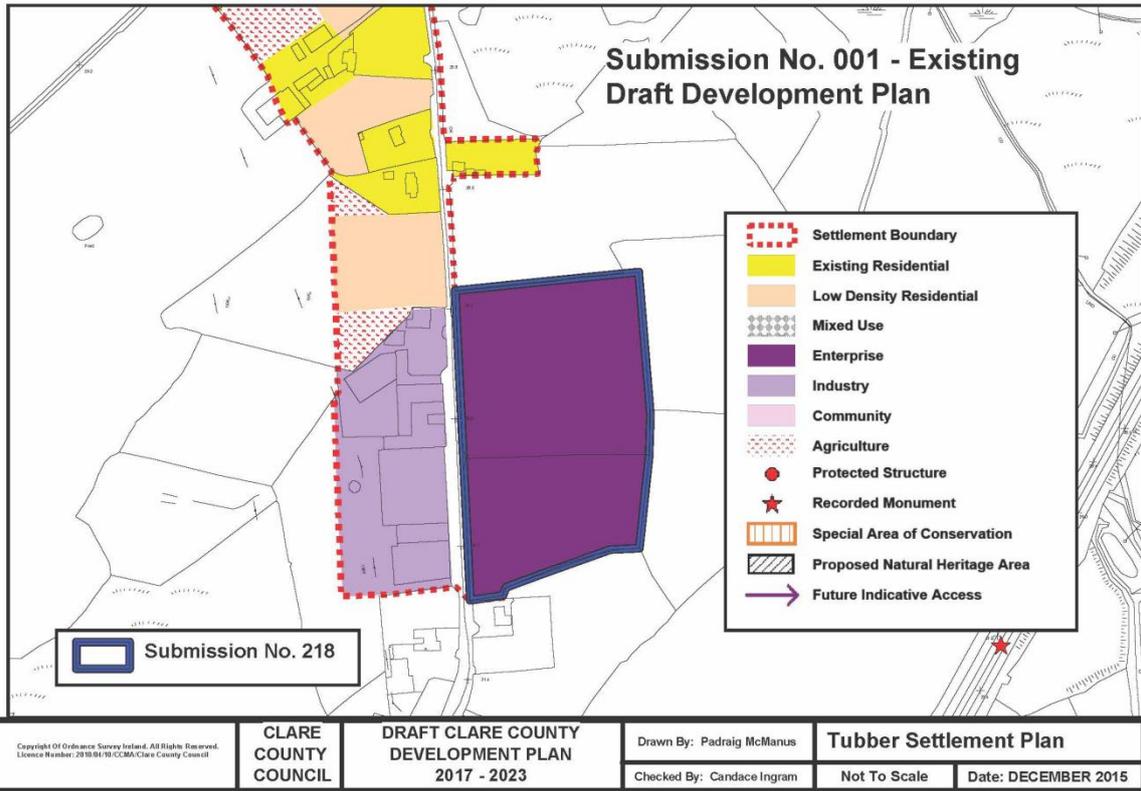
ENT2-Enterprise

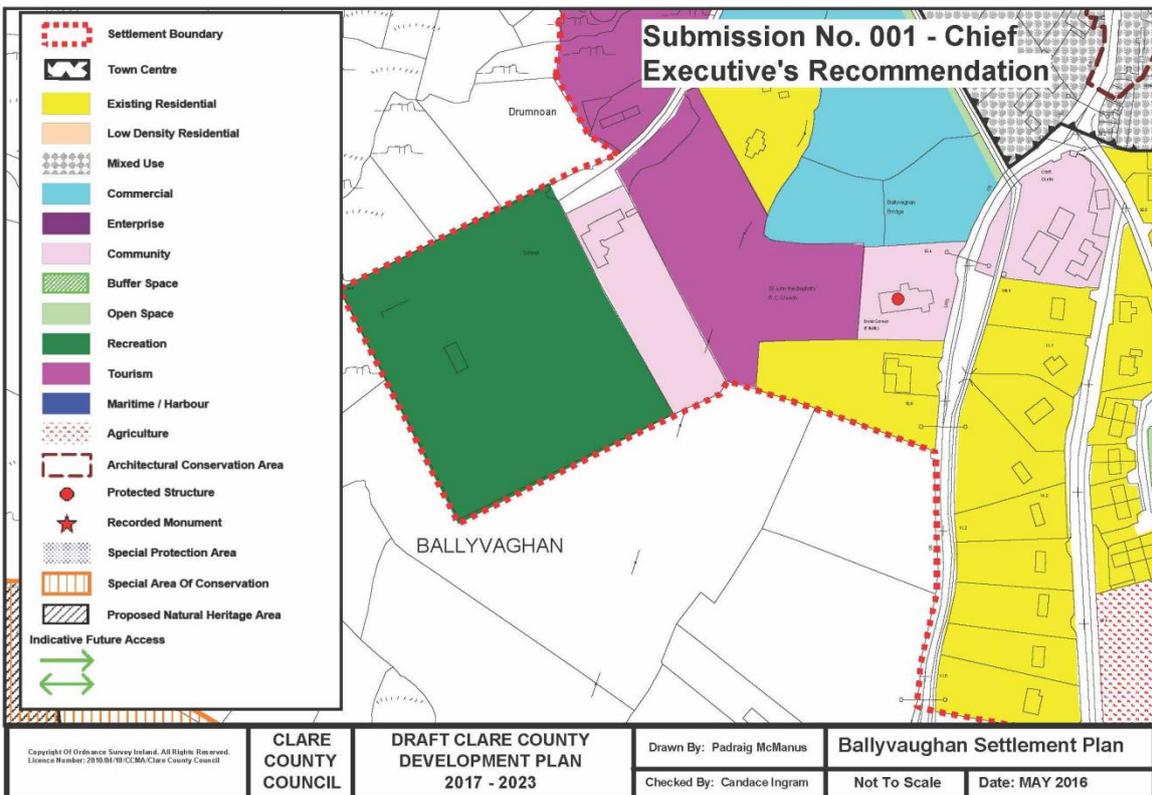
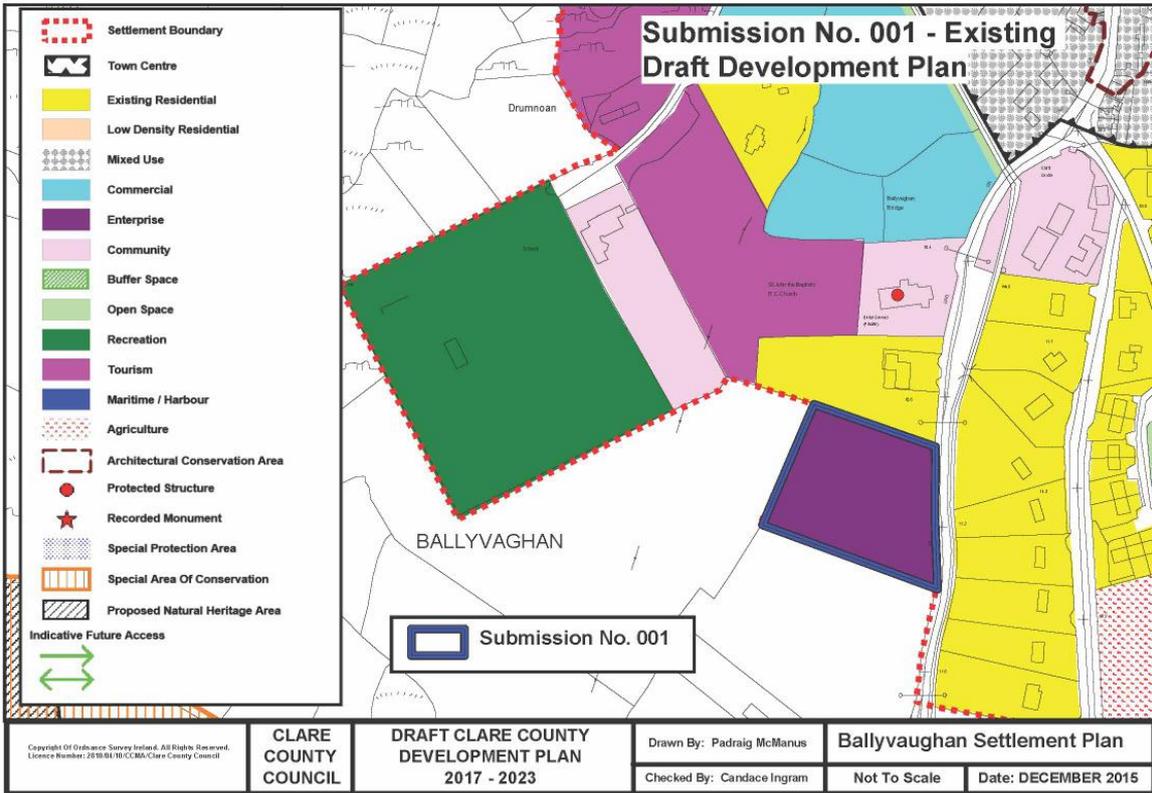
~~Siting and design of development will be an important factor in the development of this site and, any plans for development must address the capacity of the site and the settlement to absorb the proposed development from a visual, environmental and social perspective. A riparian buffer of at least 10m is provided along the boundary of ENT2 to the banks of the tributary of the Creegh River in order to provide protection in terms of water quality and to provide for and protect the river corridor at this location.~~

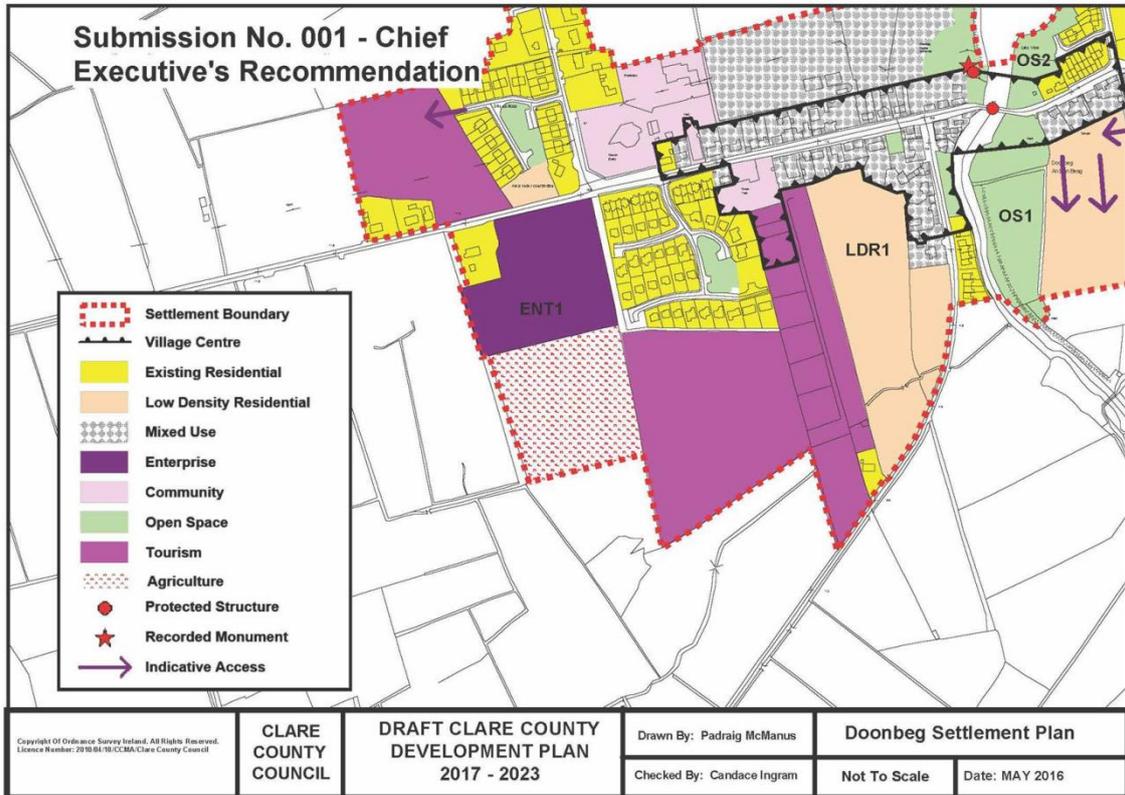
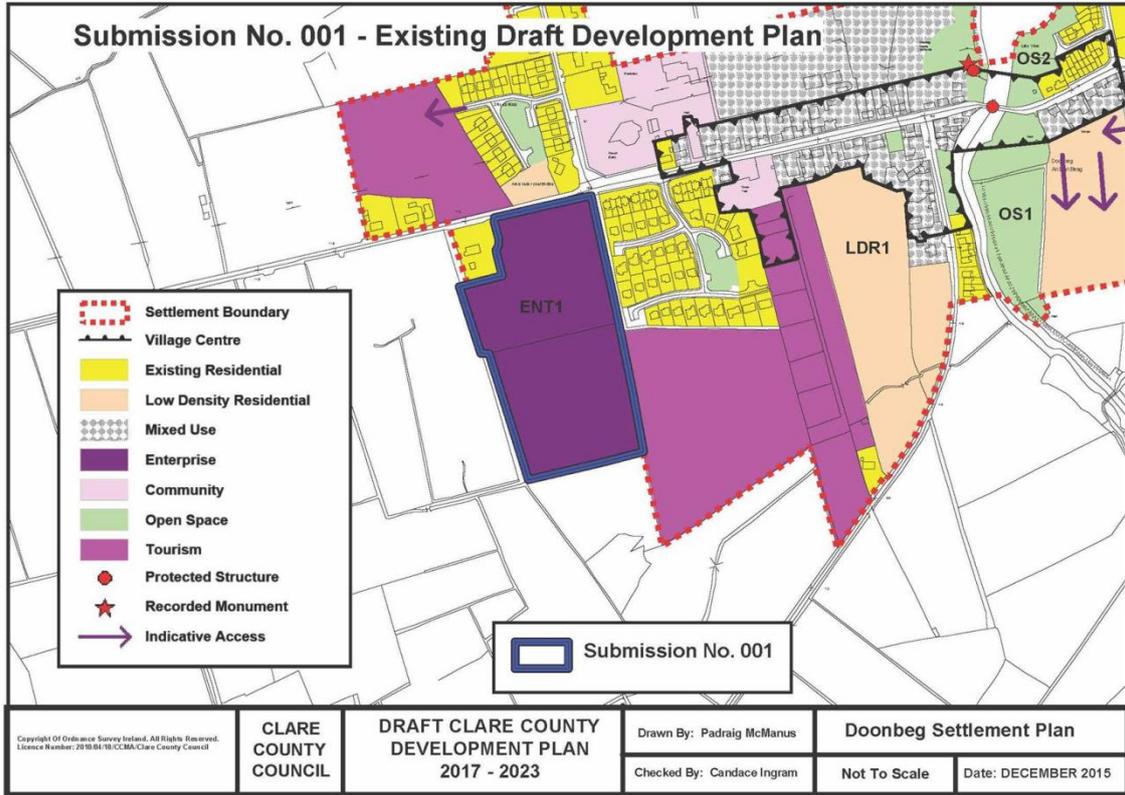
Volume 3(d) – Ennistymon

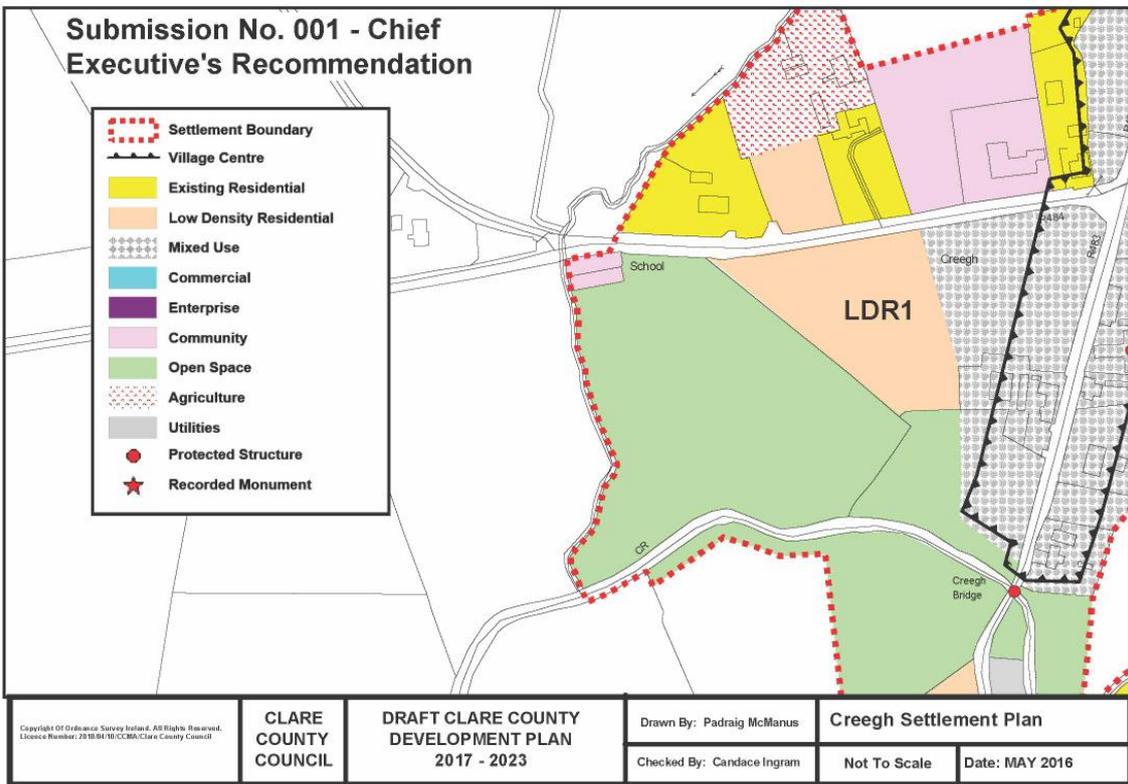
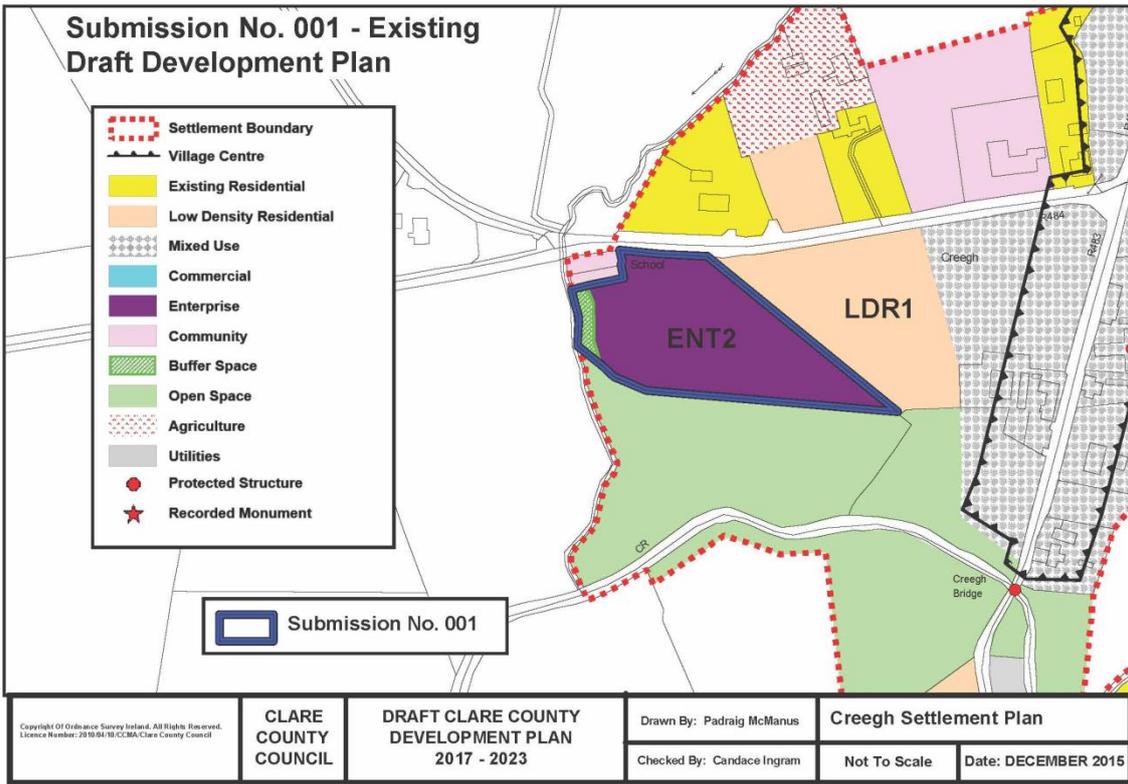
Change zoning on Site COM12 from Commercial to Enterprise and label site ENT1

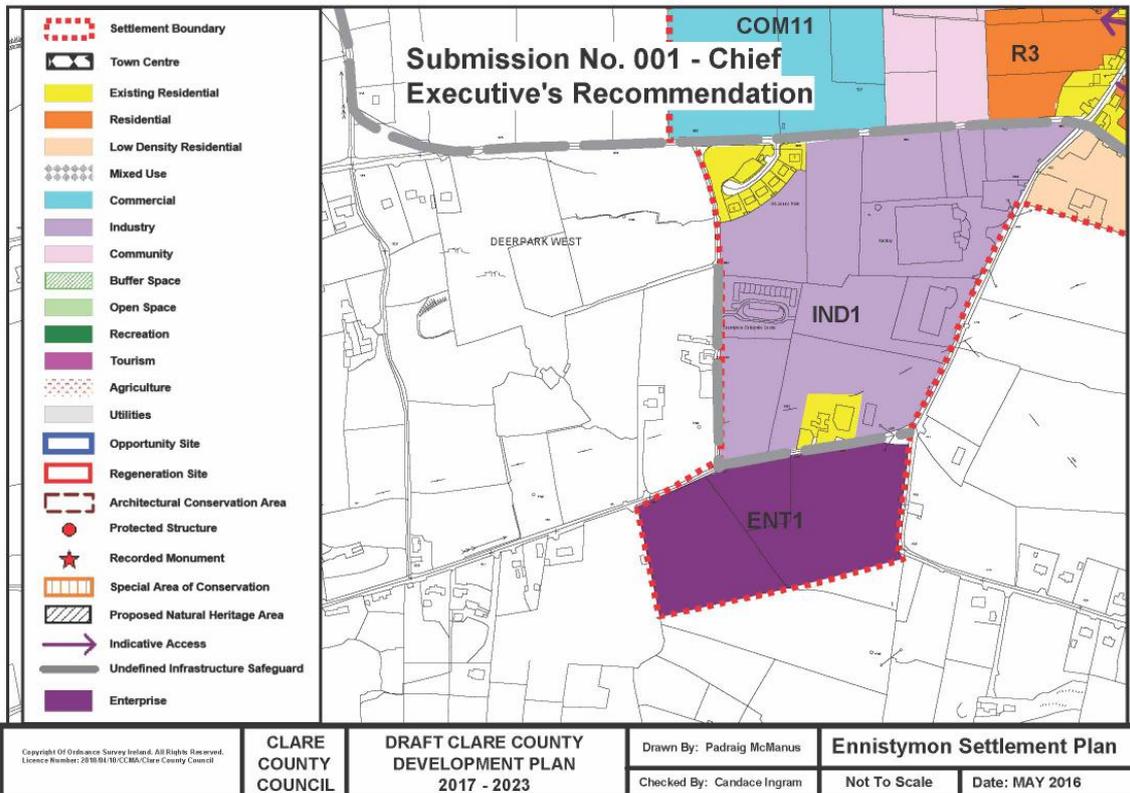
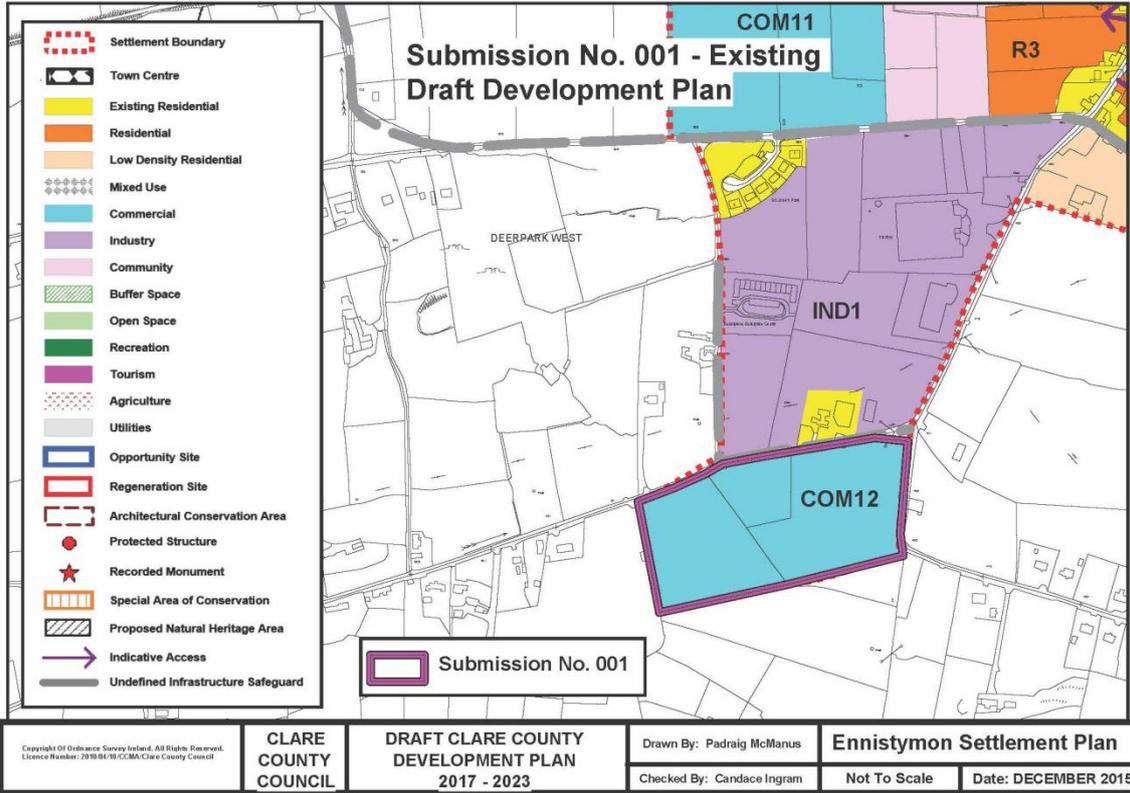












## Ref. 002 Environmental Protection Agency (EPA)

Key Words: Environment

### Summary of the Issues Raised in the Submission

This is a detailed submission that outlines the requirements of the Environmental Protection Agency. The submission makes specific comments on the Draft Plan, the SEA Environmental Report together with providing recommendations in relation to future amendments to the plan and to the preparation of the SEA Statement.

#### Draft Plan:

This section of the submission dealing with nature conservation can be summarised as follows:

- The submission acknowledges the deficiencies relating to the provision of adequate and appropriate water and wastewater infrastructure through the inclusion of Tables 2.4-2.7. Settlement growth and associated development should be linked to the ability of critical service infrastructure to accommodate further growth.
- Issues with drinking water and wastewater treatment facilities should be addressed on a priority basis in collaboration with Irish Water in the context of *Irish Water's Water Services Strategic Plan* and *Capital Investment Programme*.
- The EPA welcomes the commitments given in Development Plan objectives CDP 3.9 and CDP 3.10 relating to the implementation of the proposed '*Settlement Strategy and the Planned Growth of Settlements*'.
- In implementing the Plan the Planning Authority should ensure the zoning and development is consistent with the Regional Planning Guidelines and with the County Core Strategy.
- The Council should consider the inclusion of a commitment to integrate the recommendations of the relevant Regional Spatial and Economic Strategy covering the Plan area upon its adoption.
- The submission suggests strengthening Objective CDP 4.14 by including a commitment to integrate the relevant aspects of the *County Clare Heritage Plan 2011 – 2017* and the *Clare Biodiversity Action Plan 2014 – 2017*.
- In conjunction with Limerick City and County Council the Plan should consider preparing a joint master plan for the UL Campus redevelopment.
- The EPA welcomes the integration of the Wind Energy Strategy, the Shannon Integrated Framework Plan and the Renewable Energy Strategy into the Plan.
- The Plan should clarify whether aviation-related noise aspects have been considered in the preparation of the Clare Noise Action Plan (2013). In preparing the Local Area Plan for Shannon, this should be considered as appropriate.
- The Plan should include reference to the National Mitigation Plan (DECLG).
- The submission welcomes the inclusion of specific objectives relating to coastal zone management and coastal protection.
- The Plan should consider future climate scenarios in terms of predicated higher sea levels and increased frequency and intensity of storm conditions and associated potential for infrastructural damage.
- The Plan should ensure the protection of ecological buffers/marshlands/estuaries, in order that the effects of coastal squeeze on protected species/designated habitats can be managed appropriately where possible.

- The role that estuaries and marshes place in terms of flood alleviation could also be highlighted.
- The submission acknowledges the inclusion of objectives which provide protection of visually sensitive areas and areas of significant landscape character.
- The submission acknowledges that many specific objectives for the protection of natural heritage, biodiversity and associated green infrastructure are included in Chapter 14.
- The inclusion of a reference to the role ecosystem services should also be considered for inclusion.
- The promotion of community based engagement in citizen science and specific projects such as the Burren LIFE programme should be highlighted as beneficial in protecting and managing environmental sensitivities at a local level while supporting local communities.
- The Plan should, where possible, include a commitment that development be required to take into account any available habitat mapping.
- The submission welcomes the commitments in relation to green infrastructure and recommends the consideration of the integration of Green Infrastructure into the development of the various settlements described in Appendix B of the SEA ER as appropriate.

#### Ennis and Environs/Shannon Town Local Area Plans

- The submission acknowledges the commitment to prepare new local area plans (LAPs) for both Ennis & Environs and for Shannon Town. The LAPs should be prepared taking into account the requirements of the SEA, Floods, Water Framework and Habitats Directives and associated relevant national Regulations and Guidelines, to guide/inform the appropriate zoning and development of lands. Where existing zoned undeveloped lands are identified as being at risk of significant flood risk the LAPs should consider re-zoning or de-zoning to more appropriate land use as appropriate.

#### Settlement Maps

- The settlement maps should also consider including the findings of any flood risk assessment(s) carried out. This would serve to highlight potential zoning conflicts to be considered. The Plan should ensure that only appropriate land uses are considered in areas of significant flood risk in accordance with the *Flood Risk Management Guidelines (DEHLG, 2009)*.

#### SEA Environmental Report

- Acknowledges and welcomes Section 2.2.2 scoping which reviews the submissions made to the Pre-Draft Plan
- In relation to Radon and the levels across the county being above reference level the Plan should include a commitment to provide appropriate measures to mitigate for the harmful effects of radon in line with the development management process.
- On-going monitoring of trends in water quality status should also be incorporated into the monitoring programme for the plan period. Utilisation of EDEN in this regard would be beneficial.
- The Plan should ensure that proposed development including residential, industrial, energy related or infrastructural, is prepared and implemented in accordance with the requirements of EIA, Habitats, Floods and Water Framework Directives.
- Where possible the Plan should include the frequency of monitoring for each of the Strategic Environmental Objectives described.

- Consideration should be given to linking the Plan and SEA related monitoring in order to provide for assessing how well the Plan is protecting environmental sensitivities and vulnerabilities.
- The submission lists 11 additional Plans/Programmes which should be considered for inclusion in the Plan.
- The Plan should clarify whether EIA has been carried out for the Northern Distributor Road. If not, the SEA should consider including an assessment of the potential for significant environmental effects to inform the decision making process.

#### Future Amendments to the Draft Plan

- Where amendments are proposed in relation to the Plan there should be screened for likely significant effects in accordance with the criteria set out in Schedule 2A of the SEA Regulations and should be subject to the same method of assessment applied to the "environmental assessment" of the Draft Plan.

#### SEA Statement – 'Information on the Decision'

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

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

I would like to thank the EPA for their detailed consideration of the Draft Development Plan and I would like comment on the issues raised as follows:

- In relation to deficiencies in water and waste water treatment capacity, the provision of appropriate services will be a key consideration in the assessment of development proposals and the Council will continue to advocate for the enhanced provision of services throughout the county in the context of Irish Water's *Water Services Strategic Plan* and *Capital Investment Programme*.
- I am in agreement with the recommendation to include reference to the integration of the recommendations in the Regional Spatial and Economic Strategy, upon its adoption.
- With regard to Objective CDP4.14 I consider that it would be a beneficial addition to reference the Heritage Plan and the Biodiversity Action Plan in this section of the Plan.
- In relation to the University of Limerick, Clare County Council has identified lands on the north bank of the River Shannon which are considered both suitable and necessary for the future expansion of the University campus. This draft County Development Plan also sets out the nature of the uses that are considered acceptable in the area, subject to assessment of more detailed development proposals. While I note the recommendation of the EPA with regard to the preparation of a joint masterplan for the University area, I consider the provision currently contained in the development plan, which also encourages UL to develop a masterplan for the expansion of the Clare Campus, satisfactorily support the development of the campus into the future. Other provisions in the draft Development Plan such as those for the Limerick Northern Distributor Road and economic growth and development will ensure that the development that takes place in the Clare Campus aligns to the wider vision for development in the county.
- The Clare Noise Action Plan 2013 was prepared in accordance with the EU Environmental Noise Directive, as transposed into Irish law by the Environmental Noise Regulations 2006. The aim of the Directive and the Regulations is to provide for the implementation of an EC common approach to avoid, prevent or reduce, on a prioritised basis, the harmful effects,

including annoyance, due to exposure to environmental noise. Under the Directive/Regulations an action plan for noise must be prepared for any airport with more than 50,000 movements per year (a movement being a take-off or landing). Shannon Airport does not meet this threshold and therefore an action plan has not been prepared at this time.

- I agree with the EPA that the National Mitigation Plan should be referenced in the County Development Plan.
- I note the issues that are raised in relation to flood risk in coastal areas and I can confirm that all available data in relation to possible sea level rise, increased storm intensity etc. has been taken into consideration in the Strategic Flood Risk Assessment.
- Section 14.3.18 of the Draft Development Plan deals with wetlands and their importance in terms of biodiversity, flood storage etc. I am satisfied that this addresses the concerns raised by the EPA in their submission. However it would be beneficial to include a cross reference from Section 12.3.14 Coastal Squeeze to the section relating to Wetlands.
- I recognise the importance of Ecosystem Services and the benefits that the people of Clare obtain from the key features of importance across the County which range from wetlands to marine and coastal environments to protected areas for drinking water. Clare County Council through the undertaking of Environmental Sensitivity mapping as part of the Strategic Environmental Assessment which informed the plan making process has assigned service values to these biodiversity components by way of weightings in the GIS system and used these values to inform decision-making. In addition, the various objectives incorporated into the Plan to provide protection and conservation of both the natural and built environment will ensure that all services provided by the existence of these ecosystems are protected and enhanced for future generations to enjoy.
- Direct mention of projects such as Burren Life has been excluded from the draft Plan on the basis that such projects are run over a specific time period and the Plan will date quickly after a plan or project expires. However the importance of such projects is noted and commitments are given at a number of locations in the Plan to work on an on-going basis to seek new funding mechanisms for projects and programmes in the community.
- I note the request for a commitment to ensure that development take available habitat mapping into account. However the habitat mapping for the county is not publically available at present and therefore potential developers cannot be requested to take this mapping into consideration.

#### Ennis and Environs/Shannon Town Local Area Plans

I can confirm that the LAPs for Ennis and Environs and Shannon Town will take full account of the requirements of the SEA, Floods, Water Framework and Habitats Directives and associated national regulations. A detailed flood risk assessment will also be carried out as required to ensure that vulnerable land use are not located on lands at risk of flooding.

#### Settlement Maps

I do not consider it necessary to include identified Flood Zones on the settlement maps. The Strategic Flood Risk Assessment has informed the decision-making process for the zoning of lands and justification tests have been carried out where considered necessary. The flood risk areas are shown on the maps contained in Volume 2 of the Plan and a Flood Zone Map for Ennis accompanies Volume 3(a) Ennis Municipal District Settlement Plans. It is not considered necessary to include the flood zones to also include the flood risk areas on the settlement plans as this would make the over-complex.

#### SEA Environmental Report

- I am in agreement with the recommendation to include a commitment to provide appropriate measures to mitigate for the harmful effects of radon.
- I am in agreement with the inclusion of on-going monitoring of trends in water quality as part of the SEA Monitoring Programme utilising EDEN.
- I note the point raised in relation to proposed developments being prepared and implemented in accordance with the requirements of EIA, Habitats, Floods and Water Framework Directives. This is achieved through the inclusion of CDP Objectives 14.9 Environmental Impact Assessment, CDP 14.2 European sites, CDP 14.3 Requirement for Appropriate Assessment under the Habitats Directive, CDP 18.7 CFRAMS and CDP 8.20 Water Framework Directive.

- I note the point raised in relation to linking the Plan and SEA related monitoring in order to provide for assessing how well the Plan is protecting environmental sensitivities and vulnerabilities. It is a requirement under the Planning and Development Act 2000 (as amended) for a report to be prepared, two years after the making of the plan, on the progress achieved in securing the objectives of the development plan. This Progress Report is necessary because, under the Act, it is the duty of the Planning Authority to “*take such steps as are in its powers as may be necessary for achieving the objectives of the Development Plan*”. The SEA process through the recommendation of mitigation measures, by its nature requires environmental monitoring throughout the lifetime of the 6-year development plan. To assist in the monitoring of this development plan, Clare County Council will set up systems to monitor planning and development in the County to help measure the degree to which the objectives are being achieved. A monitoring group with agreed terms of reference comprising 12 Elected Members with at least 2 Elected Members from each electoral area shall be established and will meet quarterly with the Director of Service/Senior Planner. This group shall receive feedback from electoral area level as necessary. The Council will also establish mechanisms for measuring customer satisfaction within the planning service.
- I agree with the EPA that the frequency of monitoring for each of the Strategic Environmental Objectives described should be included where possible in the Plan.
- In relation to the consideration of additional Plans and Programmes the following have already been considered as part of the SEA Environmental Report;
  - National Peatlands Strategy and associated Raised Bog SAC Management Plans
  - Draft Freshwater Pearl Mussel sub-Basin Management Plans
  - Draft National Bioenergy Plan
  - Grid 25
  - National Landscape Strategy
- The following Plans and Programmes which have been published will be considered as part of the SEA Environmental Report;
  - Food Wise 2025
  - OREDP
- Once completed and published the following additional Plans and Programmes will be considered as part of the SEA Environmental Report
  - Raised Bog NHA Review
  - Draft Plan for Forestry and Freshwater Pearl Mussel in Ireland
  - Renewable Electricity Policy and Development Framework
  - National Mitigation Plan
- I note the key point made in the submission in relation to any future amendments to the Plan which should be screened for likely significant effects in accordance with the criteria set out in Schedule 2A of the SEA Regulations. Any future amendments will be screened in accordance with Schedule 2A and documented through the SEA process.
- I note the four main points made by the EPA in relation to the SEA Statement and the “Information on the Decision” which will be adhered to upon completion of the SEA process.

### **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:

#### Section 2.3.2 Mid-West Regional Planning Guidelines 2010-2022

A new paragraph to be added to read:

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

Objective CDP4.14 Green Infrastructure in Residential Developments – include addition text to read:

"To ensure that green areas associated with new residential developments enrich the quality of life of local residents and provide ecologically-rich areas that enhance biodiversity and contribute to the green infrastructure network in the county.

Section 12.3.14 Coastal Squeeze

Include cross reference to Section 14.3.18 Wetlands.

Objective CDP14.7 Non-Designated Sites – include addition point as follows:

"b) To ensure that available habitat mapping is taken into consideration in the assessment."

Section 18.5 Low Carbon Strategy – insert new first paragraph to read:

"The National Mitigation Strategy, when completed, will be a national plan setting out Ireland's first statutory low carbon development strategy for the period up to 2050. The National Mitigation Plan will specify the manner in which it is proposed to achieve the national transition objective and will outline the sectoral mitigation measures that are committed to within the Plan. Clare County Council will endeavour to contribute to the achievement of the objectives set out in the National Mitigation Plan."

Section 18.3 Climate Change – insert new section and objective to read:

**"Radon**

Radon levels in the County have been collated from the Radiological Protection Institute of Ireland. The central portion of the county is above reference level and therefore within a high radon area. A High Radon Area is any area where it is predicted that 10% or more of homes will exceed the Reference Level of 200 Bq/m<sup>3</sup>. Actions are required to reduce the risk to health from high radon levels in particular within this central location."

**"Objective 18.2 Radon**

The Council shall have regard, to the specific guidance on radon prevention measures for new homes as contained within the existing Building Regulations (including any updated/superseding regulations that may be published within the lifetime of this Development Plan)."

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

**SEA Environmental Report**

Chapter 10: Monitoring, Table 10.1 Strategic Environmental Objectives, Targets and Indicators – insert new row into table to read as follows:

"W1 Water Trends in Water Quality Status EDEN"

Table 10.1 will also be updated to include the frequency of monitoring for each of the Strategic Environmental Objectives described in the SEA Environmental Report.

Chapter 4: Relationship with other Plans and Programmes

The following Plans and Programmes which have been published should and will be considered as part of the SEA Environmental Report;

- Food Wise 2025
- OREDP

Once completed and published the following additional Plans and Programmes will be considered as part of the SEA Environmental Report

- Raised Bog NHA Review
- Draft Plan for Forestry and Freshwater Pearl Mussel in Ireland
- Renewable Electricity Policy and Development Framework
- National Mitigation Plan

## **Ref. 003 Department of Arts Heritage and the Gaeltacht**

*Key Words: Environment, Policy, Flooding*

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

This is a detailed submission that outlines the requirements of the Department of Arts, Heritage and the Gaeltacht in relation to the Draft Clare County Development Plan. The submission primarily focuses on three topics, namely: nature conservation, specific considerations in relation to individual volumes of the plan, archaeology and terrestrial and underwater archaeology comments.

#### Nature Conservation:

This section of the submission dealing with nature conservation can be summarised as follows:

- The submission acknowledges the structure of the new plan in 10 separate volumes and the incorporation of the Kilrush Town and Environs Development Plan 2014 – 2020 and the Ennis and Environs Development Plan 2008 – 2014 coupled with the incorporation of Municipal District Plans which will lead to the revoking of the existing local area plans.
- The submission outlines the duties of a public authority and namely Clare County Council as the competent authority in relation to appropriate assessment and also under Regulation 27 of the Birds and Natural Habitats Regulations 2011.
- The Department outlines the previous submissions made in relation to all preceding stages of the County Development Plan preparation together with other relevant Plans, Projects and consultation meetings held between the Department and the Council and outlines that the current observations are made on the basis that previous advice and recommendations have been taken into account by the council.

#### Appropriate Assessment

- Appropriate Assessment of the Plan is required prior to completion of the Plan and must take into account the NIR.
- The terminology 'NIR' and 'appropriate assessment' are not synonymous.
- The appropriate assessment cannot have lacunae and must contain complete, precise and definitive finding and conclusions with regard to the implications of the plan for the conservation objectives and integrity of European sites.
- The council must take into account any changes to the plans which are addressed in the Manager's Report or in an addendum to the NIR in conjunction with the current NIR.

#### Flooding

- The SFRA which forms part of Volume 10 is noted.
- Given the extreme winter flooding of 2015/2016 should the SFRA require revision, or new advice, recommendations from the OPW or any other group this should be taken into account and reflected in the objectives and recommendations of the plan and associated assessments.

#### Written Statement (Volume 1)

- The key components of volume 1 are noted
- The suite of positive objectives to conserve, protect and enhance nature conservation sites contained in Chapter 14 are welcomed.
- Further analysis of the potential negative implications of proposed or increased amenity and recreational use of such areas, and in European sites in particular should be undertaken
- It is recommended that objective 2.1, which is a positive ecological and environmental measures, should be integrated or cross-referenced with objectives in this chapter as appropriate
- The plan should aim to manage the competing aspirations for development and the ecological and environmental conservation and enhancement through the incorporation of appropriate plan-level mitigation.

- The plan should aim to identify areas where resources, advice and funding may need to be provided by the Council to assist in achieving certain development objectives.
- It is acknowledged that the NIR and SEA ER have influenced the drafting of the written statement in a positive way.
- The approach to this is largely through general obligations to comply with the Habitats and Birds Directives and national legislation. This approach is not always applied or referenced consistently.
- It is recommended that, if future compliance of plans and projects is used as a mitigation, there should be clearer and more consistent wording, cross-referencing or use of footnotes in each of the relevant objectives which, amongst other things, should include or encapsulate Objective CDP 2.1 and its general principles and requirements.
- All the objectives should be reviewed by the Council to ensure that there is rigorous, consistent and effective application of this approach to mitigation, wherever necessary.
- In relation to mitigating objectives from a nature conservation perspective all objectives and mitigation should be reviewed for the inclusion of other relevant national legislation such as the Birds Directive and EIA Directive.
- The terminology used in the plan in relation to requested 'appropriate assessment screening' should be reviewed in light of the requirement for Clare County Council as the competent authority to undertake appropriate assessment.
- European and other nature conservation sites, and sensitive habitats, should be identified as factors for consideration in the definition of the term 'suitable sites' used throughout the plan.

#### Municipal district written statement (Volume 3)

- The points made in relation to Volume 1 should also be applied to Volume 3
- The mitigation measures identified in Tables C2(a) to (d) of Appendix C to the NIR should be cross referenced or linked with Volume 3 in order to ensure the plan and its objectives can be found to pass the tests of Article 6 of the Habitats Directive.

#### NIR

- The approach to and detail in the NIR, including the appendices, are noted
- The approach outlined in relation to mitigation under the plan heading above is reiterated here
- The council must take account of the findings in Appendix B & C of the NIR when completing the appropriate assessment
- The NIR is missing some analysis of the likely efficacy of the mitigation, and analysis of the implications of the plan for the conservation objectives and integrity of European sites.
- It is unclear how the NIR reached a finding of no adverse effects on the integrity of European Sites
- Plan level mitigation must be demonstrated to be effective in addressing and ameliorating the full range of any adverse effects on the conservation objectives and integrity of European sites.
- The NIR outlines that there is insufficient geographical specificity in relation to some objectives however in some cases it is clear that the objective is in or cannot avoid a European site. The submission outlines some of the objectives and locations where this issue is relevant and for which an assessment on the implications for the conservation objectives and integrity of the European sites in question should be carried out.
- Where there is reliance on mitigation measures from other strategies, the Council must ensure that this mitigation suffices and is up-to-date.

#### Natural Heritage

- The overall plan should be reviewed in relation to the use of consistent terminology from a natural heritage perspective. A number of suggested changes have been provided in relation to Chapter 14 specifically but also in relation to other sections and to certain maps.

#### The Burren National Park

- The Burren National Park should be given further due consideration in the plan
- Objective 14.6(c) refers to "national parks" this should be amended as there is only one national park in Co. Clare

- It is suggested that consideration should be given to developing policies and objectives for the plan with the aim of protecting the environment and vistas and zones of visual influence in and around the national park and the visual character of the park.
- It is recommended that the plan sets out the councils view on how it wishes to see the park developing, how it views the park as a tourism asset for Co. Clare and its potential for assisting in local and county development.
- Policies and objectives in relation to the promotion of the park, signage to the park, traffic, the facilitation of access to the park by tourists and other visitors while conserving the character, habitats and environment of the park would be welcome.
- The council should reconsider the inclusion of objective CDP14.20 in the plan.

#### Archaeology

- It is recommended that all Local Area Plans contain detailed Cultural Heritage Sections that look to assess all aspects of each individual areas and their Environs.
- Recommends that the LAP or subsequent SEA and any proposed Flood Risk Management Assessments be updated to included assessment of the known and potential cultural heritage in all areas of the proposed plans.
- At the planning process stage a general assessment undertaken by a suitably qualified archaeologist should be undertaken

#### Terrestrial & Underwater Archaeology

- The Record of Monuments and Places is not an exhaustive list of all archaeology in existence
- The Planning Authority should have regard to the Department's policy in relation to the archaeological assessment of large-scale developments on sites where there are no previously recorded monuments (Framework and Principles for the Protection of the Archaeological Heritage)
- Areas covered by estuarine, riverine and coastal environments may also contain previously unknown archaeological heritage that should be considered in any appropriate assessment to inform the LAPs.
- The requirement to undertake an archaeological assessment for proposed developments due to their location, size, or nature should be included in the LAPs.

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

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

#### Nature Conservation

I acknowledge the comments that are made in relation to:

- The structure of the new plan
- The incorporation of the Kilrush town and Environs Development Plan 2014 – 2020 and the Ennis and Environs Development Plan 2008 - 2014
- The incorporation of the Municipal District Plans and revoking of the existing local area plans
- Clare County Council recognises and acknowledges its duties as a competent authority in relation to appropriate assessment and also under Regulation 27 of the Birds and Natural Habitats Regulations 2011 and will ensure its role is fulfilled in relation to this.

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

- DAHG Ref: 15/617 (dated 12<sup>th</sup> October 2015). Proposed Development: Permission for installation of a 4.5km Walking Trail at Doolin consisting of trail head signage, waymarker directional posts, stiles and ancillary site works;
- DAHG Ref: FP2015/080 (dated 18<sup>th</sup> August 2015). Proposed Variation no. 3 to the Ennis and Environs Development Plan;
- DAHG Ref: FP2015/001 (dated 6<sup>th</sup> March 2015). Review of existing Clare County Development Plan 2011-2017 and preparation of a new County Development Plan 2017-2023;

- DAHG Ref: G Pre00240/2014 (dated 22<sup>nd</sup> July 2014). SEA & HDA preparation for Variation no. 2 to the County Clare Development Plan to incorporate the Strategic Integrated Framework Plan for the Shannon Estuary 2013-2020;
- DAHG Ref: FP2014/033 (dated 11<sup>th</sup> April 2014). Proposed Variation No. 1 to the Clare County Development Plan 2011-2017 to incorporate the Clare County Renewable Energy Strategy 2014-2020;
- DAHG Ref: G Pre00075/2012 (dated 10<sup>th</sup> April 2012). Issues Paper – Review of Kilrush Development Plan and Preparation of new Kilrush Development Plan 2014-2020;
- DAHG Ref: DAU-2012-CL-CL-Renewable Energy Strategy (dated 16<sup>th</sup> March 2012). Pre-draft issues paper for Renewable Energy Strategy for Clare.
- Specific items arising from DAHG submissions on the various County Clare LAPs as outlined in the corresponding Habitats Directive Assessments e.g. East Clare LAP 2011-2017, DAHG submission on the Proposed Material Alterations to the Draft East Clare Local Area Plan 2011-2017.

#### Appropriate Assessment

- I agree with the point made in relation to the terminology 'NIR' and 'appropriate assessment' and will make a recommendation to review and standardise the terminology across all plan documentation.
- I agree with the point made in relation to the appropriate assessment which cannot have lacunae and must contain complete, precise and definitive findings and conclusions with regard to the implications of the plan for the conservation objectives and integrity of European sites.
- I confirm that any changes addressed in the Manager's Report or in an addendum to the NIR, will be taken account of, in addition to the current NIR.

#### Flooding

- I agree with the recommendations in relation to revising the SFRA based on the extreme winter flooding of 2015/2016 if deemed necessary. In this regard I refer to the recommendations I have made in response to the submission from the OPW (Ref. 010).

#### Written Statement (Volume 1)

- I acknowledge the comment in relation to the positive objectives contained in Chapter 14.
- In relation to the recommendation that further analysis of the potential negative implications of proposed or increased amenity and recreational use be undertaken I will recommend the following Objectives CDP5.11, 5.12, 8.13, 9.1 – 9.26 are reassessed.
- In relation to recommendation that objective 2.1 should be integrated or cross-referenced with relevant County Development Plan Objectives and that consistency should be applied to the objectives in relation to general obligations to comply with the Habitats and Birds Directives I agree with your recommendation and will undertake a review of all objectives to ensure that there is rigorous consistent and effective application of this approach to mitigation wherever necessary.
- I acknowledge the comment in relation to managing the competing aspirations for development and the ecological and environmental conservation and enhancement of the county through the incorporation of appropriate plan-level mitigation. Detailed and specific plan-level mitigation is provided in the Settlement Plans in the supporting text. Where proposals that were predicted to have adverse effects on integrity of European Sites, the team involved in screening for appropriate assessment recommended either removal, amendment of the zoning layout, insertion of buffer zones or addition of mitigation measures that would remove the potential for adverse effects on integrity of European Sites, as deemed applicable. In addition a number of plan-level objectives have been included within Volume 1 of the Plan to ensure compliance with all relevant national and EU legislations such as, but not limited to the Birds and Habitats Directive together with the Water Framework Directive. No zonings or objective remain, that when implemented as set out in the Plan (incorporating mitigation measures and in full compliance with the rest of the Plan), would result in adverse effects on integrity of European Sites in terms of their Conservation Objectives.
- In relation to resources, advice and funding to achieve development objectives the Council endeavours to provide advice to community groups, developers, stakeholders etc. whenever it is sought. This is part of the day-to-day operations of the local authority rather than a matter to be specifically addressed in the development plan. Resources and funding are highly important in the progression of many development objectives. This is a 6 year plan and

various opportunities to support beneficial developments will arise during the lifetime of the Plan. The nature and extent of the support provided will depend very much on the nature of the activity or development that arises and the resources of the Council at that time. Specifying resources (including funding) in relation to particular objectives would be counter-productive and restrictive. I consider it far more beneficial to tailor the supports provided to specific scenarios as they arise.

- I agree with the recommendation that the terminology used in the plan in relation to requesting 'appropriate assessment screening' should be reviewed in light of the requirement for Clare County Council as the competent authority to undertake appropriate assessment.
- In relation to the term 'suitable sites' this term is used in relation to numerous forms of development e.g. residential, industry, rural enterprise etc. Regardless of the nature of the development, issues such as infrastructure provision, access, environmental impacts and impact on European and other nature conservation sites and sensitive habitats are key considerations in the assessment of any development proposals. Having regard to Objectives CDP2.1, CDP14.2, CDP14.3, CDP14.4 and CDP14.7, which will be implemented throughout the lifetime of the Plan I can consider this issue to be satisfactorily addressed in the Draft Plan

#### Municipal District written statement (Volume 3)

- I agree with the recommendation that the points made in relation to Volume 1 should also be applied to Volume 3.
- In relation to your comment on linking or cross referencing the mitigation measures identified in Tables C2 (a) to (d) of Appendix C to Volume 3 in order to ensure the plan and its objectives can be found to pass the tests of Article 6 of the Habitats Directive this has already been undertaken within each of the four separate Municipal District Volumes contained under Volume 3. On page 4 of each of the Municipal District volumes contained in Volume 3 a table has been included to cross reference and link the mitigation measures relevant to each district not just arising from the NIR but also from the SEA Environmental Report together with the Strategic Flood Risk Assessment. This table is preceded by a paragraph outlining the Environmental Appraisals undertaken and the preparation of the mitigation measures. Notwithstanding this I would recommend the inclusion of a further line of text within this paragraph to indicate the importance of the adherence to these mitigation measures in order to ensure compliance with Article 6 of the Habitats Directive. In addition, I will be recommending a review of the Volume 3 zoning maps to ensure all zonings are labelled and can be cross referenced to the appendices contained in Volumes 10 (a) & (b). This will ensure implementation of the mitigation measures at a development management level.

#### Natura Impact Report

- I agree with and note your comment in relation to the council taking into account the findings in Appendix B & C of the NIR when completing the appropriate assessment.
- In relation to the point made on the likely efficacy of the mitigation and analysis of the implications of the plan for the conservation objectives and integrity of European sites the following should be noted. The justification to demonstrate the effectiveness of mitigation is provided in Section 4 and 5 which sets down the process whereby mitigation may be applied. At the strategic level of assessment it is not reasonable to expect a scientific analysis of a potential impact using predictive modelling techniques that are more suited to scenarios when project specifics are known. The Conservation Objectives have been extrapolated for each of the Qualifying interests for the European sites of interest including Site Specific Conservation Objectives (SSCOs) as well as SSCO transposed from other European sites to address sites where generic objectives have been drafted. The key test for the assessment has been as to whether the SSCO targets will be compromised by the elements of the Draft CDP. Relevant Conservation Objectives are provided in Appendix B. These have been transposed into five assessment criteria that allowed potential adverse effects on the integrity of European sites to be identified.
- In relation to your comment on how the NIR reached a finding of no adverse effects on the integrity of European sites this was achieved through the provision of detailed and specific plan-level mitigation in the Settlement Plans in the supporting text. Where proposals that were predicted to have adverse effects on integrity of European Sites, the AA team recommended either removal, amendment of the zoning layout, insertion of buffer zones or addition of mitigation measures that would remove the potential for adverse effects on integrity of European Sites, as deemed applicable. No zonings or objective remain, that

when implemented as set out in the Plan (incorporating mitigation measures and in full compliance with the rest of the Plan), would result in adverse effects on integrity of European Sites in terms of their Conservation Objectives. As a general rule, the requirement for AA at lower level plans and projects has not been stated as it is matter of law that screening for AA is required. However in some cases this requirement has been stated to reinforce its application at the lower level. Section 4.3 and 5.3 states in generic terms how the mitigation measures will ensure that no adverse effects on site integrity will result. During the AA process if it was regarded that adverse effects could not be entirely addressed by mitigation measures then the removal of the objective or zoning was recommended.

- In relation to your comment on demonstrating the effectiveness of plan level mitigation the justification to demonstrate the effectiveness of mitigation is provided in Section 4 and 5 of the Natura Impact Report which sets down the process whereby mitigation may be applied. At the strategic level of assessment it is not reasonable to expect a scientific analysis of a potential impact using predictive modeling techniques that are more suited to scenarios when project specifics are known. The Conservation Objectives have been extrapolated for each of the Qualifying interests for the European sites of interest including Site Specific Conservation Objectives (SSCOs) as well as SSCO transposed from other European sites to address sites where generic objectives have been drafted. The key test for the assessment has been as to whether the SSCO targets will be compromised by the elements of the Draft CDP.
- In relation to the point raised on geographic specificity for some of the development plan objectives I agree with your comment and will recommend revision to a number of objectives where appropriate and if not already altered based on recommendations contained above. In relation to CDP objective 8.6 a) these projects have undergone a detailed assessment as part of the process in preparing the Natura Impact Report. The detailed assessment and mitigation measures associated with in particular the projects identified in Table 8.2 of volume one are contained in Volume 10 A Appendix C2 (a) – (d) as appropriate. In order to clarify this I will make a recommendation to include specific reference to the associated mitigation measures in CDP Objective 8.6. In relation specifically to the LNDR as part of objective 8.6 I agree with the point raised that the environmental assessments undertaken to date relate to the safeguarding at plan level for a future road and not of the road as a project in its own right. I am satisfied that through the strict adherence to the mitigation measures identified through the LNDR environmental assessment process (SE & AA) and as incorporated into the associated variation and the current CDP (2011 – 2017) and the Draft Plan 2017 – 2023 will ensure no significant effects on the environment. For completeness and to ensure a thorough incorporation has taken place these detailed mitigation measures have also been incorporated in the SEA and AA for the 2017 – 2023 CDP.
- I agree with your recommendation in relation to the objectives associated with green infrastructure and ensuring that any objectives associated with amenity and recreational uses of European sites is consistent with their conservation objectives. In relation to the three specific site references of Ballyallia Lake, the Post Office Field and along the River Fergus within your submission I would like to highlight that the Strategic Aims for Green Infrastructure, Biodiversity and Natural Heritage strive to protect and enhance these areas, to conserve and protect these sites and to ensure compliance with the requirements of the Habitats Directive in particular. There are no specific objectives included for Ballyallia Lake within the County Development Plan bar those which relate to Green Infrastructure which may be applicable at this location. In relation to the Post Office Field this has been identified as an Opportunity Site (OP6) in Volume 3 (a) of the Plan with the technical guidance associated with this site outlining the aspiration to develop this site for amenity or recreational use. The technical guidance specifically states that proposals must be informed by a comprehensive ecological survey and landscape management plan. Protecting and managing the natural qualities of the Post Office field and safeguarding its flood relief function will be the paramount consideration in the future development of this site. The flood plain may be enhanced from an ecological perspective by the creation of shallow ponds to encourage both wetland plant diversity and wading bird habitat. Retention of existing riverside trees and the addition of small areas of alder on the higher ground would further reinforce habitat diversity. Development proposals must retain an undisturbed 10m otter habitats zone on the riverbank. The site directly adjoins the Lower River Shannon SAC and future development proposals must be progressed in full compliance with the requirements of the EU Habitats Directive. The Post Office Field has also been assessed as part of the SEA, AA and SFRA assessments undertaken as part of

the overall Plan under the heading of Opportunity Site 6. Arising from these assessments is also a number of mitigation measures as detailed in the Appendix Table C2 (c) Ennis Municipal District of the NIR and Appendix B Ennis Town of the SEA ER. The NIR in particular identifies the future surveys and requirements which will be necessary prior to any development taking place in order to ensure compliance with all relevant EU and national legislation. Similarly where any other Opportunity Site comes within close proximity or within a European site this has been assessed through both the SEA and AA process and appropriate mitigation measures proposed. Notwithstanding this, I will make a recommendation for a revision to the Green Infrastructure objectives to ensure compliance with all relevant legislation and ensures significant effects are avoided.

- In relation to the West Clare Railway Greenway only a small portion is identified as a greenway in Ennis commencing at Opportunity Site 8 West Clare Railway Greenway Trail Head, Woodquay. While some of this section lies adjacent to a European Site none of it is within. Within the technical guidance associated with this opportunity site due to its proximity to the River Fergus which forms part of the Lower River Shannon SAC it has identified that any future development proposals on this site shall be subject to a Screening for Appropriate Assessment in compliance with Article 6(3) of the Habitats Directive. Due to the proximity of the site to the river corridor, future development proposals must demonstrate, through a light spill modelling study, that there will be no negative impacts on bat habitats or commuting corridors. In relation to the remainder of the West Clare Railway Greenway, while this is shown on some of the County Development Plan maps this is by way of information only with no specific development objectives. It is however covered under CDP 5.12 Off-Road Walking and cycling, CDP 8.13 Walking and Cycling, CDP 9.25 West Clare Railway. I recommend a review of these objectives in line with earlier recommendations to balance the competing aspirations for development and the ecological and environmental conservation and enhancement of such areas through the incorporation of appropriate plan-level mitigation.
- In relation to the increased usage of sites such as the Cliffs of Moher and Loop Head trail along the Wild Atlantic Way I agree with your comment in relation to undertaking further consideration of the requirements in relation to Article 6 of the Habitats Directive. In light of the findings of the Wild Atlantic Way Ecology Monitoring Survey Report, October 2015 and the Report to Monitoring Committee, December 2015 I will be making a recommendation for further mitigating and amelioration measures.

### Natural Heritage

I agree with your recommendation that the overall plan should be reviewed in relation to the use of consistent terminology from a natural heritage perspective. The suggested changes in relation to Chapter 14 specifically and to some of the relevant maps will also be recommended for inclusion.

### Burren National Park

I note the issues that have been raised in relation to the Burren National Park and I agree that Objective CDP14.6(c) should be amended to reflect the fact that there is only one national park in the county. Clare County Council is aware of the need for an overall management plan for the park that will take a comprehensive, holistic approach to over-arching issues such as traffic management, signage, access and environmental protection. However, one of the stated roles of the Heritage Division of the Department of Arts, Heritage and the Gaeltacht, of which the National Parks and Wildlife Service is part, is "to manage, maintain and develop State-owned National Parks and nature reserves" ([www.npws.ie/about-npws](http://www.npws.ie/about-npws)). I also note that the NPWS have an overseeing role in "Policy and management of National Parks and Reserves, Nature Services strategy, Finance and Regional operational procedures (including enforcement and health and safety)". It is therefore our understanding that responsibility for the overall management of the National Park rests with the Minister for Arts, Heritage and the Gaeltacht through the National Parks and Wildlife Service of that Department. However, as the Park exists within a rural setting and its successful management depends upon positive relations and co-operation with a broad range of local interests and statutory agencies, Clare County Council, as a key stakeholder, will be fully supportive of the preparation of a plan and/or comprehensive policies for the Burren National Park by the DAHG and the Council will endeavour to engage, contribute and cooperate in the process of preparing such a Plan or policies. However, I do not consider it to be the responsibility of Clare County Council to take the lead role in the management of the National Park. I consider Objective CDP14.20 to be appropriate and necessary and I recommend that it remains unaltered in the Draft

Plan. In addition I feel it is not appropriate to consider the inclusion of additional policies or objectives relating to signage, traffic, access etc in the absence of a holistic management plan for the Burren National Park.

I agree with your comment on giving further consideration to the Burren National Park in the plan and will make a recommendation for the inclusion of additional text.

### Archaeology

In relation to archaeology and the addition of further information on cultural heritage to the Plan, archaeology and cultural heritage are taken into consideration in all stages of the plan-making process and, in particular, in the identification of lands for future development. Section 15.4 Archaeological Heritage and associated objective CDP15.8 ensure further protection for these features of historical importance. All of the objectives and zonings in the Draft Development Plan have been assessed against the Strategic Environmental Objectives which include three key Cultural Heritage Objectives this ensuring the conservation, protection, enhancement, restoration and reuse of important features of the Cultural Heritage of the county within the SEA Environmental Report. The assessment outlines key requirements, mitigation measures, targets and indicators which will ensure the Cultural Heritage is taken into account during any future development. Furthermore, the Conservation Officer will input in the assessment of any development proposals likely to impact on the cultural heritage in the Council and I am satisfied that this issue does not need further consideration in the Draft Plan.

### Terrestrial and Underwater Archaeology

In relation to terrestrial and underwater archaeology, archaeological sites that are not included in the Record of Protected Structure are protected under Objective CDP15.9 Newly Discovered Archaeological Sites and also by Section 15.4 of the Plan which refers to all archaeological heritage and is not limited to that which is contained in the Record of Monuments and Places.

A commitment to have regard to the '*Framework and Principles for the Protection of the Archaeological Heritage*' is contained on Objective CDP15.8(f) of the Draft Plan.

Appropriate Assessment is focused solely on the impact of plans or projects on the integrity of European Sites. Unknown archaeological heritage is not an issue that would be taken into consideration when undertaking an Appropriate Assessment.

The requirement for an archaeological assessment will be determined as part of the development management process having regard to the requirements set out in Section 15.4 Archaeological Heritage, Objective CDP15.8 Sites, Features and Objects of Archaeological Interest and Appendix 1, Section A1.8 Archaeological Potential.

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

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

#### All Plan documents

All Plan documentation will be reviewed regarding the terminology used to request 'appropriate assessment screening' and in relation to 'NIR' and 'appropriate assessment' in light of the requirement for Clare County Council as the competent authority to undertake appropriate assessment.

#### Objective CDP 2.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment – add new point to the objective to read:

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

Objective CDP5.11 – Physical Recreation and Active Living – add new point to the objective to read:

h) To ensure any future development, zoning or recreational facility is in compliance with all relevant legislation as outlined in Objective CDP2.1.

Objective CDP5.13 Countryside Recreation – amend objective to read:

To support the diversification of the rural economy through the development of the recreational potential of the countryside, in accordance with the National Countryside Recreation Strategy and subject to compliance with Objective CDP2.1.

Objective CDP6.8 Burlington – amend point (b) of the objective to read:

b) To ensure that all works on the site are in compliance with Objective CDP2.1 in relation to all relevant EU Directives. ~~all relevant EU Directives, in particular the requirements of the EU Habitats and Birds Directives.~~

Objective CDP8.9 Shannon International Airport – add new point to objective to read:

f) To ensure that all proposals are in compliance with Objective CDP2.1.

Objective CDP8.13 Walking and Cycling – amend point (e) of the objective to read:

e) To ensure the development, enhancement and safeguarding of all walking and cycling routes are in compliance with the requirements of Objective CDP2.1.

Objective CDP8.14 Rail Network – amend point (d) of the objective to read:

d) All proposed developments shall be in accordance with the requirements of Objective CDP2.1. ~~with the Birds and Habitats Directive, Water Framework Directive and all other relevant EC Directives.~~

Objective CDP8.39 Renewable Energy – amend point (g) of the objective to read:

g) To ensure that all proposals for renewable energy developments and ancillary facilities in the county are in full compliance with the requirements of the SEA and Habitats Directives and Objective CDP2.1.

Objective CDP8.40 Energy Storage – amend objective to read:

To support and facilitate the development of secure, appropriately-scaled energy storage facilities at suitable locations throughout the county, in compliance with the requirements of Objective 2.1.

Objective CDP9.3 Tourist Facilities – amend point (b) of the objective to read:

b) To permit tourism-related developments outside of settlements where there is a clear need for the specific location and the benefits to the local community are balanced with the potential environmental impact of the development. The requirements of ~~Article 6 of the Objective CDP2.1 Habitats Directive~~ will have to be considered in such cases.

Objective CDP9.4 Tourist Accommodation – add new point to the objective to read:

d) To ensure all proposals are in compliance with the requirements of Objective CDP2.1.

Objective CDP9.6 Business Tourism – amend point (a) of the objective to read:

a) To promote, encourage and facilitate the provision of new conference facilities and the expansion/upgrade of existing conference facilities throughout the county at appropriate locations and in full compliance with the requirements of Objective CDP2.1. ~~all relevant environmental legislation in particular the requirements of the Habitats Directive;~~

Objective CDP9.21 Tourism in South Clare – amend point (i) of the objective to read:

~~i) To ensure the requirements of the Water Framework Directive, Habitats Directive and Floods Directive, in particular, are adhered to in addition in the implementation of this objective.~~

i) To ensure compliance with all relevant legislation as outlined in Objective CDP2.1

Objective CDP9.22 Tourism in East Clare – remove final sentence and add new point to the objective to read:

~~In full compliance with the requirements of the Habitats Directive~~

i) To ensure compliance with all relevant legislation as outlined in Objective CDP2.1

Objective CDP9.23 Tourism in North Clare and The Burren – remove final and add new point to the objective to read:

~~In full compliance with the requirements of the Habitats Directive~~

h) To ensure compliance with all relevant legislation as outlined in Objective CDP2.1

Objective CDP9.24 Tourism in West Clare – new point to be added to the objective to read:

~~In full compliance with the requirements of the Habitats Directive~~

k) To ensure compliance with all relevant legislation as outlined in Objective CDP2.1

Objective CDP9.25 West Clare Railway – amend the objective to read:

To facilitate the reopening of the West Clare Railway as an operational tourist attraction by permitting new sections of railway as alternatives to parts of the line which have been built on or are inaccessible since its closure in compliance with all relevant legislation as outlined in Objective CDP2.1.

Objective CDP12.11 Marina Developments in Coastal Areas – amend the objective to read:

To facilitate the sustainable development of marinas and associated amenities at appropriate locations along the Atlantic coastlines, ensuring that such developments shall not adversely affect species and habitats designated by the Birds and Habitats Directives and is in compliance with all relevant ~~environmental designations~~ legislation as outlined in Objective CDP2.1.

Objective CDP12.16 Island Development – remove final sentence and add new point to read:

~~In full compliance with the requirements of the Habitats Directive.~~

d) To ensure compliance with all relevant legislation as outlined in Objective CDP2.1

Objective CDP14.6 Burren National Park, Wildlife Sanctuaries and Nature Reserves – amend point (c) of the objective to read:

c) To ensure that the amenities of ~~national parks~~ the Burren National Park, wildlife sanctuaries and nature reserves are protected and that their educational values are enhanced and promoted.

Objective CDP14.15 Freshwater Pearl Mussels – amend the final point of the objective

a) To have regard to the potential impacts of developments within or in close proximity to the Cloon River freshwater pearl mussel catchment including impacts arising from downstream within the Shannon Estuary and Clonderlaw Bay;

b) To have regard to the Cloon Freshwater Pearl Mussel Sub-Basin Management Plan in the assessment of planning applications;

- c) To ensure careful consideration is given to all proposed developments within the Doonbeg, Shannon–Graney/Scarriff and the Shannon–Woodford Freshwater Pearl Mussel sensitive areas;
- d) To ensure full compliance with **Objective CDP2.1** in relation to any future developments with close proximity to a freshwater pearl mussel catchment or sensitive area.

#### Municipal District written statement (Volume 3)

The changes made above in relation to Volume 1 will also be applied to Volume 3 as appropriate.

A review of the Volume 1 zoning maps will be undertaken to ensure all zonings are labelled and can be cross referenced to the appendices contained in Volumes 10 (a) & (b).

#### Environmental Appraisal

The Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment which have been undertaken in tandem with the preparation of this development plan have informed the formulation of plan objectives and land-use zonings. Where mitigation measures have been recommended these have been incorporated accordingly.

Details of all proposed mitigation measures associated **with each settlement which should be carefully adhered to in order to ensure no significant effects on a European site occur** are included in the respective reports included in Volume 10 of this plan, and specifically as follows:

#### Natura Impact Report

The council will take into account the findings in Appendix B & C of the NIR when completing the appropriate assessment in addition to the details pertaining to the European sites identified in Table A3 for which I recommend the council undertakes a review in order to ensure the most up to date information is included.

#### Objective CDP6.4 Shannon International Airport – new point added to read:

**d) To ensure compliance with all relevant legislation as outlined in Objective CDP2.1**

#### Objective CDP6.7 University of Limerick – Clare Campus – new point added to read:

**l) All proposed developments shall ensure compliance with all relevant legislation as outlined in Objective CDP2.1**

#### Objective CDP8.6 Proposed Projects identified for Future Development – new point added to read:

**b) To ensure that the relevant mitigation measures contained in Appendix C2 (a) – (d) of Volume 10a associated with the projects identified in Table 8.2 are strictly adhered to.**

#### Objective CDP8.7 Environmental Considerations in Road Construction Projects amended to read:

To ensure that, for all major road construction projects, the route selection process will be informed by a constraints study, a significant criteria for which will be environmental considerations **in compliance with Objective CDP2.1**, in addition to compliance with best practice guidelines from the Fisheries Board, Transport Infrastructure Ireland and relevant Government Departments

#### Objective CDP14.27 Green Infrastructure – new points added to the objective to read

**f) To require the preparation and assessment of all planning applications associated with amenity and recreational uses and/or under the heading of green infrastructure to have regard to the information, data and requirements of the Appropriate Assessment Natura Impact Report, SEA Environmental Report and Strategic Flood Risk Assessment Report contained in Volume 10 of this development plan;**

g) To require projects to be fully informed by ecological and environmental constraints at the earliest stage of project planning and any necessary assessment to be undertaken, including assessments of disturbance to species, where required.

h) To ensure compliance with all relevant legislation as outlined in Objective CDP2.1

Objective CDP9.5 Wild Atlantic Way – point (g) of the objective amended to read:

g) To implement the mitigation measures and recommendations as they apply to the county in particular the Cliffs of Moher and Loop Head ~~stated in the~~ arising from the Wild Atlantic Way Operational and Monitoring Programmes ~~Natura Impact Statement~~. In addition, all current and future proposals should be in compliance with the requirements of Objective CDP2.1.

Objective CDP18.9 Green Infrastructure and Flood Management – amended to read:

To facilitate and implement green infrastructure developments as a means of managing flood risk and enhancing the natural environment in the plan area in compliance with Objective CDP2.1.

Objective CDP18.10 Maintenance of Rivers – amended to read:

To encourage and facilitate the maintenance of rivers and waterways by statutory authorities and the cleaning of drains in urban areas where appropriate, and subject to the requirements of Objective CDP2.1 ~~Appropriate Assessment, where required~~, and OPW Best Practice Guidelines.

#### Natural Heritage

The overall plan will be reviewed in relation to European sites, NHAs and appropriate assessment matters and terminology, particularly, but not exclusively, in Chapter 14. I recommend that the suggestions made in the Department's submission will be incorporated into this review as follows;

Section 14.3.2 European Sites – section amended to read:

The EU Habitats Directive, together with the EU Birds Directive, provide for the conservation, ~~and~~ protection and, in some cases, restoration of habitats and species (plants and animals) that are of European importance which may be rare, threatened or in danger of disappearance in the EU, as listed in various annexes of the Directives. The Directives also seek to establish Natura 2000, a network of protected areas throughout Europe. These protected areas include:

Special Areas of Conservation (SACs) - These sites are for the conservation and protection of plants, animals (other than birds) and wildlife habitats that are of importance to the EU. The sites are designated for habitats and species listed in Annex I and Annex II of the EU Habitats Directive (1992) respectively.

Special Protection Area (SPAs) – These sites are for the conservation and protection of birds and their habitats designated under the EU Birds Directive 2009 (first adopted by Member States in 1979), which was implemented in Ireland through the Conservation of Wild Birds Regulations (Statutory Instrument 291 of 1985). These sites are for the protection and conservation of rare and threatened bird species and their habitats.

~~The Directive was incorporated into Irish law by the European Communities (Natural Habitats) Regulations (S.I. No. 94 of 1997) under Regulation 31 (Annex 1.2) and the European Communities (Birds and Natural Habitats) Regulation (S.I. No. 477 of 2011).~~

In accordance with the Planning and Development Act, 2000 (as amended), Clare County Council, as a competent authority, in the performance of its functions, shall take appropriate steps to avoid, in a European site, the deterioration of natural habitats and the habitats of species as well as the disturbance of the species for which the site has been designated, insofar as such disturbance could be significant in relation to the objectives of the Habitats Directive. In addition the Council has duties as a public authority under Regulation 27 of the European Communities (Birds and Natural Habitats) Regulations 2011 relating to nature conservation.

Any persons proposing a plan, project or works that may have a significant impact on a European site should refer to Section 14.3.3 below.

Objective CDP 14.2 European Sites – amend point (b) to read:

b) To require all planning applications for development that may have (or cannot rule out) likely significant effects on European sites **in view of the site's conservation objectives....** ~~in terms of the site's Conservation Objectives....~~

Section 14.3.3 Appropriate Assessment – paragraphs 1 and 2 amended to read:

There is a requirement to ensure that future developments do not **have or perpetuate adverse effects** ~~impact negatively on the integrity of a European site or~~ on the conservation objectives and integrity of a European site. ~~for the natural habitats and species for which the sites have been designated.~~

In accordance with the EU Habitats Directive any plan or project **must be screened for appropriate assessment (by the Council) to establish if there is potential for significant effects on a European site and to determine if an appropriate assessment (by the Council) is required.** ~~with the potential to impact on the integrity of a European site must be screened for appropriate assessment to determine if a full Appropriate Assessment of the site is required. In the event that the screening indicates that the plan or project will, either directly or indirectly, on it's own or in combination with other plans and projects, have a significant effect on a European site(s), the plan or project must be the subject of a full Appropriate Assessment.~~

Section 14.3.4 Natural Heritage Areas – first sentence of the section removed:

~~Natural heritage includes local flora and fauna, geology, parks and inland waterways.~~

Objective CDP14.6 Burren National Park, Wildlife Sanctuaries and Nature Reserves – point (a) amended to read:

a) To protect the Burren National Park, all wildlife sanctuaries, nature reserves and all species (including Annex I habitats and birds and Annex II species) designated under the Wildlife Acts 1976 – 2000 and ~~EC (Natural Habitats) Regulations, 1997 (as amended)~~ **EC (Birds and Natural Habitats) Regulations 2011.**

Section 14.3.7 Non-designated Sites (Habitats and Species) – first sentence amended to read:

There are many sites throughout the county that host important plant and animal species or other habitats (including Annex I habitats, Annex I birds and Annex II and **IV** species)

Section 14.3.10 Promoting and Protecting Biodiversity and Wildlife Corridors – first paragraph amended as follows:

Of particular importance is the protection of wildlife corridors and stepping stones, **including as covered by Article 10 of the Habitats Directive**, which provide for the easy movement of wildlife which is essential to allow them to commute from one area to another for breeding, hibernation, in search of food etc.

Section 14.3.19 The Burren

The Burren National Park, Co Clare was established in 1991 and is located in the south eastern corner of the Burren and is approximately 1500 hectares in size. The Park is a Category II Protected Area as defined by the International Union for the Conservation of Nature – the IUCN. As such, the Burren National Park shares the same international status as other natural heritage sites of world renown such as Yellowstone National Park, Yosemite National Park and the Great Barrier Reef.

Appendix 1, Section A.1.7 Habitats Directive Assessment – 4<sup>th</sup> paragraph amended to read:

If a development site is located on or near a European site ~~Natura 2000 site~~, or the proposed development may have an impact on a European site ~~Natura 2000 site~~, it is advisable to consult with the Council ~~National Parks and Wildlife Service~~ at the earliest possible opportunity. The National Parks and Wildlife Service of the Department of Arts, Heritage and the Gaeltacht may also be consulted, including via <http://www.npws.ie/planning>.

## Ref. 004 Shannon Airport

*Key Words: Access and Movement, Environment, Wind Energy, Renewable Energy*

### Summary of the Issues Raised in the Submission

Shannon Airport Authority Ltd. (SAA Ltd.) submitted the following comments in relation to the Draft Clare County Development Plan 2017-2023:

- It is submitted that no reference is made to the possible rail link to Shannon Airport. The previous development plan made provision for the construction of a spur rail line from the existing Limerick to Ennis rail line and the associated lands were protected for the route. It is queried whether this is an oversight or if the viability of the route is now in question.
- It is noted that Rosroe Lough is listed as a proposed Natural Heritage Area in the draft Plan. While the designation is welcomed it is highlighted that Rosroe Lough is the raw water source for the supply of treated drinking water to Shannon Airport and associated campus. The water extraction rights have been in existence since the late 1930s and will require protection under any plans for NHA designation.
- In relation to the Wind Energy Strategy it is submitted that SAA Ltd. may need to be contacted as a statutory consultee in the siting of wind turbines in County Clare as these projects may have implications for the operation of systems used in Air Traffic Control. The siting of wind turbines may also have implications for the flight paths of aircraft. Regard must be had to the IAA's *Obstacles to Aircraft in Flight Order, 2002 (S.I. No. 14 of 2002)*. It is also contended that wind energy developers should seek the views of the IAA at pre-planning stage. If any adverse affects of wind turbine development were identified as part of this consultation process, SAA Ltd. would fully support any submission from the IAA.
- In relation to the Clare Renewable Energy Strategy it is submitted that applications for large scale solar generation projects on lands close to the airport must be required to take account of the reflectivity from the photovoltaic panels. Reflectivity could result in glare that caused flash blindness episodes on pilots or air traffic controllers and ocular glare studies must be carried out during project siting and design phase.
- With regard to the Strategic Integrated Framework Plan for the Shannon Estuary it is requested that paragraph 2 is replaced to include the most up-to-date figures in relation to the airport.

### Chief Executive's Response

I wish to thank Shannon Airport for their submission and I would like to respond to the issues raised as follows:

In relation to the proposed rail link to Shannon I can confirm that this future development is strongly supported by Clare County Council. The Shannon Rail Link, and the reservation of the lands associated with it, is addressed in Section 8.2.10 and Objective CDP8.15 of the draft Development Plan. The Infrastructure Safeguard is also mapped in the Volume 2 Maps (Map I11) of the Draft Development Plan.

In relation to Rosroe Lough, I note the concerns raised by the Airport Authority. Natural Heritage Areas are identified and designated by the National Parks and Wildlife Service EU Legislation and Compliance Unit of the Department of Arts, Heritage and the Gaeltacht. The Draft Clare County Development Plan reflects this designation to ensure the most up-to-date information is available in the Plan. Any concerns that the Airport Authority has in relation to the proposed designation can be raised directly with NPWS.

I note the points raised in relation to consultation referrals for renewable energy developments. Applications for wind energy developments in County Clare are currently referred to both the Irish Aviation Authority and Shannon Airport for their consideration. In relation to solar energy development the points made by the SAA are noted and will be taken into consideration if any such applications are lodged with the planning authority in the future.

I acknowledge the request to update the information in relation to Shannon Airport in the Strategic Integrated Framework Plan for the Shannon Estuary. The SIFP was adopted at a particular point in time and many of the locations, infrastructure etc. discussed in the document will evolve and

develop during the lifetime of the Plan. The SIFP has been adopted by numerous authorities and to change the text in the Plan adopted by Clare County Council, and not in version in use by other authorities and agencies, would be disorderly and may cause confusion amongst future users of the document. Therefore while the request of the Airport Authority is valid, I do not consider it appropriate to make the requested amendment at this 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. 005 Dept. of Communications, Energy and Natural Resources**

*Key Words: Environment*

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

The Department of Communications, Energy and Natural Resources have made this submission on behalf of the Geological Survey of Ireland. The submission acknowledges the recognition given to the geology of County Clare and the Burren and Cliffs of Moher UNESCO Geopark in the draft Plan. It is requested that an amendment be made to Section 14.3.5 which currently refers to 'Geological Heritage Sites'. This title should be changed to 'County Geological Sites' as per the National Heritage Plan.

In relation to the Strategic Environmental Assessment – Section 5.8.4 Geology, the following minor amendments are requested:

- Reference to 'Geological Heritage Sites' should be amended to 'County Geological Sites'.
- Reference is made to 89 sites of geological importance in the County. However there are only 45 County Geological Sites.
- Only the most significant County Geological Sites will be recommended for designation as NHAs, rather than all County Geological Sites.

Also within the Strategic Environmental Assessment, it is noted that Figure 5.10.5 which shows the groundwater vulnerability in the County, is missing from the Report. It is submitted that the characterisation of the bedrock aquifer, from which the groundwater vulnerability rating partly derives, should also feature in this section. It is also submitted that illegal dumping, especially in dolines and sinkholes in karstic areas should be added as potential sources of pollution.

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

I thank the Department for the submission made on behalf of the Geological Survey Ireland. I consider it to be of great importance that the most up-to-date information is contained in the adopted County Development Plan. I consider the information as set out in this submission should be included to ensure that geological information contained in the adopted Plan is accurate and reflects the current situation both in County Clare and at a national level:

- Reference to 'Geological Heritage Sites' should be amended to 'County Geological Sites' throughout the Plan documentation
- Reference to 89 sites of geological importance in the County will be amended to 45 County Geological Sites.
- Only the most significant County Geological Sites will be recommended for designation as NHAs, rather than all County Geological Sites.

I note the absence of Figure 5.10.5 which shows the groundwater vulnerability in the County and will include this as a recommendation together with up-dating Figure 5.8.3 to reflect the correct terminology in relation to County Geological Sites.

I agree with the recommendation to include a section on the characterisation of the bedrock aquifer and will include a recommendation in relation to this together with a correction in relation to the recommendation of sites as NHAs.

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

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

All references to *Geological Heritage Sites* to be amended to *County Geological Sites* both within Volume 1 and Volume 10.

The table setting out the Geological Heritage Sites in County Clare contained in Appendix 3 of the draft Plan be removed and replaced with the revised table set out below.

The SEA Environmental Report (ER) including the missing Figure 5.10.5 and updating Figure 5.8.3 as appropriate together with the text in section 5.8.4 which references 89 sites of geological importance be updated to reflect the correct number of 45.

Include a map indicating the bedrock aquifer of the county as Figure 5.10.6 of the SEA ER. Also include the following additional text to Section 5.10.5 of the SEA ER to read:

"The characterisation of the bedrock aquifer from which the groundwater vulnerability rating partly derives is depicted in Figure 5.10.6. The aquifer is classified by the GSI as "Locally Important" for the area from Ennistymon to Kilrush. It is classified as "Regionally Important Karstified-conduit" for the area extending from Ennis to North Clare. Karst features, present in vast numbers in this latter part of the county, play an important role as conduits for water and pollutants."

Re sources of pollution to groundwater the following change to the last paragraph in section 5.10.5 on page 178 of the SEA ER to read:.

"Potential pollution sources within groundwater protection zones include numerous small farms, together with illegal dumping, especially in dolines (enclosed depressions) and sinkholes in karstic areas. Much of the area has been developed with scattered rural housing with associated septic tanks."

Amend the text relating to selection of County Geological Sites as NHAs within Section 5.8.4 of the SEA ER to read:

"The Irish Geological Heritage Programme identifies and selects the most significant ~~sites of geological heritage within Ireland which will be~~ County Geological Sites which will be recommended for designated as NHAs in the future."

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

*Key Words: Policy, Access and Movement, Physical Infrastructure*

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

The following issues have been raised in the submission from TII:

#### Managing Exchequer Investment and Statutory Guidance

In relation to the Limerick Northern Distributor Road, TII raise the issue of the special requirements of the tolling scheme (N18 and the Limerick Tunnel Scheme) and the details of the potential implications on that scheme that have been circulated to relevant Council Chief Executives.

#### DoECLG Spatial Planning and National Roads Guidelines (2012)

- In relation to Section 8.2.3.5, TII acknowledge that it is beneficial to identify road schemes that are proposed to be delivered at a local/regional level during the lifetime of the Plan.
- TII welcomes the strategic aim outlined in Section 8.1 of the Draft Plan and also supports the principle outlined in Section 8.2.2 in relation to integrating land use and transport planning. It is further noted that Smarter Travel is addressed in the Draft Plan.

#### Developments of National and Regional Strategic Importance

TII notes that the text of the Spatial Planning and National Roads Guidelines has been replicated in the Draft Plan in relation to developments of national and regional strategic importance. However, with the exception of Moneypoint, the draft Plan appears to defer specific cases to consideration on a case-by-case basis to development management. It is the opinion of TII that this approach is highly inappropriate, piecemeal and not in accordance with the plan-led approach required in Section 2.6 of the Guidelines.

TII is available to discuss proposals in the context of developments of national and regional strategic importance for incorporation in the Development Plan. However, pending such agreement, TII considers the provisions of the Draft Plan to be contrary to the Spatial Planning and National Roads Guidelines due to the absence of the required evidence base and plan-led approach and deferment of cases to the development management process.

The national and regional strategic importance on Moneypoint is acknowledged but it is submitted that access to the Strategic Development Location at and adjacent to Moneypoint needs to be addressed to ensure compliance with the evidence-base requirements required in the Guidelines. TII notes that they are available to work with Clare County Council to this effect/

#### Lightly-trafficked Sections of National Secondary Routes

In accordance with the evidence base provided, TII agrees with the 'exceptional circumstances' included in the Draft Plan relating to lightly-trafficked sections of national secondary routes, subject to the limitations provided in the draft Plan. It is submitted that all proposals built in such locations must demonstrate compliance with the design standards set out in the NRA/TII DMRB. TII request that the following criteria be included in the Plan:

- *Safety issues and considerations can be adequately addressed in accordance with the NRA's Design Manual for Roads and Bridges*

In the interest of clarity it is recommended that the 'exceptional circumstances' criteria to be presented in bullet form in the Plan.

#### Existing Accesses onto National Secondary Routes

TII is of the opinion that the 'exceptional circumstances' in relation to existing accesses onto national secondary routes in the draft Plan is at variance with official policy and conflicts with

objectives to safeguard capacity and road safety on the national road network. The removal of this provision from the Draft Plan prior to adoption is requested.

### Specific Policies and Objectives

TII request that the following additional cross-referencing be included in the Plan:

- From Objective CDP3.13 New Single Houses in Infill Sites in the Countryside to Objective CDP8.4 Direct Access to National Roads

Cross referencing from the following policies and objectives to the policies and objectives relating to safeguarding the strategic function of the national road network:

- Section 6.3 Economic Development and Enterprise (including Section 6.3.12, 6.3.16 and 6.3.23)
- Section 7.4.7 Retail Activity in Rural Areas
- Section 7.6 Other Forms of Retailing
- Section 9.3 which outlines various forms of tourism-related objectives and
- Chapter 10 Rural Development and Natural Resources

TII would also welcome cross-referencing from the above objectives to Objective CDP8.4 Direct Access onto National Routes.

### Retailing:

TII supports the safeguarding and improvement of town centres and the promotion of the sequential test approach outlined in Chapter 7 of the Plan. However it is submitted that the presumption against large, out-of-town retail centres located adjacent or close to existing, new or planned national roads/motorways as contained in the Retail Planning Guidelines (2012) is not reflected in the draft Plan and its inclusion would be welcomed.

### Traffic and Transport Assessment (TTA) and Road Safety Audits (RSA)

TII recommend that Section A1.9.4 be updated to reflect recent changes to the relevant guidance documents.

### Service Areas

TII notes that no reference is made to off-line service area proposals at or near national road junctions. It is submitted that the Council may wish to address this issue having regard to Section 3.8 of the Spatial Planning and National Roads Guidelines.

### Signage

It is submitted that TII issued the Policy on the Provision of Tourist and Leisure Signage on National Roads in March 2011. Section 3.8 of the Spatial Planning and National Roads Guidelines also addresses the issue of proliferation of non-road traffic signage on and adjacent to national roads. It is requested that reference to these documents be incorporated into Section 8.2.14 Directional Signage and Section 9.3.19 Tourism Signage. It is noted that these documents are already referenced in Section A1.10 of the Plan.

### Noise

The Council is requested to refer to the requirements of S.I. No. 140 of 2006 Environmental Noise Regulations in the Development Plan. Development proposals should identify and implement noise mitigation measures, where warranted, in relation to noise associated with existing and planned national roads.

### Development Management Standards

It is recommended that Section A1.9.2 be updated to reflect the most up-to-date design standard documents.

## Ennis Municipal District

TII is concerned that certain proposed development objectives conflict with the provisions of S.28 guidelines and pose a significant risk to the objective of safeguarding investment in the national road network in the region, in particular zoning proposals and development objectives adjoining M18 junctions 12 and 13 and Objective V3 (a) 16 which proposes motorway connectivity from the Quin Road (R469).

### Development Proposals at National Road Junctions

It is submitted that the zoning objectives at Junctions 12 and 13, which are remote from the consolidated built-up area and the neighbourhoods identified for expansion, is in conflict with Goal 6 of the Development Plan – to achieve better use of sustainable transport options. It is also submitted that the subject zonings are in conflict with Section 2.7 of the Spatial Planning and National Roads Guidelines.

In relation to Junction 13, in the absence of the required evidence-based assessment, TII requests a review of the zoning proposal. It is submitted that there appears to be more suitable and sustainable available land within the Plan area which would support the stated goals concerning neighbourhood planning and sustainable transport options without compromising safety, efficiency and investment in the national road network in the area. An evidence-base for the site at Junction 13 should be prepared in accordance with DoECLG guidelines.

At Junction 12, TII recommends that the proposals are considered in the context of Section 2.8 of the Spatial Planning and National Roads guidelines which advises that a proliferation of off-line service area facilities at national road junctions should be avoided.

In relation to the proposal for an additional junction on the M18 at the Quin Road, this is not consistent with the requirement of Section 2.7 of the Spatial Planning and National Roads Guidelines. Such a development would require a Motorway Order and TII has no knowledge of such an order and has not been consulted in relation to this proposal.

### Other Development Proposals

TII identify a number of other sites in the Ennis area with the potential to impact negatively on the operation of the strategic national road network in the area. In relation to the following sites it is recommended that development proposals are progressed in accordance with appropriate transport and traffic assessments undertaken in accordance with TII/NRA Traffic and Transport Assessment Guidelines (2014) and should include an assessment of the cumulative impact of traffic/transport generated by planned development in the area on the junctions concerned:

- COM3 – Claureen
- ENT1/TOU2 – Beechpark
- ENT2/LI1/C2 – Clarecastle
- LI4 - Roslevan
- Commercial zonings at Cahircalla More

Furthermore it is noted that the Drumeen cluster has a development boundary that extends along the N68 at a location where the 100kph speed limit applies. Access to lands identified in the cluster should conform to the Spatial Planning and National Roads Guidelines concerning access onto national roads.

## Shannon Municipal District

Ballymorris, Drumline (2) and The Wells clusters have development boundaries that extend along the N18. Access to lands identified in the clusters should conform to the Spatial Planning and National Roads Guidelines concerning access onto national roads.

## West Clare Municipal District

It is submitted that there are a limited number of instances where zoning proposals appear to adjoin the national road network outside the reduced 50-60kph urban speed limit area and no

access strategy has been presented to address this apparent conflict with official policy. TII recommends that the following sites are reviewed and development objectives, access/zoning of the subject sites are addressed to conform with official policy:

- LDR3 to the north of Lisdoonvarna
- OP1 (former Culligan's Visitor Centre) in Ballyvaughan
- LDR2 to the east of Ballyvaughan
- Lands zoned for Enterprise use to the south of Ballyvaughan
- LDR1 in Lissycasey
- Low Density Residential lands to the south of Quilty
- Tourism lands to the south of Quilty
- Access and development objectives require clarification and review in Kilshanny as the 80kph speed limit applies on the N67 through the village
- Ballyea South, Caherea and Garraun West clusters have development boundaries that extend along the N18. Access to lands identified in the clusters should conform to the Spatial Planning and National Roads Guidelines concerning access onto national roads.

It is submitted that TII are available to meet with the Executive of the Council to discuss any of the issues arising in the submission or other matters relating to the Development Plan and national roads.

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

I wish to thank Transport Infrastructure Ireland (TII) for their submission and I would like to comment on the issues therein in the order in which they were raised.

#### Managing Exchequer Investment and Statutory Guidance

In relation to the reference to the proposed Limerick Northern Distributor Road (LNDR) Project and the requirements of the tolling scheme pertaining to the Limerick Tunnel, I take this to be a concern regarding the potential of the LNDR to indirectly impact upon the toll income.

I wish to highlight that it is not envisaged that the LNDR will compete with the Limerick Tunnel. The LNDR has an altogether different purpose to the Limerick Tunnel as the proposed route is a distributor road to the north of Limerick. It will serve local needs in terms of access to education and employment in particular access to University Limerick, together with enhancing the interconnectivity with villages in South County Clare rather than providing a bypass of Limerick.

I wish to point out that 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.

#### DoECLG Spatial Planning and National Roads Guidelines (2012)

I welcome the positive comments of TII in relation to Section 8.1 and 8.2 of the draft Plan.

#### Developments of National and Strategic Importance

I acknowledge the concerns raised in relation to developments of national and regional strategic importance that require access onto national roads and I consider it possible to address these concerns in the County Development Plan. There are a limited number of existing sites which fall into this category in the county, namely:

- Moneypoint Power Station and the adjoining lands which are identified as a Strategic Development Location in the Strategic Integrated Framework Plan for the Shannon Estuary
- Former Whelan's Quarry site at Fountain Cross, Ennis
- Hotel and Golf Links, Doonbeg
- Central Waste Management Facility, Ballyduffbeg, Inagh
- Temporary access to serve construction of the regional/national scale renewable energy developments

Since this submission was received TII have attended a meeting with Clare County Council to discuss their submission further and have furnished the Council with their advice in this regard. Clare County Council has undertaken a comprehensive assessment of the sites identified above, to ensure an evidence-based plan-led approach in this regard. This assessment was undertaken in conjunction with the Roads Section of the Council the findings integrated into the Draft Clare County Development Plan 2017-2023.

I am confident this approach will address the concerns raised by TII in this regard, to ensure a safe and efficient national road network within the County.

#### Lightly-trafficked Sections of National Secondary Routes

The safety of all residents and visitors to County Clare is of paramount importance and I am in agreement with the addition that is proposed to this section of the Plan. I also agree that it would improve the clarity to list the criteria that development proposals must meet in bullet point format.

#### Existing accesses onto National Secondary Routes

I recognise the concerns that TII have raised in relation to the policy in the Draft Plan on Existing Accesses onto National Secondary Routes. In line with national policy and in the interest of traffic safety I recommend that this text is removed from the Plan.

#### Specific Policies and Objectives

I note the request to include addition cross-references in the Plan and I agree with their inclusion as requested.

#### Retailing

The submission raises concerns in relation to out-of-town retail centres located adjacent or close to existing, new or planned national roads or motorways. However, I note that Section 7.6.1 *Edge-of-Centre and Out-of-Centre Retailing* states "*it is not envisaged that new edge-of-centre or out-of-centre convenience or non-bulky comparison retail developments will be required or permitted in Ennis or Kilrush during the lifetime of this plan.*" In relation to all other towns and villages it states "*In the interest of protecting and enhancing the vitality and viability of town and village centres, it is not envisaged that out-of-centre retail developments will be permitted during the lifetime of this plan.*" These provisions effectively preclude out-of-centre retail development in the county during the lifetime of the Plan and I am satisfied that the requirements of the Retail Planning Guidelines 2012 have been fully met.

#### Traffic and Transport Assessment (TTA) and Road Safety Audits (RSA)

I agree with the TII in relation to the update of references in Section A1.9.4 and these will be included.

#### Service Areas

I acknowledge the comments in regard to provision for off-line service areas at or near national road junctions and it is the intention that the Council will provide for such facilities only where it can be proven through a strong evidence-based approach that there is adequate junction capacity and that there will be no negative impact on the main-line traffic flow. Any such provision will be in accordance with Strategic Planning and National Roads Guidelines (2012) and the NRA Service Area Policy (2014). I recommend that this be included within the County Development Plan, the detail of which is included in my recommendation below.

#### Signage

I acknowledge the advice issued by TII in relation to this issue. I do not consider a full reference to the NRA policy and guidance documents to be necessary. A cross reference to the relevant section of the Development Management Guidelines in Appendix 1 will ensure that all relevant documents are taken into consideration.

## Noise

Noise management is a highly important issue that must be properly addressed in order to ensure that any negative noise-related impacts are mitigated. This issue is already addressed in the Draft Plan under Section 8.6.1 Noise Pollution.

## Development Management Standards

I agree that the most up-to-date references should be added to Section A1.9.2. and these will be included.

## Ennis M.D. - Development Proposals at National Road Junctions

In relation to the proposed zoning of land at Junctions 12 and 13 in Ennis, a full Traffic Impact Assessment of the zonings has been carried out and, since receipt of this submission, has been sent to Transport Infrastructure Ireland for their consideration. Notwithstanding this additional information I note that T.I.I. have on-going concerns regarding the impact of additional traffic generated by the development of IND1 on the capacity of Junction 13 and the potential impacts on the mainline traffic flow of the motorway. Having regard to the significant traffic safety concerns and policy implications raised by Transport Infrastructure Ireland, I consider it necessary to remove the Industry zoning IND1 and to amend the settlement boundary westwards removing these lands from within the settlement boundary.

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

## Ennis M.D. – Other Development Proposals

There are eight sites mentioned in the submission for which T.I.I. recommend that traffic and transport assessments should be undertaken as part of any development proposal. I agree that text to this effect should be added to the Draft Plan.

I have examined the Drimeen cluster on the basis of this submission and I note that all lands within the cluster that directly adjoin the national road are now development and therefore I consider the current cluster boundary to delineate existing development rather than to identifying new areas for future development. However there is an area of land within the cluster to which no access can be achieved without the creation of new access point or the intensification of an existing access point onto the National Route at a point where the maximum speed limit applies. In the interest of traffic safety I recommend that this area be removed from the cluster.

## Shannon Municipal District

In relation to the three clusters mentioned in the submission, I note that all three are adjacent to National Routes but are accessed via the local road network as follows:

- Ballymorris – via the L-3118 and the L-7122
- Drumline 2 – via the L-3176
- The Wells – via the L-3177

Furthermore I note that in recent days the Minister for Transport, Tourism and Sport has signed an order extending the N19 from its current termination point to the roundabout at Knockbeg Point near Shannon Airport. Table 8.2 Proposed Projects identified for Future Development lists the upgrade/extension of this section of the N19. I consider that achieving this objective during the lifetime of the development plan will be very significant for the county.

## West Clare Municipal District

I note the concerns raised in relation to a number of sites in the West Clare area:

- LDR3 north of Lisdoonvarna – this site is located on the N67 National Route where the maximum speed limit applies. I consider that in the interest of road safety that the zoning on this site be removed.
- Site OP1, former Visitor Centre and Restaurant, Ballyvaughan – although located on the N67, this is a brownfield site, the redevelopment of which would be beneficial to the surrounding area. Securing a new use for the site is also important to ensure that it does not deteriorate from a structural and visual perspective. Therefore I am satisfied that this site should remain an identified 'Opportunity Site' in the Draft Plan.
- LDR2 Ballyvaughan – access to this site is available from within the 50kph speed limit zone. The map for Ballyvaughan will be amended to reflect this.
- Enterprise lands to the south of Ballyvaughan – these lands are located in an area where the 100kph speed limit applies. In the interest of road safety I consider the zoning on this site be removed.
- LDR1 Lissycasey – I note that access to this site can be achieved from an area where the 60kph speed limit applies and I consider the Lissycasey Settlement Map should be amended to reflect this.
- LDR lands to the south of Quilty – I note that the majority of this site lies within the 60kph speed limit zone and I am satisfied that safe access to the site can be achieved.
- Tourism lands to the south of Quilty – this zone reflects the existing use of the lands for tourist accommodation provision. No additional lands have been zoned to accommodate an intensification of the use of the site.
- Kilshanny – I have reviewed the Settlement Map for Kilshanny and I am satisfied that all lands that have been zoned for residential uses can be accessed from the local road network and no new entrance onto the national route are required. Where zoned lands directly adjoin the national route, indicative access arrows illustrate the required route of access to the site.
- Ballyea South cluster – I note that all of lands in the Ballyea South cluster can be accessed from the L-10941 local road, with the exception of a small area of land to the north of the cluster. I recommend that the cluster boundary be marginally altered to exclude this small area from the cluster.
- Caherea cluster – I note that all lands in this cluster can be accessed from the local road network.
- Garraun West cluster – all lands within this cluster can be accessed from the L-2016 local road.

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

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

Volume 1, Section 8.2.3.3 – subsection 'Developments of National and Regional Strategic Importance' – replace final paragraph:

~~“Developments within the Moneypoint Power Station and developments, in accordance with the scope of the Strategic Integrated Framework Plan (SIFP) for the Shannon Estuary, within Strategic Development Location B – Moneypoint, fall within these exceptions.”~~

“Clare County Council has identified four locations where exceptional circumstances to the general policy may be considered for developments of strategic importance, as follows:

- Moneypoint Power Station and the adjoining lands which are identified as a Strategic Development Location in the Strategic Integrated Framework Plan for the Shannon Estuary
- Former Whelan's Quarry site at Fountain Cross, Ennis
- Hotel and Golf Links, Doonbeg
- Central Waste Management Facility, Ballyduffbeg, Inagh”
- Renewable Energy developments that require temporary access.

Volume 1, Section 8.2.3.3 – subsection on Lightly-trafficked Sections of National Secondary Roads – amendment to layout of second paragraph

“It must be clearly demonstrated that:

- There is a genuine need for the dwelling proposed
- There are no other alternative sites available with access off a regional or local road
- The development shall also fully comply with the objectives set out in Chapter 3 of this Plan – Urban and Rural Settlement Strategy
- All safety issues and considerations are adequately addressed in accordance with the NRA’s Design Manual for Roads and Bridges.”

Volume 1, Section 8.2.3.3 subsection on Existing Access onto National Secondary Routes – remove the following text:

~~“Existing Accesses onto National Secondary Roads~~

~~A less restrictive approach will be applied to existing accesses onto national secondary roads where a balance needs to be struck between the important transport function of such roads and the social and economic development of these areas. The Council will give consideration to developments utilising existing accesses onto national secondary roads for farmers and their sons and daughters who are actively engaged in farming the land, wishing to build a dwelling house for their own permanent residence on family land. It must be clearly demonstrated that there is a genuine need for the dwelling proposed and that there are no other alternative sites available with access off a regional or local road. The development shall fully comply with the objectives set out in Chapter 3 of this Plan – Urban and Rural Settlement Strategy and must also demonstrate that use of an existing entrance to serve the proposed development will not result in the creation of a traffic hazard.”~~

Volume 1, Objective CDP8.3 Service and Rest Areas – amend wording as follows:

To collaborate with Transport Infrastructure Ireland and other parties to secure the development of an on-line Type 1 Service Area on the M18 between Junction 7 and Junction 12 during the lifetime of the development plan, having regard to the ‘NRA Service Area Policy’ (2014) and ‘Spatial Planning and National Roads – Guidelines for Planning Authorities’ (2012).

Specific Policies and Objectives

I recommend that the crossing referencing listed in the submission be included in the County Development Plan (list in the submission summary above).

Section A1.9.4 – Amend section title as follows:

“A1.9.4 Traffic Impact Assessments (TIA), and Road Safety Audits and Road Safety Impact Assessments”

Section A1.9.4 – amend 3<sup>rd</sup> paragraph as follows:

“A road safety audit must be submitted as part of any planning application where the proposed development incorporates a new access to a National Road or where it may give rise to an increase in traffic to a National Road. Road Safety Audits shall be carried out independently by assessors approved by the NRA. Further information is contained in National Roads Authority/Transport Infrastructure Ireland publications HD-19/01 HD19 and HA 42/01 (<http://www.nra.ie>). A list of consultants that have prepared Road Safety Audits can be obtained from the Regional Road Safety Engineer, Mid-West National Road Design office, Mungret College, Limerick.”

Signage

Insert cross reference to Section A1.10 in Sections 8.2.14 Directional Signage and 9.3.19 Tourism Signage.

Volume 1, Appendix 1 Development Management Standards – amend text as follows:

“It may be necessary to obtain the consent of adjoining landowners in order to achieve sight distances. Further information can be obtained from the National Roads Authority *Road Geometry Handbook* Design Standards for Roads and Bridges.”

Volume 1, Table 2 Proposed Projects Identified for Future Development

Number	Road Type	Project Area
1	Local Road	Gort Road (R458) to Tulla Road (R351)
2	Link Road	Lahinch Road (N85) to Drumcliff Road (L4182)
3	Link Road	Drumcliff Road (L4182) to Gort Road (R458)
4	Link Road	Clon Road (R871) to Quin Road (R469)
5	Local Road	Kilrush Road (R475) to Drumbiggle Road (L4526)
6	Local Road	Phoenix Court (L4518) to Radharc na hInse (L4544)
7	Link Road	Friary car park (L8609) to Friar's Walk (L4635 – Temple Gate car park)
8	Arterial Road	Skehanagh Roundabout (N85) to Quin Road (R469)
9	Interchange	M18 to Quin Road (R469)
9	Dual Carriageway	N19 from roundabout at the entrance to Free Zone West to Knockbeg Point roundabout.
10	Cycle path/footpath	West Clare Railway Greenway

Volume 3(a) Ennis Settlement Plan Zoning Map – Site IND1, Toureen, Ennis

Remove 'Industry' zoning from site IND1 and move the settlement boundary westward to exclude these lands.

Volume 3(a) Ennis Settlement Plan – inclusion of additional text to the following sites:

- COM3, Clareen, Ennis
- ENT1, Beechpark, Ennis
- TOU2, Beechpark, Ennis
- ENT2, Clarecastle
- LI1, Clarecastle
- C2, Clarecastle
- Sites zoned for Commercial use at Cahircalle More (Kilrush Road, Ennis)

The new text to read:

“Development proposals for this site must be accompanied by a transport and traffic assessment undertaken in accordance with NRA/TII Traffic and Transport Assessment Guidelines (2014). This must also include an assessment of the cumulative impact of traffic/transport generated by planned development in area on significant junctions in the vicinity.”

Volume 3(d) Lisdoonvarna Settlement Plan – Site LDR3

I recommend that the Low Density Residential zoning is removed from this site and the settlement boundary moved south so as to no longer include this site.

Volume 3(d) Ballyvaughan Settlement Plan – Site LDR2

I recommend that the Ballyvaughan settlement map be amended to indicate that access to site LDR2 should be taken from the southern end of the site which located within the 50kph speed limit area. I also recommend that new text be added to the Draft Plan to read:

“LDR2 – Lands to the north of the N67

Future access to this site must be achieved at a point where the 50kph speed limit applies, as indicated on the Ballyvaughan Settlement Map.”

Volume 3(d) Ballyvaughan Settlement Plan – Enterprise Lands to the South of the Village

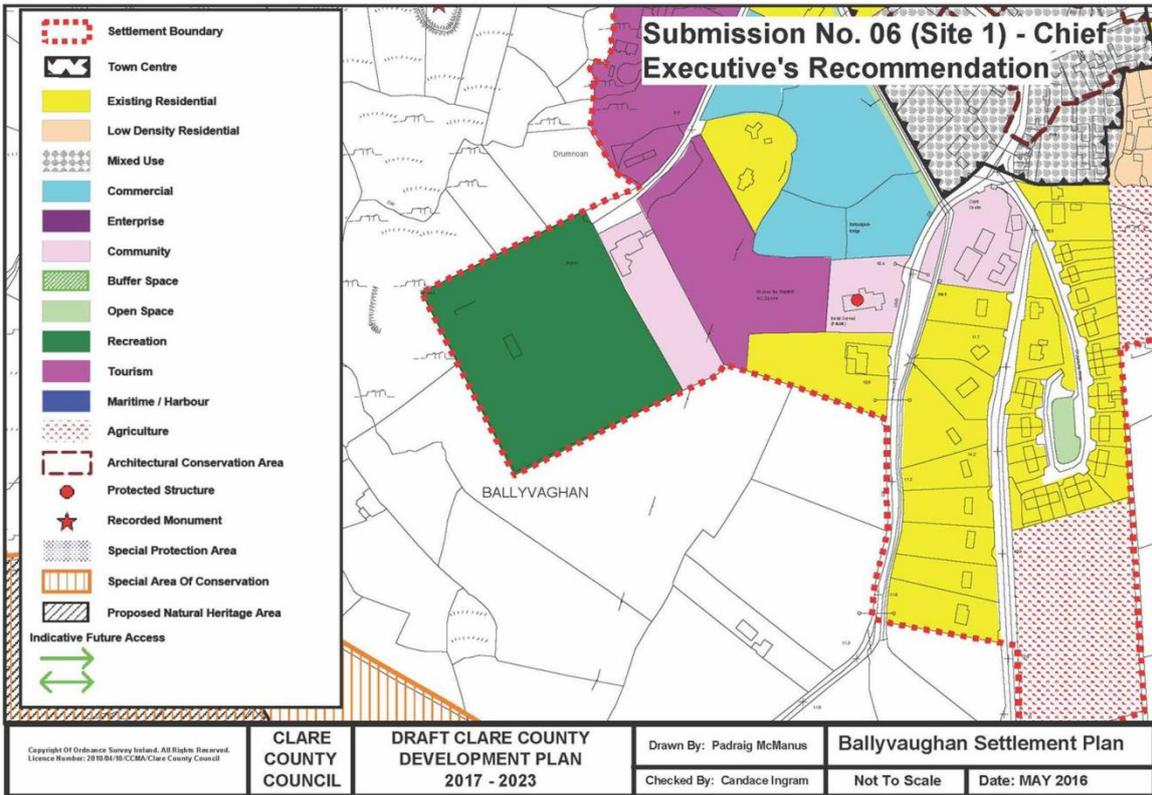
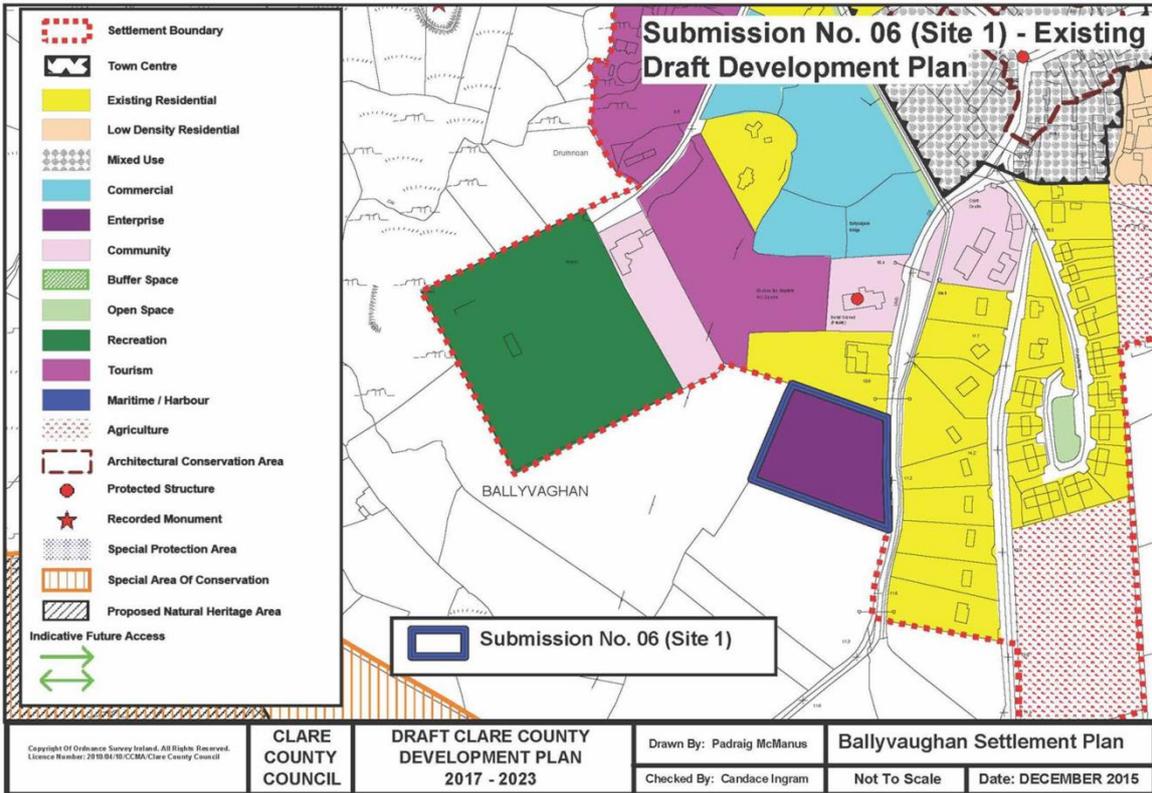
I recommend that the zoning be removed from this site and the settlement boundary amended to exclude this site from within the settlement area.

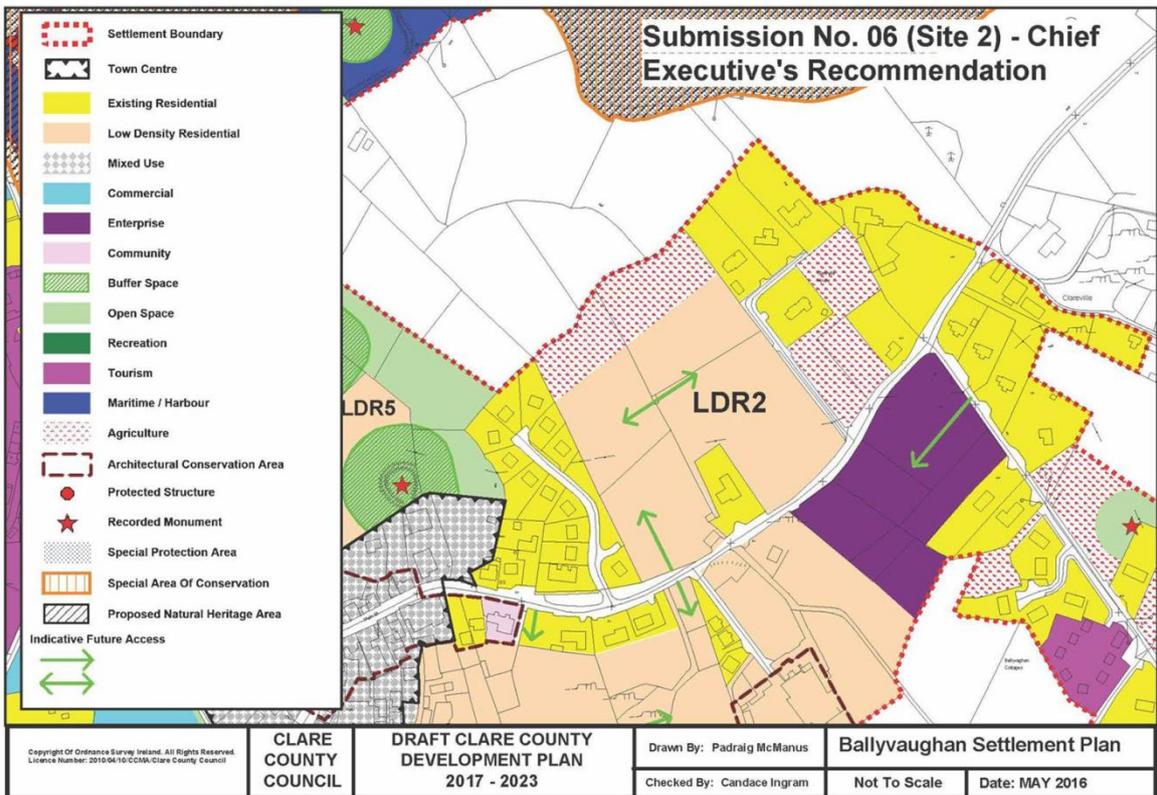
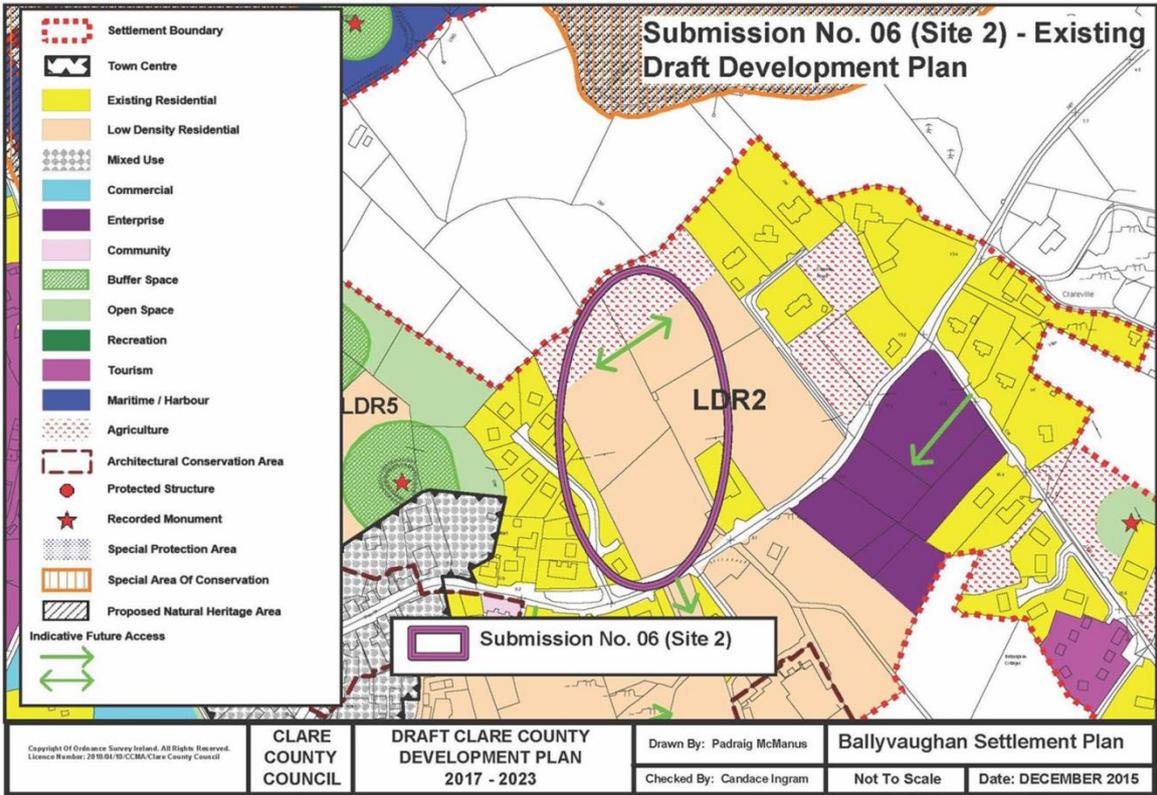
Volume 3(d) Lissycasey Settlement Plan – Site LDR1

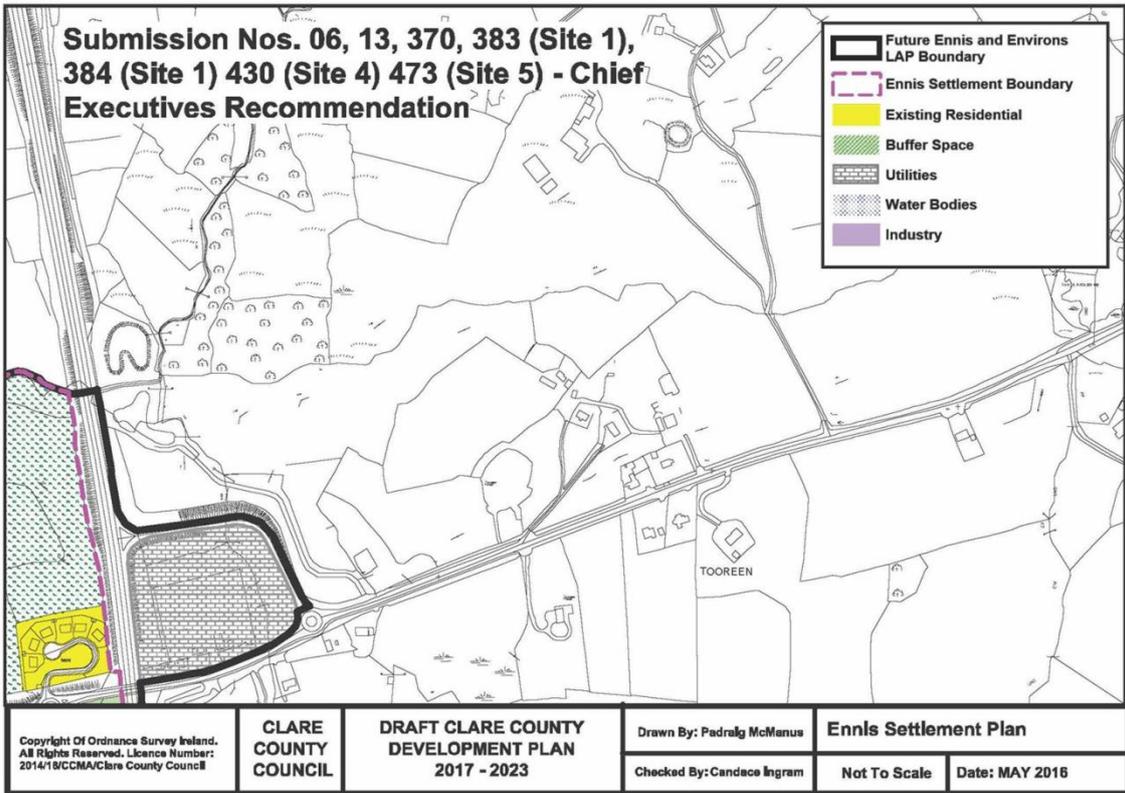
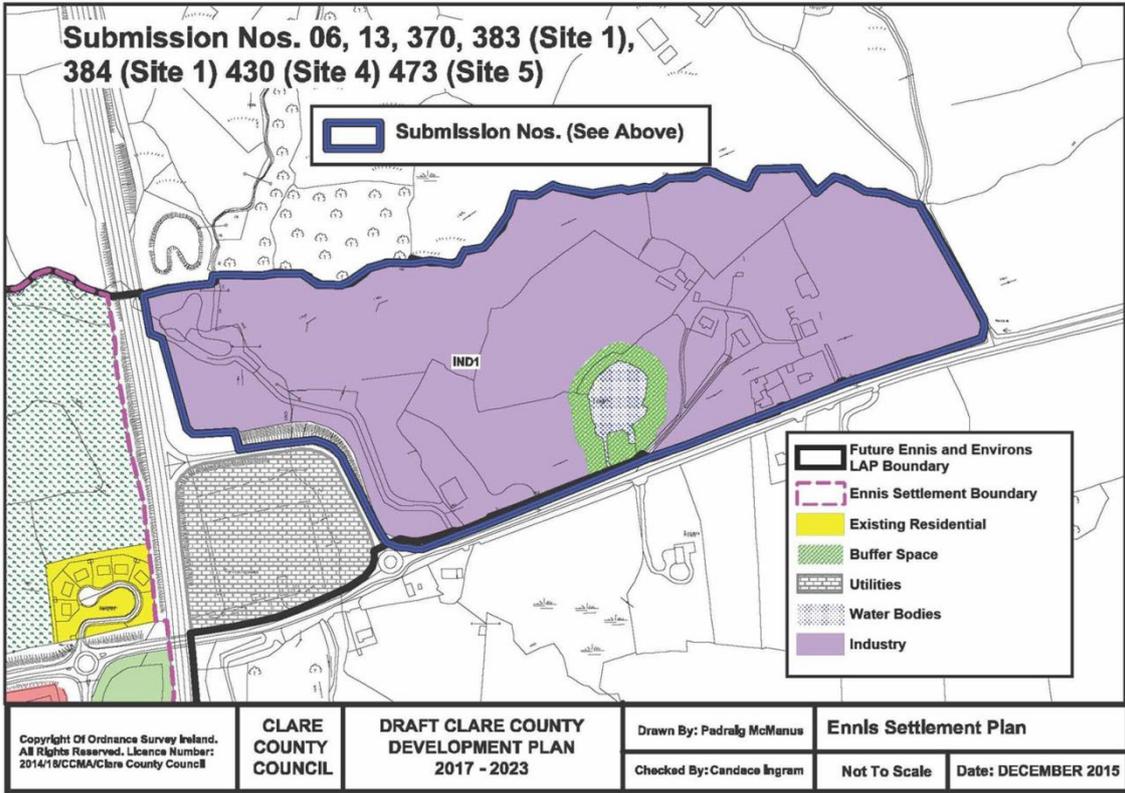
Amend settlement map to include indicative access to site LDR1.

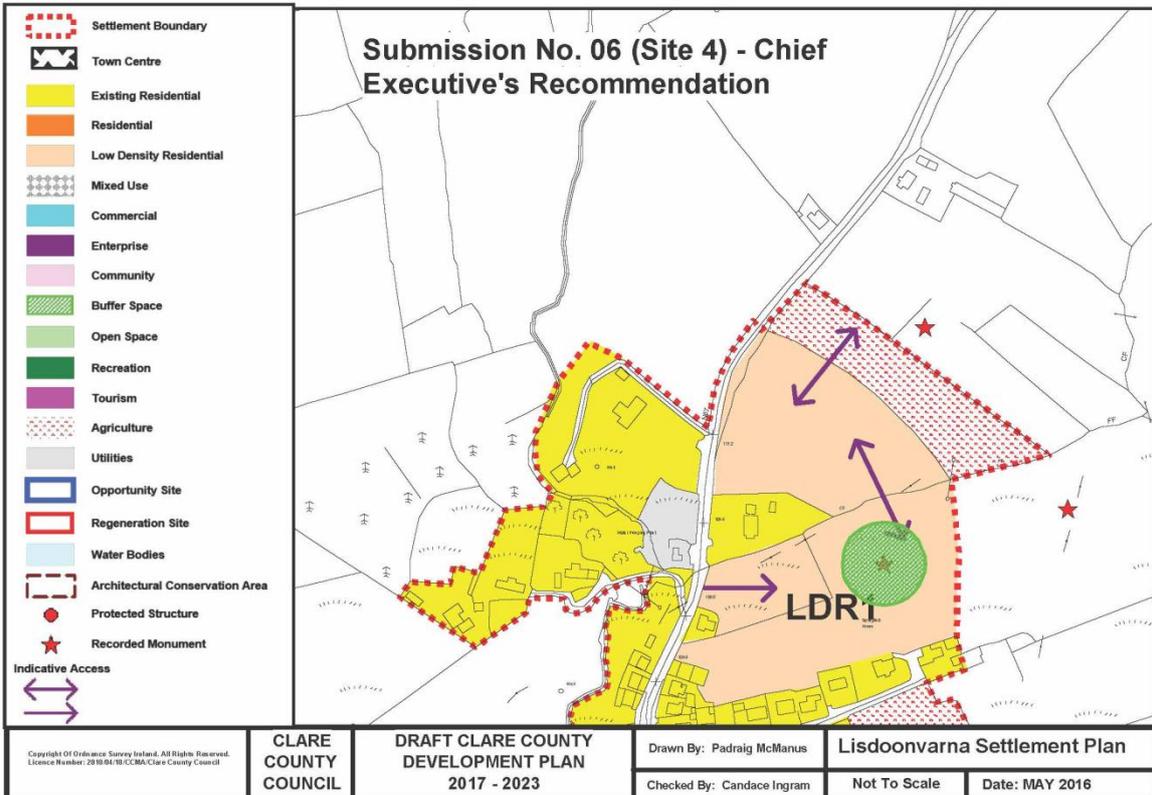
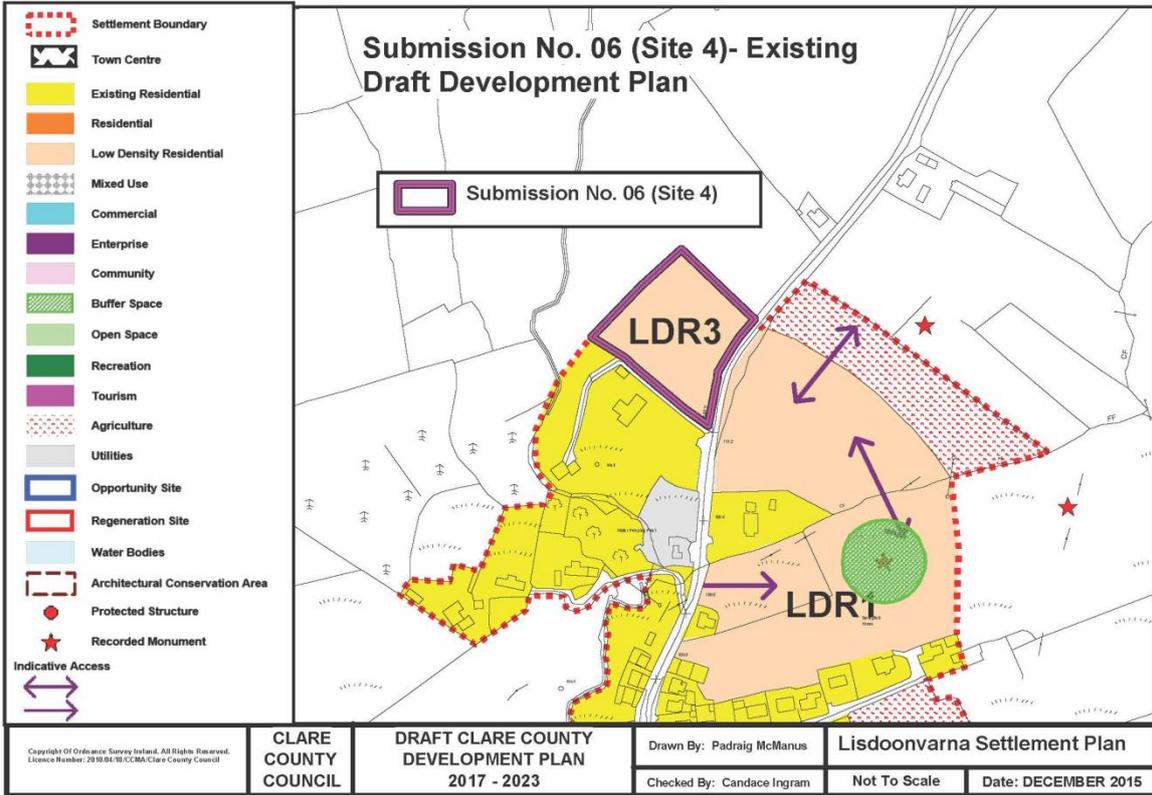
Volume 3 – All Settlement Plans – amend as follows:

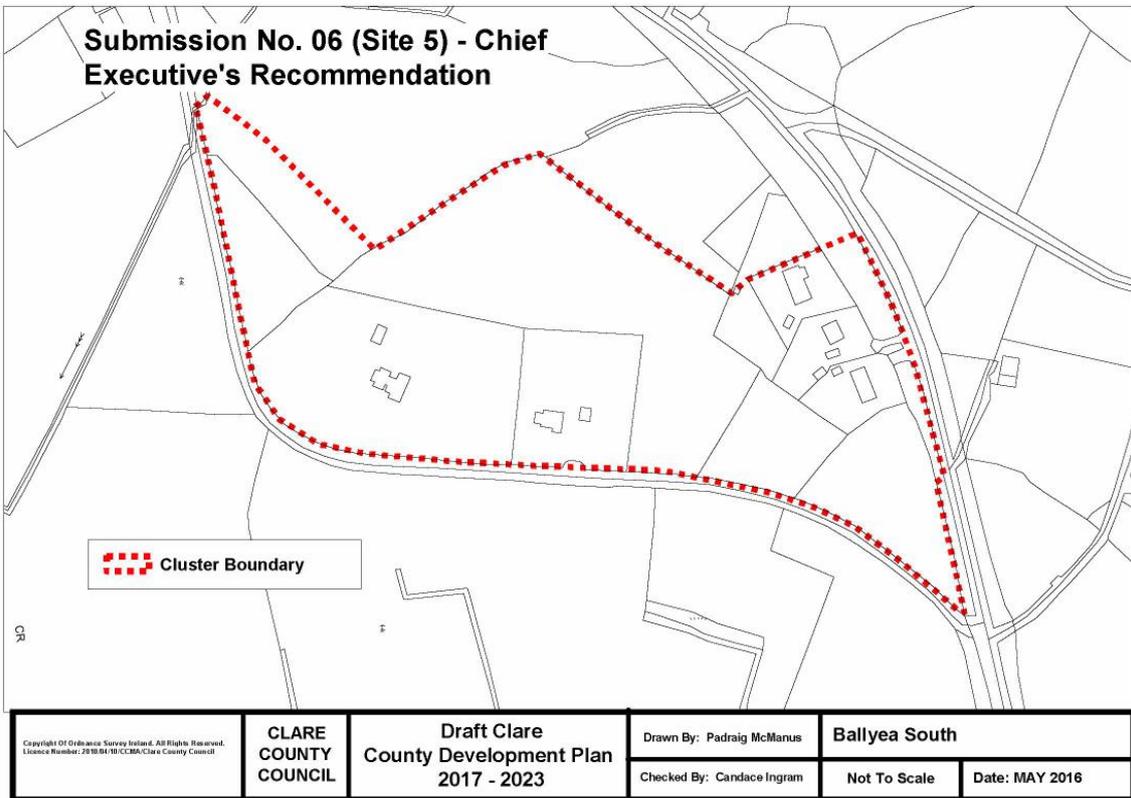
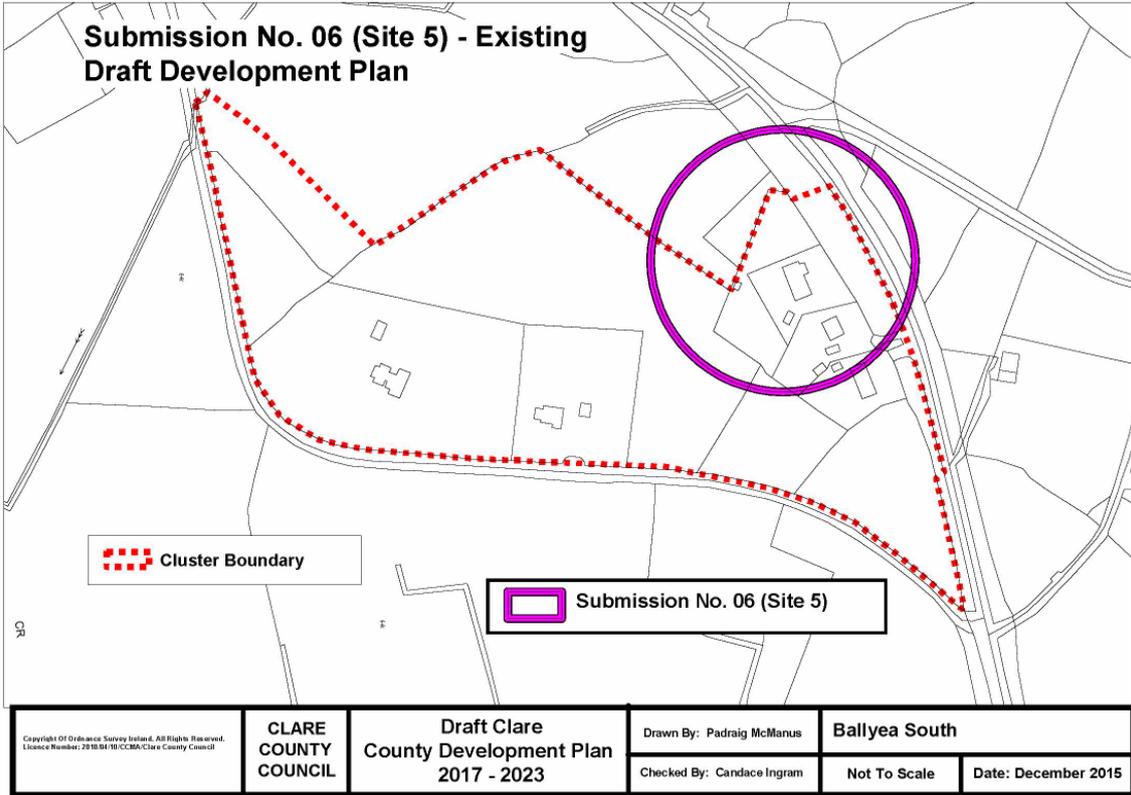
- Amend zoning maps to show indicative access to lands, where necessary
- Amend zoning maps to include reference labels on individual sites, as appropriate, and add relevant text to accompanying settlement plans.

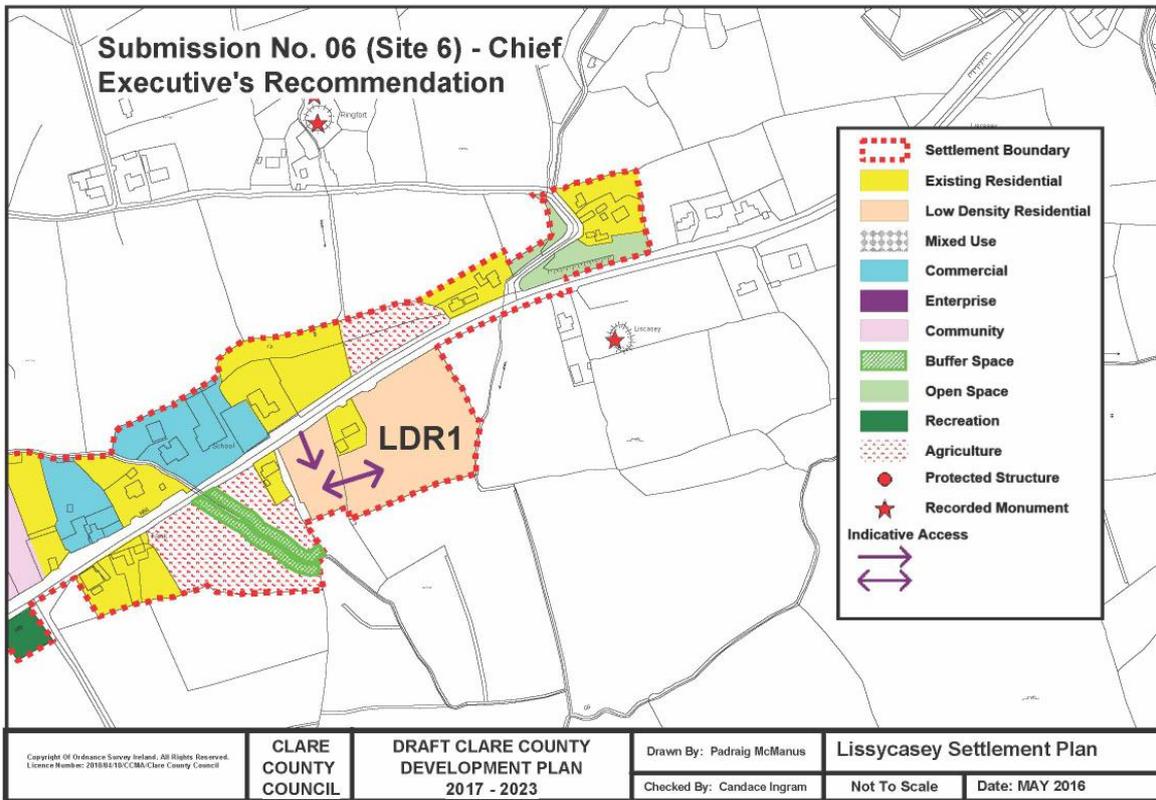
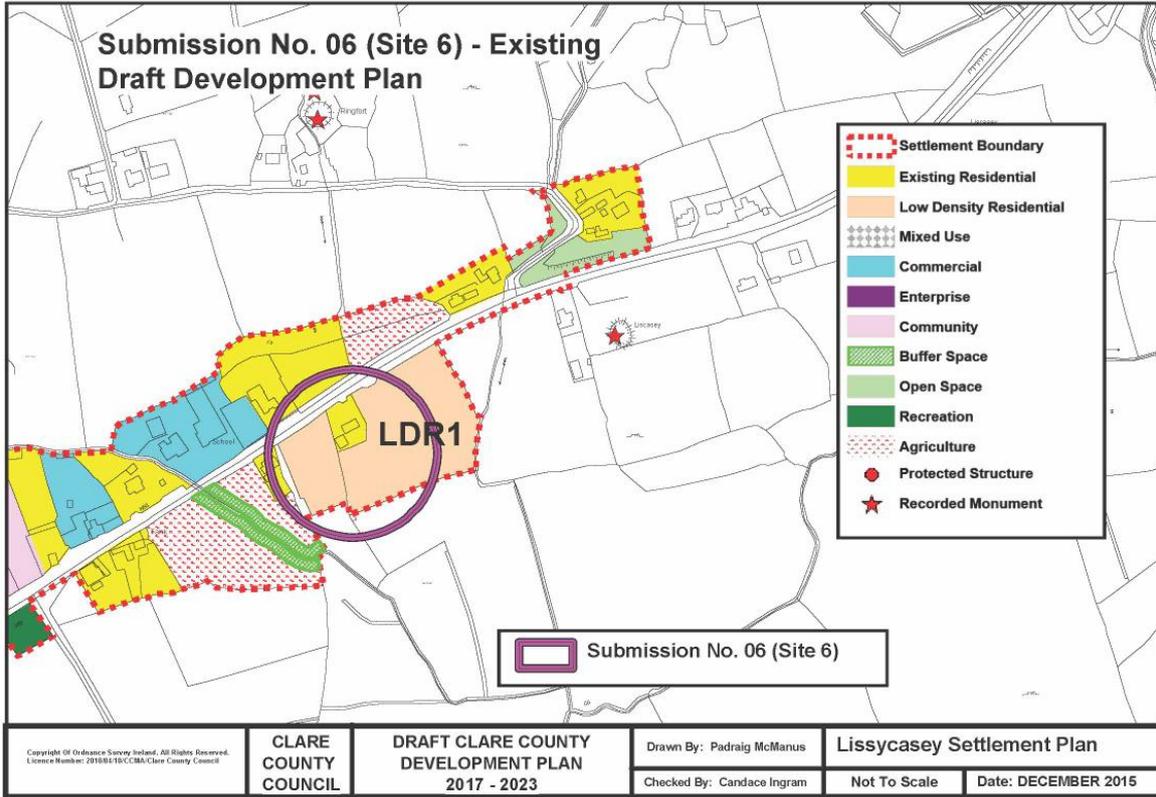


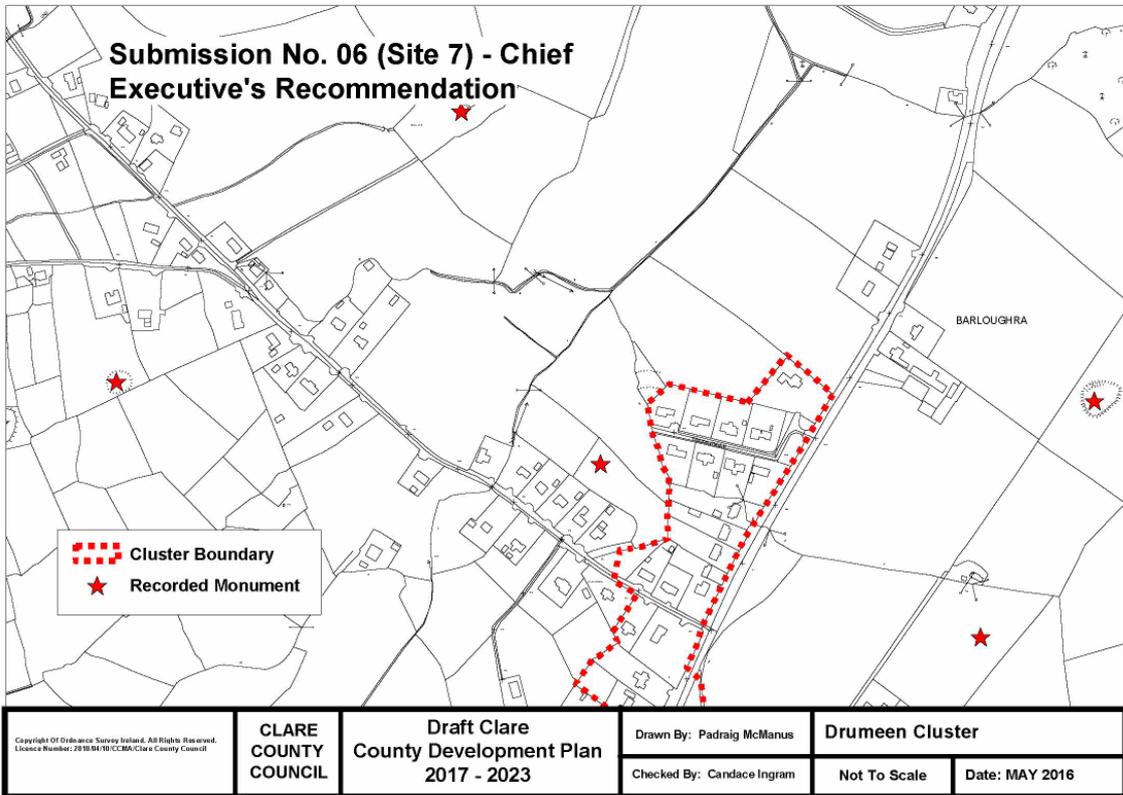
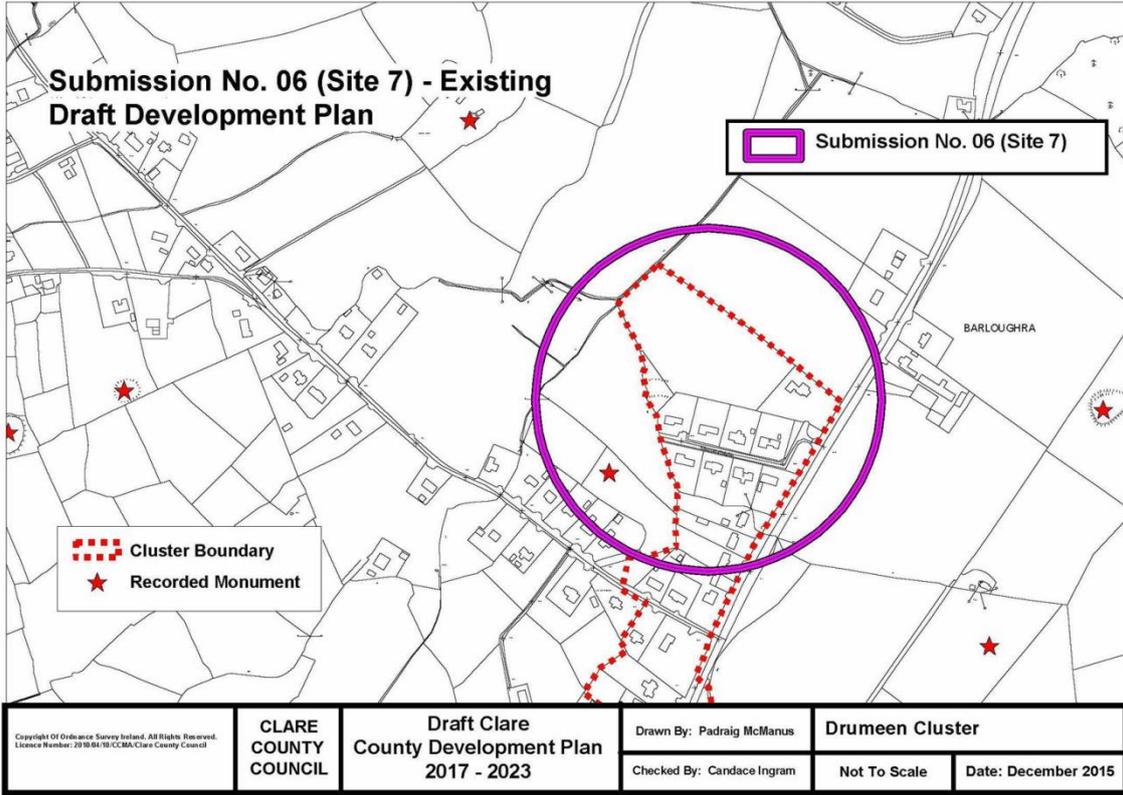












## **Ref. 007 Department of Education and Skills**

*Key Words: Policy*

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

The submission commences by setting out how the Department calculates the extent of primary and post-primary provision needed in an area, including the extent of land required for the provision of new schools of varying scales. It is submitted that the Department always requests site reservations to be made as close as possible to community facilities such as sports facilities, libraries etc. so that these can be shared between the school and the community. The Department is also open to the concept of multi-campus school arrangements e.g. a primary and a post-primary school sharing a site.

It is noted that the Department has prepared two guidance documents:

- Technical Guidance 025 – Identification and Suitability Assessment of Sites for Primary Schools
- Technical Guidance 027 – Identification and Suitability Assessment of Sites for Post Primary Schools.

Both are available on the Departments website for consideration. Attention is also drawn to the requirements of *Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities 2009* and *The Provision of School and the Planning System – a Code of Practice for Planning Authorities 2008*.

It is submitted that, following on from the Code of Practice in 2008, a Memorandum of Understanding was agreed between the Department of Education and Skills and the City & County Managers Association in relation to the acquisition of sites for school planning purposes. In relation to the additional educational needs identified in the Draft Development Plan, subject to the availability of funding and on foot of a formal request to the Manager of Clare County Council, it is the Department's intention to request, at the appropriate time, that Clare County Council take the lead on behalf of the Department of Education and Skills in relation to the identification/acquisition of suitable school sites as required.

The Department of Education and Skills requests that lands adjacent to existing schools should, where possible, be protected for possible future educational use to allow for expansion of these schools, if required, subject to site suitability and agreement with the various stakeholders.

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

I would like to thank the Department of Education and Skills for their submission on the Draft Clare County Development Plan 2017-2023 and I note the information that they have submitted therein. Throughout the county lands associated with primary and post-primary educational facilities have been zoned appropriately and, where a need for additional school development has been identified, sites have been zoned for potential future school development. The information in relation to the areas of land required to accommodate school development has been noted and integrated into the 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. 008 Southern Regional Assembly

*Key Words: Policy, Housing, Ardnacrusha, Tubber, Ballyvaughan, Doonbeg, Creegh, Physical Infrastructure, Wind Energy, Environment, Flooding.*

### Summary of the Issues Raised in the Submission

The Southern Regional Assembly has made the following comments and recommendations in relation to the Draft Clare County Development Plan 2017-2023:

#### Volume 1, Chapter 2 Core Strategy

- Section 2.3.3 Relevant Plans, Policies and Strategies – it is recommended that Mid-West Area Strategic Plan 2012-2030 and SIFP for the Shannon Estuary are added to the list of plans and strategies that have been taken into consideration in the preparation of the Plan.
- The 2023 population target for Ennis is +1097 over the RPG 2022 target and the 2023 population target for Shannon is +2315 over the RPG 2022 target. Further detail on the rationale for these variations should be included in the text of the Plan in order to justify any inconsistencies with higher level targets.
- It is noted that there are variations in the quantity of land zoned for commercial, enterprise and industrial uses relative to the size of settlements with some small settlements such as Scariff/Tuamgraney allocated a relatively significant quantum of land for such purposes. The Planning Authority is requested to consider the inclusion of guidance statements in the Plan providing a quantum of land for commercial, enterprise and industrial use that is commensurate with the size and/or function of the settlement.
- In relation to waste water services, the SEA states *'there is insufficient wastewater treatment to cater for existing and projected population growth in the county'*. The Planning Authority is requested to confirm that the issues of wastewater treatment capacity have been addressed in the county, including Ennis, Shannon, towns and villages, such that the statement contained in the SEA does not apply to settlements where the anticipated services for settlements are stated to be available (Tables 2.4 to 2.7).

#### Volume 1, Chapter 3 Urban and Rural Settlement Strategy

- It is requested that the Planning Authority review and strengthen Objective 3.11, which relates to new single houses in the countryside in Areas of Special Control, to address the issue of visual impact (including cumulative effects) of one-off houses and other development in the countryside in areas identified as being subject to threat from development in the SEA.

#### Volume 1, Chapter 4 Housing

- The Planning Authority is requested to clarify how it is intended to address current housing supply and demand issues having regard to the Housing Strategy, which is for the period 2010 to 2017.

#### Volume 1 Chapter 5 Community Development and Social Infrastructure

- No amendments considered necessary. The Regional Assembly notes and welcomes the strategic aim to include community elements of the Local Economic and Community Plan.

#### Volume 1, Chapter 6 Economic Development and Enterprise

- No amendments considered necessary

#### Volume 1, Chapter 7 Retail

- No amendments considered necessary

#### Volume 1 Chapter 8 Physical Infrastructure/Environment/Energy

- The Regional Assembly indicates that it is unclear if the areas where a less restrictive approach will be applied in relation to direct access onto national roads (Section 8.2.3.3 and Objective CDP8.4) have been identified in accordance with the criteria set out in *Spatial Planning and National Roads – Guidelines for Planning Authorities*. Reference is made to Section 2.6.6 of these guidelines and the procedures and criteria contained therein. Compliance with these procedures is required.

#### Volume 1, Chapter 18 Climate Change Adaptation, Flood Risk and Low Carbon Strategy

- It is submitted that since the Draft Plan was placed on public display the Paris Agreement (COP21) has been agreed at international level and the Climate Action and Low Carbon Development Act 2015 has been passed into law. It is recommended that the text of the draft Plan be reviewed and updated where necessary to have regard to these changes.

#### Volume 5 Wind Energy Strategy

- Submission acknowledges that the approach taken by Clare County Council is consistent with the present position of the Department of Environment, Community and Local Government as stated in Circular Letter PL20-13, issued 20<sup>th</sup> December 2013, in relation to the review of wind energy strategies and renewable energy policies in development plans.

#### Volume 10(d) Strategic Flood Risk Assessment

- In relation to the consideration of data from the CFRAM reports, it is considered that reference should also be made to the Western CFRAM study where relevant.
- A reference to the 'Mid-West Regional Development Plan 2010-2020' and Section 2.2.1 should be amended to the 'Mid-West Regional Planning Guidelines 2010-2022'.

#### Concluding Comments of Submission

The Draft Plan is considered to have a comprehensive evidence-based approach with a strong focus on many wider regional issues. It sets out a clear vision for the future development of County Clare.

The Regional Assembly considers that overall the Draft Development Plan would be consistent, as far as is practicable, with the Regional Planning Guidelines but requests that the Planning Authority gives full consideration to the observations and recommendations set out in this submission.

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

I thank the Southern Regional Assembly for their detailed consideration of the Draft Clare County Development Plan 2017-2023. I acknowledge the comments set out in this submission and I would like to respond to the issues raised as follows:

#### Volume 1, Chapter 2 Core Strategy:

The Strategic Integrated Framework Plan for the Shannon Estuary is contained as Volume 7 of the Draft Clare County Development Plan 2017-2023 and therefore I do not consider it appropriate to include reference to it in Chapter 2 of the plan. In relation to the Mid-West Area Strategic Plan (MWASP), I agree that reference to this Plan should be included in the Core Strategy and this will be included accordingly.

I note the comments that are made in relation to the Core Strategy figures for Ennis and Shannon. The projected population increase for Ennis for the 16 year period from 2006 to 2022 was 8700. This can be seen on Tables 2.2 and 2.3 of the Clare County Development Plan 2011-2017. When this figure is extrapolated to cover the 17 year period from 2006-2023, as required to cover the time period of the new development plan, the result is a target population increase of 9244 persons. When added to the 2006 population for Ennis this gives a 2023 target of 33,497 for the Ennis area, as shown in the draft development plan. The population target for Ennis of 8,147 which was shown in the Mid-West Regional Planning Guidelines 2010-2022 was incorrect and this was brought to the attention of the Regional Authority (as was) at the time.

Similarly for Shannon, I consider the Core Strategy figures to be correct. In 2006 the population in Shannon was 9,222 and the Mid-West Regional Planning Guidelines set a target increase of 2,550 people for the 16 years from 2006 to 2022. When extrapolated to cover the 17 year period from 2006 to 2023 the target increase is 2709 persons. In recognition of the Gateway status of the town an additional 1,000 persons was added to the target. The result is a 2023 target population of 12,931, as shown in the Core Strategy tables.

I acknowledge the concerns raised in relation to the quantum of land zoned for enterprise, industry and commercial uses, particularly in smaller settlements. Commercial and industrial uses are generally limited to larger settlements, with the exception of Tuamgraney. Although Tuamgraney is a small settlement it is a strong employment centre. The former Finsa wood processing plant is a large industrial site and the Shannon Commercial Properties Enterprise Centre is long established and home to numerous businesses. Additional lands have been zoned in the vicinity of the business park to accommodate its further expansion. Given that Tuamgraney has a long history as an employment centre in the predominantly rural East Clare area, the extent of land zoned is considered appropriate to the role of the village and its status as a 'linked settlement' with Scarriff – an identified Service Town in the Mid-West Regional Planning Guidelines 2010-2022.

In terms of zoning lands for Enterprise uses into towns and villages across the county, it is an objective of the County Development Plan to support rural enterprise. Creating jobs and supporting economic development in rural areas is key to halting and reversing population decline and ensuring that rural areas have the opportunity to contribute to the national economy, as outlined in the CEDRA report. While it is recognised that many rural enterprises require a location close to a natural resource, it is important to ensure that other businesses are encouraged and facilitated to locate in towns and villages. This is essential to create the critical mass to support the achievement of other goals such as improved physical infrastructure provision, broadband services and sustainable transport and travel patterns, all of which are goals at national, regional and local level.

All areas of lands zoned for enterprise, industrial and commercial use was undertaken as part of the plan preparation and I am confident that the majority are appropriate in terms of scale and location. I have reviewed and expanded the definition of 'Enterprise' to provide clarity with regard to the nature of enterprise in smaller settlements. Overall I am satisfied with the quantum and location of enterprise lands zoned within the settlements throughout the County, however, I propose to amend the location and extent of enterprise zonings to reflect the nature of enterprise appropriate to the size of the villages in relation to Ballyvaughan, Tubber, Doonbeg, Ardnacrusha, and Creegh. In addition, I note Ennistymon has significant areas of land zoned for commercial use but no lands are identified to provide for future Enterprise Development. In order to facilitate future enterprise I propose to amend COM12 to Enterprise zoning, to be referenced ENT1. In addition I have proposed to expand the definition of Enterprise zoning in my recommendation for submission 001.

I also propose to include within each of the Volume 3 Settlement Statements and Maps a table of the lands zoned for all of the main land-uses for each of the settlements within the respective municipal districts (ref sub 001).

Regarding the statement relating to sufficient wastewater treatment to cater for existing projected growth, the Draft County Development Plan 2017-2023 has incorporated the most up to date information provided by Irish Water in its preparation. This is evident in tables 2.5, 2.6 and 2.7 in Volume 1 of the draft plan and is also incorporated into the settlement statements in Volumes 3a-3d. In this regard I propose that the statement in the SEA Environmental Report be qualified to reflect that the statement applies to only some of the settlements within the county.

### Volume 1, Chapter 3 Urban and Rural Settlement Strategy

It is requested that the Planning Authority review and strengthen Objective 3.11, which relates to new single houses in the countryside in Areas of Special Control, to address the issue of visual impact (including cumulative effects) of one-off houses and other development in the countryside in areas identified as being subject to threat from development in the SEA.

I note the comments that are made in relation to Objective CDP3.11 New Single Houses in the Countryside in Areas of Special Control regarding their visual impact on the landscape. I believe that the Draft County Development Plan 2017-2023 addresses the issue of the consideration of

house design, setting, orientation etc within a number of chapters including Chapter 13 Landscape, (Objective 13.5 and 13.2) and Chapter 17 Design and Built Environment (Objective 17.4) and in particular section 17.4.5 on Rural Design. Notwithstanding this I will make a recommendation to revise Objective CDP3.11 to ensure adherence to the County Clare House Design Guide to ensure negative visual impacts from one off housing are avoided.

#### Volume 1, Chapter 4 Housing

The Regional Assembly has raised concerns in relation to the housing supply and demand issues in the context of the current Housing Strategy. The Mid-West Regional Planning Guidelines 2010-2022 indicate that the Limerick/Shannon/Ennis area should grow to a size that will enable it to attract industry and other forms of development investment, but without compromising the development of the rest of the Region. In order to achieve this Clare Local Authorities, Limerick City Council and Limerick County Council (as were) prepared a Joint Housing Strategy to contribute to the balanced development of the region.

In order to continue with this coordinated approach, I consider the preparation of a new Housing Strategy to be a regional level issue. The Council will revisit the Housing Strategy during the lifetime of the County Development Plan, when the National Planning Framework and Regional Social and Economic Strategy are in place.

For Clare County Council to advance an updated Housing Strategy independent of relevant adjoining authorities and in advance of the development of a suite of national and regional planning strategy documents, would, in my opinion, be inappropriate and I am satisfied that the approach taken is the most appropriate and beneficial at this time.

#### Volume 1, Chapter 8 Physical Infrastructure, Environment and Energy

I can confirm that this chapter was prepared in accordance with the requirements of the *Spatial Planning and National Roads Guidelines (2012)*. Transport Infrastructure Ireland has made a submission on the draft plan and a meeting has been held with them subsequently to discuss the issues they raise further and I refer to my response to their submission (ref 006) in this regard.

#### Volume 1, Chapter 18 Climate Change Adaptation, Flood Risk and Low Carbon Strategy

I agree with the Regional Assembly that the Climate Action and Low Carbon Development Act 2015 should be integrated into the County Development Plan and the text reviewed and amended accordingly

#### Volume 5 Wind Energy Strategy

I note the acknowledgement made by the Regional Assembly regarding the approach taken by Clare County Council being consistent with the present position of the Department of Environment, Community and Local Government as stated in Circular PL20-13 in relation to the review of the Wind Energy Strategy (Volume 5 of the Draft Plan).

#### Volume 10(d) Strategic Flood Risk Assessment

The Shannon CFRAM is relevant to the plan area and has been included in the SFRA. The information contained in the Western CFRAM study was assessed and is not considered necessary and in this regard I do not propose to make an amendment. I agree that the reference made to the 'Mid-West Regional Development Plan 2010-2020' be amended to read 'Mid-West Regional Planning Guidelines 2010-2022'.

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

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

Volume 1, Chapter 2, Section 2.3.3 – include additional wording which will read:

"In addition to the strategic guidance set out in the National Spatial Strategy and the Mid-West Regional Planning Guidelines, a large number of national, regional and local level plans and strategies, including significant documents such as a Mid-West Area Strategic Plan (MWASP), were taken into consideration in the preparation of this development plan. Regard has also been had to planning guidance documents issued in accordance with Section 28 of the Planning and Development Act, 2000 (as amended). A full list can be found in Appendix 7."

SEA Environmental Report section 5.11.7 issues and threats

"There is insufficient waste water treatment to cater for existing and projected population growth in the county within some settlements across the county. Therefore there is a need to provide additional wastewater treatment infrastructure/ capacity."

Objective CDP3.11 New Single Houses in the Countryside within the 'Areas of Special Control' – to read:

**It is an objective of the Development Plan:**

In the parts of the countryside within the 'Areas of Special Control' i.e.:

- Areas Under Strong Urban Pressure (See Chapter 17)
- Heritage Landscapes (See Chapter 13)
- Sites accessed from Scenic Routes (See Chapter 13 and Appendix 5)

To permit a new single house for the permanent occupation of an applicant who falls within either of the **Categories A or B or C** below and meets the necessary criteria.

To ensure compliance with all relevant legislation as outlined in Objective CDP2.1 and regard to the County Clare House Design Guide in particular with respect to siting and boundary treatment.

*Note: Where the proposed site is accessed from a National route or certain Regional routes, the proposal must **in addition** to compliance with this objective, also be subject to compliance with objectives CDP8.4 and 8.5 as set out in Chapter 8.*

~~All development proposals must be in compliance with the requirements of the Habitats Directive.~~

Appendix 1. Development Management Guidelines

A1.3.1 Rural Residential Development

**Siting and Design:** The Planning Authority wishes to achieve a high standard of house design and siting in the rural countryside. Clare County Council has prepared a *County Clare Rural House Design Guide*, to assist those making an application for a new dwelling or an extension to an existing dwelling in the rural area of the County. These guidelines are not intended to be prescriptive. Given that each rural site is unique, any guidelines need to be applied appropriately. However, the principles are likely to be relevant to most contexts and applicants and agents are encouraged to use it as a reference document.

**Road Frontage:** Where a site has a public road frontage, a minimum frontage of 30m is normally required, although this may be relaxed where it is desirable to maintain existing boundary or landscape features or for backland sites on private roads a case by case basis where it can be demonstrated that there are no negative residential or visual amenity/landscape impacts.

Volume 1, Chapter 18, Section 18.2

The Climate Action and Low Carbon Development Act, 2015 to be added to the list of documents to which the Council have had regard in the preparation of the Plan.

Volume 1, Chapter 18, Objective CDP 18.2 – additional point which reads:

"a) To endeavour to implement any elements of Sectoral Adaptation Plans, prepared in accordance with the Climate Action and Low Carbon Development Act 2015, relating to the work of Clare County Council."

Volume 10(c) – Section 2.2.1 – Amend text as follows:

~~'Mid-West Regional Development Plan 2010-2020'~~

'Mid-West Regional Planning Guidelines 2010-2022'

## **Ref. 009 An Taisce (Clare Association)**

*Key Words: Access and Movement, Physical Infrastructure, Housing, Flooding*

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

This submission from the Clare Association of An Taisce addressed four issues:

1. Housing
2. Flooding
3. Public walks and paths
4. Ennis Municipal District area

#### Public Walks and Paths

It is submitted that there should be compliance with PL5/20-15 in relation to National Waymarked Ways. These should include The Burren Way, the Mid-Clare Way and the East Clare Way. The compliance should be clear and marked on the maps.

#### Ennis Municipal District Area (Volume 3a)

The following services need to be increased is economic development is to be supported in the Ennis area:

- Increased parking facilities in the town centre or near the centre of town
- Increase in public sewerage and water services
- Broadband

#### Housing and Housing Estates

Due to the potential instability of the current economic situation, it is submitted that there is an element of uncertainty where the policy for the provision of housing is concerned. It is recommended that there is room for adjustment in the plan to allow for changes in demand. The number of zones and permission needs to be directly connected to the demand for housing style and numbers. Linking directly to demand is the only way to avoid another development bubble. It is submitted that we need to put 'wiggle room' into the policy.

It is submitted that the development of high price dwellings at time should be avoiding when there are demands for:

- Affordable housing due to bank restrictions
- Social housing due to lack of homes for those on housing lists
- One and two bedroom dwellings for single people and couples
- Existing ghost estates unfinished with suitable services connected.

There also needs to be greater concern about climate change and greenhouse gas emissions:

- Specific measures should be put in place to mitigate car-dependence including a bus service at morning and peak times. A transport 'mobility strategy' should be provided for housing developments similar to those provided for Business Park and industrial developments. These will include specific measures to address school transport and encourage walking, cycling and car-pooling.
- Developments should address the requirements of the Kyoto Protocol and the EU Directive on Energy Conservation 2002/91/EC in relation to the performance of buildings.
- Specific provision should be given to environmental sustainability and the specification of building materials. In particular, uPVC should not be used for doors, windows, fascias and soffits. The use of tropical hardwood from Third World clear-fell sources should also be specifically excluded. All timber should be subject to Forest Stewardship Council specification. Do not depend on Building Regulations and their enforcement.

## Flooding

It is submitted that we will experience more rainfall, storms and flooding in the coming years and the County Development Plan must have room for changes in circumstance in the years ahead. Policies should not restrict action to the existing line of flood area which will most likely change over the coming years as new flood protection is developed and the new areas flood. The submission sets out The Precautionary Principle in 13 Steps which, it is submitted, should become policy from national level to all local authorities.

## **Chief Executive's Response**

I would like to thank An Taisce for their consideration of the Draft Clare County Development Plan 2017-2023 and would like to comment on the issues raised in their submission as follows:

### Public Paths and Walks

PL5-2015 clearly distinguishes between Public Rights of Way and permissive trails such as the National Waymarked Way network. It indicates that it is not advisable to refuse permission for a proposed development solely or primarily due to proximity of the development to a designated Waymarked Way. All Planning staff have been made aware of the provisions of Circular PL5-2015 and will endeavour to comply with the requirements set out in that document on an on-going basis. I do not consider this to be a matter to be addressed in the County Development Plan.

### Ennis Municipal District Area

I note the issues that have been raised in relation to the Ennis Municipal District area. The requirement for additional parking in proximity to the town centre is noted in the Plan and while it has been addressed in a general manner in Volume 3a of the Development Plan, the provision of additional parking facilities will be dealt with in much greater detail in the Ennis and Environs Local Area Plan, when prepared.

Creating sustainable travel patterns in the Ennis area will also contribute to addressing parking issues in the town centre. The County Development Plan endeavours to support Active Travel and Smarter Travel and on-going projects such as the current Ennis Active Travel Town Scheme will greatly contribute to the achievement of this goal.

### Housing and Housing Estates

The development of a range of house types, sizes and tenures to accommodate differing household needs is one of the overall goals of the Draft County Development Plan. Clare County Council is highly aware of the changing housing needs of the people of the County and have ensured that there is a range of lands zoned to accommodate different types of residential development in towns, villages and rural areas across the county. This will allow the developers to respond to market demand throughout the lifetime of the Plan. The development of a range of house types, from high price dwellings, to affordable and social housing, will ensure that housing is available to meet the needs and budget of all residents in County Clare.

Sustainability is a key theme of the County Development Plan. The integrated of renewable energy sources into building design, the provision of services and facilities in close proximity to residential areas to reduce the need for motorised travel and support for the use of more sustainable heat and energy sources are just some of the ways in which sustainability is promoted in the draft Plan.

I agree that transport mobility should be a key issue in the design of new housing development, particularly larger developments. This is an issue that could be addressed in the Development Management Guidelines set out in Appendix 1 of the Draft Plan. This will ensure that sustainable travel, mobility and connectivity are key considerations in the design of new housing developments.

In relation to the building materials used in new developments, while I note that this is a highly important issue, I can consider this to be an issue more appropriate to design and building guidance document than the County Development Plan.

### Flooding

I note the detailed proposals that are set out in relation to addressing flooding and climate change in the Plan area. A detailed Flood Risk Assessment has been carried out in association with the preparation to ensure that only water-compatible uses are located in areas that may be at risk from flooding in the future. All other more vulnerable uses are directed to other locations. Flood protection works are underway in a number of locations in County Clare at present and further works are planned to protect communities throughout the county. Furthermore, the protection of wetlands, forestry, flood plains etc. which are essential to minimise the risk of flooding is addressed in detail in Chapter 14 Natural Heritage, Biodiversity and Green Infrastructure.

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

In response to this submission I recommend that an addition be made to Section A1.3.2 of Appendix 1 as follows:

#### Mobility and Sustainable Travel

Development proposals for housing developments comprising 10 units or more shall be accompanied by a Transport and Mobility Statement outlining how convenient pedestrian and cyclist connectivity to the surrounding community has been integrated into the design and layout of the proposed development. Issues such as the provision for bus access e.g. safe school bus pick up/drop off area should also be addressed in the statement.

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

*Key Words: Policy, Flooding*

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

It is submitted that *The Planning System and Flood Risk Management – Guidelines for Planning Authorities* is a best practice document that allows a local authority to fulfil its statutory obligations on matters relating to flood risk. The Guidelines place a firm onus on the local authority to follow the hierarchical order of avoid, substitute, justify, mitigate. Evidence of the Justification Test must be supplied and, where passed, it details a flood zone system to allow planning decisions to be made with regard to these risks.

The draft CFRAM maps for County Clare have been delivered and have, in improved detail, identified areas at significant risk and are appropriate for Stage 2 Flood Risk Assessments required for each Local Area Plan, as per the Guidelines. Flood risk, in terms of both flood extent and depth, as well as flow velocities and their paths need to be considered for such a detailed flood risk assessment. Having regard to the risks identified in these maps it is the responsibility of the local authority to establish the required three fluvial flood zones for both historically zoned areas and those under consideration for future development and, based on this, to assign appropriate development.

It is noted that the Strategic Flood Risk Assessment associated with the County Development Plan is the appropriate Stage 1 FRA for such a plan and the flood maps employed seem fit for purpose. They do not however seem to have sufficient flood mapping for the local authority to finalise the required three flood zones at at-risk areas and the draft CFRAM flood maps should be used to inform this Stage 2 FRA requirement.

In certain proposed development cases the Guidelines recommend a Stage 3 FRA investigation to establish specific flood risk exposure. This assessment should use maps developed from a specialist study that can be verified as being of greater quality than the draft CFRAM flood maps and fit-for-purpose.

The example is given of the flood-extents map for Sites Com9a and Com9b at Tobertascain in Ennis where the SFRA seems to conflict with the contour map from the Draft Ennis and Environs Local Area Plan 2015-2021 (both maps are included in the submission for reference). It is submitted that the draft CFRAM map, which also provides estimated flood depths, seems to give a better representation of the 100-year flood extent for this area (map also included in the submission for reference). It is submitted that the draft CFRAM map agrees with the contour map for the area and shows significant flooding on the Tobertascain Road which extends throughout much of the site. It is submitted that such facts consider careful consideration, given that any development here would require a site specific flood risk assessment (a Stage 3 FRA investigation).

For areas such as the example given it should be remembered that the County Development Plan provides the overall context while the appropriate LAP should contain more detailed information and, as such, should take precedence. In Karst areas, such as the Com9a/Com9b site, a Stage 3 investigation should also investigate the risk of collapsing underground caverns by surcharging with infill materials. This would alter underground flow rates and would likely worsen flooding of third party properties and expose the local authority and the developer to litigation and financial loss.

By utilising the maps from Shannon CFRAMS it is submitted that it is possible to quantify and illustrate flood risk in terms of frequency and duration of occurrence, depth, flow, velocity and flood hazard. Knowledge of risk level and the increase in that risk brought about by an increase in the number of people that might be exposed to that risk will allow the local authority to carry out its plans in accordance with the Guidelines, Health and Safety regulations etc.

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

I would like to thank the OPW for their detailed consideration of the Draft Development Plan and I would like comment on the issues raised as follows:

- I note the issues and points that are raised in relation to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities' and the Justification Test and can confirm that Clare County Council have adhered to the guidelines following the hierarchical order of avoid, substitute, justify and mitigate. Evidence of application of the Justification Test and the precautionary approach are provided in the Strategic Flood Risk Assessment undertaken for the Draft County Development Plan which is contained in Volume 10c.
- I note the point made in relation to the attendance of the OPW at regular progress meetings with Clare County Council the CFRAM programme and that draft flood maps have been delivered. While these draft flood maps have been delivered in hard copy maps they have not been supplied to the Local Authority in electronic format which would facilitate the incorporation of the information into the Strategic Flood Risk Assessment. However, Clare County Council and their Flood Risk Consultants JBA did have regard to the information contained in the Shannon draft CFRAM for the 13 Areas for Further Assessment covered within County Clare.
- I welcome the comments in relation to the appropriateness of the councils Strategic Flood Risk Assessment, adherence to the guidelines and appropriate Stage 1 FRA.
- I note the point made in relation to the requirement for a Stage 2 FRA which should be informed by the draft CFRAM flood maps.
- I note the point made in relation to the use of the guidelines to undertake a Stage 3 FRA to establish its specific flood risk exposure which should be of a greater quality than the draft CFRAM flood maps.
- I note the site specific comments in relation to the flood extents for the site at Toberteascain in Ennis. I support the sentiments of the OPW in that the Draft CFRAM mapping should be used to define the flood extents in this general area unfortunately these maps were not available when completing work on the SFRA. I will however make a recommendation to update this map based on the Draft Shannon CFRAMS. Please also see the response to submission 463 in relation to this site.
- I agree with the point in relation to the hierarchy of the County Development Plan in providing the context for the appropriate LAP and specifically in relation to Ennis and its associated Flood Risk.
- I agree with the point that in karst areas (particularly surrounding Ennis), a site specific Stage 3 FRA should also investigate the risk of collapsing underground caverns by surcharging with infill materials.
- I agree with the point in relation to utilizing the maps from the Shannon CFRAM to quantify and illustrate flood risk in terms of frequency and duration of occurrence, depth, flow velocity and flood hazard. The flood maps produced by the SFRA are based on a variety of datasets and have also been informed by the CFRAM mapping, whilst not directly reproducing them. The OPW were consulted with on numerous occasions in relation to the availability of the maps with Clare County Council requesting the digital copies throughout the preparation of the Draft Plan however, this was not delivered by the OPW. On this basis, the OPW comments (from the Flood Relief Design Section), to include CFRAM mapping, contradict the decision of the OPW CFRAM Section in not providing the mapping to Clare County Council. In addition I would like to refer the OPW to Section 4.2 of the SFRA which states;
  - *At the time of preparing this Draft SFRA, the draft CFRAM maps were only available in pdf format and were released by the OPW for Statutory Consultation on the 20<sup>th</sup> of November 2015. The draft CFRAM maps were reviewed through site walkovers and as part of the data collection exercise. Where appropriate, the commentary of each of the relevant settlements has been prepared with the findings of the CFRAM in mind, but the CFRAM maps have not been used to inform the land use zonings contained in the Development Plan.*

Section 4.2 goes on to state that the maps should be adopted when finalised, however, if the finalised maps are not made available prior to the end of the statutory process of the development plan then the draft maps should be adopted as verified by the SFRA site visits.

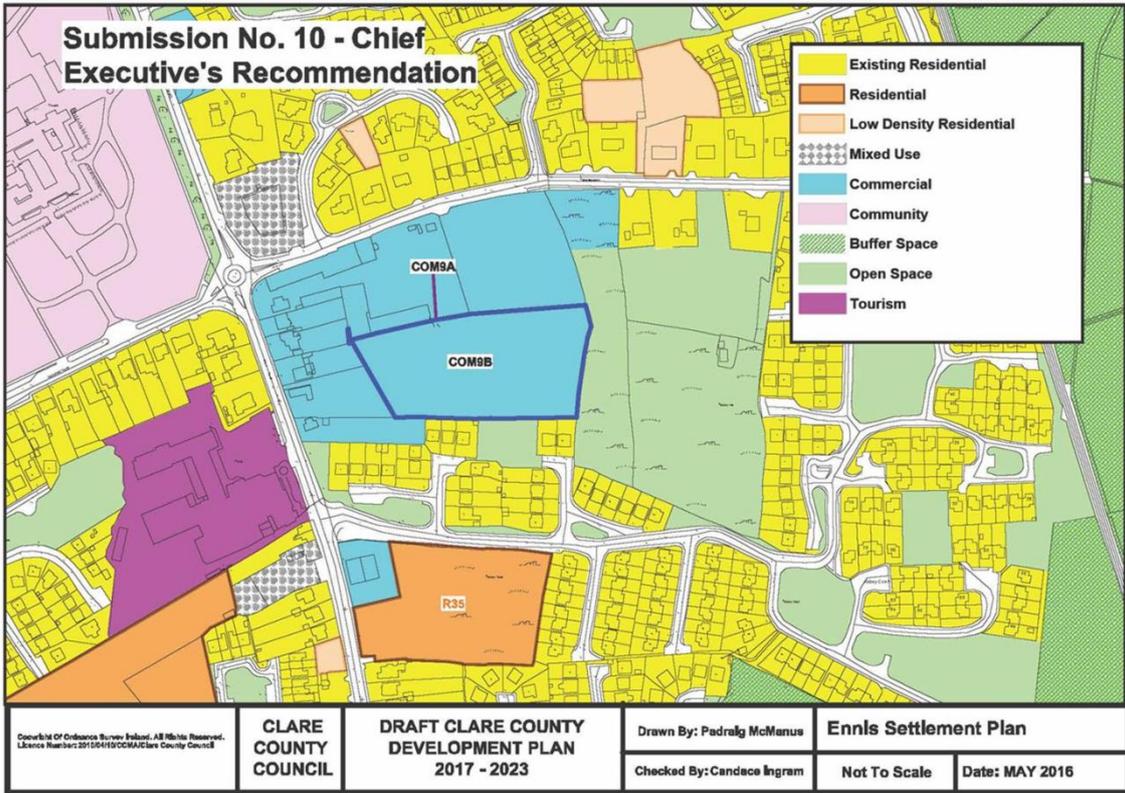
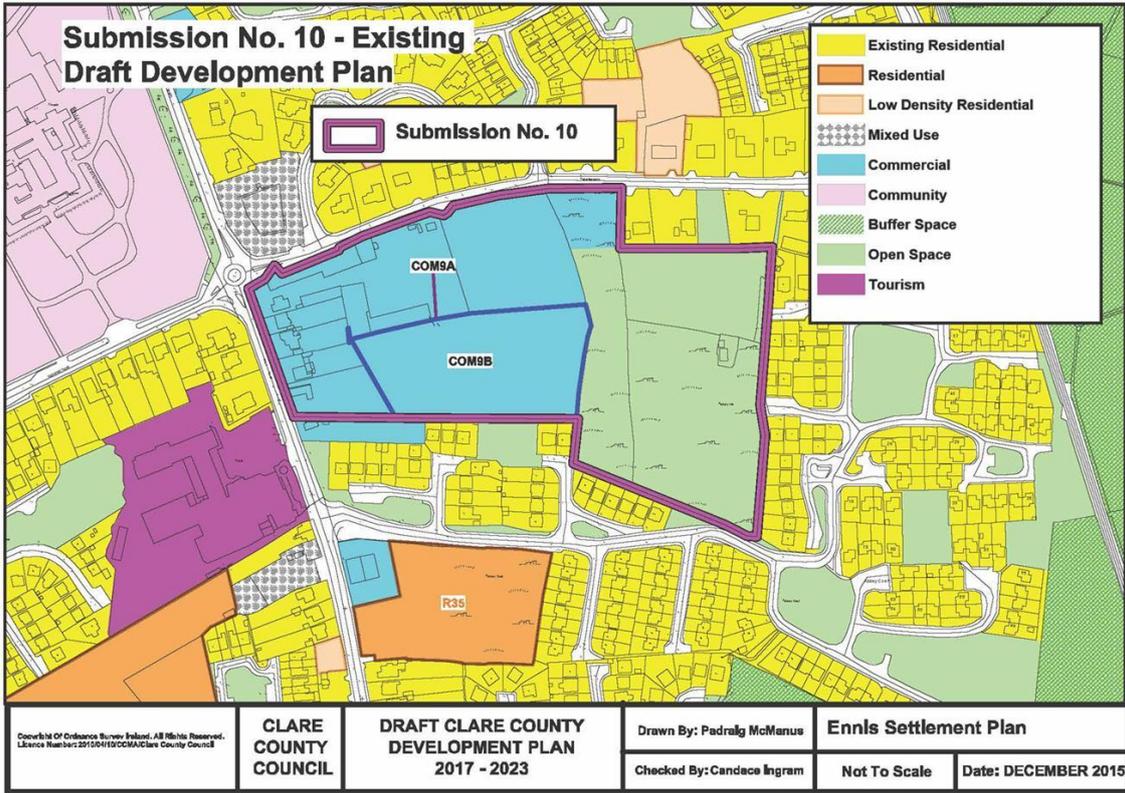
- At the current stage in the preparation of the 2017 – 2023 County Development Plan the Draft CFRAM maps appear to represent the most up to date available information in relation to flood risk across the county. I will make a recommendation in relation to obtaining and utilising the Draft Shannon CFRAM to inform the final Strategic Flood Risk Assessment.
- I note the point in relation to knowledge of risk levels and exposure to that risk in allowing the Authority to carry out its plans in accordance with the Guidelines and Health and Safety regulations.

- I note the point in relation to finding a balanced view of land use and flood risk in compliance with the Guidelines.

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

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

- Update maps in relation to Tobertascain, Ennis to include information from the Draft CFRAM study.



## **Ref. 011 Eoin Liddy**

*Key Words: Ennis*

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

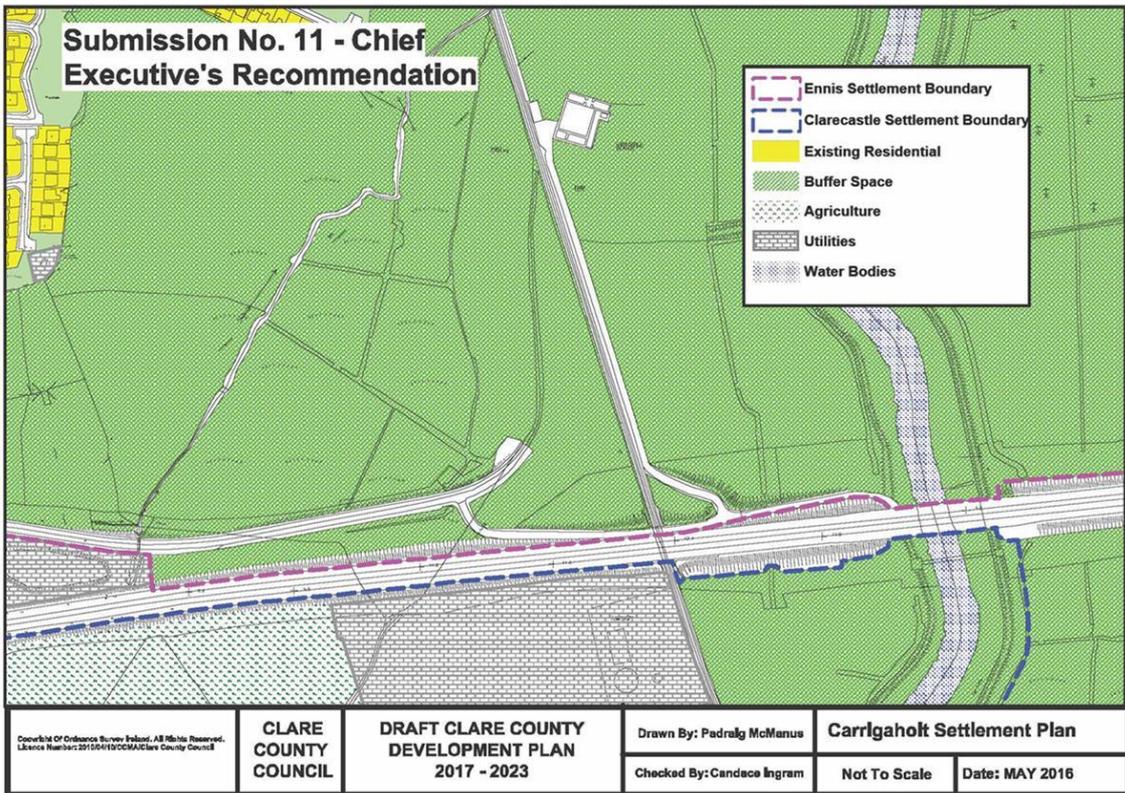
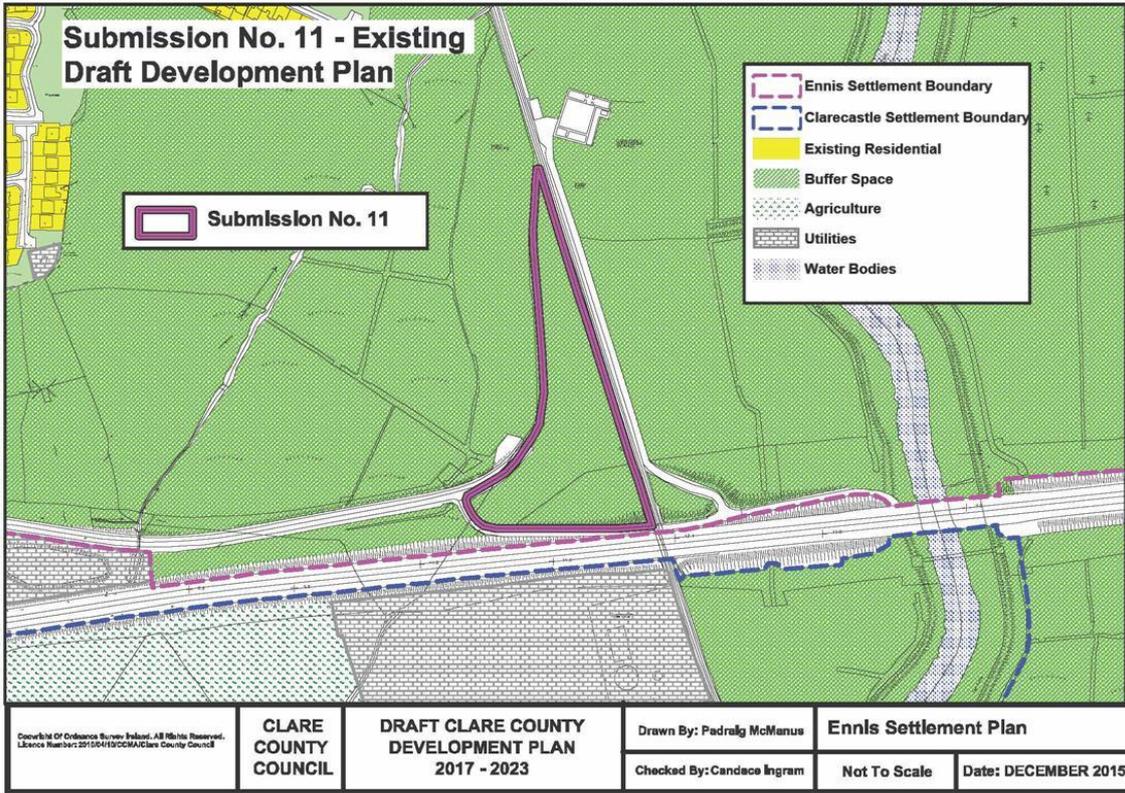
The submission requests that an area of land adjacent to Clare Abbey area be zoned 'Open Space'. Mr. Liddy notes that the lands are not located on a flood plain and are separated from the Abbey by the rail line. The property is located at the entrance to the Abbey and in time might accommodate the development of services to complement the tourist attraction. Mr. Liddy considers that the provision of services for the large numbers of visitors to the site would be for the betterment of the overall plan.

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

I wish to thank Mr. Liddy for his submission. I note that the parcel of land specifically referred to in the submission is not within Flood Zone A or B. However it is considered that the proposed buffer space zoning is the most appropriate at this location in order to protect the important flood control functions of the surrounding lands. However I consider that a limited scale of tourist amenities could be considered on the lands, such as picnic benches, refuse facilities, information boards and designated car parking. I consider that same may be set out in greater detail in the forthcoming Ennis and Environs Local Area 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. 012 Mary Morrissey, District Daycare Centre Clarecastle Ltd.**

*Key Words: Clarecastle*

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

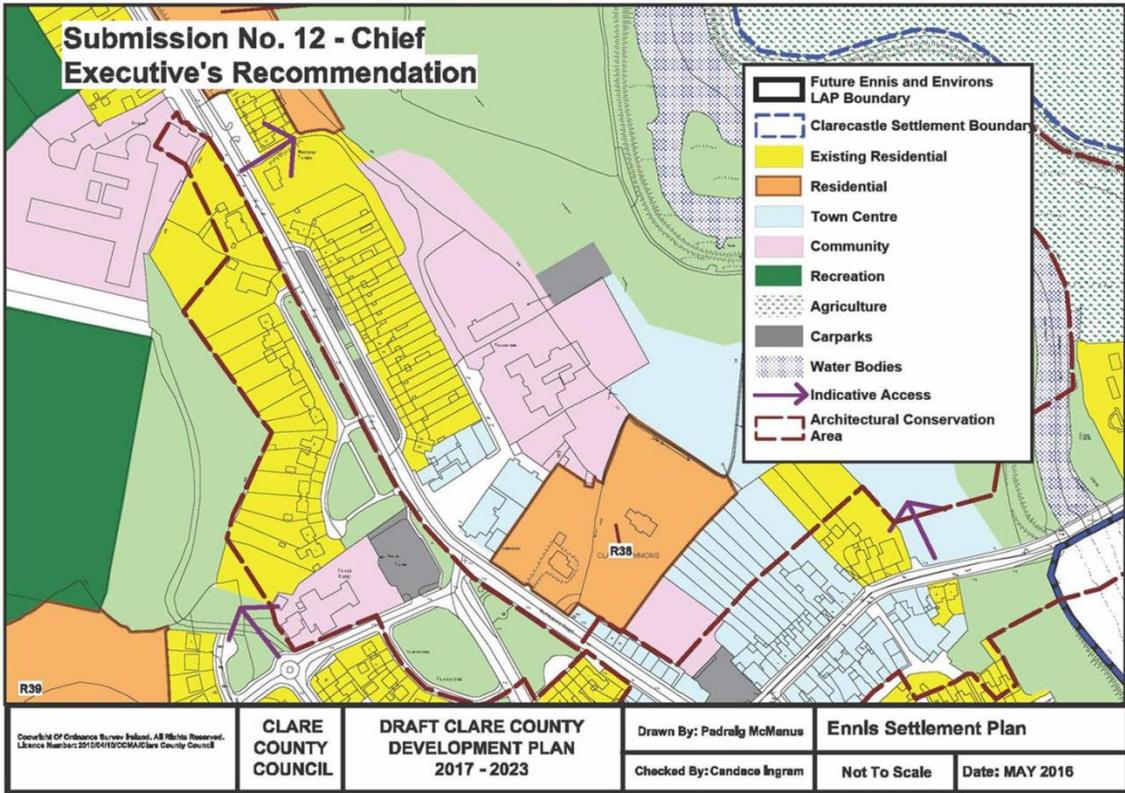
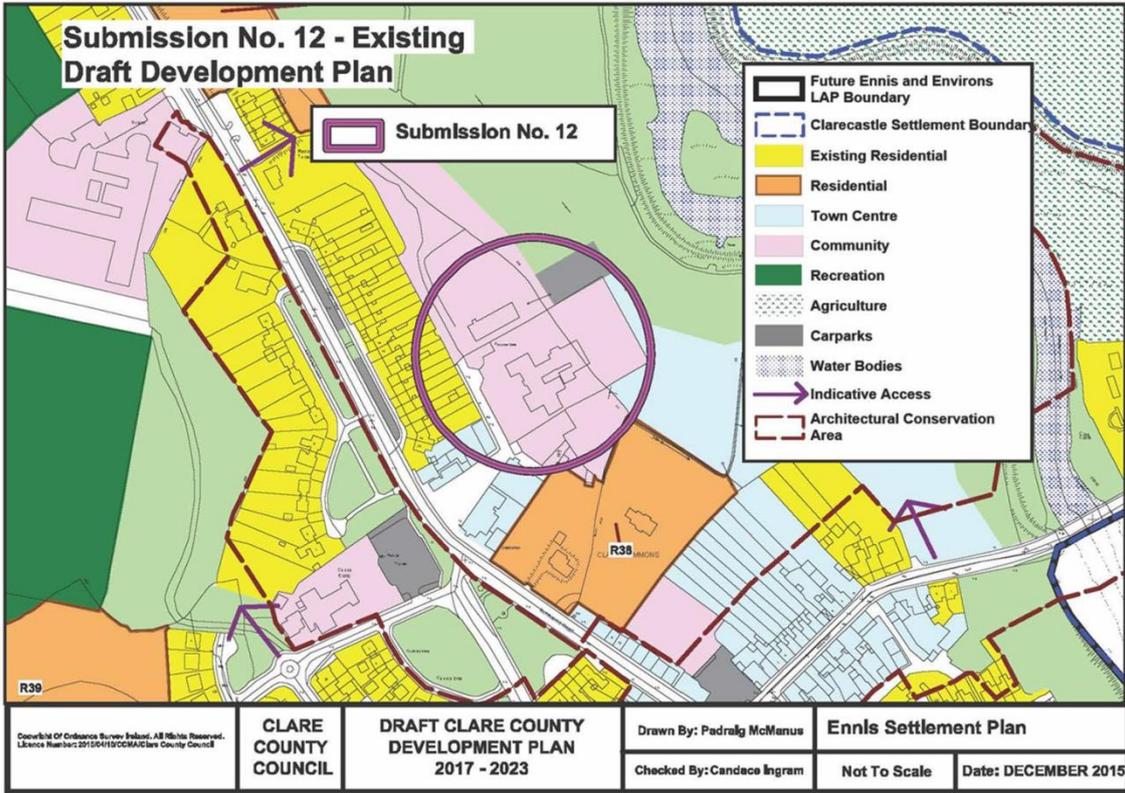
The submission requests that the zoning of any undeveloped land in the vicinity of the District Daycare Centre in Clarecastle is appropriate for future healthcare facilities purposed for the elderly in this location, which is at the centre of the community.

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

I thank Ms. Morrissey for taking the time to review the Draft Development Plan and make this submission. It is recognised that the District Daycare Centre in Clarecastle plays a vital role in the local community. The lands on which the centre is located, as well as the lands immediately adjoining the site, have been zoned for Community use which is compatible with the development of healthcare facilities for the elderly. It is proposed to zone lands to the south of District Daycare Centre for Residential use. I note that community facilities and healthcare facilities are both Open for Consideration on lands zoned for Residential use. I am satisfied that the zoning for the Clarecastle area as shown on the maps associated with the Draft Clare County Development Plan 2017-2023 will be appropriate to facilitate the expansion of the existing services.

### **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. 013 Toureen Concerned Residents, Ennis**

*Key words: Ennis*

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

This submission, in which local residents outline their objections to the zoning of land for industrial use, relates to Site IND1 in the Ennis and Environs area.

It is submitted that locations for heavy industry must be carefully considered and should be sited in areas where their visual and environmental impact will be kept to an absolute minimum. It is noted that the Roche Ireland in Clarecastle occupies the only other similarly-zoned site in the plan area and, given that the future of that facility is now in jeopardy, the site may be available for redevelopment in the future which should fulfil the industrial needs of the town. It is further submitted that far more suitable industrial sites could be readily identified in existing commercial areas of Ennis Town.

The Toureen Concerned Residents would like the following issues to be fully considered and the proposed zoning of site reassessed:

- The lands are located in an agricultural area with a number of roadside residential properties. The use of the lands for industrial or manufacturing activity would adversely affect the peaceful enjoyment of residents and local farmers.
- Large scale industrial or manufacturing activity would increase traffic levels on the R352, exposing residents and their families to additional risk of accidents. It is also submitted that the slip roads from the M18 to the Tulla Road are poorly designed and barely adequate for current volumes of traffic. Increased traffic levels at this junction would increase the risk of further fatal accidents.
- Additional lands in the vicinity of existing industrial estates on the Quin and Gort Roads should be considered for development before the rezoning of agricultural land takes place. The impact on environment, traffic management, water and sewage services in these areas would be minimal.
- The rezoning of the land would result in substantial economic loss through reduced property prices to local residents.
- The development of the land would result in an increased risk of pollution to a local deep well which supplies water to several residents and farmers in the immediate area.
- The development potential of the site is compromised by the location of the mesotrophic lake, flood zones, ringfort (Recorded Monument), required buffer zones, local populations of Lesser Horseshoe Bats, road drainage ponds, adjoining residential properties, easements and rights-of-way, pylons and high-voltage electricity lines, all of which reduce the net available space for development.

It is requested that these issues be given full consideration and it is noted that local residents will vehemently object to any future planning applications made to Clare County Council for industrial projects on this land.

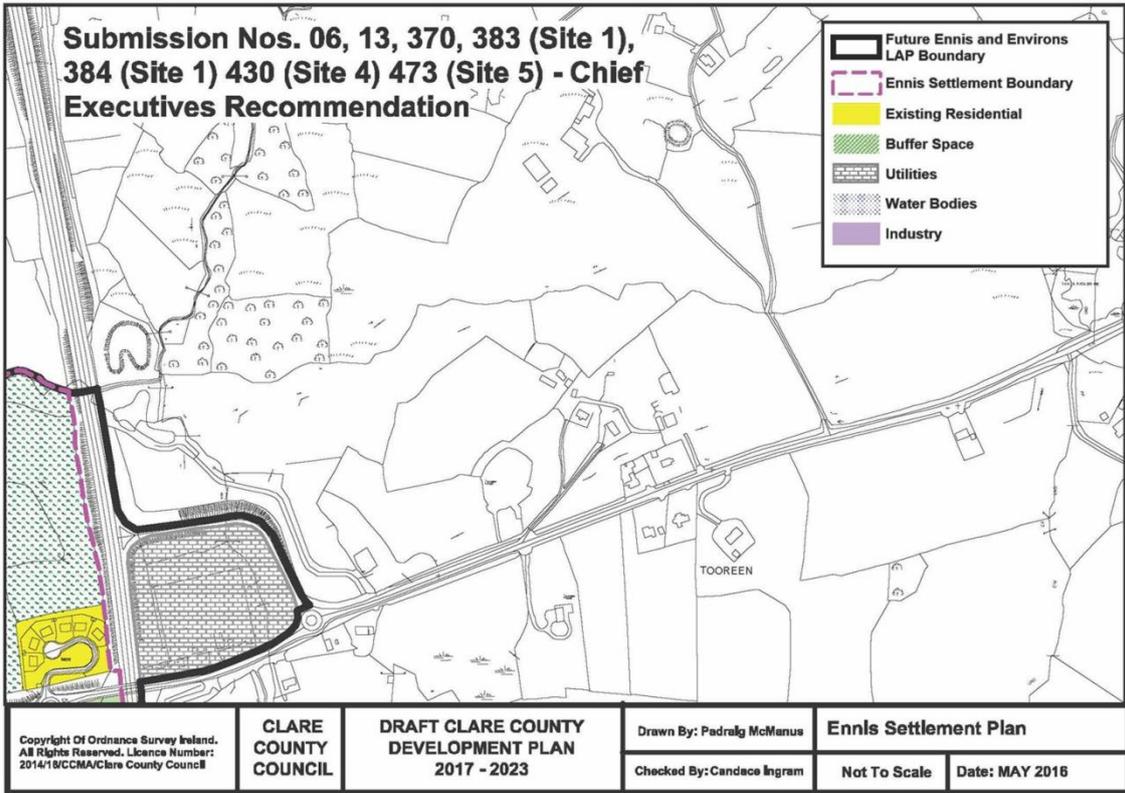
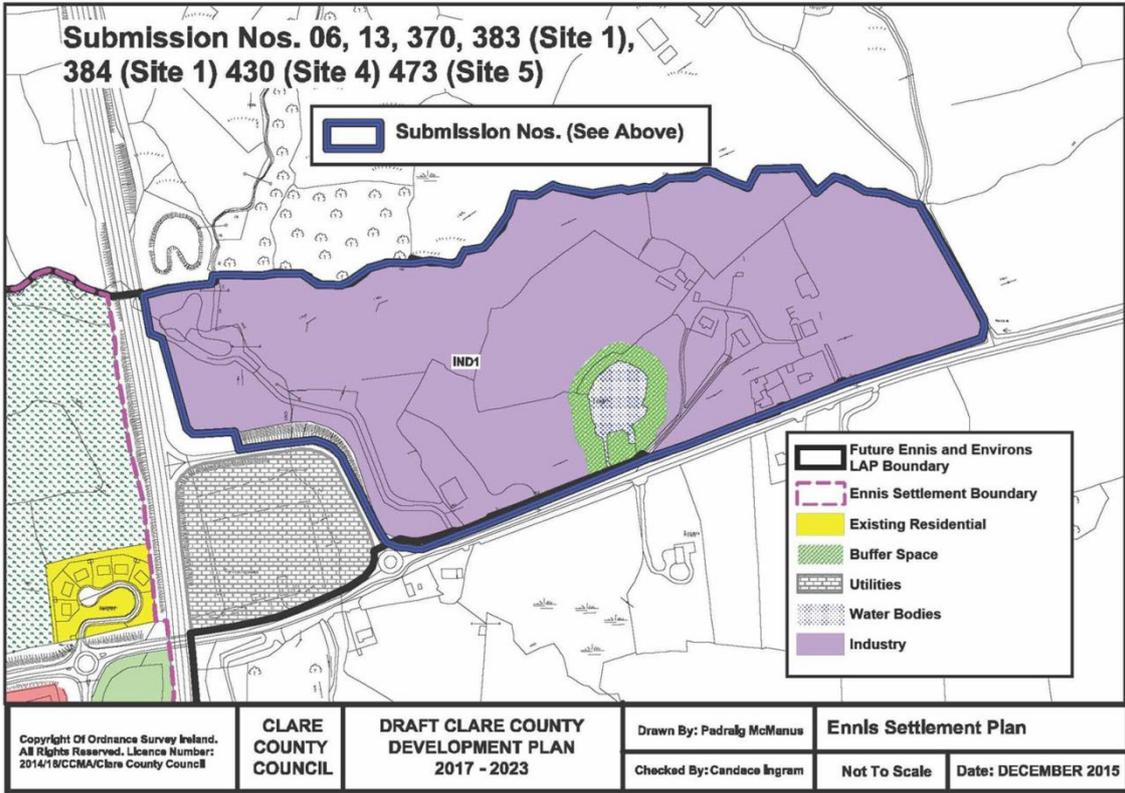
### **Chief Executive's Response**

I wish to thank the Toureen Residents for their submission regarding IND 1. In relation to the proposed zoning of land at Junction 13 in Ennis, I note that a full Traffic Impact Assessment of the zonings has been carried out and sent to Transport Infrastructure Ireland for their consideration. Notwithstanding this additional information I note that T.I.I. have on-going concerns regarding the capacity of Junction 13 and the configuration of the sliproad to accommodate additional traffic flows that may be generated as a result of the zoning of IND1. Having regard to the traffic safety concerns raised by Transport Infrastructure Ireland, I consider it appropriate to remove the Industry zoning from this site in Ennis and to move the settlement boundary westwards so that it no longer incorporates these lands.

### **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:

Remove the Industry zoning from IND1 in Ennis and to move the settlement boundary westwards so that it no longer incorporates these lands.



## **Ref. 014 Mr. Gerard Malone on behalf of Mr. Declan Griffin**

*Key Words: Kilkee*

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

This submission relates to lands in the West Clare Municipal District. It is requested that an area of land on the Milltown Malbay Road in Kilkee (N67) be zoned as 'Residential'.

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

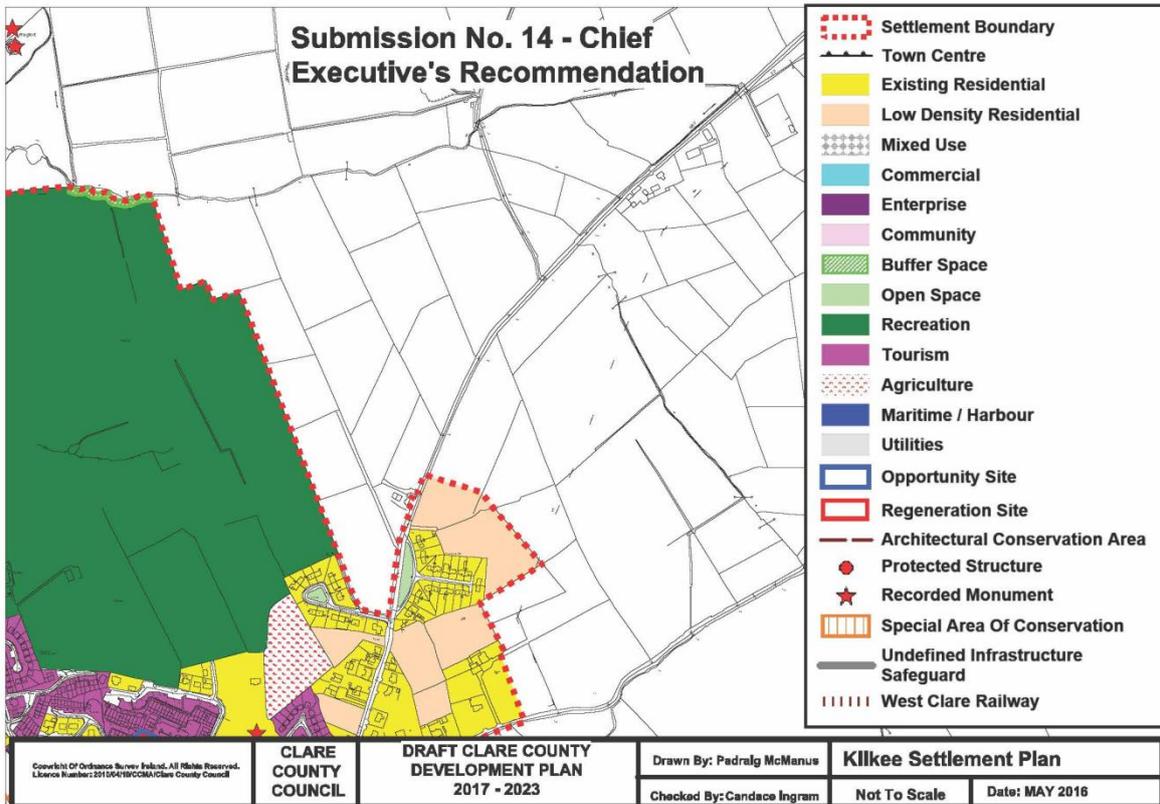
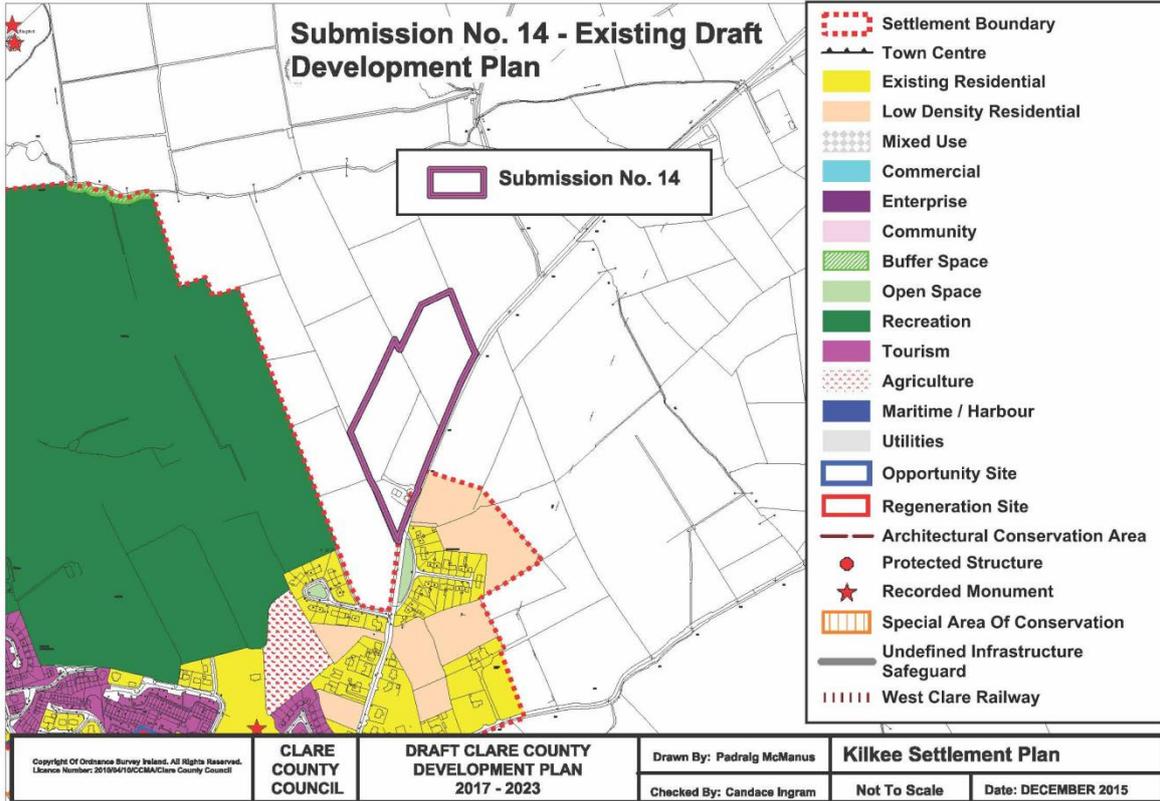
I thank Mr. Malone for his submission, made on behalf of Mr. Griffin, and wish to comment on the request made therein as follows:

The subject site is located to the north of the town of Kilkee on the Doonbeg/Milltown Malbay Road. The site is located west of the N67 at a point where there are expansive views from the public road towards the coastline. The site is located on the periphery of the settlement, beyond the current settlement boundary of Kilkee.

I note that there are numerous areas of land in Kilkee zoned for Residential development that are closer to the town centre and associated services and which are adequate to meet future projected population growth in the town. There are also a number of parcels of land on the Doonbeg Road in Kilkee that have been zoned for residential development that have yet to be developed. To zone further lands in this area, at a distance from the town core, detached from the settlement, in combination with potential for significant visual impact, would result in an undesirable pattern of development in the area and would be contrary to the proper planning and sustainable development of the town of Kilkee.

### **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. 015 Ms Martha Ryan, Sixmilebridge**

*Key Words: Sixmilebridge*

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

Ms. Ryan submits that she is the owner of lands at Cappagh Lodge, Sixmilebridge and she requests that the zoning on the land be changed from Open Space to Residential.

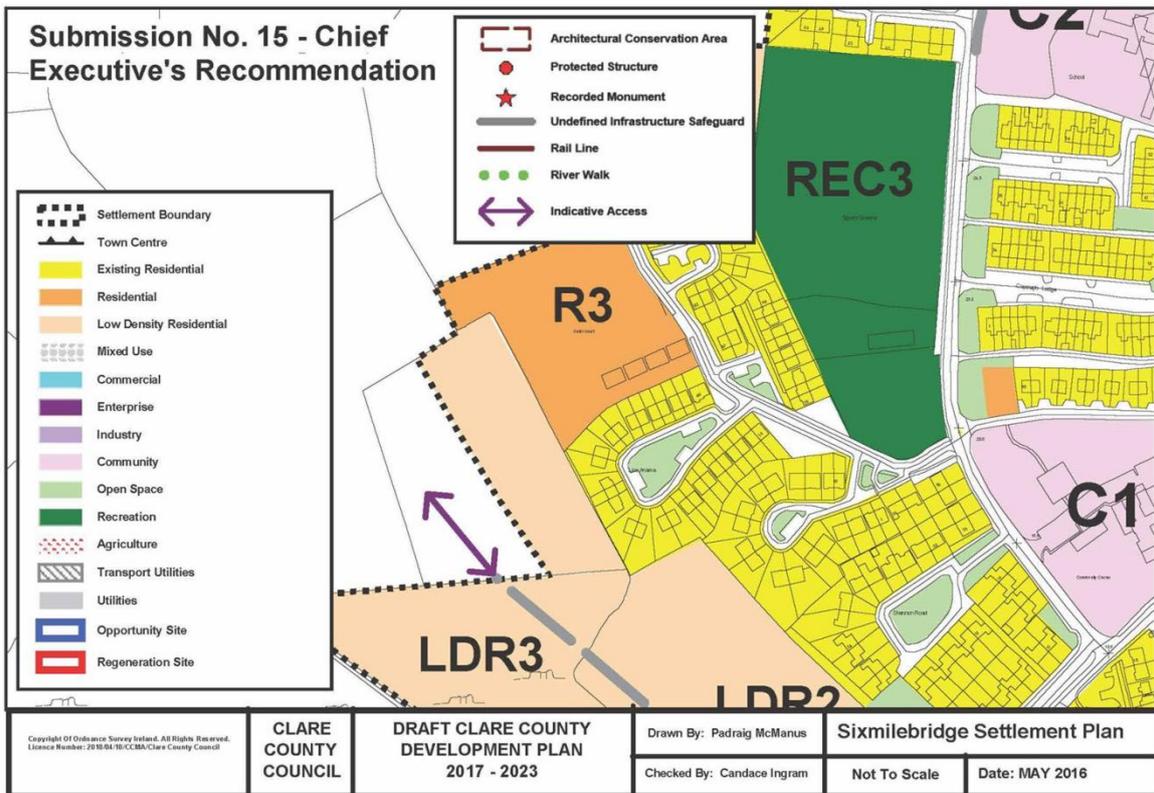
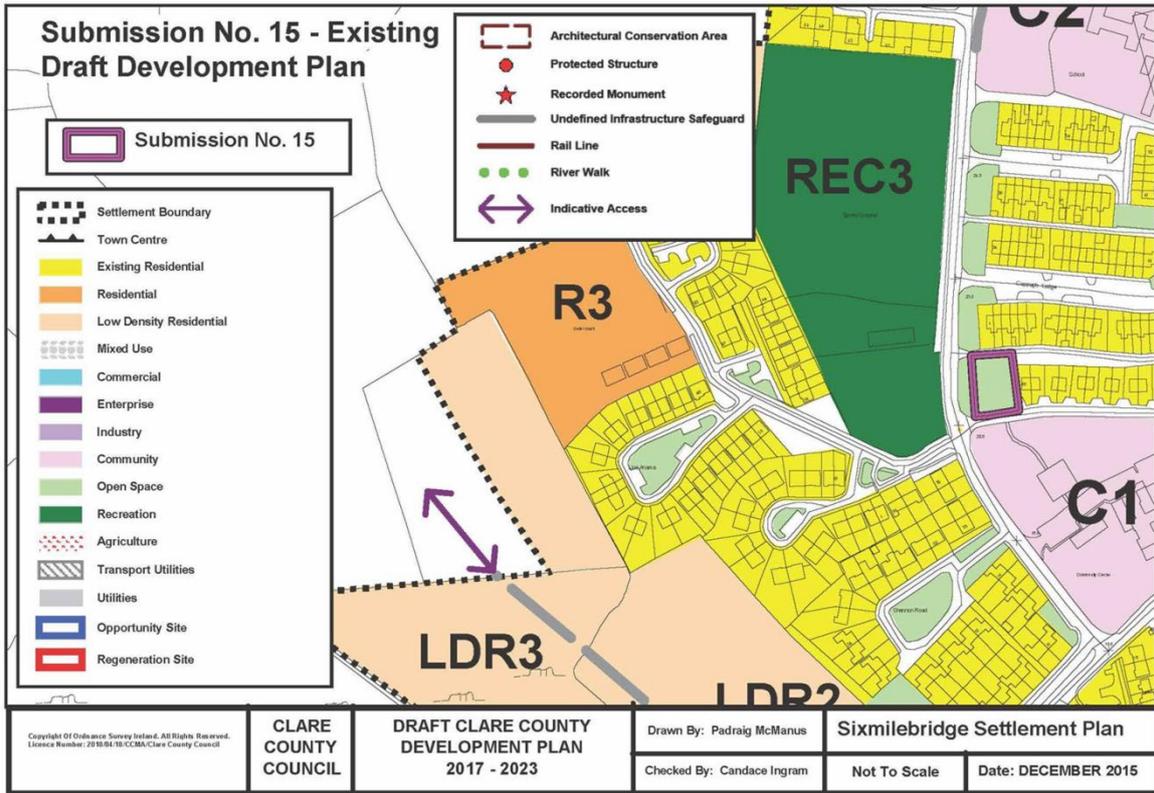
### **Chief Executive's Response**

I thank Ms. Ryan for her submission and wish to comment as follows:

The subject site adjoins an existing row of dwelling houses in the Cappagh Lodge area of Sixmilebridge and is currently zoned for Open Space use. The area of open space is larger than that which has been provided adjacent to similar areas in the estate. A margin of open space, matching in size and function to those spaces at the west end of the other terraces in the area must be retained and maintained as open space. I consider the remaining piece of ground to be suitable for housing development. Development on this land would complete the line of houses already constructed in the area. The site is opposite lands zoned as C1 and there are plentiful community facilities and open space in the area. It is within walking distance of the village centre and I consider it to be appropriate for inclusion.

### **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 on the basis of this submission.



## **Ref. 016 Mary Cashin on behalf of Residents, Traders and Workers in the Friary Car Park Area, Ennis**

*Key Words: 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**

I thank Ms. Cashin for making this detailed and considered submission on behalf of the Traders and Workers in the Friary Car Park area of Ennis.

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 the 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.

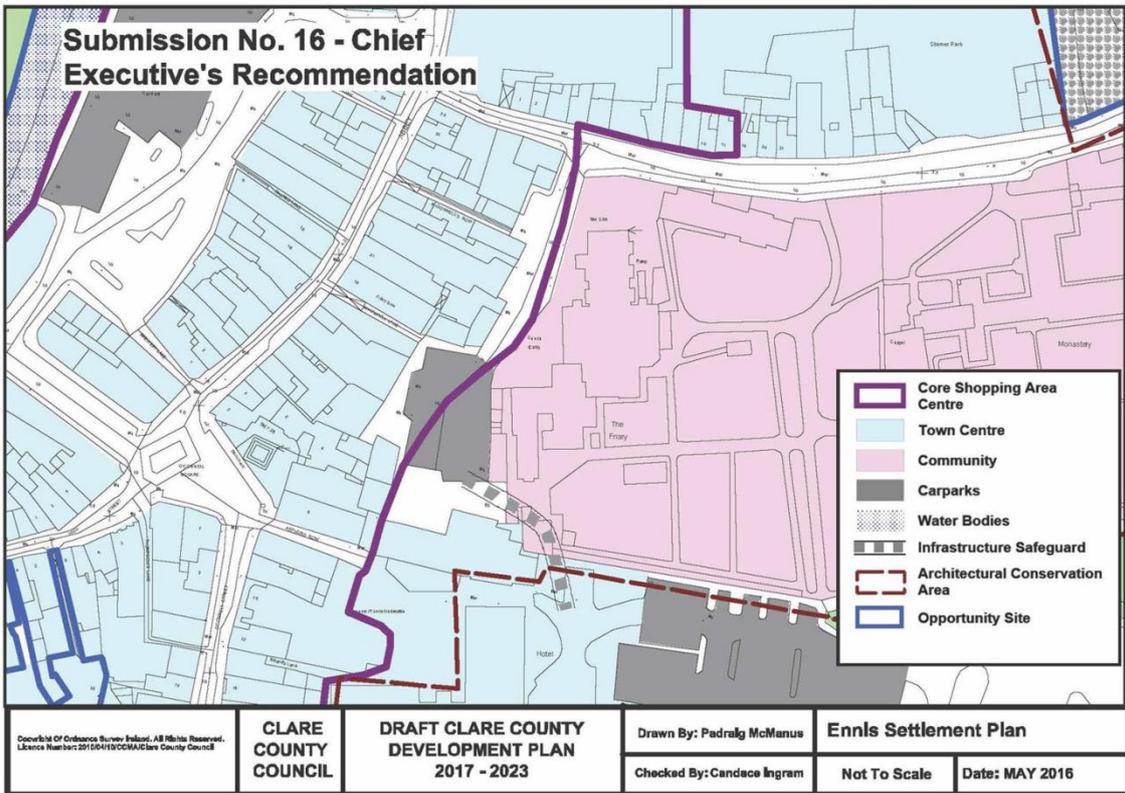
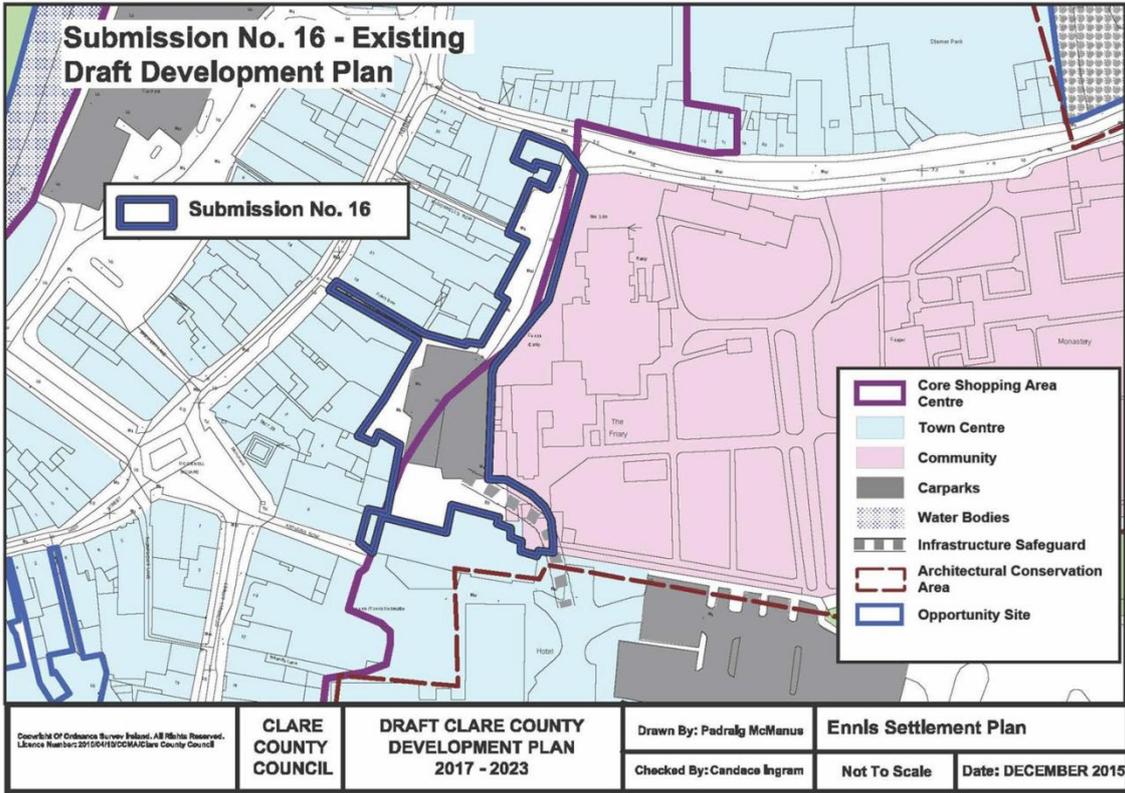
### **Chief Executive's Recommendation**

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 Ref: 057 which address similar issues as this submission.



## **Ref. 017 Gerard Malone on behalf of Mr. Anthony McInerney, Newtown, Doonbeg**

*Key Words: Doonbeg*

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

This submission relates to lands in the West Clare Municipal District. The submission requests the zoning of lands in the Newtown, Doonbeg area as 'Residential'. It is further submitted that the subject lands are serviced by the public wastewater treatment network.

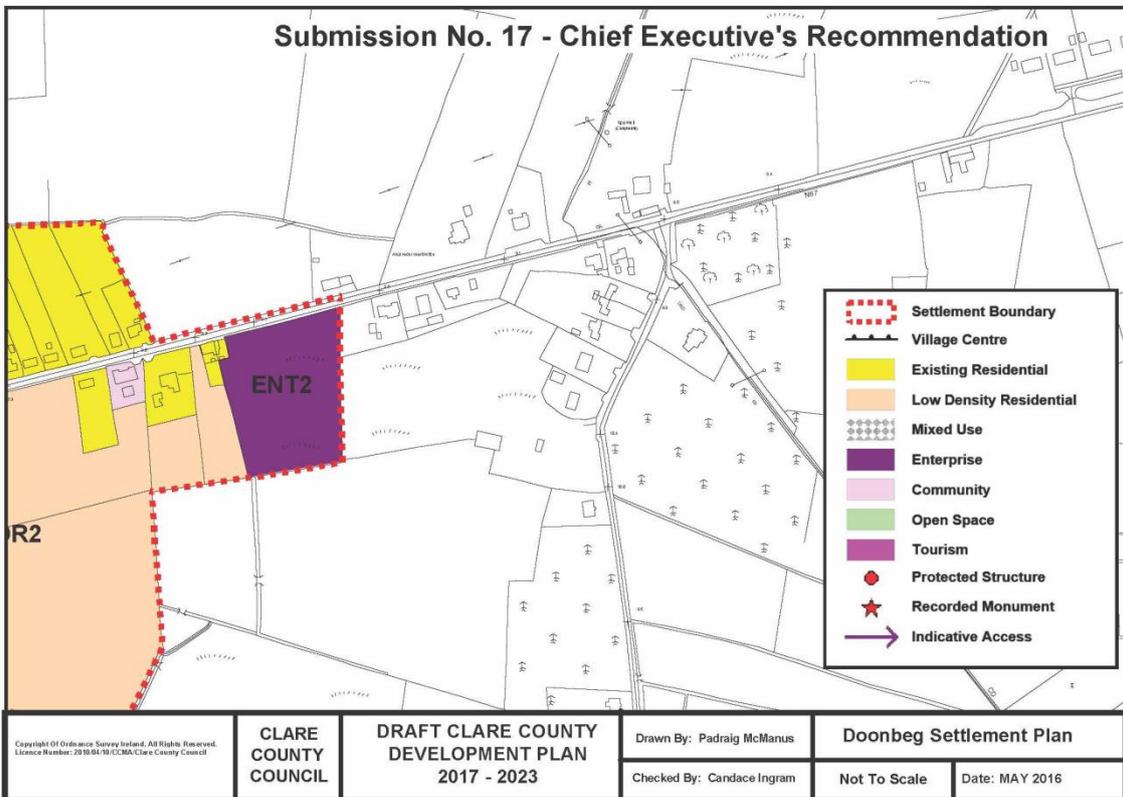
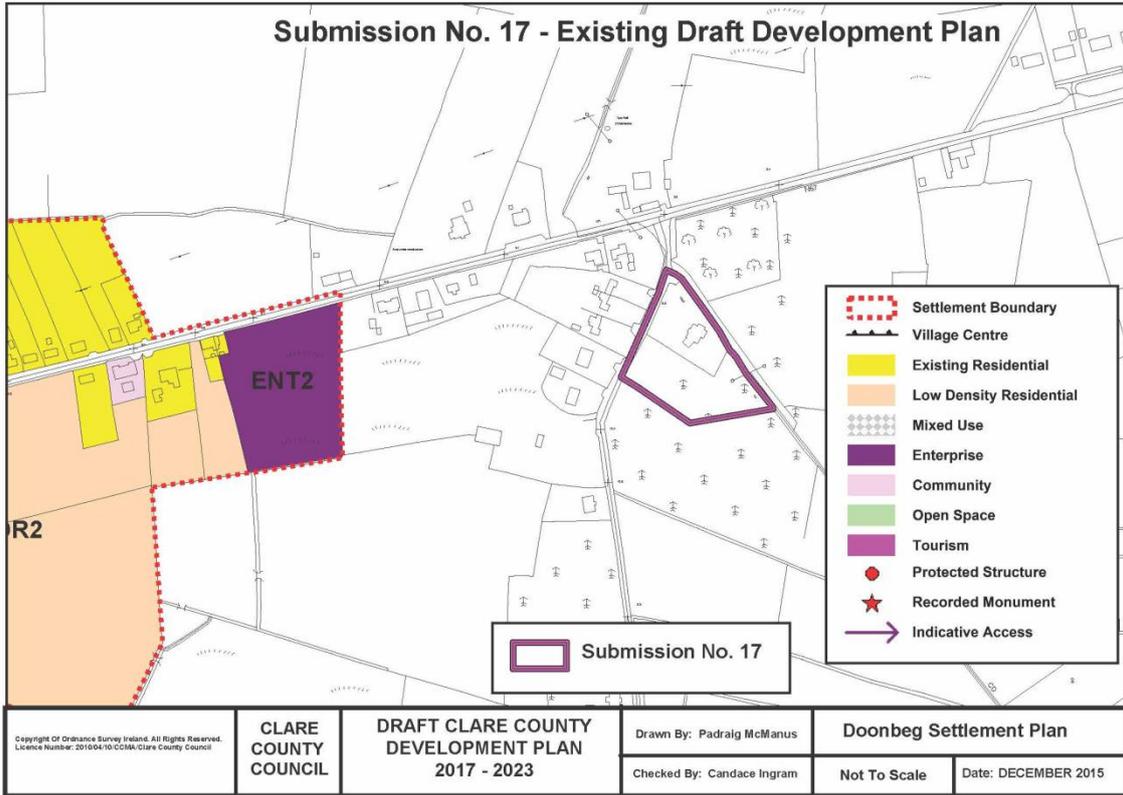
### **Chief Executive's Response**

I thank Mr. Malone for this submission, made on behalf of Mr. McInerney, and acknowledge the details therein. The subject site is located to the east of the village of Doonbeg, on a lane that runs south from the N67 road. The site is at a distance from the settlement boundary of the village and is outside the speed limit associated with the settlement. There are large tracks of undeveloped lands between the subject site and Doonbeg village.

To zone an isolated area of land for residential development, at a distance from an existing settlement, would lead to an ad hoc pattern of development and 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. 018 Gerard Malone on behalf of Mr. Tony Pender, Newtown, Doonbeg**

*Key Words: Doonbeg*

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

This submission relates to lands in the West Clare Municipal District. The submission requests the zoning of lands in the Newtown, Doonbeg area as 'Residential'. It is further submitted that the subject lands are serviced by the public wastewater treatment network.

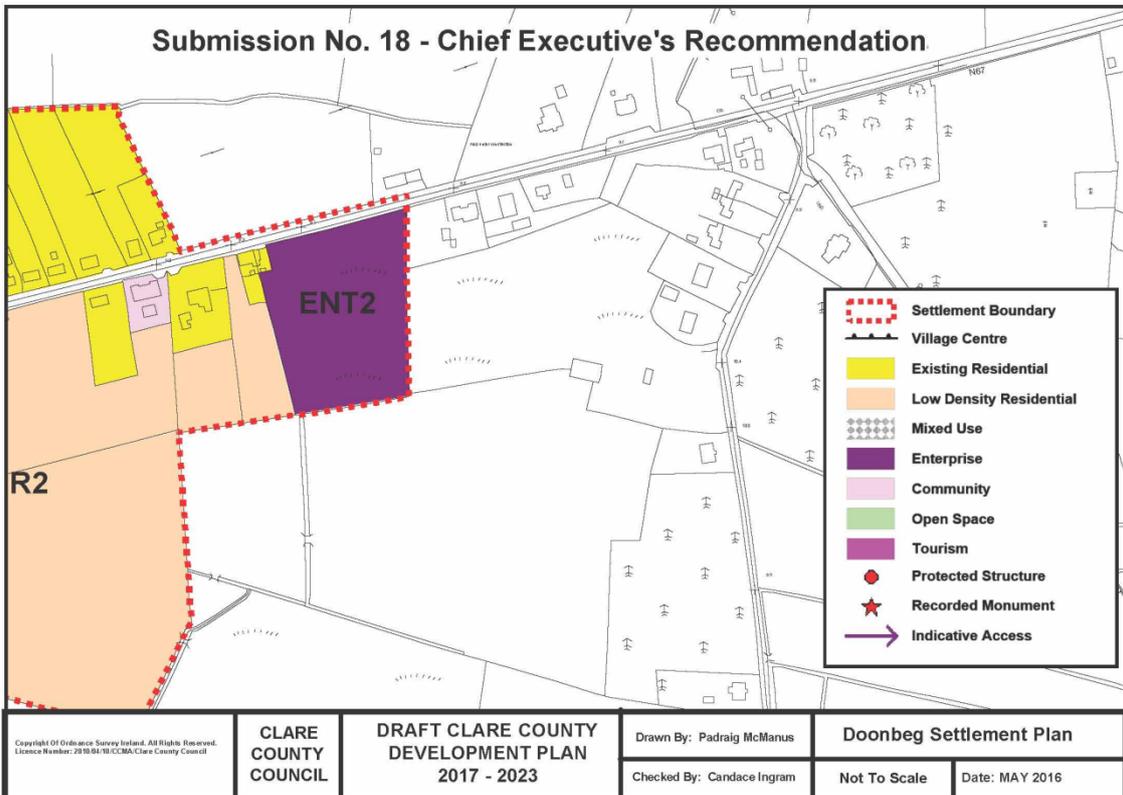
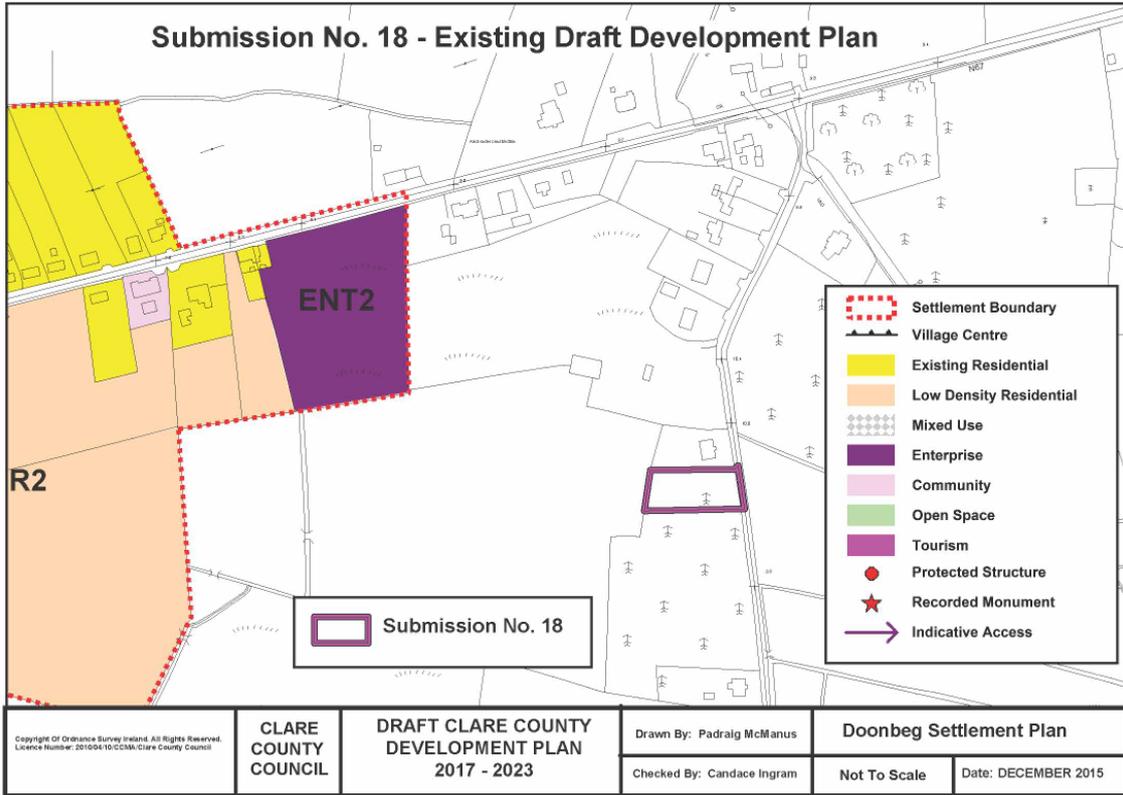
### **Chief Executive's Response**

I thank Mr. Malone for this submission, made on behalf of Mr. Pender, and acknowledge the details therein. The subject site is located to the east of the village of Doonbeg, on a lane that runs south from the N67 road. The site is at a distance from the settlement boundary of the village and is outside the speed limit associated with the settlement. There are large tracks of undeveloped lands between the subject site and Doonbeg village.

To zone an isolated area of land for residential development, at a distance from an existing settlement, would lead to an ad hoc pattern of development and 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. 019 Gerard Malone on behalf of Mr. Johnny Dooley, Newtown, Doonbeg**

*Key Words: Doonbeg*

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

This submission relates to lands in the West Clare Municipal District. The submission requests the zoning of lands in the Newtown, Doonbeg area as 'Residential'. It is further submitted that the subject lands are serviced by the public wastewater treatment network.

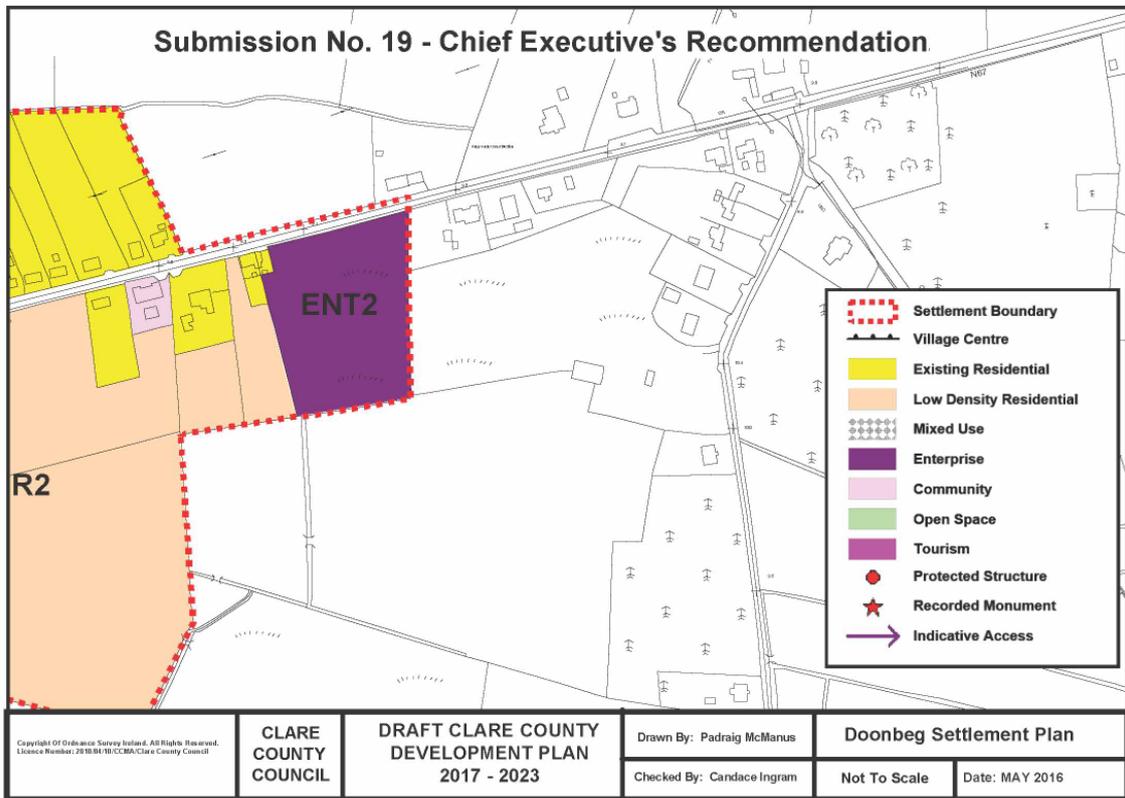
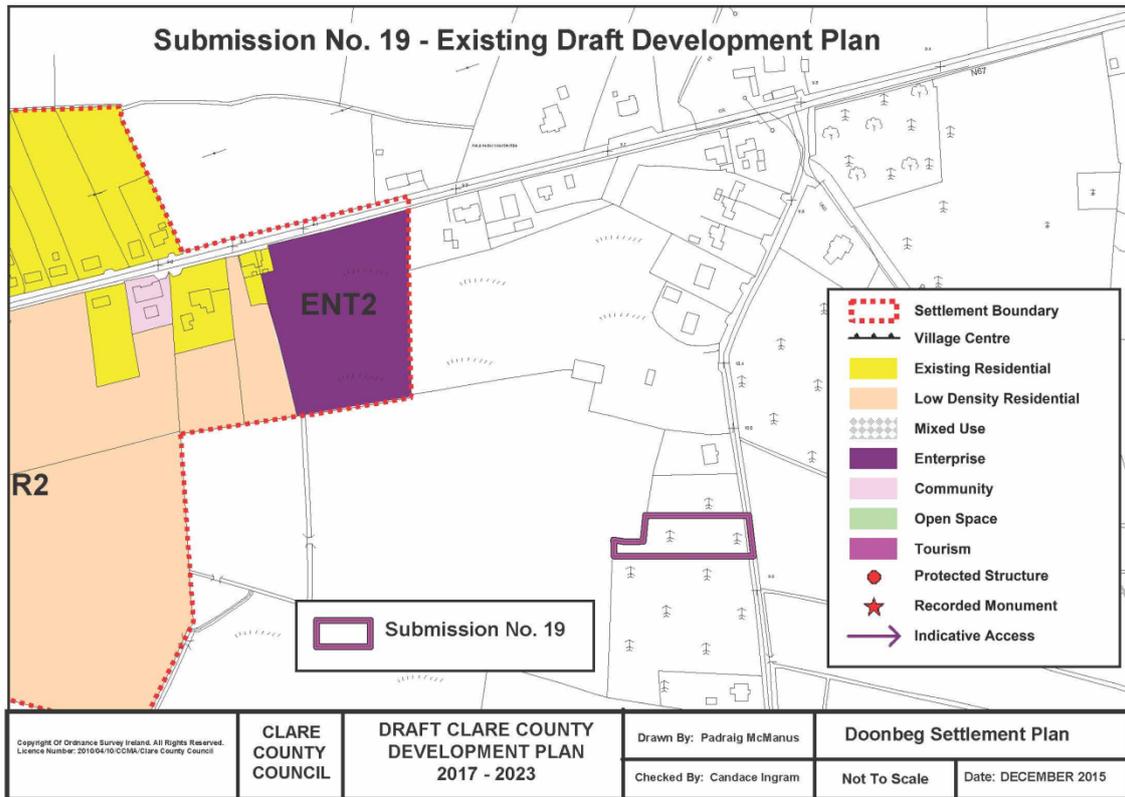
### **Chief Executive's Response**

I thank Mr. Malone for this submission, made on behalf of Mr. Dooley, and acknowledge the details therein. The subject site is located to the east of the village of Doonbeg, on a lane that runs south from the N67 road. The site is at a distance from the settlement boundary of the village and is outside the speed limit associated with the settlement. There are large tracks of undeveloped lands between the subject site and Doonbeg village.

To zone an isolated area of land for residential development, at a distance from an existing settlement, would lead to an ad hoc pattern of development and 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. 020 Ms. Kathleen Foley Schmacht, Doonaghboy, Kilkee**

*Key Words: Kilkee*

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

This submission relates to lands in the Kilkee area in the West Clare Municipal District. Ms. Foley Schmacht is the owner of lands at Doonaghboy, Kilkee and requests that the land is zoned to accommodate residential development. It is submitted that there is a growing demand for residential housing in Kilkee and it is the owner's intention to develop the land to include residences for both holiday accommodation and permanent occupancy and possibly some commercial buildings.

The lands are immediately accessible to and from the town centre and are adjacent to all local amenities. It is submitted that, in light of a) the location, character and extent of the site; b) the site's relationship with the town of Kilkee and its hinterland and c) future strategic development of the seaside resort of Kilkee, these lands should be zoned for residential purposes.

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

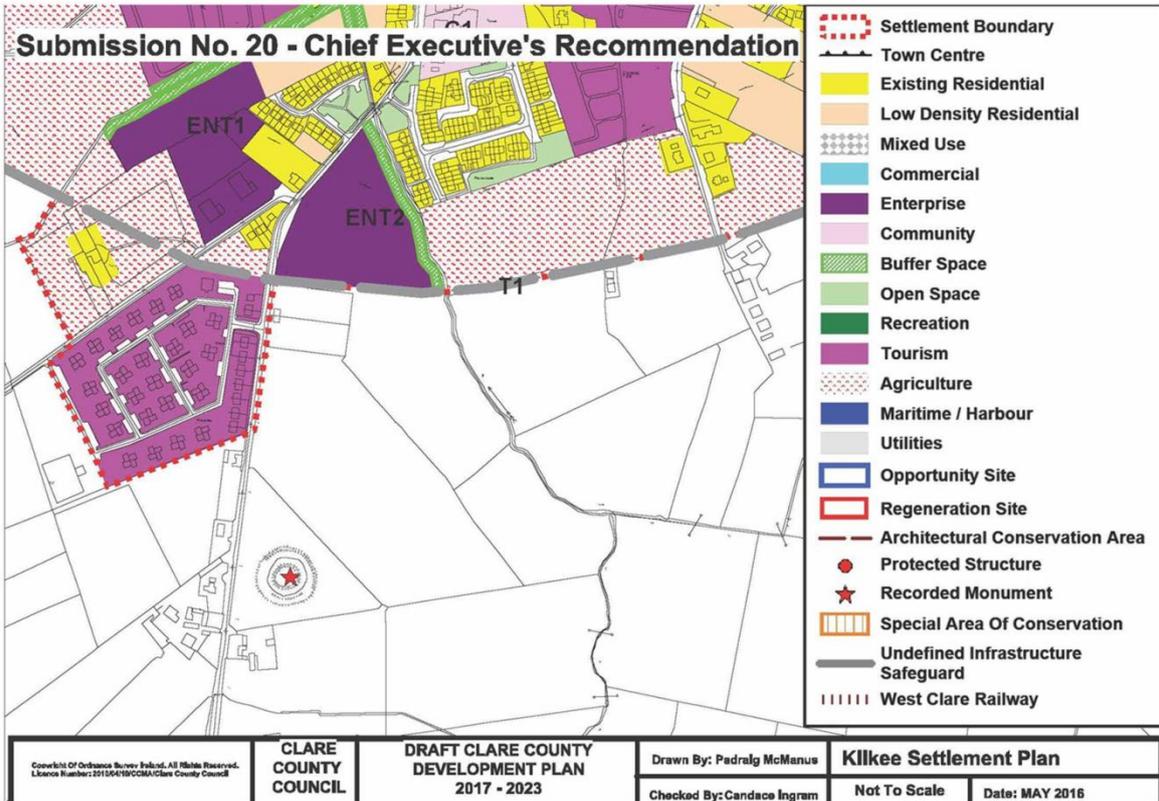
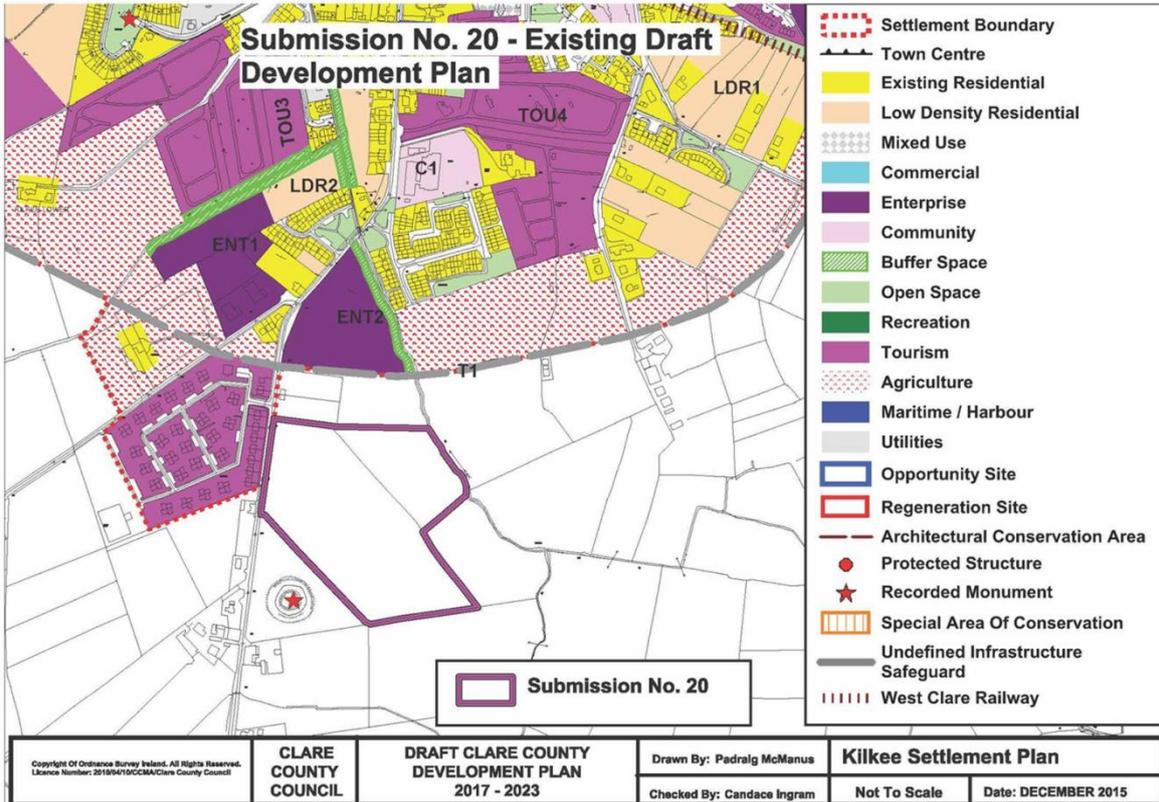
I thank Ms. Foley Schmacht for her submission and acknowledge the information contained therein. The subject site is located to the east of the Kilkee to Carrigaholt Road (R487). It is located to the south of the town of Kilkee, outside the current settlement boundary. The site is elevated with attractive views to the south across Kilkee town to Kilkee Bay.

The subject site is on the periphery of the town. While development has progressed along the west side of the R487, on the east side of the road no development has taken place between the subject site and Marian Estate, located approximately 300m to the south. Residential development on this site would result in disorderly development, with a significant area of land remaining undeveloped between the subject site and the existing built-up area of Kilkee.

I also note that a number of sites have been zoned for residential use in the town that are located closer to existing services and facilities and which are adequate to meet the needs of the projected population growth for the plan period. It is desirable that development is progressed on these sites before lands on the periphery of the town are zoned for 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. 021 Ms. Sophie Bradford**

*Key Words: Moy, Policy*

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

This submission relates to a former creamery building in the Moy area of the West Clare Municipal District. Ms. Bradford requests that the zoning in the Moy Settlement be extended to include the Old Creamery. It is submitted that the proposals for the creamery fulfil many of the requirements set out in Draft Development Plan and the inclusion of the site in the settlement would be an important addition to the Moy community.

It is submitted that the creamery site is the direct link with a vegetable and CSA (Community Supported Agriculture) farm. Now in its second year there is a need for a processing and storage site for vegetables as well as a site for cooking and selling produce through a small cafe and farm shop. Tourism is highly important to the surrounding areas and there is potential for the Old Creamery to become part of the growing tourist trail along the Wild Atlantic Way. The inclusion of the land in the settlement would allow the farming project to develop into a small-scale commercial enterprise.

It is submitted that the site is in close proximity to the local national school and the community centre in the village and their future plans for the creamery would make it an ideal tourist attraction. It would bring great benefits to the local community and the project will aim to showcase one side of the richness and diversity of the agricultural community in County Clare. The project also supports Moy Community Garden and provides education for both children and adults and to the children in the local national school.

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

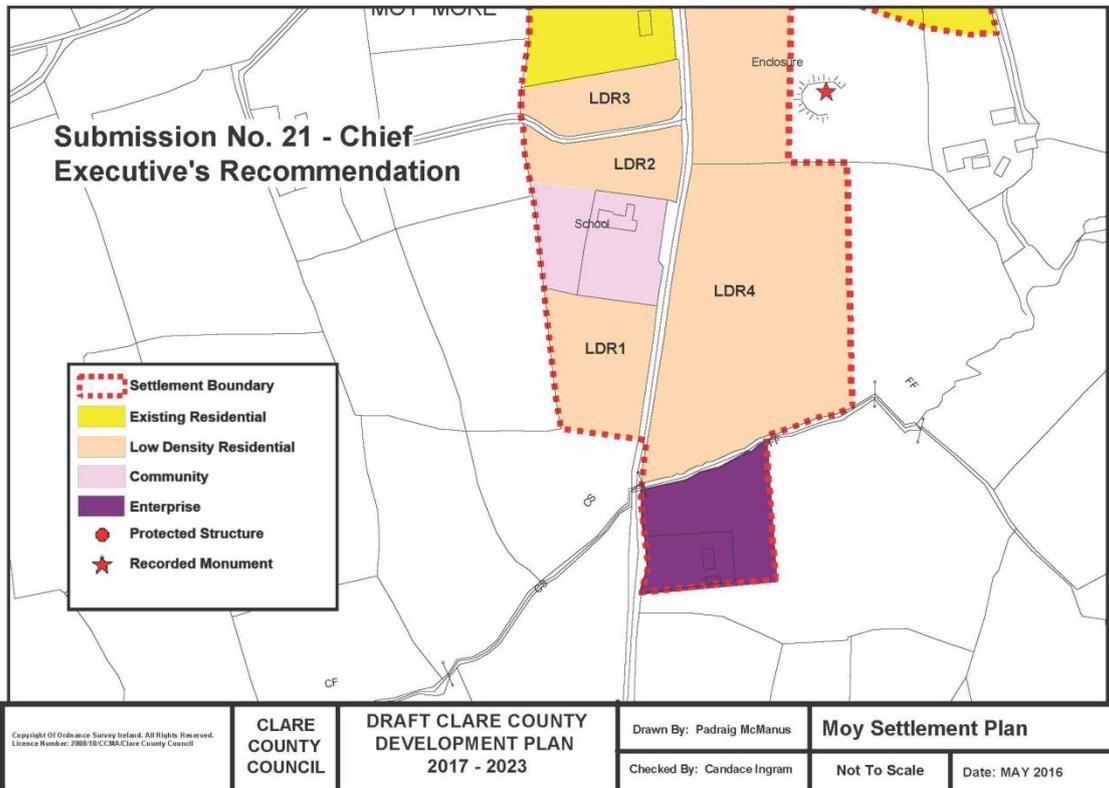
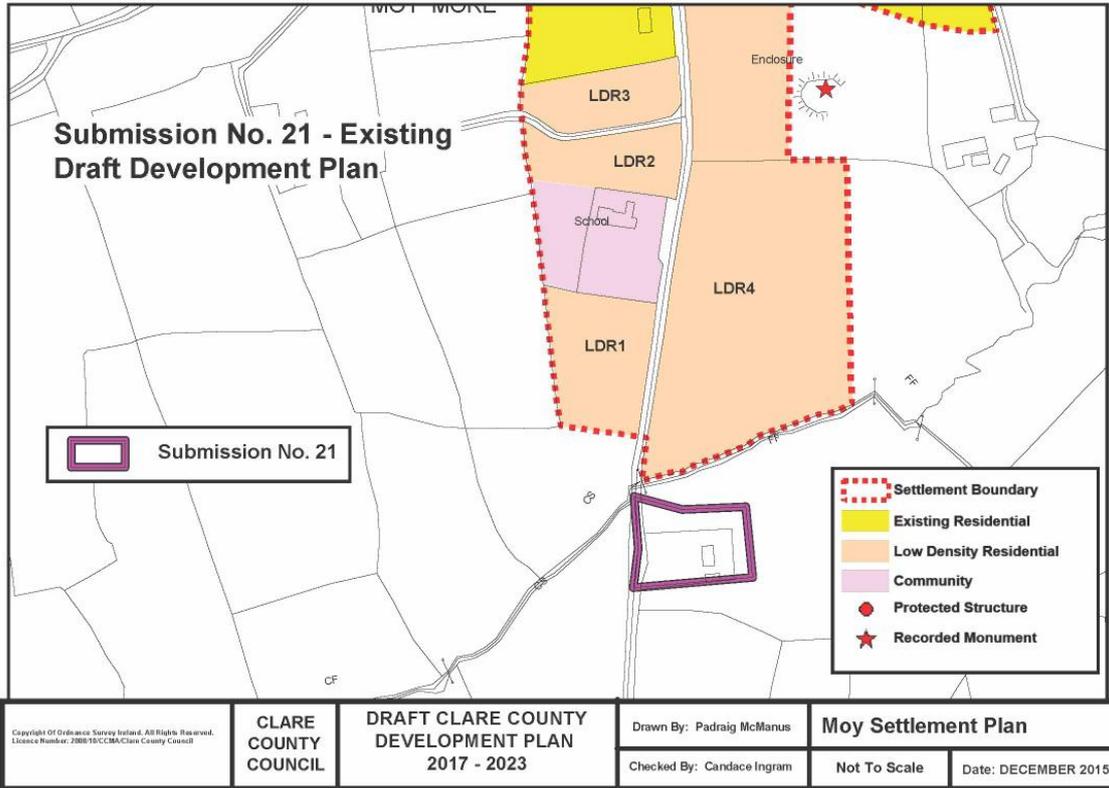
I thank Ms. Bradford for her submission and note the contents therein. Sustainable and viable rural communities are essential to economic growth in County Clare. I note that the general objective for Moy is *to make provision for the sustainable growth of the village which will support existing services and encourage further expansion of the service base*. The objective for economic development in Moy is *to facilitate and encourage further farm enterprise and agri-tourism* in the village. I also note that Volume 3(d) of the Plan indicates that proposals for any suitably-scaled and appropriate commercial or employment-generating development in Moy will be encouraged.

Moy village is a small rural community with the capacity to accommodate only limited growth during the lifetime of the Plan. However, given the above-stated objectives to promote local enterprise and employment and expand the local service base I consider it appropriate to support small-scale enterprise development in the area through the zoning of lands for Enterprise use.

Furthermore, given that Ms. Bradford intends to grow and expand a business in the north Clare area, I have referred this matter to the Local Enterprise Office so that they can discuss with her the different supports that are available to businesses through their office.

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

I recommend that the settlement boundary of Moy be extended to the south to incorporate the former creamery building and associated lands and that the subject lands be zoned for Enterprise use.



## **Ref. 022 Environmental Planning Consultants for Tidy Towns Committee, Bodyke**

*Keywords: Bodyke*

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

This submission relates to the village of Bodyke. The subject site is located on the south-western corner of the bend in the road in the heart of the village and forms part of site LDR2 in the Draft Clare County Development Plan 2017-2023.

It is submitted that there is very little land zoned for community use in Bodyke and the Bodyke Tidy Towns Committee would like to create a village park for the enjoyment of the entire community on the subject site.

It is requested that the zoning on the site be changed to Community in the final adopted Development Plan.

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

I wish to thank Bodyke Tidy Towns for making this submission the content of which is acknowledged: The aspirations of the group in respect of enhancing the public realm of Bodyke is commended. The future role of this central site needs to be seen in the context of other objectives for the village. The general objectives for Bodyke include:

- *To encourage the small-scale expansion of the settlement throughout the lifetime of this plan in order to sustain and increase the population of the area and support new and existing services in the village.*
- *To ensure that existing population levels and services are maintained.*
- *To ensure that future growth in Bodyke is incremental and small scale in nature, relative and appropriate to the scale, size and character of the population and services in the village.*

The Housing and Sustainable Communities section of the settlement statement for Bodyke states: *"A number of sites in the village centre are identified for low density housing which will sustain and increase the population of the area and support new and existing services thus consolidating the heart of the village and providing streetscape"*.

The zoning in the Draft Plan reflects these objectives and, as the owner of the corner site, the council has to be mindful of this land asset contributing to the provision of sustainable housing.

The guidance for LDR2 Corner Site refers to the corner area: *"This prominent site ... layout proposed for this site should maintain the corner area generally as open space with suitable trees defining the edge with the street."*

I consider that a portion of the corner area could be zoned as Open Space which could facilitate landscaping by the Tidy Towns along the lines suggested in the guidance for LDR2 Corner Site and by agreement of the design with the council. This space may in future also be required to serve any residential development on LDR2.

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

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

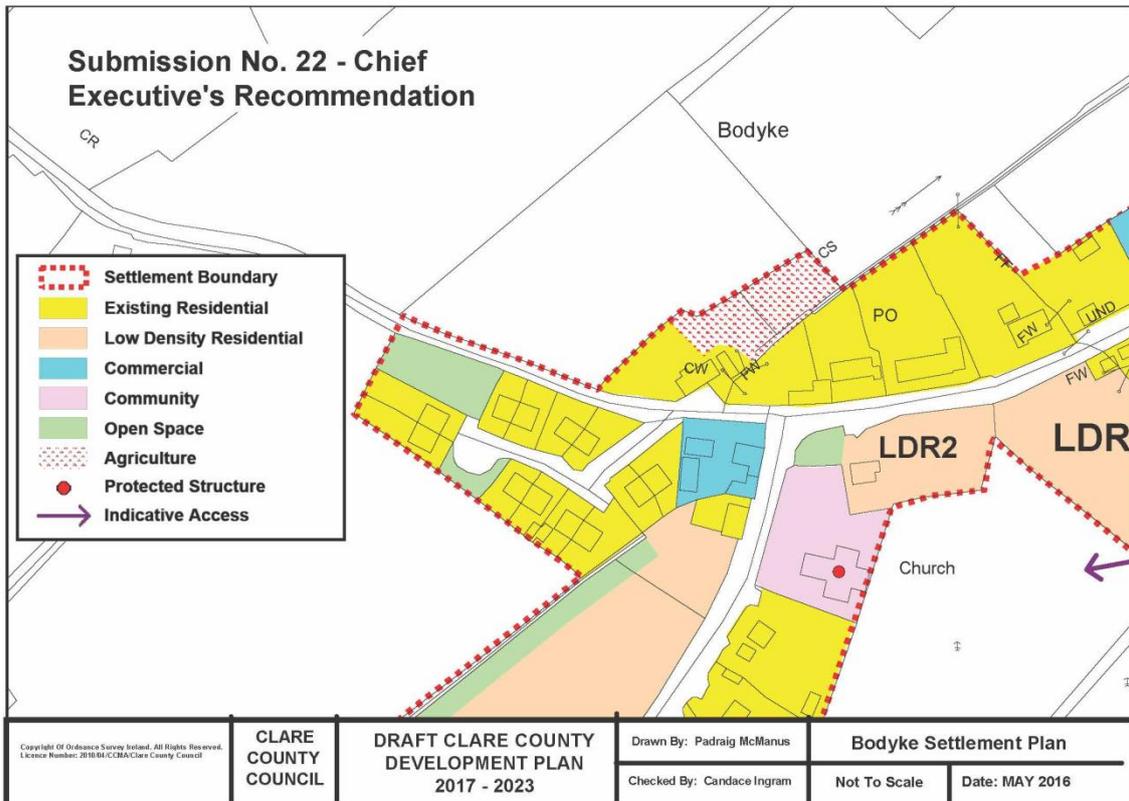
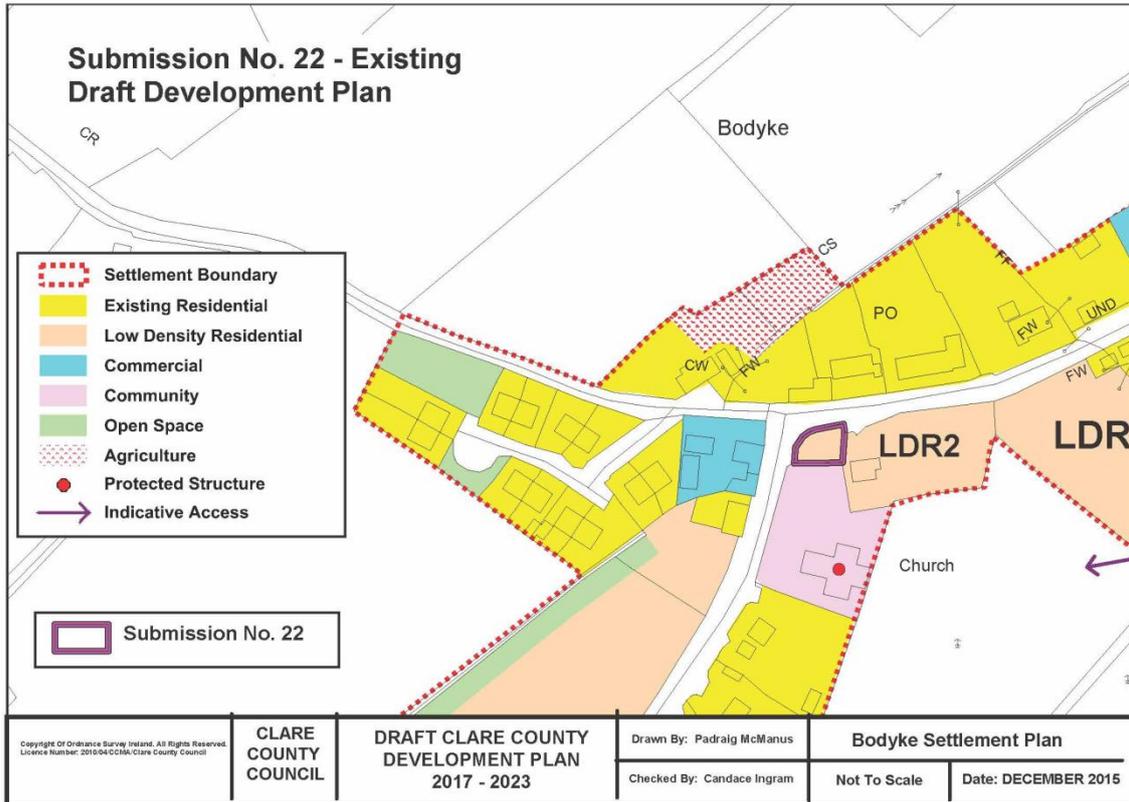
#### Volume 3(c), Bodyke Settlement Plan – zoning map

- Change the zoning on the western corner of Site LDR3 from Low Density Residential to Open Space.

#### Volume 3(c), Bodyke Settlement Plan – amend text to read:

## LDR2 Corner Site

This prominent site is important to successful place making in Bodyke. The key considerations for any redevelopment of this site include the requirement to have one entry point sufficiently distanced from the junction and to physically define the back of the footpath edge. ~~Any layout proposed for this site should maintain the corner area generally as open space with suitable trees defining the edge with the street.~~ A landscaping layout proposed for this site should be to an agreed design which helps to spatially define the outer edge of this important space in Bodyke.



## **Ref. 023 Gearóid Roughan on behalf of the Board of Management, Scoil Chríost Rí, Ennis**

*Key Words: Ennis*

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

The submission commences by setting out the background to the school, indicating that it serves an area of serious disadvantage and plays an important role in the social structure of the area. It is submitted that the school suffers serious deficit with regard to its facilities which affects the attractiveness for enrolment and the delivery of educational quality. After numerous representations in recent years, including two meetings with the Minister for Education, Scoil Chríost Rí has been included in a new programme of capital investment in schools and will receive a new 12 classroom school building under the Rapid Building Programme with a proposed move-in date of September 2017.

In the interest of greater integration of the green infrastructure on both sides of the banks of the River Fergus in the vicinity of Scoil Chríost Rí, it is submitted that a bridge over the river would be beneficial. It would give greater access to and overcome the dead-end situation on the existing river walk on the west river bank and open up the woodland/biodiversity area developed on the opposite bank. This integrated approach would provide significant and much-needed active and passive recreation facilities for the greater community and link the attractive walkway to the town core. It is submitted that the bridge would be of great benefit to the school, providing access to the sports field, on which they have a usage agreement, and also making water sports usage a possibility. The proposed bridge would also strengthen the link between amenity space and the school curricular areas such as science, nature and biodiversity.

The submission also requests that the County Development Plan makes reference to the development of a new school on the current site and that a commitment to the improvement of the school facilities on the current site is acknowledged in the relevant chapters of the Development Plan.

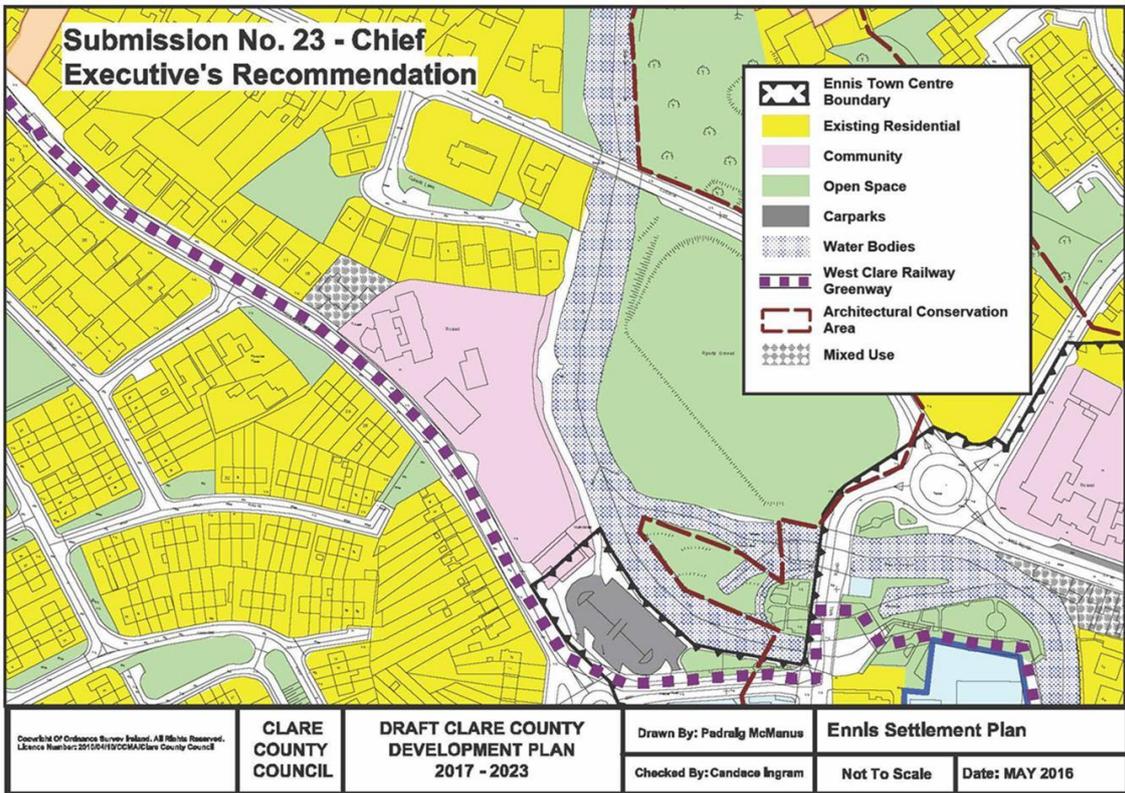
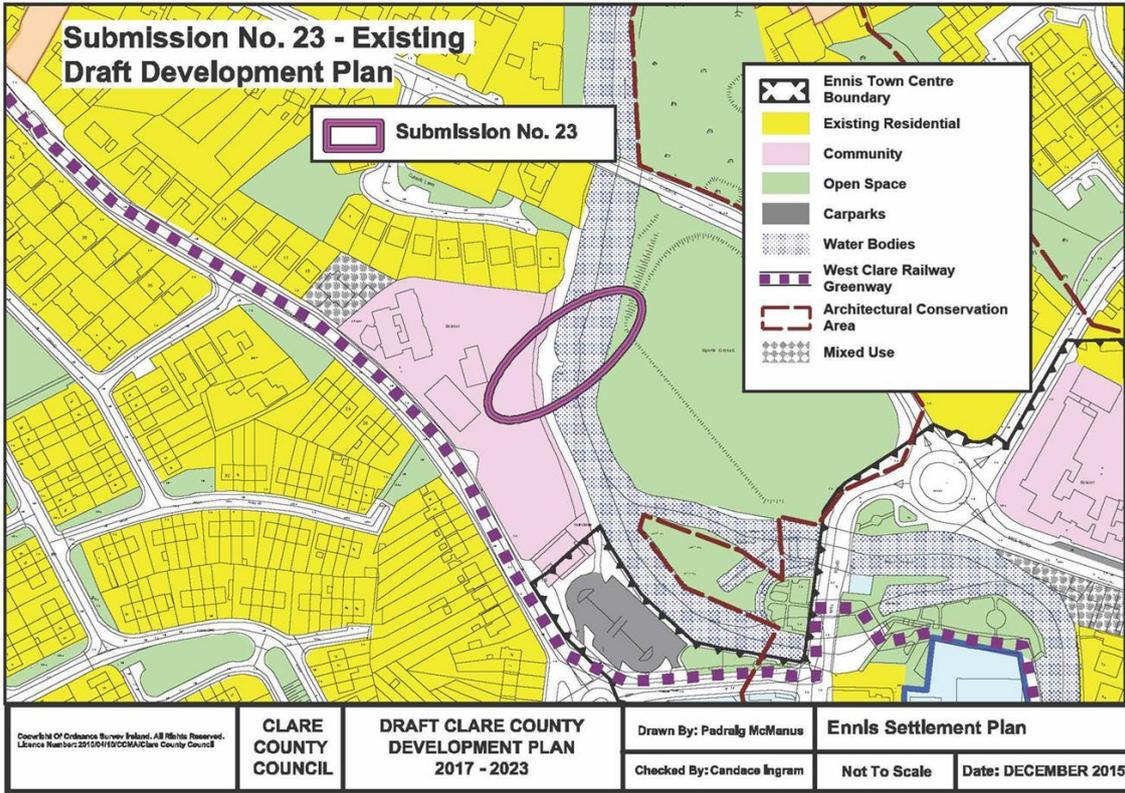
### **Chief Executive's Response**

I wish to thank the Board of Management, Scoil Chríost Rí for their submission. I note their plans for expansion. One of the key aims for the future development of Ennis is to improve pedestrian permeability throughout the town and in particular in the vicinity of school routes. I support the principle of a pedestrian bridge at this location subject to Strategic Environmental Assessment, Flood Risk Assessment and Appropriate Assessment and the normal Development Management Process. I consider that detail regarding sustainable transport including a walking and cycling strategy and the Green Infrastructure Strategy, be included in the forthcoming Ennis Local Area Plan for Ennis.

I note that Volume 1 of the Draft Clare County Development Plan 2017 – 2023 and specifically Section 5.4.3.2 contains an objective in relation to primary and secondary school facilities. The development of new schools will be assessed under the normal development management process having regard to The Provision of Schools and the Planning System – A Code of Practice for Planning Authorities (2008) and Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009). It is an objective of Clare County Council to facilitate the provision of new schools by zoning suitable lands. I am therefore satisfied that having regard to the lands zoned community in the vicinity of the existing school, and the general objectives to facilitate the provision of schools, that the requirements of the submission are met.

### **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. 024 Colin Doyle**

*Key Words: Ennis*

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

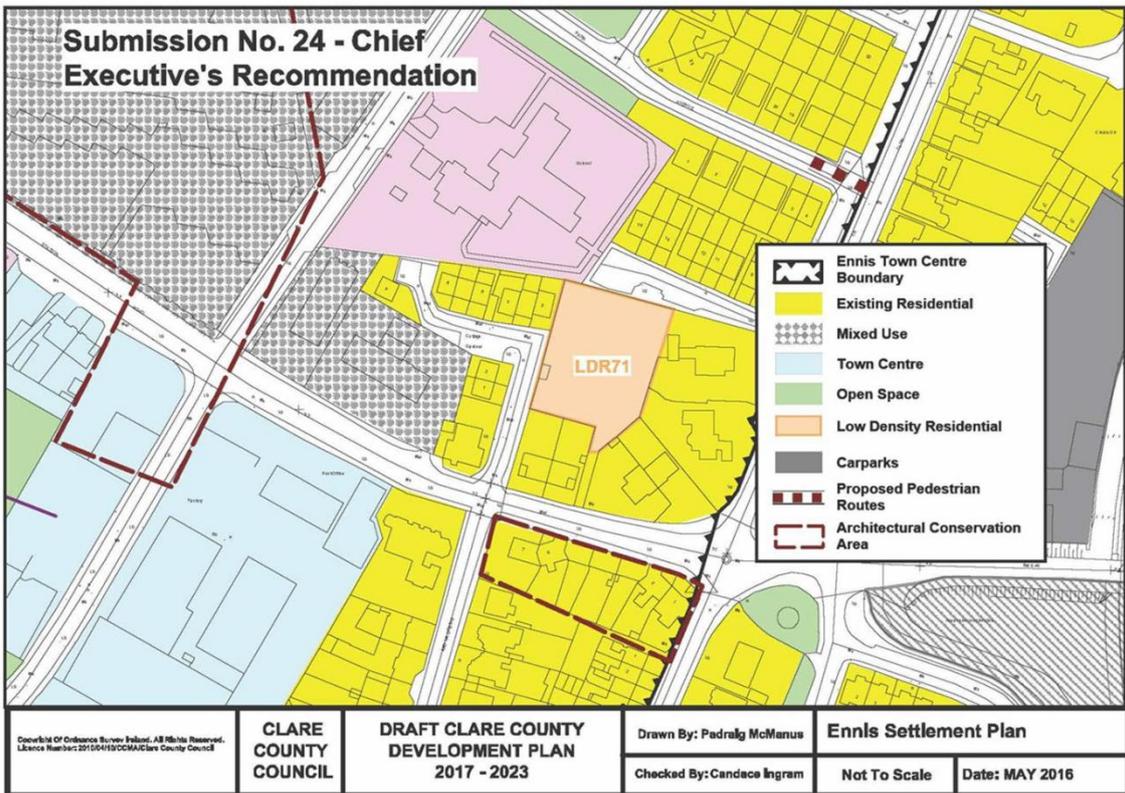
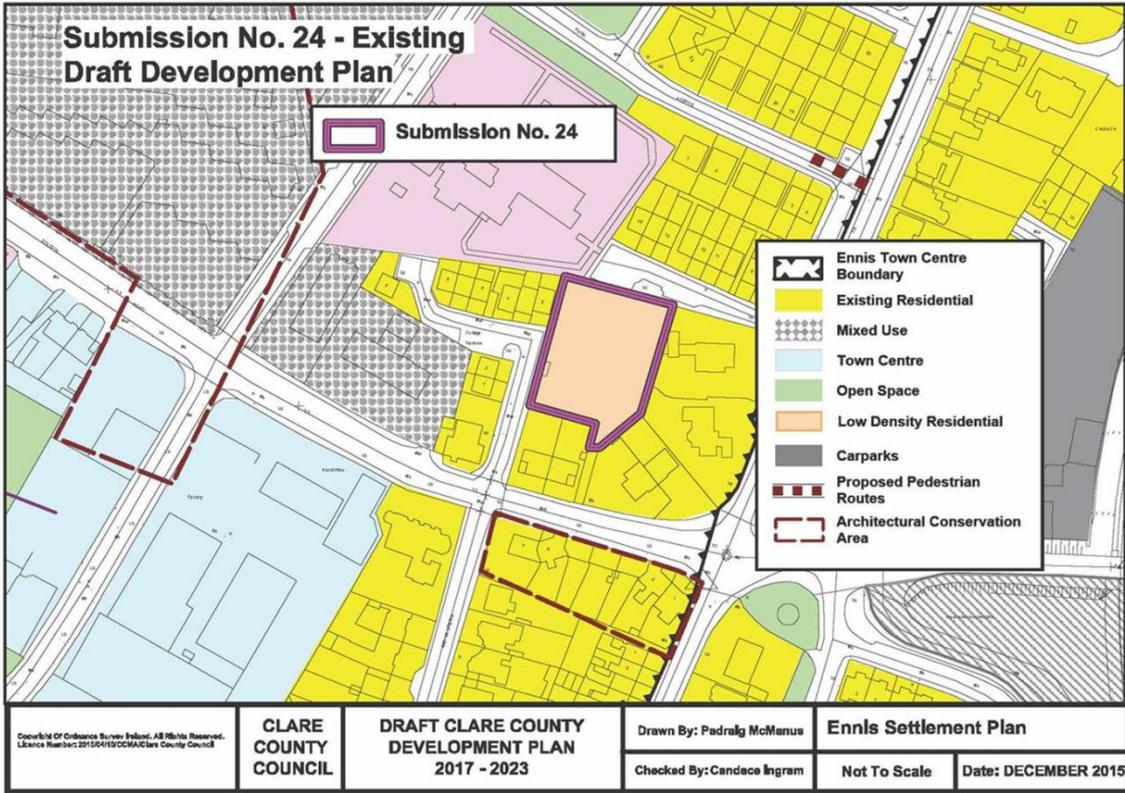
This submission relates to lands in the Ennis Municipal District. Mr. Doyle supports the Low Density Residential zoning that is proposed for site LDR71, noting that the site is within walking distance of shops and services and provides an excellent location for a sustainable neighbourhood development. It is submitted that there is no site reference label shown for this site on the zoning maps for the Ennis and Environs area. It is requested that, in order to avoid confusion, the subject site is clearly labelled 'LDR71' on the relevant map.

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

I wish to thank Mr. Doyle for his submission. I note that he is satisfied with the zoning proposed for the site. The site can be labelled as requested.

### **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, save for the labelling of the site as LDR71.



## **Ref. 025 Mr. Finbarr Keating**

*Key Words: Kilkee*

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

This submission relates to the West Clare Municipal District, more specifically to lands located between the Doonbeg Road and the golf course in Kilkee. It is submitted that the lands were zoned Other Settlement Land in previous plans for the town but they are zoned Agriculture in the Draft Clare County Development Plan 2017-2023. It is requested that the zoning on the land is changed back to the way it was in previous plans as this would make the land easier to sell in the future.

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

I thank Mr. Keating for his submission and wish to respond as follows:

The submission contains a request change the zoning on the subject site to Other Settlement Land from the proposed Agricultural zoning. The requested zoning does not correlate with any land-use zoning within the Draft Clare County Development Plan 2017-2021. In the interest of fairness it is my intention to address this submission as comprehensively as possible based the information presented. In order to do so I am making an assumption, based on the content of the submission, that in the absence of the zoning 'Other Settlement Land', the zoning within the draft plan that would best fit the request in the submission is Residential or Low Density Residential use and I have formulated my response and recommendation accordingly.

The lands are location within the settlement area of Kilkee, to the north of Atlantean Cottages on the Doonebg Road and to the south of the golf course. The site is bounded by areas zoned as Existing Residential, Low Density Residential and Tourism uses. However, given the quantity of land already zoned within the settlement, which are adequate to meet the projected population growth in Kilkee during the Plan period (as set out in Volume 1 of the Draft Plan), it would not be in the interest of the proper planning and sustainable development of the area to zone additional lands at this time. Furthermore, in terms of consolidating the town of Kilkee, I consider that it is preferable that other sites which are closer to the services in the town centre should be developed before further lands in this part of the settlement are zoned.

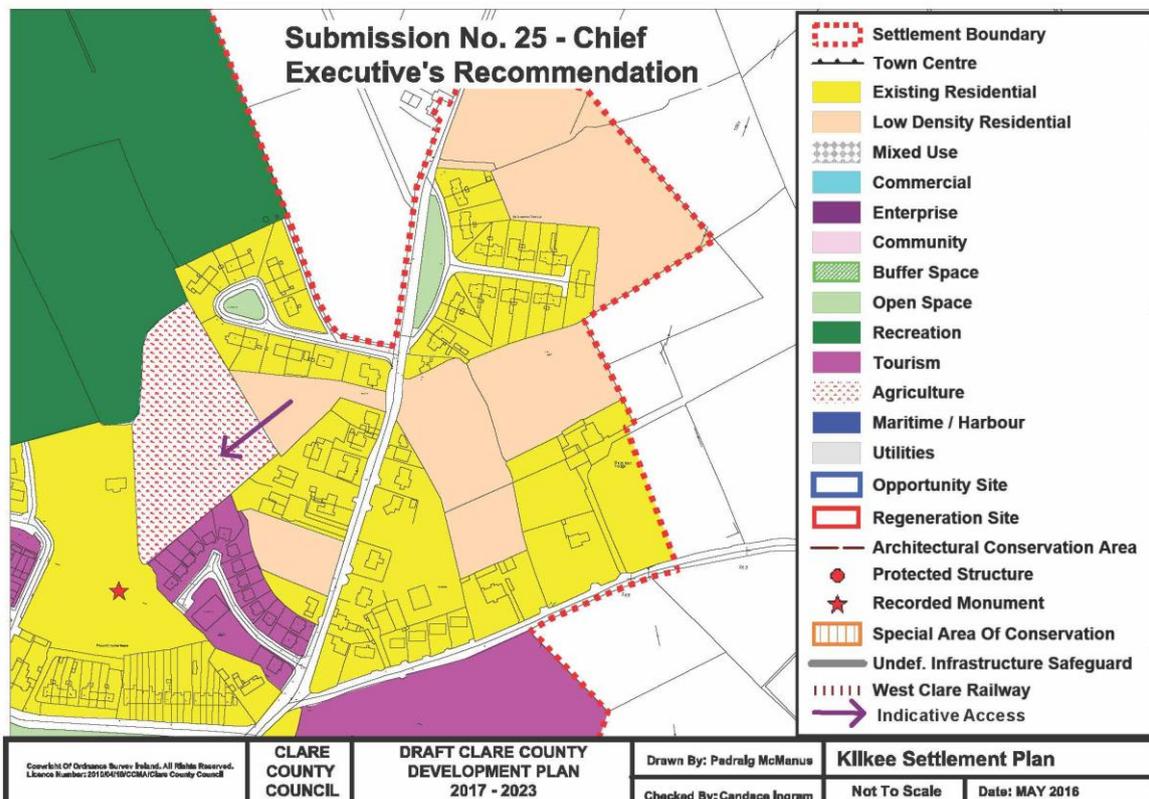
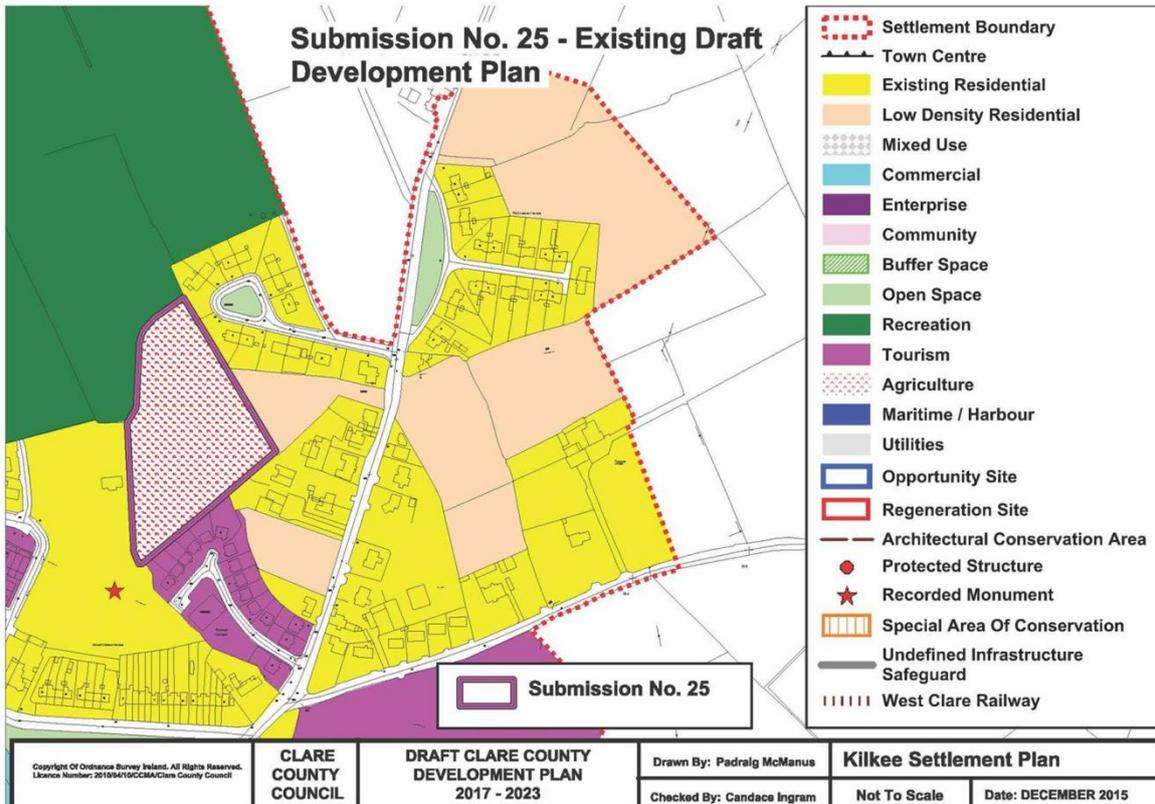
I note that there is limited access to the subject site. Therefore, to ensure that access is protected to accommodate future development, I recommend that an indicative access is illustrated on the Kilkee Settlement Map in relation to this site.

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

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

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

Include Indicative Access arrow on map to show how access to the subject site will be achieved in the future.



## **Ref. 026 Mr. Eoin O' Hagan, East Clare.**

*Key Words: Killaloe Municipal District, Policy*

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

This submission relates to the Killaloe Municipal District. Mr. O' Hagan refers to the extended and improved footpath that was constructed in 2014, linking Killaloe to Twomilegate. This facility has been highly beneficial and it is submitted that the footpath is regularly used for walking, cycling and running. The tarmac surface and high concrete kerbs make it safe to use.

It is requested that the Development Plan for 2017-2023 contain an objective to continue the path to connect Killaloe with Tuamgraney /Scariff and onwards towards Mountshannon. Walking tourism is on the rise in Ireland and this footpath would be a enable this aspect of tourism to grow in the area.

The community in Ogonnelloe, with the support of Clare County Council have lain four kilometres of footpath from their village as far as Raheen. This work was carried out on a voluntary basis and has opened up another stretch of walkway for both locals and visitors. No land purchase was necessary for this development because the footpath was built in the verge area which is part of the public road.

Inis Cealtra has recently been purchased by Clare County Council and has the potential to be a huge driver for future tourism figures. The development of this pathway around would be a key connection with Inis Cealtra. The island is visible from so many parts of the road between Killaloe and Mountshannon and the island will be a magnet for walking tourism. The footpath could become a Camino-type walk for Pilgrims or people interested in heritage and history. It would connect all the villages along the path and if continued around the whole lough will open it up for sports tourism of all kinds as well as walking tourism.

It is submitted that continuing the footpath to Mountshannon initially and all around the lake eventually would be a huge bonus to tourism and the local community. Mr. O' Hagan sees the footpath as the hub of an axle with the spokes being other trails, walkways and country roads, opening up the whole of East Clare to walking tourism in a safe way.

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

I would like to thank Mr O'Hagan for his submission the contents of which are noted and I reply as follows:

A central theme of The Draft Clare County Development Plan 2017 – 2023 is the importance of the health and well being of the population of the County and as such there are many objectives within the Draft Plan set out towards achieving this specifically Objective CDP 5.12 Off-Road Walking and Cycling. This objective provides the necessary Plan level support for any such proposals in relation to green infrastructure in the East Clare area. In particular part a) supports the maintenance of existing off-road walking and cycling trails and supports the development of new trails in County Clare and part g) seeks to ensure the development of any off-road walking and cycle routes do not negatively impact on any European designated site. In addition, Objective CDP 14.27 relate to Green Infrastructure, and part e) promotes working with community groups to access funding for appropriate and beneficial green infrastructure projects including parks, woodlands, sports facilities, green areas, playground/play facilities, river corridors, walkways, cemeteries, churchyards, paths, seating and amenities which would also serve to assist the development of a Lough Derg footpath or other ancillary developments.

I consider that the Draft CDP includes a comprehensive suite of objectives throughout the Plan to effectively provide for walking and cycling opportunities. I consider walking and cycling provision is essential in facilitating a more sustainable transport option by creating the best environment for those living and visiting the county.

**Chief Executive's Recommendation**

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

## **Ref. 027 Mr. Vincent Rodgers Jnr.**

*Key Words: Kilrush*

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

This submission relates to lands in the West Clare Municipal District. It is requested that lands in Leadmore West, Kilrush, located to the west of site R3 be zoned 'Proposed Residential'. This would be in keeping with the designated of the site in the Kilrush Town Development Plan 2008-2014 where the land was zoned Other Settlement Land. It is submitted that the zoning of the land for residential use could be accommodated under an amendment to the Draft Clare County Development Plan 2017-2023 and reflected by extending the Kilrush Settlement Boundary in Volume 3(d) maps.

The submission sets out the zoning and ownership history of the subject site. It is submitted that there is a clear lack of suitable, ready-to-develop lands for housing to accommodate those on growing waiting lists and the existing house in nearby housing developments cannot provide the required mix of dwellings for the changing population of Kilrush. The zoning of the subject lands would allow for the natural growth of this residential area, extending from Pella Road to Island View.

It is submitted that the site currently zoned R3 is accessed via Pella Road and a link could easily be created within that site to allow access to the subject lands. Existing developments in the area are connected to public water and waste water services and these services could be extended westwards to serve the proposed residential lands. Mr. Rodger's indicates that he has entered into discussions with the Housing Department of Clare County Council regarding the sale of his zoned lands at this location to the local authority. It is submitted that the site that is currently zoned R3 can accommodate 15-18 residential units with a mix of 2 and 3 bedroom dwellings and the adjoining lands, on which this submission requests a residential zoning, could accommodate a further 30 to 40 units. The entire site would be accessed via a single entrance onto Pella Road and the option to widen the section of main road fronting the lands is also available.

It is submitted that some of the other lands in Kilrush that have been zoned Residential in the Draft Development Plan area not suitable for development. Mr. Rodgers sets out issues in relation to the following sites:

R1: it is submitted that development on these lands could prove problematic due to the elevated nature of the ground and proximity to the marina. It is also submitted that access to the lands to the west of the site may prove problematic due to the multiple land owners involved.

R4: It is submitted that thus lands is in multiple ownership and development proposals would require a combined masterplan approach. It is noted that there is an area of land zoned for Residential use between R4 and R5 where access may be difficult. It is submitted the subject lands to the west of R3 is more suitable for development.

R5: it is submitted that this land is in multiple private ownership and the inner portion is owned by Kilrush UDC. It is submitted that access to these lands will be a serious issue.

R10: it is submitted that land is access via Russell Lane and additional vehicles on this lane would cause traffic problems.

Mr. Rodgers states that the zoning of the subject lands adjoining Site R3 is a more practical and economically viable solution to providing lands for future housing needs.

The submission sets out a number of sections and objectives in the current Kilrush Town and Environs Development Plan 2014-2020 that support the zoning of the subject lands, or would be supported by the zoning of the lands.

The submission concludes with the following list of points:

1. Following on from continued improvement in economic circumstances there is a clear lack of suitable development land for a mix housing to accommodate those on growing waiting

lists. The zoning of the subject land would allow for the sustainable growth of an existing residential area.

2. The site can be conveniently serviced by public water and wastewater infrastructure.
3. The owner of the site has engaged with the Housing Department of Clare County Council with a view to selling the land. An outline planning application is currently being prepared for site R3 which will provide for indicative/future access to the subject lands to the west of R3.
4. Not all of the lands zoned Residential in the Draft Development Plan are suitable for development and many have problems relating to access and the number of units they can accommodate.
5. The zoning of the land is being requested based on current discussions the landowner has had with interested parties and should no development proposal be forthcoming the zoning could be reassessed during the next review of the County Development Plan.
6. The Draft Development Plan indicates that development on Site R3 should make provision for future access to lands to the west. The ideal opportunity now presents itself to rezone the subject site for Residential use, allowing connections to future development land. The rezoning of the site would also consolidate the residential settlement in the area.
7. The proposal to rezone the land conforms to the following considerations which, it is submitted, are crucial when considering zoning amendments
  - a. Availability of services and infrastructure
  - b. County Council policy in relation to economic development and social inclusion
  - c. The consolidation of settlements and the promotion of growth
  - d. Planning history and consolidation of existing development in the area
  - e. Access to site R3, through which the subject lands would be accessed is within the 50km speed limit
  - f. The Flood Risk Assessment shows no issues in relation to the site in question.
8. Given that the lands to the west of Site R3, including the sheds and barns, are in Mr. Rodgers ownership, he would be open to discuss the widening of the adjoining road along the site frontage.
9. It is submitted that Mr. Rodgers has had discussions with a number of the elected Councillors and has received an encouraging level of support for the proposal to rezone the lands.

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

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

The Core Strategy of the development plan sets out the extent of land required to facilitate residential development in the Kilrush area during the lifetime of the plan and it is not possible for the Planning Authority to zone lands in excess of the identified requirement.

Some of the lands have been zoned for Residential development in this plan. However, having regard to the location of the subject site on the western periphery of the settlement and the availability of lands closer to the town centre for residential development I do not consider it appropriate to zone these additional lands at this time. While I note the commentary on possible accessibility issues in relation to some of the zoned land, I believe that these can largely be overcome.

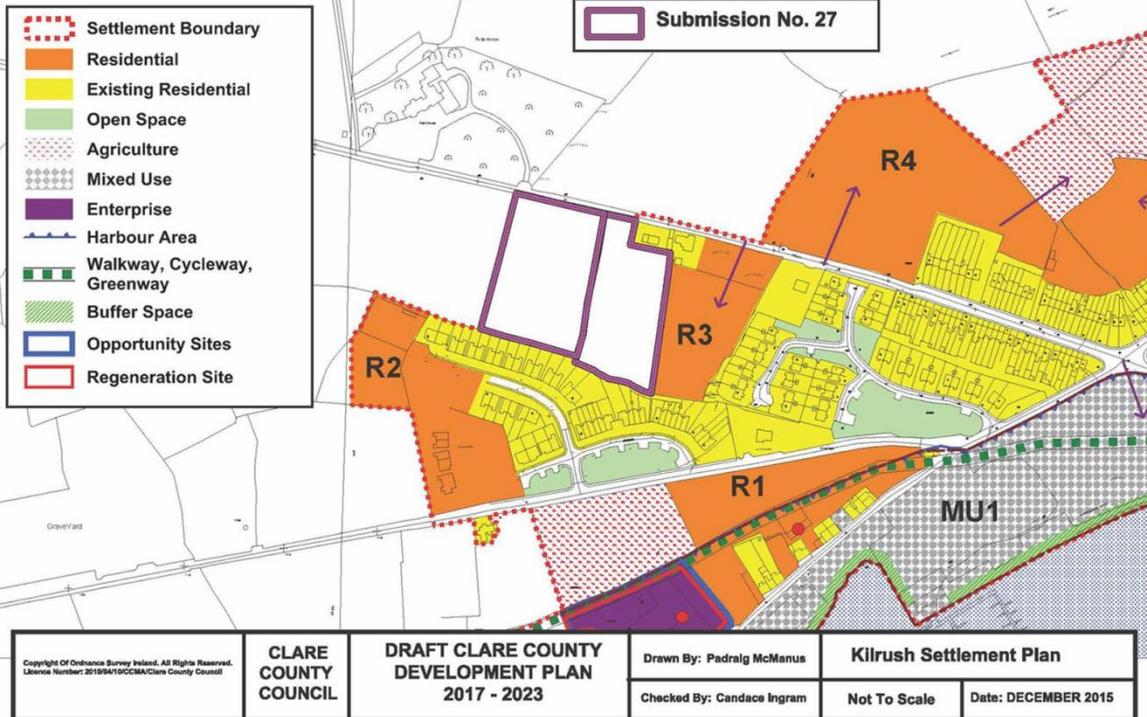
It is desirable to progress development in a sequential manner, with zoned lands closest to the centre of the town and its associated facilities and services, developed before lands on the periphery of the settlement are brought forward for development.

In relation to the potential acquisition of the land by Clare County Council, this is not a matter that can be considered through the County Development Plan process.

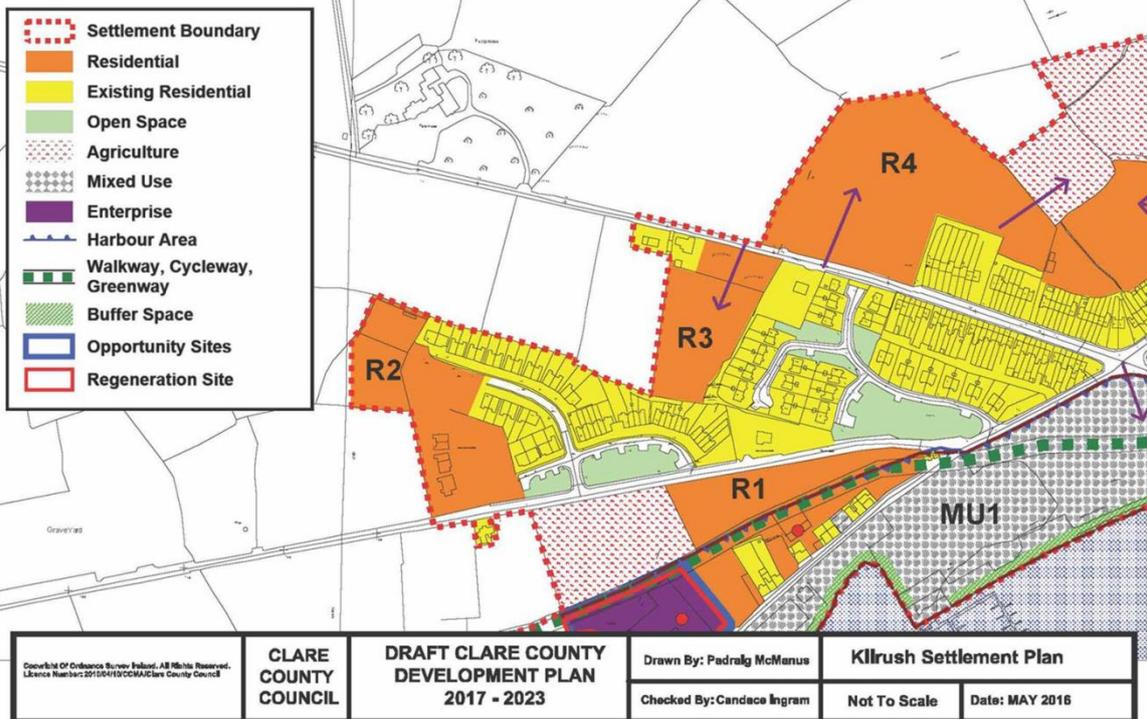
### **Chief Executive's Recommendation**

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

### Submission No. 27 - Existing Draft Development Plan



### Submission No. 27 - Chief Executive's Report



## **Ref. 028 Ms. Madeline Deely, Ballyvaughan**

*Key Words: Ballyvaughan*

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

This submission relates to the West Clare Municipal District. Ms. Deely had submitted a copy of Ballyvaughan Settlement Map with a number of suggested alterations marked for consideration, as follows:

1. This area should be zoned 'Existing Residential' as there is a family leaving in that dwelling.
2. The marked area is a noted flood plain that backs onto a turlough area and the zoning of this area should be reconsidered.
3. It is requested that area no. 3 be rezoned for Low Density Residential use due to its proximity to the national school in the village.
4. It is requested that area no. 4 be rezoned for Low Density Residential use due to its proximity to the national school.
5. It is requested that the zoning on this area of land is changed from Commercial to Low Density Residential due to its proximity to the local national school and also because the level of traffic that would be generated from a commercial use on the site would be inappropriate for the narrow road serving the site.

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

I thank Ms. Deely for her submission, the contents of which are acknowledged, and I wish to respond as follows:

I acknowledge the clarification that has been provided in relation to the existing use of a dwelling in the area and I consider it appropriate to correct this issue.

Ms. Deely has expressed concern in relation to potential flood risk on a site in the village. The Tourism zoning on this site largely reflects the existing use as a hotel and holiday homes. However there are some undeveloped areas of land included in the zoning and I note that the Strategic Flood Risk Assessment identifies this area as forming part of Ballyvaughan Turlough catchment area. The SFRA notes that any future development on these lands could be directly at risk of flooding or, through blockage of the natural infiltration route, could increase flood risk elsewhere. Having regard to this information I consider that the Tourism zoning should be removed from the undeveloped area of the site and the settlement boundary adjusted accordingly.

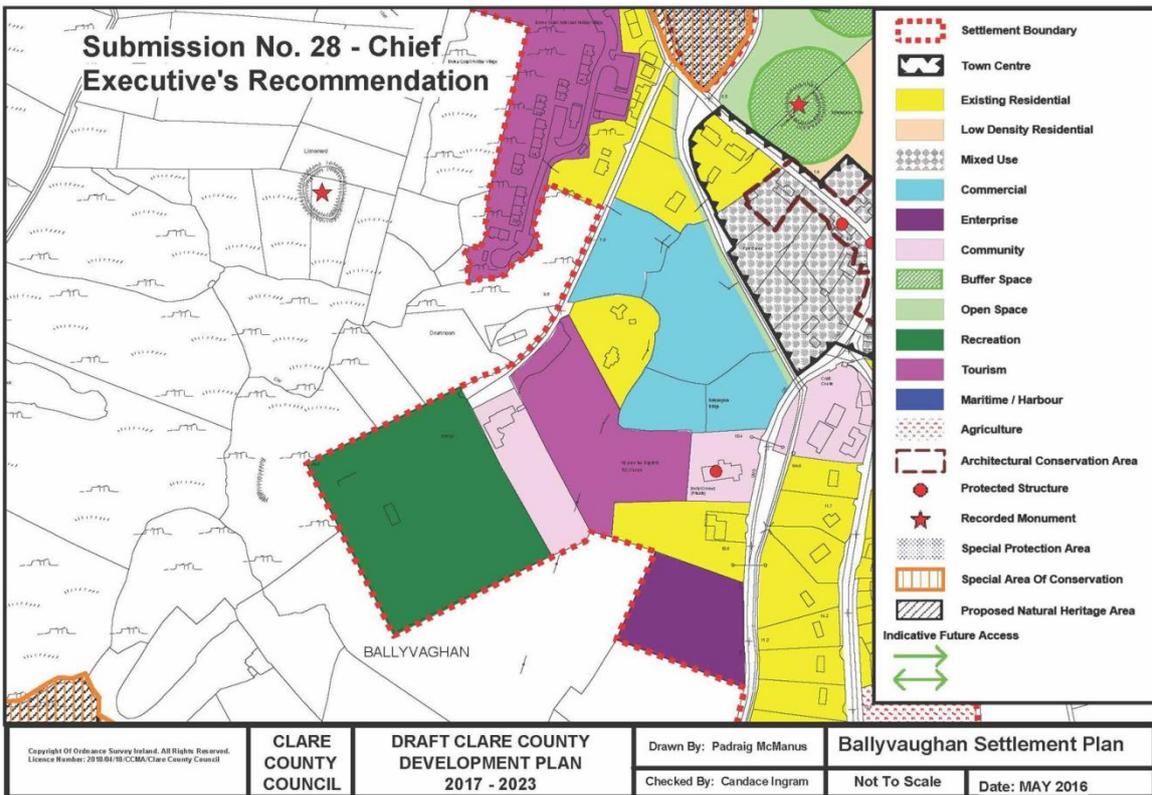
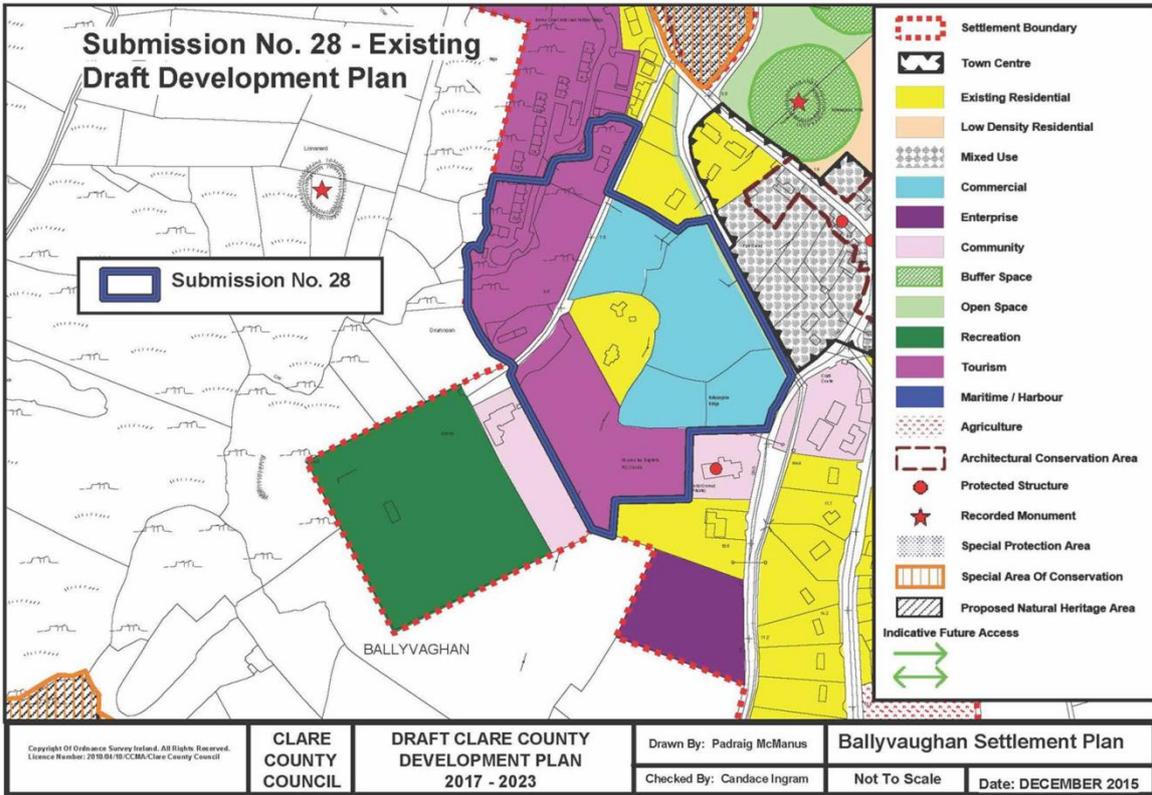
In respect of points 3, 4 & 5 the quantum of land zoned for Residential use in Ballyvaughan is sufficient to meet the projected population growth in the village during the period of the Plan, in accordance with the Core Strategy as set out in Volume 1 of the Draft Plan. It would not be in the interest of sustainable development to exceed the required quantum of land required for the plan period.

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

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

Volume 3(d) Ballyvaughan Settlement Plan – amend the zoning map as follows:

- Changing zoning on residential dwelling on School Road
- Remove Tourism zoning from undeveloped lands to the west of School Road and adjust settlement boundary



## **Ref. 029 Mr. Flann McInerney, Shannon Municipal District**

*Key Words: Shannon Municipal District, Policy*

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

The submission relates to the Shannon Municipal District, in particular the proposed Shannon Airport Rail Link that is shown in the Draft Development Plan.

The current proposal shows two separate lines to Shannon airport, one to/from Limerick and one to/from Ennis via Sixmilebridge. It is submitted that the proposal for two separate links is completely unnecessary.

Mr. McInerney submits that one single link from Sixmilebridge Station via Minister's Cross, Hurler's Cross and Shannon town centre would be more cost-effective and would ensure the viability of the link long-term. This route would connect Limerick, Sixmilebridge, Ennis and Shannon town to the airport. It would also be adjacent to Bunratty for tourism purposes and connect to Sixmilebridge – the gateway to East Clare. It would also ensure that passenger numbers are maintained as Ennis, Shannon and Sixmilebridge are the three fastest growing towns in County Clare.

It is submitted that this proposal would require upgrade works at Sixmilebridge station so that trains could travel to Limerick and Ennis and on to Galway. Mr. McInerney believes that the current proposal is unnecessary and would, at the very least, double the cost. He strongly urges Clare County Council to reconsider the original proposal and give this new proposal the attention that it deserves.

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

I thank Mr McInerney for his submission and I acknowledge the case being made in this regard. In response I advise 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. 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 will 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 of this submission.

## **Ref. 030 Mr. Brian Barron, Shannon Municipal District**

*Keywords: Shannon Municipal District*

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

This submission relates to the Shannon Municipal District and concerns the proposed development of a rail link from Sixmilebridge to Shannon via the townland of Ard Kyle, Newmarket-on-Fergus. Mr. Barron raised a number of objections to the proposed route.

It is submitted that the proposed rail route would split Mr. Barron's farm into 5 separate pieces. Since taking over the farm he has spent considerable time, effort and money in developing and improving the farm and any such division would reduce its capacity for silage and grass production. This in turn would reduce the number of animals he can keep, reduce his overall impact and would have a negative effect on quality of life for his family. The proposed rail route has already resulted in the sale of site from his land falling through.

It is submitted that the proposed rail route via Bunratty would be more suitable. It would attract more passengers through tourist usage and would yield a higher financial return.

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

I thank Mr Barron for his submission and, while I acknowledge the case being made in the submission, 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. 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 will remain in place.

With regard to the proposed rail route via Bunratty, this was also considered as part of the Iarnród Éireann feasibility study

### **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. 031 Michael, Kathy and Eileen Touhy, West Clare**

*Key Words: Lahinch*

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

This submission relates to the West Clare Municipal District, in particular to lands located to the south of School Road in Lahinch. The road frontage of the site is within the settlement boundary of Lahinch and planning permission has recently been granted for the construction of four dwelling houses in this part of the site.

The remainder of the lands stretch south from School Road and it is submitted that the owners intend to develop these lands as a low density residential area. In addition to the two derelict dwellings on the site, which will be refurbished, they wish to construct a further 10 to 15 dwellings on the holding. Access to the site could be taken from School Road, through the recently granted development or via an existing internal roadway on the landholding. The lands can be connected to public water and waste water services.

It is submitted that a proposed Infrastructure Safeguard passes through the area of land which they wish to develop in the future and the construction of the route at this location would isolate lands to the south of the proposed road. It is purported that this will seriously restrict the future development potential of the southern side of Lahinch and lead to further over-development of the northern side of the town. The Tuohy family indicate that these lands were zoned in the past and the zoning was subsequently removed from the lands.

It is submitted that a portion of the proposed route crosses low-lying, marshy land which would add a lot of expense to road construction costs and may lead to flooding of low-lying houses in the area.

To address this issue and to allow the future development of the southern side of Lahinch town, a re-routing of the infrastructure safeguard is proposed. The alternative route proposed is further south than the current route location. It is submitted that the lands in this area are higher, making the route cheaper to develop and, given that the new route is located primarily within the Tuohy's landholding, the Council will effectively get ownership of the route for free when their land is developed as they propose.

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

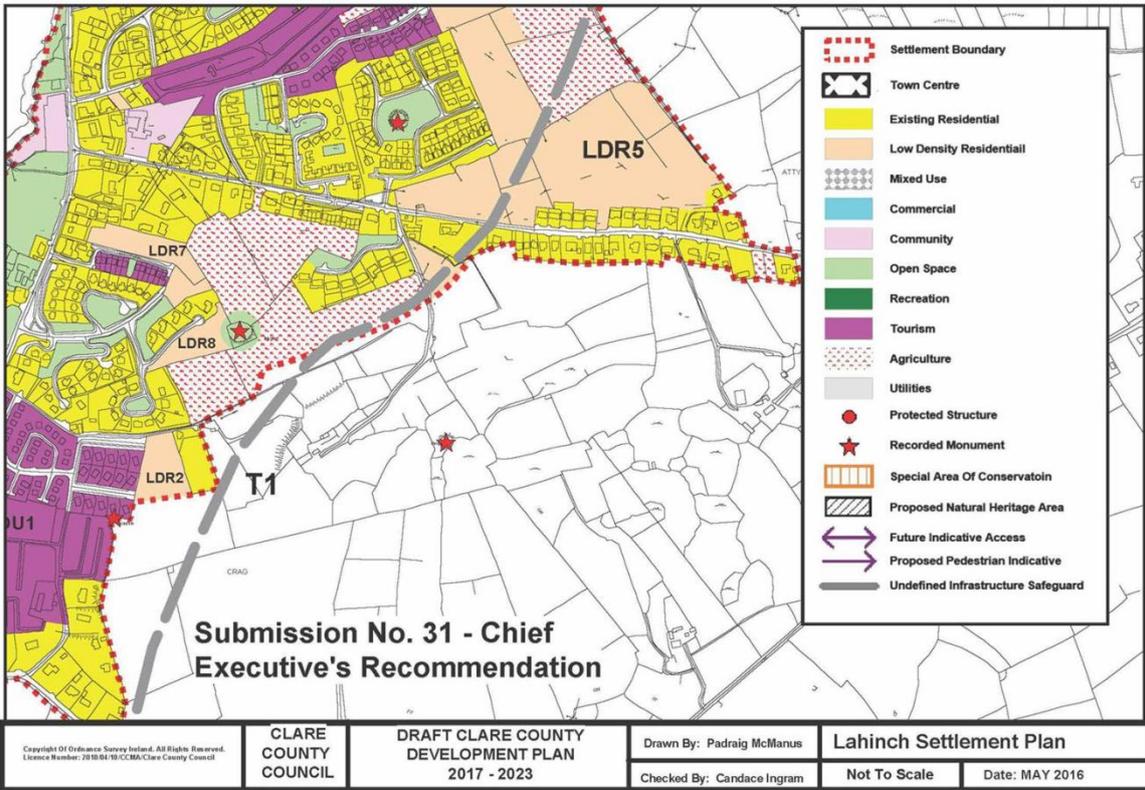
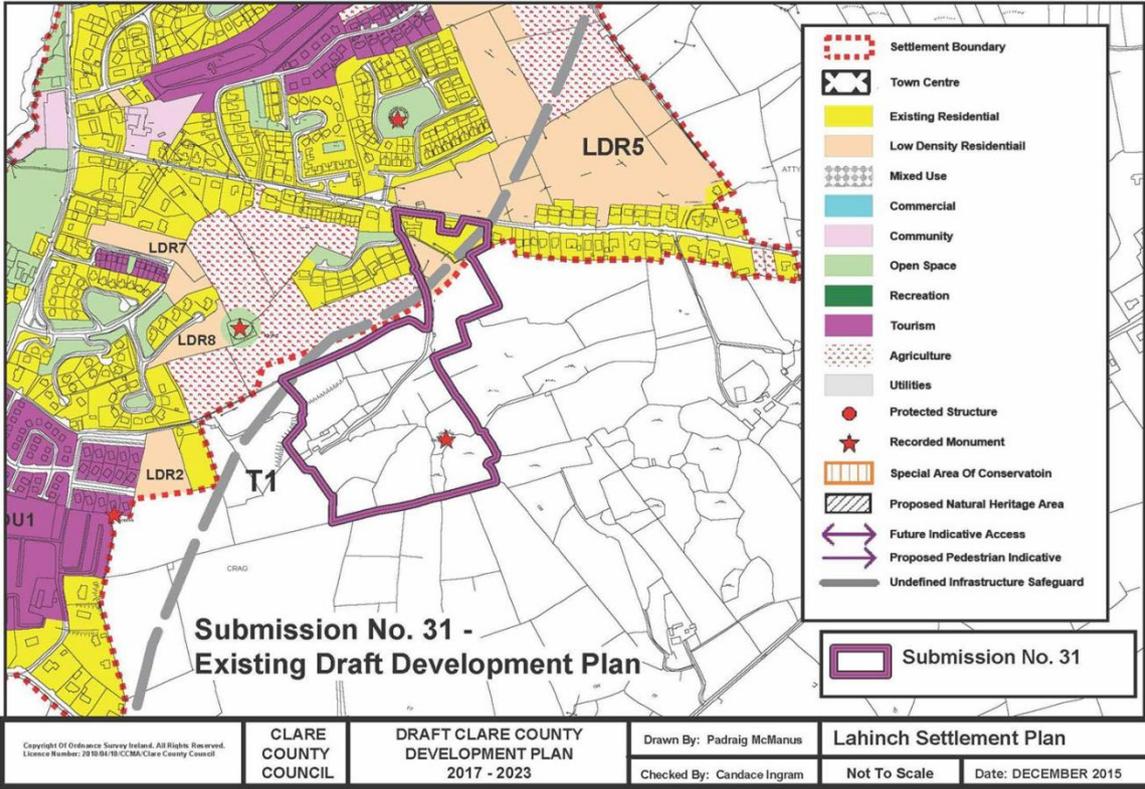
I thank the Tuohy family for their submission and would like to comment on the issues raised therein as follows:

The balanced, orderly and sustainable development of towns and villages in County Clare is of paramount importance. Lahinch is both a Service Town (linked with Ennistymon) and is also one of the primary tourist destinations in County Clare. The Core Strategy indicates that further residential development land is required to accommodate the target population of the town during the lifetime of the development plan and the required quantum of land has been provided in the Draft Plan.

The subject site, which covers an area of 1.73 hectares in total, is located on the edge of the settlement of Lahinch and a large proportion of the land is located outside of the settlement boundary. Significant areas of land remain undeveloped between the subject site and existing developments in the town. In order for the town to develop in an orderly and sequential manner, I consider it more appropriate for lands closer to the existing town centre to be developed before lands at the periphery are zoned for 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. 032 Tom and Margaret O' Sullivan, West Clare**

*Key Words: Lahinch, Ennistymon*

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

This submission relates to the West Clare Municipal District. Tom and Margaret O' Sullivan indicate that they are the owners of lands on the Lahinch to Ennistymon road. The land fronts onto the main road and they submit that it is best described as an 'unfinished estate'. There are 4 dwellings in the development but roads and services are in place for eight dwellings. The finished area of the estate was recently taken in charge by Clare County Council but it is submitted that the unfinished area is unsightly when viewed from the Ennistymon/Lahinch road and detracts from the surrounding area.

The submission sets out a summary of the planning history on the site:

- P97/1217 – outline permission granted for the construction of 8 dwelling houses
- P01/1471 – approval for 2 dwelling houses and to install roads and services for 8 houses
- P03-69 – planning permission was sought for 6 dwelling houses – 2 were granted and 4 were refused.

It is submitted that in refusing permission for 4 of the houses the Council backtracked on their decision to grant 8 houses on the site after a considerable amount of money was spent on installing footpaths, roads and services for 8 houses. Tom and Margaret O' Sullivan indicate that they accept that they received poor planning advice at that time but purport that the Council was morally wrong to refuse permission for the four houses when permission was already granted for the associated services.

The present zoning in this area makes the sites only suitable for local rural permissions. It is submitted that they have been unsuccessful in finding buyers who comply with this policy but they have no difficulty in finding non-locals who would like to buy the remaining sites.

It is requested that the Council zone the lands as either a cluster or within the Lahinch settlement area. Zoning the lands will allow the site to be completed and will greatly enhance the visuals of the area, located on the main approach road to the town.

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

I thank Tom and Margaret O' Sullivan for their submission the contents of which I have studied and I wish to respond as follows:

The planning history on the subject site is noted. While I acknowledge that the original Outline Permission was granted for 8 houses, this occurred in 1997, almost 20 years ago. You will appreciate that our planning policy has developed over the intervening years in response to national policies. There is now greater emphasis and national guidance on sustainable patterns of development. Planning Application P03-69 was a reflection of this as it granted two further houses but refused four houses.

As set out in Section 3.2.5 of the Draft Plan, the area between Ennistymon and Lahinch is designated as a Rural Area under Strong Urban Pressure. In these areas, the key objectives of the Council are:

*a) To facilitate the genuine housing requirements of the local rural community (rural generated housing), subject to satisfactory site suitability and technical considerations.*

*b) To direct urban-generated development to areas zoned for new housing development in the adjoining urban centres, towns and villages as identified in the County Settlement Strategy and to seek to enhance these settlements.*

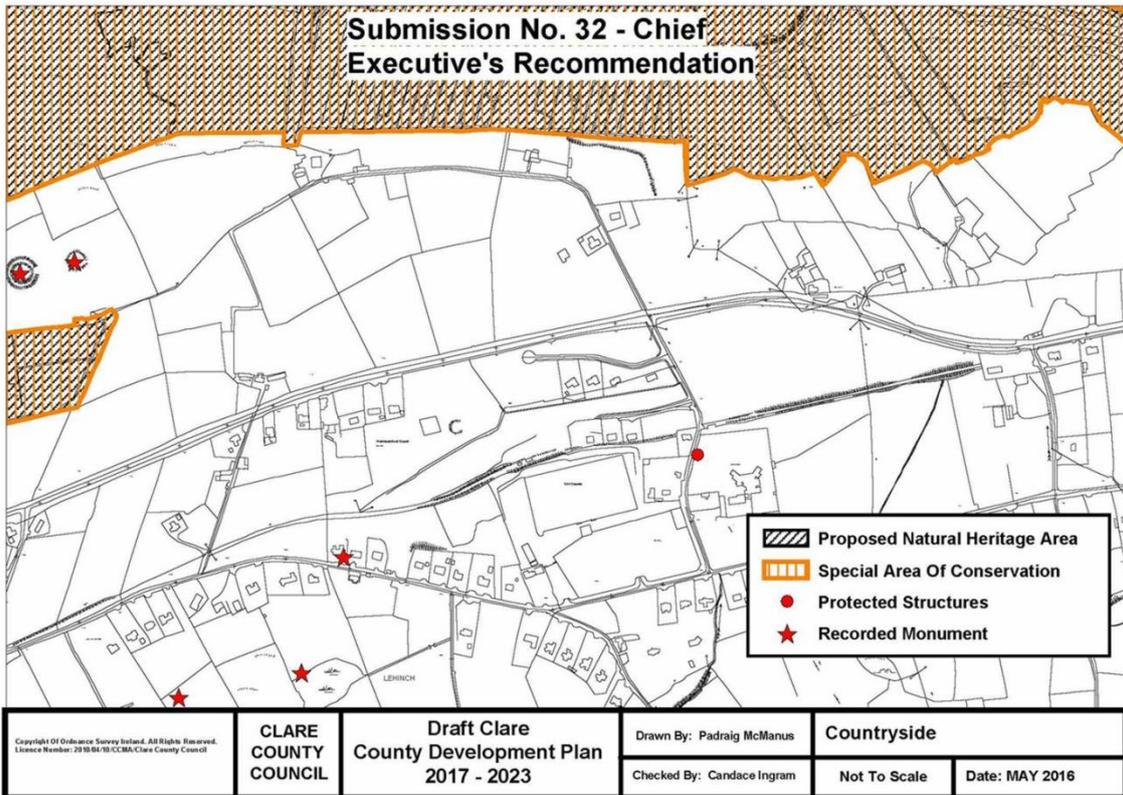
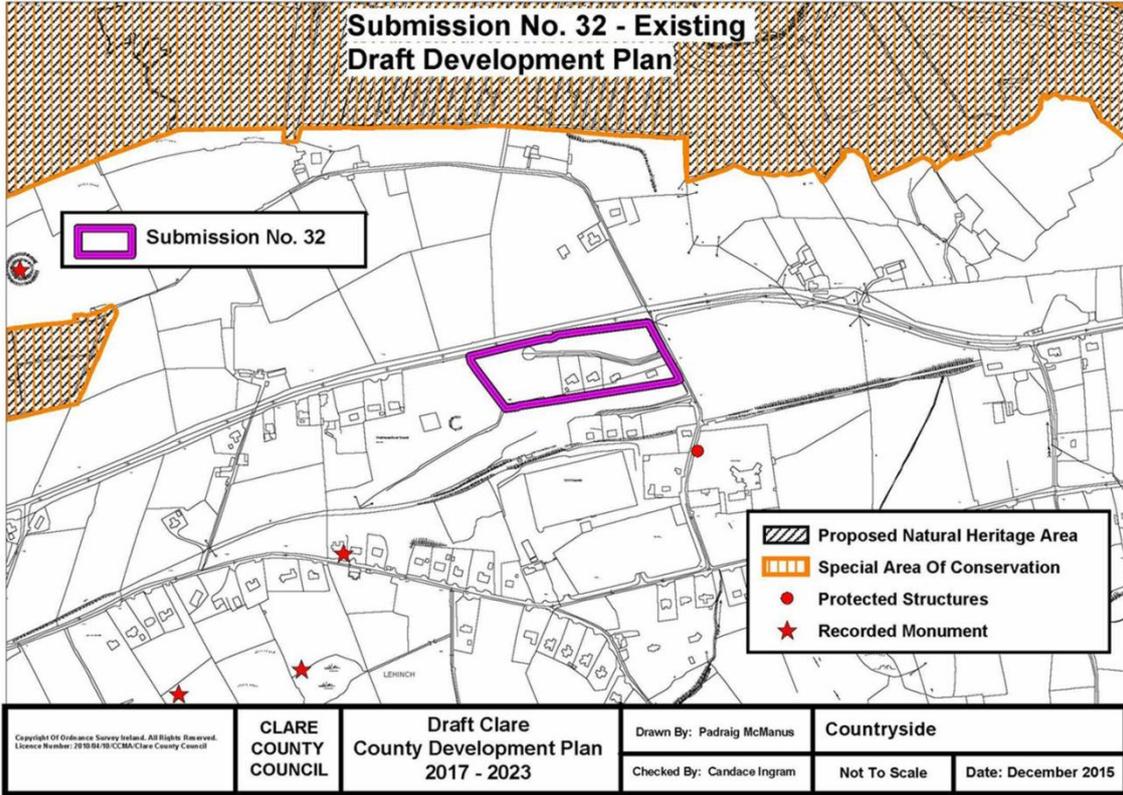
Ennistymon/Lahinch has the role of a Service Town in the settlement hierarchy of the county and it is important both to focus growth within their boundaries and to protect the open character of the space which separates them. Accordingly, it would not be in the interest of sustainable

development to extend the settlement boundary to include the subject site. The zoning of isolated parcels of land is not considered to be consistent with sustainable development.

Notwithstanding this I note that the objectives contained in the Draft Development Plan support the development of single rural houses by qualifying local rural persons and such development could be accommodated in this area without applying a Residential zoning to the lands.

**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. 033 Hassett Leyden & Associates on behalf of Mr. John Costelloe**

*Key Words: Ennis, Access and Movement*

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

This submission relates to lands in the Ennis and Environs Settlement Plan. It is noted that lands in the Clonroad area of Ennis have been designated as an Infrastructure Safeguard in anticipation of the provision of a link road to the Quin Road. It is requested that the Council omit the proposed re-designation of Mr. Costelloe's lands as Infrastructure safeguard for the following reason:

- For the past 30 years Mr. Costelloe has been prohibited from developing this prime site. Many realistic opportunities for the development of these lands have been lost due to the Council's designation.
- In the long period since the lands were first safeguarded the Council has not provided any proposals for the provision of the Clonroad to Quin Road link.
- As a result of the designation that owner of the land has not been able to make proposals for development and the lands have lain unused and are a constant target for trespass and fly tipping in spite of efforts to maintain the boundary and fences.

Mr. Costelloe now requests that the Infrastructure Safeguard is not placed on the site and that the lands are zoned as Residential or Mixed Use/Commercial to allow for the sustainable development of this important infill site fronting Clonroad.

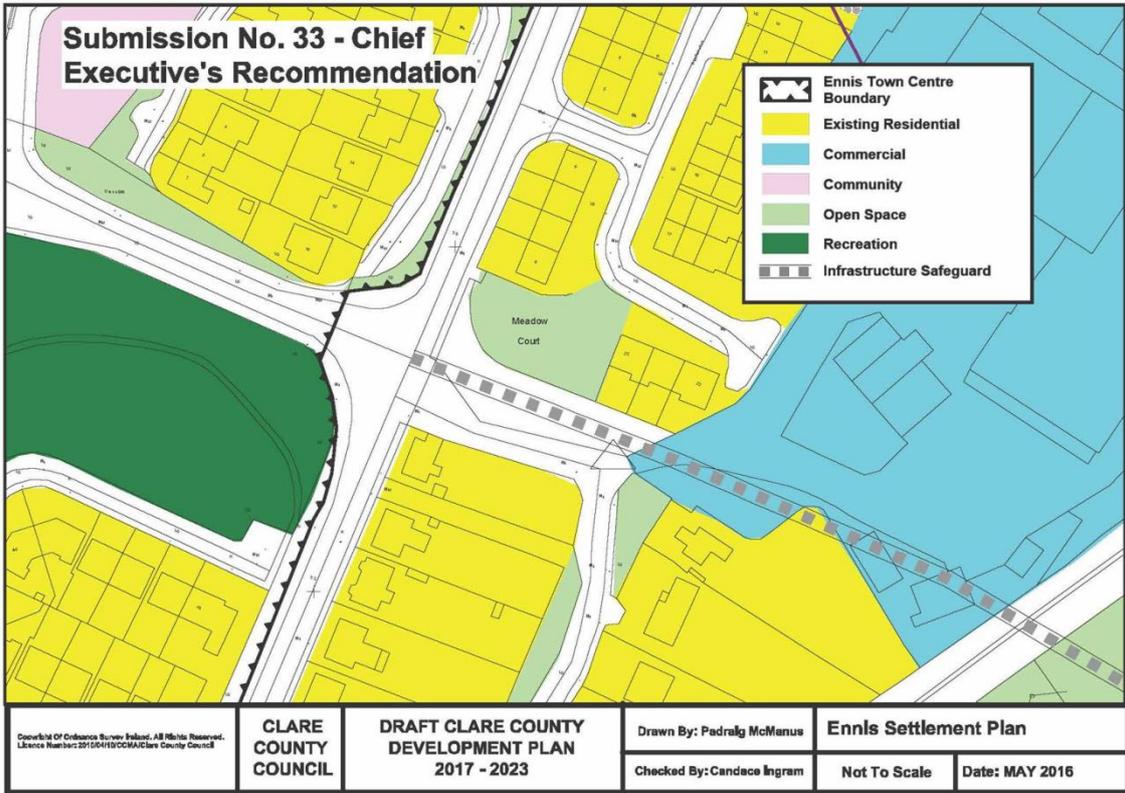
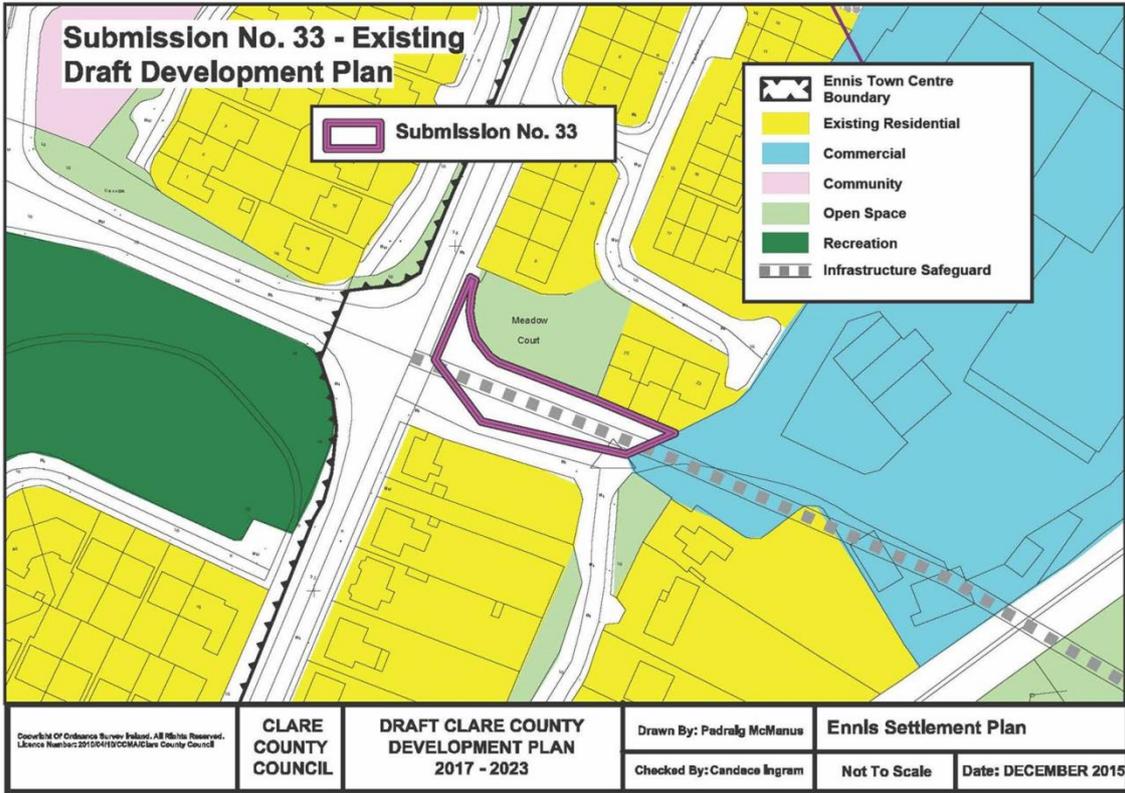
### **Chief Executive's Response**

The proposed link road from Clonroad to the Quin Road has been proposed for a number of years. The route will connect the wider Ennis area to the Quin Road via Friar's Walk and the recently constructed Old Gaol Road, easing pressure on the Station Road roundabout and forming part of a wider suite of transport improvements in the town. This is the only potential route from the town centre to the Eastern fringes of Ennis, Quin and other areas which the Quin Road serves. While works have not progressed to date, the protection of the proposed route is essential to ensure the viability of this project in the long-term. Once completed it will be a significant addition to town, improving permeability and ease of movement in the Ennis area.

I have referred the submission to the Roads Section for their consideration as part of junction improvements at this location.

### **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. 034 Ms. Trea Heapes, Loop Head**

*Key Words: Access and Movement, Policy, Environmentt*

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

Ms. Heapes submission addresses three points:

1. In association with a colleague she has just completed a study of the large number of vernacular structures on the Loop Head Peninsula. The project observations and conclusions highlight the need to preserve samples of vernacular architecture and raise concern over the removal of these buildings from the landscape without recording them. It is submitted that there should be a requirement to record existing buildings on site as part of the planning process. The record should include dimensions of buildings and outbuildings and photographs. Preferable older buildings should remain standing alongside new buildings rather than allowing old buildings to be knocked. The Loop Head Peninsula has a unique character and the built heritage needs to be preserved.
2. It is submitted that a bridge or causeway for bicycles and pedestrians should be constructed to link Kilrush and the Loop Head Peninsula via Poulnasherry Bay at either the old ferry route or along the incomplete causeway that was planned for the West Clare railway in the 1800s. This would link Cappagh, Kilrush and Scatterry Island with Camogue Point, the southern side of the Loop Head Peninsula and the Wild Atlantic Way. It is submitted that consultation would be required with oyster fishermen and maritime groups and the European sites in the area would also need to be considered.
3. Finally it is requested that a number of bird hides or bird observation points be created at Poulnasherry Bay, Querrin Creek, Rhinevilla Bay and Clonderlough near Kilclogher head.

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

I thank Ms. Heapes for her submission the content of which is acknowledged. I would like to respond to the issues raised as follows:

1. I wish to compliment the authors of the study on vernacular structures in the Loop Head Penninsula. It is a valuable and thorough record of the structures in question which will be made available to staff in the Council's reference library. I believe the vernacular built forms are of historic and heritage value in themselves but also because they embody the principles of how to build in harmony with the particular landscape which they inhabit. In the course of processing a planning application it is usual practice to request photographs of old structures but I agree that plan dimensions would give a more complete picture. I consider that additional text in the section on heritage landscapes could raise the profile of vernacular structures and the importance of recording their details.
2. County Development Plan Objective 5.12 in relation to Off-Road Walking and Cycling provide the necessary Plan level support for such green infrastructure at Poulnasherry Bay along the West Clare Railway. In particular parts a) and b) which a) support the maintenance of existing off-road walking and cycling trails and support the development of new trails in County Clare b) support and facilitate the development of the West Clare Railway Greenway and necessary supporting infrastructure.
3. Objective 14.27 in relation to Green Infrastructure and in particular part e) promotes working with community groups to access funding for appropriate and beneficial green infrastructure projects including parks, woodlands, sports facilities, green areas, playground/play facilities, river corridors, walkways, cemeteries, churchyards, paths, seating and amenities which would include the investigation of the placement of bird hides or observation points at suitable locations.

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

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

Volume 1, Chapter 13, Section 13.3.2.3 Heritage Landcape – new paragraph added to read:

Heritage Landscapes and their hinterlands may contain vernacular structures which are valuable examples of the form and patterns of building which have evolved to suit their landscape both in their design and in their siting. Such forms and patterns should be recorded for historic purposes but also because they may provide a useful template to guide the siting of new structures thus reducing their visual impact.

## **Ref. 035 Brendan McGrath and Associates on behalf of Mr. Dermot Merry, Ennis**

*Keyword: Ennis, Environment, Flooding*

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

This submission relates to lands in the Cusack Road area of Ennis and concerns the proposed rezoning of an area of riverside land from Open Space to Low Density Residential. It is submitted that the proposed rezoning is incompatible with basic principle of proper planning and sustainable development and the resulting development would seriously conflict with objectives and policies in the plan.

It is submitted that the subject lands lies to the rear of a row of detached houses and there is no viable means of providing vehicular access to the site other than by demolishing one or more of these existing properties or by building an access road over the adjacent riverside open space. Such a road would be subject to significant flood risk and its development would compromise the integrity of the adjacent SAC and the conservation of otters (a priority species under the Habitats Directive).

It is purported that there is insufficient space in this riverside area to accommodate an access road built to the minimum standards and the necessary visibility splays on Cusack Road are not available. Substantial engineering works would be required to construct a roadway in this area to minimum standards and most of these works would take place within a proposed natural buffer zone and impact on the adjacent SAC.

It is also submitted that a 'clear-sight triangle' is required to enable safe vehicular access to Cusack Road. In a western direction part of the triangle is in Mr. Merry's ownership and he does not give consent for its use for this purpose and in an eastern direction works would be required to Victoria Bridge, which is a Protected Structure.

The submission indicates that the subject sites is identified as a Flood Risk Area in the current Ennis Development Plan and Policy W7 of that plan states that no development will be permitted on lands designated as Flood Risk Areas.

The Draft Development Plan includes an updated assessment of Flood Risk. The Strategic Flood Risk Assessment in relation to this site states *residential development within Flood Zone A would require application of the Justification Test which has not been passed in this case*. The Strategic Flood Risk Assessment also indicates that access to the site would have to pass through Flood Zone A and would need to be elevated above the 1 in 100 year flood level to allow for access and egress in a flood event. It is submitted that the appropriate justification test has not been carried out and the required elevation of the access road would have serious adverse impacts on residential amenity in the area and the integrity of the bounding SAC.

The submission sets out that no site specific appropriate assessment of the proposed zoning has been carried out as part of the Draft Plan. The Draft Development Plan states that *management of river corridors and riparian zones is vitally important, not just from an ecological perspective, but also from a practical and amenity standpoint*. The Shannon Regional Fisheries Board 'Development and Management of the Riparian Zone' recommends a 35-60m wide riparian corridor for river channels greater than 10m wide. The Fergus is approximately 20m wide at this location. Existing guidance also suggests a minimum width of 10m to facilitate otter movements. The proposal is therefore completely contrary to guidance and proposed CDP Objective 14.4.

From an amenity perspective this is a particularly attractive stretch of riverside within the built-up area of Ennis and it is a long-established recreation area known as 'The Turret' which is regularly used for walking, picnics etc.

There are also a number of existing residential areas in the vicinity of the subject site. The proposed rezoning cannot take place without seriously harming the residential amenities of one or more existing dwellings. The residential access road by the river would be less than 2 meters from the windows of Mr. Merry's house.

It is submitted that the proposed rezoning is contrary to specific policies and objectives of the proposed Plan and is in conflict with broader goals and aspirations of the Plan. The Plan objectives which are ignored or compromised by this proposal are:

- CDP8.8 Compliance with Design Manual for Urban Streets and Roads
- CDP14.12 Urban Ecology
- CDP14.13 Habitat Fragmentation
- CDP14.14 Inland Waterways and River Corridors
- CDP14.15 Green Infrastructure in Residential Developments
- CDP15.2 Protected Structures
- CDP18.6 Flood Risk Management
- CDP19.3 Compliance with Zoning

It is submitted that the proposed rezoning would have serious adverse impacts on heritage and public and residential amenity. There is no possibility of creating a safe and environmentally acceptable vehicular access to the rezoned area. The proposal is not therefore in accordance with the proper planning and sustainable development of the area. It is requested that the Council remove the rezoning proposal from the Plan.

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

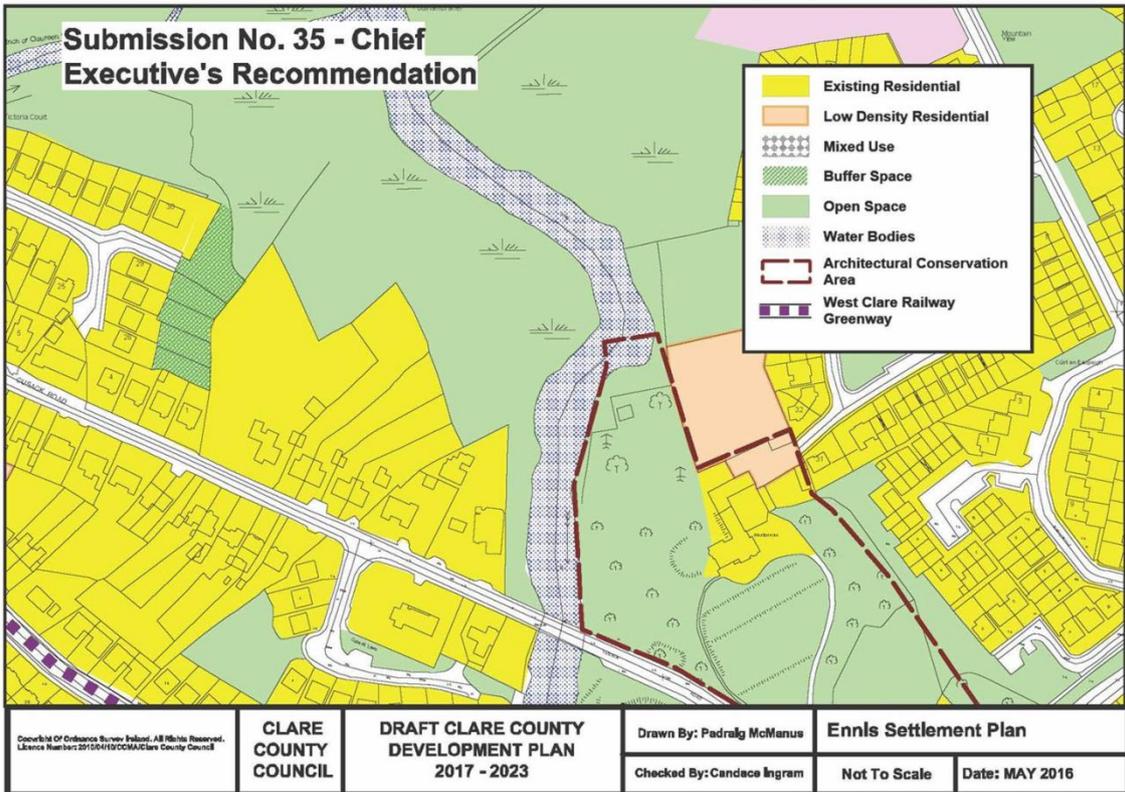
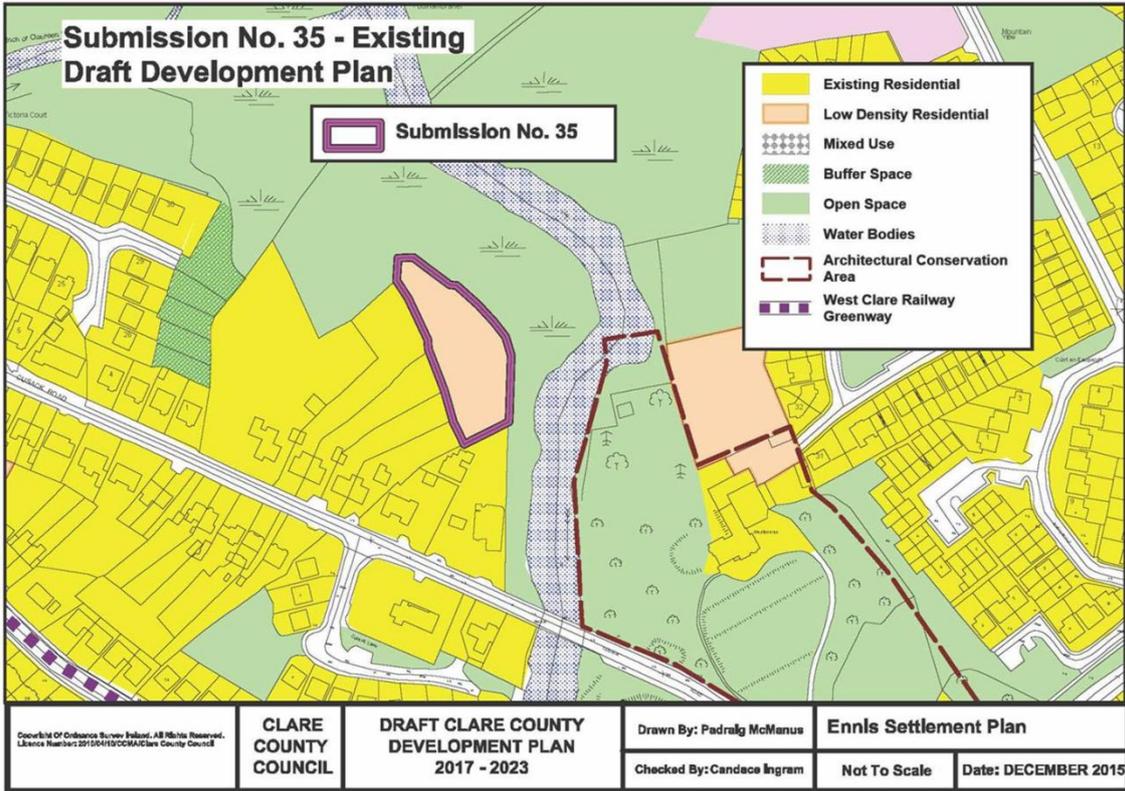
I wish to thank Mr. D. Merry for his submission. Having regard to the location of the site to the rear of existing houses and the issues outlined in the submission regarding vehicular access, adverse impact on residential amenity and conflict with environmental objectives, I agree that the zoning be changed from Low Density Residential to Open Space.

Access to the site may also prove problematic. Any future access road would need to be sited within Flood Zone C and elevated above the 1 in 100 year flood level to allow for access and egress in a flood event. I also note that the EU Copernicus Emergency Management System undertook flood mapping using high resolution SAR satellite imagery of the Ennis area in recent months. The Copernicus mapping indicates flooding on parts of the subject site on 18<sup>th</sup> December 2015, 1<sup>st</sup> January 2016 and 2<sup>nd</sup> January 2016. This indicates that flooding has taken place on parts of this site at a time when flood defence work in the area was fully completed.

I further note that there is potential for the adjacent river to act as a commuting corridor for Lesser Horseshoe (LHS) Bat and for the turret structure in the adjacent woodland to provide roosting, feeding and commuting habitat for this species. The River Fergus at this location also forms part of the Lower River Shannon cSAC for which the Otter is a qualifying interest species. Given the proximity of this site to the river, in particular the access route, it would be extremely difficult to allow for a 10m wide Otter habitat zone along the river bank in conjunction with any development. Finally, water quality of the River Fergus downstream of the site is 'Poor' status and development at this location would pose a significant risk in terms of surface water run-off during construction and operation together with the potential for pollution impacts for waste water.

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

I recommend that the zoning on the subject site be changed from Low Density Residential to Open Space.



## Ref. 036 Brendan McGrath and Associates on behalf of D. Merry

*Key Words: Ennis, Flooding*

### Summary of the Issues Raised in the Submission

The submission made relates to a parcel of land near Knox's Bridge (LDR 33) where low density residential development is proposed and for which a development brief has been drawn up in Volume 3a, Section 2.9.

It is stated that the greater part of LDR33 is in the ownership of the Merry family. The family also owns the riverside east of the railway embankment which is connected by an underpass to the lands on the town side of the embankment (as illustrated in Fig. 2 of the submission).

It is being requested that amendments to the design brief in Section 2.9, primarily to take account of the land ownership situation are made.

An account of the general character of the land and its suitability for development is provided stating that the area comprises of two fields and an overgrown wall garden, the land slopes in a northerly direction and could be sewered by a gravity system in that direction. It is stated that the landowner supports the general approach of the draft plan for this land and agrees that it would be an attractive location for low density housing development.

With respect to vehicular access, the draft brief states that "*in the case of low density development proposals, vehicular access shall be through Elevation Business Park via the existing roundabout at the junction of Clonroad with the Causeway*". It is stated that this stipulation is not achievable given the landownership situation. A low density scheme would require collaboration by three landowners; the Merrys, the owner of the triangular field south of the Merry holding and the owner of the Elevation Business Park. It is submitted that there is no possibility of such collaboration within a reasonable timeframe. Further it is stated that it is only realistic to envisage a low density development access via the Merry landholding which accounts for the bulk of the LDR 33 zoning. Existing access points to the Merry lands are the driveway to the office complex and the entrance to Clonroad House. It is concluded that LDR 33 is not developable as a residential area accessed via the Elevation Business Park and that the stipulation relating to access is removed from the brief.

With regard to development density, the brief specifies "*very low density*" if access is not via Elevation Business Park. It is stated that it is preferable if the brief relied on the outcome of the design process specified in the brief to determine the appropriate density of development.

In relation to environmental management, it is stated that consideration could be given to including in the development brief the adjacent riverine area which is in Merry ownership (as is illustrated in Fig. 2). It is submitted that this could be a constituent part of the landscape management plan for LDR 33. The riverine area could serve a range of complimentary purposes e.g. as a protected / enhanced area for nature consideration, as contributing to the surface water plan for the landholding and / or enhancing the residential amenity of LDR 33.

The submission is concluded by stating the LDR 33 zoning is the largest low density residential zone that is proposed in close proximity to the town centre. It is the most attractive because of the natural and built heritage which is an integral part of the character of the site. The area of land identified in Fig. 2 which includes the greater part of the LDR 33 is in the ownership of the Merry family and is capable of being developed in a comprehensive and coordinated manner within the time frame of the plan. It is requested that the brief in Section 2.9 is amended to reflect that fact and to facilitate its development. The changes requested principally amount to omission from the text of –

- Reference to the requirement that access should be via Elevation Business Park (which is not achievable).
- The requirement that development should be "*very low density*" (a stipulation that unnecessarily distinguishes LDR 33 from other low density zones and is a superfluous requirement given the other requirements of the brief for LDR 33.

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

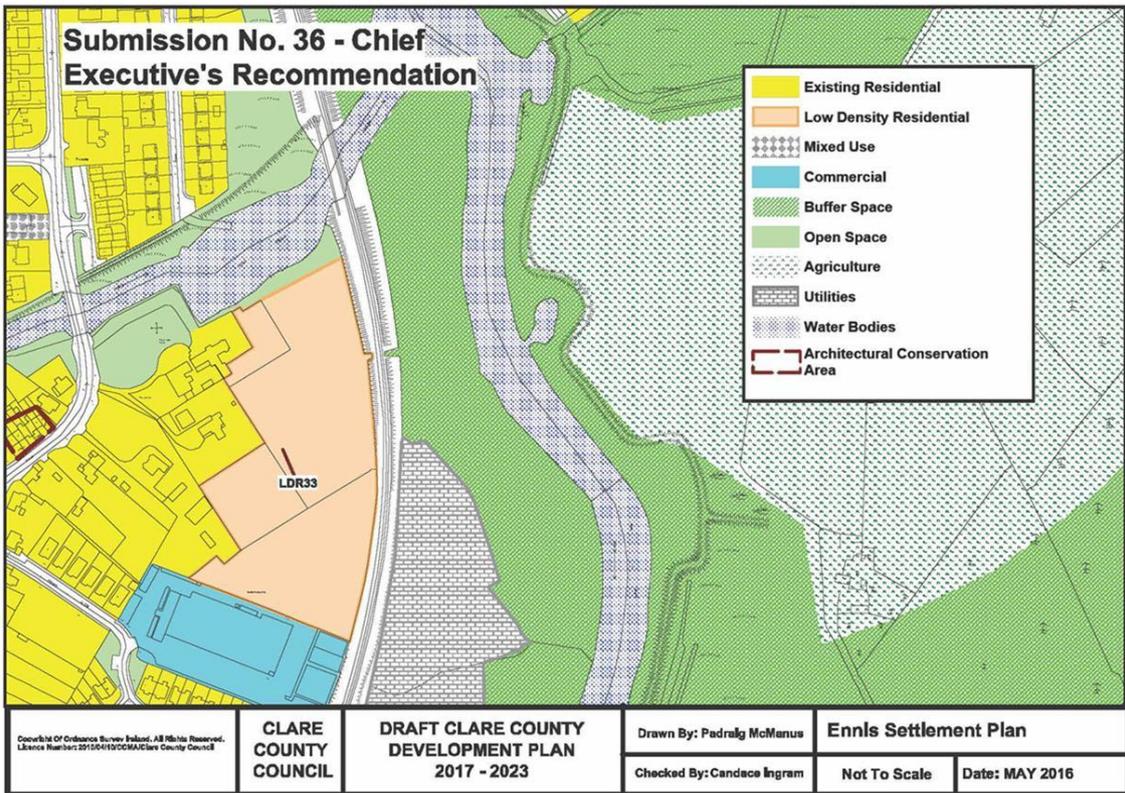
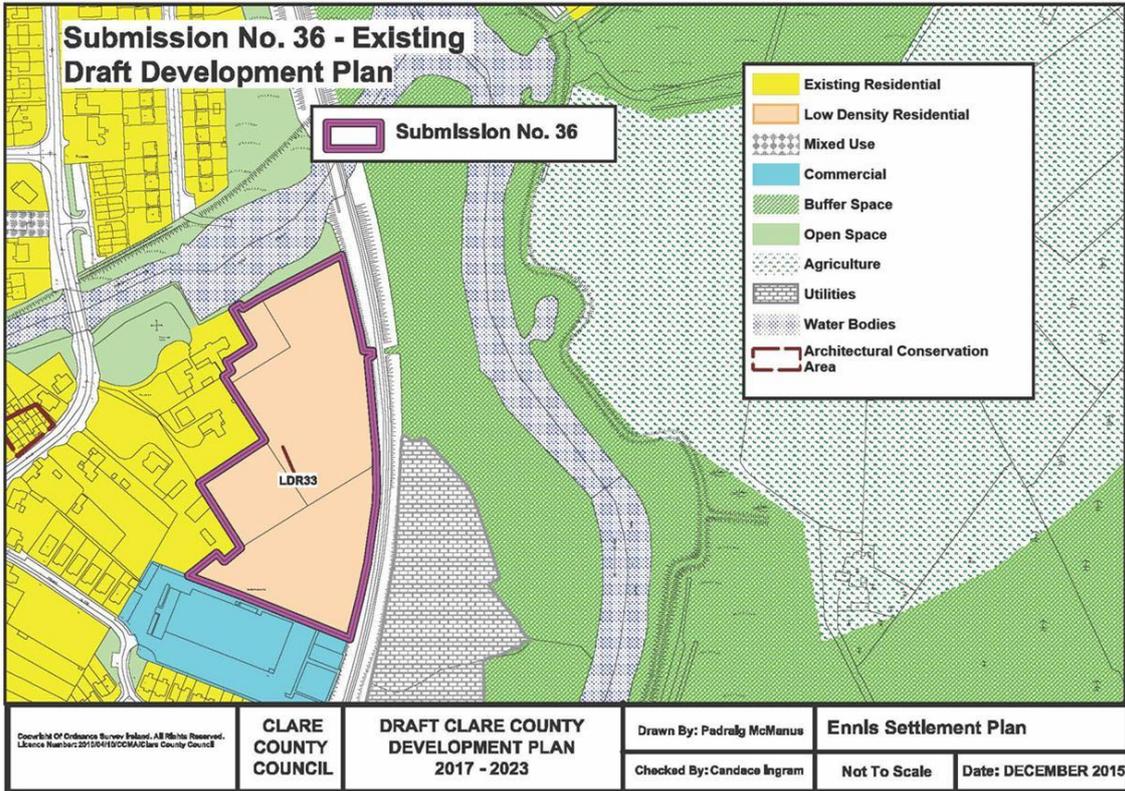
I wish to thank Mr. Merry for his submission. I note that the lands to which the submission refers to are situated approximately 250 m to the east of the town centre off Clonroad and the Limerick / Galway railway line bounds the eastern boundary of the site. I refer to Volume 3 (a) Section 2.9 "Site LDR 33 Knox's Bridge" as contained in the Draft Clare County Development Plan 2017-2023. I agree to remove the stipulation that this site be accessed through the Elevation Business Park. I further agree that umbrella description of 'low density' rather than 'very low density' is sufficient and that the detail of layout, appropriate densities, access to the site, etc. can be determined at development management stage.

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

I recommend that the following amendments are made to Volume 3(a) Section 2.9 of the Draft Clare County Development Plan 2017-2023 on the basis of this submission:

Remove the following sentence: "~~In the case of low density development proposals for vehicular access shall be through Elevation Business Park, via the existing roundabout at the junction of Clonroad with the Causeway~~"

Amend the following sentence: "However Proposals for very low density development may be accommodated through the existing access way subject to a satisfactory Traffic Impact Assessment being submitted, sight distances and traffic safety requirements being satisfied."



## **Ref. 037 Simon Wilson**

*Key Words: Kilrush, Policy*

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

The writer of this submission states that he is a resident of Kilrush and hopes to open a business in the town and considers that the business fits with all the stated aims of the plan. It is submitted that the plan does not mention any kind of incentive to open any business in Kilrush. The writer of the submission states that so far all he has received is a rates bill and has been told that he will have to make a contribution to the Council for "parking". Instead of charging new businesses, the writer questions what the council is doing and what will it be doing to incentivise and encourage new businesses through the implementation of this plan.

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

I thank Mr Wilson for making this submission. The Draft Plan contains a specific chapter which is dedicated to Economic Development and Enterprise for the county as a whole. There are a range of specific development plan objectives which aim to support, facilitate and promote economic and enterprise development, job creation, tourism development, retail development, agricultural development and rural enterprise.

Volume 3(d) of the draft plan provides the written statement and maps for each of the settlements contained in the West Clare Municipal District. Kilrush is identified as one of the Service Towns within this municipal district. Kilrush (including Cappa village & pier) has a diverse range of businesses and services within the town and also the wider hinterland. It is recognised in the General Objectives for the Service Town of Kilrush and Cappa to develop Kilrush as a key location in West Clare for industry, employment, enterprise, renewable energy and maritime research and development based on the availability of a vibrant working population and a high quality environment in which to work and do business. More specifically for the Service Town of Kilrush, the draft plan also contains a specific objective *"to support, protect and reinforce the role of Kilrush town centre as the primary service and retail area for West Clare through the consolidation and expansion of the town centre"* in addition to zoning lands for Industry, Enterprise and Mixed Use.

In addition, Local Enterprise Office Clare, situated in Clare County Council, provides direct services to the small and micro enterprise sector as well as helping to create an enterprise culture across the county. The Local Enterprise Office serves as a 'first stop shop' in providing strategic, administrative, technical and financial support and services to start, grow and develop micro and small business and offer services to encourage and support new business opportunities.

The Draft Plan contains two specific development plan objectives for Clare County Council and LEO Clare to work in partnership with relevant stake holders and government bodies and semi-state bodies to proactively pursue sustainable enterprise and economic development.

I have sent Mr. Wilson's submission to the Local Enterprise Office so that they are aware of his plans to open a new business and can discuss the support options available to him.

### **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. 038 Fehily Timoney & Company on behalf of Zinc Properties, Burlington Business & Recreation Park, Clonlara, Co. Clare.**

*Keywords: Policy, Access and Movement, Clonlara*

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

The owners of the Burlington Business & Recreation Park welcome the Council's supportive approach to the overall strategy of the site under the Draft Plan and the Council's support with regard to the proposed zoning of the site in the Draft Plan for the redevelopment and reuse of the facility is welcomed.

In terms of the Range of Uses as contained in the zoning matrix, it is submitted that given the scale of the existing building and the site, it is important to emphasise the importance of keeping an element of flexibility towards appropriate uses within the site allowing for a range of uses that will encourage the take up of floor space within the existing building. The large floor plates available within the units of this facility offer a range of opportunities for this site in terms of reuse and redevelopment and therefore a level of case by case assessment should be considered in relation to uses that may fall outside the zoning matrix.

It is stated that the Draft Plan places significant emphasis on the existing building rather than the land holding or the site area as a whole. Given the overall site area, it is submitted that it is also important to recognise the potential of the site as a whole, comprising approximately 12 ha. The site area has the potential for a variety of compatible uses given its location to University of Limerick. Allowing for redevelopment of the site as a whole will encourage a more comprehensive, planned and strategic approach to the redevelopment and reuse of the site. It is suggested by the writer of the submission that the following text in bold should be included in objective CDP 6.8: (a) ***"To support the redevelopment and reuse of the former Burlington {facility and encourage new development within the overall site} in accordance with the zoning on the site"***.

It is acknowledged that the future Limerick Northern Distributor Road will enhance the connectivity of the site to existing road infrastructure, it is submitted that the capacity of the existing access from Larkin's Cross (R463) to accommodate significant trip generation should also be recognised given the precedent use of the facility. It is requested that the capacity of the R463 is recognised in the Draft Development Plan.

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

I wish to thank Zinc Properties for their submission, the content of which is noted and I reply as follows:

I acknowledge the point that significant emphasis is placed on the existing building and recognise that there is merit in referring also to the site area as a whole.

Enterprise zoning, which is the zoning on these lands, supports a broad range of uses and is open to considering others. Land use zoning is addressed in chapter 19 of the Draft Plan and Section 19.4 sets out the nature of each of the land use zonings used within the Draft Plan and Section 19.5 outlines how the land use zoning matrix as contained in Appendix 2 of the Draft Plan should be interpreted. It should be noted that sub-section 19.5.5 which refers to "non-conforming uses" allows the Council to consider reasonable extensions and improvements to premises that accommodate non-conforming uses, provided that they would not be injurious to the amenities of an area and are consistent with the proper planning and sustainable development of the area.

Reference is made in the submission to the capacity of the existing access from Larkin's Cross (R463) and it is requested that the capacity of the R463 is recognised in the Draft Plan. Table 8.1 of the Draft Plan identifies a number of Strategic Regional Corridors within the county and it is noted that the R463 is included within this table as a strategic regional road. Objective CDP 8.5 seeks to upgrade and improve where necessary the regional roads in the county that are outlined in Table 8.1 and further seeks to preserve the carrying capacity of these strategic routes.

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

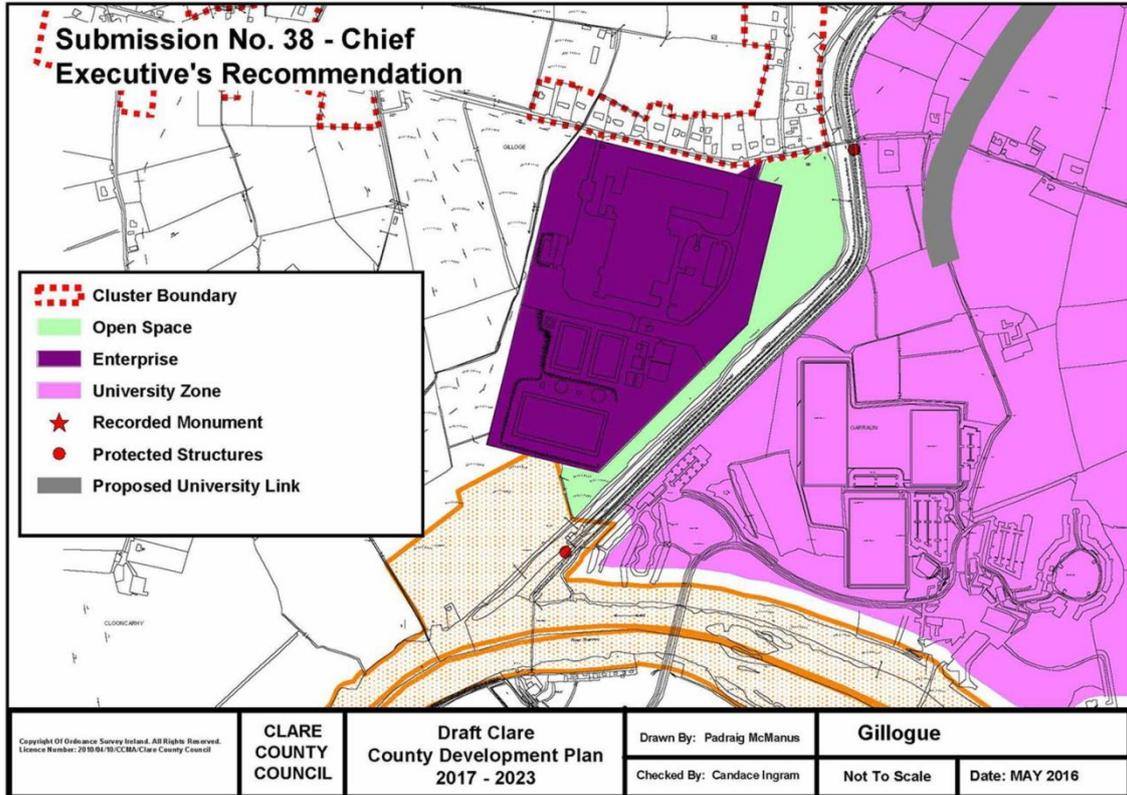
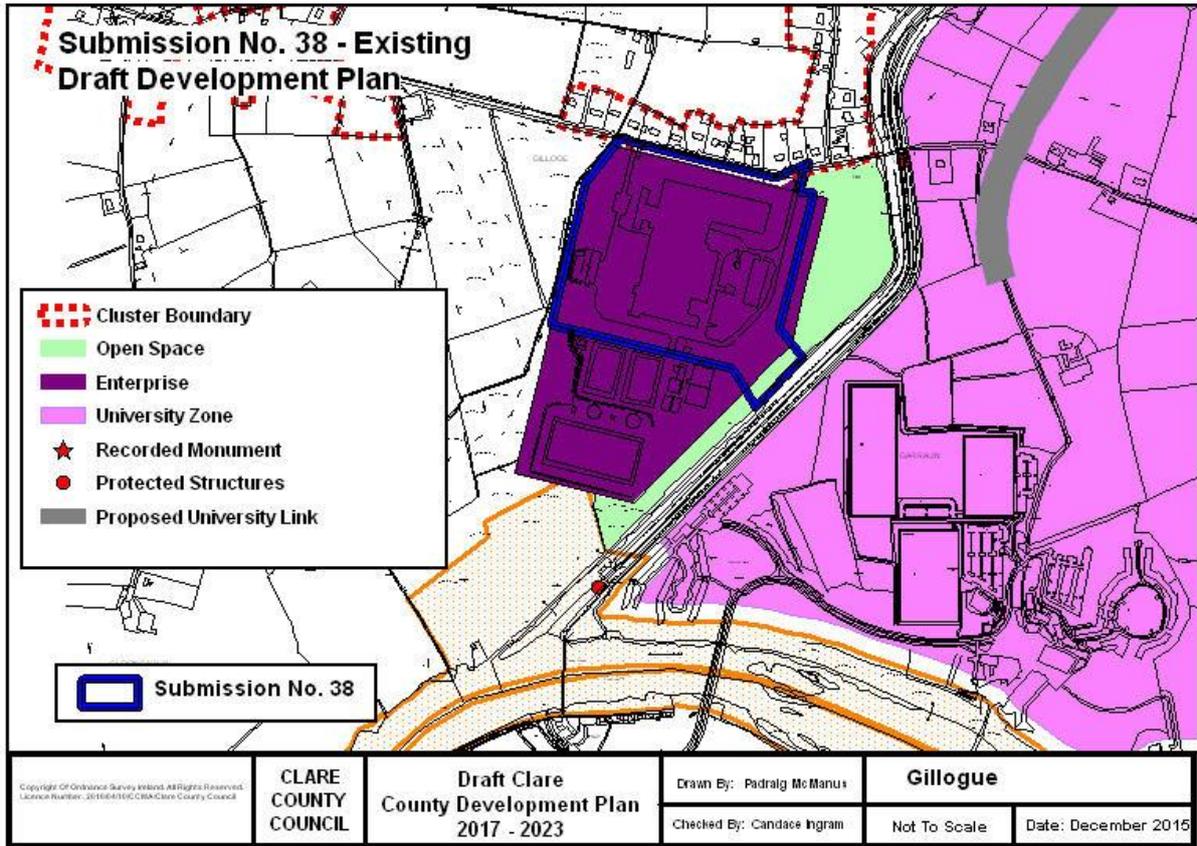
I recommend that the following amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission:

In Chapter 6, section 6.3.5 Burlington Lands. Insert the following text:

*The site is currently accessed by the R463 which is a strategic regional road. However, access to the site will be greatly enhanced by the construction of the proposed Limerick Northern Distributor Road.*

CDP 6.8 Burlington amend text as follows:

*(a) To support the re-development and re-use of the former Burlington ~~Plant~~ site and encourage appropriate new development in accordance with the zoning on the site.*



## **Ref. 039 Patrick J. Cusack**

*Key Words: Lisdoonvarna*

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

The submission refers to the Housing Strategy as it affects Lisdoonvarna going forward. The writer of the submission refers to the last phase of a council housing project at Rooska, Lisdoonvarna that was being designed by Clare County Council in the early 1990's for which the writer made a strong case to provide a service road to the boundary of the land north of the council land bank and which has since been constructed.

With respect to the council's intention to purchase further land for council housing at Rooska, the writer states that he made a valid case not to purchase the entire land bank as the total land bank was too large for a place the size of Lisdoonvarna and would create huge problems in the future. Thirty houses were proposed immediately for the site. It is submitted that the proposal did not adhere to the 2005 Local Area Plan for Lisdoonvarna concerning location for future social housing.

In terms of the Draft Clare County Development Plan 2017-2023 for Lisdoonvarna, with respect to a plot of land that is zoned R2 and which fronts onto Bog Road, it is intended that this site will only be partly developed residential over the life time of the plan. Other uses may be appropriate such as community facilities, crèches, and recreation facilities and will be permitted to serve the local community. It is stated that Housing & Sustainable Communities Limited (H.S.C. Ltd.) are now the registered owners of this land bank and the land maybe utilised for social housing.

Lisdoonvarna has a north Clare amenity part in the ownership of the inhabitants which covers a large catchment area. It is stated that most of the facilities are presently under utilised other than the crèche. The writer of the submission questions the feasibility of more community facilities proposed in the land that is zoned as R2 in the Draft Clare County Development Plan 2017-2023. It is stated that Lisdoonvarna is left with an unfair burden as a holiday resort because of the size of the land bank that could be used for social housing in the future. It appears that Lisdoonvarna is the only settlement that is zoned for high density residential when it comes to holiday resorts in the west Clare municipal district.

It is stated that on the basis of the information available to the writer, it is reasonable to assume that at the present between existing council housing, social leasing by Clare County Council, and families that are on the housing list and in receipt of rent supplement who are living in properties that were vacant make up between 70% and 75% of the total houses that are now occupied (excluding the limited properties that are vacant, for sale or dwellings still used during the summer months as holiday homes / apartments).

The writer states that he has no difficulty with future social housing provided that it adheres to the requirements of the housing strategy and planning requirements but has concerns and fears with over zoning for social housing. It is therefore proposed that the area at the rear of the existing social housing (existing residential) remain zoned for future social housing approx. 2.5 acres that is serviced by waste water services, road network and that the other section of the land bank 8.0 acres facing west (facing the open countryside towards the sea) be re-zoned (and if necessary a section to be de-zoned) for low density residential and other zoning that may be appropriate to create a balance in the social mix for the town (the writer refers to a letter dated the 1<sup>st</sup> January 2011 which forms part of the submission).

With respect to traffic movements entering and existing the town, the volume of traffic has increase in particular onto the local road L1032-0. Further road signage was erected by the NRA directing tourist traffic to continue on the N67. However due to modern technology tourist traffic is directed to the shortest route available. It is suggested that measures that may be necessary, reduce the speed limit on the national road, improved the sight distance on the N67 approaching the local road L1032-0 north of Spectacle Bridge.

## **Chief Executive's Response**

I wish to thank Mr Cusack for making his submission. Lisdoonvarna is one of seven small towns in the County settlement hierarchy of over eighty settlements. Chapter 3 of the written statement outlines the important role of small towns as follows:

*"Small Towns. There are 7 small towns throughout the county identified in the Settlement Hierarchy. They are of fundamental importance in offering services and facilities to their own populations and surrounding rural areas. They are also important employment and tourist centres. The strategy for these settlements is to ensure that their existing role is maintained and strengthened. This can be achieved through adequate zoning of lands and a facilitatory approach towards appropriately-scaled and designed urban development. The expansion of these towns should be sympathetic to the surrounding area with a focus on developing brownfield sites and developing from the centre out. Every effort should be made to improve the public realm in order to make these towns attractive places to live, work and visit. It is recognised that some of these towns have not been in a position to fulfil this role due to deficiencies in water and wastewater services and every effort must be made to ensure that these deficiencies are addressed over the lifetime of the plan."*

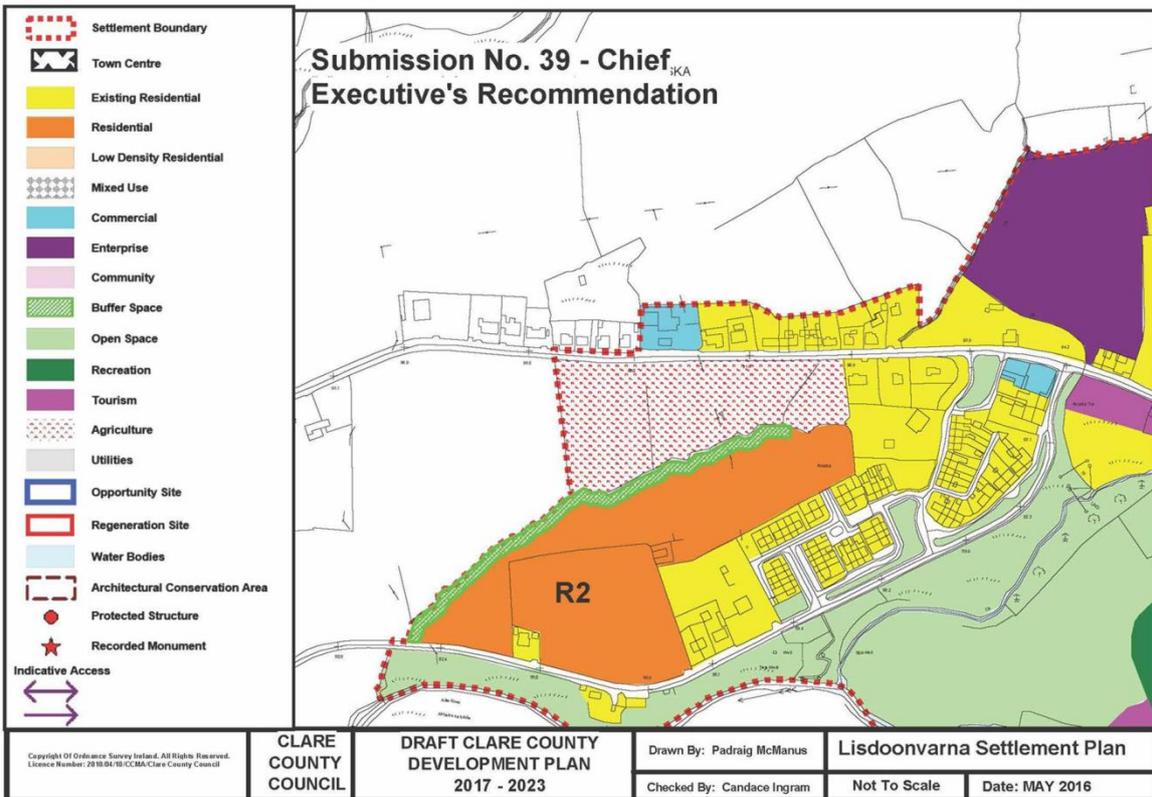
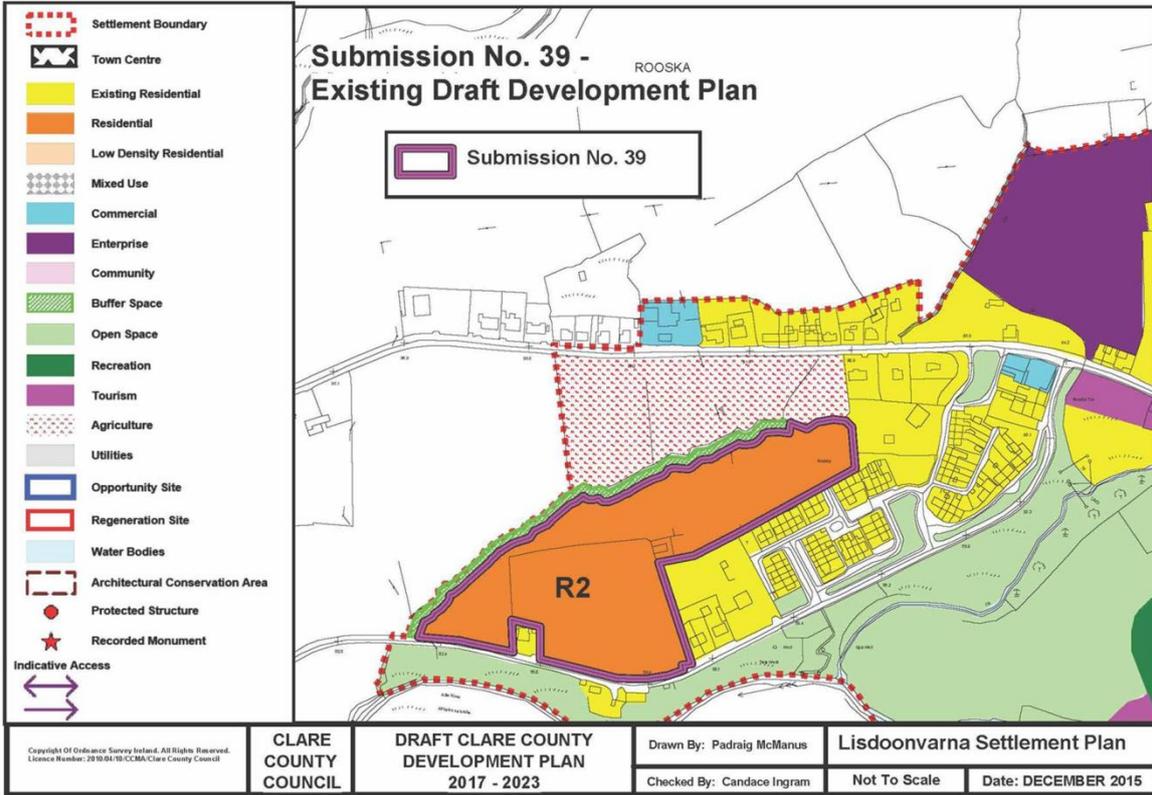
In respect of R2 zoned Lands, this parcel was purchased by the local authority as a land bank and is now owned by Housing and Sustainable Communities Ltd (HSCL) who have a brief to manage land transferred to it by local authorities and to source properties under the Social Housing Leasing Initiative. It is required that the land remains zoned for housing unless otherwise agreed with HSCL. However, it is noted on page 29 of Volume One of the plan that this is a substantial landbank which will only be partly developed during the lifetime of the plan. This land remains available for development for public or private use as deemed appropriate to the local area.

Lisdoonvarna does have capacity in the waste water treatment plant although currently the water supply represents a constraint. In the interest of clarity, the density of residentially zoned lands e.g. R1 and R2 is not specifically for high density housing. The zoning provides for higher density to that in low density residential to be accommodated should it be appropriate, as opposed to low density residential zoning which reflects the requirement to keep densities lower for reasons relevant to the settlement concerned. Residential zonings are provided where there is adequate service infrastructure to support development and where the location is considered to have capacity to accommodate it. All settlements are reviewed regarding residential zonings in this regard.

Unfortunately, the Development Plan process does not address issues in relation to speed limits, however a speed limit review process is currently being undertaken by the Department of Transport Tourism and Sport (DTTAS), Transport Infrastructure Ireland (TII) and the Local Authority. This is the appropriate forum for a submission to be made in this regard should you not already have done so. The review process is due to report in April 2017.

## **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. 040 Samaritans

*Key Words: Policy, Ennis, Access and Movement*

### Summary of the Issues Raised in the Submission

It is stated that the Samaritans centre is located on the Kilrush Road the location of which is identified by an accompanying map. A brief history and a description of the existing building is provided. It is stated that the centre is open to face to face callers from 10 am to 10 pm every day and approx. 100 volunteers keep the centre in operation on a weekly basis. There is a large private car park to the rear of the premises that caters for both volunteers and callers to the centre. There is a front and rear access door to the building for use of volunteers / callers. The building is a short walk from the town centre and close to public car parking. The rear access door to the building leading off the car park gives privacy to both volunteers and face to face callers entering the premises.

The Samaritans premise is identified in the Draft Clare County Development Plan 2017-2023 as part of a site designated as "Opportunity Site OP2". It is stated that this follows on from a similar designation in the Ennis & Environs Development Plan 2008-2014, as varied where the overall area in the general vicinity of the centre was designated a "Proposal Site" – PS1.

Concerns are expressed in regard to the premises being included in the opportunity site. The building / site that is owned by the Samaritans particularly suits the needs for the reasons outlined above. It is unclear what the future might hold by being included in such a zoning. Notwithstanding, the Samaritans would be willing to look at any proposals that might be forthcoming with respect to the overall development of any "opportunity site" at this location if such proposals were in the interests of the town, taking the specific needs of the Samaritans into account and were of a nature that would not interfere with the charitable purposes for which they are established. Upon examining the section of the plan which relate to the designated Opportunity Site that includes the Samaritan property, it is noted that the provision of Section 2.14 outlining the "strategic location" of the opportunity site, its ideal location to accommodate retail development and its potential to "transform and revitalise the western side of the town". It is not clear what the Council has in mind with regard to the Samaritan site (apart from indicative pedestrian access mentioned already). In any event it is submitted that if the council pursues its proposal to include the site of the Samaritan premises in the opportunity site, the following should be considered by the council:

- The premises are owned by the Samaritans. Any decision regarding same is subject to the consent of Trustees of the Building whose decisions would be guided by their charitable purposes.
- The centre that is occupied is very suitable to the needs of the Samaritans for the reasons discussed earlier. There is no existing need to re-locate from these premises or to be incorporated into a bigger development scheme at this location.
- The Samaritans is a charity that depends entirely on church gate collections and other charitable donations and their own fundraising efforts within Co. Clare to keep the centre operational from year to year. Resources are therefore limited having regard to these circumstances.
- The nature of the 24 hour, 365 days a week service means that the organisation cannot afford to be closed for any extended period of time while other premises are located / developed.
- Concerns are raised that it may be difficult to acquire an alternative structure in a suitable town centre location with private car parking that would suit the organisations specific needs in a similar way to their present situation.

Concerns are further expressed about the proposal to provide a pedestrian access at this location as shown on an accompanying map. This "indicative pedestrian access" runs through the building / vehicular access and car park and it is stated that the selection of this particular point for a pedestrian access has arisen due to misreading of the site boundary of the Samaritan site. It is stated that an examination of the Ordnance Survey map 4322-7 might lead the Council to assume that there is a gap between the Samaritan site and the adjoining site to the west (copy of relevant O.S map included). It is requested that the pedestrian access be relocated clear of the Samaritan property in the plan to avoid any future problems or misunderstandings.

The writer of the submission requests the following:

1. The Council take account of the concerns raised with respect to the principle of the inclusion of the Samaritans site / building in the "opportunity site".
2. In relation to the objective with regard to pedestrian access, it is requested that indicative the pedestrian access is relocated clear of the Samaritan site.
3. The concerns expressed in the submission be taken on board in relation to any public or private development proposals that may emerge in the future arising from the provisions of any final adopted plan.

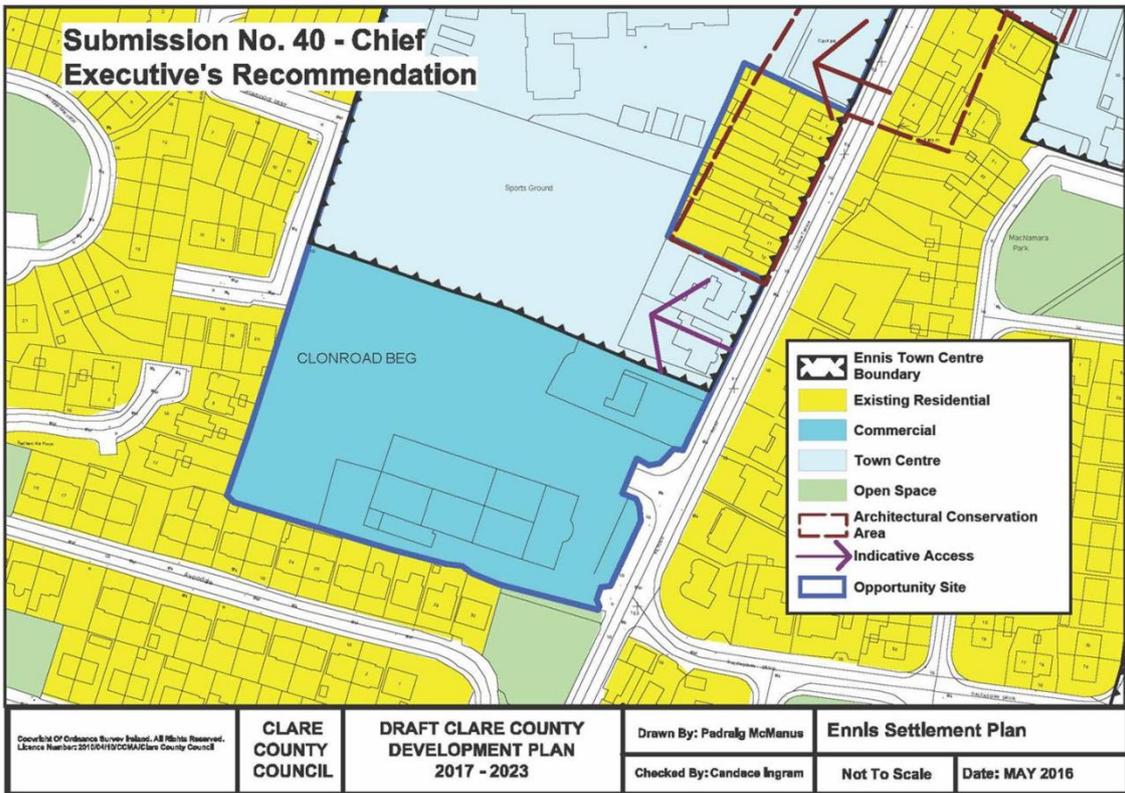
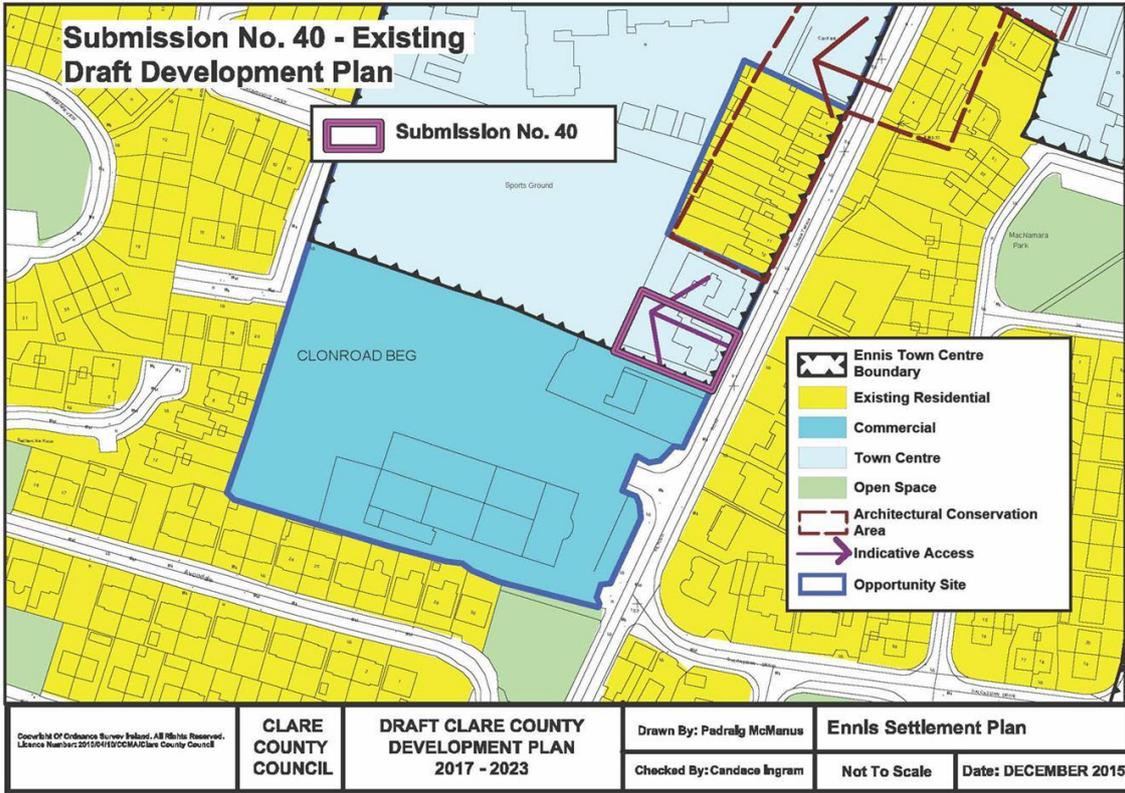
### **Chief Executive's Response**

I wish to thank Claire Cremin for making a submission on behalf of the Samaritans. The submission as received is noted and is welcomed and it is acknowledged that the Samaritans in Ennis and in Co. Clare provide a valuable and significant charitable service to the public throughout the year on a twenty four hour basis.

The comments as received in the submission are noted and have been considered. As per the Draft Clare County Development Plan 2017-2023, Volume 3 (a) Ennis Municipal District Written Statement, the site of the Samaritans is located within the identified town centre for Ennis and is designated "town centre". The site is further identified as an opportunity site "OP2 Former Boys National School and Adjoining Lands, Kilrush Road" and an indicative vehicular access is shown on the zoning map to access lands from the Kilrush Road which is shown on the site of the Samaritans premises. This opportunity site has been identified as a potential location for development / redevelopment as it is ideally situated in the context of Ennis town centre and represents an opportunity site for an extension of the retail core of the town. Objective V3(a)7 of Volume 3 of the Draft Plan seeks to promote this identified site as the preferred site for expansion of retail development within the town. Any future proposals or indeed any future planning application made will be addressed through the Development Management function of the Planning Authority. Ultimately any development on these lands is a matter for the owner to consent. The zoning of lands does not infringe on their statutory rights as landowners.

### **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. 041 Donal Fitzgerald

*Key Words: Bellharbour*

### Summary of the Issues Raised in the Submission

The submission received refers to the settlement of Bellharbour Village within the Killaloe Municipal District Area.

The writer of the submission refers to Section 3(d) and includes the following statement from the plan:

*"The strategy for Bellharbour is to encourage small-scale incremental residential growth that will be reflective of the rural nature of the settlement. Also, proposals for any suitably scaled and appropriate commercial or employment-generating development will be encouraged. The village has a permanent resident population and provision should be made to encourage the further growth of a resident population".*

In addition, the following General Objectives are set out:

- *"To make provision for the sustainable growth of the village which will support existing services and encourage further expansion of the service base, whilst retaining its distinctive character.*
- *To promote Bellharbour as a destination on the Wild Atlantic Way".*

It is proposed by the writer of the submission that in order to establish the above requirements, that the following should be considered:

- The document does not outline how difficult existing local services find it to be self-sustaining with the reduction in the local population. Schools are struggling to maintain numbers. It is felt that the importance in growing the population of year round residents could be more emphasised.
- The provision of appropriate village boundary demarcation along the main Atlantic way with appropriate village signage would be crucial to clearly define this settlement as a village.
- The provision of suitable traffic speed limits, particularly along the main Atlantic Way (N67) at the defined entry and exit points of the defined village boundary would be crucial in order to protect the existing residents as well as again emphasise and define the settlement as a village.
- The extension of the zoned land to the north should be considered. It is stated that this will provide ease of access to planning permission for a number of local young families in the area that have a housing need but do not have access to the land already zoned. It is further stated that combined with the traffic proposals as already mentioned in the submission, it would help to enlarge the village and village population in a sustainable way.

### Chief Executive's Response

I would like to thank Donal Fitzgerald for making this submission. I acknowledge the comments made and am in agreement with the importance in growing the population of year round residents within the village of Bellharbour. A major focus of the Draft Clare County Development Plan 2017-2023 is to provide the planning framework to help address the many factors which contribute to falling population in our towns and villages. Volume 1 contains a dedicated chapter (Ch.16) on towns and villages with a series of objectives in relation to addressing key issues in their future development.

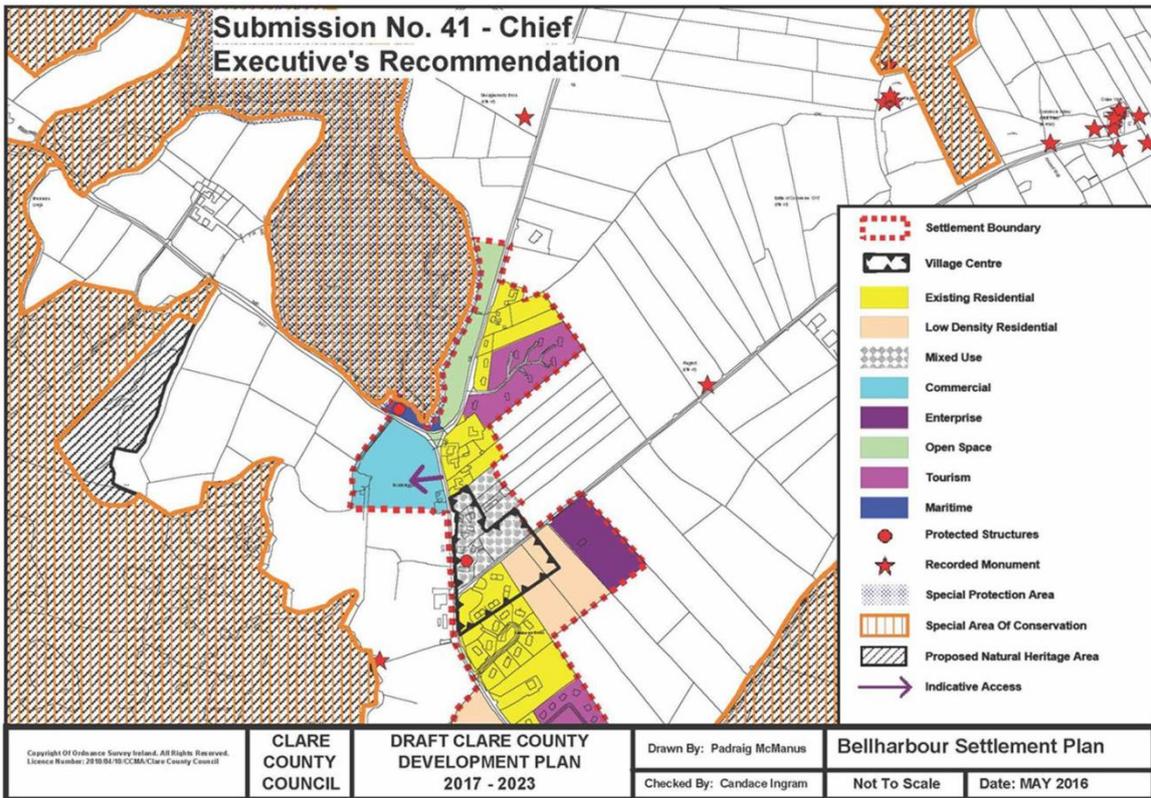
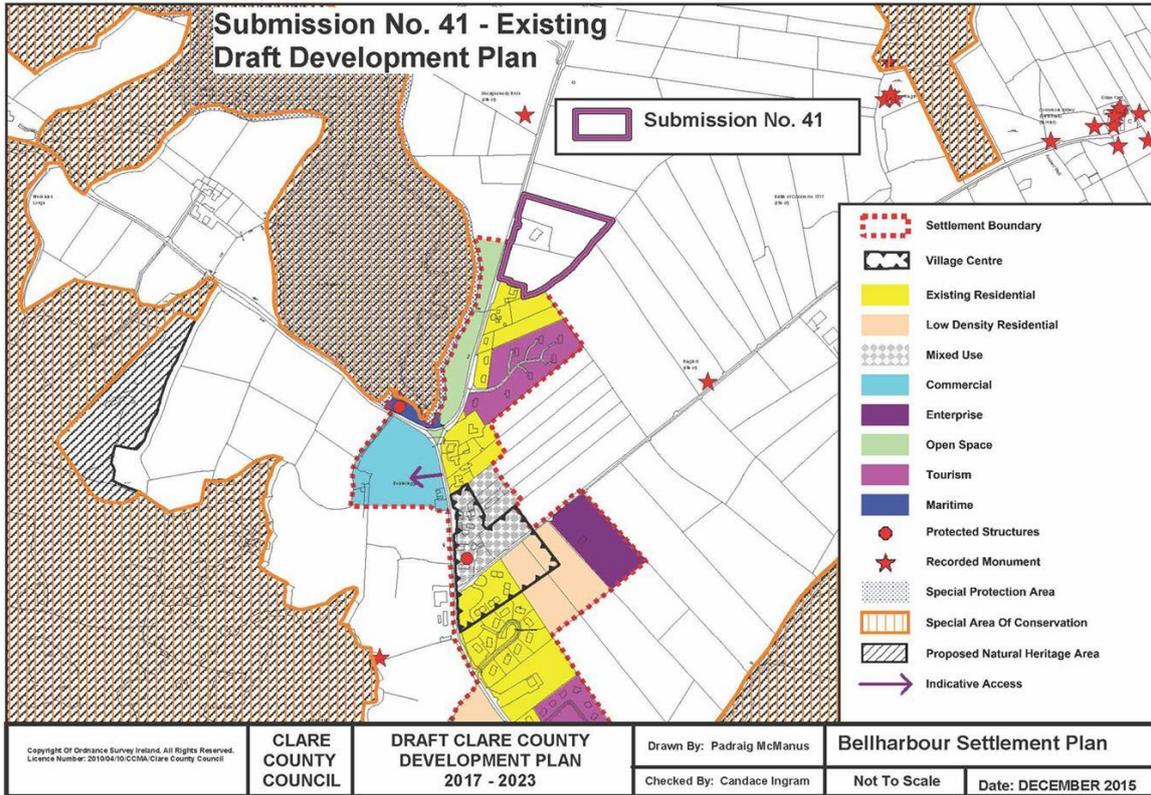
With respect to the zoning of land in line with the Core Strategy and the population targets for the village as set out in Chapter 1 Vol. 1. of the Clare County Development Draft Plan 2017-2023, two parcels of land are currently identified to accommodate future residential development. These parcels of land are situated within the settlement boundary of the village and avoid the creation of new accesses or the intensification of new accesses onto the N67 where the maximum speed limit applies.

The request to provide additional zoned lands to the north east of the village along the N67, I note, fronts directly onto the N67 on a stretch of road where the maximum speed limit applies. To extend the settlement boundary of the village to incorporate greenfield sites fronting onto a national route thus creating new access points and or intensifying existing access points, where the maximum speed limit applies, would be at variance with national policy as set out in the "Spatial Planning and National Roads – Guidelines for Planning Authorities (2012)" and in this case would not be in accordance with the aforementioned policy. As such I do not consider it appropriate to extend the zoning based on the reasons outlined.

I acknowledge the observation made by the author with regard to the provision of appropriate village boundary demarcation along the main Atlantic way with appropriate village signage to clearly define this settlement as a village. The Wild Atlantic Way route occurs along the N67, a national secondary route that is under the jurisdiction of Transport Infrastructure Ireland (T.I.I). The village of Bellharbour is situated on an inlet off Ballyvaughan Bay to the south and south east of the N67. The entrance to the village is demarcated by signage on both approaches to the village and the signage is provided by T.I.I. The N67 is managed by T.I.I and the erection of any signage along national primary and secondary routes falls within their remit as are any adjustments made to speed limits along national and secondary routes.

### **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. 042 William Glynn**

*Key Words: Ballyvaughan, Flooding*

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

The submission received refers to two main issues, flood risk and the installation of a waste water treatment plant for Ballyvaughan.

With respect to flood risk assessment West Clare Municipal District in volume 10, it is stated that Ballyvaughan was severely affected by recent heavy rainfall that occurred on the 5<sup>th</sup> December. It is stated that the adequacy of the main drain was completely overwhelmed which resulted in local flooding to homes and businesses. In addition, the sea-front wall in its current format, hindered the escape of flood water to the sea and thereby exacerbated flooding to the nearby hotel and a number of homes. It is stated that these matters should be included in any risk assessment for Ballyvaughan.

With reference to volume 3 West Clare Municipal District Ballyvaughan, it is submitted that the stated timeline of 2021 for the installation by Irish Water of a waste water treatment plant for Ballyvaughan lacks any real commitment that this important piece of infrastructure will be completed. It is submitted that this demonstrates the abandonment of rural communities by Government policies.

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

I'd like to thank Mr Glynn for making his submission.

In relation to the flooding, a hydrologists report that was prepared in relation to flooding in Ballyvaughan has now been integrated into the Strategic Flood Risk Assessment and I have recommended amendments to the zoning in the village on the basis of this revised information (see my recommendation in relation to Submission ref. 028). Clare County Council has carried out works in an effort to rectify the flooding issue on the western side of the village in recent years. Whilst significant alleviation has been achieved, it is recognised that more work is required to address the flood issue that arises during periodic of particularly high rainfall and it is hoped that this issue can be fully addressed in the near future.

With regard to the stated timeframe for the provision of a waste water treatment plant for Ballyvaughan, the schedule of works and the timeframe has been decided by Irish Water as is set out in their Consultation Document on the Emerging Investment Plan for 2017-2021. Clare County Council is committed to advocating for the expeditious provisions of these services. However, such developments are the responsibility of Irish Water.

### **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. 43 McCarthy Keville O'Sullivan on behalf of Mr Pat Mulcair, c/o Marfield Developments Limited**

*Key Words: Ennis*

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

This submission refers to a site that is located on the Limerick Road, Clonroad More, Ennis. An accompanying map identifies the exact location of the site. The site has an estimated area of 0.05 ha and is currently vacant and undeveloped. Under the Draft Plan, the site is zoned as "Low Density Residential".

It is stated that planning permission on the site and adjacent lands to the south for the provision of 3 no. 2 storey dwellings was recently refused planning permission by Clare County Council P.15/310 and An Board Pleanála PL 03.245178. The one reason for refusal referred to the premature nature of the proposal on a site identified as "other settlement land" and not designated as Phase 1 residential in the Ennis and Environs Development Plan 2008-2014 (as varied). The submission seeks that the site currently zoned "Low Density Residential" in the Draft Plan is instead zoned general "Residential".

It is submitted that there is a range of established residential densities surrounding the subject site e.g. lands to the immediate west of the site (The Hawthorns) are developed to a higher density than those to the immediate north. A number of sites within the general locality of the subject site are proposed to be zoned for residential use. It is further stated that the subject site is understood to be serviced and has an existing point of vehicular access onto the R458 and is not prone to flooding. No rationale is provided in the Draft Plan as to how or why the subject site is now proposed to be zoned "low density residential development".

The submission sets out a rationale as to why the zoning on the site should be amended from "low density residential" to "residential". It is stated that planning permission was previously granted on the site and adjacent lands to the south for 3 two-storey dormer detached dwellings P.05/21155 which expired on the 16<sup>th</sup> January 2011. A subsequent application was granted on appeal under P.07/21092 and An Board Pleanála Ref. PL 58.228530. This application concerned the re-use of an existing redundant entrance from the demolished property and expired September 2013. A repeat application under P.15/311 for the re-use of the existing redundant entrance from the demolished property to the adjacent "Walsh" property was granted permission.

Under P.15/310 which was appealed to the Board PL 03.245178, the Board considered that the density of the proposal would comply with the Development Plan's standard of 20-25 units per hectare. The planning authority previously endorsed a proposal for 3 dwellings as per P.05/21155. It is therefore submitted that the appropriate density for the site and adjacent lands to the immediate south should be 20-25 dwellings per ha. It is stated that ascribing a new "low density residential" zoning to a large part of the landowners holding at this location presents difficulties for the future and appropriate development of the lands to the correct density. The writer refers to Section 5.11 of the Sustainable Residential Development Guidelines 2009 in relation to appropriate densities for outer suburban / greenfield sites in excess of 0.5 ha. It is considered by the writer of the submission that the recommendation in the Sustainable Residential Development Guidelines 2009 means that the overall site measuring 0.13 ha is deemed to be appropriate to accommodate a net density of 3.9 / 4 dwellings. Concerns are expressed by the landowner that the proposed low density zoning on a large part of the site at this location will result in future uncertainty and should be replaced with a general residential zoning.

The writer of the submission requests the planning authority to note the following points:

- The site size will largely dictate the scale and density of residential development on the lands. Zoning the lands for low density residential use is unnecessary and overly restrictive and may serve to be counter-productive.
- The subject landholding is serviced, accessible and within walking distance of the town centre.
- The writer of the submission makes reference to established pattern and density of surrounding residential development within the immediate area.

- Less sequentially preferable lands further removed relative to the centre of Ennis are proposed to be designated for general residential development. It is stated that this suggests an inconsistent approach to the proposed residential zoning of lands in Ennis.
- There is no clear justification for the proposed low density residential zoning on the subject lands.
- The site is prominent on one of the main approaches to Ennis and offers an opportunity to provide a high quality residential development to an appropriate residential density.
- The site is surrounded by a range of densities and has been the subject of successive planning applications for residential development over a number of years. The adjacent lands to the south are in the ownership of the same landowner which will allow for greater scope to provide a higher density development.
- A number of sites in the town proposed to be zoned "low density residential" are more arguably infill in nature, are isolated in certain instances and are surrounded by established low density residential development.

The submission is concluded by stating that the proposed alteration to the development will facilitate the development of this long vacant site to an appropriate residential density in accordance with the proper planning and sustainable development of the area.

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

I wish to thank the landowner for making the submission which is noted and which has been considered.

I note that under the Draft Plan it is proposed to zone the site "low density residential LDR". I also note that the land immediately adjoining the site to the south is proposed to be zoned as "existing residential". Under the current plan the Ennis and Environs Development Plan 2008-2014 (as varied), I further note that this site is zoned as "other settlement lands".

With respect to the site that is the subject of this submission, the landowner wishes to amend the zoning from "low density residential" to "residential". I note the rationale as put forward in the submission and also the planning history pertaining to the site and also the adjoining lands to the south. As the adjoining lands immediately to the south of the subject site are as per the Draft Plan proposed to be zoned "existing residential", and having regard to the pattern of development immediately to the north of the site fronting onto the Limerick road and also to the east which consists of detached dwellings on individual site with individual accesses onto the main road, it is my consideration that the appropriate zoning objective has been provided for this site in the Draft Plan i.e. "Low Density Residential LDR". I therefore do not consider that it should be amended in this case.

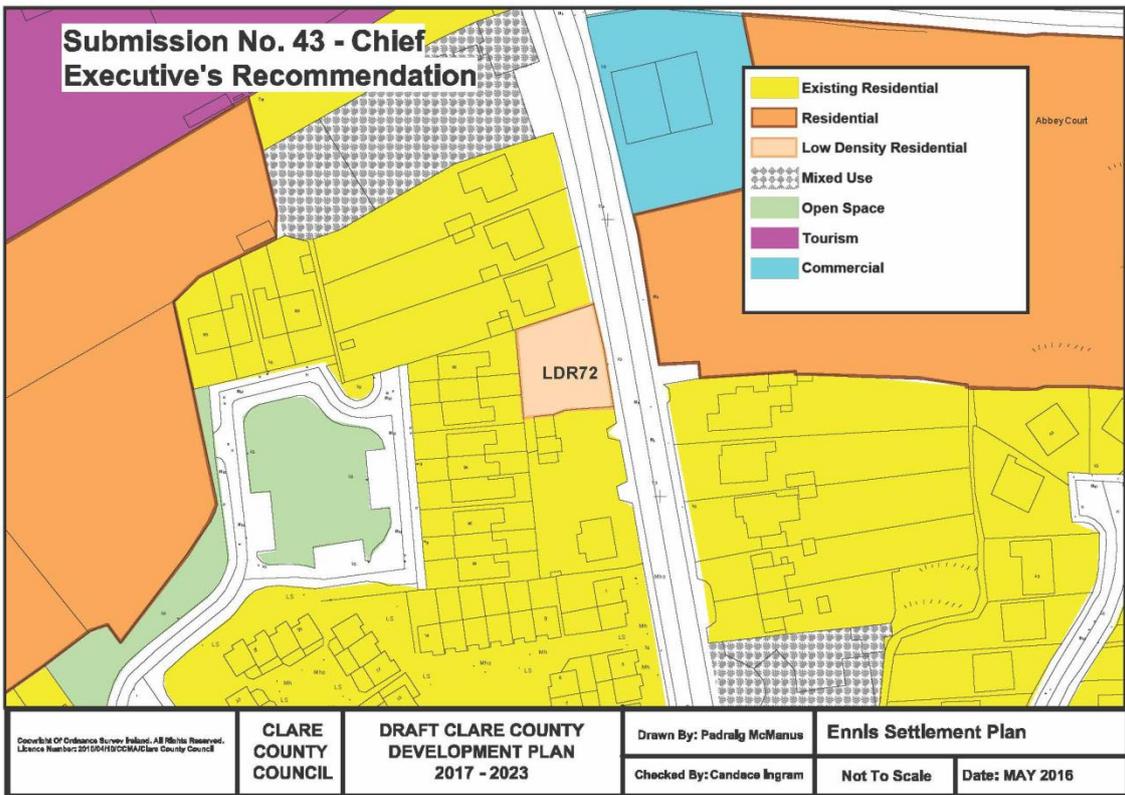
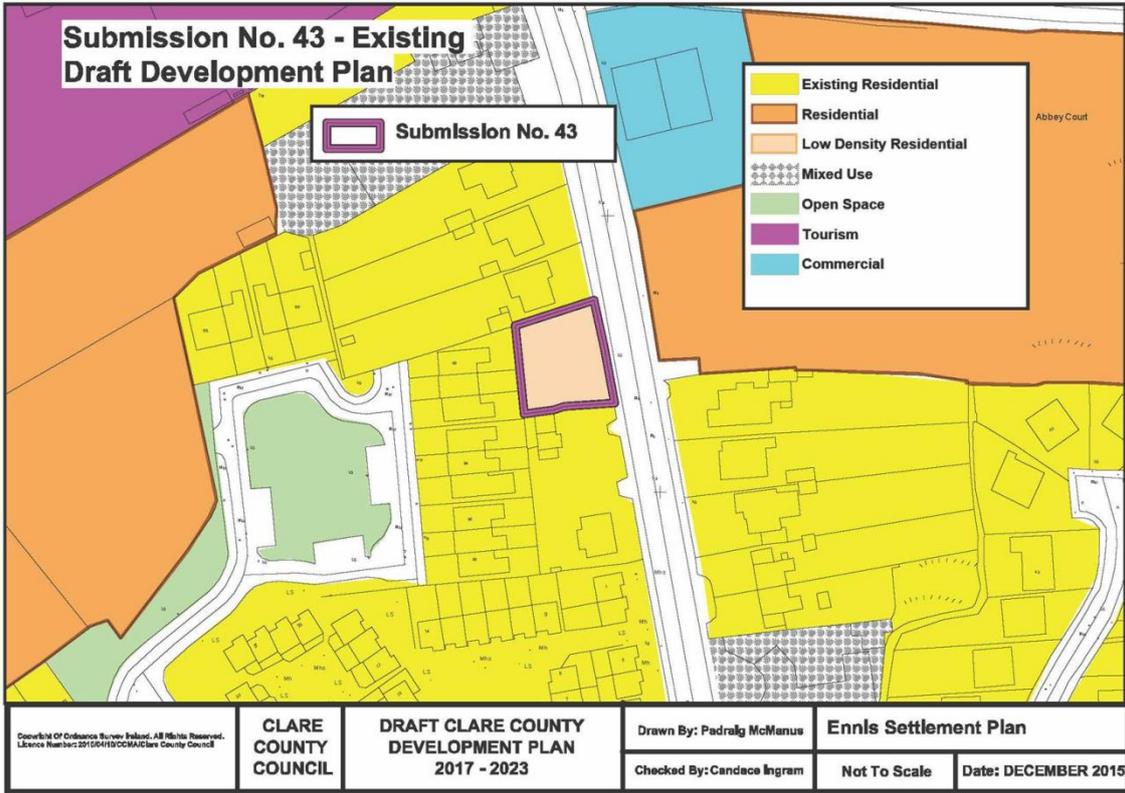
### **Chief Executive's Recommendation**

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission. I refer also to the recommendation I have made in relation to submission reference no. 343 which also relates to this site. Under that submission I have recommended the following text is included in Volume 3(a) of the Draft County Development Plan 2017-2023:

Volume 3(a) – new text in relation to site on the Limerick Road, Ennis to read:

"Site Ref: LDR72

Any development here should respect the existing pattern of development density and shall provide for appropriate noise mitigation measures in the design of any proposal."



## **Ref. 044 McCarthy Keville O’Sullivan on behalf of Mr Pat Mulcair, c/o Marfield Developments Limited**

*Key Words: Ennis, Flooding*

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

This submission refers to a site that is located at Knockaderry, Tulla Road, Ennis. An accompanying map identifies the exact location of the site. The submission seeks to zone the southern portion of the landholding for “residential” use and the northern portion for “Commercial 3” use (or similar). At present the southern portion of the site is zoned as “other settlement lands” and the northern portion is zoned “Commercial 3” under the Ennis and Environs Development Plan 2008-2014 (as varied). An indicative “infrastructure safeguard” is shown traversing the site from east to west. Part of the land is identified within Flood Risk Zones A & B. The southern portion of the land is located outside any identified flood risk zone. The route of a proposed link road between the Gort Road (R458) and the Tulla Road (R352) traverses the centre of the site (this is illustrated on an accompanying map). Reference is made to Section 1.14.2 of the Draft Plan which pertains to roads infrastructure and the proposed link road between Gort Road (R458) and the Tulla Road (R352) which is also identified in Table 2 and in which Section 1.14.2 supports the development of such routes.

It is stated that Shannon Commercial Properties proposes to complete a section of this link road from the Gort Road into the Information Age Park on the lands adjacent and to the west of the subject site. It is submitted that this is understood to have been confirmed at a recent meeting of Ennis Municipal District Council. It is stated that the completion of this road link can be funded from development contributions attached to future planning applications. As the site is considered to have significant development potential, and in order for such potential to be realised, appropriate zoning provisions need to be retained.

The submission seeks two outcomes: Firstly that the southern portion of the overall landholding south of the infrastructure safeguard / link road route through the site which is currently zoned “Other Settlement Lands” be zoned for Residential use. Secondly, that the land to the north of the infrastructure safeguard / link road route which is currently zoned for “Commercial 3” use that is ascribed an appropriate commercial zoning (or similar). It should be noted that in the Draft Plan the lands which are the subject of this submission are zoned as “Open Space”. The land use zoning that the writer refers to pertains to the land use zonings assigned to the site under the Ennis and Environs Development Plan 2008-2014 (as varied).

With respect to the southern portion of the landholding, a rational is put forward to zone the lands as “residential”. It is requested that the planning authority note the following:

- This portion of the land is zoned “other settlement land” in the Ennis and Environs Development Plan 2008-2014 (as varied).
- A proposed new road route traverses the site and is identified as an “infrastructure safeguard” in both the current and Draft Plans.
- This part of the landholding is not identified within a flood risk zone as per the Flood Risk Zones and Flooding drawing presented as part of the Draft Plan.
- Access to the lands can in the interim be facilitated via Ballycorey Road. It is submitted that the landowner is willing to widen the road along the frontage (eastern boundary) of the landholding.
- A Residential piece of narrow ground to the south of the landholding to the west of Ballycorey Road and to the east of the railway is currently overgrown and has become a focus of anti-social behaviour. It is stated that this piece of ground is in the ownership of Shannon Commercial Properties and consent in principle has been provided to the landowner by Shannon Commercial Properties to acquire these lands. It is submitted that this piece of ground could be developed in tandem with the landholding provided a residential zoning is ascribed to the southern portion of the land.
- The landowner has sought advice on engineering issues associated with the landholding from engineering consultants and it was concluded that storm water collection and drainage can be successfully accommodate on site. Also the site can be serviced by providing a gravity connection to the nearby existing foul sewerage network at Corrovorrin Grove. A connection to the local water supply is also considered to be feasible.

- As part of any future planning application, the landowner would be willing to construct the section of the link road as it relates to his landholding. The costs of such construction could be offset against future development contributions.
- The southern portion of the landholding currently zoned "other settlement land" in the Ennis and Environs Development Plan 2008-2014 (as varied) could accommodate a density between 28-34 dwellings.
- A precedent for residential development close to the rail line in the general area exists at Corrovorin Grove and the layout of future residential development could follow a similar pattern.
- Under the zoning presented in the Draft Plan, it is submitted that the planning authority will lose an opportunity to secure the delivery of planned development in tandem with the emergence of the key infrastructure. The southern portion of the subject lands offers significant development potential particularly for residential development.
- Once the link road is in place, the southern portion of the landholding, if not zoned for residential development in the interim, will be left as a landlocked and residual piece of ground.
- The lands were purchased for development.

With respect to the northern portion of the landholding, a rationale is put forward to provide the lands with a commercial zoning or similar. It is requested that the planning authority note the following:

- This portion of land is zoned "Commercial 3" in the in the Ennis and Environs Development Plan 2008-2014 (as varied) and is estimated to measure 2.21 ha.
- An infrastructure safeguard is identified through the site for the provision of a new link road. It is submitted that this section of link road can be delivered by the landowner as part of the overall development of the lands.
- Part of the site is identified within Flood Risk Zones A & B as per the Draft Ennis Flood Risk Map which accompanies the Draft Ennis Plan.
- Adjacent lands to the west are proposed to be zoned for enterprise use and parts of this parcel are identified within Flood Zone A & B. It is stated that this appears to demonstrate an inconsistency of approach to the zoning of lands in the area.
- It is stated that specific flood sensitive recommendations are provided on pg123 of the Draft Strategic Flood Risk Assessment regarding the adjacent lands to the west and that similar mitigation measures could be imposed on future development proposals at the subject site. This could be in addition to a site specific flood risk assessment.
- It is considered that a blanket designation of open space zoning has been introduced on certain lands within Ennis including the subject site, and appears to have been carried out without clear or logical justification. It is stated that the subject lands differ from other lands now proposed to be zoned for open space under the Draft Plan in that the lands are accessible and serviceable and will in time accommodate a new link road. Also surrounding lands to the west which share similar characteristics to the subject lands are proposed to be zoned for enterprise use.

The submission is concluded by requesting that the planning authority retain a residential zoning on the southern portion of the subject lands, south of the proposed indicative infrastructure safeguard / link road and further retains a commercial zoning (or similar) on the northern portion of the subject lands.

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

I wish to thank the landowner for making the submission and I would like to respond as follows:

I have a number of concerns in relation to the request to zone the southern half of the site for residential development. Firstly, access to the site is problematic. While the landowner has indicated that he will widen sections of the Ballycorey Road, there are sections that appear to be outside his control i.e. the area of roadway that adjoins the open space associated with The Hazels (Oakleigh Wood) and Cloverhill housing developments. Furthermore, the subject site adjoins the route of the proposed link road at a point where the route will cross the Ennis/Galway rail line. This will most likely involve the construction of significant embankments to raise the road to a level where a bridge over the rail line can be constructed. I have had regard to the location of the site, directly adjacent to the railway line and adjoining a future link road that may be elevated relative to the subject land. I have also considered the limited size of this site and the capacity to provide

an appropriate buffer to these features. These issues, when combined with the concerns regarding access, would result in a very poor level of amenity for future occupiers of any dwellings that would be constructed here. Therefore, I consider it to be contrary to the proper planning and sustainable development of the area to zone the land for Residential development.

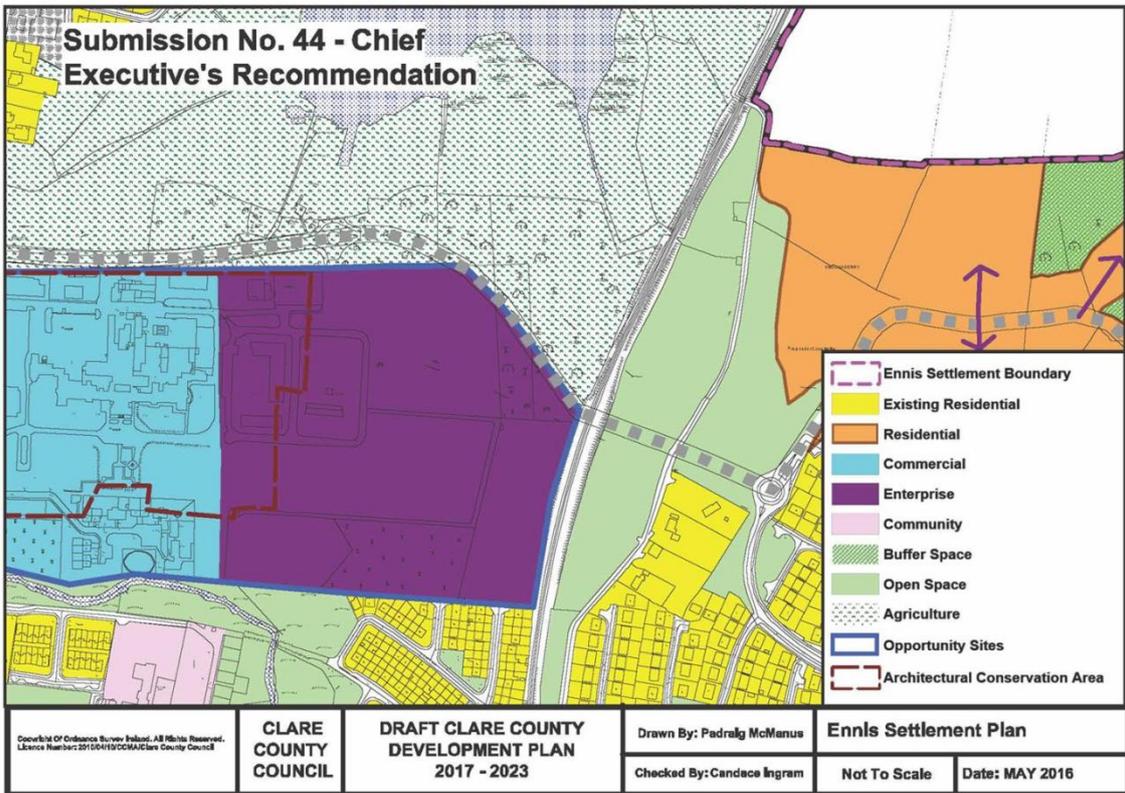
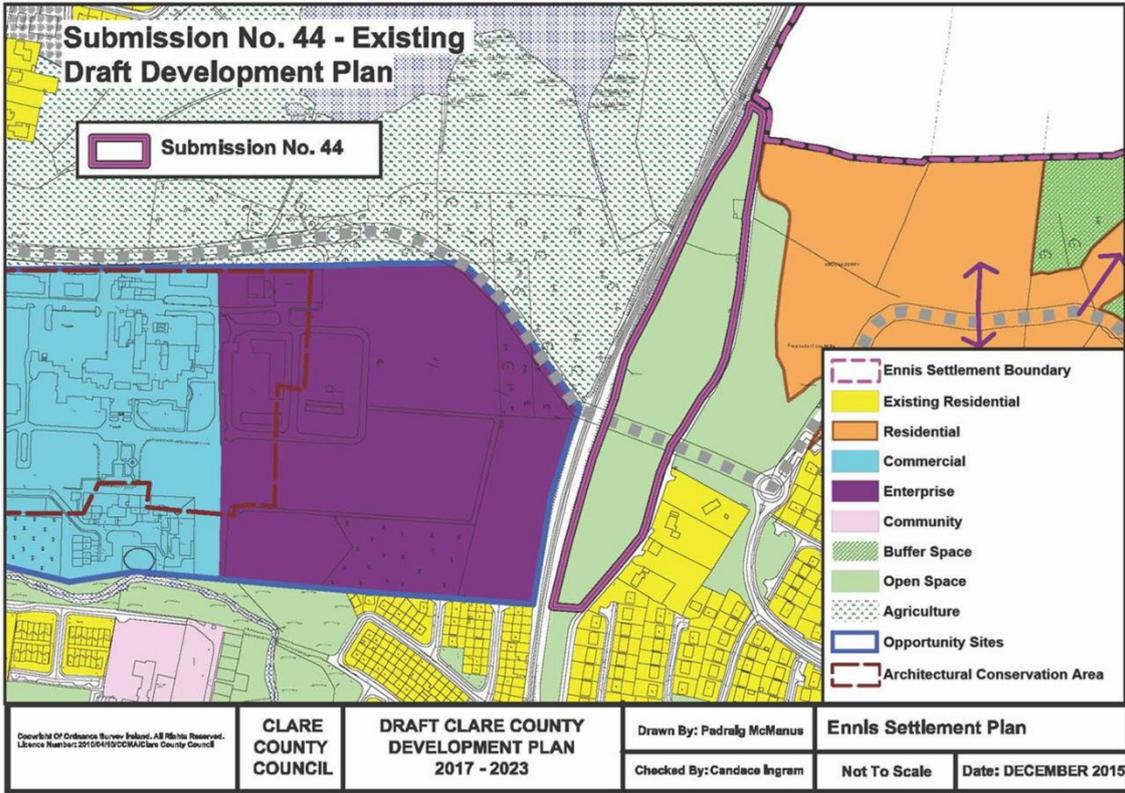
With respect to the northern portion of the site, it is requested that the zoning be amended from "Open Space" to "Commercial" or a similar alternative use, as a flood risk has been identified on this portion of the land. This area of land has been identified as being in Flood Zones A and B and the Strategic Flood Risk Assessment, contained in Volume 10 of the Draft Plan, indicates that the site is suitable for water-compatible uses only. Therefore I do not consider it appropriate to zone these lands for Commercial activities. Furthermore I note that the lands are currently subject to the same difficulties regarding access as outlined above in relation to the southern portion of the site.

I note the comments that have made in relation to the zoning of neighbouring lands for Enterprise and I would like to confirm, categorically, that all lands in the Plan area have been subject to equitable assessment. While the subject lands and the lands zoned Enterprise on the west side of the rail line may physically be in close proximity, they are by no means similar. The Enterprise lands are primarily located in Flood Zone C, with some small areas of higher risk along the northern and southern boundaries. The SFRA has indicated that these issues can be mitigated in future developments on the site. The subject site however, has been the subject of recorded flood events in the past and I do not consider it appropriate to zone this land for Commercial development.

In addition having regard to the proximity of the site to established residential development, commercial or enterprise use would be inappropriate land use at this particular location.

#### **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. 045 Gerry and Ann O’Sullivan**

*Key Words: Clarecastle*

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

This submission refers to a site that is located immediately to the west of lands that are zoned “low density residential LDR 70.” It is requested that the lower western portion of the property as identified on maps accompanying this submission are included in the zoning to facilitate any future development and potential entrances as in previous plans.

It is submitted that as this site shares a “Clarehill” location with existing “Beechwood” and “Clarehill” Developments, it is requested that the site is upgraded to similar residential zoning.

It is further stated that the site is linked to all services including the public sewage system to which the site was connected to in 2012.

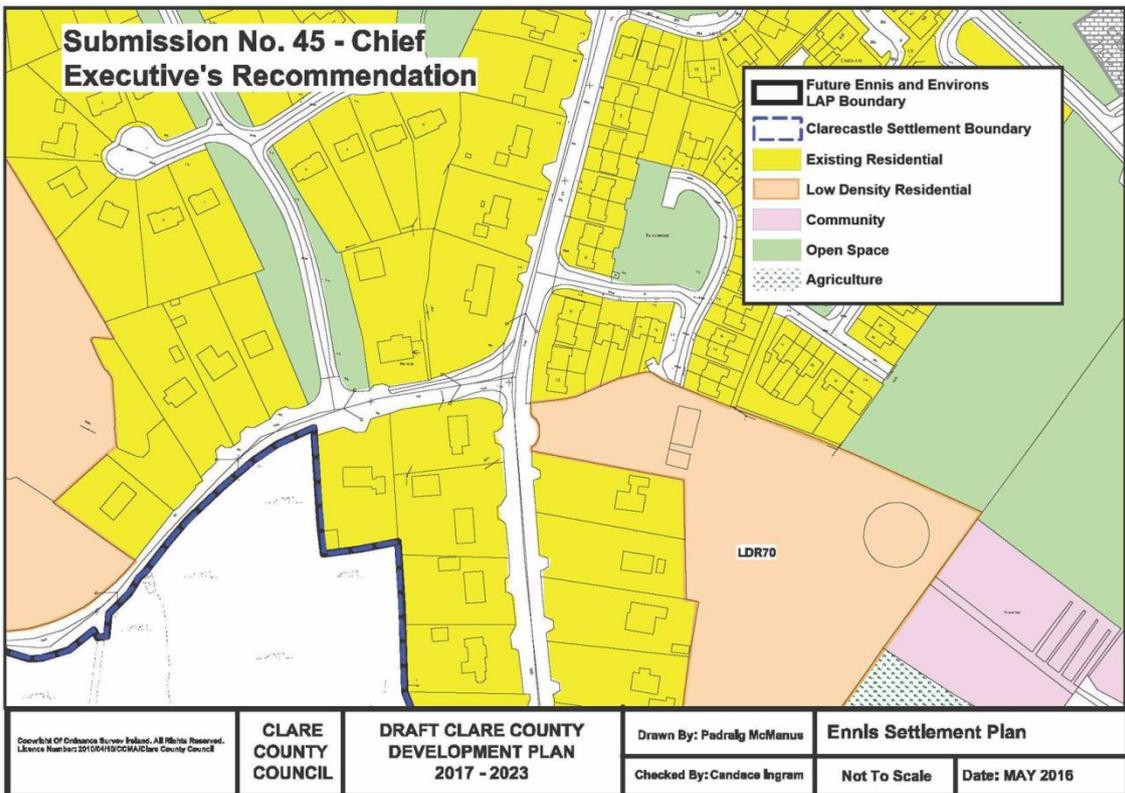
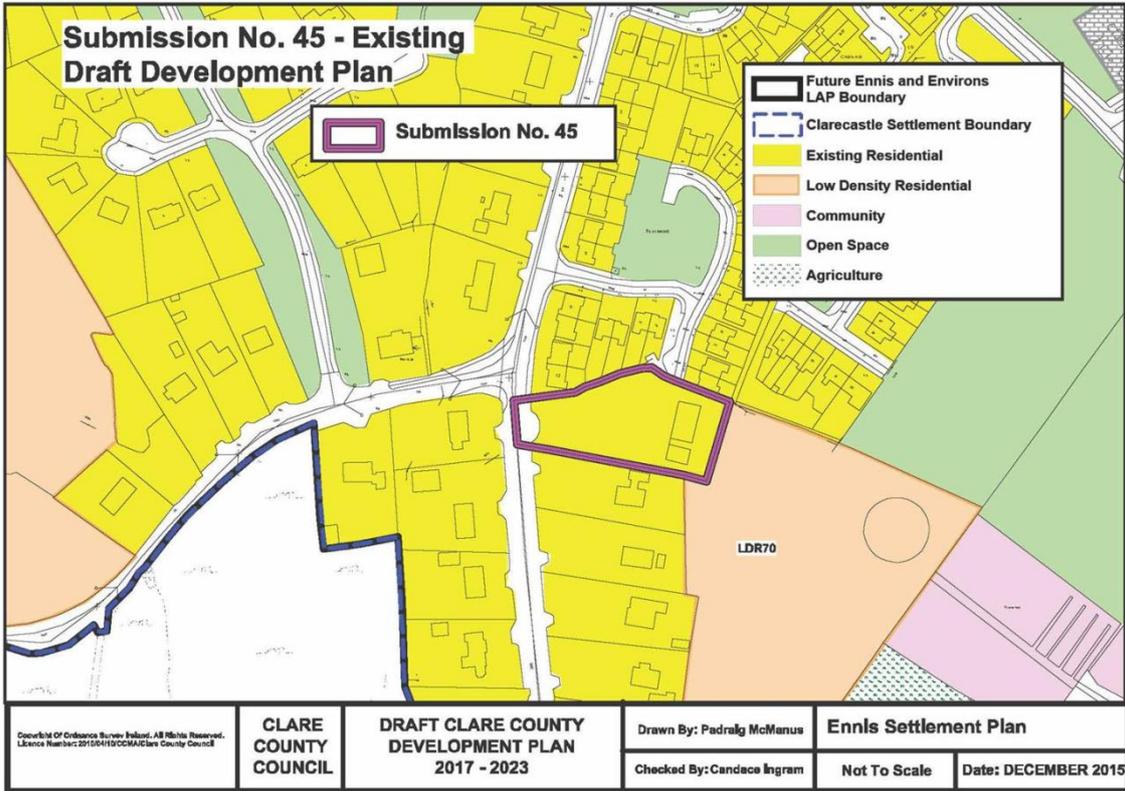
### **Chief Executive’s Response**

I wish to thank Gerry and Ann O’Sullivan for making their submission. I note that the site identified on the map accompanying the submission is zoned as “existing residential” in the Draft Plan. There is a parcel of land located immediately to the east of the site the proposed zoning for which is “Low Density Residential LDR70” as identified in the Draft Plan. The subject site itself contains an existing dormer bungalow which fronts onto the adjoining local road L4174-0. To the south of the site and to the west, the form of development within the area consists of detached single dwellings of varying design on individual sites.

I agree that it would be in the interest of proper planning to change to zoning from existing residential to low density residential. The suitability of this location for an entrance can be determined through the development management process.

### **Chief Executive’s Recommendation**

I recommend that the zoning as proposed in the Draft Clare County Development Plan 2017-2023 be amended from “Existing Residential” to “Low Density Residential” on the basis of this submission.



## **Ref. 046 Michael Corey**

*Key Words: Policy, Access and Movement*

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

The submission refers specifically to tourism. The writer of the submission requests that consideration is given in the new development plan for the provision of a dedicated, fully serviced tour bus parking facility close to the centre of Ennis along with drop off / pick up points within the town. It is submitted that items such as internal cleaning / washing facility of buses, water / air, foul waste disposal and driver welfare would not only cater to the buses stopping over during the day but would also cater for the overnight ones too. It is stated by the writer of the submission also that he has observed the "train" of buses by-passing Ennis as they head for the Cliffs of Moher and north Clare during the summer months, and judging by the numbers that go to the Cliffs, the town is missing out on this potential tourist footfall. It is queried whether or not Ennis currently figures meaningfully in the Kerry / north Clare / Galway tour bus route. It is submitted that the historic and retail centre of Ennis could do with additional tourist numbers especially with these "captive audiences" whose destinations are dictated by the bus tour companies. It is submitted also by the writer that he believes that Killarney really caters to the bus companies and more important the bus drivers, making it an easy decision to stop and base themselves there on their dedicated routes and further questions why this cannot be done in Ennis and also within large villages.

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

I'd like to thank Mr Corey for taking the time to review the Draft Development Plan and making this submission. I note the issues highlighted in providing a tourist bus depot for visiting tour buses and privately operated bus companies. In Ennis, in order for a tour bus company or any privately operated bus company to park in the town, an application must be made to the Ennis town engineer to obtain a licence in order to do so. With regard to the provision of a bus depot to cater for passing buses and the provision of service facilities, I am satisfied that there is adequate lands zoned for such a development within the town and environs area of Ennis and in the event of any future development proposals for such a facility being made, this would be dealt with through the development management process within the planning authority.

### **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. 047 Michael O'Halloran, Tulla.**

*Keywords: Tulla*

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

This submission requests the review of the zoned status of lands situated in Tulla town that are currently zoned "commercial" in the Clare County Development Plan 2011-2017 and East Clare LAP 2011-2017 (the site is identified on a map accompanying the submission). The landowner submits that over the last 13 years he has advertised the proposed site for sale on the open market and has failed to secure any interested party in a commercial enterprise of any kind and has failed to attract large retailers to Tulla. In addition, the landowner has contacted the HSE who have informed him that they have no plans to expand or locate any additional services to Tulla.

The landowner therefore requests that the zoning status of the site is broadened from exclusively "commercial" use to "mixed use" as illustrated on the attached map. It is submitted that the areas outline in red and shaded in green on the map are proposals to accommodate mixed residential development consisting of semi-detached and detached dwellings along with light commercial enterprise.

Reference is also made to lands that are zoned MU2 in the Draft County Development plan. It is stated that this area is the location of the old secondary school. In consideration of the proximity of the lands zoned MU2 to the site the subject of this submission, it is submitted that the preference for the landowners lands would be for residential development and request that amendments are made to the current zoning so as to reflect the general objectives of the Draft County Development Plan which are set out in the submission.

It is stated that the Department of Education constructed a new secondary school to cater for 700+ students in close proximity of the landowner's lands, that this eliminated the potential for 122 proposed dwellings for which planning permission had previously been granted for, that as planning permission was previously granted for such developments, it is assumed that the planning authority considered that residential development at that scale was necessary to facilitate the growth of Tulla.

It is further submitted that permission was also granted for a 60 bed nursing home which is due to commence in the coming months.

The writer of the submission concludes that he is living in Tulla for over 40 years and that it is his informed opinion that this alternative will serve to reinforce the vitality and viability of the village.

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

I wish to thank Mr O'Halloran for taking the time to review the Draft Clare County Development Plan 2017-2023 and making his submission.

I note from the submission received and the accompanying map provided that the landowner of the site seeks to amend the zoning as is proposed in the Draft Plan from "community" and "commercial" to "mixed use" and "residential". It is noted from the map provided that the landowner has delineated an area in red (0.596 ha) for a proposed commercial development and an area identified in blue (1.17 ha) for a proposed residential development. The landowner further states that it is his preference that all his lands would be zoned for residential development.

Having reviewed the lands based on the map provided, the history of the zoning and recent developments in the vicinity, I consider that amendments to zoning on a number of sites in Tulla would, in their totality, lead to more sustainable planning and development in the town.

I consider that residential use on the commercially zoned portion is appropriate given its central location and the existing residential use on adjoining sites. The small portion of the subject site zoned for community will remain so zoned. However, given that the quantum of land zoned in Tulla in the Draft plan corresponds to the Core Strategy requirement, I consider that the land zoned R2 would be more appropriately zoned as Low Density Residential. The nature of this site,

sloping as it does towards the Open Space and watercourse, makes LDR more appropriate and also it mirrors the LDR on the opposite side.

I consider also that with the relocation of the secondary school to the new site, the old school site, given the corner location and higher visibility would present a more suitable location for commercial use than the subject site.

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

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

- Commercial to Residential on the basis of this submission.
- Mixed Use to Commercial on the basis of this submission.
- Residential to Low Density Residential 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:

#### ~~COM1 Lands to the North of the Former St. Joseph's School~~

~~This site is well located in relation to the town centre to provide for the expansion of commercial and retail uses in the town. Development on this site must provide a mix of town centre uses and the site shall not be solely developed for food retail provision. Development proposals must provide pedestrian linkages to the existing Main Street and must be accompanied by a retail impact assessment in order to ensure the continued vitality and viability of the retail provision in the town centre.~~

#### R2 Lands to the North of the Former St. Joseph's School

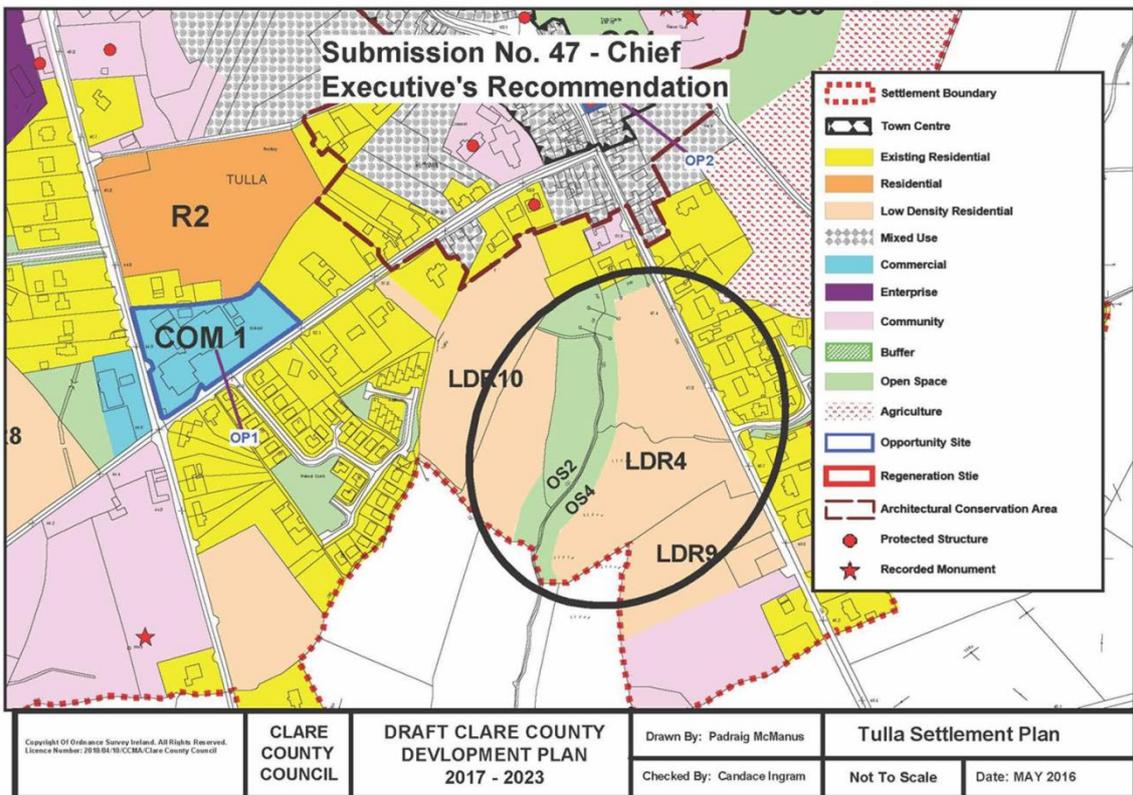
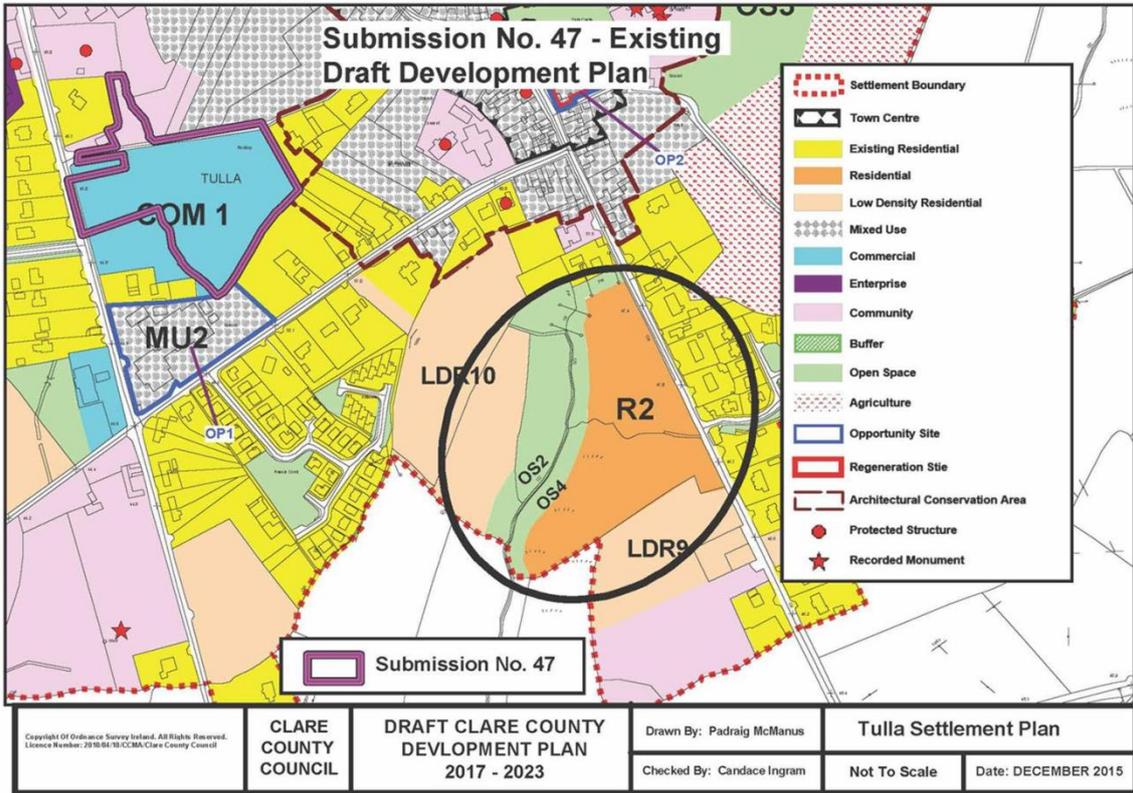
This site is well located in relation to the town centre to provide for sustainable residential use. Development proposals must provide pedestrian linkages to the existing Main Street. The portion of the pedestrian/cycle link passing through the subject site shall be integrated with the scheme design availing of footpaths and lighting and shall be overlooked. The scheme shall observe and demonstrate the principles of design incorporated in the Sustainable Residential Development in Urban Areas and the Urban Design Manual.

#### OP1 (MU2) COM1 Former St Josephs School site

These lands are located at a key prominent junction on the approach to Tulla marking a key entrance point to the town. The vacation of the site by the secondary school opens the way for the sites redevelopment for ~~mixed~~ commercial uses that would complement the range of established uses in the vicinity. Therefore a high standard of design and layout will be required of any future development proposals on the lands.

#### ~~R2~~ LDR4 Lands at Ashler

These lands are located to the southeast of the Town Centre in Tulla. Development on these lands will be highly visible and will mark the entrance to the town. Therefore a high standard of design and layout will be required of any future development proposals on the lands. The development of OS4 as a riverside amenity area shall be incorporated into future development proposals on the site and shall be provided by the developer of R2 lands. Houses constructed on R2 must address, ~~but not necessarily be parallel to~~, both the public road and the open space at OS4. Any new development on R2 must take into consideration the presence of wet grassland habitat and the overall effects of the loss of this habitat in terms of biodiversity. A full ecological assessment of the habitat area should accompany any planning application.



## **Ref. 048 Caroline Lodge, Miltown Malbay**

*Key Words: Miltown Malbay, Access and Movement, Policy*

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

The submission received has been prepared based on the following headings whereby a summary is provided under:

- Community facilities Miltown Malbay.

It is stated that the community hall in Miltown Malbay would benefit from renovation and modernisation to provide a multi use sports hall and additional space for a variety of activities. It is presently poor in standard and has not been modernised since 1983. It is submitted that it is was improved it would most likely become central to many activities taking place in the town.

- Road Improvements – R474.

It is stated that the R474 is in a dangerous state to disrepair. There is a need for fully resurfacing, installation of cats eyes and widening in parts. As a vital link to the Wild Atlantic Way for tourists and as a main route for commuters from the coast to Ennis / Shannon and Limerick, the R474 is becoming increasingly busy. It is further submitted that both she and her partner pay road tax and that some of this should be channelled in the direction of better and safer roads. The stretch of road from Kanturk to The Hand was upgraded to a significant standard, however this is needed the whole way. At present there is an extremely dangerous stretch between Connolly and Kilmaley where a “river” runs down the middle of the road for a long stretch after any amount of rain.

- Coastal Walking Trails, White Strand and Spanish Point.

A suggestion is made by the writer of the submission to develop two walking trails in two coastal locations near Miltown Malbay at White Strand and Spanish Point, Breaffy. It is stated that there is a lack of designated walks in the West Clare Area that do not involve walking on roads or private farms. There are two areas widely used by locals and visitors but involve wading through private fields with horses and cattle. The areas are of spectacular beauty and as part of the Wild Atlantic Way they could be promoted as coastal trails. The recent development of the walking trail from Doolin to Liscannor is a good example of “formalising and promoting” and existing route.

- Traffic Congestion, Miltown Malbay.

It is submitted that a mini roundabout is installed at the junction of the R474 and the N67 in the town centre of Miltown Malbay with a traffic calming ramp and raised crossing installed on the approach from each direction. It is stated that the junction is dangerous and impossible to negotiate for both drivers and pedestrians, especially from June to September when tourist traffic passes through. It is also stated that there is poor visibility for drivers turning right onto the main street from the R474 and cars frequently speed up the N67 onto the main street. It is stated that the installation of such a roundabout would mean all would give priority to those coming from right and would help greatly.

- Public Seating /Areas, Main Street Miltown Malbay.

A submission is made for more public seating areas on Main Street Miltown Malbay and that the addition of the Willie Clancy statue and beach was great. It is stated that if a similar area could be created opposite this where some car parking spaces (beside the vegetable shop) are located this would be a great addition to the town. It is further stated that there is nowhere for the elderly, families with children to sit while in town shopping and an additional few benches and paved seating areas and bins would be good for the area.

- Signage on approach to town – Miltown Malbay.

It is submitted that the town would benefit from some attractive signage and flower beds such as that in Lisdoonvarna, Kilfenora, Corofin which states for example: *Miltown Malbay Home of West Clare Traditional Music.*

- Community Facilities, Miltown Malbay.

It is suggested that a Miltown Malbay Community Arts Centre is development at the Ballard Road the site currently housing the West Clare Resource Centre and the Patrick J. Hillary Public Library and / or the existing Community Hall. It is stated that this would incorporate the modernisation, expansion and development of the existing facilities for the people that use them, and include a new Arts Centre multipurpose space. It is stated that the development of Culturlann Sweeney in Kilkee highlights how a modern purpose designed facility can benefit a community. The writer of the submission further elaborates on same that the current building and site entrance is extremely dated in design and function and restricts the activities which take place there and that it would be beneficial if the facility were to benefit from a bright, modern purposes built multi-purpose space that could facilitate everyone.

It is submitted that as Miltown Malbay is unique in its vibrant cultural wealth, there is much that could be done to promote this aspect of the town as an essential experience along the Wild Atlantic Way. The town is home to many musicians, singers, artists and all year round there are music and events going on in the town. With regard to visual arts, photography, film and other uses, it is stated that there is no exhibition space of artists and musician for at least 15 miles in any direction. It is stated that these artists should be promoted and would benefit from an exhibition space / studio being incorporated into any future development of community buildings. It is also stated that such a facility could be development at the existing community hall in Church Street which is dated, cold uncomfortable and unsuitable for events but that it is on a large site which could house a purpose built arts centre. Another potential site suggested is the existing library site in a similar project to Culturlann Sweeney.

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

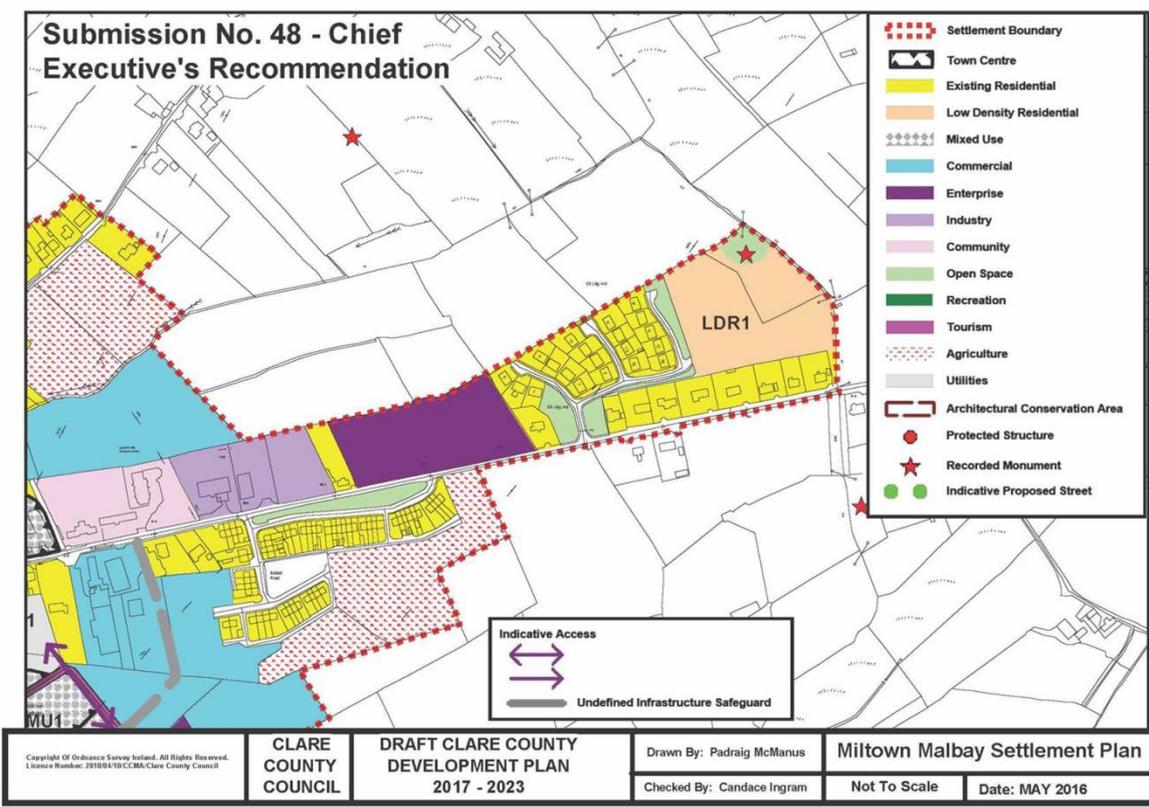
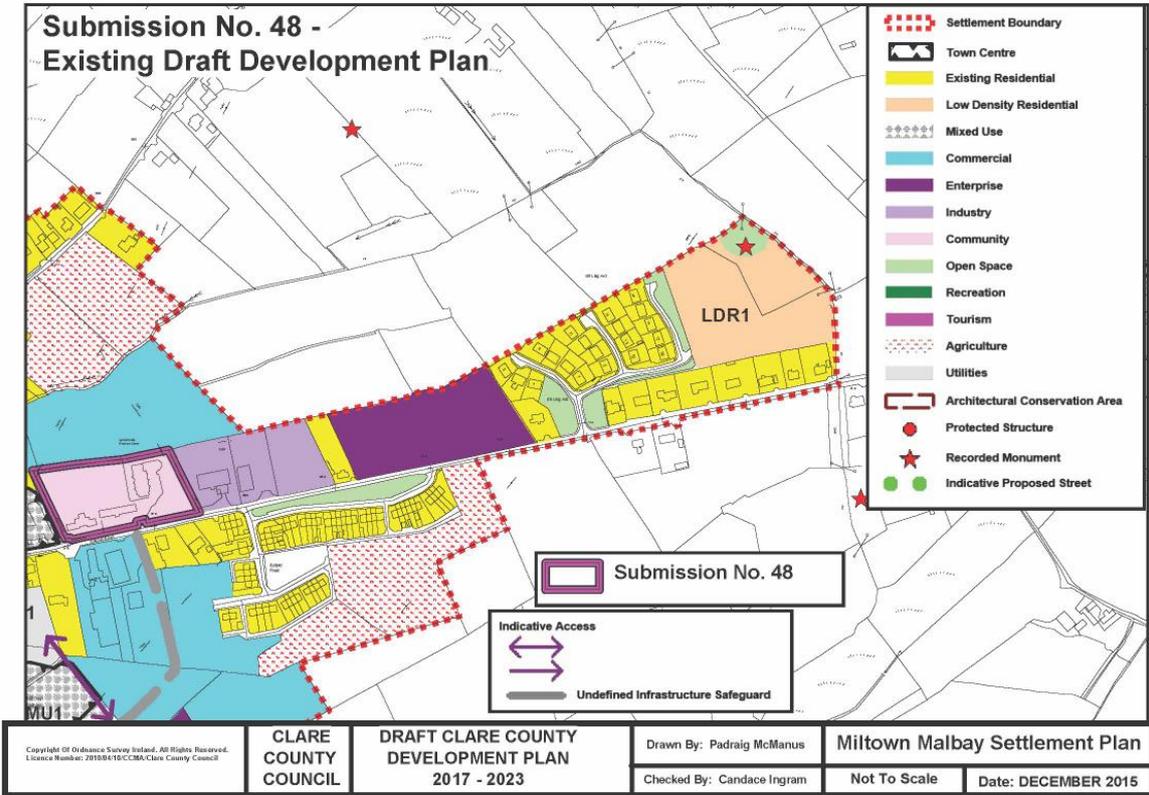
I wish to thank Ms Lodge for reviewing the Draft Plan and for making her submission. The submission is welcomed and I note that it places much emphasis on the need to improve community facilities, the local road infrastructure to serve the local community and tourist industry, signage, public amenities and improved facilities for the arts, particularly in the area of Miltown Malbay.

In relation to community facilities, Chapter 5, Volume 1 of the Draft Plan refers to community facilities and social infrastructure which sets out the Council's goal and strategy with respect to creating vibrant, healthy and inclusive communities to ensure a high quality of life for all residents across the county. There are numerous development plan objectives set out in the chapter to support this and in particular, CDP5.8 sets out a specific objective with regard to community facilities ensuring that sufficient lands are zoned for community use and to encourage, advise and assist community groups wishing to provide community facilities in their areas. Similarly objective CDP5.10 positively supports the arts and culture in developing programmes to support the arts and in the development of workspaces for artists and artistic organisations and display facilities for visual art works throughout the county.

With regard to walking trails and other tourism amenities and indeed the Wild Atlantic Way Chapter 9, Volume 1 of the Draft Plan places significant emphasis on how the tourism industry is critical to the local economy of County Clare. There are many off road walking and cycling routes throughout the county that provide significant amenity and recreation opportunity for both local residents and visitors to the county and CDP5.12 seeks to promote the development of any new trails within the county.

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

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



## **Ref. 049 Brendan O’Sullivan**

*Key Words: Quin, Physical Infrastructure*

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

This submission refers to lands that are proposed to be zoned as “Enterprise ENT1” in the Draft Plan. At present these lands are zoned “Residential R1” in the South Clare LAP. The writer of the submission states that the rear garden of his home shares a boundary with this land and it is stated by the writer of the submission that he objects to these lands being rezoned to Enterprise for the following reasons:

- A definition of “Enterprise” is required. The statement in the Draft Plan “to facilitate local economic development” is open to a wide variety of interpretations. It is requested that a definitive list of uses permitted in principle in the zoned, and uses that are open for consideration is provided.
- The road infrastructure in Quin village is wholly unsuitable for industrial / commercial / enterprise traffic.
- Broadband speeds in Quin are typically less than 0.2 Mb which will be verified by any Eir customer. Such a service will not sustain commercial / industrial / enterprise development.
- The Draft Plan acknowledges “infrastructural limitations” including “access problems, traffic congestion, road safety”. It is stated that the roads are inadequate to carry extra industrial traffic whilst children of the area walk or cycle to the nearby primary school or gather to board or exit school buses.
- The sewage treatment plant in Quin is not fit for purpose. Further commercial / industrial / enterprise development is not a viable option until that facility is brought up to standard.
- Such rezoning is not in compliance with the plans stated objective “to protect the existing quality and character of the village”.

It is stated that should development on this site go ahead despite this and other objections, it is imperative that the following conditions are established as an absolute minimum:

- A landscape buffer zone along the boundary with residential properties to include mature native trees.
- Height restriction on any development in the enterprise zone in keeping with the residential nature of the area.
- Limitations on lighting for surface car park / secure lighting and a stated policy to limit light pollution.
- Minimum level of protection for the existing residential amenities.
- All structures to have architectural merit and not be of warehouse style.
- No windows overlooking any residential properties.

### **Chief Executive’s Response**

I wish to thank Mr O’Sullivan for making his submission. I note 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 is clearly set out 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 Residential. I note that the draft CFRAM mapping shows the entirety of the site to be within Flood Zone C.

**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. 050 Tom Philips and Associates, Town Planning Consultants on behalf of The Lazarus Group, Doolin.**

*Key Words: Coogyulla Cross*

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

This submission received refers to a parcel of land located at Coogyulla Cross, Doolin, Co. Clare which is identified on an accompanying map and which has a stated area of 0.64 ha which is split into two different parcels. The front part of the site currently operates as a park and ride facility and fronts onto the R478. The remaining section located to the rear (south) is currently vacant.

It is stated that the park and ride facility was granted by Clare County Council, which was subsequently appealed by a third party and the decision of which was upheld by An Bord Pleanála planning ref. P.08/1133 refers.

The submission requests that the parcel of land be included within the Coogyulla settlement boundary for the following reasons:

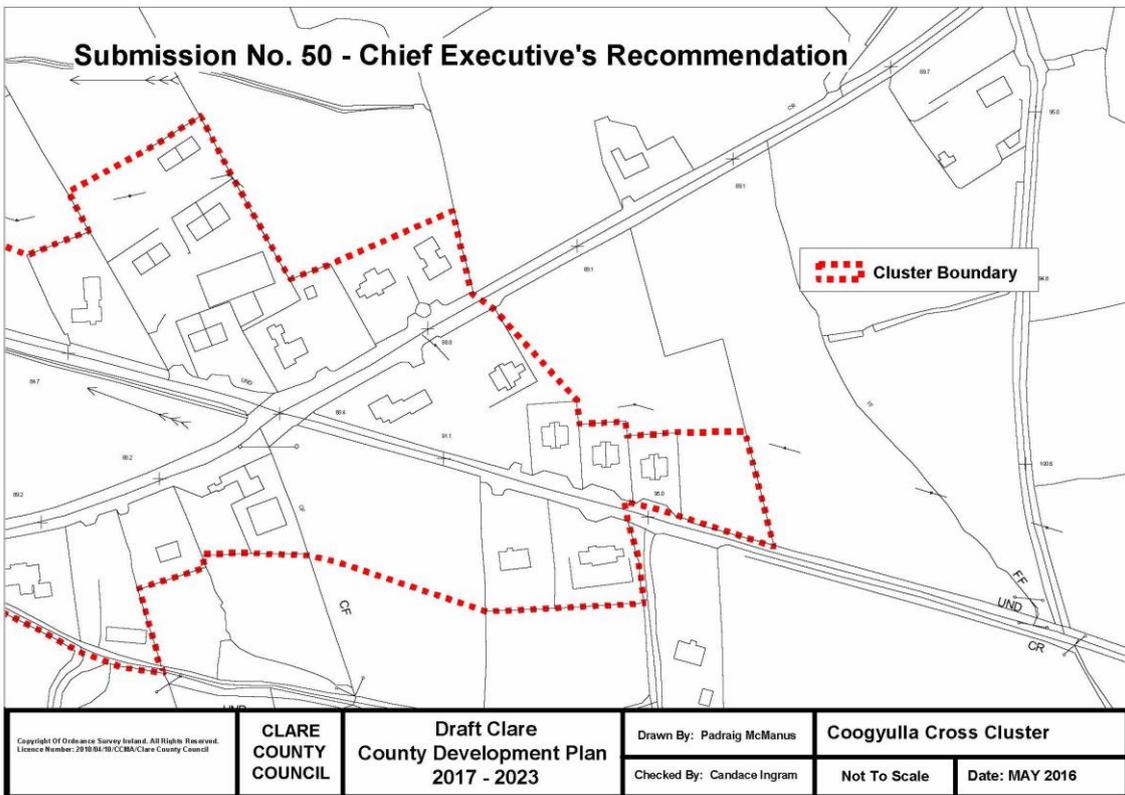
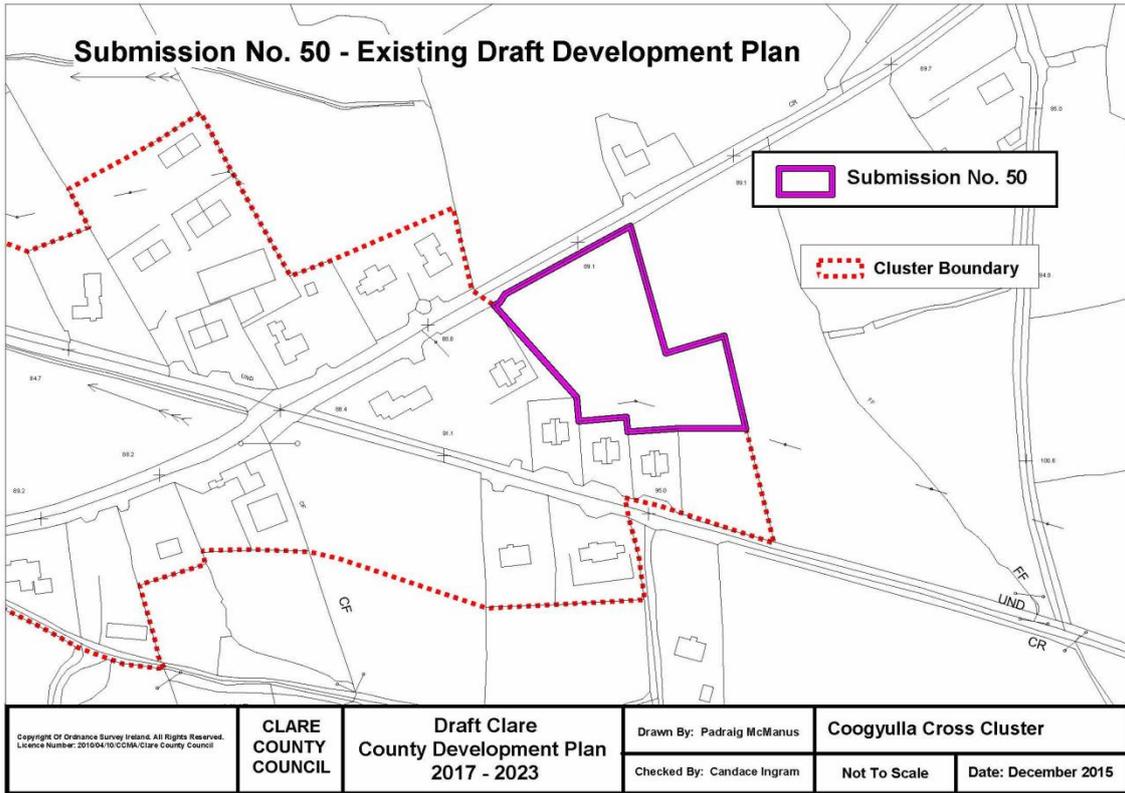
- The site is currently partially outside of the Coogyulla settlement boundary as per the North Clare LAP 2011-2017.
- Coogyulla is a designated cluster and it is likely to continue to grow in size and population albeit at a slow, steady rate. Development has predominantly taken place in the form of a small number of local shops, a fish processing business and tourism related interests. Community facilities are also available in the nearby village of Doolin.
- Reference is made to the North Clare LAP 2005 whereby it is stated in this plan that the planned development of the Cliffs of Moher required Park and Ride facilities be made available in specified locations. The current Local Area Plan also states that small-scale enterprise proposals will be encouraged in cluster areas.
- Reference is also made to Best Practice Guidance as contained in a document entitled *Tactran Park and Ride Strategy, Best Practice Review*. It is stated that the landowner has already engaged in pre-planning consultation with Clare County Council with regard to an extension to the existing construction facility. It is submitted that this should be taken into account and provide the strategic planning context to facilitate the expansion of the park and ride facility.
- There is an absence of environmental and conservation designations existing on the subject site.
- It is stated that as a cluster it is acknowledged that new development in Coogyulla should support and encourage small-scale growth that allows its character to be retained and Coogyulla has seen appropriate growth over the past number of years. Figure 3.2 within the submission demonstrates the type of facilities that are either existing, granted planning permission (but not yet built) or at pre-planning stage. It is submitted that from this information it can be seen that Coogyulla is becoming an increasingly important service centre in its own right.

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

I thank Tom Philips and Associates for their submission on behalf of The Lazarus Group which seeks to extend the cluster of Coogyulla Cross. I note from the submission that the Park and Ride facility to which the submission refers, as granted by Clare County Council, is operating from a portion of the said lands. Given the designation of Coogyulla Cross as a cluster, for which the settlement strategy is to provide for only very small-scale development, I believe that to extend the boundary to include additional lands to further extend the Park and Ride facility would be out of scale in the context of the existing cluster and would compromise the general residential amenity of those who live and stay within it. In any case, the existing use as a park and ride facility may continue within the current land-use designation.

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

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



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