

**DIRECTION IN THE MATTER OF SECTION 31  
OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)**

**CLARE COUNTY DEVELOPMENT PLAN 2023-2029**

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

“NPF” means National Planning Framework

“Planning Authority” means Clare County Council

“RSES” means Regional Spatial and Economic Strategy for the Southern Region

The Minister of State at the Department of Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Planning and Development Act 2000 (No.30 of 2000) and the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2023 (S.I. No. 116 of 2023), and consequent to a recommendation made to him by the Office of the Planning Regulator under section 31AN(4) of the Act, hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (Clare County Development Plan 2023-2029) Direction 2023.
- (2) The Planning Authority is hereby directed to take the following steps with regard to the Development Plan:
  - a. Reinstate the following zoning objectives and associated text to that of the draft plan, and apply all necessary consequential updates to the text of the plan consistent with this requirement:
    - (i) Kilrush R5 – i.e. the subject lands revert to unzoned ‘white lands’ from Residential
    - (ii) Killaloe R6 - i.e. the subject lands revert to Tourism from Residential

- (iii) Mullagh R3 - i.e. the subject lands revert to Agriculture from Residential
- (iv) Liscannor R3 - i.e. the subject lands revert to Agriculture from Residential
- (v) Broadford LDR1 - i.e. the subject lands revert to Agriculture from LDR
- (vi) Broadford LDR2 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR
- (vii) Broadford LDR4 - i.e. the subject lands revert to VGA from LDR
- (viii) Broadford LDR5 - i.e. the subject lands revert to Mixed Use (MU) from LDR
- (ix) Broadford LDR6 - i.e. the subject lands revert to VGA from LDR
- (x) Broadford LDR7 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR
- (xi) Broadford LDR8 - i.e. the subject lands revert to Existing Residential from LDR
- (xii) Broadford LDR9 - i.e. the subject lands revert to Existing Residential from LDR
- (xiii) Cooraclare LDR1 - i.e. the subject lands revert to VGA and Mixed Use (MU) from LDR
- (xiv) Cooraclare LDR2 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR
- (xv) Cooraclare LDR3 - i.e. the subject lands revert to VGA from LDR
- (xvi) Cooraclare LDR4 - i.e. the subject lands revert to VGA and Agriculture from LDR
- (xvii) Cooraclare LDR5 - i.e. the subject lands revert to Agriculture from LDR
- (xviii) Cooraclare LDR6 - i.e. the subject lands revert to VGA from LDR

- (xix) Ballynacally VGA3 - i.e. the subject lands revert to Agriculture and Mixed Use from VGA

and in the case of the following, the zoning objective and associated text shall be amended consistent with the recommendation of the Chief Executive's Report dated 10<sup>th</sup> July 2022 and as per Volume 3a of the proposed amendments to the draft Plan dated 28<sup>th</sup> November 2022.

- (xx) Ennis LDR2 - i.e. the northern portion of the subject lands is amended to Open Space from LDR as per Volume 3a.

b. Delete subsection 'Existing Accesses onto National Secondary Roads' under 'Exceptional Circumstances' of section 11.2.9.3 of the Plan.

## **STATEMENT OF REASONS**

- I. The Development Plan as made includes material amendments to the draft Plan which zone additional residential land in excess of what is required for Clare County as set out in the Core Strategy. These zoning objectives and amendments are located in peripheral and/or nonsequential locations and would encourage a pattern of development in particular locations which is inconsistent with national and regional policy objectives promoting compact forms of development (NPO 3 of the NPF and RPO 35 of the RSES), which include lands that are not serviced or serviceable within the plan period inconsistent with the requirement to implement a tiered approach to zoning (NPO 72a-c of the NPF), and inconsistent with national policy to promoting proportionate growth of settlements (NPO 18a of the NPF), and fails to have regard to the policy and objective for a sequential approach to development under section 6.2.3 of the Development Plans, Guidelines for Planning Authorities (2022) issued under section 28 of the Planning and Development Act 2000.
- II. The Development Plan as made includes policy provisions for exceptional circumstances for access on to national roads, which are not consistent with the

National Strategic Outcome of the NPF for enhanced regional accessibility, including the maintenance of the strategic capacity and safety of the national road network, are not consistent with regional policy objective RPO 140 of the RSES to maintain the strategic capacity and safety of the national road network, and do not have regard to section 2.5 and section 2.6 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) issued under section 28 of the Planning and Development Act 2000.

- III. The Development Plan as made includes zoning objectives and material amendments to the draft Plan which zone land for uses within flood risk zone A/B that are vulnerable and/or highly vulnerable to flood risk which lands have not passed the plan making Justification Test. These zoning objectives are inconsistent with national and regional policy objectives for flood risk management (NPO 57 of the NPF and RPO 116 of the RSES) and fail to have regard to The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) issued under section 28 of the Planning and Development Act 2000 by not demonstrating a solid evidence base that land use zoning objectives satisfy the Justification Test.
  
- IV. The statement appended to the Development Plan pursuant to section 28(1A)(b) of the 2000 Act fails to include information which demonstrates that the planning authority has formed the opinion that it is not possible to implement the policies and objectives of the Minister contained in the Development Plans, Guidelines for Planning Authorities (2022), the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) because of the nature and characteristics of the area, in addition to failing to include the reasons for the forming of that opinion and why the policies and objectives of the Minister have not been so implemented, contrary to section 28(1B)(b) of the Act.

- V. The Development Plan has not been made in a manner consistent with, and has failed to implement, the recommendations of the Office of the Planning Regulator under section 31AM of the Act.
  
- VI. In light of the matters set out at I-V above, the Minister is of the opinion that the Development Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.
  
- VII. In light of the matters set out at I to VI above, the Development Plan is not in compliance with the requirements of the Planning and Development Act 2000.

GIVEN under my hand,



Minister of State for Local Government and Planning

3<sup>rd</sup> August 2023