



**Chief Executive's Report**  
to the **Elected Members**  
on submissions received  
on

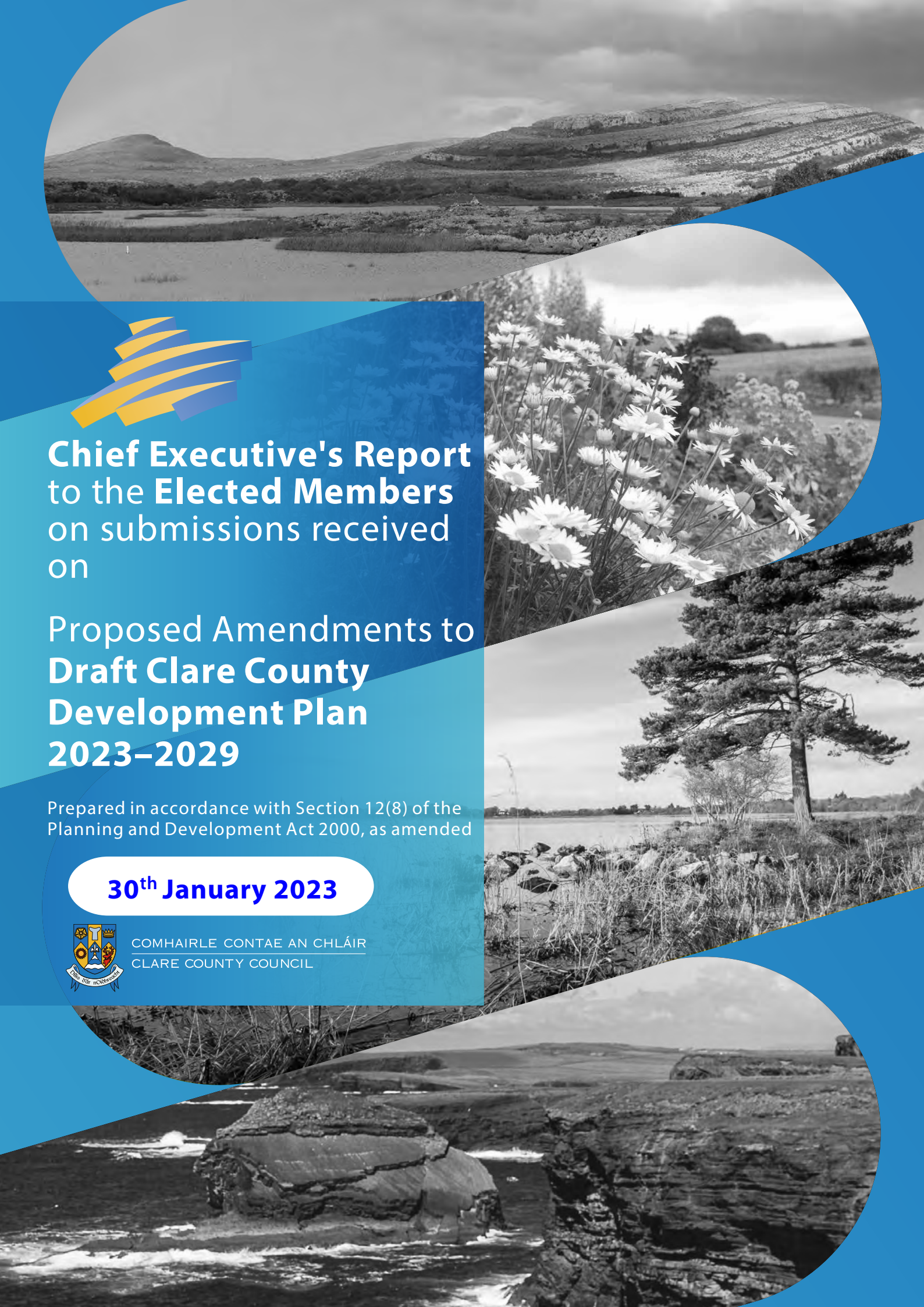
**Proposed Amendments to**  
**Draft Clare County**  
**Development Plan**  
**2023–2029**

Prepared in accordance with Section 12(8) of the  
Planning and Development Act 2000, as amended

**30<sup>th</sup> January 2023**



COMHAIRLE CONTAE AN CHLÁIR  
CLARE COUNTY COUNCIL





## Clare County Development Plan 2023-2029

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## Section 1 Introduction

The Draft Clare County Development Plan 2023-2029 was placed on public display for a period of 15 weeks from 10<sup>th</sup> December 2021 to 28<sup>th</sup> March 2022. Following receipt of submissions on the Draft Development Plan and the Proposed Record of Protected Structures during the public consultation period, a Chief Executive’s Report on the submissions was prepared. That Chief Executive’s Report was submitted to the Elected Members on 10<sup>th</sup> July 2022 for their consideration. Having considered:

- a) The Draft Clare County Development Plan 2023-2029;
- b) The associated Strategic Environmental Assessment (Environmental Report); Appropriate Assessment (Natura Impact Report) and the Strategic Flood Risk Assessment;
- c) The Chief Executive’s Report to the Elected Members on submissions received on the Draft Clare County Development Plan 2023-2029, dated 10<sup>th</sup> July 2022, in accordance with the provision of Section 12(5) of the Planning and Development Act 2000, (as amended);
- d) Project Ireland 2040: The National Planning Framework;
- e) The Regional Spatial and Economic Strategy of the Southern Regional Assembly;
- f) The policies and objectives of the Minister contained in the Guidelines prepared under Section 28 of the Planning and Development Act, 2000 (as amended);
- g) The statutory obligations of the local authority in this area; and
- h) The proper planning and sustainable development of the area.

the Elected Members, on the 20<sup>th</sup> October 2022, resolved to make amendments to the Draft Clare County Development Plan 2023-2029, in accordance with the provisions of Section 12(6) of the Planning and Development Act, 2000 (as amended).

The proposed amendments would, if made, be a material alteration of the draft concerned and the amendments were placed on public display for a period of 4 weeks from the 28<sup>th</sup> November 2022 to the 3<sup>rd</sup> January 2023.

### 1.1 Public Consultation

During this public consultation period copies of the proposed amendments were submitted to the Elected Members, the Minister for the Housing, Local Government and Heritage, An Bord Pleanála, the prescribed authorities, adjoining local authorities and other statutory bodies. The proposed amendments to the Draft Clare County Development Plan 2023-2029 were also made available to the public in hard copy format, and electronically on the Clare County Council website.



A dedicated Development Plan webpage, hosted by Clare County Council, has been in place since the beginning of the county development plan making process. The webpage contains a tab for each stage of the plan making process including submissions to provide ease of access for members of the public. There were 3,679 views on the webpage during the 4-week public consultation period.

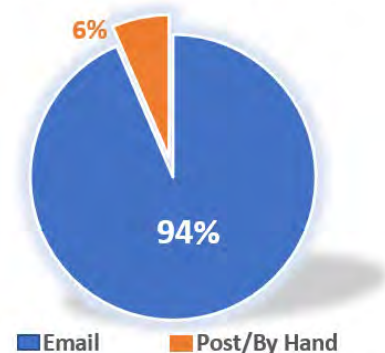


In total, 170 valid submissions were received. A further 11 late submissions were received after the closing date. Of the valid submissions:

- 159 (94%) were received by email
- 11 (6%) were received by post/hand delivered

I wish to sincerely thank all stakeholders who took an interest in the future social and economic development of the county by viewing the proposed amendments to the Draft Clare County Development Plan 2023-2023 and by taking the time to make a submission or observation on the Draft Plan.

170 Valid Submissions Received



## 1.2 Purpose of the Report

Under Section 12(8) of the Planning and Development Act, 2000 (as amended) I am required to prepare a report on any submissions and observations received following the period of public consultation and to submit the report to you, the Elected Members of Clare County Council, for your consideration. The report is required to:

- List the persons or bodies who made the submissions or observations;
- Provide a summary of the recommendations, submissions and observations made by the Office of the Planning Regulator;
- Provide a summary of the submissions and observations made by any other persons;
- Give the response of the Chief Executive to the issues raised, taking account of the directions of the members of the Authority, the proper planning and sustainable

development of the area, the statutory obligations of the Local Authority and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

The report herein submitted to you complies with the requirements of Section 12(8) of the Act.

This report relates to the submissions received on the proposed amendments to the Draft Clare County Development Plan 2023-2029, the associated Strategic Environmental Assessment, Appropriate Assessment and Strategic Flood Risk Assessment. Each of the 170 submissions received within the statutory period is summarised and my response is given in relation to the issues raised, taking account of the directions of the Members of the authority arising from the Chief Executive's Report to the Members at 'Draft' public consultation stage, the proper planning and sustainable development of the area, the statutory obligations of the local authority and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

### **1.3 Format of the Report**

This Chief Executive's Report is divided into 4 sections:

- Section 1 outlines the introduction and background of the Chief Executive's Report.
- Section 2 discusses the legislative requirements which must be complied with in relation to the preparation and making of the Development Plan.
- Section 3 explains the next stage in the process of preparing and adopting the Clare County Development Plan 2023-2029.
- Section 4 of the report lists those who made submissions and summarises the issues raised. I then give my response to each of the issues raised in the submission, followed by my recommendation.
- Appendix 1 includes a List of the Late Submissions received.
- Appendix 2 includes a copy of the public newspaper notice.
- Appendix 3 includes SEA Assessment of Settlements
- Appendix 4 includes a Justification Test

**This report is hereby submitted to you, the Elected Members, on the 30<sup>th</sup> January 2023, in accordance with the requirements of Section 12(8) of the Planning and Development Act, 2000 (as amended).**

## Section 2 Legislative Requirements

As noted previously in Section 1 of this report, Section 12(8) 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. The preparation of a new Development Plan involves a 3 stage process as set put below. This report forms part of Stage 3 of the statutory process for making a new Development Plan.



Under Section 12(9) of the Planning and Development Act, 2000 (as amended), following receipt of this document you, the Elected Members, are required to consider the proposed amendments to the Draft Development Plan and the Chief Executive’s report. Your consideration of these matters must be completed within 6 weeks after the receipt of this report on 30<sup>th</sup> January 2023.

Section 12(10) of the Planning and Development Act, 2000 (as amended) states that after consideration of the report you, the Elected Members, shall, by resolution, having considered the Chief Executive’s Report, make the plan with or without the proposed amendment that would, if made, be a material alteration, except where you decide to accept the amendment you may do so subject to any modifications to the amendments you consider appropriate, which may include the making of a further modification to the alteration.

A further modification to the alteration may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site. A further modification to the alteration shall not be made where it relates to:

- (i) an increase in the area of land zoned for any purpose, or
- (ii) an addition to or deletion from the Record of Protected Structures.

In accordance with Section 12(11) of the Planning and Development Act 2000 (as amended), in

making the Development Plan, the members shall be restricted to considering the proper planning and sustainable development of the area to which the Development Plan relates, the statutory obligations of any Local Authority in the area and any relevant policies or objectives for the time being of the Government or any Minister of the Government.

## Section 2.1 Strategic Environmental Assessment

A Strategic Environmental Assessment (SEA) was carried out in relation to the Draft Clare County Development Plan 2023-2029. The resulting Environmental Report contains the findings of the assessment of the likely significant effects on the environment, of implementing the Draft Clare County Development Plan 2023-2029. SEA is required under the European Directive (2001/42/EC) on the Assessment of the Effects of Certain Plans and Programmes on the Environment (the SEA Directive) and was transposed into national legislation in Ireland by the European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004 (S.I. 435/2004) and the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (S.I. 436/2004). Further to the transposition of this Directive two amending regulations were signed into Irish law on the 3<sup>rd</sup> of May 2011 (amending the original transposing regulations):

- **European Communities (Environmental Assessment of Certain Plans and Programmes) (Amendment) Regulations 2011**, (S.I. No. 200 of 2011), amending the *European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004* (S.I. No. 435 of 2004),
- **Planning and Development (Strategic Environmental Assessment) (Amendment) Regulations 2011**, (S.I. No. 201 of 2011), amending the *Planning and Development (Strategic Environmental Assessment) Regulations 2004* (S.I. No. 436 of 2004).

Following consideration of the Draft Plan, the Chief Executive's Report on submissions and the Chief Executive's Report Members Resolutions (10<sup>th</sup> July 2022), it was resolved by the Elected Members at a Special Council Meeting on the 20<sup>th</sup> of October 2022 to amend the Draft Development Plan. As a number of these amendments constitute a Proposed Material Alteration to the Draft Development Plan, the Council resolved to place the Proposed Amendments back on public display for a period of not less than 4 weeks, in accordance with Section 12(7)(b) of the Planning and Development Act 2000 (as amended).

The proposed amendments were assessed under the SEA legislation. In particular the assessment focused on the proposed amendments which comprises or affected plan provisions (e.g. Policies, Objectives, Land Use Zoning). Changes to other parts of the Plan (e.g. text which sets out the context for policies and objectives but does not interact with these provisions) were screened out from the scope of the assessment.

Following completion of the assessment and incorporation of appropriate mitigation measures and recommendations through the SEA process it is considered that the overall effect of the proposed amendments to the Draft Clare County Development Plan 2023-2029 on the environment was likely to be neutral and, in some cases, beneficial. Any likely

significant environmental effects have been prevented, reduced, or offset through the inclusion of recommendations and/or mitigation measures.

Following the period of consideration of the proposed amended Draft Development Plan, the *Information on the likely Significant Effects of implementing the Proposed Amendments to the Draft Clare County Development Plan 2023-2029* and this Chief Executive's Report, should you the Members resolve to make the development plan with or without the proposed amendments or with modifications to the amendments, the making of the Plan will be required to have regard to and be informed by the SEA process.

## **Section 2.2 Habitats Directive Assessment**

The preparation of the Draft Clare County Development Plan 2023-2029 has regard to Article 6 of the Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (as amended) (hereafter referred to as the Habitats Directive). This is transposed in Ireland by the European Communities (Birds and Natural Habitats) Regulations, 2011-2021 (S.I. 477) (hereafter referred to as the Habitats Regulations) and Part XAB of the Planning and Development (Amendment) Act 2010.

Articles 6(3) and 6(4) of the Habitats Directive set out the requirement for an assessment of proposed plans and projects likely to affect Natura 2000 sites (Annex 1.1).

Pursuant to Part XAB, Section 177V of the Planning and Development Act, 2000 as amended, the Council, as the competent authority for the appropriate assessment of this land use plan, must carry out an appropriate assessment before the plan is made. This must include a determination by the Council as to whether or not the Draft Plan, including any amendments, would adversely affect the integrity of a European site or sites. The carrying out of the appropriate assessment is a pending step in the plan-making process. No plan that would have (or perpetuate) adverse effects on the conservation objectives or integrity of a European site may be made (unless in exceptional circumstances where the provisions of Article 6(4) of the Habitats Directive and associated legislation may be invoked).

When the appropriate assessment is carried out, it is required to take account of the NIR and, in this case, 'Addendum to Environmental Assessments' in the new Volume 10.

This Addendum to the Environmental Assessments which were prepared as part of the Draft Clare County Development Plan 2023-2029 presents the findings of the assessment of the proposed amendments under the Habitats Directive.

The Addendum to the Environmental Assessments recommended that certain zonings be omitted/modified or mitigated to avoid adverse effects. This Addendum in conjunction with the Plan's commitments to the Habitats Directive and to the requirements under Article 6(3) predominately, as presented elsewhere in the Draft Plan ensures that these measures will be sufficient to ensure that there will be no adverse effect on the integrity of any European Site arising from the implementation of the Draft Plan. It is imperative however, that for the

conclusions of this assessment to be definitive that the recommendations as outlined in the addendum are implemented as part of the final Plan. This includes for the removal of zonings which have the potential to cause adverse effects on the integrity of a European site due to lack of scientific information or analysis at this plan level.

Following the period of consideration of the proposed amended Draft Development Plan, the *Information on the likely Adverse Environmental Effects of Implementing the Proposed Amendments to the Draft Clare County Development Plan 2023-2029*, and this Chief Executive's Report, should you the Members resolve to make the development plan with or without the proposed amendments or with modifications to the amendments, the making of the Plan will be required to comply with the requirements and recommendations of the Habitats Directive as outlined above.

Failure to adhere to the Chief Executive's Recommendations, as set out in this Chief Executive Report, will have implications on the findings of the appropriate assessment process at final determination stage.

### **Section 3 Next Stage in preparing and adopting the new Clare County Development Plan 2023-2029**

The next stage involves the Elected Members considering the Proposed Amendments and this Chief Executive's Report within a period of 6 weeks under Section 12(9) of the Planning and Development Act 2000 (as amended). Members may then make the Plan by resolution, with or without the proposed alterations, or with further modifications to the proposed alterations as they consider appropriate. A further modification to a Material Alteration:

- May be made where it is minor in nature and therefore not likely to have significant effects on the environment, or adversely affect the integrity of a European Site, and;
- Shall not be made where it relates to an increase in the area of land zoned for any purpose, or an addition to, or deletion from the Record of Protected Structures.

In accordance with Section 12(11) of the Planning and Development Act 2000 (as amended), in making the Development Plan, the members are restricted to considering the proper planning and sustainable development of the area to which the Development Plan relates, the statutory obligations of any Local Authority in the area and any relevant policies or objectives for the time being of the Government or any Minister of the Government.

The 'Made Plan' comes into effect six weeks from the day that it is made.



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

On 28<sup>th</sup> November 2022 the Planning Authority put on display the proposed amendments to the Draft Clare County Development Plan 2023-2029. The process commenced with a notice in the local newspapers and the subsequent commencement of 4 weeks of public consultation having regard to the provisions of Section 12(7) of the Planning and Development Act, 2000 (as amended).

In all, 170 valid written submissions were received by Clare County Council within the statutory timeframe. A further 11 late submissions were received after the closing date.

In this section of this report, I have provided a summary of the issues raised in each of the 170 formal written submissions. In addition, for each individual submission, I put forward my response to the issue raised, taking account of the directions of the Members of the Authority arising from the Chief Executive’s Report to the Members at the ‘Draft’ public consultation stage in accordance with Section 12(4) of the Planning and Development Act, 2000 (as amended), the proper planning and sustainable development of the area, the statutory obligations of any local authority in the area, and any relevant policies or objectives for the time being of government, or of any Minister of the government.

Accordingly, please find below a summary of the issues raised in each of the submissions together with my Chief Executive’s responses and recommendations.

## Submission No: S3/012 - Office of the Planning Regulator (OPR)

### Summary of Issues Raised in Submission

The OPR acknowledge the significant work undertaken in preparing the proposed Material Alterations to the Draft Plan and in responding positively to many issues raised by the Office. It further sets out:

- The statutory requirement of the planning authority to notify the Office within 5 working days of the making of the development plan in accordance with section 31AM(6) of the Planning and Development Act 2000, as amended.
- The key function of the Office to strategically evaluate and assess statutory plans to ensure consistency with legislative and policy requirements.
- Advises that Section 12(10) of the Act provides the members of the planning authority with scope to make further modifications to a proposed material alteration subject to the limitations set out in subsection 10 (c) parts (i) and (ii).
- Notes recommendations issued relate to clear breaches of the relevant legislative provisions, of national or regional policy and/or of the government policy as set out in section 28 Ministerial Guidelines. Observations are a request for further information, justification on a particular matter, or clarification regarding particular provisions.

In an overview of the response to the recommendations issued in the submission to the Draft Plan it notes the following:

- Recommendation 1 - The additional detail on the Limerick-Shannon Metropolitan Area in Chapter 4 of the Written statement is welcomed, however going forward stronger recognition and co-ordination is necessary to fully realise the potential benefits for the County.
- Recommendation 2 – welcomes the proposed Material Alteration to the core strategy table.
- Recommendation 3 – accepts the reasons set out by the Chief Executive for not changing the settlement hierarchy as recommended.
- Recommendation 8 – notes the clarity provided regarding contribution to compact growth.
- Recommendations 4 and 5 – acknowledge reasons provided in the CE’s report for not materially amending the distribution of growth within the LSMA, in particular the infrastructural constraints impeding growth within and adjacent to Limerick city suburbs. Advise that these constraints be considered in consultation with the SRA, infrastructure providers, Limerick City and County Council and relevant government departments.
- Welcomes the identification of settlement boundary for Ballina, Co. Tipperary on the zoning map for Killaloe and suggest the zoning could be included.
- Recommendation 10 – while welcomes the intention to incorporate spatial element for Traveller accommodation when included in future Traveller Accommodation Programme, it is not fully compliant.
- Recommendation 9 – identifies continued use of incorrect road design standard for urban roads  $\leq 60\text{kph}$  which should be corrected.

- Recommendation 12 – notes decision of planning authority not to comply with Exceptional circumstances for Access to National Roads, contrary to recommendation of the Chief Executive and will be considered by the Office in the context of its final assessment of the adopted plan.
- Recommendation 13 – draws attention to matters raised in relation to the Strategic Flood Risk Assessment on the Draft Plan, in addition to proposed Material Alterations which propose further inappropriate zonings in flood risk areas.
- Welcome the rationalization of the approach to monitoring the Draft Plan.

Regarding the proposed Material Alterations, it is noted that a very significant number relate to residential land use objectives and associated text changes, which affect the Draft Plan’s compliance with the proposed core strategy, national and regional policy for compact growth, the proportionate growth of towns and the sequential development of serviced land.

Serious concerns are identified in relation to the appropriate assessment of the impact of certain proposed Material Alterations.

In the context of the above the submission sets out 10 recommendations as follows.

#### **MA Recommendation 1 - Core Strategy**

Having regard to national and regional objectives for compact growth under NPO 3c and RPO 35, for regeneration under NPO 6 and RPO 34, and for proportionate growth under NPO 18a, to the Core Strategy of the Draft Plan, and to the provision of the *Housing Supply target methodology for Development Planning Guidelines for Planning Authorities (2020)*, and the *Development Plans, Guidelines for Planning authorities (2022)*, the planning authority is required to make the Plan without:

- (i) The proposed Material Alterations to the Draft Plan, Volumes 3a, 3b, 3c and 3d, that have increased the area of land zoned primarily for residential development without justification; and
- (ii) The following text on p18 of Volume 1 Written Statement in the Proposed Amendments to the Draft Plan:

*‘The growth projections are to be viewed as targets rather than caps or limitations to growth within those individual settlements. Where there is scope within settlements and appropriately zoned land available, planning decisions which may include growth over and above the stated target as set out in the core strategy will be considered.’*

#### **MA Recommendation 2 – Ennis Key Town**

Having regard to the core strategy of the Draft Plan; national and regional objectives for compact growth under NPO 3c and RPO 35, regeneration under NPO 6 and RPO 34, proportionate growth under NPO 18a, and for the tiered approach to zoning under NPO 72a-c; the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)*

including the policy and objective for a sequential approach to development; and the provision of a sustainable settlement and transport strategy in accordance with section 10(2)(n) of the Planning and Development Act 2000, the planning authority is required to make the Plan without the following proposed Material Alterations in Volume 3a:

- Ennis p112 R22 – from Agriculture to Residential (c.0.4ha);
- Ennis p114 R17 – from Agriculture to Residential (c.4.5ha);
- Ennis p115 R20 – from Agriculture to Residential (c.1.8ha);
- Ennis p120 LDR14 – from Agriculture to LDR (c.3.5ha);
- Ennis p122 LDR6 – from Agriculture to LDR (3ha);
- Ennis p124 LDR15 – from Agriculture to LDR (c.0.8ha); and
- All text changes associated with the preceding named proposed Material Alterations.

### MA Recommendation 3 – Kilrush service town

Having regard to the core strategy of the Draft Plan; the national and regional objectives for compact growth under NPO 3c and RPO 35, regeneration under NPO 6 and RPO 34, proportionate growth under NPO 18a, and to prevent coalescence of settlements under NPO 62; the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for sequential approach to development; and the provision of a sustainable settlement and transport strategy in accordance with section 10(2)(n) of the Planning and Development Act 2000, as amended, the planning authority is required to make the Plan without the following proposed Material Alterations:

- Kilrush p48 Agriculture – from Residential (R5) to Agriculture (c.1.3ha)
- Kilrush p49 R7 – from Recreation to Residential (c.0.7ha)
- Kilrush p50 R5 – from White lands to Residential (c.6ha)
- Kilrush p51 R10 – from White lands/Agriculture to Residential (c.0.9ha)
- Kilrush p52 SR4 – from Agriculture to Strategic Reserve (c.0.6ha)
- Cappa p54 R2 – from Agriculture to Residential (c.1.4ha)
- Cappa p55 Agriculture – from Residential (R2) to Agriculture (c.1.4)
- All text changes associated with the preceding named proposed Material Alterations.

### MA Recommendation 4 – Small Towns

Having regard to the core strategy of the Draft Plan, national and regional objectives for compact growth under NPO 3c and RPO 35, regeneration under NPO 6 and RPO 34, and proportionate growth under NPO 18a; the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for a sequential approach to development; and the provision of a sustainable settlement and transport strategy in accordance with section 10(2)(n) of the Planning and Development Act 2000, as amended, the planning authority is required to make the Plan without the following material amendments:

- Kilkee p69 R8 – from white land to Residential (c.1.8ha);
- Killaloe p34 R6 – from Tourism to Residential (c.8ha);

- Tulla p46 R3 – from SR to Residential (2ha)
- Lisdoonvarna p.80 R3 – Agriculture to Residential (c.2ha);
- Lisdoonvarna p.81 R4 – Agriculture to Residential (c.0.25);
- Lisdoonvarna p.83 R5 – White lands to Residential (c.0.5ha);
- Miltown Malbay p.90 R3 – Agriculture to Residential (c. 1.25);
- Miltown Malbay p.92 R4 – Enterprise to Residential (c.1.6ha);
- Newmarket-on-Fergus 76 R5 – from white land to Residential (c.1.9ha);
- Newmarket-on-Fergus 77 R6 – from white land to Residential (c.1ha); and
- All text changes associated with the preceding named material amendments.

#### MA Recommendation 5 – Small towns

Having regard to the core strategy of the Draft Plan; national and regional objectives for compact growth under NPO 3c and RPO 35, regeneration under NPO 6 and RPO 34, proportionate growth under NPO 18a, and the tiered approach to zoning under NPO72a-c; the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for a sequential approach to development; and the provision of a sustainable settlement and transport strategy in accordance with section 10(2)(n) of the *Planning and Development Act 2000*, as amended, the planning authority is required to make the Plan without the following proposed Material Alterations:

- Quin p.74 SR4 – from White land to Strategic Reserve (c.2.7ha);
- Ballyvaughan p.102 Agriculture – from Residential R3 to Agriculture (-c.1ha);
- Ballyvaughan p.103 R3 – from Open Space to Residential (c.0.4ha);
- Mullagh p.128 R3 – from Agriculture to Residential (c.2ha);
- Liscannor p.140 R3 – from Agriculture to Residential (c.1.6ha); and
- All text changes associated with the preceding named proposed Material Alterations.

#### MA Recommendation 6 – Unserviced large and small towns

Having regard to the Core Strategy of the Draft Plan; national and regional objectives for compact growth under NPO 3c and RPO 35, regeneration under NPO 6 and RPO 34, proportionate growth under NPO 18a, and the tiered approach to zoning under NPO72a-c; the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for a sequential approach to development; and the provision of a sustainable settlement and transport strategy in accordance with section 10(2)(n) of the *Planning and Development Act 2000*, as amended, the planning authority is required to make the Plan without the following proposed Material Alterations:

- Broadford p.93 LDR1 – from Agriculture to LDR (c.0.5);
- Broadford p.93 LDR2 – from Agriculture to LDR (c.4.5ha);
- Broadford p.93 LDR4 – from VGA to LDR (c.2.1ha);
- Broadford p.93 LDR5 – from mixed to LDR (c.0.25ha);
- Broadford p.93 LDR6 – from VGA to LDR (c.0.8ha);
- Broadford p.93 LDR7 – from Existing Residential to LDR (c.1ha);
- Broadford p.93 LDR8 – from Existing Residential to LDR (c.0.8ha);
- Broadford p.93 LDR9 – from Existing Residential to LDR (c.0.3ha);

- Cooraclare p.197 LDR1 – from VGA to LDR (c.1.25ha);
- Cooraclare p.197 LDR2 – from Agriculture to LDR (c.1.5ha);
- Cooraclare p.197 LDR3 – from VGA to LDR (0.75ha);
- Cooraclare p.197 LDR4 – from Agriculture to LDR (c.1.5ha);
- Cooraclare p.197 LDR5 – from Agriculture to LDR (c.0.6ha);
- Cooraclare p.197 LDR6 – from VGA to LDR (c.0.25ha);
- Kilmihil p.157 VGA6 – from Enterprise to VGA (2ha); and
- All text changes associated with the preceding named proposed Material Alterations.

### MA Recommendation 7 – Clusters

Having regard to national and regional objectives for compact growth under NPO 3c and RPO 35, and regeneration under NPO 6 and RPO 34, and the provision of a sustainable settlement and transport strategy in accordance with section 10(2)(n) of the *Planning and Development Act 2000*, as amended, the planning authority is required to make the Plan without the following proposed Material Alterations to the settlement boundaries to the following clusters:

- Ballintlea South p.81;
- Ballintlea South p.82; and
- Kilmore p.134.

### MA Recommendation 8 – Enterprise zoning objectives

Having regard to the National Strategic Outcome for compact growth, mandatory objectives for sustainable settlement and transport strategies for climate action under section 10(2)(n) of the Act, and the provisions of the Development Plans, Guidelines for Planning Authorities (2022) and Spatial Planning and National Roads Guidelines for Planning Authorities (2012), the planning authority is required to make the Plan (Volume 3a) without the following proposed Material Alterations:

- Ennis p.25 ENT5 – from White land to Enterprise;
- Ennis p.26 ENT4 – from Agriculture to Enterprise; and
- All text changes associated with the preceding named proposed Material Alterations.

### MA Recommendation 9 – Flood risk management

Having regard to NPO 57, RPO 3.10, and to the provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), the planning authority is required to make the Plan (Volumes 3a, 3b and 3d) without the following proposed Material Alterations:

- Ennis p.26 ENT4 – from Agriculture to Enterprise;
- Ennis p.65 R12 – from Strategic Residential Reserve to Residential
- Ennis p.74 LDR12 – from Open Space to LDR
- Ennis p.71 Existing Residential (ER1) – from Open Space to Existing Residential
- Ennis p.76 UT1 – from Open Space to Utilities

- Ennis p.82 COM5 – from Agriculture to Commercial
- Ennis p.96 Existing Residential – from Open Space
- Parteen p.53 Existing Residential – from Open Space
- Ballynacally p.174 VGA3 – from Agriculture; and
- All text changes associated with the preceding named proposed Material Alterations.

### MA Recommendation 10 – Appropriate Assessment

Having regard to NPO 52, NPO 59 and NPO 60, and to the requirements of Article 6(3) of the Habitats Directive and transposing legislation under the Planning and Development Act 2000, as amended, the planning authority is required to make the Plan (Volume 3a) without the following proposed Material Alterations:

- Ennis p.25 ENT5 – from White lands to Enterprise;
- Ennis p.112 R22 – from Agriculture to Residential;
- Ennis p.114 R17 – from Agriculture to Residential;
- Ennis p.115 R20 – from Agriculture to Residential;
- Ennis p.123 C6 – from White lands to Community; and
- All text changes associated with the preceding named proposed Material Alterations.

### Chief Executive's Response

I thank the Office of the Planning Regulator for the submission and welcome the acknowledgement of the work involved in preparing the proposed Material Alterations and the positive response to the many issues raised in the submission to the Draft Plan. I note the comprehensive review of the planning authority's response to the recommendations made in the submission on the Draft Plan (Sub S2/014) and the acknowledgement and acceptance of the reasons given where the planning authority did not/fully comply.

In response to the recommendations issued in the submission to the Draft Plan the following is noted:

- Recommendation 1 – the comments are noted and as this is a transitional Plan it is anticipated that during the plan period the benefits of the Limerick – Shannon Metropolitan Area will become evident and create a momentum which will be built on in the next iteration of the Development Plan.
- Recommendation 2 – I note the OPR welcome the update of the core strategy table included in the Proposed Amendments to the Draft Plan.
- Recommendation 3 – I note the OPR accept the reasons set out by the Chief Executive for not changing the settlement hierarchy as recommended.
- Recommendation 4 and 5 – I note the OPR acknowledge the reasons provided, which referenced in particular the infrastructural constraints impeding growth within and adjacent to Limerick City and suburbs, for not materially amending the distribution of growth within the LSMA. Consideration will be given during the Plan period as to how these constraints may be addressed to facilitate appropriate growth in the city suburbs in the future iterations of the Plan.

- Recommendation 8 – I note the acknowledgement of the OPR of the additional clarity given regarding compact growth.
- Recommendations 4 and 5 – I note the acknowledgement of the reasons provided in the CE’s report for not materially amending the distribution of growth within the LSMA, in particular the infrastructural constraints impeding growth within and adjacent to Limerick city suburbs.
- Recommendation 10 – Noted and it remains the intention of the Council to incorporate a spatial element for Traveller accommodation when included in future Traveller Accommodation Programme.
- Recommendation 9 – I am satisfied that the Council’s commitment to implementing DMURS and TII Publications Standard DN-GEO-03084 ‘The Treatment of Transition Zones to Towns and Villages on National Roads’ is set out at Section 11.2.10 and Objective CDP11.18 of the Volume 1 Written Statement Proposed Amendments to the Draft Clare County Development Plan 2023-2029 (28<sup>th</sup> November 2022).
- Recommendation 12 – Contrary to the recommendation in the Chief Executive’s Report (10<sup>th</sup> July 2022) it was agreed by resolution not to remove the text relating to access onto National Secondary Roads, which had been at the request of TII, and therefore it is not subject of a proposed material alteration to the Draft Plan and a recommendation cannot be made at this stage in the plan making process.
- Recommendation 13 – the proposed Material Alterations, as they relate to the Strategic Flood Risk Assessment on the Draft Plan, are responded to under MA Recommendation 9 set out later in this submission.
- Noted the rationalisation of the approach to monitoring the Draft Plan is welcomed by the OPR.

I note the ten recommendations set out in the submission and respond to each in turn below.

#### **Response to MA Recommendation 1 - Core Strategy**

- (i) I note the concerns and acknowledge the implications of the proposed Material Alterations on the overall quantum of land. I address each of these under the following recommendations as set out in the submission.
- (ii) Whilst acknowledging the concerns expressed in the submission regarding the amended text proposed in the proposed Material Alteration to section 3.4.2 Core Strategy (Volume 1 Written Statement) it is important to acknowledge the very significant influx of population into the County which has occurred over the past year which has exacerbated an already existing housing crisis and the indications appear to be this is going to continue. In order to facilitate a positive response to help address the housing crisis, it is considered important to allow for a degree of leeway in terms of the growth that can be facilitated within settlements. It is not the desire or intention to exceed the growth of the overall county core strategy growth target for the plan period, however having a degree of flexibility to respond to and accommodate growth is needed. I therefore consider it appropriate to make the Plan with the proposed Material Alterations.



## Response to MA Recommendation 2 – Ennis Key Town

I note the concerns expressed by the OPR in relation to the following proposed Material Alterations and respond as follows:

Ennis R22 – I note the issues of concern relating to this site in the Ballybeg area of Ennis, regarding service capacity constraints, non-sequential growth and being contrary to compact growth and alignment with the core strategy. I refer to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission SR2/769 which relates to these lands, and note the issues raised concur with those raised by the OPR. Contrary to the recommendation it was agreed by resolution to zone part of the lands ‘Residential’ as a proposed Material Alteration to the Draft Plan. In addition, I note from the appropriate assessment (aa) of this proposed Material Alteration that it concludes that ‘Based on information available, adverse effects upon Newhall and Edenvale Complex SAC cannot be avoided.’ I therefore advise that in accordance with the Habitats Directive and specifically Article 6(3) and the recommendation on the submission to the Draft Plan, that the Plan be made without this proposed Material Alteration, including all text changes related to it.

Ennis R17 - I note the issues of concern relating to this site in the Ballybeg area of Ennis, regarding service capacity constraints, non-sequential growth being contrary to compact growth and alignment with the core strategy. I refer to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission S2/671 which relates to these lands, and note the issues raised concur with those raised by the OPR. Contrary to the recommendation it was agreed by resolution to zone part of the lands ‘Residential’ as a proposed material alteration to the Draft Plan. In addition, I note from the appropriate assessment (aa) of this proposed Material Alteration that it states that the potential for adverse effects on the Newhall Edenvale Complex SAC cannot be ruled out. I therefore advise that in accordance with the Habitats Directive and specifically Article 6(3) and the recommendation on the submission to the Draft Plan, that the Plan be made without this proposed Material Alteration, including all text changes related to it.

Ennis R20 - I note the issues of concern relating to this site in the Ballybeg area of Ennis, regarding service capacity constraints, contrary to sequential and compact growth and alignment with the core strategy. I refer to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission S2/802 which relates to these lands, and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the chief executive it was agreed by resolution to zone part of the lands ‘Residential’ as a proposed material alteration to the Draft Plan. In addition, I note from the appropriate assessment (aa) of this proposed Material Alteration that it states that any development within this site would result in a loss of mapped foraging habitat and/or disturbance to foraging areas which would be contrary to the Conservation Objectives of the Newhall and Edenvale Complex. I therefore advise that in accordance with the Habitats Directive and specifically Article 6(3) and the recommendation on the original submission to the Draft Plan, that the Plan be made without this proposed Material Alteration, including all text changes related to it.

Ennis LDR14 – I note the issues of concern relating to this site in the Ballyallia area of Ennis, in particular being contrary to sequential and compact growth and alignment with the core strategy. I refer to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission S2/876 which relates to these lands, and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the chief executive it was agreed by resolution to zone part of the lands ‘Residential’ as a proposed material alteration to the Draft Plan. In addition, I note from the environmental assessments of this proposed Material Alteration in the *Addendum to Environmental Assessments*, that the site is also located in an area of extreme groundwater vulnerability and therefore raises some concerns in relation to the impact on water quality as a result of any development on these lands. I therefore advise that in accordance with the recommendation on the original submission to the Draft Plan, that the Plan is made without this proposed Material Alteration, including all text changes related to it.

Ennis LDR6 - I note the issues of concern relating to this site in the Clareen area of Ennis, in particular being contrary to sequential growth and compact growth and alignment with the core strategy. I refer to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission S2/851 which relates to these lands, and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to zone part of the lands ‘Low Density Residential’ as a proposed material alteration to the Draft Plan. I therefore advise that in accordance with the recommendation on the original submission to the Draft Plan, that the Plan is made without this proposed Material Alteration, including all text changes related to it.

Ennis LDR15 - I note the concerns relating to this site in the Woodstock area of Ennis, in particular being contrary to sequential and compact growth. I refer to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission S2/849 which relates to these lands, and note the issues raised concur with those raised by the OPR.

Contrary to the recommendation of the Chief Executive it was agreed by resolution to zone part of the lands ‘Low Density Residential’ as a proposed material alteration to the Draft Plan. In addition, I note that this site is located within the 3km Lesser horseshoe bat foraging range for Pouldatig Cave SAC. Development of this site has potential to sever connection between foraging grounds and increase disturbance due to lighting both of which would be contrary to the Conservation Objective targets. It therefore cannot be concluded, based on the proposed Material Alteration to include LDR15, that adverse effects on the Pouldatig Cave cannot be avoided. I therefore advise that in accordance with the Habitats Directive and specifically Article 6(3) and with the recommendation on the original submission to the Draft Plan, that the Plan is made without this proposed Material Alteration, including all text changes related to it.

### **Response to MA Recommendation 3 – Kilrush service town**

I note the concerns expressed by the OPR in the submission and respond as follows:

Kilrush Agriculture zoning – I note the concerns relating to this site, located on the northwestern side of Kilrush concerning the change from a ‘Residential’ (R5) zoning to

'Agriculture', particularly as the site promotes sequential and compact growth given its location. I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to nine submissions S2/499, S2/559, S2/560, S2/561, S2/562, S2/643, S2/644, S2/645, S2/646 (all duplicate the same content) which relate to these lands, and note the issues raised in considering the zoning change concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to change the zoning of 'Residential' to 'Agriculture' as a proposed material alteration to the Draft Plan. I therefore advise that in accordance with the recommendation on the original submission to the Draft Plan, that the Plan is made without this proposed Material Alteration, including all text changes related to it.

Kilrush R7 – I note the concerns relating to this site which is located on the eastern periphery of Kilrush and the proposed Material Alteration to change the zoning from 'Recreation' to 'Residential', which is contrary to sequential and compact growth and alignment with the core strategy. I therefore advise that the Plan is made without this proposed Material Alteration, including all text changes related to it.

Kilrush R5 – I note the concerns relating to this site, its located on the eastern periphery of Kilrush, in particular being contrary to sequential and compact growth and alignment with the core strategy. I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/615 which relates to these lands, and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to extend the settlement boundary and zone the lands 'Residential' as a proposed material alteration to the Draft Plan. I therefore advise that in accordance with the recommendation on the original submission to the Draft Plan, that the Plan is made without this proposed Material Alteration, including all text changes related to it.

Kilrush R10 – I note the concerns relating to this site, its located on the western periphery of Kilrush, in particular being contrary to sequential and compact growth and alignment with the core strategy. I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/676 which relates to these lands, and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to extend the settlement boundary and zone the lands 'Residential' as a proposed material alteration to the Draft Plan. I therefore advise that in accordance with the recommendation on the original submission to the Draft Plan, that the Plan is made without this proposed Material Alteration, including all text changes related to it.

Kilrush SR4 - I note the concerns relating to this site which is located on the western periphery of Kilrush, in particular being contrary to sequential and compact growth and alignment with the core strategy. I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/751 which relates to these lands, and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to extend the settlement boundary and zone the lands 'Residential' as a proposed material alteration to the Draft Plan. I therefore advise that in accordance with the recommendation on the original submission to the Draft Plan,

that the Plan is made without this proposed Material Alteration, including all text changes related to it.

Cappa R2 – I note the concerns relating to this site, in particular with respect to being contrary to sequential and compact growth and alignment with the core strategy, but also in relation to the coalescing of the town of Kiltrush with the village of Cappa which is inconsistent with NPO 62 (NPF). I acknowledge the latter concern regarding facilitating coalescence of the two settlements and I also refer to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission S2/103 and S2/202 which relates to these lands, and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to zone the lands ‘Residential’ as a proposed material alteration to the Draft Plan. I therefore advise that in accordance with the recommendation on the original submission to the Draft Plan, that the Plan is made without this proposed Material Alteration, including all text changes related to it.

Cappa Agriculture zoning - I note the concerns relating to the proposed change of zoning from Residential (R2) to Agriculture on lands which are strategically located within the centre of the village and provide for the sequential and compact growth of the village. I refer to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission S2/566 which relates to these lands, and note the proposed Material Alteration to change from Residential (R2) to Strategic Residential zoning as being considered appropriate and was recommended. Contrary to the recommendation of the Chief Executive it was agreed by resolution to zone the lands ‘Agriculture’ as a proposed material alteration to the Draft Plan. I consider it contrary to the proper planning and sustainable development of the village to remove a residential zoning from this centrally located site and therefore advise that the Plan is made without this proposed Material Alteration, including all text changes related to it.

#### **Response to MA Recommendation 4 – Small Towns**

I note the concerns set out by the OPR in relation to the following settlements and respond as follows:

Kilkee R8 – I refer to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission S2/080 and S2/100 which relates to these lands and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to extend the settlement boundary to the north of the settlement and zone the land ‘Residential’ (R8) as a proposed material alteration to the Draft Plan. In accordance with the Chief Executive’s recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.

Killaloe R6 – I refer to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission S2/707 (no location map included with the submission) which relates to these lands and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to change the zoning

on part of the Tourism (TOU2) zoned lands to 'Residential' as a proposed material alteration to the Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.

Tulla R3 – I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/813 which relates to these lands and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to change the parcel of land zoned 'Strategic Residential Reserve' to 'Residential' as a proposed material alteration to the Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.

Lisdoonvarna R3 – I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to a number of submissions (S2/098, S2/149, S2/996) relating to these lands and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to change the zoning objective for the parcel of land zoned 'Agriculture (AG1)' to 'Residential (R3)' as a proposed material alteration to the Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.

Lisdoonvarna R4 – I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/110 relating to these lands and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to change the parcel of land zoned 'Agriculture' to 'Residential' as a proposed material alteration to the Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.

Lisdoonvarna R5 – I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/854 relating to these lands and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to extend the settlement boundary and zone the parcel of land 'Residential' as a proposed material alteration to the Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.

Miltown Malbay R3 – I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/132 relating to these lands and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to amend the settlement boundary and zone the parcel of land 'Residential' from 'Agriculture' as a proposed material alteration to the Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.

Miltown Malbay R4 – I refer to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission S2/766 relating to these lands and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to change the zoning from ‘Enterprise’ to ‘Residential’ as a proposed material alteration to the Draft Plan. In accordance with the Chief Executive’s recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.

Newmarket-on-Fergus R5 – I refer to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission S2/097 relating to these lands and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to extend the settlement boundary and zone the lands ‘Residential’ as a proposed material alteration to the Draft Plan. In accordance with the Chief Executive’s recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.

Newmarket-on-Fergus R6 – I refer to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission S2/631 relating to these lands and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to extend the settlement boundary and zone the lands ‘Residential’ as a proposed material alteration to the Draft Plan. In accordance with the Chief Executive’s recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.

#### **Response to MA Recommendation 5 – Small towns**

I note the OPR recommendation identifies five proposed Material Alterations which are considered particularly inconsistent with national and regional objectives for compact growth (NPO 3c and RPO 35), regeneration (NPO 6 and RPO 34), proportionate growth (NPO 18a), the sequential approach to land use zoning, the core strategy, the tiered approach to zoning (NPO 72a-c) and the provision of a sustainable settlement and transport strategy in accordance with section 10(2)(n) of the *Planning and Development Act 2000*, as amended. I set out my response to each proposed material alteration set out in the submission below.

- Quin SR4 – I refer to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission S2/114 relating to these lands and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to extend the settlement boundary and zone the lands ‘Strategic Residential Reserve’ as a proposed material alteration to the Draft Plan. In accordance with the Chief Executive’s recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.

- **Ballyvaughan Agriculture** – I refer to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission S2/108 relating to these lands in which it states how a residential zoning would give effect to compact growth within the village given their location in close proximity to the village centre, existing services and public infrastructure (footpaths, lighting etc.). Contrary to the recommendation of the Chief Executive it was agreed by resolution to change the zoning of ‘Residential’ R3 to ‘Agriculture’ as a proposed material alteration to the Draft Plan. In accordance with the Chief Executive’s recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.
- **Ballyvaughan R3** – I refer to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission S2/207 relating to these lands and note the issues raised, in particular relating to the fact that the quantum of residential land zoned must align with the core strategy, concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to change the zoning from ‘Open Space’ to ‘Residential’ as a proposed material alteration to the Draft Plan. In accordance with the Chief Executive’s recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.
- **Mullagh R3** – I refer to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission S2/815 relating to these lands and note the issues raised, in particular relating to the fact that the quantum of residential land zoned must align with the core strategy, promote sequential and compact growth and adhere to the tiered approach to zoning land, which concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to change the zoning from ‘Agriculture’ to ‘Residential’ as a proposed material alteration to the Draft Plan. In accordance with the Chief Executive’s recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.
- **Liscannor R3** – I refer to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission S2/126 relating to these lands and note the issues raised, in particular relating to the fact that the quantum of residential land zoned must align with the core strategy and promote sequential and compact growth, concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to change the zoning from ‘Agriculture’ to ‘Residential’ as a proposed material alteration to the Draft Plan. In accordance with the Chief Executive’s recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.

#### **Response to MA Recommendation 6 – Unserviced large and small towns**

**Broadford and Cooraclare** - The OPR refers to the extensive proposed changes in land use zoning objectives proposed for Broadford (Killaloe MD, Volume 3c) and for Cooraclare (West Clare MD, Volume 3d). In the submission it notes that the planning authority is aware that these small rural settlements do not have public wastewater services and are unlikely

to be provided with such services within the period of the plan even if funding is approved. The zoning of these settlements for residential development is therefore not consistent with NPO 72a-c of the NPF concerning the implementation of the tiered approach to zoning. The proposed zoning changes are also not consistent with the core strategy housing targets for these settlements. The OPR do not therefore support the proposed Material Alterations to Broadford and Cooraclare.

I acknowledge the comments of the OPR in relation to the proposed Material Alterations to include substantial changes to zoning in Broadford and Cooraclare. The infrastructural constraints in relation to public waste water services in both villages limits their capacity for growth and whilst applications have been made for funding for both villages under Measure 8 – Waste Water Collection Treatment Needs for Villages and settlements without Public Wastewater Services, I note from the Irish Water submission (Sub S3/011) that even if funding approval was to be given, it is unlikely that the delivery of the waste water infrastructure would be within the lifetime of the Plan. The zoning of land for residential development as proposed in the proposed Material Alterations do not therefore comply with, in particular, the tiered approach to the zoning of land as set out in Appendix 3 of the NPF, or compliance with the core strategy, settlement strategy or settlement hierarchy of the Draft Plan. I am of the opinion that the proposed Material Alterations are not in the interest of the proper planning and sustainable development of the villages of Broadford and Cooraclare and that the Plan should be made without these proposed Material Alterations, including all text changes related to them.

Kilmihil - I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/556 which relates to these lands, and note that the site subject of the proposed Material Alteration is a brownfield site located on the eastern side of the village and zoned Enterprise in the Draft Plan. In the Chief Executive's Report the proposed change to designating the site as a 'Village Growth Area' (VGA) was considered appropriate as it would assist Kilmihil in achieving the objective CDP4.7 Large Villages, in particular, "the promotion of the consolidation of the existing large villages through brownfield reuse/redevelopment and through compact growth within the appropriate land use zoning and/or the areas identified for village growth", and "ensuring that future growth is incremental and balanced in nature, and is relative and appropriate to the scale, size and character of the villages and to seek to achieve centre out compact growth". Village Growth Area designation at this site would also allow for the potential to also deliver on its role as an employment and service centre as such uses can also be facilitated within this designation. Therefore, I consider that the proposed Village Growth Area designation would provide for development options which would support the regeneration of a brownfield site and therefore, in accordance with the recommendation on the original submission to the Draft Plan, that the Plan be made with the proposed Material Alteration to the Draft Plan.

#### **Response to MA Recommendation 7 – Clusters**

I note from the submission that the majority of the proposed Material Alterations to unserviced clusters across the county are considered reasonable with the exception of those relating to the clusters of Kilmore and Ballintlea South 2 due to their proximity to



Limerick City and, in the case of Ballintlea South 2, its location within the metropolitan area adjacent to Cratloe. I concur with the OPR's concerns that the proposed Material Alterations are inconsistent with national and regional objectives for compact growth and regeneration, and would militate against the achievement of compact growth as set out in the Draft Plan, specifically Objective CDP4.13 Planned Growth of Settlements and as such the Plan should be made without the proposed Material Alterations to these clusters.

### Response to MA Recommendation 8 – Enterprise zoning objectives

The OPR refer to proposed Material Alterations that relate to Enterprise land-use objectives on the outskirts of Ennis, specifically the extensive area ENT5 located outside the N85 to the southwest of Ennis and the proposed extensive area ENT4 located in the rural area to the east of the town. It notes that there is no evidence base, including economic, transport and climate impact, to justify their inclusion as set out in sections 4.6.2 and 6.2.5 of the Development Plan Guidelines. The concerns of the TII in relation to the cumulative impact of ENT5 and ENT1 and TOU2 on the operation of the national road and associated junctions are also noted in the submission and which are addressed under the TII's submissions S3/005. Furthermore, in the submission it notes the appropriate assessment of the site whereby the planning authority determined that significant adverse effects cannot be ruled out for ENT5.

I acknowledge the comments of the OPR in relation to the proposed Material Alterations to include two substantial areas of land, ENT5 and ENT4 and set out my response below.

- Ennis ENT5 – I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/824 relating to these lands, where I note 'A large undeveloped Enterprise zoning is present on the opposite side of the R474 from the subject lands. The zoning of additional lands for Enterprise use, in close proximity to a substantial site that has already been zoned for this purpose in the Draft Plan could lead to a cluster of such development, at the periphery of the town and would be disproportionate to the scale of the surrounding neighbourhood which would be contrary to the proper planning and sustainable development, not only of the Beechpark neighbourhood, but also of the wider Plan area'.

In addition, the OPR rightly note that the appropriate assessment undertaken of this proposed Material Alteration shows that adverse effects upon the Newhall & Edenvale Complex SAC cannot be avoided.

Contrary to the recommendation of the Chief Executive it was agreed by resolution to extend the settlement boundary and the plan boundary for the future Ennis and Environs Local Area Plan, to facilitate the zoning of 'Enterprise' ENT5 as a proposed material alteration to the Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan and taking account of the appropriate assessment of the proposed Material Alteration, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.

- Ennis ENT4 – This proposed Material Alteration is also referred to in Recommendation 9 and refer to my response in this regard.

## Sustainable Transport and Accessibility

Development Management Guidelines (Recommendation 9 of the submission to the Draft)

- Table A3 Bicycle and Vehicle Parking Standards in section A1.6.1 of the Development Management Guidelines (Volume 1 Written Statement, Appendix 1) - the amended notes to the table are welcomed and the revised standards for bicycle parking in the development management standards are noted. I note that the response to previous comments which has provided flexibility in the application of parking standards in point 12 to Table A3 is welcomed, and a further request in this submission to clarify by including additional text, that alternative parking arrangements may include car-free development within specified contexts. I consider that this can be included as a non-material update to the Plan.
- In relation to Table A2 of A1.6.2 Sight Distances I note the submission states the matter of non-compliance with part (v) of Recommendation 9 of the OPR submission on the Draft Plan is not addressed in the section 12(5)(aa) Notice. In this regard it states that Table A2 Sight Distance Requirements in section A1.6.2 of the Development Management Guidelines (Volume 1 Written Statement, Appendix 1) have not been amended to comply with the Design Manual for Urban Roads and Streets (DMURS). I am satisfied that the Council's commitment to implementing DMURS and TII Publications Standard DN-GEO-03084 'The Treatment of Transition Zones to Towns and Villages on National Roads' is set out at Section 11.2.10 Urban Roads and Streets and Objective CDP11.18 Design Manual for Urban Roads and Streets (DMURS) and Transition Zones to Towns and Villages on National Roads in Volume 1 Written Statement of the Proposed Amendments to the Draft Clare County Development Plan (28<sup>th</sup> November 2022). I am also satisfied that Table A2 Site Distance Requirements in section A1.6.2 Sight Distance (Appendix 1 Development Management Guidelines), is a guideline only and concerns drivers entering and leaving a dwelling site whereas Table 4.2 of DMURS has a different applicability. I therefore propose that the Plan be made with the proposed Material Alteration to CDP11.18.

### Response to MA Recommendation 9 – Flood risk management

Justification Tests and flood risk management measures – Each of the settlement zoning objectives listed in the submission to the Draft Plan were reviewed. I note that all of them have a Plan Making Justification Test (PMJT) completed and satisfied where required, together with a Flood Risk Review completed in accordance with *Box 4.1 Justification Test for development plans* of the Planning System and Flood Risk Management Guidelines for Planning Authorities. In some cases where flood zones impinge on a small part of the site the zoning was adjusted to avoid the flood zones (therefore no PMJT required), in other cases written technical guidance accompanies the zoning objective in the settlement statement which includes flood risk management measures (structural and non-structural in accordance with point 3 of the Justification Test) stipulated in the SFRA (Volume 10c) of the Plan. These measures are outlined in the *Flood Risk Review* for each zoning objective under *Commentary on Flood Risk* and the *Development Options* in the SFRA.

A specific section on Flooding and Flood Risk is also included within each settlement statement as relevant, which captures the flood issues for the settlement and the flood risk management measures required for existing development within areas of flood risk. Reference is made to, amongst other things, the requirement for development or redevelopment of existing developed areas to be in accordance with section 5.28 of the Flood Risk Management Guidelines, as well as setting out any provisions from the SFRA as relevant to the settlement, and also refers to the SFRA (Volume 10c) when considering development proposals.

Flood and land use zoning mapping - I refer to the Chief Executive's Report (10<sup>th</sup> July 2022) and my response to the suggestion of the OPW (in the submission on the Draft Plan S2/007) that it would be beneficial if flood zone mapping was overlaid on the land-use zoning mapping for settlements and I advised that to assist in their review of land use zoning, flood zones and the sequential approach that the Planning Department could make the Draft plan mapping layer available to the OPW whilst this was being explored, noting there are over 80 settlements within the Plan area. I am not aware of any request for the mapping layer from the OPW. In the interest of clarity I propose a non-material update to Volume 2 Maps to include a series of the land-use maps as included in Volume 3a, 3b, 3c and 3d of the Plan to be overlaid with the flood mapping for all settlements (excluding clusters where there is no zoned land) as set out in the Draft Plan.

I note the concerns regarding to the proposed Material Alterations to the Draft Plan as set out below, particularly with regard to NPO 57, RPO 3.10 and the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009). I therefore advise that the Draft Plan should be made **without** the following proposed Material Alterations.

- Ennis, Gaurus – change zoning from Agriculture to Enterprise (ENT4)
- Ennis, Knockanean – change zoning from Open Space to Low Density Residential (LDR12)
- Ennis, Knockanean – change zoning from Open Space to Existing Residential (ER1)
- Ennis, Roslevan – change zoning from Open Space to Utilities (UT1)
- Ennis, Laureen – change zoning from Agriculture to Commercial (COM5)
- Ennis, Dredhidnagower – change zoning from Open Space to Existing Residential (ER)
- Parteen – change zoning from Open Space to Existing Residential
- Ballynacally – change zoning from Agriculture to Village Growth Area (VGA3)

All text changes associated with the preceding named proposed Material Alterations.

Maps relating to these proposed Material Alterations are included at the end of this submission.

- Ennis Residential (R12) Anstand Gaurus/Ballymacahill - This is an underutilised vacant site (currently subject to the Vacant Site Levy) which is partially developed with previous substantial groundworks having taken place. It is an integral sequential site in terms of growth from the town core, which would contribute to compact growth, complete the development of the adjacent residential estate and provide the necessary infrastructure to allow adjacent properties in the neighbouring estate to connect to the public network in terms of wastewater, currently served by individual on-site treatment systems. This

would protect both surface and ground water, discharges downstream to the Gaurus River and ultimately the Lower River Shannon SAC. In terms of Flood Risk, a Plan Making Justification Test (included as Appendix 4) has been applied and satisfied for this proposed Material Alteration.

I consider that in the interest of proper planning and sustainable development the Plan should be made with the proposed Material Alteration to change the zoning from Strategic Residential Reserve (SR4) to Residential (R12). I consider that it is appropriate to update the associated site-specific objective 'R12 Anstand Gaurus/Ballymacahill' in line with the submissions as received (from Irish Water and also S3/139) and to reflect the Plan Making Justification Test (included as Appendix 4) concerning this proposed Material Alteration. The updates to the site-specific objective represent a minor modification to the proposed Material Alteration.

### **Response to MA Recommendation 10 – Appropriate Assessment**

The Appropriate Assessment (AA) for the Clare County Development Plan 2023-2029 is ongoing and has included assessment at all stages of the CDP process, in line with best practice. A Natura Impact Report (NIR) was prepared to accompany the Draft Plan and at each stage of the development plan process since that point, necessary additional assessment has accompanied the proposed Material Alterations. These ongoing assessments have been made available for the consultation stages and are part of the open AA process for the CDP which will only be complete when Clare County Council, as the competent authority for both the Plan and the AA, make a formal determination prior to the making of the Plan. Prior to this, the consolidated NIR will be collated to include all the assessment material which will inform the AA determination.

As a point of information, the Addendum to the Environmental Assessments (AA and SEA) was prepared in accordance with the new SEA Guidelines for Regional Assemblies and Planning Authorities (March 2022) which clearly states under Section 7.1 *Amendments to the Draft Plan, Adoption of Plan and Preparation of the SEA Statement* "If the amendments are likely to have significant environmental effects, the original Environmental Report should be revised, or an addendum should be prepared". In addition, Appendix C – Example of integration of SEA process with preparation or review of a Development outlines at Stage F "Addendum to Environmental Report may have to be prepared if material amendments to the Draft plan are proposed". This is the approach which was taken in preparing the assessment of the Proposed Amendments to the Draft Plan in accordance with the relevant guidance and legislation.

To provide a consistent approach to presenting the AA and SEA assessments of the proposed Material Alterations, both are included in the Addendum to Environmental Assessments (Volume 10 a&b). I am satisfied that the appropriate assessment undertaken, and the documents produced throughout the plan-making process comply with the Council's obligations under Article 6(3) of the Habitats Directive in this regard.

I am aware that the assessment of the sites referred to in this recommendation of the OPR found that adverse effects on the integrity of the specific European sites, in view of their conservation objectives, cannot be ruled out and/or avoided. Therefore, in accordance with Article 6(3) of the Habitats Directive and the Planning and Development Act 2000, as

amended, I advise that the Plan be made **without** the following proposed Material Alterations, as displayed.

- Ennis, West of N68 – extend the settlement boundary to zone land currently within the open countryside as Enterprise (ENT5)
- Ennis, Ballybeg – change land zoned Agriculture to Residential (R22)
- Ennis, Ballybeg – change land zoned Agriculture to Residential (R17)
- Ennis, Ballybeg – change land zoned Agriculture to Residential (R20)
- Ennis, Woodstock – extend the settlement boundary to zone land currently within the open countryside as Community (C6)

All text changes associated with the preceding named proposed Material Alterations.

Maps relating to these proposed Material Alterations are included at the end of this submission.

## Chief Executive's Recommendation

### MA Recommendation 1 - Core Strategy

I recommend that the Clare County Development Plan 2023-2029 be made **with** the proposed Material Alteration to text proposed in section 3.4.2 Core Strategy (Volume 1 Written Statement), as displayed.

### MA Recommendation 2 – Ennis Key Town

I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **without** the proposed Material Alterations, as displayed, to the following:

- Ennis – change of zoning from Agriculture to Residential (R22)
- Ennis – change of zoning from Agriculture to Residential (R17)
- Ennis – change of zoning from Agriculture to Residential (R20)
- Ennis – change of zoning from Agriculture to Low Density Residential (LDR14)
- Ennis – change of zoning from Agriculture to Low Density Residential (LDR6)
- Ennis – change of zoning from Agriculture to Low Density Residential (LDR15)

All text changes associated with the preceding named proposed Material Alterations.

Maps reflecting my recommendation are included at the end of the written response to this submission.

### MA Recommendation 3 – Kilrush service town

I recommend that the Clare County Development Plan 2023-2029 (Volume 3d West Clare Municipal District) be made **without** the proposed Material Alterations, as displayed, to the following:

- Kilrush – change of zoning from Residential (R5) to Agriculture
- Kilrush – change of zoning from Recreation to Residential (R7)
- Kilrush – extend the settlement boundary and zone Residential (R5)
- Kilrush – extend the settlement boundary and change zoning from Agriculture to Residential (R10)
- Kilrush – change the zoning from Agriculture to Strategic Residential Reserve (SR4)
- Cappa – change the zoning from Agriculture to Residential (R2)
- Cappa – change zoning from Residential (R2) to Agriculture

All text changes associated with the preceding named proposed Material Alterations.

Maps reflecting my recommendation are included at the end of the written response to this submission.

### MA Recommendation 4 – Small Towns

I recommend that the Clare County Development Plan 2023-2029 (Volume 3b Shannon Municipal District, Volume 3c Killaloe Municipal District and Volume 3d West Clare Municipal District) be made **without** the proposed Material Alterations, as displayed, to the following:

- Kilkee – extend the settlement boundary and zone as Residential (R8)
- Killaloe – change the zoning from Tourism to Residential (R6)

- Tulla – change the zoning from Strategic Residential Reserve to Residential (R3)
  - Lisdoonvarna – change zoning from Agriculture to Residential (R3)
  - Lisdoonvarna – change zoning from Agriculture to Residential (R4)
  - Lisdoonvarna – extend settlement boundary and zone lands Residential (R5)
  - Miltown Malbay – change zoning from Agriculture to Residential (R3)
  - Miltown Malbay – change zoning from Enterprise to Residential (R4)
  - Newmarket-on-Fergus – extend settlement boundary and zone Residential (R5)
  - Newmarket-on-Fergus – extend settlement boundary and zone Residential (R6)
- All text changes associated with the preceding named proposed Material Alterations.

Maps reflecting the recommendation are included at the end of the written response to this submission.

#### MA Recommendation 5 – Small towns

I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **without** the proposed Material Alterations, as displayed, to the following:

- Quin – extend settlement boundary and zone Strategic Residential Reserve (SR4)
- Ballyvaughan – change zoning of Residential (R3) to Agriculture
- Ballyvaughan – change zoning from Open Space to Residential (R3)
- Mullagh – change zoning from Agriculture to Residential (R3)
- Liscannor – change the zoning from Agriculture to Residential (R3)

All text changes associated with the preceding named proposed Material Alterations.

Maps reflecting my recommendation are included at the end of the written response to this submission.

#### MA Recommendation 6 – Unserviced large and small towns

I recommend that the Clare County Development Plan 2023-2029 (Volume 3c Killaloe Municipal District and Volume 3d West Clare Municipal District) be made **without** the proposed Material Alterations to the villages of Broadford and Cooraclare.

I recommend that the Clare County Development Plan 2023-2029 (Volume 3d West Clare Municipal District) be made **with** the proposed Material Alteration to change the zoning from 'Enterprise' (ENT1) and designate as a 'Village Growth Area' (VGA6) in Kilmihil, as displayed.

Maps reflecting my recommendation are included at the end of the written response to this submission.

#### MA Recommendation 7 – Clusters

I recommend that the Clare County Development Plan 2023-2029 (Volume 3b, Shannon Municipal District Settlement Plans and Volume 3c Killaloe Municipal District Settlement Plans) be made **without** the proposed Material Alterations to the boundaries of the clusters of Ballintlea South 2 and Kilmore, as displayed.

Maps reflecting my recommendation are included at the end of the written response to this submission.

### MA Recommendation 8 – Enterprise zoning objectives

I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **without** the proposed Material Alterations, as displayed, to the following:

- Ennis – extend settlement and town boundaries and zone lands as Enterprise (ENT5)
- Ennis – change zoning from Agriculture to Enterprise (ENT4)

All text changes associated with the preceding named proposed Material Alterations.

### Sustainable Transport and Accessibility

Development Management Guidelines

- I recommend a **non-material update** (in blue text) to include the following text in Volume 1 Written Statement, Appendix 1 Development Management Guidelines, Section A1.6.3 Bicycle and Vehicle Parking Standards, Point 12 under table A3 Bicycle and Vehicle Parking Standards:

'12. Applicants may propose an alternative parking arrangement to the standards as set out in the parking standards set out in Table A3 for the agreement of the Planning Authority. **Alternative parking standards may include car-free development within specified contexts**'.

- I recommend that that the Clare County Development Plan 2023-2029 be made **with** the proposed Material Alteration to CDP 11.18 Design Manual for Urban Roads and Streets (DMURS) and Transition Zones to Towns and Villages on National Roads, in Volume 1 Written Statement, Chapter 11 Physical Infrastructure, Environment and Energy, as displayed.

### MA Recommendation 9 – Flood risk management

I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District, Volume 3b Shannon Municipal District, Volume 3d West Clare Municipal District) be made **without** the proposed Material Alterations, as displayed, to the following:

- Ennis - from Agriculture to Enterprise (ENT4)
- Ennis from Open Space to Low Density Residential (LDR12)
- Ennis – from Open Space to Existing Residential (ER1)
- Ennis from Open Space to Utilities (UT1)
- Ennis – from Agriculture to Commercial (COM5)
- Ennis - from Open Space to Existing Residential
- Parteen – from Open Space to Existing Residential
- Ballynacally – from Agriculture to Village Growth Area (VGA3)

All text changes associated with the preceding named proposed Material Alterations.

I recommend that the Clare County Development Plan 2023-2029 2029 (Volume 3a Ennis Municipal District) is made **with** the proposed Material Alteration to change the zoning from Strategic Residential Reserve (SR4) to Residential (R12), as displayed, **subject to a minor modification** (in blue text with text in blue ~~strike through~~ representing a deletion from the proposed Material Alteration), as follows:





### R12 Anstand Gaurus/Ballymacahill

Any future development of this site should be accompanied by an Ecological Assessment together with Screening for Appropriate Assessment specifically addressing the habitats present on the site and their connectivity downstream to the Gaurus Floodplain and the Lower River Shannon cSAC through the River Fergus. Should these lands be brought forward in accordance with CDP19.2, this site will accommodate residential development of high-quality design and layout. No development shall occur unless a Surface Water Management Plan, including actions for its implementation, is submitted and approved as part of the planning application. The Management Plan shall protect the adjoining open space and Buffer Space which contains Wet willow-alder-ash woodland (WN6), Other artificial lakes and ponds (FL8), Reed and large sedge swamp (FS1) together with areas of scrub. This site is largely within Flood Zone C but there is some minor encroachment onto Flood Zone B as flood water backs up from the southwest northeast (see maps contained in Strategic Flood Risk Assessment in Volume 10(c) of this Plan). A fully detailed Stage 3 Flood Risk Assessment shall form part of any planning application for development at this site, to inform the extent of flood risk zones. Vulnerable development shall not be located within Flood Zones A and B and roads access shall be within Flood Zone C. CFRAM must also be consulted for climate change levels. ~~The area of the site which lies within Flood Zone B should be excluded from development and utilised as Open Space within any proposed development. No development should take place within the area zoned as Buffer Space between SR4 and R8 and R12 excluding that associated with the installation of critical service links for the connecting sewer line. The environmental assessments associated with the development of R12 and R8 should take this infrastructure into consideration in preparing the assessments given the connectivity between this area and the Lower River Shannon cSAC.~~

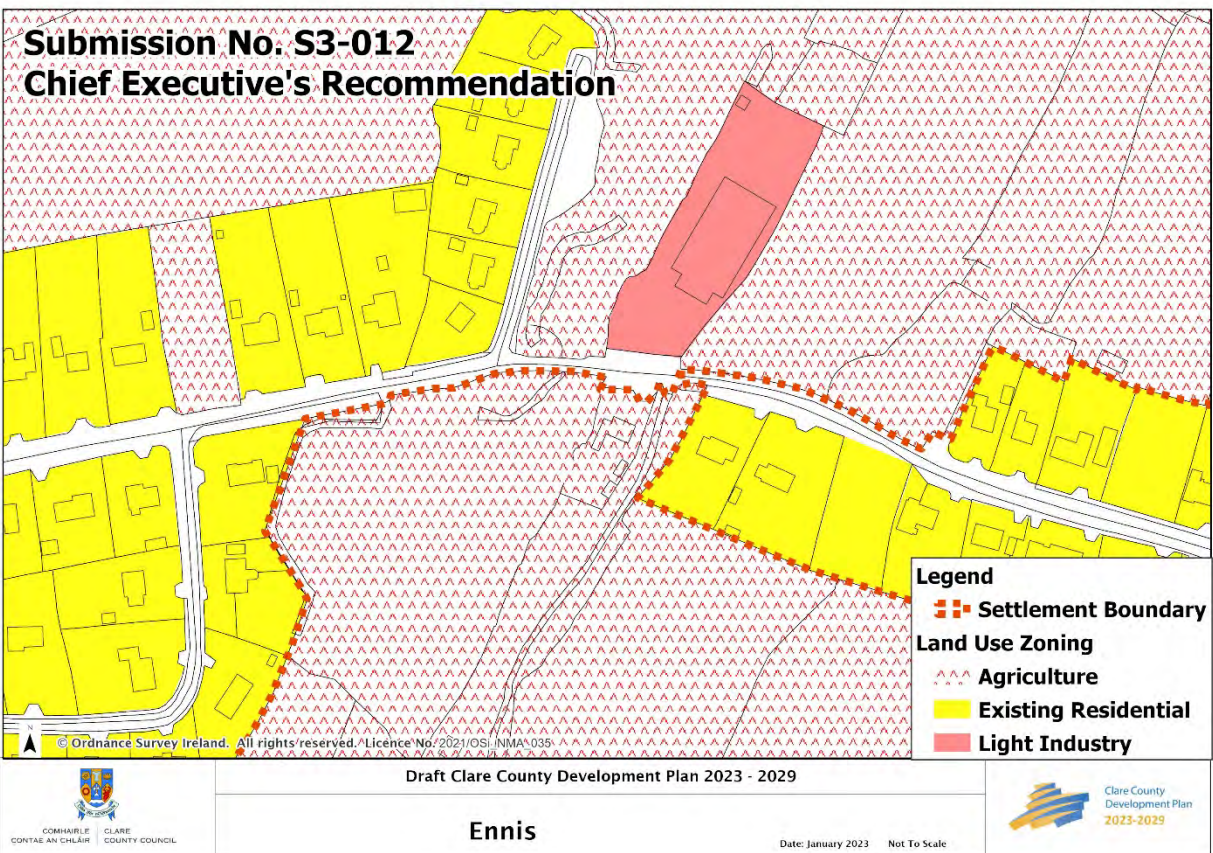
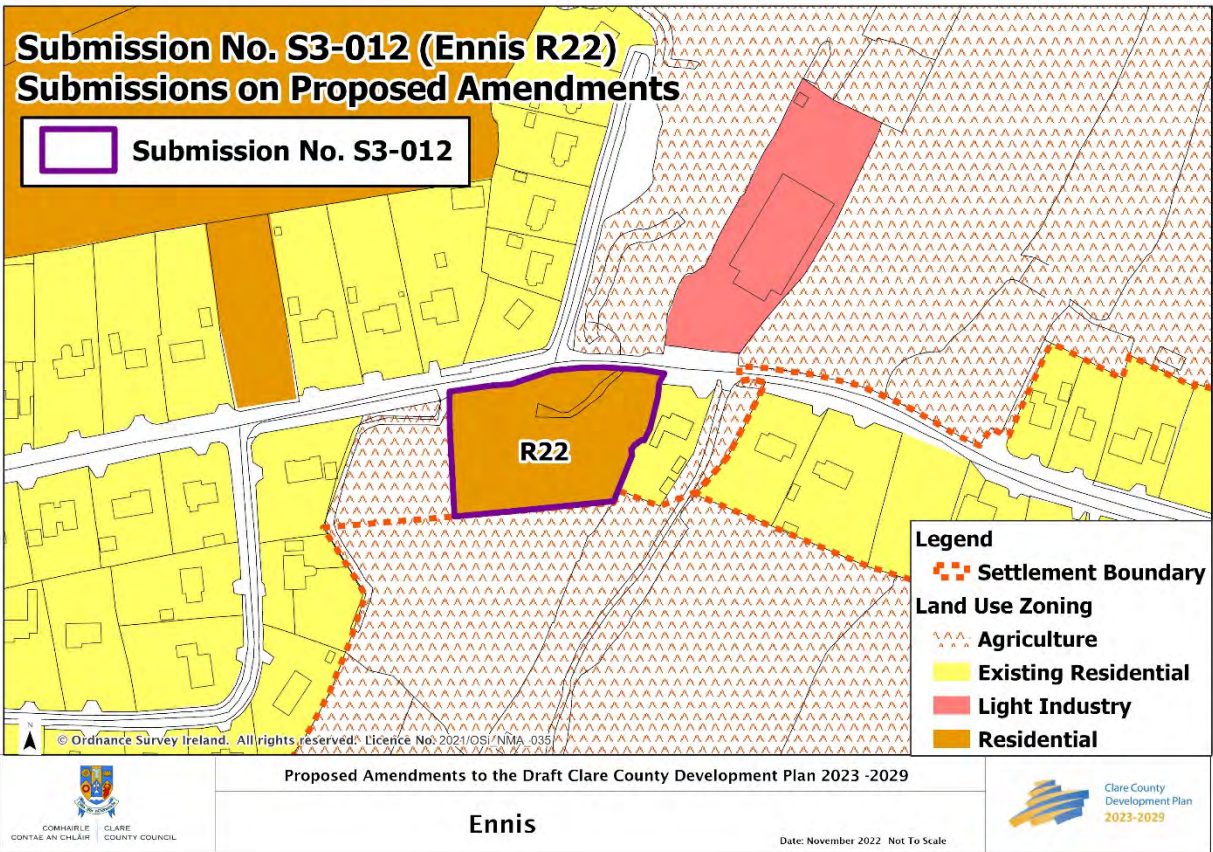
I recommend a **non-material update** to the Clare County Development Plan 2023-2029 Volume 2 Maps to include a series of land-use maps, as included in Volume 3a, 3b, 3c and 3d of the Plan, with the flood mapping overlaid for all settlements (excluding clusters where there is no zoned land).

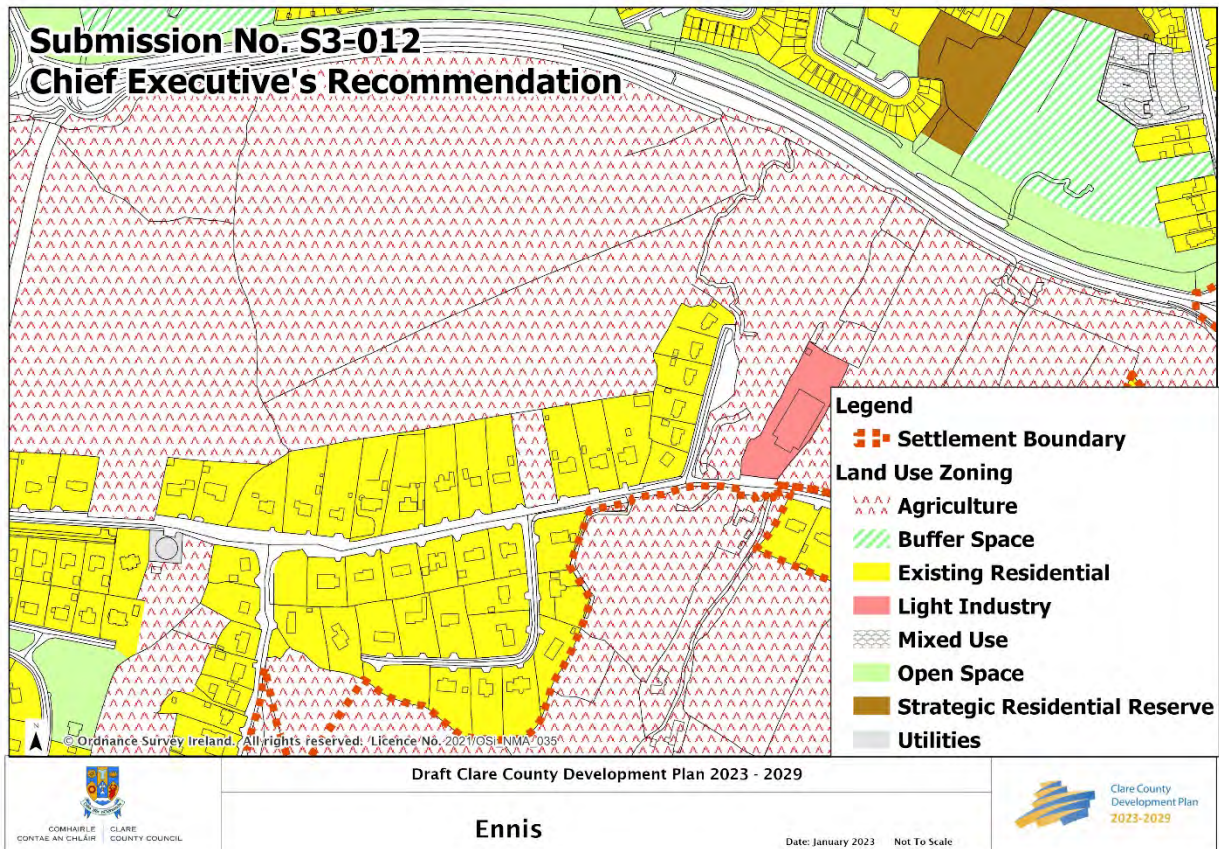
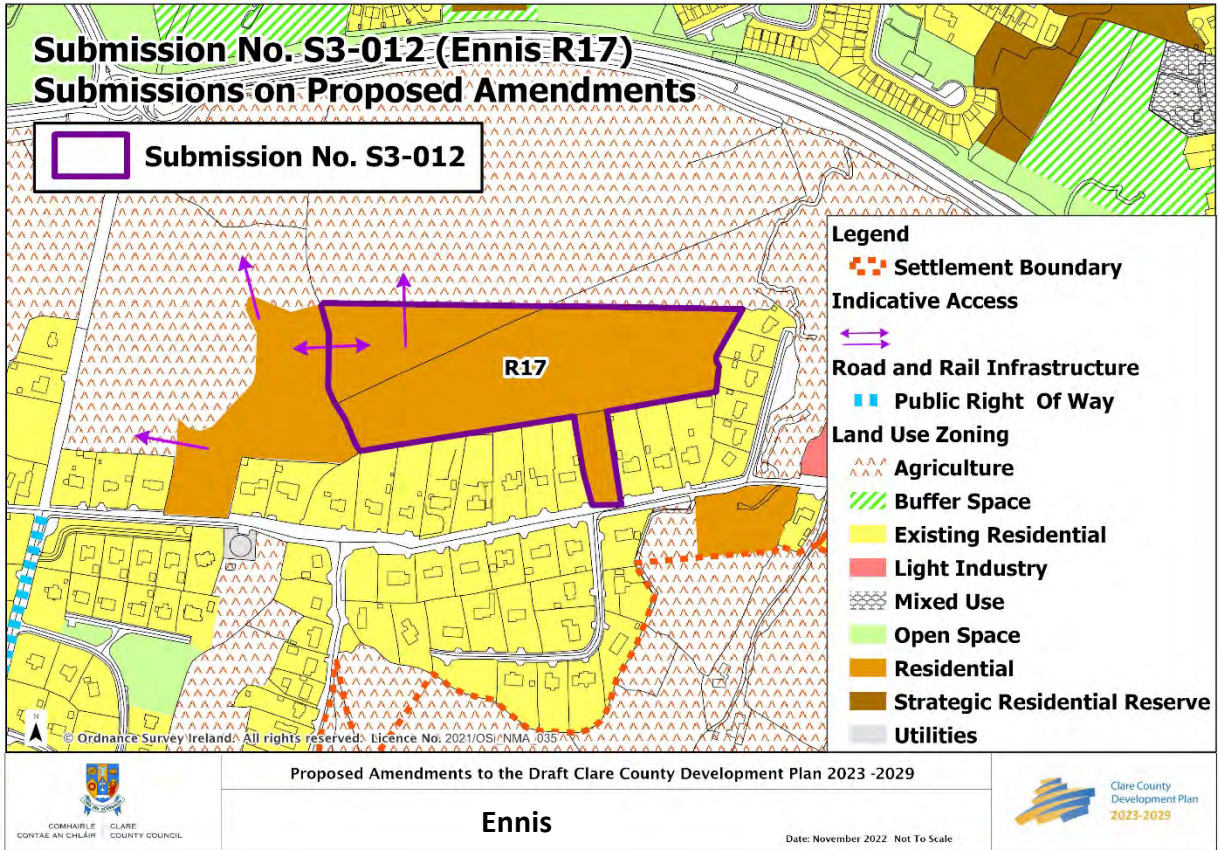
#### MA Recommendation 10 – Appropriate Assessment

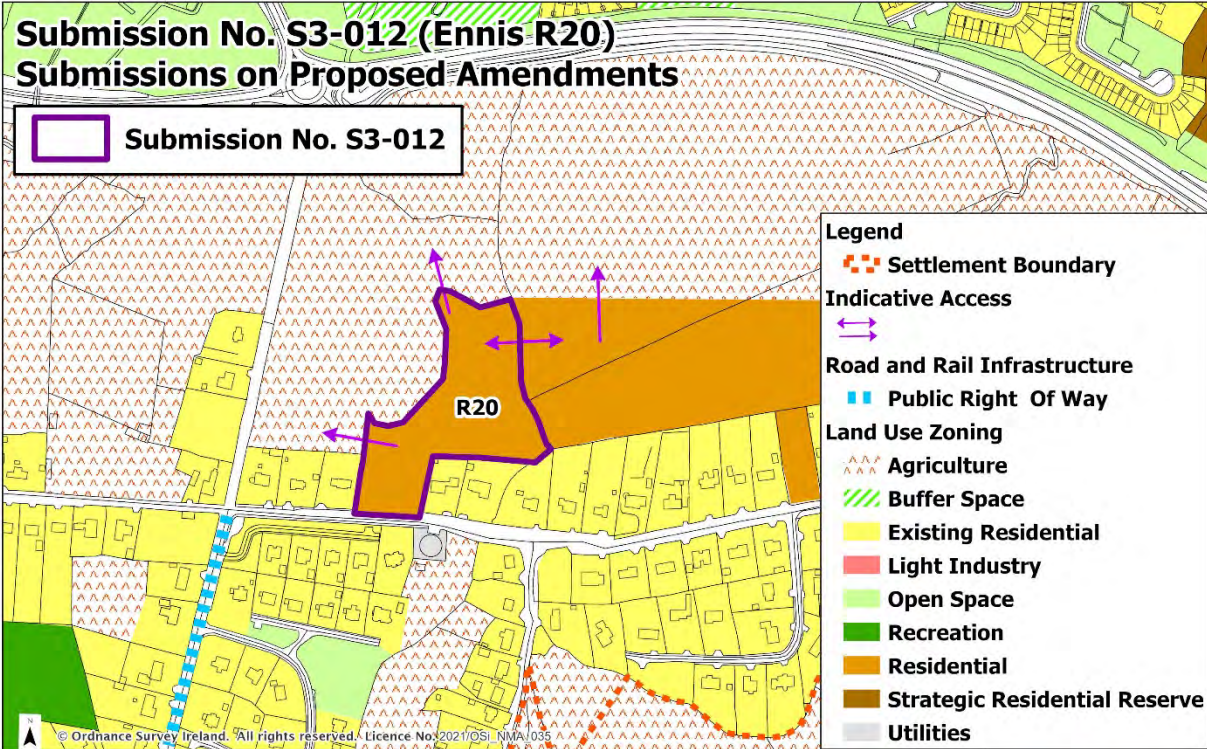
I recommend that the Clare County Development Plan 2023-2029 (Volume 3a, Ennis Municipal District Settlement Plans) be made **without** the proposed Material Alterations, as displayed, to the following:

- Ennis – to extend the settlement boundary to allow land within the open countryside to be zoned Enterprise (ENT5)
- Ennis – land zoned Agriculture to be zoned Residential (R22)
- Ennis – land zoned Agriculture to be zoned Residential (R17)
- Ennis – land zoned Agriculture to be zoned Residential (R20)
- Ennis – to extend the settlement boundary to allow land within the open countryside to be zoned Community (C6)

All text changes associated with the preceding named proposed Material Alterations. Maps reflecting my recommendation are included at the end of the written response to this submission.



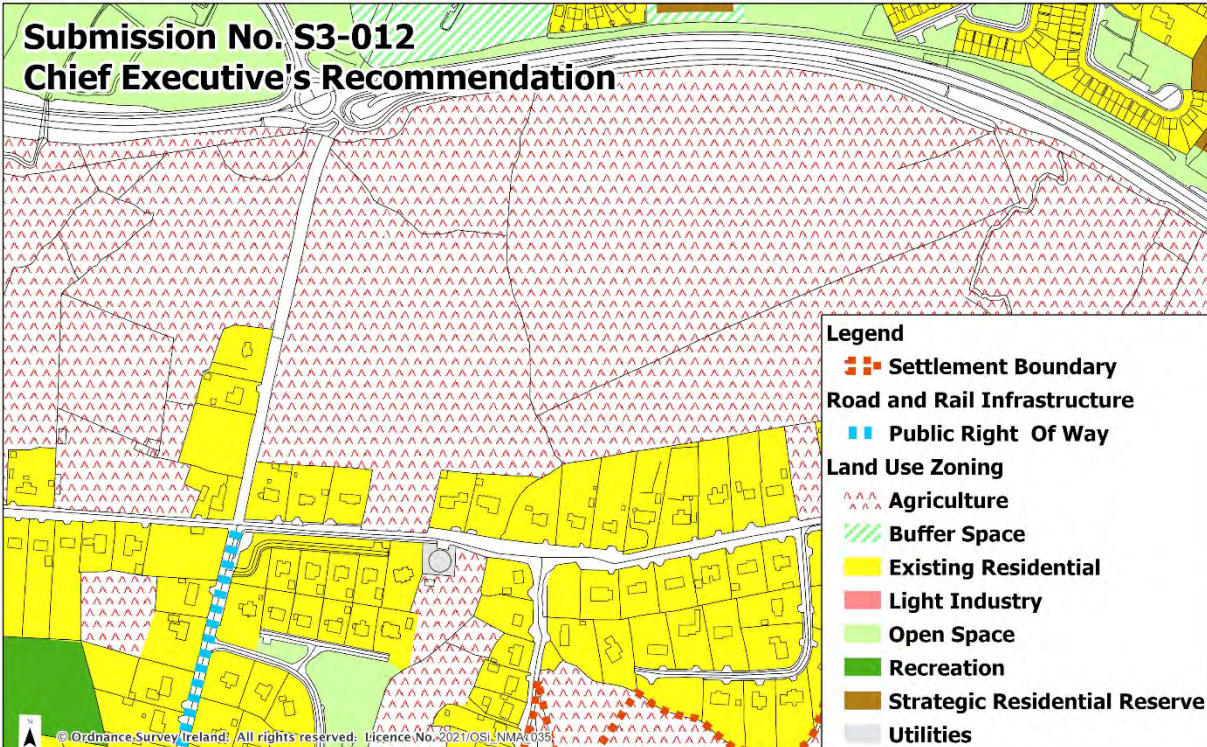




Proposed Amendments to the Draft Clare County Development Plan 2023 -2029

**Ennis**

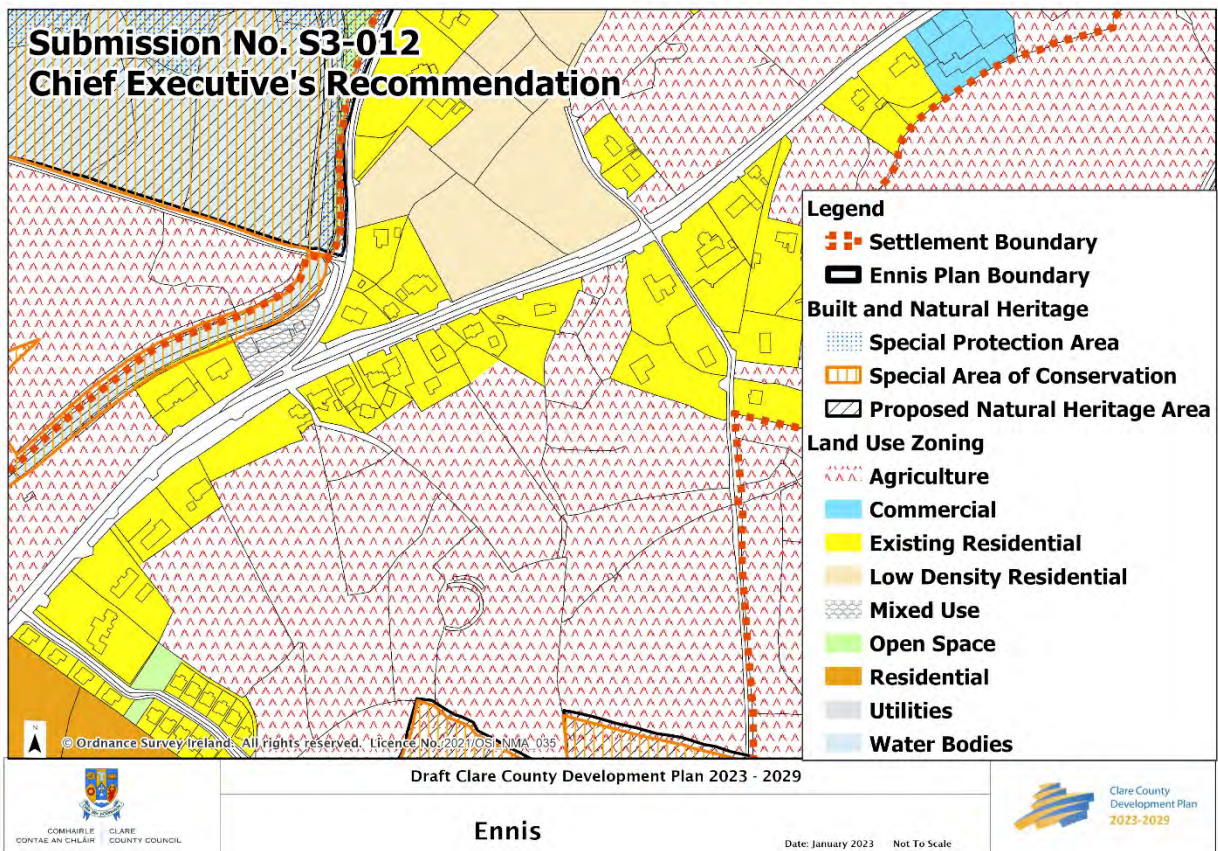
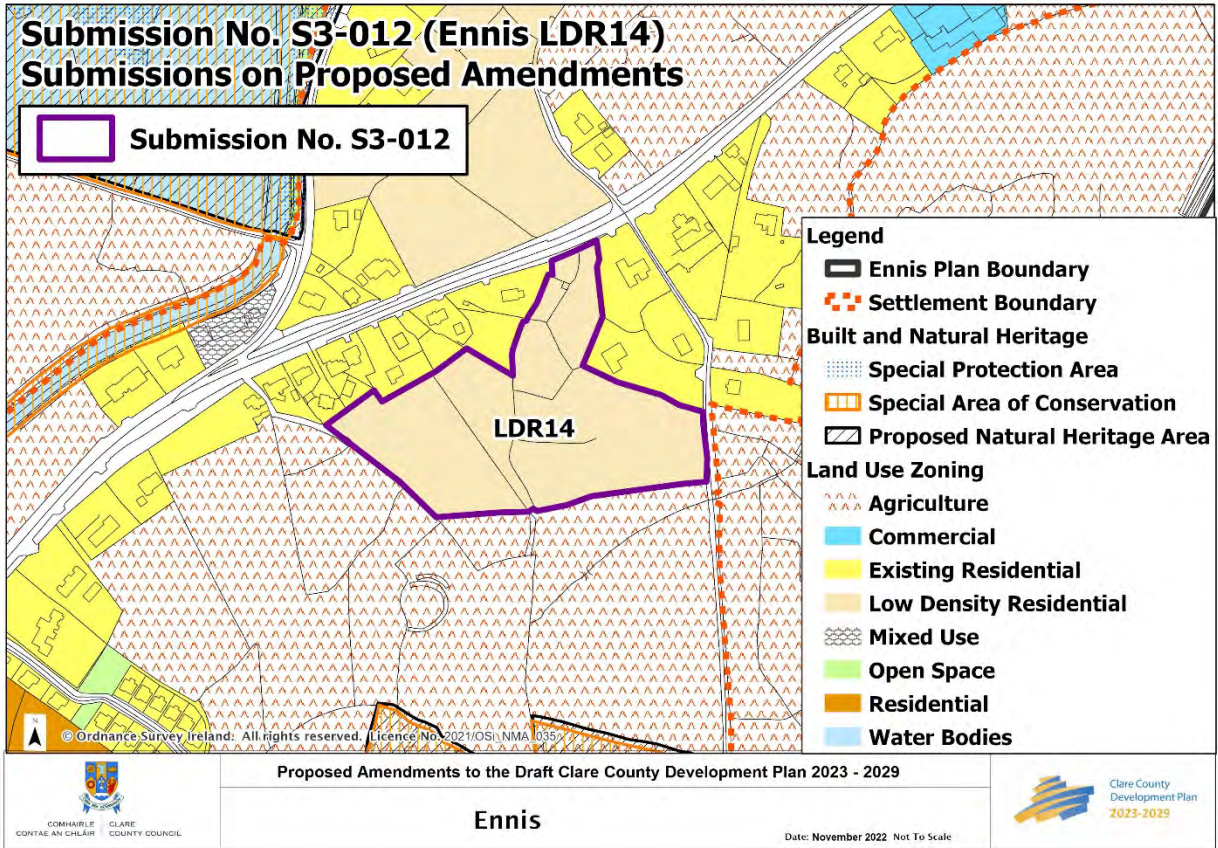
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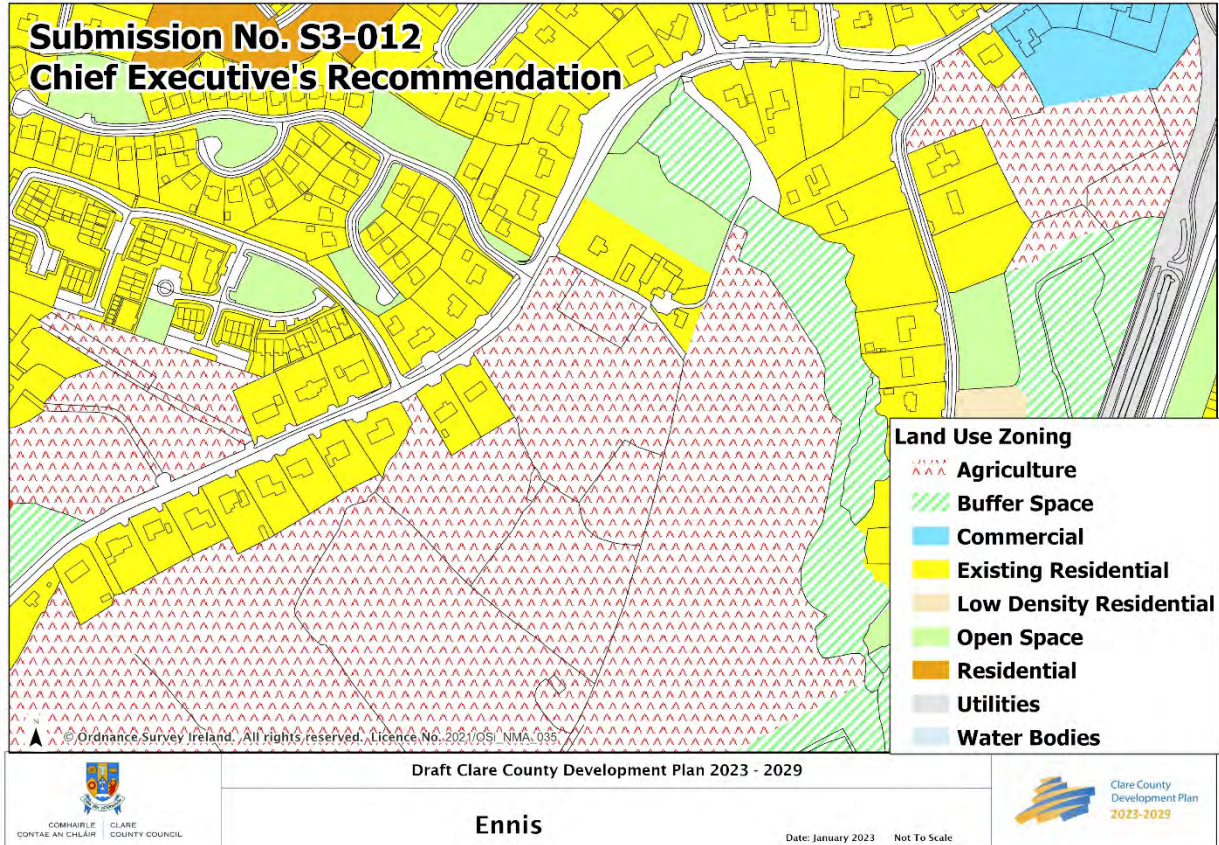
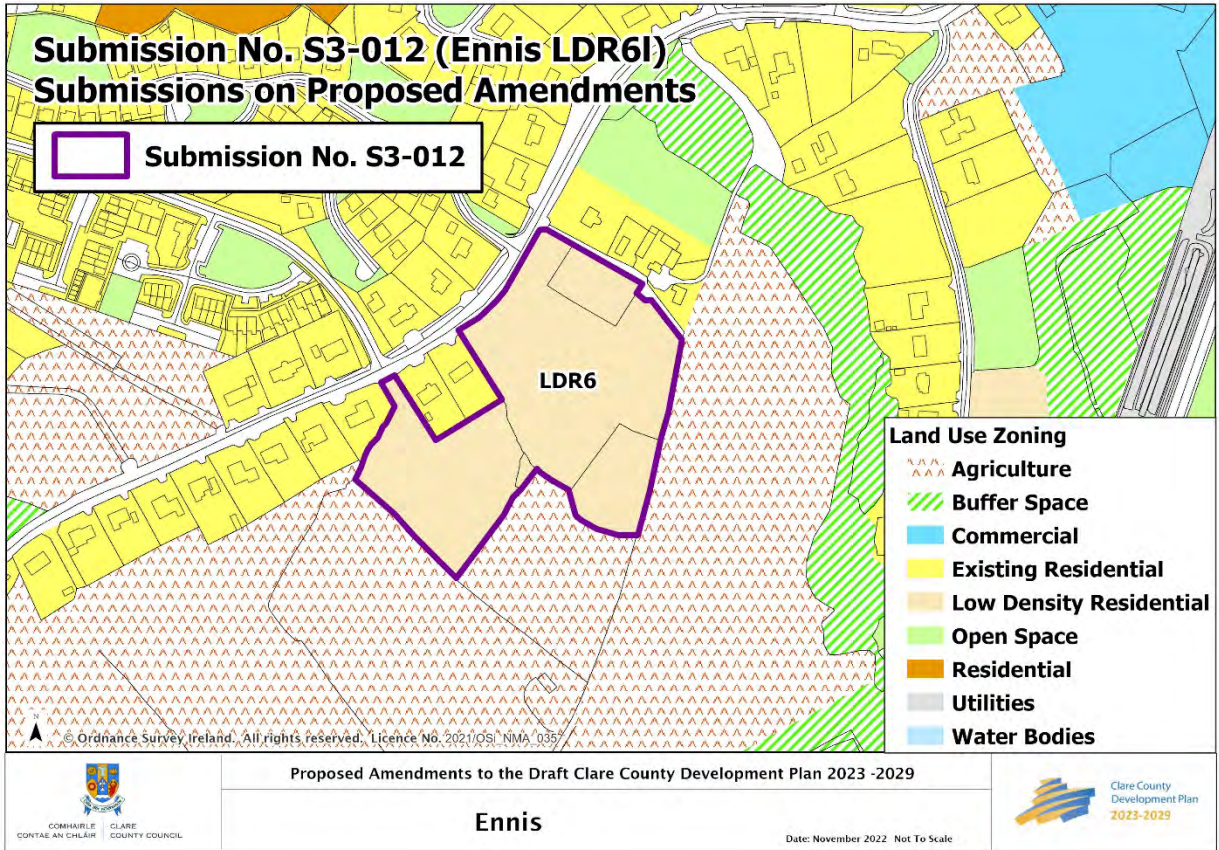


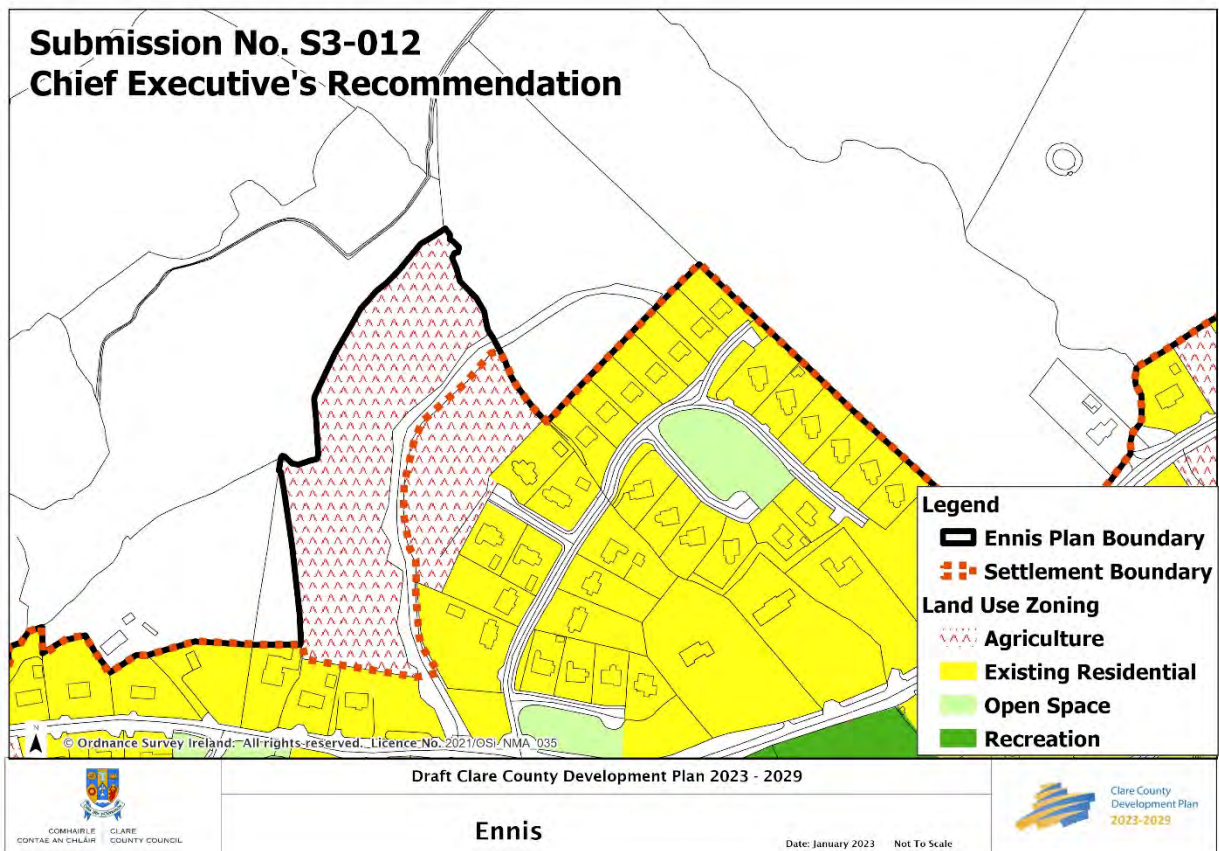
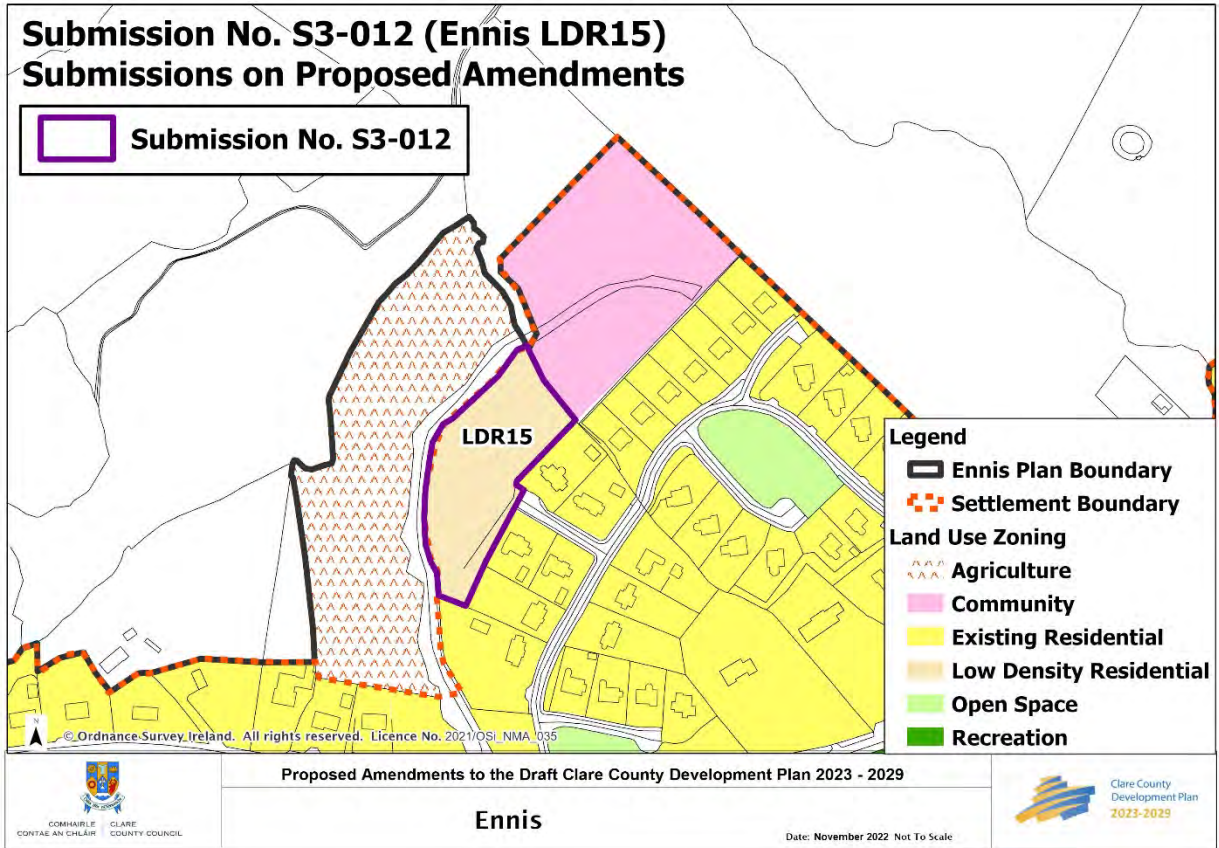
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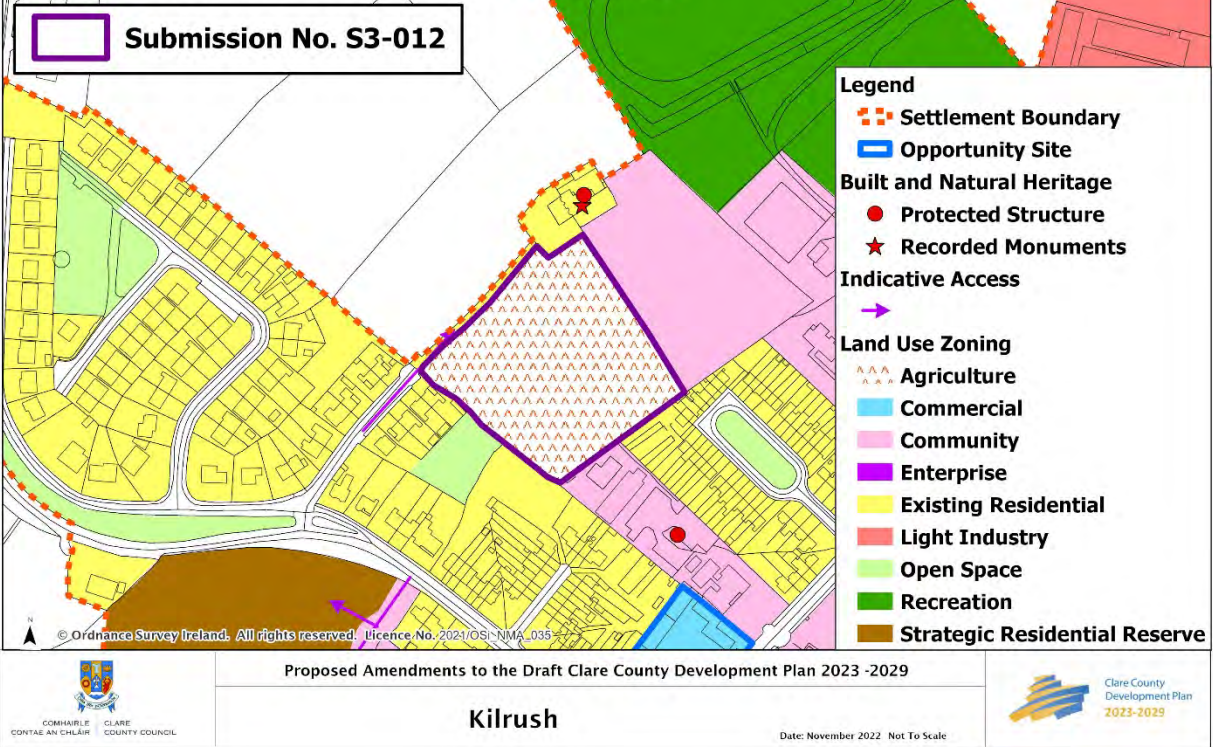
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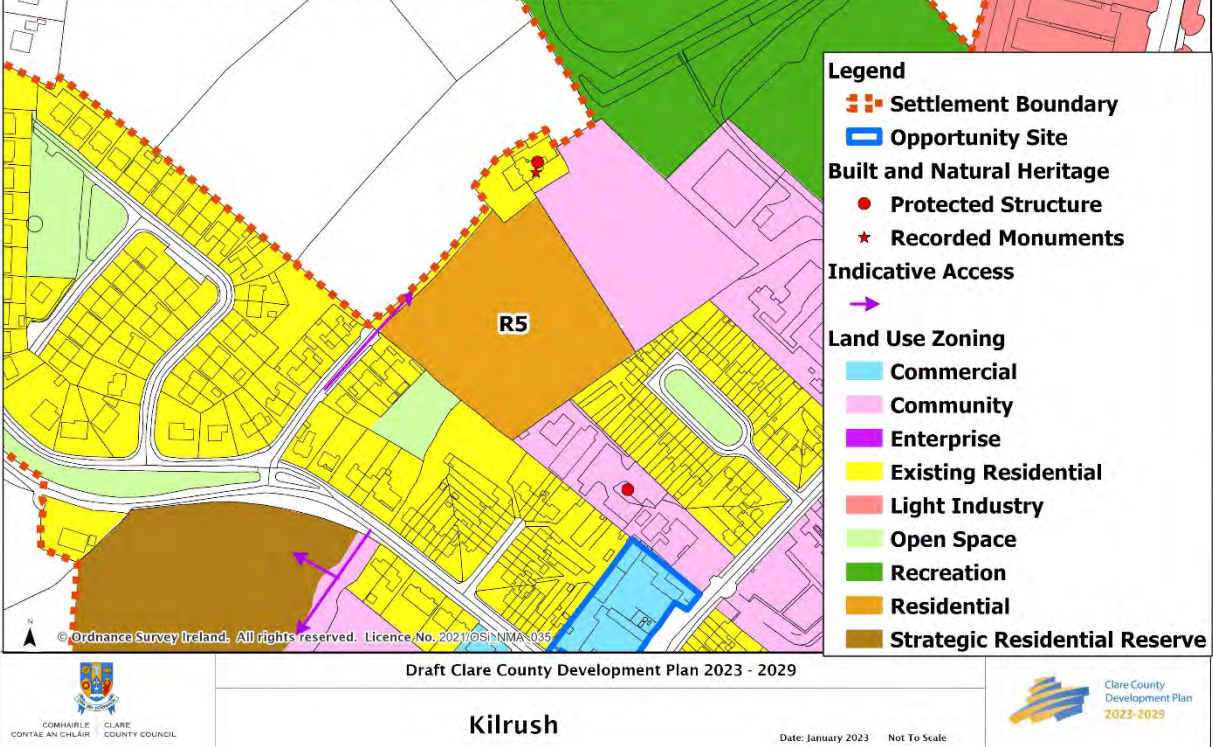




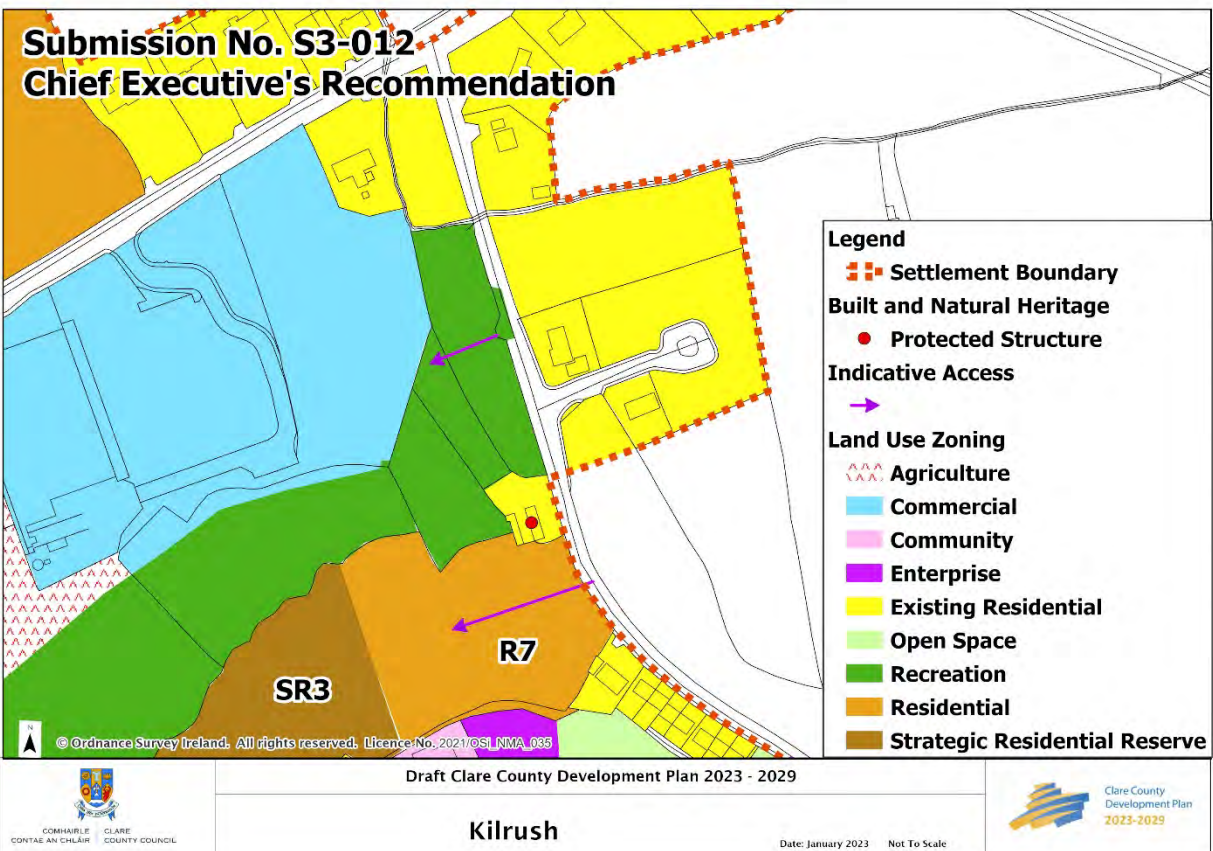
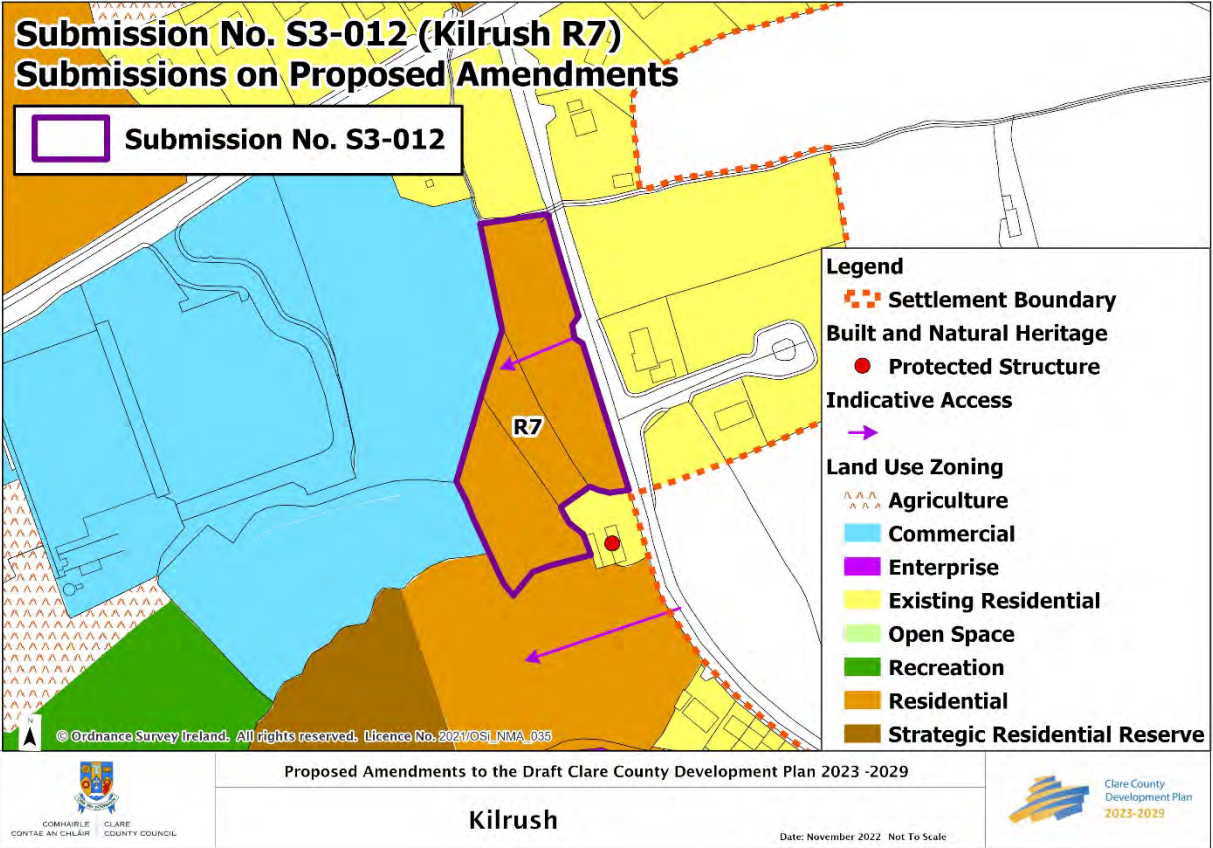
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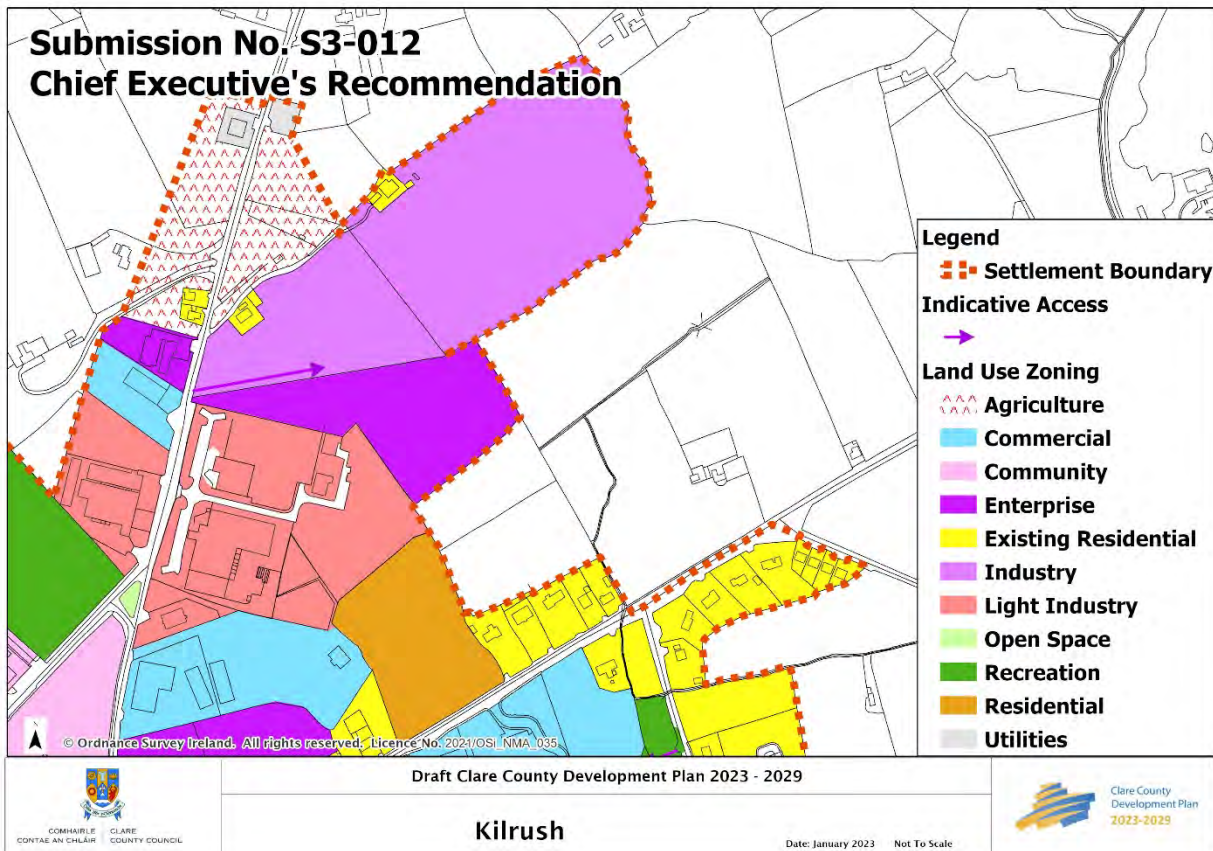
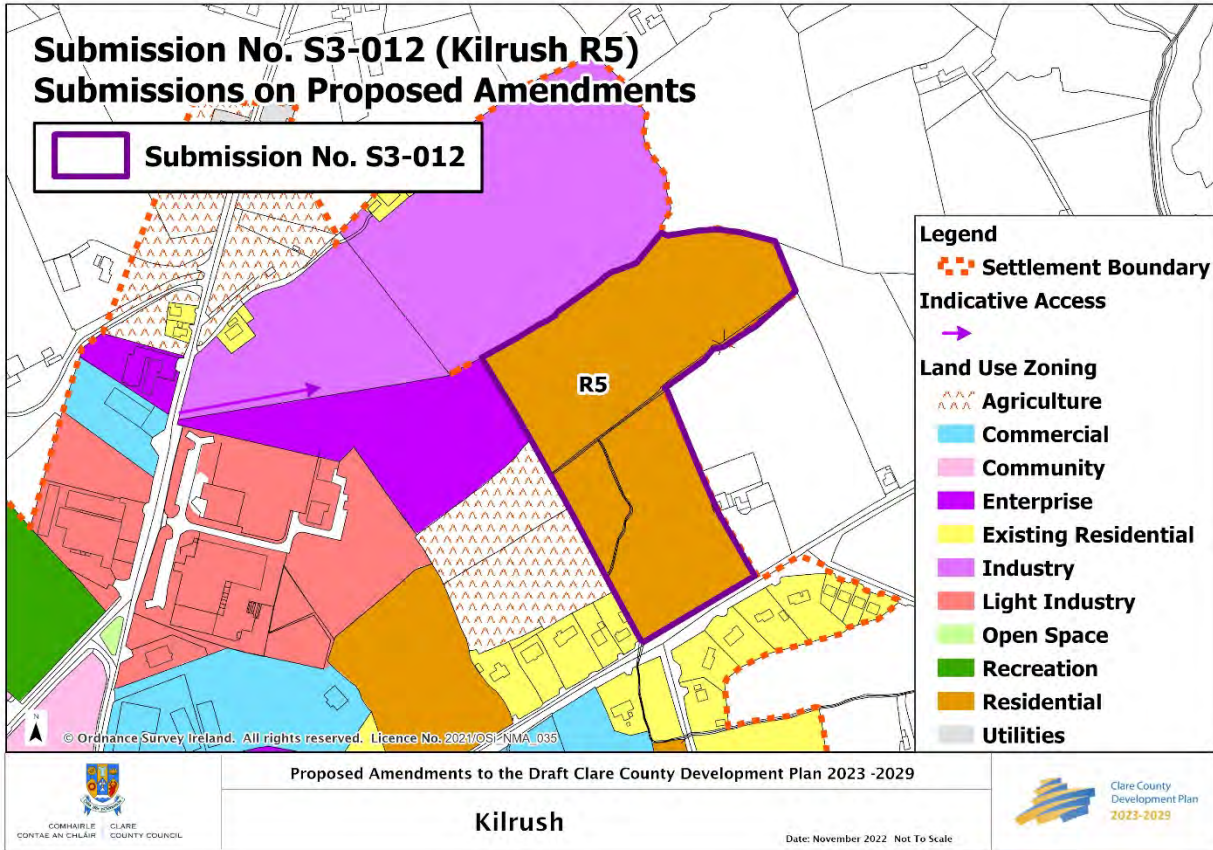


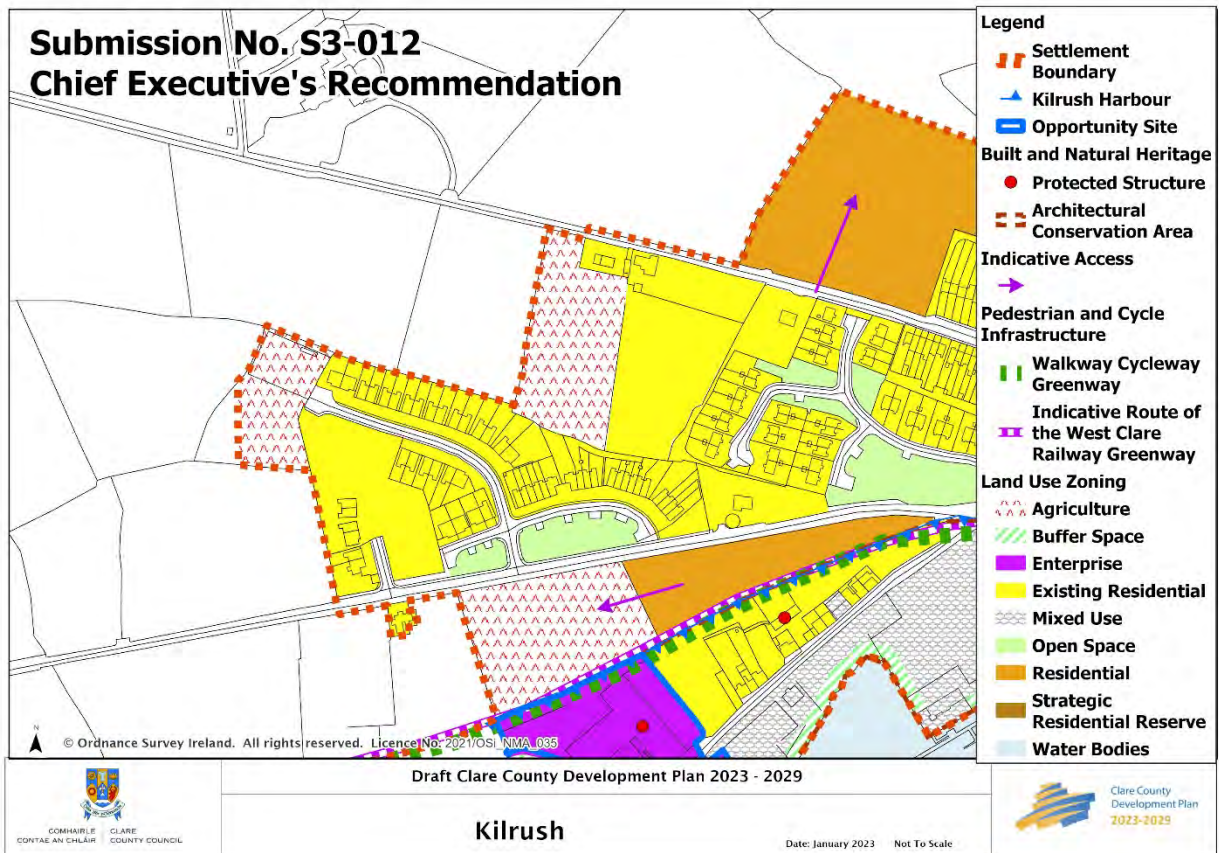
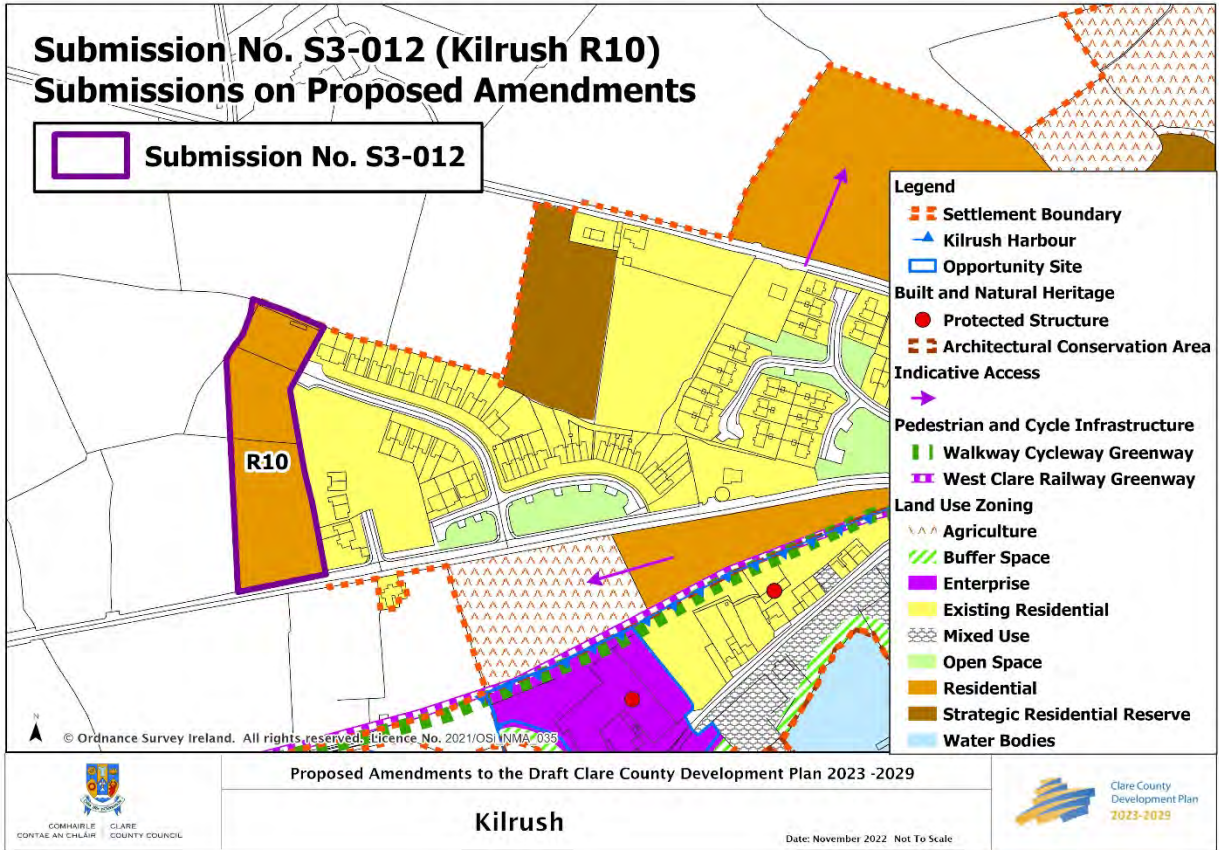
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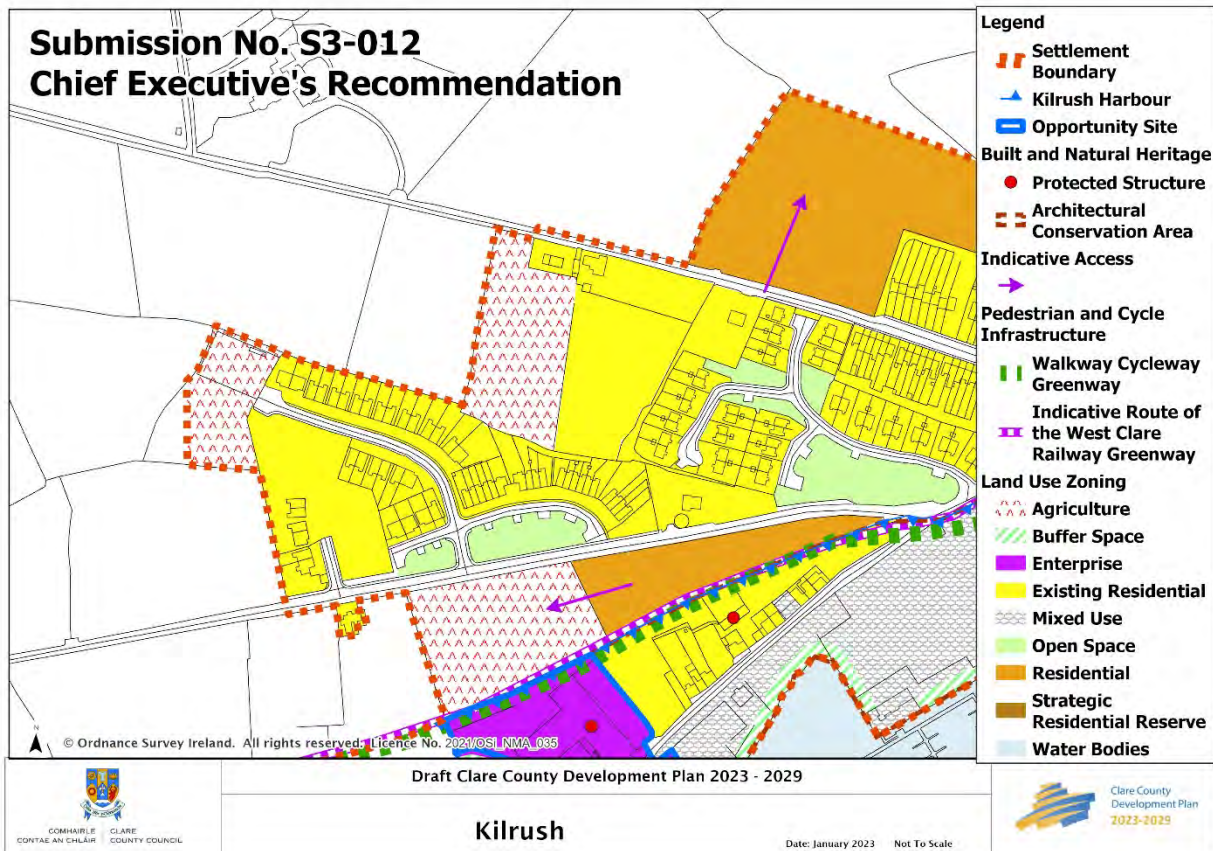
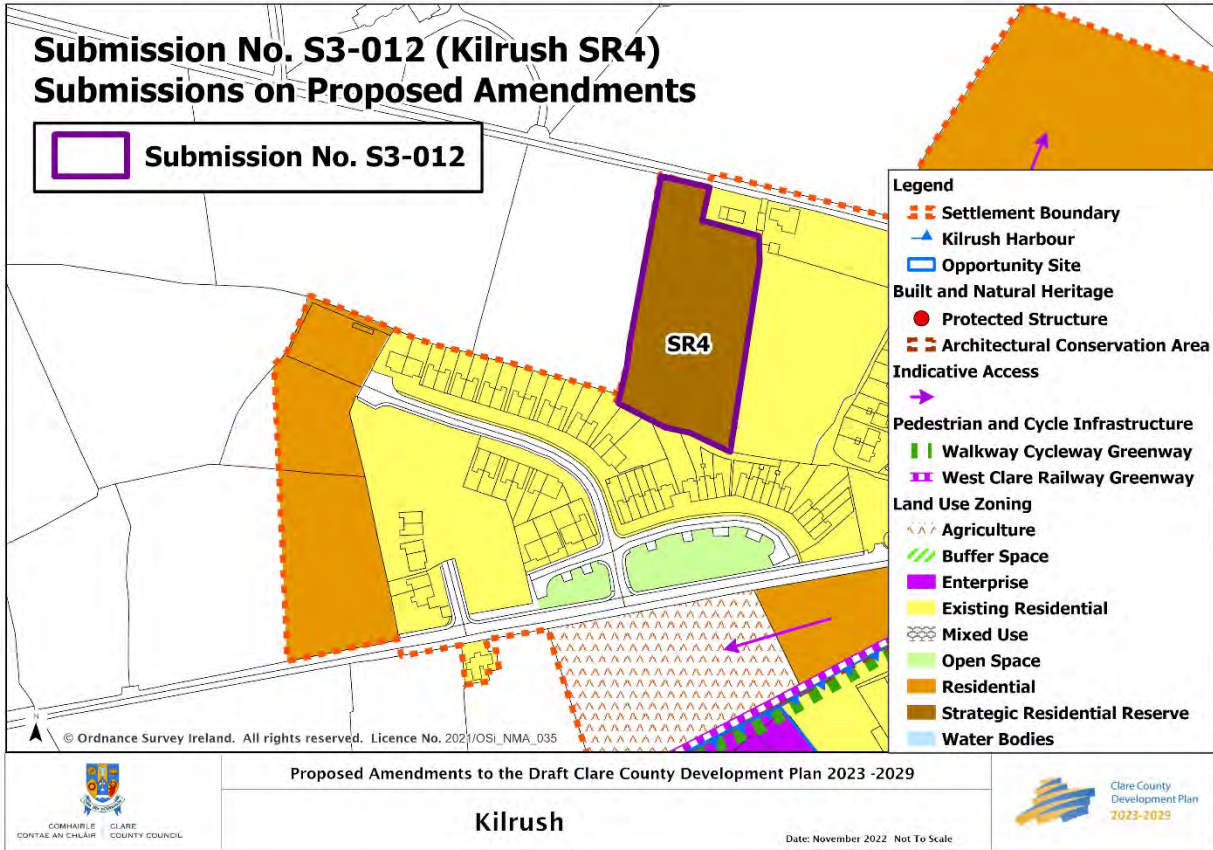


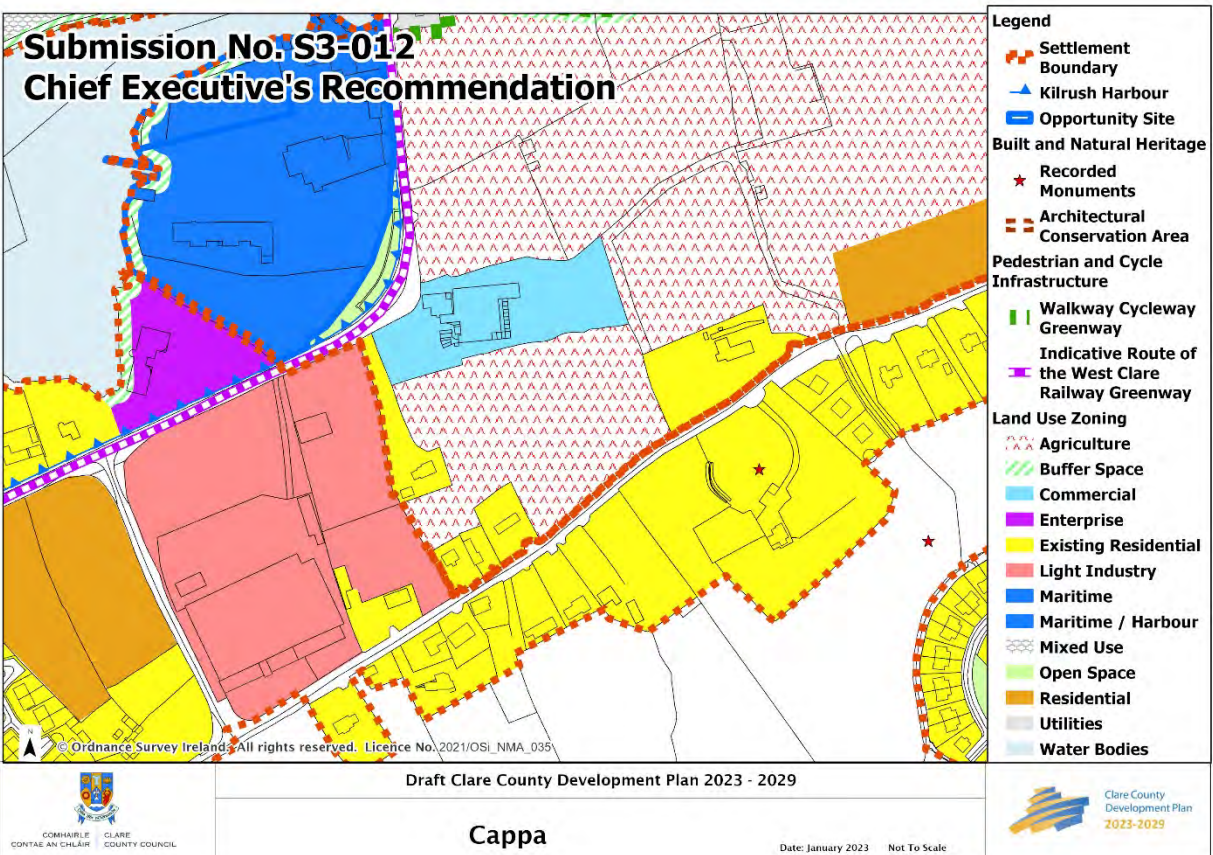
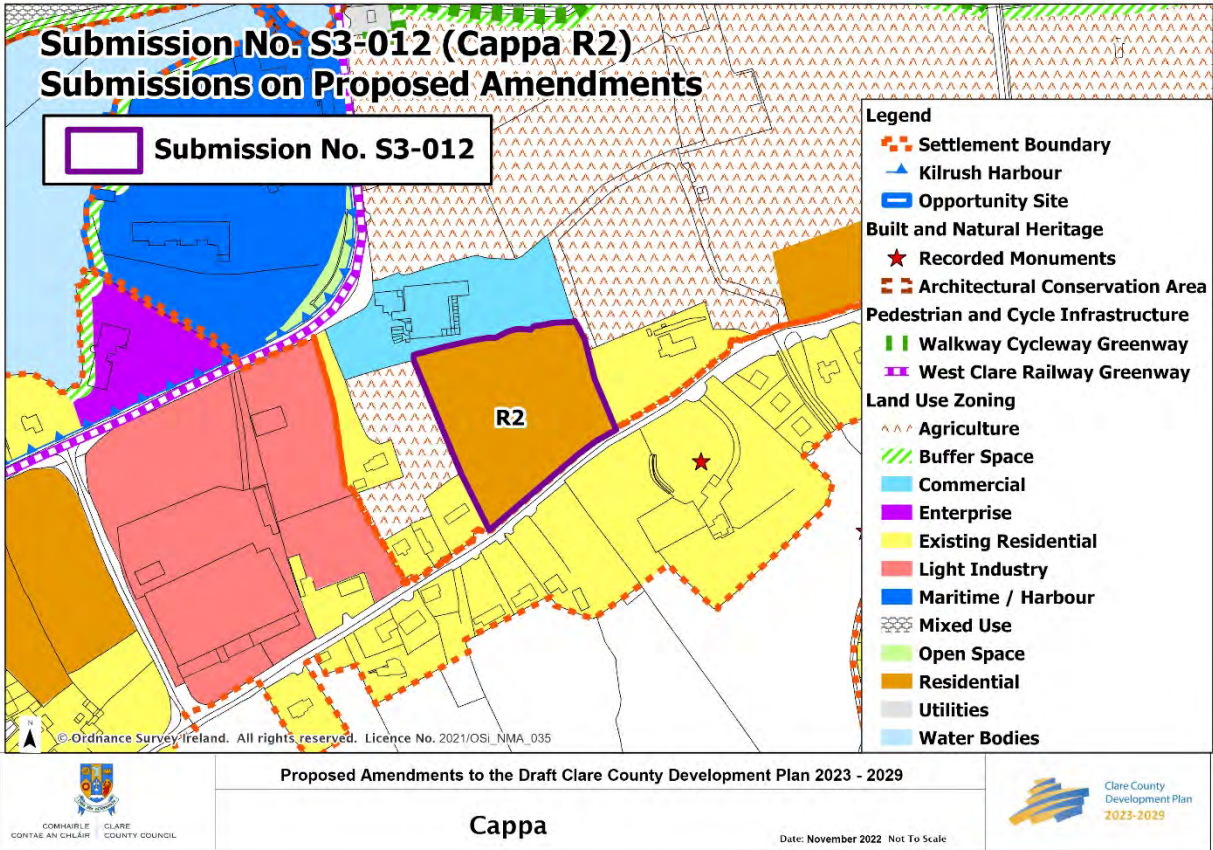


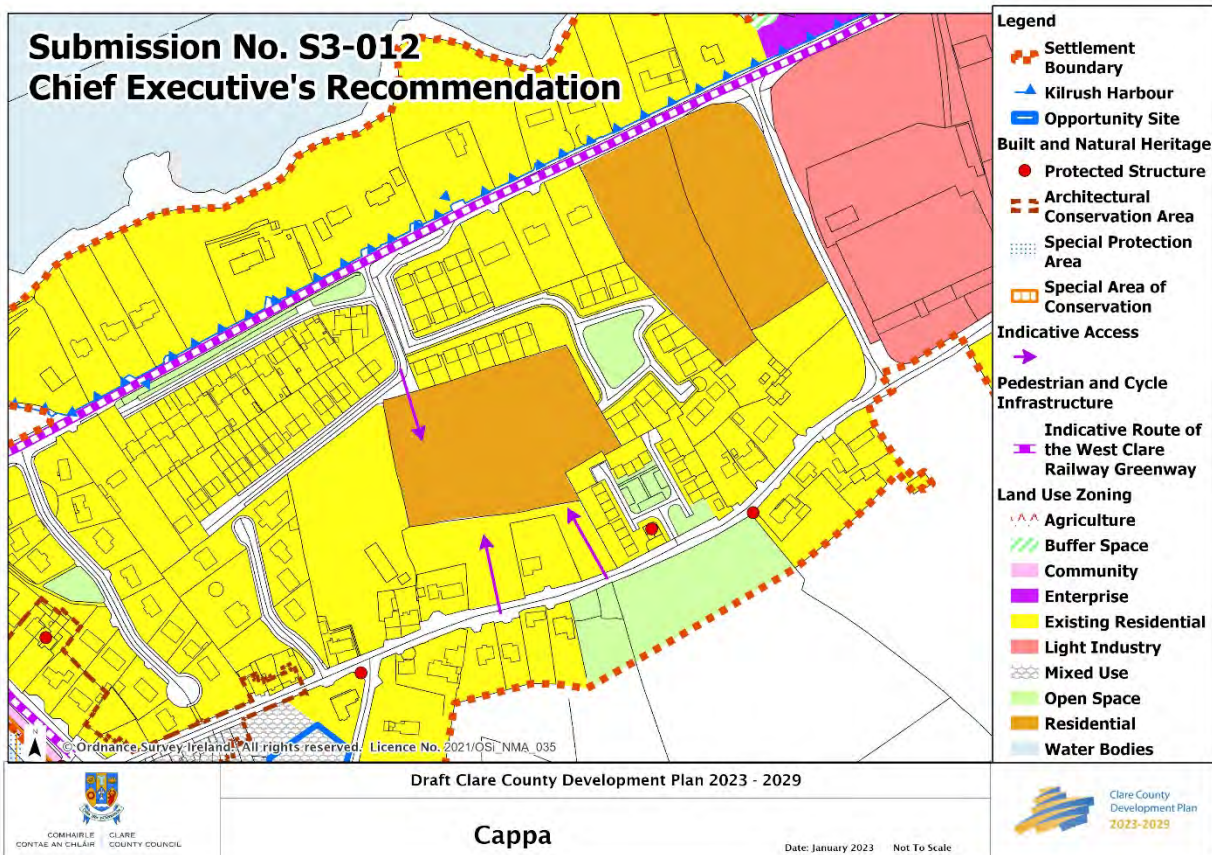
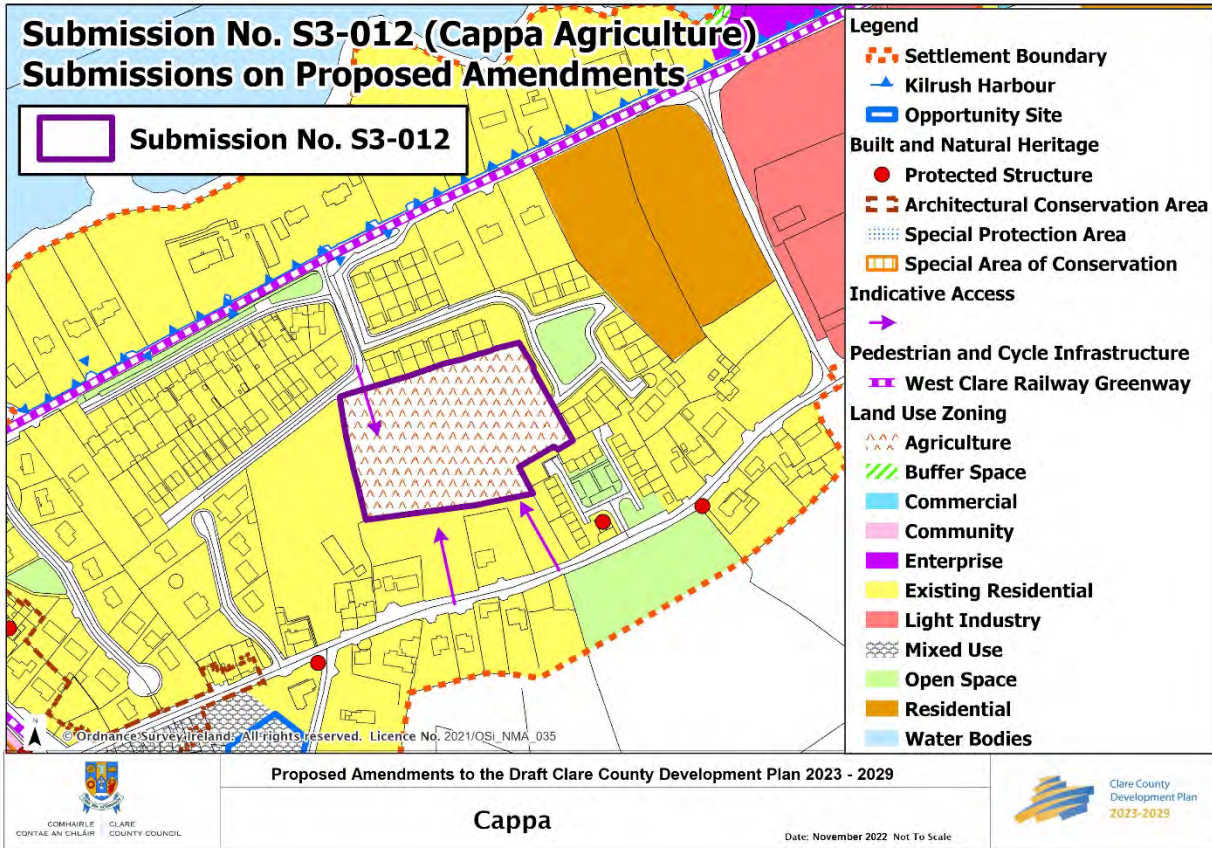






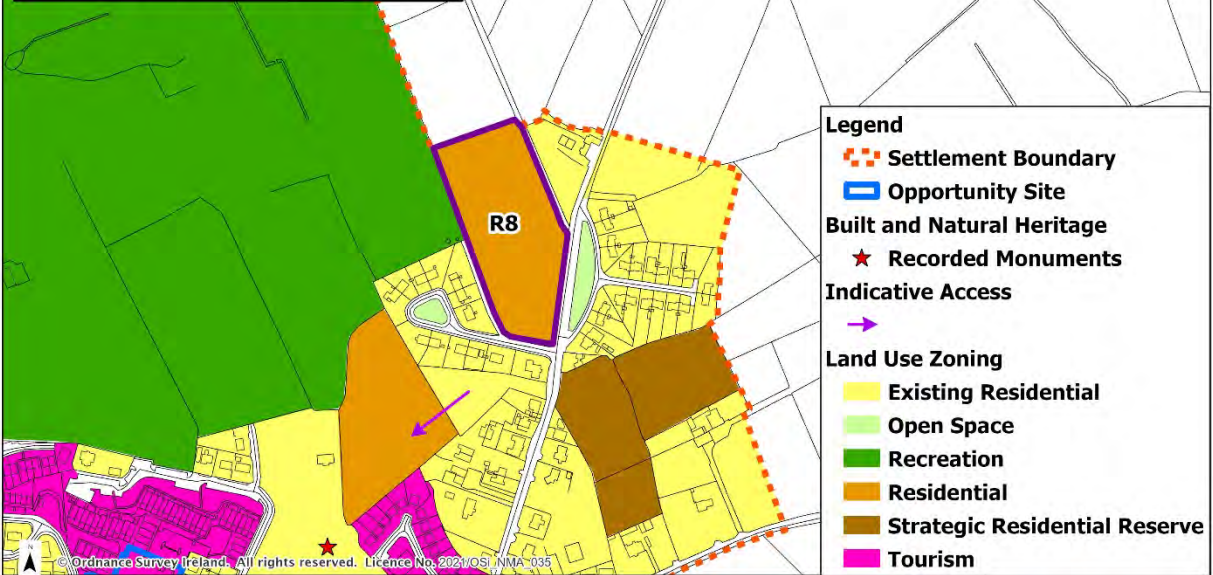






## Submission No. S3-012 (Kilkee R8) Submissions on Proposed Amendments

 Submission No. S3-012



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  - Built and Natural Heritage**
  -  Recorded Monuments
  - Indicative Access**
  - 
  - Land Use Zoning**
  -  Existing Residential
  -  Open Space
  -  Recreation
  -  Residential
  -  Strategic Residential Reserve
  -  Tourism



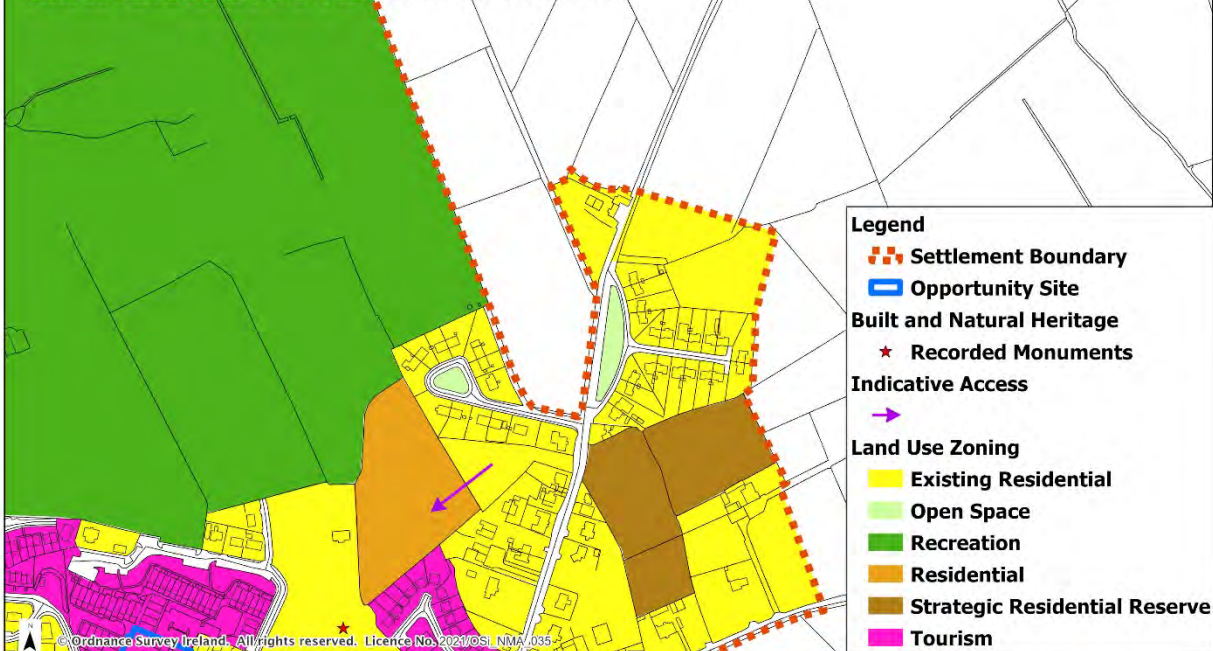
Proposed Amendments to the Draft Clare County Development Plan 2023 -2029

Kilkee

Date: November 2022 Not To Scale



## Submission No. S3-012 Chief Executive's Recommendation



- Legend**
-  Settlement Boundary
  -  Opportunity Site
  - Built and Natural Heritage**
  -  Recorded Monuments
  - Indicative Access**
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  - Land Use Zoning**
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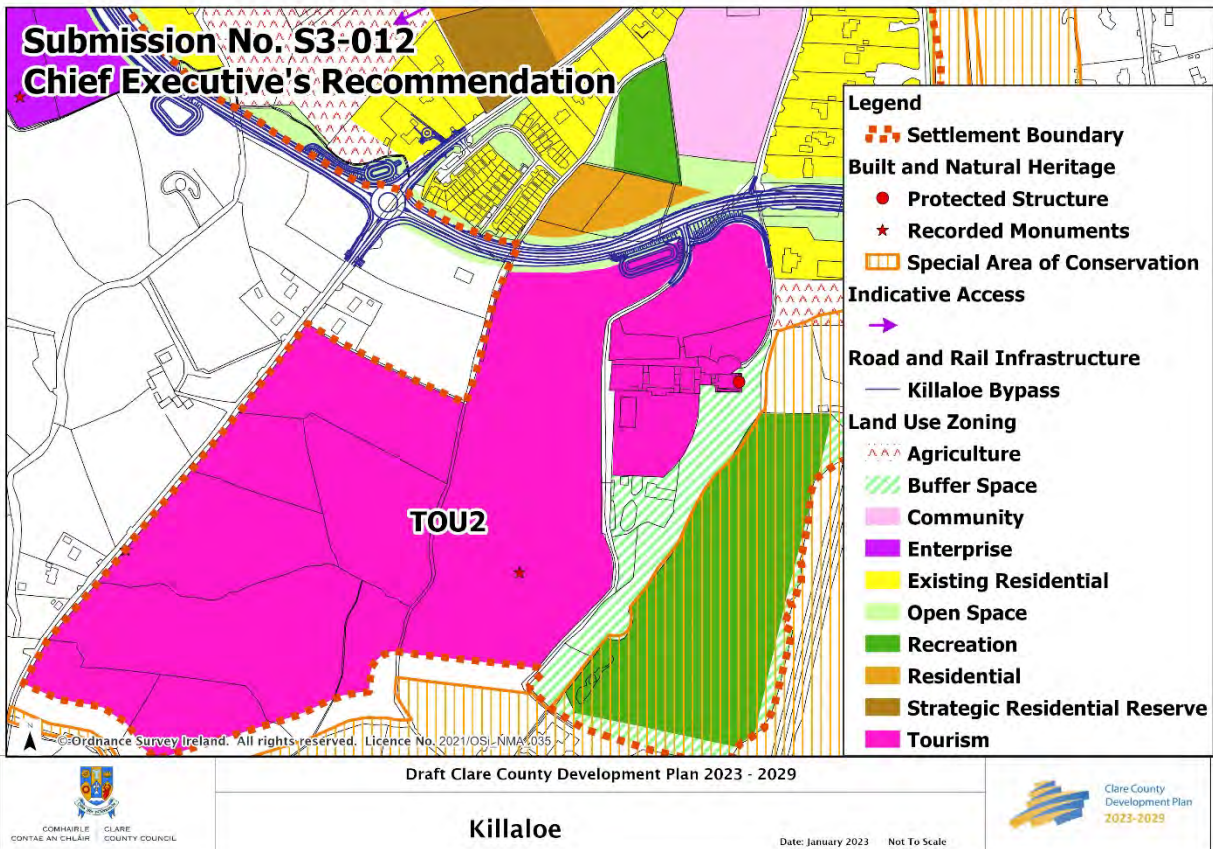
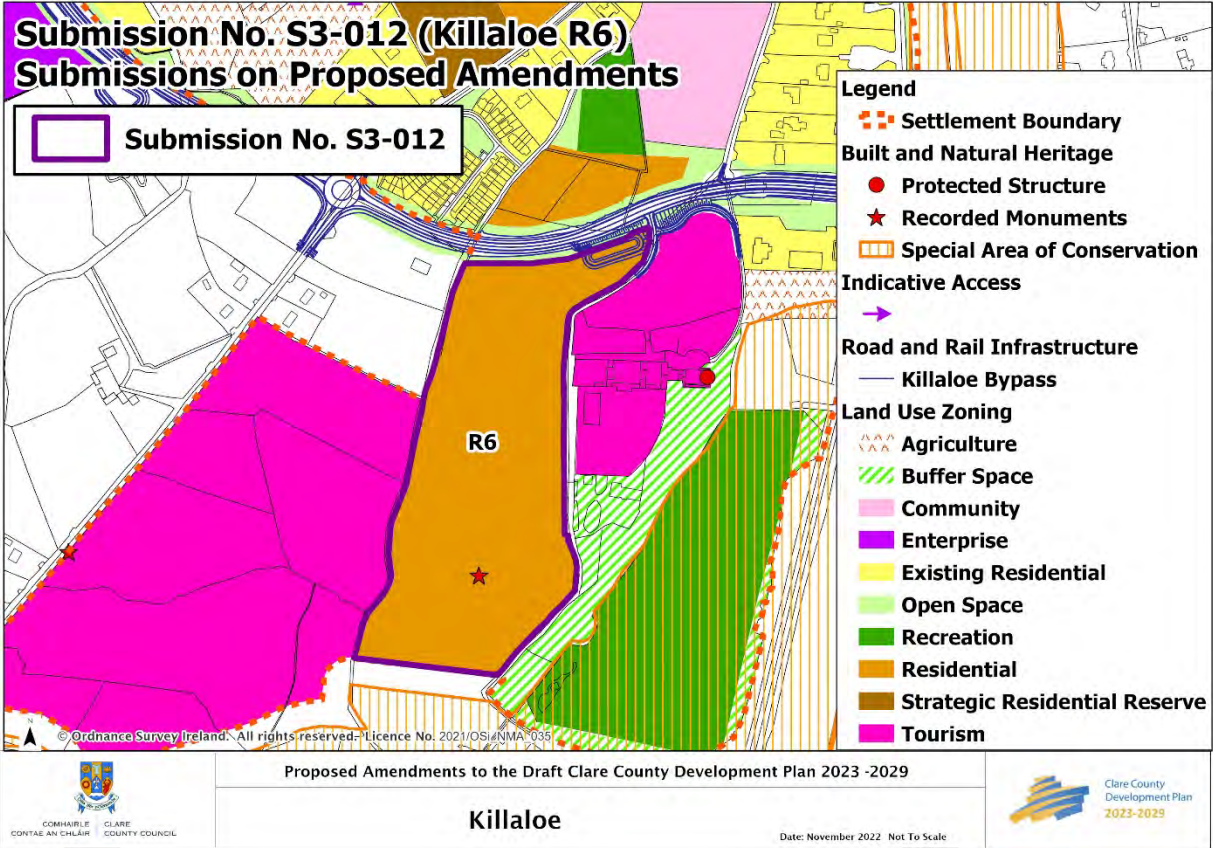


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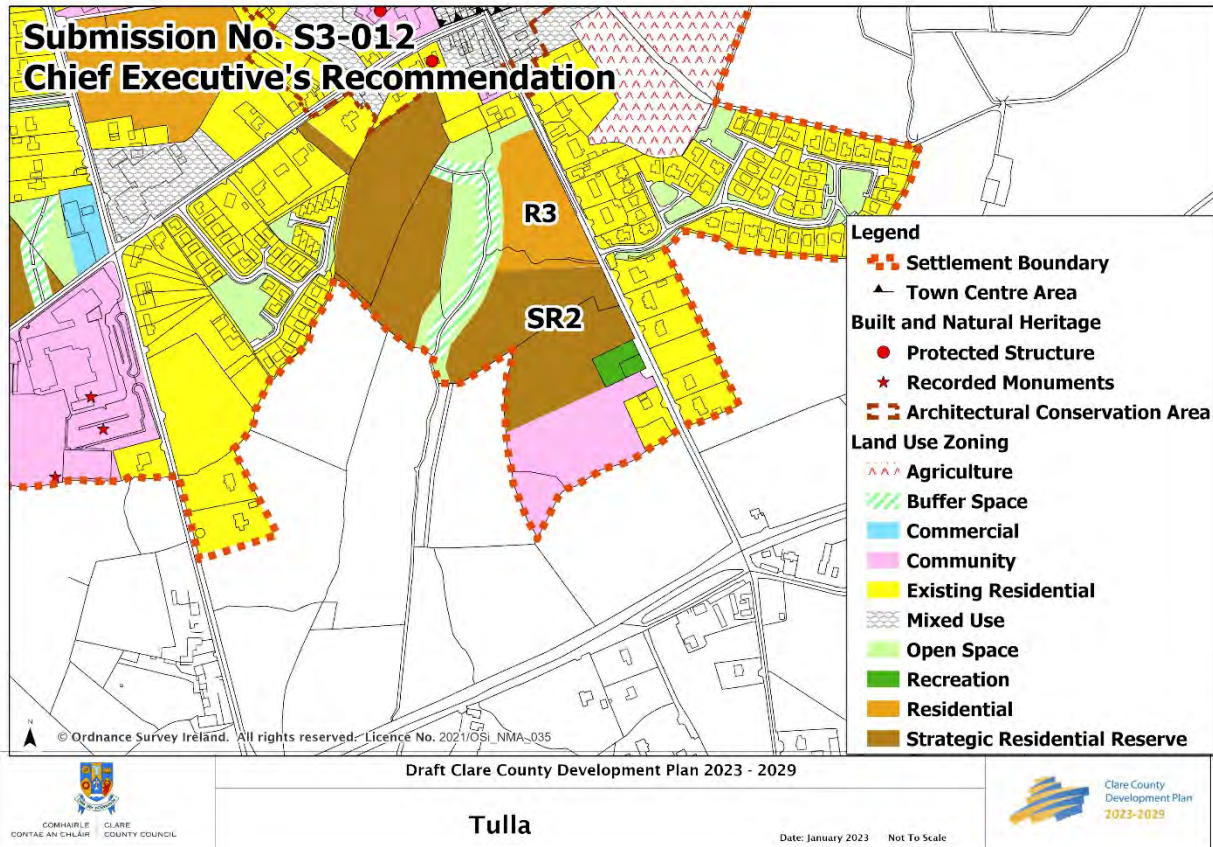
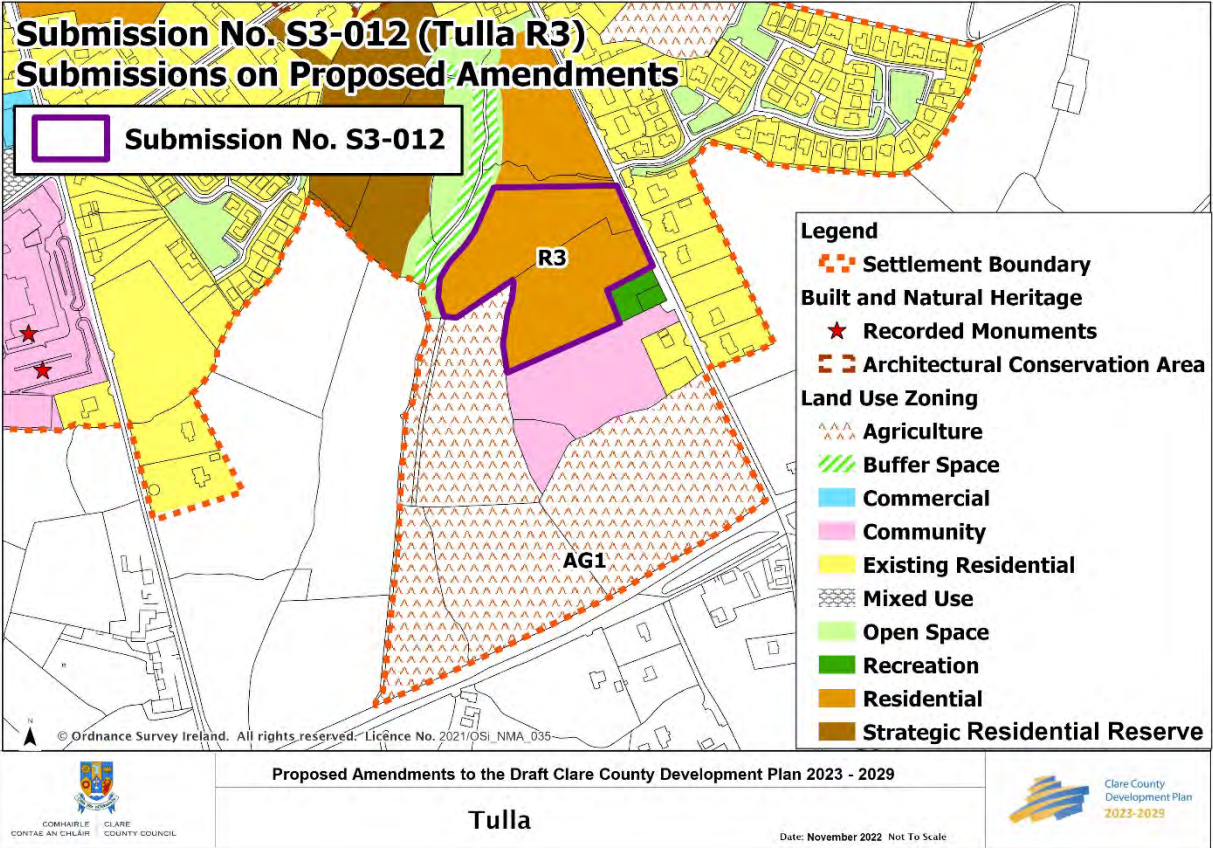
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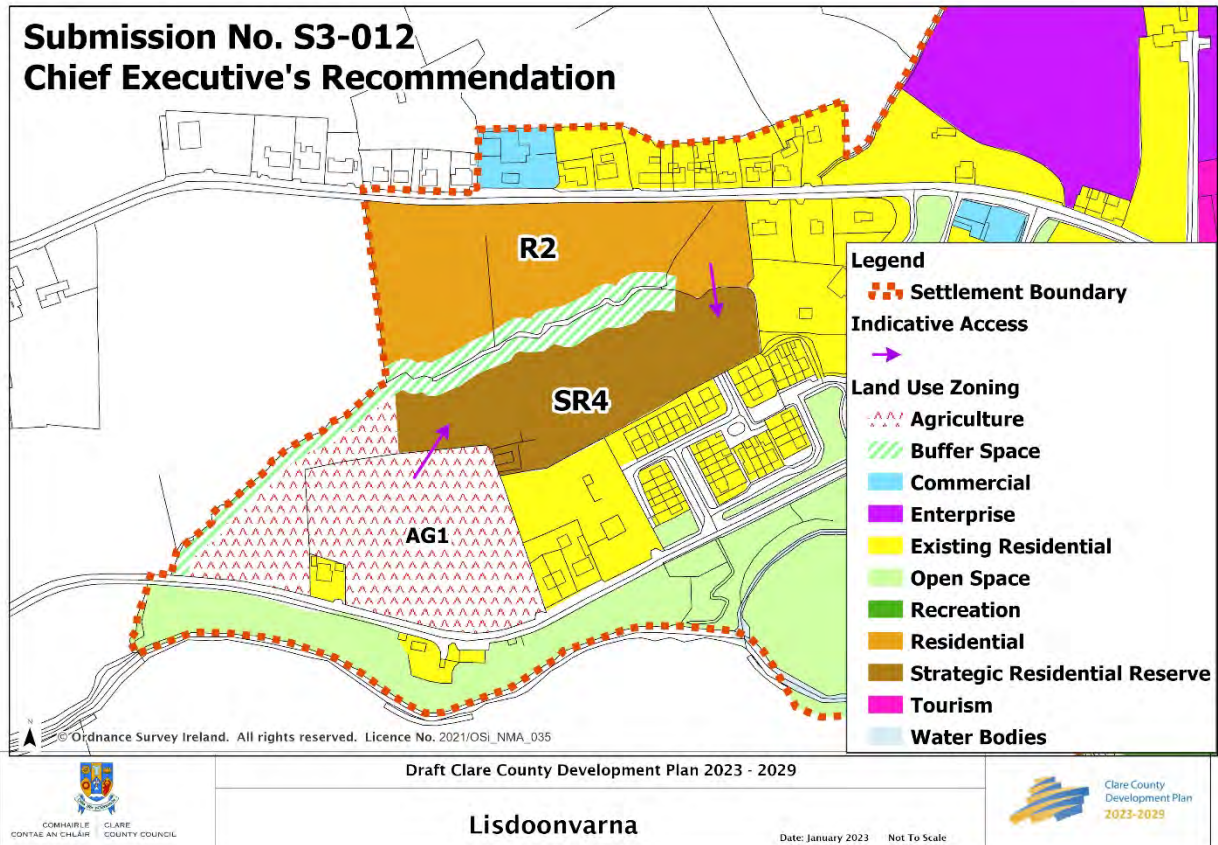
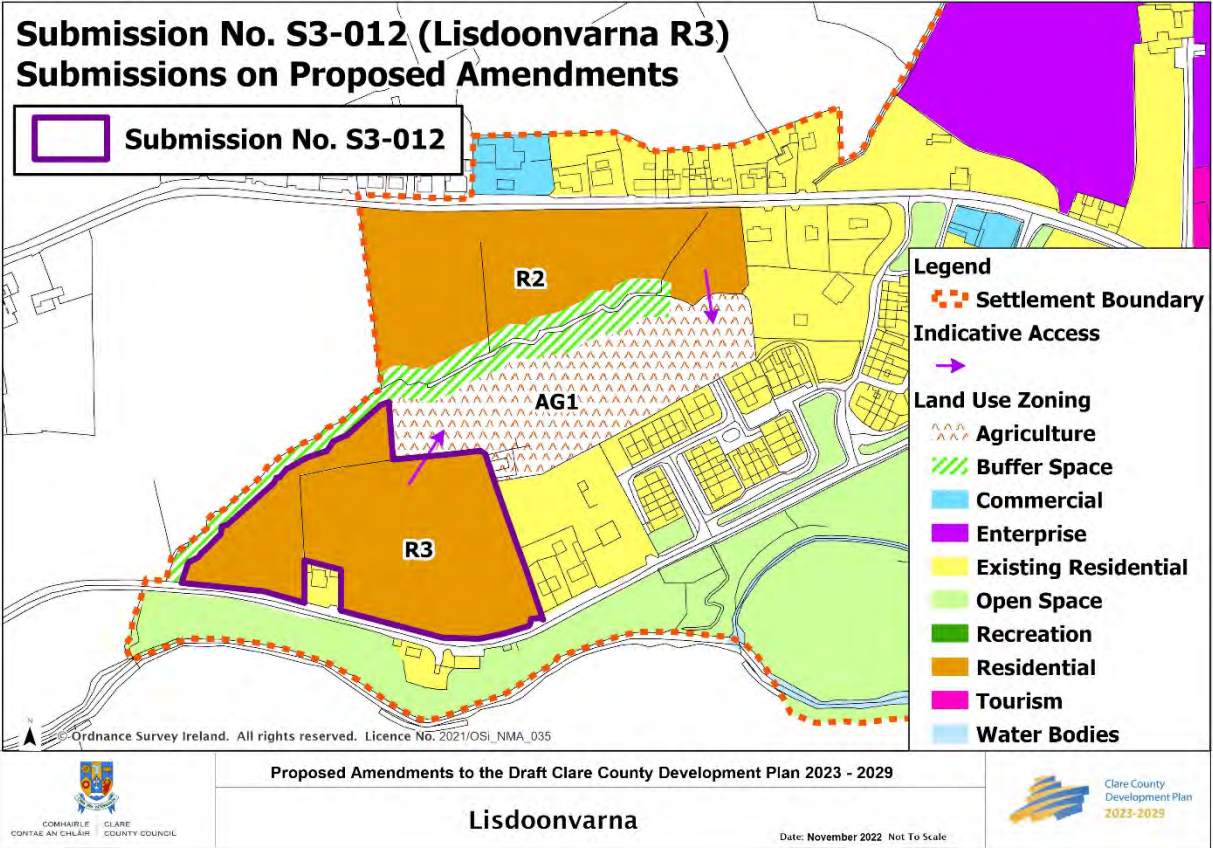
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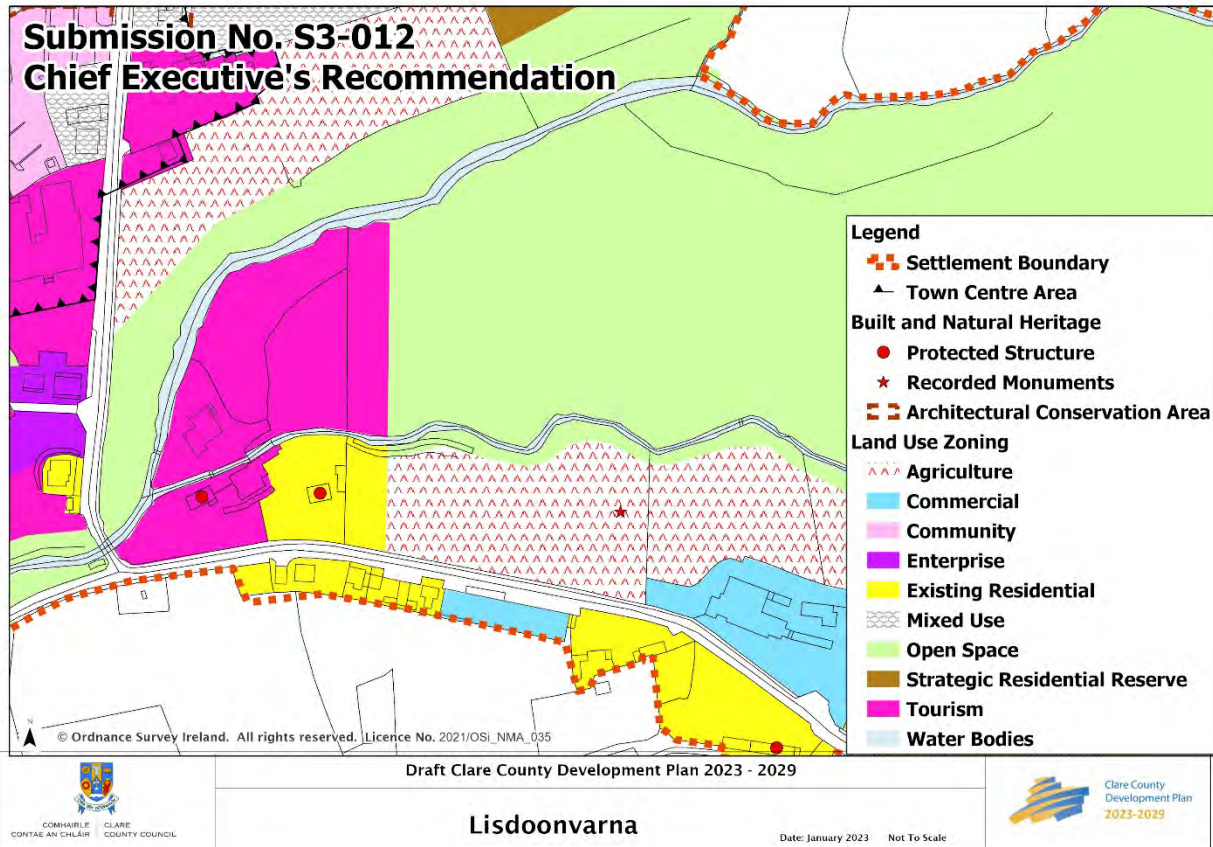
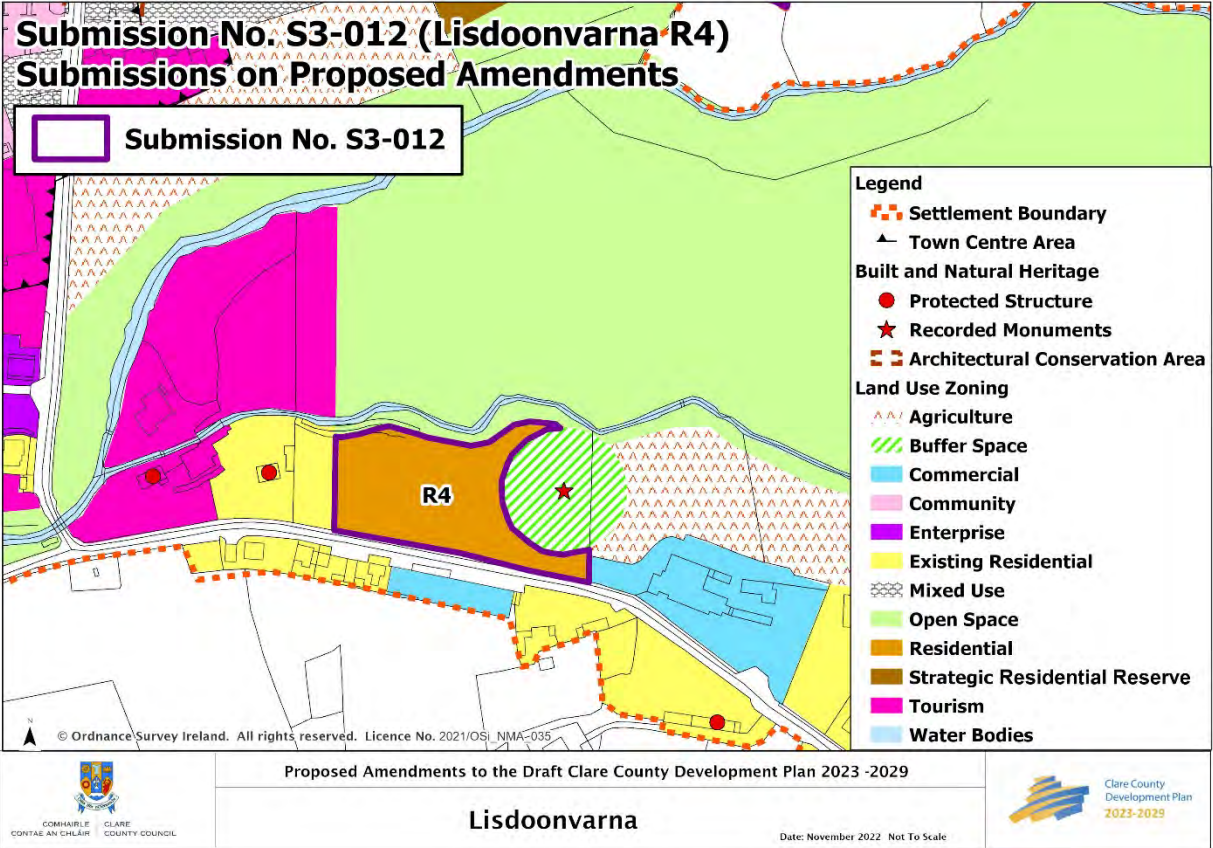


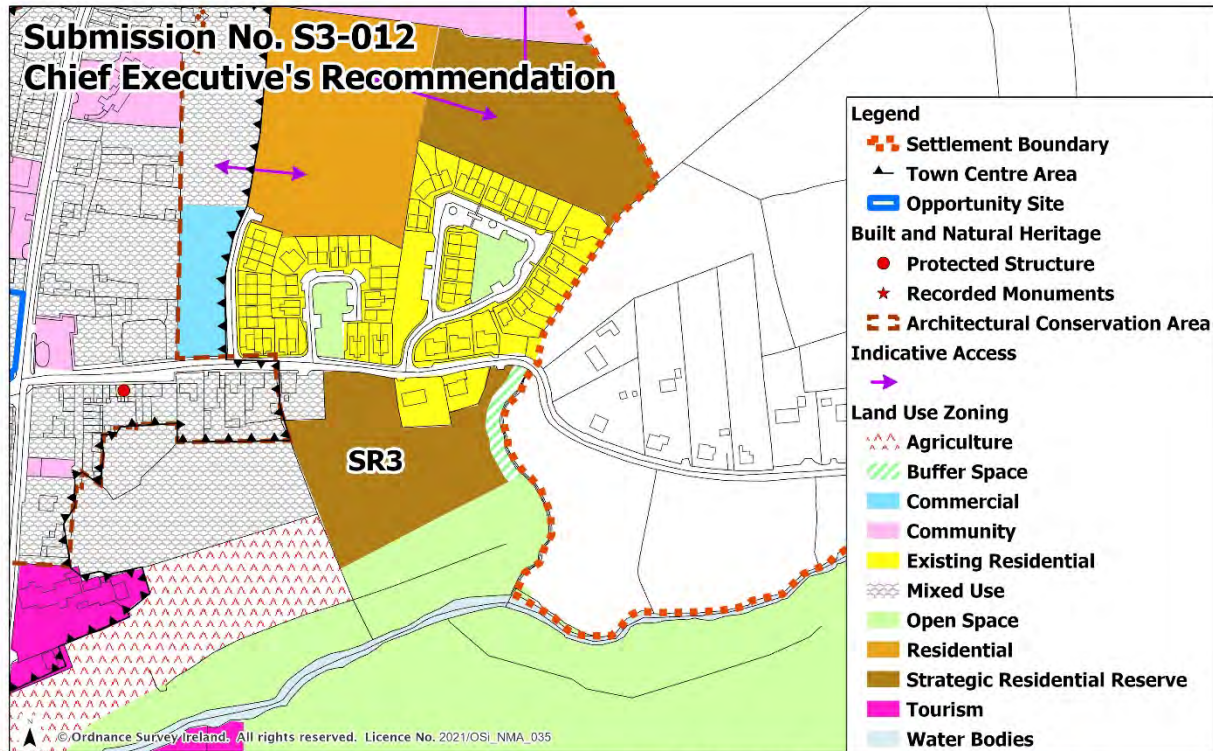
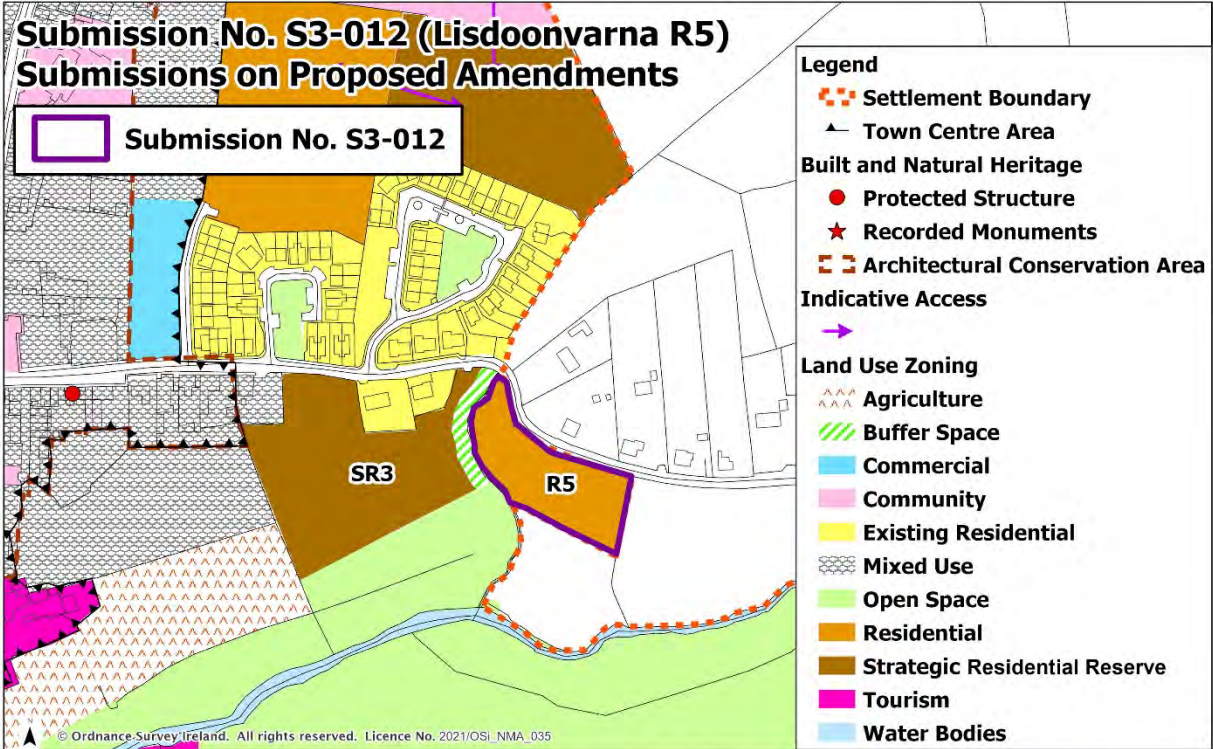




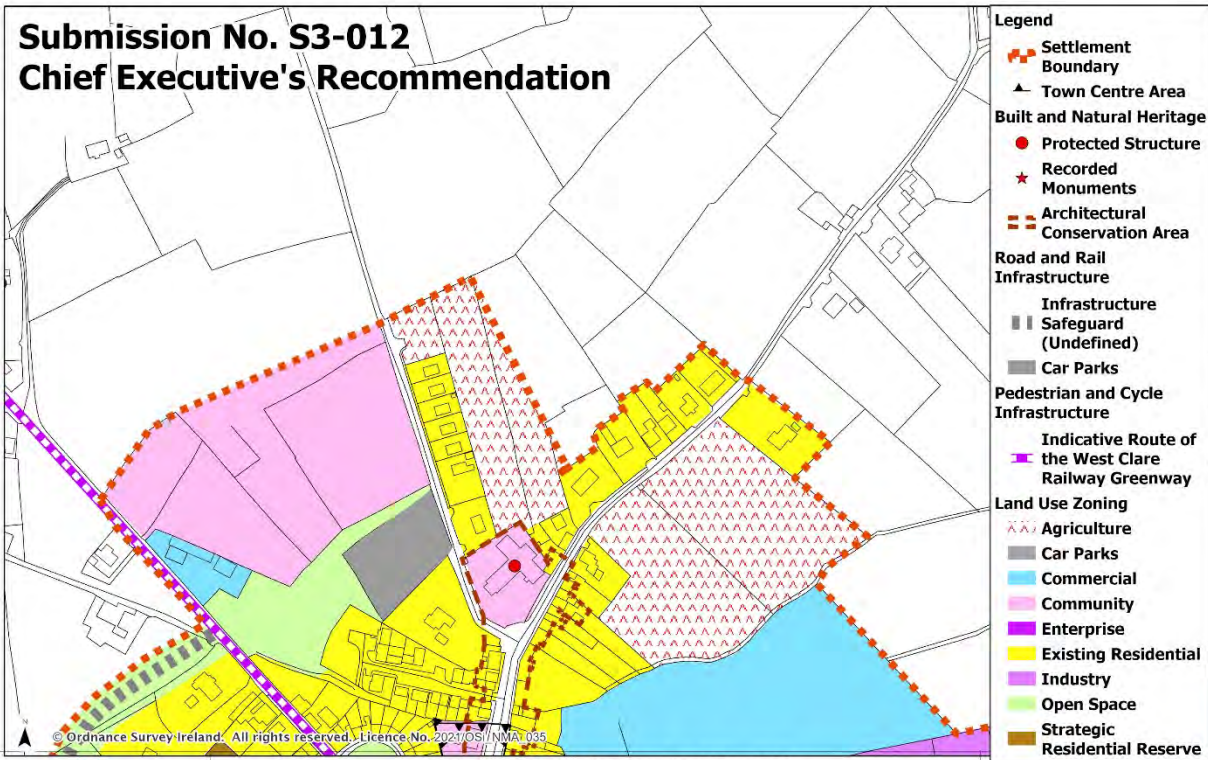
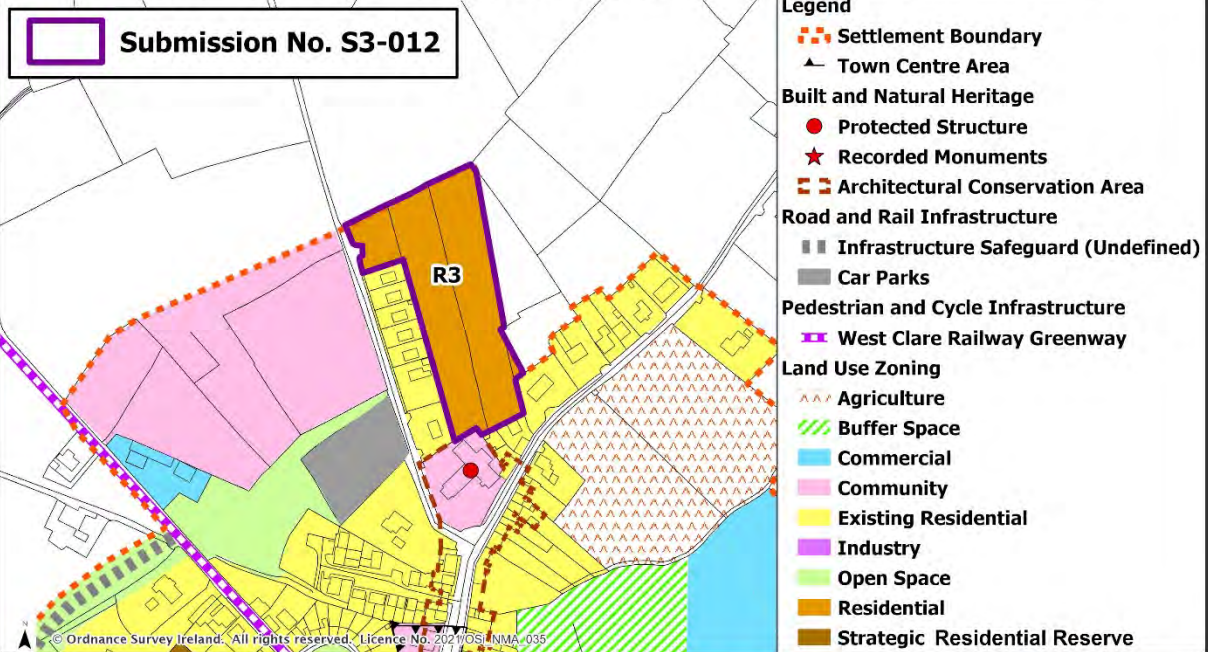


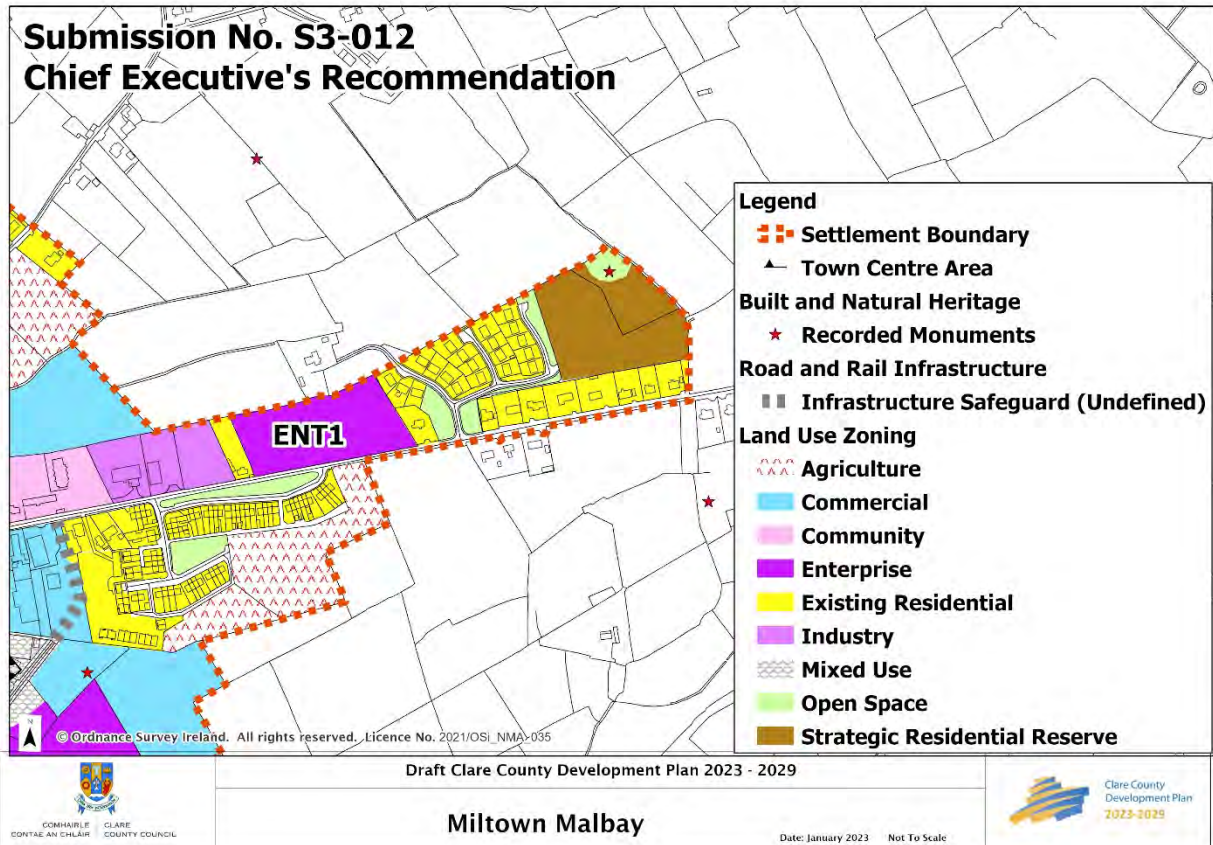
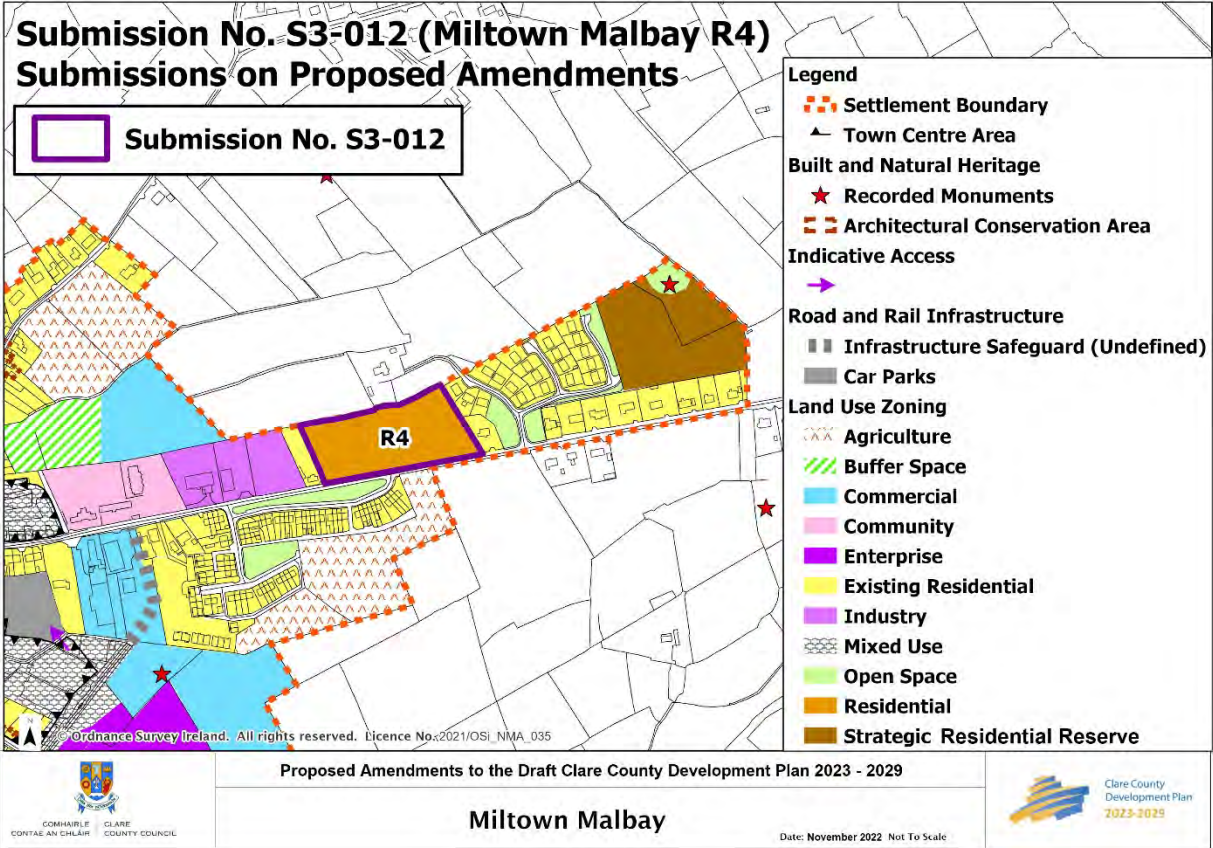


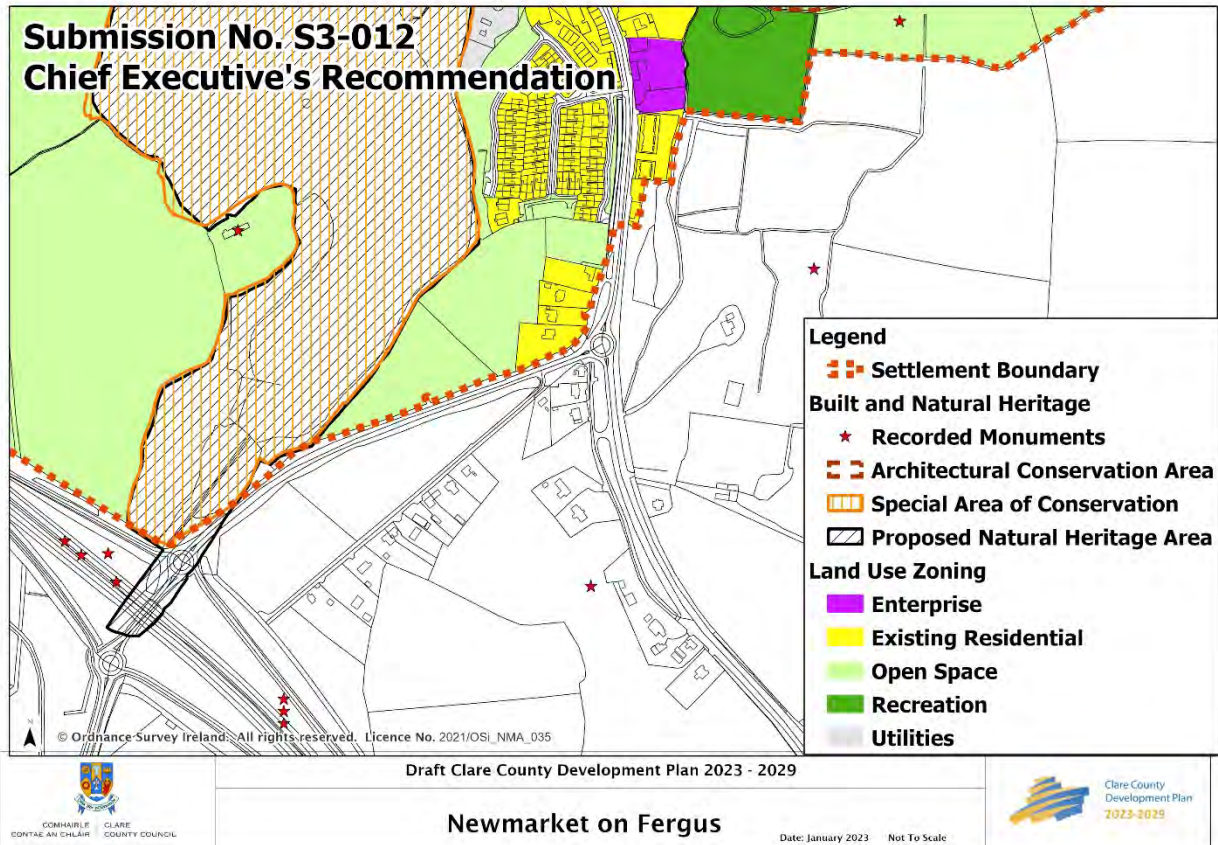
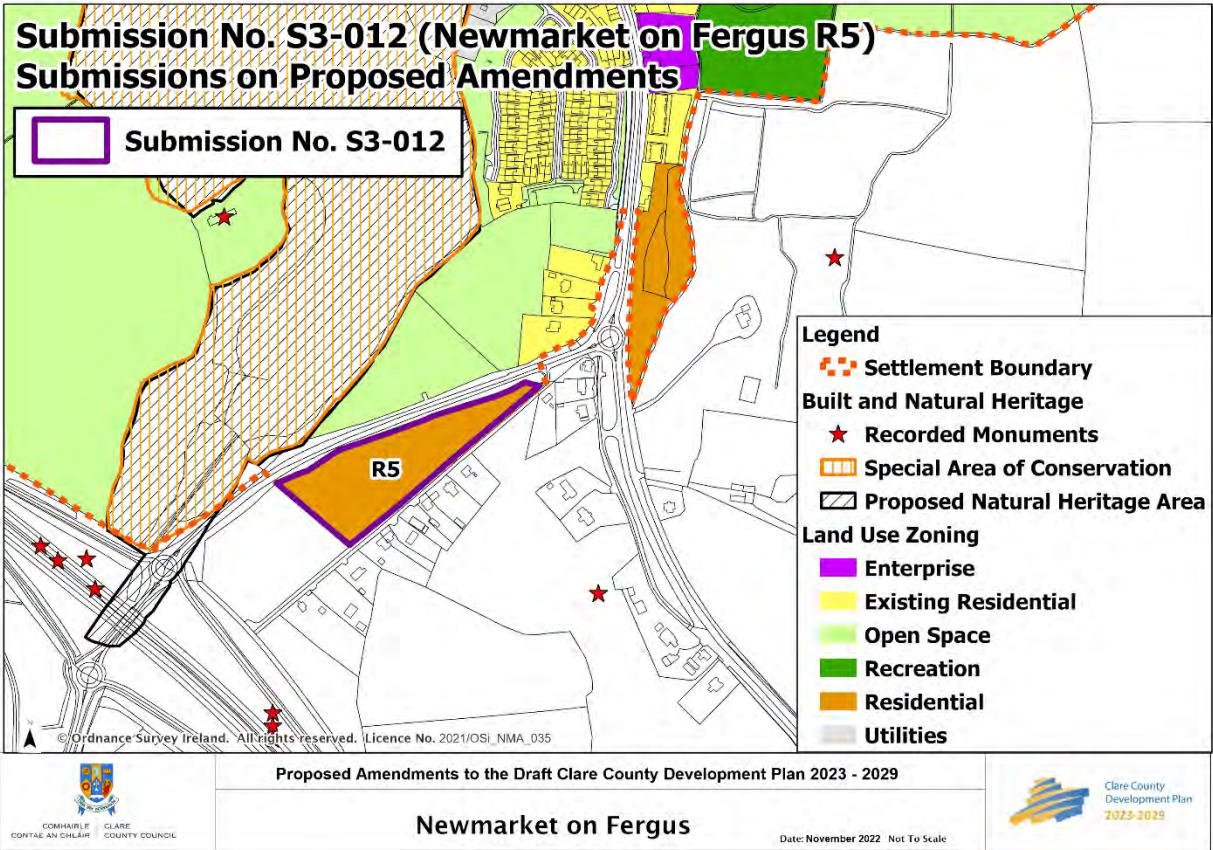


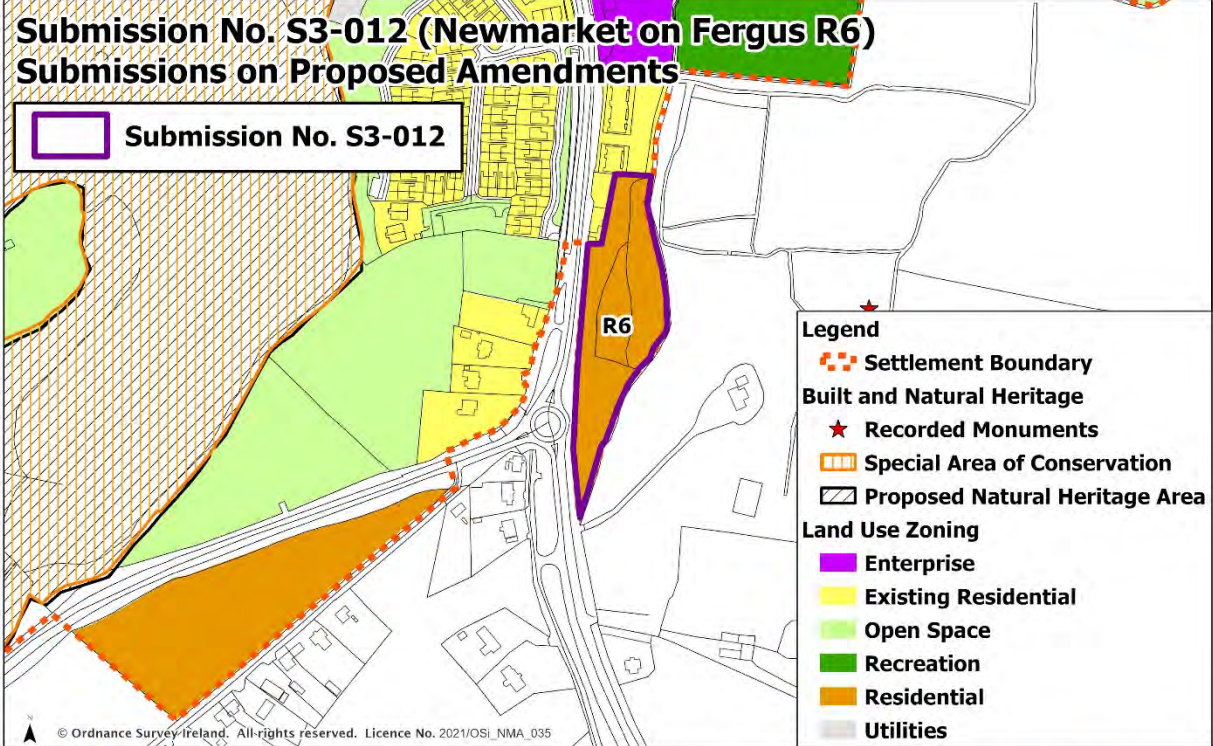


## Submission No. S3-012 (Miltown Malbay R3) Submissions on Proposed Amendments





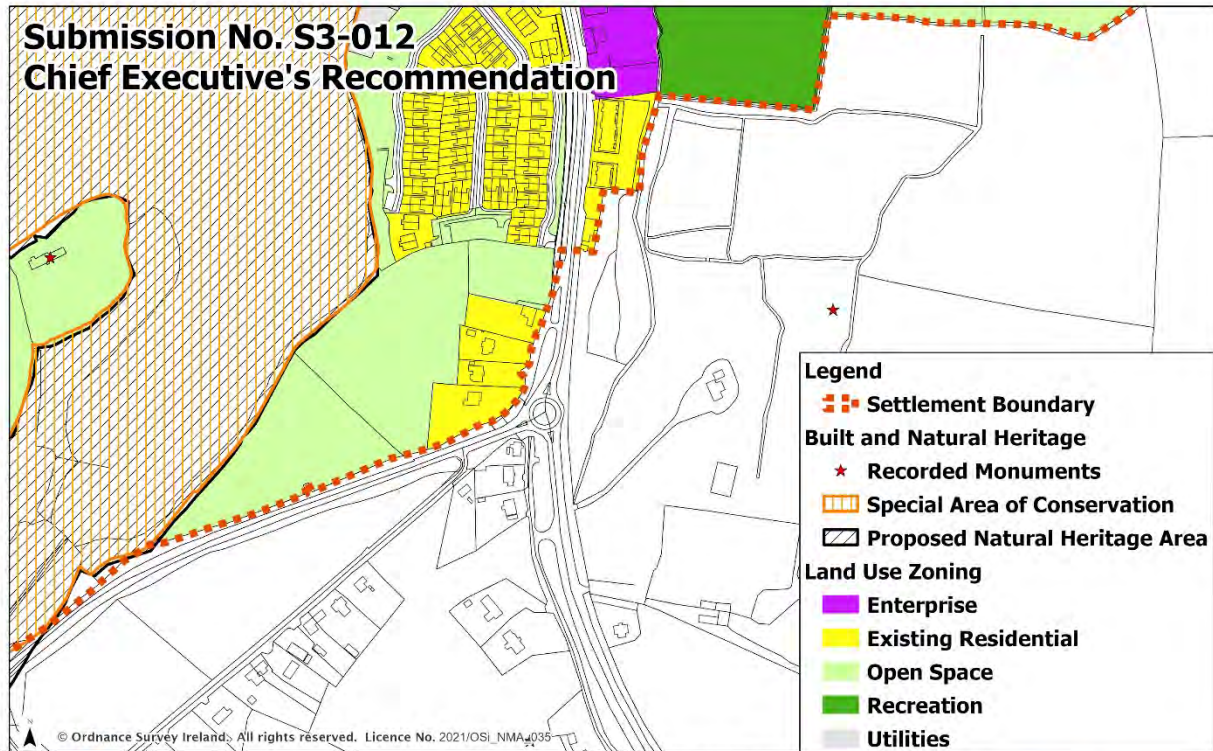




Proposed Amendments to the Draft Clare County Development Plan 2023 - 2029

**Newmarket on Fergus**

Date: November 2022 Not To Scale

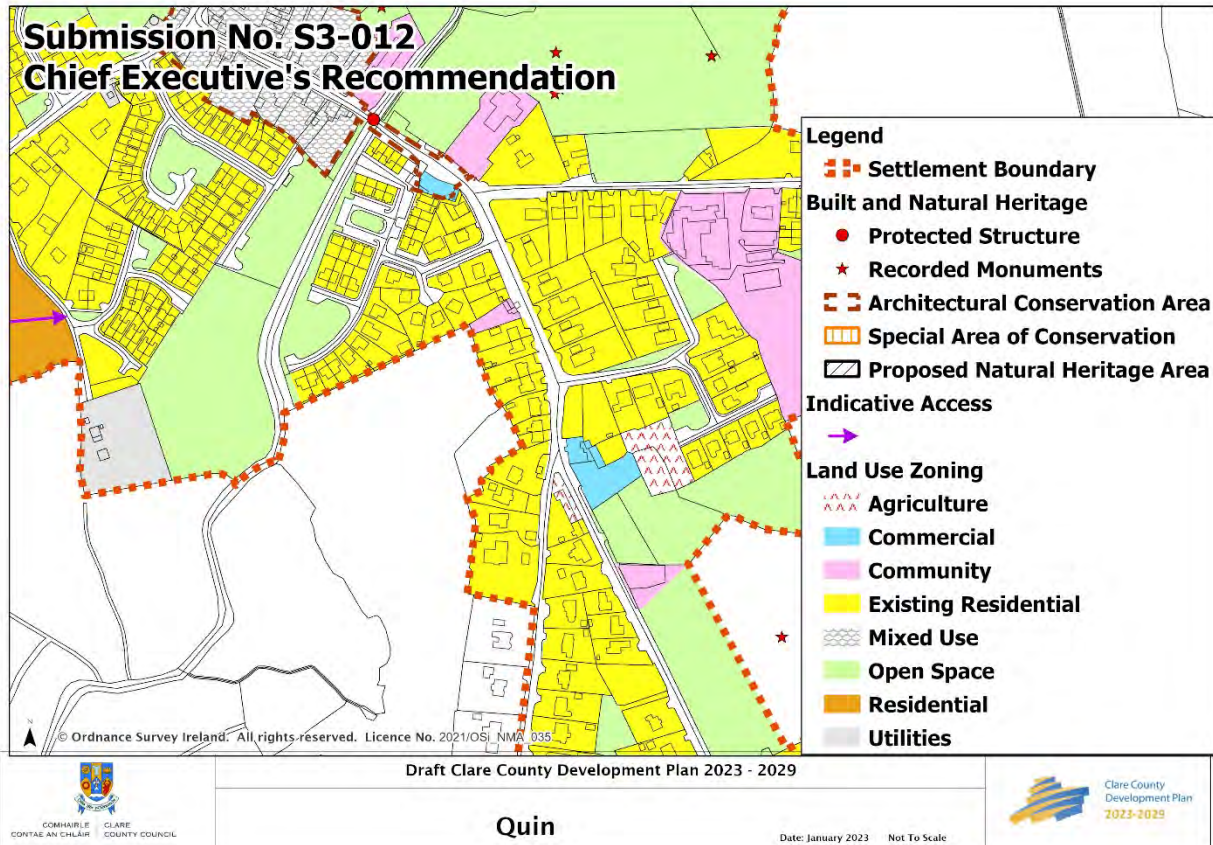
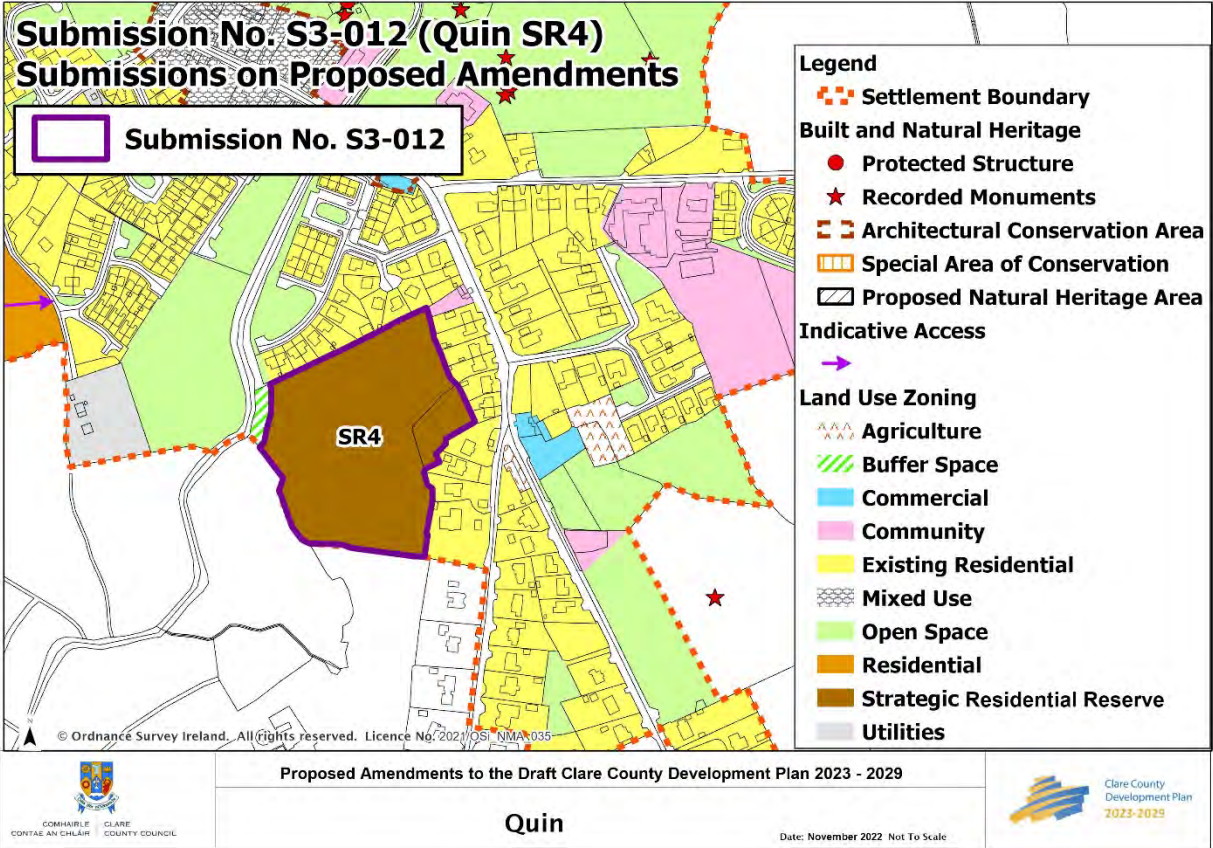


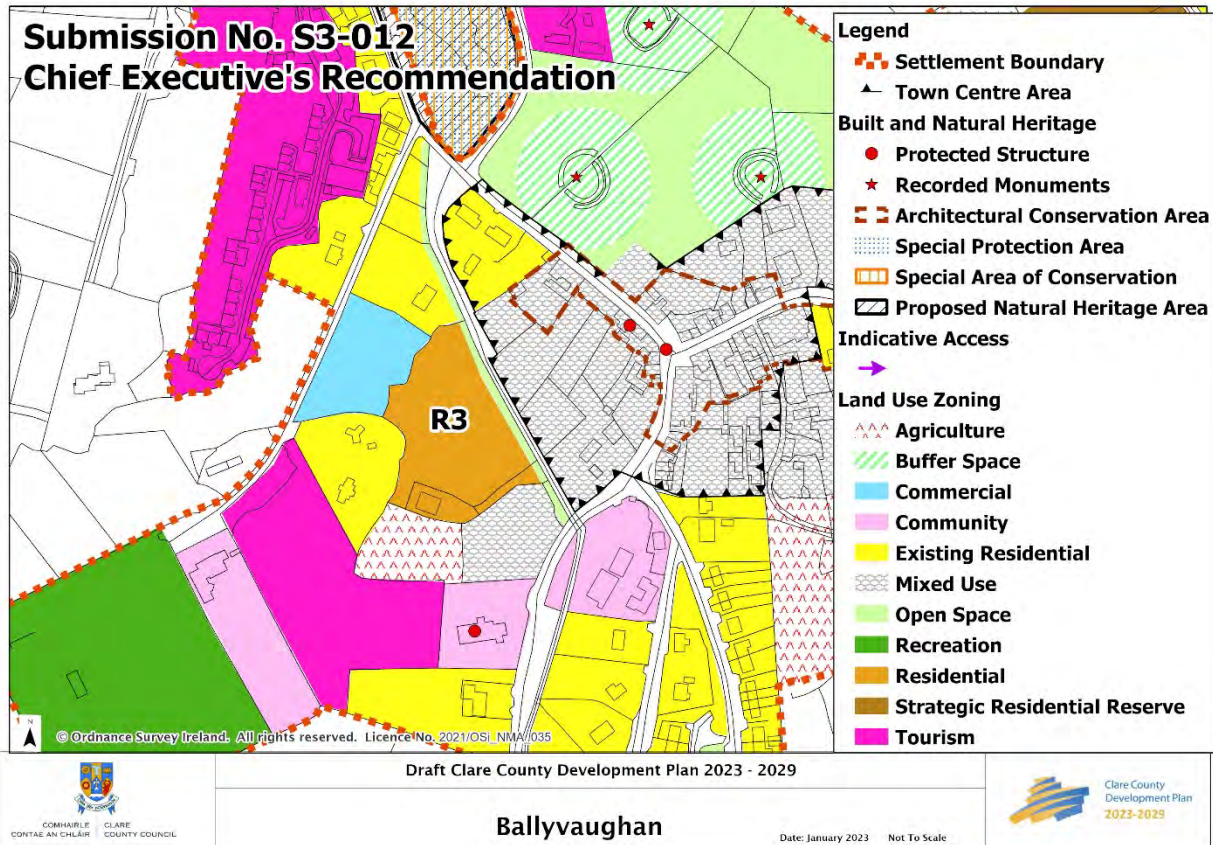
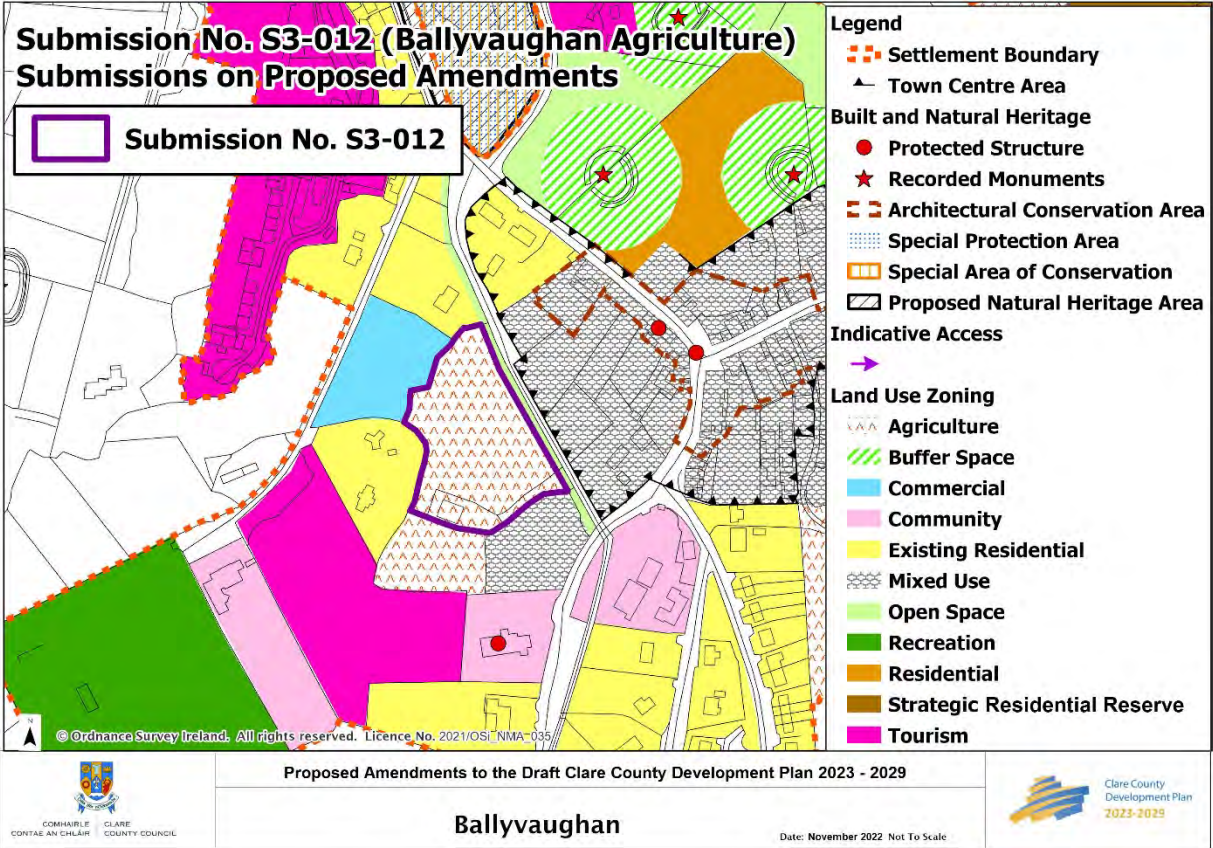
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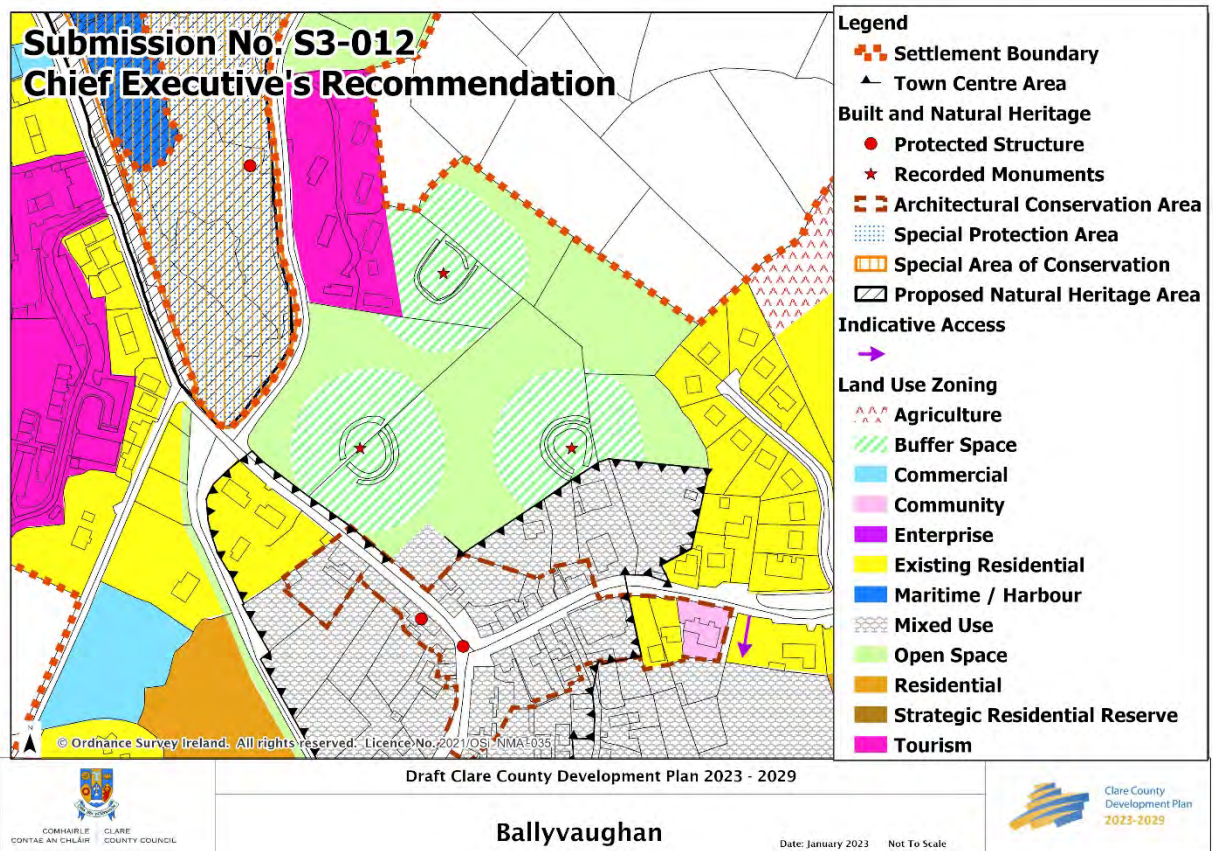
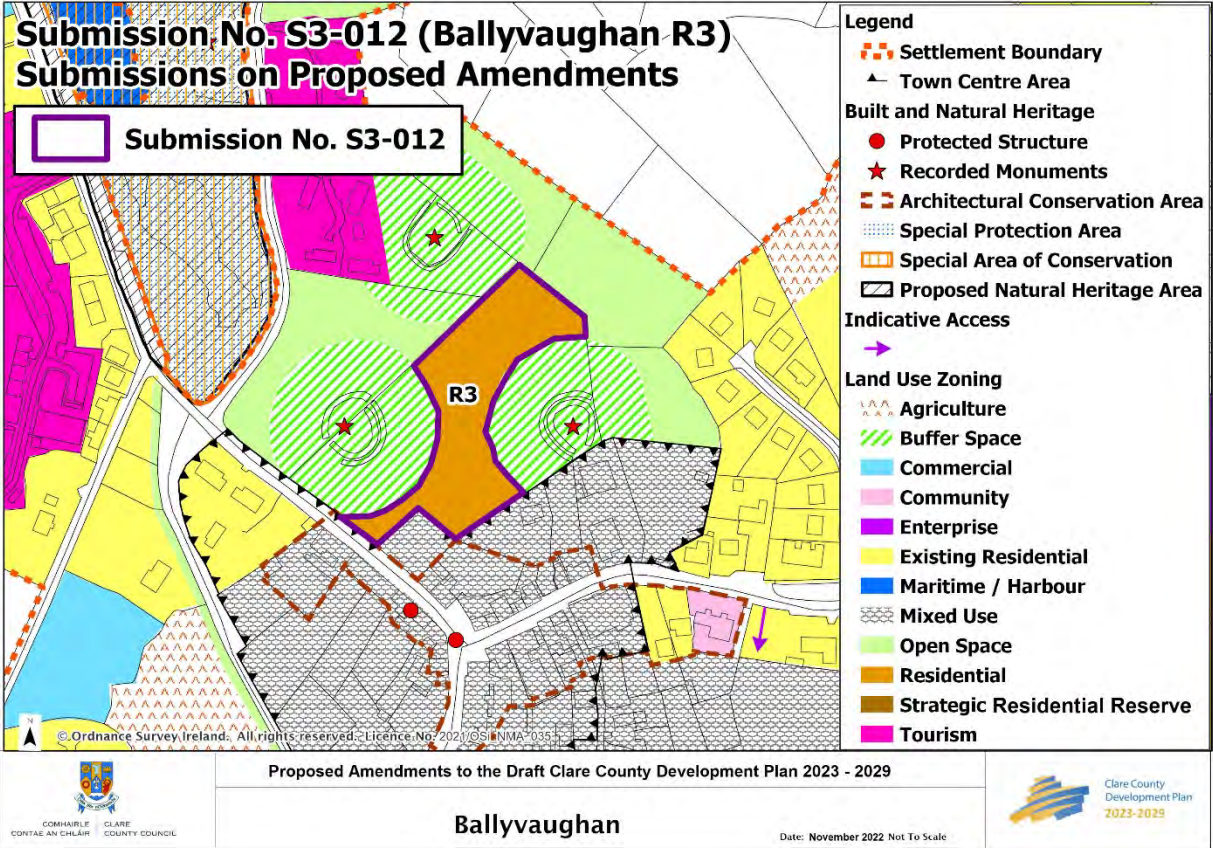
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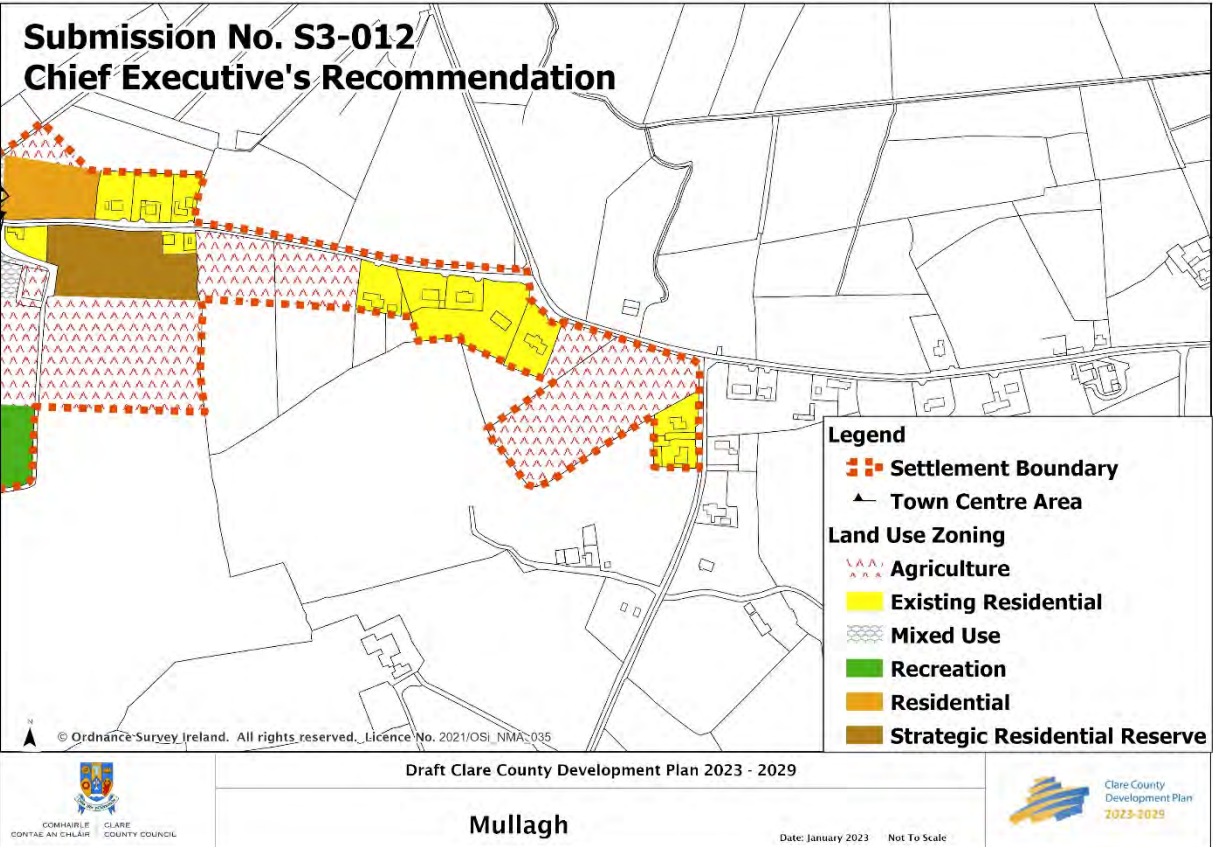
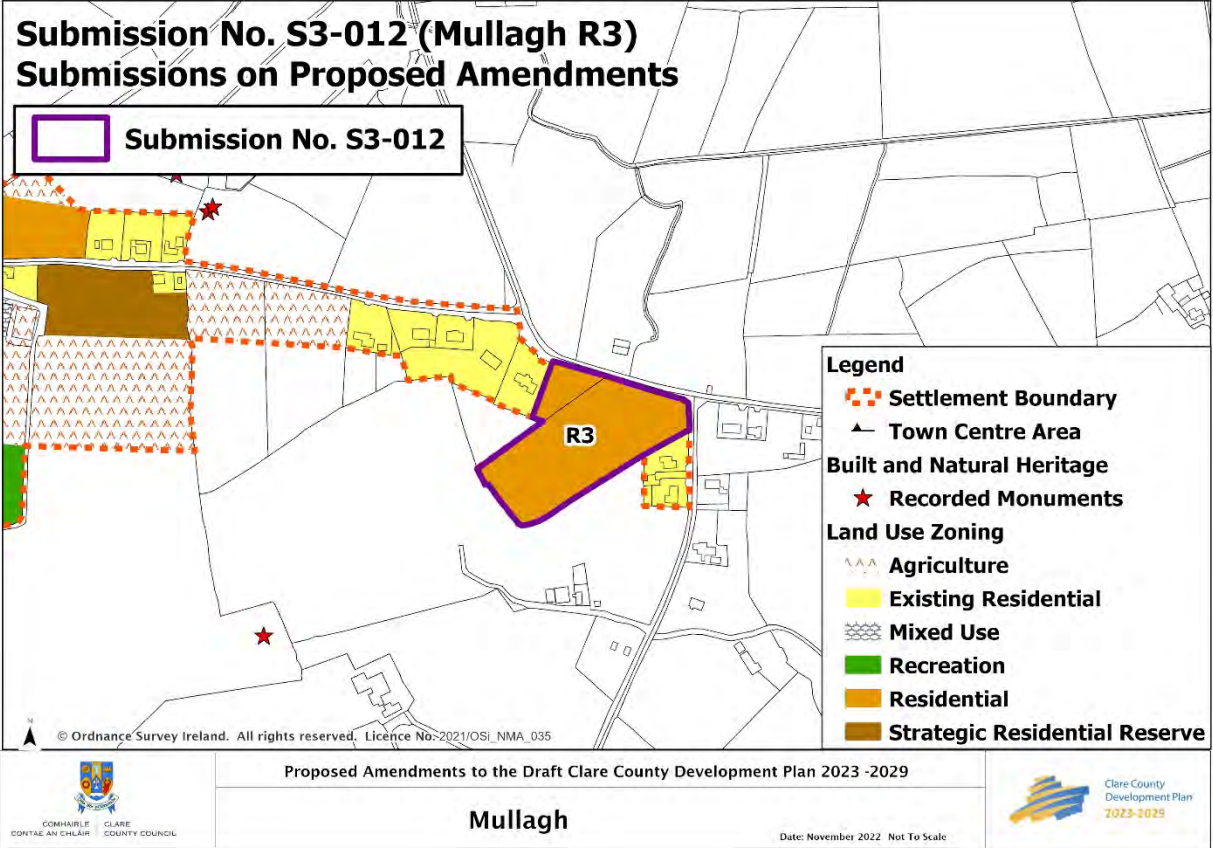
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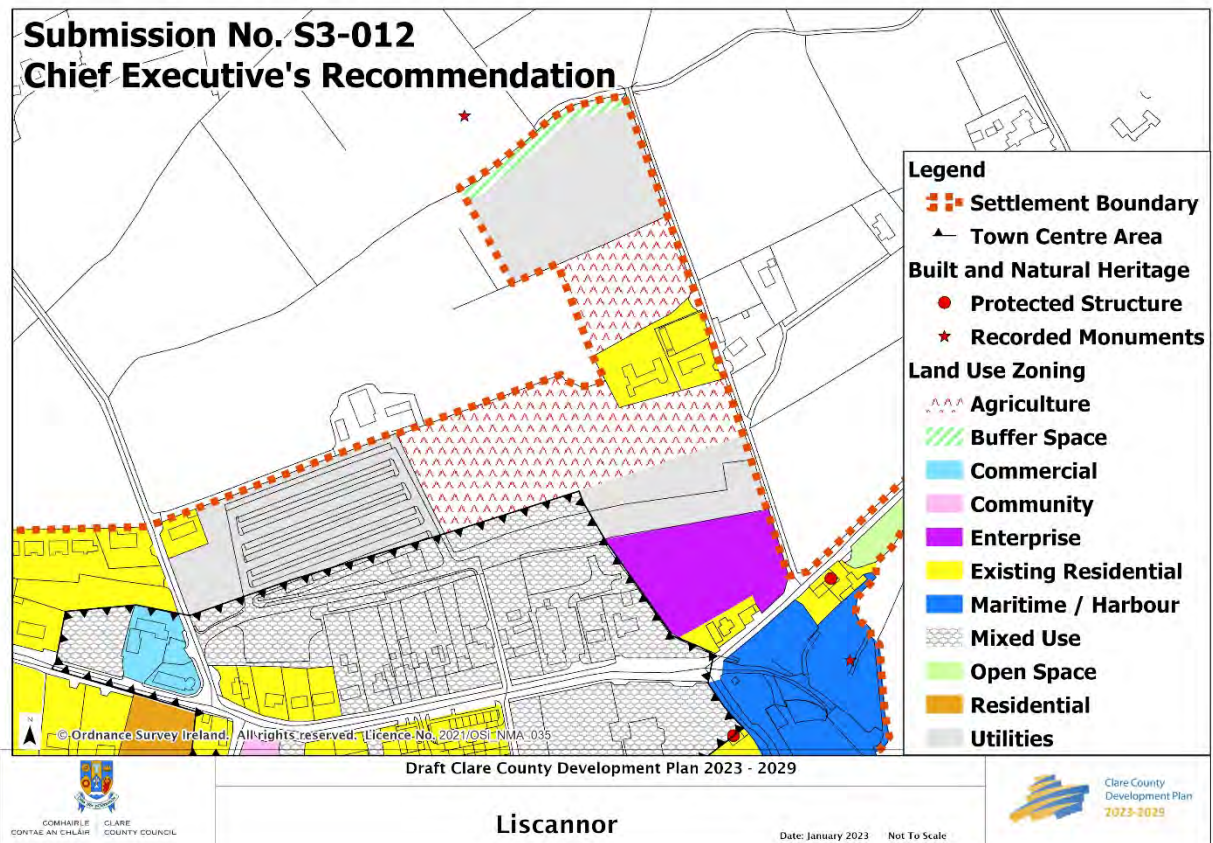
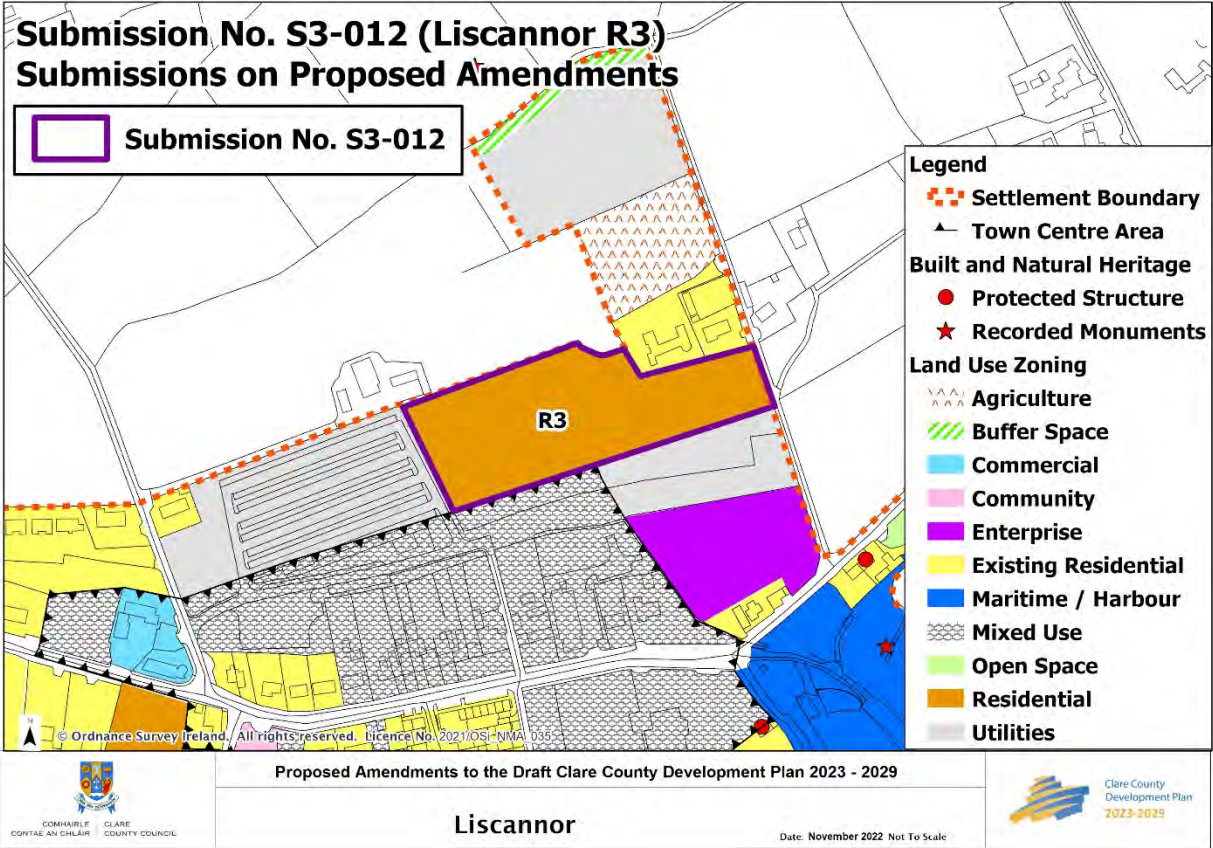


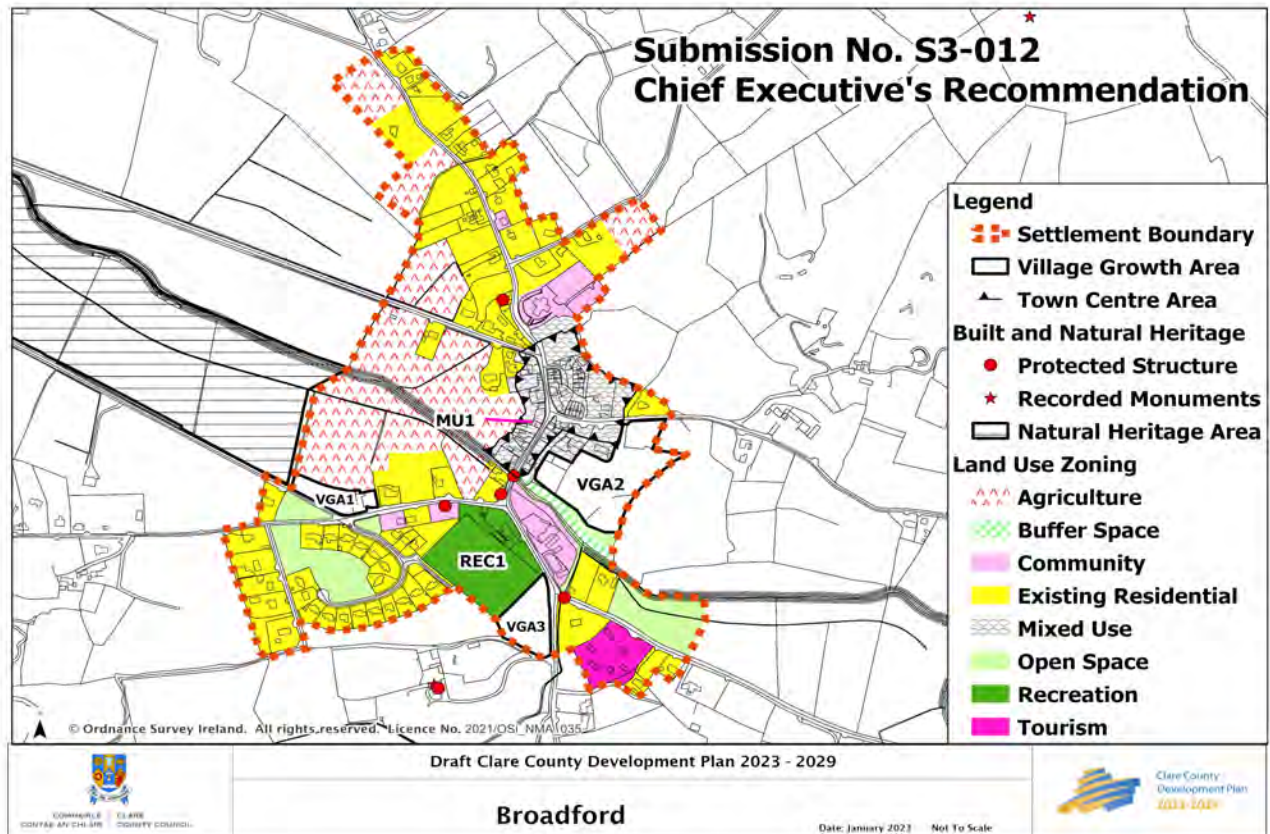
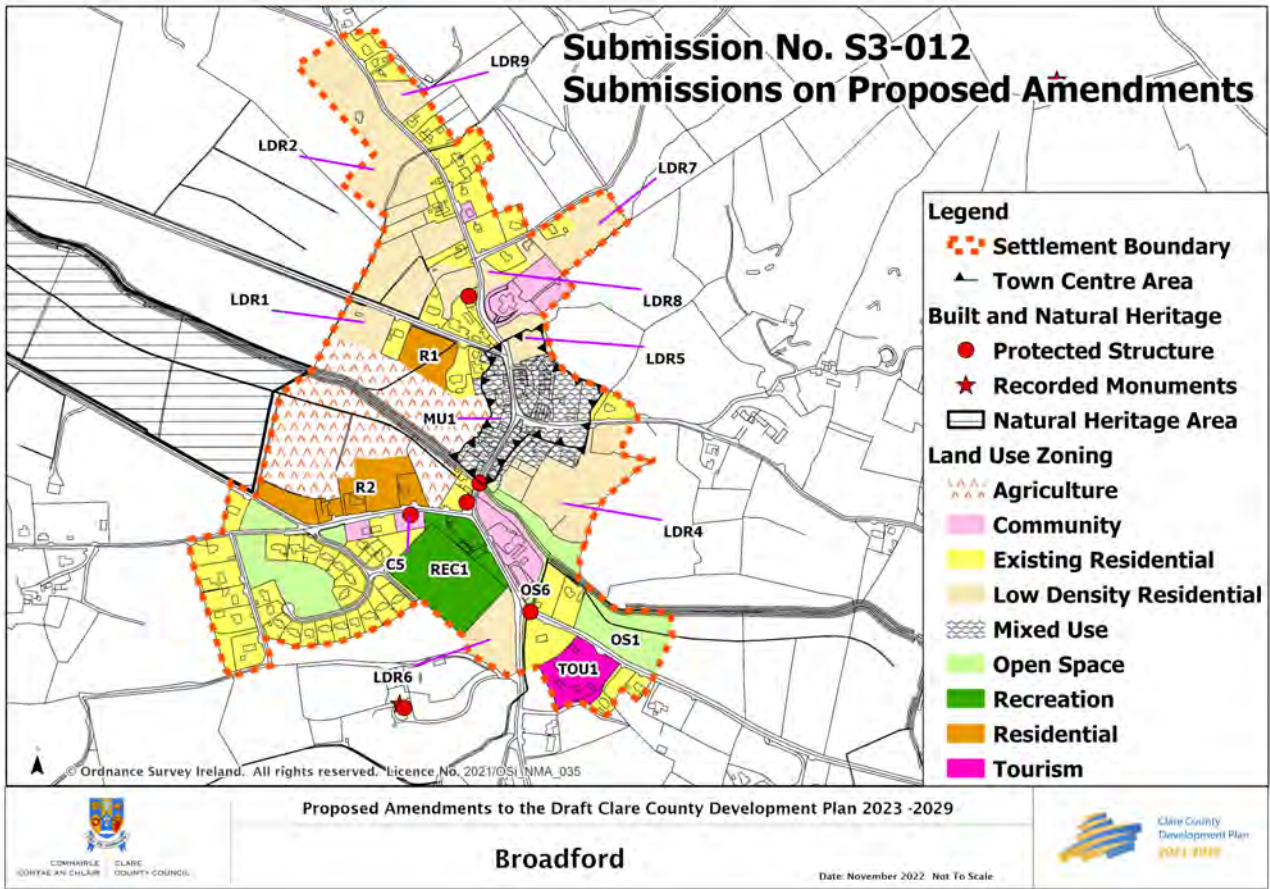


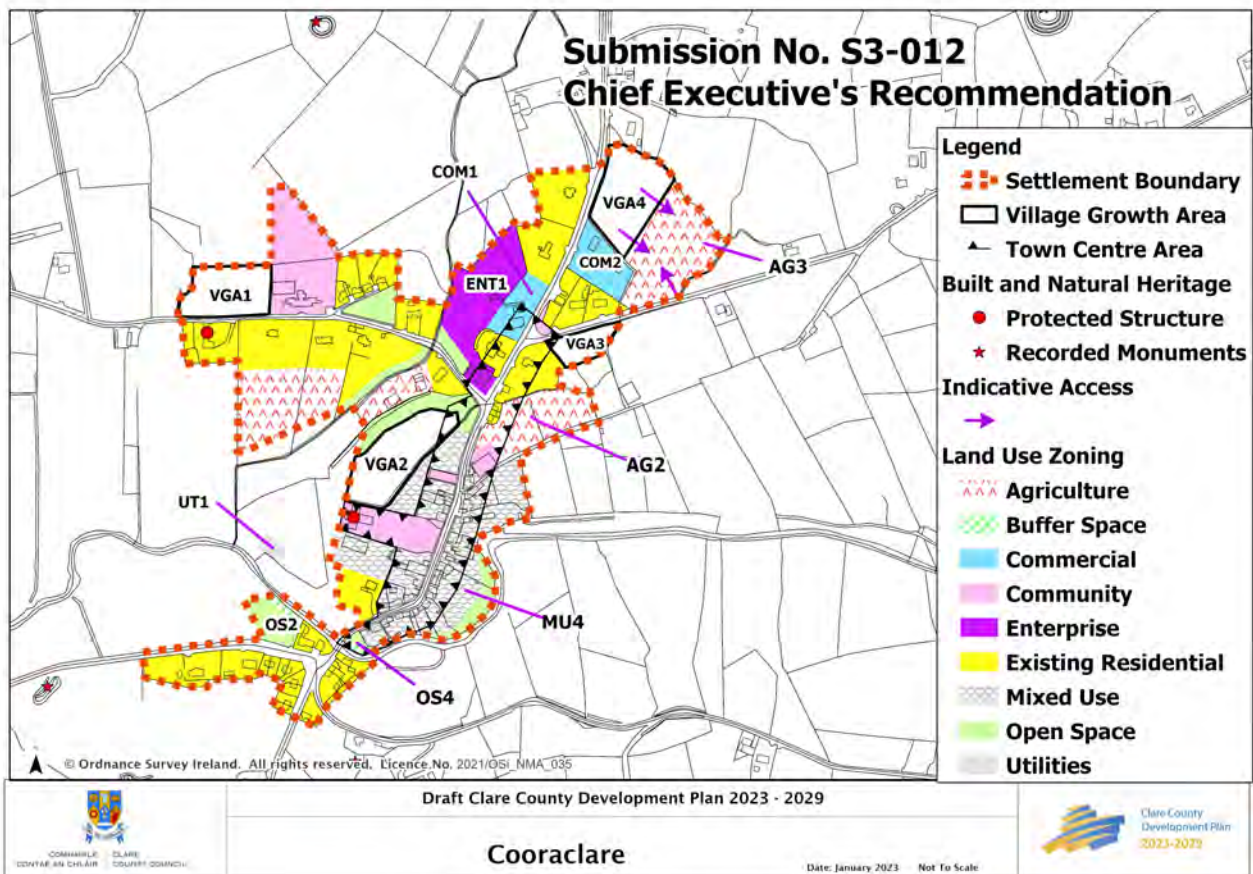
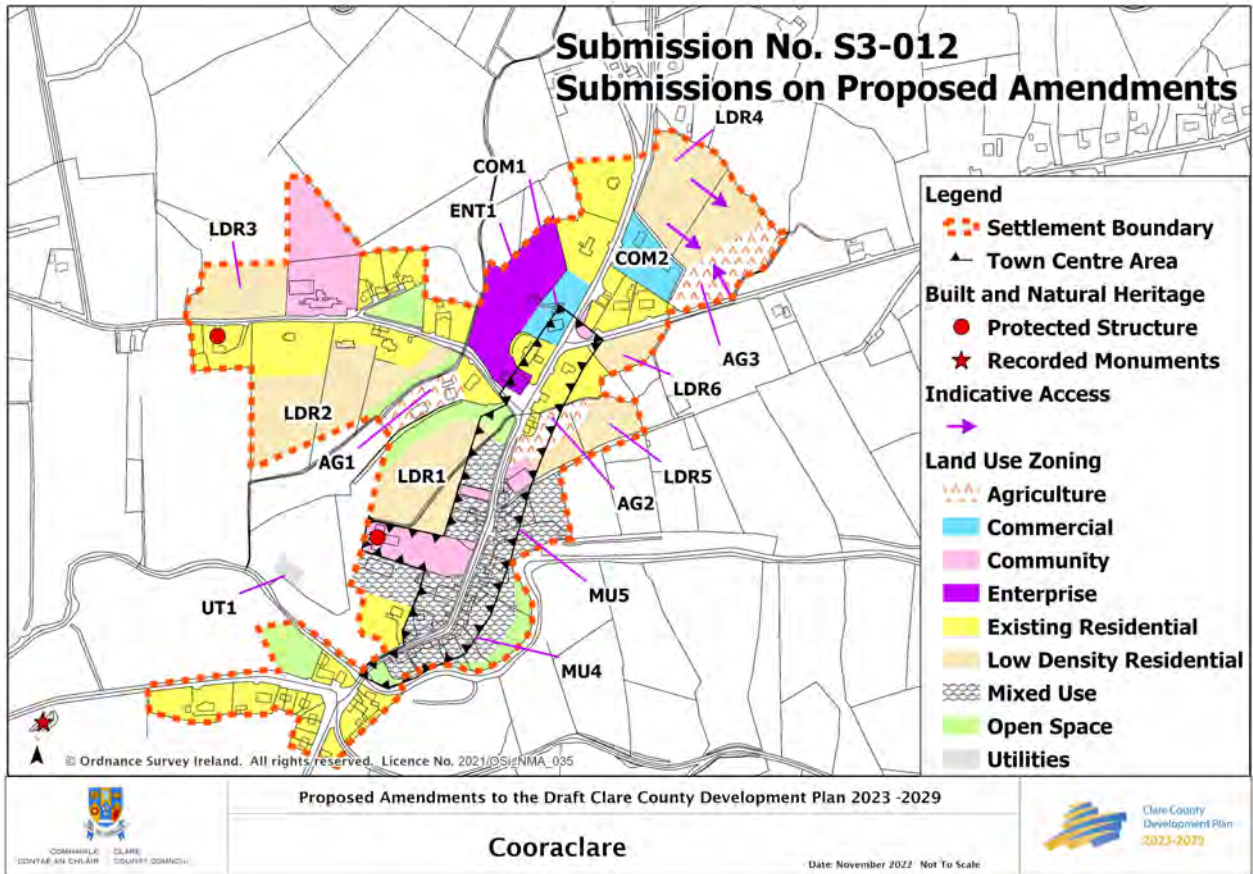


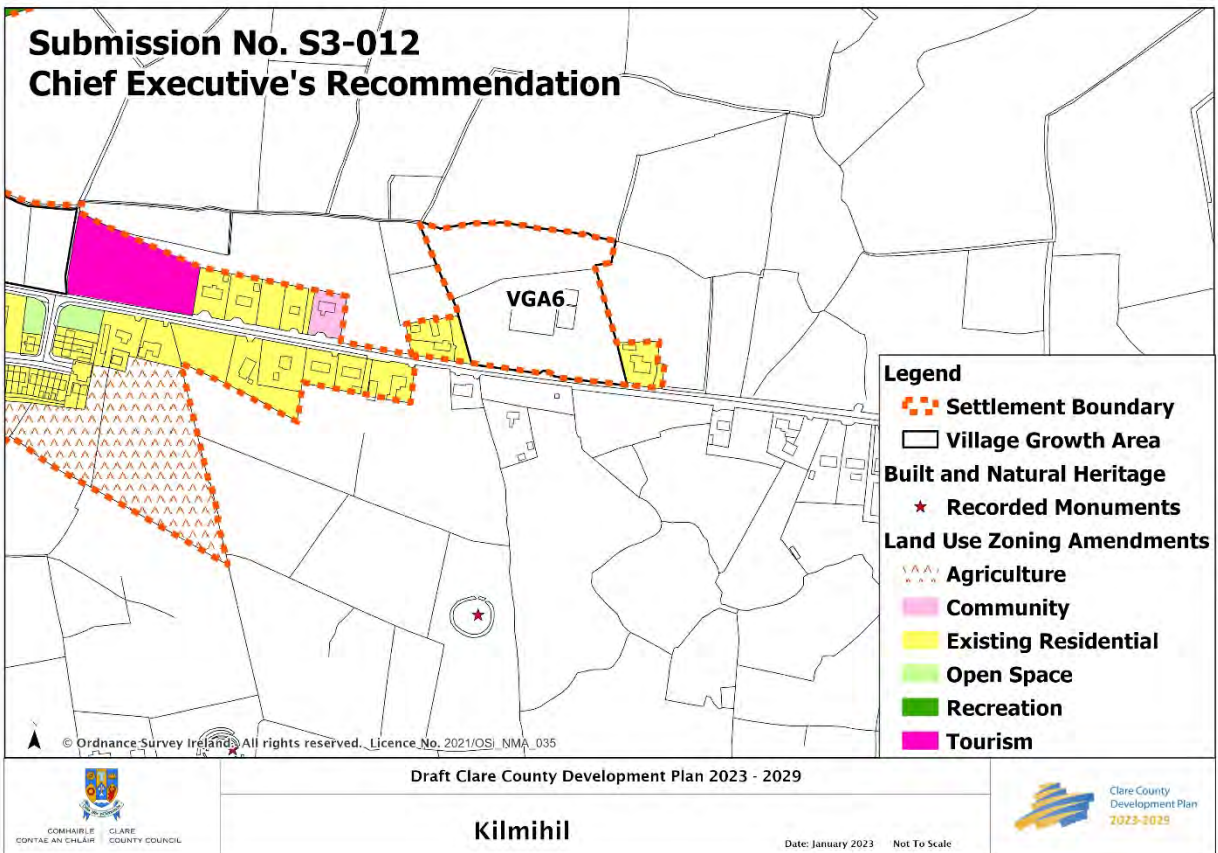
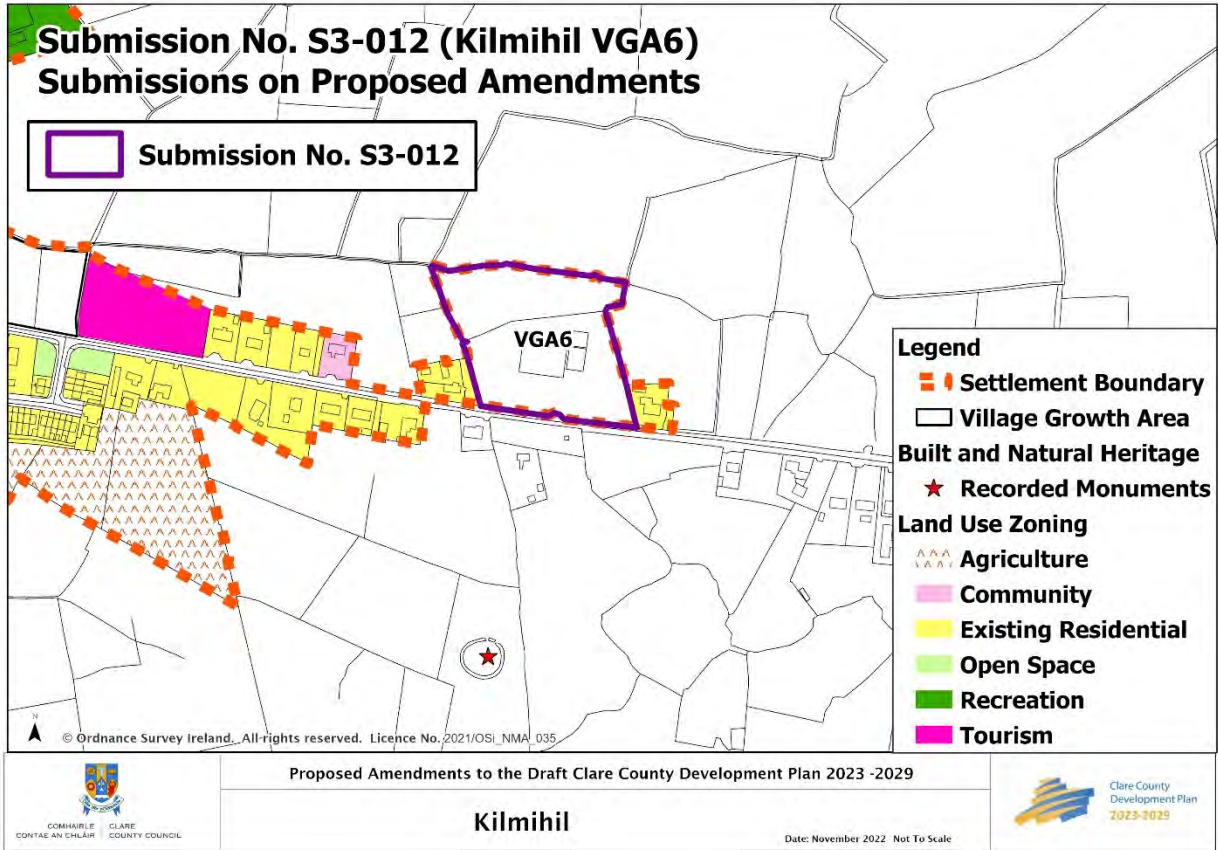




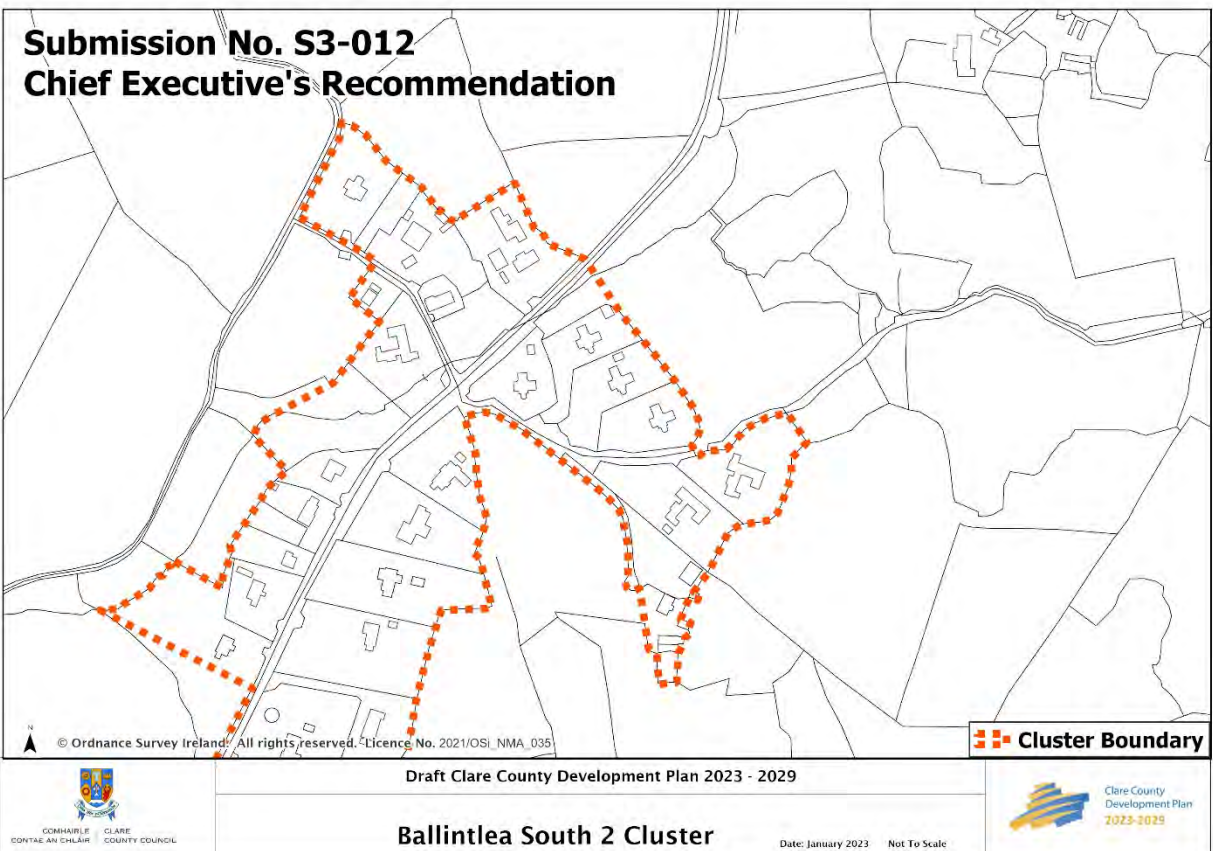
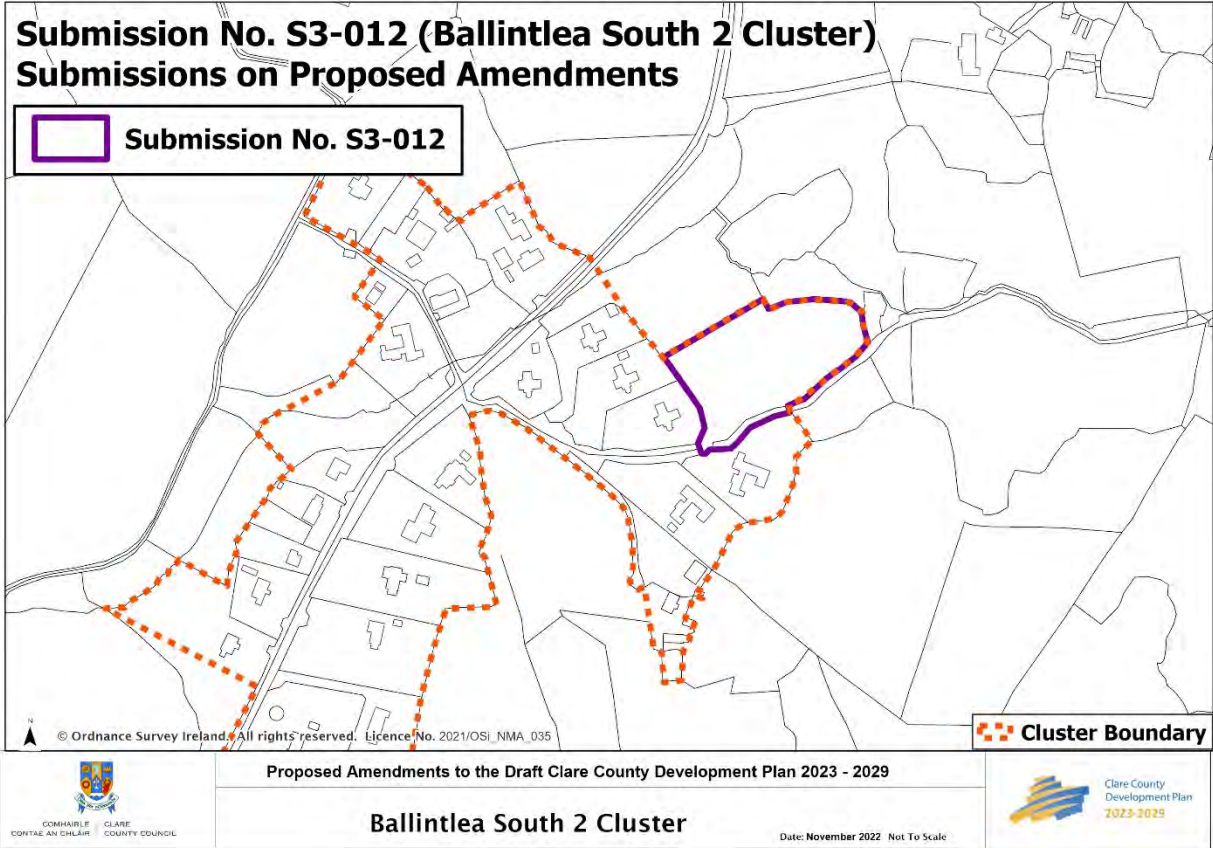


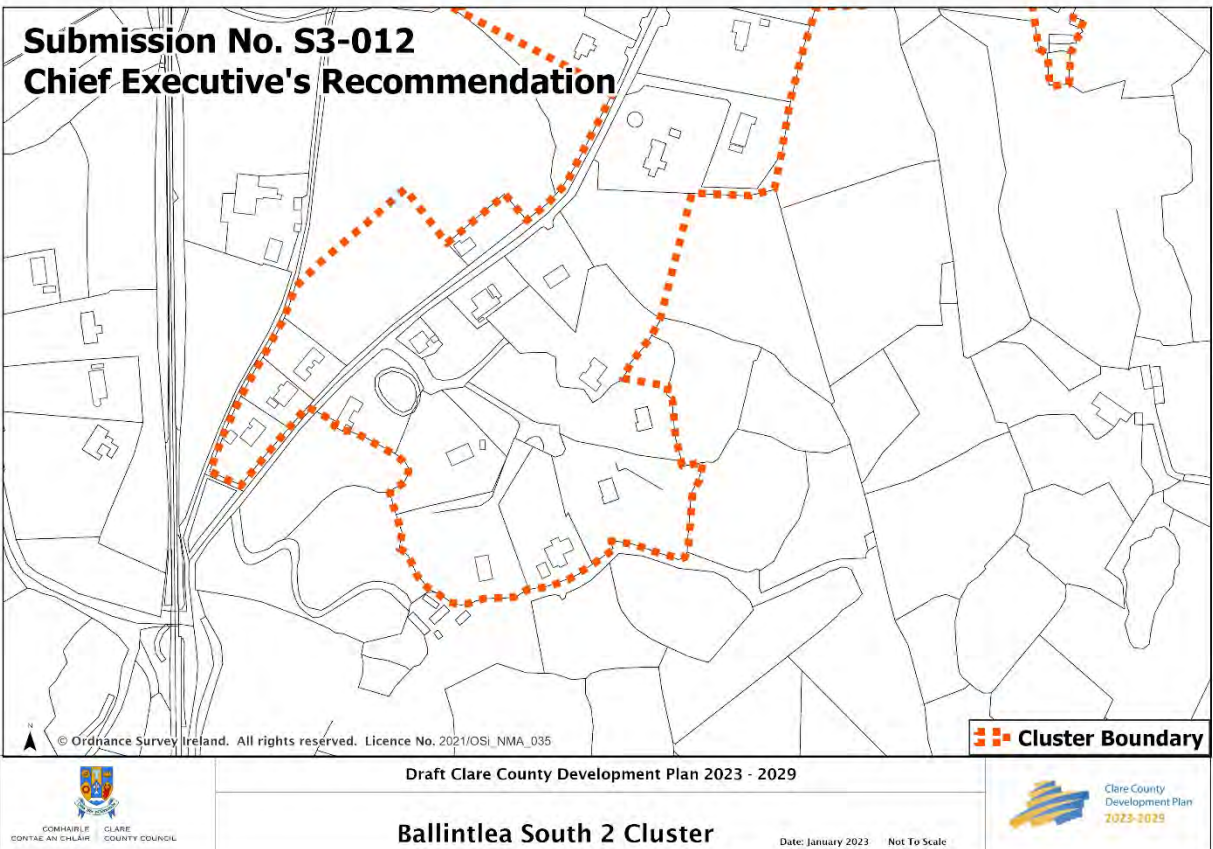
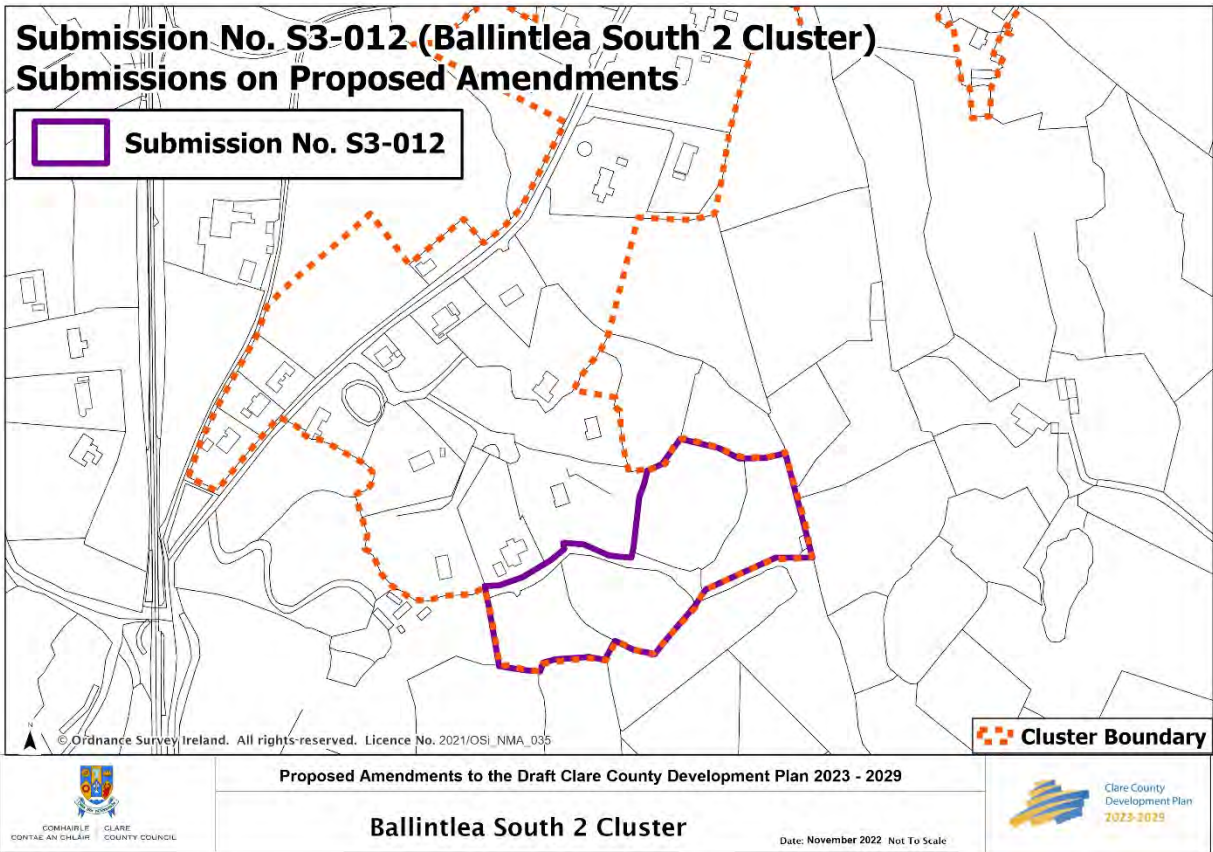


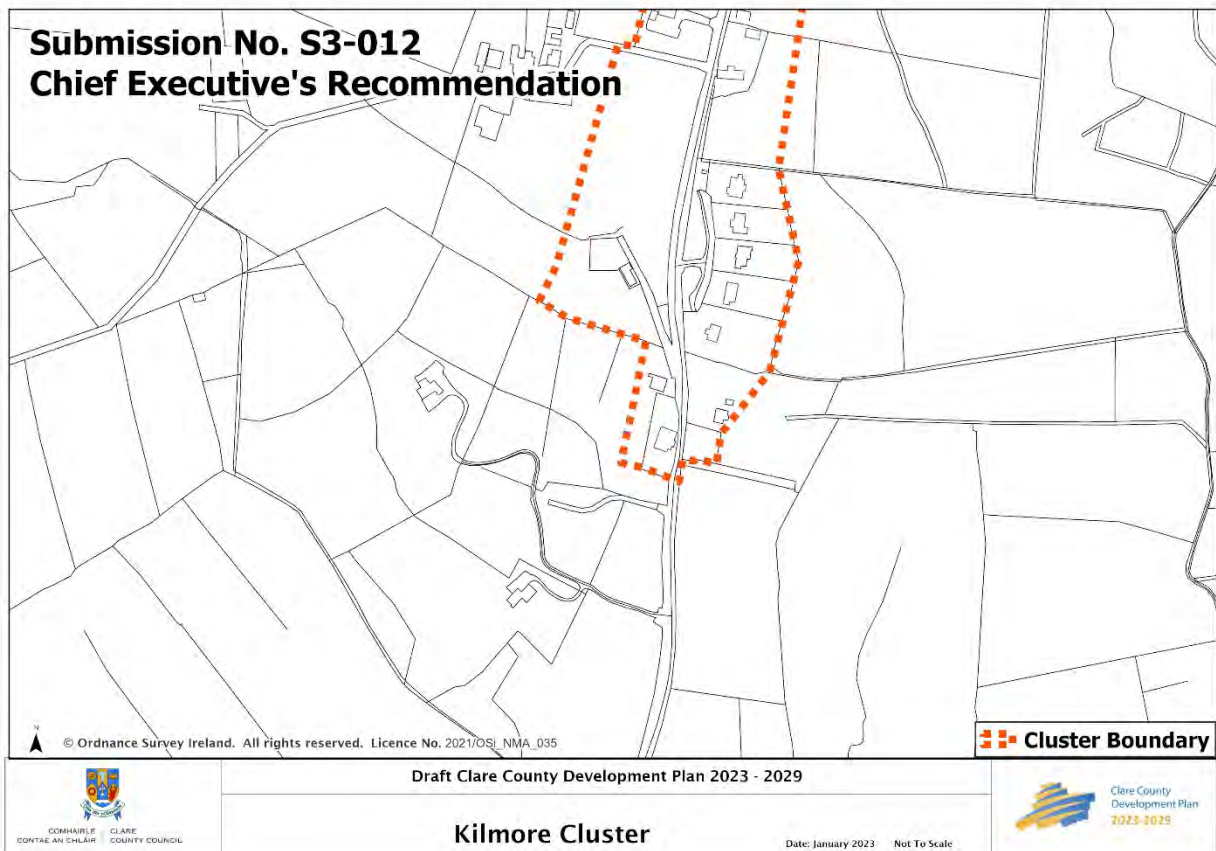
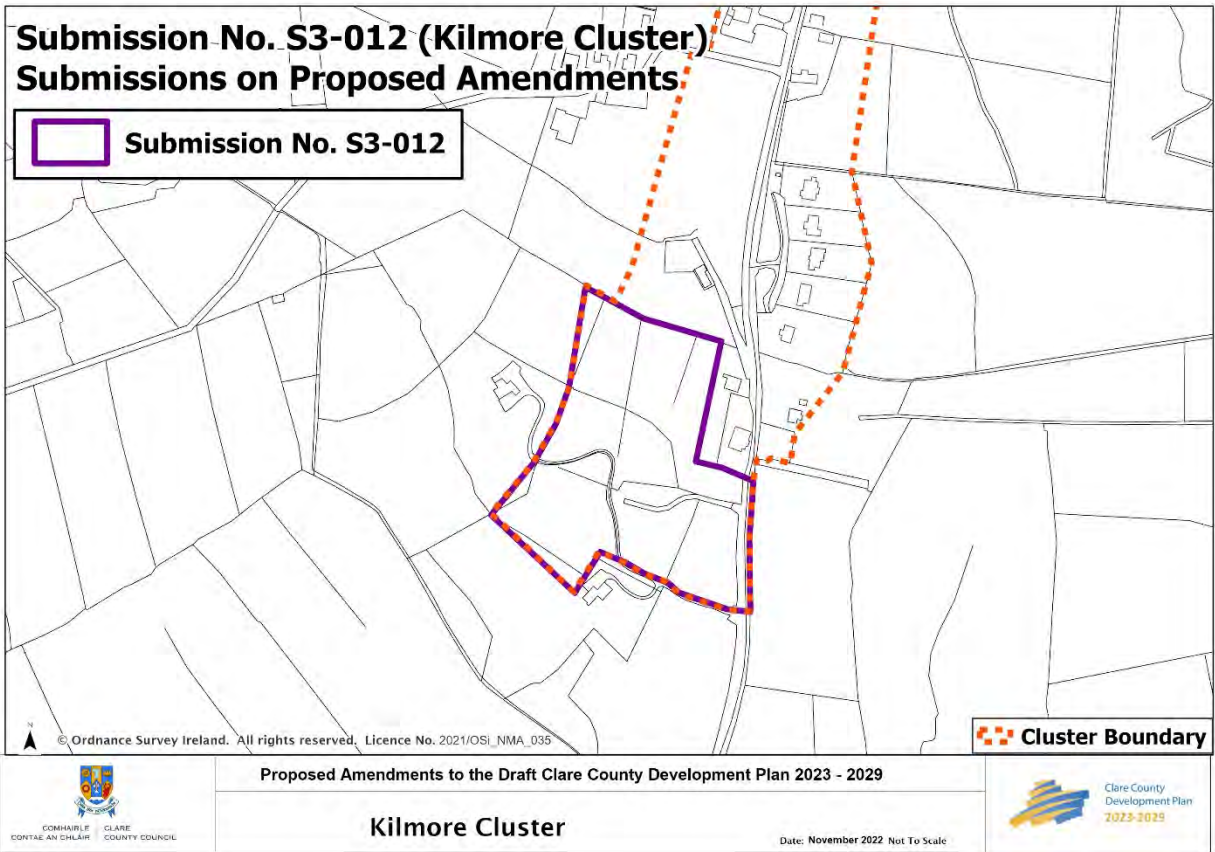


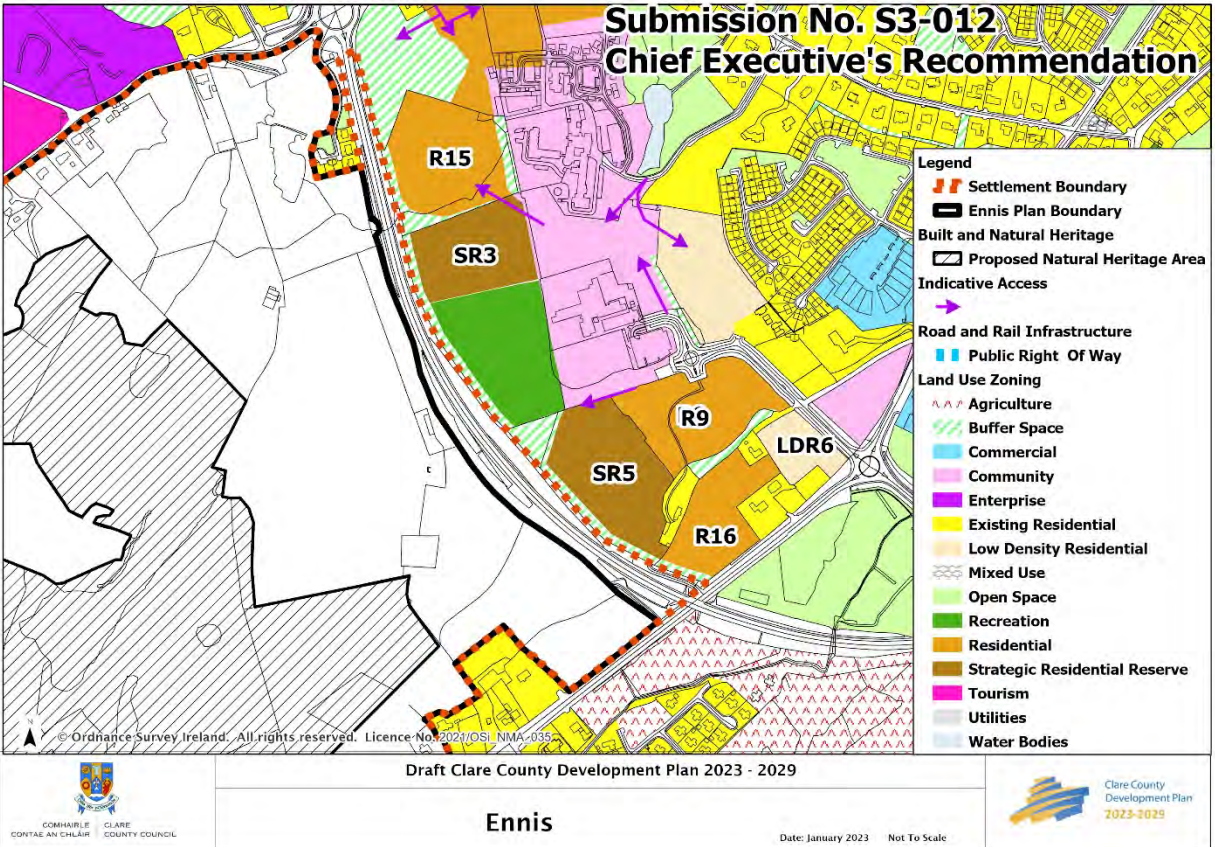
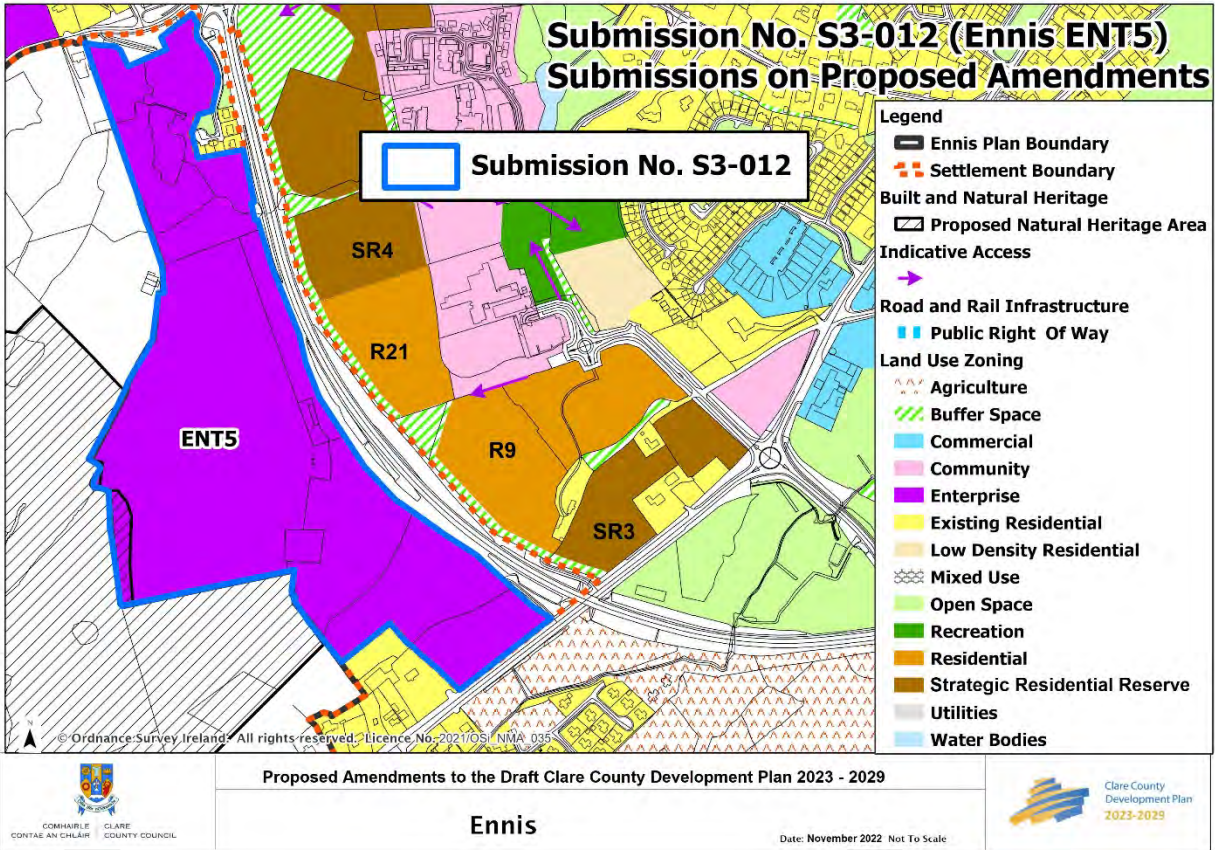


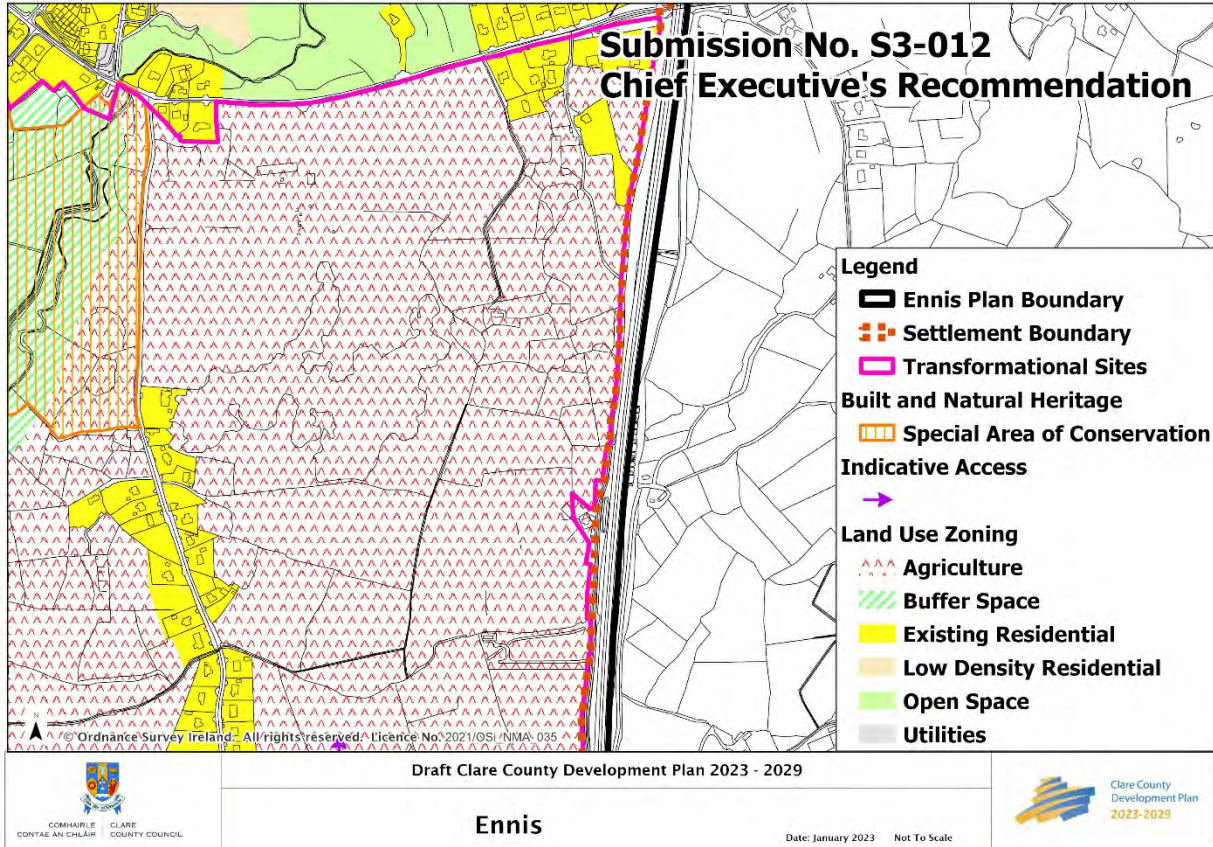
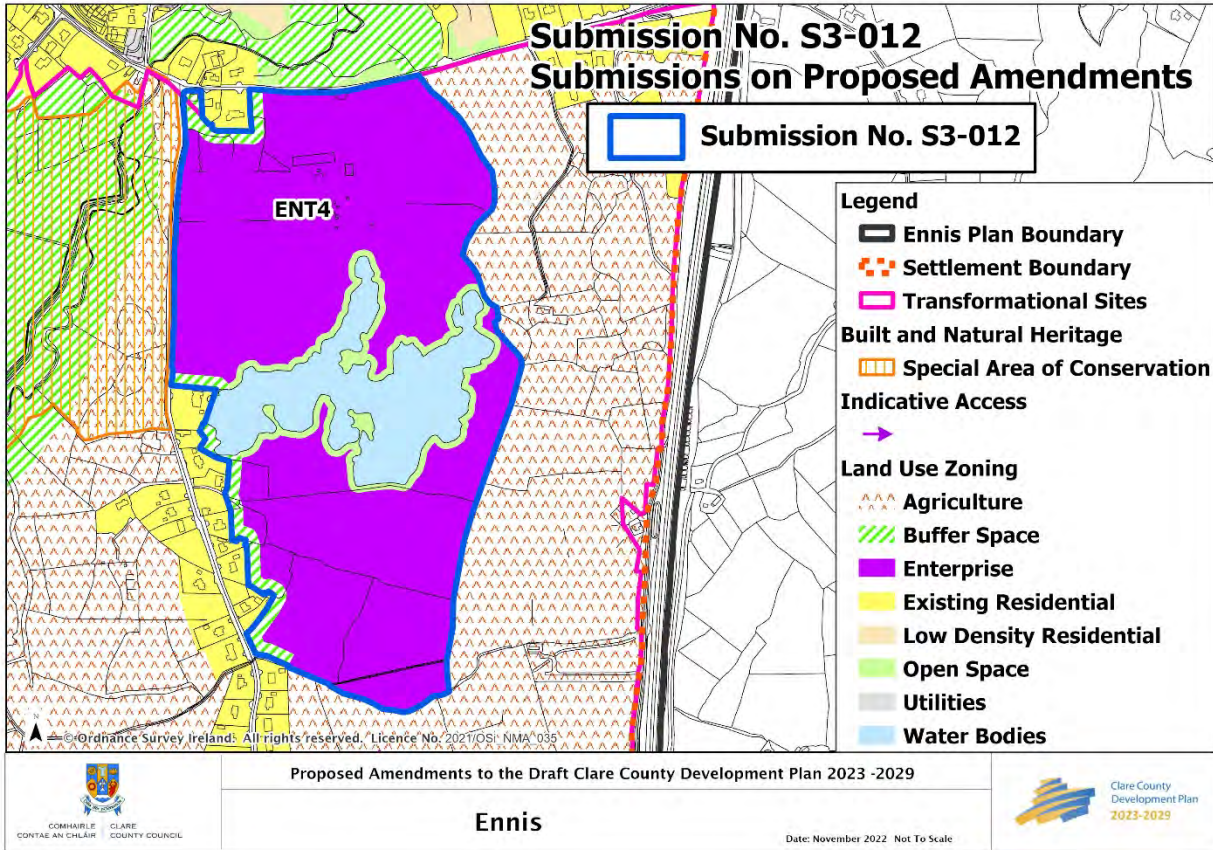


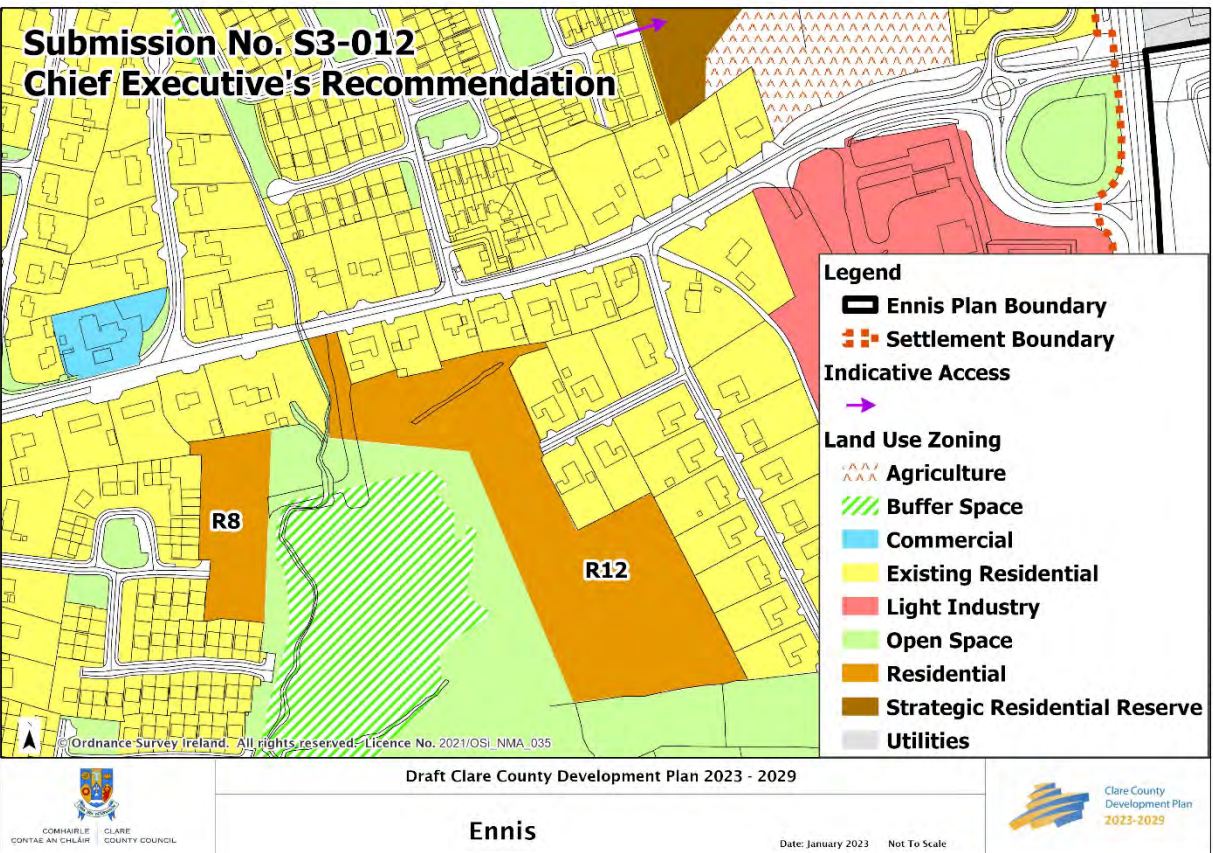
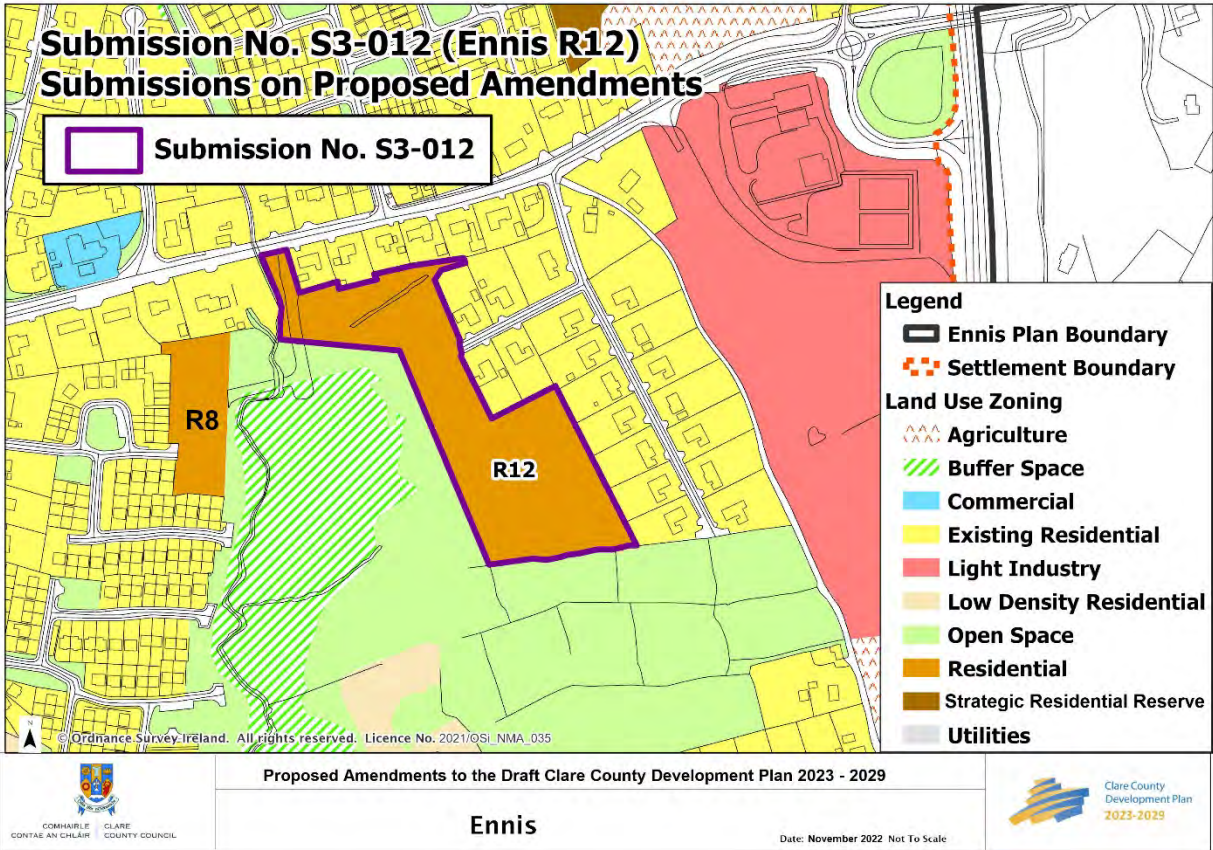


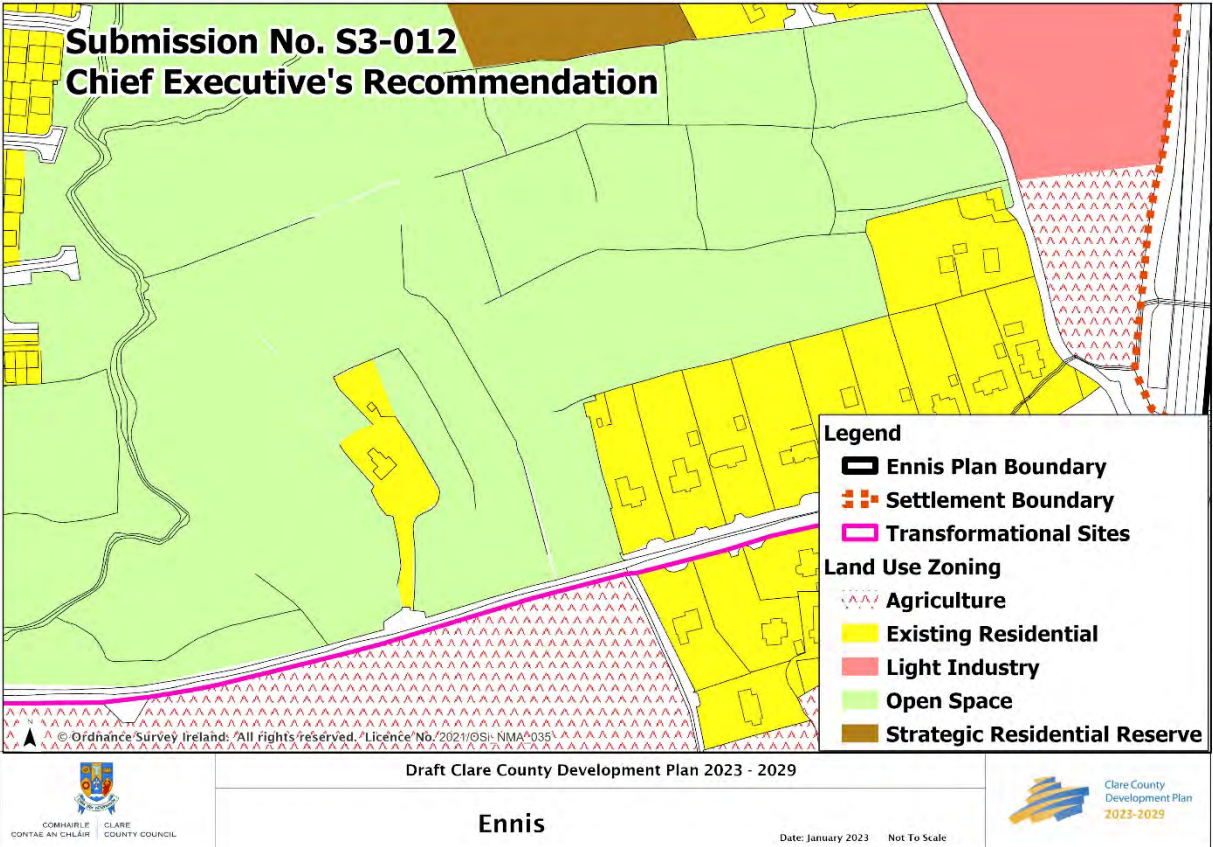
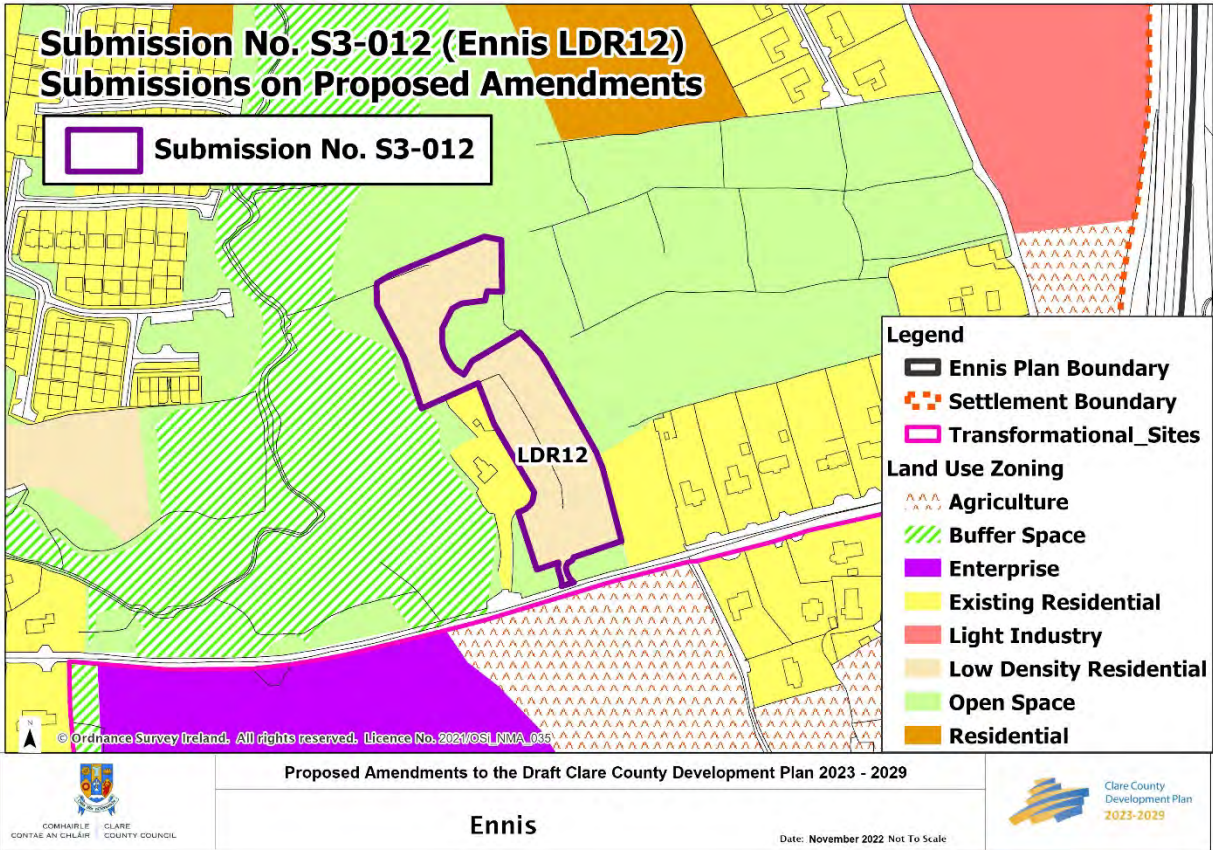


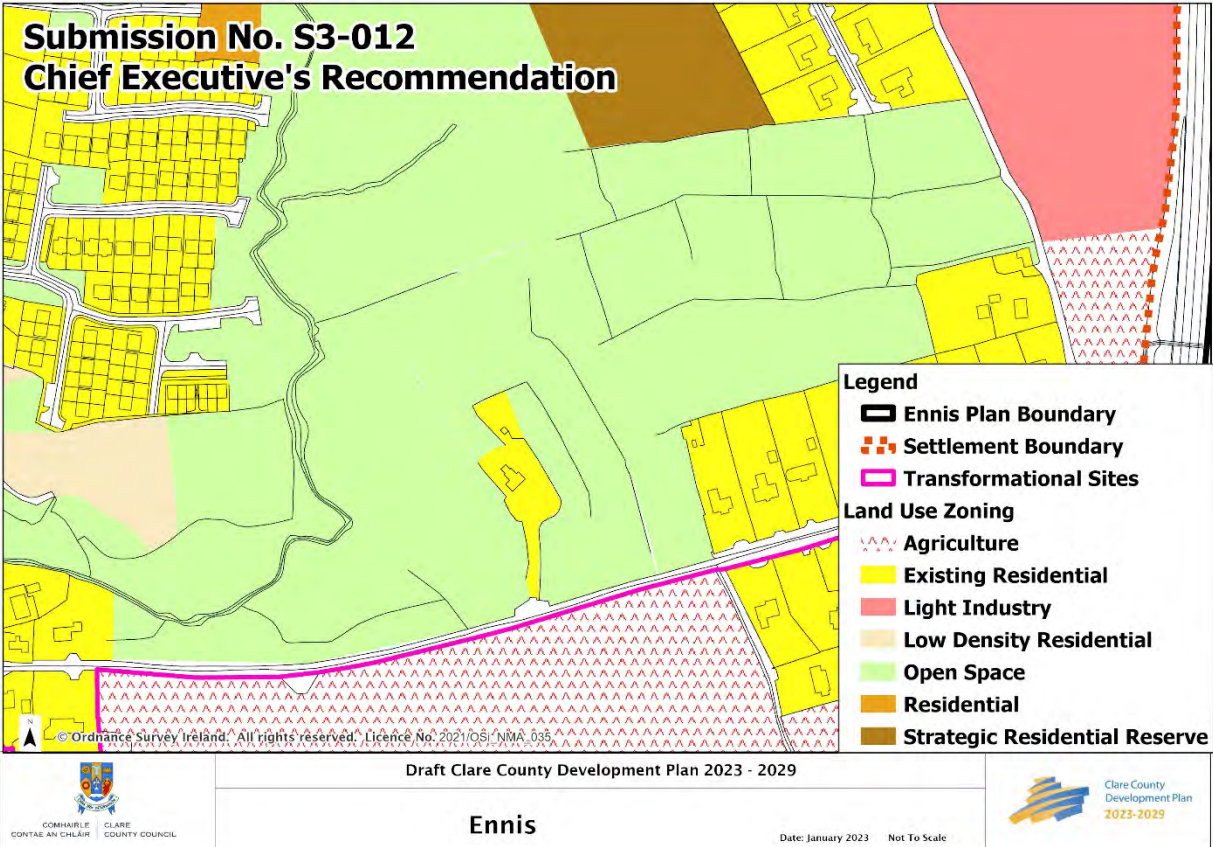
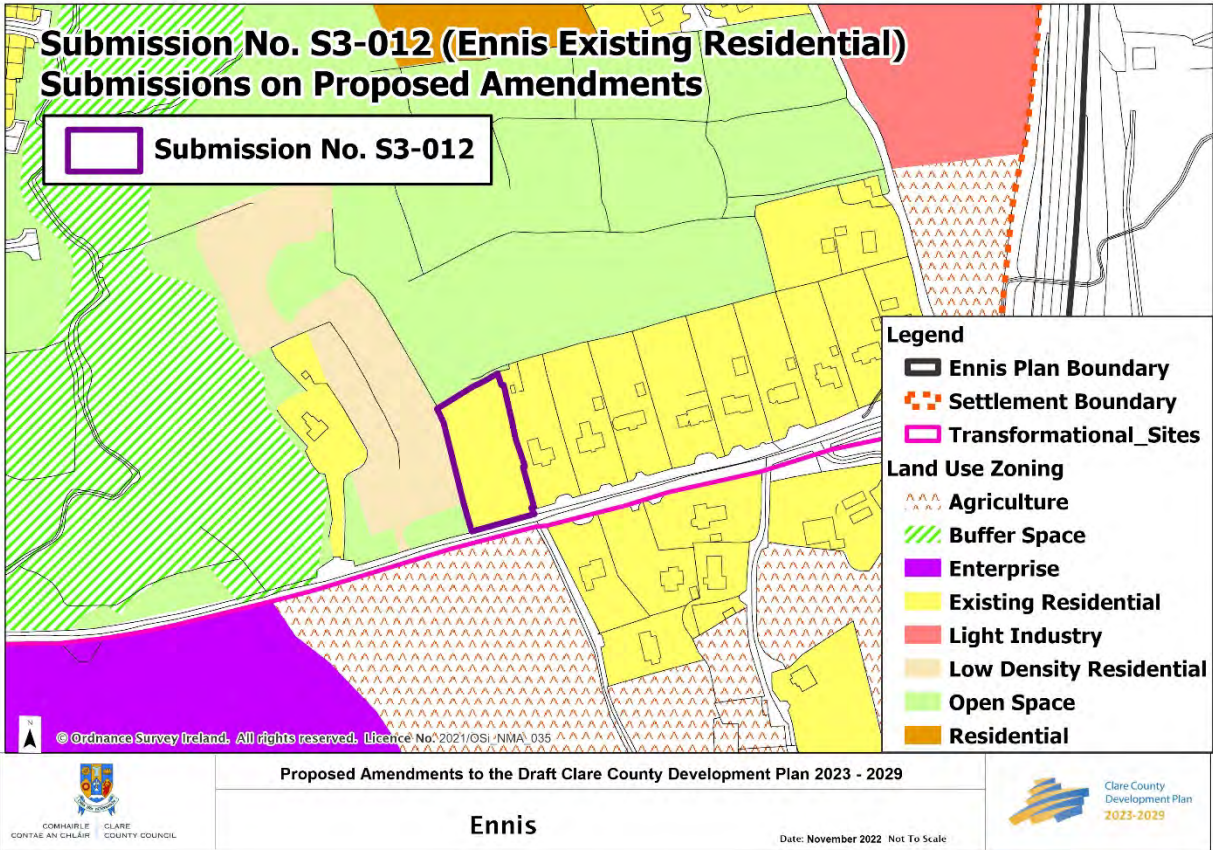




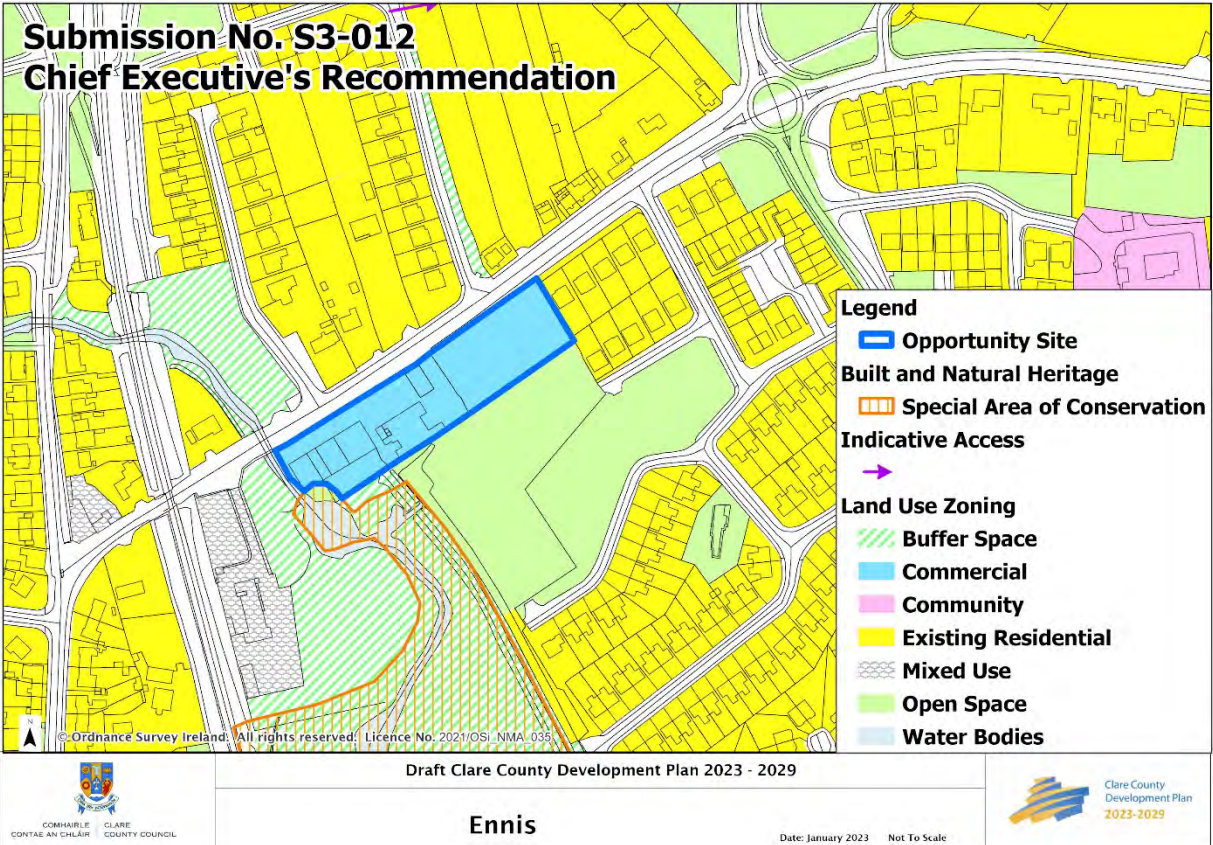
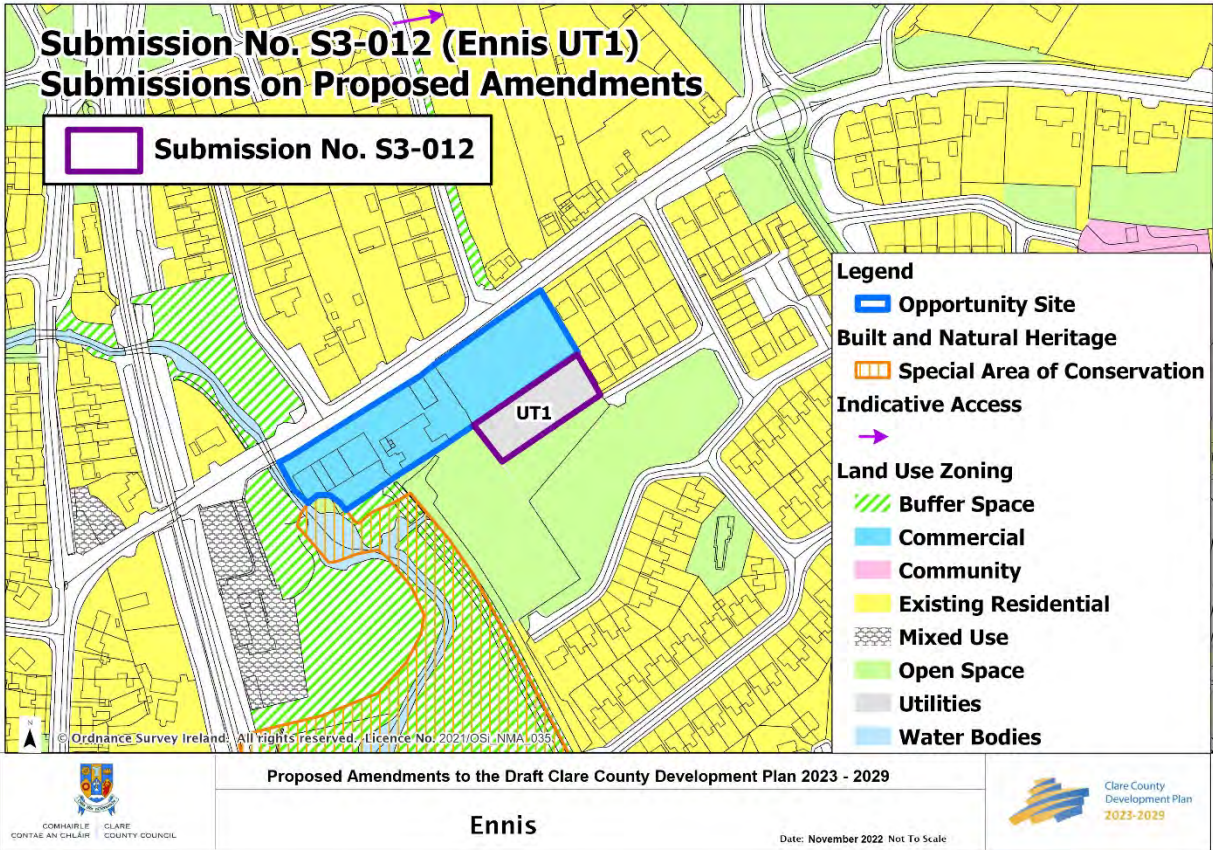


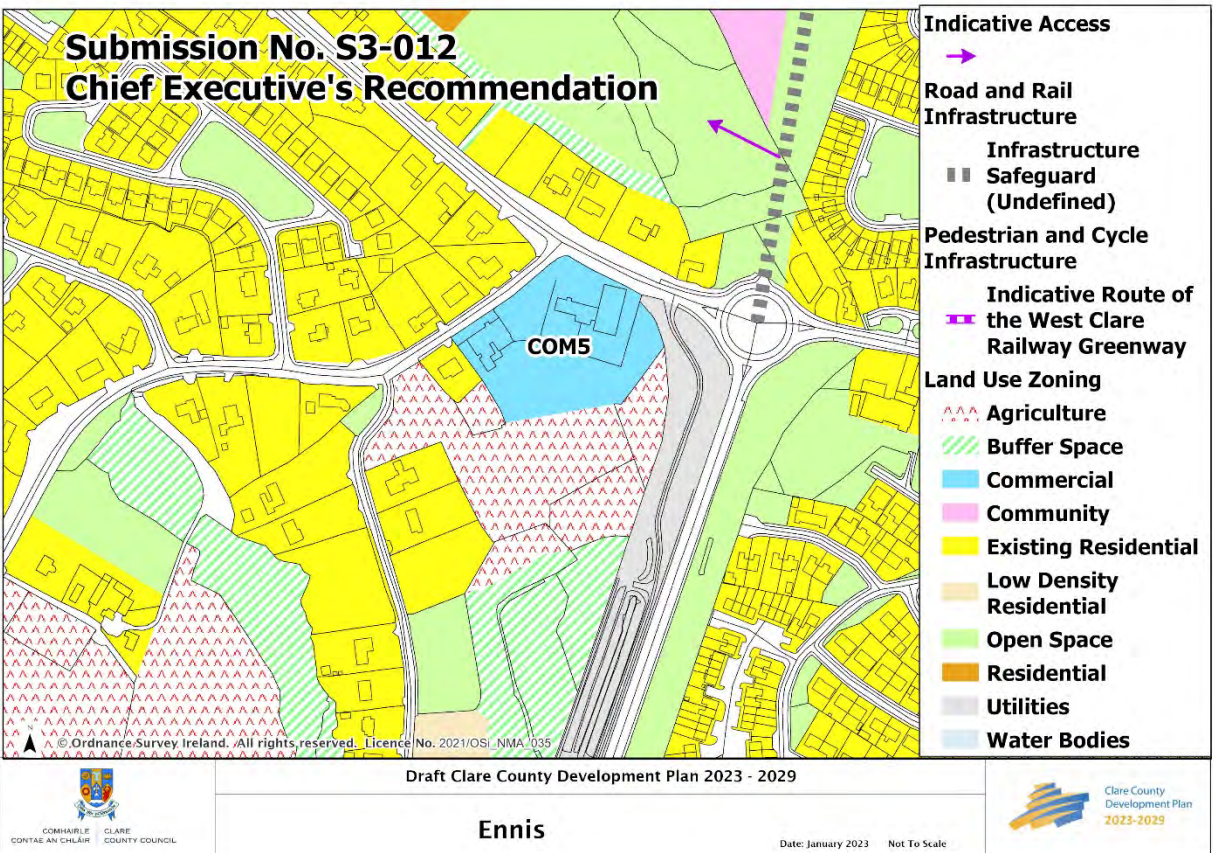
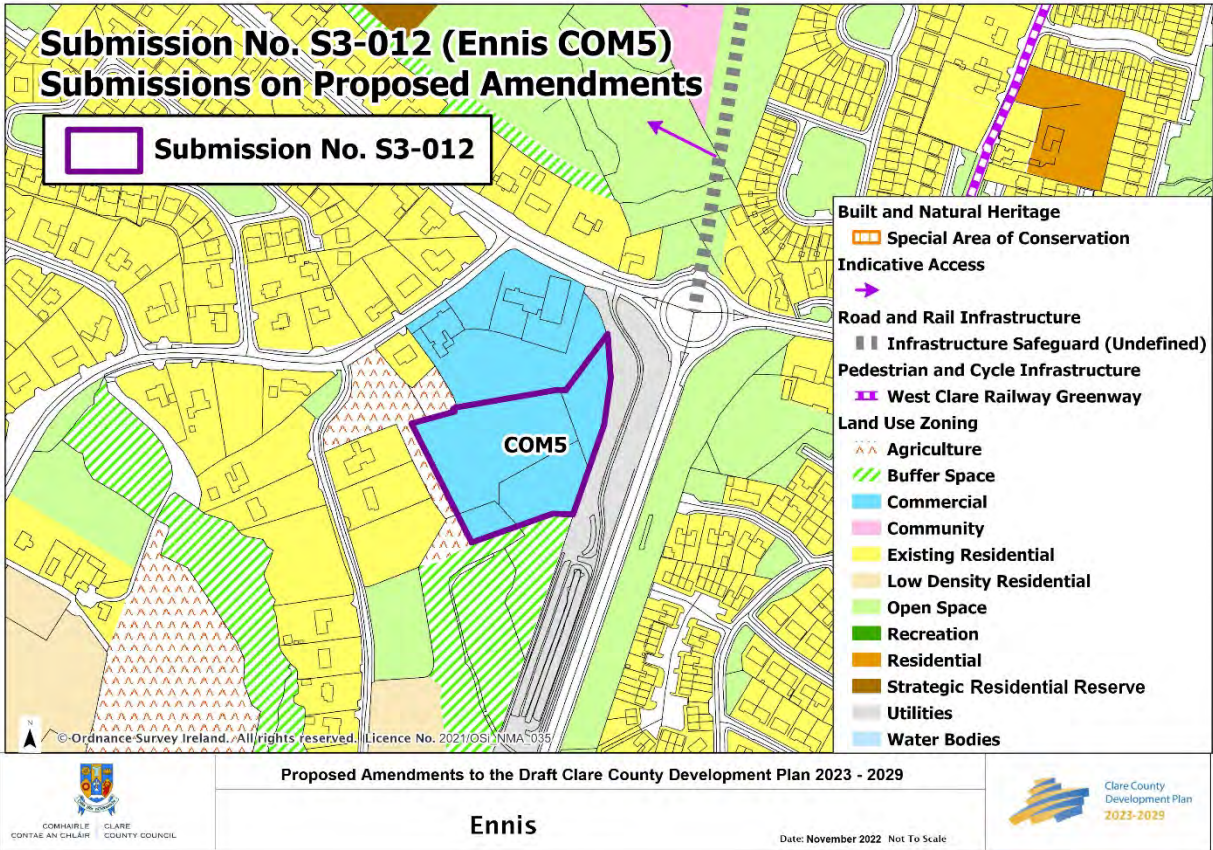


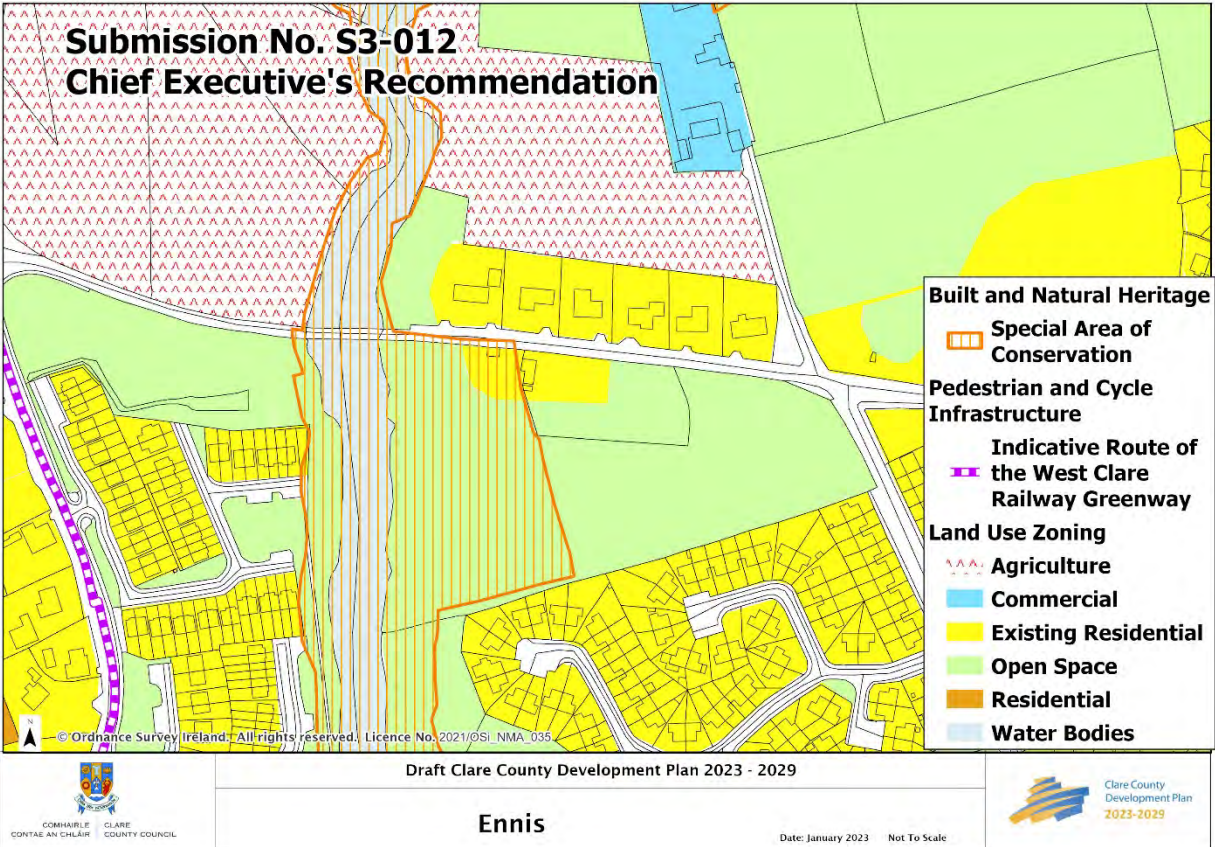
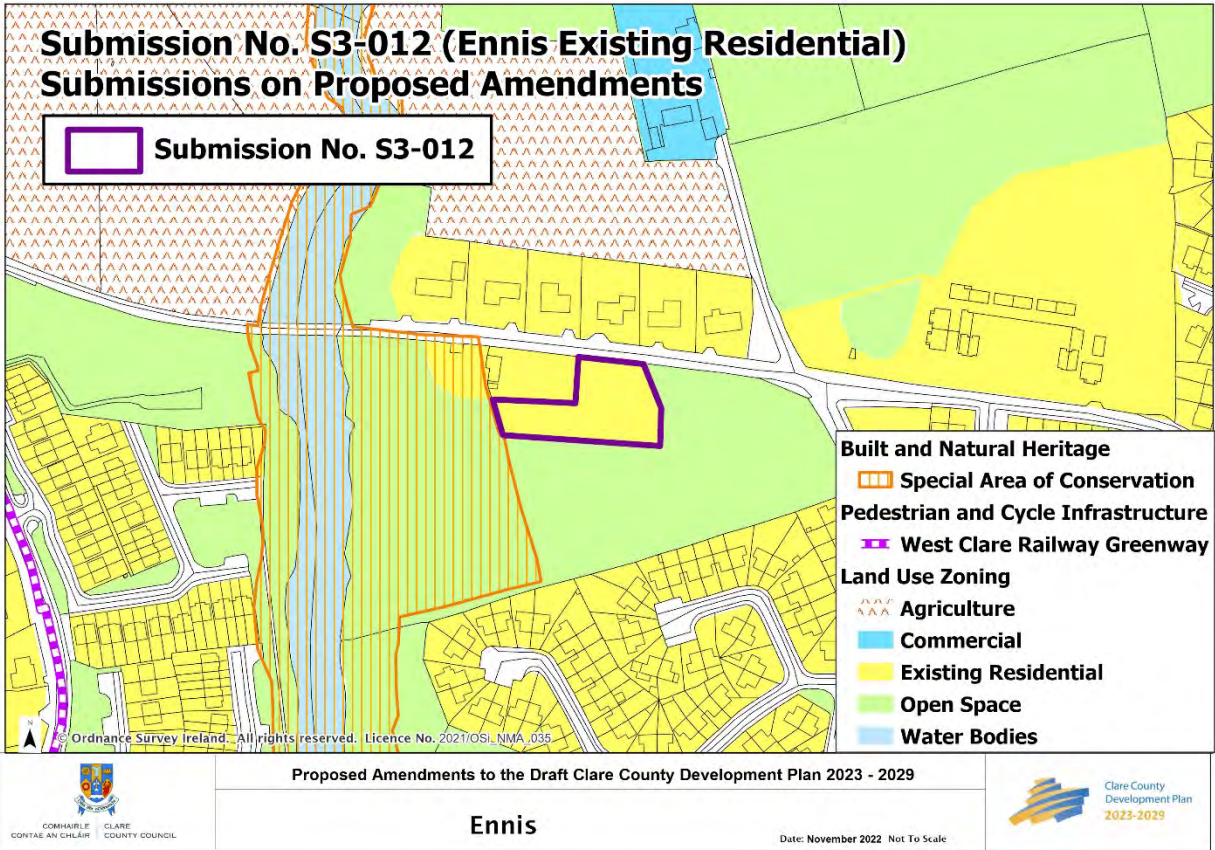


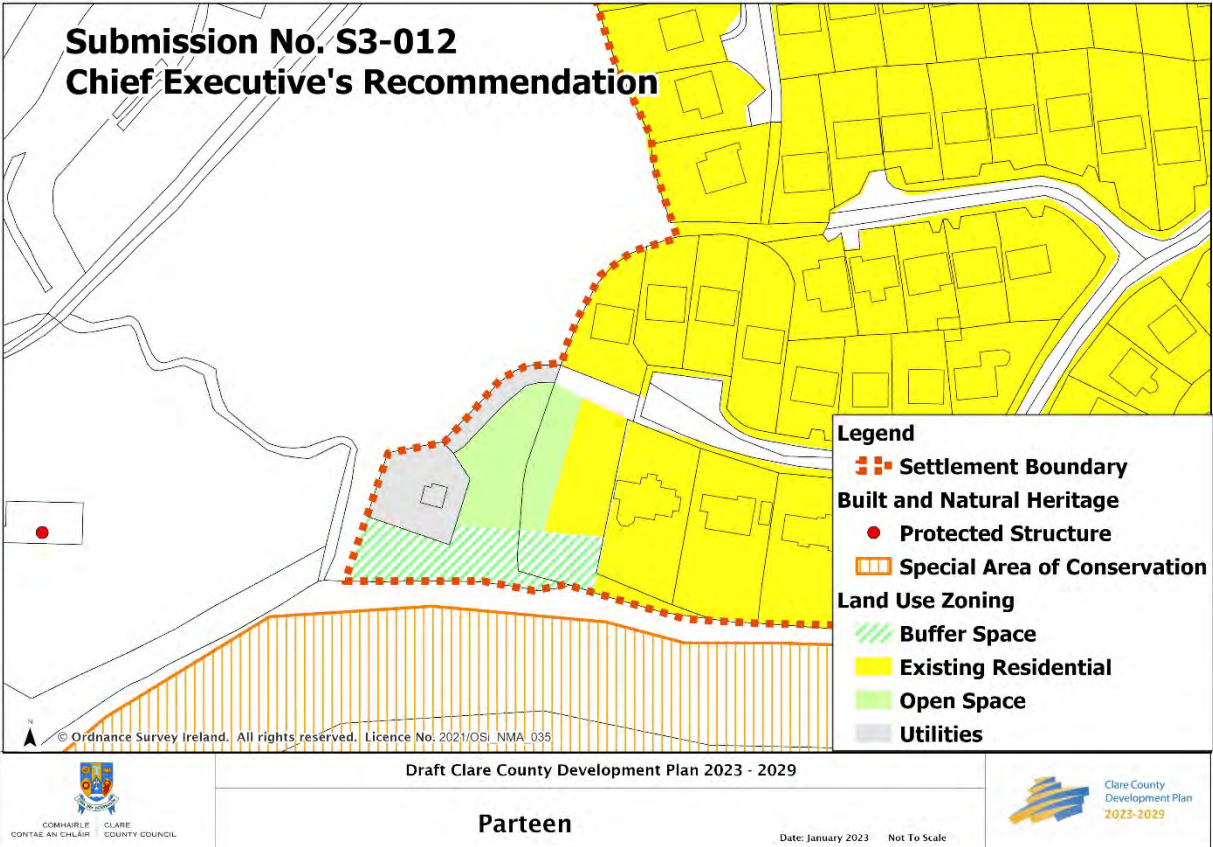
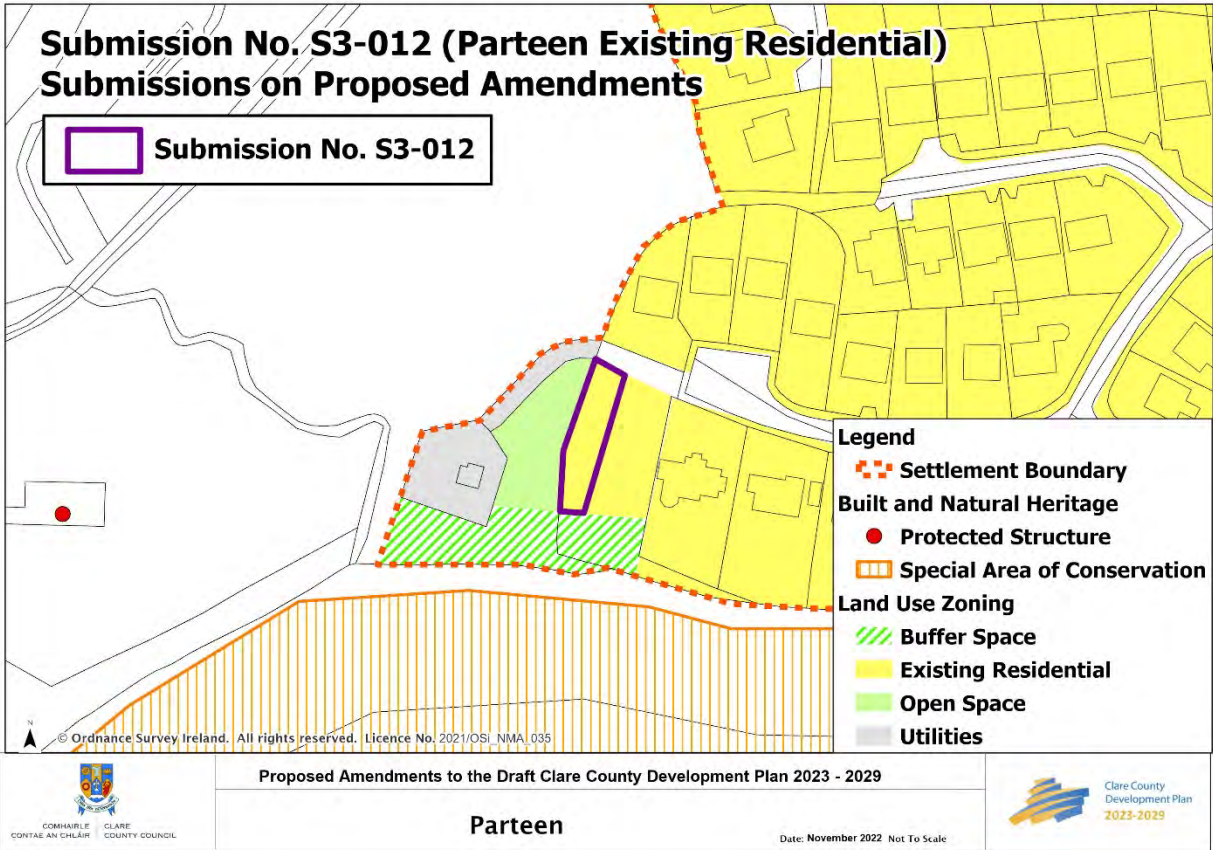


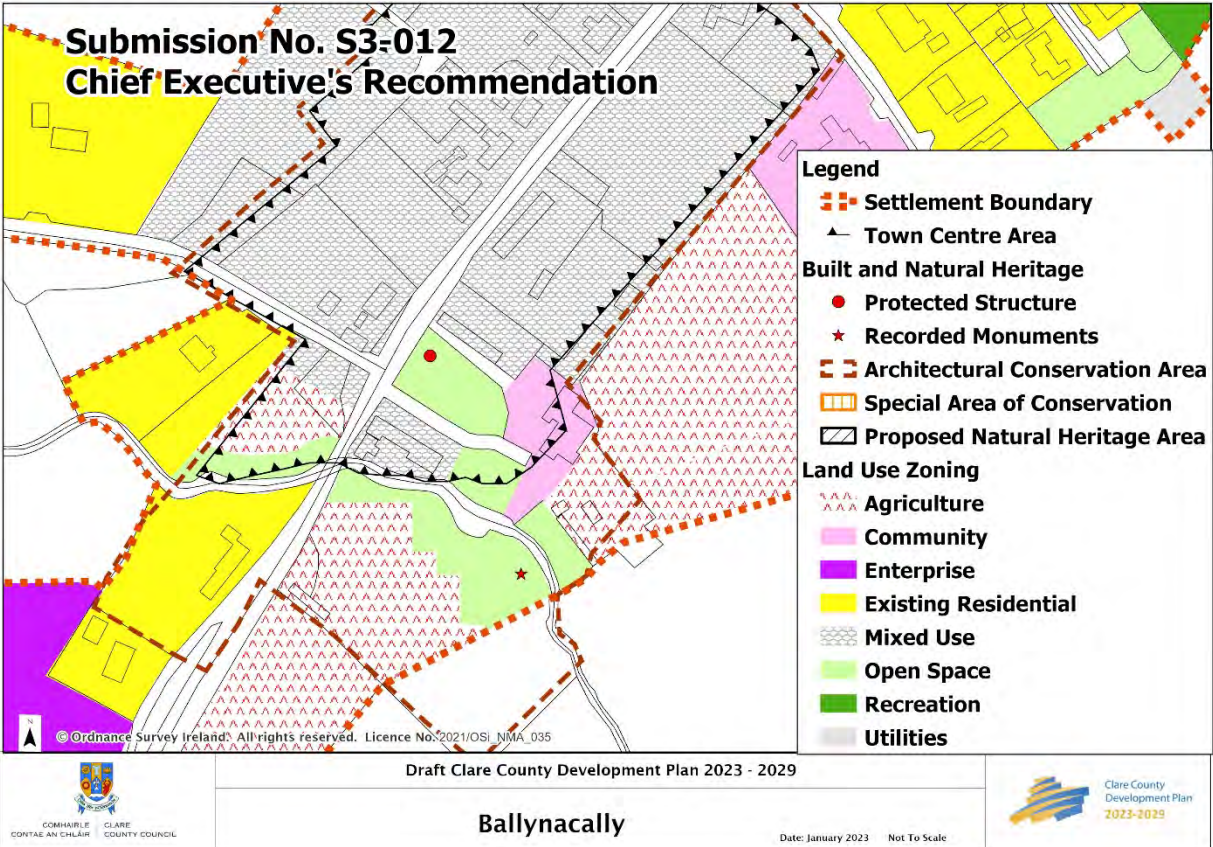
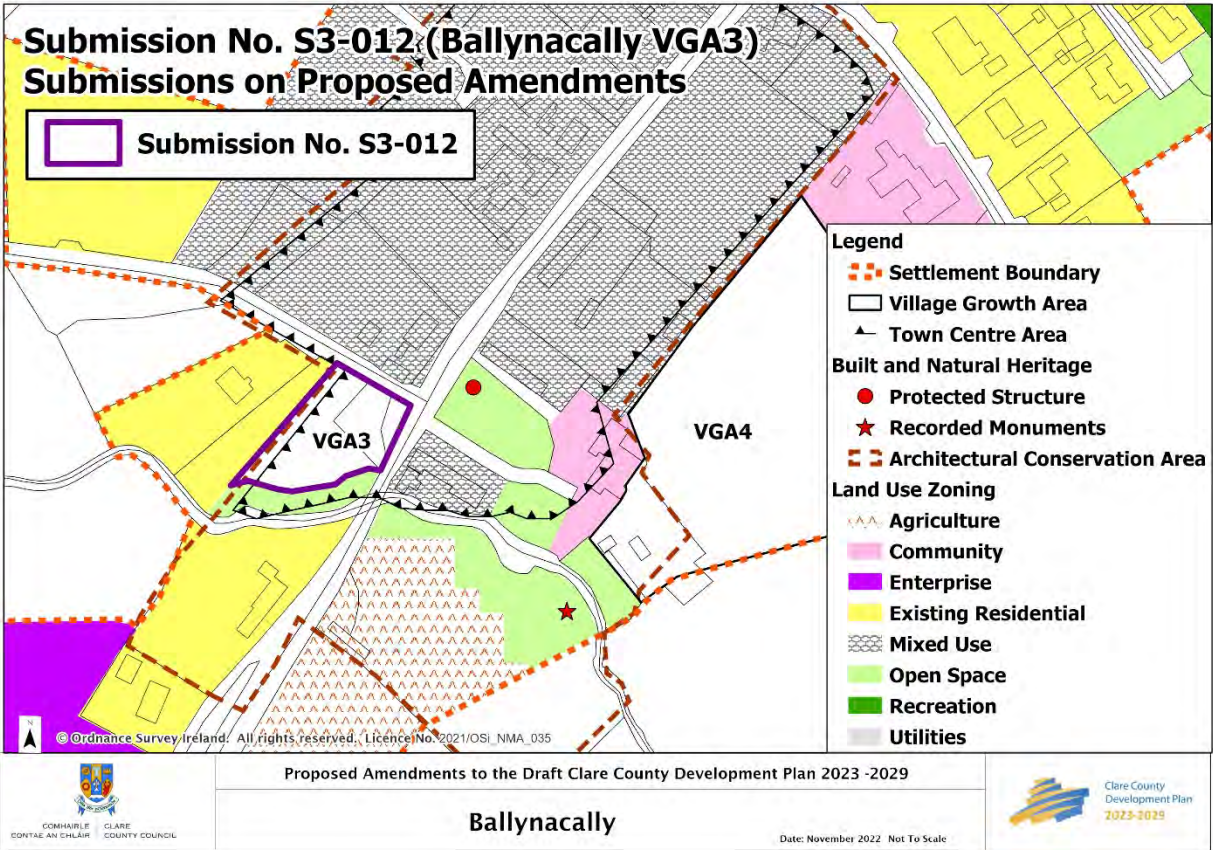


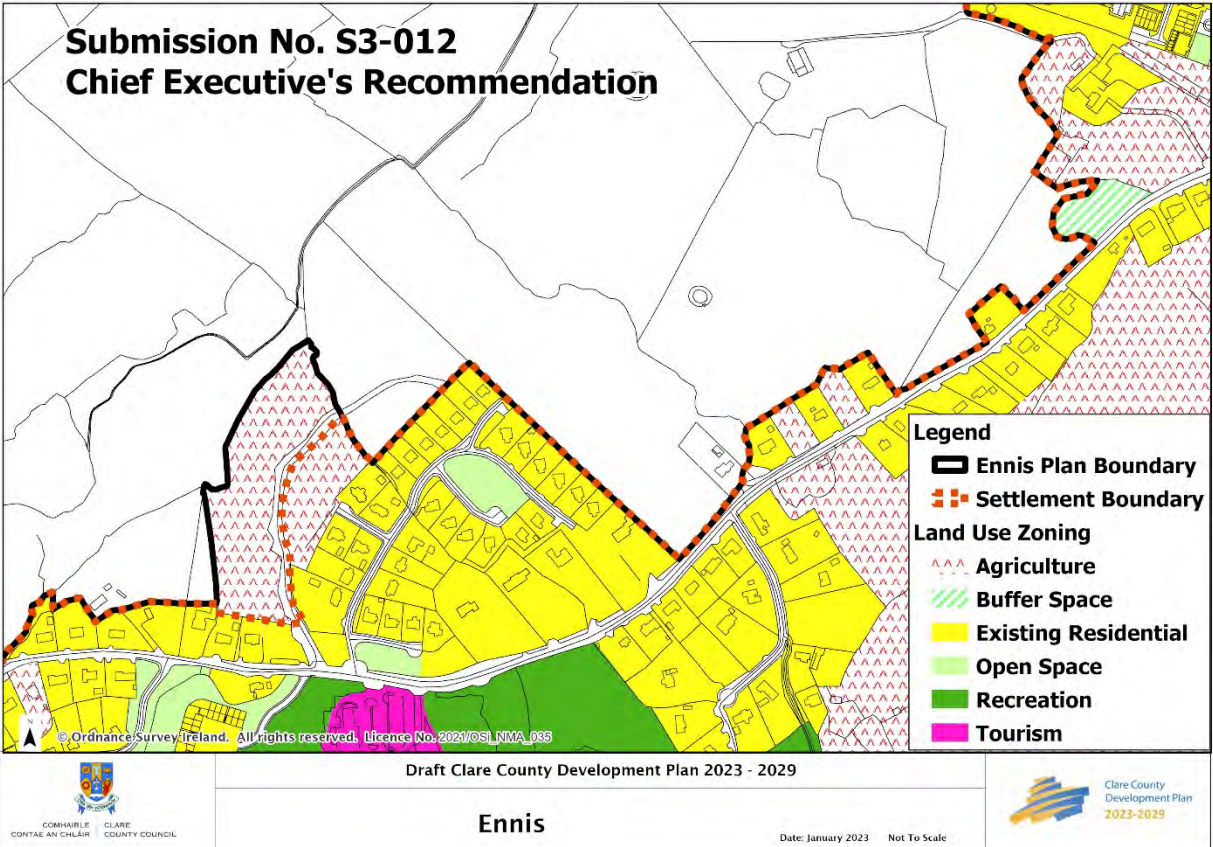
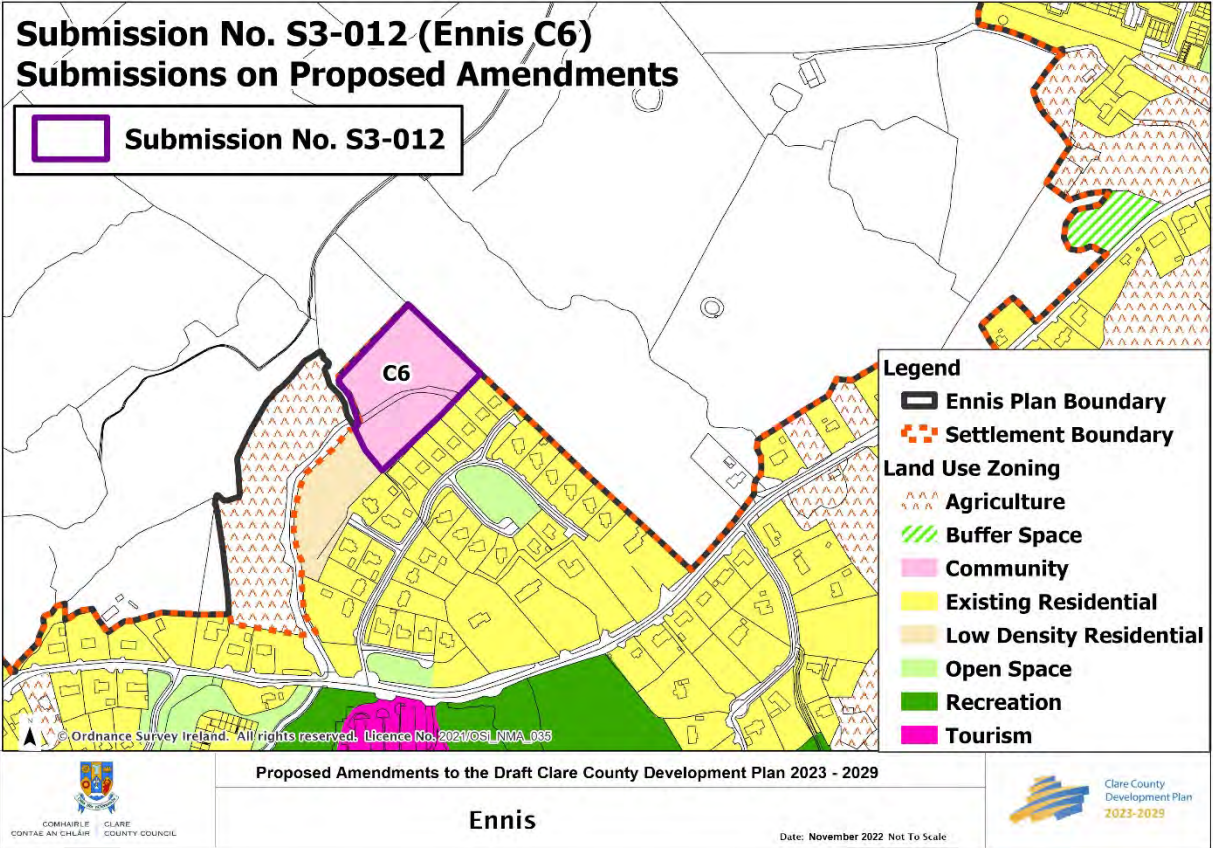












## Submission No: S3/010 –Southern Regional Assembly (SRA)

### Summary of Issues Raised in Submission

The submission acknowledges and commends the continued work that has been undertaken in the preparation of the Draft Plan and the amendments to strengthen its policies and objectives.

#### 1.0 Core Strategy and Municipal District Settlement Plans

##### 1.1 Proposed Amendments Impacting the Achievement of Compact Growth Targets

The SRA has concerns that the amended Core Strategy Table in Chapter 3, the associated additional lands zoned for residential purposes and the expanded settlement boundaries set out in Volume 3 do not address compact growth requirements set out in national and regional policy. In relation to the proposed amendments to the Core Strategy table, the following is noted:

1. A mismatch exists between population targets, housing units proposed and associated levels of zoning allocation. Population targets for the county have been revised to 7,391 from 11,637 in the Draft Plan, however the proposed housing units figure remains the same at 4,500.
2. The inclusion of unmet demand and additional zoning (25%) where the rationale is not clear and where NPF population and housing targets already account for the unmet demand.
3. The provision of additional zoned lands well in excess of the population targets without a demonstrated evidence base.
4. A reduction in compact growth targets as the proposed amendments are not aligned with regional policy objectives for regeneration, brownfield and infill development and compact growth.

##### 1.2 Limerick-Shannon Metropolitan Area (LSMA)

The SRA notes the following in relation to the proposed amendments to text in Volume 3b Shannon Municipal District Settlement Plans and LSMA figures in the amended Core Strategy Table in Chapter 3 as follows:

1. The SRA welcomes the addition of the Limerick-Shannon Metropolitan Area in the title of Volume 3b Shannon Municipal District Settlement Plans and additional text in response to Recommendation 2 in the SRA's Draft Plan submission. The SRA encourages the Planning Authority to give greater emphasis in the final plan to the MASP and the opportunities it presents which could be undertaken as non-material amendments.
2. The SRA notes that the population target has been revised to 1,971 requiring 31.42ha of greenfield land or 40.97ha and 47.30ha with additional headroom, and that the amount of zoned land is stated as 28.56ha. The SRA advise the Planning Authority to consider if the amount of residential land zoned is sufficient to meet RSES/MASP objectives and queries if compact growth considerations have been appropriately applied.
3. The SRA notes that the revised Core Strategy Table does not contain an aggregate figure for the Clare portion of the Limerick City and Suburbs area. While the SRA notes the rationale for not applying this target and accepts there are constraints, it considers that greater recognition should be given to the future development this area. In addition, concerns are raised that all housing units are to be delivered on greenfield land. The SRA advises that the

potential for infill and brownfield development in this area should be investigated further having regard to the Limerick-Shannon Metropolitan Area Transport Strategy which promotes higher densities and mixed-use development in areas where opportunities for sustainable transport exist.

### 1.3 Ennis

The SRA notes the following in relation to the proposed amendments to figures for Ennis in the amended Core Strategy Table in Chapter 3 as follows:

1. The SRA refers to the population target for Ennis over the Plan period and considers it is difficult to determine if this target is in line with the 30% growth envisaged to 2040. The Planning Authority is requested to address this point.
2. The SRA refers to the figures for greenfield land requirement, 58.9ha including an additional 25% headroom which rises to 77.44ha with Unmet demand as well as the total amount zoned 99.67ha. The SRA considers it is unclear how this additional zoned land can meet the 30% compact growth criteria and advises the Planning Authority to review the extent of land proposed to be zoned residential.
3. The SRA considers that density figures provided are low and consideration should be given to higher densities in the town centre, other brownfield sites and along public transport corridors. Concerns are raised regarding the extent of land zoned for residential development in peripheral locations making compact growth difficult to achieve.

### **2.0 Climate Action**

The SRA notes and welcomes the proposed amendments in relation to Climate Action including an additional goal in Chapter 1 Introduction and Vision on the circular economy and the additional text on the Just Transition Approach in Chapter 2 Climate Action.

### **3.0 Economic Development and Enterprise**

The SRA notes and welcomes the additional text to Chapter 6 Economic Development and Enterprise acknowledging the RSES Regional Economic Strategy principles in response to recommendation 6 of the SRA's submission on the Draft Plan and well as the amended text on the Regional Enterprise Plan to 2024 and Higher Education Institutes, the Knowledge Economy and Access to Talent.

### **4.0 Sustainable Mobility and Transport**

The SRA welcomes the additional text to Chapter 10 Sustainable Communities relating to sustainable transport including to primary and secondary schools. The amended text to Chapter 11 Physical Infrastructure, Environment and Energy relating to the 10-minute town concept is noted and the additional text on the Five Cities Demand Management Study, support for the LSMATS and the Shannon Rail Link is welcomed.

### **5.0 Environment and Blue Green Infrastructure**

The SRA considers that proposed amendments to Chapter 15 Biodiversity, Natural Heritage and



Green Infrastructure including reference to *Blue* Infrastructure help to address Recommendation 9 of the SRA’s submission on the Draft Plan.

## 6.0 Environmental Analysis

The SRA notes the Volume 10a & 10b Addendum to Environmental Assessments as well as Volume 10c Strategic Flood Risk Assessment published alongside the proposed Material Alterations to the Draft Plan and recommends that the extensive environmental assessments which informed the RSES are reviewed to inform the Council’s own environmental assessments on the material alterations and ensure relevant mitigation measures and constraints are included in the final Plan.

## 7.0 Section 12(5)(aa) Notice - Response

The SRA notes the notice prepared in accordance with Section 12(5)(aa) of the Planning and Development Act, as amended, and summarises the Council’s response to non-compliance with recommendations included in the SRA submission on the Draft Plan, S2/015. The SRA recommends that full consideration is given to its comments to the proposed amendments set out in the preceding sections of its submission.

## 8.0 Conclusion

The SRA welcomes the publication of the proposed material amendments and commends the Planning Authority for inclusion of amendments that address key RSES Strategy policy objectives. In addition, further engagement with the SRA in the final phase of the Plan is encouraged.

## Chief Executive’s Response

I wish to thank the Southern Regional Assembly for the submission and address the issues raised as follows:

### 1. Core Strategy and Municipal District Settlement Plans

#### 1.1 Proposed Amendments Impacting the Achievement of Compact Growth Targets

I note the concerns outlined in relation to the proposed amendments to the Core Strategy table and respond as follows:

1. I acknowledge the appearance of a mismatch between the population targets, housing units proposed and the associated level of zoning allocation. In this regard, I refer to the footnotes to the Core Strategy Table on page 68 of the Draft Plan, under ‘SDZ Housing Units 123+\*\*’, where it is noted that the exact number of housing units to be provided on the proposed South Clare/UL Economic SDZ site is unclear pending the completion of the master planning exercise. Therefore, while a population target figure (3,500) and zoning allocation the proposed SDZ site were included in the Core Strategy Table in the Draft Plan, a figure for housing units was not. In addition, there is an inherent mismatch between the NPF population target figure and the HST housing unit figure which were developed in isolation and essentially don’t marry and were developed outside of the remit of the Planning Authority.

2. In relation to 'Additional Provision', the Core Strategy includes 25% additional residential zoning as permitted under Section 4.4.3 of the Development Plan Guidelines, 2022. The additional zoning has been included across the County and its exact locations are identified in the Core Strategy table. It has been applied mainly to Ennis, the Metropolitan Area and in areas where housing demand is highest and where there are adequate services available to support it. It has also been applied to some smaller settlements where the land zoned is so small it may only be a single parcel of land which provides no options for growth should that not come forward for development. The provision of further development options through the use of Additional Provision will offer greater scope for the sustainable growth of the settlement.

In relation to unmet demand, I acknowledge this is over and above the HST figure. The County Clare HST of 4,500 units does not reflect the unprecedented situation in relation to the housing need created by those arriving in the county from Ukraine. The Emergency accommodation figure for County Clare stood at 3,400 in November 2022 and the preliminary 2022 census figures show the number of Ukrainian refugees amount to circa. 3% of the county's population. In addition, the preliminary CSO 2022 Co. Clare population figure of 127,419 has exceeded that of the NPF target for 2022 based on the Implementation Roadmap for the National Planning Framework. This housing need has not been considered in any of the policy documents or methodologies applied to both the population and housing supply target for County Clare, therefore this housing demand is over and above what the NPF, RSES and HST methodology has accounted for. The Planning Authority has sought to address this new and emerging housing need by providing a plan led approach to cater for this unmet demand over the lifetime of this plan. This approach has been taken in order to address a need that neither the NPF or RSES considered whilst at the same time protecting the original planned growth of 4,500 units and 7,213 people growth target that those documents did consider. Our plan led approach will ensure that there is adequate provision of appropriate land to facilitate the delivery of the required amount of housing to meet housing need over the Plan period, irrespective of the source of that need. The proposed location and extent of the "unmet" need is identified in the Core Strategy and the subsequent land equivalent is shown in hectares and equates to an additional 2,000 people and 1,260 housing units. To put in context the extent of unmet demand as of 13<sup>th</sup> January 2023 (CSO data) includes for 4,184 Ukrainian Beneficiaries of Temporary Protection in Co. Clare. This has the effect of Co. Clare hosting the 6<sup>th</sup> highest number of beneficiaries nationally. Consequently, there is an essential need in the plan making function to consider and plan for emerging need which has at no point heretofore been considered when growth targets were set for Co. Clare.

3. In relation to the provision of additional zoned lands well in excess of the population targets without a demonstrated evidence base, following the preparation of the Chief Executive's Report on submissions received on the Draft Plan, some additional residential zoning has been proposed in settlements across the County as agreed by Council resolution. This includes lands within the settlements of Broadford and Cooraclare which are identified as small villages in the settlement hierarchy. While these settlements do not have public wastewater facilities, Clare County Council has made a funding application under the Multi-Annual Rural Water Programme 2022-2025 Measure A8- Waste Water Collection and Treatment Needs for Villages and Settlement without access to Public Wastewater Services.

In anticipation of funding approval lands have been zoned in both settlements to accommodate future growth and to deliver on the investment associated with providing this infrastructure. However, until such time as the funding has been approved any development will require on site treatment systems and the potential growth of these villages has not changed by the identification of a residential zoning.

I refer the submitter to my response to Recommendations 2 - 6 as set out in the Office of the Planning Regulator's (OPR) submission, S3/012, which I consider addresses the issue in a comprehensive manner.

4. In relation to compact growth targets, the NPF Implementation Roadmap states that all Core Strategies must balance the requirement for different types of housing provision by location, to include the zoning of land where applicable, from:
- I. Cities and their suburbs, to
  - II. large towns,
  - III. small towns,
  - IV. settlements of 1,500 people or fewer, and
  - V. the countryside generally.

The requirement is that three of these settlement types i.e. i, ii and iii must also include specific consideration of infill/brownfield and greenfield capacity. The Core Strategy Table includes categories i, ii, iii and settlements below 1,500.

In relation to categories i, ii, iii, with the exception of Athlunkard and Parteen, the Core Strategy Table in the Proposed Amendments to the Draft Plan provides figures for Compact Growth/Brownfield/Infill units in these areas, including for unmet demand, in line with national and regional policy objectives. In relation to Athlunkard and Parteen, both settlements are within the Limerick City and Suburbs, therefore by definition, any new development is within the built-up footprint and will promote compact growth. In addition, there are few opportunities for brownfield or infill development within the built-up footprint of either settlement - in Athlunkard due to the existing relatively high-density development and in Parteen due to its rural character and extremely small village core boundary. Therefore, only greenfield lands are identified in both settlements to meet the Core Strategy targets as this was felt to be reflective of the form of development that would actually happen within the plan cycle. This is reflected in the Core Strategy by the inclusion of a figure for greenfield and no figure for Compact Growth/Brownfield/Infill.

In relation to Large Villages the area of land proposed to be zoned residential is very small and where identified the sites are, by definition, identified within the existing built-up footprint and therefore compact growth, albeit they are primarily greenfield sites given the rural nature of the settlements.

In relation to the smallest order settlements, it is not considered appropriate to identify specific compact growth figures as essentially all growth in these settlements is compact growth. All lands earmarked to achieve compact growth are located within the Mixed Use zoning objective and are contiguous to the existing village centres. Therefore, while Residential lands are greenfield in nature, they are sequential having regard to their location

adjacent to the built-up Mixed Use lands and similar to the Large Villages they are compact growth, albeit they are primarily greenfield sites.

### 1.2 Limerick-Shannon Metropolitan Area (LSMA)

I note the concerns outlined in relation to the proposed amendments to text in Volume 3b Shannon Municipal District Settlement Plans and LSMA figures in the amended Core Strategy Table in Chapter 3, and respond as follows:

1. I note support for the addition of the Limerick-Shannon Metropolitan Area in the title of Volume 3b Shannon Municipal District Settlement Plans as well as additional text in response to Recommendation 2 in the SRA's submission on the Draft Plan, S2/015. In addition, I note the request that greater emphasis to be placed on the MASP in the final plan.
2. In relation to the quantum of residential land zoned in the MASP area, I refer the submitter to the Chief Executive's Report of July 10<sup>th</sup>, 2022, and my response to Recommendation 4 of the Office of the Planning Regulator's submission, S2/014. Based on infrastructure deficiencies, I consider that the Metropolitan Area is not capable at present to cater for any more growth than that which it has been assigned in the Core Strategy. Should these deficiencies be addressed in the future, subsequent plan cycles will then address the achievement of the population targets as set out in the NPF Implementation Roadmap, the RSES and the LSMASP. In relation to Compact Growth within the LSMA, I refer the SRA to my response to point 4 under 1.1 above.
3. I note the points made in relation to the inclusion of an aggregate figure for the Clare portion of the Limerick City and Suburbs area in the Core Strategy Table. In relation to the potential for infill and brownfield development in this area, I refer the SRA to my response to point 4 under 1.1 above.

### 1.3 Ennis

I note the concerns outlined in relation to the proposed amendments to figures for Ennis in the amended Core Strategy Table in Chapter 3, and respond as follows:

1. The Core Strategy Table in the Proposed Amendments to the Draft Plan provides figures for Compact Growth/Brownfield/Infill units relating to lands required to achieve the identified population targets over the plan period, including for unmet demand. However, as noted in my response to point 3 under 1.1 above, following the preparation of the Chief Executive's Report on submissions received on the Draft Plan, some additional residential zoning has been proposed in settlements across the County as agreed by Council resolution. This includes c.11 hectares of additional land in Ennis. I refer the submitter to my response to Recommendation 2 – Ennis Key Town as set out in the Office of the Planning Regulator's (OPR) submission, S3/012, which I consider addresses the issue in a comprehensive manner.
2. As noted in 1. above, c.11 hectares of additional residential land has been included within the Ennis Settlement Plan. In this regard, the assessments contained in Appendix 1 Serviced Land Assessment identifies a number of land parcels which do not meet the criteria for

Compact Growth, these include R17, R20, R22, LDR4, LDR11 and LDR14 lands in Ennis. As above, I refer the submitter to my response to Recommendation 2 – Ennis Key Town as set out in the Office of the Planning Regulator’s (OPR) submission, S3/012, which I consider addresses the issue in a comprehensive manner.

3. In relation to density figures in Ennis, while I acknowledge the high-level status of Ennis, I consider it is unreasonable to use a broad-brush approach to population growth and the associated density requirement for the settlement. With a population of less than 30,000, Ennis falls within the larger town category between 5,000 and 50,000 as per Circular letter: NRUP 02/2021. It is located within a rural county where the pressure for one off rural housing is very high and will be further exacerbated by a lack of provision for lower density housing in the town. Zoning for low density housing at appropriate locations within the town will provide a real alternative to the rural housing option and will satisfy an unmet demand for low density housing that currently can only be met primarily in the rural areas of the County. This approach will promote the sustainable development of the settlements and the rural areas which are under extreme pressure from one-off rural houses. In relation to concerns due to the extent of land zoned for residential development, I refer the SRA to my response to points 1 and 2 above.

## **2.0 Climate Action**

I welcome the SRA’s support for the proposed Material Alterations in relation to Climate Action including an additional goal in Chapter 1 Introduction and Vision on the circular economy and the additional text on the Just Transition Approach in Chapter 2 Climate Action.

## **3.0 Economic Development and Enterprise**

I welcome the SRA’s support for the proposed Material Alterations in Chapter 6 Economic Development and Enterprise acknowledging the RSES Regional Economic Strategy principles, the Regional Enterprise Plan to 2024 and Higher Education Institutes, the Knowledge Economy and Access to Talent.

## **4.0 Sustainable Mobility and Transport**

I welcome the SRA’s support for amended text in Chapter 10 Sustainable Communities relating to sustainable transport including access to primary and secondary schools. I note the amended text referred to is contained in Objective CDP 10.16 Primary and Secondary School in Section 10.17.2 Primary and Secondary Facilities.

I also welcome the SRA’s support for amended text in Chapter 11 Physical Infrastructure, Environment and Energy relating to the 10-minute town concept, the Five Cities Demand Management Study, the LSMATS and the Shannon Rail Link which I note is contained in Section 11.2.2 Integrated Land Use and Transport Planning and Objective CDP11.2 e).

## **5.0 Environment and Blue Green Infrastructure**

I welcome the SRA’s support for the proposed Material Alterations to Chapter 15 Biodiversity,

Natural Heritage and Green Infrastructure including reference to *Blue* Infrastructure which I note is contained in Objective CDP15.12 Biodiversity and Habitat Protection in Section 15.2.10 Promoting and Protecting Biodiversity and Wildlife Corridors.

## 6.0 Environmental Analysis

The NPF and the RSES contain higher level policy and objectives which in turn steer the development of County Clare at a lower level. The Clare CDP has been developed with regard to the relevant environmental objectives for the protection of European sites within the NPF and RSES with NPO75 and RPO1 being the overarching objectives ensuring protection of European sites for the NPF and RSES respectively. In addition, the CDP has had regard to the mitigation measures set out within the environmental reports for the NPF and RSES to avoid adverse effects upon European sites and any negative effects on environment from an SEA perspective.

## 7.0 Section 12(5)(aa) Notice - Response

I note the SRA's comments in relation to the notice of non-compliance with the SRA submission on the Draft Plan, S2/015, prepared in accordance with Section 12(5)(aa) of the Planning and Development Act, as amended, and as requested I have considered fully all comments relating to the proposed amendments contained in this submission, as set out above.

## 8.0 Conclusion

I note the SRA's support for the inclusion of amendments that address key RSES Strategy policy objectives and welcome opportunities for further engagement with the SRA in the final phase of the Plan.

## Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Volume 1 Written Statement) is made **with** the proposed material alterations, as displayed, to the following:

Chapter 1 Introduction and Vision:

- Additional Goal XX relating to the transition from a linear to a circular economy.

Chapter 2 Climate Action:

- Additional text on the 'Just Transition Approach' under Green Deal 2020 in Section 2.3.2 European Context

Chapter 6 Economic Development and Enterprise:

- Additional text relating to the 'Regional Economic Strategy' in Section 6.2 Economic Development and Enterprise.
- Additional text including Objective CDP6.2 in Section 6.3 Regional Enterprise Plan for the Mid-West.
- Additional text including Objective CDP6.9 in Section 6.9 Higher Education Institutes and the Knowledge Economy.



Chapter 10 Sustainable Communities:

- Amended text in Objective CDP10.16 Primary and Secondary Education in Section 10.17.2 Primary and Secondary Facilities.

Chapter 11 Physical Infrastructure, Environment and Energy:

- Amended text in Section 11.2.2 Integrated Land Use and Transport Planning.
- Amended text in Objective CDP11.2 e) Transport Planning.

Chapter 15 Environment and Blue Green Infrastructure:

- Additional text in Objective CDP15.12 Biodiversity and Habitat Protection in in Section 15.2.10 Promoting and Protecting Biodiversity and Wildlife Corridors, as displayed.



## Submission No: S3/001 – Department of Agriculture, Food & the Marine

### Summary of Issues Raised in Submission

The submission relates to commercial sea-fisheries and offshore windfarms as follows:

- The evaluation of potential impacts need consideration as part of any planning process and during development plan process.
- It is imperative that engagement be sought at an early stage to discuss any changes that may affect them.
- Notes that the Plan supports construction of offshore windfarms and in the event where these are proposed the evaluation and consideration of any negative impacts on fisheries are given consideration and stakeholders are consulted at an early stage.

### Chief Executive's Response

I thank the Department of Agriculture, Food and the Marine for the submission and note the comments relate to commercial sea-fishing and offshore windfarms, and the importance of the evaluation of potential impacts of same.

The importance of Commercial Fishing and Aquaculture and the role they play along our coastline and within the Shannon Estuary is recognised in the Draft Clare County Development Plan 2023-2029 and supported through the inclusion of CDP Objective 12.13 Commercial Fishing/Aquaculture and CDP 13.6 The Fishing Industry and Seafood Sector with respect to the supporting industry. Similarly, the importance of protecting our coastline and associated marine environment from inappropriate development is supported by the inclusion of CDP 13.3 Maritime Spatial Planning which will ensure all existing users and activities are considered appropriately prior to any future developments in or adjacent to the marine environment. CDP 13.4 Integrated Coastal Zone Management seeks to ensure Fishers' interests and livelihoods are recognised, supported, and considered as part of the sustainable development of the marine resource and Blue Economy.

Furthermore, in the interest of consistency and by way of update I propose a non-material update to include the following text in Section 9.4 Policy, Chapter 9 Marine Renewables of the Clare Renewable Energy Strategy (RES):

*The potential positive and negative impacts of development on the commercial activities and livelihoods of those in the fisheries industry will be recognised and evaluated through consistent engagement with fishing interests and communities throughout the planning and development consent process.*

### Chief Executive's Recommendation

I recommend no amendment to a proposed material alteration to the Clare County Development Plan 2023-2029 on the basis of this submission.

I recommend a non-material update to include the following additional text in Section 9.4 Policy, Chapter 9 Marine Renewables of the Clare Renewable Energy Strategy (Volume 5):





The potential positive and negative impacts of development on the commercial activities and livelihoods of those in the fisheries industry will be recognised and evaluated through consistent engagement with fishing interests and communities throughout the planning and development consent process.



## Submission No: S3/002 – Environmental Protection Agency (EPA)

### Summary of Issues Raised in Submission

The submission includes a copy of the SEA Guidelines of Local Authority Land Use Plans – EPA Recommendations and Resources. The submission acknowledges the Addendum to Environmental Assessments that has been prepared for the Proposed Amendments, and welcomes the approach taken. The submission states that where further modifications to the Draft Plan are proposed, these should be screened for likely significant effects in accordance with the SEA Regulations. An SEA Statement should be prepared once the plan is adopted.

### Chief Executive's Response

I thank the EPA for the submission.

I note the comments provided together with the preparation of the SEA Statement, all of which will be taken into consideration in the completion of the development plan making process.

### Chief Executive's Recommendation

There is no recommendation relating to proposed material alterations arising from this submission.

## Submission No: S3/003 – The Shannon Airport Group

### Summary of Issues Raised in Submission

The submission relates to the Shannon area including Shannon Airport and highlights a number of issues as follows:

#### Volume 1 Written Statement

The submission notes that the Draft Clare County Development Plan 2023-2029 makes reference to the IASC cluster at Shannon in CDP6.5 and CDP11.19. This has been rebranded ‘the Aviation Cluster at Shannon’ and the submission requests any references to IASC in the Plan are now referred to as ‘the Aviation Cluster at Shannon’ as set out below:

#### **6.7 Economic Development in Shannon – page 128**

##### **CDP 6.5 It is an objective of Clare County Council:**

b) To facilitate the continued development of the ~~International Aviation Services Centre (IASC)~~ **Aviation** cluster at Shannon as recognised in Ireland’s *National Aviation Policy*;

##### **CDP11.19 Development Plan Objective: Shannon International Airport page 251**

d) To facilitate and support the further development of the ~~International Aviation Services Centre (IASC)~~ **Aviation** cluster at Shannon as recognised in National Aviation Policy and to work to ensure that cross agency cooperation will continue to develop the ~~IASC~~ cluster to meet industry demand;

#### Volume 4 Record of Protected Structures

The submission refers to the recommendation in the Chief Executive’s Report on Submissions to the Draft Clare County Development Plan 2023-2029 (Record of Protected Structures) “*it is recommended that Shannon Airport, RPS 328 is included on the Record of Protected Structures 2023-2029 and that the reference in the description to “the exterior of the semi-detached, four-bay, two-storey, flat-roofed departures building c.1960.” is not included on the Record of Protected Structures 2023 - 2029.*” and notes that this recommendation has not been carried over and included as a proposed amendment. It is requested that this recommendation be included as a proposed amendment in Volume 4 Record of Protected Structures of the Draft Plan.

#### Volume 5 – Clare Renewable Energy Strategy

The submission seeks that the Draft Plan considers and mentions the recently published Planning and Development (Solar Safeguarding Zone) Regulations 2022 within the Solar Power section of Volume 5 ‘Clare Renewable Energy Strategy’, and in particular the mapped Solar Safeguarding Zones around Coonagh Airfield and Shannon Airport. It is also requested that the mapped zones should be included in Volume 2 ‘Maps’ of the Draft Plan.

### Chief Executive’s Response

I thank the Shannon Airport Group for the submission and address the issues raised as follows:

### Volume 1 Written Statement

I note the request to amend references in the Draft Plan from “the IASC cluster” to “the Aviation Cluster” in Shannon including text in Objectives CDP6.5 and CDP11.19 having regard to the recent rebranding of same to ‘the Aviation Cluster at Shannon’ and I consider these non-material updates can be accommodated.

### Volume 4 Record of Protected Structures

The request is noted regarding the removal of the 1960s terminal building from the Record of Protected Structures 2023-2029. However, as part of Members’ Resolution, made on October 20th 2022, it was agreed that the building should remain on the Record of Protected Structures 2023-2029 and as such the current request cannot be facilitated at this advanced stage in the plan making process, in accordance with the Planning and Development Act 2000, as amended.

### Volume 5 – Clare Renewable Energy Strategy

While I note that it does not relate to any proposed material alteration to the Draft Clare County Development Plan 2023-2029, in the interest of consistency and by way of update I propose a non-material update to include additional text in Chapter 17 ‘Environmental Considerations & Development Management Advice’ of the Clare Renewable Energy Strategy (RES) at Section 17.3 ‘Development Management for Renewable Energy Developments’. I consider that this is the most appropriate location for text concerning the Planning and Development (Solar Safeguarding Zone) Regulations 2022.

The Planning and Development Regulations 2001-2022 contain newly introduced Exempted Development provisions for solar panel installations at existing properties. Within Solar Safeguarding Zones (established in the Planning and Development (Solar Safeguarding Zone) Regulations 2022), the quantum of rooftop-mounted solar panels on non-residential buildings that can be installed as Exempted Development is limited, due to proximity to airports, aerodromes and helipads. The Coonagh safeguarding zone extends into Clare, and the Shannon Airport solar safeguarding zone covers the county’s international airport and hinterland. There is potential for glint and glare from solar panels to impact aviation safety.

I consider that since the mapped extent of Solar Safeguarding Zones are set out in Statutory Regulations, it is not appropriate or required to replicate these Zones in the County Development Plan maps.

### **Chief Executive’s Recommendation**

I recommend no amendment to a proposed material alteration to the Clare County Development Plan 2023-2029 on the basis of this submission.

### Volume 1 Written Statement

I recommend a non-material update to Objective CDP 6.5 (b) ‘Development of Shannon’ in Section 6.7, Chapter 6, Volume 1, as follows:

b) To facilitate the continued development of the ~~International Aviation Services Centre (IASC)~~ Aviation cluster at Shannon as recognised in Ireland’s *National Aviation Policy*;

I recommend a non-material update to Objective CDP11.19 (d) ‘Shannon International Airport, in Section 11.2.11 Shannon International Airport, Chapter 11, Volume 1, as follows:

d) To facilitate and support the further development of the ~~International Aviation Services Centre (IASC)~~ Aviation cluster at Shannon as recognised in National Aviation Policy and to work to ensure that cross agency cooperation will continue to develop the ~~IASC~~ cluster to meet industry demand;

Volume 5 – Clare Renewable Energy Strategy

I recommend a non-material update to include the following text in Chapter 17 ‘Environmental Considerations & Development Management Advice’ of the Clare Renewable Energy Strategy (RES) (Volume 5), at Section 17.3 ‘Development Management for Renewable Energy Developments’:

**Table 17.1 Overview of Development Management Aspects**

Aspect	Advice (refer to CDP Appendix 1 for more detail)
Pre-Planning Consultation with Clare County Council	A landowner or developer can seek consultation with the planning authority in advance of making a planning application (Section 247 of the Planning and Development Act 2000, as amended). This is advisable, since it gives an opportunity to discuss procedural aspects, and for the council to advise on what concerns it might have.
Exempt Development	Certain small scale renewable energy installations are exempt from the requirement for planning permission. The exemptions are defined in the Planning and Development Regulations, which are periodically updated to take account of new government priorities and changes in technology. The Planning and Development Regulations 2001-2022 contain newly introduced Exempted Development provisions for solar panel installations at existing properties. Within Solar Safeguarding Zones (established in the Planning and Development (Solar Safeguarding Zone) Regulations 2022), the quantum of rooftop-mounted solar panels on non-residential buildings that can be installed as Exempted Development is limited, due to proximity to airports, aerodromes and helipads. The Coonagh safeguarding zone extends into Clare, and the Shannon Airport solar safeguarding zone covers the county’s international airport and hinterland. There is potential for glint and glare from solar panels to impact aviation safety.

## Submission No: S3/004 – National Transport Authority

### Summary of Issues Raised in Submission

The NTA acknowledges the inclusion of many recommendations made in their submission on the Draft plan and submits comments on a number of issues as follows:

#### Limerick Shannon Metropolitan Area Transport Strategy (LSMATS)

The submission notes the LSMATS was published in December 2022 and welcomes the greater commitment given to the implementation of the LSMATS in Chapter 4 and Chapter 11 of the Development Plan.

It is recommended that all Material Amendments which:

- relate to the LSMATS;
  - relate to strengthening the link between land use planning and transport planning, and,
  - relate in general, to the implementation of the measures within the LSMATS,
- are retained in the final County Development Plan.

#### Core Strategy Statement – Section 3.4.2

The submission notes, on p.18 of the Proposed Amendments to the draft CDP, that the population growth projections are to be treated as targets but not caps or limitations and the submission considers it is not clear whether this is to be viewed in the context of the additional provision as provided for by the Development Management Guidelines or if this approach is intended to facilitate growth in settlements above and beyond that provision and would be in a manner that would not be fully plan-led. It is recommended that the text of this section is reviewed.

#### Phasing – Section 3.4.2 (Core Strategy Statement)

The submission notes text relating to phasing which it considers may lead to development leapfrogging to peripheral sites within settlements. The NTA considers that phasing of growth is a key function of the proper planning and sustainable development of settlements.

It is recommended that the text is deleted and replaced with text which states that the growth of all settlements will be undertaken in a sequential manner and based on accessibility to services by sustainable transport modes.

#### Additional Residential Zonings

The submission notes concerns in relation to the extent of additional residential zonings in the Proposed Amendments i.e. an additional 9ha in Ennis, 3ha in the Metropolitan Area (excluding Shannon and the SDZ), 8.5ha in the Service Towns, and over 20 hectares in the Small Towns.

The submission recommends that the significant quantum of residential zonings proposed in the Material Amendments are reconsidered in the context of the requirement for such a quantum of zoned land for housing supply, and the likely long-term transport implications of development at

these peripheral locations in terms of the delivery of National Strategic Outcomes 1 and 5 (Compact Growth and Sustainable Mobility).

#### Additional Commercial Zonings - Ennis

The submission notes the zoning, by way of the Proposed Amendment, of large sites close to the national road network for Enterprise (ENT4 and ENT5) in Ennis, and identifies these sites as peripherally located within the settlement. The submission refers to the potential impact on the national road network and refers to the Section 28 Guidelines *Spatial Planning and National Roads*.

The submission recommends that if the zonings are retained, policy objectives should be included which:

- states that the development of the sites is conditional on a demonstration of consistency with the *Spatial Planning and National Roads* Guidelines;
- that development of the sites can only proceed in a manner which meets the objectives of the *National Sustainable Mobility Policy*.

### Chief Executive's Response

I wish to thank the National Transport Authority for the submission and address the issues raised as follows:

#### Limerick Shannon Metropolitan Area Transport Strategy (LSMATS)

I note the NTA's recommendation that all Material Amendments which:

- relate to the LSMATS;
  - relate to strengthening the link between land use planning and transport planning, and,
  - relate in general, to the implementation of the measures within the LSMATS,
- are retained in the final County Development Plan.

It is noted that LSMATS is now published in its finalised form. I advise:

- that the Proposed Material Alteration to CDP Objective 11.5 'Walking and Cycling' be subject to a proposed minor modification, as set out in my recommendation below;
- in the interest of consistency and by way of update that non-material updates to the Draft Clare County Development Plan 2023-2029 are made to reflect the progression of LSMATS from draft to finalisation. The details of these non-material updates are set out in my recommendations below.

#### Core Strategy Statement – Section 3.4.2

I acknowledge the concerns expressed in the NTA's submission. I also note the requirement (MA1) set out in the submission from the Office of the Planning Regulator (OPR) (S3/012) that the Development Plan should be made without the text on p.18 of the Proposed Amendments to the Draft CDP concerning the treatment of population growth projections as targets but not caps or limitations.

Whilst acknowledging the concerns expressed in the submission regarding the amended text proposed in the material alteration to section 3.4.2 Core Strategy (Volume 1 Written Statement) it is important to acknowledge the very significant influx of population into the County which has occurred over the past year which has exacerbated an already existing housing crisis and the indications appear to be this is going to continue. In order to facilitate a positive response to help address the housing crisis, it is considered important to allow for a degree of leeway in terms of the growth that can be facilitated within settlements. It is not the desire or intention to exceed the growth of the overall county core strategy growth target for the plan period, however having a degree of flexibility to respond to and accommodate growth is needed. I therefore consider it appropriate to make the Draft Plan with the proposed Material Alterations relating to Section 3.4.2.

#### Phasing– Section 3.4.2 (Core Strategy Statement)

I acknowledge the concerns expressed in the NTA’s submission. I note that the Proposed Amendments to the Draft CDP includes a description of the Strategic Residential Reserve land use zoning objective, including the following:

Strategic Residential Reserve lands have been identified across serviced settlements to facilitate longer term growth needs across the county. These lands comprise infill or contiguous sites or in some cases there is an on-site planning history of residential use. These lands are considered as the most appropriate sites for the long-term sequential expansion of the relevant settlement. These Strategic Residential Reserve lands, in general, will not be brought forward for development within this plan period, however non-residential development may be considered if it is appropriate to the site context. Consideration may also be given to development of some strategic residential reserve lands for housing before the end of the plan period.

The zoning of Strategic Residential Reserve lands provides for a phased approach to the development of settlements over successive plan periods, and in some circumstances, phased development within the forthcoming plan period. The approach is evidence-based and plan-led and provides for compact growth and sequential development within settlements. However, I note the issues raised by the NTA and in relation to some sites that have been zoned for residential development as Proposed Amendments by way of Members’ Resolutions, the principles of compact growth and sequential development may appear not to be followed. I have addressed this in response to the submission from the Office of the Planning Regulator (OPR) (S3/012) and you will note that I have recommended that the Draft Plan is made without a number of Material Alterations.

#### Additional Residential Zonings

I acknowledge the concerns expressed in the NTA’s submission. I also note the requirement (MA1) set out in the submission from the Office of the Planning Regulator (OPR) (S3/012) that the Development Plan should be made without the proposed Material Alterations to the Draft Plan Volumes 3a, 3b, 3c and 3d, that have increased the area of land zoned primarily for residential development without justification. I have addressed this in response to the submission from the Office of the Planning Regulator (OPR) (S3/012) and you will note that I have recommended that the Draft Plan is made without a number of proposed Material Alterations.



### Additional Commercial Zonings - Ennis

I acknowledge the concerns expressed in the NTA's submission. I note that Transport Infrastructure Ireland's submission (S3/005) also highlights the ENT5 site as being a site where development should only be progressed in accordance with a Traffic and Transport Assessment and a junction capacity assessment, and also pending the preparation of the Ennis Transport Plan which would provide a land use and transport framework for the sustainable development of the lands complementary to safeguarding the strategic function of the adjoining national road network. Finally, I note the requirement set out in the submission from the Office of the Planning Regulator (OPR) (S3/012) that the Material Alterations regarding the ENT4 and ENT5 sites not be included in the making of the Draft plan.

- **Ennis ENT4**

I note the concerns regarding the proposed material alteration to the Draft Plan, particularly with regard to NPO 57, RPO 3.10 and the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009). I therefore advise that the draft Plan should be made **without** the proposed Material Alteration.

- **Ennis ENT5**

I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/824 relating to these lands, where I note 'A large undeveloped Enterprise zoning is present on the opposite side of the R474 from the subject lands. The zoning of additional lands for Enterprise use, in close proximity to a substantial site that has already been zoned for this purpose in the Draft Plan could lead to a cluster of such development, at the periphery of the town and would be disproportionate to the scale of the surrounding neighbourhood which would be contrary to the proper planning and sustainable development, not only of the Beechpark neighbourhood, but also of the wider Plan area'.

In addition, the OPR (S3/012) rightly note that the appropriate assessment undertaken of this proposed amendment shows that adverse effects upon the Newhall & Edenvale Complex SAC cannot be avoided.

Contrary to the recommendation of the Chief Executive it was agreed by resolution to extend the settlement boundary and the plan boundary for the future Ennis and Environs Local Area Plan, to facilitate the zoning of 'Enterprise' ENT5 as a material alteration to the Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan and taking account of the appropriate assessment of the material alteration, I advise that the Plan should be made without this material alteration, including all text changes related to it.

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

#### Limerick Shannon Metropolitan Area Transport Strategy (LSMATS)

I recommend that the Clare County Development Plan 2023-2029 be made **with** the proposed Material Alteration to CDP Objective 11.5 'Walking and Cycling' **subject to a minor modification (with text in blue ~~striking through~~ representing a deletion from the Proposed Amendment), as follows:**

Volume 1 Chapter 11 Physical Infrastructure, Environment and Energy, Objective CDP 11.5

Development Plan Objective: Walking and Cycling	
<b>CDP11.5</b>	It is an objective of Clare County Council: a) To require walkability and accessibility to be a central consideration in the planning and design of all new developments, transport infrastructure and public transport services; b) To facilitate and support the delivery of a safe, accessible and convenient cycle network and environment across the County and in the Limerick-Shannon Metropolitan Area as set out in the Cycle Network Plans for Shannon and Limerick contained in the <del>draft</del> LSMATS;

I recommend a non-material amendment to make the following text changes (with text in blue ~~strikethrough~~ representing a deletion):

Volume 1 Chapter 6 ‘Economic Development and Enterprise’, Section 6.0

Clare County Council is fully committed to assisting in tackling such challenges and a primary aim of this County Development Plan 2023-2029 is to positively and proactively encourage sustainable economic and enterprise development. In particular, it aims to promote flexible policies and objectives which are responsive to economic change, opportunities for job creation, investment, advances in technology and changing work practices. To ensure that County Clare maximises its capacity to deliver on its population and growth allocations, the objectives of the Plan align with the NPF, the RSES, the ~~draft~~ LSMATS and the planned infrastructure delivery in the County.

Volume 3b Shannon Municipal District Settlement Plans – Parteen

General Objectives

- To support the delivery of necessary infrastructure within the wider Parteen area as included for within the ~~Draft~~ LSMATS.

Transportation, Active Travel and Connectivity

Parteen is situated within the Limerick Shannon Metropolitan Area and forms part of the study area for the ~~draft~~ Limerick Shannon Metropolitan Area Transport Strategy 2040 (LSMATS). T

Transportation Objectives

- To support the delivery of the LNDR subject to appraisal and environmental assessment in line with its functions as set out the ~~draft~~ LSMATS;

Volume 3b Shannon Municipal District Settlement Plans – Ardnacrusha and Parkroe

Transport, Active Travel and Connectivity

The pedestrian and cycling environment and permeability between residential areas, retail and community facilities should be strengthened. Limerick City to Westbury and Ardnacrusha along the Corbally Road (R463) is identified in the ~~Draft~~ LSMATS as a primary cycle network. Provision of safe pedestrian/cycle access across the Ardnacrusha Bridge should also be provided.

#### Volume 3b Shannon Municipal District Settlement Plans – Sixmilebridge

##### Transport Objectives

To support the delivery of necessary infrastructure within the Sixmilebridge as set out in the ~~draft~~ LSMATS;

##### Core Strategy Statement – Section 3.4.2

I recommend that the Clare County Development Plan 2023-2029 be made **with** the proposed Material Alteration to amended text proposed in section 3.4.2 Core Strategy (Volume 1 Written Statement), as displayed.

##### Phasing– Section 3.4.2 (Core Strategy Statement)

There is no recommendation arising from this submission.

##### Additional Residential Zonings

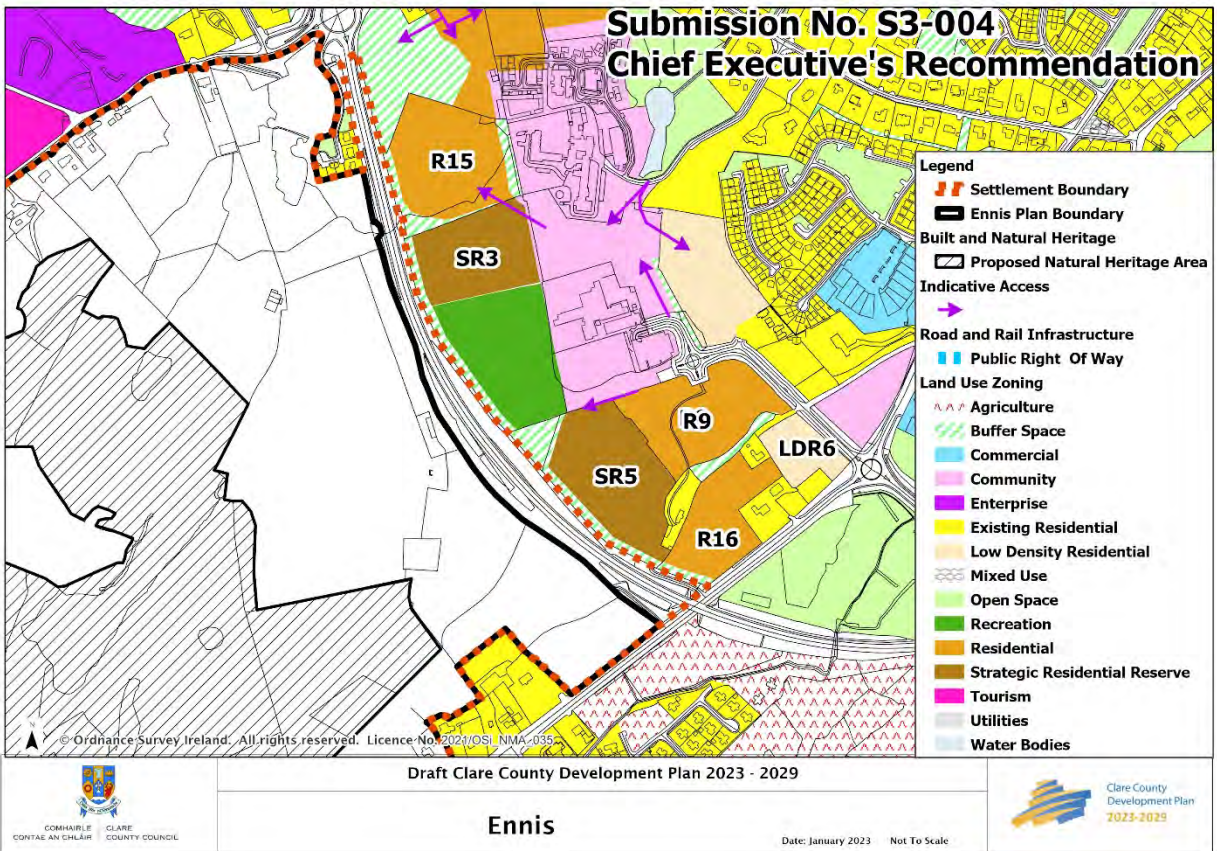
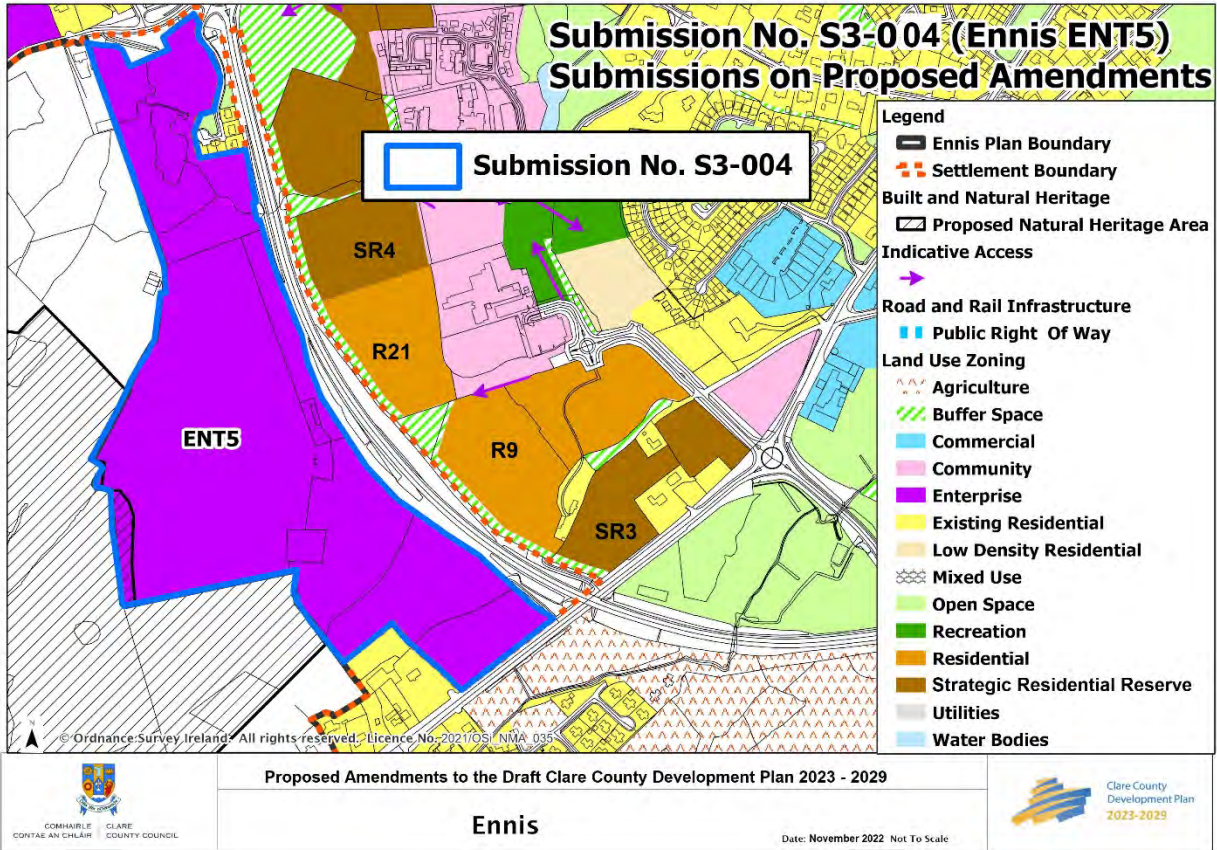
There is no recommendation arising from this submission.

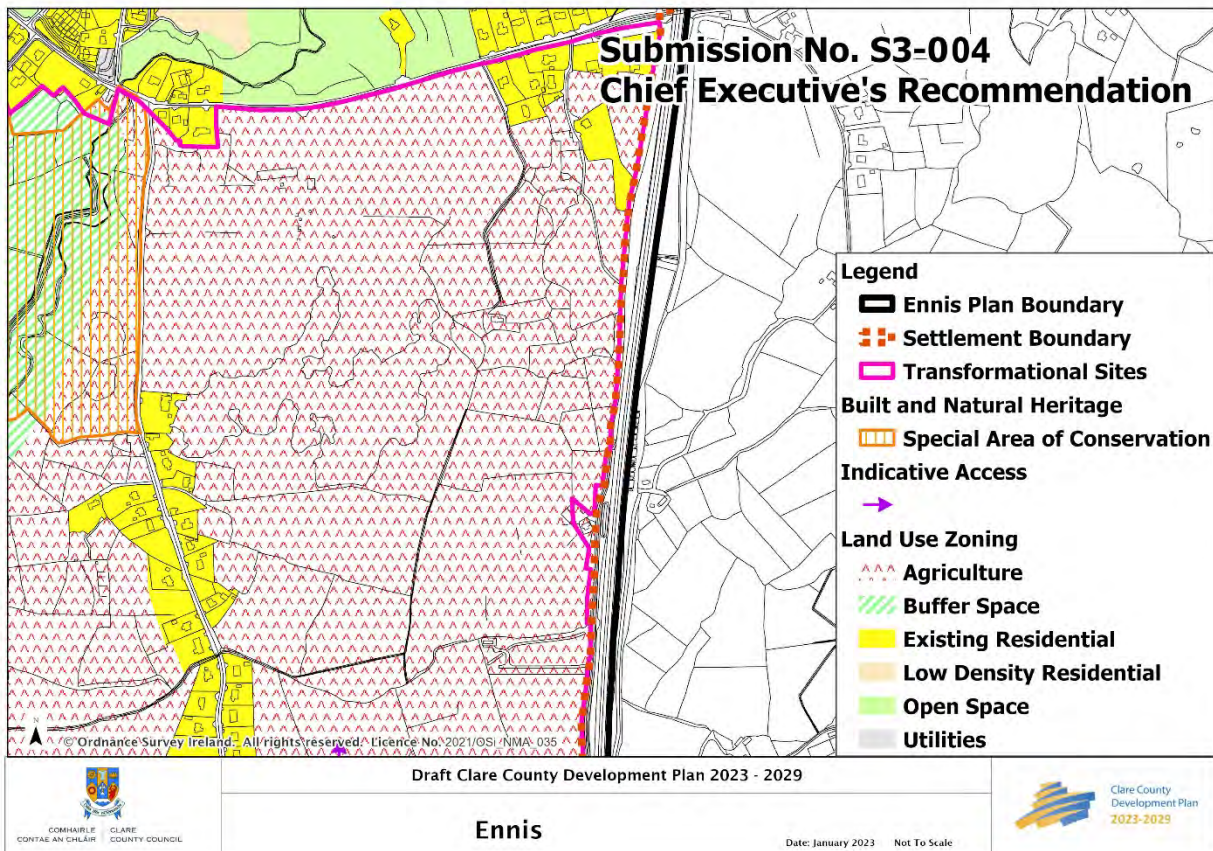
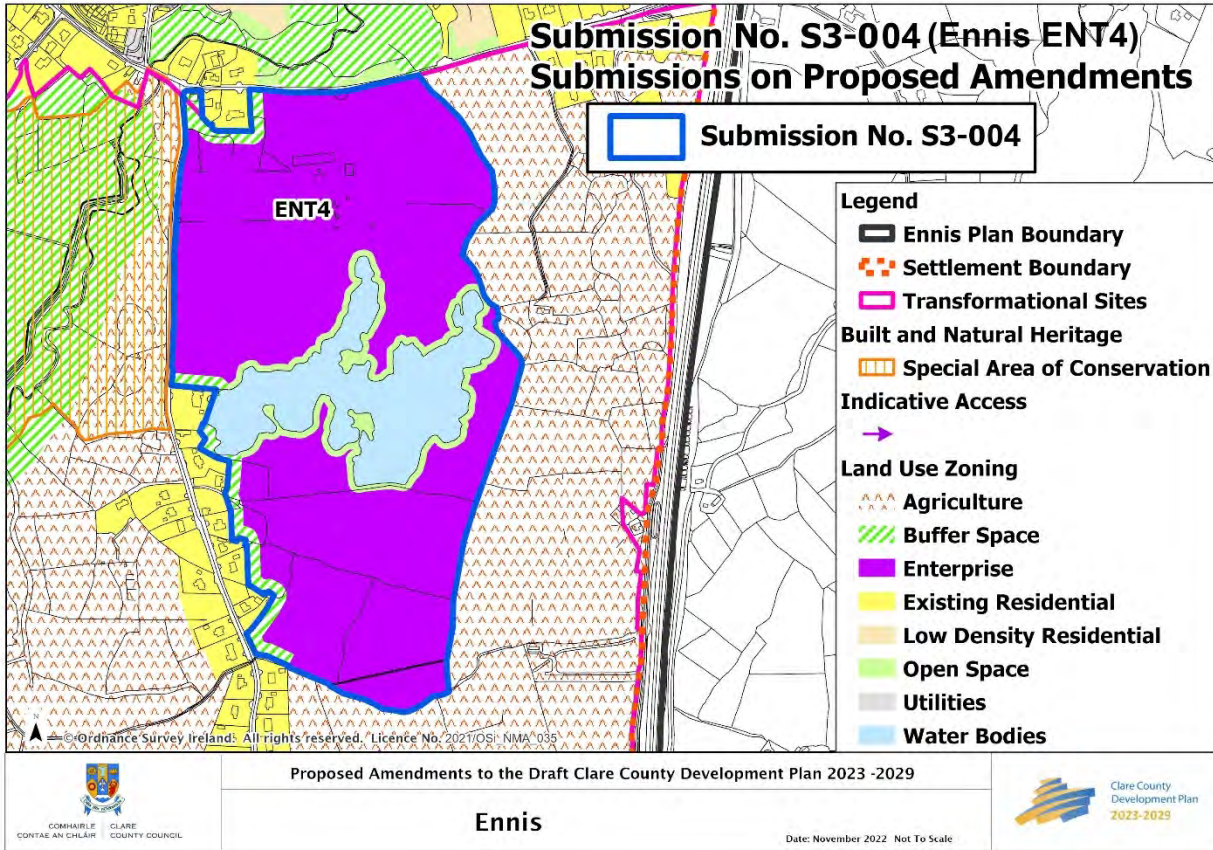
##### Additional Commercial Zonings - Ennis

I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **without** the proposed Material Alteration, as displayed, to the following:

- Ennis – extend settlement and town boundaries and zone lands as Enterprise (ENT5)
- Ennis – change zoning from Agriculture to Enterprise (ENT4)

Maps reflecting my recommendations are included at the end of the written response to this submission.





## Submission No: S3/005 – Transport Infrastructure Ireland

### Summary of Issues Raised in Submission

The submission provides the current policy basis for TII's observations and welcomes the Proposed Material Alterations arising from consideration of TII's initial submission on the Draft Plan.

In relation to other Proposed Material Alterations on display, TII outlines the following observations.

#### **1. Local Area Plans / Local Transport Plans**

The submission highlights forthcoming Local Area Plans and associated Local Transport Plans in Co. Clare.

#### **2. Ancillary Living Accommodation**

Policy provision for Ancillary Living Accommodation at residential sites has been introduced as a Proposed Amendment to the Draft County Development Plan. The submission recommends the inclusion within this policy provision of text concerning official policy relating to national roads and safeguarding road user safety for all road users.

#### **3. South Clare/University of Limerick Economic Strategic Development Zone**

The submission acknowledges the proposed material amendments related to the South Clare/University of Limerick Economic Strategic Development Zone. TII would welcome consultation on the proposed strategies where there may be implications for the strategic national road network.

#### **4. Retail Parks/Retail Warehousing**

TII recommends that there is explicit policy in Chapter 7 Retail of a presumption against large out of town retail centres adjoining or close to existing, new or planned national roads/motorways (reflecting policy outlined in Retail Planning Guidelines (2012)).

#### **5. (a) Exceptional Circumstances; Developments of National and Regional Strategic Importance**

TII require clarification regarding Developments of National and Regional Strategic Importance that require access onto national roads. This policy provision applies to sites at Moneypoint, Fountain Cross, Doonbeg, Inagh and the N19 National Road link between the Shannon Town Roundabout and Knockbeg Point at Shannon Airport.

#### **(b) Exceptional Circumstances; Existing Accesses onto National Secondary Roads**

This policy provision relates to where the Council will give consideration to individual rural house developments utilising existing accesses onto national secondary roads to which speed limits of greater than 50kmh apply. TII states that it maintains its position that such provisions should be omitted from the Plan to ensure adherence to the provisions of the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012). In addition, TII considers such provisions conflict with official policy, including Regional Policy Objectives RPO 140 and RPO 153 of the Southern Region Assembly Regional Spatial and

Economic Strategy.

#### **6. Section 11.2.9.5 Relief/Distributor Road**

The submission highlights the Proposed Amendment to Objective CDP 11.15 (e) which confirms the Council's commitment to progress the delivery of the Limerick Northern Distributor Road. TII also request that the Council consider the special requirements of the tolling scheme (N18 and the Limerick Tunnel Scheme), the requirement for any additional connectivity to a national road to comply with the requirements of the DoECLG Spatial Planning and National Roads Guidelines and also the requirement for a Motorway Order.

#### **7. Vol 3A Ennis MD Settlement Plans - ENT5 Enterprise zoning, Beechpark, Ennis**

TII's submission highlights that the ENT5 zoning has come about from a Proposed Amendment to the draft CDP. TII had expressed concerns in their initial submission of 9<sup>th</sup> March 2022 that the national road network and associated junctions in the Ennis area could be adversely affected through cumulative un-coordinated development in the vicinity and cited the N85/R474 junction at Beechpark as an example. TII recommends that development at the site should be progressed in accordance with a Traffic and Transport Assessment and a junction capacity assessment, and also pending the preparation of the Ennis Transport Plan which would provide a land use and transport framework for the sustainable development of the lands complementary to safeguarding the strategic function of the adjoining national road network.

#### **8. Vol 3A Shannon MD Settlement Plans –**

##### **(a) Cratloe Settlement Plan (Employment and Enterprise)**

The submission concerns the existing Portdrine Business Park, which is adjacent to Junction 5 of the N18 at Cratloe. A proposed material alteration to the text of the Cratloe Settlement Plan has been proposed which supports the development of the site as an employment location, subject to normal planning and environmental criteria. TII recommends that the Council prepare an appropriate evidence base for the development of the subject lands including the development of sustainable transport provision and active travel measures to facilitate the sustainable development of the lands and to safeguard the strategic function of the adjoining national road network.

##### **(b) Newmarket-on-Fergus Settlement Plan (R5 Residential)**

TII's submission highlights that the R5 zoning has come about from a Proposed Amendment to the draft CDP, and that the lands in question are not suited to the achievement of the compact growth of Newmarket-on-Fergus. TII recommends that the zoning of the site should be reviewed in the context of policy outlined in the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012).

#### **9. Volume 3D West Clare Municipal District Settlement Plans**

##### **Lisdoonvarna Settlement Plan.**

The submission highlights the SR1 lands (Strategic Residential Reserve) and states that the lands should be omitted from the Plan in order to ensure adherence to the provisions of the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012).

## Chief Executive's Response

I wish to thank Transport Infrastructure Ireland for the submission and address the issues raised as follows:

### **1. Local Area Plans / Local Transport Plans**

The Council will consult with TII in relation to forthcoming Local Area Plans and associated Local Transport Plans in Co. Clare. I intend to make no recommendation arising from this submission.

### **2. Ancillary Living Accommodation**

Policy provision for Ancillary Living Accommodation at residential sites has been introduced as a Proposed Amendment to the Draft Clare County Development Plan 2023-2029. The submission recommends the inclusion within this policy provision of text concerning official policy relating to national roads and safeguarding road user safety for all road users.

I note that Section 5.2.8 'Ancillary Living Criteria' sets out the requirements for planning applications that would be evaluated under this policy provision. They include (that) "Provision for a shared vehicular entrance only will be considered and no subdivision of the garden or entrance shall be permitted". This will safeguard against new accesses to a national road outside reduced urban 50 – 60kph speed limit locations forming part of planning applications of this type, which is a concern set out in TII's submission.

A second concern set out in TII's submission is that no intensification of direct access to a national road outside reduced urban 50 – 60kph speed limit locations would arise from a proposed Ancillary Living Unit. Permission for an Ancillary Living Unit in such locations (or any locations) may result in a certain amount of intensification of direct vehicular accesses, depending on the circumstances of the ultimate occupants of the unit. I note that Section 5.2.8 'Ancillary Living Criteria' includes a provision that "The unit shall be modest in size and consist of no more than a combined kitchen/dining/living room, a bathroom and contain no more than two bedrooms. The unit shall not exceed a gross floor area of 100sq.m". It is my view that this provision will control the intensification of all sites where Ancillary Living Units are proposed, including those which are accessed from a national road outside reduced urban 50 – 60kph speed limit locations. If TII's recommendation is implemented, it would result in Ancillary Living Units being precluded from direct access to a national road outside reduced urban 50 – 60kph speed limit locations. The intention of introducing a new policy provision for Ancillary Living Accommodation would be that the policy could be applied equally throughout the county at all existing occupied residential properties. I intend to recommend that the plan is made with the proposed Material Alteration.

### **3. South Clare/University of Limerick Economic Strategic Development Zone**

It is intended that TII would be consulted on the proposed SDZ where there may be implications for the strategic national road network in the area. I intend to recommend that the plan is made with the proposed Material Alteration.

### **4. Retail Parks/Retail Warehousing**

TII request that there is explicit policy in Chapter 7 'Retail' of a presumption against large out of town retail centres adjoining or close to existing, new or planned national roads/motorways



(reflecting policy outlined in Retail Planning Guidelines (2012)). However, I note that Policy Objective CDP7.17, as amended, states:

*It is an objective of Clare County Council*

*a) To assess applications for edge-of-centre and out-of centre retail developments having regard to the criteria and considerations set out in Retail Planning – Guidelines for Planning Authorities (2012) and the Clare Retail Strategy;*

*b) To apply the sequential test to development proposals for edge of centre retail developments; and*

*c) To permit edge of centre retail developments only where such development will strongly integrate into the existing town centre and will not have a negative impact on the vitality and viability of the relevant town centre, and subject to normal planning requirements, including the requirement to be served by public transport and to be accessible to their catchment by walking and cycling.*

These provisions effectively require that out-of-centre retail development proposals will be subject to the Clare Retail Strategy which forms Volume 7 of the Draft CDP. I note from the Clare Retail Strategy that the General (county-wide) Strategy at Section 7.3.1.1 includes Objective CCC05, as follows:

*In accordance with the Retail Planning Guidelines (2012), there shall be a presumption against retail developments on edge of centre sites or out of town centre sites. Such proposals will only be considered when it has been clearly demonstrated that all viable, available and suitable sites in the core retail area have been fully investigated and considered in accordance with the Retail Planning Guidelines and in particular the sequential test.*

Additionally, at Section 7.4.4.2 ‘Retail Warehouses’, it states that “*there should be a presumption against the further development of out of town retail parks*”.

Finally, at Section 7.4.4.4 ‘Outlet Centres’, it states that “*In accordance with the Retail Planning Guidelines, outlet centres in County Clare will not be permitted in more remote out-of-town locations*”.

I intend to recommend that the plan is made with the proposed Material Alteration.

#### **5. (a) Exceptional Circumstances; Developments of National and Regional Strategic Importance**

TII require clarification regarding the provision in the Draft Plan (Section 11.2.9.3) for Exceptional Circumstances for Developments of National and Regional Strategic Importance that require access onto national roads.

I note the submission (and the policy provision) relates to sites at Moneypoint, Fountain Cross, Doonbeg, Inagh and the N19 National Road link between the Shannon Town Roundabout and Knockbeg Point at Shannon Airport. The submission seeks full demonstration of the compliance of each case with the Section 28 Ministerial Guidelines ‘Spatial Planning and National Roads Guidelines for Planning Authorities’ (DoECLG, 2012), prior to such provisions being incorporated

into the Plan.

I note in relation to the Moneypoint site that permission for a significant development has been granted by Clare County Council under the current Clare County Development Plan 2017-2023, as varied. I also note that permission was granted by Clare County Council for a major expansion of the Hotel and Golf Links at Doonbeg during the lifetime of the current Development Plan 2017-2023, as varied. Both of these sites are considered to be key economic drivers for the West Clare area and scope needs to be provided for in the plan to accommodate their continued growth and expansion.

The former quarry site at Fountain Cross near Ennis is not in use at present and can only resume as a quarry if permission is applied for and granted. Again, it is essential that a site of this scale, nature and strategic location has enough scope to allow for future uses should they arise in the life of the upcoming plan.

The Central Waste Management Facility at Inagh is operated by Clare County Council and is to continue as a waste management facility into the future. Additional uses, should same be permitted, are not likely to generate additional traffic volumes or traffic with different characteristics to that using the site already.

A 2.2km section of the N19 National Road link between Shannon Town and Shannon International Airport is currently subject to the N19 Shannon Airport Access Road Improvement Scheme. Progression of this scheme is a partnership between Clare County Council and Transport Infrastructure Ireland. The Preferred Option for the scheme was placed on public display (in November/December 2021) and most recently the Environmental Impact Assessment Scoping Report was published for consultation between October and December 2022. It is intended that Clare County Council will apply to An Bord Pleanála for approval for the scheme in the near future.

The road link will be upgraded to DMURS standard under the proposed scheme, with all existing junctions being upgraded in order to properly serve adjacent development areas. The proposed scheme concerns only the section of the N19 from Drumgeely Roundabout to the Knockbeagh Point Roundabout at Shannon Airport. The section of the N19 between Drumgeely Roundabout and Shannon Town Roundabout is not part of the N19 Shannon Airport Access Road Improvement Scheme, despite also being included in the extent of the national road network to which the designation for “Exceptional Circumstances; Developments of National and Regional Strategic Importance” applies in the Draft County Development Plan (Section 11.2.9.3). The section of the N19 between Drumgeely Roundabout and Shannon Town Roundabout is a dual-carriageway along its entire length, without junctions or direct access points to the lands on either side of the road.

In terms of the designation as part of the national road network to which the designation for “Exceptional Circumstances; Developments of National and Regional Strategic Importance”, and notwithstanding the intention to implement the N19 Shannon Airport Access Road Improvement Scheme, the road link referred to in the Draft Clare County Development Plan 2023-2029 at Section 11.2.9.3 is located alongside the Shannon Free Zone which has 150-plus companies in-situ and represents an employment total of in excess of 9,000 jobs. The Shannon Airport Group has a phased development plan for Shannon Free Zone West, within which Phase 1 has been recently

completed. The plan seeks to deliver 650,000 sq. ft of commercial/industrial space in Phase 2 and a further 700,000 sq. ft of commercial/industrial space in Phase 3<sup>1</sup>. I consider that there is merit in retaining the principle of considering an additional access point (or points) to the Free Zone, should the need arise in the future.

However, I note that this element of the submission does not relate to a proposed amendment to the Draft Clare County Development Plan 2023-2029 and therefore is not open for further consideration at this stage of the plan preparation.

#### **(b) Exceptional Circumstances; Existing Accesses onto National Secondary Roads**

I note the observations which refer to the removal of the text regarding existing access onto National Secondary Roads which was at variance with national policy and, as TII noted, in the response to its submission to the Draft Plan (9th March 2022), recommended that it be removed. However, the recommendation was not agreed to and the removal of the text is not therefore subject of a Proposed Amendment. Only observations relating to Proposed Amendments can be considered by the Planning Authority at this stage in the plan making process.

#### **6. Section 11.2.9.5 Relief/Distributor Road**

As regards the delivery of the Limerick Northern Distributor Road, the comments regarding the requirements of TII are noted. I intend to recommend that the plan is made with the proposed Material Alteration.

#### **7. Vol 3A Ennis MD Settlement Plans - ENT5 Enterprise zoning, Beechpark, Ennis**

I acknowledge the concerns expressed in TII's submission and the recommendation as to how to proceed appropriately with development on sites of this nature.

I note that the National Transport Authority's submission (S3/004) also highlights the ENT5 site as being a site where development should only proceed in a planned manner which meets the objectives of the National Sustainable Mobility Policy. Finally, I note the requirement set out in the submission from the Office of the Planning Regulator (OPR) (S3/012) that the Material Alteration regarding the ENT5 site not be included.

I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/824 relating to these lands, where I note 'A large undeveloped Enterprise zoning is present on the opposite side of the R474 from the subject lands. The zoning of additional lands for Enterprise use, in close proximity to a substantial site that has already been zoned for this purpose in the Draft Plan could lead to a cluster of such development, at the periphery of the town and would be disproportionate to the scale of the surrounding neighbourhood which would be contrary to the proper planning and sustainable development, not only of the Beechpark neighbourhood, but also of the wider Plan area'.

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<sup>1</sup> Source: N19 Shannon Airport Access Road Improvement Scheme EIA Scoping Report, Pages 43 & 59, Clare County Council & Others (October 2022).

In addition, the OPR rightly note that the appropriate assessment undertaken of this proposed amendment shows that adverse effects upon the Newhall & Edenvale Complex SAC cannot be avoided.

Contrary to the recommendation of the Chief Executive it was agreed by resolution to extend the settlement boundary and the plan boundary for the future Ennis and environs Local Area Plan, to facilitate the zoning of 'Enterprise' ENT5 as a material alteration to the Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan and taking account of the appropriate assessment of the material alteration, I advise that the Plan should be made without this proposed material alteration, including all text changes related to it.

## **8. Vol 3A Shannon MD Settlement Plans**

### **(a) Cratloe Settlement Plan (Employment and Enterprise)**

The submission concerns the existing Portdrine Business Park, which is adjacent to Junction 5 of the N18 at Cratloe. A proposed material alteration has been proposed to the text of the Cratloe Settlement Plan which supports the appropriate growth of the site in relation to warehousing and transport logistics, subject to normal planning and environmental criteria. I consider that the additional text sets out that warehousing and transport logistics are the most appropriate uses at this site and that future development applications will be subject to assessment under normal planning and environmental criteria, which include traffic impacts and traffic safety. I intend to recommend that the plan is made with the proposed Material Alteration.

### **(b) Newmarket-on-Fergus Settlement Plan (R5 Residential)**

TII recommends that the zoning of the site should be reviewed in the context of policy outlined in the DoECLG Spatial Planning and National Roads Guidelines. I note the requirement set out in the submission from the Office of the Planning Regulator (OPR) (S3/012) that the Material Alteration regarding the R5 site not be included.

I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/097 relating to these lands and note the issues raised concur with those raised by the OPR (S3/012). Contrary to the recommendation of the Chief Executive it was agreed by resolution to extend the settlement boundary and zone the lands 'Residential' as a proposed material alteration to the Draft Plan.

Having regard to the core strategy of the Draft Plan, national and regional objectives for compact growth under NPO 3c and RPO 35, regeneration under NPO 6 and RPO 34, and proportionate growth under NPO 18a; the provisions of the Development Plans, Guidelines for Planning Authorities (2022) including the policy and objective for a sequential approach to development; and the provision of a sustainable settlement and transport strategy in accordance with section 10(2)(n) of the Planning and Development Act 2000, as amended, the planning authority is required to make the Plan without the material amendment to the Newmarket-on-Fergus Settlement Plan – from Open Countryside to Residential (R5).

Consequently, and in accordance with the Chief Executive's recommendation (Chief Executive's Report 10<sup>th</sup> July 2022), on the original submission to the Draft Plan, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.

## **9. Volume 3D West Clare Municipal District Settlement Plans**

### **Lisdoonvarna Settlement Plan.**

In relation to SR1, the submission does not relate to a proposed amendment to the Draft Clare County Development Plan 2023-2029 and therefore is not open for consideration. It is not necessarily appropriate in every instance that the most suitable areas for the growth of small towns are those which are within the current minimum speed limits. Additionally, the lands that may be most appropriate for the growth of a small town may sometimes have access constraints, such as speed limits, which need to be addressed over time in order to guide the most appropriate long-term growth pattern for the town. In this regard, I note that a speed limit review process under the auspices of the Department of Transport, Transport Infrastructure Ireland (TII), and the Local Authority will occur during the lifetime of the Development Plan, and that the residential development of such Strategic Residential Reserve lands could only be considered from the beginning of year four of the Plan (April 2027). I intend to make no recommendation arising from this submission.

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

#### **1. Local Area Plans / Local Transport Plans**

There is no recommendation arising from this submission.

#### **2. Ancillary Living Accommodation**

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to Section 5.2.7, Objective CDP5.9 and Section 5.2.8, as displayed.

#### **3. South Clare/University of Limerick Economic Strategic Development Zone**

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to Objective CDP6.7, as displayed.

#### **4. Retail Parks/Retail Warehousing**

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to Objective CDP7.17, as displayed.

#### **5. (a) Developments of National and Regional Strategic Importance**

There is no recommendation arising from this submission.

#### **(b) Exceptional Circumstances; Existing Accesses onto National Secondary Roads**

There is no recommendation arising from this submission.

#### **6. Section 11.2.9.5 Relief/Distributor Road**

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to Objective CDP 11.15 (e), as displayed.

#### **7. Vol 3A Ennis MD Settlement Plans - ENT5 Enterprise zoning, Beechpark, Ennis**

I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **without** the proposed Material Alteration, as displayed, to the Ennis Settlement Plan – with regard to the extension of the settlement and town boundaries and the zoning of lands as Enterprise (ENT5).

Maps reflecting my recommendation are included at the end of the written response to this submission.

**8. Vol 3A Shannon MD Settlement Plans –**

**(a) Cratloe Settlement Plan (Employment and Enterprise)**

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to the Cratloe Settlement Plan, as displayed.

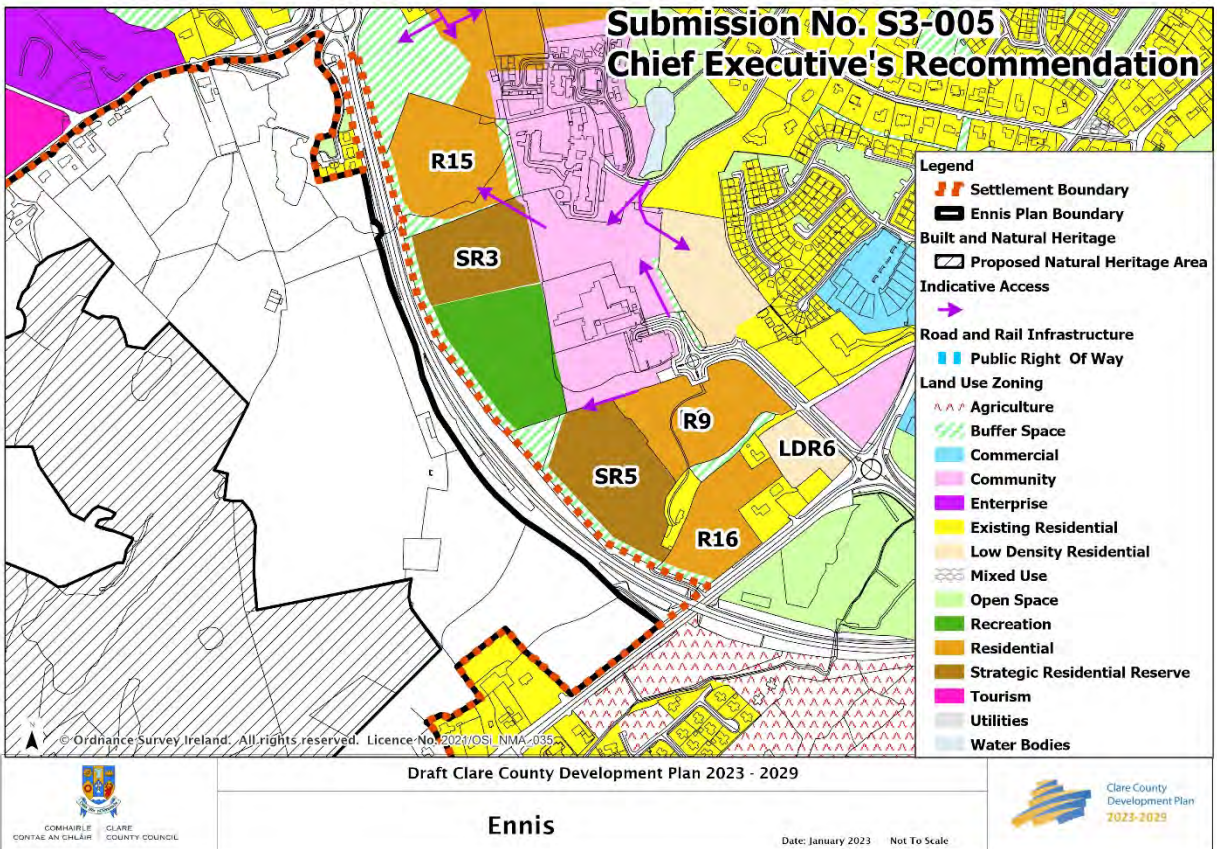
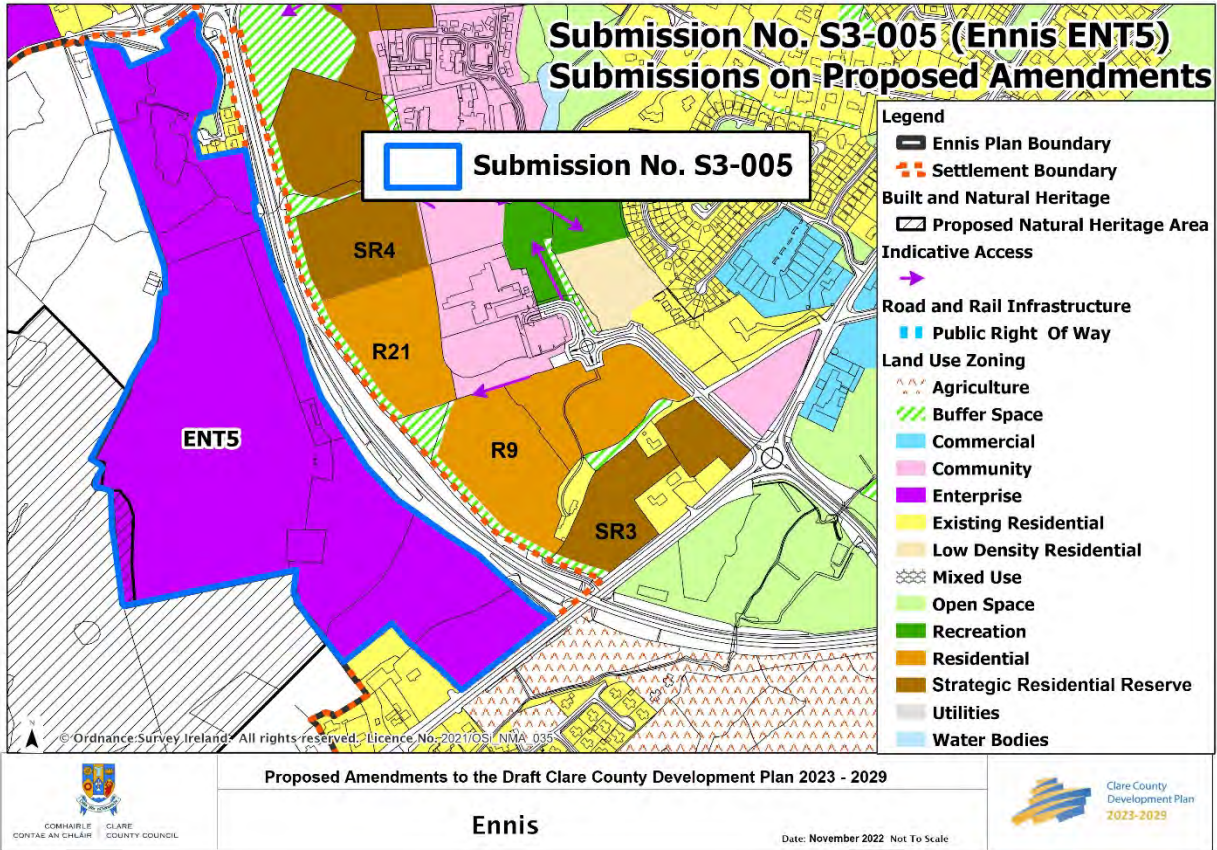
**(b) Newmarket-on-Fergus Settlement Plan (R5 Residential)**

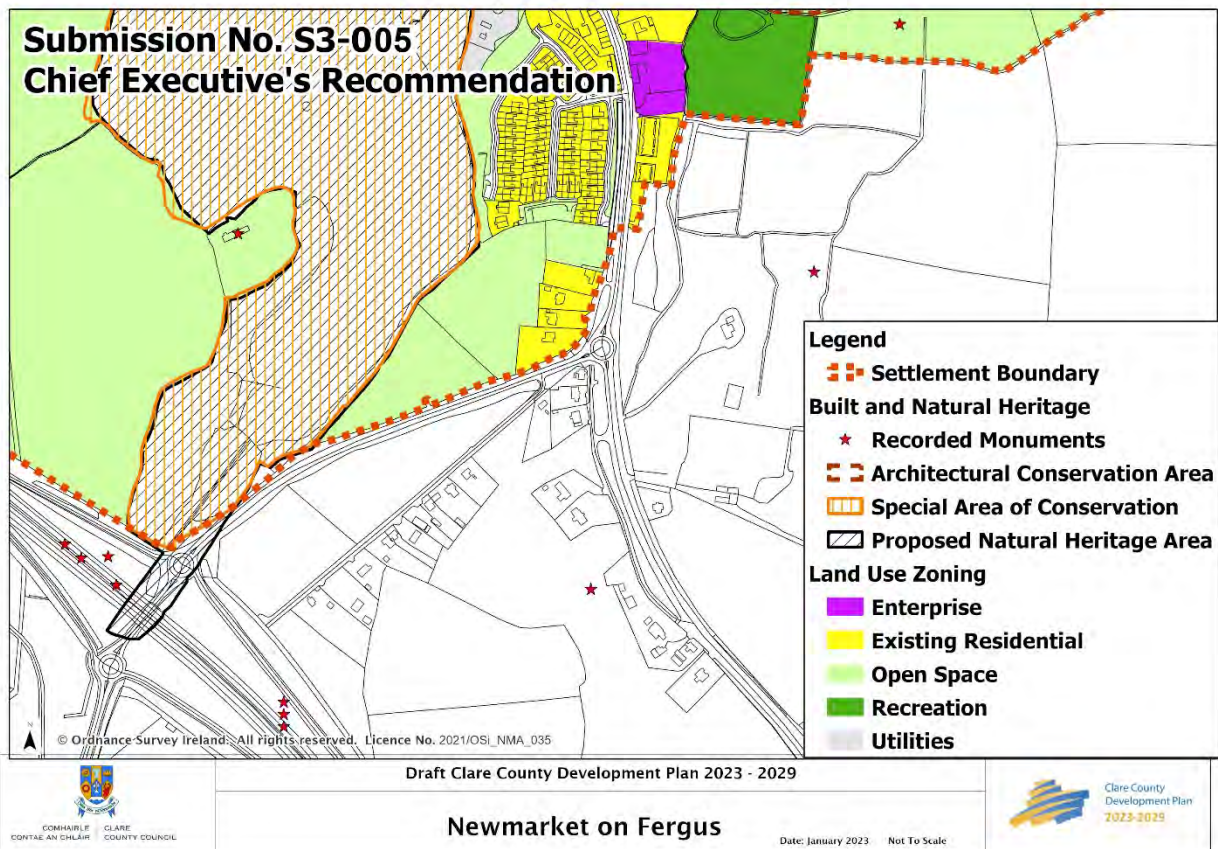
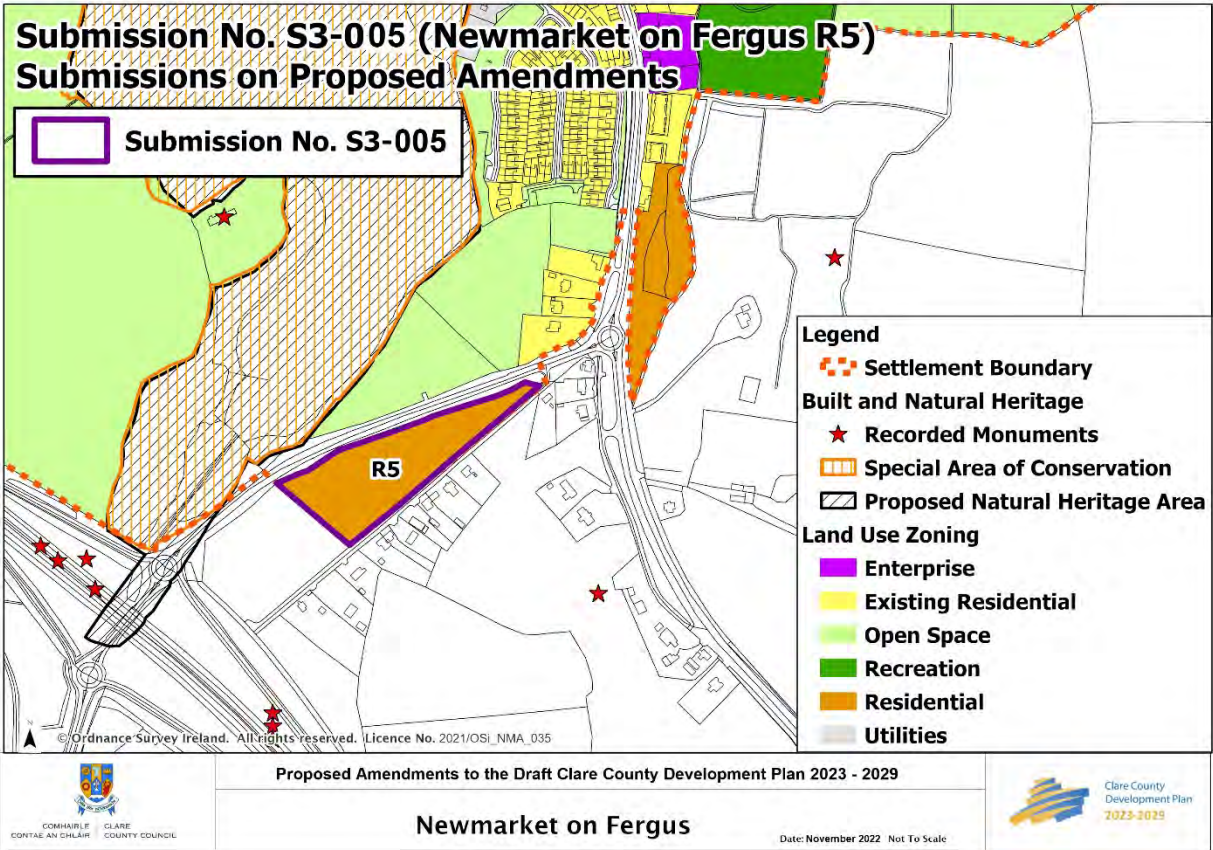
I recommend that the Clare County Development Plan 2023-2029 (Volume 3b Shannon Municipal District) be made **without** the proposed amendments, as displayed, to the Newmarket-on-Fergus Settlement Plan – with regard to the extension of the settlement boundary and the zoning of lands as Residential (R5).

**9. Volume 3D West Clare Municipal District Settlement Plans**

**Lisdoonvarna Settlement Plan.**

There is no recommendation arising from this submission.







## Submission No: S3/006 – Department of Housing, Local Government and Heritage

### Summary of Issues Raised in Submission

The submission outlines heritage-related observations/recommendations coordinated by the Department Applications Unit.

#### Volume 1 Written Statement

- The title of Chapter 16 Architectural, Archaeological and Cultural Heritage should be referenced correctly in the table of contents.
- Chapter 3, section 3.5 Conclusion should include reference to Chapter 16 to those already referred i.e. chapters 14 and 15.
- Chapter 16 – the Department acknowledges and concurs with the proposed amendments to objectives CDP16.1, CDP16.7, CDP16.11, CDP16.12, CDP16.13 and section 15.4.1 – Underwater Archaeology.
- Objective CDP16.11 – reference error to the date of the ‘Archaeological Guidelines for Flood Relief Schemes (DHLGH 2022) and not 2011. Also to be corrected in the Environmental Appraisal of the Plan in 10a&b Addendum to Environmental Assessments.
- Appendix 1 Development Management Guidelines – welcomes proposed inclusion of guidance on Archaeological Heritage in section A1.9.
- Appendix 7 – should include policy document ‘Frameworks and Principles of the Archaeological Heritage (Government of Ireland 1999). May also want to reference recently published OPR guidance ‘Archaeology and the Planning Process (Planning Leaflet 13, 2021)’ and ‘OPR Practice Note 03 Planning Conditions (October 2022).

#### Volume 3b Shannon Municipal District

- TOU2 Northern End of the Folk Park – reference to NPWS should be National Monuments Service (NMS).
- TOU3 North of REC 2 written objective makes reference to Bunratty cemetery, old church and the remains of the town defences. The Department notes that all town defences, whether upstanding or sub-surface are also considered to be National Monuments and as such any proposals that may be deemed to have material impacts or effects on their setting and amenity require Ministerial Consent in accordance with Section 14 of the National Monuments Act 1930.

#### Volume 3c Killaloe Municipal District

OP1 Quin Abbey and Surrounds – advises that Quin Friary (Abbey) is a National Monument in state care (No.15).

#### Record of Protected Structures (RPS)

Notes the proposed additions and deletions to the RPS, however states there is no rationale/justification provided, so not able to comment on the proposed amendments. Requests that additional information be provided to facilitate this.

### Chief Executive's Response

I thank the Department of Housing, Local Government and Heritage for the submission and note its focus on heritage related observations.

I acknowledge and note the observations which require updates to references in Volume 1 Written Statement, Volume 3b Shannon Municipal District and Volume 3c Killaloe Municipal District. I note these do not relate to a proposed material alteration but that they relate to updates to information and are not material in nature and as such can be accommodated as necessary.

In relation to the observations on Volume 4 Record of Protected Structures, I note comments regarding a potential absence of the rationale/justification for the proposed additions and deletions to the RPS. The Chief Executive's Report (10<sup>th</sup> July 2022) on submissions received on the Proposed Record of Protected Structures to the Draft Plan (Part IV of the CE Report) includes a response to each submission that requests either an addition or deletion from the RPS which sets out the basis for recommending their inclusion as a proposed material alteration to the Draft Plan.

### Chief Executive's Recommendation

There is no recommendation relating to a proposed material alteration to the Clare County Development Plan 2023-2029 on the basis of this submission. However, I am recommending that **non-material updates** be made as follows:

- Volume 1 Written Statement – Table of Contents – Chapter 16 Architectural, [Archaeological](#) and Cultural Heritage
- Volume 1 Written Statement – Chapter 3: Core Strategy, Section 3.5 Conclusion: *The management and enhancement of the landscape, biodiversity, natural heritage, green infrastructure and architectural, archaeological and cultural heritage are the focus of Chapters 14, ~~15~~ 15 and 16 respectively.'*
- Volume 1 Written Statement – Chapter 16 CDP 16.11 Archaeology and Infrastructure Schemes: *CDP16.11 It is an objective of Clare County Council: To ensure that decisions relating to development (including infrastructure associated with broadband, telecommunications, renewable energy, major road/ rail infrastructure, flood relief schemes and other services) which may have implications for Recorded Archaeological Monuments /Sites, Zones of Archaeological Potential or undiscovered archaeology, are informed by an appropriate level of archaeological investigation undertaken by qualified persons and the case of flood relief schemes have regard to archaeological Guidelines for Flood Relief Schemes (DHLGH and OPW ~~2011~~ 2022).*
- Volume 1 Appendix 7 – Plans, Policies and Guidelines to which the Development Plan must have regard – Include *Frameworks and Principles for the Protection of the Archaeological Heritage (Government of Ireland 1999)* and *Archaeology and the Planning Process (Planning Leaflet13,2021 (OPR) and OPR Practice Note 03 Planning Conditions (October 2022).*
- Volume 3b Shannon Municipal District - TOU2 Northern End of Folk Park:



*Hydrological and geological surveys of the site shall also accompany any development proposals. In recognition of the historic, architectural and archaeological importance of Bunratty, the Council will consult with the ~~NPWS~~ National Monuments Service (NMS) in respect of future development proposals on this site.*

**Submission No: S3/007 – ESB**

**Summary of Issues Raised in Submission**

The submission acknowledges its purpose in relation to the Proposed Amendments to the Draft Plan but also states that the content of the submission is made having regard to the content of an earlier submission to the Draft Plan.

The ESB welcome the proposed Material Alteration to Section 2.32, Chapter 2 Climate Action, with respect to Just Transition and GHG emission reductions. The submission highlights the key changes arising from the Government’s Climate Action Plan 2023 specifically with respect to the mix of electricity generation which is required from both offshore wind and green hydrogen production together with onshore wind and solar PV. The submission highlights that the ESB will develop an additional 4 GW of new onshore and offshore wind and solar PV renewable assets to add to their 1 GW of renewables which currently operate. The submission highlights the ESBs plans to develop assets such as battery storage, synchronous condensers and flexible gas fired units that respond quickly to system demand, and which will be key to facilitating renewables in the future.

Chapter 6, Chapter 11 and Volume 5 Renewable Energy Strategy - Moneypoint & Shannon Estuary

The submission welcomes the acknowledgement of the addition of the synchronous condenser and flywheel at Moneypoint through the proposed Material Alteration which has enhanced the supporting text in Section 9.4 of Vol. 5 – *Renewable Energy Strategy*. The submission welcomes the commitment by Clare County Council to support the Green Atlantic @Moneypoint project together with the Strategic Development Location at Moneypoint as identified through the SIFP. The submission highlights the operational footprint of the Moneypoint Station which extends beyond the existing jetty area to include the Foreshore Area within the ESB ownership and goes beyond the SDL boundary. The ESB recognize the support provided through the Proposed Amendments to Section 6.15 of the Draft CDP with respect to Availability of Land and Infrastructure which will assist in delivering on the ESB envisaged further expansion into undeveloped SDL and adjacent lands. The submission also recognizes the upcoming review of the SIFP and the role that this will play in ensuring a transition to renewable sources at Moneypoint. The submission acknowledges the inclusion of CDP Objective 11.50 and Section 9.4 of the RES with respect to ESB Moneypoint Clean Energy Hub as well as Objective CDP12.6 Strategic Development Location B-Moneypoint and associated map, Map 12B.

The submission highlights the importance of the site for electricity generation and associated infrastructure into the future and outlines how the existing plant at Moneypoint will continue to play an important role in providing a supply of stable energy output. This process will involve adjustments to the existing plant as it moves to the final stages of its life cycle and to a lower carbon operating profile. In this regard, the ESB request that CDP 11.50 and Section 9.4 of the Draft Plan are reinforced by including additional supporting text.

Chapter 6 – Economic Development and Enterprise and Chapter 12 Shannon Estuary  
Section 6.3 Regional Enterprise Plan to 2024 for the Mid-West & Section 12.1 Environment

The submission acknowledges the Proposed Amendment to Section 12.11 of the Draft Plan together with Proposed Amendment to Section 6.3 Regional Enterprise Plan for 2024 for the Mid-West.

#### Appendix 1 – Development Management Guidelines – A1.2.3 Renewable Energy

The submission welcomes the mapping for solar irradiation for the county and the critical role which solar projects will play in diversifying our renewable generation portfolio for the period out to 2030. The ESB welcomes the support for the development of solar energy in the County as set out the Draft Plan under Plan Objectives CDP 2.18, RES 7.1 and RES 7.2. It also recognizes in the absence of national policy guidelines, Map 7.2 in the RES, provides guidance to developers for the development of solar farms. ESB also acknowledge that concerns around visual, amenity, health and safety need to be mitigated through the consultation process.

#### Conclusion

The final Plan should maintain the planning policies which protect the County’s future capacity for the development of energy infrastructure. The proposed consequential updates following the publication of the latest Climate Action Plan and the reinforcement of support for renewable energy solutions are welcomed.

ESB request that CDP 11.50 and Section 9.4 be reinforced by including supporting text in relation to interim operating arrangement pending the delivery of additional renewable resources.

#### **Chief Executive’s Response**

I thank the ESB for their submission and their support for the Draft Clare County Development Plan 2023-2029.

I acknowledge the support for Objectives CDP 2.18, RES 7.1, RES 7.2 and Map 7.2 in Volume 5 Renewable Energy Strategy (RES) and Objective CDP12.6 Strategic Development Location B-Moneypoint and associated map, Map 12B contained in Chapter 12 of Volume 1. I note these are not subject to a proposed material alteration to the Draft Plan therefore no recommendation can be made on these at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.

I note the support for the proposed Material Alterations relating to Volume 1 of the Draft Plan including Section 2.32 European Context, Chapter 2 Climate Action, Section 6.15 Availability of Land and Infrastructure, Section 12.11 Environment and Objective CDP 12.15 Building on the Shannon Estuary as an Environmental Asset, Section 6.3 Regional Enterprise Plan for 2024 for the Mid-West and associated Objective CDP6.2, and A1.2.3 Renewable Energy, Appendix 1 Development Management Guidelines. I am satisfied that these are in line with proper planning and sustainable development and that the Plan is made **with** these proposed Material Alterations.

I also note the support for the proposed Material Alteration relating to Section 9.4 and ‘ESB Moneypoint Clean Energy Hub’ in Volume 5 Renewable Energy Strategy and the request to include additional text to reinforce Section 9.4 as well as Objective CDP11.50 Power Stations and

Renewable Energy in Chapter 11 of Volume 1. However, having regard to the inclusion of a number of new Objectives specifically relating to Maritime Spatial Planning and arising from the publication of the National Marine Planning Framework together with the focus on transitioning to Offshore Renewable Energy, I am satisfied that there are sufficient objectives within the Draft Clare County Development Plan 2023-2029 to address the requirements outlined in the submission. I note CDP Objective 13.3 Maritime Spatial Planning appropriate infrastructure that facilitates the diversification or regeneration of marine facilities together with supporting appropriate land-based infrastructure which facilitates marine activity. In addition, CDP Objective 13.5 Offshore Renewable Energy (ORE) Development supports provides sufficient support to the development of the Offshore Renewable Energy sector and specifically at Moneypoint power generation station.

### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Volume 1 Written Statement and Volume 5 Renewable Energy Strategy) be made **with** the proposed material alterations, as displayed, to the following:

- Section 2.32 European Context, Chapter 2 Climate Action of Volume 1 relating to Just Transition and GHG emission reductions.
- Section 9.4 of Volume 5 Renewable Energy Strategy relating to offshore energy development and the ESB Moneypoint Clean Energy Hub.
- Section 6.15 Availability of Land and Infrastructure of Volume 1.
- Section 12.11 Environment and Objective CDP 12.15 Building on the Shannon Estuary as an Environmental Asset, Chapter 12 of Volume 1.
- Section 6.3 Regional Enterprise Plan for 2024 for the Mid-West including the associated Objective CDP6.2.
- A1.2.3 Renewable Energy, Appendix 1 Development Management Guidelines.

## Submission No: S3/008 – Department of the Environment, Climate and Communications

### Summary of Issues Raised in Submission

The submission highlights its purpose in providing observations in respect of a number of specific policy areas for which the Department is responsible.

#### Climate Action

The Department notes and supports the Local Authority's facilitation of the reduction of CO<sub>2</sub> emissions from transport, in line with the National Climate Action Plan. It also highlights the publication of the Climate Action Plan 2023 (CAP 2023) in December 2022 and recommends that the Local Authority ensure that any proposed material amendments are made in a manner consistent with this latest CAP 2023, in accordance with Section 15(1) of the Climate Action and Low Carbon Development Act, 2015 (as amended) where possible, and having regard for the material amendments being proposed.

#### Circular Economy

The submission notes and welcomes the references to the principles of circularity and the transition from a linear to a circular model to keep resources in use as long as possible. Section 11.5.1 with respect to Waste Management Plans is particularly noted.

#### Offshore Energy

The Local Authorities reference to the updated offshore electricity targets of 7GW by 2030 is noted and supported. The Local Authority should have regard to the CAP 2023 in relation to offshore wind energy capacity. The Offshore Wind Delivery Taskforce will publish a system-wide plan for the delivery of offshore wind in Q1 2023. The Local Authority is requested to consult with all future plans and strategies prepared by the Government relating to offshore wind.

#### Renewables

The submission highlights inconsistencies in terms of references to the updated renewable energy targets under the Climate Action Plan 2021 from 70% to 80% in Volume 5 Clare Renewable Energy Strategy. The submission requests that these references are updated to ensure consistency. In addition, the submission highlights the increased ambitions for renewable energy generation under the CAP 2023 and where possible requests the Local Authority to update the targets in the final County Development Plan.

#### Conclusion

The Department requests their observations be taken into consideration in the finalisation of the Development Plan and offers their assistance across all relevant areas within the Department to the Local Authority.



### Chief Executive's Response

I wish to thank the Department of Environment, Climate and Communications for the submission.

I acknowledge the input from the Department of Environment, Climate and Communications and acknowledge the importance of ensuring the content of the Climate Action Plan 2023 (CAP 2023) is considered and the Draft Plan updated as necessary to take account of any changes from the Climate Action Plan 2021. In this respect, and following a review of CAP 2023, I note that some updates are required which do not impact on specific targets or actions for County Clare. The descriptive updates are considered to be non-material updates which are important to reflect the most current CAP 2023.

### Chief Executive's Recommendation

I recommend non-material updates to the Clare County Development Plan 2023-2029 be made to include descriptive updates to ensure consistency of the Plan with the Climate Action Plan 2023.





## Submission No: S3/009 - Department of Education

### Summary of Issues Raised in Submission

The submission relates to a number of issues as follows:

#### General

The Department notes that its title is now the Department of Education and requests that any reference to the Department of Education & Skills should be amended to reflect this change.

#### Table 3.4 Core Strategy Table

The Department notes the proposed amendment to reduce the population growth target from 11,637 down to 7,231 including a reduction of the population target for the proposed South Clare/University of Limerick Economic Strategic Development Zone (SDZ) from 3,500 to 197. The Department's confirms that its requirements for the SDZ remains as outlined in its submission to the Draft CDP.

#### Section 10.17.2 Primary and Secondary School Facilities

The Department notes and welcomes the new objectives relating to sustainable transport to primary and secondary schools in Ennis and the Limerick Shannon Metropolitan Area and to ensure that Local Area Plans and SDZ Planning Schemes ensure sustainable transport is a key determinant in the location, design and expansion of schools.

The Department also notes the amendment to ensure that planning applications for new schools or expansion of existing schools are only permitted where the road network can or is planned to facilitate safe walking and cycling or active and safe travel measures can be implemented through mobility management planning.

#### Section 10.18 Dual Use of Community Facilities

The Department notes the amended objective to encourage and promote the sharing of the use of school facilities with community groups where possible having regard to Government Guidelines.

#### Section 11.2.5 Walking and Cycling

The Department notes and welcomes the new objective to support and promote initiatives such as Park and Stride, Green Schools Travel and Safe Routes to School Programmes and the concept of having safe routes to school.

#### Volume 3a 1.6.3 Other Sites in the Town Centre

The Department notes and welcomes the removal of the Holy Family School Site, Station Road from the county development plan.

## Volume 3b Housing and Sustainable Communities

The Department notes and welcomes the amendment acknowledging that the medium-term post-primary needs of the local community can be catered for by the post primary schools in Shannon and considers that there may be a need for additional educational facilities in the town in the longer term, including a new Secondary School.

### Chief Executive's Response

I wish to thank the Department of Education for the submission and address the issues raised as follows:

#### General

I note the Department's new title and consider it appropriate to update the final Plan to reflect this change. Therefore, by way of update I propose a non-material update to replace the text '*Department of Education & Skills*' or similar with '*Department of Education*' where it appears within the final Plan.

#### Table 3.4 Core Strategy Table

I welcome the Department's confirmation that its requirements for the SDZ remains as outlined in its submission to the Draft CDP.

#### Section 10.17.2 Primary and Secondary School Facilities

I welcome the Department's support for the new objectives relating to sustainable transport and active travel and safe travel measures in relation to primary and secondary schools.

#### Section 10.18 Dual Use of Community Facilities

I welcome the Department's support for the amended objective to encourage and promote the sharing of the use of school facilities.

#### Section 11.2.5 Walking and Cycling

I welcome the Department's support for the new objective to support and promote initiatives such as Park and Stride, Green Schools Travel and Safe Routes to School Programmes.

#### Volume 3a 1.6.3 Other Sites in the Town Centre

The Department's submission refers to 'the removal of the Holy Family School Site, Station Road from the county development plan', I note that the Holy Family School Site has not been 'removed' from the county development plan.

In the interests of fairness, it is my intention to address this issue as comprehensively as possible based on the information presented in the submission. In order to do so I am making an assumption, based on the content of the submission, that the submission supports the proposed Material Alteration to rezone the Holy Family Site at Station Road from 'Mixed Use' to 'Community' and to remove the associated text in the Ennis Settlement Plan. In this regard, I note the current uses on the site includes a primary school, preschool, Montessori school and an afterschool facility. Therefore, I consider it appropriate that the lands are zoned 'Community'.

### **Volume 3b Housing and Sustainable Communities**

I note the Department's support for the Proposed Amendment acknowledging the medium-term and long-term educational needs for the Shannon Municipal District contained in the Sixmilebridge Settlement Plan.

## **Chief Executive's Recommendation**

### **General**

I recommend a non-material update to replace the text '*Department of Education & Skills*' or similar with '*Department of Education*' where it appears within the final Plan.

### **Section 10.17.2 Primary and Secondary School Facilities Chapter 10 of Volume 1**

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to Development Plan Objective: CDP 10.16 Primary and Secondary Education, as displayed.

### **Section 10.19 Dual Use of Community Facilities, Chapter 10 of Volume 1**

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to Development Plan Objective: CDP 10.19 Dual Use Facilities, as displayed.

### **Section 11.2.5 Walking and Cycling Chapter 11 of Volume 1**

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to Development Plan Objective: CDP 11.5(g) Walking and Cycling, as displayed.

### **Volume 3a 1.6.3 Other Sites in the Town Centre**

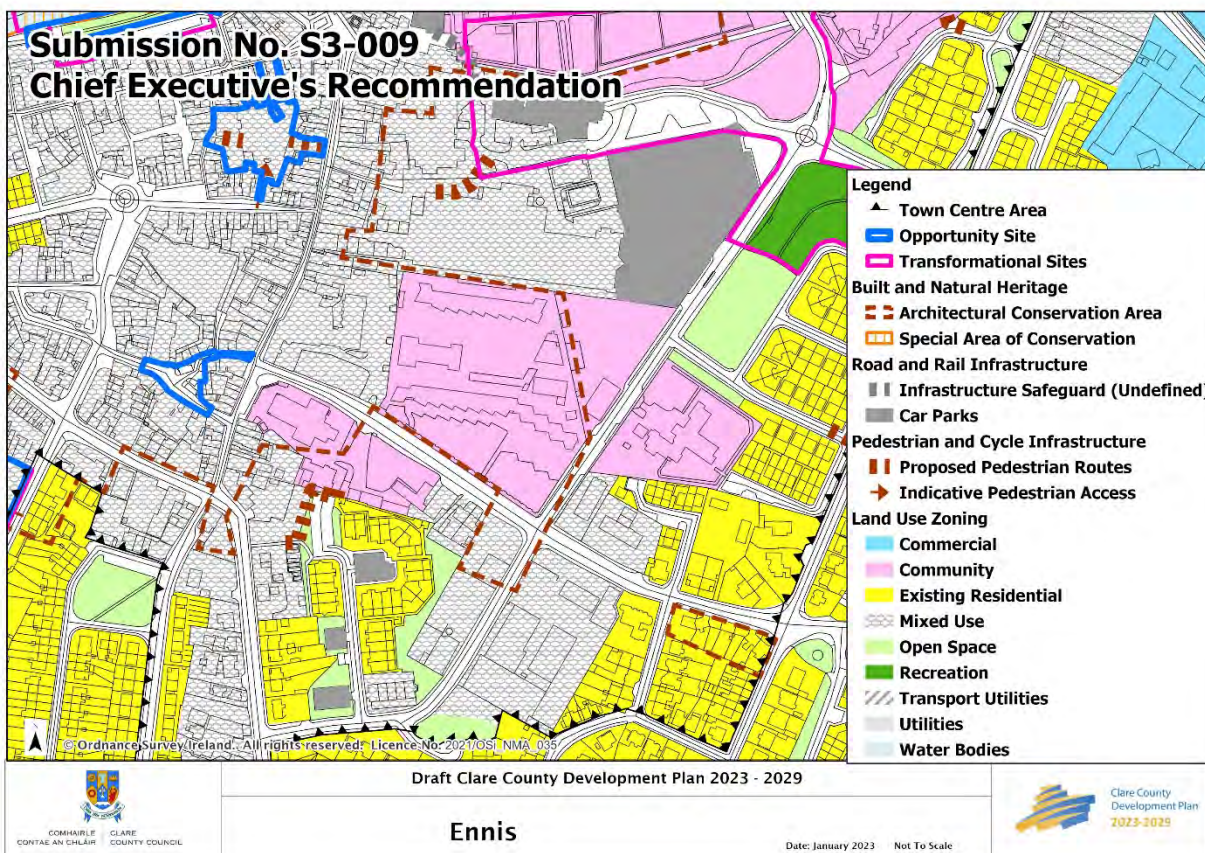
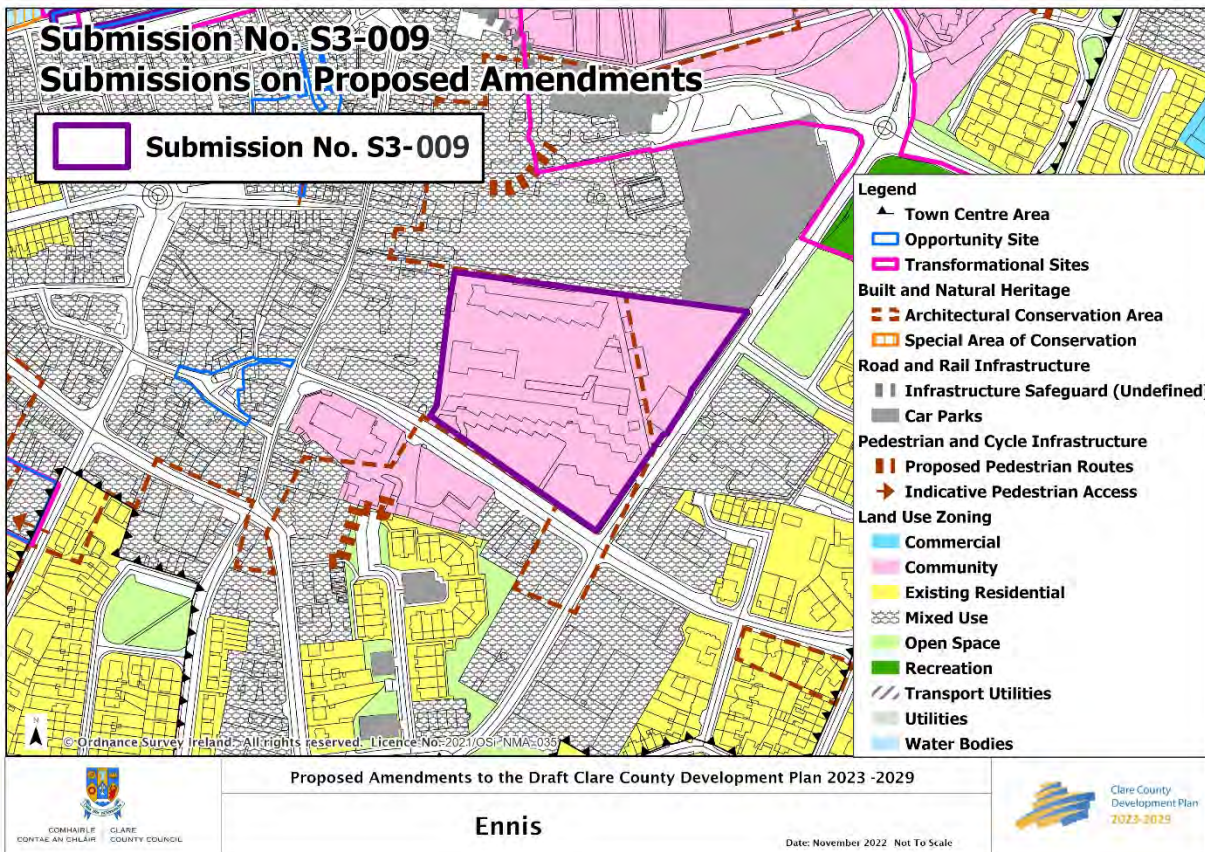
I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to amend the zoning objective on the Holy Family Site at Station Road from 'Mixed Use' to 'Community', as displayed.

A map reflecting my recommendation is included at the end of the written response to this submission.



**Volume 3b Sixmilebridge Settlement Plan, Housing and Sustainable Communities (pg. 18)**

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to include text acknowledging medium-term and long-term educational needs in the Sixmilebridge Settlement Statement and Plan.



## Submission No: S3/011 – Irish Water

### Summary of Issues Raised in Submission

This submission relates to water and wastewater facilities in County Clare. In relation to the Proposed Material Alterations on display, Irish Water outlines the following observations:

#### **Section 3.4.2: Core Strategy Statement and Core Strategy Table**

The submission includes commentary from Irish Water, in the form of tables attached to the submission, on the ability of their Wastewater Treatment Plants (WWTPs) and Water Resource Zones (WRZs) to accommodate the updated 2023-2029 population targets and unmet population as per the Core Strategy Table. The submission notes that the core strategy population and zoning allocations have been increased in several settlements with treatment/supply capacity constraints. The submission notes, at Section 3.4.2 of the Proposed Amendments to the draft CDP, the inclusion of text on potential population growth within settlements over and above the stated target as set out in the core strategy. It also notes the use of ‘Additional Provision’ and further zoned land increases in the Core Strategy Table. Irish Water is concerned at the level of land zoned and state that exceeding population targets may necessitate strategic network and/or treatment plant upgrades in some settlements. The submission identifies that the zoning pattern could lead to non-sequential development and compromise the achievement of compact growth.

#### **Potential Development in areas with no, or inadequate, wastewater treatment capacity**

Instances where the proposed Material Alterations provide for potential development in areas with no, or inadequate, wastewater treatment capacity are highlighted, as follows:

- Inclusion of unserviced settlements in the Core Strategy Table;
- Section 6.15 of the Plan which sets out the Council’s considerations on new employment and enterprise development in the open countryside;
- CDP9.13 (b) which concerns facilities for Lakeland and Waterway Tourism;
- CDP11.32 (h) which concerns developer led/provided shared use wastewater treatment infrastructure;
- Section 11.2.9.2 which concerns Motorway Service and Rest Areas;
- Volume 3a Ennis Municipal District Settlement Plans - Section 1.11.7 Tourism in Newhall Estate;
- Volume 3b Shannon Municipal District Settlement Plans – section on Portdrine Business Park within the Cratloe Settlement Plan;
- Expansion of unserviced Cluster boundaries;
- Zoning amendments in Kilmihil and Killadysert;
- Additional zonings in unserviced villages, such as Ardnacrusa, Broadford, Bridgetown, Doora and O’Briensbridge.

The submission requests that the Proposed Amendment to CDP11.32 (h) is not adopted as set out and suggests a modification to the Amendment.

#### **Measure A8, Broadford and Cooraclare**

As stated in the submission, lands have been zoned in Broadford and Cooraclare in anticipation

of funding approval. It may be considered premature to zone additional lands in the settlements, according to the submission. A text amendment is suggested for the Cooraclare Settlement Plan.

### **Kilmihil and Killadysert**

It may be considered premature to zone additional lands in the settlements, according to the submission, ahead of the conclusion of the statutory approvals process for wastewater treatment plants in each settlement.

### **EPA Code of Practise**

The submission suggests confirming the title of the Code of Practise document which concerns on-site waste water systems, where same is referenced in Volume 3. It's also suggested that references could be made to CDP11.32 (Wastewater Treatment and Disposal) instead of referring to the Code of Practise.

### **Newmarket on Fergus R5 and R6**

The submission states that the capacity to accept wastewater from these sites is questionable. Additionally, the sites may not represent compact growth, with R5 being c. 300m from the nearest sewer.

### **Section 6.8.1 South Clare UL Economic SDZ**

The submission states that reference should be made in Section 6.8.1 to infrastructural requirements to service the full extent of the proposed SDZ.

### **CDP 6.27 Data Centres and Vol 3a, 2.14 Technical Guidance – Transformational and Opportunity**

#### **Sites**

The submission suggests an amendment to the text concerning the ENT3 lands at Toureen, Ennis.

### **CDP11.29 Road Network**

The submission considers that traffic on the N67 between Ennistymon and Lahinch will be intensified due to the new Wastewater Treatment Plant located between both settlements and serving both settlements. A similar point is made in relation to Ballyvaughan, where the planned WWTP site requires access to the R477. As a result, the submission seeks that provision is made in Section 11.2.9 for provisions that would facilitate these projects.

### **Volume 3 Proposed Land Use Zonings Amendments**

The submission includes a general comment which is that the proposed Material Alterations include an increased quantum of strategic reserve lands, the need for which is unclear.

The submission states that available network information indicates network extensions may be required to service some zoned sites proposed in the proposed Material Alterations, in Ennis, Parteen, Killaloe, Tulla, Feakle, Quin, Lahinch, Kilkee, Miltown Malbay, Mullagh and Newmarket on Fergus.

The submission also highlights Land Use zoning amendments which potentially require third-party permission, in Ennis, Corofin and Mullagh.

The submission identifies Amendments where Irish Water assets are within the site, in a number

of locations.

The submission identifies that several zoning amendments are in close proximity to Wastewater Treatment Plants, and that development on such sites should take account of this established use.

The submission highlights sites subject of proposed Material Alterations where the site is at the extremity of the settlement and may compromise the achievement of compact growth.

Irish Water have no plans to extend the Limerick Wastewater Network to the Cratloekeel cluster.

The submission includes a positive comment in relation to the Proposed Amendment relating to R1 at Ballycannon North (Meelick), stating that the settlement is expected to be connected to the Limerick City wastewater Agglomeration within the Development Plan period.

Volume 3D West Clare Municipal District Settlement Plans – Miltown Malbay.

The submission includes a suggested amendment regarding water supply.

Volume 3D West Clare Municipal District Settlement Plans – Ballyvaughan.

The submission includes a suggested amendment regarding the new WWTP's completion date.

Volume 3D West Clare Municipal District Settlement Plans – Doonbeg.

The submission seeks that the proposed Material Alterations relating to R2, including the deletion of the reference to the EPA Code of Practise, is replicated for R1.

### Chief Executive's Response

I wish to thank Irish Water for their submission and address the issues raised as follows:

#### **Section 3.4.2: Core Strategy Statement and Core Strategy Table**

I note Irish Water's concerns regarding the need for strategic network and/or treatment plant upgrades arising from the inclusion of text on potential population growth within settlements over and above the stated target as set out in the core strategy, from the use of 'Additional Provision' and from further zoned land increases in the Core Strategy Table. I also note Irish Water's comments regarding non-sequential development and compact growth.

In its submission (S3/012) the Office of the Planning Regulator (OPR) provide observations and recommendations on similar issues. The OPR make a requirement (MA1) that the Development Plan should be made without:

- (i) The material amendments to the draft Plan, Volumes 3a, 3b, 3c and 3d, that have increased the area of land zoned primarily for residential development without justification; and
- (ii) The following text on p18 of Volume 1 Written Statement Proposed Amendments:

*'The growth projections are to be viewed as targets rather than caps or limitations to growth within those individual settlements. Where there is scope within settlements and appropriately*



*zoned land available, planning decisions which may include growth over and above the stated target as set out in the core strategy will be considered.'*

In relation to (i) I note the concerns and acknowledge the implications of the proposed material alterations on the overall quantum of land. Where Irish Water have mentioned specific instances that difficulties may exist in serving the zoned sites, i.e. Ennis, Parteen, Killaloe, Tulla, Feakle, Quin, Lahinch, Kilkee, Miltown Malbay, Mullagh and Newmarket on Fergus, I will provide a response to those under the 'Volume 3 Proposed Land Use Zonings Amendments' section below.

In relation to (ii), whilst acknowledging the concerns expressed in the submission regarding the amended text proposed in the proposed Material Alteration to section 3.4.2 Core Strategy (Volume 1 Written Statement) it is important to acknowledge the very significant influx of population into the County which has occurred over the past year and which has exacerbated an already existing housing crisis and where the indications appear to be that this will continue into the foreseeable future. In order to facilitate a positive response to help address the housing crisis, it is considered important to allow for a degree of leeway in terms of the growth that can be facilitated within settlements. It is not the desire or intention to exceed the growth of the overall county core strategy growth target for the plan period, however having a degree of flexibility to respond to and accommodate growth is needed. I therefore consider it appropriate to make the Plan with the proposed Material Alterations.

#### **Potential Development in areas with no, or inadequate, wastewater treatment capacity**

I note the various examples where the Proposed Amendments provide for potential development in areas with no, or inadequate, wastewater treatment capacity as highlighted by Irish Water. In relation to those examples, I intend to recommend that the Development Plan is made **with** the proposed Material Alterations in each instance, apart from:

- CDP11.32 (h) which concerns developer led/provided shared use wastewater treatment infrastructure.

The submission requests that the Proposed Amendment to CDP11.32 (h) is not adopted as set out and suggests a modification to the Amendment. I agree with the suggested modification and will set it out in my recommendation below.

#### **Measure A8, Broadford and Cooraclare**

I note Irish Water's concerns that it may be considered premature to zone additional lands in the settlements for future growth. In its submission (S3/012) the Office of the Planning Regulator (OPR) make a requirement (MA6) that the Development Plan should be made without the proposed Material Alterations from other zonings to Low-Density Residential in both villages.

The infrastructural constraints in relation to public waste water services in both villages limits their capacity for growth and whilst applications have been made for funding for both villages under Measure 8 – Waste Water Collection Treatment Needs for Villages and settlements without Public Wastewater Services as noted in this submission that even if funding approval was to be given, it is unlikely that the delivery of the waste water infrastructure would be within the lifetime of the Plan. The zoning of land for residential development as proposed in the material alterations do not therefore comply with, in particular, the tiered approach to the zoning of land as set out

in Appendix 3 of the NPF, or compliance with the core strategy, settlement strategy or settlement hierarchy of the draft Plan. I am of the opinion that the proposed material alterations are not in the interest of the proper planning and sustainable development of the villages of Broadford and Cooraclare and that the Plan should be made without these material alterations, including all text changes related to them.

### **Kilmihil and Killadysert**

The submission considers that it may be premature to zone additional lands in the settlements ahead of the conclusion of the statutory approvals process for wastewater treatment plants in each settlement. I note that the only zoning changes for Killadysert included in the Proposed Amendments are:

- An enlargement of Open Space zoning into an area zoned as 'Community' in the draft Plan;
- A change of zoning from Tourism to Community.

I also note that the proposed Material Alterations to the Kilmihil Settlement Plan involve a change of zoning of industrial-zoned lands to Existing Residential, plus two instances where lands have been designated as Village Growth Areas. In one instance in Kilmihil the submission (S3/012) of the Office of the Planning Regulator (OPR) makes a requirement (MA6) that the Development Plan should be made without the proposed Material Alterations to the Kilmihil Settlement Plan which concern the VGA6 lands.

In this regard, I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/556 which relates to these lands, and note that the site subject of the proposed material alteration is a brownfield site located on the eastern side of the village and zoned Enterprise in the draft Plan. In the CE Report the proposed change to designating the site as a 'Village Growth Area' (VGA) was considered appropriate as it would assist Kilmihil in achieving the objective CDP4.7 Large Villages, in particular, "the promotion of the consolidation of the existing large villages through brownfield reuse/redevelopment and through compact growth within the appropriate land use zoning and/or the areas identified for village growth", and "ensuring that future growth is incremental and balanced in nature, and is relative and appropriate to the scale, size and character of the villages and to seek to achieve centre out compact growth". Village Growth Area designation at this site would also allow for the potential to also deliver on its role as an employment and service centre as such uses can also be facilitated within this designation. Therefore, I consider that the proposed Village Growth Area designation would provide for development options which would support the regeneration of a brownfield site and therefore, in accordance with the recommendation on the original submission to the draft Plan, that the Plan be made with the proposed material alteration to the draft Plan.

Overall, regarding Kilmihil and Killadysert, I do not consider that additional lands have been zoned in any of the above instances and the submission does not identify specific proposed Material Alterations to the Draft Clare County Development Plan 2023-2029 in any case.

### **EPA Code of Practise**

The submission suggests confirming the title of the Code of Practise document which concerns on-site waste water systems, where same is referenced in Volume 3. It's also suggested that references could be made to CDP11.32 (Wastewater Treatment and Disposal) instead of referring

to the Code of Practise. I acknowledge Irish Water's suggestions in this regard. I note that within the Settlement Plans throughout Volume 3 (a, b, c and d), references are made to an EPA Code of Practise for Waste Water treatment systems. This shall not be taken to be necessarily a reference to the 2021 EPA Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ). Proposed developments within settlements may also require Waste Water Treatment systems of greater capacity, which are governed by a separate EPA Code of Practise. I consider that it is not necessary to update the Clare County Development Plan Volume 3a, 3b, 3c or 3d, in this regard.

I note that Policy Objective CDP11.32 'Wastewater Treatment and Disposal' in Volume 1 Written Statement makes explicit reference to the EPA Codes of Practice. I intend to recommend that the Clare County Development Plan 2023-2029 is made with the proposed Material Alterations to Objective CDP11.32 subject to minor modifications to sub-paragraph (h) which have arisen from this submission from Irish Water as regards 'Potential Development in areas with no, or inadequate, wastewater treatment capacity'. In the interest of consistency and by way of update, additional minor modifications to Objective CDP11.32 can be accommodated. These concern sub-paragraphs (g), (i) (j) and (k) of the Objective. I will set out all of the modifications to CDP11.32 in my recommendation regarding 'Potential Development in areas with no, or inadequate, wastewater treatment capacity' below.

Within the Draft Clare County Development Plan 2023-2029, Volume 1 Written Statement, Appendix 1 'Development Management Guidelines' Section A1.4.1 Rural Residential Development contains a sub-section regarding Wastewater Treatment Systems. This sub-section is the subject of a proposed material alteration. I intend to recommend that the Clare County Development Plan 2023-2029 is made with the Proposed Amendments to Objective CDP11.32 subject to minor modifications. In the interest of consistency and by way of update, additional minor modifications to this sub-section can be accommodated. I will set out all of the modifications to Section A1.4.1 in my recommendation regarding 'EPA Code of Practise' below.

#### **Newmarket on Fergus R5 and R6**

In its submission (S3/012) the Office of the Planning Regulator (OPR) make a requirement (MA4) that the Development Plan should be made without the proposed Material Alterations to the Newmarket on Fergus Settlement Plan which concern the R5 & R6 lands.

In relation to R5, I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/097 relating to these lands and note the issues raised which concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to extend the settlement boundary and zone the lands 'Residential' as a material alteration to the draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan, and taking into account the concerns expressed by Irish Water in this submission (S3/011), I am recommending that the Plan be made without this material alteration, including all text changes related to it.

In relation to R6, I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/631 relating to these lands and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to extend the settlement boundary and zone the lands 'Residential' as a material alteration to the

Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan, I recommend that the Plan be made without this material alteration, including all text changes related to it.

### **Section 6.8.1 South Clare UL Economic SDZ**

The submission states that reference should be made in Section 6.8.1 to infrastructural requirements to service the full extent of the proposed SDZ. Section 6.8.1 is not the subject of any proposed Material Alterations nor does the submission identify any specific proposed Material Alterations to the Draft Clare County Development Plan 2023-2029 in any case. As the Section referred to is not subject to a proposed Material Alteration to the Draft Plan, I must advise that the change to the text as requested cannot be recommended at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended. Should the site in question achieve government designation as the South Clare UL Economic SDZ, the ensuing preparation of the Planning Scheme will include full consideration of the infrastructural requirements of the development.

### **CDP 6.27 Data Centres and Vol 3a, 2.14 Technical Guidance – Transformational and Opportunity**

#### **Sites**

The submission suggests an amendment to the text concerning the ENT3 lands at Toureen, Ennis, concerning water conservation. I consider that since CDP6.27 is the subject of a proposed Material Alteration, a further minor modification, such as that set out by Irish Water, is appropriate. The details of the modification are set out in my recommendation below.

I also consider that since Section 2.14 TS9 – Data Centre is the subject of a Proposed Amendment, a further minor modification, such as that requested by Irish Water, is appropriate. The details of the modification are set out in my recommendation below.

### **CDP11.29 Road Network**

The submission seeks that provision is made in Section 11.2.9 for provisions that would facilitate wastewater treatment projects at sites in Ennistymon-Lahinch and Ballyvaughan. Section 11.2.9 Road Network is not the subject of any proposed Material Alterations nor does the submission identify any specific proposed Material Alterations to the Draft Clare County Development Plan 2023-2029 in any case. As the Section referred to is not subject to a proposed Material Alteration to the Draft Plan, I must advise that the change to the text as requested cannot be recommended at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.

### **Volume 3 Proposed Land Use Zonings Amendments**

The submission states that available network information indicates network extensions may be required to service some zoned sites proposed in the proposed Material Alterations, in Ennis, Parteen, Killaloe, Tulla, Feakle, Quin, Lahinch, Kilkee, Miltown Malbay, Mullagh and Newmarket on Fergus. Of the sites listed I note that all of the sites mentioned in the submission in Ennis, Killaloe, Tulla, Quin, Kilkee, Miltown Malbay, Mullagh and Newmarket on Fergus are the subject of the Office of the Planning Regulator's (OPR) submission which requires that the Development Plan should be made without the proposed Material Alterations to the relevant Settlement Plans.

- **Ennis ENT4**

I note the concerns regarding the proposed Material Alteration to the Draft Plan, particularly with regard to NPO 57, RPO 3.10 and the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009). I therefore advise that the draft Plan should be made without the proposed amendment.

- **Ennis ENT5**

I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/824 relating to these lands, where I note 'A large undeveloped Enterprise zoning is present on the opposite side of the R474 from the subject lands. The zoning of additional lands for Enterprise use, in close proximity to a substantial site that has already been zoned for this purpose in the Draft Plan could lead to a cluster of such development, at the periphery of the town and would be disproportionate to the scale of the surrounding neighbourhood which would be contrary to the proper planning and sustainable development, not only of the Beechpark neighbourhood, but also of the wider Plan area'.

In addition, the OPR (S3/012) rightly note that the appropriate assessment undertaken of this proposed Material Alteration shows that adverse effects upon the Newhall & Edenvale Complex SAC cannot be avoided.

Contrary to the recommendation of the Chief Executive it was agreed by resolution to extend the settlement boundary and the plan boundary for the future Ennis and environs Local Area Plan, to facilitate the zoning of 'Enterprise' ENT5 as a material alteration to the draft Plan. In accordance with the chief executive's recommendation on the original submission to the draft Plan and taking account of the appropriate assessment of the material alteration, I advise that the Plan be made without this material alteration, including all text changes related to it.

- **Ennis R12**

This is an underutilised vacant site (currently subject to the Vacant Site Levy) which is partially developed with previous substantial groundworks having taken place. It is an integral sequential site in terms of growth from the town core, which would contribute to compact growth, complete the development of the adjacent residential estate and provide the necessary infrastructure to allow adjacent properties in the neighbouring estate to connect to the public network in terms of wastewater, currently served by individual on-site treatment systems. This would protect both surface and ground water, discharges downstream to the Gaurus River and ultimately the Lower River Shannon SAC. In terms of Flood Risk, a Plan Making Justification Test (included as Appendix 4) has been applied and satisfied for this proposed Material Alteration.

I consider that in the interest of proper planning and sustainable development the Plan should be made with the proposed Material Alteration to change the zoning from Strategic Residential Reserve (SR4) to Residential (R12). I consider that it is appropriate to update the associated site-specific objective 'R12 Anstand Gaurus/Ballymacahill' in line with the submissions as received (from Irish Water and also S3/139) and to reflect the Plan Making Justification Test (included as Appendix 4) concerning this proposed Material Alteration. The updates to the site-specific objective represent a minor modification to the proposed Material Alteration.

- **Ennis R20**

I note the issues of concern relating to this site in the Ballybeg area of Ennis, regarding service capacity constraints, contrary to sequential and compact growth and alignment with the core strategy. I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/802 which relates to these lands, and note the issues raised concur with those raised by the OPR (S3/012). Contrary to the recommendation of the Chief Executive it was agreed by resolution to zone part of the lands 'Residential' as a Material Alteration to the Draft Plan. In addition, I note from the appropriate assessment (aa) of this proposed Material Alteration that it states that any development within this site would result in loss of mapped foraging habitat and/or disturbance to foraging areas which would be contrary to the Conservation Objectives of the Newhall and Edenvale Complex. I therefore advise that in accordance with the Habitats Directive and specifically Article 6(3) and the recommendation on the original submission to the Draft Plan, that the Plan be made without this material alteration, including all text changes related to it.

- **Ennis R22**

I note the issues of concern relating to this site in the Ballybeg area of Ennis, regarding service capacity constraints, non-sequential growth and being contrary to compact growth and alignment with the core strategy. I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/769 which relates to these lands, and note the issues raised concur with those raised by the OPR (S3/012). Contrary to the recommendation of the Chief Executive it was agreed by resolution to zone part of the lands 'Residential' as a proposed material alteration to the draft Plan. In addition, I note from the appropriate assessment (aa) of this proposed material alteration that it concludes that 'Based on information available, adverse effects upon Newhall and Edenvale Complex SAC cannot be avoided.' I therefore advise that in accordance with the Habitats Directive and specifically Article 6(3) and the recommendation on the submission to the Draft Plan, that the Plan be made without this material alteration, including all text changes related to it.

- **Ennis LDR14**

I note the issues of concern relating to this site in the Ballyallia area of Ennis, in particular being contrary to sequential and compact growth and alignment with the core strategy. I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/876 which relates to these lands, and note the issues raised concur with those raised by the OPR (S3/012). Contrary to the recommendation of the Chief Executive it was agreed by resolution to zone part of the lands 'Residential' as a material alteration to the Draft Plan. In addition, I note from the environmental assessments of this proposed material alteration in the *Addendum to Environmental Assessments* (Volume 10a & 10b), that the site is also located in an area of extreme groundwater vulnerability and therefore raises some concerns in relation to the impact on water quality as a result of any development on these lands. I therefore advise that in accordance with the recommendation on the original submission to the Draft Plan, that the Plan is made without this material alteration, including all text changes related to it.

- **Parteen SR1**

The proposed Material Alteration was to change the zoning of REC1 recreation-zoned lands to SR1 (Strategic Residential Reserve). The change was part (S.4) of the Members' Resolution made on October 20th 2022. The location and extent of land zoned for residential use within any settlement is determined by the Core Strategy as set out in Volume 1 of the Draft Development Plan and in accordance with same.

I am satisfied that a sufficient quantum of land has been zoned within Parteen to accommodate the required amount of housing units to meet the needs of the allocated population growth for the village over the plan period 2023-2029. Additionally, Irish Water have identified a constraint in providing the required infrastructure to the land. Therefore, given that there is adequate provision of zoned land within the settlement area I consider that changing the zoning of these lands to Strategic Residential Reserve is neither necessary or appropriate and would be contrary to proper planning and sustainable development.

I acknowledge that the pitch and put course is no longer in existence however the role of the County Development Plan is to take a long-term view. One of the purposes of the plan is to prepare a vision for the overall potential development of the village. While some aspects of this vision may be realised, it is important to show the potential in the plan for sustainable development. Often ideas and concepts for development may be in a plan for a number of years before they are realised. It is important to keep such options open for consideration. Therefore, I consider it appropriate to maintain the recreational zoning REC1 for this plan cycle to provide potential to cater for the needs of the community. I intend to recommend that the Draft Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to lands in Parteen, as displayed.

- **Killaloe R6**

I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/707 (no location map included with the submission) which relates to these lands and note the issues raised concur with those raised by the OPR (S3/012). Contrary to the recommendation of the Chief Executive it was agreed by resolution to change the zoning on part of the Tourism (TOU2) zoned lands to 'Residential' as a material alteration to the Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.

- **Tulla R3**

I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/813 which relates to these lands and note the issues raised concur with those raised by the OPR (S3/012). Contrary to the recommendation of the Chief Executive it was agreed by resolution to change the parcel of land zoned 'Strategic Residential Reserve' to 'Residential' as a material alteration to the Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this material alteration, including all text changes related to it.

- **Feakle SR2**

The proposed Material Alteration was to change the zoning of Agriculture-zoned lands to SR2 (Strategic Residential Reserve). The change was part (K.8) of the Members' Resolution made on October 20th 2022.

The extent of land zoned for future residential use within any settlement is determined by the Core Strategy as set out in Volume 1 of the Development Plan. In determining the location and distribution of residentially zoned land, the Core Strategy is consistent with 'Guidance notes on Core Strategy Nov 2010' together with the provisions and conclusions of the SFRA, the SEA and

the AA process. In addition, site specific land use issues were considered. These criteria include, inter alia, the availability of services, a sequential test, flood risk assessment, planning history, consolidation of urban form etc. In this regard, the lands are located at a significant distance from the village centre and from other lands zoned Residential and Strategic Residential Reserve in the Draft Plan. Therefore, while they may be suitable for residential development at some stage in the future, they are not identified for growth during the lifetime of this Draft Plan 2023-2029. In accordance with the Core Strategy, I am satisfied that a sufficient quantum of land has been zoned at appropriate locations within Feakle aside from the current lands to accommodate the required amount of housing units to meet the needs of the allocated population growth for the village over the plan period 2023-2029.

Additionally, Irish Water have identified a constraint in providing the required infrastructure to the land. Given that there is adequate provision of zoned land within the settlement area, I consider the zoning of these lands for Strategic Residential Reserve is neither necessary or appropriate and would be contrary to proper planning and sustainable development. I intend to recommend that the Draft Clare County Development Plan 2023-2029 is made without the proposed Material Alteration to lands in Feakle, as displayed.

- **Quin SR4**

I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/114 relating to these lands and note the issues raised concur with those raised by the OPR (S2/013). Contrary to the recommendation of the Chief Executive it was agreed by resolution to extend the settlement boundary and zone the lands 'Strategic Residential Reserve' as a material alteration to the Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this material alteration, including all text changes related to it.

- **Lahinch R3**

The R3 Residential-zoned lands in Lahinch is not the subject of any Proposed Amendments nor does the submission identify any specific Proposed Amendments to the Draft Clare County Development Plan 2023-2029 in any case. Therefore, this part of the submission is not open for consideration.

- **Kilkee R8**

I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/080 which relates to these lands and note the issues raised concur with those raised by the OPR (S3/012). Contrary to the recommendation of the Chief Executive it was agreed by resolution to extend the settlement boundary to the north of the settlement and zone the land 'Residential' (R8) as a material alteration to the Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this material alteration, including all text changes related to it.

- **Miltown Malbay R3**

I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/132 relating to these lands and note the issues raised concur with those raised by the OPR (S3/012). Contrary to the recommendation of the Chief Executive it was agreed by resolution to amend the settlement boundary and zone the parcel of land 'Residential' (R3) from 'Agriculture' as a material



alteration to the Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this material alteration, including all text changes related to it.

- **Miltown Malbay R4**

I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/766 relating to these lands and note the issues raised concur with those raised by the OPR (S3/012). Contrary to the recommendation of the Chief Executive it was agreed by resolution to change the zoning from 'Enterprise' to 'Residential' as a material alteration to the Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this material alteration, including all text changes related to it.

- **Mullagh R3**

I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/815 relating to these lands and note the issues raised, in particular relating to the fact that the quantum of residential land zoned must align with the core strategy, promote sequential and compact growth and adhere to the tiered approach to zoning land, which concur with those raised by the OPR (S3/012). Contrary to the recommendation of the Chief Executive it was agreed by resolution to change the zoning from 'Agriculture' to 'Residential' as a material alteration to the Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this material alteration, including all text changes related to it.

- **Newmarket on Fergus R5**

Please see my response set out under Newmarket on Fergus R5 & R6 above.

The submission states that available network information indicates zoning amendments which potentially require third-party permission, in Ennis, Corofin and Mullagh.

- In the submission, R4 lands are identified in Mullagh. I cannot identify R4 lands in Mullagh in the Draft Plan or the proposed Material Alterations and therefore I cannot respond in this regard.
- In Ennis, the following sites are identified: R16, LDR12, LDR14.

**R16** is a proposed material alteration which was to change the zoning of Open Space-zoned lands to R16 Residential. The change was part (E.10) of the Members' Resolution made on October 20th 2022.

In the absence of a suitable and viable alternative to the infrastructure safeguard (for a link road between the Tulla and Gort Roads) which bounds the site, I am of the view that the zoning of Site 1 should remain Open Space. In addition, the location and extent of land zoned for residential uses is determined by the Core Strategy, as set out in Volume 1 of the Draft Plan in accordance with Section 28 Guidelines Housing Target Guidelines and the Core Strategy. It is considered that a sufficient quantum of land has been zoned in the Draft Plan to accommodate the allocated population growth for Ennis town and Environs for the plan period 2023-2029. To zone the subject land for residential use would not be in accordance with the settlement strategy for Ennis.

Additionally, Irish Water have identified a constraint in providing the required infrastructure to the land. I do not therefore consider it to be in the interest of the proper planning and sustainable development of the plan area to zone these lands for residential development. I intend to recommend that the Draft Clare County Development Plan 2023-2029 is made without the proposed Material Alteration to lands in Ennis, as displayed.

**LDR14** is discussed under 'Ennis LDR14' above.

**LDR12** is the subject of a requirement (MA9) of the Office of the Planning Regulator (OPR, S3/012) stated in the submission that the Development Plan should be made without the proposed Material Alterations to the Ennis Settlement Plan. I note the concerns regarding the proposed Material Alterations to the Draft Plan, particularly with regard to NPO 57, RPO 3.10 and the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009). I therefore advise that the draft Plan should be made without the proposed amendment.

- In Corofin, the R5 site is identified as potentially requiring third-party permission to connect to infrastructure. The lands were proposed to be zoned Strategic Residential Reserve (SR2) in the Draft Plan. The lands are located within the village centre and would deliver on the principles of compact growth and sequential development should they be developed over the life of the Draft Plan. I note that access arrangements to the lands would need to be resolved through the Development Management process. There is some capacity in the Core Strategy figures for Corofin that allows for some additional lands to be identified for residential development and I consider that having regard to the proximity of the site to the Main Street that these lands are at an ideal location for that development. I consider that the constraint identified by Irish Water in providing the required infrastructure to the land can be overcome through the Development Management Process. I intend to recommend that the Draft Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to lands in Corofin, as displayed.

The submission identifies Amendments where Irish Water assets are within the site, in a number of locations. The submission states that development in the vicinity of Irish Water assets must be in accordance with Irish Water standard details and codes of practise. I consider that Irish Water does not oppose the zoning that it refers to under this section. Likewise Irish Water identifies some zoned sites where existing Pumping Stations are within the lands, and again I consider that Irish Water does not oppose the zoning that it refers to under this section.

The submission identifies that several zoning amendments are in close proximity to Wastewater Treatment Plants, and that development on such sites should take account of this established use. I consider that Irish Water does not oppose the zoning that it refers to under this section.

### **Cratloekeel**

The submission states that Irish Water have no plans to extend the Limerick Wastewater Network to the Cratloekeel cluster. The proposed Material Alteration in question was to amend the wording of the Cratloe Settlement Plan such that Cratloekeel cluster could be enlarged in area subject to connection to the Limerick Main Drainage sewer. The change was part (S.8) of the Members' Resolution made on October 20th 2022. Having regard to Irish Water's comments, I intend to recommend that the Draft Clare County Development Plan 2023-2029 is made without

the proposed Material Alteration to the wording of the Cratloe Settlement Plan as regards Cratloekeel cluster.

**Ballycannon North (Meelick)**

I acknowledge the positive comment in relation to the Proposed Amendment relating to R1 at Ballycannon North (Meelick), stating that the settlement is expected to be connected to the Limerick City wastewater Agglomeration within the Development Plan period.

**Volume 3D West Clare Municipal District Settlement Plans – Miltown Malbay.**

The submission includes a suggested amendment regarding water supply. This can be accommodated as the relevant paragraph is the subject of a proposed Material Alteration. I agree with the suggested minor modification and will set it out in my recommendation below.

**Volume 3D West Clare Municipal District Settlement Plans – Ballyvaughan.**

The submission includes a suggested amendment regarding the new WWTP’s completion date. This can be accommodated as the relevant paragraph is the subject of a proposed Material Alteration. I agree with the suggested minor modification and will set it out in my recommendation below.

**Volume 3D West Clare Municipal District Settlement Plans – Doonbeg.**

While I note that it does not relate to any proposed amendment to the Draft Clare County Development Plan 2023-2029, in the interest of consistency and by way of update I propose a non-material update to delete text in the Doonbeg Settlement Plan, regarding the R1 site, as development at the site would not need to rely on wastewater treatment on-site, due to the public sewer in Doonbeg.

**Chief Executive’s Recommendation**

**Section 3.4.2: Core Strategy Statement and Core Strategy Table**

I recommend that the Clare County Development Plan 2023-2029 be made **with** the proposed Material Alteration to text proposed in section 3.4.2 Core Strategy (Volume 1 Written Statement), as displayed.

**Potential Development in areas with no, or inadequate, wastewater treatment capacity**

I recommend that the Clare County Development Plan 2023-2029 Volume 1 Written Statement be made **with** the proposed Material Alterations to Chapter 11 Physical Infrastructure, Environment and Energy, CDP 11.32 Wastewater Treatment and Disposal, as displayed, **subject to a minor modification** (in blue text with text in blue-strikethrough representing a deletion from the proposed Material Alteration), **as follows:**

g) To permit the development of single dwelling houses in **unserved areas** only where it is demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with the ~~Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses~~, Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), EPA (2021);

(h) Where settlements have no public wastewater treatment infrastructure, ~~and in settlements which have limited or insufficient capacity to facilitate development,~~ to consider alternative developer led/provided shared use wastewater treatment infrastructure, including those incorporating nature-based solutions, to serve development where it can be clearly demonstrated that the system is in compliance with relevant EPA Guidelines on design standards and which will allow connection to a public system when it is provided. Any such consideration will be subject to the following criteria:

- i. Connection to an existing public wastewater treatment system is not currently available.
- ii. Environmental and planning requirements are satisfied including plan adequacy, site suitability and a suitable means of sludge and treated effluent disposal.
- iii. The land on which the treatment plant is located is transferred to Irish Water on their request if/when a public system is provided.
- iv. The management and maintenance of the shared wastewater treatment and disposal infrastructure following its completion shall be the responsibility of a legally constituted management company. This management company will be responsible for the adequate maintenance, operation and management of the shared infrastructure. It shall be a condition of sale of all elements of the permitted development that the purchaser become a shareholder in the management company and include a similar condition on any contract for subsequent disposal of the property.
- v. Adherence to the environmental assessment criteria set out in section 11.4.3.1 of this plan.
- vi. As a condition of grant of planning permission, new developments will be required to connect to the public network when connection becomes available, subject to a connection agreement with Irish Water.

i) To permit the development of treatment systems for small businesses/community facilities in unserviced areas where they are in single ownership and where it is demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with ~~Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses,~~ Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10), EPA (2021) and *Wastewater Treatment Manuals-Treatment Systems for Small Communities, Business, Leisure Centres and Hotels*, EPA (1999); ~~and~~

⇒ j) To encourage and support a changeover from septic tanks/private wastewater treatment plants to public collection networks wherever feasible, subject to connection agreements with Irish Water and to ensure that any future development connects to the public wastewater infrastructure where it is available; ~~and~~

⇒ k) To ensure that any private wastewater treatment system proposed complies with the environmental requirements of Objectives CDP4.2, CDP4.5 and ~~CDP3.13.3~~ CDP3.3 of this plan.

#### **Measure A8, Broadford and Cooraclare**

I recommend that the Clare County Development Plan 2023-2029 (Volume 3c Killaloe MD and Volume 3d West Clare MD) be made **without** the proposed Material Alterations to the villages of Broadford and Cooraclare.

Maps reflecting my recommendation are included at the end of the written response to this submission.

### **Kilmihil and Killadysert**

I recommend that the Clare County Development Plan 2023-2029 (Volume 3d West Clare Municipal District) be made **with** the proposed Material Alteration to change the zoning from 'Enterprise' (ENT1) and designate as a 'Village Growth Area' (VGA6) in Kilmihil, as displayed.

Maps reflecting my recommendation are included at the end of the written response to this submission.

### **EPA Code of Practise**

I recommend that the Clare County Development Plan 2023-2029 (Volume 1 Written Statement) be made **with** the Material Alterations to Appendix 1 'Development Management Guidelines' Section A1.4.1, as displayed, **subject to a minor modification (in blue text with text in blue strikethrough representing a deletion from the proposed Material Alteration), as follows:**

#### Wastewater Treatment Systems

Where connection to the public wastewater network is not available, ~~t~~The Planning Authority, in assessing proposals with on-site wastewater treatment systems, must be satisfied that site conditions are suitable for the treatment and disposal of domestic effluent.

The Environmental Protection Agency (EPA) ~~Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses (p.e ≤ 10)~~ Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) provides an overall framework of best practice in relation to the development of wastewater treatment and disposal systems, in unsewered areas, for protection of our environment and specifically water quality. The Code replaces previous guidance issued by the EPA on wastewater treatment systems for single houses (EPA, 2000) and sets out the following which will be used by Clare County Council when assessing on-site effluent treatment system proposals:

- An assessment methodology for the determination of site suitability for an on-site wastewater treatment system and identification of the minimum environmental protection requirements. All proposals shall be accompanied by a site suitability assessment in accordance with the Environmental Protection Agency (EPA) code;
- A methodology for the selection of a suitable wastewater treatment system for sites in unsewered areas. All proposals shall be accompanied by the site specific details from the manufacturer of the system;
- Information on the design and installation of conventional septic tank systems, filter systems and mechanical aeration systems;
- Information on tertiary treatment systems;
- Maintenance requirements for the above systems together with written proof of an agreed maintenance contract with the manufacturer of the system to ensure on-going maintenance; and
- All effluent treatment systems shall be designed and maintained in accordance with the EPA publication, ~~The Code of Practice: Wastewater Treatment and Disposal Systems Serving Single Houses 2008~~ Code of Practice for Domestic Waste Water Treatment Systems (Population Equivalent ≤ 10) or any updated version.

### **Newmarket on Fergus R5 and R6**

I recommend that the Clare County Development Plan 2023-2029 (Volume 3b Shannon Municipal District) be made **without** the proposed Material Alterations, as displayed, to the following:

- Newmarket-on-Fergus – extend settlement boundary and zone Residential (R5);
- Newmarket-on-Fergus – extend settlement boundary and zone Residential (R6).

Maps reflecting my recommendation are included at the end of the written response to this submission.

### **Section 6.8.1 South Clare UL Economic SDZ**

There is no recommendation arising from this submission.

### **CDP 6.27 Data Centres and Vol 3a, 2.14 Technical Guidance – Transformational and Opportunity Sites**

I recommend that the Clare County Development Plan 2023-2029 (Volume 1 Written Statement) be made **with** the proposed Material Alterations to Chapter 6 Economic Development and Enterprise, CDP 6.27 Data Centres, as displayed, **subject to a minor modification (in blue text with text in blue strikethrough representing a deletion from the proposed Material Alteration)**, as follows:

“It is an objective of Clare County Council: To facilitate and support the development of a data centre on the Enterprise zoned lands (ENT 3) at Toureen Ennis subject to normal planning considerations and the implementation of the findings of the SEA and AA associated with this Plan. **Any planning application for this site must include an analysis of the impacts from Green House Gas (GHG) Emissions associated with both the energy and cooling systems on the environment in the context of Climate Change and our commitment in CAP 2024~~3~~ which is to achieve a reduction of 51% in GHG emissions by 2030**”. **Best practise water conservation measures and water-efficient technologies will be required in any data centre development.**

I recommend that the Clare County Development Plan 2023-2029 Volume 3a Ennis Municipal District be made **with** the proposed Material Alterations to Section 2.14 Technical Guidance – Transformational and Opportunity Sites, as displayed, **subject to a minor modification (in blue text with text in blue strikethrough representing a deletion from the proposed Material Alteration)**, as follows:

Ennis 2040 contains 9 Transformational Sites as below. This Plan also contains 19 Opportunity Sites in Ennis and its Environs. In some instances, these sites overlap and in other instances they are standalone sites.

**Any planning application for a Data Centre within County Clare shall be accompanied by a Climate Impact Assessment to ensure that any impact that such a facility may have on the achievement of Climate Change targets, in terms of emissions and energy demand, is ~~appropriately~~ appropriately addressed.** **Best practise water conservation measures and water-efficient technologies will be required in any data centre development.**

I recommend that the Clare County Development Plan 2023-2029 Volume 3a Ennis Municipal District be made **with** the proposed Material Alterations to Section 2.14 Technical Guidance – Transformational and Opportunity Sites, TS9 – Data Centre, as displayed, **subject to a minor modification** (in blue text with text in blue ~~striketrough~~ representing a deletion from the proposed Material Alteration), as follows:

- An Air Quality Impact Assessment with reference to potential impacts on European Sites and the surrounding area within the zone of influence of the proposed development shall be submitted, this shall inform an Appropriate Assessment Screening report and/or Natura Impact Report;
- A Climate Impact Assessment which addresses the impacts of both the energy requirements and the heat generated from the facility in terms of our Climate Change Targets as outlined in CAP 2024~~3~~. Best practise water conservation measures and water-efficient technologies will be required in any data centre development.

#### **CDP11.29 Road Network**

There is no recommendation arising from this submission.

#### **Volume 3 Proposed Land Use Zonings Proposed Material Alterations**

I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **without** the proposed Material Alterations, as displayed, to the following:

- Ennis – extend settlement and town boundaries and zone lands as Enterprise (ENT5)
- Ennis – change zoning from Agriculture to Enterprise (ENT4)
- Ennis – land zoned Agriculture to be zoned Residential (R20)
- Ennis – land zoned Agriculture to be zoned Residential (R22)
- Ennis – change of zoning from Agriculture to Low Density Residential (LDR14)
- Ennis – change of zoning from Open Space to Residential (R16)

I recommend that the Clare County Development Plan 2023-2029 (Volume 3b Shannon Municipal District,) be made **without** the proposed Material Alterations, as displayed, to the following:

- Parteen - recreation-zoned lands (REC1) to Strategic Residential Reserve (SR1)

I recommend that the Clare County Development Plan 2023-2029 (Volume 3c Killaloe Municipal District) be made **without** the proposed Material Alterations, as displayed, to the following:

- Killaloe – change the zoning from Tourism to Residential (R6)
- Tulla – change the zoning from Strategic Residential Reserve to Residential (R3)
- Feakle - change the zoning of Agriculture-zoned lands to SR2 (Strategic Residential Reserve).
- Quin – extend settlement boundary and zone Strategic Residential Reserve (SR4)

I recommend that the Clare County Development Plan 2023-2029 (Volume 3d West Clare Municipal District) be made **without** the proposed Material Alterations, as displayed, to the following:



- Kilkee – extend the settlement boundary and zone as Residential (R8)
- Miltown Malbay – change zoning from Agriculture to Residential (R3)
- Miltown Malbay – change zoning from Enterprise to Residential (R4)
- Mullagh\_ – change zoning from Agriculture to Residential (R3)

I recommend that the Clare County Development Plan 2023-2029 2029 (Volume 3a Ennis Municipal District) is made **with** the proposed Material Alteration to change the zoning from Strategic Residential Reserve (SR4) to Residential (R12), as displayed, **subject to a minor modification** (in blue text with text in blue ~~striketrough~~ representing a deletion from the proposed Material Alteration), as follows:

### R12 Anstand Gaurus/Ballymacahill

Any future development of this site should be accompanied by an Ecological Assessment together with Screening for Appropriate Assessment specifically addressing the habitats present on the site and their connectivity downstream to the Gaurus Floodplain and the Lower River Shannon cSAC through the River Fergus. Should these lands be brought forward in accordance with CDP19.2, this site will accommodate residential development of high-quality design and layout. No development shall occur unless a Surface Water Management Plan, including actions for its implementation, is submitted and approved as part of the planning application. The Management Plan shall protect the adjoining open space and Buffer Space which contains Wet willow-alder-ash woodland (WN6), Other artificial lakes and ponds (FL8), Reed and large sedge swamp (FS1) together with areas of scrub. This site is largely within Flood Zone C but there is some minor encroachment onto Flood Zone B as flood water backs up from the ~~southwest~~ northeast (see maps contained in Strategic Flood Risk Assessment in Volume 10(c) of this Plan). A fully detailed Stage 3 Flood Risk Assessment shall form part of any planning application for development at this site to inform the extent of flood risk zones. Vulnerable development shall not be located within Flood Zones A and B and roads access shall be within Flood Zone C. CFRAM must also be consulted for climate change levels. ~~The area of the site which lies within Flood Zone B should be excluded from development and utilised as Open Space within any proposed development. No development should take place within the area zoned as Buffer Space between SR4 and R8 and R12 excluding that associated with the installation of critical service links for the connecting sewer line. The environmental assessments associated with the development of R12 and R8 should take this infrastructure into consideration in preparing the assessments. given the connectivity between this area and the Lower River Shannon cSAC.~~

I recommend that the Clare County Development Plan 2023-2029 2029 (Volume 3d West Clare Municipal District) is made **with** the proposed Material Alteration to residential-zoned lands (R5) in Corofin, as displayed.

Maps reflecting my recommendations are included at the end of the written response to this submission.

As regards all other issues raised in this part of the submission (Volume 3 Proposed Land Use Zonings Amendments), there is no recommendation arising from the submission.

### Cratloe (Cratloekeel)



I recommend that the following paragraph under ‘Strategy for growth and sustainable communities’ be omitted and the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to the wording of the Cratloe Settlement Plan as regards Cratloekeel cluster, as displayed.

#### **Volume 3D West Clare Municipal District Settlement Plans – Miltown Malbay.**

I recommend that the Clare County Development Plan 2023-2029 Volume 3d West Clare Municipal District be made **with** the proposed Material Alterations to the Miltown Malbay Settlement Plan, as displayed, **subject to a minor modification** (in blue text with text in blue ~~striketrough~~ representing a deletion from the proposed Material Alteration), as follows:

~~Miltown Malbay is served by water from the West Clare Regional Water Supply and Miltown Malbay Wastewater Treatment Plant. There is sufficient capacity in both to meet the needs of the target population.~~ Miltown Malbay is served by water from the West Clare Regional Water Supply and, it is envisaged that with the ongoing and proposed Irish Water works within the West Clare Water Resource Zone, sufficient spare capacity will be available to cater for the Core Strategy population allocation ~~there is sufficient capacity to meet the needs of the target population.~~ Irish Water’s latest Waste Water Treatment Plant Capacity Register for County Clare, dated June 2022, confirms that there is spare capacity of 155pe (population equivalent) in the Miltown Malbay Wastewater Treatment Plant (WWTP) which is sufficient to meet the needs of the target population. However, this report also notes that the WWTP is currently not compliant with Waste Water Discharge Licence emission limit values, although it is capable of achieving at least Urban Waste Water (UWW) Treatment Directive standards. Therefore, while there is spare capacity, the potential availability of capacity in Miltown Malbay would be dependent on any additional load not resulting in a significant breach of the combined approach as set out in Regulation 43 of the Waste Water Discharge (Authorisation) Regulations 2007.

#### **Volume 3D West Clare Municipal District Settlement Plans – Ballyvaughan.**

I recommend that the Clare County Development Plan 2023-2029 Volume 3d West Clare Municipal District be made **with** the proposed Material Alterations to the Ballyvaughan Settlement Plan, as displayed, **subject to a minor modification** (in blue text with text in blue ~~striketrough~~ representing a deletion from the proposed Material Alteration), **as follows:**

Water supply to Ballyvaughan is from the Ennistymon Regional Water Supply and is subject to the constraints of that supply. The existing public wastewater infrastructure in the village consists of a collection system and tidal holding tank located in the foreshore area. A new wastewater treatment plant, pumping station including pipework extensions are planned and it is expected that the project will be completed in ~~2023~~ ~~2024~~ ~~2026~~, **subject to the statutory approvals process.** Once completed it will have capacity to cater for the target population over the lifetime of the plan.

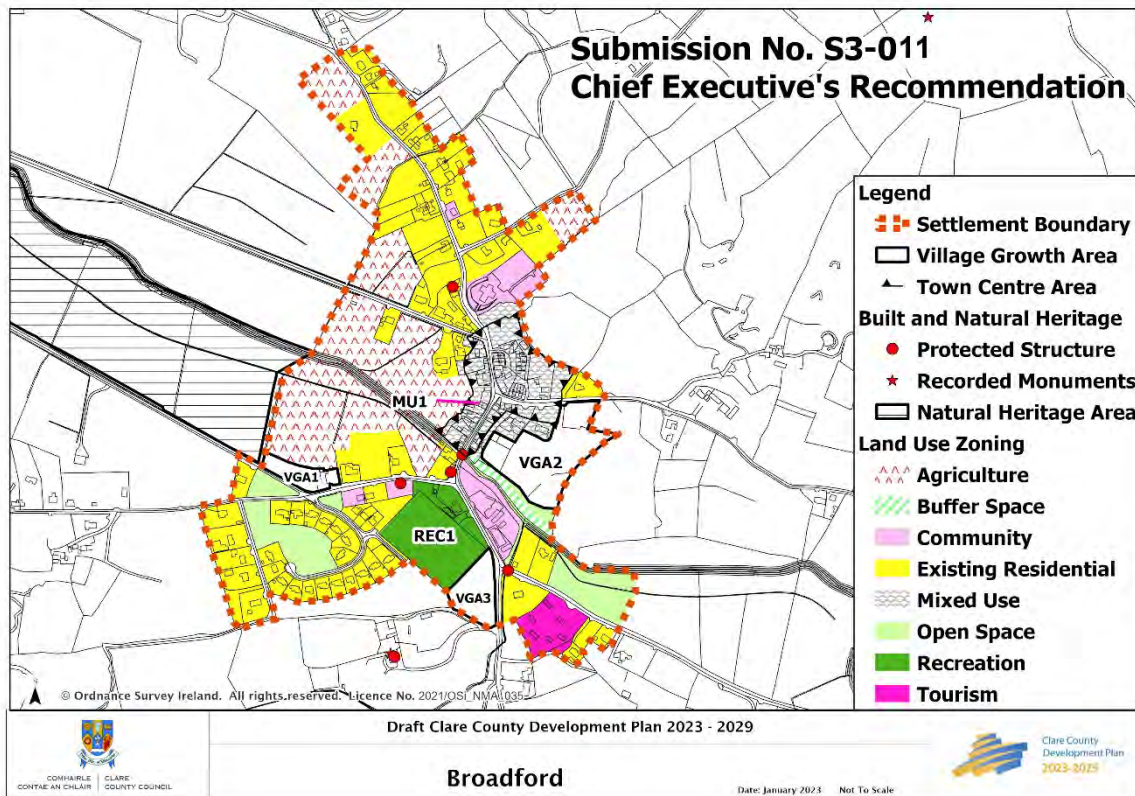
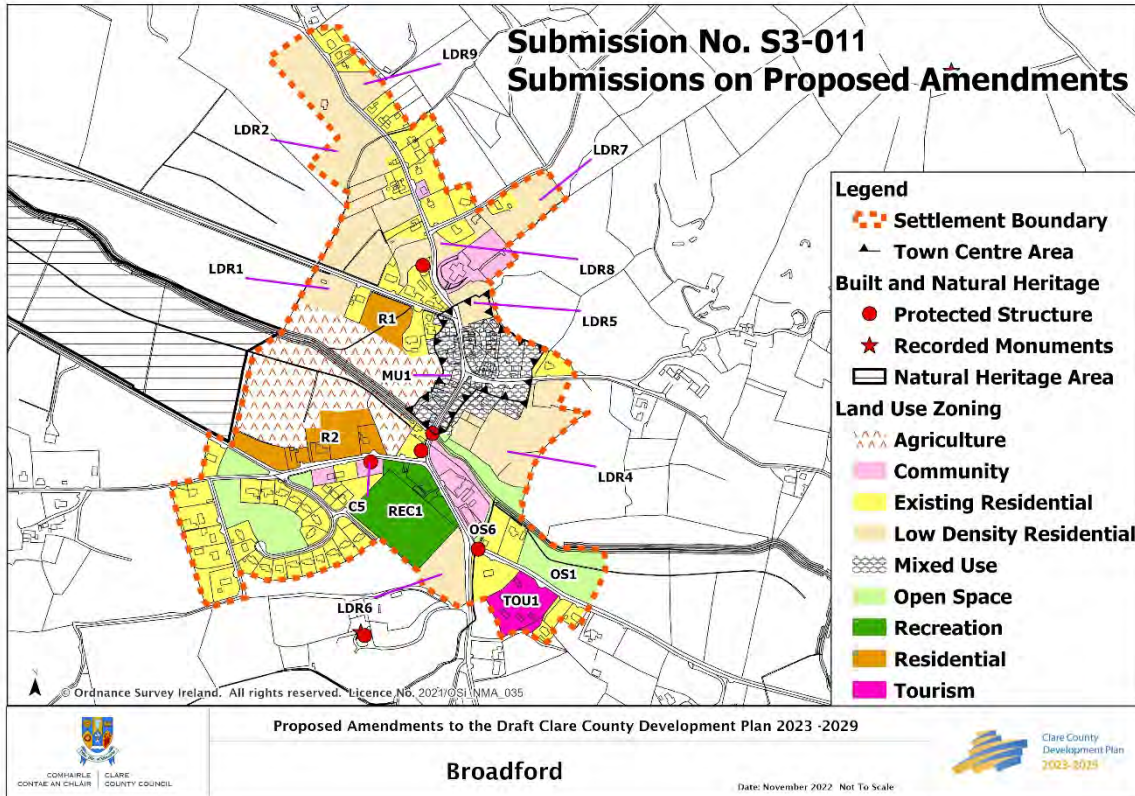
#### **Volume 3D West Clare Municipal District Settlement Plans – Doonbeg.**

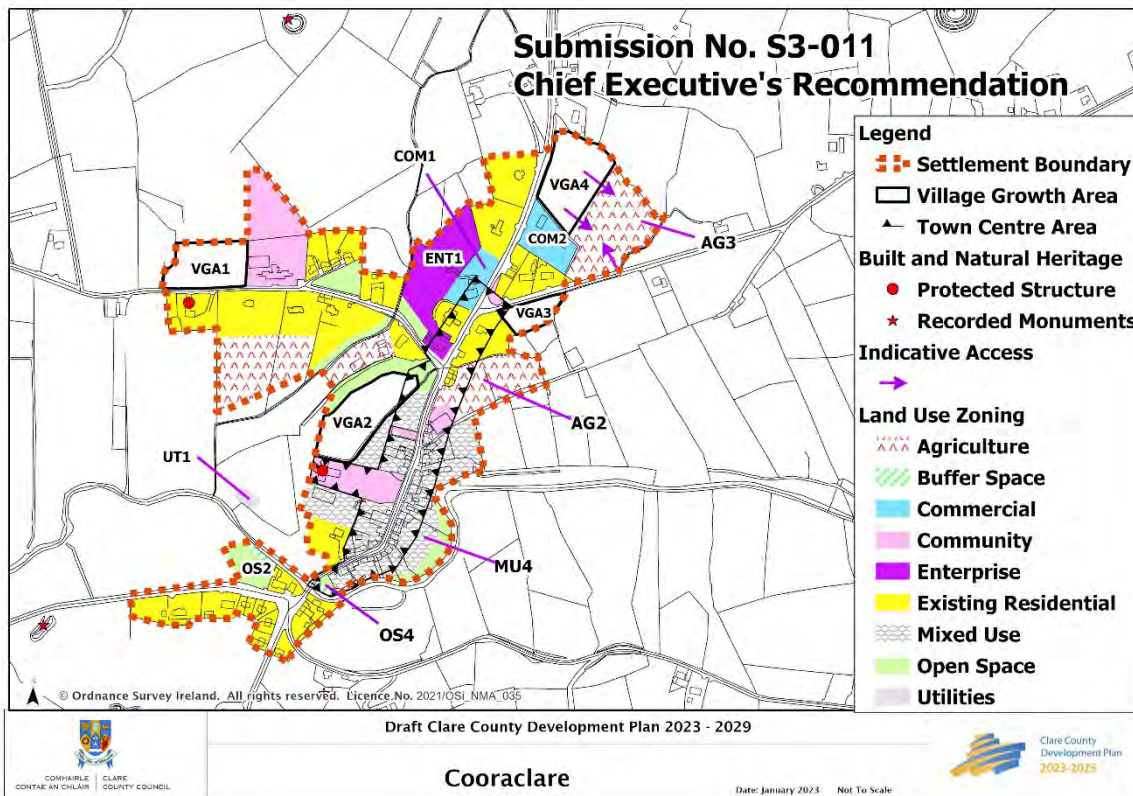
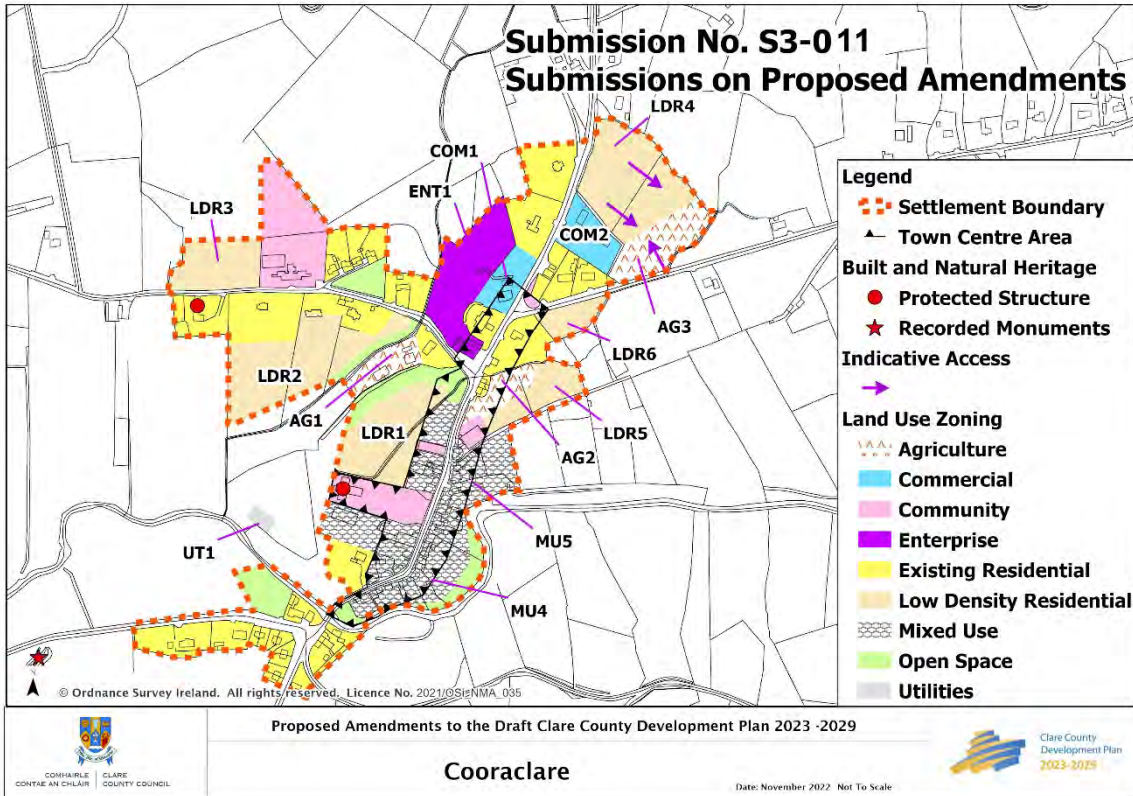
I recommend a non-material update to delete text in the Doonbeg Settlement Plan, as follows (deleted text in blue ~~striketrough~~):

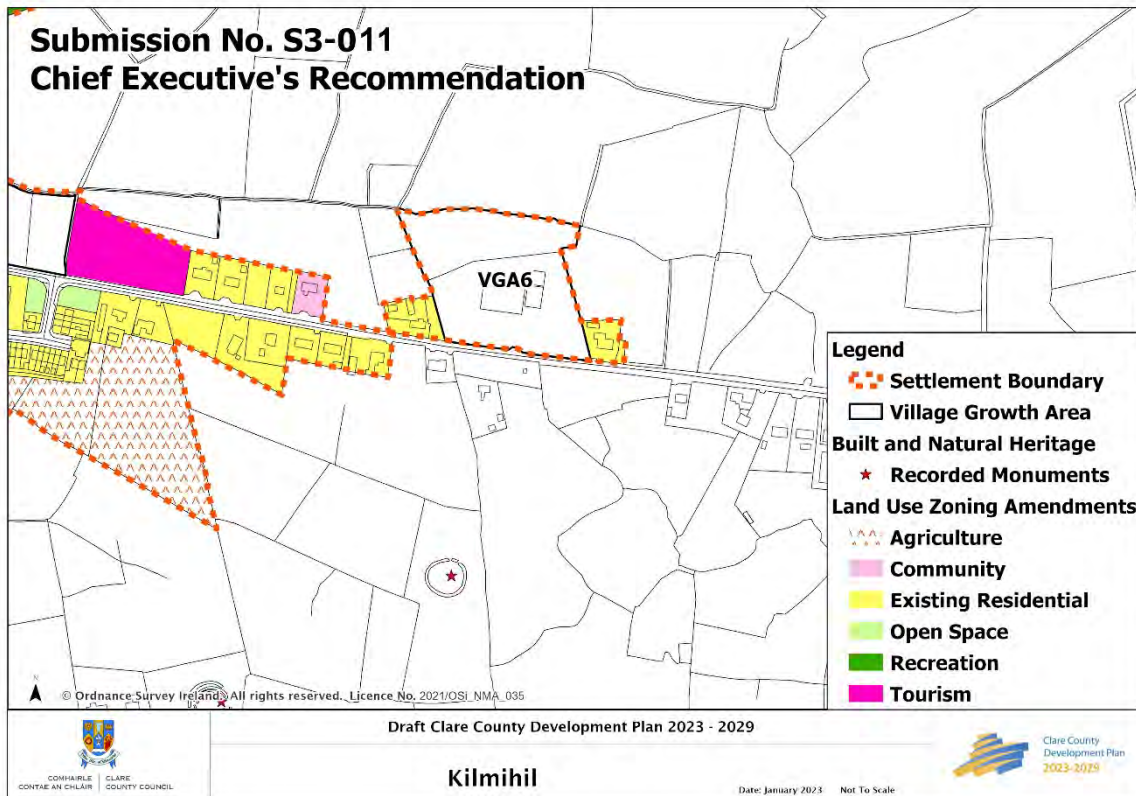
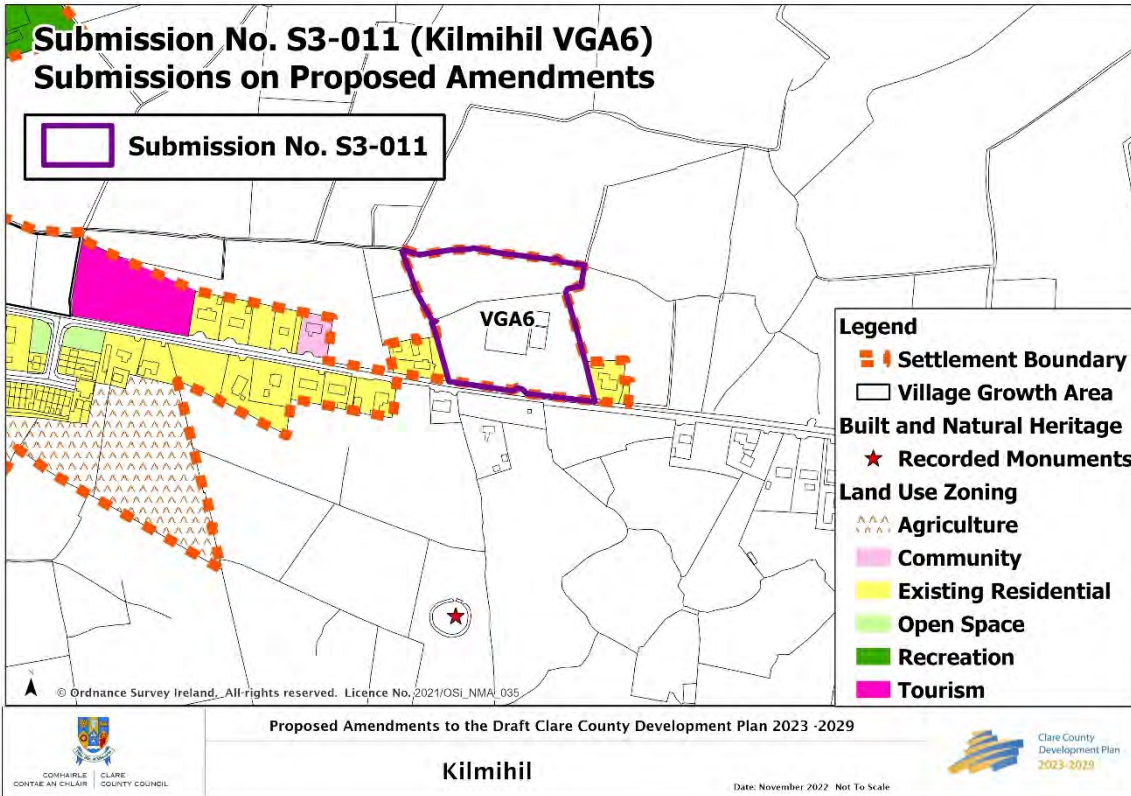
#### **R1 South of the N67 on Eastern Side of the Village**

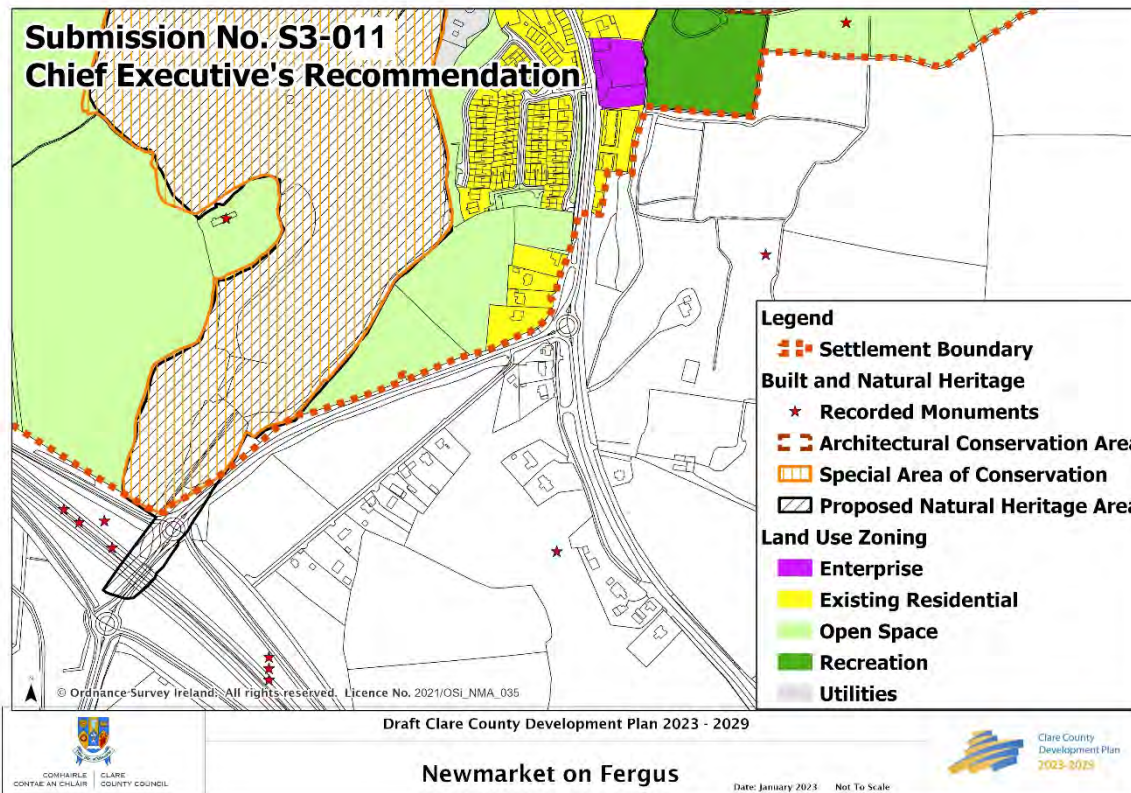
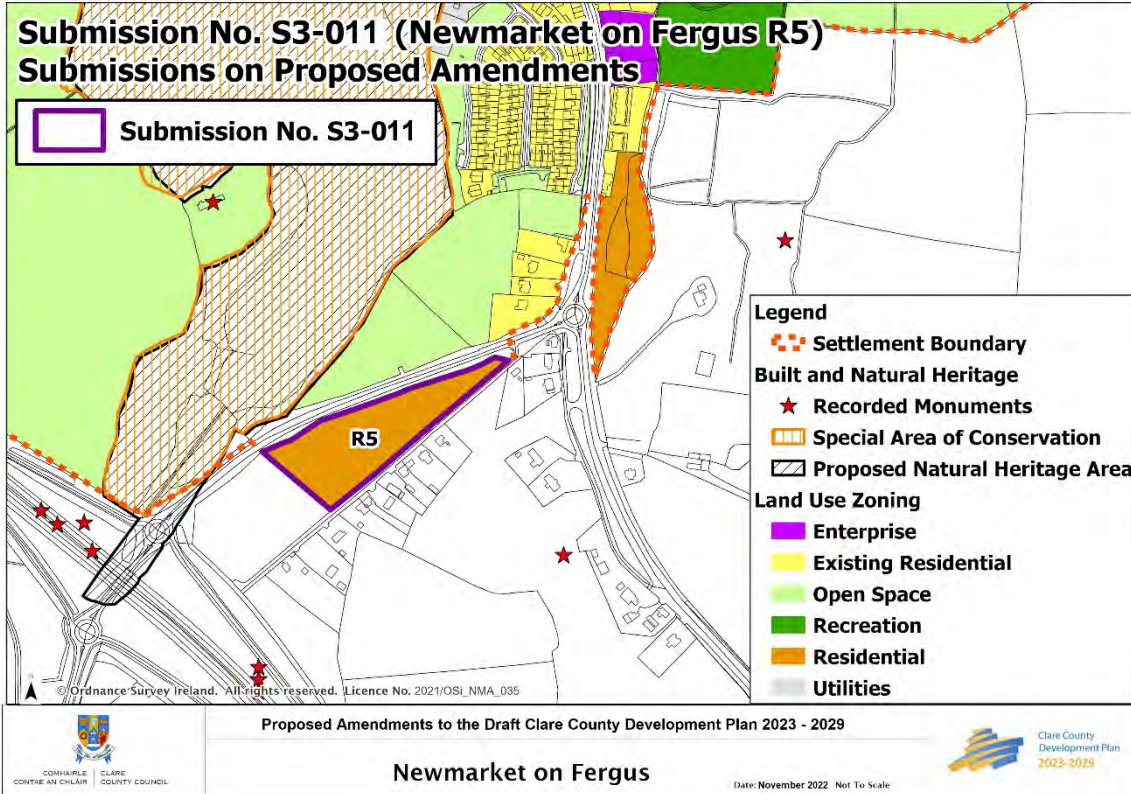


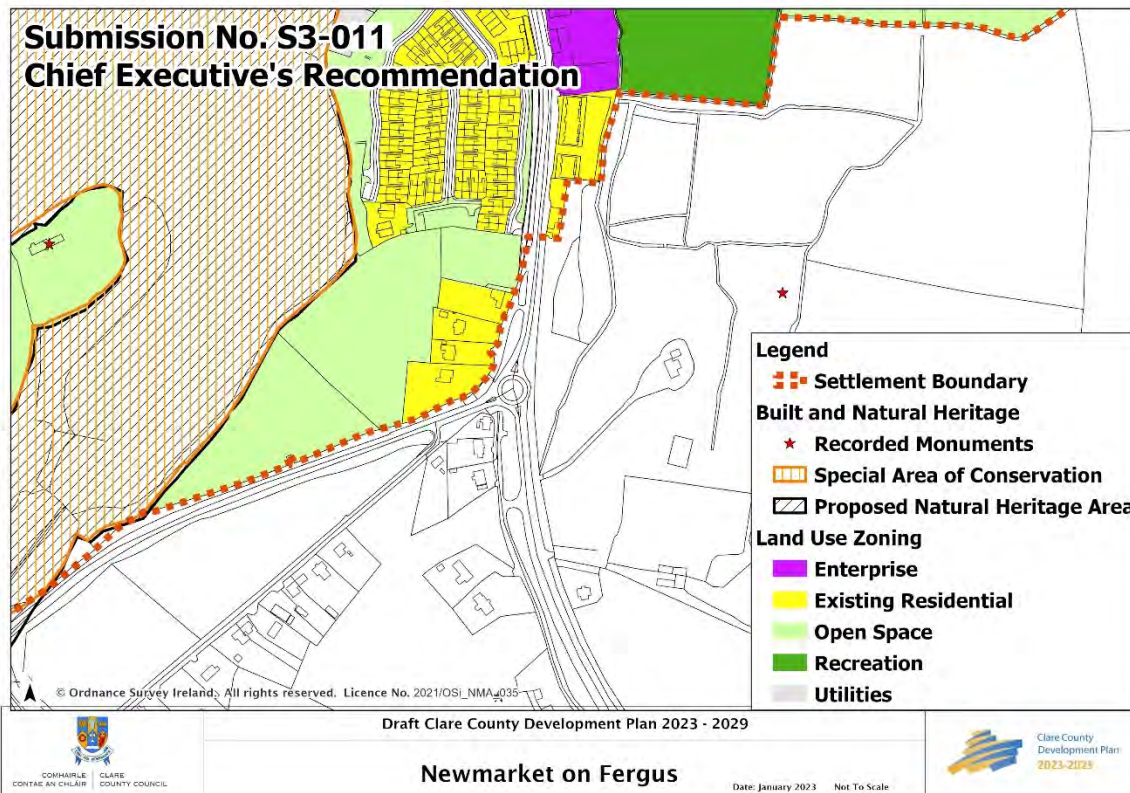
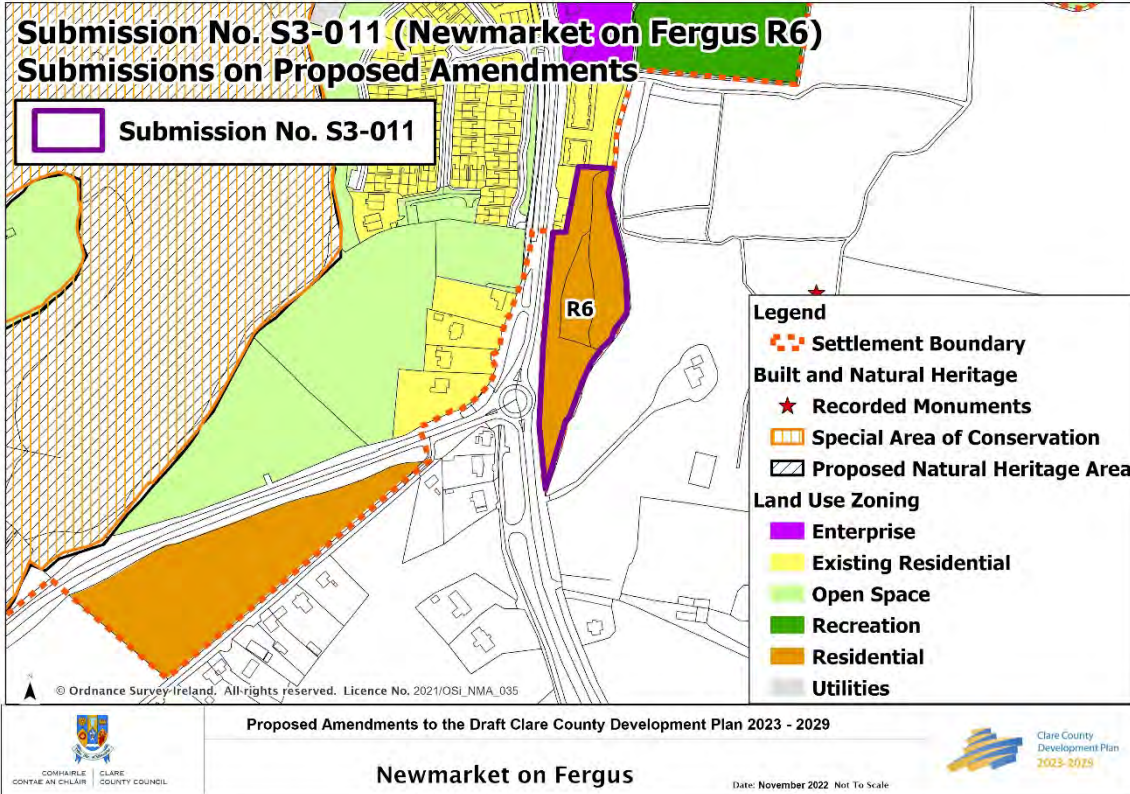
The site is located east of the village centre, bordered to the north by the N67. The development of the site for residential use will help to support the village centre and consolidate existing development on the eastern side of the village. Development on this site must be proportionate to the size and scale of the existing settlement. The site has the capacity to accommodate low density development providing dwellings for permanent occupancy. Proposals for development must incorporate high quality house design and layout including pedestrian and cycle permeability within the development and connectivity to the village centre. ~~Any future development proposals on these lands must strictly adhere to the EPA Code of Practise for Waste Water Treatment Systems in order to ensure no significant long term effects on the Doonbeg River.~~

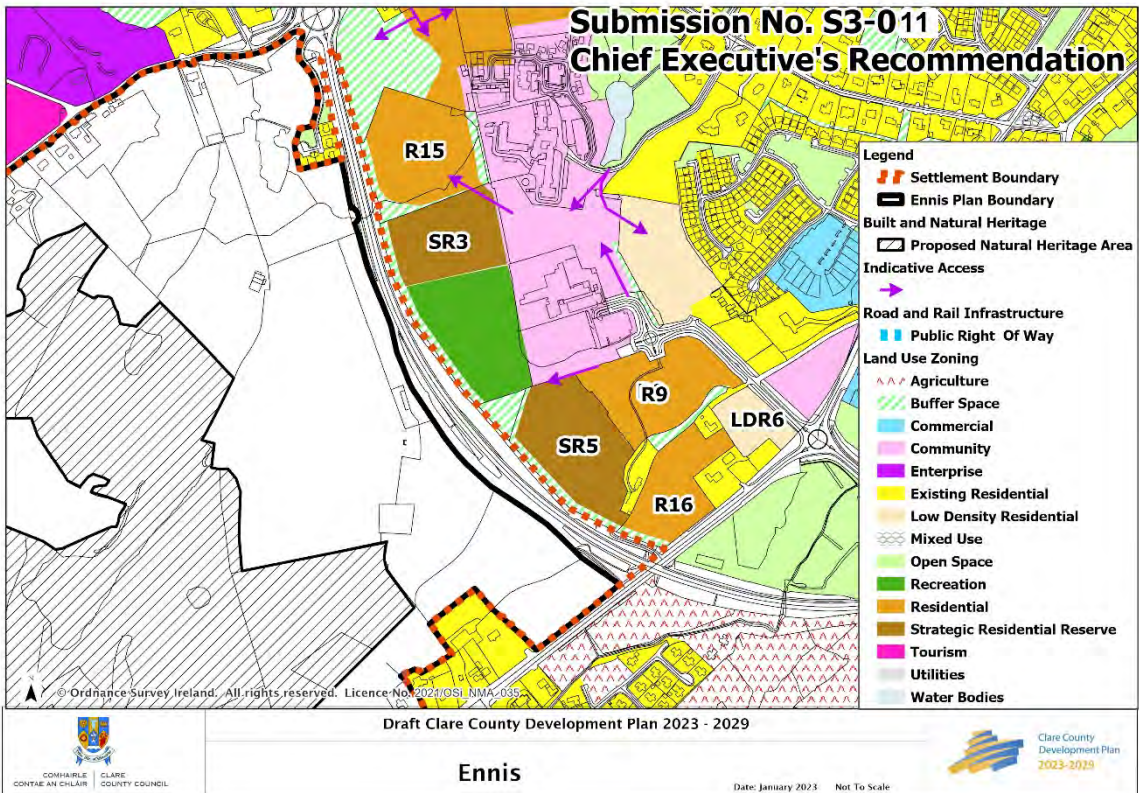
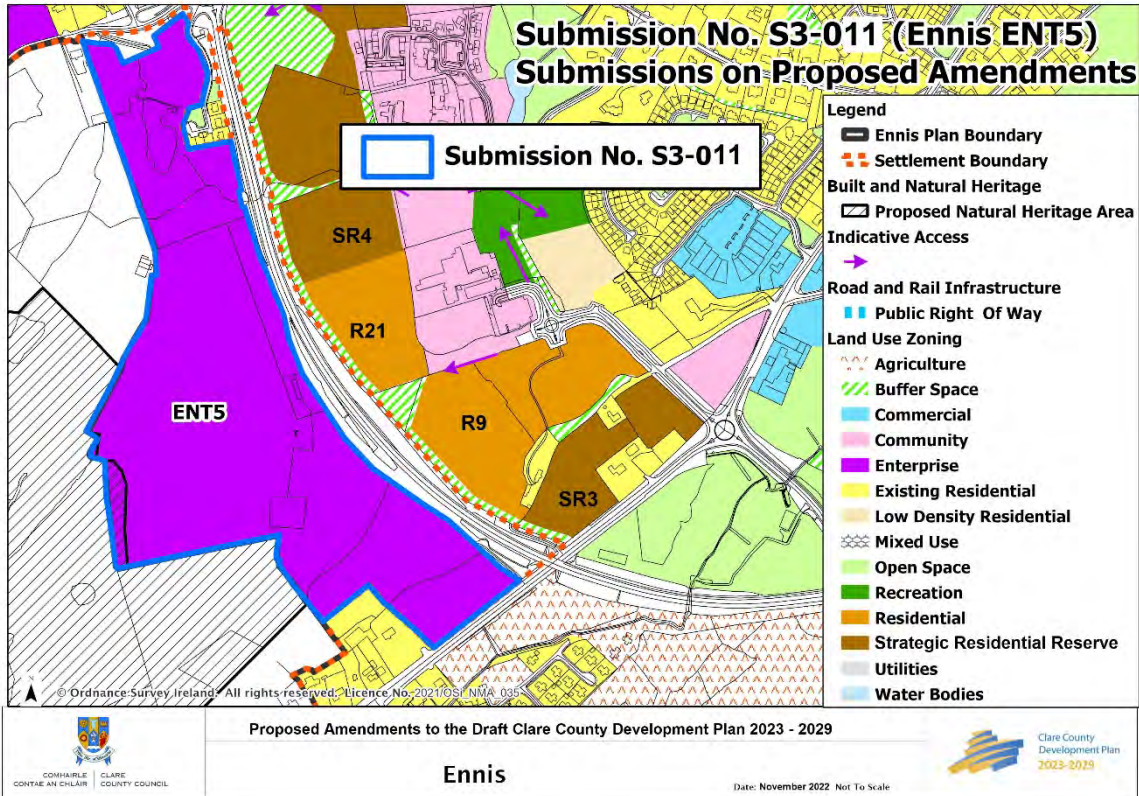




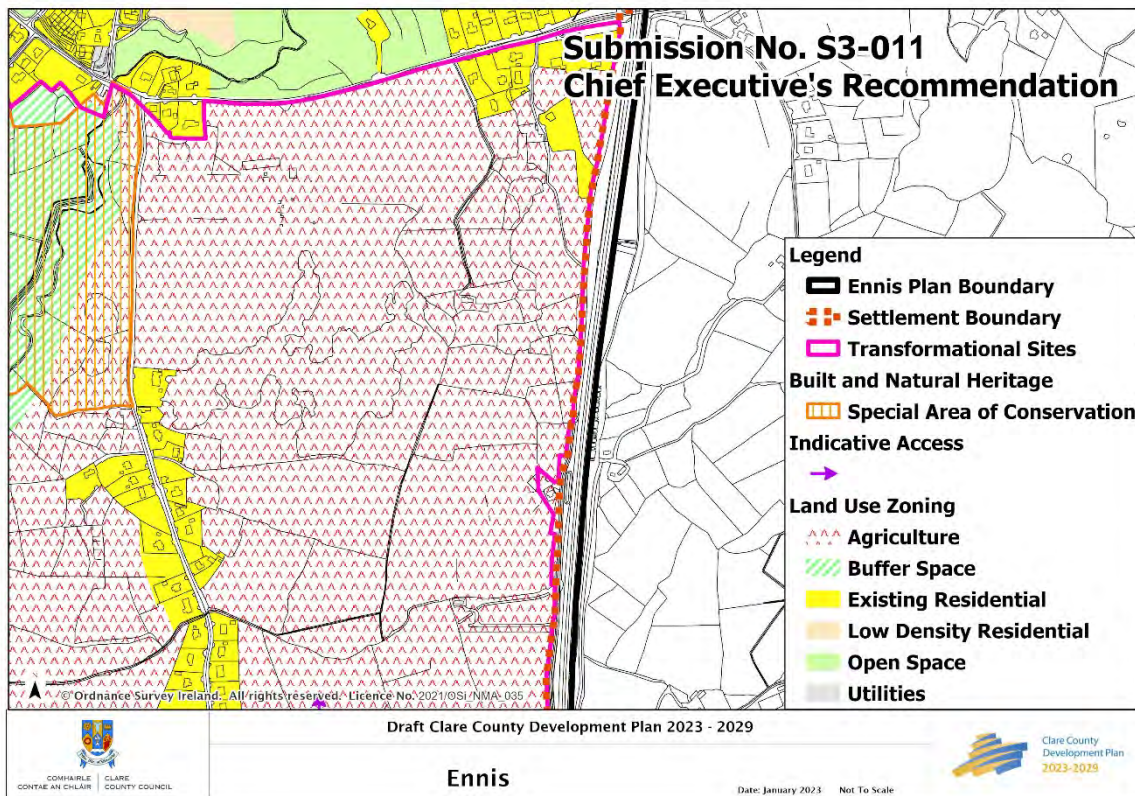
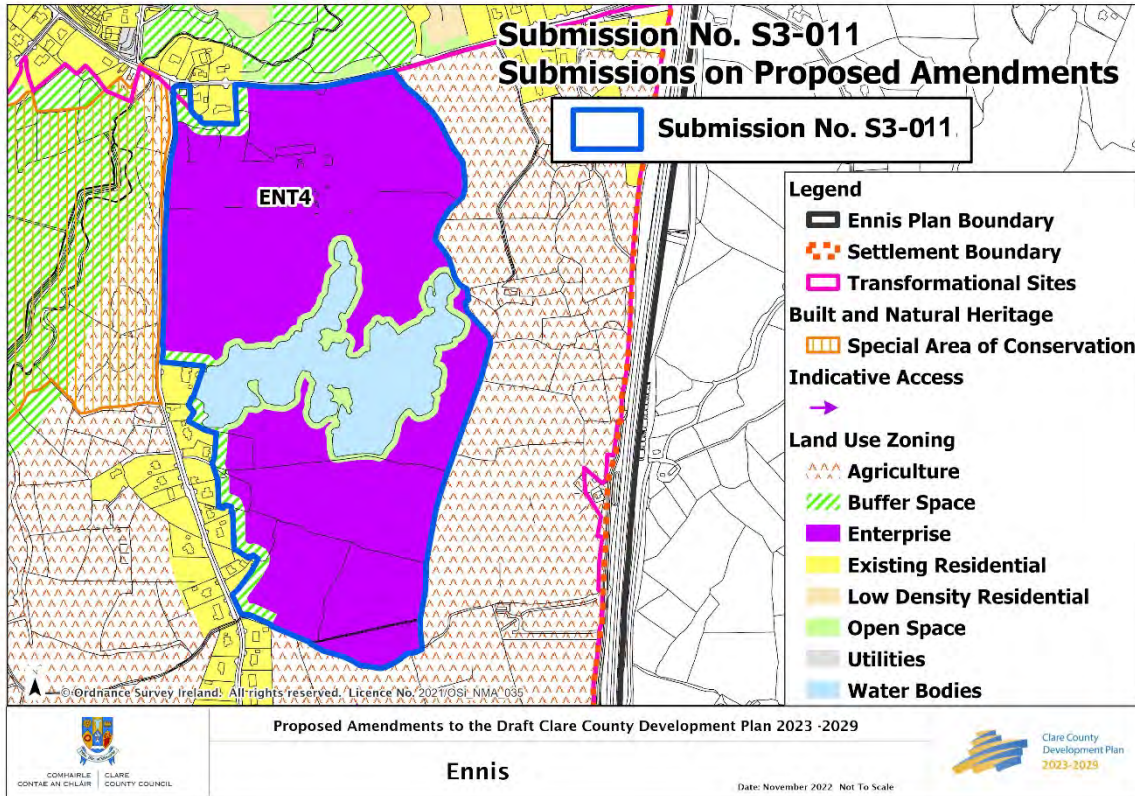


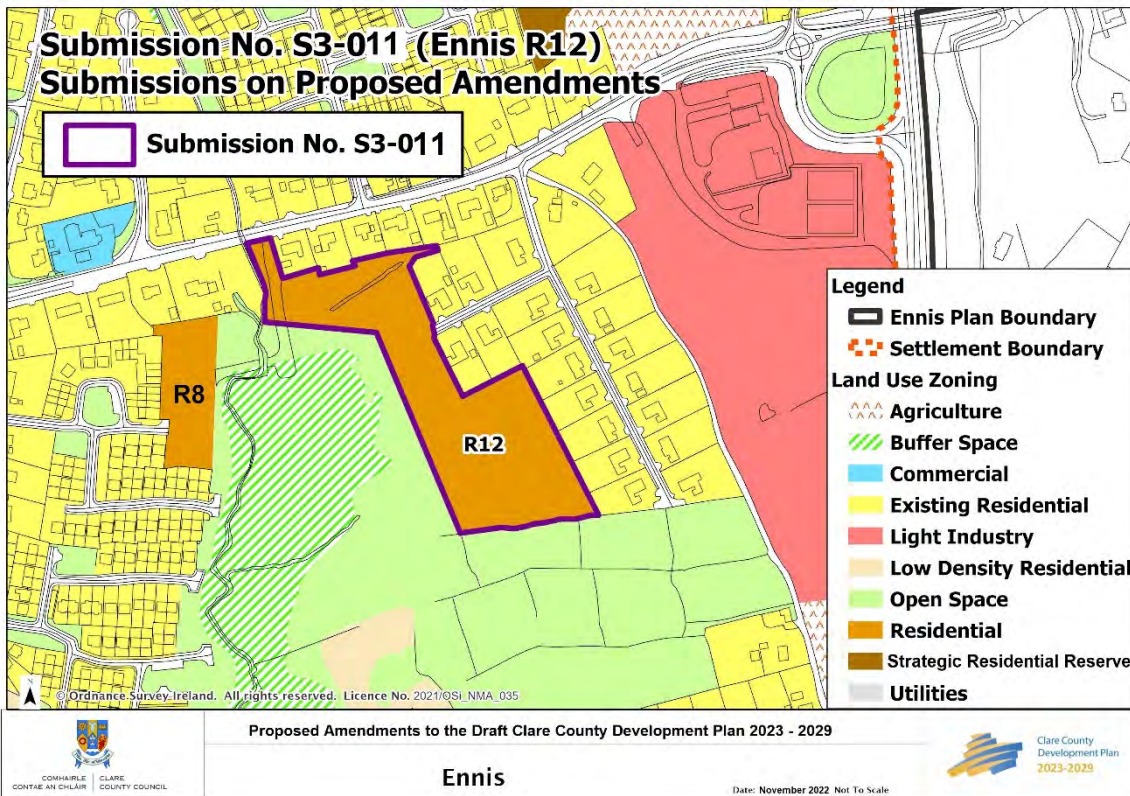
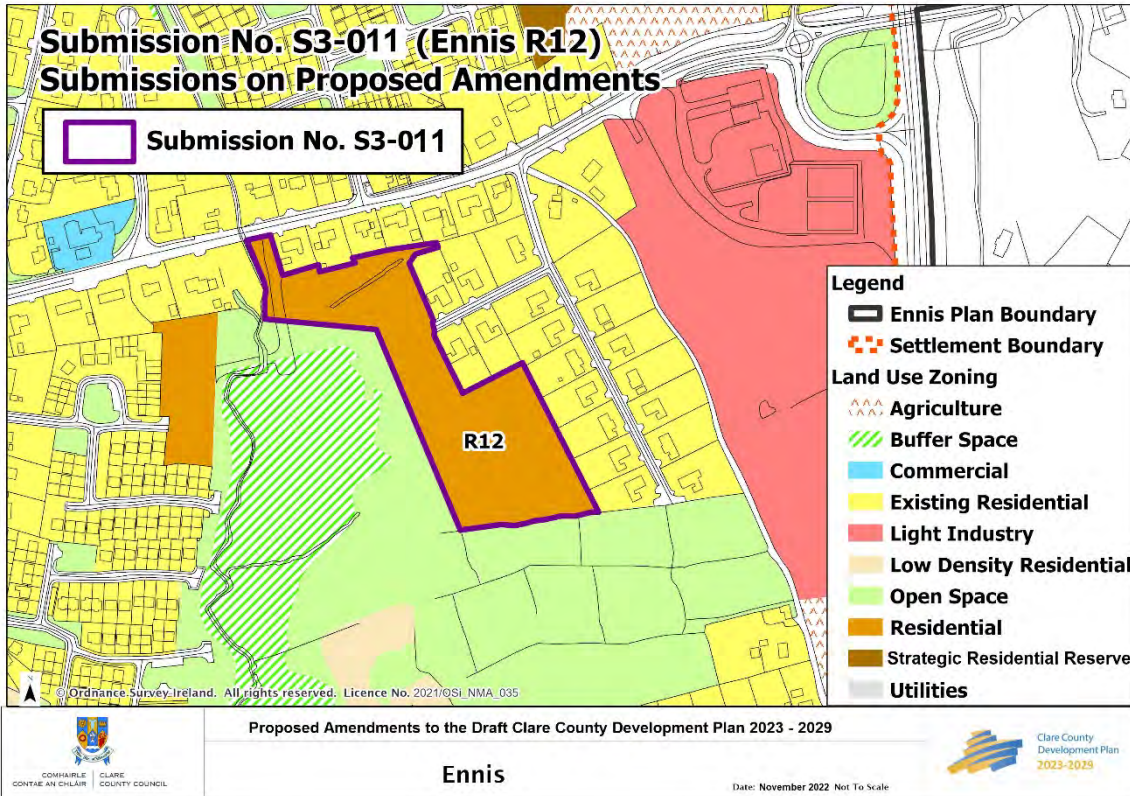


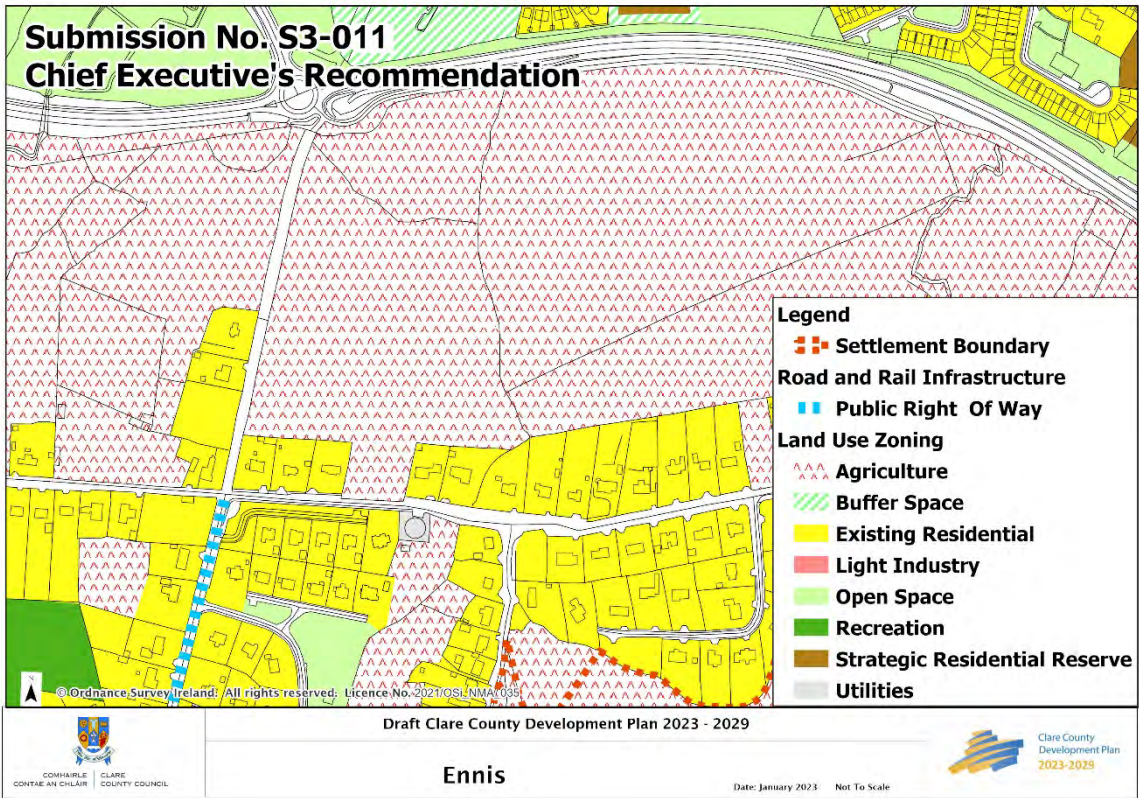
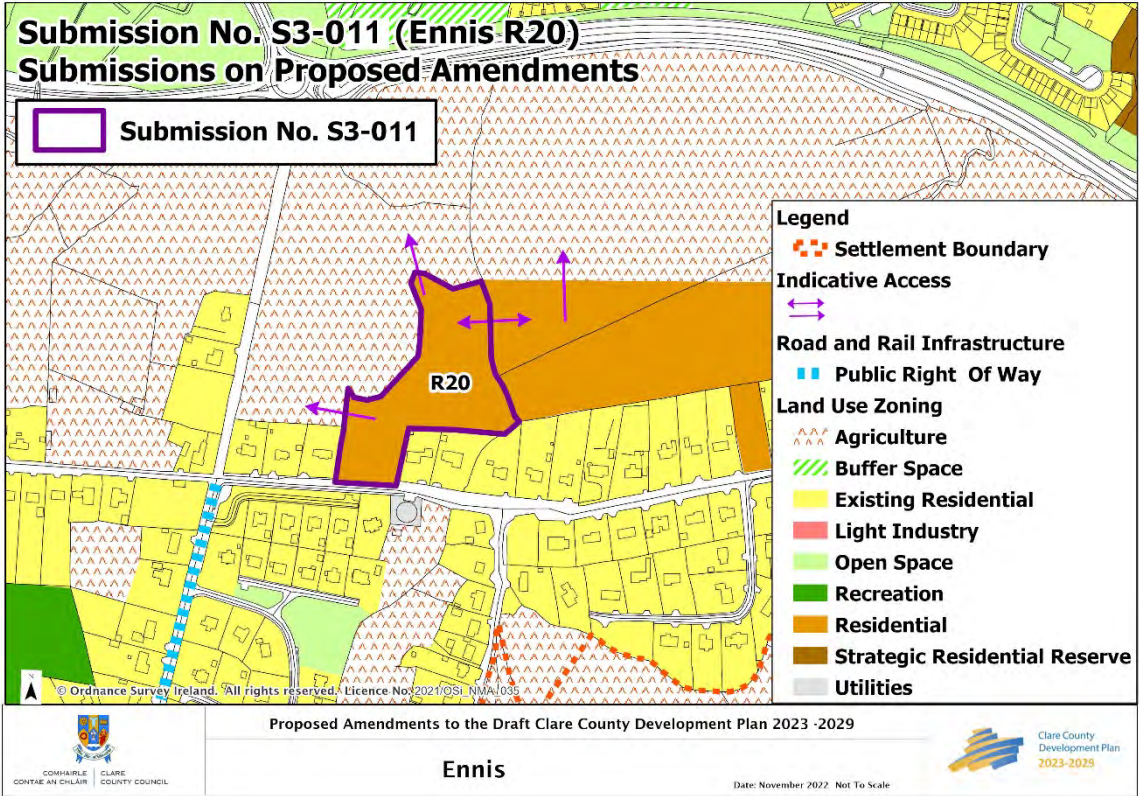


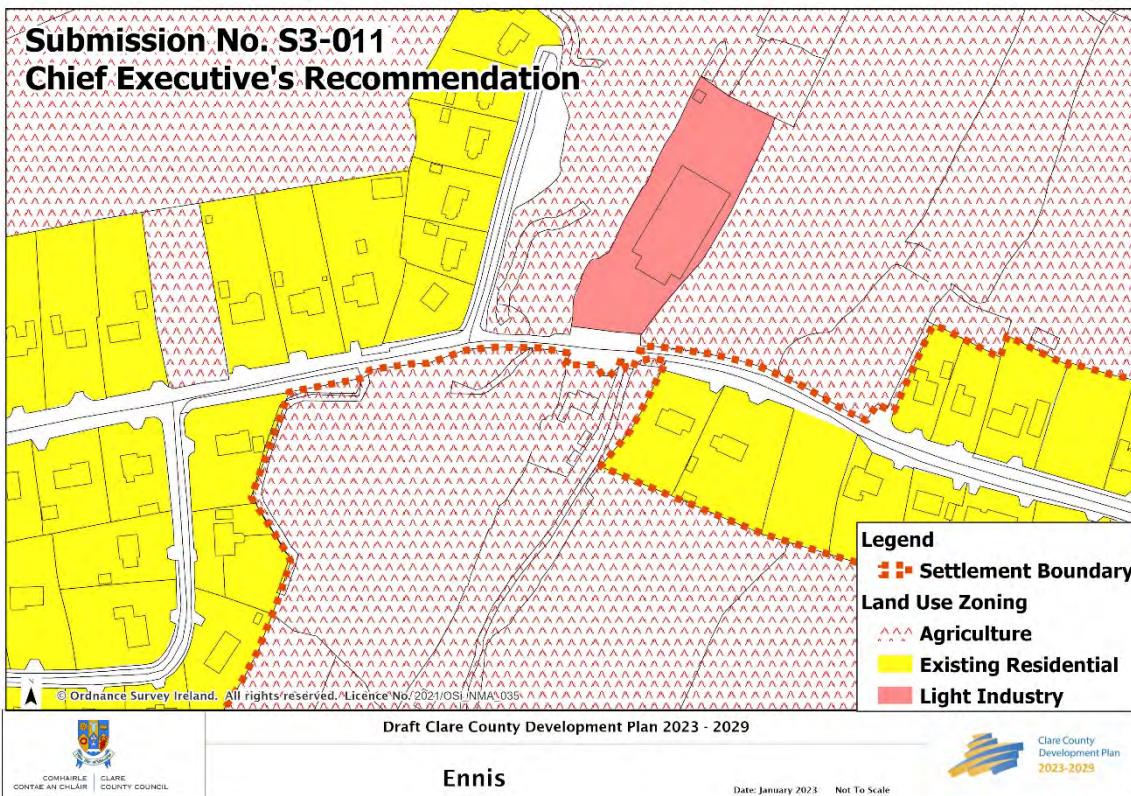
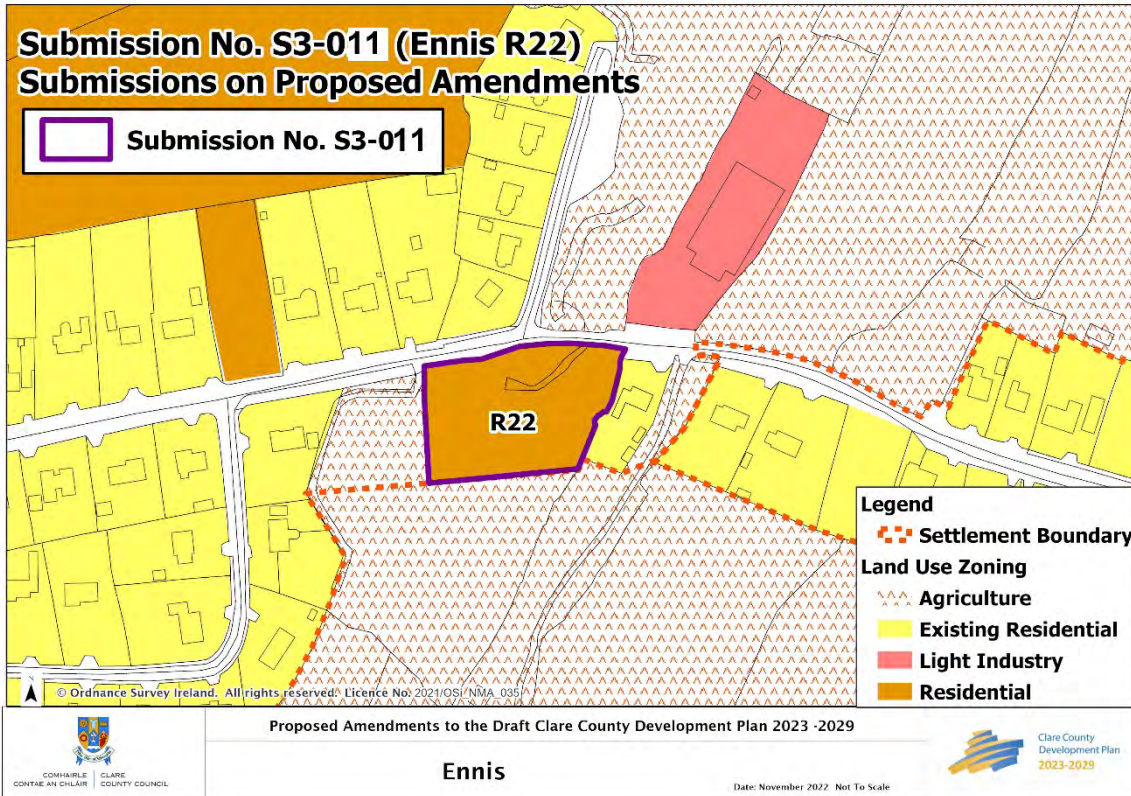


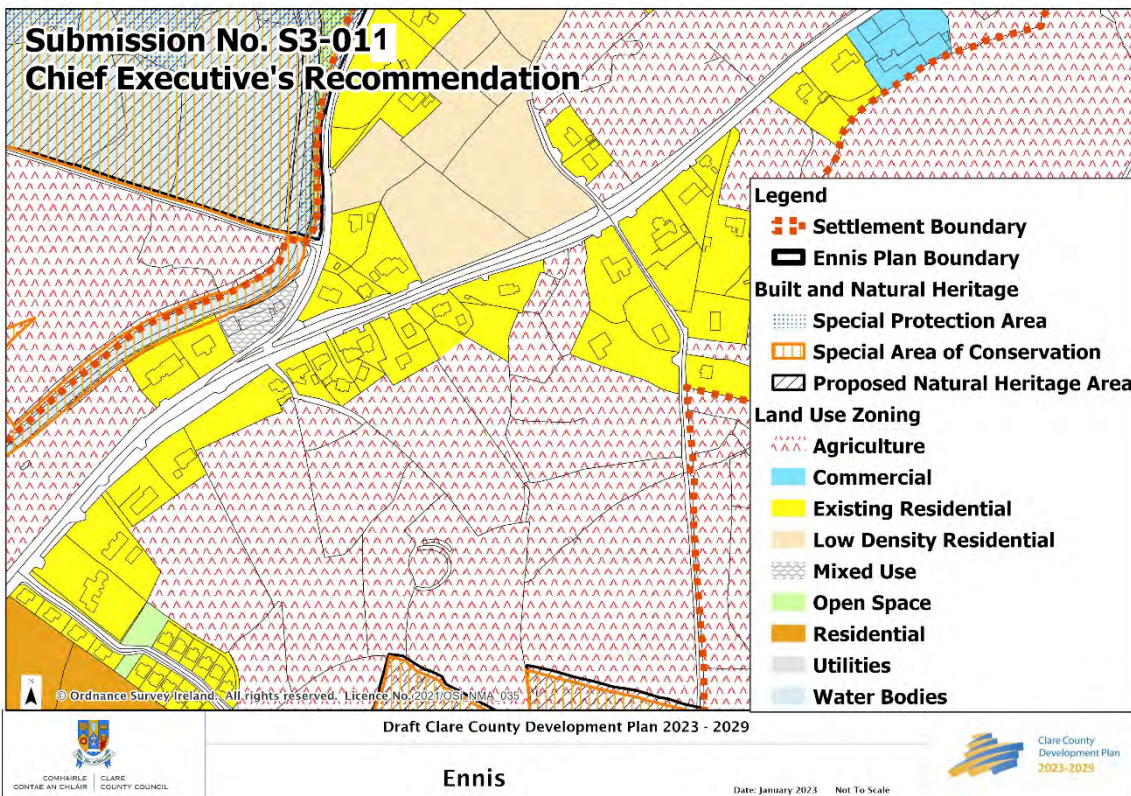
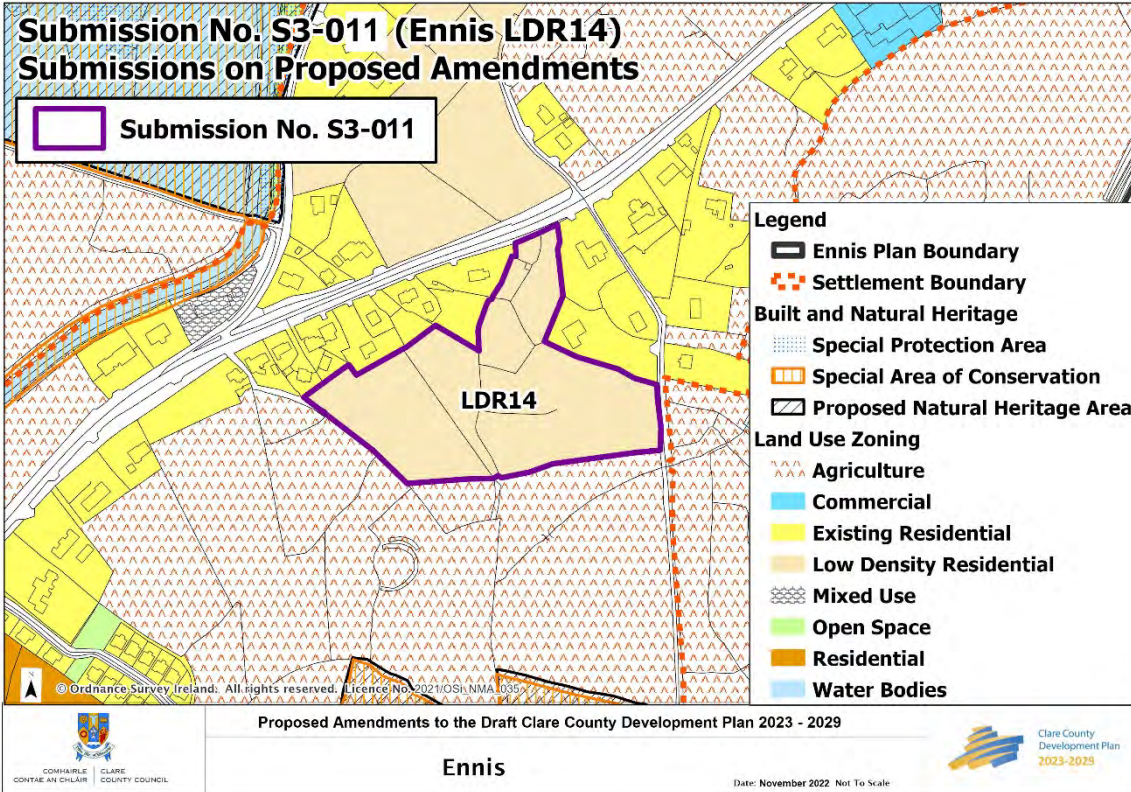


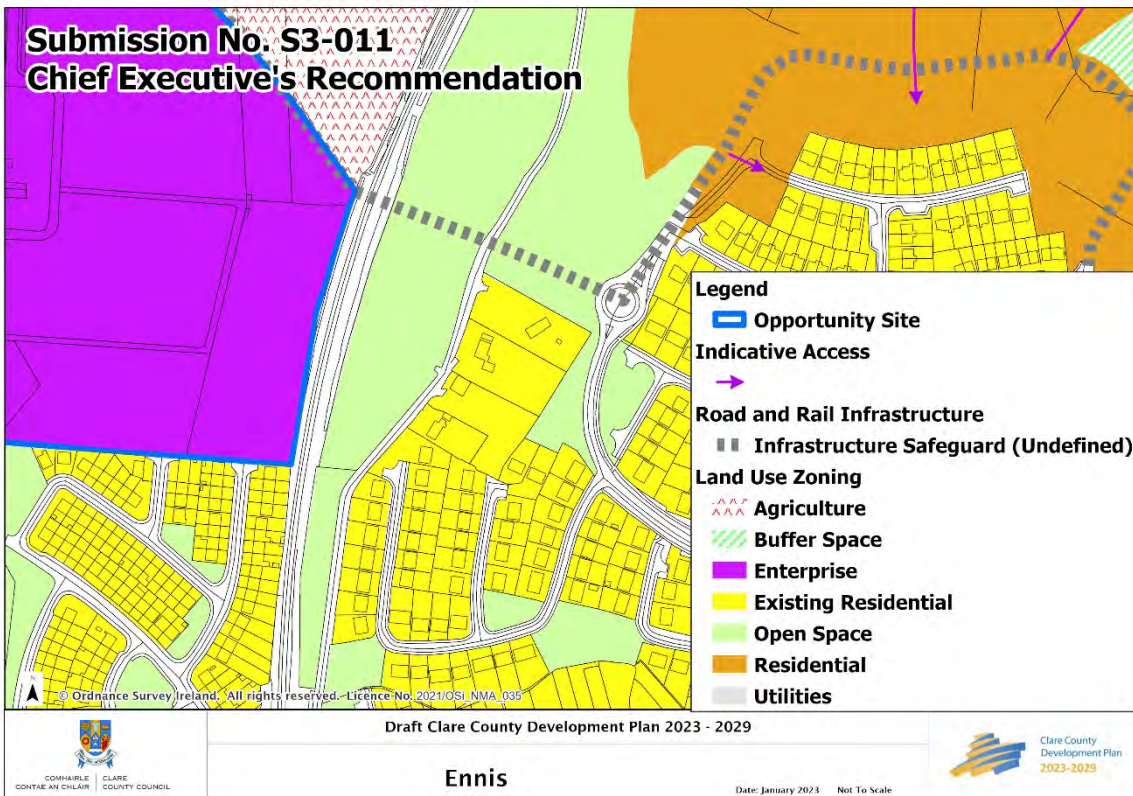
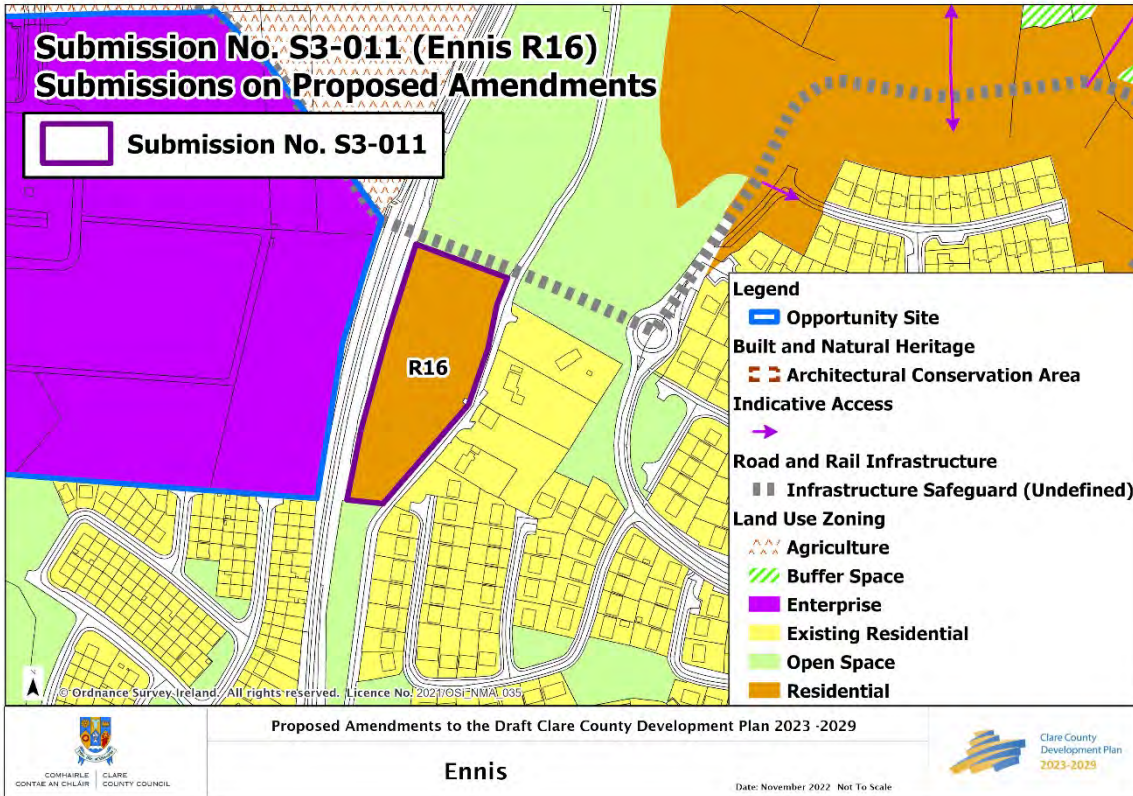


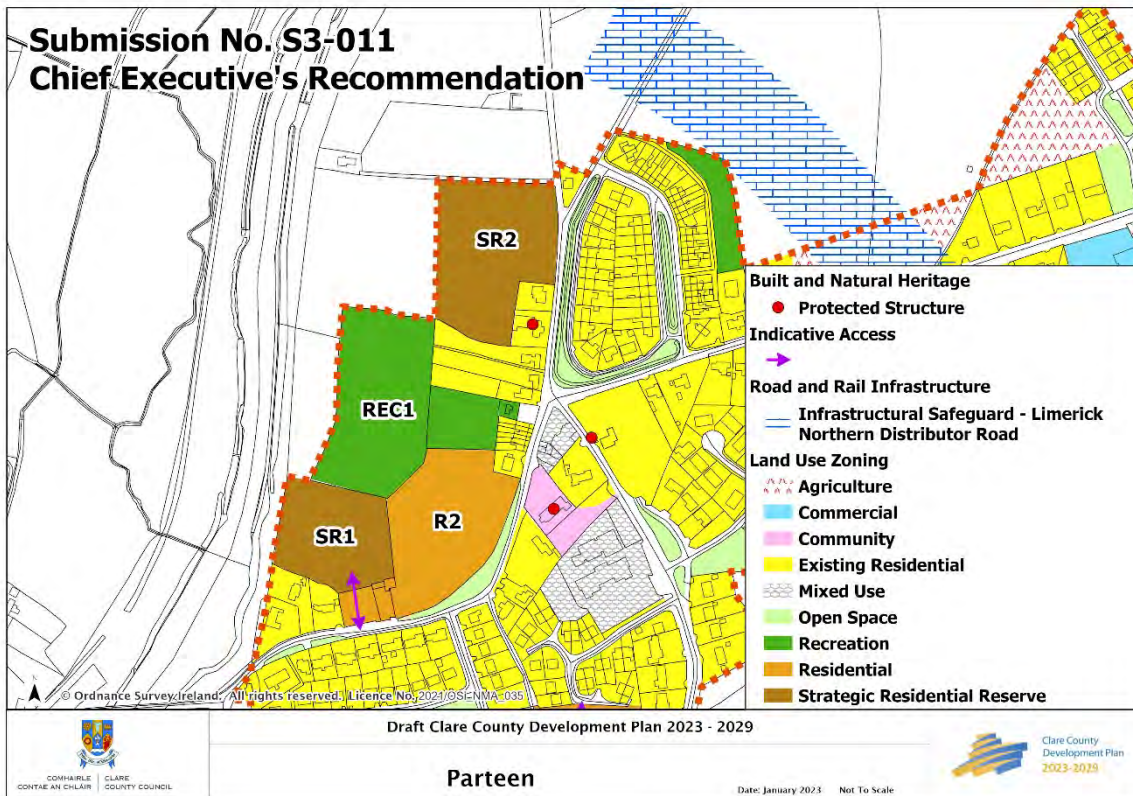
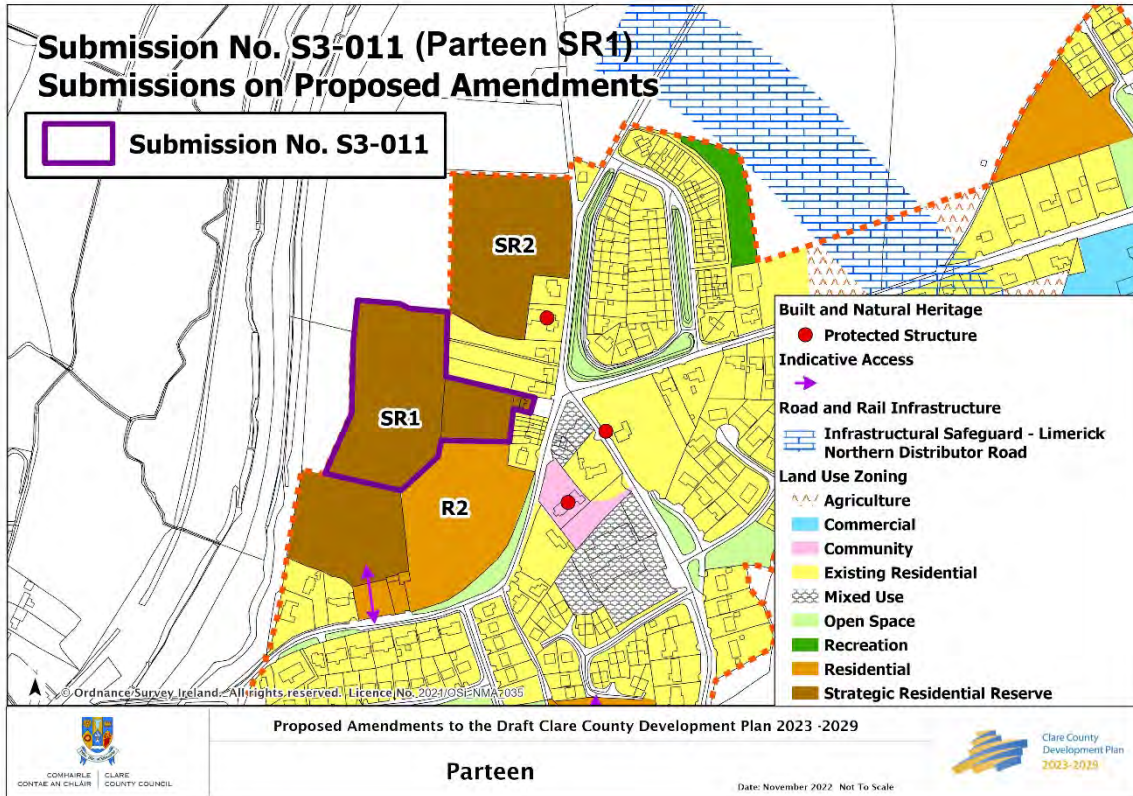


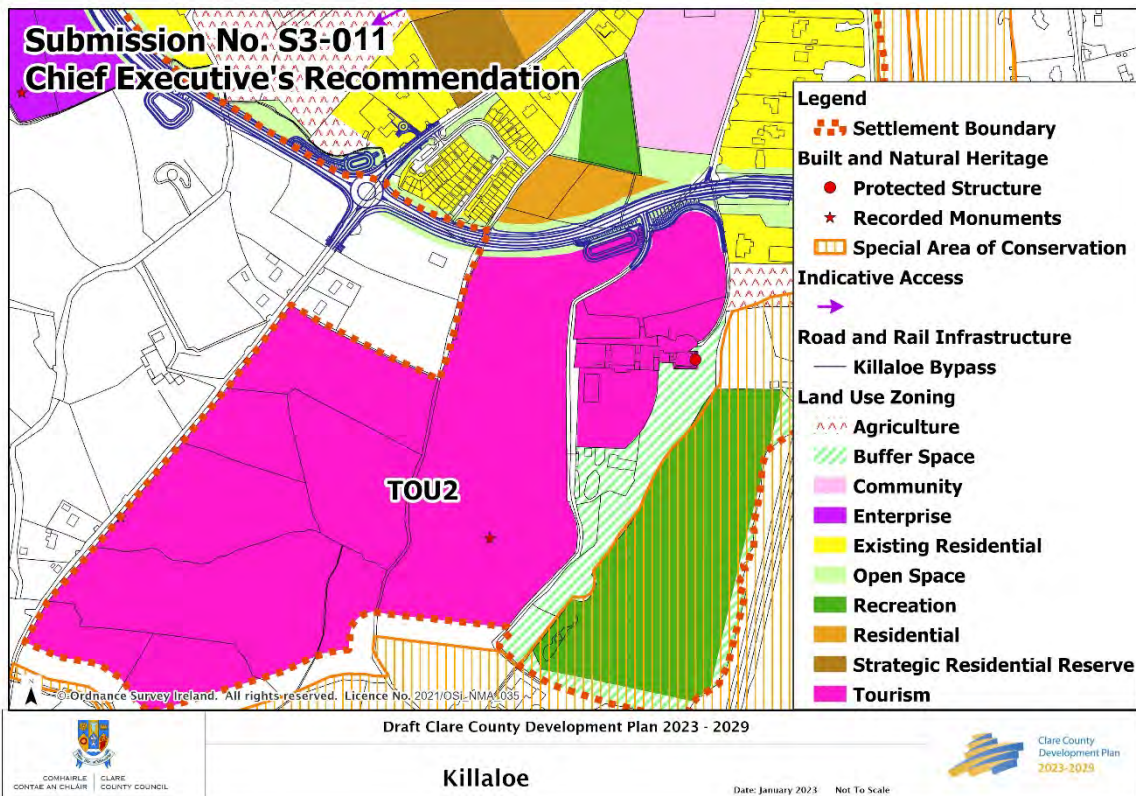
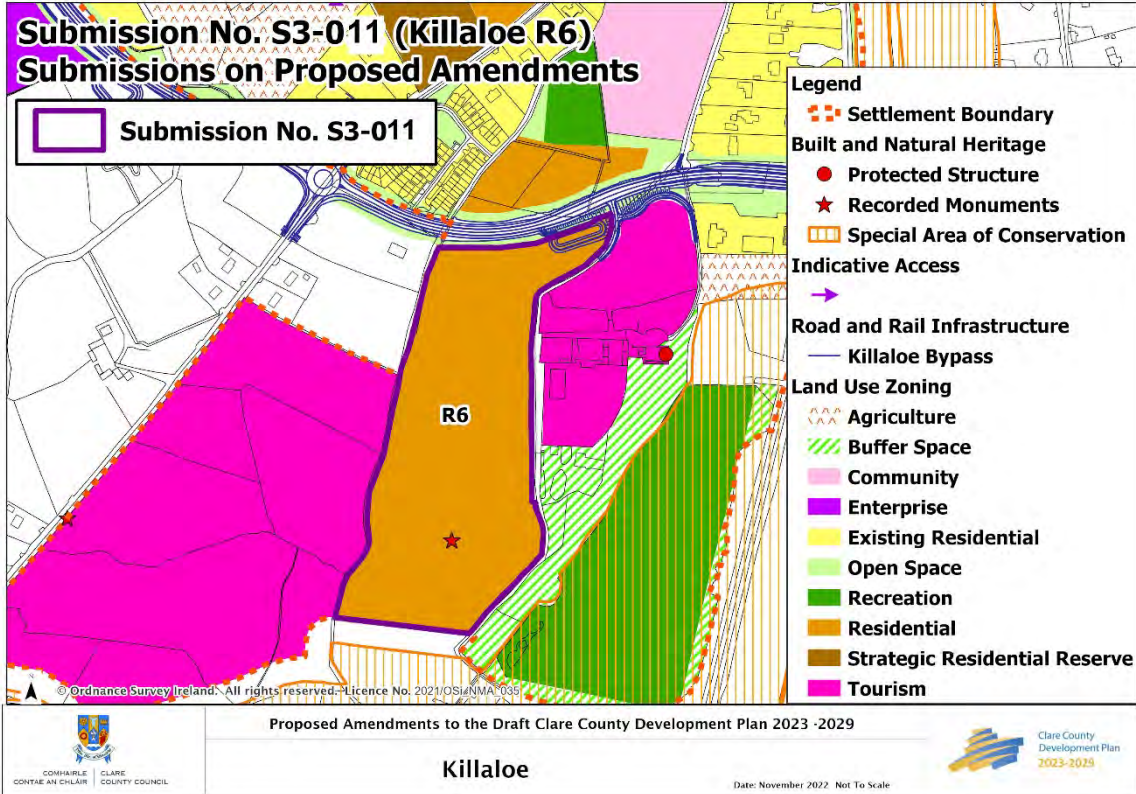




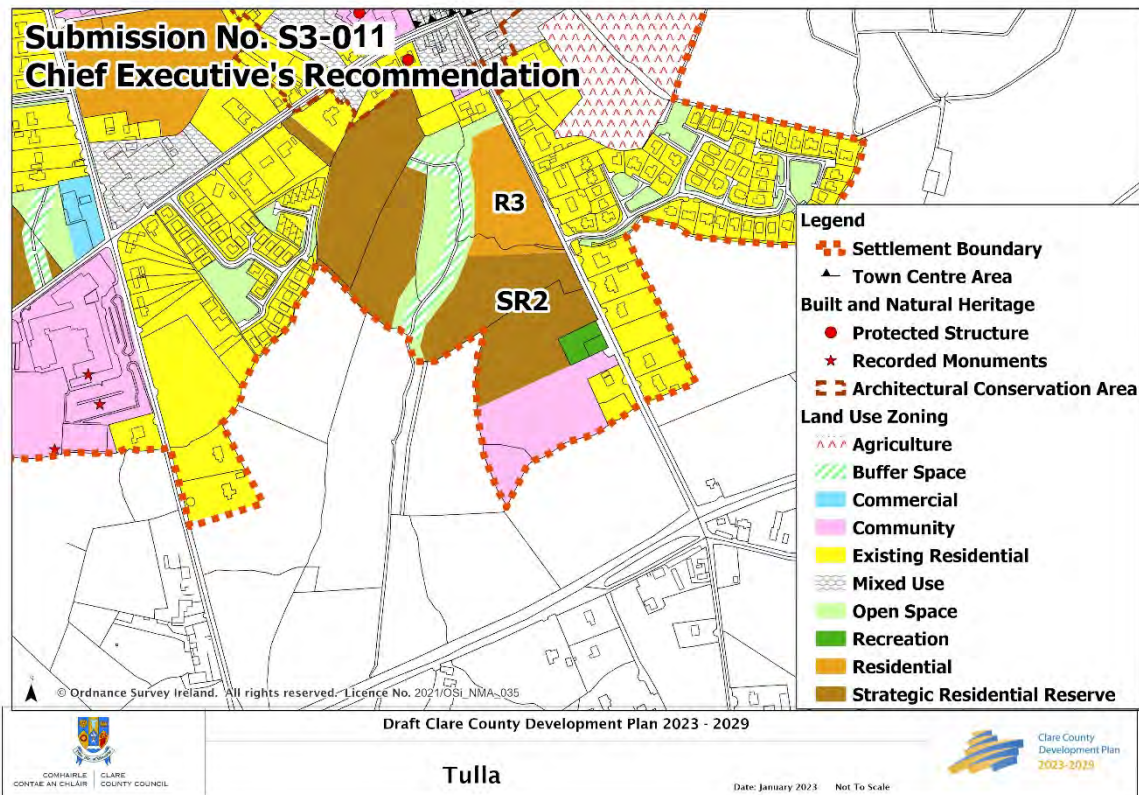
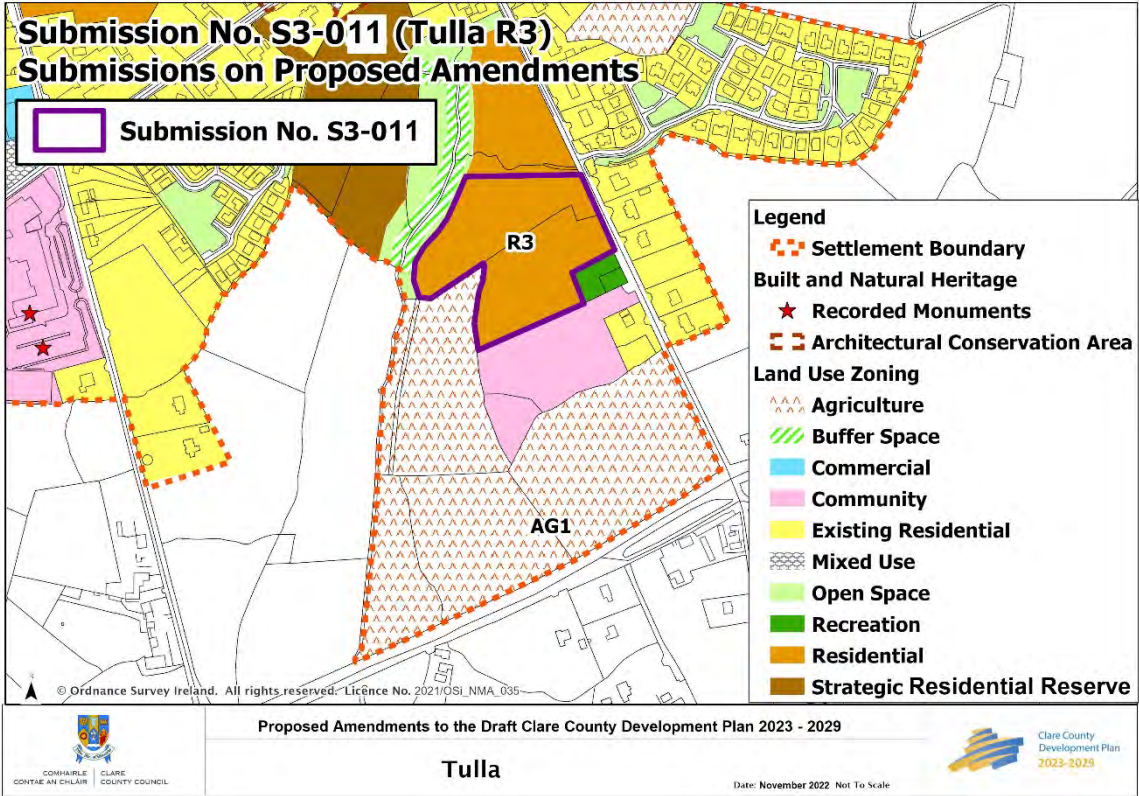


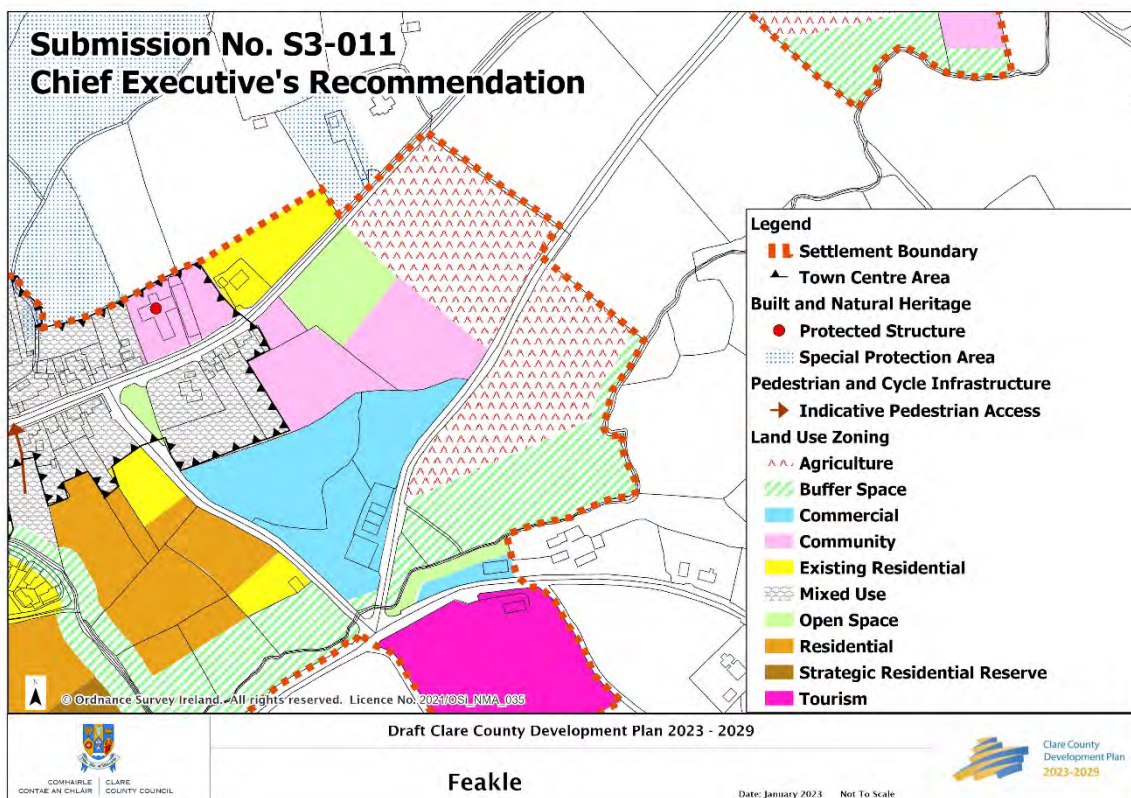
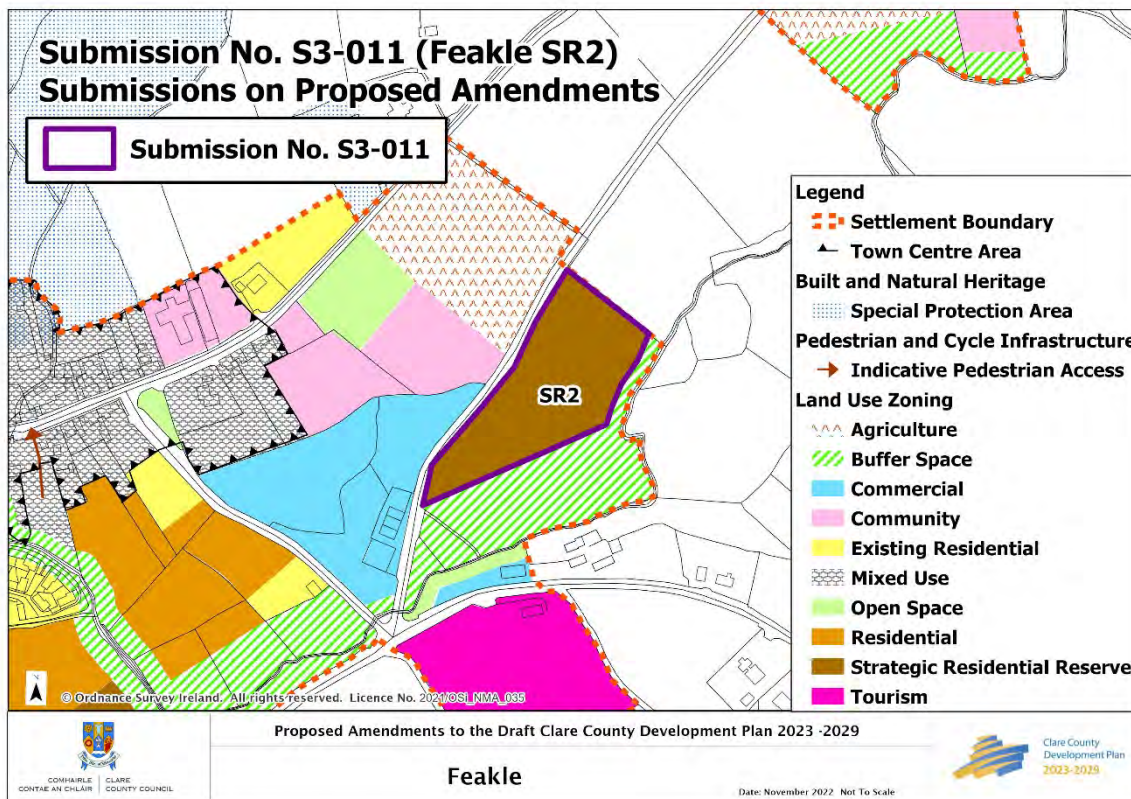


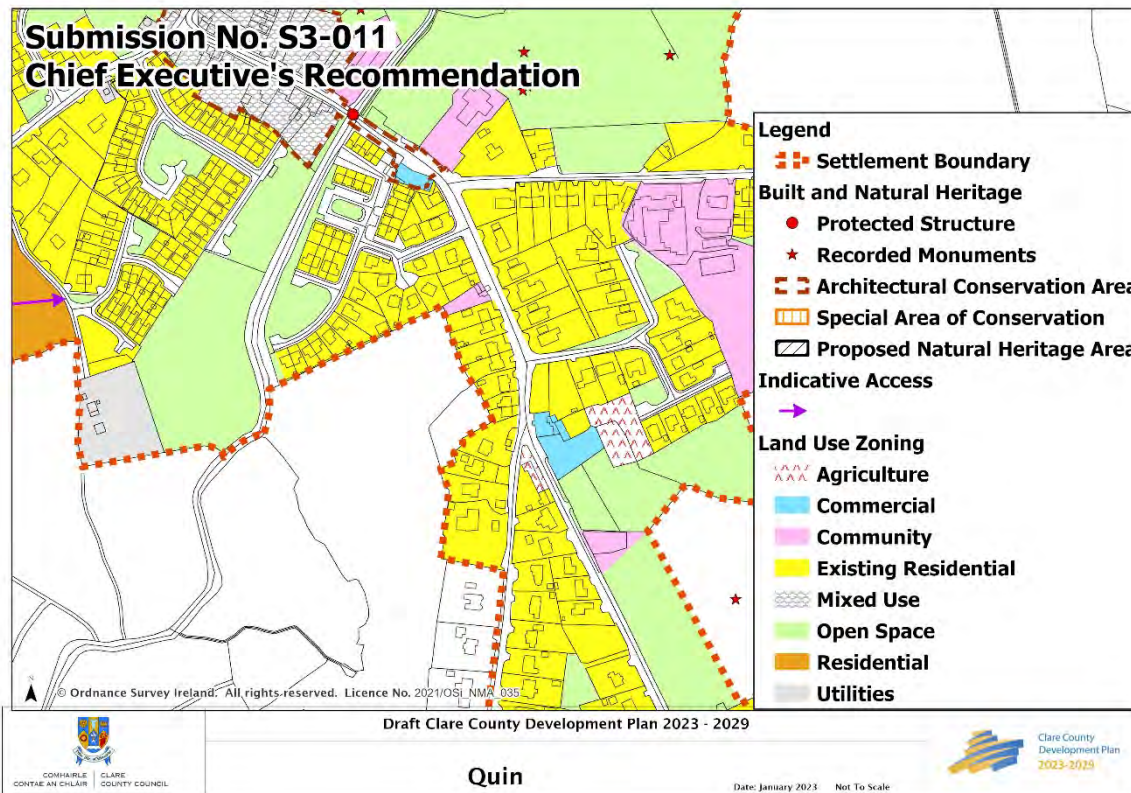
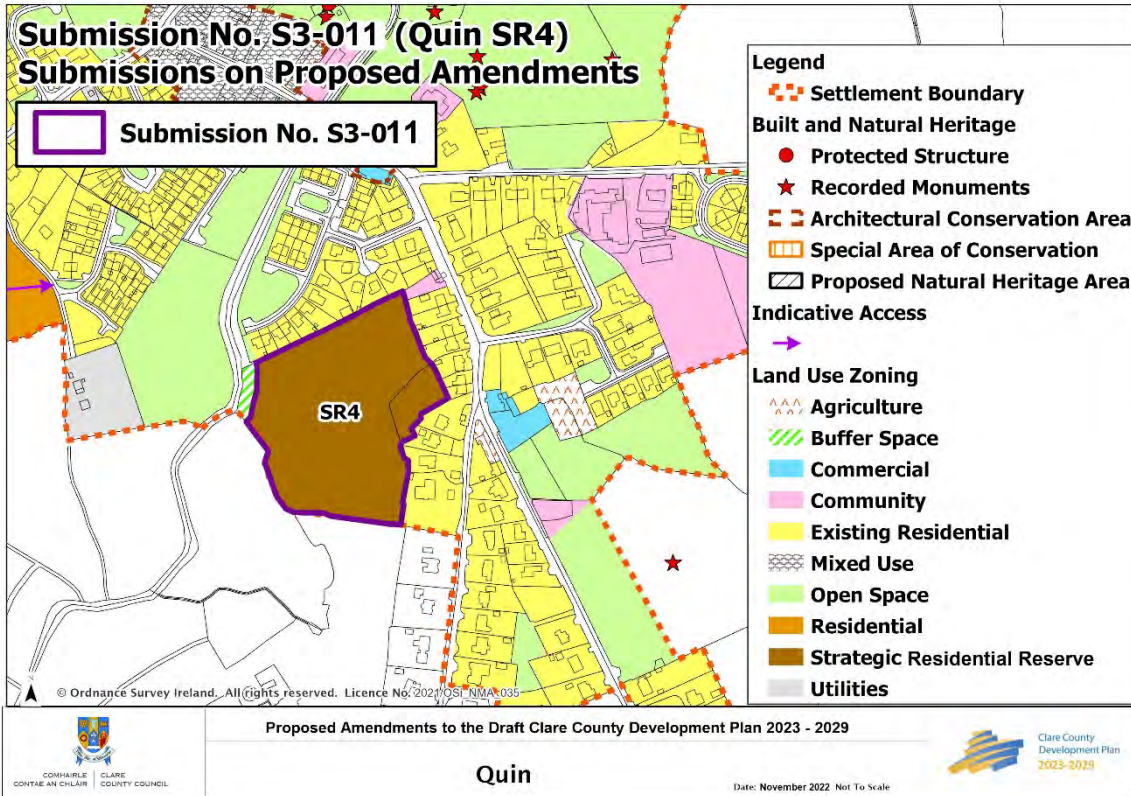






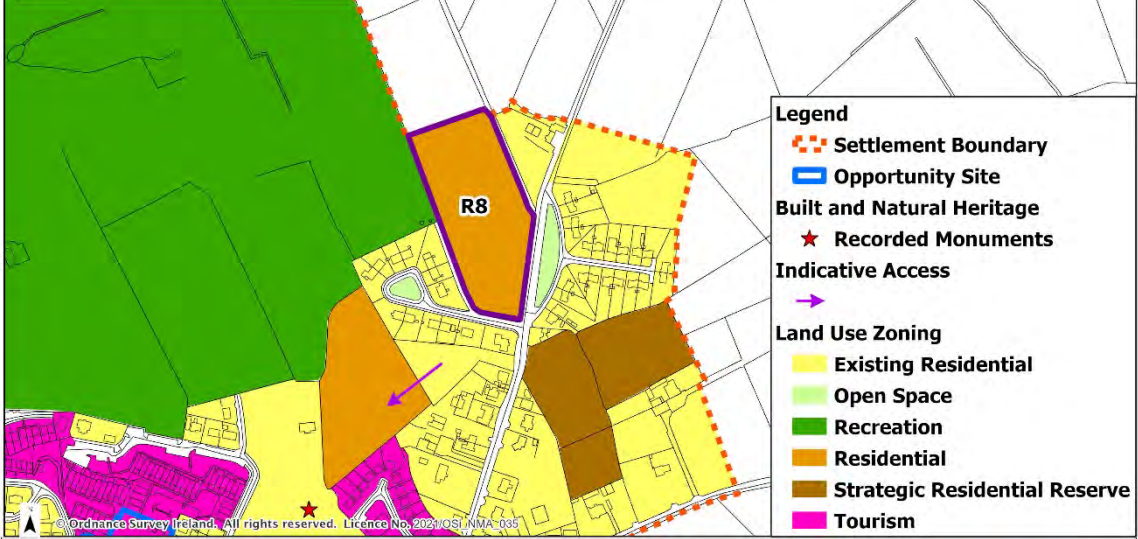






### Submission No. S3-011 (Kilkee R8) Submissions on Proposed Amendments

 Submission No. S3-011



**Legend**

-  Settlement Boundary
-  Opportunity Site

**Built and Natural Heritage**

-  Recorded Monuments

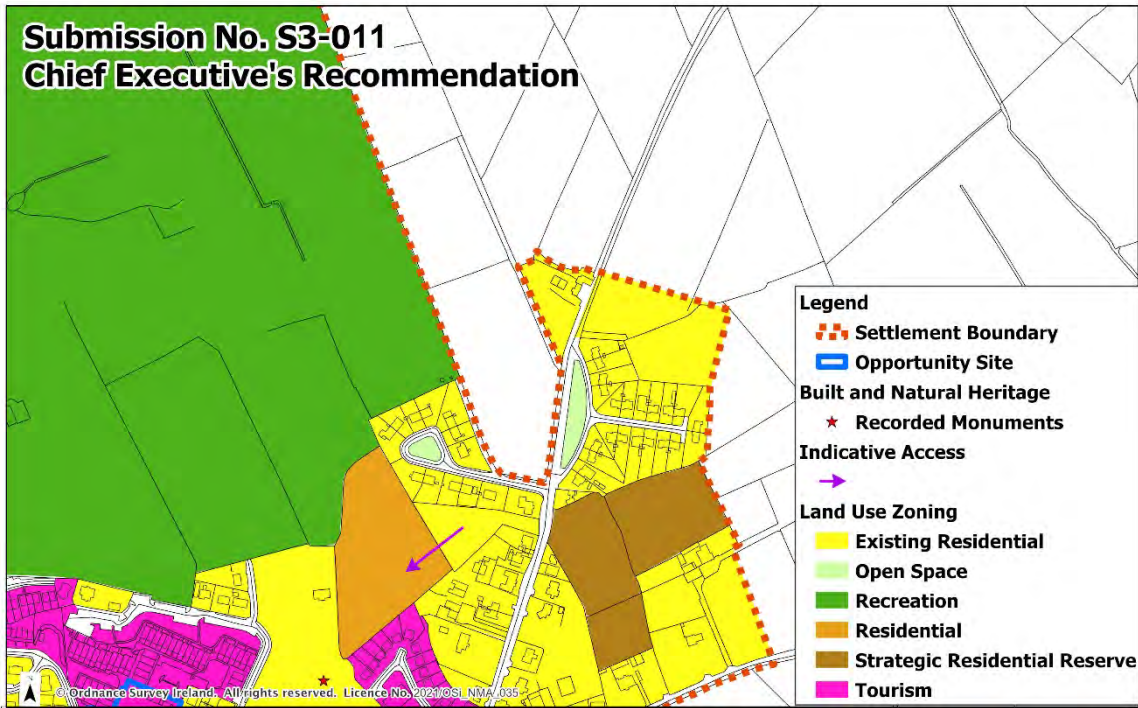
**Indicative Access**

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**Land Use Zoning**

-  Existing Residential
-  Open Space
-  Recreation
-  Residential
-  Strategic Residential Reserve
-  Tourism

### Submission No. S3-011 Chief Executive's Recommendation



**Legend**

-  Settlement Boundary
-  Opportunity Site

**Built and Natural Heritage**

-  Recorded Monuments

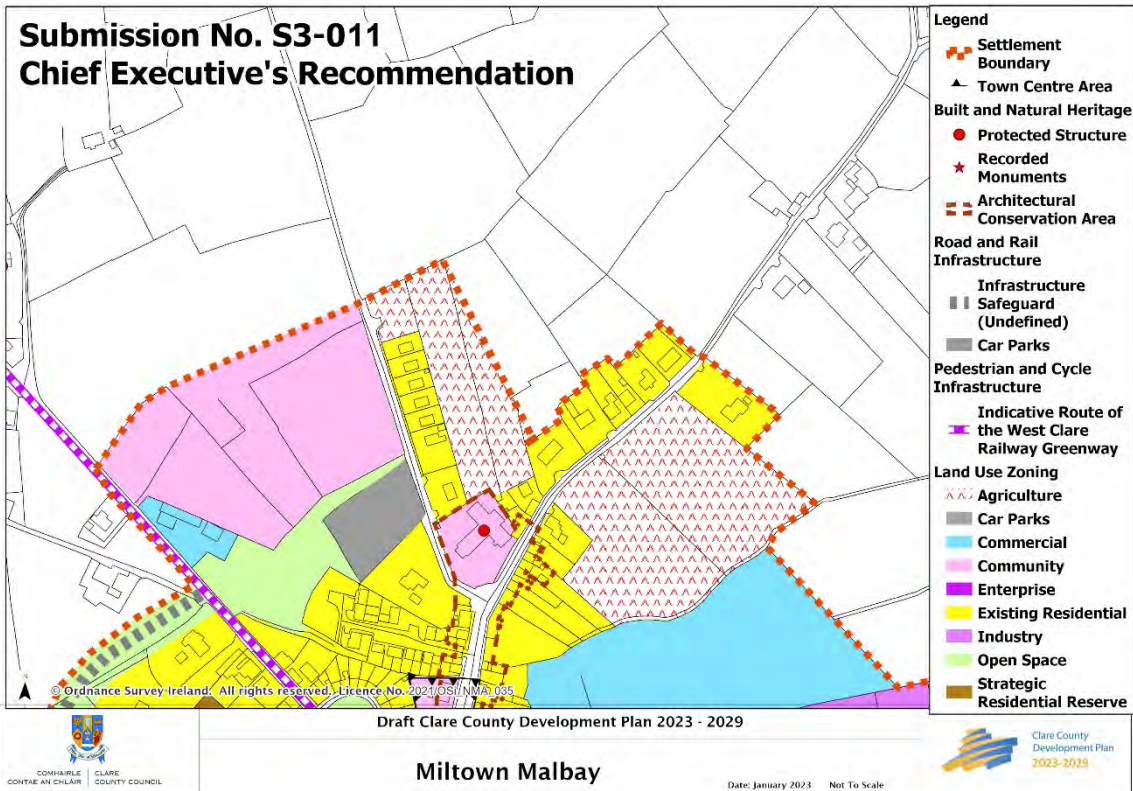
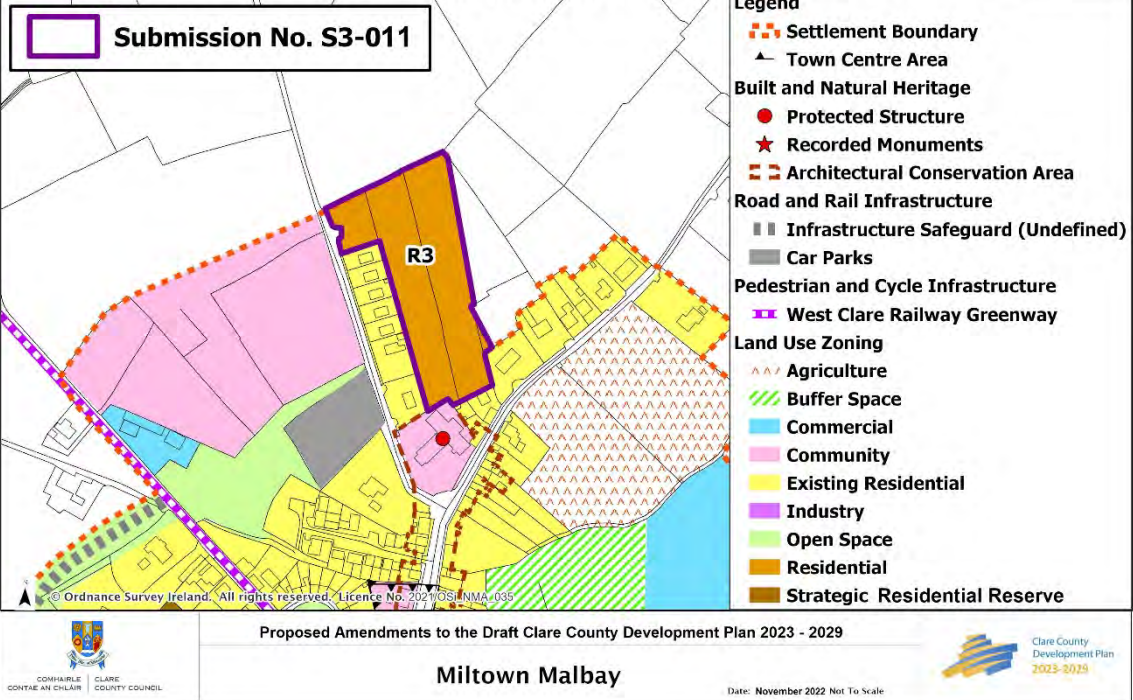
**Indicative Access**

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**Land Use Zoning**

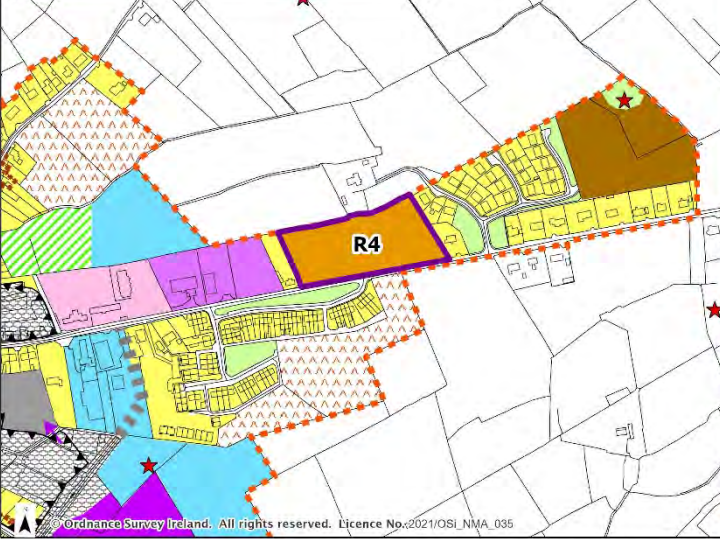
-  Existing Residential
-  Open Space
-  Recreation
-  Residential
-  Strategic Residential Reserve
-  Tourism

### Submission No. S3-011 (Miltown Malbay R3) Submissions on Proposed Amendments



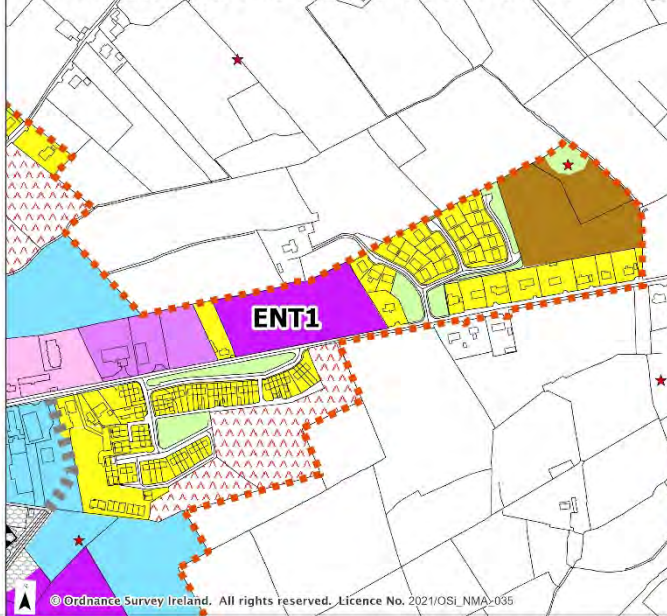
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**Submission No. S3-011**

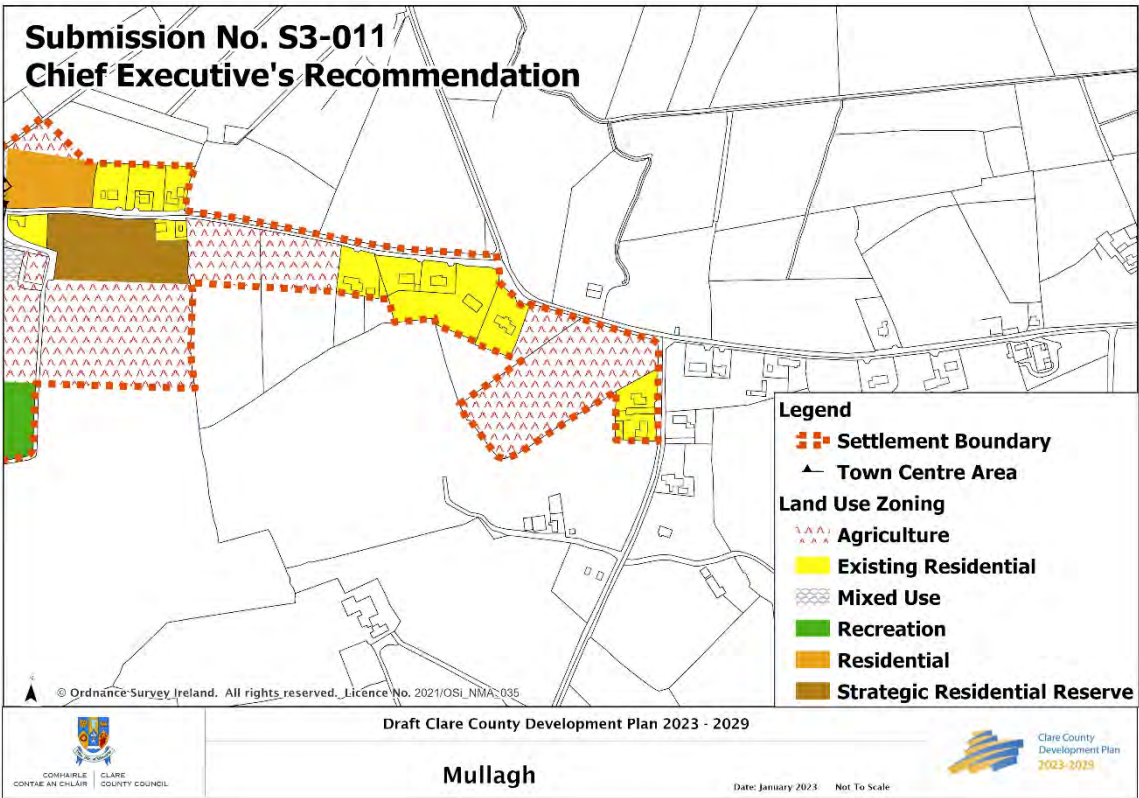
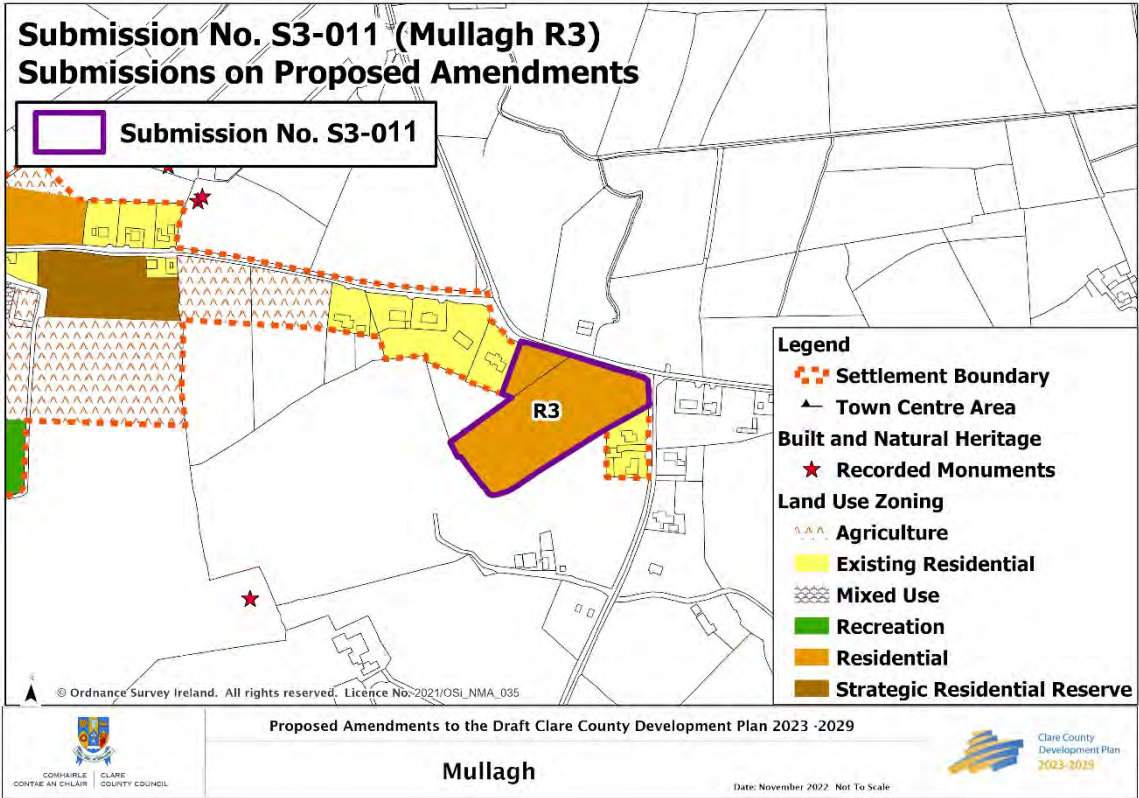


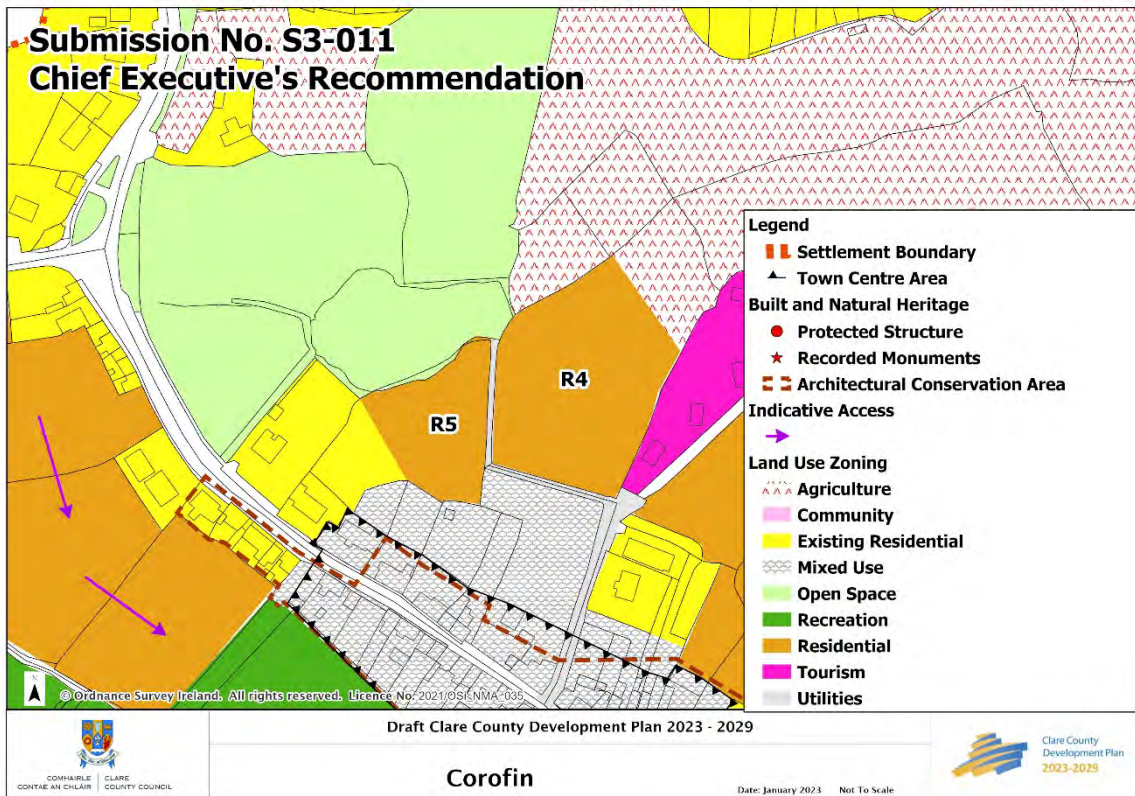
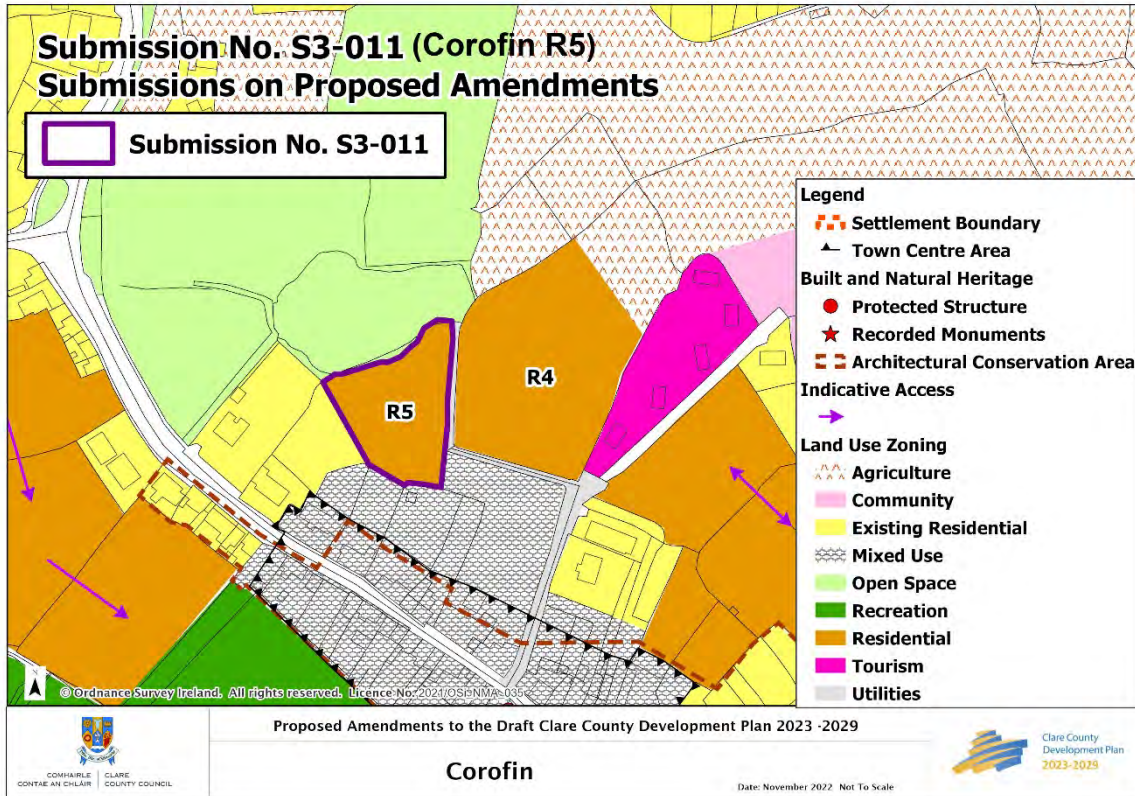
- Legend**
- Settlement Boundary
  - ▲ Town Centre Area
  - Built and Natural Heritage**
  - ★ Recorded Monuments
  - Architectural Conservation Area
  - Indicative Access**
  - 
  - Road and Rail Infrastructure**
  - Infrastructure Safeguard (Undefined)
  - Car Parks
  - Land Use Zoning**
  - Agriculture
  - Buffer Space
  - Commercial
  - Community
  - Enterprise
  - Existing Residential
  - Industry
  - Mixed Use
  - Open Space
  - Residential
  - Strategic Residential Reserve

### Submission No. S3-011 Chief Executive's Recommendation



- Legend**
- Settlement Boundary
  - ▲ Town Centre Area
  - Built and Natural Heritage**
  - ★ Recorded Monuments
  - Road and Rail Infrastructure**
  - Infrastructure Safeguard (Undefined)
  - Land Use Zoning**
  - Agriculture
  - Commercial
  - Community
  - Enterprise
  - Existing Residential
  - Industry
  - Mixed Use
  - Open Space
  - Strategic Residential Reserve







## Submission No: S3/015 Martin Knox

### Summary of Issues Raised in Submission

The submission relates to renewable energy and data centres and a number of points are made as follows:

- In relation to planned renewables, considers detailed plans of individual projects should be developed and costed. Notes no costings provided in the County Development Plan (CDP).
- Unclear how the CDP ties into national objectives for renewables and energy demands.
- Future employment should be focused on renewable infrastructure and products rather than data centres which are not low energy.
- Notes existing data centres supply other countries transferring the carbon burdens to Ireland with no benefits to the country.
- Considers no significant benefits to Ireland's economy and employment and renewable energy sources do not meet energy demands of data centres.

### Chief Executive's Response

I thank Martin Knox for the submission and note the concerns in relation to data centres.

As part of the Draft Clare County Development Plan 2023-2029, Clare County Council has prepared a Clare Renewable Energy Strategy, Volume 5 of the County Development Plan 2023-2029, which provides details on how Clare intends to contribute to Ireland meeting its renewable energy targets. It is not within the remit of the County Development Plan or the Renewable Energy Strategy to provide project-specific costs.

The energy generated in Co. Clare through renewables will be supplied to the national grid, in the same way that energy consumed in Clare is a mix of fuels.

Clare County Council acknowledge that manufacturing of renewable energy technology presents an employment opportunity for residents. Similarly, it is recognised that there are significant local direct and indirect employment opportunities presented by data centres in terms of their construction and operational phases.

The Government will review the policy context for Large Energy Users, including Data Centres to ensure that the sector will be in alignment with sectoral emissions ceilings and support renewable energy targets. Energy demand, including from data centres, will be expected to operate within sectoral emissions ceilings and further signals will be required to locate demand where existing or future electricity grid is available and close to renewable energy generation.

I do not recommend any change to the Draft Plan as a result of this submission.

### Chief Executive's Recommendation

There is no recommendation arising from this submission.

## Submission No: S3/016 – Shannon Airport

### Summary of Issues Raised in Submission

The submission seeks that the draft Plan mention the recently-published Planning and Development (Solar Safeguarding Zone) Regulations 2022 within the Solar Power section of Volume 5 ‘Clare Renewable Energy Strategy’, and in particular the mapped Solar Safeguarding Zones around Coonagh Airfield and Shannon Airport. It is also requested that the mapped zones should be included in Volume 2 ‘Maps’ of the draft Plan.

### Chief Executive’s Response

I thank Shannon International Airport for the submission. While I note that it does not relate to any proposed amendment to the Draft Clare County Development Plan 2023-2029, in the interest of consistency and by way of update I propose a non-material update to include additional text in Chapter 17 ‘Environmental Considerations & Development Management Advice’ of the Clare Renewable Energy Strategy (RES) at Section 17.3 ‘Development Management for Renewable Energy Developments’. I consider that this is the most appropriate location for text concerning the Planning and Development (Solar Safeguarding Zone) Regulations 2022.

The Planning and Development Regulations 2001-2022 contain newly introduced Exempted Development provisions for solar panel installations at existing properties. Within Solar Safeguarding Zones (established in the Planning and Development (Solar Safeguarding Zone) Regulations 2022), the quantum of rooftop-mounted solar panels on non-residential buildings that can be installed as Exempted Development is limited, due to proximity to airports, aerodromes and helipads. The Coonagh safeguarding zone extends into Clare, and the Shannon Airport solar safeguarding zone covers the county’s international airport and hinterland. There is potential for glint and glare from solar panels to impact aviation safety.

I consider that since the mapped extent of Solar Safeguarding Zones are set out in Statutory Regulations, it is not appropriate or required to replicate these Zones in the County Development Plan maps.

### Chief Executive’s Recommendation

I recommend a **non-material update** to include the following text (in blue) in Chapter 17 ‘Environmental Considerations & Development Management Advice’ of the Clare Renewable Energy Strategy (RES) (Volume 5), at Section 17.3 ‘Development Management for Renewable Energy Developments’:

**Table 17.1 Overview of Development Management Aspects**

Aspect	Advice (refer to CDP Appendix 1 for more detail)
Pre-Planning Consultation with Clare County Council	A landowner or developer can seek consultation with the planning authority in advance of making a planning application (Section 247 of the Planning and Development Act 2000, as amended). This is advisable, since it gives an opportunity to discuss procedural



	aspects, and for the council to advise on what concerns it might have.
Exempt Development	<p>Certain small scale renewable energy installations are exempt from the requirement for planning permission. The exemptions are defined in the Planning and Development Regulations, which are periodically updated to take account of new government priorities and changes in technology.</p> <p>The Planning and Development Regulations 2001-2022 contain newly introduced Exempted Development provisions for solar panel installations at existing properties. Within Solar Safeguarding Zones (established in the Planning and Development (Solar Safeguarding Zone) Regulations 2022), the quantum of rooftop-mounted solar panels on non-residential buildings that can be installed as Exempted Development is limited, due to proximity to airports, aerodromes and helipads. The Coonagh safeguarding zone extends into Clare, and the Shannon Airport solar safeguarding zone covers the county's international airport and hinterland. There is potential for glint and glare from solar panels to impact aviation safety.</p>



## Submission No: S3/017 – Dr. Colin Doyle

### Summary of Issues Raised in Submission

The submission notes that the points raised in Dr. Colin Doyle's submission (S2/112) on the Draft Clare County Development Plan 2023-2029 have been largely resolved through the Proposed Amendments.

Dr. Doyle states that a concern remains regarding the apparent absence of a Strategic Environmental Assessment (SEA) with respect to climate impact for the lands identified in CDP 6.27 (Data Centre) and at ENT 3 at Toureen in Ennis. Dr. Doyle recommends that consideration of the environmental effect of CDP 6.27 in terms of the operational phase GHG emissions and consequent impact on the environment be assessed as part of the County Development Plan. He seeks that the draft CDP is revised in order to address this concern.

### Chief Executive's Response

I thank Dr. Colin Doyle for the submission and the confirmation that issues raised in his initial submission on the Draft Clare County Development Plan 2023-2029 have been largely resolved through the Proposed Amendments. Regarding the issue raised in the current submission relating to the Strategic Environmental Assessment as it concerns Data Centres I would like to respond as follows:

The site (ENT 3 Toureen) is being assessed within the County Development Plan at a Strategic Level for the zoning of lands for Enterprise, for the purpose of potentially accommodating a Data Centre.

Clare County Council, in preparing the Clare County Development Plan 2023-2029, do not have project-specific details for this site in terms of the nature and type of Data Centre which may be accommodated. I appreciate that the National Climate Action Plan 2023 has greatly increased the emissions reduction targets for 2030, with a 75% reduction in emissions sought of the electricity sector through the accelerated delivery of onshore wind, offshore wind, and solar. In addition, through the greening of business and enterprise a 35% reduction in emissions by 2030 will be sought.

In the absence of details pertaining to a specific type and scale of data centre to be accommodated on this site it is not possible to undertake an operational phase GHG emissions assessment against the requirements of the Climate Action Plan 2023.

As per the Chief Executive's report of July 10<sup>th</sup>, 2022, and the Proposed Amendment to Objective CDP6.27 to require such an assessment at project level, this is the most appropriate means of considering the environmental effect of CDP6.27 in terms of the operational phase GHG emissions and is in compliance with the requirements of the SEA Regulations in terms of mitigation.

### Chief Executive's Recommendation

I recommend the Clare County Development Plan 2023-2029 is made **with** the Material Alteration to Objective CDP6.27 Data Centres, as displayed.



**Submission No: S3/018 – Coakley O'Neill Town Planning Ltd on behalf of Circle K Ireland Energy Ltd**

**Summary of Issues Raised in Submission**

This submission relates to general policies regarding service station development. The submission supports the proposed Material Alteration to Objective CDP 7.21 'Petrol Filling Stations'.

**Chief Executive's Response**

I wish to thank Coakley O'Neill Town Planning for the submission, made on behalf of Circle K Ireland Energy Group Limited. I acknowledge their support for the proposed Material Alteration to Objective CDP 7.21, which was recommended in the Chief Executive's Report of July 10<sup>th</sup> 2022, in response to the submission by Circle K Ireland Energy Group Limited (S2/897) at Draft Plan stage.

**Chief Executive's Recommendation**

I recommend the Clare County Development Plan 2023-2029 is made **with** the Material Alteration to objective CDP 7.21 Petrol Filling Station, as displayed.

## Submission No: S3/024 - Office of Public Works

### Summary of Issues Raised in Submission

A summary of the points raised in the submission are as follows:

Flood Zone Mapping and the Sequential Approach - The overlaying and scale of settlement maps with flood zone maps was raised as stated not to include material alterations which has proven impossible to determine flood risk areas.

Preliminary Flood Risk Assessment (PRFA) – new guidance on the usage of PRFA by the OPW. PRFA indicative flood maps are now superseded by recently published national indicative fluvial, coastal and groundwater flood mapping. Mapping provided in 2012 should no longer be used. Planning Authorities may need to carry out their own Flood Risk Assessments to inform the definition of Flood Zones for areas less than 5km<sup>2</sup> that are not included in the National CFRAM Programme and NIFM Project.

Justification Tests – Some of the proposed land use zonings are classified as highly vulnerable development in the Guidelines which are described as being in Flood Zone A and B with no commentary to indicate the Justification Test (JT) has been applied and passed.

Where the intention is to zone sites following the application of the JT where only a small portion of the sites is at risk of flooding, a policy objective might be attached to the zoning, which may state the need for the sequential approach to be applied, to ensure no encroachment into, or loss of the flood plain, or only water compatible uses would be permitted. Planning permission might then be subject of the sequential approach having been adopted and applied, following a detailed FRA.

The OPW refer to Circular PL 2/2014 regarding sites already developed which provides advice to planning authorities on older developed areas of towns and cities located in Flood Zone A and B.

National Coastal Flood Hazard Mapping (NCFHM) – OPW guidance on this mapping is that these show the worst-case scenario as any flood defense in place to protect the coastal flood plain are not taken into account and are in line with the definition of the Flood Zones in the Guidelines. These maps are more up to date than those used for CFRAM coastal maps and as such may be considered in preference to the CFRAM in defining Flood Zones. While it is stated in Table 4-1 that the dataset has not been used, it can be seen that it has for settlements e.g. Bunratty.

Flood Risk Management Plans and Flood Relief Schemes – the response to the OPW's previous commentary requesting a specific objective be included in the Plan to ensure that zoning and development does not impede proposed development of flood relief schemes in Ennis South, Springfield, Kilkee, Shannon Town & Environs, Bunratty and Kiltrush. Refers to the CE Report response which states that these have been taken into account in the zoning of lands and that comprehensive policy support in relation to the schemes has been included. The submission requests clarification as to which policies these are.

SuDS and Natural Water Retention Measures – the submission refers to previous commentary recommending the SFRA provide guidance on the likely applicability of different SuDS techniques at different development sites and that it identifies where integrated and area based provision of

SuDS and green infrastructure are appropriate to avoid reliance on individual site by site solutions. It is stated that there are a number of opportunity sites and masterplans identified in the Plan that the Council could provide guidance on.

CFRAM Update – Comments relating to Section 8 SFRA Review and Monitoring, that the CFRAM studies do not run on a six year cycle and needs to be addressed.

Map Review Programme – The OPW will review, and where necessary update, the flood maps on an on-going basis. Flood Mapping produced under the National CFRAM Programme is currently under review at Sixmilebridge.

### Specific Settlements

- Ennis ENT4, Gaurus – It is noted that these lands would not satisfy Criteria 2 of the Justification Test as it has not stated if there are other lands available. A large portion of the southern site is located within the Flood Zone A and the northern portion partially within Flood Zone A and the perimeter surrounded by Flood Zone A. The Council indicate the use of the flood risk lands as an amenity and as such they should be zoned as a water-compatible type to reflect this and prevent encroachment and/or loss of floodplain from development.
- Ennis R12 Anstand Gaurus/Ballymacahill – proposed new residential zoning objective states that some encroachment of Flood Zone will be utilized as Open Space, however there seems to be some of the site at risk of Flood Zone A as well. A Plan Making Justification Test (PMJT) should be completed and the Council be satisfied. Refers to previous comments regarding JTs where a small portion of the site is at risk of flooding.
- Ennis Existing Residential (ER) and Low Density Residential LDR12, Gaurus – both sites are located in Flood Zone A and B. Unless a PMJT has been completed by the Local authority and it is satisfied with the zoning it is not considered and should be zoned for water compatible uses. Should the lands be developed then refer to Circular PL/2014.
- Ennis Utililites UT1, Roslevan – located in Flood Zone A and B where highly vulnerable development is not considered appropriate unless PMJT is completed and satisfied.
- Ennis Commercial COM5, Claireen – Highly vulnerable development is not considered appropriate in Flood Zone A and B unless PMJT completed and satisfied. Also refers to Circular PL/2014.
- Ennis OP6 Riverside, Parnell Street Carpark – Notes the proposed material alteration to Mixed Use and regard should be had to the need for access requirements for maintenance of the flood defences.
- Ennis Existing Residential (ER), Drehidnagower – Located in Flood Zone A and B where highly vulnerable development is not considered appropriate unless a PMJT completed and satisfied. Also refers to Circular PL/2014.

- Ennis Existing Residential (ER), Clonroad More – notes the site appears to be undeveloped and within Flood Zones A and B where highly vulnerable development is not considered appropriate unless a PMJT completed and satisfied. Also refers to Circular PL/2014.
- Ennis Low Density Residential LDR2, Clonroad More and Residential R17, Clonroad More – Previously commented that both these sites failed the PMJT. Notes the PMJTs have been removed from the SFRA however there is no proposed material alteration to change the zoning. PMJTs are still required to be completed and satisfied.
- Ennis Opportunity Site OP15 Clare Technology Park – Welcomes the stipulation of water compatible uses only in Flood Zone A and B. Given some of the wording in the PMJT, it queries whether it has passed.

Parteen – An Existing Residential zoning is proposed to be extended which appears to be undeveloped and is located in Flood Zone A and B, within which highly vulnerable development is not considered appropriate unless a PMJT has been applied and satisfied. Given the location of the site it is noted it would not satisfy criteria 2. The council should rezone undeveloped lands in flood risk areas for water compatible uses.

Clooney, Kilnamona and Kilmihil – refers to Justification Tests in the SFRA which states the watercourses in these settlements are not mapped and a SSFRA will be required to define the Flood Zones. States that it is the responsibility of the Council to undertake a FRA to inform the definition of Flood Zones and planning decisions.

Kilbane – In the PMJT, PFRA is noted as being the data source for the Flood Zones and a SSFRA will refine the Flood Zones. The Council need to carry out their own FRA as set out previously in the submission which will inform zoning and planning decisions.

Scarriff/Tuamgraney – previously commented that Community zoning required a PMJT which has not been addressed. Industrial lands and existing buildings area also described in Table 10-1 as encroaching on Flood Zone A and B. A PMJT must be completed and satisfied.

Ballynacally – Notes the PMJT covers Criteria 3 for the Community zoned land, however Criteria 1 and 2 of the PMJT for this zoning has been omitted. Also proposed material alteration to remove the zoning of Agriculture and designate the site Village Growth Area (VGA3). No PMJT has been included for this site.

Bellharbour – Note update of Table 11-1 of the SFRA where states it is Open Space and Maritime zonings which are at flood risk. There is no comment on the Commercial zoning (COM1) where the northeast corner of the site is partially in Flood Zone A and B. See previous comments regarding PMJTs in relation to sites where a small portion of the site is at risk of flooding.

Carrigaholt – previous comment on Table 11-1 which states that highly vulnerable development on land Zoned Flood Zone A and B is not appropriate unless a PMJT has been undertaken and satisfied, this has not been addressed.



Kilrush – Criteria 1 and 2 of the PMJT is required for the community zoning. Note Criteria is included in the SFRA.

Moyasta – Clarification needed on what the zoned Tourism sites are (TOU1, TOU2, TOU3) as they are described as existing but they look undeveloped.

### Chief Executive's Response

I thank the OPW for the submission and my response is set out below.

Flood Zone Mapping and the Sequential Approach - I refer to the Chief Executive's Report (10<sup>th</sup> July 2022) and my response to the suggestion of the OPW (in the submission on the draft Plan S2/007) that it would be beneficial if flood zone mapping was overlaid on the land-use zoning mapping for settlements. I advised that to assist the OPW in the review of land use zoning, flood zones and the sequential approach that the Planning Department could make the draft plan mapping layer available to the OPW whilst this was being explored. I am not aware of any request for the mapping layer from the OPW. To provide clarity I propose a non-material update to include a series of land-use zoning maps for all zoned settlements included within Volumes 3a, 3b, 3c, and 3d overlaid with the OPW flood zone mapping be included in the Volume 2 Maps, for all settlements (excluding clusters where there is no zoned land). This is simply making an additional set of maps available albeit that they do not include any new information.

Preliminary Flood Risk Assessment (PRFA) - The new guidance is noted.

Justification Tests – The Plan Making Justification Test (PMJT) has been completed and satisfied where required. In some cases where flood zones impinge on a small part of the site the zoning has been adjusted to avoid the areas of Flood Zone A and B, in other cases written technical guidance accompanies the zoning objective in the settlement statement which includes flood risk management measures, both approaches remove the need for the application of a Plan Making Justification Test.

In addition to the technical guidance on specific zoning objectives referred to above, a specific section on Flooding and Flood Risk is included within each settlement statement as relevant, which captures the flooding issues for the settlement and the flood risk management measures required for existing development within areas of flood risk. Reference is made to, amongst other things, the requirement for development or redevelopment of existing developed areas to be in accordance with Section 5.28 of the Flood Risk Management Guidelines, as well as setting out any provisions from the SFRA as relevant to the settlement and directs to the SFRA (Volume 10c) for further detail when considering development proposals.

National Coastal Flood Hazard Mapping (NCFHM) – Noted. I can confirm that the NCFHM was utilized in the SFRA mapping and Table 4-1 will be updated to reference its use in the SFRA by way of a point of clarification update.

Flood Risk Management Plans and Flood Relief Schemes – Land-use policy is embedded in the land-use zoning objectives and settlement maps set out in Volumes 3a Ennis Municipal District, 3b Shannon Municipal District, 3c Killaloe Municipal District and 3d West Clare Municipal District

of the Draft Plan. All planned flood relief schemes are taken into account when preparing the settlement land-use maps through the application of our mapping datasets as well as being informed by the SFRA to ensure there is no conflict between them and equally to provide for planned flood defenses through appropriate zoning to facilitate their delivery. This approach was taken in relation to the Kilkee flood relief scheme whereby land is zoned to protect potential flood storage areas, identified in the scheme options being considered, from development through appropriate zoning.

SuDS and Natural Water Retention Measures – Provision of site-by-site SuDS for managing surface water run-off at key opportunity sites and/or associated with Masterplans is not generally feasible at the County Development Plan scale within the SFRA. Notwithstanding this, the Draft Plan provides extensive guidance and objectives which proactively encourages the management of storm water and surface waters via Sustainable Drainage Systems. Section 11.4.4 of Volume 1 Written Statement outlines the requirements for all new developments throughout the County to demonstrate the use of SuDS mechanisms and must be accompanied by a comprehensive SuDS assessment. Furthermore, *Appendix 1 Development Management Guidelines section A1.5* sets out the requirements placed on all planning applications/proposals to minimise ‘soil sealing’ and to require the incorporation of SuDS to these developments.

Given the underlying geology across the county which ranges from limestone and karst landscapes to sandstone rock coupled with the extreme vulnerability of our aquifers it is extremely difficult at this strategic level of assessment, and in particular for the Strategic Flood Risk Assessment, to provide site specific guidance with respect to SuDS. Assessment of unmapped watercourses coupled with the site specific geological and hydrogeological features are required to inform such a proposal and where required it is stipulated in the technical guidance which accompanies zoning objectives within the settlement statements, included in Volumes 3a, 3b, 3c and 3d of the Draft Plan. It also sets out where relevant the types of plans that would be needed to accompany any development proposals as part of a planning application, such as a Construction Environmental Management Plan (CEMP), appropriate SuDS (e.g. green roofs, permeable paving, petrol interceptor, silt traps), hydrogeological assessment etc.

The zoning of land and identification of Opportunity Sites is undertaken through the application of the core principles and key aspects of site layout and design associated with The Planning System and Flood Risk Management Guidelines. In addition, the technical guidance set out for each of the opportunity sites included within the relevant settlement statements in Volume 3 stipulate the requirement for a site specific flood risk assessment, the preparation of a Construction Method Statement together with the design of appropriate site-specific SuDS which incorporate nature based solutions in accordance with our Climate Action measures. It is considered that this approach to the application of SuDS on a site-by-site basis is more effective than a high level approach which is not informed by detailed site specific features.

The preparation of a Shannon Town and Environs Local Area Plan and an Ennis Town and Environs Local Area Plan will be accompanied by Blue and Green Infrastructure Plans which present the opportunity to explore opportunities for a more area based approach.

CFRAM Update – Noted and Table 12-1, Section 8 Review and Monitoring of the SFRA will include a non-material update to include the reference to the CFRAM life cycle in the finalised plan.

Map Review Programme – Noted and I welcome the review of the Flood Mapping produced under the National CFRAM Programme currently under review at Sixmilebridge.

### Specific Settlements

#### **Ennis**

- Ennis Enterprise (ENT4), Gaurus – The concerns as set out in the submission are noted and I note that the OPR also raised concerns regarding this zoning objective in their submission (S3/012). I refer to my response to the OPR where I note the concerns given with respect to the proposed material alteration to change the zoning from Agriculture to Enterprise (ENT4), particularly in relation to NPO 57, RPO 3.10 and the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009). I therefore advise that the Plan be made without the proposed material alteration to change the zoning of lands at Gaurus, Ennis from Agriculture to Enterprise (ENT4).
- Ennis Residential (R12) Anstand Gaurus/Ballymacahill – This is an underutilised vacant site (currently subject to the Vacant Site Levy) which is partially developed with previous substantial groundworks having taken place. It is an integral sequential site in terms of growth from the town core, which would contribute to compact growth, complete the development of the adjacent residential estate and provide the necessary infrastructure to allow adjacent properties in the neighbouring estate to connect to the public network in terms of wastewater, currently served by individual on-site treatment systems. This would protect both surface and ground water, discharges downstream to the Gaurus River and ultimately the Lower River Shannon SAC. In terms of Flood Risk, a Plan Making Justification Test (included as Appendix 4) has been applied and satisfied for this proposed Material Alteration.

I consider that in the interest of proper planning and sustainable development the Plan should be made with the proposed Material Alteration to change the zoning from Strategic Residential Reserve (SR4) to Residential (R12). I consider that it is appropriate to update the associated site-specific objective 'R12 Anstand Gaurus/Ballymacahill' in line with the submissions as received (from Irish Water and also S3/139) and to reflect the Plan Making Justification Test (included as Appendix 4) concerning this proposed Material Alteration. The updates to the site-specific objective represent a minor modification to the proposed Material Alteration.

- Ennis Existing Residential (ER) and Low Density Residential (LDR12) – Both sites are located adjacent to each other within Flood zone A and B and the concerns set out in this submission are noted. As with the previous zonings the OPR also raised concerns regarding both of these zonings in the submission (S3/012) and I refer to my response to the OPR where I note the concerns given with respect to the proposed material alteration to change of zoning objectives particularly with regard to NPO 57, RPO 3.10 and the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009). I advise that the Plan be made without the proposed material alterations to (1) change the zoning of lands at Knockanean, Ennis from Open Space to Existing Residential (ER) and (2) to change the zoning of lands at Knockanean from Open Space to Low Density Residential (LDR12).
- Ennis Utilities UT1 – The concerns are noted and the OPR also raised concerns regarding this zoning in the submission (S3/012) particularly in relation to NPO 57, RPO 3.10 and the Planning

System and Flood Risk Management Guidelines for Planning Authorities (2009). I also note that contrary to the recommendation in the Chief Executive's Report on the submission (S2/700) to the Draft Plan relating to this site, it was agreed by resolution to change a portion of the lands subject of the submission from the zoning objective of 'Open Space' to 'Utilities (UT1)' as a proposed material alteration to the Draft Plan. In accordance with my original recommendation and with respect to the concerns expressed by the OPR and the OPW I advise that the Plan be made without the proposed Material Alteration to change the zoning of lands at Roslevan, Ennis from 'Open Space' to 'Utilities' (UT1).

- Ennis Commercial COM5, Claureen – The concerns are noted and the OPR also raised concerns regarding this zoning objective in the submission (S3/012) and I refer to my response to the OPR where I note the concerns given with respect to the proposed material alteration to increase the area zoned Commercial (COM5) to include land currently zoned Agriculture which includes an area within Flood Zone A and B. Therefore, with respect to NPO 57, RPO 3.10 and the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), I advise that the Plan be made without the proposed material alteration to extend the area of Commercial (COM5) and not change the zoning from Agriculture to Commercial (COM5) at Claureen, Ennis.
- Ennis Existing Residential (ER), Drehidnagower – The concerns are noted and the OPR also raised concerns regarding this zoning in the submission (S3/012) and I refer to my response to the OPR where I note the concerns given with respect to the proposed material alteration to change the zoning objective from Agriculture to Existing Residential (ER) within an area of Flood Zone A and B and would therefore fail the Plan Making Justification Test. Therefore, and with respect to NPO 57, RPO 3.10 and the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), I advise that the Plan be made without the proposed material alteration to change the zoning from Open Space to Existing Residential at Drehidnagower, Ennis
- Ennis Opportunity Site OP6 Riverside, Parnell Street Carpark – I acknowledge the need for access for the maintenance of the flood defenses at this location and the technical guidance for this zoning objective will include a non-material update to include a reference in the finalised plan.
- Ennis Low Density Residential LDR2, Clonroad More – I note in the submission it states there is no material alteration relating to this site, however the proposed material alteration is set out on page 111 of Volume 3a Ennis Municipal District Settlement Plans - Proposed Amendments (28<sup>th</sup> November 2022). The zoning of this site in the Draft Plan was further reviewed with regard to flood risk and the area was realigned to exclude Flood Zone A and B therefore removing the need for a Justification Test. I am therefore satisfied that the Plan is made with this proposed material alteration to the Draft Plan.
- Ennis Existing Residential/Residential R17, Clonroad More – I note in the submission it states there is no material alteration relating to this site, however the proposed material alteration is set out on page 116 of Volume 3a Ennis Municipal District Settlement Plans - Proposed Amendments (28<sup>th</sup> November 2022). This site was zoned Residential (R17) in the Draft Plan however, the site is now fully developed and the zoning of Residential has been changed to

Existing Residential to reflect its existing use and therefore the Justification Test is no longer required. I am satisfied that the Plan be made with this proposed material alteration to the Draft Plan.

- Ennis Opportunity Site OP15 Clare Technology Park – I note the submission welcomes the inclusion of the PMJT for this site within the SFRA. A query regarding the PMJT is raised and upon review of the wording of the PMJT an editing error has been identified. The proposed material alteration to include a PMJT for site OP15 in the SFRA therefore requires a **minor modification** (in blue text and blue strikethrough where text is to be deleted) to address this in the following sections of the Plan Making Justification Test I section 8.2.1 of the SFRA.

*'Is essential to facilitate regeneration and/or expansion of the center of the urban settlement'*  
~~Only a small part of the site is within Flood Zone A/B and these lands area not essential for the expansion of Ennis town centre.~~ This is a large strategically located site ideally positioned close to the town centre which includes a number of large derelict/vacant buildings. Its development will contribute significantly to regeneration and support of the town centre and is essential to meet the need for a mix of uses including employment generating uses which will complement the town centre.

*'Comprises significant previously developed and/or underutilised lands'*  
~~The site is previously developed within Flood Zone C, but the lands within Flood Zone A/B area undeveloped.~~ The site has a significant area which includes vacant/derelict structures and is significantly underutilised.

*'Will be essential in achieving compact and sustainable urban growth'*  
~~Only a small part of the site is within Flood Zone A/B and these lands area not essential for the expansion of Ennis town centre.~~ The reutilisation of this will contribute to sequential and compact growth and promote sustainable development.

Parteen - The concerns are noted and the OPR also raised concerns regarding this zoning in the submission (S3/012) and I refer to my response to the OPR where I note the concerns given with respect to the proposed material alteration to change the zoning from Open Space to Existing Residential (ER) within an area of Flood Zone A and B and it would fail the Plan Making Justification Test. Therefore, and with respect to NPO 57, RPO 3.10 and the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), I advise that the Plan be made without the proposed material alteration to change the zoning from Open Space to Existing Residential at Parteen.

Clooney, Kilnamona and Kilmihil – Given the number of settlements in the county it is not feasible to model and map every watercourse for this development plan cycle. The Council will review the potential for identifying as yet unmapped smaller watercourses, however given the number of them it is not feasible to have incorporated all of them for this plan cycle. However, where development proposals may be located near an unmapped watercourse there is an existing proposed amendment to the Draft Plan to include additional text under the section headed 'Flooding and Flood Risk' in relation to unmapped watercourses, and the requirement for site specific flood risk assessment and appropriate flood risk management in this regard.

Kilbane – Comments relating to an unmapped watercourse in Kilbane is noted and I refer to my response set out above.

Scarriff/Tuamgraney – The comments are noted regarding the need for a PMJT on Community zoned lands. The SFRA limits development to water compatible uses within Flood Zone A and B under the Community objective. Regarding the need for a PMJT for Industrial lands and existing buildings which encroaches on Flood Zone A and B, the existing industrial use on a single developed site is managed under Section 5.28 of the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009).

Ballynacally – Comments refer to Commercial zoning in the context of flood risk, however, to clarify there are no lands zoned for commercial use in Ballynacally. With regard to the Community land and existing residential, risk related to redevelopment of lands within Flood Zone A and B can be managed through the sequential approach and through appropriate site and building layouts. PMJT has been applied and passed and development is restricted in Flood Zone A and B to water compatible uses only. I note the Village Growth Area VGA3 would not satisfy the Plan Making Justification Test and as such I advise that the Plan is made without the proposed material alteration to change the zoning from part Agriculture and part Mixed Use to the designation of Village Growth Area (VGA3).

Bellharbour – Note update of Table 11-1 of the SFRA where states it is Open Space and Maritime zonings which are at flood risk and the table will be updated to include Commercial use as a non-material update to the Strategic Flood Risk Assessment to provide clarity in this regard.

Carrigaholt – Include in Table 11-1 West Clare Municipal District Settlement Overview reference to Existing Residential where there should be no new development within Flood Zone A and B and any redevelopment should be limited to Flood Zone C as a non-material update to the Strategic Flood Risk Assessment to provide clarity in this regard.

Kilrush – A Stage 1 and 2 Plan Making Justification Test will be included in the finalised Strategic Flood Risk Assessment (Volume 10c) for lands zoned community as a non-material update to provide clarity in this regard.

Moyasta – The zoning objectives Tourism TOU1, TOU2 and TOU3 are set out in the settlement statement in Volume 3d West Clare Municipal District where it states they are zoned solely to accommodate development associated with the West Clare Railway and specifies that any development proposals on this site must be accompanied by a site-specific Flood Risk Assessment.

### Chief Executive's Recommendation

- I recommend that the Clare County Development Plan 2023-2029 be made with a **non-material update** to include in Volume 2 Maps a series of land-use zoning maps for all zoned settlements to be included within Volumes 3a, 3b, 3c, and 3d overlaid with the OPW flood zone mapping for all settlements (excluding clusters where there is no zoned land).

- I recommend that the Clare County Development Plan 2023-2029 be made with a **non-material update** to include the National Coast Flood Hazard Map in Table 4-1 Dataset Review in the Strategic Flood Risk Assessment (Volume 10c).
- I recommend that the Clare County Development Plan 2023-2029 be made with a **non-material update** to include reference to the CFRAM life cycle in Table 12-1, Section 8 Review and Monitoring of the Strategic Flood Risk Assessment (Volume (10c).
- I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **without** the proposed material alteration to change the zoning of lands at Gaurus, Ennis from Agriculture to Enterprise (ENT4), as displayed.

I recommend that the Clare County Development Plan 2023-2029 2029 (Volume 3a Ennis Municipal District) is made **with** the proposed Material Alteration to the change the zoning from Strategic Residential Reserve (SR4) to Residential (R12), as displayed, **subject to a minor modification** (in blue text with text in blue ~~striketrough~~ representing a deletion from the proposed Material Alteration), as follows:

### R12 Anstand Gaurus/Ballymacahill

Any future development of this site should be accompanied by an Ecological Assessment together with Screening for Appropriate Assessment specifically addressing the habitats present on the site and their connectivity downstream to the Gaurus Floodplain and the Lower River Shannon cSAC through the River Fergus. Should these lands be brought forward in accordance with CDP19.2, this site will accommodate residential development of high-quality design and layout. No development shall occur unless a Surface Water Management Plan, including actions for its implementation, is submitted and approved as part of the planning application. The Management Plan shall protect the adjoining open space and Buffer Space which contains Wet willow-alder-ash woodland (WN6), Other artificial lakes and ponds (FL8), Reed and large sedge swamp (FS1) together with areas of scrub. This site is largely within Flood Zone C but there is some minor encroachment onto Flood Zone B as flood water backs up from the ~~southwest~~ northeast (see maps contained in Strategic Flood Risk Assessment in Volume 10(c) of this Plan). A fully detailed Stage 3 Flood Risk Assessment shall form part of any planning application for development at this site, to inform the extent of flood risk zones. Vulnerable development shall not be located within Flood Zones A and B and roads access shall be within Flood Zone C. CFRAM must also be consulted for climate change levels. ~~The area of the site which lies within Flood Zone B should be excluded from development and utilised as Open Space within any proposed development. No development should take place within the area zoned as Buffer Space between SR4 and R8 and R12 excluding that associated with the installation of critical service links for the connecting sewer line. The environmental assessments associated with the development of R12 and R8 should take this infrastructure into consideration in preparing the assessments given the connectivity between this area and the Lower River Shannon cSAC.~~

- I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **without** the proposed material alteration to change the zoning of lands at Knockanean, Ennis from (1) Open Space to Existing Residential (ER) and (2) to change the

zoning of lands at Knockanean from Open Space to Low Density Residential (LDR12), as displayed.

- I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **without** the proposed material alteration to change the zoning of lands at Roslevan, Ennis from Open Space (OS) to Utilities (UT1), as displayed.
- I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **without** the proposed material alteration to change the zoning of lands at Claureen, Ennis from Agriculture to Commercial (COM5), as displayed.
- I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made with a **non-material update** (in blue text) to include text in the technical guidance for Ennis Opportunity Site OP6 Riverside, Parnell Street Carpark as follows: 'It is necessary to improve universal access to OP6 and also to liaise with relevant stakeholders in terms of identifying suitable alternative locations for the taxi ranks in the town in order to progress this proposal. Any development proposals should ensure access for maintenance of the flood defences.'
- I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **without** the proposed material alteration to change the zoning of lands at Drehidnagower, Ennis from Open Space to Existing Residential, as displayed.
- I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **with** the proposed material alteration to change the zoning of lands at Clonroad More, Ennis on part of lands zoned Low Density Residential (LDR2) to Open Space, as displayed.
- I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **with** the proposed material alteration to change the zoning of lands at Clonroad More, Ennis from Residential (R17) to Existing Residential (ER), as displayed.
- I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **with** the proposed material alteration to include a Plan Making Justification Test for Site OP15 Clare Technology Park in the SFRA **subject to minor modification** (in blue text with text in blue ~~with text in blue-strikethrough~~ representing a deletion from the proposed Material Alteration), to section 8.2.1 Table - Ennis Justification Test, OP15 Clare Technology Park, Strategic Flood Risk Assessment (Volume 10c) in relation to the following sections of the Plan Making Justification Test :

*'Is essential to facilitate regeneration and/or expansion of the center of the urban settlement'*  
~~Only a small part of the site is within Flood Zone A/B and these lands are not essential for the expansion of Ennis town centre.~~ This is a large strategically located site ideally positioned close to the town centre which includes a number of large derelict/vacant buildings. Its development will contribute significantly to regeneration and support of the town centre and is essential to meet the need for a mix of uses including employment generating uses which will complement the town centre.



*‘Comprises significant previously developed and/or underutilised lands’*

~~The site is previously developed within Flood Zone C, but the lands within Flood Zone A/B area undeveloped.~~ The site has a significant area which includes vacant/derelict structures and is significantly undertutilised.

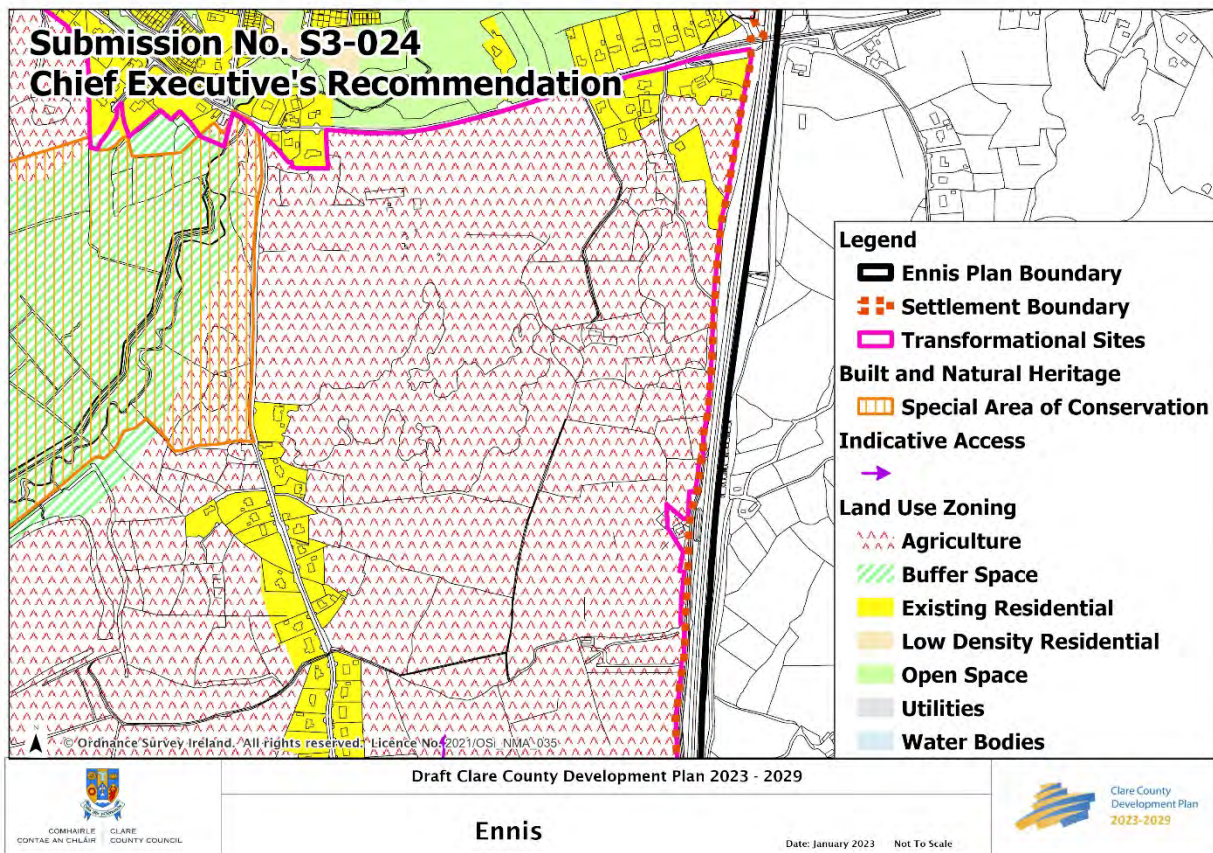
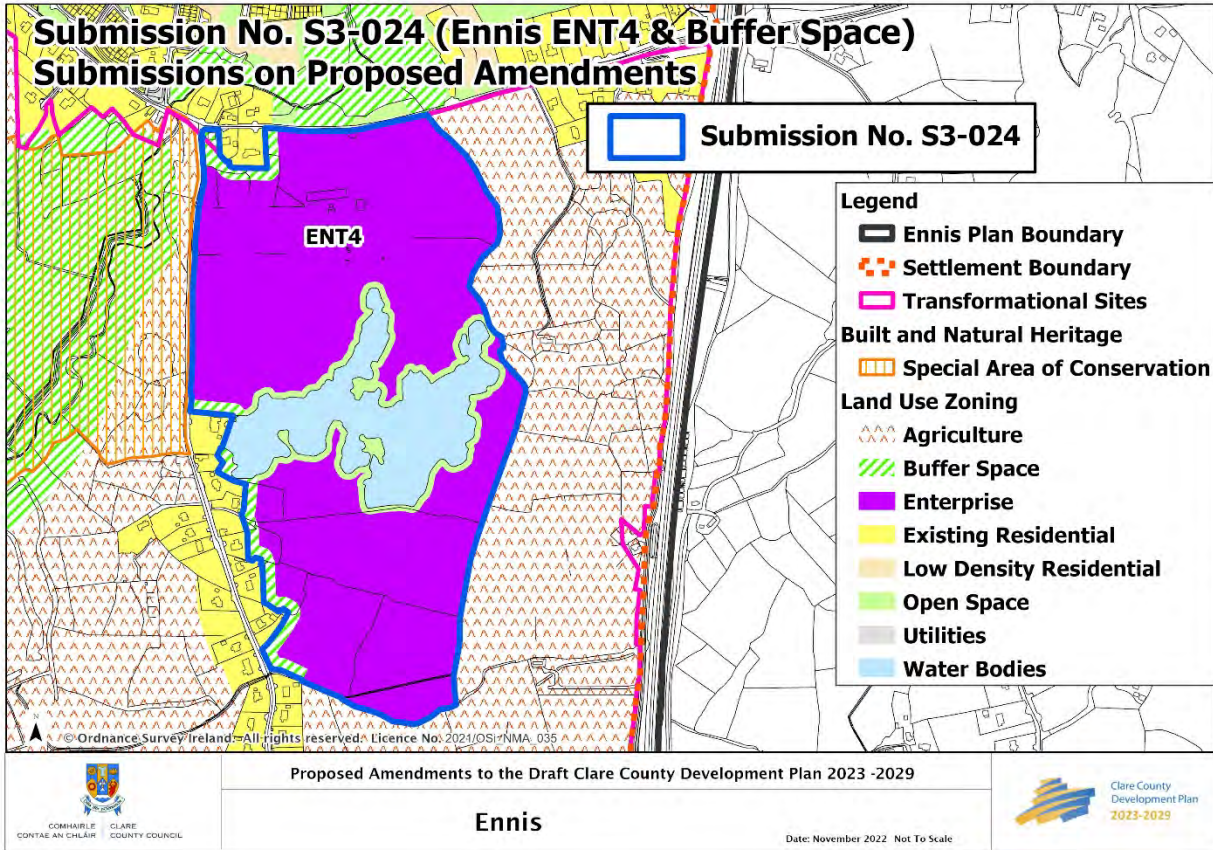
*‘Will be essential in achieving compact and sustainable urban growth’*

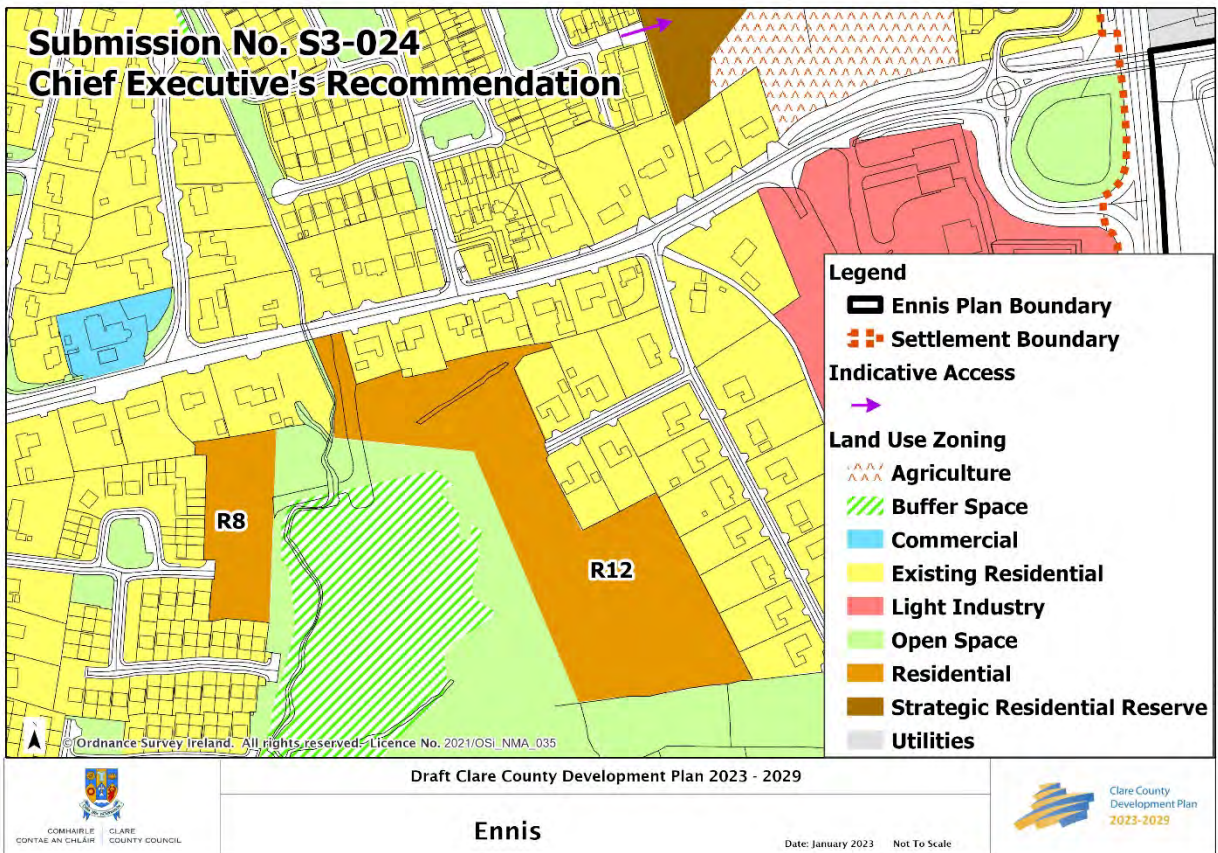
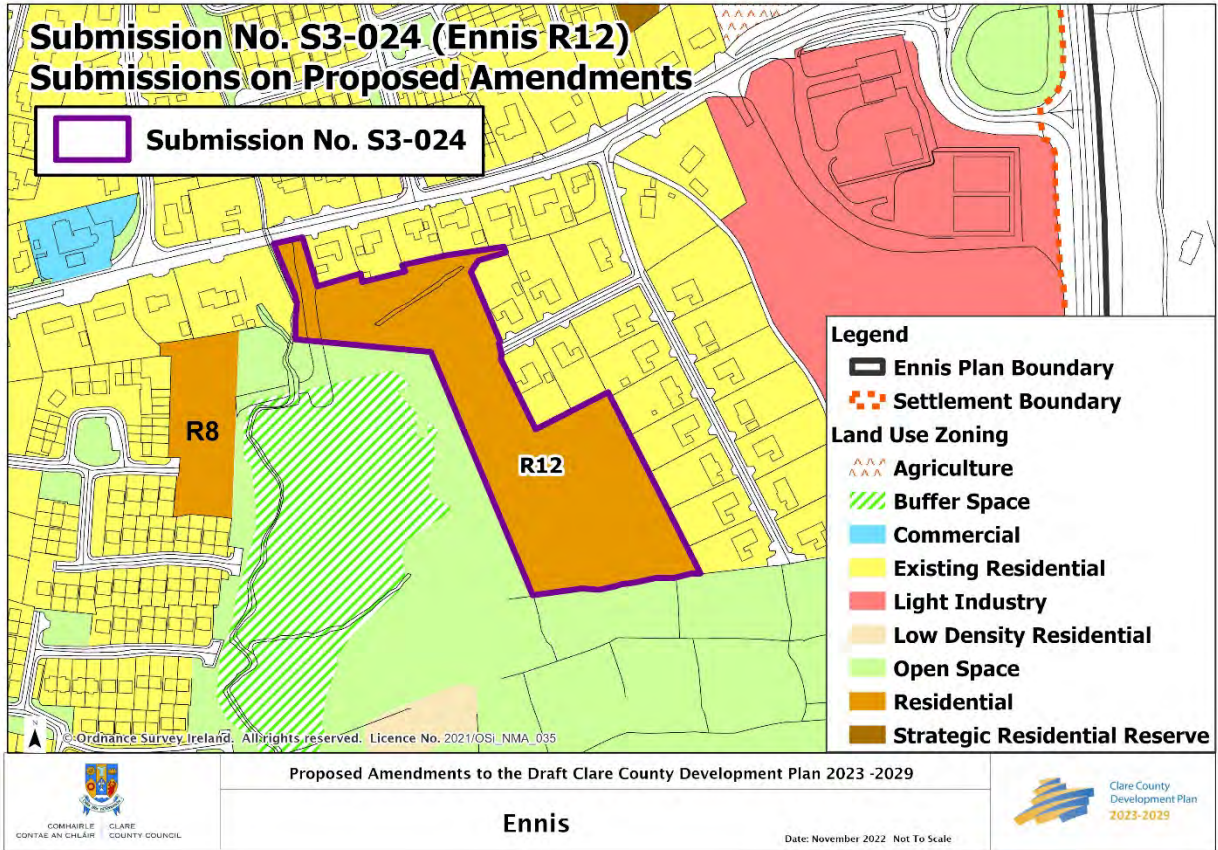
~~Only a small part of the site is within Flood Zone A/B and these lands area not essential for the expansion of Ennis town centre.~~ The reutilisation of this will contribute to sequential and compact growth and promote sustainable development.

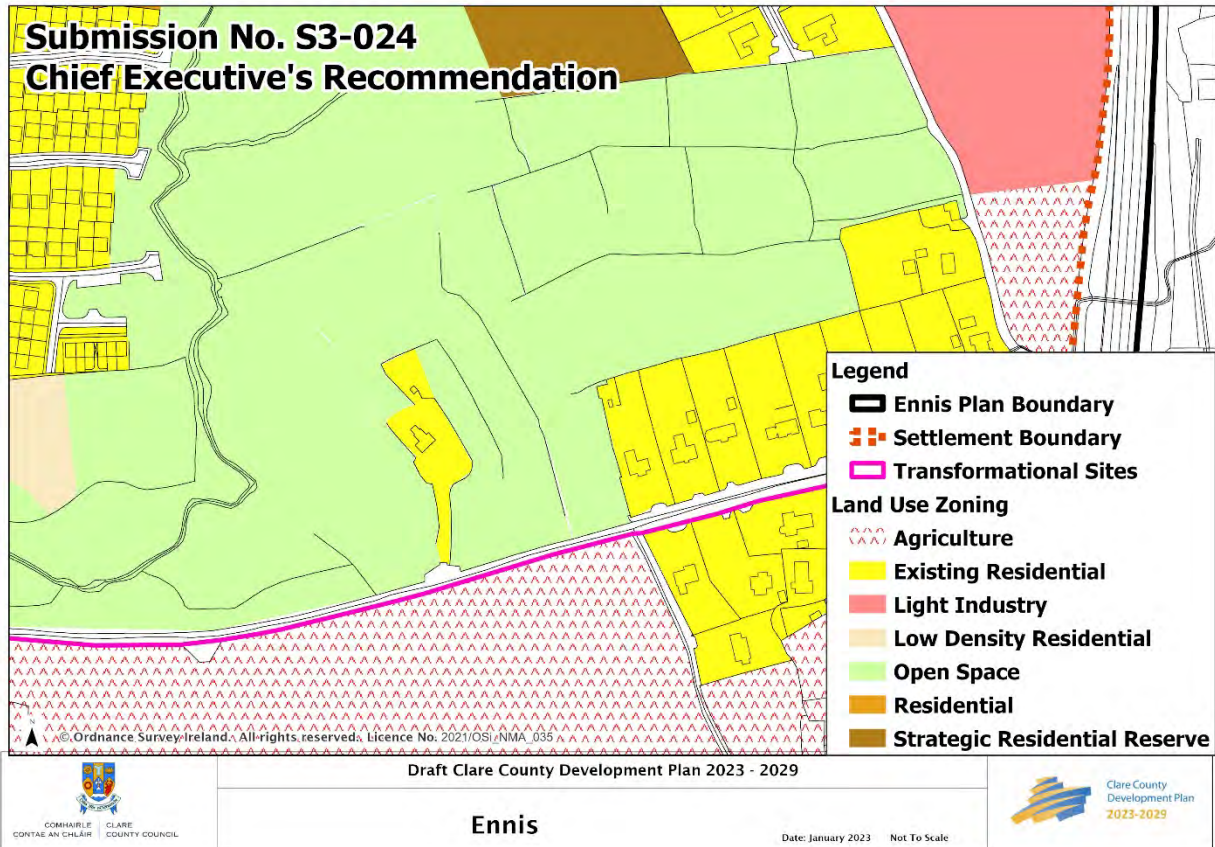
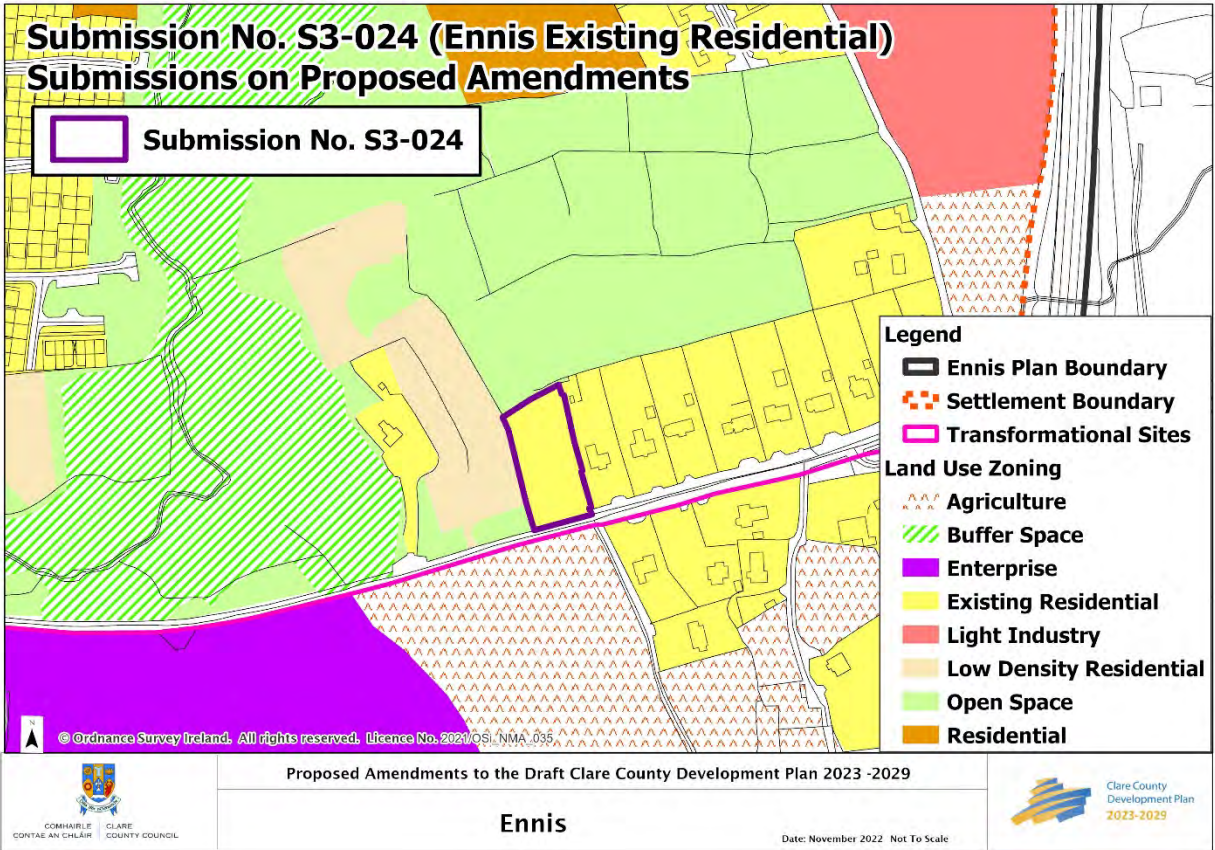
- I recommend that the Clare County Development Plan 2023-2029 (Volume 3b Shannon Municipal District) be made **without** the proposed material alteration to change the zoning of lands at Parteen from Open Space to Existing Residential (ER), as displayed.
- I recommend that the Clare County Development Plan 2023-2029 (Volume 3d West Clare Municipal District) be made **without** the proposed material alteration to change the zoning of lands at Ballynacally from part Agriculture and part Mixed Use to the designation of Village Growth Area (VGA3), as displayed.
- I recommend that the Clare County Development Plan 2023-2029 (Volume 3d West Clare Municipal District) be made with the following **non-material update** (in blue text) to Table 11.1 West Clare Municipal District of the Strategic Flood Risk Assessment (Volume 10c) for Bellharbour under column heading ‘Development Comment’: *Coastal flood risk to open space maritime zone, both of which are appropriate. A small corner of Commercial zoning is also at coastal flood risk. Development in the maritime zone and commercial zoning should follow the sequential approach as far as possible to reduce risks to new development. The potential flow path from the turlough may cross areas of existing development outside the settlement boundary and mixed use and existing residential areas within the village. However, Flood Zones are based on fluvial and tidal risk only and the overland land flow path is unmapped. Site specific FRA needs to address surface water and groundwater risks. Sequential approach should then be applied, avoiding highly and less vulnerable development in Flood Zone A and B, or areas shown to be at risk from other sources, as the Justification test has not been applied or passed.*
- I recommend that the Clare County Development Plan 2023-2029 be made with the following **non-material update** (in blue text) to Table 11.1 West Clare Municipal District of the Strategic Flood Risk Assessment (Volume 10c) for Carrigaholt under column heading ‘Development Comment’: *Open spaces uses are appropriate and should be retained. Maritime at the pier is also appropriate. Within the Mixed-use zoning there should be no new development within Flood Zone A and B. In areas of Existing Residential there should be no new development within Flood Zone A and B and any redevelopment should be limited to Flood Zone C.*
- I recommend that the Clare County Development Plan 2023-2029 be made with a **non-material update** to include a Plan Making Justification Test for developed lands zoned Community at Kilrush in the Strategic Flood Risk Assessment (Volume 10c).

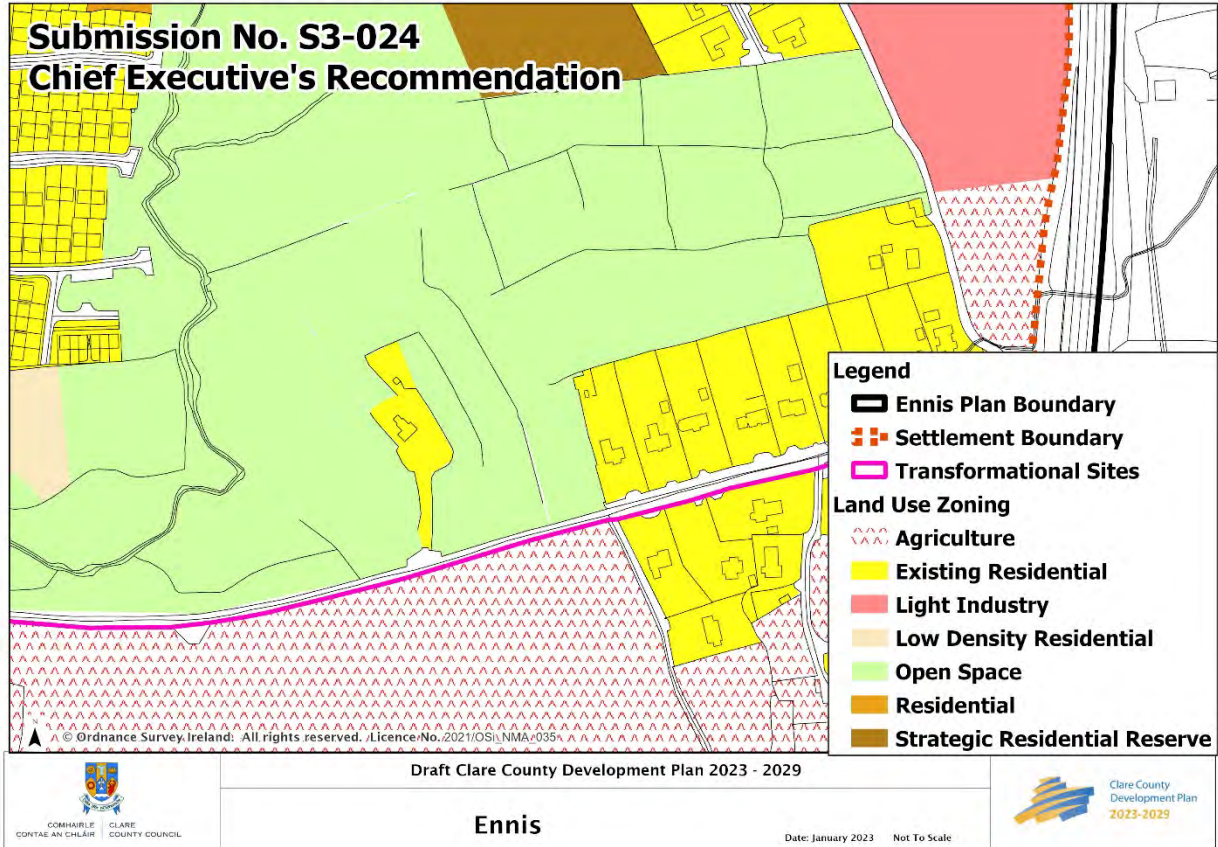
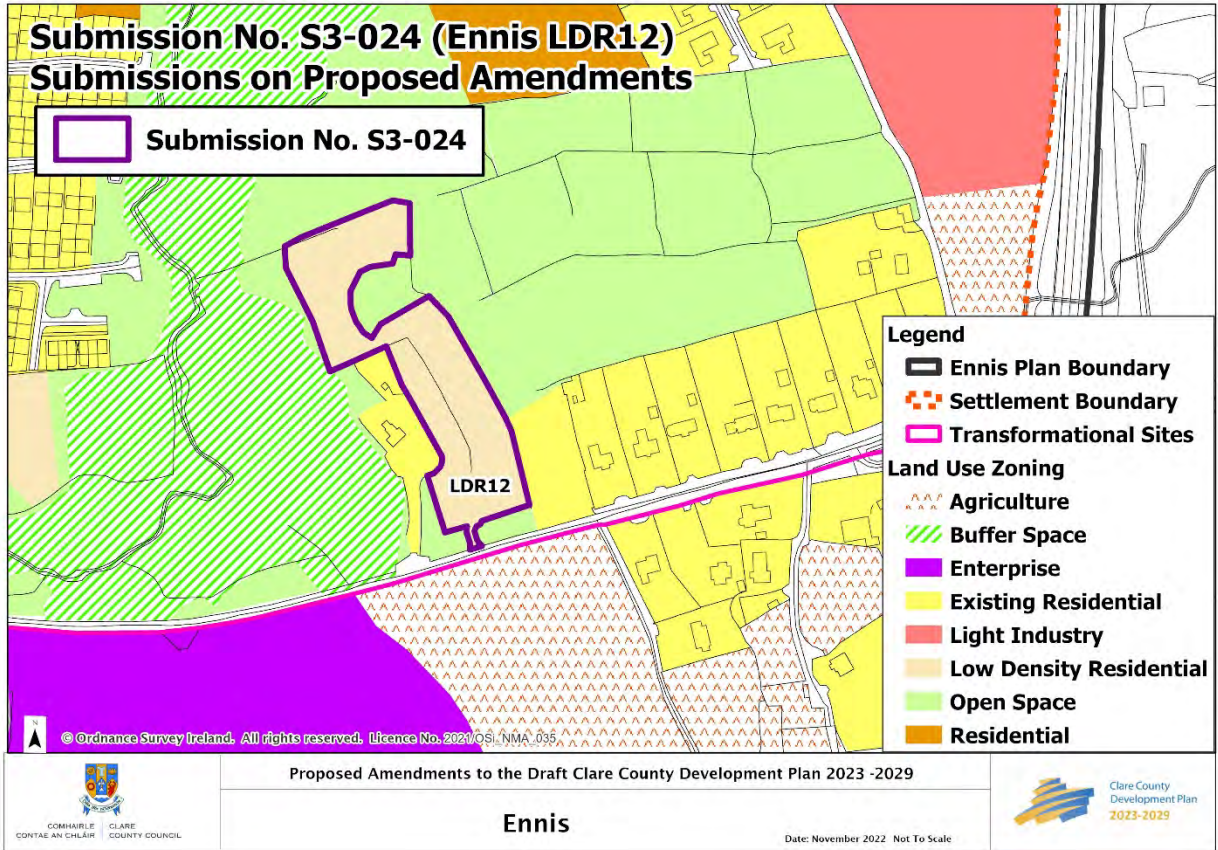


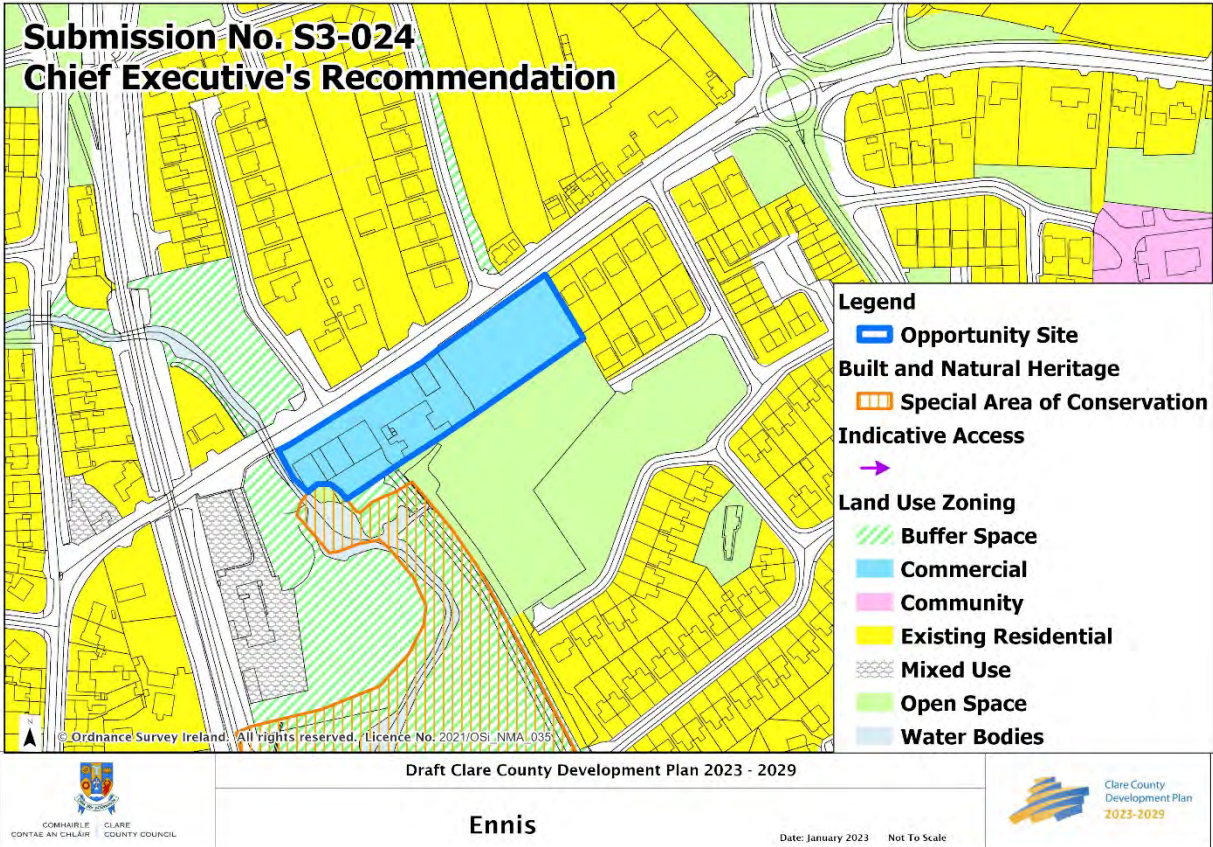
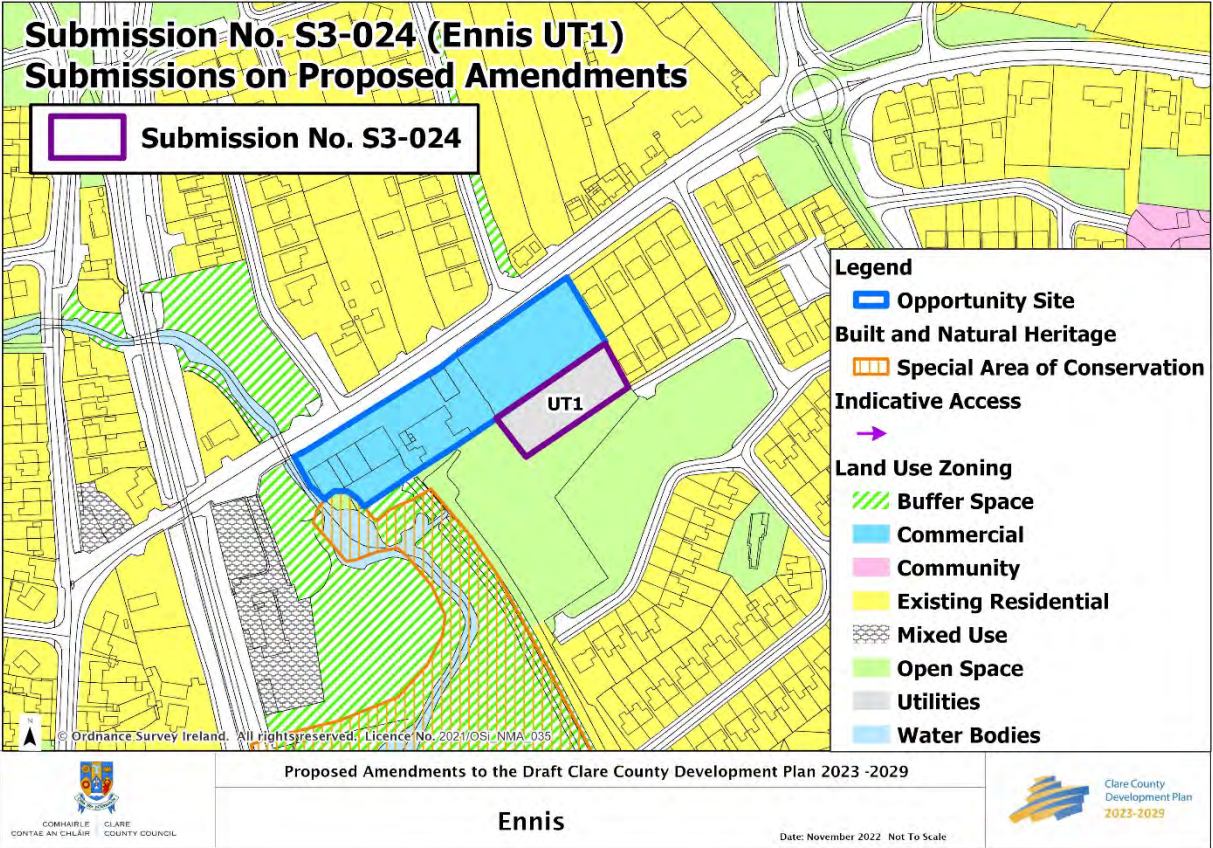
Maps reflecting my recommendation are included at the end of the written response to this submission.

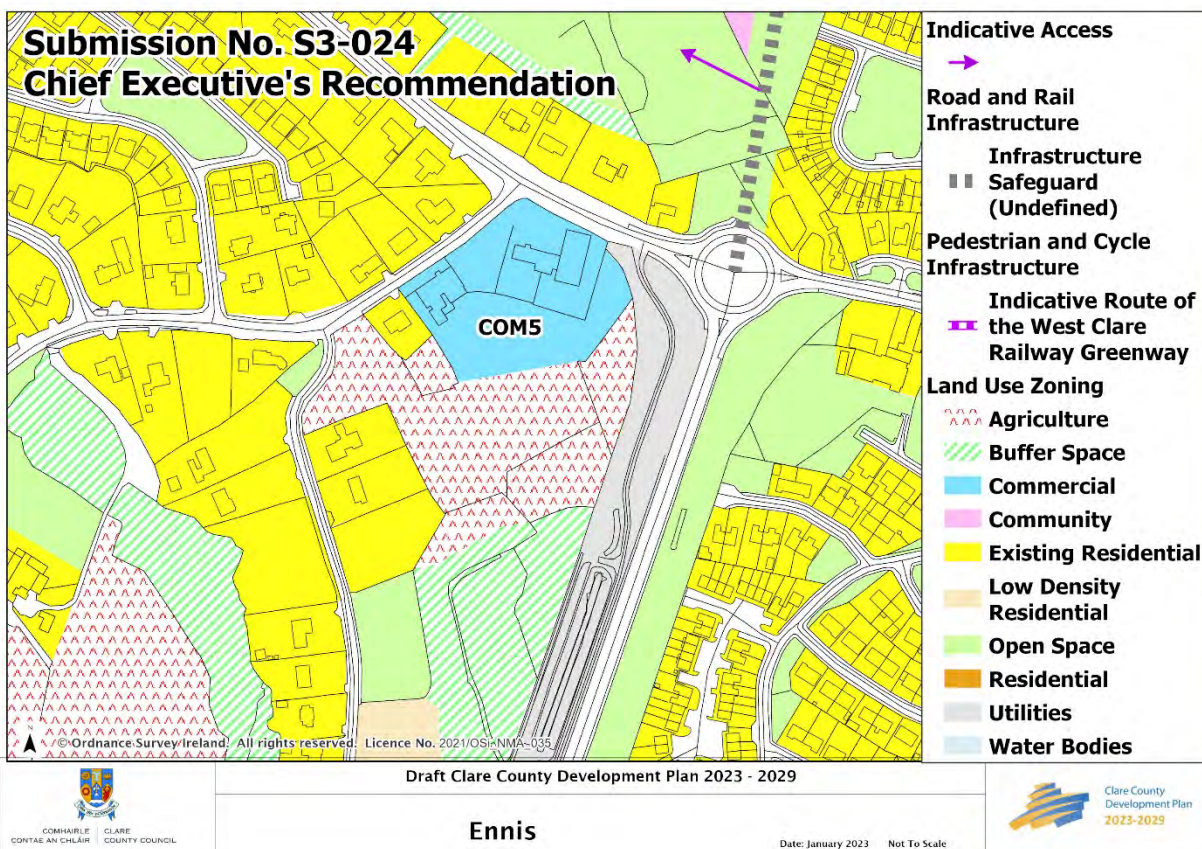
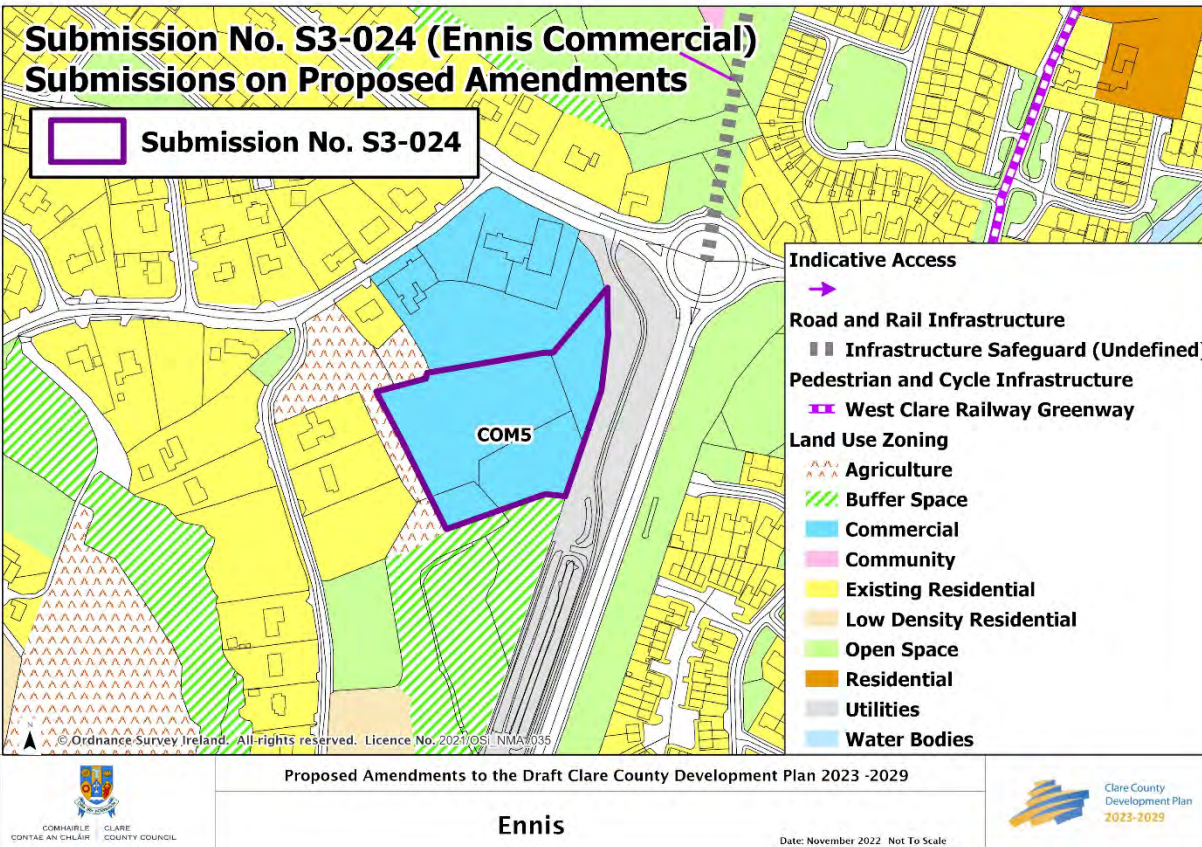




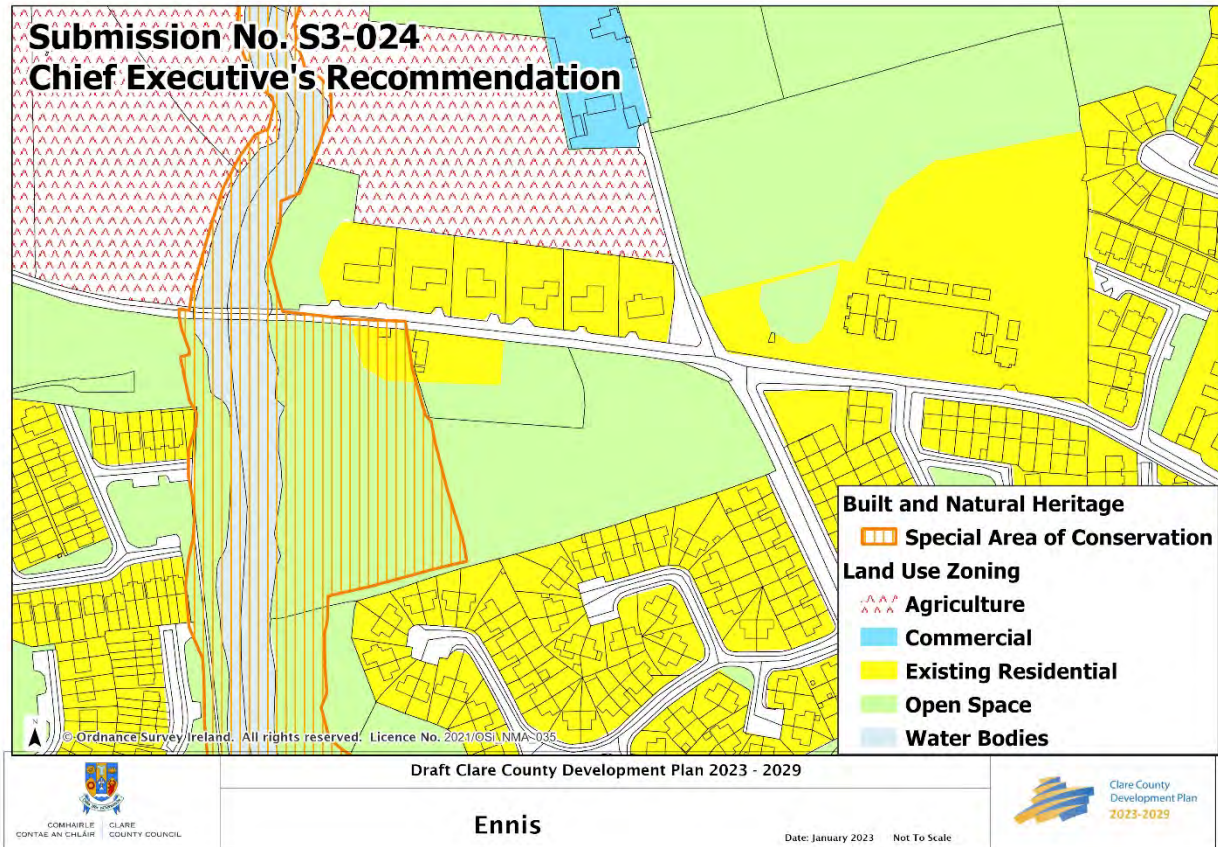
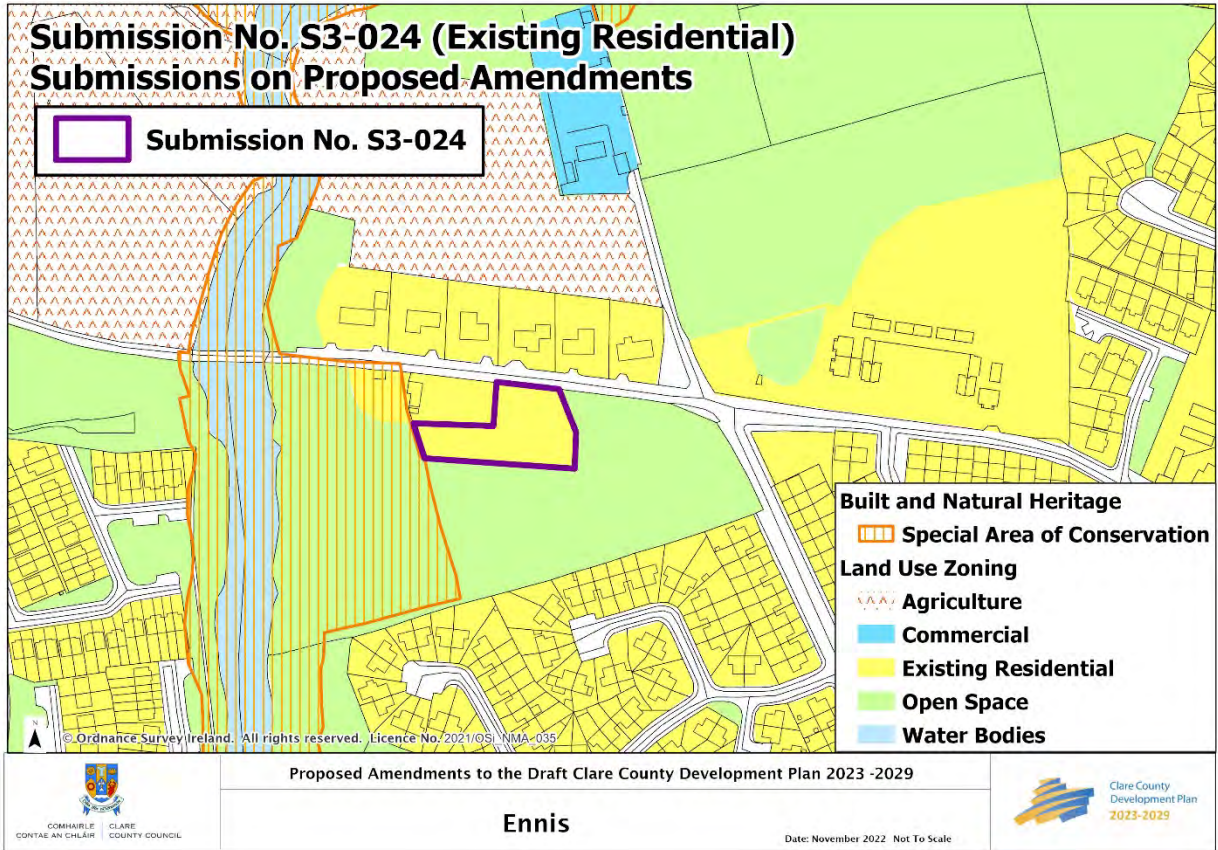


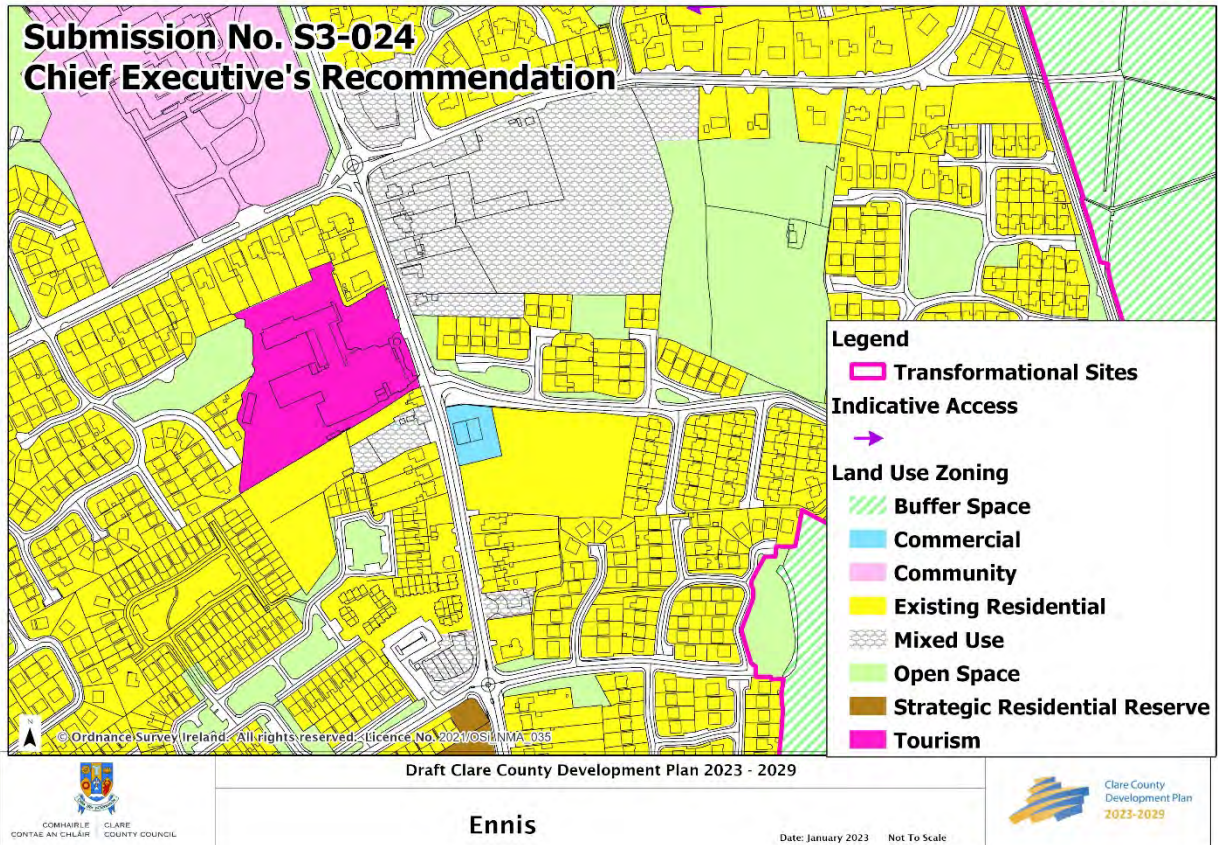
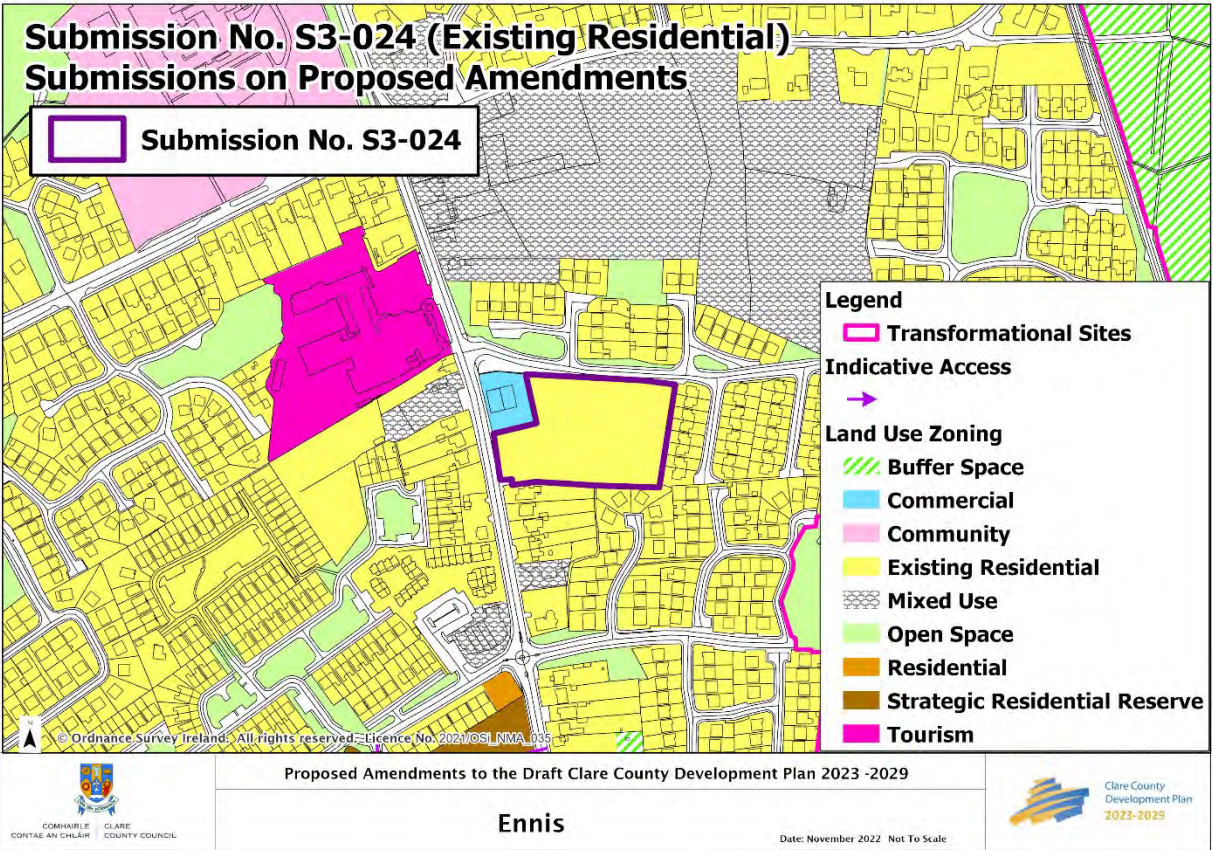


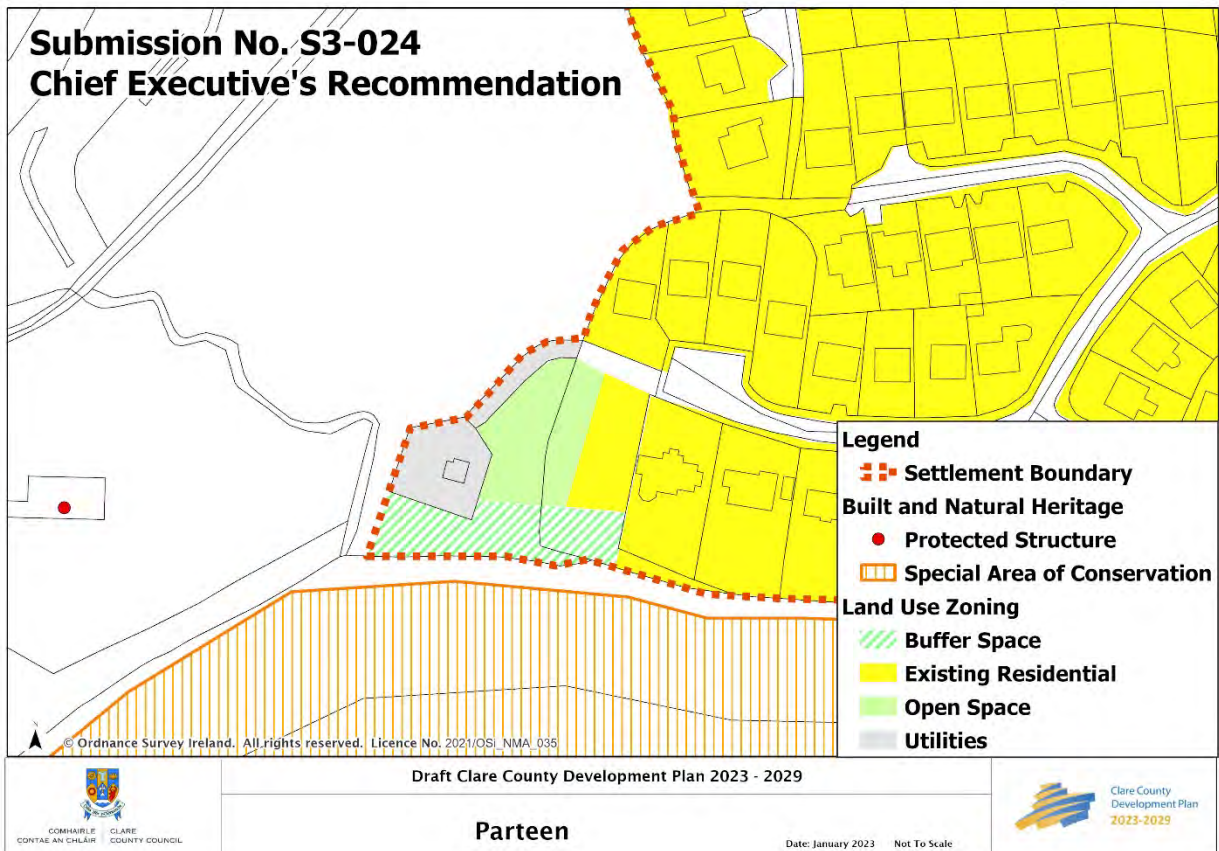
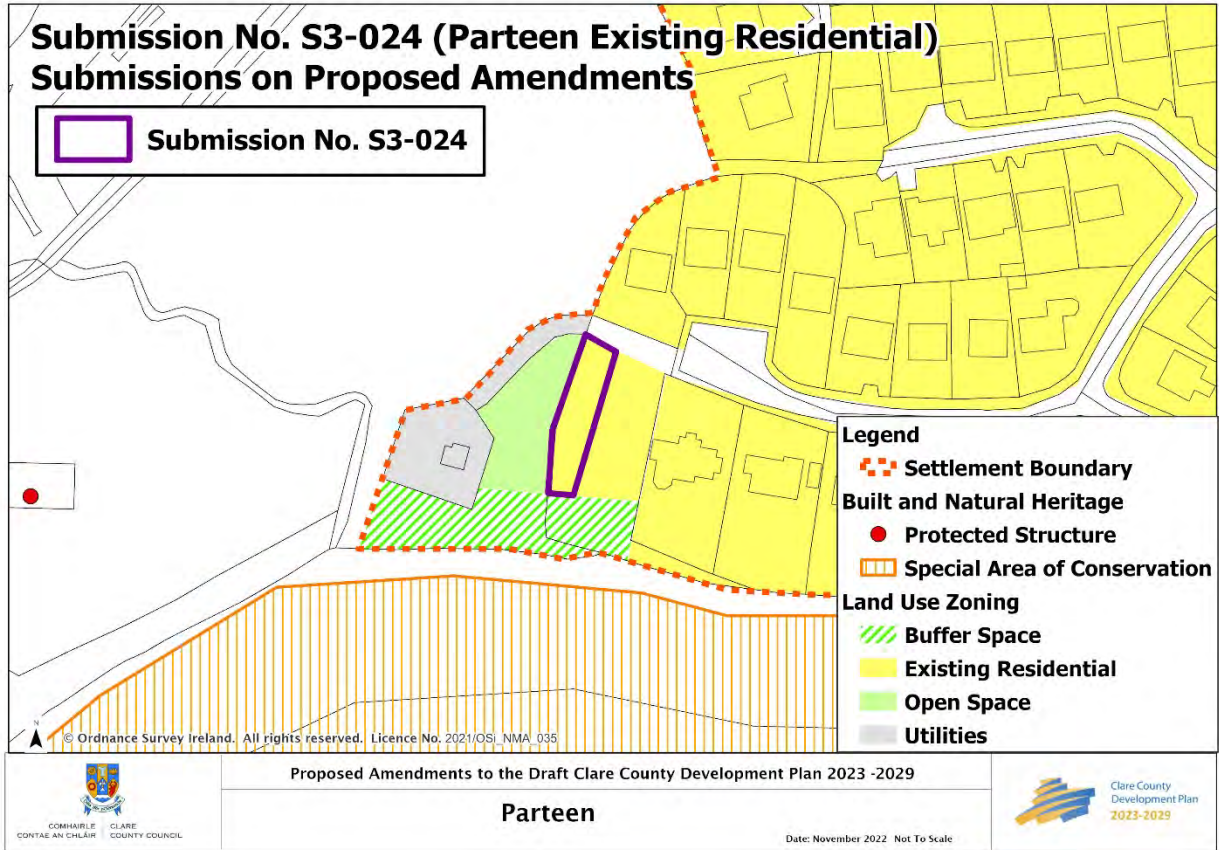


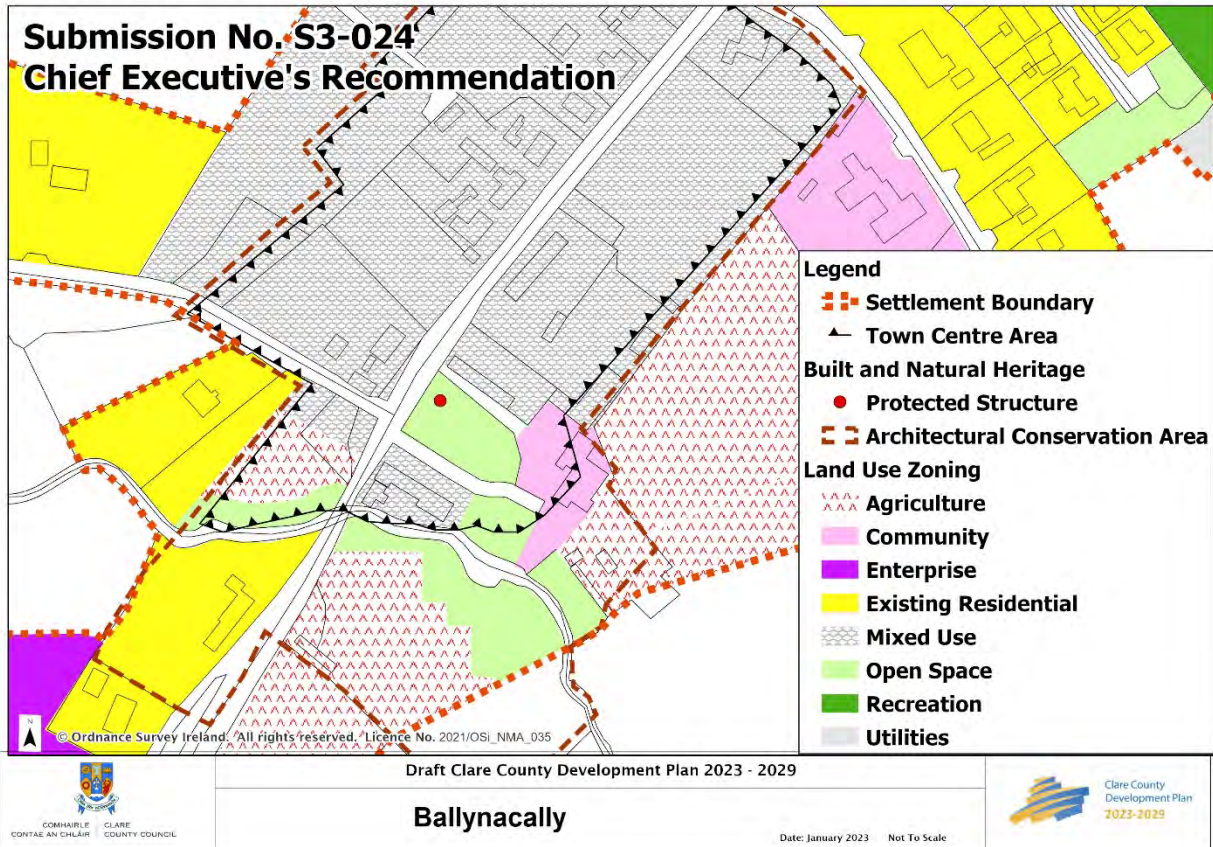
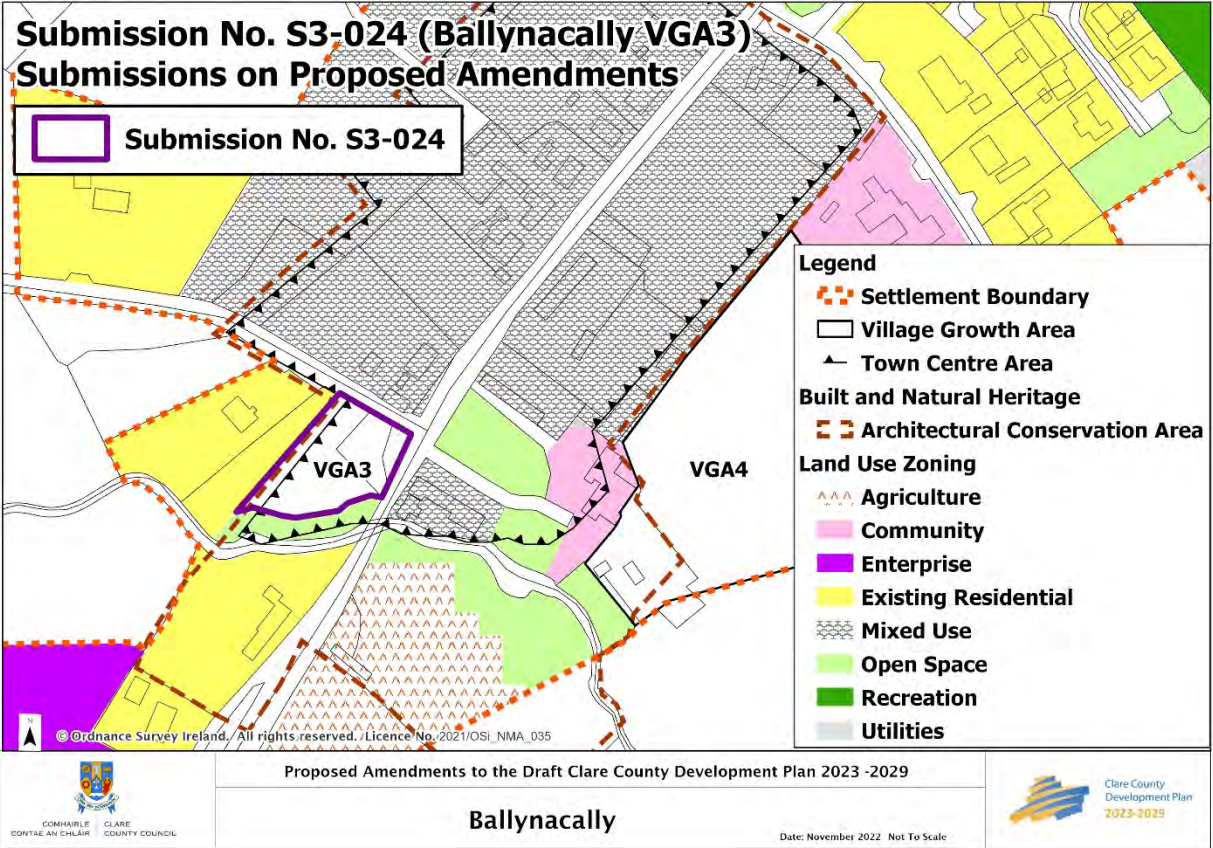


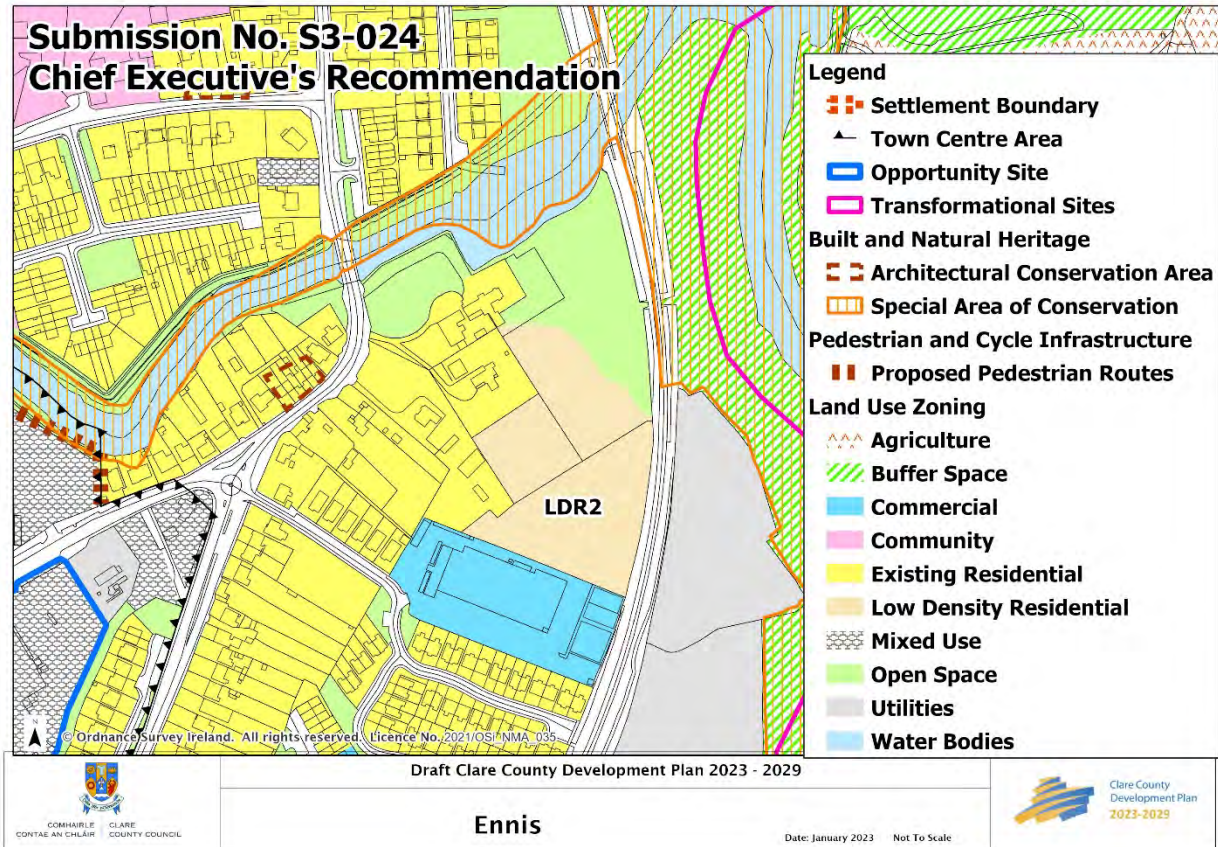
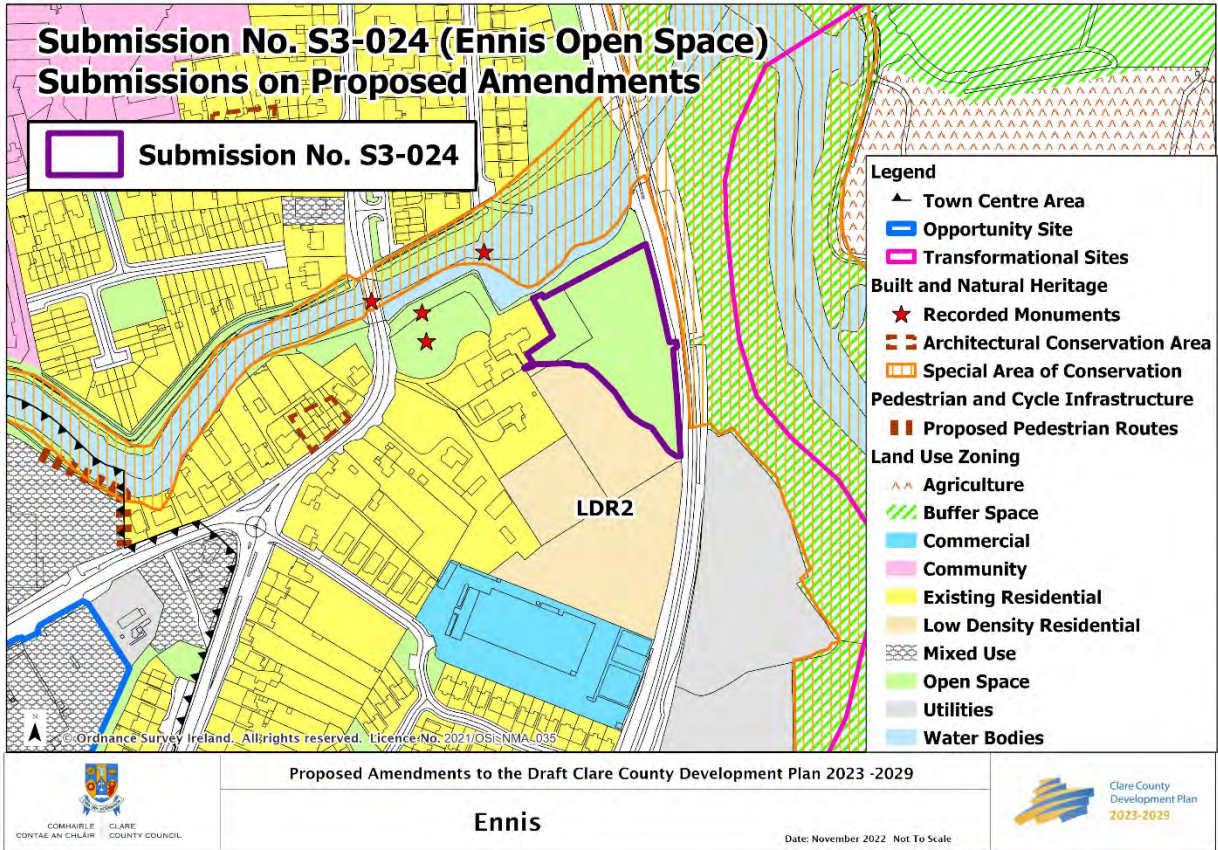


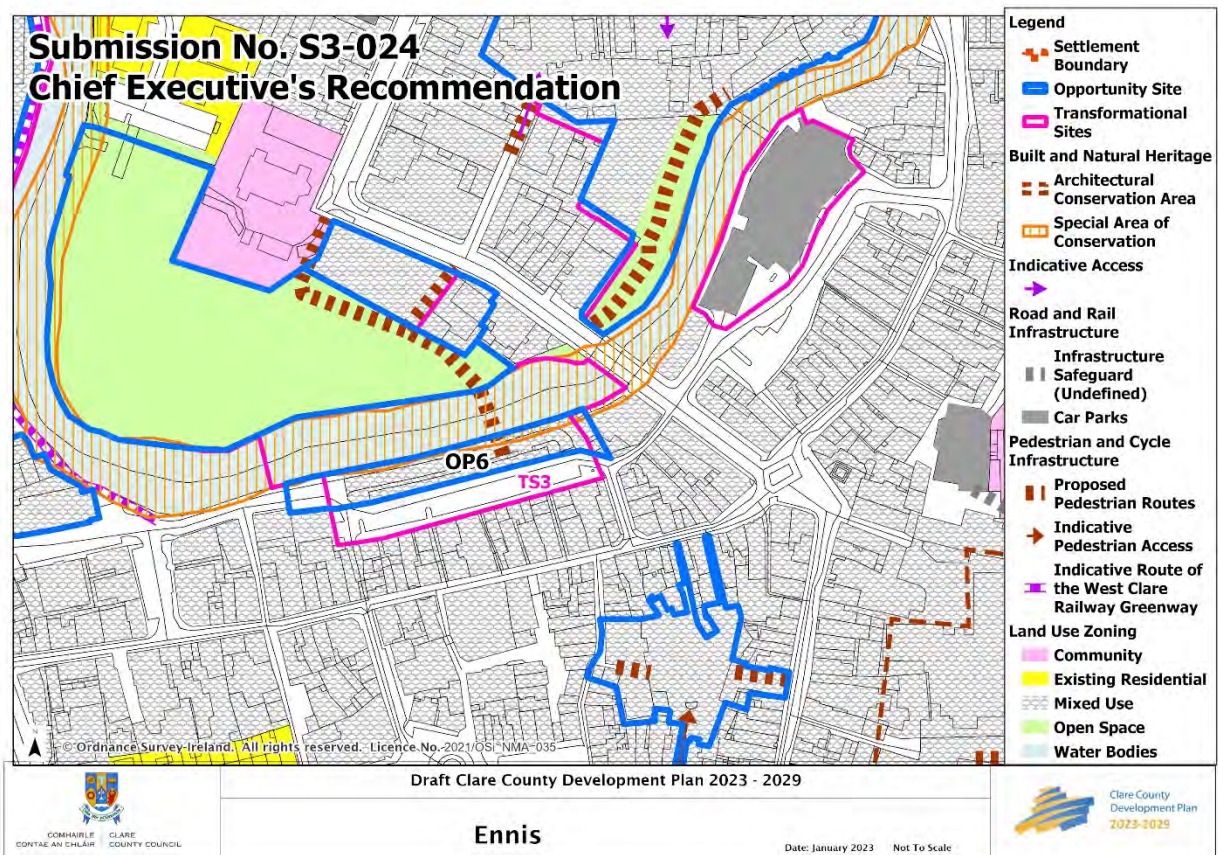
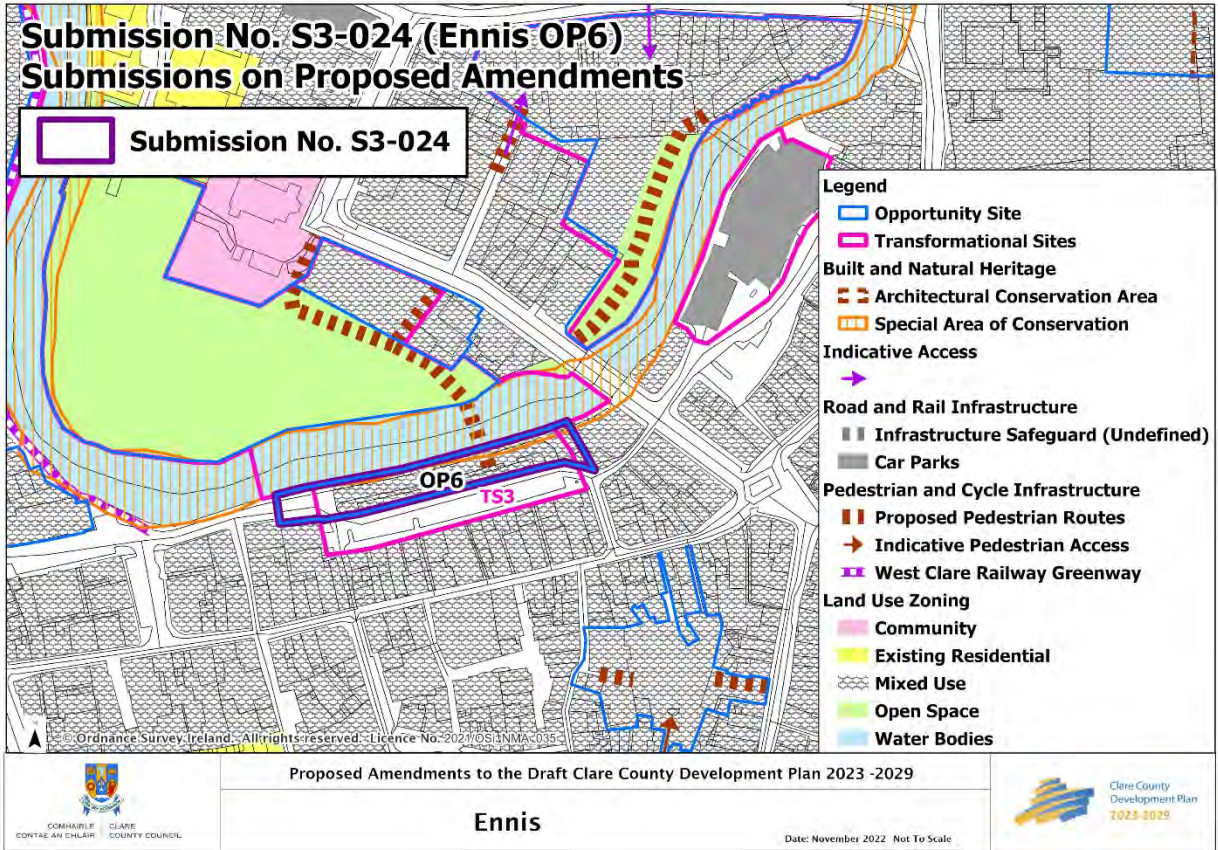














## Submission No: S3/035 – Markwin Kobus

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support CDP Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage the environment.*

### Chief Executive's Response

I thank Markwin Kobus for the submission in relation to CDP Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognise the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to address any potential negative effects.

I consider that the proposed Material Alteration to CDP 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### CDP Objective 8.13 Unconventional Gas Exploration and Extraction

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

**CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

**CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

**Chief Executive's Recommendation**

I recommend that the Draft Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.



<p><b>Submission No: S3/040 – Clare Green Party</b></p>
<p><b>Summary of Issues Raised in Submission</b></p>
<p>The submitter acknowledges that several aspects of their submission to the Draft Clare County Development Plan 2023-2029 have been addressed in the Chief Executive’s report on the Draft Plan. The submission acknowledges and is pleased to see a requirement for a climate impact assessment included in relation to TS-9 Data Centre both in Volume 3a and in CDP 6.27. However, the submission goes on to state that in order to meet the goal within the Draft CDP for Ennis to become a climate adaptive town, it is a prerequisite that any data centre is powered by additional renewable energy. The submission proposes an amendment to CDP 6.27 in this regard with respect to the requirement for developments to be powered by renewable energy.</p>
<p><b>Chief Executive’s Response</b></p>
<p>I thank the Green Party for the submission and welcome the positive comments. Regarding further comments in relation to TS-9 Data Centre I refer to the Chief Executive’s report of July 10<sup>th</sup>, 2022, and the proposed Material Alteration to Objective CDP 6.27 to require an operational phase GHG emissions assessment at project level. I consider this is the most appropriate means of considering the environmental effect of CDP 6.27 in terms of operational phase GHG emissions and by extension, the source of power to the proposed development given that the development will need to ensure compliance with CAP 2023 in achieving a reduction of 51% in GHG emissions by 2030. It is inherent within the CAP 2023 and the Draft Clare County Development Plan 2023-2029 that these targets are aimed at reducing our current GHG emissions and therefore any future development should be considered in addition to these reductions.</p>
<p><b>Chief Executive’s Recommendation</b></p>
<p>I recommend that the Clare County Development Plan 2023-2029 is made <b>with</b> the proposed Material Alteration to CDP Objective 6.27 Data Centres, as displayed.</p>



## Submission No: S3/049 – Aprile Blake

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Aprile Blake for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/051 – Mark Connolly

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage the environment.*

### Chief Executive's Response

I thank Mark Connolly for the submission in relation to CDP Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

**CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

**CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

**CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

**Chief Executive's Recommendation**

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/053 – Debbie Hunt

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Debbie Hunt for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/057 - Clare Public Participation Network

### Summary of Issues Raised in Submission

Clare PPN welcomes the further opportunity for engagement and in the submission provides general information on Clare PPN and notes this submission covers topics outlined in previous submissions on the Draft Plan as well as new concerns relating to Volume 1 Written Statement as follows:

#### **Section 1. 6 Goals**

The submitter requests the explicit inclusion of **the goal of reduction of poverty is essential for the 2023-2029** County Development Plan and as a key objective of economic development initiatives, zoning or actions contained within the Plan. The submitter disagrees with the Chief Executive's Response to a similar request in their previous submission on the Draft Plan and notes that the term 'inclusivity' does not mean the same thing as 'reducing poverty and deprivation'.

In addition, Clare PPN also suggest the following amendments:

Goal I: A county that is resilient to climate change, **that using a just transition approach**, plans for and adapts to climate change and flood risk, **collaborates effectively with other counties and regions in renewable energy generation ensuring that the communities in which such projects take place benefit from them**, facilitates a low carbon future, supports energy efficiency and conservation and enables the decarbonisation of our lifestyles and economy.

Goal II: A county that drives local and regional sustainable growth **for the benefit all those living in Clare** by harnessing the potential of its unique location, quality of life, **renewable** natural resources and other competitive advantages.

Goal III: A county with strong and balanced urban and rural areas providing key services and a good quality of life and where people with social or economic requirements to live in the countryside are accommodated.

Goal IV: A county with high quality **universal design** housing at appropriate locations through-out the county, ensuring the development of a range of house types, sizes and tenures to accommodate differing household needs, promoting sustainable communities, social integration and inclusion, while facilitating a sense of place. **A county which proactively tackles vacancy and dereliction using all measures available to it to return such properties to long term housing supply.**

Goal V: A county **in which living wage or above** jobs and people are brought together and where the sustainable growth **of secure, well paid** employment, indigenous enterprise and economic activity is pursued proactively across all economic sectors throughout the county **and where measures are put in place to ensure that there are pathways to gainful employment or enterprise for all communities in the county.**

Goal VI: A county with viable and vibrant town and village centres, that have shopping areas and markets **and necessary health and transport services** at appropriate scales and locations and which function to serve their communities and rural hinterlands.

Goal VII: A county with diverse and strong rural communities and economy, where its natural resources are sustainably managed in a manner that is compatible with the fragility of rural areas and the existing quality of life.

Goal VIII: A county in which **jobs-based** tourism growth continues to play a major role in the future



development of the county; a county which is the gateway to the West, delivering tourism experiences which reflect its strong commitment to **poverty reduction, a living wage, sustainability, connectivity, innovation and new approaches to doing business**; and a place that is globally recognised as a sustainable destination and where the benefits of tourism are spread across the county throughout the seasons.

Goal IX: A county where healthy and sustainable communities are developed and integrated with the timely delivery of a wide range of community, educational and cultural facilities where, through a commitment to equality, participation, accessibility, **the reduction of poverty** and social inclusion, the county develops as a unique **location for visitors** and with an enhanced **realisation of the socio economic rights and quality of life for its citizens and residents**.

Goal X: A county that supports strong **sustainable economic activity** where it is compatible with wellbeing and a high quality of life for all residents through the provision of efficient and robust physical infrastructure whilst having regard to environmental responsibilities and complying with European and national legislation.

Goal XI: A county that builds on the strategic location and **renewable** natural resources of the Shannon Estuary by facilitating and maximising its potential for various forms of development **which provide an evidence based sustainable benefit** to the community and wider population while **protecting managing** the estuarine and natural environment in full compliance with all relevant EU Directives.

Goal XII: A county that maximises and manages the economic, social and recreational potential of the Atlantic Coastline and Shannon Estuary while protecting the coastal zone's **unique and irreplaceable biodiversity and habitats** and its resources and adapting to and managing the challenges of climate change including flooding and sea-level rise.

Goal XIII: A county of 'living landscapes' where people live, work, recreate and visit while respecting, **protecting managing** and taking pride in the unique landscape of the county.

Goal XIV: A county that protects, **restores** and enhances its unique natural heritage and biodiversity and recognises the potential for sustainable green infrastructure development, while promoting and developing its cultural, educational and eco-tourism potential in a sustainable manner **which benefits the residents of Clare**.

Goal XV: A county that affords protection and conservation to buildings, areas, structures, sites and features of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and recognises them as a social, cultural and economic asset to the county.

Goal XVI: A county with a strong and vibrant network of towns and villages that provide a wide range of services and a high quality of life for residents of the county.

Goal XVII: A county that promotes **universal access** buildings, urban spaces and public realm of the highest quality and ensures all development adheres to the principles of good design, **universal access**, and contributes to the establishment of distinctive buildings and areas with a 'sense of place'.

Goal XVIII: A county where the overall strategic objectives of the County Development Plan are translated into settlement plans and local area plans containing detailed land-use zonings and master-planning of neighbourhoods in an evidence-based, plan-led approach with a focus on ensuring a high quality of life, **a just transition to a low carbon society and the reduction of poverty**.

Goal XIX: A county that manages and monitors the county level implementation of the National Planning Framework, Regional Spatial Economic Strategy, national plans and guidelines to ensure that quality of life, sustainability, climate action, resilience, **reduction of poverty** and inclusivity are the fundamental principles of the future sustainable development of the county.

Goal XX: A County that plays a fundamental role in the transition from a linear to a circular economy, through being responsible for key policies in public services that affect citizens' well-being, economic growth and environmental quality, and by fostering the linkages to transition from linear model to a circular model which keeps resources in use for as long as possible **and seeks to minimise extraction of all non-renewable resources.**

### **Net Biodiversity Loss:**

Clare PPN has grave reservations about the concept of 'net biodiversity loss' as used at CDP3.3 'd) To require all proposals to ensure there is 'no net loss' of biodiversity within developments' as it indicates incorrectly that loss of biodiversity in one area may be compensated for by restoration or creation of biodiversity elsewhere. Clare PPN requests that it is rephrased to read 'no loss of areas of significant biodiversity'.

### **Climate Action:**

Clare PPN/CEN welcomes the priority given to climate and climate action including an entire chapter on climate action for the first time in the CDP, however, it is considered that other objectives are in conflict especially the commitment to build a data centre near Ennis. In addition, Clare PPN/ CEN consider that this Draft CDP in particular in its support for the expansion of fossil fuel technology will either not be compatible with Clare Co Co's Climate Action Plan or that Clare Co Co's Climate Action Plan will not be compatible with the national long term climate action strategy. In this regard, the following is requested:

- all commitments to build, promote or support data centres in Co Clare should be removed from the CDP 2023-2029.
- the CDP 2023-2029 should stipulate that no new industrial developments that increase the burning of fossil fuels be permitted in Clare.
- no developments should be allowed that will result in a significant increase in consumption of electricity/fossil fuels.

### **Fossil fuel infrastructure:**

Clare PPN/ CEN consider that CDP Objective 11.46 which includes facilitating the "expansion of the Natural Gas infrastructure throughout the County" runs counter to the goals and objectives of climate action and decarbonisation and requests the following:

- the removal of CDP Objective 11.46,
- the inclusion in the CDP 2023-2029 of a commitment to ban all new investment in fossil fuels or in fossil fuel infrastructure.

### **Fracking**

Clare PPN/CEN notes Objective CDP 8.13 Unconventional Gas Exploration and Extraction and considers that this requirement does not go far enough and in light of the fact that UGEE (hydraulic fracturing or fracking) has been banned by law in the Republic of Ireland since 2017, requests that the Clare CDP 2023 should:

- be more explicit in stating that such activity should not be allowed in Clare under any circumstances.

- include a commitment that no gas produced via hydraulic fracturing shall be imported and no planning permission will be granted in Co Clare to any projects seeking to import such gas.

### **Mining**

Refers to Objective CDP 8.14 Minerals, Mining and Quarrying and the significant negative impacts of mining for precious metals The following is requested:

- the removal of Objective 8.14 from the CDP 2023-2029.
- the inclusion of a commitment not to permit mining in Co Clare.

### **Rights of Nature**

Clare PPN/CEN refers to a 'Rights of Nature' (RoN) approach which proposes a way to rethink our relationship with nature which would help the Council be at the forefront of sustainable development, climate action and climate adaptation as well as shift from its current extractive approach to a custodianship approach. Notes that several local authorities have adopted pioneering motions recognising the Rights of Nature and in this regard, the following is recommended:

- That Clare County Council adopts a Rights of Nature approach and that this be enshrined in the Clare CDP 2023-2029.

## **Chief Executive's Response**

I would like to thank Clare Public Participation Network and the Clare Environmental Network (CEN) for this comprehensive submission, and I would like to respond as follows:

### **Section 1. 6 Goals**

I note the request to make amendments to the text of a number of Goals in Section 1.6 of Chapter 1 as well as the inclusion of an additional Goal for the reduction of poverty. The request, for the most part, does not relate to a proposed Material Alteration to the Draft Clare County Development Plan 2023-2029 and therefore is not open for consideration. However the requested text change to Goal XX, which has been included as a proposed Material Alteration can be considered.

In relation to Goal XX, the submitter requests the inclusion of an additional sentence at the end of the goal '**and seeks to minimise extraction of all non-renewable resources.**' In this regard, I refer to the Chief Executive's Report on the Draft Plan (10<sup>th</sup> July 2022) and the response to Clare PPN's submission S2/743 in relation to Mining. In the response, the Chief Executive notes that Clare County Council does not have responsibility over prospecting licences in the County. However, the Council's commitment, through their role as a Statutory Consultee in the process, to ensure that the interests of the county in terms of environmental protection are to the forefront is confirmed. The Chief Executive notes that Objective CDP 8.14 Minerals, Mining and Quarrying reflects this commitment. Having regard to the above, I do not consider that it is necessary to include the additional text as proposed.

I note that Clare PPN disagree with the Chief Executive's Response to their previous submission

on the Draft Plan 2023-2029 in relation to the term ‘inclusivity’ and ‘reducing poverty and deprivation’. In this regard, the Chief Executive’s Report on the Draft Plan was subsequently considered by Elected Members and incorporated into the Proposed Amendments to the Draft Plan as agreed and considered appropriate.

### **Net Biodiversity Loss:**

I acknowledge Clare PPN’s reservations in relation to the use of text ‘no net loss’ in the proposed Material Alteration to Objective CDP3.3 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment, Chapter 3, and the request to rephrase this to ‘no loss of areas of significant biodiversity’.

The European Commission provides an explanation of the term ‘no net loss - [https://ec.europa.eu/environment/nature/biodiversity/nnl/index\\_en.htm](https://ec.europa.eu/environment/nature/biodiversity/nnl/index_en.htm) - ‘Even when every effort is made to avoid, minimize and restore, human activities can still have negative impacts on biodiversity. To avoid a net loss of biodiversity and ecosystem services, damages resulting from human activities need to be balanced by at least equivalent gains.’

In addition, I note that ‘no net loss’ is a term used throughout the National Biodiversity Action Plan 2017-2021 including in a number of its Actions such as **Action 1.1.3** All Public Authorities and private sector bodies move towards no net loss of biodiversity through strategies, planning, mitigation measures, appropriate offsetting and/or investment in Blue-Green infrastructure and **Action 2.1.20** Explore biodiversity offsets as a means to achieve no net loss of biodiversity under this Plan and as a source of revenue for biodiversity conservation and restoration.

Furthermore, the proposed wording refers to areas of ‘significant biodiversity’, areas of ‘less significant’ biodiversity would therefore appear to be excluded. I consider that the current wording ‘no net loss’ commits to avoiding a net loss of all biodiversity and ecosystem services, recognises that this is not always possible, and aims to ensure that where there are damages resulting from human activities that this is balanced by at least equivalent gains.

Therefore, I consider the current wording is correct and appropriate and I advise that the Plan be made **with** this proposed Material Alteration to the Draft Plan.

### **Climate Action & Fossil Fuel Infrastructure:**

I refer to the Chief Executive’s Report on the Draft Plan (10<sup>th</sup> July 2022) and the response to Clare PPN’s submission S2/743 which raised similar issues and requests relating to Climate Action and Fossil Fuel Infrastructure. In this regard, the recommendation of the Chief Executive was that Objective CDP6.27 Data Centres should be amended to ensure the inefficiencies in data centre energy and cooling systems are addressed in any proposal on the site and that Volume 3(a) section 2.14 should be amended to include for a Climate Impact Assessment. This would ensure any applications for Data Centres within County Clare address the impact which these facilities can have on achieving our Climate Change targets in terms of emissions and energy demand. The recommended amendment to Objective CDP6.27 was included as a proposed Material Alteration in the Proposed Amendments to the Draft Plan.

### **Fracking**

I refer to the Chief Executive's Report on the Draft Plan (10<sup>th</sup> July 2022) and the response included in relation to Clare PPN's submission S2/743 which raised similar issues and requests in relation to Fracking (Unconventional Gas Exploration and Extraction). In this regard, the Chief Executive considered that Objectives CDP 8.13 Unconventional Gas Exploration and Extraction and CDP8.14 Development Plan Objective: Minerals, Mining and Quarrying in Chapter 8 Rural Development and Natural Resources are in line with EU policy and notes the precautionary principle will apply should any proposals come forward and that such proposals would be subject to Objective CDP3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment.

### **Mining**

As noted above in my response to 'Section 1. 6 Goals', Clare County Council does not have responsibility over prospecting licences in the County. However, the Council is committed, through their role as a Statutory Consultee in the process, to ensure that the interests of the county in terms of environmental protection are to the forefront. CDP 8.14 Minerals, Mining and Quarrying, which is the subject of a proposed Material Alteration, reflects this commitment.

### **Rights of Nature**

I refer to the Chief Executive's Report on the Draft Plan (10<sup>th</sup> July 2022) and the response to Clare PPN's submission S2/743 which raised similar issues and requests relating to Mining. In this regard, in his response the Chief Executive notes the importance of the concept, notes the forthcoming review the Clare Biodiversity Action Plan in 2023 and considers the 'Rights to Nature' approach should be adopted through the review of same.

## **Chief Executive's Recommendation**

### **Section 1. 6 Goals**

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to include Goal XX in Section 1. 6, Chapter 1 of Volume 1, as displayed.

### **Net Biodiversity Loss:**

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to Objective CDP3.3 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment, Chapter 3 of Volume 1, as displayed.

### **Climate Action and Fossil Fuel Infrastructure**

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to Objective CDP6.27 Data Centres, Chapter 6 of Volume 1, as displayed.



### **Fracking and Mining**

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP8.14 Minerals, Mining and Quarrying, Chapter 8 of Volume 1, as displayed.

### **Rights of Nature**

There are no recommendation relating to Rights of Nature arising from this submission.

## Submission No: S3/058 – Francis Giaquinto

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Francis Giaquinto for the submission in relation to CDP Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.



## Submission No: S3/062 – Johnny Flynn

### Summary of Issues Raised in Submission

The submission relates to the proposed Material Alteration to CDP Objective 8.14 and requests its amendment based on the Notice of Motion which was placed on the agenda of the Clare County Council December 2022 meeting. The submission requests that the Objective is amended to take into consideration the vulnerability of groundwater sources for the public water supply in Clare to the impacts of extractive industries. It also requests the CDP Objective 8.14 be strengthened through the inclusion of additional wording such as those which appear in the Leitrim Draft CDP which relate to landscape, the environment, Areas of Outstanding Natural Beauty and specifically gold ore mining.

### Chief Executive's Response

I wish to thank Cllr Johnny Flynn for his submission in relation to CDP Objective 8.14 and I note his concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognise the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to CDP 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

#### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

#### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) *To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such*

*operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*

- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

**CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

**Chief Executive's Recommendation**

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/081 – Melina Sharp

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Melina Sharp for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/087 – Christine Sharp

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support the Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Christine Sharp for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
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- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/089 – Christine Kiefer

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Christine Kiefer for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
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- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.



**Submission No: S3/090 – David Hodgson & Enric Muniente**

**Summary of Issues Raised in Submission**

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

**Chief Executive’s Response**

I thank David Hodgson and Enric Muniente for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area’s natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
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### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
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- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.



## Submission No: S3/092 – P. Coleman & Associates

### Summary of Issues Raised in Submission

The submission relates to the Indicative Land Use Zoning Matrix at Appendix 2 of Volume 1 'Written Statement' of the Draft County Development Plan 2023-2029. The submission requests that the proposed Material Alteration from 'Open to Consideration' to 'Will not normally be acceptable' for development that is 'Residential – single dwelling (Permanent Occupation)' under the 'Existing Residential' land use zoning classification is not retained.

### Chief Executive's Response

I wish to thank P. Coleman & Associates for the submission.

I acknowledge the request that within the Indicative Land Use Zoning Matrix at Appendix 2 of Volume 1 'Written Statement' of the Draft County Development Plan 2023-2029, the proposed Material Alteration from 'Open to Consideration' to 'Will not normally be acceptable' for development that is 'Residential – single dwelling (Permanent Occupation)' under the 'Existing Residential' land use zoning classification is not retained. I consider that the request has merit since development that is 'Residential – single dwelling (Permanent Occupation)' will be Open to Consideration on Residential-zoned lands.

Consequently, I intend to recommend that the Draft Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to the Indicative Land Use Zoning Matrix at Appendix 2 of Volume 1 'Written Statement' of the Draft County Development Plan 2023-2029, as displayed.

### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration from 'Open to Consideration' to 'Will not normally be acceptable' for development that is 'Residential – single dwelling (Permanent Occupation)' under the 'Existing Residential' land use zoning classification to the Indicative Land Use Zoning Matrix at Appendix 2 of Volume 1 'Written Statement' of the Draft County Development Plan 2023-2029, as displayed. The Indicative Land Use Zoning Matrix shall be amended as follows:



Land Use	Mixed Use	Existing residential	Residential	Low Density Residential	Commercial	Community	Recreation	Open Space	Buffer Space	Enterprise	Tourism	Industry	Light Industry	Maritime / Harbour	Agriculture	Marine Related Industry
Residential – single dwelling (Permanent Occupation)	✓	⊖ *O	✗ O	✓	X	O	X	X	X	X	X	X	X	⊖ X	O	X

## Submission No: S3/093 – Tracy Branch

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive’s Response

I thank Tracy Branch for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area’s natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/094 – Nancy Creech

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Nancy Creech for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
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### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.



## Submission No: S3/095 – Nigel Branch

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Nigel Branch for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/097 – Michael Eversen

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support CDP Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Michael Eversen for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/103 – Marion Edler

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Marion Edler for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/104 – Sinéad Nic Shiachais

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Sinéad Nic Shiachais for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.



**Submission No: S3/105 – Jacintha van Roij & Thomas Lighvoet**

**Summary of Issues Raised in Submission**

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

**Chief Executive’s Response**

I thank Jacintha van Roij and Thomas Ligtvoet for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area’s natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

**CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

**CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

**CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

**Chief Executive's Recommendation**

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/107 – Anna Swisher

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Anna Swisher for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### CDP Objective 8.13 Unconventional Gas Exploration and Extraction

It is an objective of Clare County Council:

To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.

### CDP Objective 8.14 Minerals, Mining and Quarrying

It is an objective of Clare County Council:

To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.

To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.

### CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment

It is an objective of the Clare County Council:

- a) 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 and all relevant transposing national legislation;
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;
- e) To require the preparation and assessment of all planning applications in the plan area 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; and
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).

### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/108 – Jeanne van Roij

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Jeanne Van Roij for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.



### **Submission No: S3/109 – The Rural Ireland Organisation**

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

The submission relates to the objection by The Rural Ireland Organisation to Mining in Clare or any other part of Ireland. The submission outlines how mining is causing friction in communities, doing damage to the environment at a time when we have a water quality, climate and biodiversity crisis. The submission further outlines how The Rural Ireland Organisation will support whatever action communities decide to take on this matter and indicate that political decisions and corporations destroying our country will no longer be accepted going forward.

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

While I thank Jerry Loftus and The Rural Ireland Organisation for their submission, I note that it does not relate to any proposed amendment to the Draft Clare County Development Plan 2023-2029. Only submissions relating to proposed amendments can be considered by the Planning Authority at this stage in the development plan making process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

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

There is no recommendation arising from this submission.



## Submission No: S3/110 – C. Czech

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank C. Czech for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.



### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/111 – Phoenix O’Reilly

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive’s Response

I thank Phoenix O’Reilly for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area’s natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

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- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
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- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/112 – Florence Buffry

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

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### Chief Executive’s Response

I thank Florence Buffry for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area’s natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

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- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.



## Submission No: S3/113 – Virginia Farrow

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Virginia Farrow for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

**CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

**CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
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**CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

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- a) 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 and all relevant transposing national legislation;*
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- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

**Chief Executive's Recommendation**

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/117 – The Royal Institute of the Architects of Ireland (RIAI)

### Summary of Issues Raised in Submission

In their submission, the RIAI make the following points:

It is recommended that the Proposed Amendments to the Draft Clare County Development Plan 2023-2029 should incorporate its own vision statement, providing an anchor point for the Development Plan. The updating of Development Plans frequently results in the addition of more technical requirements, which in turn adds greater complexity and detail, which often results in reduced community engagement and participation. The vision statement should position the Development Plan Guidelines as a framework for planning inclusive, safe, healthy and happy places, safeguarding authentic cherished places and providing a platform for innovation and community for future generations.

The executive summary of the proposed amendments to the Draft Clare County Development Plan 2023-2029 should identify the overriding principles of the Development Plan. The RIAI recommend that the followings should form the basis or an executive summary:

- A) Effective Consultation and Participation Processes
- B) Greater focus on the Existing Built Fabric
- C) Sustainability and Climate Change
- D) The Importance of Quality Architecture and Design-led Approach.
- E) Designing communities for Health and Well-being

The RIAI suggest that the inclusion of a Vision Statement and Executive Summary in all Development Plans will help the Planning Authority to align interpretation and intent in a clear, unambiguous manner.

The RIAI believes the role of the Architect should be identified as part of the core team requirements for the Development Plan preparation process. The Architect is the traditional leader of the design team and the inclusion in this core team would reflect in the recognition of the importance of quality design, ultimately resulting in a considered collaborative approach, and contributing to the quality and effectiveness of the Developments Plan as a result.

The RIAI believe that the successful implementation of Development Plans will be dependent on the sufficient resourcing of our Local Authority Departments to ensure they have the correct skillsets and resources in order to facilitate the implementation of quality-driven development plans which are design focused in their approaches. This includes the appropriate skillset resourcing to each county, relevant to their requirements, to include professionals such as qualified Architects as core members of the Development Plan teams and an architectural conservation officer available to the development plan team in each county.

### Chief Executive's Response

I thank the RIAI for their submission and their input.



I wish to advise that the most recent round of public consultation in the County Development Plan process was to obtain submissions in relation to the Proposed Amendments only to the Draft Clare County Development Plan 2023-2029. While I thank the RIAI for the submission, I note that it does not relate to any proposed amendment to the Draft Clare County Development Plan 2023-2029. Only submissions relating to proposed amendments can be considered by the Planning Authority at this stage in the development plan making process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

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

There is no recommendation arising from this submission.

## Submission No: S3/119 – Alexandra Thompson

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Alexandra Thompson for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/121 – Jenny Fisher

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Jenny Fisher for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/124 – Diane Rodgers

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive’s Response

I thank Diane Rodgers for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area’s natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/125 - Not Here Not Anywhere

### Summary of Issues Raised in Submission

The submission acknowledges its purpose on behalf of Not Here Not Anywhere, which is striving to end fossil fuel exploration and the development of new fossil fuel infrastructure in Ireland. The group is advocating for a Just Transition to publicly owned renewable energy systems and a society-wide reduction in energy demand both here and around the world.

The submission specifically relates to data centre development in Clare. It raises concerns in relation to the recently granted planning application for a data centre on the Tulla Road in Ennis in terms of achieving the rapid, just energy transition to a fossil free future that we urgently need.

The submission welcomes the inclusion of Climate Impact Assessments but considers it lacks the necessary detail to ensure that unfettered data centre development does not place unreasonable strain on both our national grid and our climate commitments. The submission urges Clare County Council to solidify and strengthen this amendment by incorporating a number of recommendations as follows:

- Call for a national policy to be developed that sets a cap on the level of data centre energy demand that can be accommodated by the grid, while meeting our renewable energy and climate targets consistent with our commitments under the Paris Agreement.
- New data centres in Clare must be powered entirely by onsite or new offsite renewable energy.
- Existing centres should be required to transition rapidly to onsite or new offsite renewables.
- New data centres in Clare should have infrastructure in place to enable heat generated from them to be utilized for district heating systems.

The submission provides a brief analysis of the impact of data centres on energy demand and climate change and urges City and County Councils to consider the cumulative impact of data centre energy demands on a nationwide basis, as opposed to examining impact solely on a case-by-case basis.

### Chief Executive's Response

I thank Róisín Greaney on behalf of Not Here Not Anywhere for the submission and respond as follows:

The site (ENT 3 Toureen) is the subject of a live planning application for a data centre which has been appealed to An Bord Pleanála. Consideration of the site within the County Development Plan is at a Strategic Level relating to the Enterprise zoning on the lands and the potential to accommodate a Data Centre having regard to the proper planning and sustainable development of the area.

Clare County Council has no remit in terms of national policy surrounding the level of data centre energy demand that can be accommodated by the grid, while meeting our renewable energy and climate targets consistent with our commitment under the Paris Agreement. This would need to



be considered by Government at a national level taking all other energy demand and Climate Action targets into consideration. At a local level Clare County Council can only ensure that all targets set within a Renewable Energy Strategy which forms part of the Draft Clare County Development Plan 2023-2029 are in line with the targets set by the Climate Action Plan 2023 and are strictly adhered to.

With respect to the requirements on new data centres to be powered by renewable energy, I refer to the Chief Executive's Report of July 10<sup>th</sup>, 2022, and my response to An Taisce's submission S2/011 which relates to the subject site, and the consequent proposed Material Amendment to Objective CDP 6.27 to require an operational phase GHG emissions assessment at project level. I consider this is the most appropriate means of considering the environmental effect of CDP 6.27 in terms of operational phase GHG emissions and by extension, the source of power to the proposed development given that the development will need to ensure compliance with CAP 2023 in achieving a reduction of 51% in GHG emissions by 2030. It is inherent within the CAP 2023 and the Draft Clare County Development Plan 2023-2029 that these targets are aimed at reducing our current GHG emissions and therefore any future development should be considered in addition to these reductions. There are currently no existing data centres within the county to consider a transition rapidly to onsite or new offsite renewables.

Clare County Council considers there is the opportunity to develop a number of district heating facilities across the county which would reduce the CO2 emissions associated with heating buildings. In recognizing this the Draft Plan includes within CDP Objective 2.17 to support and encourage the development of District Heating, in compliance with the objectives set out in Chapter 14, as a means of facilitating the utilization and distribution of useful waste heat from large thermal processes such a data centres.

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 6.27 Data Centres, as displayed.

## Submission No: S3/129 – Art O Laoghaire

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Art O Laoghaire for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/131 – Tonia Kusters

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive’s Response

I thank Tonia Kusters for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area’s natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/133 – Tommy Hayes

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Tommy Hayes for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

**CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

**CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

**CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

**Chief Executive's Recommendation**

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.



## Submission No: S3/136 – Halimah Davies

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Halimah Davies for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.



### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.



## Submission No: S3/137 – Finola Ó Siochrú

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support CDP Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Finola Ó Siochrú for the submission in relation to CDP Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognise the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to CDP 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Draft Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/141 – Jocelyn Florence

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Jocelyn Florence for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/143 – Mariel Hiney

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive’s Response

I thank Mariel Hiney for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area’s natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/146 – Camilla O’Callaghan

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive’s Response

I thank Camilla O’Callaghan for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area’s natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.



### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/147 – Nicholas Plews

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support CDP Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive’s Response

I thank Nicholas Plews for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area’s natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
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- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

**Submission No: S3/148 Cllr. Johnny Flynn**

**Summary of Issues Raised in Submission**

The submission suggests that Chapter 15 Volume 1 of the proposed amendments should be strengthened by inclusion of references to the UN agreements reached in December 2022 at the 15<sup>th</sup> Conference of Parties (COP 15) to the UN Convention on Biological Diversity adopting the “Kunming-Montreal Global Biodiversity Framework” (GBF), including four long term goals to 2050 and 23 targets for achievement by 2030. The submission provides relevant extracts from related UN resources for consideration.

**Chief Executive’s Response**

I wish to thank Cllr. Johnny Flynn for this submission and to respond as follows.

The adoption of the Global Biodiversity Framework at COP 15 in Montréal represents a milestone in governments’ response to the global biodiversity crisis. The Global Biodiversity Framework sets out to respond to several assessments that provide ample evidence that, despite ongoing efforts, biodiversity is deteriorating worldwide at rates unprecedented in human history. This framework outlines an ambitious plan to implement broad-based action to bring about a transformation in our societies’ relationship with biodiversity by 2030 and ensure that, by 2050, the shared vision of living in harmony with nature is fulfilled.

A monitoring framework with associated indicators to track progress was also adopted. National biodiversity strategies and action plans are the main instrument for implementing the Convention at the national level and national reports are the main instrument for monitoring and reviewing the implementation of the Convention and the associated Framework.

As outlined in the proposed Material Alteration to Chapter 15, at Section 15.2.1, Ireland’s 4<sup>th</sup> National Biodiversity Action Plan (NBAP) will be published in 2023 which will take account of the GBF actions and strategies. This will form the national strategy for tackling biodiversity loss from which the Clare Biodiversity Plan will take its lead. The key targets as set out in the GBF will be translated at a national level which can subsequently be applied at a local level. It is premature to include county specific targets in the absence of a published national strategy and associated action plan at present.

Both Volume 10b(i) SEA Environmental Report together with Volume 1 Written Statement will be updated to include reference to the adoption of the Global Biodiversity Framework at COP 15. It is premature to include county specific targets without the publication of a national strategy and associated action plan at present.



### Chief Executive's Recommendation

I recommend the Clare County Development Plan 2023-2029 is made **with** the Material Alteration to Objective Chapter 15 Volume 1, as displayed.

In addition, I recommend a non-material update to Volume 1 Written Statement together with Volume 10b(i) SEA Environmental Report of the Clare County Development Plan 2023-2029 be made to include descriptive updates which reference the adoption of the Global Biodiversity Framework at COP 15.



## Submission No: S3/149 – Fionnuala Daffy

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Fionnuala Daffy for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/151 - Future Proof Clare

### Summary of Issues Raised in Submission

#### Volume 1 Written Statement Goals

The submission while commending Clare County Council for the commitment to playing a role in the transition from a linear to a circular economy questions the substance of wording contained in Goal XX and the use of the phrases “sustainable growth”, “Economic growth and environmental quality” throughout the Goals given the current environmental crisis. It requests that the phrase “fostering the linkages to transition from linear to a circular model” includes proactive measures such as a commitment from the council to push for stronger and more binding circular economy policies at national and EU level. The submission outlines the inadequacies with the EU circular economy action plan and what it should contain. It proposes the addition of “and seeks to minimize extraction of all non-renewable resources” be added to the last sentence in Goal XX.

#### Addendum to Environmental Assessments

The submission notes the current wording of the Draft Plan in Section 6.28 and the suggested *Addendum to Environmental Assessments (AEA)* of the Draft Clare County Development Plan 2023-2029 with respect to Data Centres. The submission questions the inclusion of the statement “Data centres are an integral part of the enterprise and business support infrastructure” in the CDP given there are currently no data centres in the county of Clare and requests the removal of this statement which should be replaced with the following;

*Given the current situation where household energy use is not considered to be secure, coupled with the extensive energy use of data centres, a moratorium on new data centres is currently enforced until further assessment suggests that there is a net greenhouse gas emissions reduction by facilitating data centre development”*

The justification for this is the impact in terms of Greenhouse Gas Emissions in the absence of renewable energy to power such facilities.

The submission also suggests removing the current wording of Section 6.28 of the Draft Plan due to its contravention with the Strategic Environmental Objectives as outlined in table 1.1 of AEA.

With respect to the amendment to CDP Objective 8.8 Future Proof Clare are concerned that the amendment does not adequately protect human and ecological health from the potential negative impacts of developments.

With respect to the wording of CDP Objective 8.14 Future Proof Clare are concerned about the present wording in section a) “to promote the extraction of minerals..” which they feel implies the benefit is being given to the developer/extractive industry over the environment and the health of the local community. In this regard the submission refers to the Notice of Motion made by Cllr Flynn on the 12<sup>th</sup> of December 2022, the absence of wording with respect to a ban on the use of certain processing chemicals and the inclusion of suggested wording arising from the draft Leitrim County Development Plan which includes a ban on the use of these toxic chemicals in the county.



Futureproof Clare are calling on Clare County Council to issue a moratorium on the granting of Prospecting licences in the county and for this moratorium to be included in the new County Development Plan on the grounds of environmental and human/animal health together with the economic impacts and provides references to literature from both within Ireland and from around the world with respect to these impacts.

With respect to CDP Objective 11.46 which includes facilitating the “expansion of the Natural Gas infrastructure throughout the County” Future Proof Clare are of the opinion that this objective runs counter to reducing fossil-fuel burning and to the objectives set out elsewhere in the Draft CDP 2023-2029, including; “To facilitate measures which will accelerate the transition to a low carbon economy” (CDP Objective 2.14); and to “facilitate a low carbon future...” and “enable the decarbonization of our lifestyles and economy...”. The submission requests the removal of CDP Objective 11.46, the inclusion in the CDP of a commitment to ban all new investment in fossil fuel or in fossil fuel infrastructure.

The submission recommends that Clare County Council adopts a Rights of Nature approach and that this be enshrined in the Clare CDP 2023-2029.

### Chief Executive’s Response

I wish to thank the Future Proof Clare for the submission and address the issues raised as follows:

#### **Volume 1 Written Statement Goals**

I note the concerns outlined in relation to the inadequacies of the EU circular economy action plan and the requirement for more binding circular economy policies at national and EU level.

I wish to advise that the most recent round of public consultation in the County Development Plan making process was to obtain submissions in relation to the Proposed Amendments only to the Draft Clare County Development Plan 2023-2029. While the issue in relation to the transition from linear to a circular economy is one which Clare County Council is acutely aware of, I note that it does not relate to any proposed amendment to the Draft Clare County Development Plan 2023-2029. Only submissions relating to proposed amendments can be considered by the Planning Authority at this stage in the development plan making process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

#### **Section 6.28 of the Draft Clare County Development Pan and the Addendum to Environmental Assessments**

With respect to the statement on data centres as an integral part of the enterprise and business support infrastructure this is a general statement on data centres into the future for not just County Clare but for the entire country regardless of the presence of such a facility at this point in time. The proposed text for inclusion in relation to a moratorium is sufficiently addressed through the Proposed Amendment.

Clare County Council, in preparing the Clare County Development Plan 2023-2029, do not have project-specific details for any data centre site in Clare in terms of the nature and type of Data Centre which may be accommodated. I appreciate that the National Climate Action Plan 2023 has

greatly increased the emissions reduction targets for 2030, with a 75% reduction in emissions sought of the electricity sector through the accelerated delivery of onshore wind, offshore wind, and solar. In addition, through the greening of business and enterprise a 35% reduction in emissions by 2030 will be sought.

In the absence of details pertaining to a specific type and scale of data centre to be accommodated within the county it is not possible to undertake an operational phase GHG emissions assessment against the requirements of the Climate Action Plan 2023.

As per the Chief Executive's report of July 10<sup>th</sup>, 2022, and the proposed Material Alteration to Objective CDP6.27 to require such an assessment at project level, I consider that this is the most appropriate means of considering the environmental effect of CDP6.27 in terms of operational phase GHG emissions and follows the requirements of the SEA Regulations in terms of mitigation.

The proposed Material Alteration to CDP Objective 8.8 provides for the specific inclusion of a reference to negative impacts on archaeological heritage. It is felt that through the existing inclusion of "*in compliance with all relevant legislation and planning requirements*" within CDP Objective 8.8 together with the requirement to adhere to and comply with CDP Objective 3.1 pertaining to Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment the concerns of Future Proof Clare with respect to adequately protecting human and ecological health from the potential negative impacts of developments are adequately covered and provided for.

I note the concerns of Future Proof Clare with respect to CDP Objective 8.14 in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognise the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to CDP 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

#### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

#### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

#### **Prospecting licences**

Clare County Council has no control over the granting of prospecting licences across the county. Any entity can apply for the right to explore for minerals to the Minister for the Environment, Climate and Communications through the prospecting licensing process. A prospecting licence is a permit, issued by the Minister, which allows the holder to prospect for specified minerals in a defined geographic area referred to as a prospecting licence area. The Minister for the Environment, Climate and Communications can issue a licence to a private operator to prospect for minerals in Ireland. The Minister is advised in that role by the Geoscience Regulation Office within the Department. Mineral exploration (prospecting) and mining are often confused with

each other. Mineral exploration is not mining. They are two very different activities given their environmental impacts and scale. Different regulatory rules apply to each and there is a completely separate and distinct licence application process for each activity. A prospecting licence relates to the activity of exploring for minerals only and does not give the licence holder permission to mine. A change to the Draft Plan is therefore not appropriate with respect to prospecting.

#### **CDP Objective 11.46**

I wish to advise that the most recent round of public consultation in the County Development Plan making process was to obtain submissions in relation to the Proposed Amendments only to the Draft Clare County Development Plan 2023-2029. Notwithstanding this, CDP Objective 11.46 has regard to the requirement to reduce fossil-fuel usage and requires the promotion of renewable gas and the production and storage of green hydrogen together with the promotion of investment in the sustainable development of these sectors all of which will ensure the CDP is in line with our Climate Change targets and a transition to a low carbon economy in a timely fashion. A change to CDP Objective 11.46 is therefore not necessary.

#### **Rights of Nature Approach**

Clare County Council fully recognizes the importance of the Rights of Nature approach which is advocated by Future Proof Clare. The approach is a way of re-thinking our relationship with nature from one of dominance to one of sharing, caring, respect and interdependency. It can also act as a catalyst to shift our thinking from an extractive economy towards a regenerative economy according to the Environmental Justice Network Ireland (EJNI). Clare County Council could explore this initiative through engagement with other Local Authorities whom have committed to researching this initiative. As already outlined within my response this stage in the plan preparation process was to obtain submissions in relation to the Proposed Amendments only to the Draft Clare County Development Plan 2023-2023. It is therefore not possible to include a recommendation on Rights of Nature at this stage in the process.

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

I recommend the Clare County Development Plan 2023-2029 is made **with** the Material Alteration to Objective CDP 8.14, as displayed.

There is no other recommendation arising from this submission.

## Submission No: S3/152 – Angela Nolan

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive's Response

I thank Angela Nolan for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area's natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.

## Submission No: S3/154 – Michael Duffy

### Summary of Issues Raised in Submission

#### Strategic Environmental Assessment

The submission notes that issues raised on the 28<sup>th</sup> March 2022 by way of submission to the Draft Plan process are still relevant. It also notes the publication of new SEA Guidelines for Regional Assemblies and Planning Authorities prepared by the Department of Housing, Local Government and Heritage, March 2022. Mr Duffy outlines the SEA process and associated stages in the process in accordance with the SEA regulations and guidance. The submission notes the absence of inclusion of data pertaining to Wastewater Treatment as part of the baseline condition assessment.

Mr Duffy outlines the requirement in accordance with Section 7.1 of the SEA guidelines to ensure the elected members of Local Government are fully aware of the purpose of the SEA process and integration of the findings into the Environmental Report of the Plan. The submission also outlines the guidance in relation to undertaking a coordinated and joint approach to data collation, assessment etc through the SEA and AA processes.

The submission highlights sections of the Environmental Report where issues in relation to Wastewater treatment have been highlighted, where inadequate capacity exists and where zoning within such settlements will be problematic.

The submission raises concerns with the appendices to the SEA Environmental Report specifically in relation to an explanation of indices associated with the assessment criteria relates to in Appendix A, the absence of agglomerations in Appendix B and suggested lacunae in Appendix C.

The submission notes a discrepancy between Table 1.0 and the parameters for assessment versus the indices used in Table 2.0 of Volume 10 Addendum of Environmental Assessments to Proposed Amendments.

Mr Duffy highlights concerns and issues surrounding the zoning within settlements where no municipal wastewater treatment exists and the conditioning of planning applications for existing householders to connect to municipal systems if and when they become available.

The submission further outlines perceived inadequacies with the Chief Executives Response to submission S2/940 on the Draft Plan where zoning has been provided for in settlements where insufficient infrastructure exists and questions the Local Authority intention in this regard.

#### Core Strategy

The submission outlines the purpose of the Core Strategy according to the National Planning Framework, Regional Spatial and Economic Strategy and its purpose in providing the policy framework for other documents such as the Local Economic and Community Plan.

#### Strategic Aims

The submission outlines the purpose of the Strategic Aims for settlement plans and Local Area Plans particularly in relation to land-use zoning and the content in which key infrastructure is provided. It also outlines the purpose of Goal XVIII in terms of providing an evidence-based, planned approach.

### Core Strategy Statement

The submission challenges what the Core Strategy has taken into consideration and considers some of the zoning within the CDP to be unsustainable.

The submission refers to the use of Compact Growth and Strategic Residential Reserve as meaningless in a context where these lands should not be zoned in the first instance.

The submission questions the adherence to the Development Plan guidelines for Planning Authorities and the Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities with respect to capacity of WWTPs.

The submission notes a reference to the 2004 SEA Guidelines which needs to be updated.

### Appendix 9 Implementation and Monitoring

The submission questions the validity of the parameters set, specifically mentioning CDP 3.1 Core Strategy.

### Settlement Hierarchy

The submission outlines the bases for the settlement hierarchy and the items which are considered in order to prepare the Settlement Hierarchy.

### Core Strategy Statement

The submission questions the quantum, location and distribution of new development and the regard which was had to the capacity of existing and planned wastewater services infrastructure together with environmental considerations.

### Settlement Hierarchy and Strategy

The submission queries the evidence to demonstrate that the settlement strategy was prepared having regard to the capacity of individual areas to accommodate growth. It questions the inclusion of monitoring with respect to cumulative effects of grants of planning permission on available wastewater capacity and to the constraints in key growth areas such as the Limerick Shannon Metropolitan Area. The submission alludes to a prejudice against on-site treatment and municipal treatment with respect to the Ancillary Living Criteria and questions zoning decisions where there is no control by the Local Authority over the quantum of Wastewater Infrastructure funding.

The submission queries the validity of CDP Objectives 11.29, 11.32, 11.33, 11.34 and the Environmental Assessment Criteria contained in section 11.4.3.1 with respect to wastewater treatment and in addition 11.4.4 with respect to Storm Water Management.

### Appendix 1 Serviced Land Assessment.

The submission outlines the process undertaken within the assessment and questions the validity of this regarding wastewater treatment capacity.

### Conclusions

The submission concludes by noting the following key points; the public authority has no power or say over wastewater infrastructure funding, queries why the public authority did not publish the scoping information and data provided by Irish Water as referred to in the CE Report response to submission No. S2/940, contends that the information provided is not sufficient to make



properly informed responses to the proposals or amendments and that the public authority needs to reconsider its proposition before making any proposal for adoption by the elected members.

### Chief Executive's Response

I thank Mr. Duffy for the submission and the confirmation that issues raised in the initial submission of the 28<sup>th</sup> of March 2022 are still relevant. Clare County Council is acutely aware of the recent publication of the new SEA Guidelines in March 2022. Clare County Council provided input to the preparation of these guidelines in consultation with the Department. It should be noted that the new guidelines were published in March 2022 which was subsequent to the public display period for the Draft Plan which commenced in December 2021. As is outlined in the Addendum to the Environmental Assessment the Environmental Report should be read in conjunction with the Addendum. The Environmental Report will be updated taking into account changes to guidelines, Plans etc between the publication at the draft stage in December 2021 and the publication of the final Plan. As per the SEA Guidelines and the SEA Regulations any non-material changes will be made to the SEA Environmental Report prior to the publication of the final Plan which will include reference to the newly published SEA Guidelines in March 2022. The publication of the new guidelines did not lead to any material change to the SEA Environmental Report or the assessment therein which would have necessitated inclusion in the Proposed Amendments.

The SEA Scoping Report was published on the 14<sup>th</sup> of October 2020 and was on display for a period of 4 weeks until the 10<sup>th</sup> of November 2020. The Scoping Report incorporated the baseline conditions in relation to water quality which takes into consideration the impacts of wastewater treatment. This baseline assessment informed the subsequent SEA Environmental Report which in turn informed the preparation of the Plan.

The Addendum to the Environmental Assessments was prepared in accordance with the new SEA Guidelines for Regional Assemblies and Planning Authorities (March 2022) which clearly states under Section 7.1 *Amendments to the Draft Plan, Adoption of Plan and Preparation of the SEA Statement* "If the amendments are likely to have significant environmental effects, the original Environmental Report should be revised, or an addendum should be prepared". In addition, Appendix C – Example of integration of SEA process with preparation or review of a Development outlines at Stage F "Addendum to Environmental Report may have to be prepared if material amendments to the draft plan are proposed". This is the approach which was taken in preparing the assessment of the Proposed Amendments to the Draft Plan in accordance with the relevant guidance and legislation.

In accordance with both the SEA Guidelines and the Planning and Development Act (as amended) the Elected Members have been fully informed as to the purpose of the SEA process and the requirement to undertake both SEA and AA on the Proposed Amendments as was conveyed through the determination to undertake both assessments on the proposed Amendments.

In relation to wastewater treatment issues highlighted in the Environmental Report, the identification of zoned lands in settlements has been informed by Irish Water's Wastewater Treatment Capacity Register 2020 (updated March 2022) as well as Irish Water's Programme of Investment 2020-2024 under which a number of treatment plants and network projects are being progressed to address wastewater issues. I also refer to the Chief Executive's Report on the Draft

Plan (10<sup>th</sup> July 2022) and the response and recommendation to Irish Water’s submission S2-013 which has informed the Proposed Amendments to the Draft Plan.

In relation to settlements with inadequate or no wastewater capacity, I refer to the Settlement Hierarchy contained in Chapter 3 of the Draft Plan which divides settlements into Tiers and Table 3.4 Core Strategy Table which identifies those Tiers where inadequate, or no wastewater capacity is available. In line with the national planning policy and guidance including Development Plan Guidelines for Planning Authorities 2022, no residential zoning was identified in unserved settlements in the Draft Plan. Small scale development can occur in unserved settlements, on for example the designated Village Growth Areas subject to satisfying all relevant criteria in the Development Management assessment process which will include consideration of wastewater discharge from proposed developments in order to allow for the sustainable compact growth of the settlement. However, I acknowledge that the Proposed Amendments include proposals for residential zoning on lands in unserved settlements, by way of proposed material alterations and I refer to my response to the Office of the Planning Regulator’s submission, S3/012, and Irish Water’s Submission, S3-011.

Chapter eight of the SEA Environmental Report clearly outlines the assessment process undertaken as part of the assessment of the plan objectives outlined in Appendix A. Section 8.2 outlines the matrix assessment ratings together with Section 8.3 which outlines the assessment criteria and clearly states the explanation of the indices used in Table 8.1. With respect to the absence of the listed agglomerations raised in the submission as part of Appendix B to the SEA Environmental Report this omission was also raised by the OPR at the Draft Plan consultation stage. The omission was investigated at that point which highlighted an administrative error in preparing the PDF of the document for upload to the webpage. For clarity and completeness this omission has been included in Appendix 3 to the Chief Executives Report. The assessment of these agglomerations was undertaken at the same time as all other settlements and will be amended in the final document. With respect to the lacunae surrounding wastewater as alluded to in the submission, inadequacy or dysfunctional wastewater treatment was factored into the assessment at all levels and is inherent in the assessment table for example through the assessment against the River Basin Management Plan, Urban Wastewater Treatment Directive and Irish Waters Water Services Strategic Plan.

Table 1.0 of the Addendum to the Environmental Assessments has omitted the assessment criteria “Climate Change”. The CDP Objectives which are the subject of the Proposed Material Amendments have rightly been assessed against the Climate Change criteria in Table 2 of the Addendum in line with the overall assessment as undertaken in Appendix C to the main SEA ER. The omission of the word Climate Change criteria in Table 1.0 does not alter the accuracy of the assessment and it is in line with the overall CDP assessment. The omission will be rectified in the final document.

I note the concerns outlined in relation to zoning in unserved settlements including the conditioning of planning applications regarding future wastewater infrastructure. As outlined above, the Settlement Hierarchy contained in Chapter 3 of the Draft Plan divides settlements into Tiers and Table 3.4 Core Strategy Table identifies those Tiers where inadequate, or no wastewater capacity is available. In line with the national planning policy and guidance, no residential zoning has been identified in unserved settlements in the Draft Plan, however I acknowledge that the Proposed Amendments include proposed material alterations for residential zoning on lands in



unserved settlements, which are addressed in my response to submissions from Office of the Planning Regulator and Irish Water, S3/012 and S3-011 respectively.

In relation to perceived inadequacies in the Chief Executive's Response to submission S2/940 on the Draft Plan, having reviewed my response, I am satisfied that I have provided an adequate response to this submission.

As requested in the submission, all references to the Strategic Environmental Assessment Guidelines (2004) will be updated, by way of a non-material update to the plan, to reflect the new Guidelines published in March 2022.

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

I recommend a non-material update to all references to the Strategic Environmental Assessment Guidelines (2004) where it appears within the final Plan, to reflect the new SEA Guidelines published in March 2022, *Strategic Environmental Assessment: Guidelines for Regional Assemblies and Planning Authorities*.

## Submission No: S3/167 – Áine O’Loughlin

### Summary of Issues Raised in Submission

The submission relates to specific policies that can deal directly and effectively with mineral prospecting, extraction, mining, and processing. It requests the inclusion of a policy that would regulate the use of certain chemicals as a processing agent. The submission highlights the importance of such policies and objectives to the county and the risk which the mining extractive industry plays in terms of water quality. The submission requests that the council regulate policies around prospecting and mining in favour of protecting the environment and the future of our children against profit orientated foreign national companies taking unreasonable risks, using chemicals that could cause permanent harm.

The submission requests the inclusion of the following additional wording in order to support Draft Clare County Development Plan Objective 8.14 and to better protect the environment, habitats and water quality from potential negative impacts of mining and extractive industries;

*The use of the following chemicals as a processing agent shall not be permitted as part of any proposed processing operation located above or adjacent to surface or ground waters, or which could potentially impact such waters regardless of their location – mercury, cyanide or cyanide compounds, breakdown products of cyanide, or sulfuric acid. These present an unreasonable risk of environmental harm due to the toxicity of such chemicals and their demonstrated potential to damage to the environment.*

### Chief Executive’s Response

I thank Áine O’Loughlin for the submission in relation to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying and I note the concerns in relation to mineral prospecting, extraction, and mining industries and to the use of certain chemicals as processing agents.

The Council recognises the importance of the extractive industry in the County and the contribution the industry makes to the construction sector, employment generation and economic life. The extraction and processing of these materials and minerals, together with the decommissioning and restoration of all sites, requires appropriate management to minimise the potential impact on the environment. The Council, through the inclusion of Objectives in the Draft Clare County Development Plan 2023-2029, ensures that as a County we will facilitate the harnessing of the area’s natural resources, whilst ensuring that the receiving environment is appropriately protected. Clare County Council recognise the serious potential environmental implications which can arise from extractive industries and as such have ensured appropriate objectives are included to ensure any negative effects are removed.

I consider that the proposed Material Alteration to Draft Clare County Development Plan Objective 8.14 Minerals, Mining and Quarrying, in conjunction with two other key objectives which are set out below, are sufficient to address the concerns raised in this submission. I believe it is important to keep objectives broad enough to ensure best practice standards to protect the environment can be achieved, regardless of the technique, compound or processing agent used in the industry.

### **CDP Objective 8.13 Unconventional Gas Exploration and Extraction**

*It is an objective of Clare County Council:*

*To require the application of the precautionary principle to Unconventional Oil/Gas Exploration and Extraction (UGEE) projects/operations proposed within the County subject to the requirements of CDP Objective 3.1.*

### **CDP Objective 8.14 Minerals, Mining and Quarrying**

*It is an objective of Clare County Council:*

- a) To promote the extraction of minerals and aggregates and their associated processes where such activities do not have a significant negative impact on the environment, landscape, public health, archaeology, County Geological sites and/or sites of geological importance or residential amenities of the receiving environment and where such operations are in compliance with all national regulations and guidelines applicable to quarrying and mining activities.*
- b) To support the satisfactory and sensitive re-instatement and/or re-use of disused quarries and extraction facilities, where active extraction use has ceased. Future uses should include amenity, recreation and biodiversity areas and shall be informed by an assessment of the specific site/lands in accordance with the restoration plan under the facility's EPA licence.*

### **CDP Objective 3.1 Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment**

*It is an objective of the Clare County Council:*

- a) 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 and all relevant transposing national legislation;*
- b) To require project planning to be fully informed by ecological and environmental constraints at the earliest stage of project development and any necessary assessment to be undertaken, including assessments of disturbance to species, where required;*
- c) To protect, manage and enhance ecological connectivity and improve the coherence of the Natura 2000 Network;*
- d) To ensure that European sites and Natural Heritage Areas (designated proposed NHAs) are appropriately protected;*
- e) To require the preparation and assessment of all planning applications in the plan area 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; and*
- f) to require compliance with the objectives of the Water Framework Directive and support the implementation of the 3rd Cycle River Basin Management Plan (and any other iteration during the lifetime of the CDP).*

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to CDP Objective 8.14 Minerals, Mining and Quarrying, as displayed.





# Ennis





**Submission No: S3/022 – MKO on behalf of Selvaag Ireland Limited.**

**Summary of Issues Raised in Submission**

The submission relates to lands at Shanaway Road, Ennis. The lands are outside the settlement boundary of Ennis and are unzoned in the Draft Clare County Development Plan 2023-2029.

In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, the settlement boundary of Ennis has been enlarged to include the lands and the lands are zoned Community (C6).

This follows a submission (S2/775) made on behalf of Selvaag Ireland Limited to the Draft Plan which sought to zone the lands for Community use.

The submission welcomes the proposed Material Alteration and requests that it is included in the adopted Clare County Development Plan 2023-2029.

**Chief Executive's Response**

I wish to thank MKO for their submission, made on behalf of Selvaag Ireland Limited.

I acknowledge their support for the proposed Material Alteration to lands at Shanaway Road, which formed part of the Members' Resolution made on 20<sup>th</sup> October 2022.

I note the Recommendation (MA10) set out in the submission from the Office of the Planning Regulator (OPR) (S3/012) that the proposed Material Alteration regarding Ennis (C6) – from White Lands to Community is not included.

I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/775 which relates to these lands, which stated that:

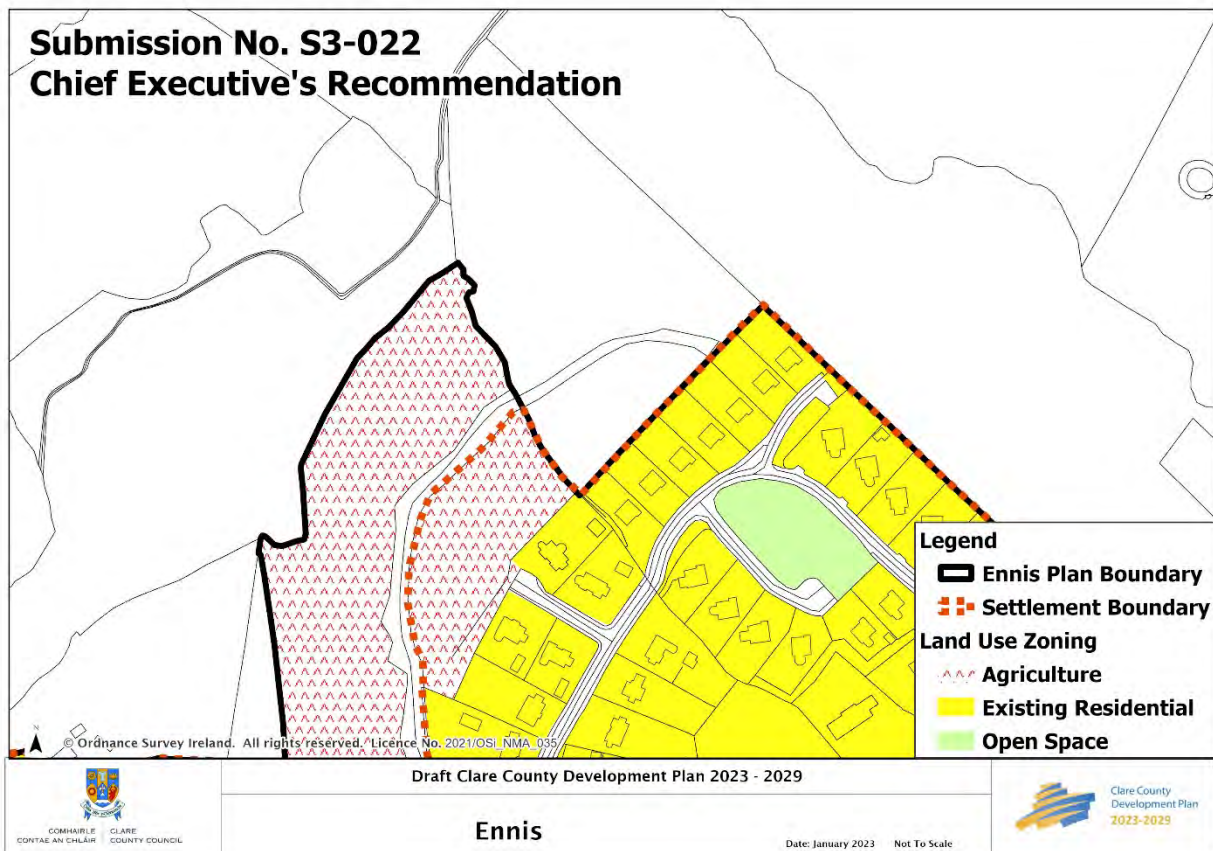
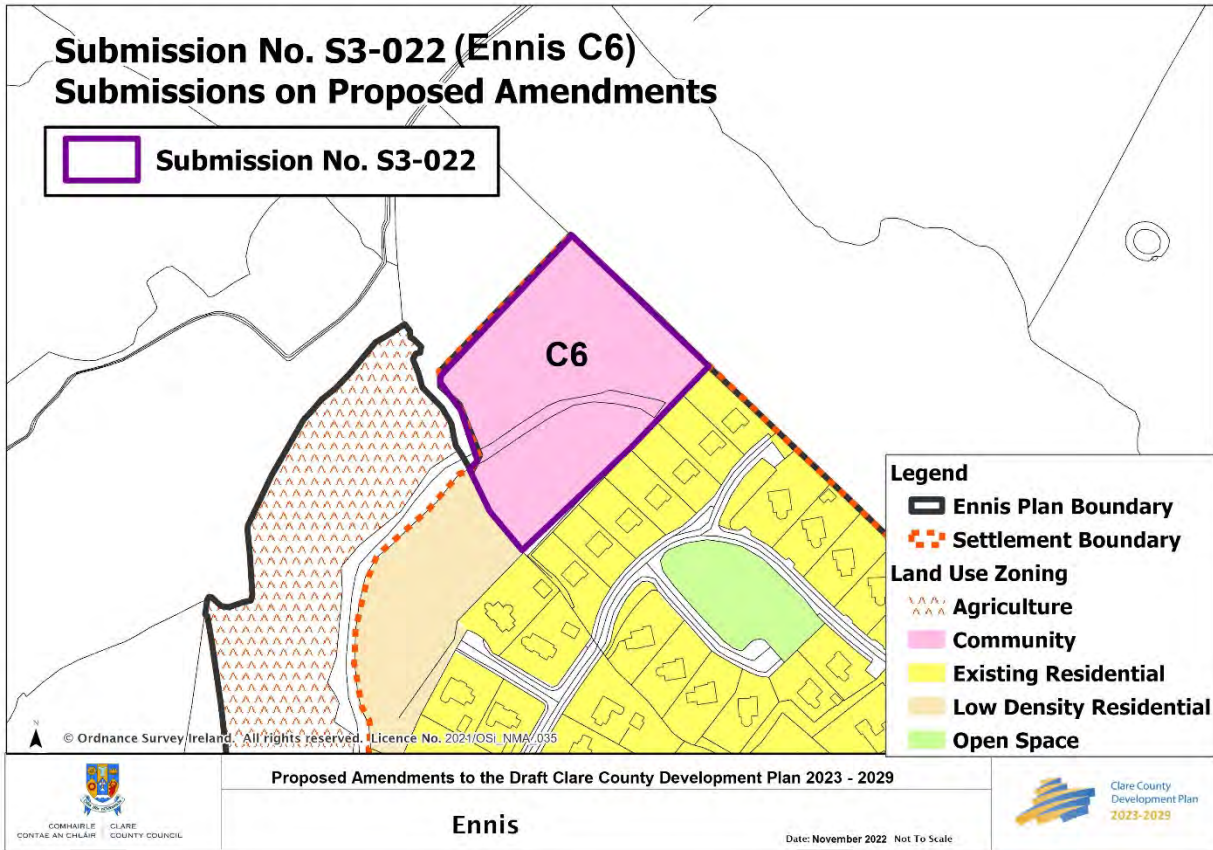
"The subject lands are located on the western periphery of the settlement of Ennis and outside the Plan Boundary. The settlement boundary is long established, through several iterations of the CDP, and should not be altered without strategic reasons to do so. These lands are at a significant remove from the town centre and peripheral to established areas and additional zoning at this location would militate against the achievement of a "10 minute town" and the achievement of compact growth as set out in CDP 4.13 Planned Growth of Settlements, be contrary to the sequential approach and to the principle of sustainable development. I am satisfied that within the settlement boundary, there are significant amounts of lands zoned that are available to meet the "Community" requirements of the town and its surrounding areas over the Plan period. These lands are located to serve existing and planned growth and in this instance, there is not significant growth planned for the Woodstock area to warrant the provision of additional community zoned land at this location. The zoning of the lands would not therefore represent proper and sustainable planning."



Contrary to the recommendation of the Chief Executive it was agreed by resolution to enlarge the the settlement boundary of Ennis to include the lands and to zone the lands Community (C6), as a proposed material alteration to the Draft Plan. In addition, I am aware that the assessment of the sites referred to in Recommendation (MA10) of the OPR found that adverse effects on the integrity of the specific European sites, in view of their conservation objectives, cannot be ruled out and/or avoided. Therefore, in accordance with Article 6(3) of the Habitats Directive and the Planning and Development Act 2000, as amended, I advise that the Plan be made **without** the proposed Material Alteration, as displayed.

#### Chief Executive's Recommendation

In relation to the extension of the settlement boundary to allow land within the open countryside to be zoned Community (C6), I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to lands at Ennis, as displayed.



**Submission No: S3/028 MKO on behalf of Flanagan and Courtney Families.**

**Summary of Issues Raised in Submission**

The submission relates to lands at Ballybeg, Ennis. A map is included. The lands were zoned in the Draft Clare County Development Plan 2023-2029 as Agriculture.

In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, a portion of Part of the lands have been zoned Residential (R20).

This followed a submission (S2/802) made on behalf of the Flanagan and Courtney Families to the Draft County Development Plan which sought to zone the overall lands Residential.

The submission supports the R20 residential zoning of a portion of the lands in the Proposed Amendments to the Draft Plan and seeks that the remainder of the lands are zoned Residential.

**Chief Executive's Response**

I wish to thank MKO for their submission, made on behalf of the Flanagan and Courtney Families, and I would like to respond as follows.

The submission supports the change of zoning of a portion of the lands from Agriculture to Residential (R20) in the Proposed Amendments to the Draft Plan. I acknowledge their support for the proposed Material Alteration to lands at Ballybeg, Ennis, which formed part of the Members Resolution made on October 20th 2022.

In its submission (S3/012) the Office of the Planning Regulator (OPR) set out the requirements that (MA2 & MA10) the Development Plan should be made without the proposed Material Alteration to the Ennis Settlement Plan which concerns the R20 lands and the change from "Agriculture to Residential (c.1.8ha)". I note among the issues of concern relating to the R20 site in Ennis, was service capacity constraints, contrary to sequential and compact growth and alignment with the core strategy.

I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/802 which relates to these lands, and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to zone part of the lands 'Residential' as a proposed material alteration to the Draft Plan. In addition, I note from the appropriate assessment (aa) of this proposed Material Alteration that it states that any development within this site would result in a loss of mapped foraging habitat and/or disturbance to foraging areas which would be contrary to the Conservation Objectives of the Newhall and Edenvale Complex. I therefore advise that in accordance with the Habitats Directive and specifically Article 6(3) and the recommendation on the original submission to the Draft Plan, that the Plan be made without this proposed Material Alteration, including all text changes related to it.

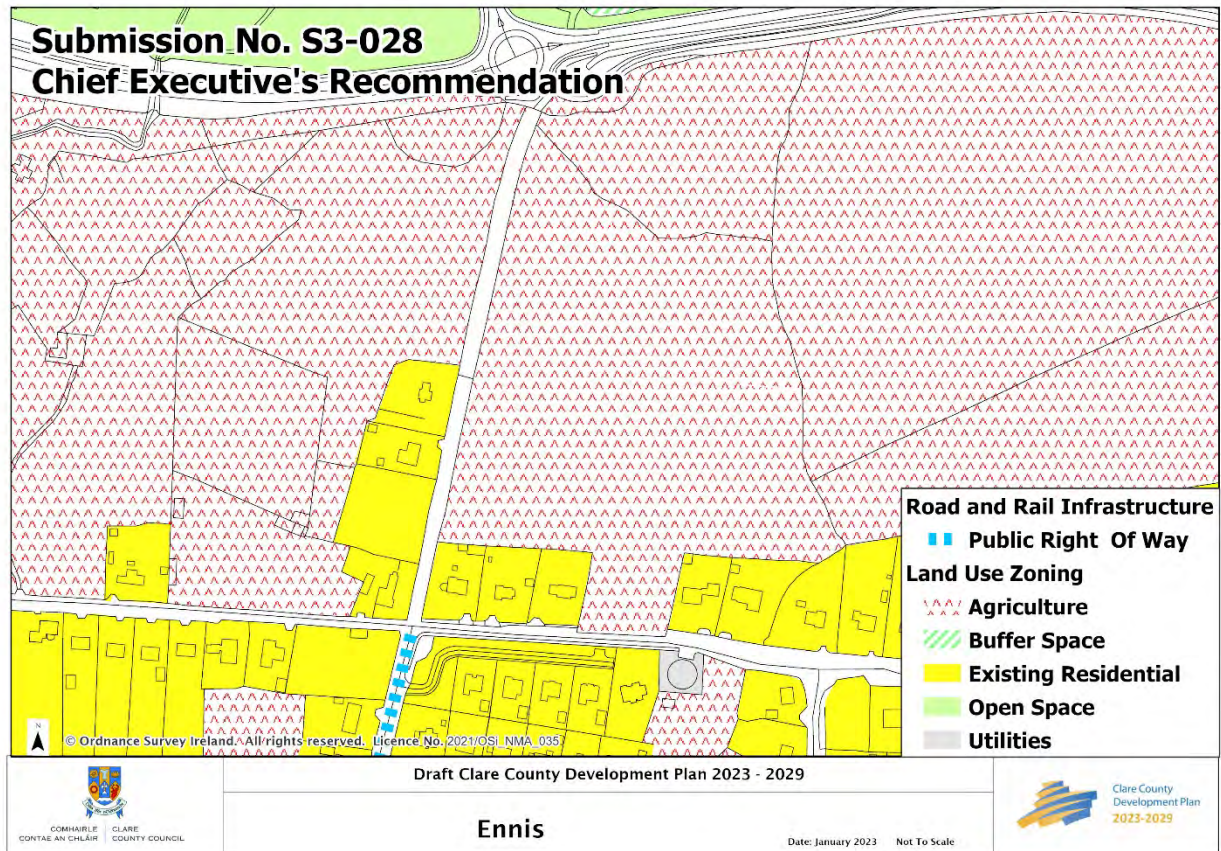
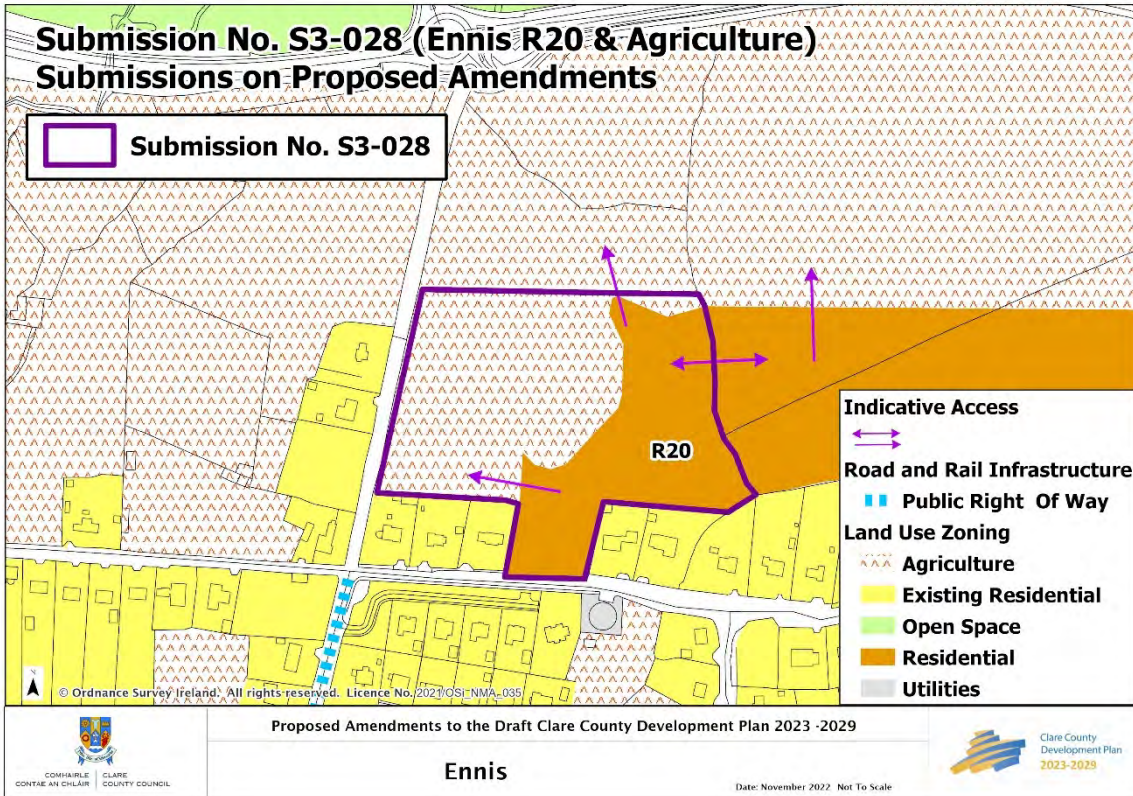
Within the subject submission a request is made that the lands identified as Agriculture in the Draft Clare County Development Plan 2023-2029, and which are not subject to the proposed



Material Alteration to R20, are zoned Residential, as an enlargement of the R20 zoning. I consider that the submission does not relate to a proposed material alteration to the Draft Clare County Development Plan 2023-2029 and therefore is not open for consideration. Consequently, there is no recommendation arising from this element of the submission.

### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Volume 3a, Ennis Municipal District Settlement Plans) be made **without** the proposed Material Alteration, as displayed, to the Ennis Settlement Plan– land zoned Agriculture to be zoned Residential (R20), and all text changes associated with this amendment.



## Submission No: S3/029 Leahy Planning Ltd on behalf of Michael Lynch Builders Ltd.

### Summary of Issues Raised in Submission

The submission relates to Mixed Use MU6B lands at Tobarteascáin, Ennis. No map is included, however, an email from Hydro-Environmental Ltd. has been included.

The submitter raises concerns in relation to the following text contained in the description of MU6B lands in the proposed Material Alteration and requests that both paragraphs are removed from the final Plan:

*"There is a history of groundwater-sourced flooding on the site and the ESFRS incorporates groundwater management consisting of engineered culverts, however residual risks associated with exceedance events remain. In the event that the culvert system reaches capacity, the historical overland flow path could re-emerge and cause inundation to the site."*

And

*"This assessment should also include the findings of a detailed groundwater and hydrogeological study, which will include groundwater levels when the River Fergus is at a high level so interactions can be understood."*

The submitter considers the text is too specific and may impact negatively on future planning applications. It is also considered that such wording is not supported in the Development Plan-Guidelines for Planning Authorities which stresses the importance of setting specific, measurable objectives, and notes the report from JBA does not support the proposed wording. Reference is made to the email from Hydro-Environmental Ltd. which considers it is not correct to state that there is a recent history of groundwater flooding on the site and that linking the site to the St Flannan's culvert as a historical groundwater flow path is untrue. It is noted that a planning authority can, in the course of its assessment of any planning application, seek such information as it deems to be necessary and refers to the attached email which notes that the requirement for an FRA will address all sources of flood risk in detail during the planning application stage.

### Chief Executive's Response

I thank Leahy Planning Ltd. on behalf of Michael Lynch Builders Ltd. for the submission and respond as follows.

Notwithstanding the content of the submission, Clare County Council must ensure any Development Plan Justification Test is prepared in compliance with Part 3 of Box 4.1 of The Planning System and Flood Risk Management Guidelines for Planning Authorities. Part 3 requires that the Planning Authority sets out in the SFRA the nature and design of structural or non-structural flood risk management measures required prior to future development, in order to ensure that flood hazard and risk to the area and to other adjoining locations will not be increased, or if practicable, will be reduced. The residual risk at these sites must be assessed as part of the Justification Test in accordance with Part 3. Residual risk remains to MU6 in the case of failure\blockage leading to exceedance of the culvert capacity together with groundwater



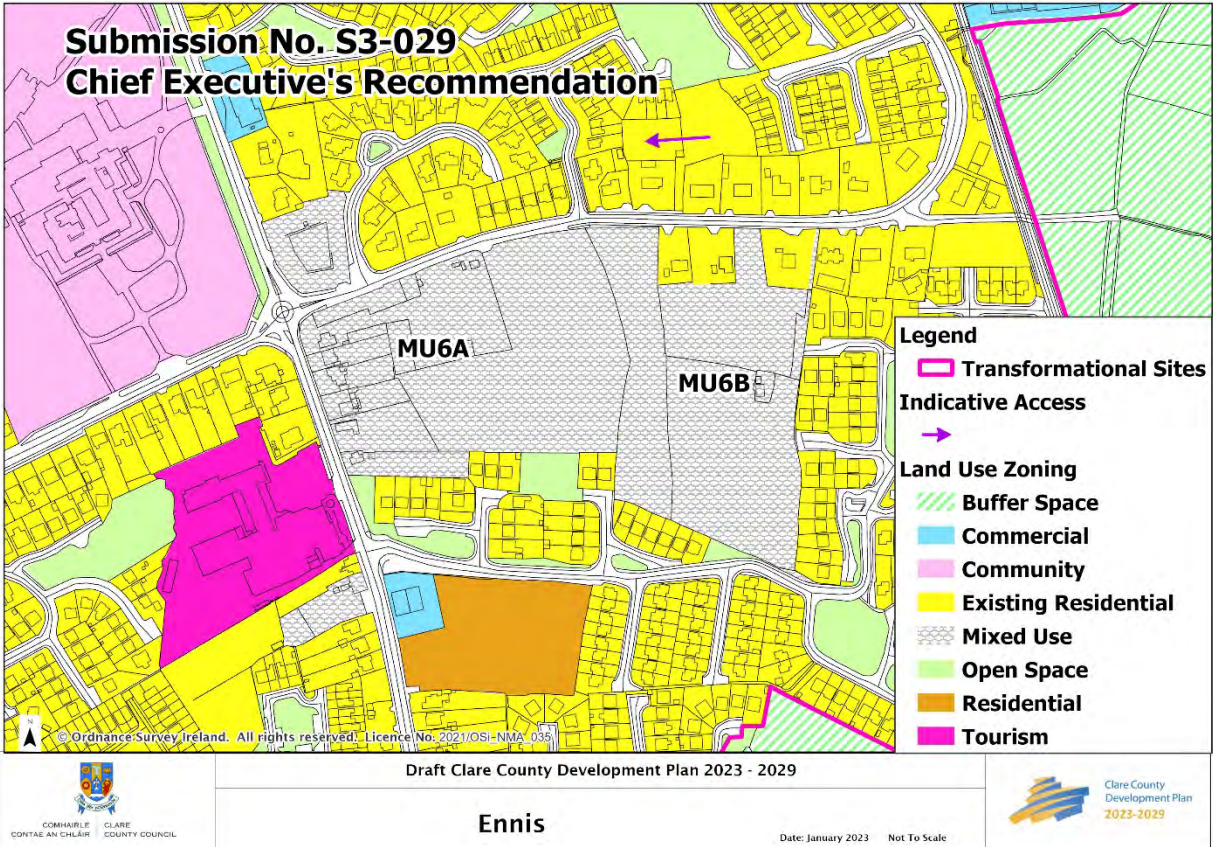
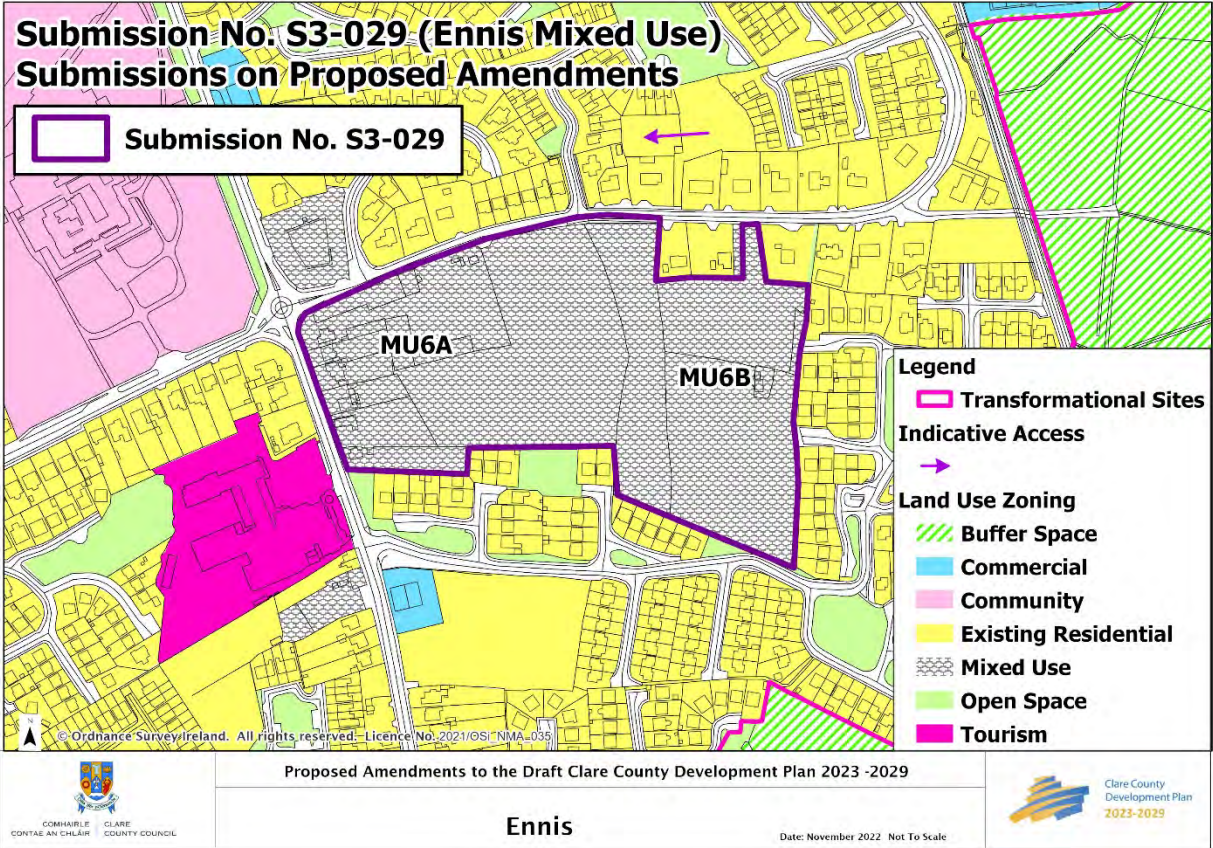
capacity exceedance. The scheme (Ennis South Flood Relief) culvert is not designed to convey 0.1% AEP flows, and there is no post scheme modelling outlining risk to the site in a 1000-year event.

In the event of failure of the scheme (through blockage or groundwater capacity exceedance for example) the natural flow route down the road and over the central area of the site will be retained and therefore careful placement of buildings and landscaping is essential here along with appropriately set finished floor levels. Any Flood Risk Assessments accompanying development proposals on the site should specifically review residual risk to the site including development of overflow routes should the scheme fail/block. Part 3 of the Development Plan Justification Test specifically requires that this residual risk is taken into consideration in line with The Planning System and Flood Risk Management Guidelines together with the Flood Directive for Planning Authorities. Both ground and surface waters pose a residual risk to this site.

### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to Section 2.9.2 Mixed Use Lands in Clonroad More, Site MU6B Tobarteascáin, as displayed.





### Submission No: S3/030 – Patrick Keogh

#### Summary of Issues Raised in Submission

The submission relates to lands in the Cahercalla area of Ennis currently zoned as ‘Buffer Space’ in the Clare County Development Plan 2017-2023 (as varied) and proposed to be zoned for ‘Existing Residential’ in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029.

This follows a submission made on behalf of Patrick Keogh to the Draft Clare County Development Plan 2023-2029 which sought to have lands zoned as ‘Buffer Space’ rezoned to residential use or other settlement land.

The submission supports the zoning in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029 and asks that it will be supported by Clare County Council.

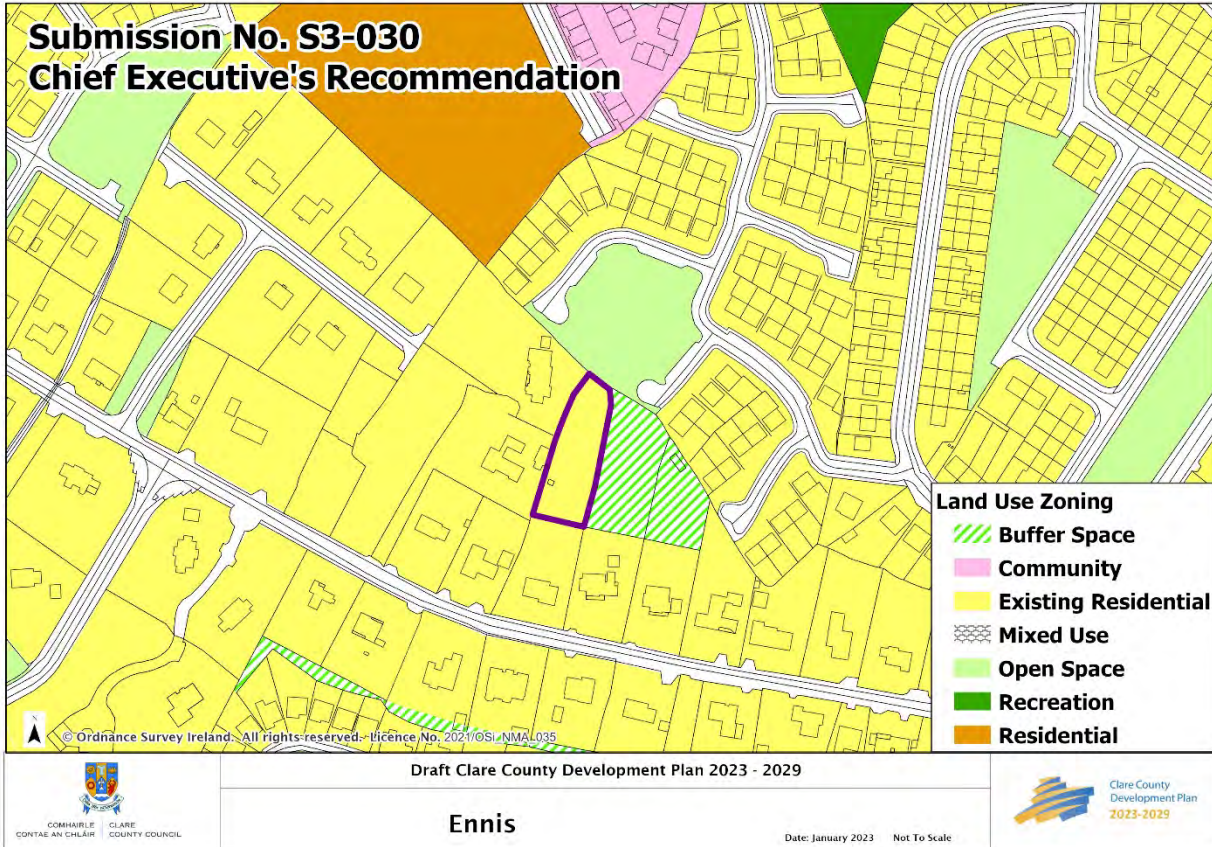
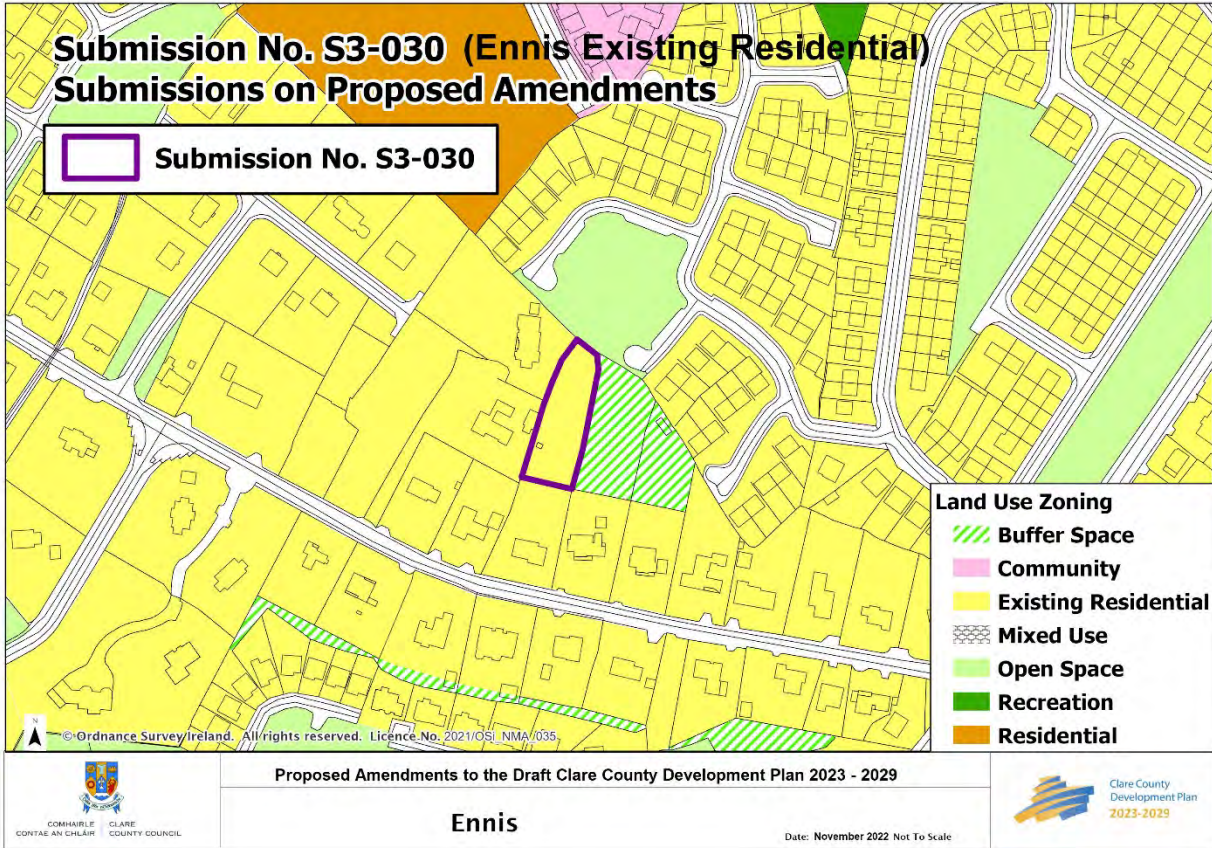
#### Chief Executive’s Response

I wish to thank Hassett Leydon & Associates for their submission, made on behalf of Patrick Keogh.

I acknowledge their support for the proposed Material Alteration as it relates to lands in Cahercalla. I refer to the Chief Executive’s Report on the Draft Plan (10<sup>th</sup> July 2022) and the response to submission S2/695 which relates to the subject site. The Chief Executive’s Response noted that the site is gravelled and contains hard core and therefore does not act as a buffer space. The Existing Residential land use zoning objective is considered to more appropriately reflect the predominant character of the area.

#### Chief Executive’s Recommendation

I recommend the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to lands in Cahercalla, as displayed.





### Submission No: S3/031 – Patrick Keogh

#### Summary of Issues Raised in Submission

The submission relates to lands in the Cahercalla area of Ennis and a map has been included.

The submission supports the change in zoning to Existing Residential included in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029. The submitter refers to a previous submission, S2/696, on the Draft Plan which sought to have the zoning on the subject lands changed from 'Open Space' to residential use or other settlement land and restates the reasons for same included in the previous submission.

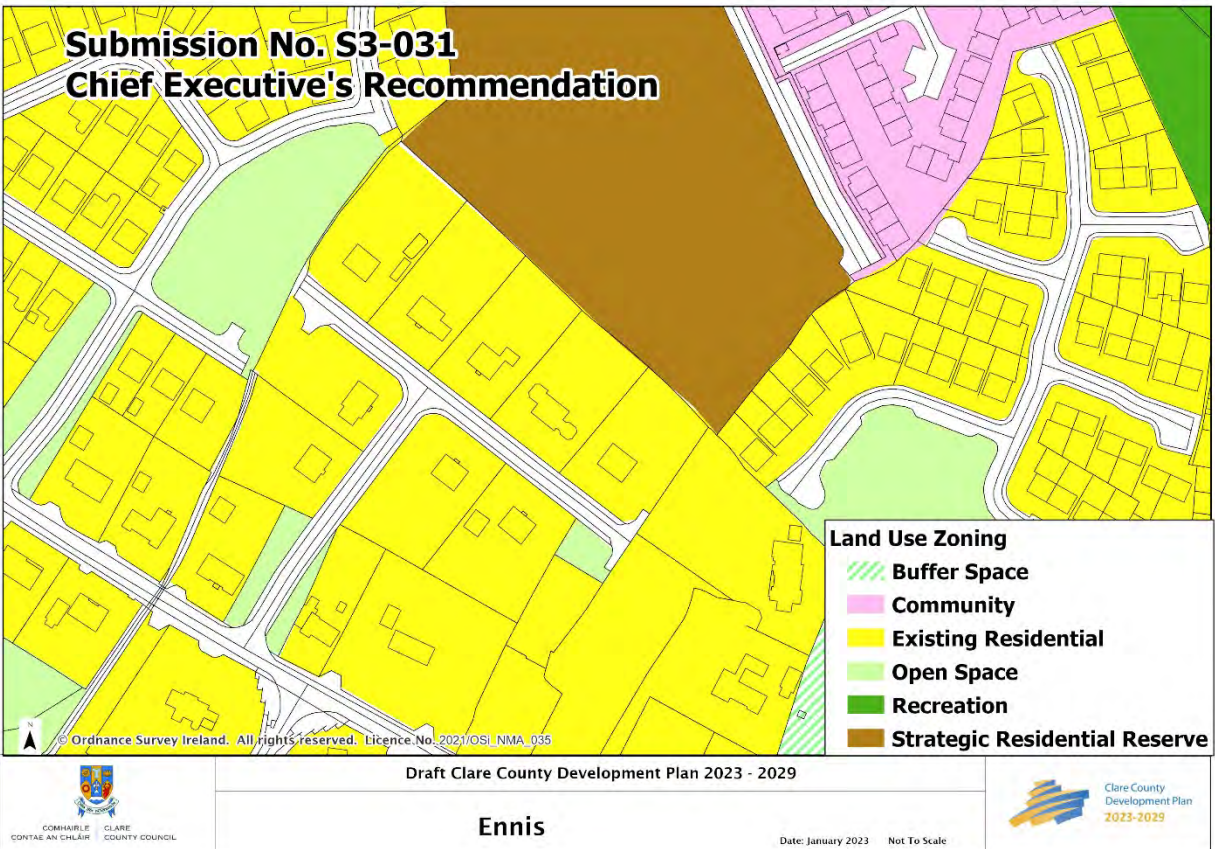
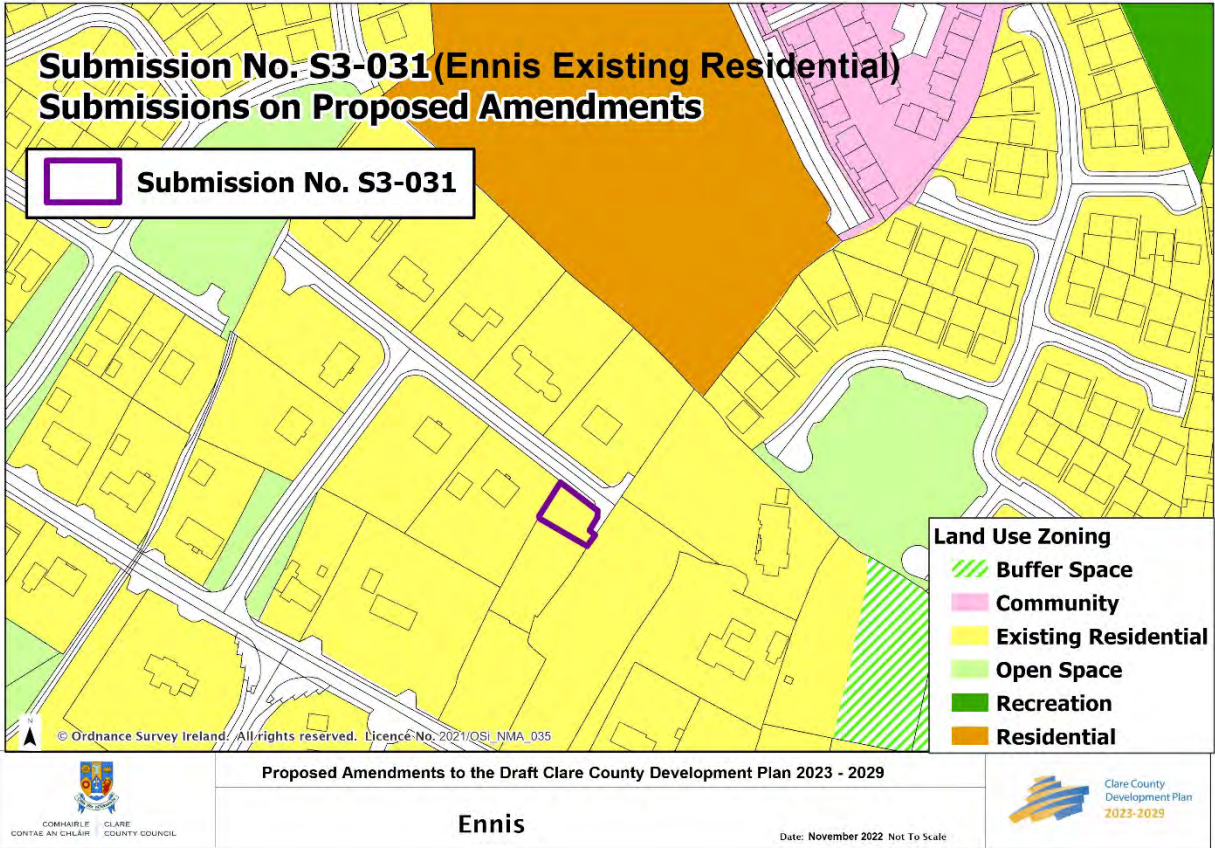
#### Chief Executive's Response

I wish to thank Hassett Leydon & Associates for the submission, made on behalf of Patrick Keogh and I would like to respond as follows.

I acknowledge the support for the proposed Material Alteration as it relates to the subject lands at Cahercalla. I refer to the Chief Executive's Report on the Draft Plan (10<sup>th</sup> July 2022) and the response to submission S2/696 which is referred to in this submission. The Chief Executive's response noted that the portion of land the subject of this submission forms part of the dedicated open space of the overall estate arising from the parent permission on site and as identified by the drawings and particulars that accompany the planning history files. Therefore, it is not appropriate or reasonable that the zoning objectives for this land be changed to 'Residential'.

#### Chief Executive's Recommendation

I recommend the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to lands in Cahercalla, as displayed.



**Submission No: S3/032 Hassett Leyden on behalf the Poor Clare Sisters**

**Summary of Issues Raised in Submission**

The submission relates to lands in the Francis Street area of Ennis. No map has been included.

The submitter refers to a previous submission, S2/698, on the Draft Plan and notes that the zoning on the lands remains unchanged. The submission also notes the Council’s acknowledgement of the needs of the Poor Clare Sisters, which have been included in the proposed amendment to the description of the Friar’s Walk Transformation Site TS4. However, the need for privacy from overlooking into the gardens of the Poor Clare Sisters property is identified, particularly in relation to new developments such as multi-storey car parking and other developments. It is also requested that the Poor Clare Sisters monastery and lands be removed from the Friar’s Walk Transformation Site TS4.

**Chief Executive’s Response**

I wish to thank Hassett Leyden & Associates for their submission, made on behalf of the Poor Clare Sisters. I note that no map has been submitted, however as the submission refers to specific lands, the Poor Clare Sisters property as well as a previous submission, S2/698, which included a map and in the interests of clarity a map of these lands has been prepared.

I note the concerns in relation to ensuring privacy in the gardens of the Poor Clare Sisters property in particular in relation to new development proposals in the area. In this regard, any future development at this location and the wider plan area would be subject to the Development Management process and assessed having regard to relevant planning criteria including consideration of the residential amenity of those in the area and an assessment of the potential overlooking of adjacent properties.

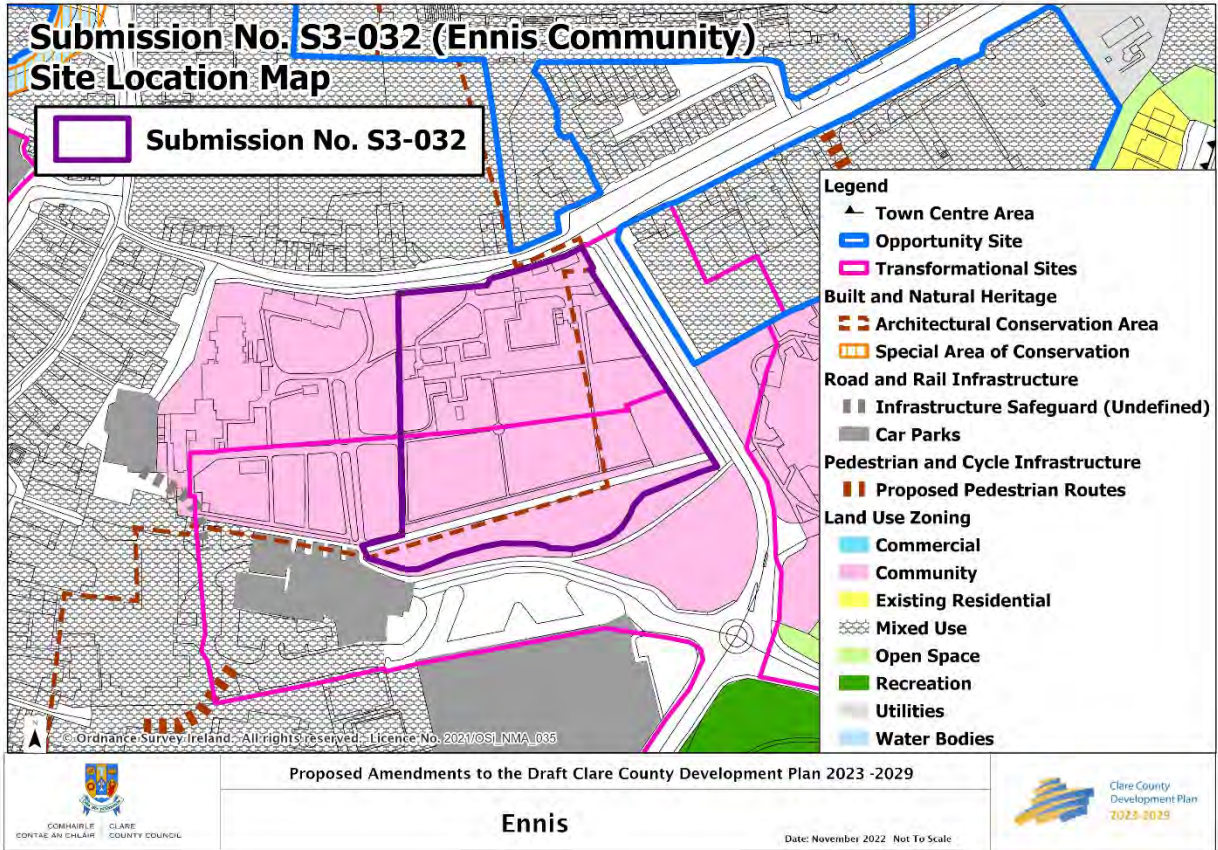
I acknowledge the request to remove the Poor Clare Sisters monastery and lands from the Friar’s Walk Transformation Site TS4. I note that it does not relate to a proposed material alteration to the Draft Clare County Development Plan 2023-2029. While there is a proposed material alteration relating to the text of the TS4 Transformational Site, there is no proposed material alteration relating to the zoning or boundary of the TS4 site. In this regard, only submissions relating to a proposed material alteration can be considered by the Planning Authority at this stage in the development planmaking process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended. However, I refer to the Chief Executive’s Report on the Draft Plan (10<sup>th</sup> July 2022) and the response to submission S2/698 set out therein. The Chief Executive’s Response notes that the site has been identified as ‘Community’ in the Draft CDP in recognition of the current use on the site and while there may be a longer-term potential for the site to be developed for alternative uses, this has not been proposed as part of the Draft CDP. The identification of a boundary around ‘The Friar’s Walk Transformational Project’ will not undermine the current use at this location, nor is it intended to affect the day-to-day operation of the monastery into the future. However, a key purpose of the plan is to identify a vision for the overall potential development of Ennis Town, and while some aspects of this vision may be realised, and others not, it is important to keep such options open for consideration. Therefore, I consider it is appropriate to include the Poor Clare Sisters monastery and lands within the Friar’s



Walk Transformational Site boundary.

**Chief Executive's Recommendation**

I recommend the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to the Friar's Walk Transformation Site TS4, as displayed.





## Submission No: S3/043 – J. Hodnett

### Summary of Issues Raised in Submission

This submission relates to lands zoned as R23 and SR8 in Ennis and requests that the zoning for residential (R23) is removed and the land zoned as habitat and left to mature further naturally. A bat survey report from Veon Ecologists accompanies the submission. Considering this, the submission queries the destruction of this large area of woodland in the centre of Ennis. The submission further queries how the culvert which runs through this site lowers the possibility of flooding at Willsgrove and the retirement village at Páirc na Coille.

### Chief Executive's Response

I wish to thank J. Hodnett for this submission and I would like to respond as follows:

I am aware that Páirc na Coille is an area of woodland/scrub surrounded by housing together with Ennis rugby club which is located along the northeastern boundary.

It is located within the 2.5km foraging range of lesser horseshoe bats for Newhall and Edenvale Complex SAC and lies just outside of the 2.5km foraging range for Pouladatig Cave SAC. NPWS have not mapped any habitat within SR8/R23 (Páirc na Coille) as foraging habitat within the conservation objectives to date (NPWS, 2018). There is however a historic (1998) NPWS record of a lesser horseshoe bat roost which overlaps SR8/R23.

The Appropriate Assessment process and accompanying Natura Impact Report assessed the SR8 designation (Prior to the Proposed Amendment which split SR8 into SR8 and R3) and stipulated that mitigation for lesser horseshoe bats is required. In addition, the technical guidance for this site has stipulated that *"The area of the site to the west of Park na Coille includes an attractive natural habitat which should be retained, at least in part, as open space between any new development and the existing nursing home, providing an open space buffer between the two developments. This site is located less than 1km from a known bat roost. Proposals for development on this site must be informed by an ecological assessment of the site and appropriate bat surveys and shall ensure that there is no loss of habitats used by Lesser Horseshoe Bats. Any habitat loss must be offset by additional landscape planting to ensure connectivity across the landscape. All design proposals, including lighting, must be informed by the results of the bat survey. A landscape management plan must also accompany any development proposals. Development proposals shall include mitigation for bats, water quality and Special Conservation Interest Birds, as set out in Volume 10a Natura Impact Report as it relates to R23. (NIR mitigation 2,3 and 4a)."*

The mitigation within the NIR still stands for SR8 and applies to R23. This mitigation was developed to maintain the conservation objective targets for the nearby SACs for lesser horseshoe bat (as well as water quality and otter). Bat conservation targets are;

- **Foraging habitat** - *"No significant decline within 2.5km of qualifying roost"*.



- **Light pollution** - *"No significant increase in artificial light intensity adjacent to named roost or along commuting routes within 2.5km of the roost"*
- **Linear features** - *"No significant loss within 2.5km of qualifying roost."*

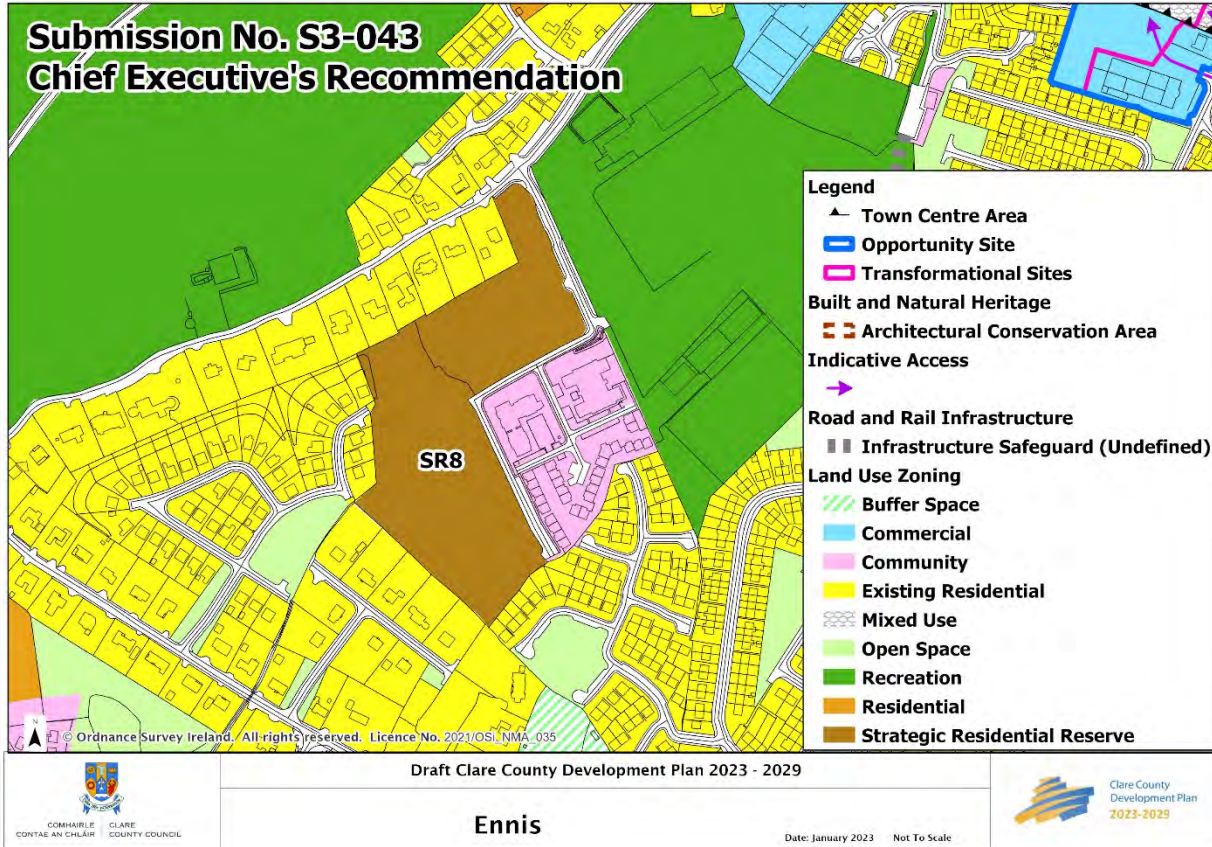
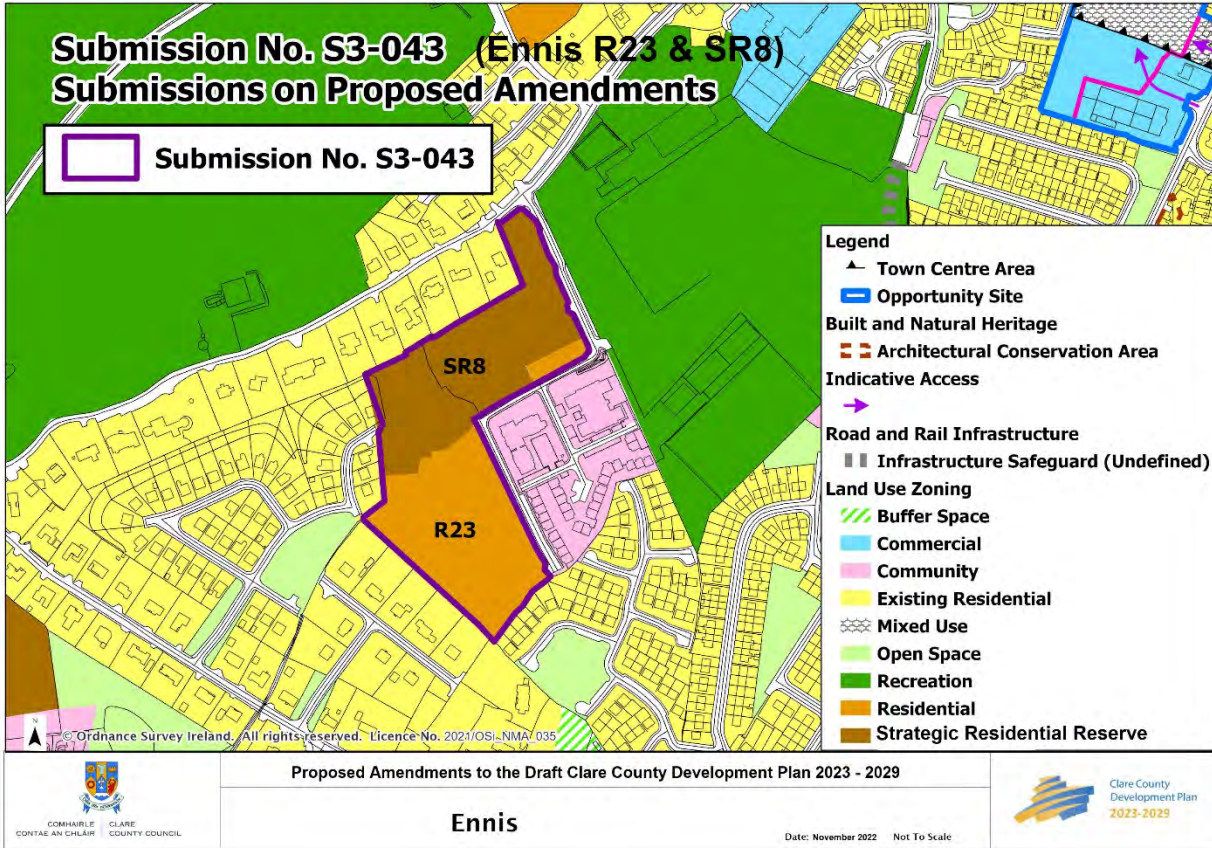
The contents of the Veon Report on the Review of Bat Surveys conducted at this site and accompanying the submission are noted together with the information submitted as part of submission no's S3/063 & S3-091.

Evidence from the submitted reports demonstrate the biodiversity value of the site given the presence of 5 different bat species together with the presence of Lesser horseshoe bats for which the site is within the Likely Zone of Impact for a number of protected sites.

It is not possible given the level of information currently available for this site to conclude a finding of no significant effects on the environment, or that the zoning as R23 will not lead to negative impacts on local and internationally important bat species, including Lesser horseshoe bat. On this basis I consider that the Plan should be made without the proposed Material Alteration.

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to SR8 and R23, as displayed.



## Submission No: S3/045 – Michael O’Flanagan

### Summary of Issues Raised in Submission

The submission relates to lands to the west of Páirc na Coille in Cahercalla currently zoned ‘Residential’ in the Clare County Development Plan 2017-2023 (as varied).

The subject lands were zoned as ‘Strategic Residential Reserve’ in the Draft Clare County Development Plan 2023-2029. In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, the southern part of the site is to be rezoned as ‘Residential’ by way of a proposed material alteration.

The submission relates to the Cahercalla Stream which is culverted and runs under the subject lands:

- The Cahercalla Stream flows from Cahercalla Lough under the Cahercalla Road into Willsgrove. From there it is piped under Willsgrove’s green area through Willsgrove and onwards down through a culvert under the subject lands to the front of the Páirc na Coille Retirement Village. From there it runs for a short distance in the open air to the bend of the Páirc na Coille access road where it discharges underground through a grill which is regularly blocked by leaves resulting in the road flooding at that location on the Páirc na Coille access road and the adjoining Ennis Rugby Club’s land. The culvert is also used for stormwater/surface water from Willsgrove.
- If development is permitted on the land surrounding this culvert, the overflow stormwater from this culvert will have nowhere to go and will result in this back-flooding of Willsgrove’s surface water drainage system and, consequently, the flooding of Willsgrove.
- The submission further states that should An Bord Pleanála reverse the granting of permission for Planning Ref. No. P21/599 that the site is rezoned as ‘Strategic Residential Reserve’ or ‘Habitat’.

### Chief Executive’s Response

I thank Mr. O’Flanagan for his submission in relation to the proposed Material Alteration to the Draft Clare County Development Plan 2023-2029 in relation to lands west of Páirc na Coille. I note his comments regarding the culverted Cahercalla Stream and concerns in relation to potential flooding risk to Willsgrove.

I note the submission outlines the potential residual flood risk from a small unmapped watercourse (Cahercalla Stream), that has been substantially culverted. Residual risk would appear to be from potential blockage at an inlet screen by Páirc na Coille near the boundary with the Rugby Club.

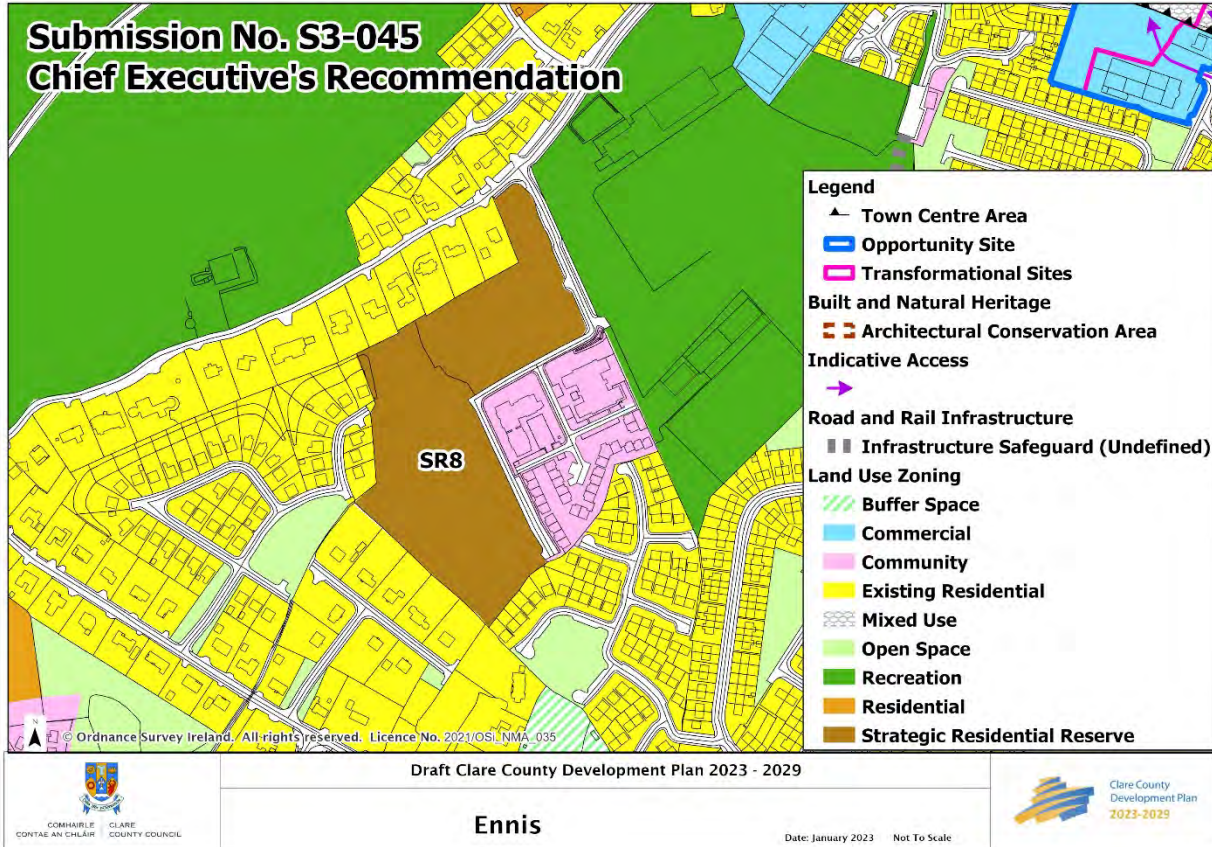
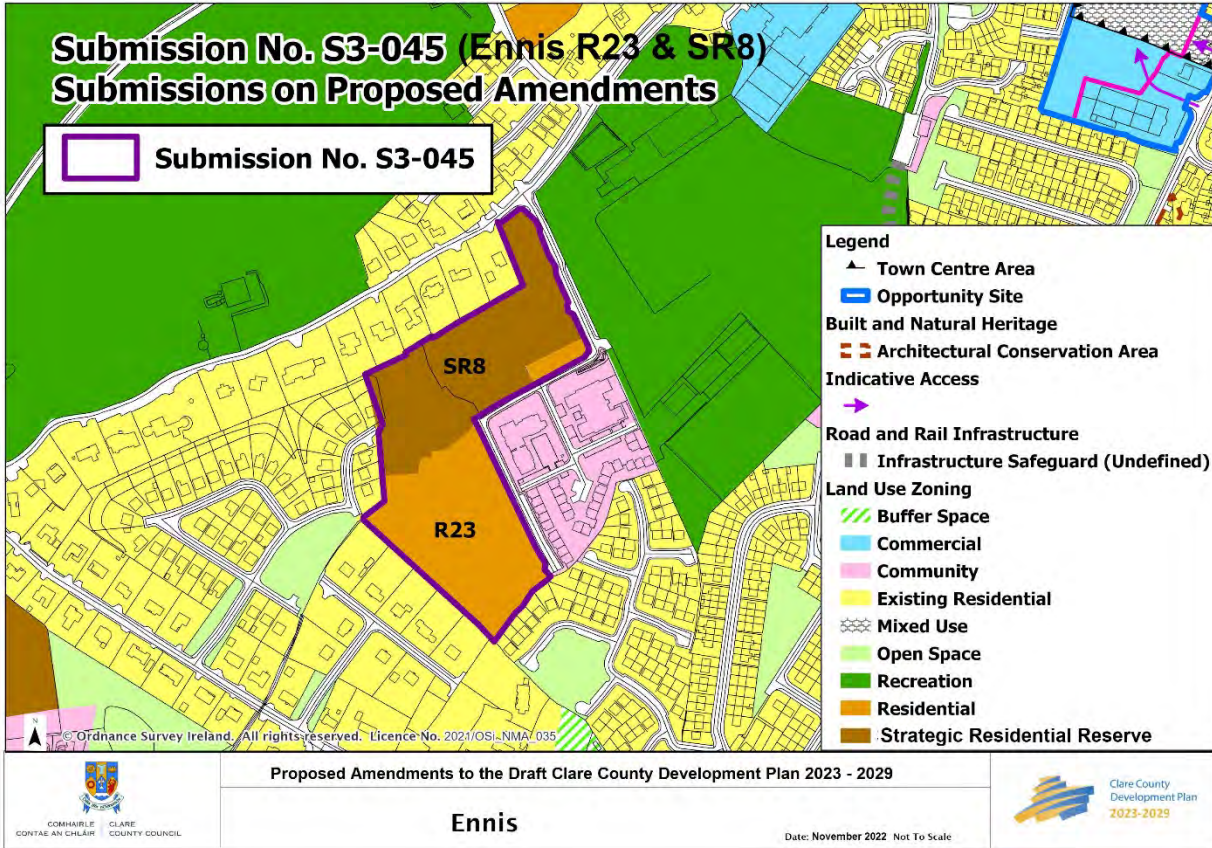
I note Section 4.3 of the Strategic Flood Risk Assessment (Volume 10c) sets out the general approach for unmapped watercourses where, in these cases, it is the responsibility of the applicant to undertake an appropriately detailed Flood Risk Assessment and to then apply the sequential approach as the Plan Making Justification Test has not been satisfied in these cases.



In relation to the final point of the submission regarding the zoning of these lands and the proposed Material Alteration to change it from Strategic Residential Reserve (SR8) to Residential (R23), I refer to my response to Submission S3/043 which also relates to this proposed Material Alteration and I recommend zoning these lands as Strategic Residential Reserve (SR8) and that the Plan is made without the proposed Material Alteration to change the zoning objective to Residential (R23).

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to change the zoning from Strategic Residential Reserve (SR8) to Residential (R23), as displayed.





## Submission No: S3/046 – Liam & Caroline Kelly

### Summary of Issues Raised in Submission

The submission relates to lands to the west of Páirc na Coille in Cahercalla currently zoned 'Residential' in the Clare County Development Plan 2017-2023 (as varied).

The subject lands were zoned as 'Strategic Residential Reserve' in the Draft Clare County Development Plan 2023-2029. In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, the southern part of the site was proposed to be rezoned as 'Residential', by way of a proposed material alteration.

The submission relates to the Cahercalla Stream which is culverted and runs under the subject lands:

- The Cahercalla Stream flows from Cahercalla Lough under the Cahercalla Road into Willsgrove. From there it is piped under Willsgrove's green area through Willsgrove and onwards down through a culvert under the subject lands to the front of the Páirc na Coille Retirement Village. From there it runs for a short distance in the open air to the bend of the Páirc na Coille access road where it discharges underground through a grill which is regularly blocked by leaves resulting in the road flooding at that location on the Páirc na Coille access road and the adjoining Ennis Rugby Club's land. The culvert is also used for stormwater/surface water from Willsgrove.
- If development is permitted on the land surrounding this culvert, the overflow stormwater from this culvert will have nowhere to go and will result in this back-flooding of Willsgrove's surface water drainage system and, consequently, the flooding of Willsgrove.
- The submission further states that should An Bord Pleanála reverse the granting of permission for Planning Ref. No. P21/599 that the site is rezoned as 'Strategic Residential Reserve' or 'Habitat'.

### Chief Executive's Response

I thank Liam and Caroline Kelly for their submission in relation to the proposed Material Alteration to the Draft Clare County Development Plan 2023-2029 in relation to lands west of Páirc na Coille. I note their comments regarding the culverted Cahercalla Stream and concerns in relation to potential flooding risk to Willsgrove.

I note the submission outlines the potential residual flood risk from a small unmapped watercourse (Cahercalla Stream), that has been substantially culverted. Residual risk would appear to be from potential blockage at an inlet screen by Páirc na Coille near the boundary with the Rugby Club.

I note Section 4.3 of the Strategic Flood Risk Assessment (Volume 10c) sets out the general approach for unmapped watercourses where, in these cases, it is the responsibility of the applicant to undertake an appropriately detailed Flood Risk Assessment and to then apply the sequential approach as the Plan Making Justification Test has not been satisfied in these cases.

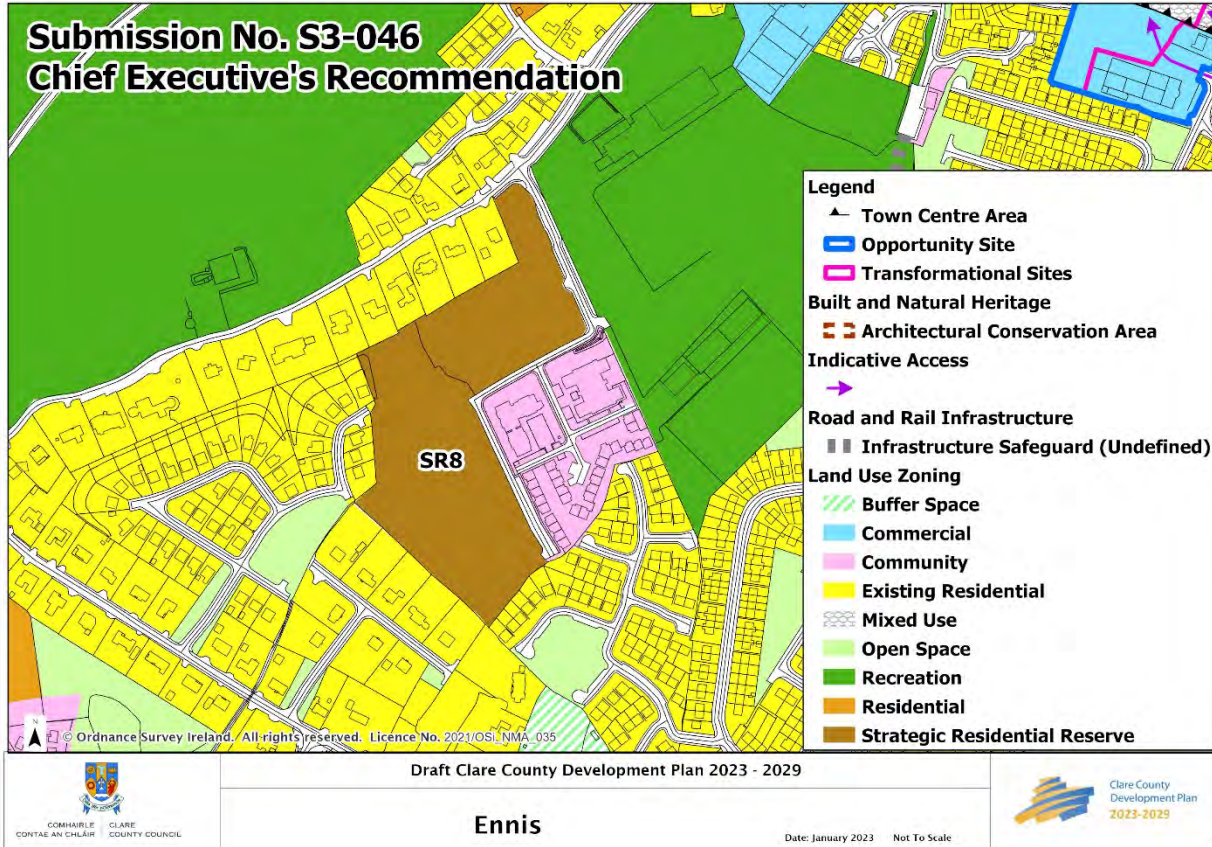
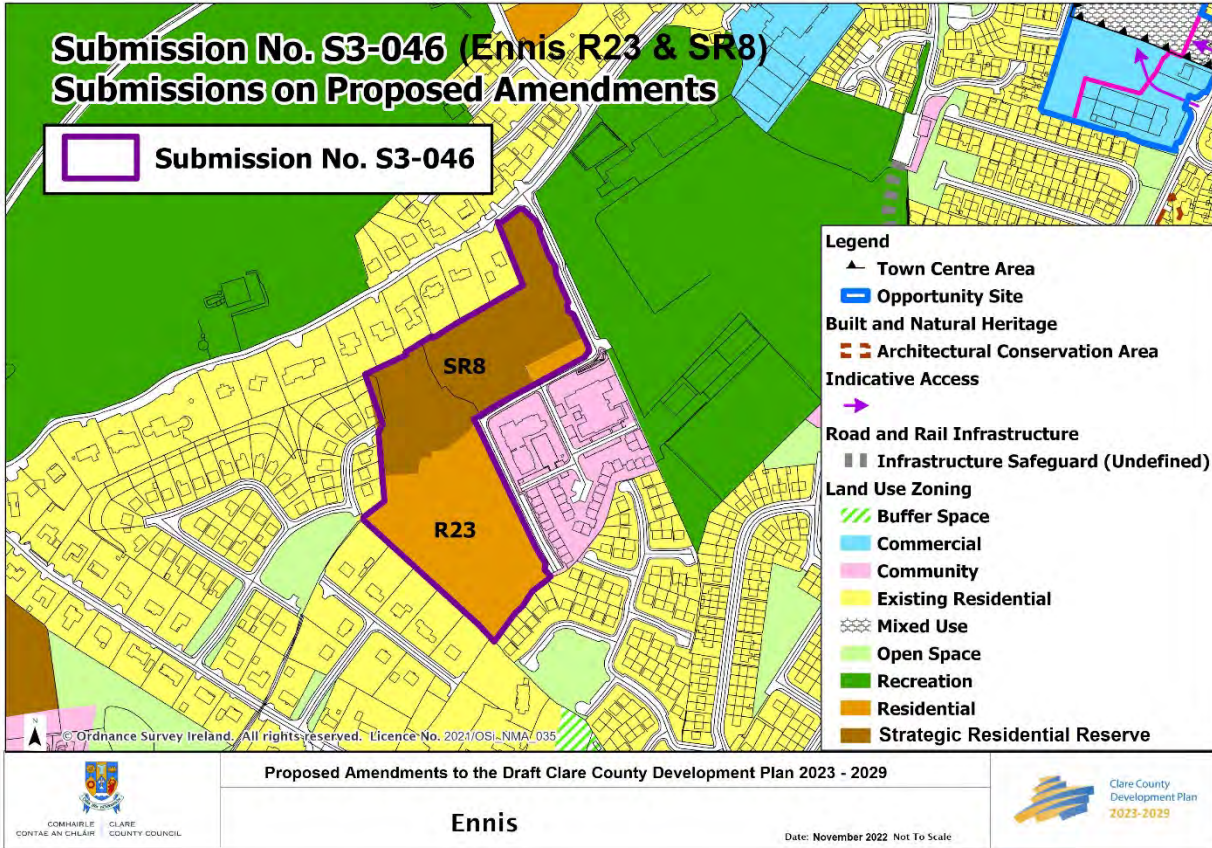


In relation to the final point of the submission regarding the zoning of these lands and the proposed Material Alteration to change it from Strategic Residential Reserve (SR8) to Residential (R23), I refer to my response to Submission S3/043 which also relates to this proposed Material Alteration and I recommend zoning these lands as Strategic Residential Reserve (SR8) and that the Plan is made without the proposed Material Alteration to change the zoning to Residential (R23).

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to change the zoning from Strategic Residential Reserve (SR8) to Residential (R23), as displayed.





**Submission No: S3/047 – Mary Murray**

**Summary of Issues Raised in Submission**

The submission relates to lands to the west of Páirc na Coille in Cahercalla currently zoned ‘Residential’ in the Clare County Development Plan 2017-2023 (as varied).

The subject lands were zoned as ‘Strategic Residential Reserve’ in the Draft Clare County Development Plan 2023-2029. In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, the southern part of the site is to be rezoned as ‘Residential’, by way of a proposed material alteration.

The submission relates to the Cahercalla Stream which is culverted and runs under the subject lands:

- The Cahercalla Stream flows from Cahercalla Lough under the Cahercalla Road into Willsgrove. From there it is piped under Willsgrove’s green area through Willsgrove and onwards down through a culvert under the subject lands to the front of the Páirc na Coille Retirement Village. From there it runs for a short distance in the open air to the bend of the Páirc na Coille access road where it discharges underground through a grill which is regularly blocked by leaves resulting in the road flooding at that location on the Páirc na Coille access road and the adjoining Ennis Rugby Club’s land. The culvert is also used for stormwater/surface water from Willsgrove.
- If development is permitted on the land surrounding this culvert, the overflow stormwater from this culvert will have nowhere to go and will result in this back-flooding of Willsgrove’s surface water drainage system and, consequently, the flooding of Willsgrove.
- The submission further states that should An Bord Pleanála reverse the granting of permission for Planning Ref. No. P21/599 that the site is rezoned as ‘Strategic Residential Reserve’ or ‘Habitat’.

**Chief Executive’s Response**

I thank Ms. Murray for her submission in relation to the proposed Material Alteration to the Draft Clare County Development Plan 2023-2029 in relation to lands west of Páirc na Coille. I note her comments regarding the culverted Cahercalla Stream and concerns in relation to potential flooding risk to Willsgrove.

I note the submission outlines the potential residual flood risk from a small unmapped watercourse (Cahercalla Stream), that has been substantially culverted. Residual risk would appear to be from potential blockage at an inlet screen by Páirc na Coille near the boundary with the Rugby Club.

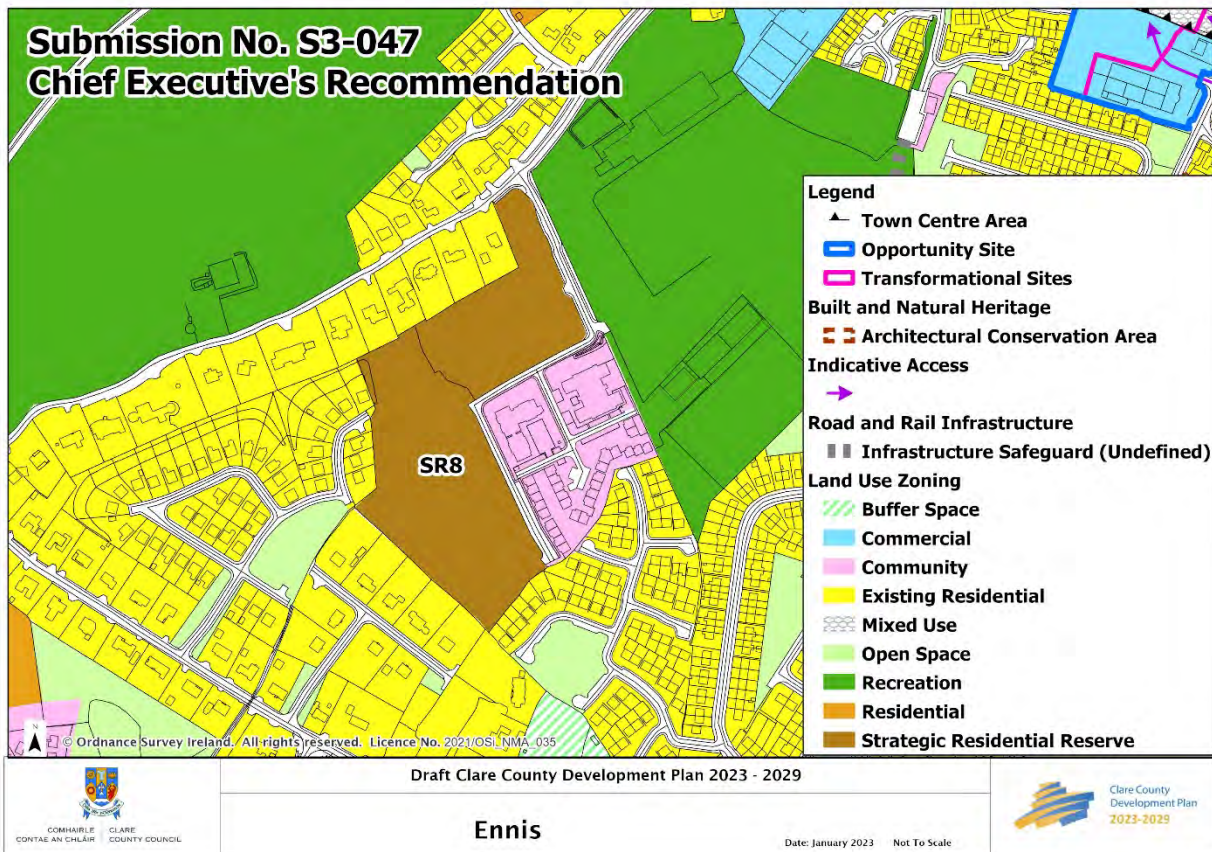
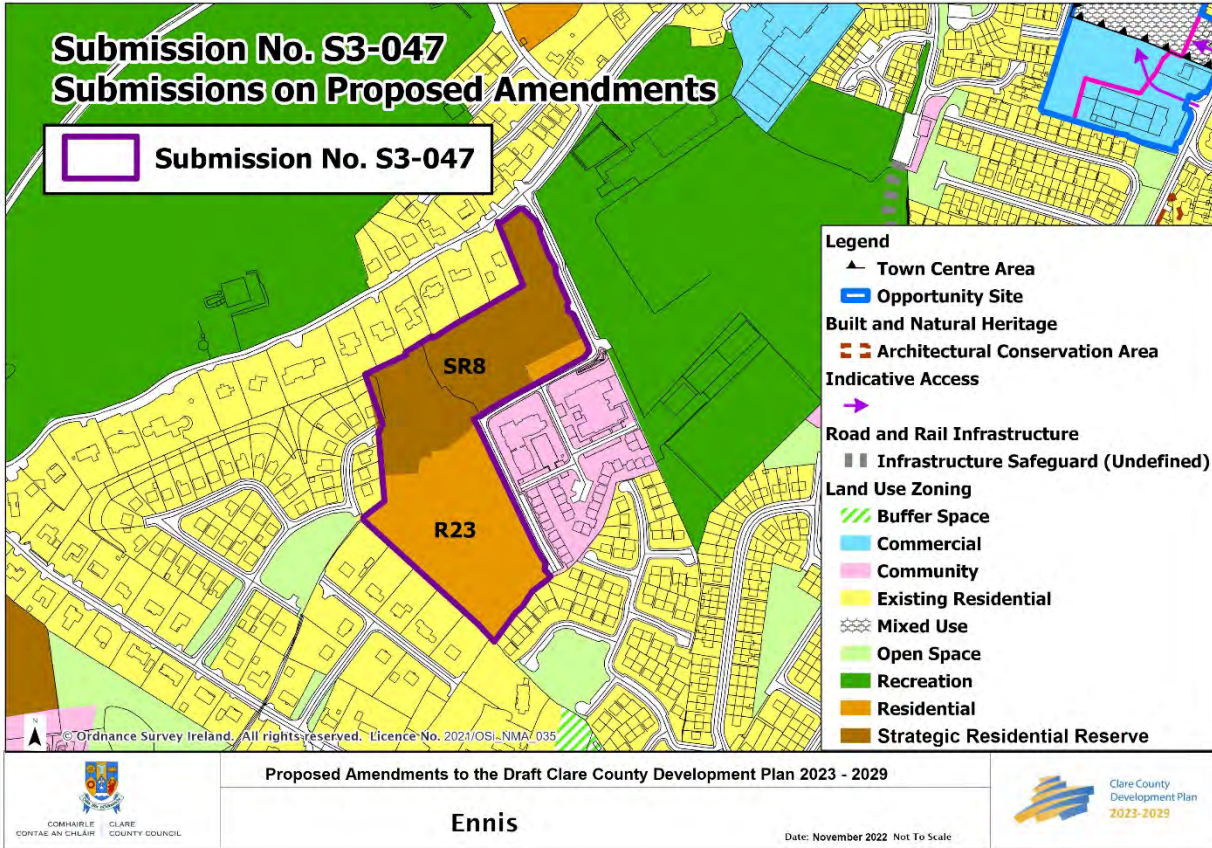
I note Section 4.3 of the Strategic Flood Risk Assessment (Volume 10c) sets out the general approach for unmapped watercourses where, in these cases, it is the responsibility of the applicant to undertake an appropriately detailed Flood Risk Assessment and to then apply the sequential approach as the Plan Making Justification Test has not been satisfied in these cases.



In relation to the final point of the submission regarding the zoning of these lands and the proposed Material Alteration to change it from Strategic Residential Reserve (SR8) to Residential (R23), I refer to my response to Submission S3/043 which also relates to this proposed Material Alteration and I recommend zoning these lands as Strategic Residential Reserve (SR8) and that the Plan is made without the proposed Material Alteration to change the zoning to Residential (R23).

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to change the zoning from Strategic Residential Reserve (SR8) to Residential (R23), as displayed.



## Submission No: S3/048 Brendan McGrath and Associates on behalf Sean Merry

### Summary of Issues Raised in Submission

The submission relates to lands at Knox's Bridge, Ennis. A map and Flood Risk Assessment Note by Hydro Environmental Ltd is included.

The submitter refers to the proposed amendment to change a portion of Low Density Residential Lands LDR2 to Open Space OS1. The submitter requests that the proposed amendment to the Draft Plan is not made for the following reasons:

- Notes the corresponding change in the accompanying text which refers to the proposed Open Space zoning and queries reference to the 'northern section' of the site being at risk from flooding with no associated detailed analysis in Volume 10c (Strategic Flood Risk Assessment) of the Draft Plan.
- Refers to the hydrological assessment and notes the difference in the level on the site (5mOD) and on other zoned development lands in the Lower Fergus area (downstream of Knox's Bridge) and the Gaurus area. Lands below 3.2mOD are identified in the Ennis Flood Relief Scheme as potential strategic floodplain storage lands necessary for the Clarecastle barrage operation, and considers the extent of flood risk on the lands should be defined by the 3.2mOD contour.
- Queries the extent of OS1 in the map and considers the proposed open space zoning on the site should be confined to the triangular area measuring approximately 0.2 hectares on the west side of the railway embankment [area identified in the hydrological assessment as being below the 3.2mOD].
- Notes the north-west corner of the landholding comprises parkland and lawn and a vehicular access which also lies above the 3.2 metre contour.
- Considers there are no reasons for designating this area Open Space and that there is merit in retaining it for residential due to its topography, location close to the town centre and due to its size, it would allow for flexibility in design layout and safe vehicular access.

### Chief Executive's Response

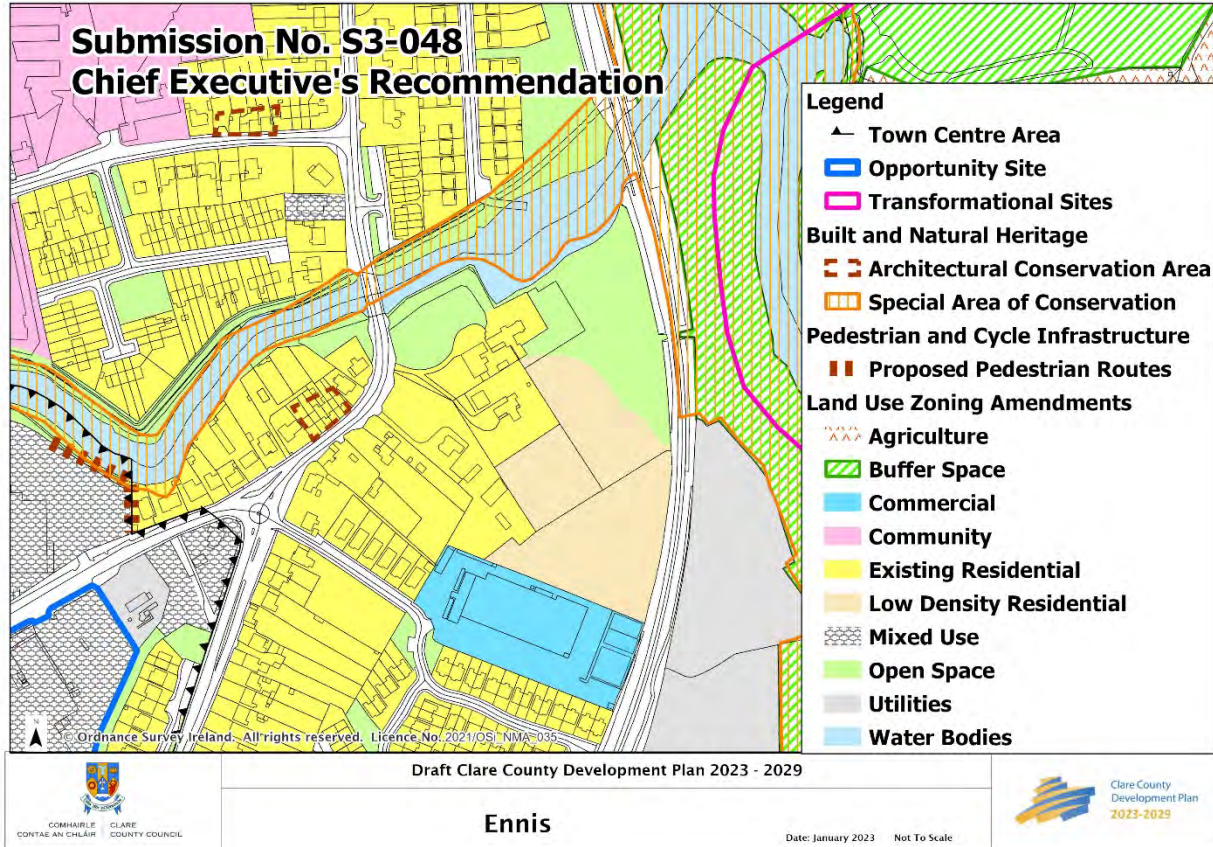
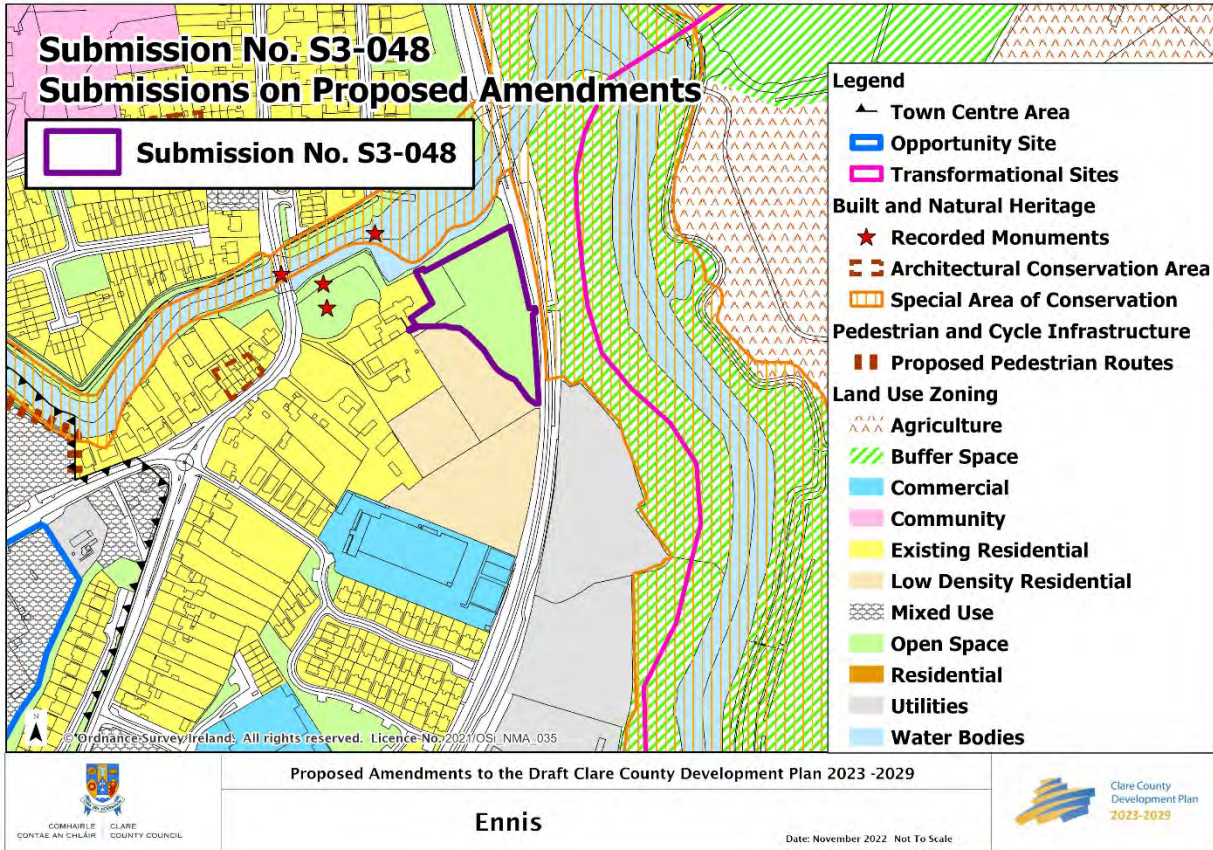
I wish to thank Brendan McGrath and Associates on behalf Sean Merry for the submission and respond as follows:

I acknowledge the points made in the submission and accompanying hydrological assessment. The submission refers to the flood level of 3.2mOD in relation to the 'strategic floodplain storage' required for the storage of floodwater linked to the operation of the tidal barrage. However, Flood Zones by their definition must ignore flood defences and the tidal barrage is a defence. Consequently, the Flood Zone mapping is formally provided by OPW and levels are therefore higher than the standard CFRAM flood mapping that would include provision of the barrage. Therefore, I consider it is appropriate make the proposed Material Alteration, as displayed, on the subject lands.



### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to amend the zoning to Open Space on the subject lands in the Ennis Settlement Plan, Volume 3a, as displayed.



## Submission No: S3/056 - Rafarilla Ltd on behalf Protogenia Ltd

### Summary of Issues Raised in Submission

The submission relates to lands at Ennis and a map has been included.

The submitter refers to a previous submission, S2/876, on the Draft Plan which sought to have the subject lands c.10ha zoned 'Residential' and restates reasons for same including housing need in Ennis, sequential approach, underutilised lands in single ownership, development of the lands would complete the residential community in the area and achieve planned housing targets.

While the submitter welcomes the inclusion of the LDR14 zoning objective on the northern portion of the land, it is considered that the proposed Material Amendment represents a missed opportunity in realising the potential of the subject lands [in their totality] to accommodate residential development in the short to medium term and to ensure the strategic vision for the growth of Ennis can be delivered upon.

The submitter considers population targets are conservative given inward migration and the war in Ukraine, it notes the short to medium term residential potential of the lands and benefits of the Northern Inner Relief Road increasing connectivity and permeability through the town and the need to maximise infrastructural investment in the area, and notes c.50% of lands zoned in the current Plan remain inactive or have extant planning permissions.

### Chief Executive's Response

I wish to thank Rafarilla Ltd for the submission on behalf Protogenia Ltd and respond as follows:

I acknowledge the support for the inclusion of Low Density Residential LDR14 zoning on a portion of these lands and note the further points made in the submission. In this regard, I refer to the Chief Executive's Report on the Draft Plan (10<sup>th</sup> July 2022) and the response to submission S2/876 which is referred to in this submission. The Chief Executive's Response notes that a sufficient quantum of land has been zoned within Ennis to accommodate the required amount of housing units to meet the needs of the allocated population growth for the town over the plan period 2023-2029. Given that there is adequate provision of zoned land within the settlement area and having regard to the location of the lands, it was considered that the zoning of these lands for 'Residential' was unnecessary and would be contrary to proper planning and sustainable development.

I also note MA Recommendation 2 – Ennis Key Town set out in the Office of the Planning Regulator's (OPR) submission, S3/012, that having regard to the core strategy of the Draft Plan; the national and regional objectives, the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for sequential approach to development and the provision of a sustainable settlement and transport strategy, it states that the planning authority is required to make the Plan **without** the material amendment relating to the proposed Low Density Residential LDR14 on the subject lands.

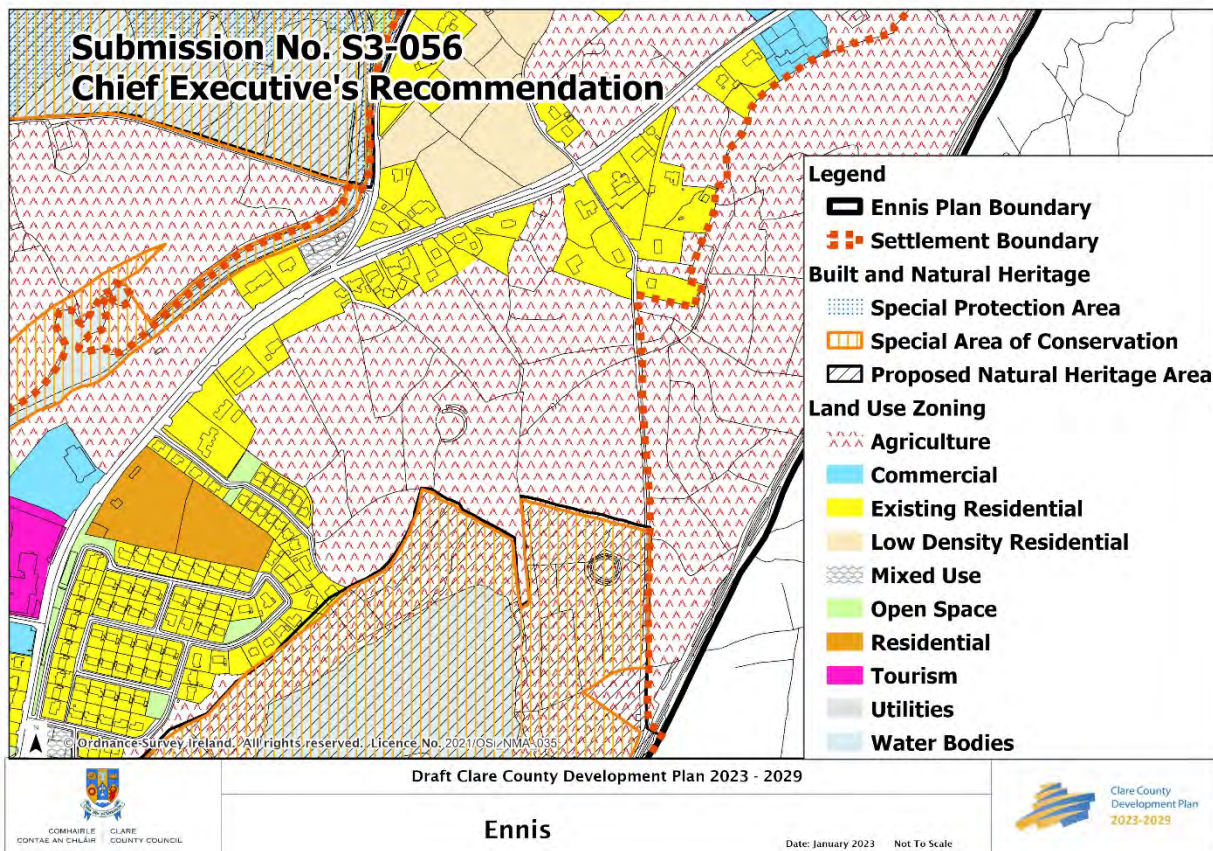
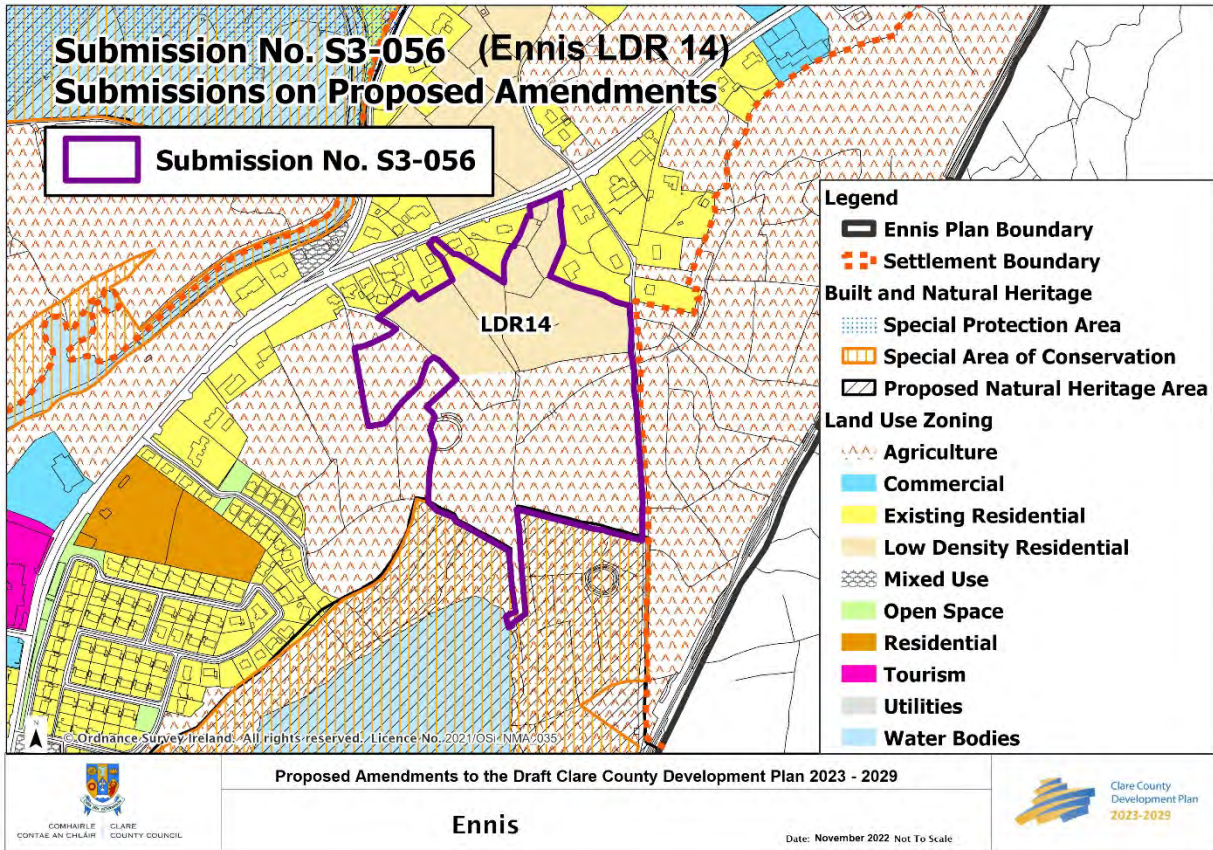




Having regard to all of the above, I advise that the Draft Plan should be made without the proposed Material Alteration.

### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to lands at Ennis, as displayed.



## Submission No: S3/059 – Mary Tiernan

### Summary of Issues Raised in Submission

The submission relates to lands to the west of Páirc na Coille in Cahercalla currently zoned ‘Residential’ in the Clare County Development Plan 2017-2023 (as varied).

The subject lands were zoned as ‘Strategic Residential Reserve’ in the Draft Clare County Development Plan 2023-2029. In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, the southern part of the site was to be rezoned as ‘Residential’ by way of a proposed material alteration.

The submission relates to the Cahercalla Stream which is culverted and runs under the subject lands:

- The Cahercalla Stream flows from Cahercalla Lough under the Cahercalla Road into Willsgrove. From there it is piped under Willsgrove’s green area through Willsgrove and onwards down through a culvert under the subject lands to the front of the Páirc na Coille Retirement Village. From there it runs for a short distance in the open air to the bend of the Páirc na Coille access road where it discharges underground through a grill which is regularly blocked by leaves resulting in the road flooding at that location on the Páirc na Coille access road and the adjoining Ennis Rugby Club’s land. The culvert is also used for stormwater/surface water from Willsgrove.
- If development is permitted on the land surrounding this culvert, the overflow stormwater from this culvert will have nowhere to go and will result in this back-flooding of Willsgrove’s surface water drainage system and, consequently, the flooding of Willsgrove.
- The submission further states that should An Bord Pleanála reverse the granting of permission for Planning Ref. No. P21/599 that the site is rezoned as ‘Strategic Residential Reserve’ or ‘Habitat’.

### Chief Executive’s Response

I thank Ms. Tiernan for her submission in relation to the proposed Material Alteration to the Draft Clare County Development Plan 2023-2029 in relation to lands west of Páirc na Coille. I note her comments regarding the culverted Cahercalla Stream and concerns in relation to potential flooding risk to Willsgrove.

I note the submission outlines the potential residual flood risk from a small unmapped watercourse (Cahercalla Stream), that has been substantially culverted. Residual risk would appear to be from potential blockage at an inlet screen by Páirc na Coille near the boundary with the Rugby Club.

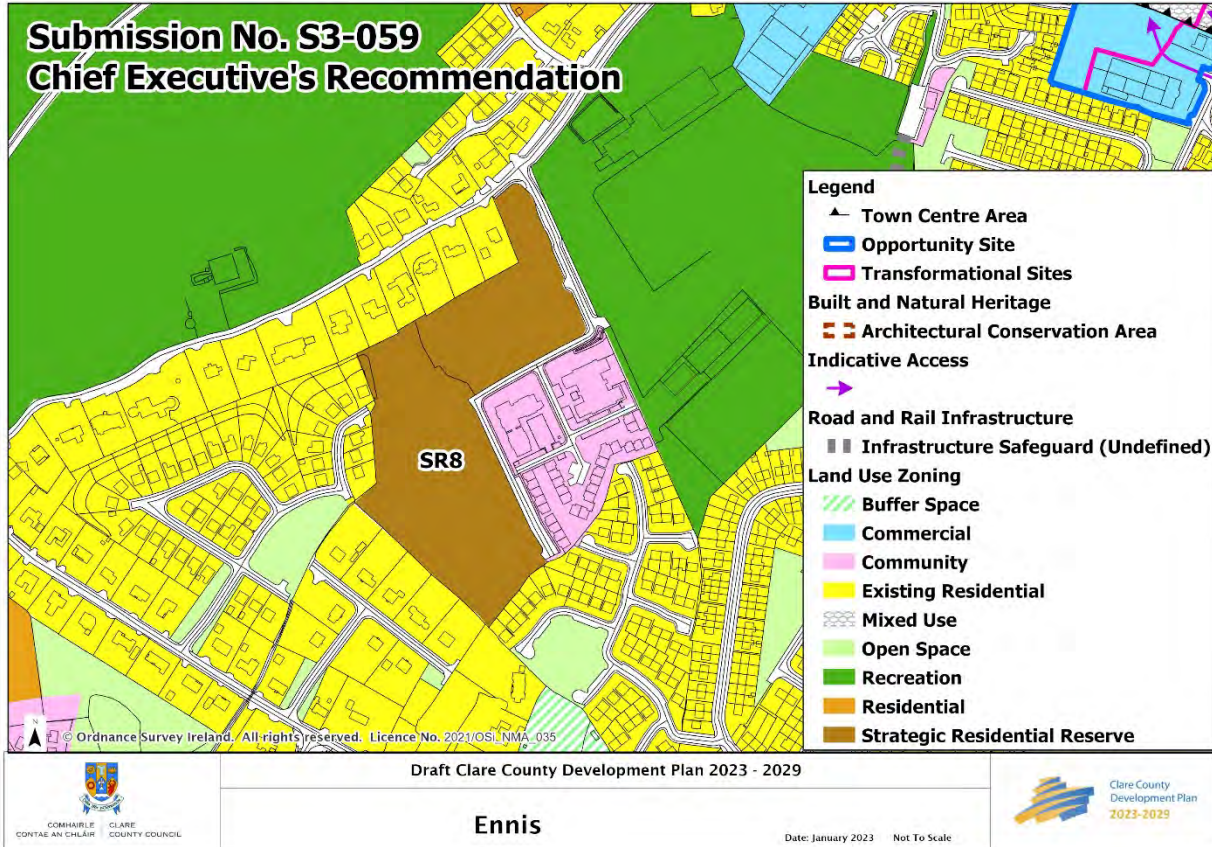
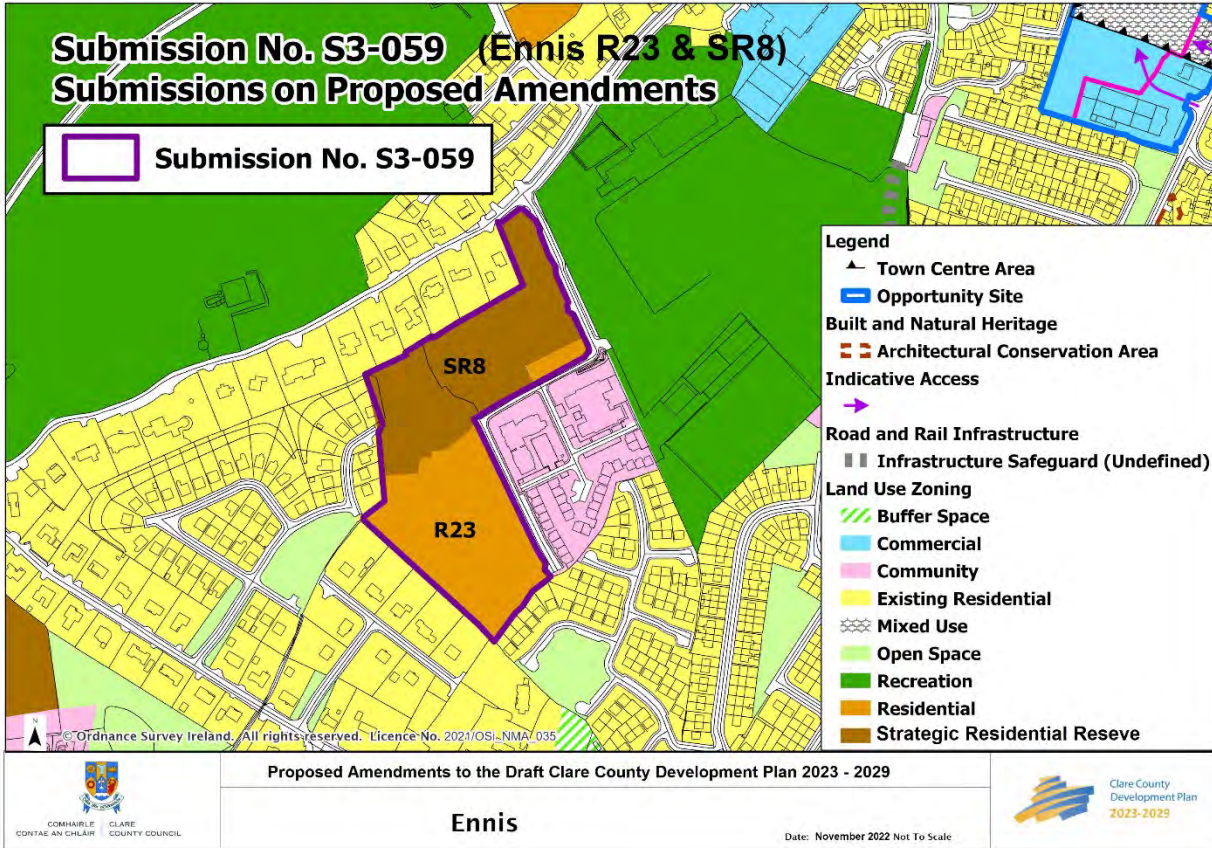
I note Section 4.3 of the Strategic Flood Risk Assessment (Volume 10c) sets out the general approach for unmapped watercourses where, in these cases, it is the responsibility of the applicant to undertake an appropriately detailed Flood Risk Assessment and to then apply the sequential approach as the Plan Making Justification Test has not been satisfied in these cases.



In relation to the final point of the submission regarding the zoning of these lands and the proposed material alteration to change it from Strategic Residential Reserve (SR8) to Residential (R23), I refer to my response to Submission S3/043 which also relates to this proposed material alteration and I recommend zoning these lands as Strategic Residential Reserve (SR8) and that the Plan is made without the proposed Material Alteration to change the zoning to Residential (R23).

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to change the zoning from Strategic Residential Reserve (SR8) to Residential (R23), as displayed.





## Submission No: S3/060 – Brian Foudy and Associates on behalf of M. Casey.

### Summary of Issues Raised in Submission

The submission relates to c.11.6ha of lands at Shanaway Road, Ennis. The lands are zoned in the Draft Clare County Development Plan 2023-2029 as 'Agriculture'.

In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029:

- C. 3.4ha of the overall lands have been zoned Low-Density Residential (LDR6), by way of a proposed material alteration.

This follows a submission (S2/851) made on behalf of M. Casey to the Draft Clare County Development Plan 2023-2029 which sought to zone the overall lands Residential or Low-Density Residential or Strategic Residential Reserve, in that order of preference.

The submission supports the proposed Material Alteration to LDR6 zoning and requests the enlargement of the LDR6 zoning to include a further c.1.1ha of Agriculture-zoned lands.

### Chief Executive's Response

I wish to thank Brian Foudy & Associates for their submission, made on behalf of M. Casey and I would like to respond as follows:

I acknowledge the support in the submission for the proposed Material Alteration to lands at Shanaway Road, Ennis, which formed part of the Members' Resolution made on October 20th 2022.

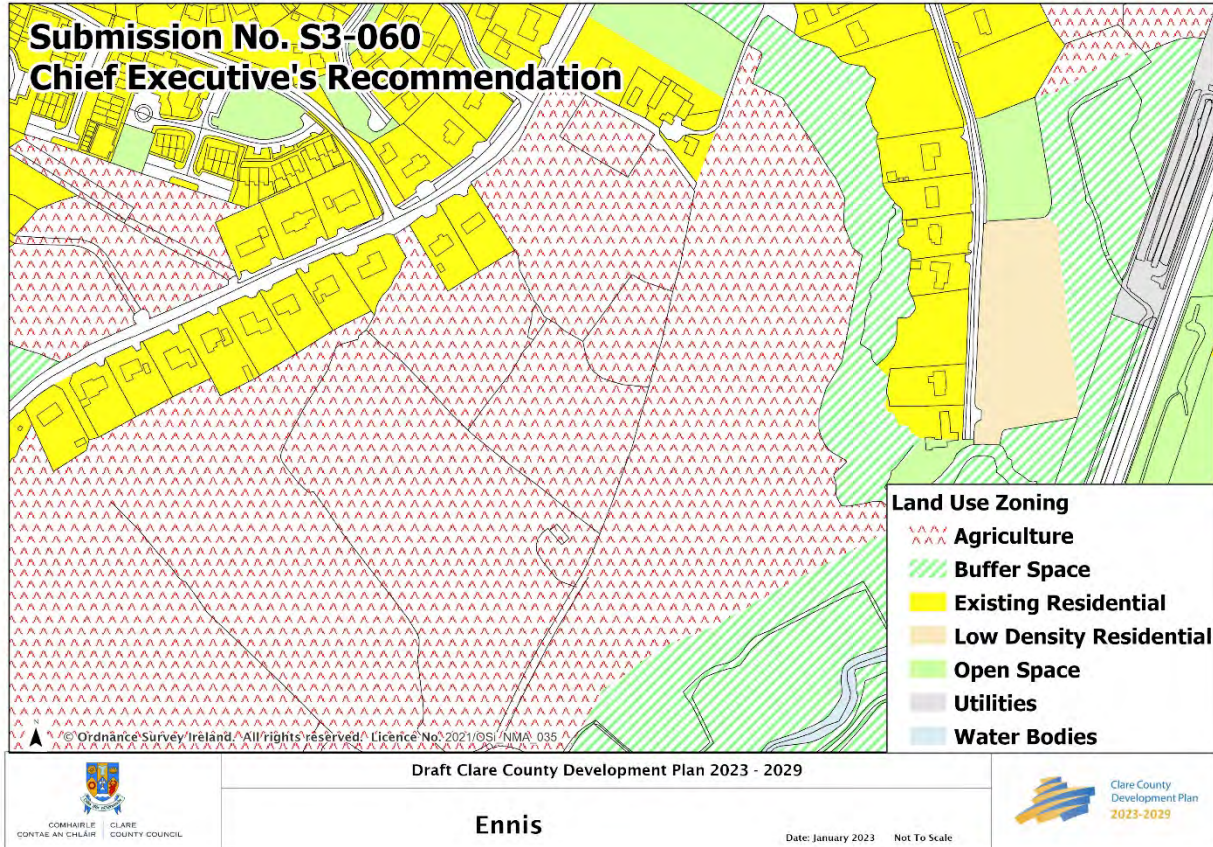
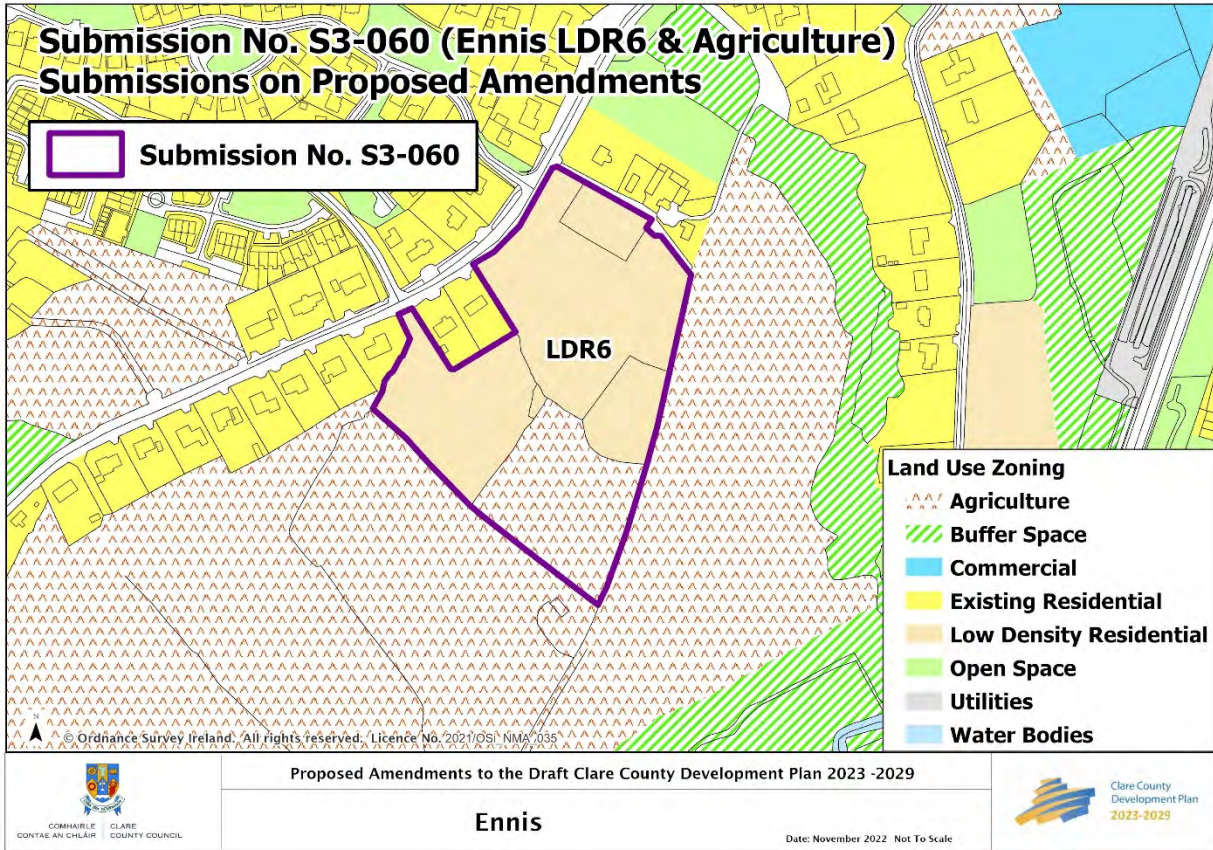
Additionally, the submission seeks that the lands identified as Agriculture in the proposed Material Alteration are zoned Low-Density Residential, as an enlargement of the LDR6 zoning.

In its submission (S3/012) the Office of the Planning Regulator (OPR) make a requirement (MA2) that the Development Plan should be made without the Proposed Amendment to the Ennis Settlement Plan which concerned the LDR6 lands and the change from Agriculture, due in particular to being contrary to sequential growth and compact growth and alignment with the core strategy. I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission SR2/851 which relates to these lands, and note the issues raised concur with those raised by the OPR. Contrary to the recommendation of the Chief Executive it was agreed by resolution to zone part of the lands 'Low Density Residential' as a proposed material alteration to the Draft Plan. I therefore advise that in accordance with the recommendation on the original submission to the Draft Plan, and having regard to the current submission from the OPR on this stage of the plan making process that the Plan is made without this proposed material alteration, including all text changes related to it.



### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **without** the proposed Material Alteration, as displayed, to the Ennis Settlement Plan whereby the zoning objective was changed from Agriculture to Low-Density Residential (LDR6), and all text changes associated with this amendment.





## Submission No: S3/063 – T. Conroy

### Summary of Issues Raised in Submission

While the subject line of the submission states it relates to zoning of Site R29 and R8 the submission relates to lands zoned as R23 and SR8 in Ennis as per the Proposed Amendment. The submission notes its concern with the proposed zoning of these lands for housing in terms of the impact on wildlife, biodiversity and protected bat species which forage across the site.

A report by Ecofact is also attached to the submission which reviews bat information within existing environmental reports for the site (conducted by MKO) and states there were deficiencies in the bat survey. In addition, other biodiversity concerns are raised such as the presence of badger sett which was not excluded in an area of impenetrable scrub.

### Chief Executive's Response

I would like to thank T. Conroy for this submission and I wish to respond as follows:

I am aware that Páirc na Coille is an area of woodland/scrub surrounded by housing together with Ennis Rugby Club which is located along the northeastern boundary.

It is located within the 2.5km foraging range of lesser horseshoe bats for Newhall and Edenvale Complex SAC and lies just outside of the 2.5km foraging range for Pouladatig Cave SAC. NPWS have not mapped any habitat within SR8/R23 (Páirc na Coille) as foraging habitat within the conservation objectives to date (NPWS, 2018). There is however a historic (1998) NPWS record of a lesser horseshoe bat roost which overlaps SR8/R23.

The Appropriate Assessment process and the accompanying Natura Impact Report assessed the SR8 designation (prior to the proposed Material Alteration which split SR8 into SR8 and R3) and stipulated that mitigation for lesser horseshoe bats is required. In addition, the technical guidance for this site has stipulated that "The area of the site to the west of Park na Coille includes an attractive natural habitat which should be retained, at least in part, as open space between any new development and the existing nursing home, providing an open space buffer between the two developments. This site is located less than 1km from a known bat roost. Proposals for development on this site must be informed by an ecological assessment of the site and appropriate bat surveys and shall ensure that there is no loss of habitats used by Lesser Horseshoe Bats. Any habitat loss must be offset by additional landscape planting to ensure connectivity across the landscape. All design proposals, including lighting, must be informed by the results of the bat survey. A landscape management plan must also accompany any development proposals. Development proposals shall include mitigation for bats, water quality and Special Conservation Interest Birds, as set out in Volume 10a Natura Impact Report as it relates to R23. (NIR mitigation 2,3 and 4a)."

The mitigation within the NIR still stands for SR8 and applies to R23. This mitigation was developed to maintain the conservation objective targets for the nearby SACs for lesser horseshoe bat (as well as water quality and otter). Bat conservation targets are;



- Foraging habitat - "No significant decline within 2.5km of qualifying roost".
- Light pollution - "No significant increase in artificial light intensity adjacent to named roost or along commuting routes within 2.5km of the roost".
- Linear features - "No significant loss within 2.5km of qualifying roost."

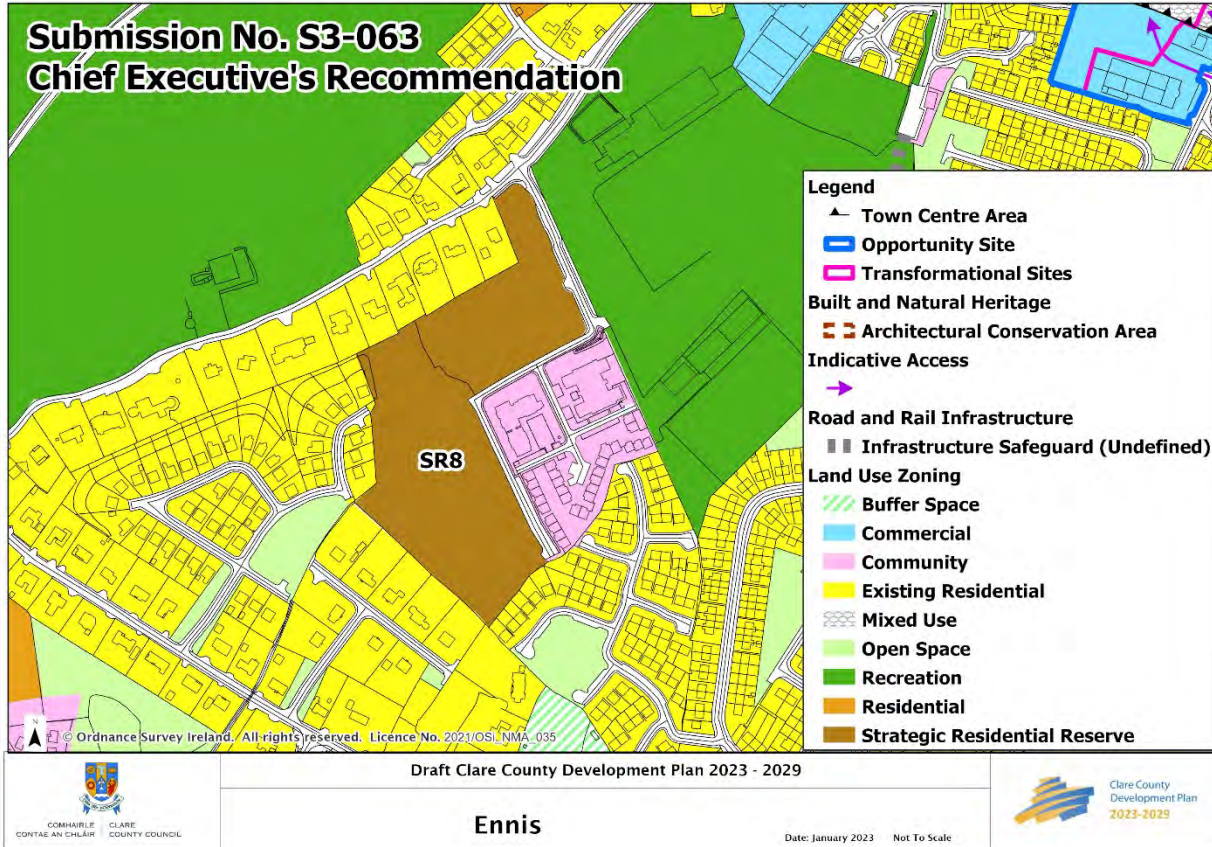
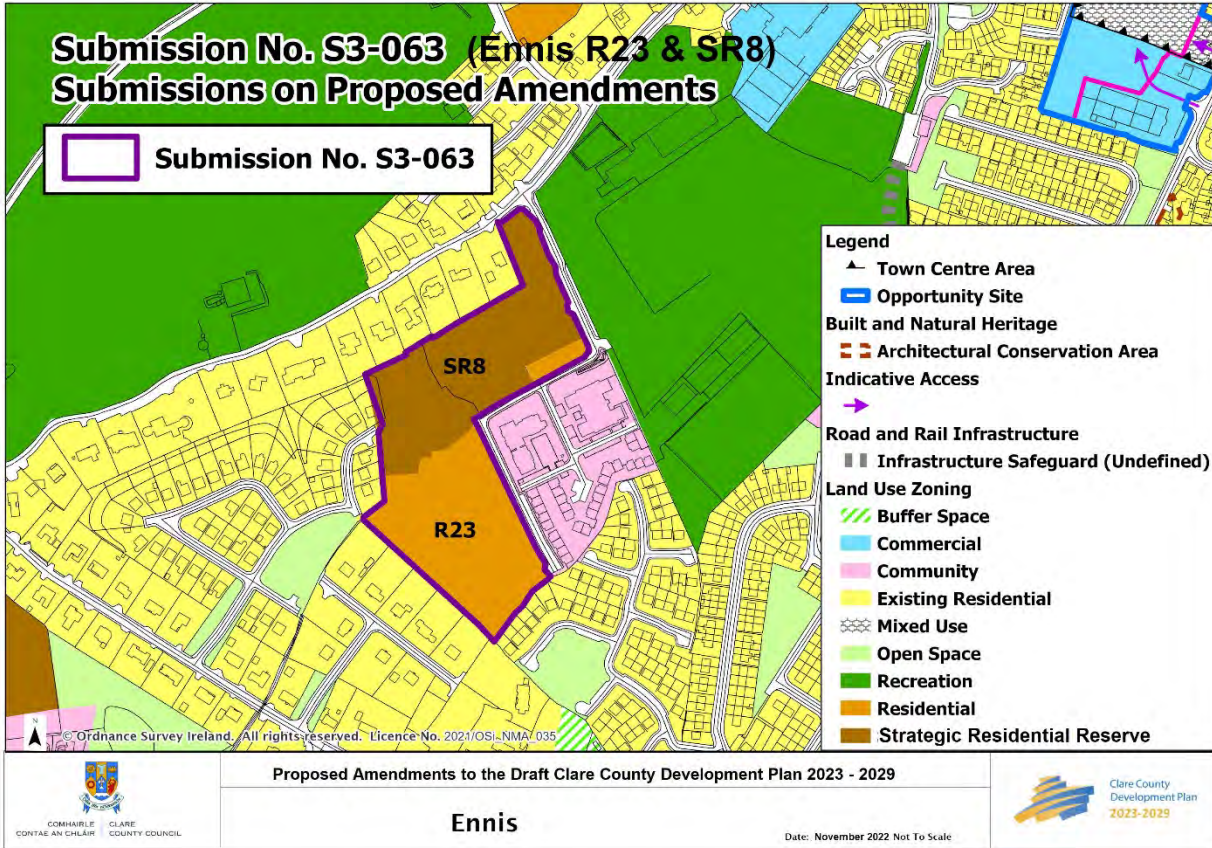
The contents of the Veon Report on the Review of Bat Surveys conducted at this site and accompanying the submission are noted together with the information submitted as part of submission no's S3/063 & S3/091.

Evidence from the submitted reports demonstrate the biodiversity value of the site given the presence of 5 different bat species together with the presence of Lesser horseshoe bats for which the site is within the Likely Zone of Impact for a number of protected sites.

It is not possible given the level of information currently available for this site to conclude a finding of no significant effects on the environment or that the proposed zoning as R23 will not lead to negative impacts on local and internationally important bat species, including Lesser horseshoe bat. On this basis I consider that the Plan should be made without the proposed Material Alteration.

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to SR8 and R23, as displayed.





## Submission No: S3/064 – Brian Foudy and Associates on Darvin Trading Company Ltd.

### Summary of Issues Raised in Submission

The submission relates to lands at Shanaway Road, Ennis. The lands are zoned in the Draft Clare County Development Plan 2023-2029 as Agriculture.

In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029:

- An adjoining plot has been zoned Low-Density Residential (LDR15), by way of a proposed material alteration.

This follows a submission (S2/849) made on behalf of Darvin Trading Company Ltd. to the Draft Clare County Development Plan 2023-2029 which sought to zone the overall lands Residential.

The submission requests the enlargement of the LDR15 zoning to include a further c.2ha of Agriculture-zoned lands.

### Chief Executive's Response

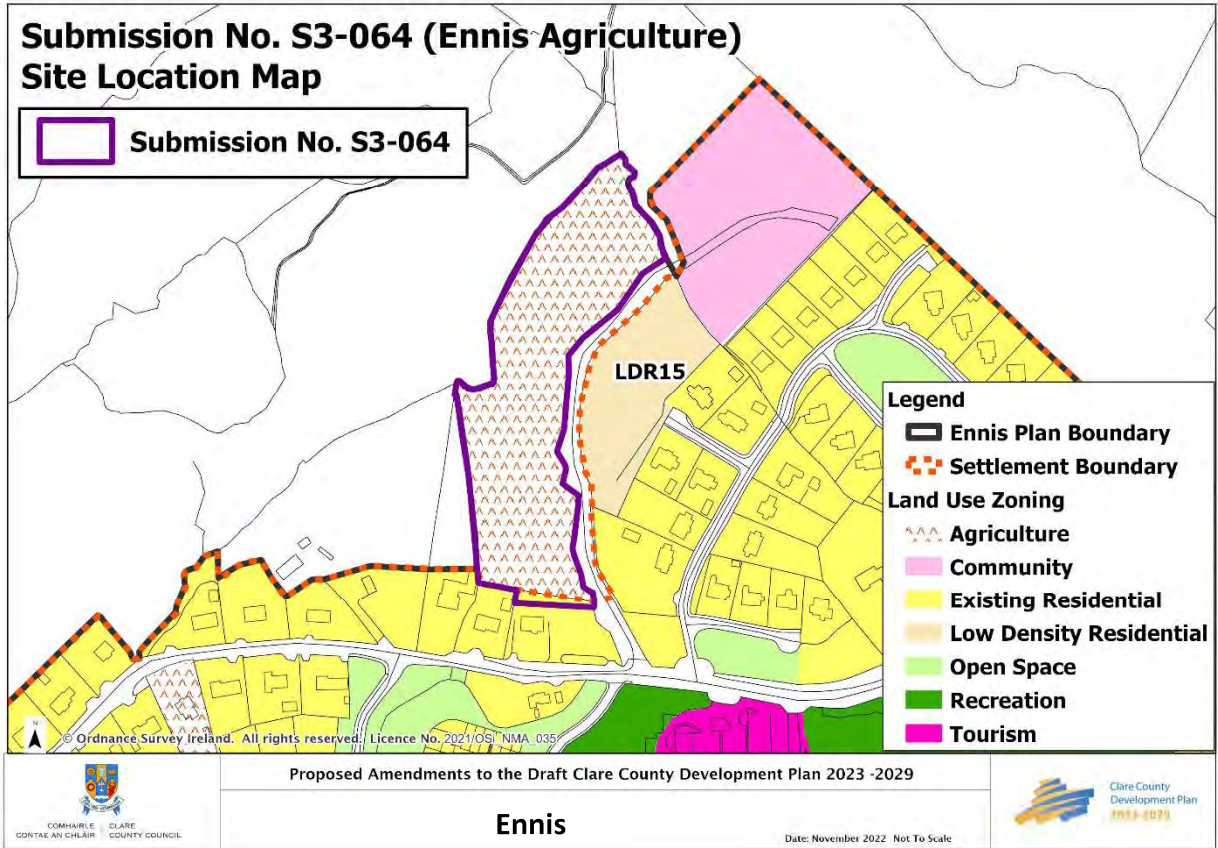
I wish to thank Brian Foudy & Associates for their submission, made on behalf of Darvin Trading Company Ltd.

The submission seeks that the lands identified as 'Agriculture' in the Draft Clare County Development Plan 2023-2029, and which are not subject to the proposed Material Alteration to LDR15, are zoned Low-Density Residential, as an enlargement of the LDR15 zoning. I consider that the submission does not relate to a proposed material alteration to the Draft Clare County Development Plan 2023-2029 and therefore is not open for consideration.

Consequently, there is no recommendation arising from this submission.

### Chief Executive's Recommendation

There is no recommendation arising from this submission.





## Submission No: S3/065 – Kieran Kelly

### Summary of Issues Raised in Submission

The submission refers to the importance of established industrial and commercial uses and facilities being provided outside of designated settlement centres.

In the submission, it is noted that additional text has been added under Section 6.15 Availability of Land and Infrastructure which states:-

*“Where proposals may arise for new employment and enterprise development in the open countryside, only where there are strong locational factors that would make the location of the use in towns and villages undesirable would these be considered by the Council on a case-by-case basis. Such proposals would include the development of commercial/industrial related facilities and associated support services in appropriate locations and any such proposals would be subject to the planning and environmental objectives as set out in this plan”.*

This proposed amendment is welcomed, and it is requested that it be included in the adopted Clare County Development Plan 2023-2029.

### Chief Executive’s Response

I wish to thank P. Coleman & Associates for their submission, made on behalf of Kieran Kelly. I acknowledge their support of the revised wording of Section 6.15 ‘Availability of Land and Infrastructure’ as a proposed material alteration to the Draft Clare County Development Plan 2023-2029.

### Chief Executive’s Recommendation

I recommend the Clare County Development Plan 2023-2029 is made **with** the Material Alteration, as displayed.



## Submission No: S3/066 – Banner Vehicle Centre and Others

### Summary of Issues Raised in Submission

The submission refers to the importance of established industrial and commercial uses and facilities being provided outside of designated settlement centres.

In the submission, it is noted that additional text has been added under Section 6.15 Availability of Land and Infrastructure which states: -

*“Where proposals may arise for new employment and enterprise development in the open countryside, only where there are strong locational factors that would make the location of the use in towns and villages undesirable would these be considered by the Council on a case-by-case basis. Such proposals would include the development of commercial/industrial related facilities and associated support services in appropriate locations and any such proposals would be subject to the planning and environmental objectives as set out in this plan”.*

This proposed amendment is welcomed, and it is requested that it be included in the adopted Clare County Development Plan 2023-2029.

### Chief Executive’s Response

I wish to thank P. Coleman & Associates for their submission, made on behalf of Banner Vehicle Centre and Others. I acknowledge their support of revised wording of Section 6.15 ‘Availability of Land and Infrastructure’ as a proposed material alteration to the Draft Clare County Development Plan 2023-2029.

### Chief Executive’s Recommendation

I recommend the Clare County Development Plan 2023-2029 is made **with** the Material Alteration, as displayed.



## Submission No: S3/067 – Board of Management Holy Family Schools

### Summary of Issues Raised in Submission

The submission relates to lands at Station Road in Ennis currently zoned as ‘Mixed Use’ in the Clare County Development Plan 2017-2023 (as varied) and proposed to be zoned for ‘Community’ in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, by way of a proposed material alteration.

This follows a submission made on behalf of the Board of Management of Holy Family Schools to the Draft Clare County Development Plan 2023-2029 which sought to have lands then proposed to be zoned as ‘Mixed Use’ rezoned to ‘Community’.

The submission supports the zoning in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029 and asks that it will be supported by Clare County Council.

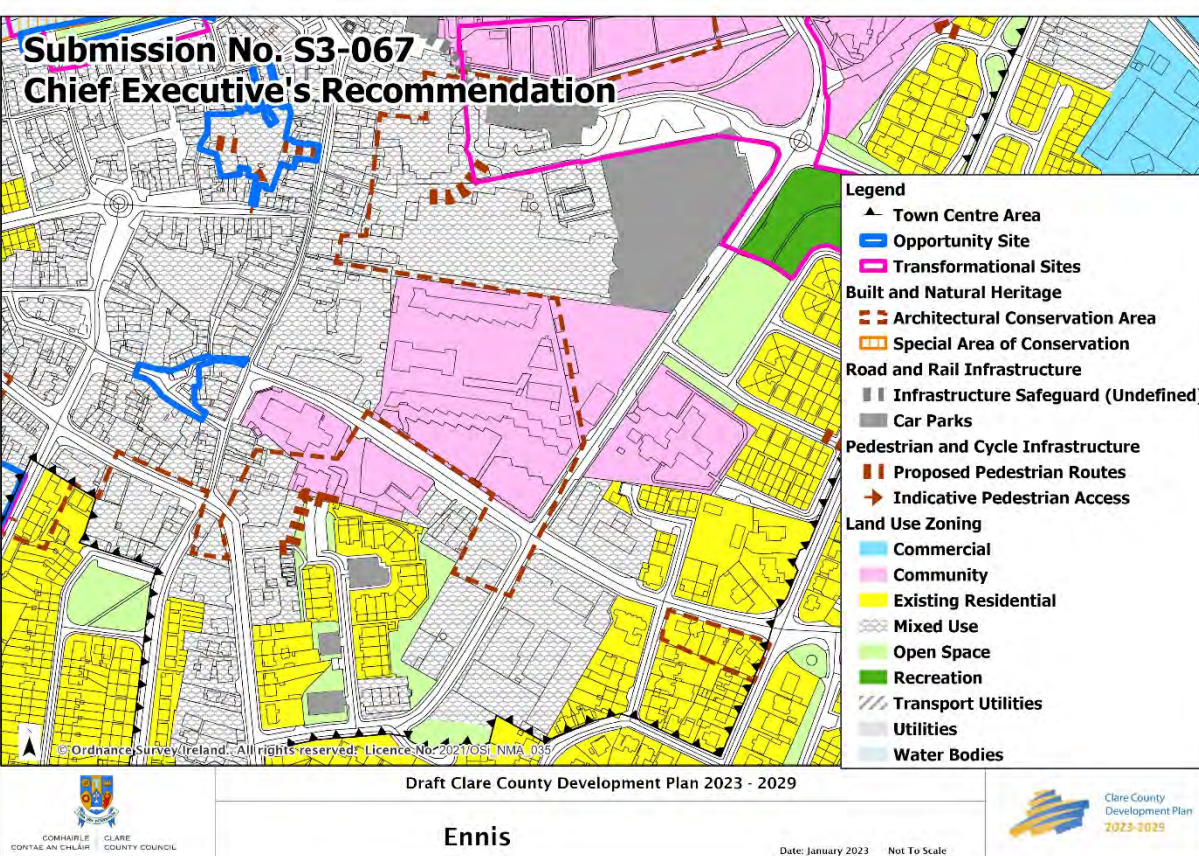
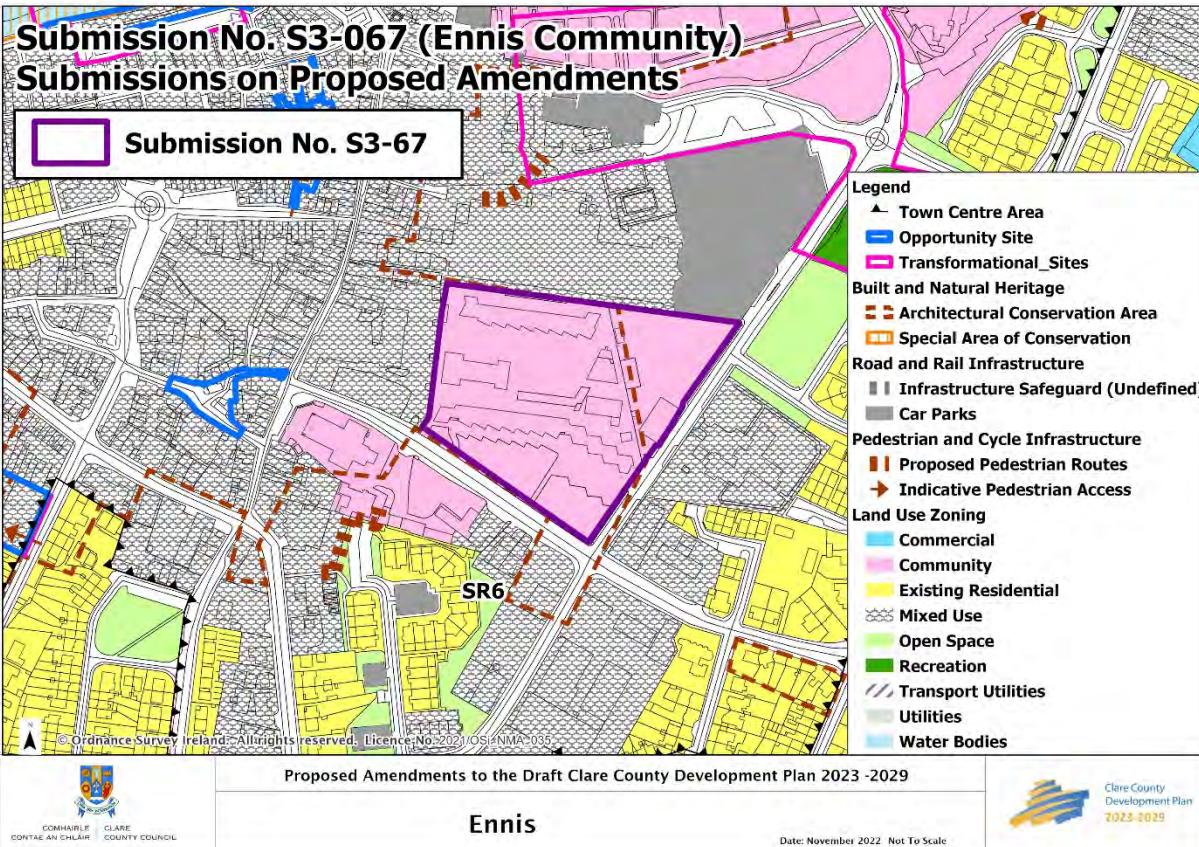
### Chief Executive’s Response

I wish to thank P. Coleman & Associates for their submission, made on behalf of the Board of Management of Holy Family Schools. I acknowledge their support for the Proposed Material Alteration to rezone the Holy Family Site at Station Road from ‘Mixed Use’ to ‘Community’ including the removal of associated text from the Ennis Settlement Plan. In this regard, I note the current uses on the site include a primary school, preschool, Montessori school and an afterschool facility. Therefore, I consider it appropriate that the lands are zoned ‘Community’.

### Chief Executive’s Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to amend the zoning objective on the Holy Family Site at Station Road from ‘Mixed Use’ to ‘Community’, as displayed.







### Submission No: S3/068 – Sisters of Mercy

#### Summary of Issues Raised in Submission

The submission relates to lands at Bóthar na Trócaire in Ennis currently zoned as ‘Community’ in the Clare County Development Plan 2017-2023 (as varied) and proposed to be zoned for ‘Mixed Use’ in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, by way of a proposed material alteration.

This follows a submission made on behalf of the Sisters of Mercy to the draft County Development Plan which sought to have lands zoned as ‘Community’ rezoned to ‘Mixed Use’.

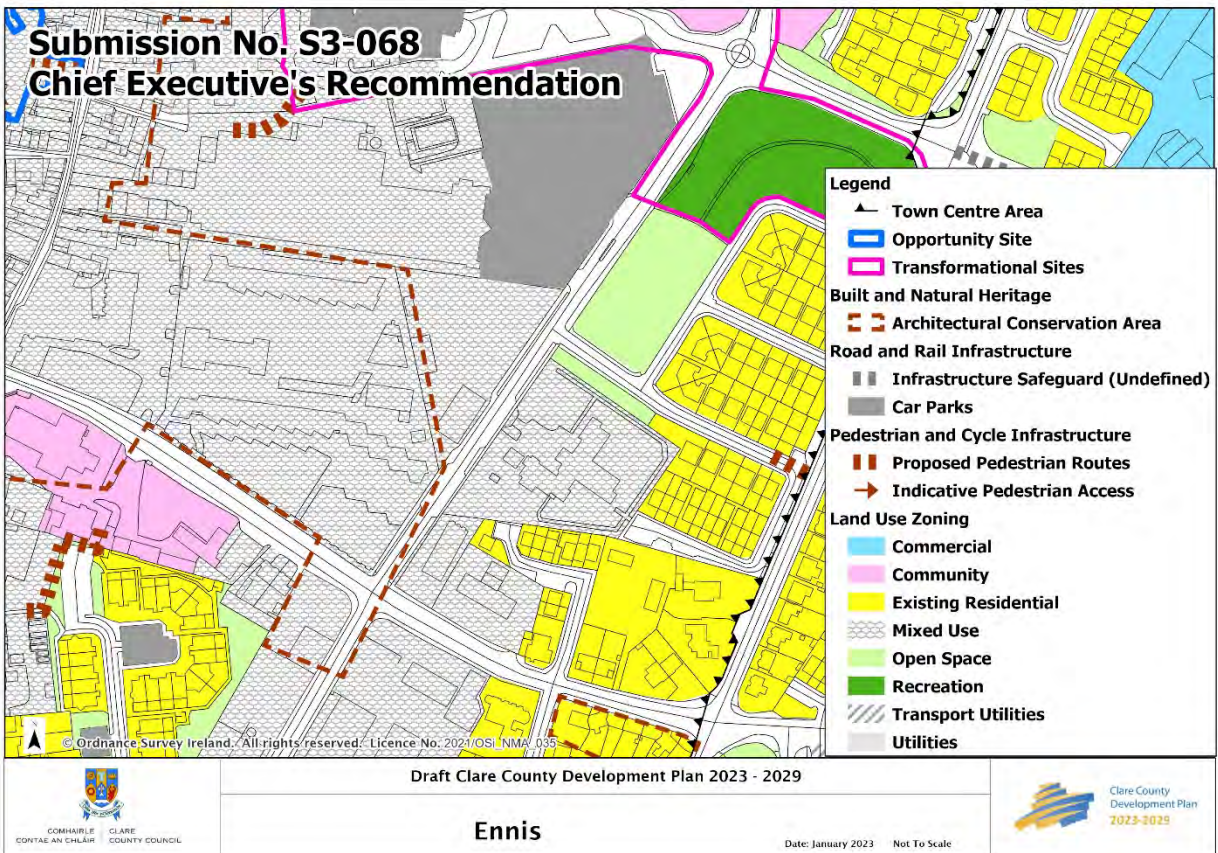
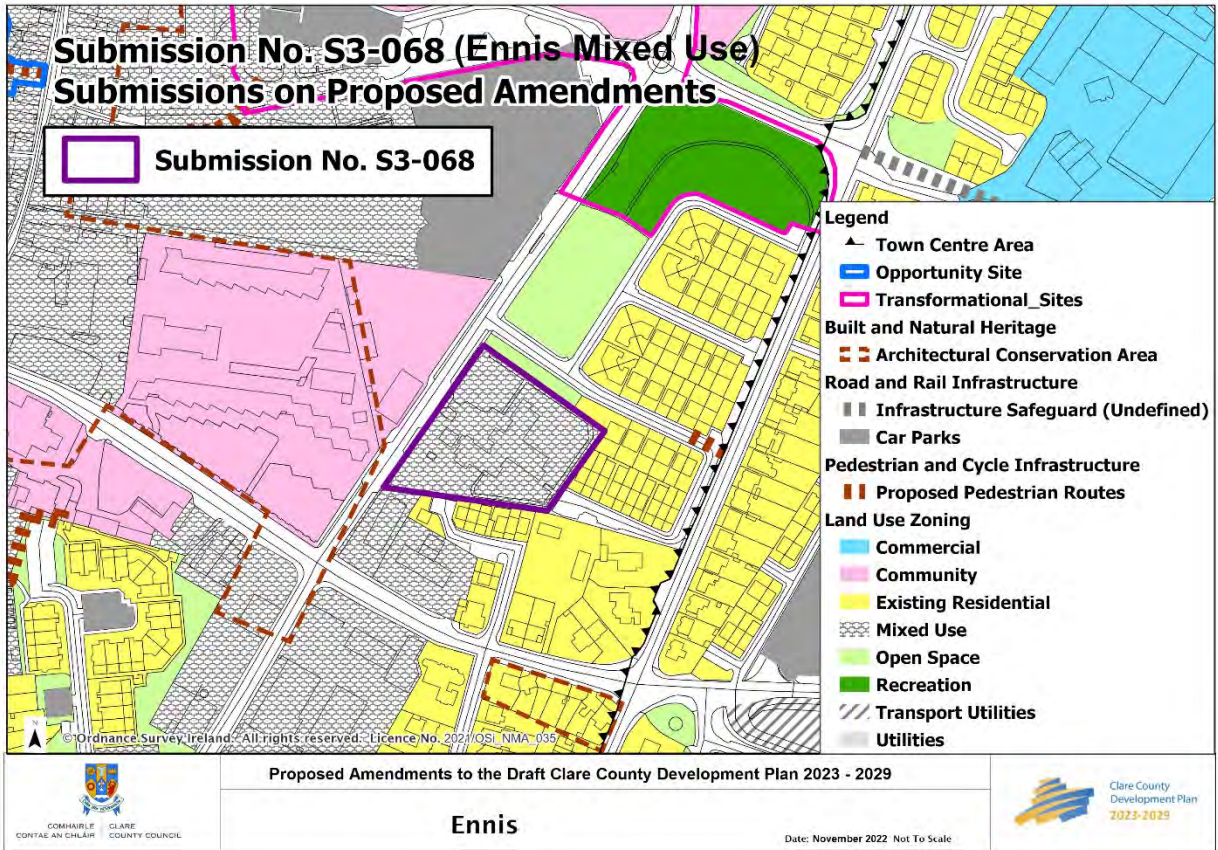
The submission supports the zoning in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029 and asks that it will be supported by Clare County Council.

#### Chief Executive’s Response

I wish to thank P Coleman & Associates for their submission, made on behalf of the Sisters of Mercy. I acknowledge their support for the proposed Material Alteration to lands at Bóthar na Trócaire, which was recommended in the Chief Executive’s Report of July 10<sup>th</sup> 2022, in response to the submission by the Sisters of Mercy (S2/847) at Draft Plan stage.

#### Chief Executive’s Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to lands at Bóthar na Trócaire, as displayed.



## Submission No: S3/069 – Claureen Service Station

### Summary of Issues Raised in Submission

The submission relates to lands at Claureen Roundabout in Ennis currently zoned as ‘Commercial’ in the Clare County Development Plan 2017-2023 (as varied) and proposed to be zoned for ‘Commercial’ in the Proposed Amendments to the Draft County Development Plan 2023-2029, by way of a proposed material alteration.

This follows a submission made on behalf of the Claureen Service Station (S2-926) to the Draft Clare County Development Plan 2023-2029 which sought to have lands retained as ‘Commercial’ zoning.

The submission also sought to change the wording of Objective CDP7.21 which relates to Petrol Filling Stations. In their submission, it was suggested that retail shops in excess of 100m<sup>2</sup> would be permitted in principle, subject to the sequential approach being applied.

The submission supports the zoning and the proposed changing in the wording of Objective CDP7.21 in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029 and asks that it will be supported by Clare County Council.

### Chief Executive’s Response

I wish to thank P Coleman & Associates for their submission, made on behalf of Claureen Service Station. I acknowledge their support for the proposed Material Alteration to lands at Claureen Roundabout and the proposed Material Alteration wording of Objective CDP7.21, which was recommended in the Chief Executive’s Report of July 10<sup>th</sup> 2022, in response to the submission by the Claureen Service Station (S2-926) at Draft Plan stage.

I also note MA Recommendation 9 – Flood Risk Management set out in the Office of the Planning Regulator’s (OPR) submission, S3/012 that having regard to NPO 57, RPO 3.10, and to the provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), the planning authority is required to make the Plan (Volumes 3a, 3b and 3d) **without** the material amendment proposed on the subject lands.

Having regard to the above, I consider it is appropriate to retain the ‘Agriculture’ zoning objective on the subject lands as identified in the Draft Plan.

### Chief Executive’s Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to lands at Claureen Roundabout.

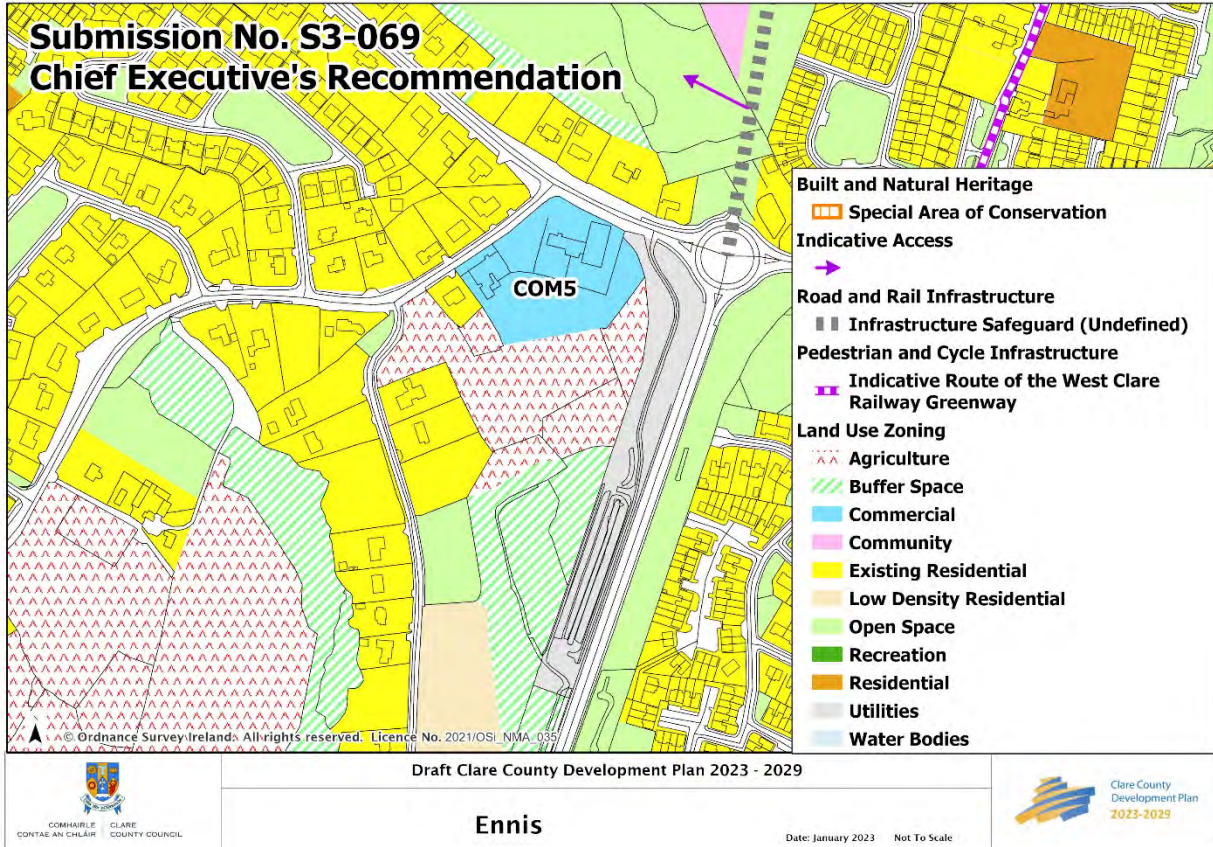
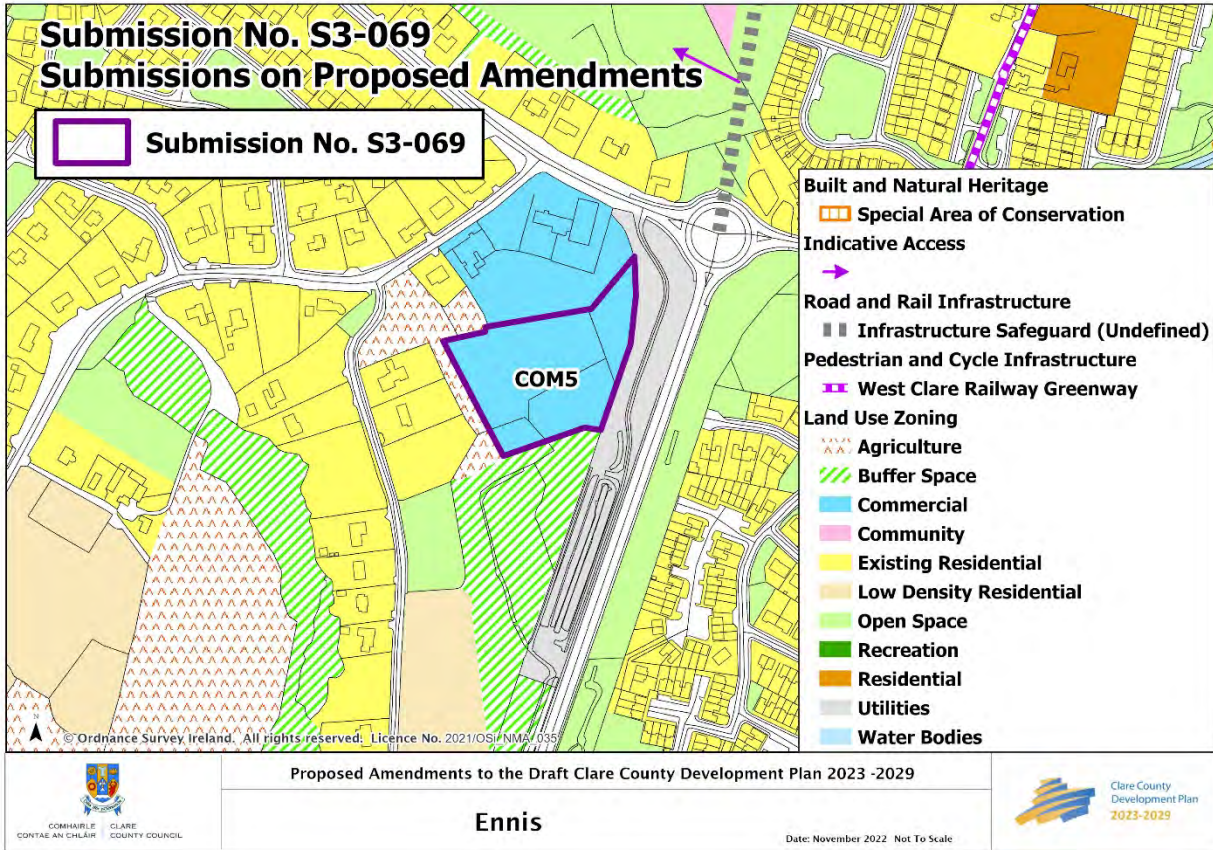


I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to the wording of Objective CDP7.21, as displayed, **subject to minor modifications to the proposed Material Alteration as follows:**

**CDP Objective 7.21 Petrol Filling Stations**

It is an objective of Clare County Council:

To consider development proposals for petrol filling stations, and associated shops with a floor space ~~no greater than~~ up to 100m<sup>2</sup> (net), on their individual merits, subject to normal planning and environmental considerations ~~traffic impact considerations and the location, health and scale of existing retail services in the area~~. Where permission is sought for associated shops with a floorspace is in excess of 100m<sup>2</sup> (net), the sequential approach shall also be applied.



## Submission No: S3/070 – P. Coleman & Associates on behalf of David Queally.

### Summary of Issues Raised in Submission

The submission relates to lands at Drumcliffe, Ennis. The lands are zoned in the Draft Clare County Development Plan 2023-2029 as 'Agriculture'.

In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, the lands have been zoned 'Existing Residential' by way of a proposed material alteration. This follows a submission (S2/909) made on behalf of David Queally to the Draft Plan.

The submission supports the proposed Material Alteration to include the zoning objective for Existing Residential.

The submission also requests that within the Indicative Land Use Zoning Matrix at Appendix 2 of Volume 1 'Written Statement' of the Draft Clare County Development Plan 2023-2029, the proposed Material Alteration from 'Open to Consideration' to 'Will not normally be acceptable' for development that is 'Residential – single dwelling (Permanent Occupation)' under the 'Existing Residential' land use zoning classification is not retained.

### Chief Executive's Response

I wish to thank P. Coleman & Associates for their submission, made on behalf of David Queally.

I acknowledge the support for the proposed Material Alteration to lands at Drumcliffe, Ennis, which was part of the Members' Resolution (E.15) made on October 20th 2022.

The response to the current submission reflects that given in the Chief Executive's Report of July 10<sup>th</sup> 2022 to the submission S2/909, namely:

The area in question is primarily rural in nature. The existing uses that are zoned in the surrounding area reflect existing residential properties. To zone this site for a residential use would give the misleading impression that this area is identified for growth. In addition, the site is not serviced by waste water and the inclusion of residential land zoning on unserviced lands is not supported by national guidance for land zoning, and therefore cannot be applied.

I intend to recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to lands in Ennis, as displayed.

I acknowledge the request within the submission that within the Indicative Land Use Zoning Matrix at Appendix 2 of Volume 1 'Written Statement' of the Draft County Development Plan 2023-2029, the proposed Material Alteration from 'Open to Consideration' to 'Will not normally be acceptable' for development that is 'Residential – single dwelling (Permanent Occupation)' under the 'Existing Residential' land use zoning classification is not retained. I consider that the request has merit since development that is 'Residential – single dwelling (Permanent Occupation)' will be Open to Consideration on Residential-zoned lands.

Consequently, I intend to recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to the Indicative Land Use Zoning Matrix at Appendix 2 of Volume 1 ‘Written Statement’ of the Draft County Development Plan 2023-2029, as displayed.

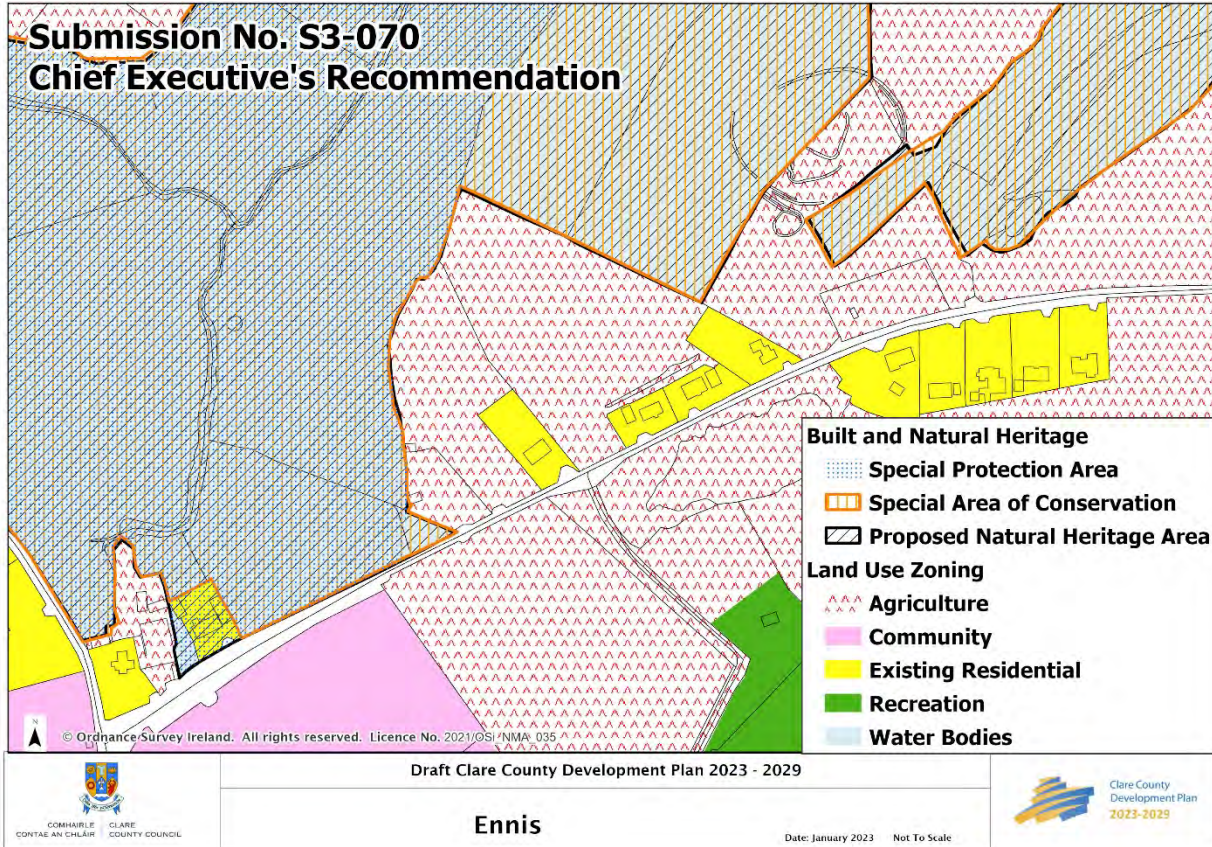
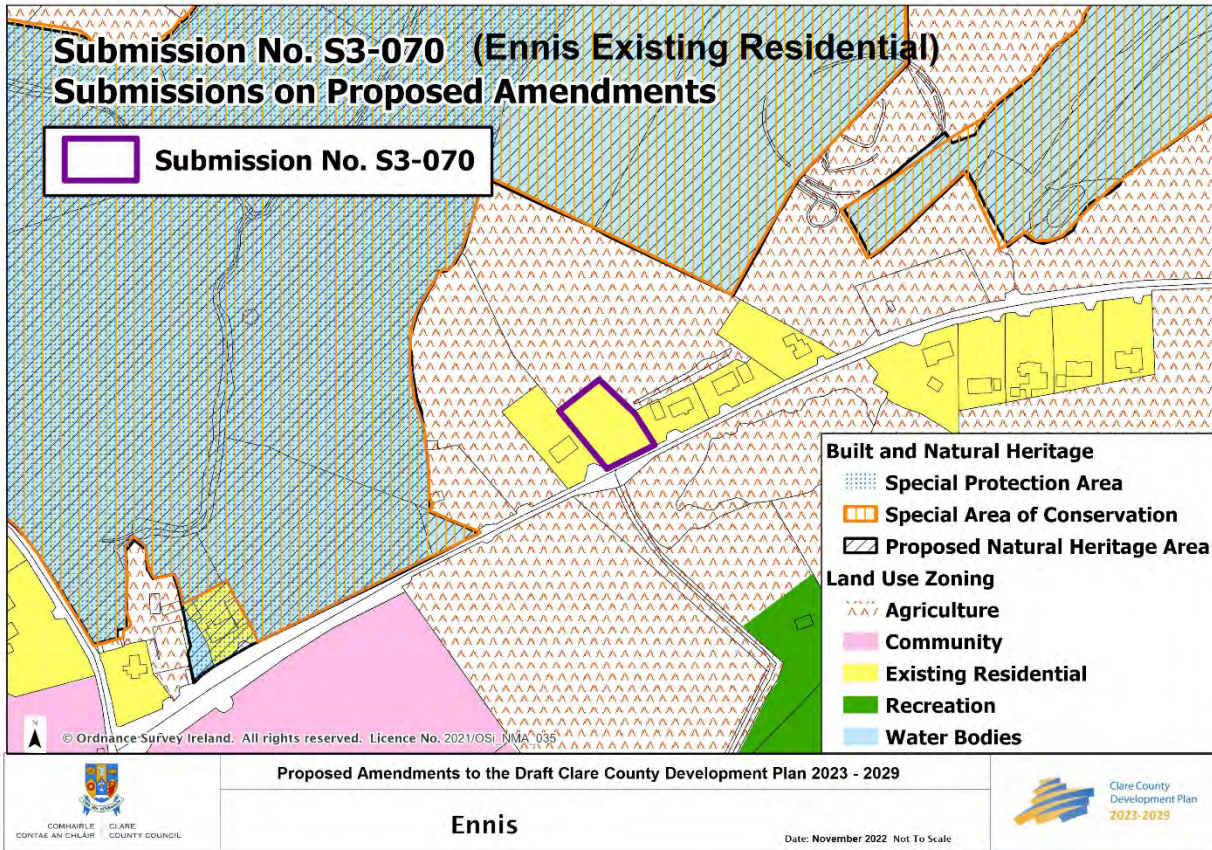
### Chief Executive’s Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to lands at Drumcliffe, Ennis, as displayed.

I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to change the classification use for ‘Residential – single dwelling (Permanent Occupation)’ from ‘Open to Consideration’ to ‘Will not normally be acceptable’ in the Indicative Land Use Zoning Matrix at Appendix 2 of Volume 1 ‘Written Statement’ of the Draft County Development Plan 2023-2029, as displayed. The Indicative Land Use Zoning Matrix shall be amended as follows (in blue):

Land Use	Mixed Use	Existing residential	Residential	Low Density Residential	Commercial	Community	Recreation	Open Space	Buffer Space	Enterprise	Tourism	Industry	Light Industry	Maritime / Harbour	Agriculture	Marine Related Industry
Residential – single dwelling (Permanent Occupation)	✓	<del>⊕</del> ⊗	<del>✓</del> ⊙	✓	X	O	X	X	X	X	X	X	X	<del>⊕</del> ⊗	O	X





**Submission No: S3/071 – P. Coleman & Associates on behalf of Pat Quinn.**

**Summary of Issues Raised in Submission**

The submission relates to lands at Tulla Road, Ennis. The lands were zoned in the Draft Clare County Development Plan 2023-2029 as ‘Open Space’.

In the Proposed Amendments to the Draft County Development Plan 2023-2029, the lands have been zoned Utilities (UT1), by way of a proposed material alteration.

The submission highlights that the wording associated with the proposed ‘UT1’ zoning is vague and unclear, that the proposal is a misapplication of the ‘Utilities’ zoning objective and the general public may have been misinformed in relation to this proposed rezoning. The Utilities zoning is viewed in the submission as providing for an indirect extension of the adjacent ‘Commercial’ ‘OP18’ site.

The submission opposes the proposed Material Alteration from Open Space to Utilities zoning.

**Chief Executive’s Response**

I wish to thank P. Coleman & Associates for their submission, made on behalf of Pat Quinn.

I acknowledge the opposition to the proposed Material Alteration to lands at Tulla Road, Ennis, which was part of the Members’ Resolution (E.5) made on October 20th 2022.

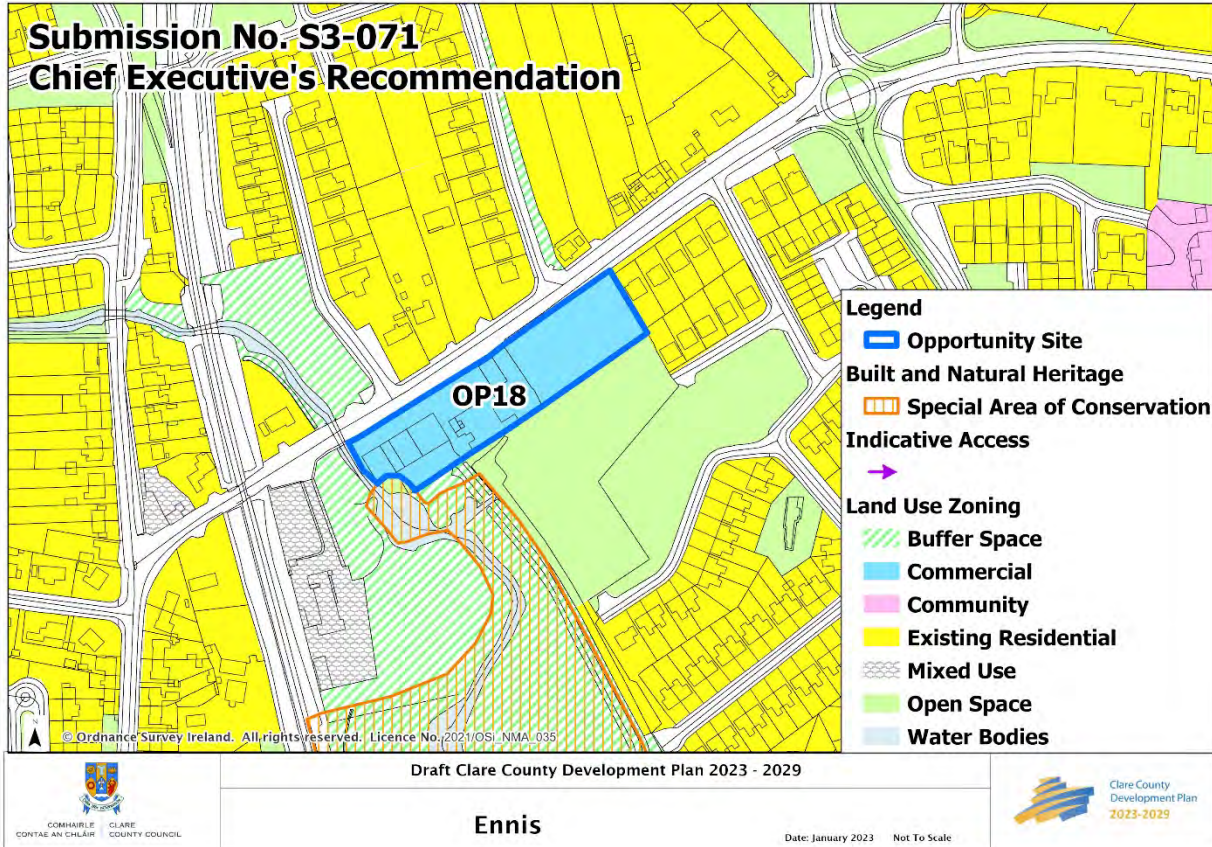
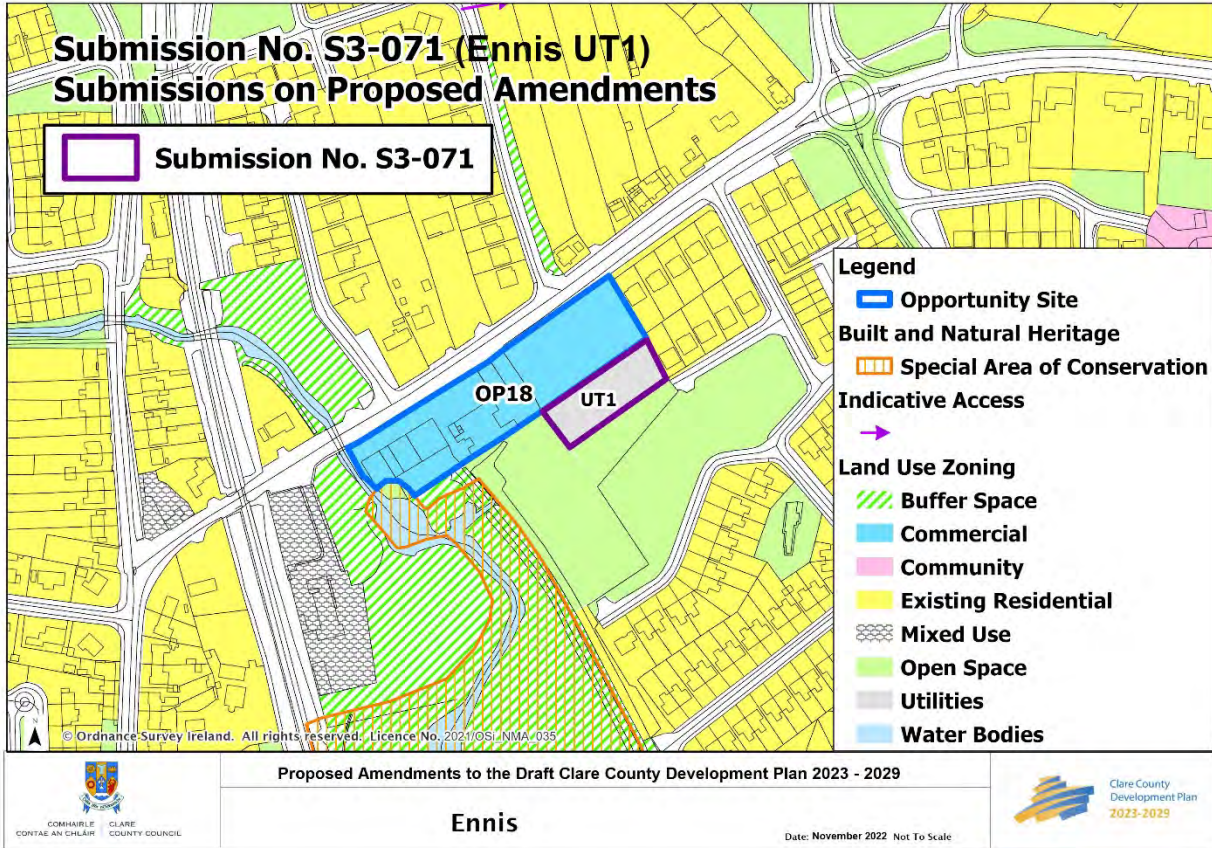
The site is highlighted in the OPW’s submission (S3/024) which states the following:

There is an Utilities zonings proposed as part of the Material Alterations which is located in Flood Zone A and B. Highly vulnerable development is not considered appropriate in Flood Zone A or B unless a Plan-making Justification Test completed by the local authority can be satisfied.

I note the Recommendation (MA Recommendation 9 – Flood Risk Management) set out in the submission from the Office of the Planning Regulator (OPR) (S3/012) that the Development Plan is required to be made without the change from Open Space to Utilities on Page 76 of the Volume 3a Ennis Municipal District Settlement Plans – Proposed Amendments. I note the concerns regarding the proposed material alteration to the Draft Plan, particularly with regard to NPO 57, RPO 3.10 and the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009). I therefore advise that the Plan should be made **without** the proposed amendment.

**Chief Executive’s Recommendation**

I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **without** the proposed amendment, as displayed, to the Ennis Settlement Plan from ‘Open Space’ to ‘Utilities’ (UT1), and all text changes associated with this amendment.



**Submission No: S3/072 – P. Coleman & Associates on behalf of the McGann family.**

**Summary of Issues Raised in Submission**

The submission relates to lands at Drehidnagower, Ennis. The lands are zoned in the Draft Clare County Development Plan 2023-2029 as ‘Open Space’.

In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, the lands have been zoned Existing Residential, by way of a proposed material alteration. This follows a submission (S2/857) made on behalf of the McGann Family to the Draft Plan.

The submission supports the proposed Material Alteration to zone the lands as Existing Residential.

The submission also requests that within the Indicative Land Use Zoning Matrix at Appendix 2 of Volume 1 ‘Written Statement’ of the Draft Clare County Development Plan 2023-2029, the proposed Material Alteration from ‘Open to Consideration’ to ‘Will not normally be acceptable’ for development that is ‘Residential – single dwelling (Permanent Occupation)’ under the ‘Existing Residential’ land use zoning classification is not retained.

**Chief Executive’s Response**

I wish to thank P. Coleman & Associates for their submission, made on behalf of the McGann Family.

I acknowledge their support for the proposed Material Alteration to lands at Drehidnagower, Ennis, which was part of the Members’ Resolution (E.11) made on October 20th 2022.

The response to the current submission reflects that given in the Chief Executive’s Report of July 10<sup>th</sup> 2022 to the submission S2/857, namely:

It is noted that at least half of the site is within Flood Zone A and B, with the remainder, around the curtilage of the existing cottage, within Flood Zone C. Therefore, it is considered that only the lands within Flood Zone C are suitable for residential development and so the “Existing Residential” zoning cannot be extended.

The site is highlighted in the OPW’s submission (S3/024) which states the following:

An Existing Residential zoning is proposed as part of the Material Alterations which appears to be undeveloped and is located in Flood Zone A and B. Highly vulnerable development is not considered appropriate in Flood Zone A or B unless a Plan-making Justification Test completed by the local authority can be satisfied. If the lands are developed then please note comments above on Justification Tests in relation to PL/2014 and existing developed areas of towns and cities located in Flood Zone A and B.

The site was evaluated by the Council’s flooding consultants, whose advice is that this site is partially in Flood Zone A/B, and that the lands within Flood Zone A/B would not pass the Plan-making Justification Test. The lands which were subject to the proposed change from Open Space to Existing Residential are entirely within Flood Zone A or Flood Zone B (the vast majority of that being Flood

Zone A).

I note the Recommendation (MA Recommendation 9 – Flood Risk Management) set out in the submission from the Office of the Planning Regulator (OPR) (S3/012) that the Development Plan is required to be made without the change from ‘Open Space’ to ‘Existing Residential’ on Page 96 of the Volume 3a Ennis Municipal District Settlement Plans – Proposed Amendments. I note the concerns regarding the proposed material alteration to the Draft Plan, particularly with regard to NPO 57, RPO 3.10 and the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009). I therefore advise that the Plan should be made **without** the proposed Material Alteration.

I acknowledge the request within the submission that within the Indicative Land Use Zoning Matrix at Appendix 2 of Volume 1 ‘Written Statement’ of the Draft Clare County Development Plan 2023-2029, the proposed amendment from ‘Open to Consideration’ to ‘Will not normally be acceptable’ for development that is ‘Residential – single dwelling (Permanent Occupation)’ under the ‘Existing Residential’ land use zoning classification is not retained. I consider that the request has merit since development that is ‘Residential – single dwelling (Permanent Occupation)’ will be Open to Consideration on Residential-zoned lands.

### Chief Executive’s Recommendation

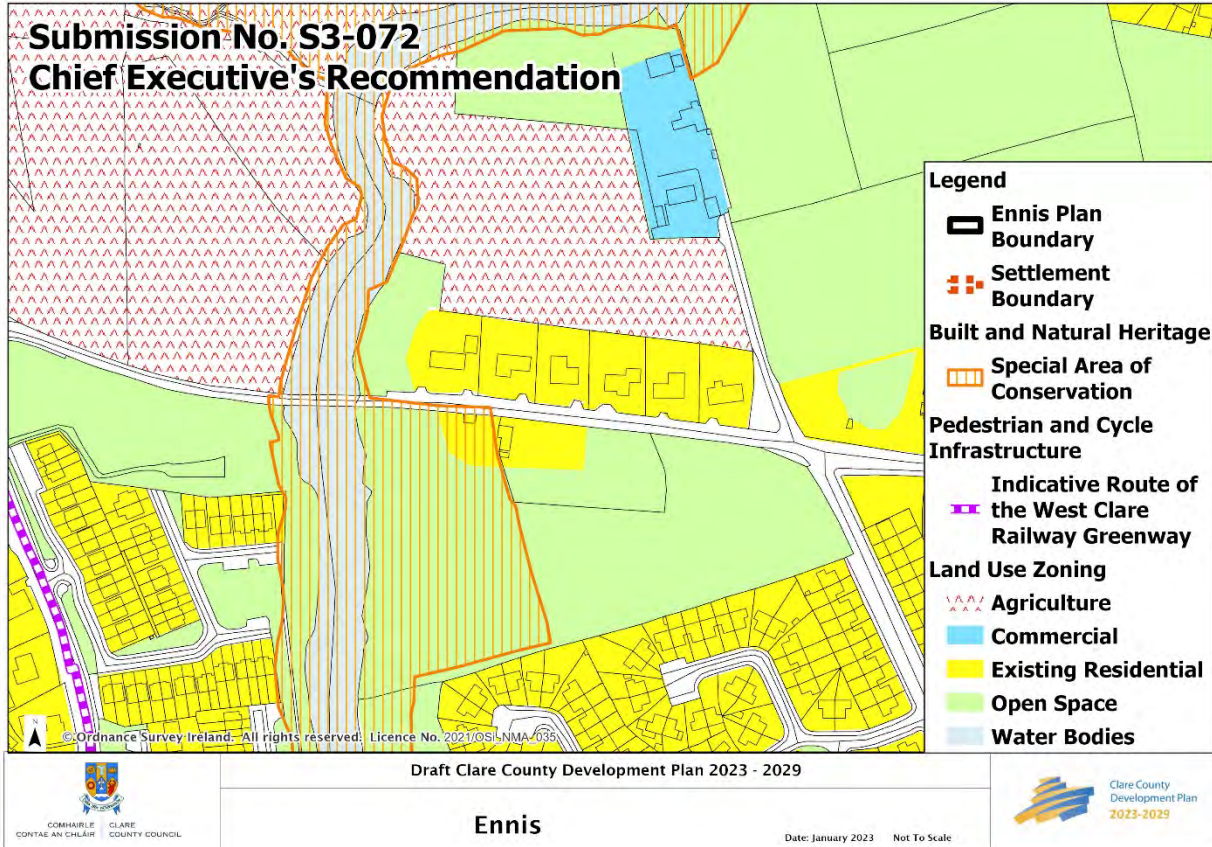
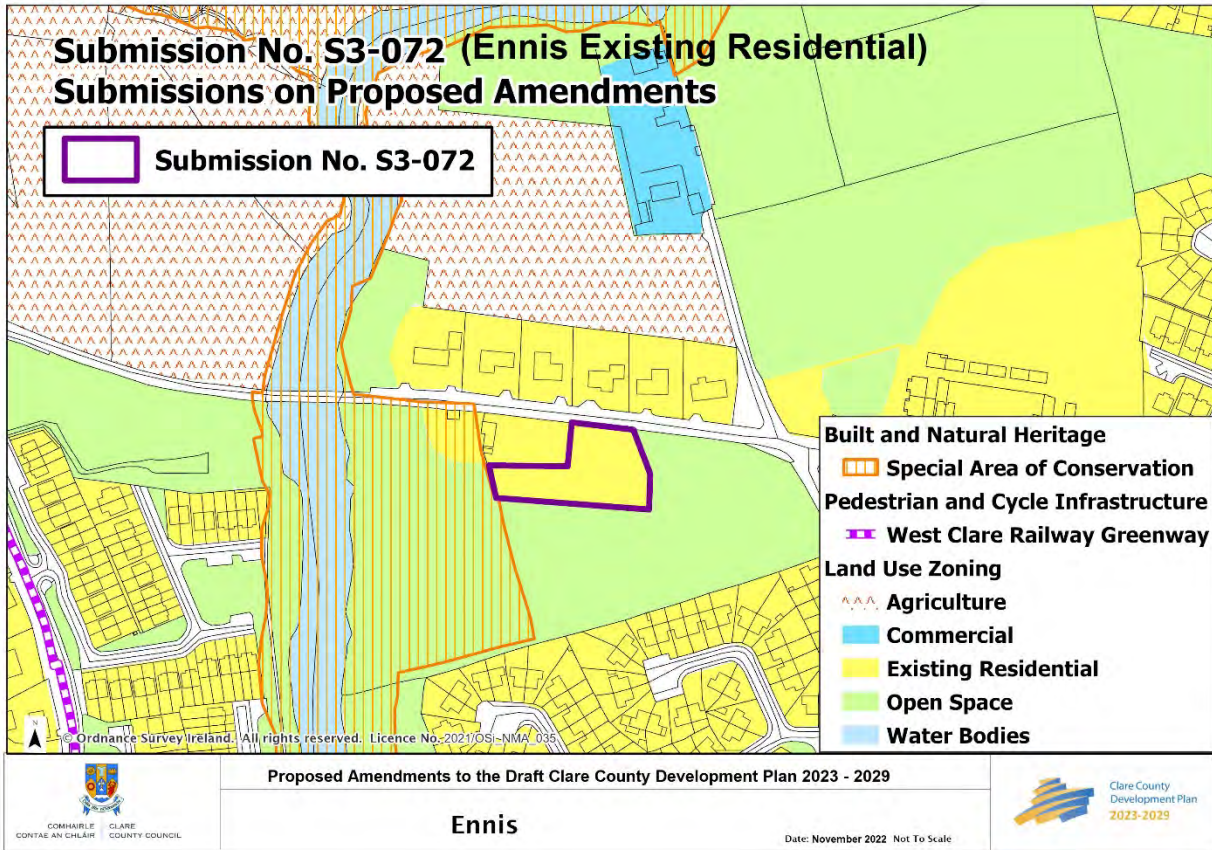
I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **without** the proposed Material Alteration, as displayed, to the Ennis Settlement Plan concerning the change from ‘Open Space’ to ‘Existing Residential’ for lands at Drehidnagower.

I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to change the classification use for ‘Residential – single dwelling (Permanent Occupation)’ from ‘Open to Consideration’ to ‘Will not normally be acceptable’ in the Indicative Land Use Zoning Matrix at Appendix 2 of Volume 1 ‘Written Statement’ of the Draft County Development Plan 2023-2029, as displayed. The Indicative Land Use Zoning Matrix shall be amended as follows (in blue):

Land Use	Mixed Use	Existing residential	Residential	Low Density Residential	Commercial	Community	Recreation	Open Space	Buffer Space	Enterprise	Tourism	Industry	Light Industry	Maritime / Harbour	Agriculture	Marine Related Industry
Residential – single dwelling	✓	<del>⊕</del> ⊕ ⊗	<del>⊕</del> ⊕	✓	X	O	X	X	X	X	X	X	X	<del>⊕</del> X	O	X



(Permanent Occupation)																	





## Submission No: S3/074 – Harnett Homes and Estate Developers Limited

### Summary of Issues Raised in Submission

The submission relates to lands at Ashline in Ennis currently zoned as ‘Commercial’ and ‘Open Space’ in the Clare County Development Plan 2017-2023 (as varied) and proposed to be zoned ‘Commercial’ and ‘Open Space’ in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029.

The submission supports the rezoning in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029 of a portion of land known as Parcel H from ‘Open Space’ to ‘Commercial’, by way of a proposed material alteration, and requests that it is adopted in the final version of the Clare County Development Plan 2023-2029.

This follows a submission (S2/826) made on behalf of Harnett Homes and Estate Developers Limited to the Draft Clare County Development Plan 2023-2029 which sought to have lands zoned as ‘Open Space’ within Parcel H rezoned to ‘Commercial’.

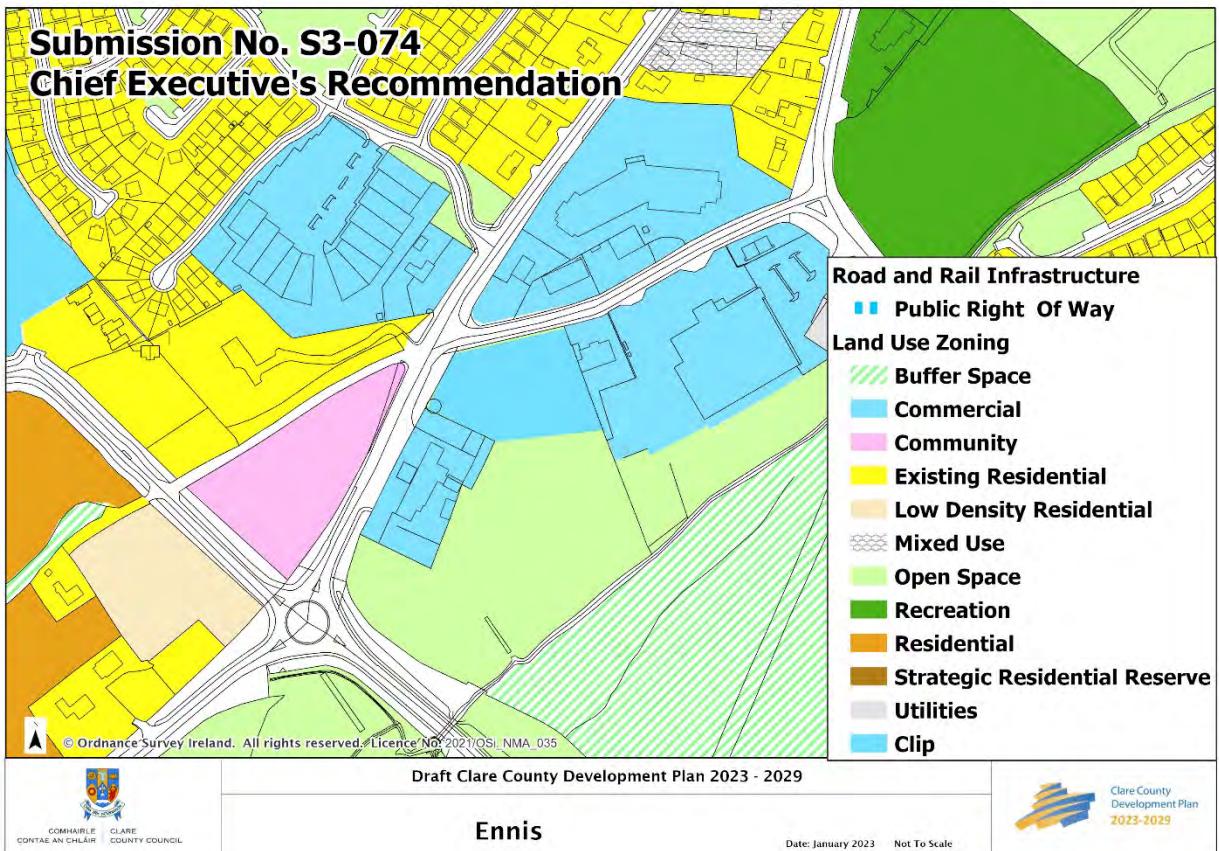
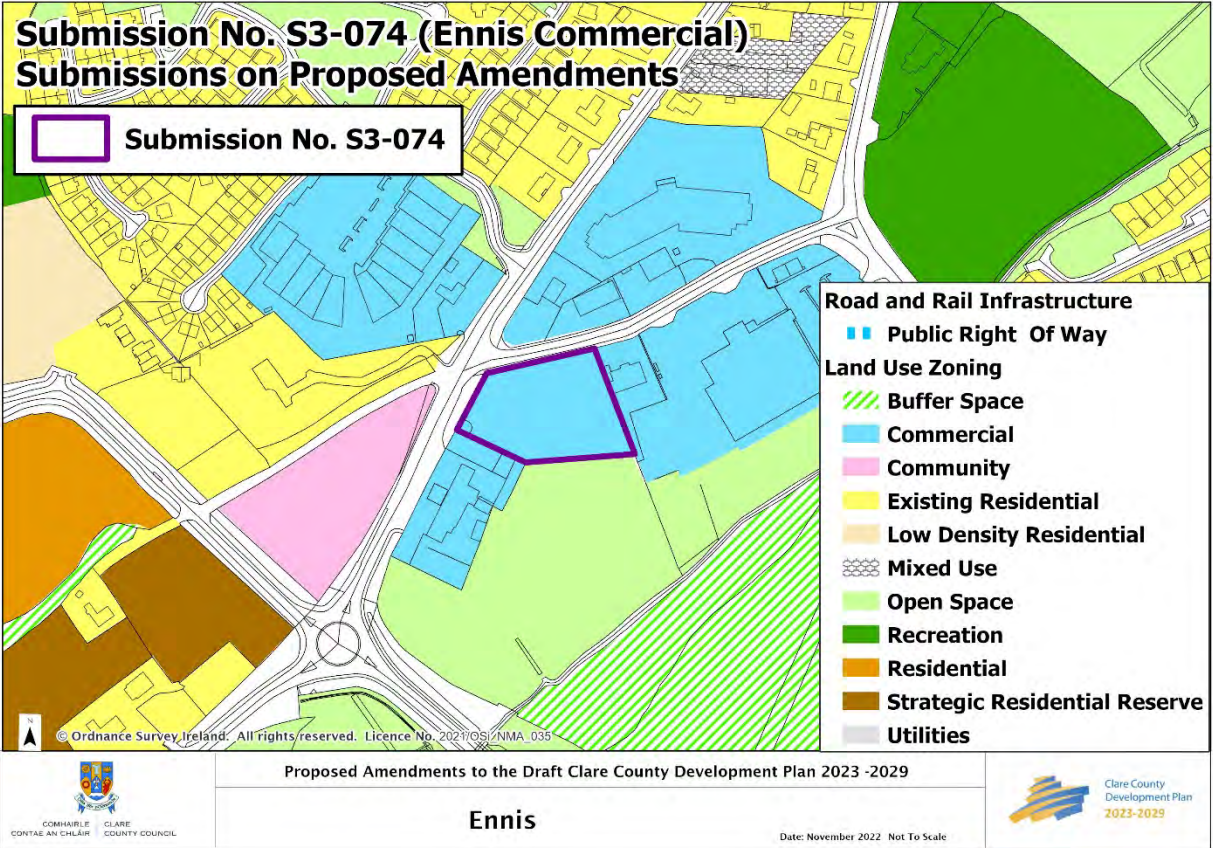
### Chief Executive’s Response

I wish to thank P Coleman & Associates for their submission, made on behalf of Harnett Homes and Estate Developers Limited. I acknowledge their support for the proposed Material Alteration to lands at Ashline which was recommended in the Chief Executive’s Report of July 10<sup>th</sup> 2022, in response to the submission by Harnett Homes and Estate Developers Limited (S2/826) at Draft Plan stage.

### Chief Executive’s Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to lands at Ashline, as displayed.





**Submission No: S3/077 – P. Coleman & Associates on behalf of Harnett Homes and Estate Developers Limited and Jackie Harnett McGrath & John McGrath.**

**Summary of Issues Raised in Submission**

The submission relates to lands at Ashline, Ennis. The lands are zoned in the Draft Clare County Development Plan 2023-2029 as ‘Residential’ and ‘Low-Density Residential’.

In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, the lands have been proposed to be zoned ‘Strategic Residential Reserve’, by way of a proposed material alteration. This follows a submission (S2/852) made on behalf of Harnett Homes and Estate Developers Limited and Jackie Harnett McGrath & John McGrath to the Draft Plan.

The submission seeks that the ‘Strategic Residential Reserve’ lands are zoned ‘Agriculture’, as this is the current use of the lands. The submission highlights that the lands do not currently benefit from a direct access to the public road network, with the only access being the existing access to a dwellinghouse. Additionally, the landowners do not intend to develop the lands within the plan period.

**Chief Executive’s Response**

I wish to thank P. Coleman & Associates for their submission, made on behalf of Harnett Homes and Estate Developers Limited and Jackie Harnett McGrath & John McGrath.

The response to the current submission reflects that given in the Chief Executive’s Report of July 10<sup>th</sup> 2022 to the submission S2/852, namely:

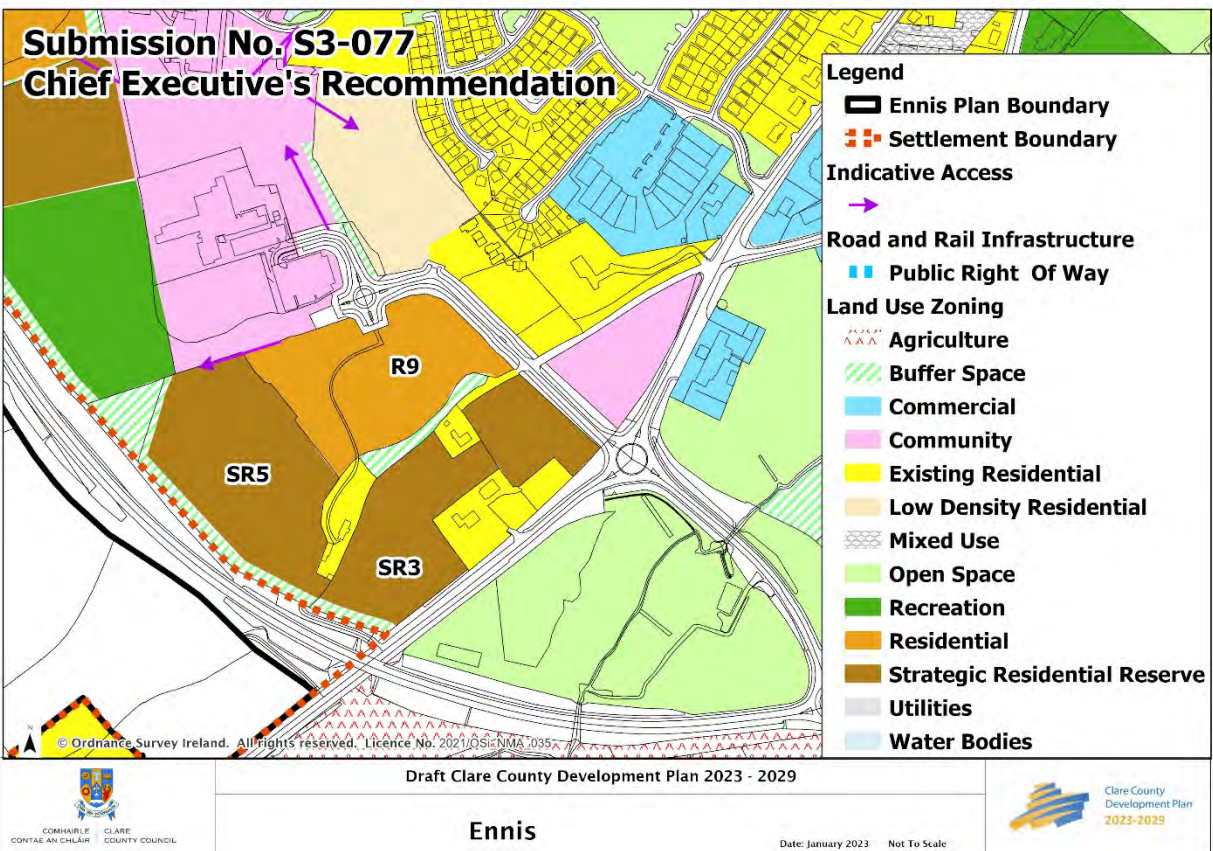
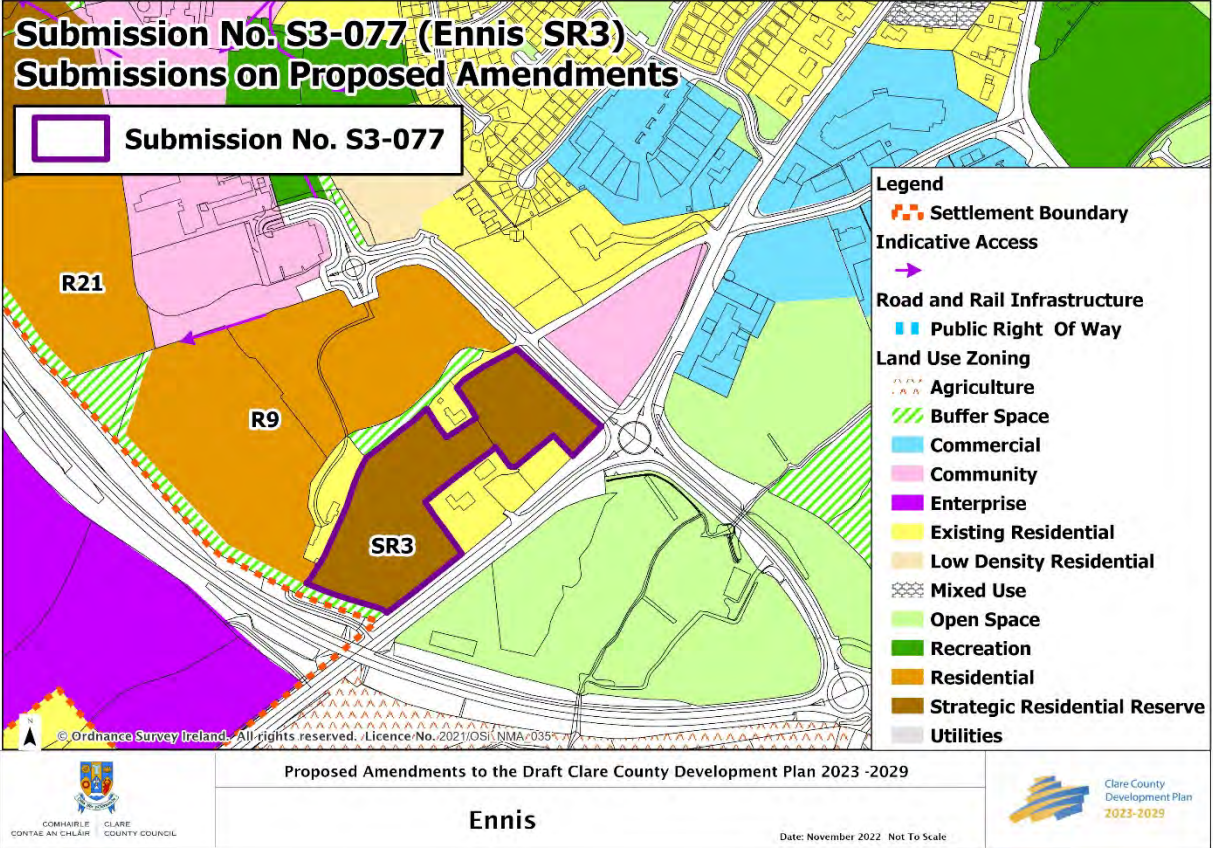
I acknowledge their position in relation to the active agricultural use of their land. The Council’s priority is to activate land, accelerate housing delivery and achieve the housing supply target as set out in the Core Strategy for the plan period. Given that these lands are on the periphery of the settlement and that there are adequate other lands zoned for residential development in this vicinity, I consider that these lands should be amended to Strategic Residential Reserve for the current plan cycle, and the allocation be used elsewhere in the town which is likely to result in housing delivery. I do not believe that agriculture zoning is appropriate as the lands are serviceable and strategically located close to essential facilities, and will be considered for residential development in the future.

Having regard to the above, I intend to recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to lands at Ashline, Ennis, as displayed.



### Chief Executive's Recommendation

I recommend the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to lands at Ashline, Ennis, as displayed.





**Submission No: S3/079 – P. Coleman & Associates on behalf of Harnett Homes and Estate Developers Limited.**

**Summary of Issues Raised in Submission**

The submission relates to lands at Ashline, Ennis. The lands are unzoned in the Draft Clare County Development Plan 2023-2029 and are outside the settlement boundary of Ennis.

In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, the lands have been zoned 'Enterprise' (ENT5), with the Ennis Settlement Boundary enlarged to include the lands, by way of a proposed material alteration.

The submission seeks that if the Clare County Development Plan 2023-2029 is made with the proposed Material Alteration, the portion of the ENT5 lands alongside the N68, as mapped in the submission, should be omitted from 'Enterprise' zoning. If the proposed extension to the Ennis Settlement Boundary is to remain as proposed, it is requested that the land be zoned 'Agriculture'.

**Chief Executive's Response**

I wish to thank P. Coleman & Associates for their submission, made on behalf of Harnett Homes and Estate Developers Limited.

I acknowledge that the submission clarifies that lands alongside the N68 were not intended to form part of the proposal for Enterprise zoning at this location. The inclusion of same in the ENT5 zoning as part of the Proposed Amendments to the Draft Plan was necessary however to allow for the holistic development of the lands between the N68 Kilrush Road and the R474 Miltown Malbay Road.

In its submission (S3/012) the Office of the Planning Regulator (OPR) make requirements (MA8 & MA10) that the Development Plan should be made without the proposed Material Alteration to the Ennis Settlement Plan which is to extend the settlement and town boundaries and zone lands as 'Enterprise' (ENT5).

I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/824 relating to these lands, where I note 'A large undeveloped 'Enterprise' zoning is present on the opposite side of the R474 from the subject lands. The zoning of additional lands for Enterprise use, in close proximity to a substantial site that has already been zoned for this purpose in the Draft Plan could lead to a cluster of such development, at the periphery of the town and would be disproportionate to the scale of the surrounding neighbourhood which would be contrary to the proper planning and sustainable development, not only of the Beechpark neighbourhood, but also of the wider Plan area'.

In addition, the OPR rightly note that the appropriate assessment undertaken of this proposed Material Alteration shows that adverse effects upon the Newhall & Edenvale Complex SAC cannot be avoided.

Contrary to the recommendation of the Chief Executive it was agreed by resolution to extend the settlement boundary and the plan boundary for the future Ennis and Environs Local Area Plan, to

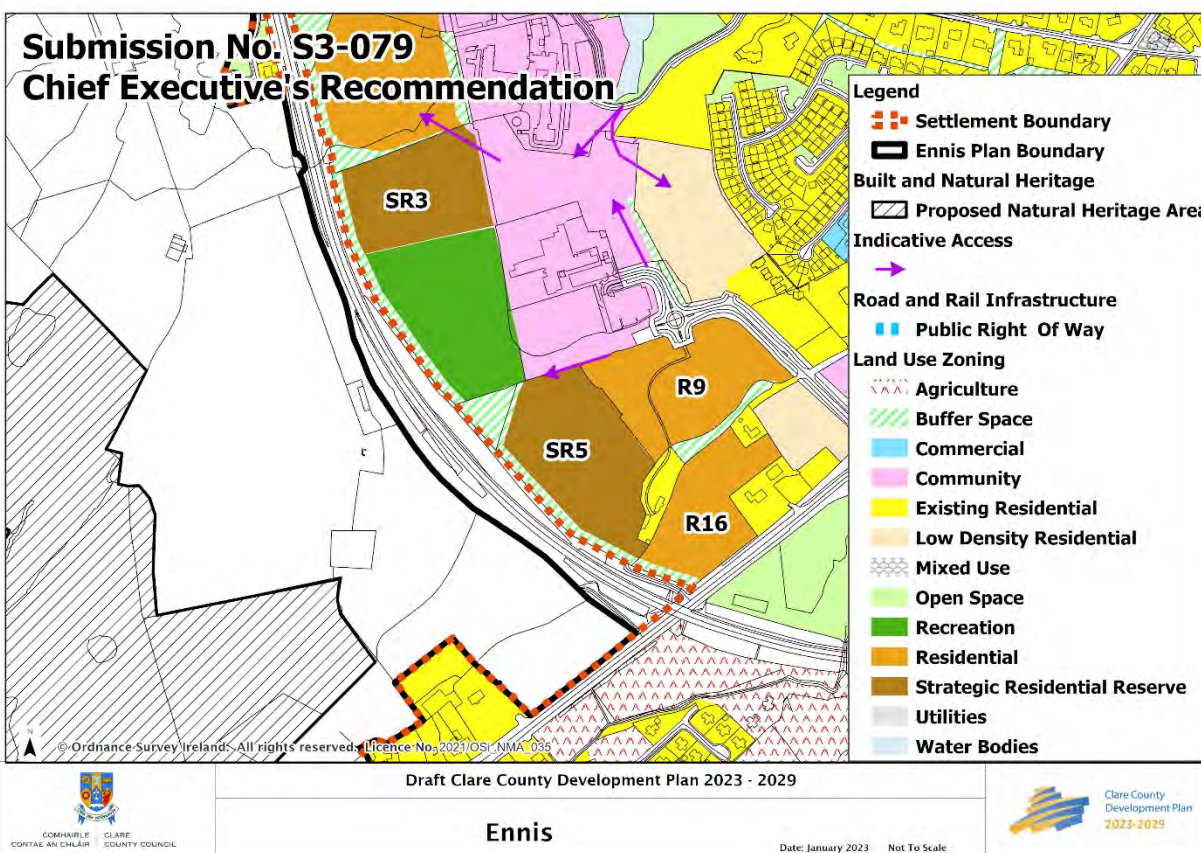
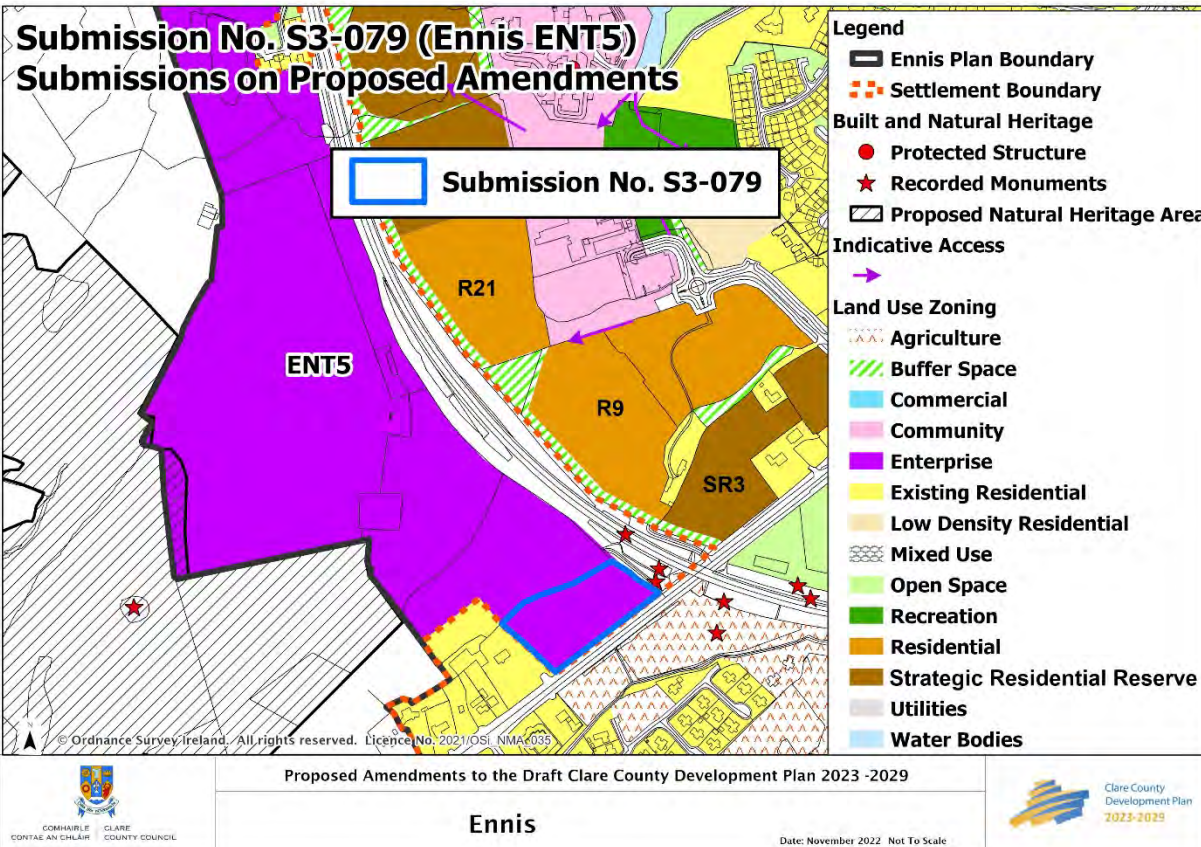


facilitate the zoning of 'Enterprise' ENT5 as a proposed material alteration to the Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan and taking account of the appropriate assessment of the proposed Material Alteration, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **without** the proposed Material Alteration, as displayed, to the Ennis Settlement Plan to extend the settlement and town boundaries and zone lands as Enterprise (ENT5), and all associated text changes.

R9



**Submission No: S3/080 – P. Coleman & Associates on behalf of Killaloe Diocesan Trust.**

**Summary of Issues Raised in Submission**

The submission relates to lands at Beechpark, Ennis. The lands are unzoned in the Draft Clare County Development Plan 2023-2029 and are outside the settlement boundary of Ennis.

In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, the lands have been zoned ‘Enterprise’ (ENT5), with the Ennis settlement boundary enlarged to include the lands, by way of a proposed material alteration.

The submission welcomes the zoning of the lands for Enterprise use and seeks that if the Clare County Development Plan 2023-2029 is made with the proposed Material Alteration, the portion of the ENT5 lands alongside the N68, as mapped in the submission, should be omitted from ‘Enterprise’ zoning.

The submission seeks to address concerns expressed in the Addendum to Environmental Assessments and Report – Volume 10a & b of the Proposed Amendments to the Draft Plan, namely:

- Extension of Ennis Plan Boundary;
- Quantum of Enterprise Lands zoned in Beechpark Area, and
- Biodiversity (with suggested text for a specific zoning objective for ENT5).

**Chief Executive’s Response**

I wish to thank P. Coleman & Associates for their submission, made on behalf of the Killaloe Diocesan Trust.

I acknowledge that the submission clarifies that lands alongside the N68 were not intended to form part of the proposal for ‘Enterprise’ zoning at this location. The inclusion of same in the ENT5 zoning as part of the proposed Material Alteration was necessary however to allow for the holistic development of the lands between the N68 Kilrush Road and the R474 Miltown Malbay Road.

In its submission (S3/012) the Office of the Planning Regulator (OPR) make requirements (MA8 & MA10) that the Development Plan should be made without the proposed Material Alteration to the Ennis Settlement Plan which is to extend the settlement and town boundaries and zone lands as Enterprise (ENT5).

I refer to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission SR2/824 relating to these lands, where I note ‘A large undeveloped Enterprise zoning is present on the opposite side of the R474 from the subject lands. The zoning of additional lands for Enterprise use, in close proximity to a substantial site that has already been zoned for this purpose in the Draft Plan could lead to a cluster of such development, at the periphery of the town and would be disproportionate to the scale of the surrounding neighbourhood which would be contrary to the proper planning and sustainable development, not only of the Beechpark neighbourhood, but also of the wider Plan area’.

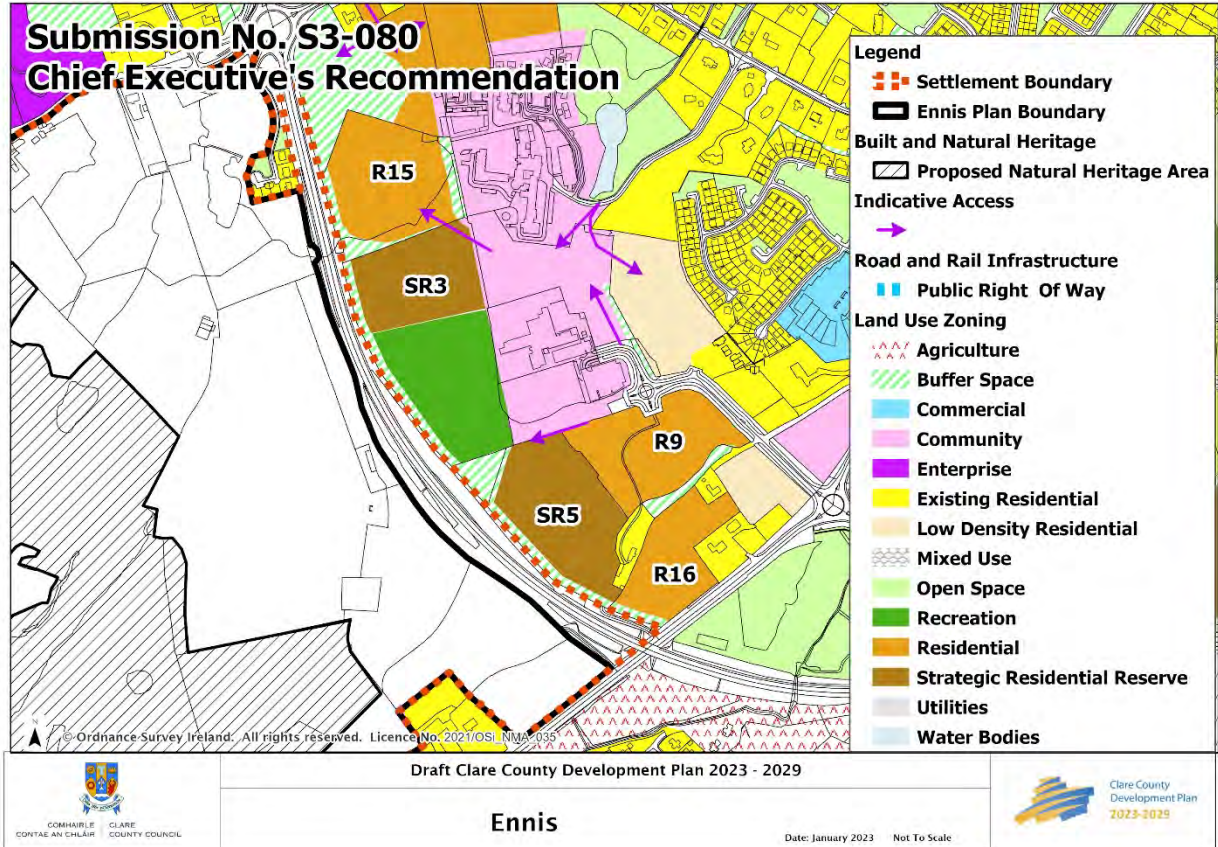
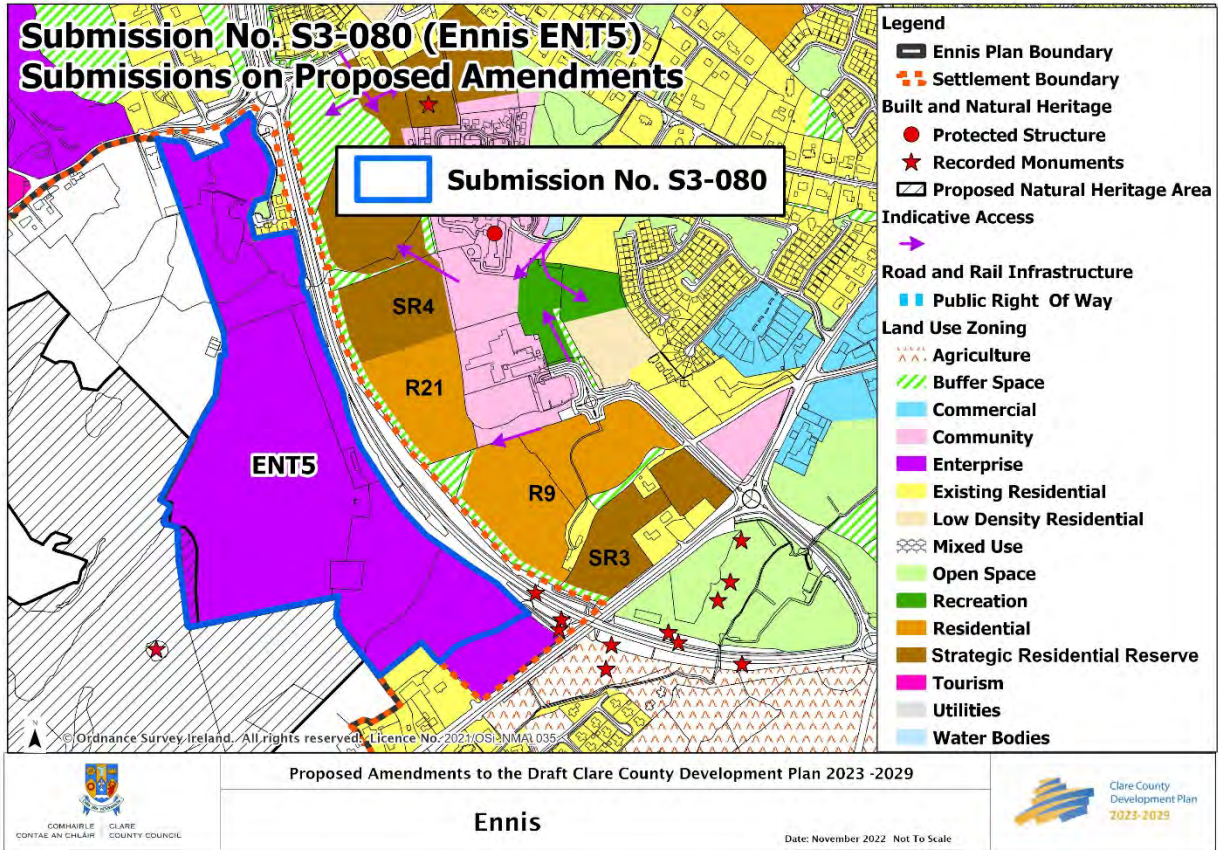


In addition, the OPR rightly note that the appropriate assessment undertaken of this proposed Material Alteration shows that adverse effects upon the Newhall & Edenvale Complex SAC cannot be avoided.

Contrary to the recommendation of the Chief Executive it was agreed by resolution to extend the settlement boundary and the plan boundary for the future Ennis and Environs Local Area Plan, to facilitate the zoning of 'Enterprise' ENT5 as a proposed material alteration to the Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan and taking account of the appropriate assessment of the proposed Material Alteration, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.

### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **without** the proposed Material Alteration, as displayed, to the Ennis Settlement Plan to extend the settlement and town boundaries and zone lands as 'Enterprise' (ENT5), and all associated text changes.



**Submission No: S3/082 – Paddy Coleman & Associates on behalf of the Killaloe Diocesan Trust**

**Summary of Issues Raised in Submission**

Paddy Coleman and Associates have made this submission on behalf of the Killaloe Diocesan Trust in respect of lands at Ashline, Cahircalla More, Ennis. The submission welcomes the general zoning objectives proposed on the subject land as outlined in the Proposed Amendments to the Draft Plan. It requests two changes to the proposed zoning objectives as follows.

**Request No.1**

That the block of land off Beechpark Roundabout proposed ‘Buffer Space’ be rezoned to ‘Strategic Residential Reserve’.

**Request No. 2**

To provide for access to the landholding from Beechpark roundabout to serve the northern portion of the lands.

**Chief Executive’s Response**

I thank the Diocesan Trust for the submission and note the requests relating to lands at Ashline, specifically an area zoned ‘Buffer Space’, which is sought to be re-zoned to ‘Strategic Residential Reserve’.

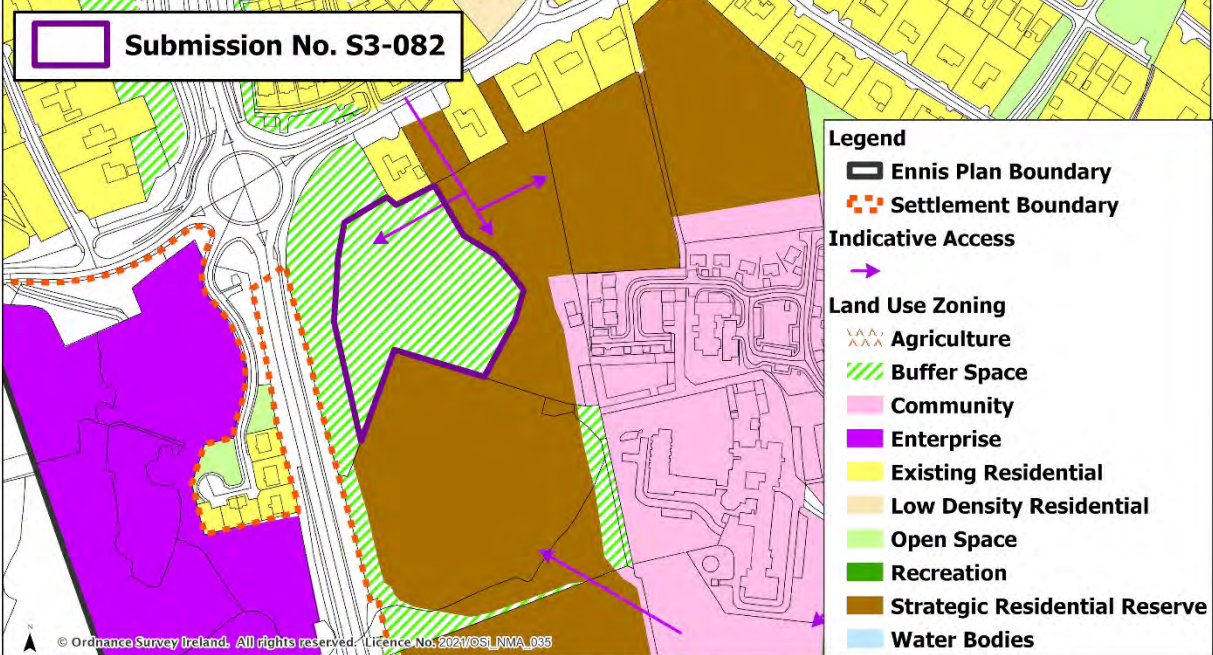
The area identified as ‘Buffer Space’ is very sensitive in terms of its identification as foraging grounds for both the Newhall Edenvale Complex SAC and the Pouldatig Cave SAC as per the mapped Conservation Objectives (NPWS, 2018) for these European sites. The identification of these foraging grounds and their protection in terms of the associated European sites is outlined within the Natura Impact Report which accompanies the Draft Plan as part of the Appropriate Assessment process. It also provides connectivity across the landscape and acts as an important wildlife corridor in connecting isolated pockets of habitats from Killnacally & Woodstock across to Ballymacula and Cahircalla More which requires protection in accordance with the Local Authority remit under Article 10 of the Habitats Directive which requires public authorities in their land-use planning to encourage the management of features of the landscape which are of major importance for wild fauna and flora with a view to improving the ecological coherence of the Natura 2000 network. Given the environmental value of this site it is important that it be protected from development and as such the existing zoning of Buffer Space remain.

Furthermore, a change of zoning to a proposed material alteration, which is the request in this submission, would constitute another material change which cannot be recommended at this advanced stage in the plan making process in accordance with the Planning and Development Act 2000, as amended.

**Chief Executive’s Recommendation**

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to lands at Ashline, Ennis, as displayed.

### Submission No. S3-082 (Ennis Buffer Space) Submissions on Proposed Amendments

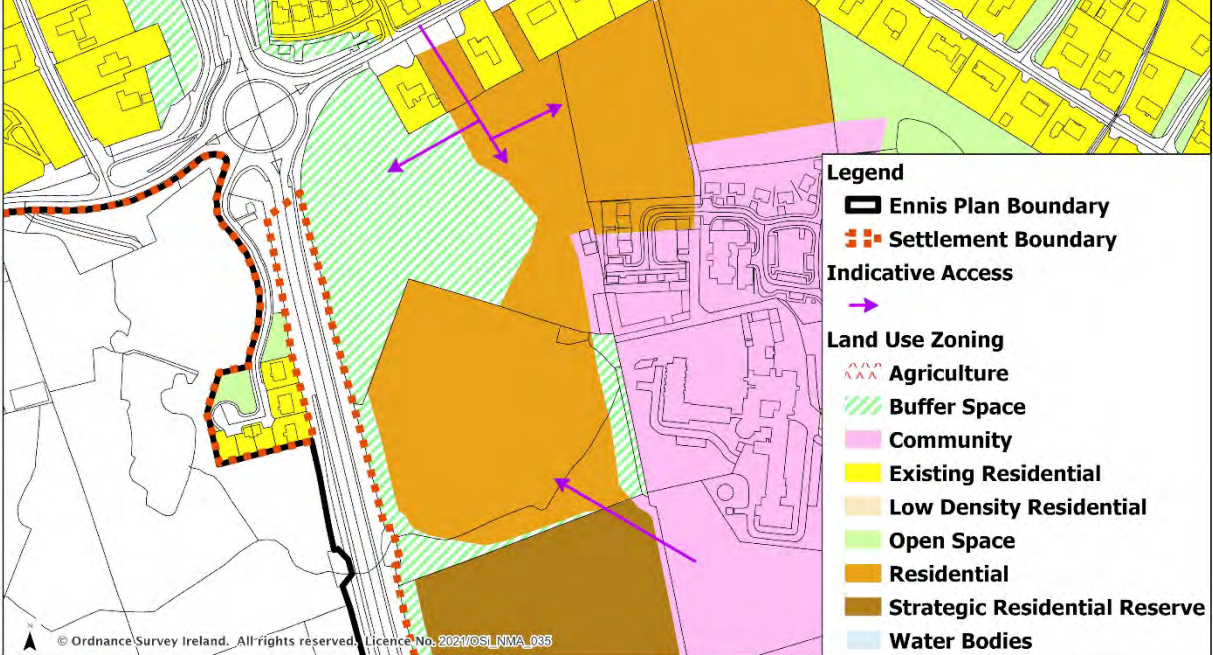


Proposed Amendments to the Draft Clare County Development Plan 2023-2029

**Ennis**

Date: November 2022 Not To Scale

### Submission No. S3-082 Chief Executive's Recommendation



Draft Clare County Development Plan 2023 - 2029

**Ennis**

Date: January 2023 Not To Scale

## Submission No: S3/083 – P. Coleman & Associates on behalf of Maxol Ltd.

### Summary of Issues Raised in Submission

The submission relates to lands at Clareabbey, Ennis which are zoned 'Mixed Use', 'Existing Residential' and 'Agriculture' in the Draft Clare County Development Plan 2023-2029 and proposed to be 'Mixed Use' and 'Agriculture' in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, by way of a proposed material alteration. The site contains an existing Filling Station.

The proposed Material Alteration follows a submission (S2/828) made on behalf of Maxol Ltd. to the Draft Plan which sought to have the lands that were zoned in the Draft Clare County Development Plan 2023-2029 as 'Existing Residential' and 'Agriculture' rezoned to 'Mixed Use'.

Firstly, the submission requests that the 'Agriculture' zoning within the lands be changed to 'Mixed Use', to correspond with the extent of the permission granted for expansion of the commercial activity at the site under P20/830.

Secondly, the submission welcomes the change in the wording of the Policy Objective CDP7.21 which concerns retail floor areas at shops associated with filling stations.

Thirdly, the submission requests that a small section of 'Mixed Use' and 'Agriculture' lands be zoned 'Existing Residential', to correspond with the extent of the existing residential property immediately south of the filling station.

### Chief Executive's Response

I wish to thank P. Coleman & Associates for their submission, made on behalf of Maxol Ltd. and I would like to respond as follows:

As regards the proposed Material Alteration to the lands at Clareabbey, 'Mixed Use' zoning will replace 'Existing Residential' zoning in the Proposed Material Alteration. I consider that it is not appropriate to further enlarge the 'Mixed Use' zoning, nor to enlarge the Ennis settlement boundary in doing so. This part of the request cannot be facilitated as it is not possible to introduce a new land use zoning at this stage of the Development Plan preparation. I note that the existing settlement boundary has been long established through several iterations of the County Development Plan and it is not proposed to alter it unless there are strategic reasons to do so. I consider that zoning lands to correspond with a land use that has already been granted permission is not a strategic reason to enlarge the settlement boundary of Ennis.

Furthermore, the site layout plan for P20/830 shows that the 'Agriculture'-zoned lands to the rear / west of the filling station building are permitted to be used for an enclosed delivery off-loading yard plus 23 no. additional carparking spaces. The principle of this development, associated with the on-site filling station, is established by the planning permission regardless of the zoning of the lands. I intend to recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to lands at Clareabbey, Ennis, as displayed.

I acknowledge the support in the submission for the change in the wording of the Policy Objective CDP7.21 which concerns retail floor areas at shops associated with filling stations. I intend to recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration, as displayed.

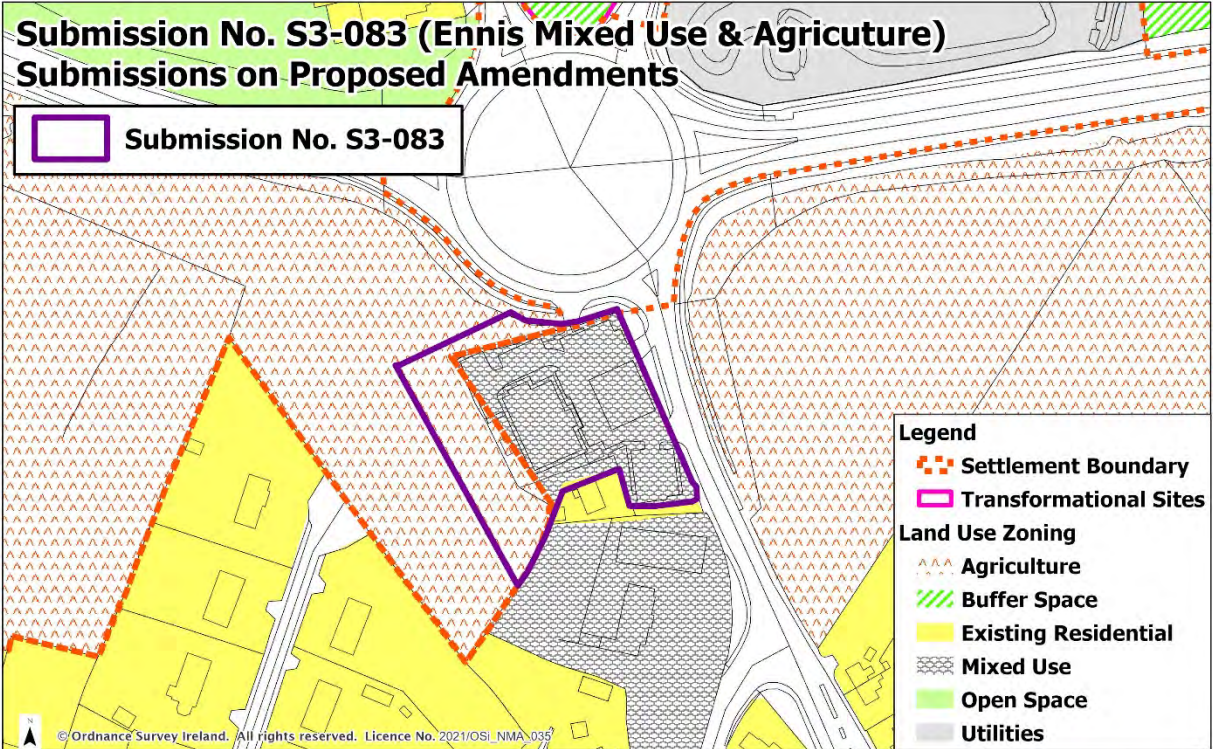
Finally, the submission requests that a small section of the site be zoned 'Existing Residential', to correspond with the extent of the existing residential property immediately south of the filling station. I note from examination of the map at Figure 6 of the submission at Draft Plan stage (S2/828) that part of this section of the site was within the area for which 'Mixed Use' zoning was sought. As a result, the change to 'Mixed Use' has been facilitated in respect of the subject lands inside the Ennis settlement boundary, as part of the proposed Material Alteration. It forms part of the overall proposed Material Alteration concerning this site and since I intend to recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to lands at Clareabbey, Ennis, as displayed, it cannot revert to the zoning that it had at Draft Plan stage.

There is a further small area of lands which are zoned 'Agriculture' and are outside the Ennis Settlement Boundary, for which the submission seeks a change to 'Existing Residential', thereby requiring an expansion of the Ennis Settlement Boundary. This part of the request cannot be facilitated as it is not possible to introduce a new land use zoning at this stage of the Development Plan making process. I note that the existing settlement boundary has been long established through several iterations of the County Development Plan and it is not proposed to alter it unless there are strategic reasons to do so. I consider that zoning lands to correspond with a land use that has already been granted permission is not a strategic reason to enlarge the settlement boundary of Ennis. I intend to recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration, as displayed.

#### Chief Executive's Recommendation

I recommend the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to lands at Clareabbey, Ennis, as displayed.

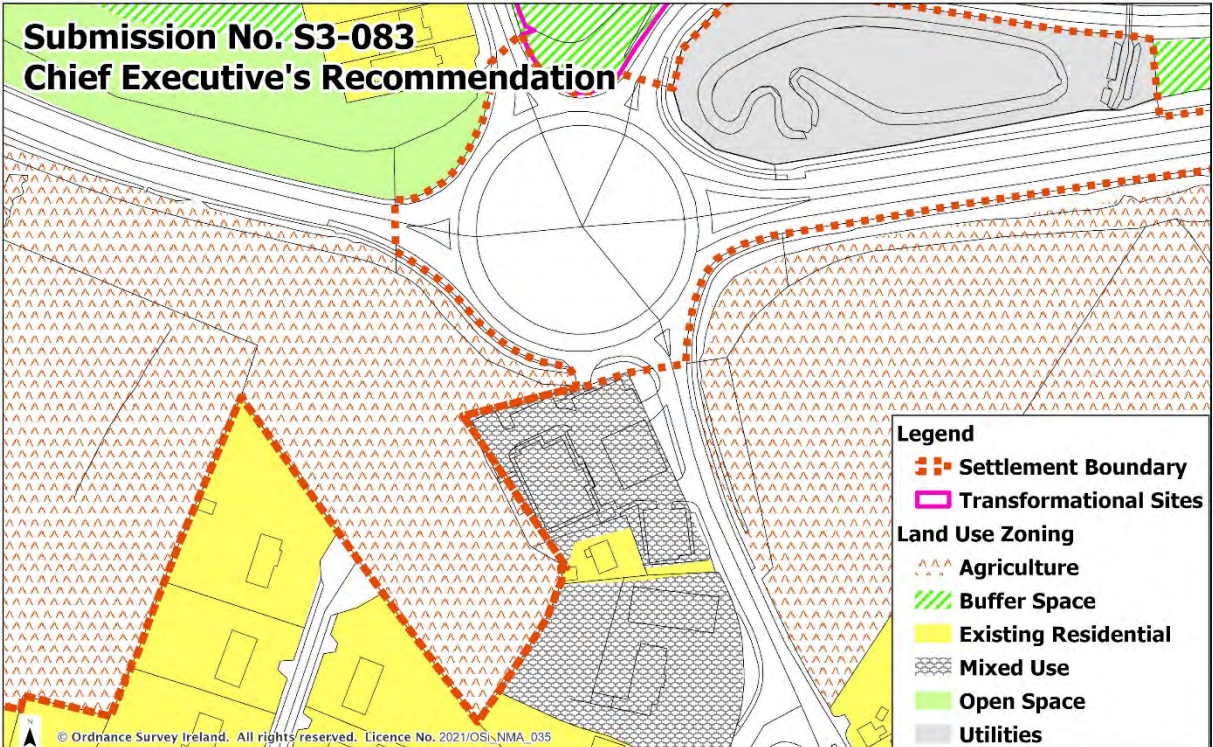
I recommend the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to objective CDP 7.21 Petrol Filling Station, as displayed.



Proposed Amendments to the Draft Clare County Development Plan 2023 -2029

**Clarecastle**

Date: November 2022 Not To Scale



Draft Clare County Development Plan 2023 - 2029

**Clarecastle**

Date: January 2023 Not To Scale



### Submission No: S3/084 – Pat Burke

#### Summary of Issues Raised in Submission

The submission relates to lands on the Tulla Road in Ennis currently zoned as ‘Buffer Space’ in the Clare County Development Plan 2017-2023 (as varied) and proposed to be zoned as ‘Buffer Space’ in the Draft Clare County Development Plan 2023-2029.

In the submission it is requested that the land is rezoned from ‘Buffer Space’ to ‘Residential’ for the following reasons:

- The site forms part of lands originally developed as the Cloverhill housing development. The subject site is the remaining part of this landholding.
- The subject site is not located in a flood plain or within a riparian zone and is not designated a particular specific amenity value.
- There are no archaeological features on the subject site.
- The subject site can provide a highly desirable riverside walkway with a reduced buffer zone area to service a stepped housing development on the east side which is ideally suited for the sloping topography of this site.
- Landowner should not be required to provide a Buffer Space to serve and protect residential amenities in the area.
- ‘Buffer Space’ zoning effectively sterilises the subject site for development.
- The rezoning of this site to ‘Buffer Space’ will result it being left undeveloped and unmaintained which will become unsightly overtime impacting on the visual amenities of the surrounding area.

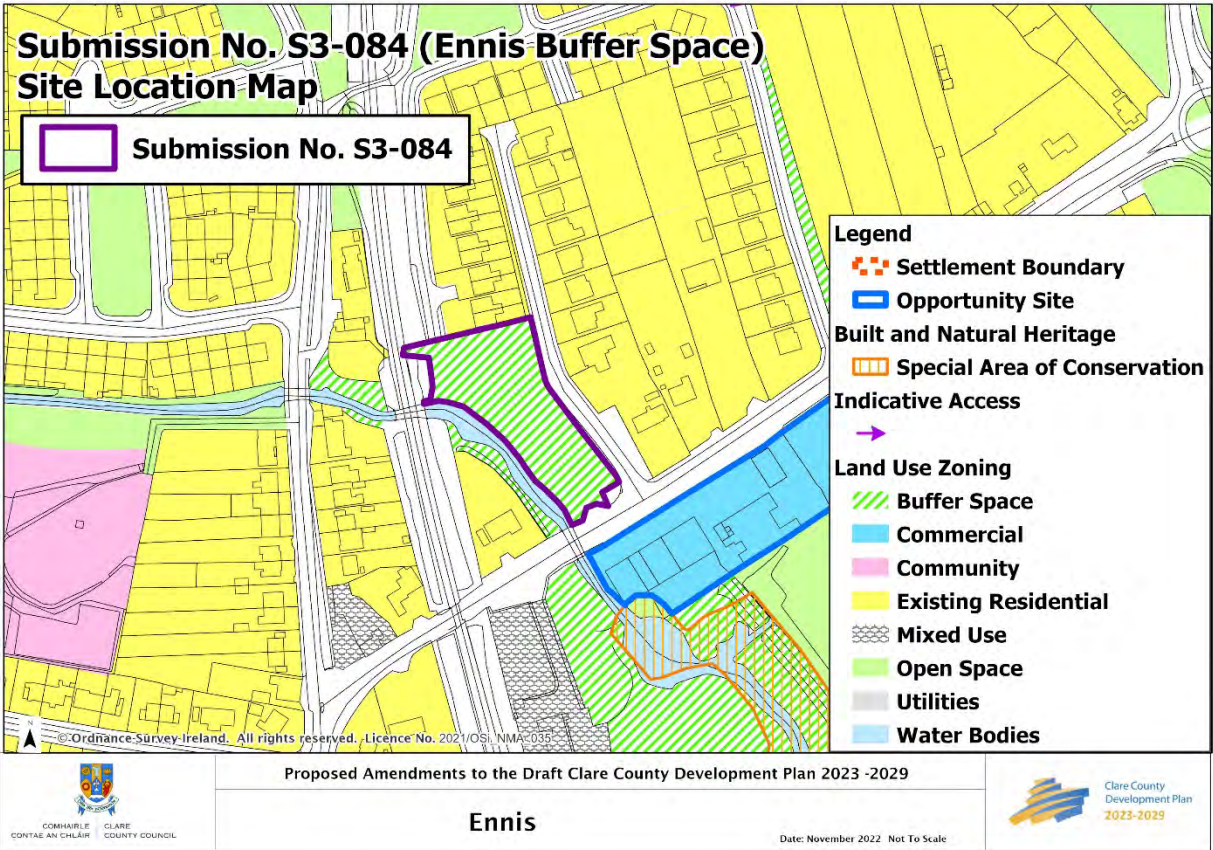
#### Chief Executive’s Response

I thank Pat Burke for his submission which requests to rezone lands from ‘Buffer Space’ to ‘Residential’ on the Tulla Road in Ennis. As the lands referred to are not subject to a proposed Material Alteration to the Draft Plan, I must advise that the change to zoning objectives as requested cannot be considered at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.

#### Chief Executive’s Recommendation

There is no recommendation arising from this submission.







## Submission No: S3/086 – Harnett Homes and Estate Developers Limited

### Summary of Issues Raised in Submission

The submission relates to lands at Ashline on the Kilrush Road in Ennis currently zoned as 'Community' in the Clare County Development Plan 2017-2023 (as varied) and proposed to be zoned 'Community' in the Draft Clare County Development Plan 2023-2029.

A previous submission was made on behalf of the Harnett Homes and Estate Developers Limited to the Draft County Development Plan (S2/825) which sought to have lands zoned as 'Community' rezoned to 'Commercial'. No amendments were made to the zoning objective of this land following this submission.

This submission refers to the response in the Chief Executive's Report to submission S2/109 to the Draft Clare County Development Plan 2023-2029. The Chief Executive's response to this submission referred to the subject lands at Ashline on the Kilrush Road and stated that the site at Ashline is identified as being suitable for the provision of a community playground/play facilities. Any proposed playground is intended to service the neighbourhoods of the wider Kilrush Road and Limerick Road.

This submission is seeking clarity that the subject site will be considered for the range of land uses which are deemed to be permitted principle on 'Community' zoned lands as per the Zoning Matrix and which include the following:-

- Civil/Cultural/Heritage Building
- Community Facility
- Creche/Childcare Facility
- Education/Enterprise Centre
- Health Centre/Clinic
- Library
- Nursing Home/Retirement Village
- Open Space
- Playground
- Playing Pitches
- Religious Places of Worship

### Chief Executive's Response

I wish to thank P Coleman & Associates for their submission, made on behalf of Harnett Homes and Estate Developers Limited. I acknowledge their request for clarification that the subject site will be considered for the range of land uses which are deemed to be permitted in principle on 'Community' zoned lands as per the Zoning Matrix contained within the Draft Clare County Development Plan 2023-2029.



Land zoned as Community in the Draft Clare County Development Plan 2023-2029 will be considered for the range of land uses which are deemed to be permitted in principle on 'Community' zoned lands as per the Zoning Matrix.

It should be noted that a development proposal that complies, in principle, with the relevant land-use zoning, will not automatically be guaranteed or granted planning permission.

**Community**

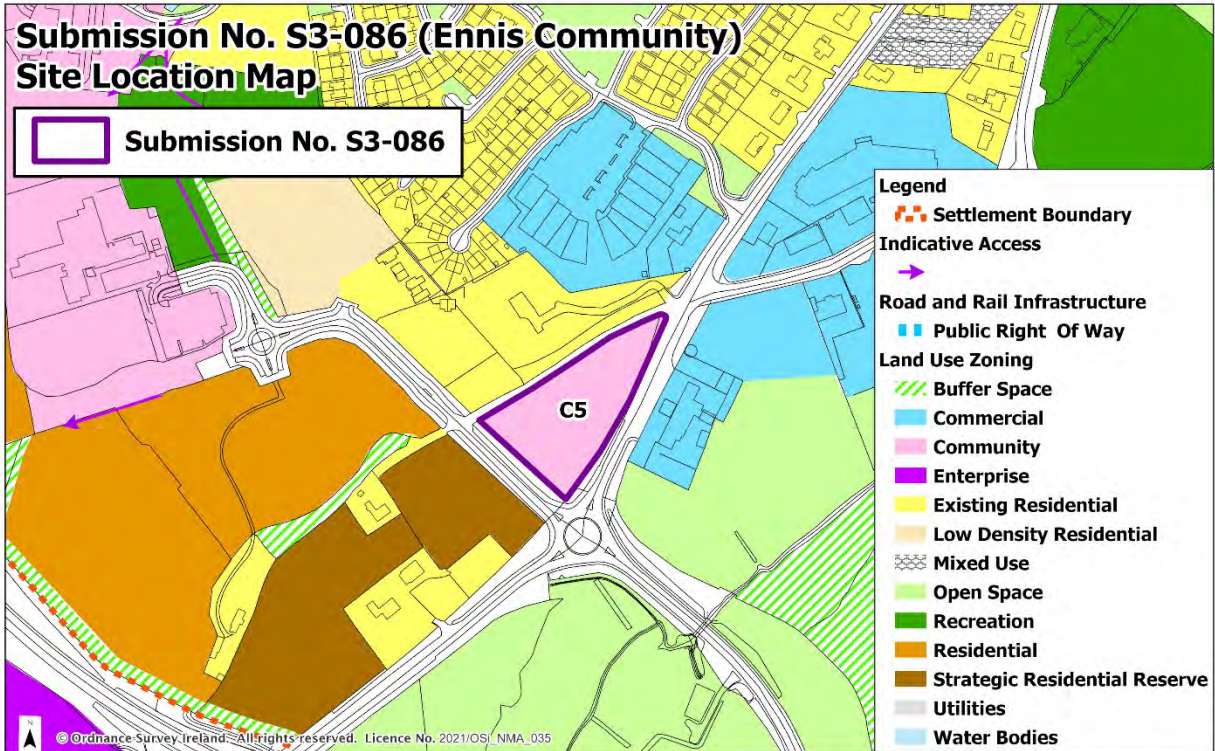
*The development of lands for community uses shall be taken to include the use of lands for community, civic, health services, public or educational uses including the provision of schools, community halls, healthcare facilities and any other facility that is intended to provide some form of community service. A service may be delivered by either a public, community or private body.*

**Chief Executive's Recommendation**

There is no recommendation arising from this submission.

### Submission No. S3-086 (Ennis Community) Site Location Map

 Submission No. S3-086



Proposed Amendments to the Draft Clare County Development Plan 2023 -2029

Ennis

Date: November 2022 Not To Scale





## Submission No: S3/088 – Brian McMahon

### Summary of Issues Raised in Submission

The submission relates to lands to the west of Páirc na Coille in Cahercalla currently zoned 'Residential' in the Clare County Development Plan 2017-2023 (as varied).

The subject lands were zoned as 'Strategic Residential Reserve' in the Draft Clare County Development Plan 2023-2029. In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, the southern part of the site was to be rezoned as 'Residential', by way of a proposed material alteration.

The submission relates to the Cahercalla Stream which is culverted and runs under the subject lands:

- The Cahercalla Stream flows from Cahercalla Lough under the Cahercalla Road into Willsgrove. From there it is piped under Willsgrove's green area through Willsgrove and onwards down through a culvert under the subject lands to the front of the Páirc na Coille Retirement Village. From there it runs for a short distance in the open air to the bend of the Páirc na Coille access road where it discharges underground through a grill which is regularly blocked by leaves resulting in the road flooding at that location on the Páirc na Coille access road and the adjoining Ennis Rugby Club's land. The culvert is also used for stormwater/surface water from Willsgrove.
- If development is permitted on the land surrounding this culvert, the overflow stormwater from this culvert will have nowhere to go and will result in this back-flooding of Willsgrove's surface water drainage system and, consequently, the flooding of Willsgrove.
- The submission further states that should An Bord Pleanála reverse the granting of permission for Planning Ref. No. P21/599 that the site is rezoned as 'Strategic Residential Reserve' or 'Habitat'.

### Chief Executive's Response

I thank Mr. McMahon for his submission in relation to the proposed Material Alteration to the Draft Clare County Development Plan 2023-2029 in relation to lands west of Páirc na Coille. I note his comments regarding the culverted Cahercalla Stream and concerns in relation to potential flooding risk to Willsgrove.

I note the submission outlines the potential residual flood risk from a small unmapped watercourse (Cahercalla Stream), that has been substantially culverted. Residual risk would appear to be from potential blockage at an inlet screen by Páirc na Coille near the boundary with the Rugby Club.

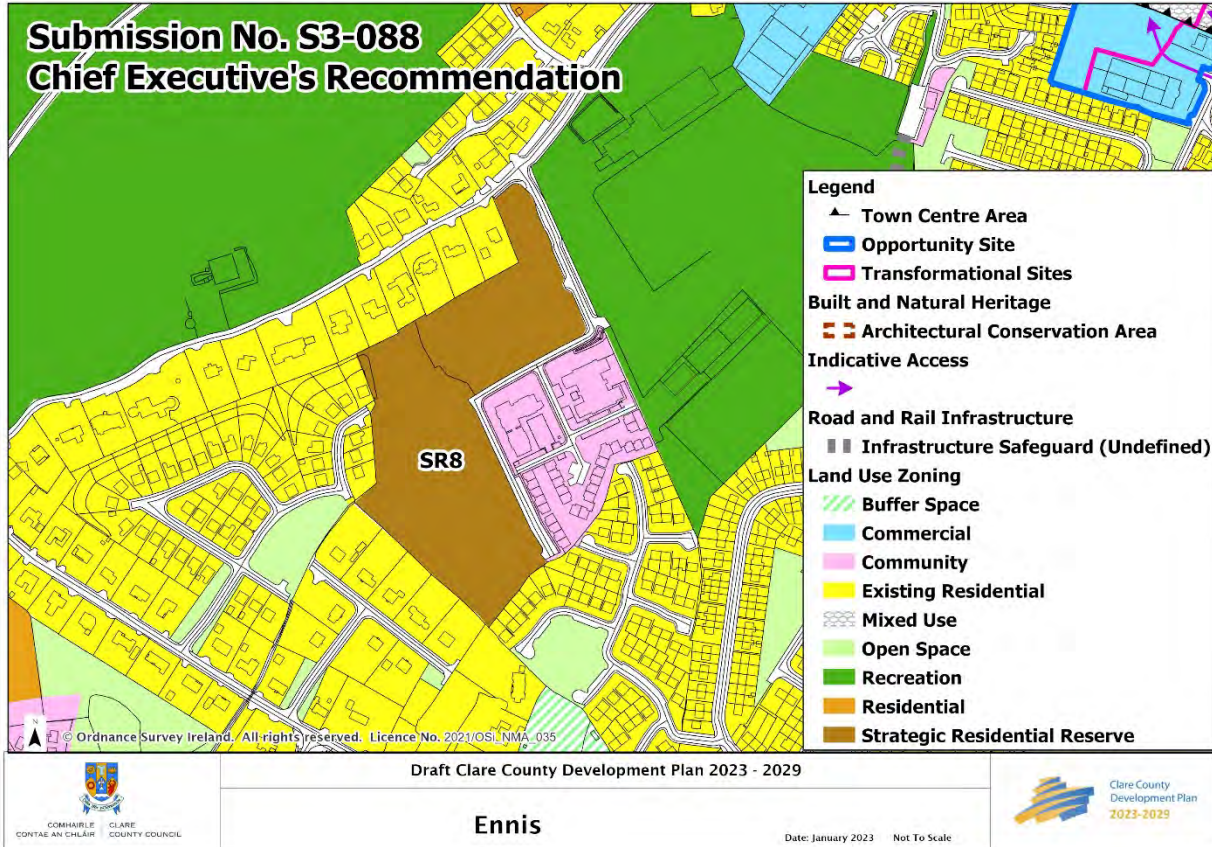
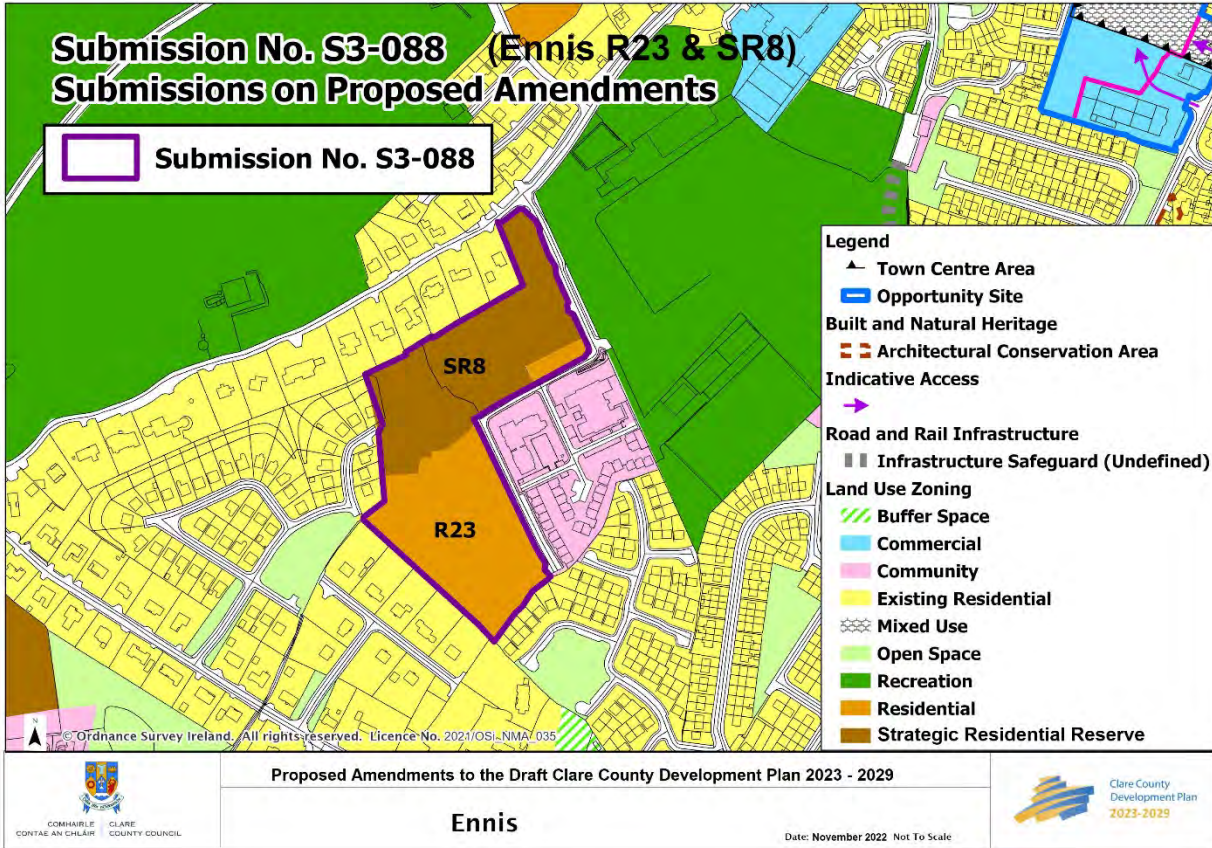
I note Section 4.3 of the Strategic Flood Risk Assessment (Volume 10c) sets out the general approach for unmapped watercourses where, in these cases, it is the responsibility of the applicant to undertake an appropriately detailed Flood Risk Assessment and to then apply the sequential approach as the Plan Making Justification Test has not been satisfied in these cases.



In relation to the final point of the submission regarding the zoning of these lands and the proposed Material Alteration to change it from Strategic Residential Reserve (SR8) to Residential (R23), I refer to my response to Submission S3/043 which also relates to this proposed Material Alteration and I recommend zoning these lands as Strategic Residential Reserve (SR8) and that the Plan is made without the proposed Material Alteration to change the zoning to Residential (R23).

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to change the zoning from 'Strategic Residential Reserve' (SR8) to 'Residential' (R23), as displayed.





## Submission No: S3/091 – White Cedar Developments Ltd.

### Summary of Issues Raised in Submission

This submission relates to the zoned land SR8/R23 in Ennis (Páirc Na Coille). The submission outlines how the southern part of the lands at R23 are subject to a live planning application granted permission (Ref. P.21/599) and currently subject to 3rd party planning appeals, which is being considered by ABP (ABP 313217-22).

The submission outlines how it is hoped to bring the northern half (SR8) into development. The submission requests that SR8 is also zoned as residential and it is requested that the Draft Clare County Development Plan 2023-2029 requirement to retain *"at least in part, as open space between any new development and the existing nursing home, providing an open space buffer between the two developments"* is removed.

### Chief Executive's Response

I would like to thank White Cedar Developments Ltd. For this submission and I wish to respond as follows:

The open space area has been stipulated in the Draft Plan to allow the retention of natural habitat. In addition, the zoned lands are within 2.5km of an SAC with Lesser horseshoe bat as a Qualifying Interest Feature. There is potential for this Qualifying Interest and other protected bat species to utilise the site and therefore removal of vegetation may impact upon foraging, commuting and roosting habitat.

It is recommended to keep the open space buffer stipulated however this buffer should be further informed by the results of detailed ecological surveys in order to retain habitat which has the maximum benefit to biodiversity including connectivity to adjacent lands. On this basis I consider that the Plan should be made without the proposed Material Alteration.

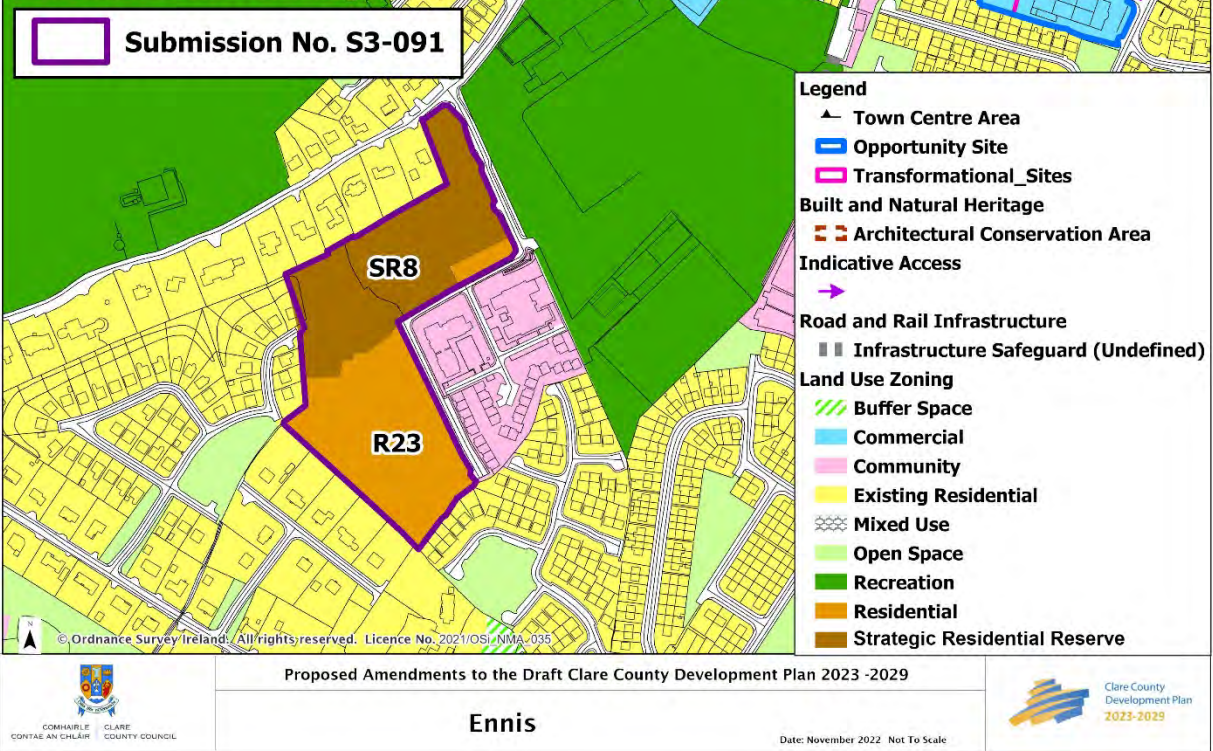
Please see ecology response for S3/043 as it relates to this submission.

### Chief Executive's Recommendation

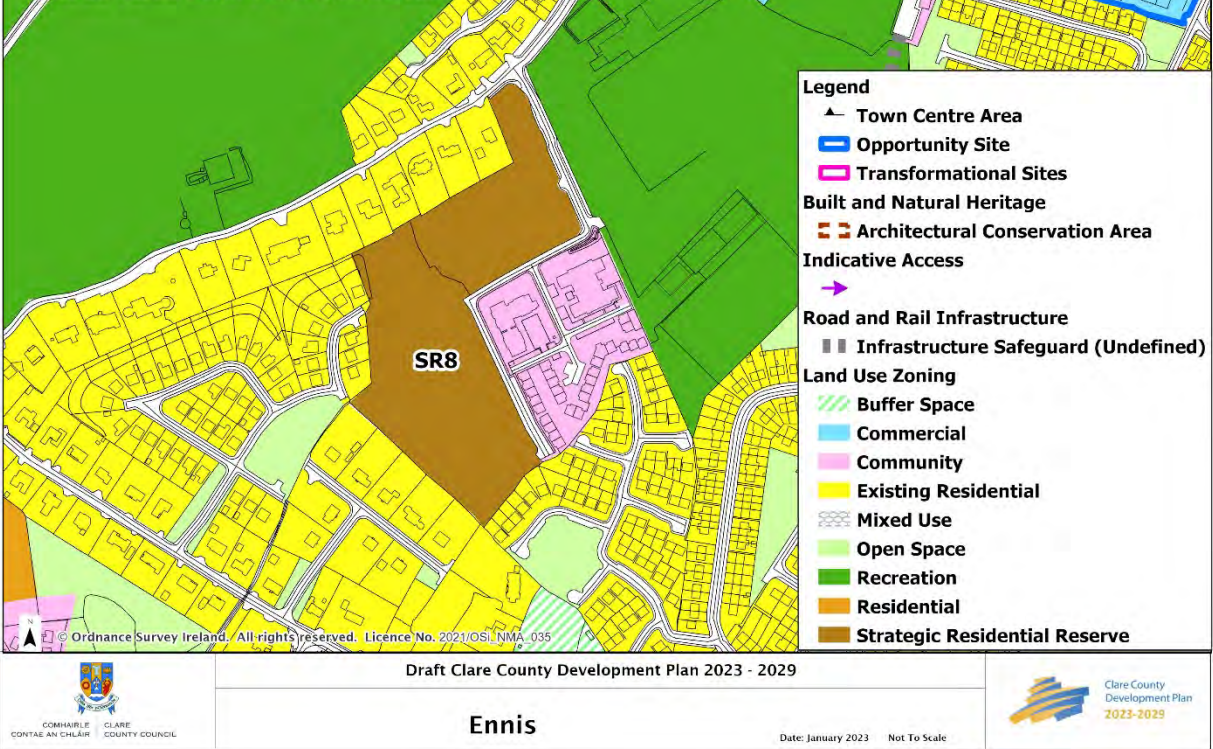
I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to SR8/R23, as displayed.



### Submission No. S3-091 (Ennis R23 & SR8) Submissions on Proposed Amendments



### Submission No. S3-091 Chief Executive's Recommendation



**Submission No: S3/096 Town & Country Resources Ltd. on behalf of Thomas & Assumpta Murray**

**Summary of Issues Raised in Submission**

The submission relates to lands at Beechpark, Ennis. A map has been submitted.

The submitter supports the proposed Material Alteration to extend the Ennis Settlement Boundary to include the subject lands and zone as 'Enterprise', and requests that the Planning Authority adopt the proposed amendment as outlined.

**Chief Executive's Response**

I wish to thank Town & Country Resources Ltd. on behalf of Thomas & Assumpta Murray for the submission and respond as follows:

I acknowledge the support expressed within the submission for the inclusion of the proposed Material Alteration for Enterprise zoning at this location.

In its submission (S3/012) the Office of the Planning Regulator (OPR) make requirements (MA8 & MA10) that the Development Plan should be made without the proposed Material Alteration to the Ennis Settlement Plan which is to extend the settlement and town boundaries and zone lands as Enterprise (ENT5).

I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission SR2/824 relating to these lands, where I note 'A large undeveloped Enterprise zoning is present on the opposite side of the R474 from the subject lands. The zoning of additional lands for Enterprise use, in close proximity to a substantial site that has already been zoned for this purpose in the Draft Plan could lead to a cluster of such development, at the periphery of the town and would be disproportionate to the scale of the surrounding neighbourhood which would be contrary to the proper planning and sustainable development, not only of the Beechpark neighbourhood, but also of the wider Plan area'.

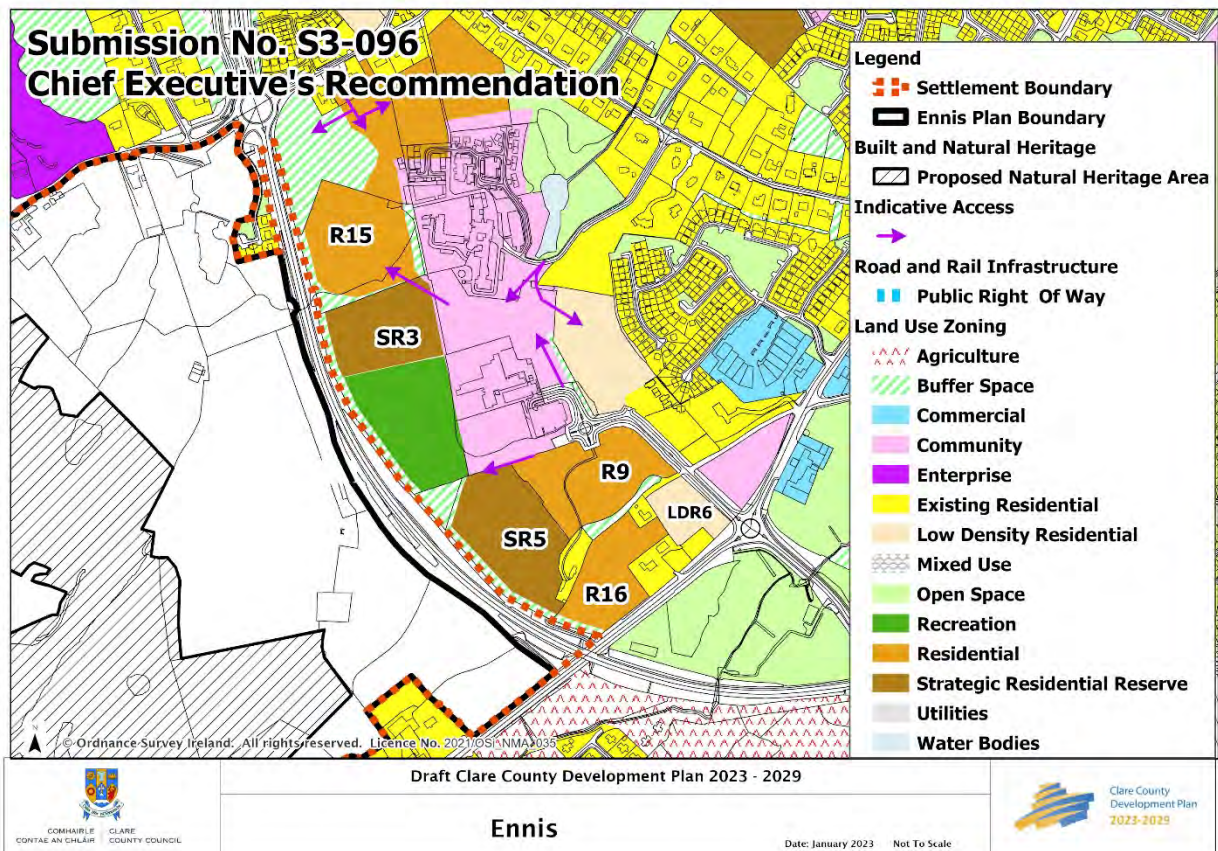
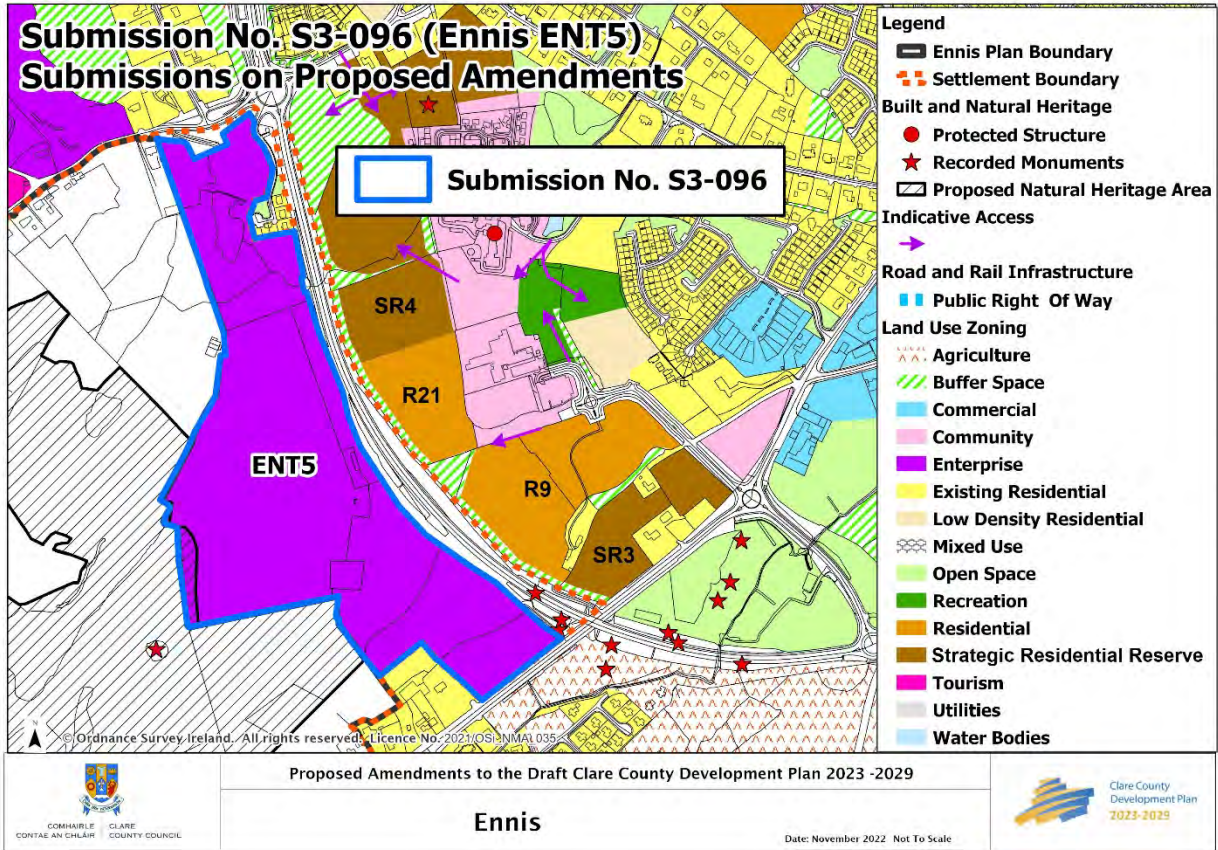
In addition, the OPR rightly note that the appropriate assessment undertaken of this proposed Material Alteration shows that adverse effects upon the Newhall & Edenvale Complex SAC cannot be avoided.

Contrary to the recommendation of the chief executive it was agreed by resolution to extend the settlement boundary and the plan boundary for the future Ennis and Environs Local Area Plan, to facilitate the zoning of 'Enterprise' ENT5 as a proposed material alteration to the Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan and taking account of the appropriate assessment of the proposed Material Alteration, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.



### Chief Executive's Recommendation

I recommend that the Draft Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **without** the proposed Material Alteration, as displayed, to the Ennis Settlement Plan to extend the settlement and town boundaries and zone lands as Enterprise (ENT5), and all associated text changes.





## Submission No: S3/099 – Loughville Property Limited

### Summary of Issues Raised in Submission

The submission relates to lands at Loughville on the Lahinch Road in Ennis currently zoned as ‘Low Density Residential’ in the Clare County Development Plan 2017-2023 (as varied) and proposed to be zoned for ‘Low Density Residential’ in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, by way of a proposed material alteration.

This follows a submission made on behalf of Loughville Property Limited to the Draft Clare County Clare Development Plan 2023-2029 which sought to have lands zoned as ‘Agriculture’ rezoned to ‘Low Density Residential’.

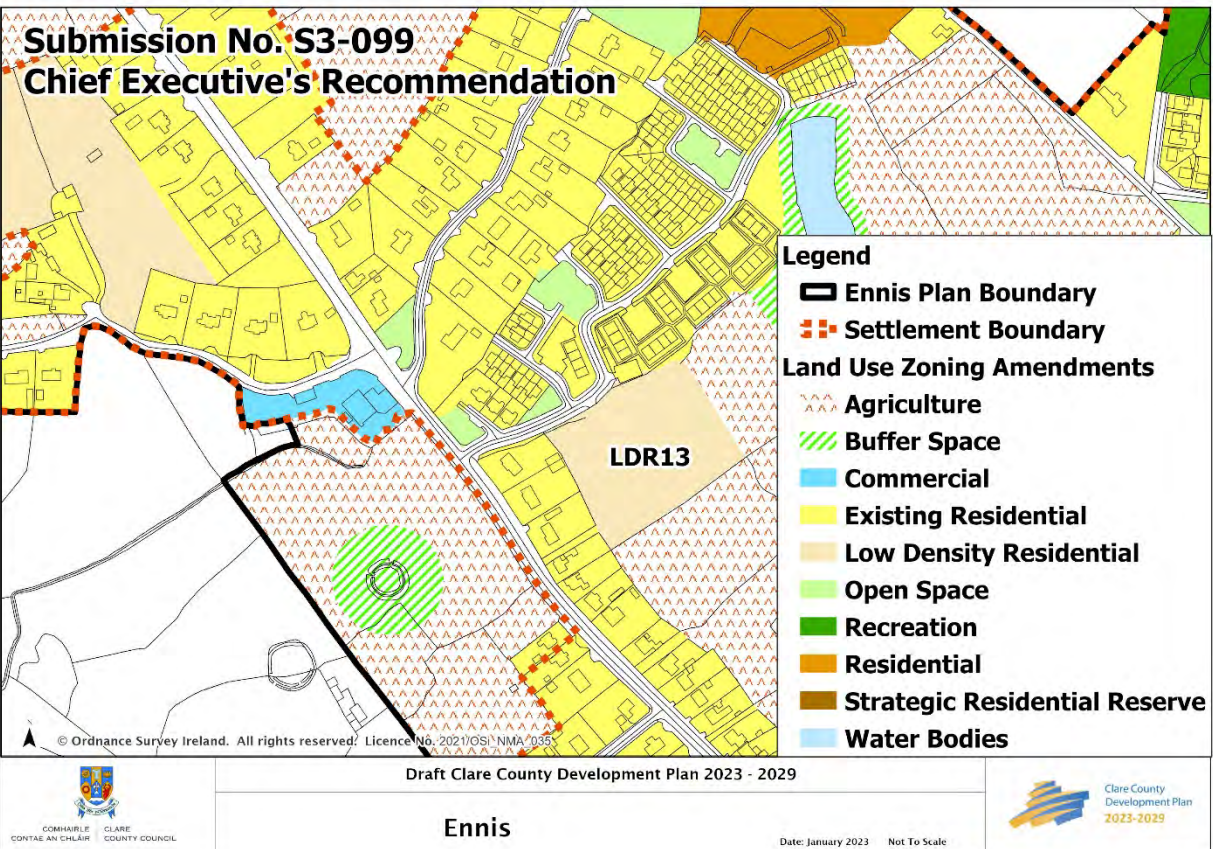
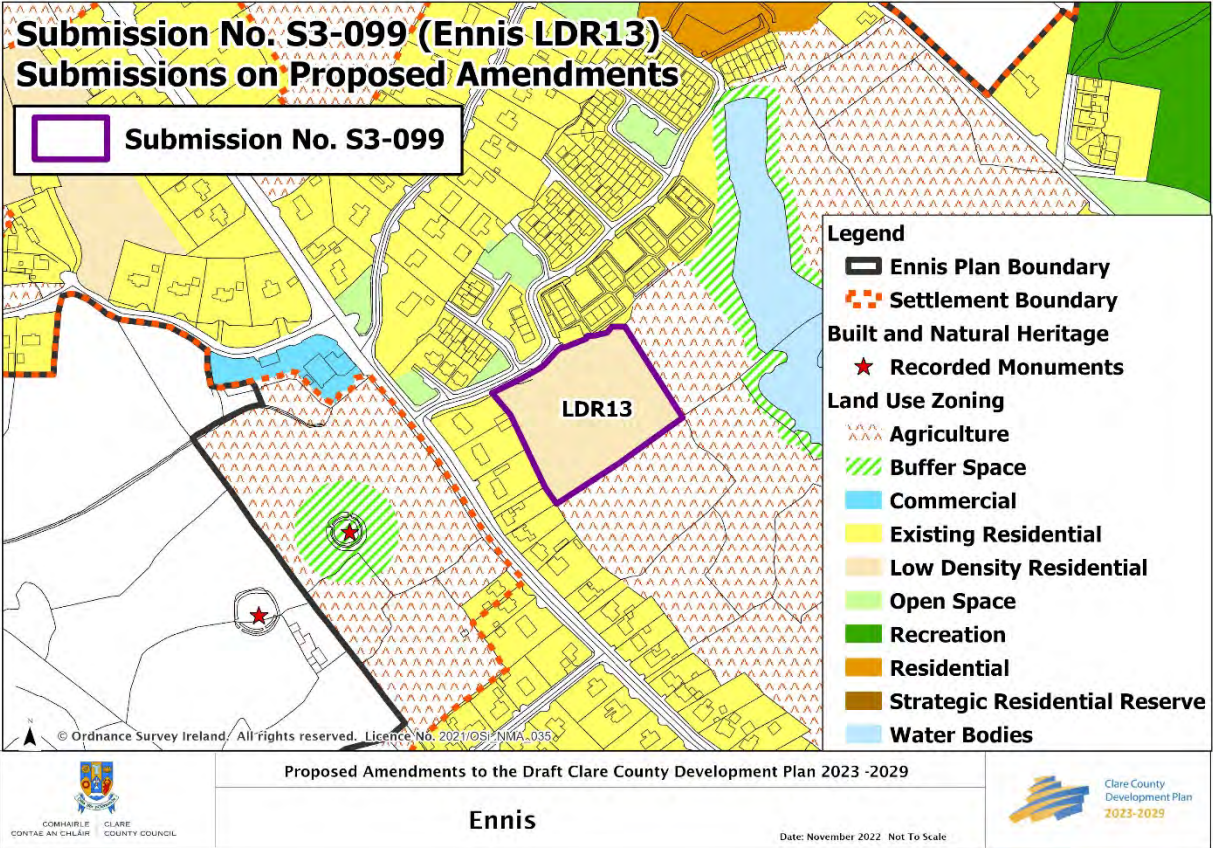
The submission supports the ‘Low Density Residential’ zoning in the proposed Material Alteration to the Draft Clare County Development Plan 2023-2029 and asks that it will be adopted in the final version of the Clare County Development Plan 2023-2029.

### Chief Executive’s Response

I wish to thank P Coleman & Associates for their submission, made on behalf of Loughville Property Limited. I acknowledge their support for the proposed Material Alteration to lands at Loughville on the Lahinch Road, which was recommended to be rezoned as ‘Low Density Residential’ in the Chief Executive’s Report of July 10th 2022, in response to the submission by Loughville Property Limited (S2/867) at Draft Plan stage.

### Chief Executive’s Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to lands at Loughville, Lahinch Road, as displayed.



### Submission No: S3/101 MKO on behalf of Marlfield Developments Ltd..

#### Summary of Issues Raised in Submission

The submission relates to lands at Ballybeg, Ennis. A map is included. The lands are zoned in the Draft Clare County Development Plan 2023-2029 as Agriculture.

In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, a portion of Part of the lands have been zoned 'Residential' (R17), by way of a proposed material alteration.

This follows a submission (S2/671) made on behalf of Marlfield Developments Ltd. to the Draft Clare County Development Plan 2023-2029 which sought to zone the overall lands Residential.

The submission supports the R17 residential zoning of a portion of the lands in the Proposed Amendments to the Draft Plan.

#### Chief Executive's Response

I wish to thank MKO for their submission, made on behalf of Marlfield Developments Ltd.

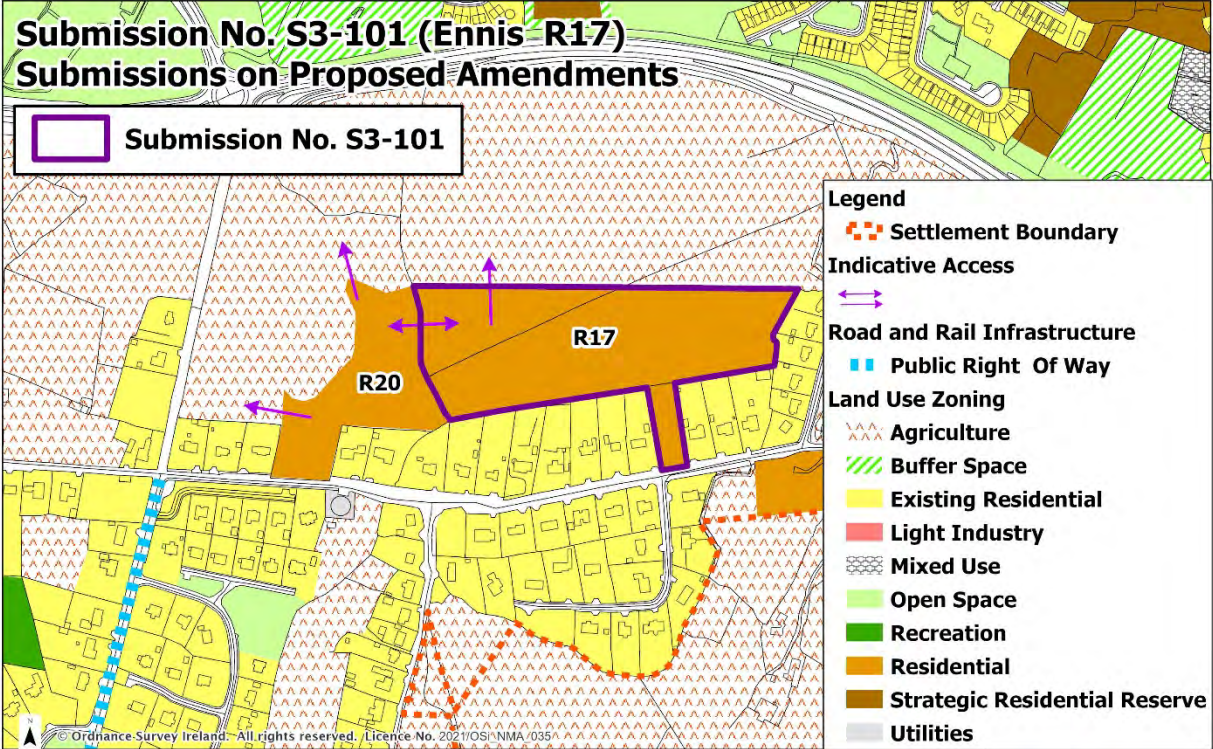
The submission supports the change of zoning of a portion of the lands from 'Agriculture' to 'Residential' (R17), in the Proposed Amendments to the Draft Plan. I acknowledge their support for the proposed Material Alteration to lands at Ballybeg, Ennis, which was formed part of the Members' Resolution made on October 20th 2022.

In its submission (S3/012) the Office of the Planning Regulator (OPR) make requirements (MA2 & MA10) that the Development Plan should be made without the proposed Material Alteration to the Ennis Settlement Plan which concern the R17 lands and the change from "Agriculture to Residential (c.4.5ha)".

I note the issues of concern relating to the R17 site in Ennis, regarding service capacity constraints, non-sequential growth being contrary to compact growth and alignment with the core strategy. I refer to the Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/671 which relates to these lands, and note the issues raised concur with those raised by the OPR in their submission (S3/012). Contrary to the recommendation it was agreed by resolution to zone part of the lands 'Residential' as a proposed material alteration to the Draft Plan. In addition, I note from the appropriate assessment (aa) of this proposed Material Alteration that it states that the potential for adverse effects on the Newhall Edenvale Complex SAC cannot be ruled out. I therefore advise that in accordance with the Habitats Directive and specifically Article 6(3) and the recommendation on the submission to the Draft Plan, that the Plan be made without this proposed Material Alteration, including all text changes related to it.

#### Chief Executive's Recommendation

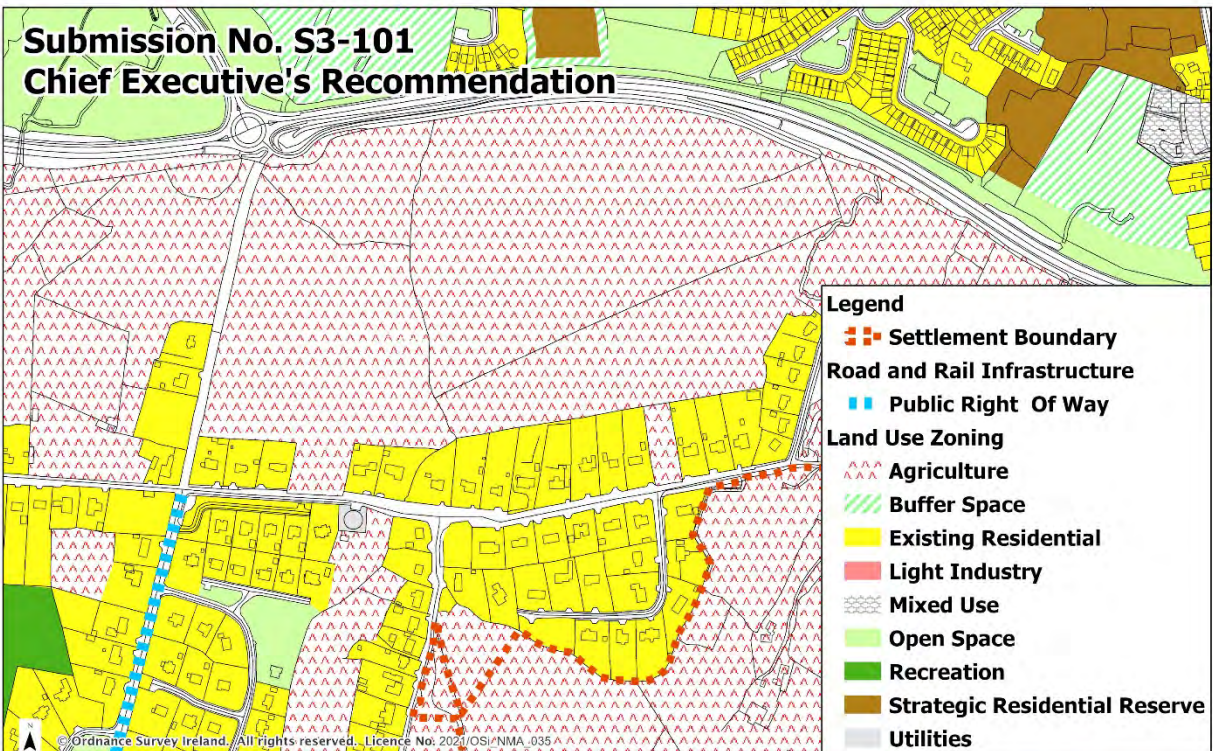
I recommend that the Clare County Development Plan 2023-2029 (Volume 3a, Ennis Municipal District Settlement Plans) be made **without** the proposed Material Alteration.



Proposed Amendments to the Draft Clare County Development Plan 2023 -2029

**Ennis**

Date: November 2022 Not To Scale



Draft Clare County Development Plan 2023 - 2029

**Ennis**

Date: January 2023 Not To Scale





### Submission No: S3/102 – MKO on behalf of Tom Howard

#### Summary of Issues Raised in Submission

The submission relates to lands at Claureen Roundabout in Ennis zoned as Commercial (COM5) and Agriculture in the Draft Clare County Development Plan 2023-2029 and zoned as Commercial (COM5) in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, by way of a proposed material alteration.

This follows a submission made on behalf of Tom Howard (S2-788) to the Draft Clare County Development Plan 2023-2029 which sought to have the Commercial (COM5) zoning enlarged, thereby replacing the Agricultural lands within the submission site.

The submission welcomes the proposed Material Alteration and requests that it is included in the adopted Clare County Development Plan 2023-2029.

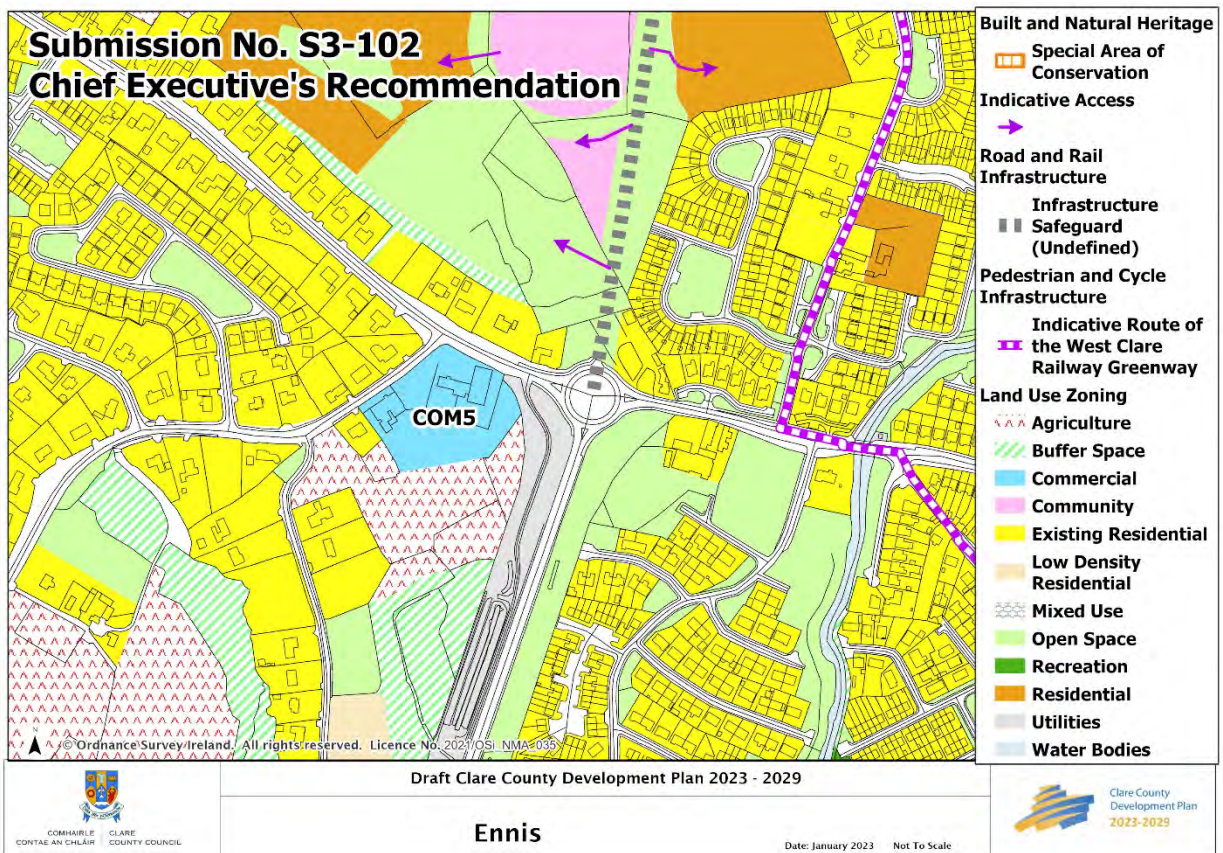
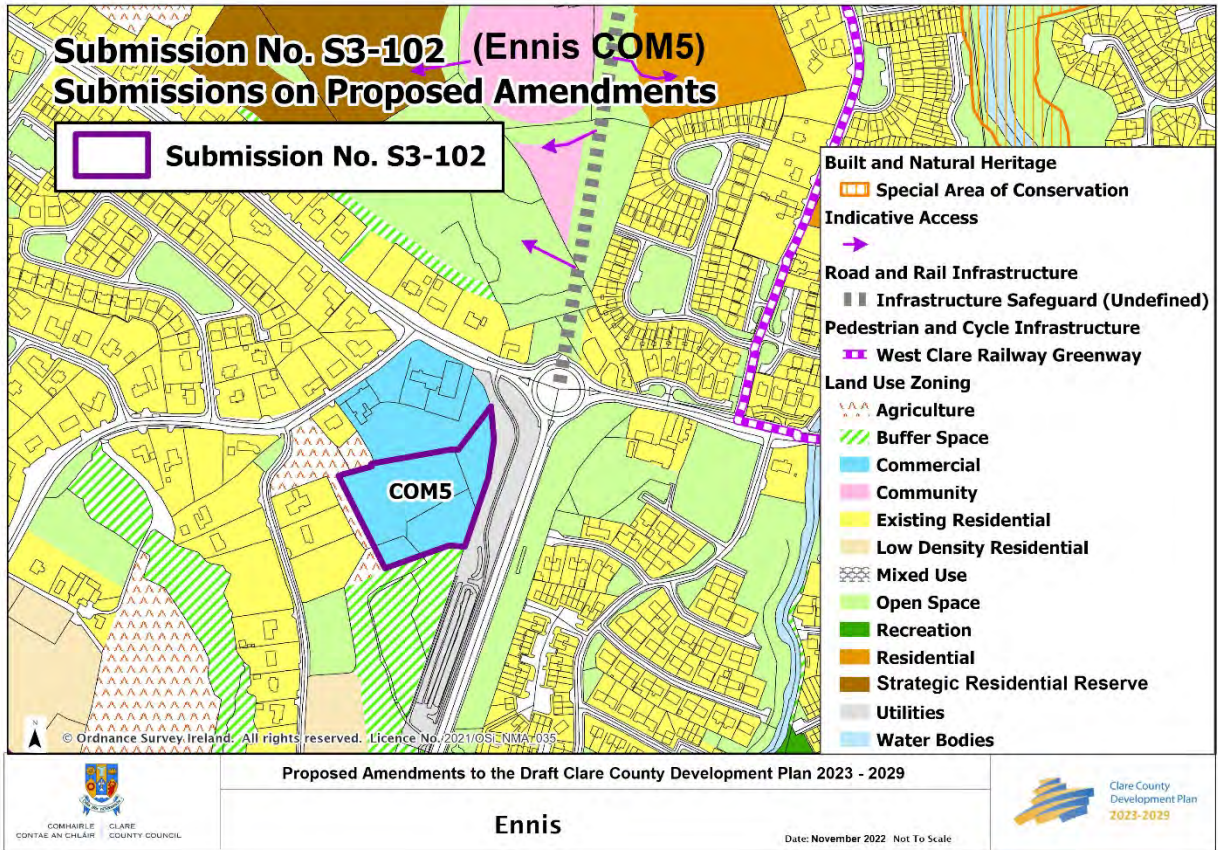
#### Chief Executive's Response

I wish to thank MKO for their submission, made on behalf of Tom Howard. I acknowledge their support for the proposed Material Alteration to lands at Claureen Roundabout, which formed part of the Members' Resolution made on October 20th 2022.

I note the Recommendation (MA Recommendation 9) set out in the submission from the Office of the Planning Regulator (OPR) (S3/012) that the proposed Material Alteration regarding Ennis (COM5) – from Agriculture to Commercial not be included. I note the concerns regarding the proposed Material Alteration to the Draft Plan, particularly with regard to NPO 57, RPO 3.10 and the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009). I therefore advise that the Draft Plan should be made **without** the proposed Material Alteration.

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Volume 3a Ennis Municipal District) be made **without** the proposed Material Alteration, as displayed, as it relates to the Ennis Settlement Plan.



## Submission No: S3/114 – Martin Browne

### Summary of Issues Raised in Submission

The submission relates to lands to the west of Páirc na Coille in Cahercalla currently zoned 'Residential' in the Clare County Development Plan 2017-2023 (as varied).

The subject lands were zoned as 'Strategic Residential Reserve' in the Draft Clare County Development Plan 2023-2029. In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, the southern part of the site is to be rezoned as 'Residential', by way of a proposed material alteration.

The submission relates to the Cahercalla Stream which is culverted and runs under the subject lands:

- The Cahercalla Stream flows from Cahercalla Lough under the Cahercalla Road into Willsgrove. From there it is piped under Willsgrove's green area through Willsgrove and onwards down through a culvert under the subject lands to the front of the Páirc na Coille Retirement Village. From there it runs for a short distance in the open air to the bend of the Páirc na Coille access road where it discharges underground through a grill which is regularly blocked by leaves resulting in the road flooding at that location on the Páirc na Coille access road and the adjoining Ennis Rugby Club's land. The culvert is also used for stormwater/surface water from Willsgrove.
- If development is permitted on the land surrounding this culvert, the overflow stormwater from this culvert will have nowhere to go and will result in this back-flooding of Willsgrove's surface water drainage system and, consequently, the flooding of Willsgrove.
- The submission further states that should An Bord Pleanála reverse the granting of permission for Planning Ref. No. P21/599 that the site is rezoned as 'Strategic Residential Reserve' or 'Habitat'.

### Chief Executive's Response

I thank Mr. Browne for his submission on the Proposed Amendments to the Draft Clare County Development Plan 2023-2029 in relation to lands west of Páirc na Coille. I note his comments regarding the culverted Cahercalla Stream and concerns in relation to potential flooding risk to Willsgrove.

I note the submission outlines the potential residual flood risk from a small unmapped watercourse (Cahercalla Stream), that has been substantially culverted. Residual risk would appear to be from potential blockage at an inlet screen by Páirc na Coille near the boundary with the Rugby Club.

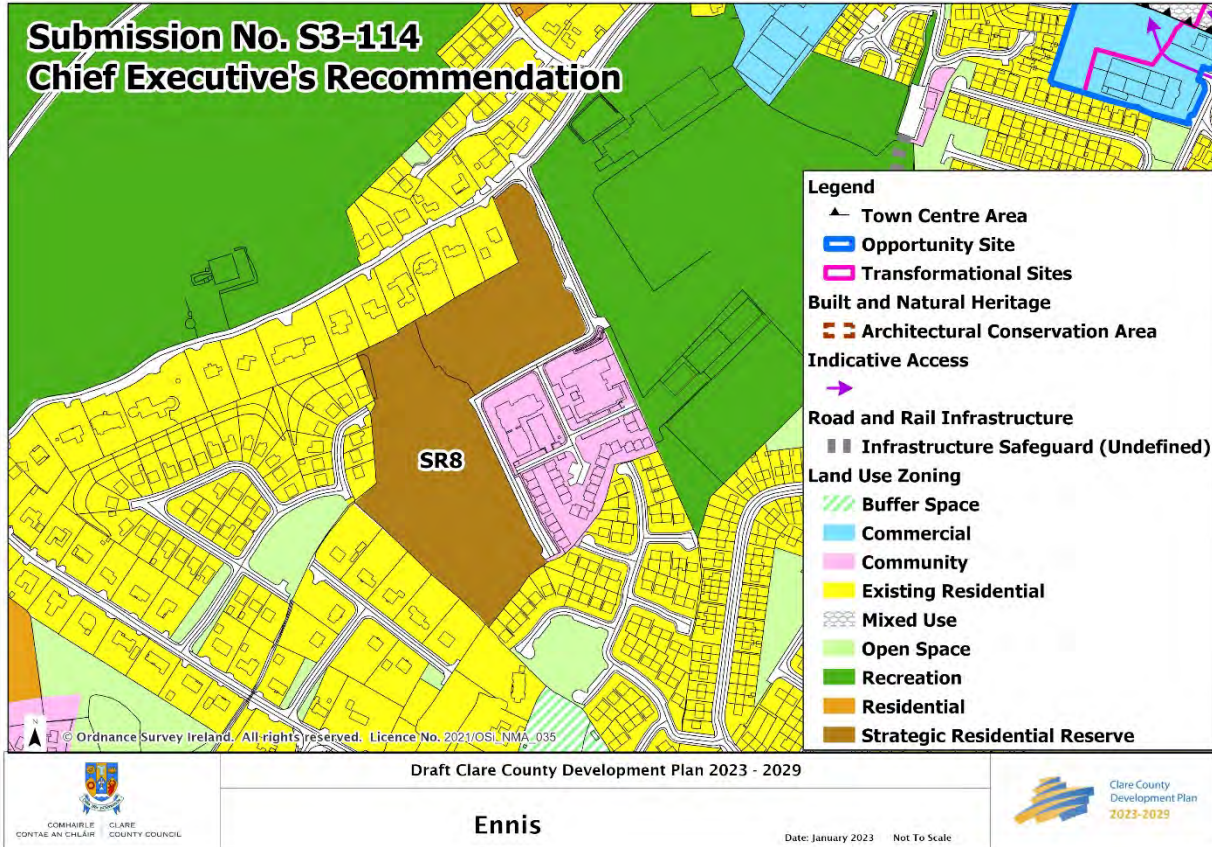
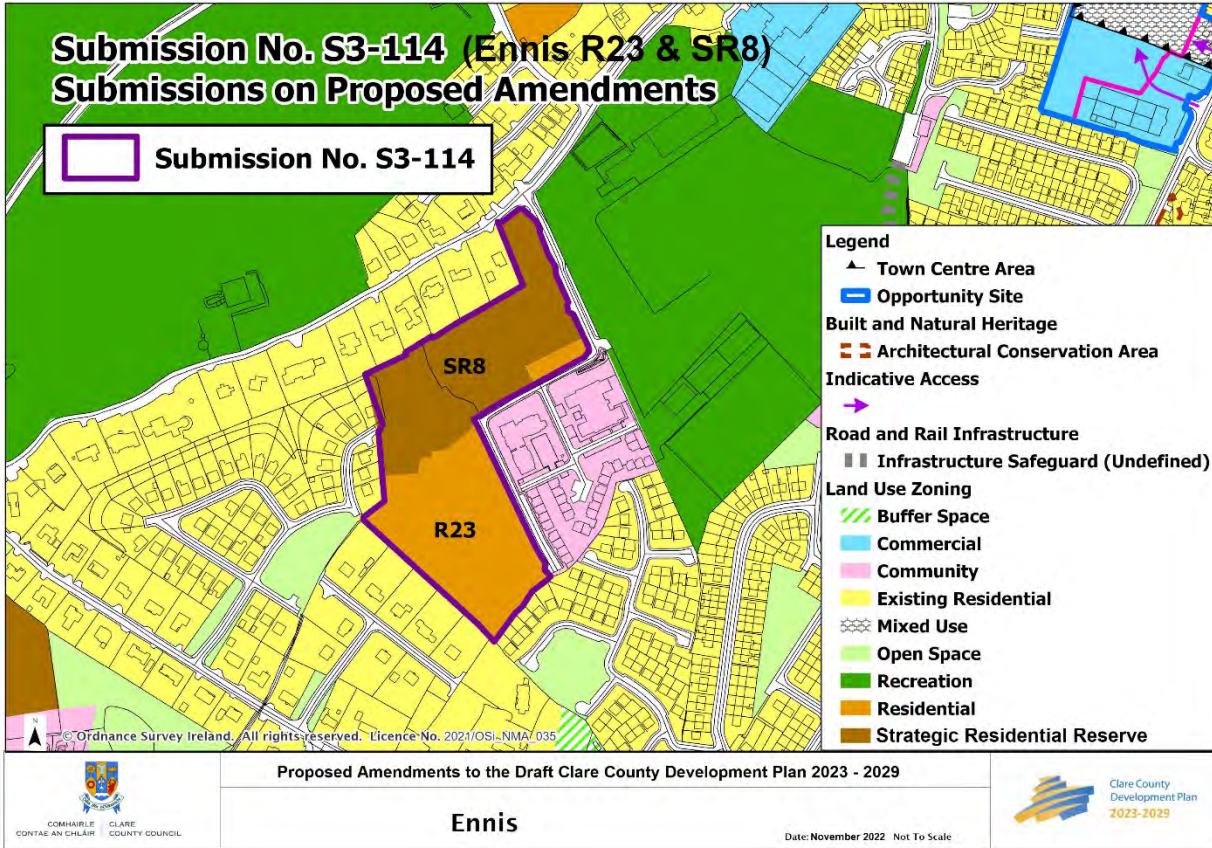
Section 4.3 of the Strategic Flood Risk Assessment (Volume 10c) sets out the general approach for unmapped watercourses where, in these cases, it is the responsibility of the applicant to undertake an appropriately detailed Flood Risk Assessment and to then apply the sequential approach as the Plan Making Justification Test has not been satisfied in these cases.



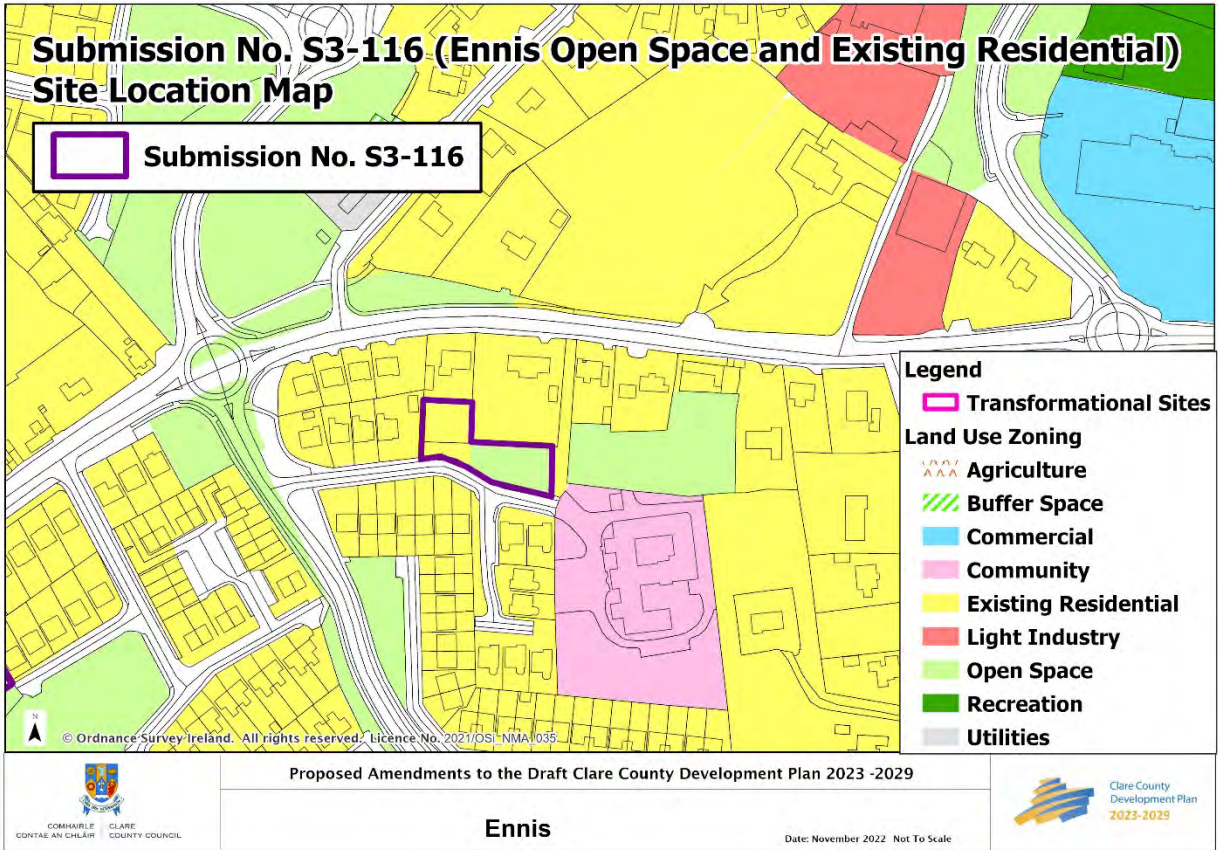
In relation to the final point of the submission regarding the zoning of these lands and the proposed Material Alteration to change it from Strategic Residential Reserve (SR8) to Residential (R23), I refer to my response to Submission S3/043 which also relates to this proposed Material Alteration and I recommend zoning these lands as Strategic Residential Reserve (SR8) and that the Plan is made without the proposed Material Alteration to change the zoning to Residential (R23).

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to change the zoning from Strategic Residential Reserve (SR8) to Residential (R23), as displayed.



<b>Submission No: S3/116 – Frank Stackpoole</b>
<b>Summary of Issues Raised in Submission</b>
<p>This submission relates to lands (0.082 acres) at Cappahard on the Tulla Road in Ennis currently zoned as ‘Open Space’ in the Clare County Development Plan 2017-2023 (as varied) and proposed in part to remain zoned as ‘Open Space’ in the Draft Clare County Development Plan 2023-2029.</p> <p>Mr. Stackpoole previously made a submission (S2/727) to the Draft Clare County Development Plan 2023-2029. The submission resulted in a proposed amendment to land to the west of the subject lands from ‘Existing Residential’ and ‘Open Space’ to ‘Existing Residential’. The land to which this submission relates is not part of any proposed material amendment.</p> <p>This submission requests that the council adjust the current zoning to ‘Residential’ in order to facilitate potential development of the site.</p> <p>The submission sets out the following reasons to reconsider the zoning of the site:</p> <ul style="list-style-type: none"> <li>• The site has excellent development potential as it is an infill site ideally located to meeting development goals i.e. to concentrate developments within the built up footprint of the town and in line with its ‘10 minute commute’ to town centre policy.</li> <li>• The site is located beside a nursing home and therefore could possibly provide ancillary facilities for same.</li> <li>• A change to ‘Residential’ zoning would be preferred but development of the site for community use, i.e., civic, health services, public or educational uses including the provision of schools, community halls, healthcare facilities or other possibly mixed use’ which would complement the adjacent nursing home.</li> </ul>
<b>Chief Executive’s Response</b>
<p>I thank Mr. Stackpoole for his submission in respect of his lands at Cappahard on the Tulla Road. While a portion of his lands are subject to a Proposed Amendment to the Draft Clare County Development Plan, the lands referenced in his submission do not relate to any proposed amendments. Therefore, I must advise that the change to zoning as requested cannot be considered at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.</p>
<b>Chief Executive’s Recommendation</b>
<p>There is no recommendation arising from this submission.</p>



## Submission No: S3/118 – Martha Dillon

### Summary of Issues Raised in Submission

The submission relates to lands to the west of Páirc na Coille in Cahercalla, Ennis currently zoned 'Residential' in the Clare County Development Plan 2017-2023 (as varied).

The subject lands were zoned as 'Strategic Residential Reserve' in the Draft Clare County Development Plan 2023-2029. In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, the southern part of the site was to be rezoned as 'Residential', by way of a proposed material alteration.

The submission highlights the unique nature of the area which contains mature trees and undergrowth, is full of wildlife and provides clean air to the surrounding residents and those in the nearby nursing home. The submission requests that everything possible is considered in terms of preserving those areas not just for our generation but for future generations.

### Chief Executive's Response

I wish to thank Martha Dillon for this submission and I would like to respond as follows:  
I note that Páirc na Coille is an area of woodland/scrub surrounded by housing together with Ennis rugby club which is located along the northeastern boundary.

It is located within the 2.5km foraging range of lesser horseshoe bats for Newhall and Edenvale Complex SAC and lies just outside of the 2.5km foraging range for Pouladatig Cave SAC. NPWS have not mapped any habitat within SR8/R23 (Páirc na Coille) as foraging habitat within the conservation objectives to date (NPWS, 2018). There is however a historic (1998) NPWS record of a lesser horseshoe bat roost which overlaps SR8/R23.

The Appropriate Assessment process and accompanying Natura Impact Report assessed the SR8 designation (Prior to the proposed Material Alteration which split SR8 into SR8 and R3) and stipulated that mitigation for lesser horseshoe bats is required. In addition, the technical guidance for this site has stipulated that " *The area of the site to the west of Park na Coille includes an attractive natural habitat which should be retained, at least in part, as open space between any new development and the existing nursing home, providing an open space buffer between the two developments. This site is located less than 1km from a known bat roost. Proposals for development on this site must be informed by an ecological assessment of the site and appropriate bat surveys and shall ensure that there is no loss of habitats used by Lesser Horseshoe Bats. Any habitat loss must be offset by additional landscape planting to ensure connectivity across the landscape. All design proposals, including lighting, must be informed by the results of the bat survey. A landscape management plan must also accompany any development proposals. Development proposals shall include mitigation for bats, water quality and Special Conservation Interest Birds, as set out in Volume 10a Natura Impact Report as it relates to R23. (NIR mitigation 2,3 and 4a).*"

The mitigation within the NIR still stands for SR8 and applies to R23. This mitigation was developed to maintain the conservation objective targets for the nearby SACs for lesser horseshoe bat (as well as water quality and otter). Bat conservation targets are;





- **Foraging habitat** - *"No significant decline within 2.5km of qualifying roost"*.
- **Light pollution** - *"No significant increase in artificial light intensity adjacent to named roost or along commuting routes within 2.5km of the roost"*
- **Linear features** - *"No significant loss within 2.5km of qualifying roost."*

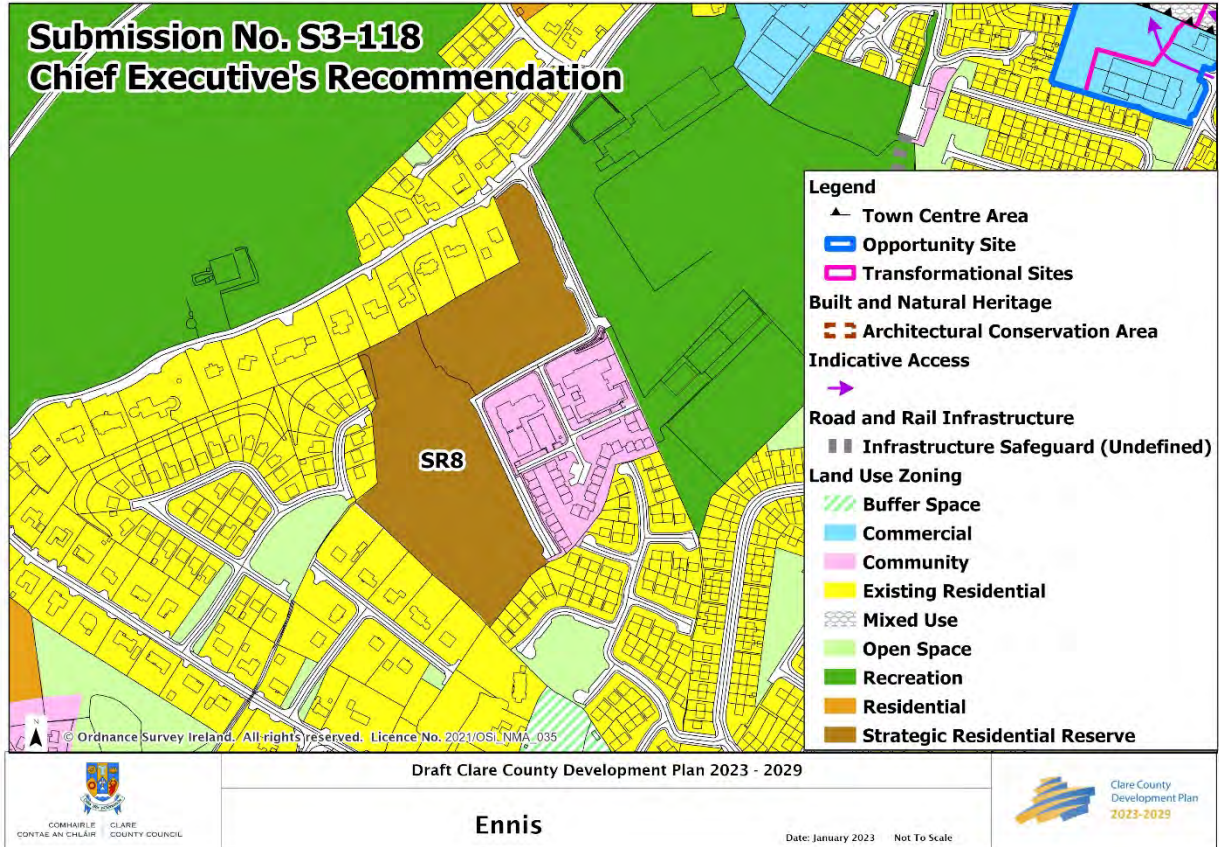
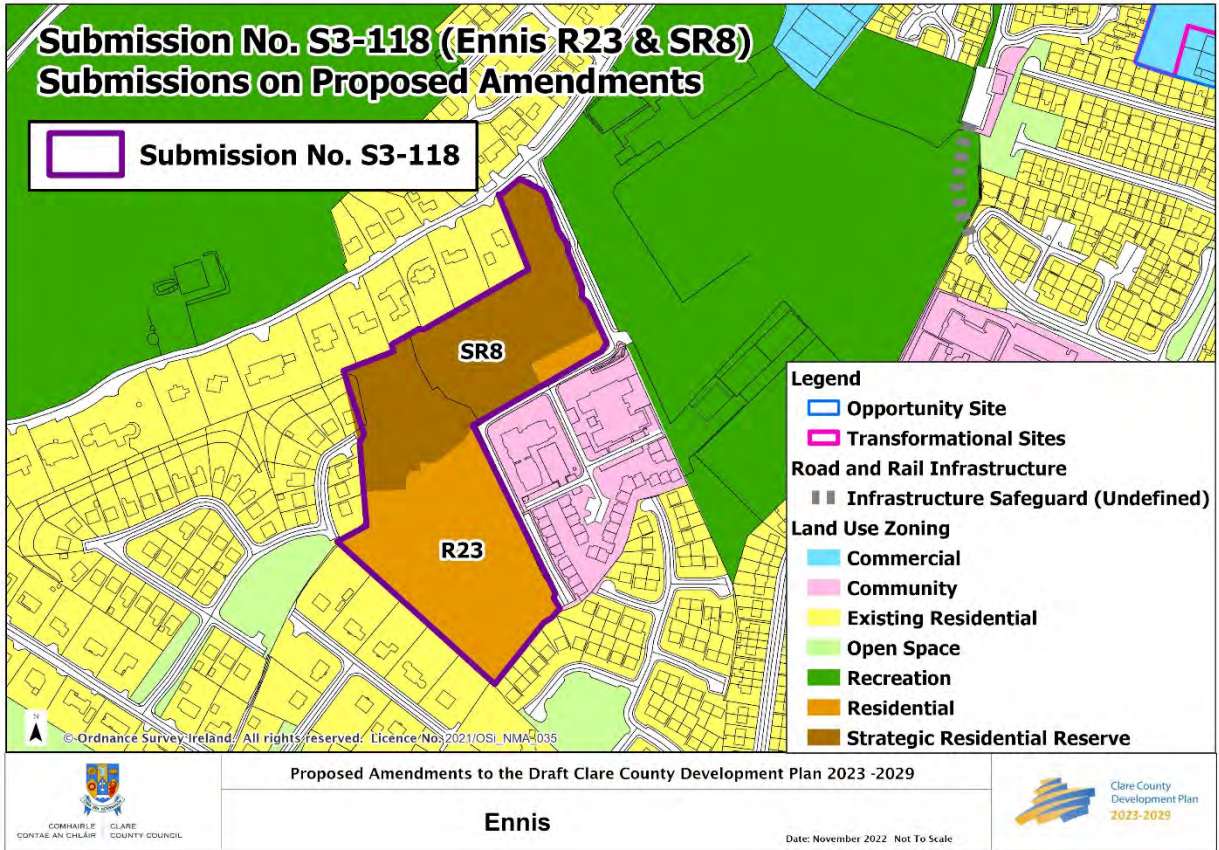
The contents of the Ecofact Report on the Review of Ecology Reporting for Proposed Residential Development at Drumbiggle, Co. Clare undertaken for this site and accompanying the submission are noted together with the information submitted as part of submission no's S3/063, S3-091 and S3/043.

Evidence from the submitted reports demonstrate the biodiversity value of the site given the presence of 5 different bat species together with the presence of Lesser horseshoe bats for which the site is within the Likely Zone of Impact for a number of protected sites.

It is not possible given the level of information currently available for this site to conclude a finding of no significant effects on the environment, or that the zoning as R23 will not lead to negative impacts on local and internationally important bat species, including Lesser horseshoe bat. On this basis I consider that the Plan should be made without the proposed Material Alteration.

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to SR8 and R23, as displayed.



**Submission No: S3/120 – Darwin Trading Company Ltd.**

**Summary of Issues Raised in Submission**

The submission relates to lands at Shanaway Road, Ennis. The lands are zoned in the Draft Clare County Development Plan 2023-2029 as Agriculture and the lands which are outside the settlement boundary of Ennis are unzoned in the Draft Clare County Development Plan 2023-2029.

In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029:

- A section of the lands has been changed to Low-Density Residential (LDR15), by way of a proposed material alteration.
- A section of the lands outside the settlement boundary of Ennis has been included within the settlement boundary and the lands have been zoned Community (C6), by way of a proposed material alteration.

A further section of the lands zoned Agriculture in the Draft Clare County Development Plan 2023-2029 have been unchanged.

The proposed Material Alteration to the LDR15 plot follows a submission (S2/849) made on behalf of Darwin Trading Company Ltd. to the Draft Clare County Development Plan 2023-2029 which sought to zone their overall lands Residential.

The current submission requests the enlargement of the LDR15 zoning to include a further c.2ha of Agriculture-zoned lands.

The submission also highlights that the Ennis Plan Boundary and the Ennis Settlement Boundary are not contiguous at this location, as mapped on the Proposed Amendment mapping.

Finally, the submission notes that access and associated services to the C6-zoned site can only be provided through the lands of Darwin Trading Company Ltd.

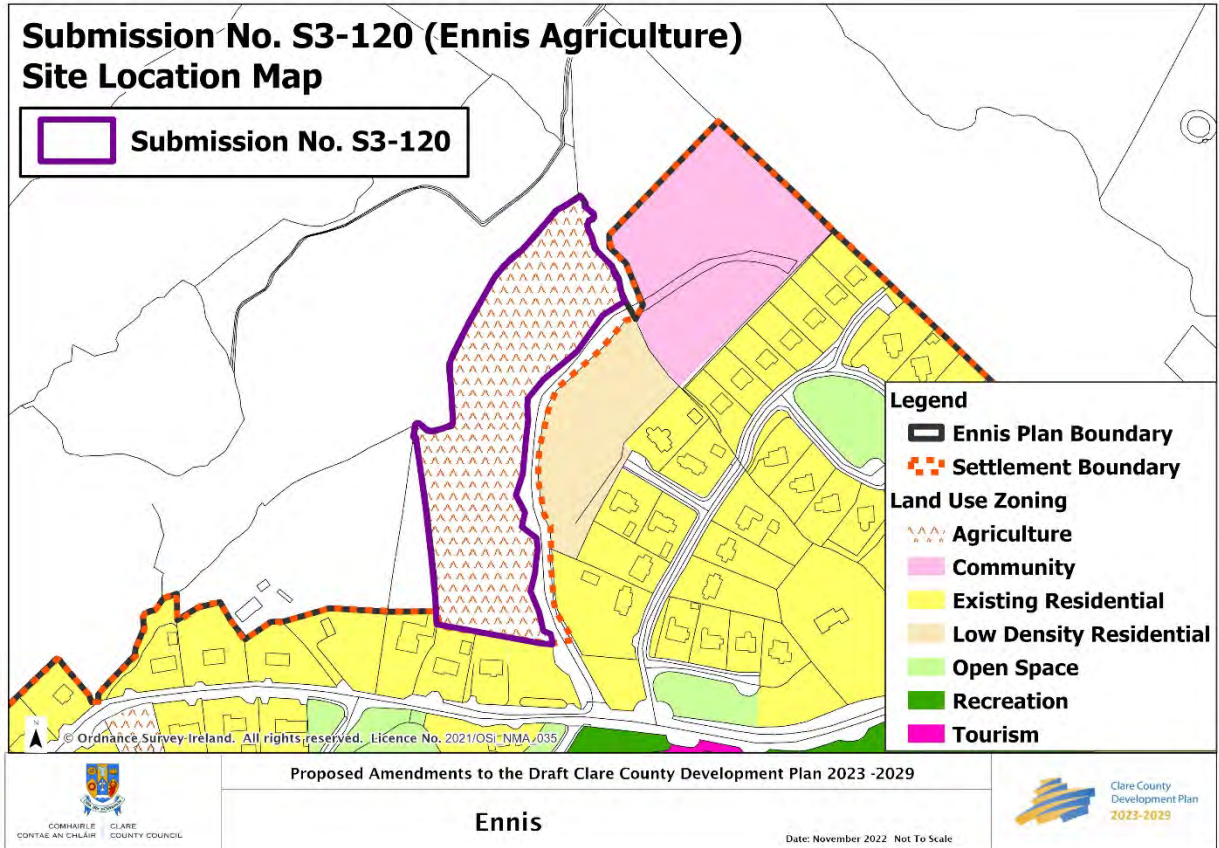
**Chief Executive's Response**

I wish to thank Darwin Trading Company Ltd for their submission.

The submission seeks that the lands identified as 'Agriculture' in the Draft Clare County Development Plan 2023-2029, and which are not subject to the proposed Material Alteration to LDR15, are zoned Low Density Residential, as an enlargement of the LDR15 zoning. I consider that the submission does not relate to a proposed amendment to the Draft Clare County Development Plan 2023-2029 and therefore is not open for consideration. Consequently, there is no recommendation arising from this submission.

**Chief Executive's Recommendation**

There is no recommendation arising from this submission.



## Submission No: S3/122 – Cllr. Johnny Flynn

### Summary of Issues Raised in Submission

The submission supports the inclusion of “Abbey Street” for public realm improvements in Section 1.8 of Volume 3a Ennis in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029. It also notes the exclusion of references to Parnell Street and Lanes as an area for improvement as the public realm upgrades are essentially completed. It further notes that while Section 1.8.1 includes a description of the completed Parnell Street and Lanes project but does not provide a description of a potential Abbey Street public realm improvement. Cllr. Flynn suggests the following change to Section 1.8.1 *“the removal of the description of the Parnell Street & Lanes upgrade and inclusion of a description of a potential Abbey Street public realm improvement”*.

### Chief Executive’s Response

I consider that the points raised by Cllr. Flynn represent an update to the status of the public realm improvement projects in Ennis Town Centre, in that the Parnell Street upgrade project and the Regeneration of the Lane and Bow-Ways project have been substantially completed. However, I do not consider that descriptive text in relation to potential works at Abbey Street is appropriate for inclusion in the County Development Plan. The location of future of public realm upgrade works, and the detailed nature of same, would be more appropriately considered in the preparation of the forthcoming Ennis and Environs Local Area Plan.

In the interest of consistency and by way of update I propose a non-material update to the text in Section 1.8.1 ‘Strategic Aims for Public Realm and Built Environment’ of Volume 3a Ennis of the Draft Plan, which is set out in my recommendation below.

### Chief Executive’s Recommendation

I recommend that the Draft Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to Section 1.8 of Volume 3a Ennis of the Draft Clare County Development Plan 2023-2029, as displayed.

I recommend a non-material update to make the following deletion (in blue strikethrough) in Section 1.8.1 ‘Strategic Aims for Public Realm and Built Environment’ of Volume 3a Ennis of the Clare County Development Plan:

~~Parnell Street and the Regeneration of the Lane and Bow Ways Parnell Street forms a spine connecting O’Connell Square to Mill Road and together with their network of 17 lanes, they connect the river frontage to the Market Area. A public realm scheme is currently underway for this area with considerable progress on Parnell Street.~~



## Submission No: S3/123 – Clare District Soccer League

### Summary of Issues Raised in Submission

The submission relates to lands at Ballaghboy, Doora in Ennis currently zoned as 'Agriculture' in the Clare County Development Plan 2017-2023 (as varied) and proposed to be zoned for 'Recreation', by way of a proposed material alteration in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029.

This follows a submission made on behalf of the Clare District Soccer League to the Draft Clare County Development Plan 2023-2029 which sought to have lands zoned as 'Agriculture' rezoned to 'Recreation' to facilitate the development of additional pitches.

The submission supports the zoning in the proposed Material Alteration to the Draft Clare County Development Plan 2023-2029 and asks that it will be ratified by Clare County Council.

The submission also requests that the lands zoned 'Recreation (REC1)' be extended by rezoning land zoned as 'Buffer Space' to the west to allow for the provision of 2 no. 80m x 110m pitches.

### Chief Executive's Response

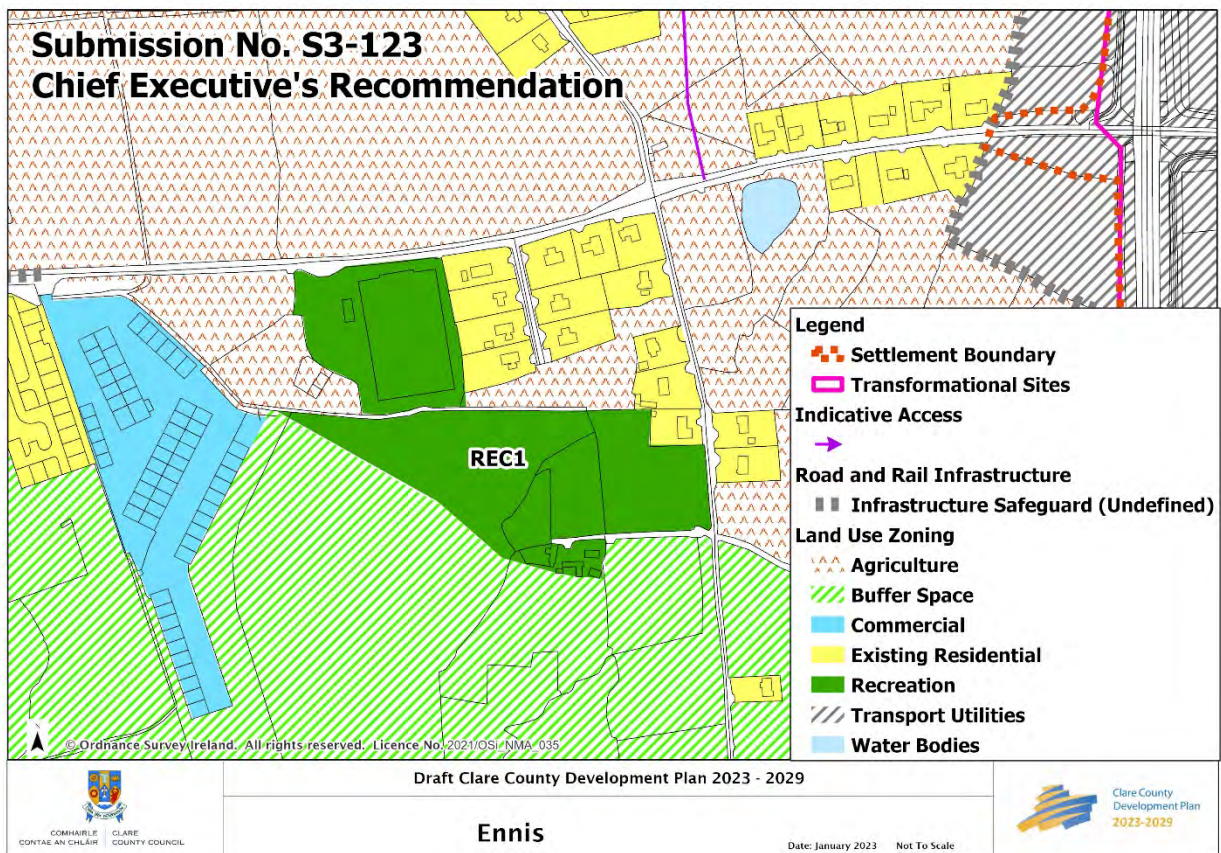
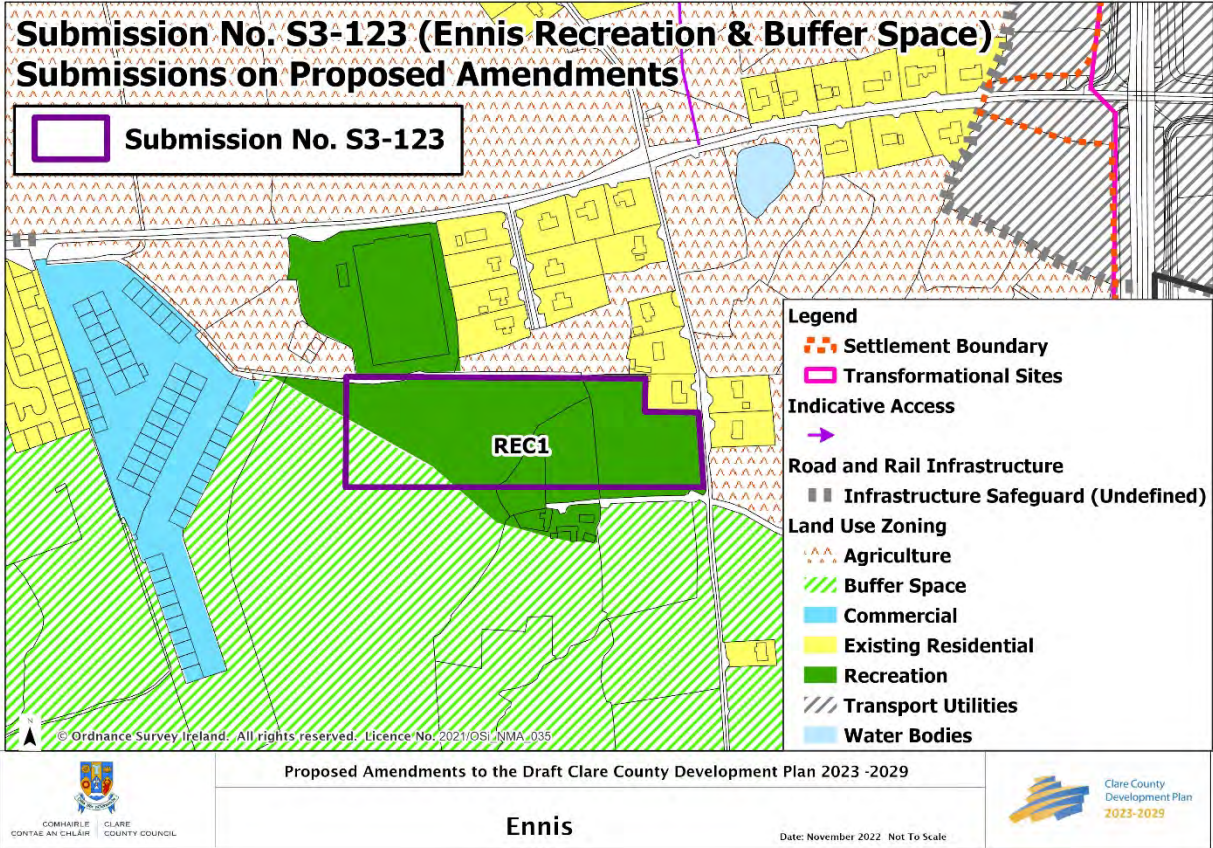
I wish to thank P Coleman & Associates for their submission, made on behalf of Clare District Soccer League. I acknowledge their support for the proposed Material Alteration to lands at Ballaghboy, Doora, which was recommended in the Chief Executive's Report of July 10<sup>th</sup> 2022, in response to the submission by the Clare District Soccer League (S2/932) at Draft Plan stage. I advise that the plan should be made with this proposed Material Alteration.

With regard to the request to zone additional lands identified in the Draft Plan as 'Buffer Space', I wish to advise that the most recent round of public consultation in the County Development Plan process was to obtain submissions in relation to the Proposed Amendments to the Draft Clare County Development Plan 2023-2029. The request to rezone lands zoned as 'Buffer Space' to 'Recreation' does not relate to any proposed material alteration contained in the Proposed Amendments to the Draft Plan. Only submissions relating to a proposed material alteration can be considered by the Planning Authority at this stage in the development plan process, in accordance with Section 12(7)(b) of the Planning and Development Act 2000, as amended.

### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to lands at Ballaghboy, Doora, as displayed.

There is no further recommendation arising from this submission.



## Submission No: S3/128 – Cllr. Johnny Flynn

### Summary of Issues Raised in Submission

The submission supports the proposal for an Ennis Bus service and is related to the proposed Material Alteration to Section 1.6.1 in Volume 3a of the Draft Clare County Development Plan 2023-2029 in relation to “Strategic Aims for Ennis Town Centre”. It requests the following two portions of text for inclusion within Section 1.6.1.

1. Add at the end of *“To support the delivery of a parking strategy....., and park and stride sites”* the following *“and Park and Ride sites.”*
2. *“to support the planning and design for the construction of the essential related on-street bus service infrastructure, such as the up to 70 necessary bus stops to ensure its in place to support the quality and usability of the service by the end of 2024”*

### Chief Executive’s Response

I wish to thank Cllr. Johnny Flynn for the submission and respond as follows:

1. The submission concerns the proposed Material Alteration to Section 1.6.1 in Volume 3a of the Draft Clare County Development Plan and suggests a modification to the proposed Material Alteration. I consider that the addition of text regarding Park and Ride sites is an appropriate addition to the ‘Strategic Aims for Ennis Town Centre’ since the aim to which it will apply is “to support the delivery of a parking strategy for Ennis to consider parking options in the town centre and beyond which allows the Town Centre to be a pedestrian friendly area”. The additional text will facilitate the consideration of potential Park and Ride sites in the wider Ennis area. I agree with the suggested modification and will set it out in my recommendation below.
2. The submission also seeks that text regarding the construction of bus service infrastructure (including bus stop infrastructure) is added to the ‘Strategic Aims for Ennis Town Centre’. I consider that the Strategic Aims for Travel and Mobility, set out at Section 1.9.1 of Volume 3a of the Proposed Amendments to the Draft Clare County Development Plan 2023-2029 provide adequate policy support for bus service infrastructure, particularly the following Aim:

To support and facilitate improvements to public transport services and infrastructure in the settlement area including the delivery of Ennis Local Bus Service;

Consequently, there is no recommendation arising from this part of the submission.

### Chief Executive’s Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to Volume 3a Strategic Aims for Ennis Town Centre, as displayed, **subject to a minor modification as follows** (in blue text):





To support the delivery of a parking strategy for Ennis to consider parking options in the town centre and beyond which allows the Town Centre to be a pedestrian friendly area. To provide parking at convenient locations including a mixture of existing surface parking, multi-storey car parks, ~~and~~ park and stride sites, and park and ride sites.

## Submission No: S3/139 – Drumquin Construction Limited

### Summary of Issues Raised in Submission

The submission relates to lands at Anstand Gaurus/Ballymacahill on the Tulla Road in Ennis currently zoned as ‘Low Density Residential’ in the Clare County Development Plan 2017-2023 (as varied) and proposed to be zoned for ‘Residential’, by way of a proposed material alteration in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029.

This follows a submission made by MKO on behalf of Pdraig Howard to the Draft County Development Plan which sought to have lands zoned as ‘Strategic Residential Reserve’ rezoned to ‘Residential’.

The submission supports the zoning in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029 and ask that it will be supported by Clare County Council.

The submission also notes the inclusion of a new Buffer Space on the lands which extends as far north as, but excludes, the existing road and bridge culvert developed under P99/232.

The submission mentions the presence of a connecting sewer line south of the culvert installed as part of P99/232. This connecting sewer line will link sites R8 and R12 to the Tulla Road. In order to complete this link, the Buffer Space would need to stop circa 10m south of the bridge culvert. Alternatively, the written statement could be amended to allow for critical service links to be allowed within the Buffer Space once it can be demonstrated through mitigation measures that there would be no adverse effects on the Lower River Shannon SAC.

### Chief Executive’s Response

I wish to thank Drumquin Construction Limited for the submission. I acknowledge their support for the proposed Material Alteration to lands at Anstand Gaurus/Ballymacahill, which was recommended in the Chief Executive’s Report of July 10<sup>th</sup> 2022, in response to the submission by MKO on behalf of Pdraig Howard (S2/804) at Draft Plan stage.

I note the presence of a connecting sewer line, the requirement to complete the service link between sites R8 and R12 and the request to amend the text of the written statement to allow for such services within the Buffer Zone on these lands.

I also note MA Recommendation 9 – Flood Risk Management set out in the Office of the Planning Regulator’s (OPR) submission (S3/012) that having regard to NPO 57, RPO 3.10, and to the provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), the planning authority is required to make the Plan (Volumes 3a, 3b and 3d) without the proposed Material Alteration on the subject lands.

I acknowledge the comments of the OPR in relation to the proposed Material Alteration to include substantial changes to zoning at Anstand Gaurus/Ballymacahill. A Plan Making Justification Test (included as Appendix 4 to this Chief Executive’s Report) has been applied and satisfied for this proposed Material Alteration.

I refer to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission S2/804, which relates to these lands and note that the site subject to the proposed Material Alteration is a brownfield site which would allow for compact growth within the town of Ennis. In the Chief Executive’s Report the proposed zoning change to ‘Residential’ was considered appropriate as it would assist the Council in ensuring that there is a sufficient quantum of land zoned in the Plan to accommodate the allocated population growth for Ennis Town and Environs for the plan period 2023-2029.

I further note that the development of these lands would extend the public sewer to such a point whereby an existing older unserviced housing development would be able to connect into the network resulting in an environmental gain for the town. Therefore, in accordance with the recommendation on the original submission to the Draft Plan, I recommend that the Plan be made with the proposed Material Alteration to the Draft Plan.

It is also appropriate to update the associated site-specific objective ‘R12 Anstand Gaurus/Ballymacahill’ in line with the submission as received and to reflect the Plan Making Justification Test (included as Appendix 4 to this Chief Executive’s Report) concerning this proposed Material Alteration.

### Chief Executive’s Recommendation

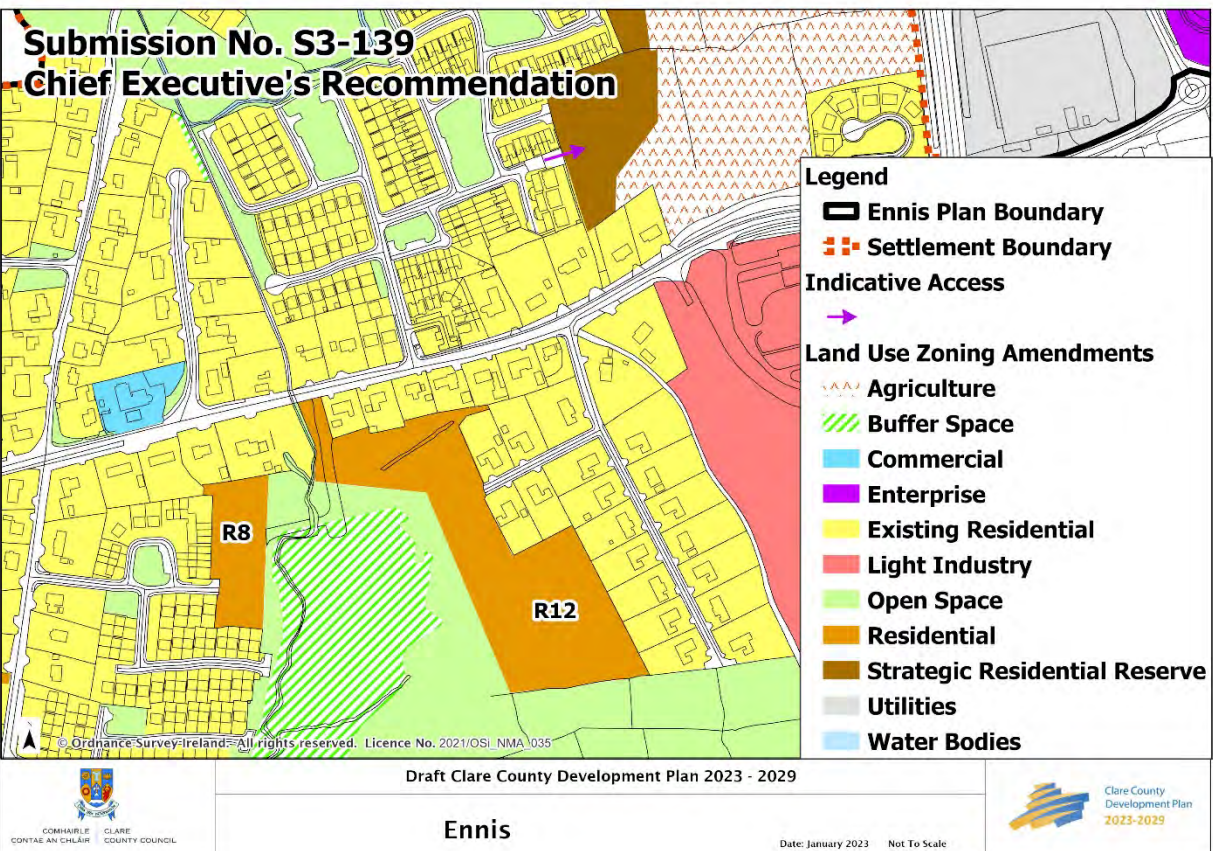
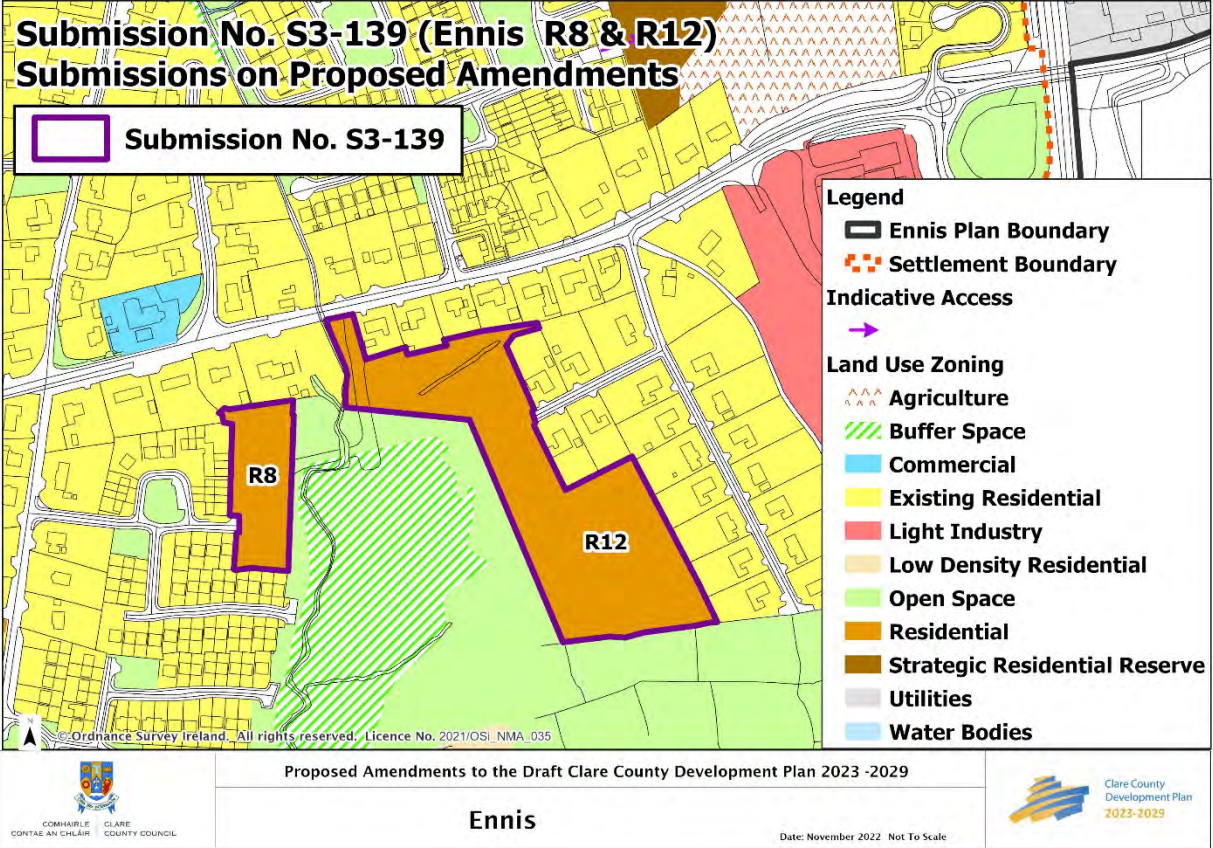
I recommend that the Clare County Development Plan 2023-2029 2029 (Volume 3a Ennis Municipal District) is made **with** the proposed Material Alteration to change the zoning from Strategic Residential Reserve (SR4) to Residential (R12), as displayed, **subject to a minor modification** (in blue text with text in blue ~~striketrough~~ representing a deletion from the proposed Material Alteration), as follows:

#### R12 Anstand Gaurus/Ballymacahill

Any future development of this site should be accompanied by an Ecological Assessment together with Screening for Appropriate Assessment specifically addressing the habitats present on the site and their connectivity downstream to the Gaurus Floodplain and the Lower River Shannon cSAC through the River Fergus. Should these lands be brought forward in accordance with CDP19.2, this site will accommodate residential development of high-quality design and layout. No development shall occur unless a Surface Water Management Plan, including actions for its implementation, is submitted and approved as part of the planning application. The Management Plan shall protect the adjoining open space and Buffer Space which contains Wet willow-alder-ash woodland (WN6), Other artificial lakes and ponds (FL8), Reed and large sedge swamp (FS1) together with areas of scrub. This site is largely within Flood Zone C but there is some minor encroachment onto Flood Zone B as flood water backs up from the ~~southwest~~ northeast (see maps contained in Strategic Flood Risk Assessment in Volume 10(c) of this Plan). A fully detailed Stage 3 Flood Risk Assessment shall form part of any planning application for development at this site, to inform the extent of flood risk zones. Vulnerable development shall not be located within Flood Zones A and B and roads access shall be within Flood Zone C. CFRAM must also be consulted for climate change levels. ~~The area of the site which lies within Flood Zone B should be excluded from development and utilised as Open Space within any proposed development. No development should take place within the area zoned as Buffer Space between SR4 and R8 and~~



R12 excluding that associated with the installation of critical service links for the connecting sewer line. The environmental assessments associated with the development of R12 and R8 should take this infrastructure into consideration in preparing the assessments ~~given the connectivity between this area and the Lower River Shannon cSAC.~~



### Submission No: S3/140 – Drumquin Construction Ltd.

#### Summary of Issues Raised in Submission

The submission relates to lands at Knockanean near Ennis currently zoned as ‘Low Density Residential’ in the Clare County Development Plan 2017-2023 (as varied) and proposed to be zoned for ‘Low Density Residential’, by way of a proposed material alteration in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029.

This follows a submission made by MKO on behalf of Pdraig Howard to the Draft Clare County Development Plan 2023-2029 which sought to have lands zoned as ‘Open Space’ rezoned to ‘Low Density Residential’.

The submission supports the zoning in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029 and ask that it will be supported by Clare County Council.

#### Chief Executive’s Response

I wish to thank Drumquin Construction Ltd. for their submission.

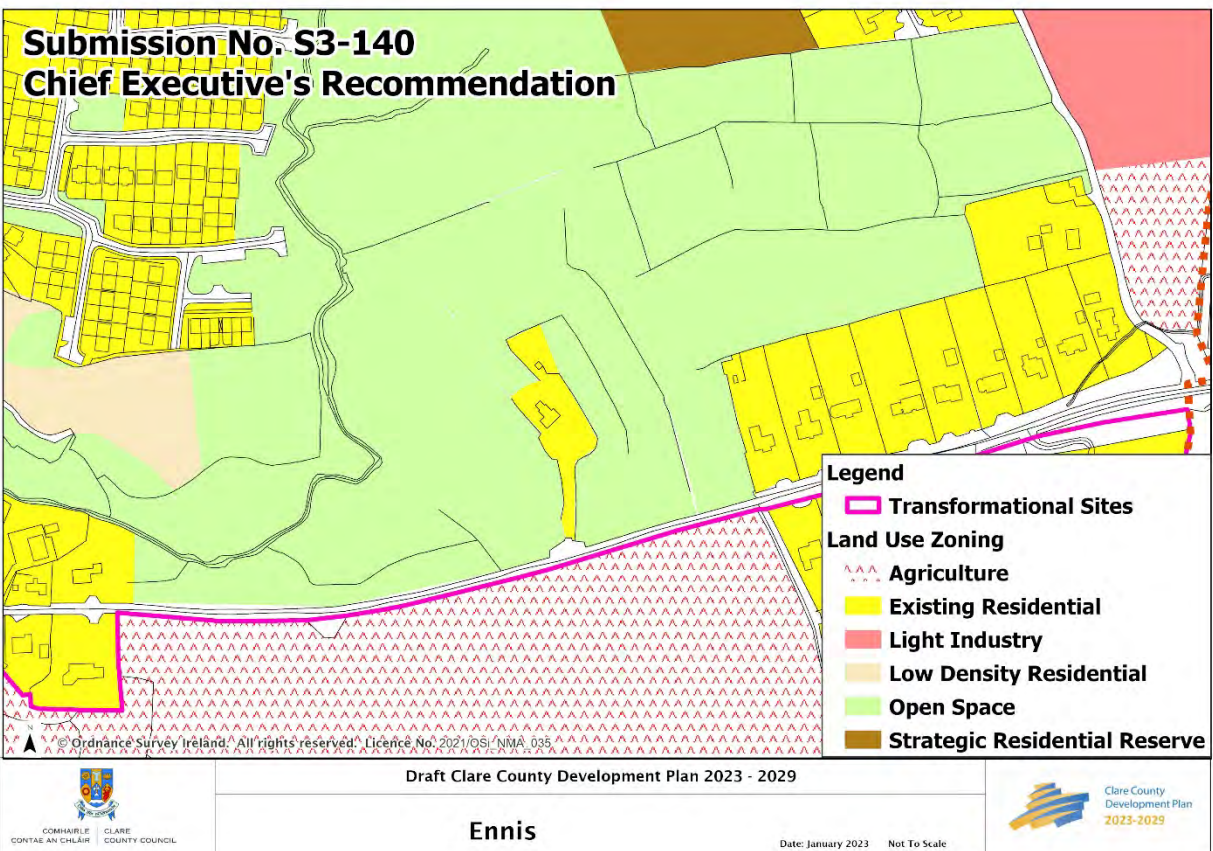
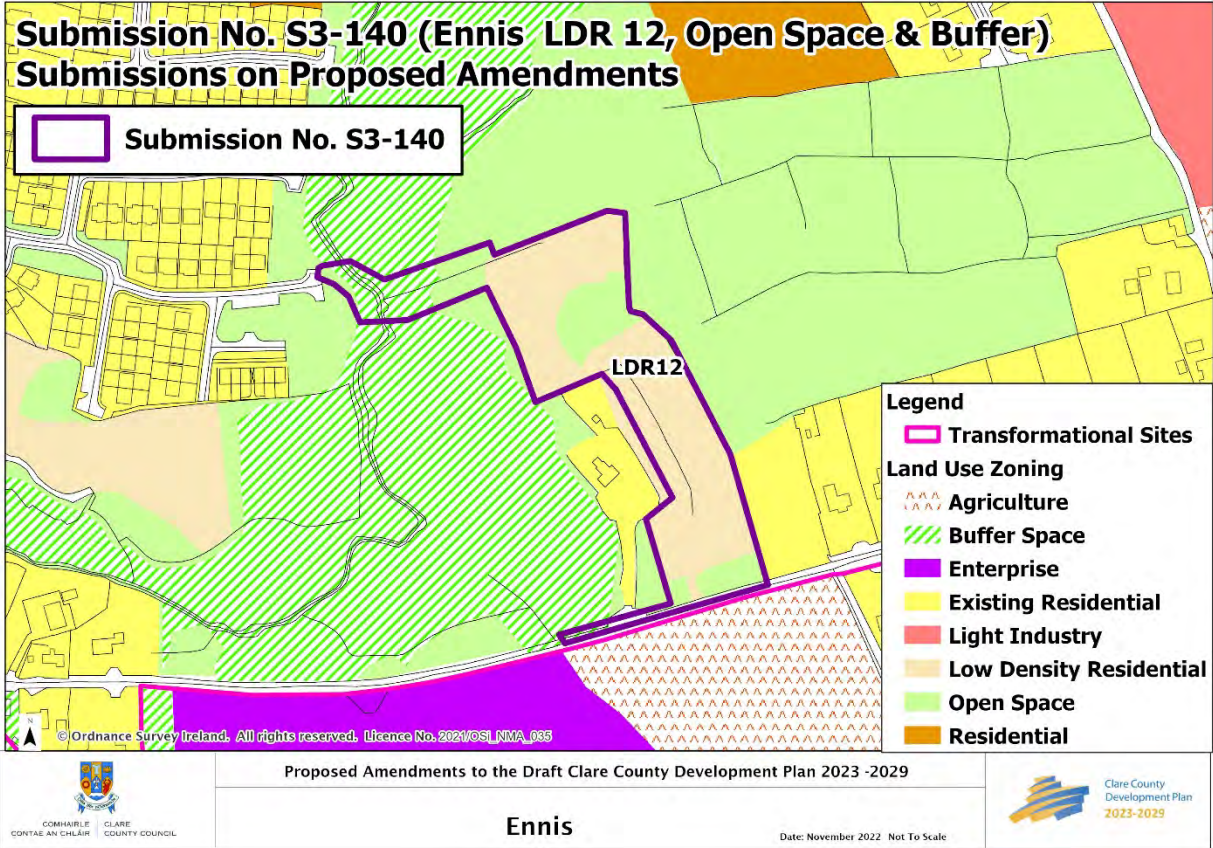
I acknowledge their support for the proposed Material Alteration to the subject lands at Knockanean.

I also note MA Recommendation 9 – Flood Risk Management set out in the Office of the Planning Regulator’s (OPR) submission, S3/012 that having regard to NPO 57, RPO 3.10, and to the provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), the planning authority is required to make the Plan (Volumes 3a, 3b and 3d) **without** the proposed Material Alteration on the subject lands.

Having regard to the above, I consider it is appropriate to retain the Open Space zoning objective on the subject lands as identified in the Draft Plan.

#### Chief Executive’s Recommendation

I recommend the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to lands in Knockanean, as displayed.





### Submission No: S3/142 – Drumquin Construction Ltd

#### Summary of Issues Raised in Submission

The submission relates to lands at Roslevan, Ennis which are currently zoned as ‘LDR18 – Low Density Residential’ and ‘Buffer Space’ in the Clare County Development Plan 2017-2023 (as varied).

The lands were zoned as ‘LDR5 – Low Density Residential/Buffer Space’ in the Draft Clare County Development Plan 2023-2029.

The submission requests that an area (c. 0.2ha) of the Buffer Space which lies adjacent to land zoned as ‘LDR18 - Low Density Residential’ and has the benefit of active planning permission P19/244 and P21/639 is rezoned to ‘Low Density Zoning’ as it is expected to contain 3 no. houses, a road and services granted under the previously mentioned planning applications.

The submission seeks to protect and retain the residential zoning on site to facilitate the development and completion of the schemes as granted, which is imminent.

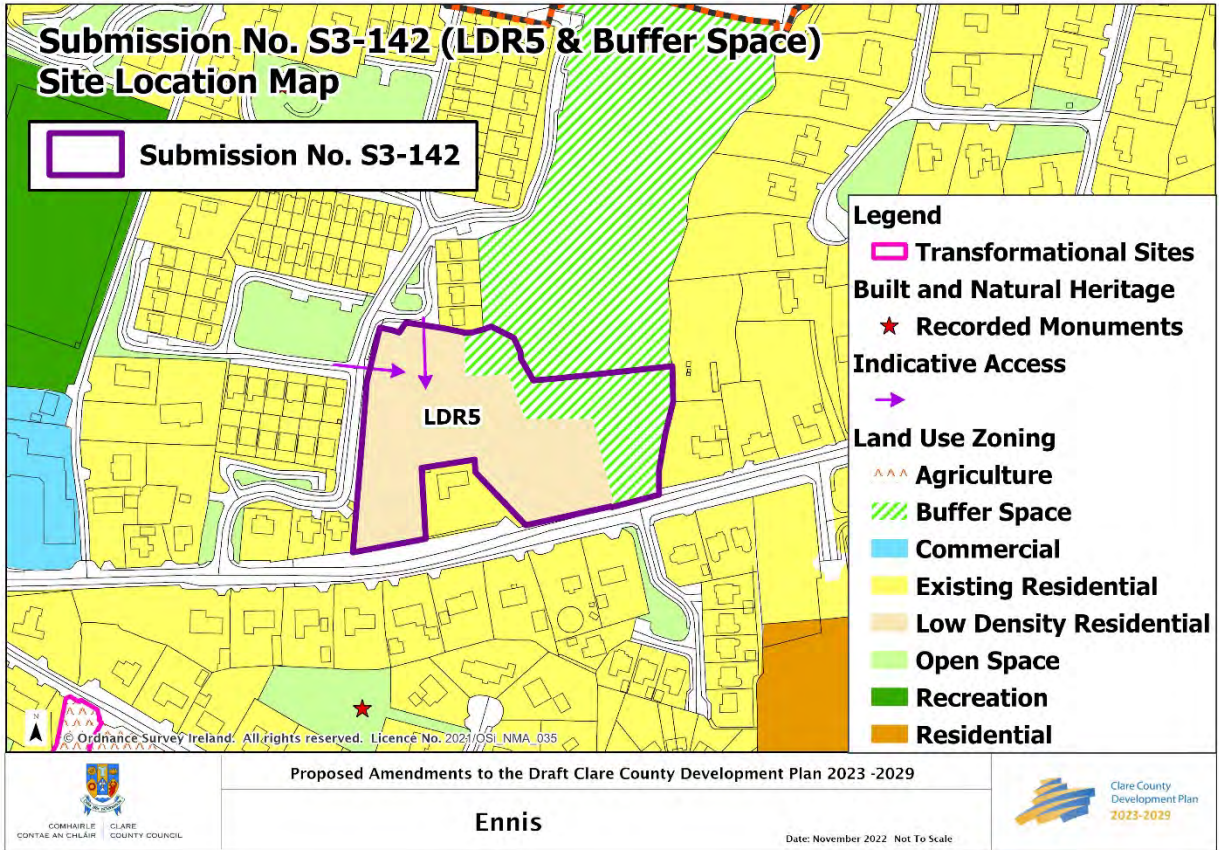
#### Chief Executive’s Response

I thank Drumquin Construction Ltd. for their submission in relation to the Proposed Amendments to the Draft County Development Plan 2023-2029 in relation to lands at Roslevan. As the lands referred to are not subject to a proposed material alteration to the Draft County Development Plan, I must advise that the change to zoning as requested cannot be recommended/accommodated at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.

#### Chief Executive’s Recommendation

There is no recommendation arising from this submission.





**Submission No: S3/144 Robert and Anne Hanrahan, Leonard and Rosaleen Kelleher**

**Summary of Issues Raised in Submission**

The submission relates to two contiguous parcels of land at Ballybeg, Ennis. A map of each has been included. The lands are zoned in the Draft Clare County Development Plan 2023-2029 as Agriculture.

In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, a portion of part of one land parcel has been zoned Residential (R20) and a portion of the other land parcel is zoned R17, also Residential, by way of a proposed material alteration.

This follows submissions (S2/671 & S2/802) to the Draft Plan which sought to zone the overall lands Residential.

The submission opposes the residential zoning of the lands in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029.

**Chief Executive's Response**

I wish to thank Robert and Anne Hanrahan & Leonard and Rosaleen Kelleher for their submission.

The submission opposes the change of zoning of sections of the lands from Agriculture to Residential (R17 & R20) by way of a proposed material alteration in the proposed Amendments to the Draft Clare County Development Plan 2023-2029. I acknowledge their opposition to the proposed Material Alteration to lands at Ballybeg, Ennis, which formed part of the Members' Resolution made on October 20th 2022.

In its submission (S3/012) the Office of the Planning Regulator (OPR) make requirements (MA2 & MA10) that the Development Plan should be made without the Proposed Amendments to the Ennis Settlement Plan which concern:

- the R20 lands and the change from "Agriculture to Residential (c.1.8ha)";
- the R17 lands and the change from "Agriculture to Residential (c.4.5ha)".

I note the issues of concern relating to the R17 site in Ennis, regarding service capacity constraints, non-sequential growth being contrary to compact growth and alignment with the core strategy. I refer to my previous Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/671 which relates to these lands, and I note the issues raised concur with those raised by the OPR in their submission (S3/012). Contrary to the recommendation it was agreed by resolution to zone part of the lands 'Residential' as a proposed material alteration to the Draft Plan. In addition, I note from the appropriate assessment (aa) of this proposed Material Alteration that it states that the potential for adverse effects on the Newhall Edenvale Complex SAC cannot be ruled out. I therefore advise that in accordance with the Habitats Directive and specifically Article 6(3) and the recommendation on the submission to the Draft Plan, that the Plan be made without this proposed Material Alteration, including all text changes related to it.

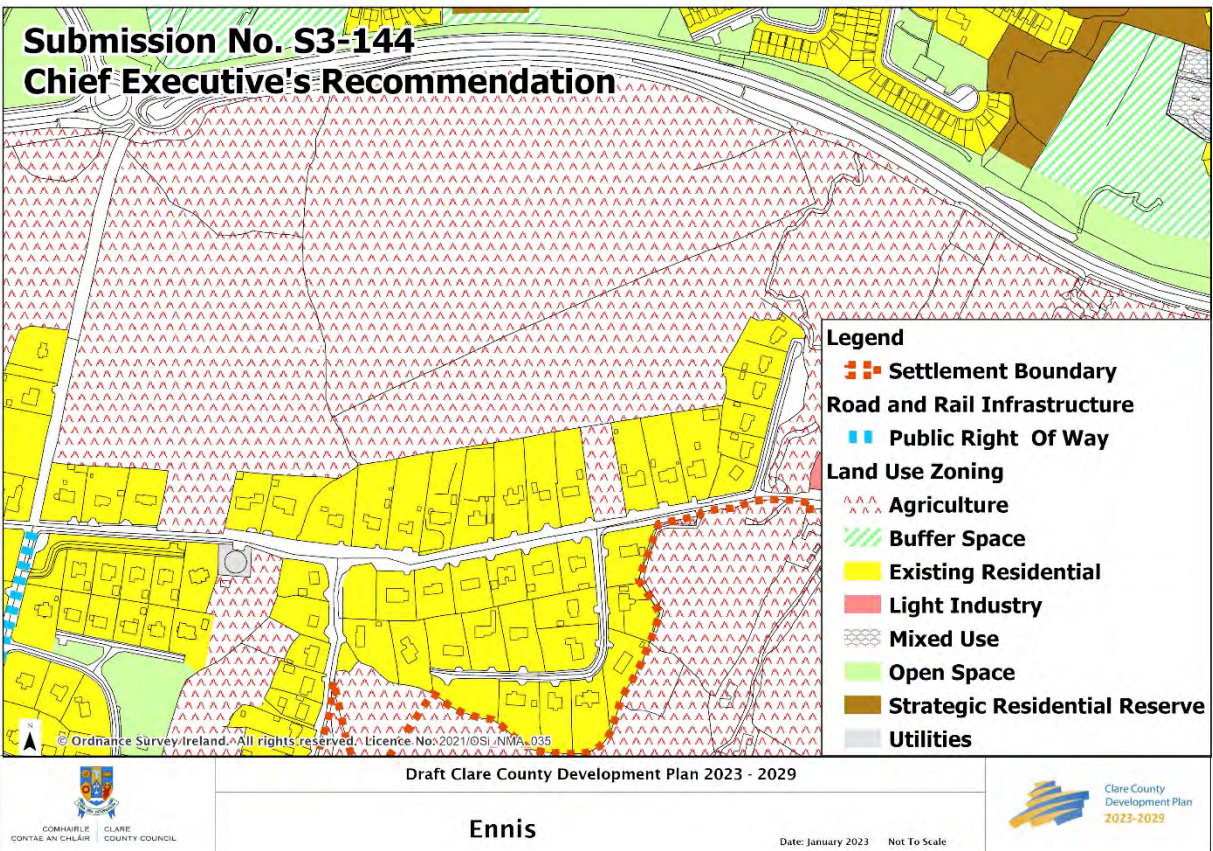
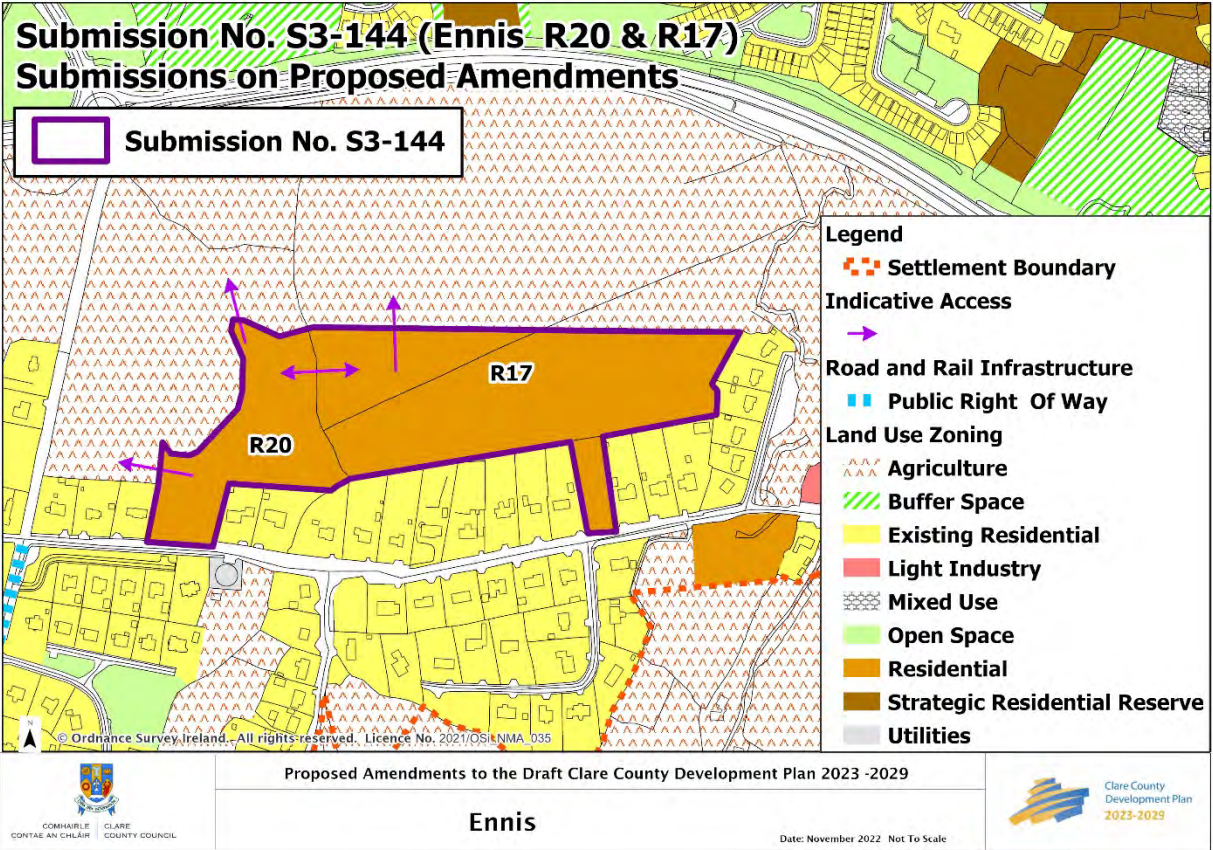
I note the issues of concern relating to the R20 site in Ennis, regarding service capacity constraints, contrary to sequential and compact growth and alignment with the core strategy. I refer to my previous Chief Executive's Report (10<sup>th</sup> July 2022), and the response to submission S2/802 which relates to these lands, and note the issues raised concur with those raised by the OPR in their submission (S3/012). Contrary to the recommendation of the Chief Executive it was agreed by resolution to zone part of the lands 'Residential' as a proposed material alteration to the Draft Plan. In addition, I note from the appropriate assessment (aa) of this proposed material alteration that it states that any development within this site would result in loss of mapped foraging habitat and/or disturbance to foraging areas which would be contrary to the Conservation Objectives of the Newhall and Edenvale Complex. I therefore advise that in accordance with the Habitats Directive and specifically Article 6(3) and the recommendation on the original submission to the Draft Plan, that the Plan should be made without this proposed Material Alteration, including all text changes related to it.

I note that the submission also opposes a request contained within submission S3/028 that the lands identified as Agriculture in the Draft Clare County Development Plan 2023-2029, and adjacent to the R20 zoning, be zoned residential. These lands are not the subject of the Proposed Material Alteration to R20. I consider that the submission does not relate to a proposed material alteration to the Draft Clare County Development Plan 2023-2029 and therefore is not open for consideration.

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Volume 3a, Ennis Municipal District Settlement Plans) be made **without** the proposed Material Alterations, as displayed, to the following:

- Ennis – land zoned Agriculture to be zoned Residential (R17),
- Ennis – land zoned Agriculture to be zoned Residential (R20).



## Submission No: S3/145 – Cllr. Johnny Flynn

### Summary of Issues Raised in Submission

The submission relates to lands to the west of Páirc na Coille in Cahercalla currently zoned ‘Residential’ in the Clare County Development Plan 2017-2023 (as varied).

The subject lands were zoned as ‘Strategic Residential Reserve’ in the Draft Clare County Development Plan 2023-2029. In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, the southern part of the site is to be rezoned as ‘Residential’, by way of a proposed material alteration.

The submission from Cllr. Flynn includes the following points:

- Without this site the proposed quantum of zoned residential in the Draft Clare County Development Plan throughout Ennis is more than adequate under the Core Strategy’s population growth targets.
- Retaining the subject lands as open space or buffer space would assist in achieving the Draft Clare County Development Plan Objective 4.1 “To support Ennis in releasing its full potential in grey, green and blue infrastructure”.
- It would also assist in achieving Draft Clare County Development Plan Objective 15.1 regarding Biodiversity “To identify ecological buffer zones, where appropriate, in the Plan area”.
- The amended Draft Clare County Development Plan regarding Site R23 states “This site is located less than 1km from a known bat roost”. Any residential zoning and subsequent development on this combined sit would be contrary to draft Clare County Development Plan Objectives 15.12(a), (b) and (d) regarding “Biodiversity and Habitat Protection”.
- ‘Open Space’ or ‘Buffer Space’ zoning of this site would assist in achieving Draft Clare County Development Plan Objective 15.14 in preventing “Habitat Fragmentation and Green Infrastructure Corridors”.
- The wooded site provides an essential ‘carbon sink’ in this urban area. It also assists with the air quality in particular at this location close to the EPA Air Quality sampling station at Waterpark House that during cold still winter evenings demonstrates very poor air quality.

### Chief Executive’s Response

I wish to thank Cllr. Johnny Flynn for the submission. I acknowledge the request for the site originally zoned as SR8, and changed to SR8 and R23 by way of a material alteration to the Draft Plan, to be changed to either buffer or open space.

I note the points raised by Cllr. Flynn in the submission with respect to the benefits zoning this area as Buffer or Open Space would have on the immediate surroundings and the town of Ennis together with the achievement of a number of the CDP Objectives with respect to biodiversity and air quality.

I also note the information submitted as part of submission no’s S3/043, S3/063 & S3/091 and in

particular the Veon and Ecofact Reports which have been taken into consideration in responding to this submission.

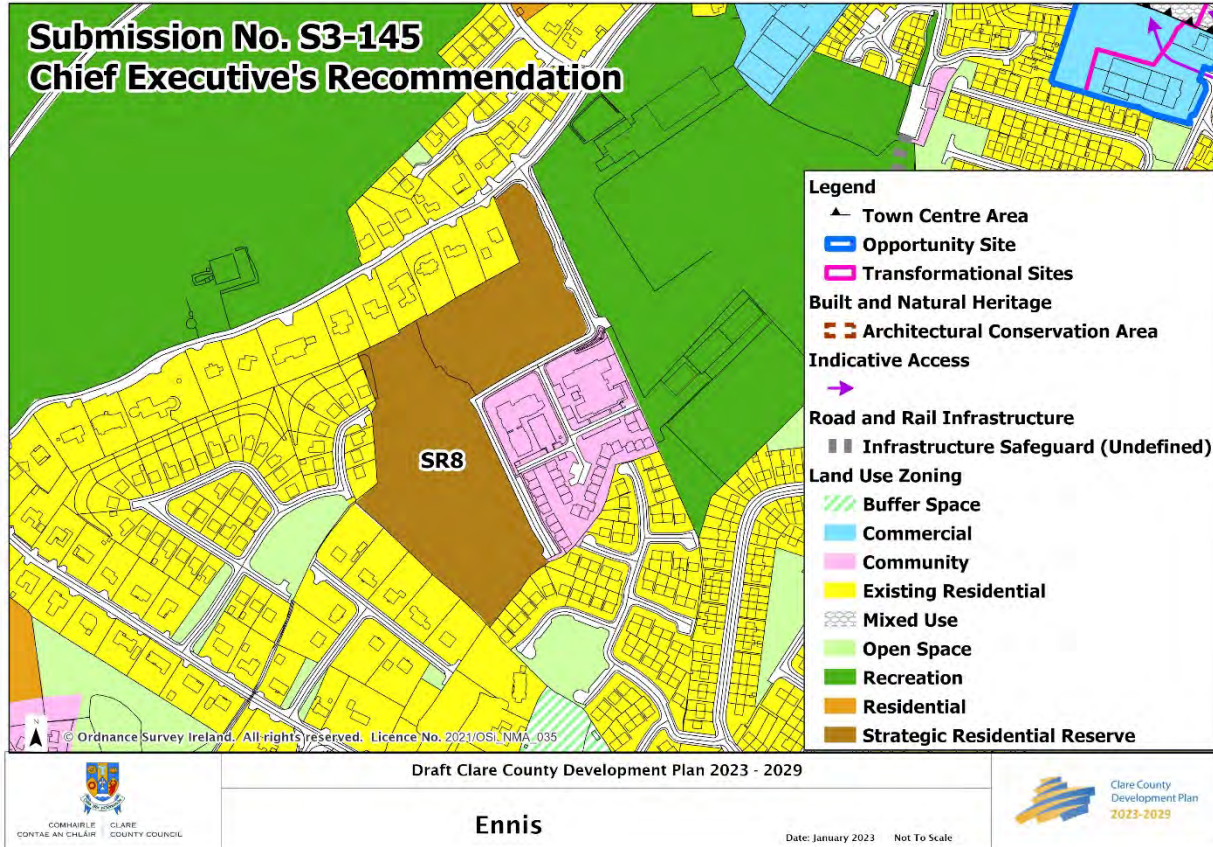
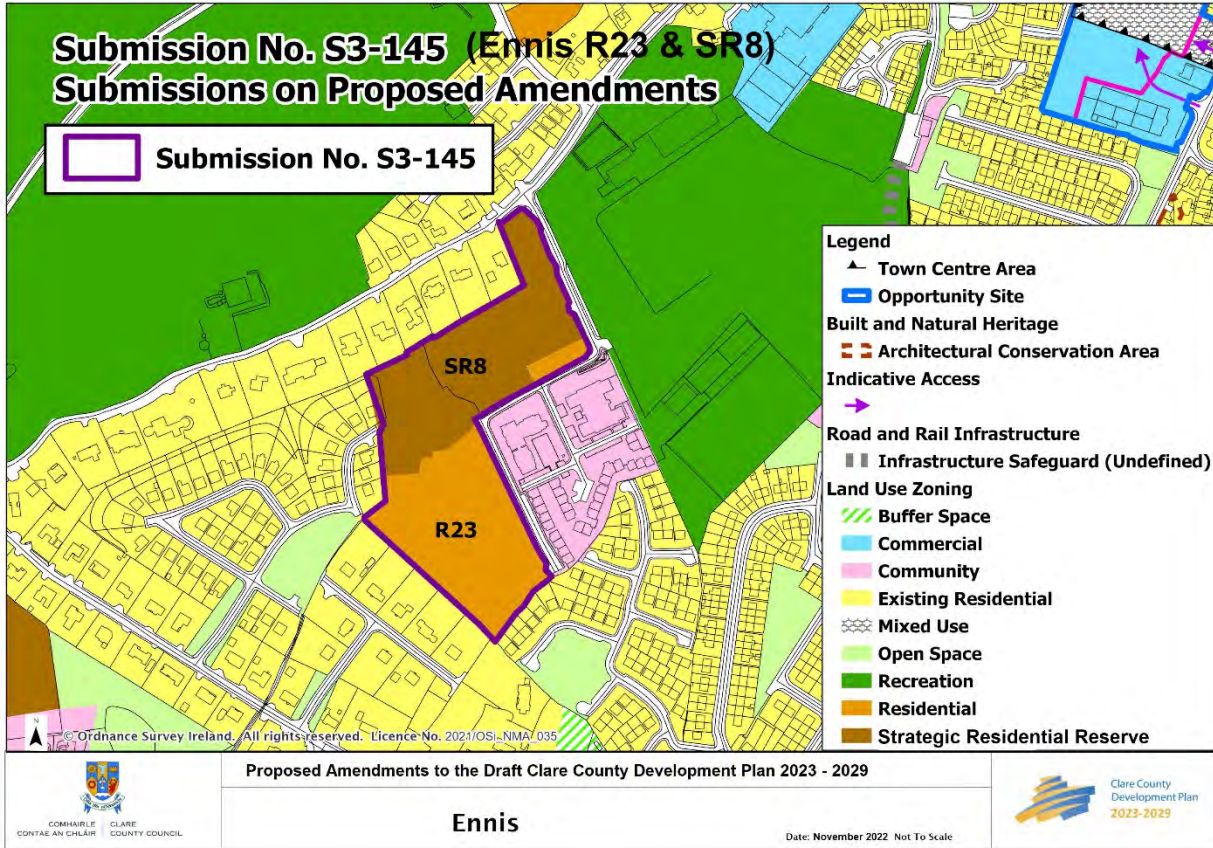
The lands are located within the 2.5km foraging range of lesser horseshoe bats for Newhall and Edenvale Complex SAC and lies just outside of the 2.5km foraging range for Pouladatig Cave SAC. NPWS have not mapped any habitat within SR8/R23 (Páirc na Coille) as foraging habitat within the conservation objectives to date (NPWS, 2018). There is however a historic (1998) NPWS record of a lesser horseshoe bat roost which overlaps SR8/R23.

The technical guidance for this site contained within the Proposed Amendments to the Draft Clare County Development Plan 2023-2029 states that *"The area of the site to the west of Park na Coille includes an attractive natural habitat which should be retained, at least in part, as open space between any new development and the existing nursing home, providing an open space buffer between the two developments. This site is located less than 1km from a known bat roost. Proposals for development on this site must be informed by an ecological assessment of the site and appropriate bat surveys and shall ensure that there is no loss of habitats used by Lesser Horseshoe Bats. Any habitat loss must be offset by additional landscape planting to ensure connectivity across the landscape. All design proposals, including lighting, must be informed by the results of the bat survey. A landscape management plan must also accompany any development proposals. Development proposals shall include mitigation for bats, water quality and Special Conservation Interest Birds, as set out in Volume 10a Natura Impact Report as it relates to R23. (NIR mitigation 2,3 and 4a)."*

It is not possible given the level of information currently available for this site to conclude a finding of no adverse effects or no significant effects on the environment, or that the zoning as R23 will not lead to negative impacts on local and internationally important bat species, including Lesser horseshoe bat. On this basis I consider that the Plan should be made without the proposed Material Alteration.

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to SR8 and R23, as displayed.





## Submission No: S3/153 – Kevin Tiernan

### Summary of Issues Raised in Submission

The submission relates to lands to the west of Páirc na Coille in Cahercalla currently zoned 'Residential' in the Clare County Development Plan 2017-2023 (as varied).

The subject lands were zoned as 'Strategic Residential Reserve' in the Draft Clare County Development Plan 2023-2029. In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, the southern part of the site is to be rezoned as 'Residential', by way of a proposed material alteration.

The submission relates to the Cahercalla Stream which is culverted and runs under the subject lands:

- The Cahercalla Stream flows from Cahercalla Lough under the Cahercalla Road into Willsgrove. From there it is piped under Willsgrove's green area through Willsgrove and onwards down through a culvert under the subject lands to the front of the Páirc na Coille Retirement Village. From there it runs for a short distance in the open air to the bend of the Páirc na Coille access road where it discharges underground through a grill which is regularly blocked by leaves resulting in the road flooding at that location on the Páirc na Coille access road and the adjoining Ennis Rugby Club's land. The culvert is also used for stormwater/surface water from Willsgrove.
- If development is permitted on the land surrounding this culvert, the overflow stormwater from this culvert will have nowhere to go and will result in this back-flooding of Willsgrove's surface water drainage system and, consequently, the flooding of Willsgrove.
- The submission further states that should An Bord Pleanála reverse the granting of permission for Planning Ref. No. P21/599 that the site is rezoned as 'Strategic Residential Reserve' or 'Habitat'.

### Chief Executive's Response

I thank Mr. Tiernan for his submission in relation to the proposed Material Alterations to the Draft Clare County Development Plan 2023-2029 in relation to lands west of Páirc na Coille. I note his comments regarding the culverted Cahercalla Stream and concerns in relation to potential flooding risk to Willsgrove.

I note the submission outlines the potential residual flood risk from a small unmapped watercourse (Cahercalla Stream), that has been substantially culverted. Residual risk would appear to be from potential blockage at an inlet screen by Páirc na Coille near the boundary with the Rugby Club.

I note Section 4.3 of the Strategic Flood Risk Assessment (Volume 10c) sets out the general approach for unmapped watercourses where, in these cases, it is the responsibility of the applicant to undertake an appropriately detailed Flood Risk Assessment and to then apply the sequential approach as the Plan Making Justification Test has not been satisfied in these cases.

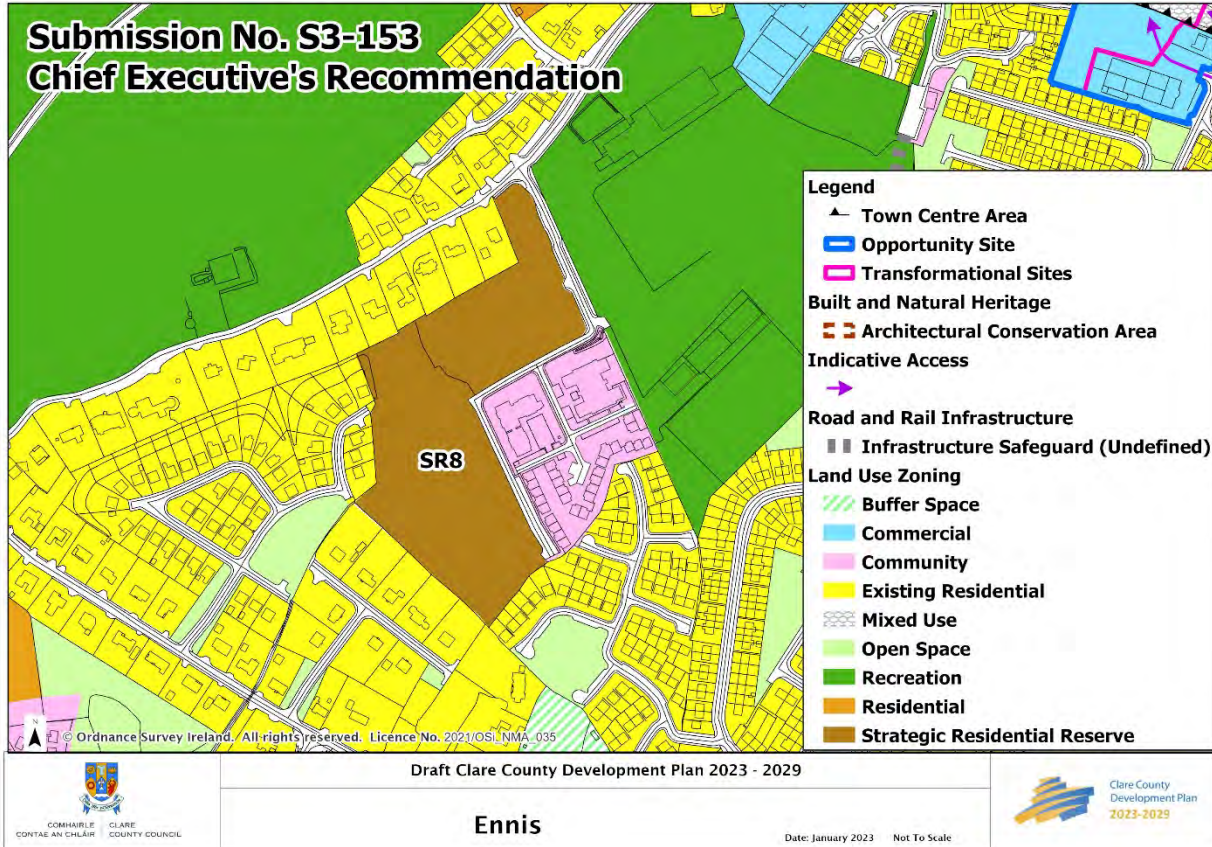
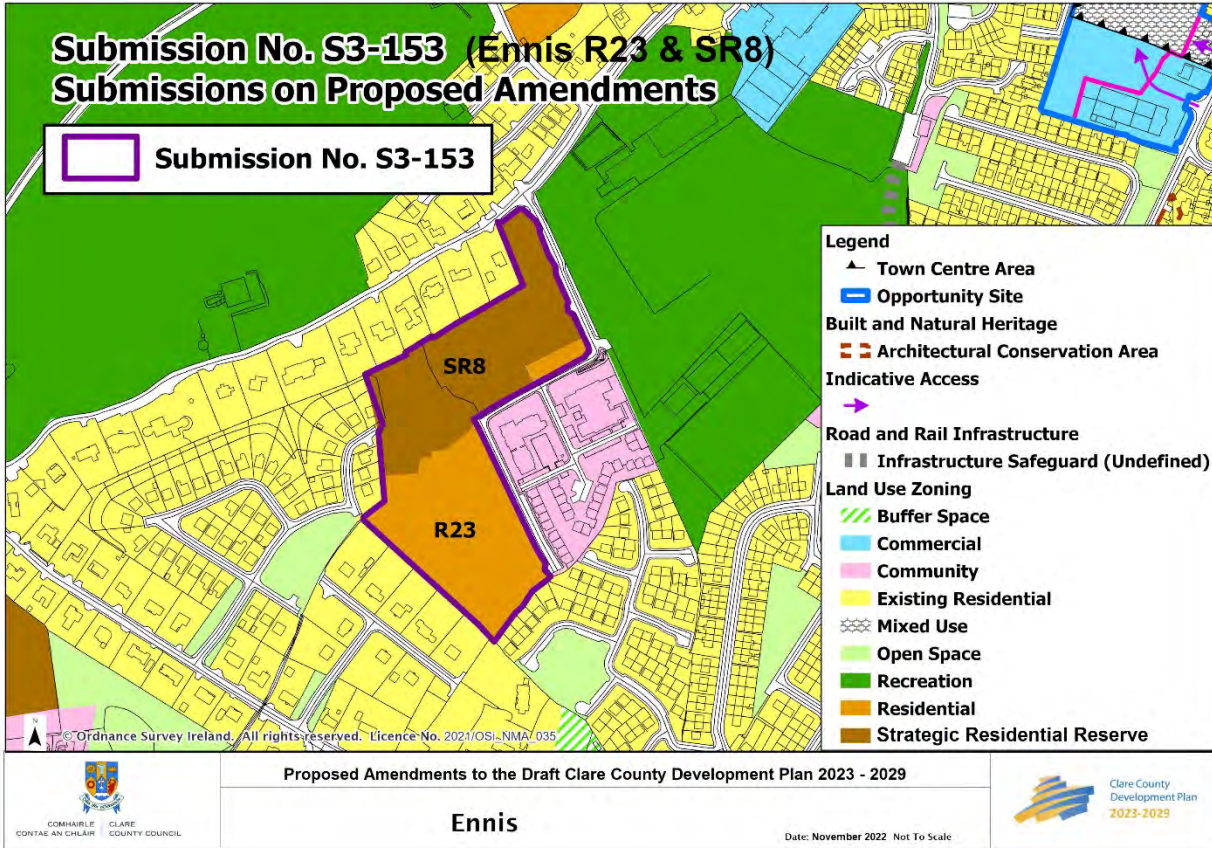




In relation to the final point of the submission regarding the zoning of these lands and the proposed Material Alteration to change it from Strategic Residential Reserve (SR8) to Residential (R23), I refer to my response to Submission S3/043 which also relates to this proposed Material Alteration and I recommend zoning these lands as Strategic Residential Reserve (SR8) and that the Plan is made without the proposed Material Alteration to change the zoning to Residential (R23).

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to change the zoning from Strategic Residential Reserve (SR8) to Residential (R23), as displayed.



## Submission No: S3/156 – Michael & Mairéad Neylon

### Summary of Issues Raised in Submission

The submission relates to lands to the west of Páirc na Coille in Cahercalla currently zoned 'Residential' in the Clare County Development Plan 2017-2023 (as varied).

The subject lands were zoned as 'Strategic Residential Reserve' in the Draft Clare County Development Plan 2023-2029. In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, the southern part of the site is to be rezoned as 'Residential', by way of a proposed material alteration.

The submission relates to the Cahercalla Stream which is culverted and runs under the subject lands:

- The Cahercalla Stream flows from Cahercalla Lough under the Cahercalla Road into Willsgrove. From there it is piped under Willsgrove's green area through Willsgrove and onwards down through a culvert under the subject lands to the front of the Páirc na Coille Retirement Village. From there it runs for a short distance in the open air to the bend of the Páirc na Coille access road where it discharges underground through a grill which is regularly blocked by leaves resulting in the road flooding at that location on the Páirc na Coille access road and the adjoining Ennis Rugby Club's land. The culvert is also used for stormwater/surface water from Willsgrove.
- If development is permitted on the land surrounding this culvert, the overflow stormwater from this culvert will have nowhere to go and will result in this back-flooding of Willsgrove's surface water drainage system and, consequently, the flooding of Willsgrove.
- The submission further states that should An Bord Pleanála reverse the granting of permission for Planning Ref. No. P21/599 that the site is rezoned as 'Strategic Residential Reserve' or 'Habitat'.

### Chief Executive's Response

I thank Michael and Maréad Neylon for their submission in relation to the proposed Material Alterations to the Draft Clare County Development Plan 2023-2029 in relation to lands west of Páirc na Coille. I note their comments regarding the culverted Cahercalla Stream and concerns in relation to potential flooding risk to Willsgrove.

I note the submission outlines the potential residual flood risk from a small unmapped watercourse (Cahercalla Stream), that has been substantially culverted. Residual risk would appear to be from potential blockage at an inlet screen by Páirc na Coille near the boundary with the Rugby Club.

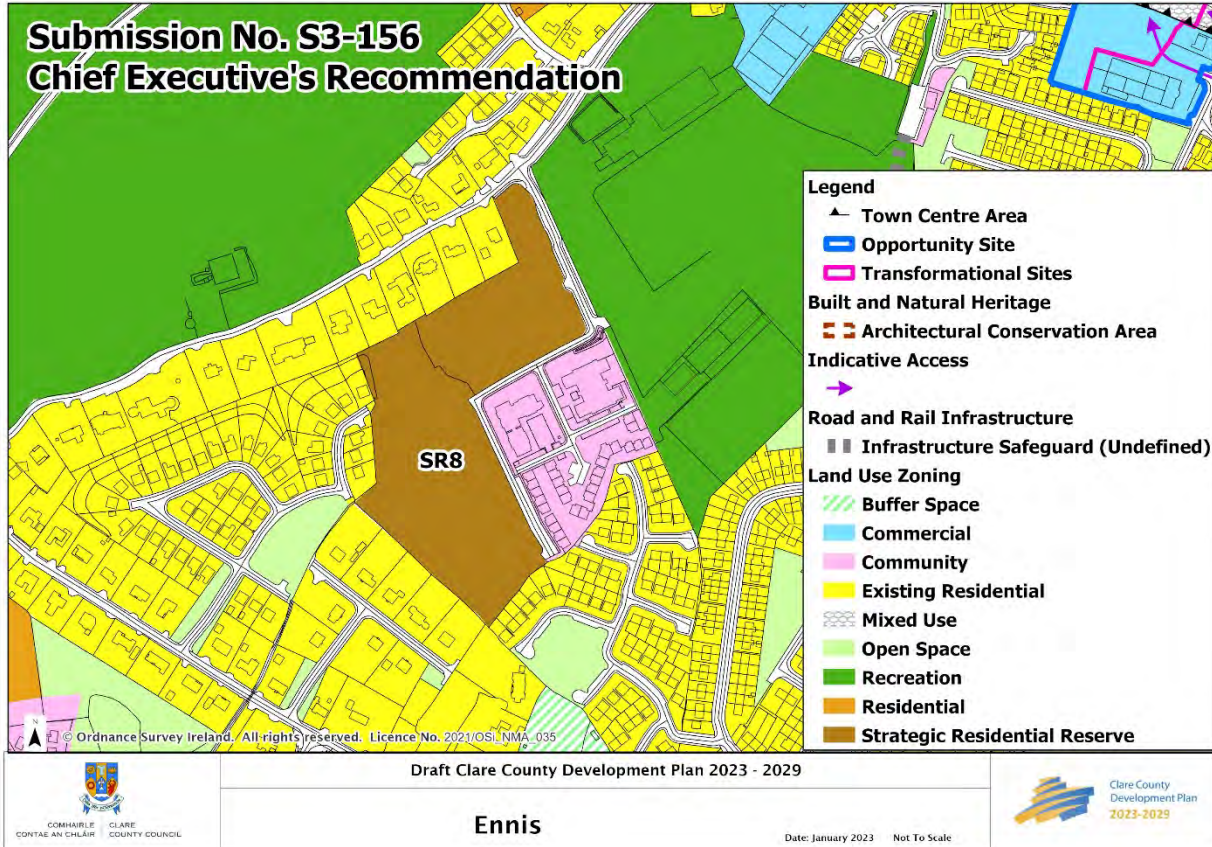
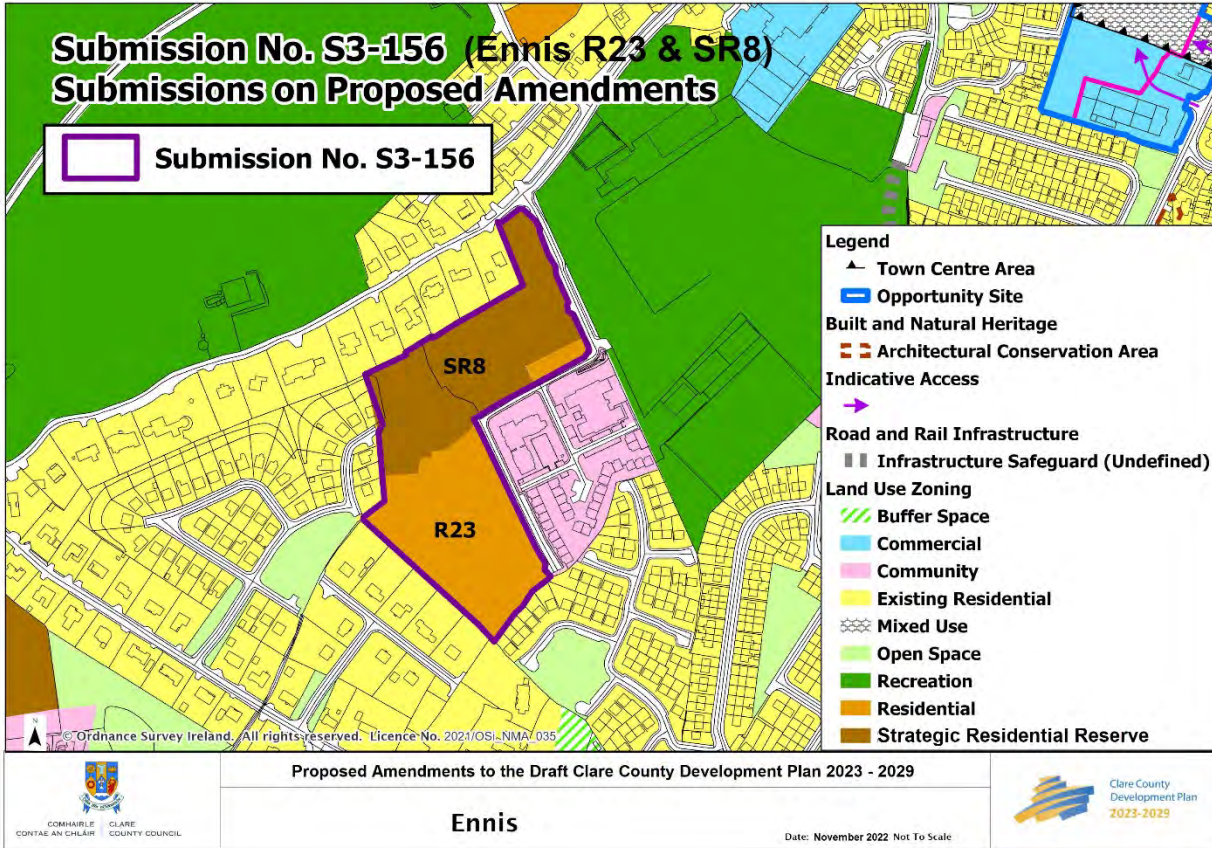
I note Section 4.3 of the Strategic Flood Risk Assessment (Volume 10c) sets out the general approach for unmapped watercourses where, in these cases, it is the responsibility of the applicant to undertake an appropriately detailed Flood Risk Assessment and to then apply the sequential approach as the Plan Making Justification Test has not been satisfied in these cases.



In relation to the final point of the submission regarding the zoning of these lands and the proposed Material Alteration to change it from Strategic Residential Reserve (SR8) to Residential (R23), I refer to my response to Submission S3/043 which also relates to this proposed material alteration and I recommend zoning these lands as Strategic Residential Reserve (SR8) and that the Plan is made without the proposed Material Alteration to change the zoning to Residential (R23).

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to change the zoning from Strategic Residential Reserve (SR8) to Residential (R23), as displayed.



## Submission No: S3/157 – Declan & Maria Hanley

### Summary of Issues Raised in Submission

The submission relates to lands to the west of Páirc na Coille in Cahercalla currently zoned 'Residential' in the Clare County Development Plan 2017-2023 (as varied).

The subject lands were zoned as 'Strategic Residential Reserve' in the Draft Clare County Development Plan 2023-2029. In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, the southern part of the site is to be rezoned as 'Residential', by way of a proposed material alteration.

The submission relates to the Cahercalla Stream which is culverted and runs under the subject lands:

- The Cahercalla Stream flows from Cahercalla Lough under the Cahercalla Road into Willsgrove. From there it is piped under Willsgrove's green area through Willsgrove and onwards down through a culvert under the subject lands to the front of the Páirc na Coille Retirement Village. From there it runs for a short distance in the open air to the bend of the Páirc na Coille access road where it discharges underground through a grill which is regularly blocked by leaves resulting in the road flooding at that location on the Páirc na Coille access road and the adjoining Ennis Rugby Club's land. The culvert is also used for stormwater/surface water from Willsgrove.
- If development is permitted on the land surrounding this culvert, the overflow stormwater from this culvert will have nowhere to go and will result in this back-flooding of Willsgrove's surface water drainage system and, consequently, the flooding of Willsgrove.
- The submission further states that should An Bord Pleanála reverse the granting of permission for Planning Ref. No. P21/599 that the site is rezoned as 'Strategic Residential Reserve' or 'Habitat'.

### Chief Executive's Response

I thank Mr. and Mrs. Hanley for their submission in relation to the proposed Material Alterations to the Draft Clare County Development Plan 2023-2029 in relation to lands west of Páirc na Coille. I note their comments regarding the culverted Cahercalla Stream and concerns in relation to potential flooding risk to Willsgrove.

I note the submission outlines the potential residual flood risk from a small unmapped watercourse (Cahercalla Stream), that has been substantially culverted. Residual risk would appear to be from potential blockage at an inlet screen by Páirc na Coille near the boundary with the Rugby Club.

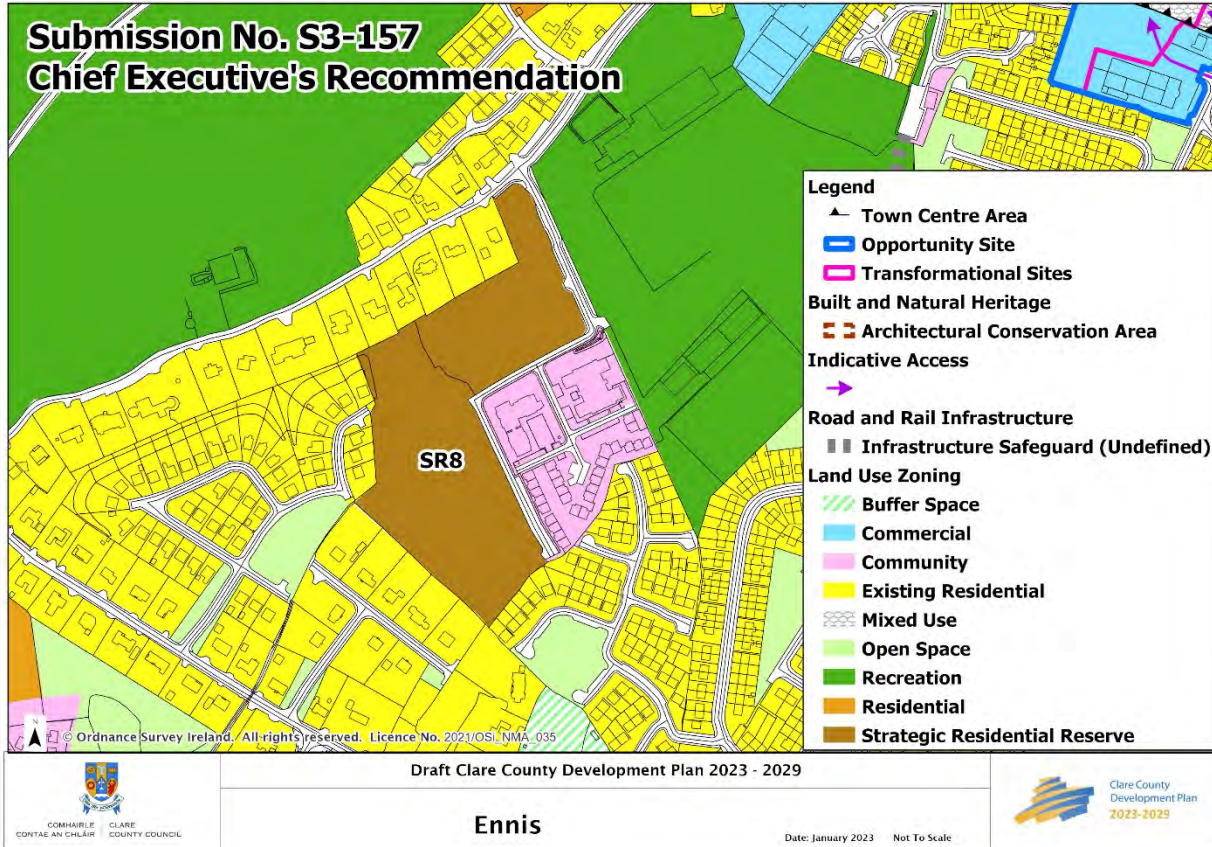
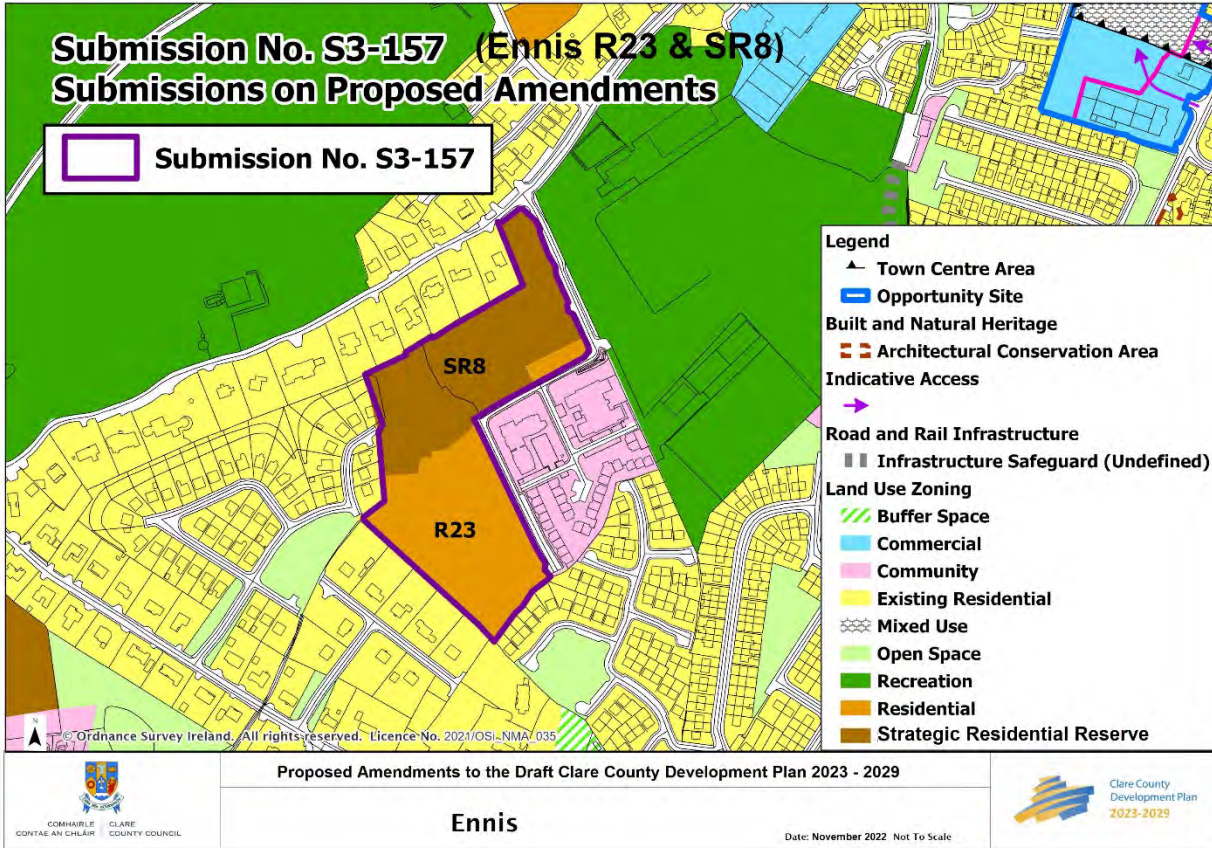
I note Section 4.3 of the Strategic Flood Risk Assessment (Volume 10c) sets out the general approach for unmapped watercourses where, in these cases, it is the responsibility of the applicant to undertake an appropriately detailed Flood Risk Assessment and to then apply the sequential approach as the Plan Making Justification Test has not been satisfied in these cases.



In relation to the final point of the submission regarding the zoning of these lands and the proposed Material Alteration to change it from Strategic Residential Reserve (SR8) to Residential (R23), I refer to my response to Submission S3/043 which also relates to this proposed Material Alteration and I recommend zoning these lands as Strategic Residential Reserve (SR8) and that the Plan is made without the proposed Material Alteration to change the zoning to Residential (R23).

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to change the zoning from Strategic Residential Reserve (SR8) to Residential (R23), as displayed.





## Submission No: S3/158 – Peter & Geraldine Moloney

### Summary of Issues Raised in Submission

The submission relates to lands at Hazel Lane in Ennis currently zoned as 'Residential' in the Clare County Development Plan 2017-2023 (as varied) and were zoned for 'Residential' in the Draft Clare County Development Plan 2023-2029.

While there is no objection to the existing/proposed zoning of the land, it is requested that any future development on site will not be accessed via Hazel Lane for the following reasons:

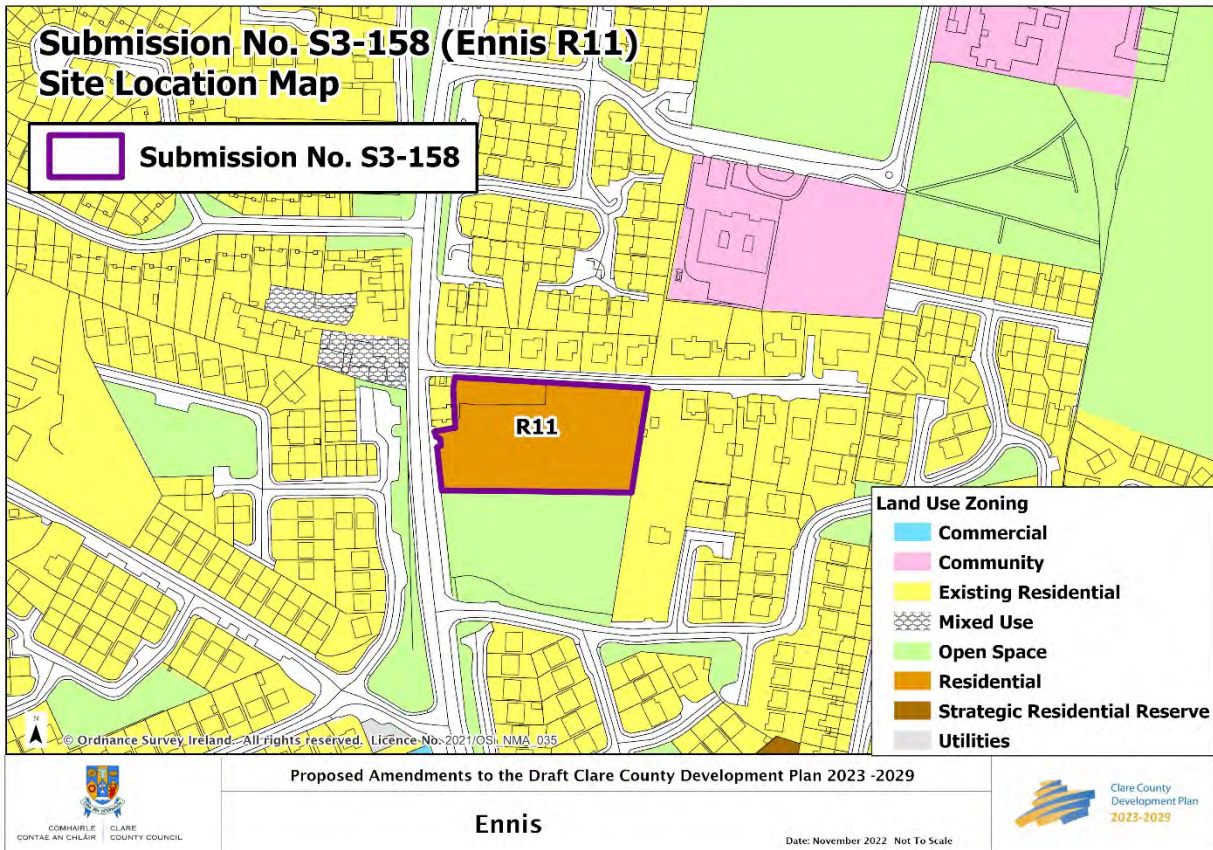
- There is already an existing wide entrance at Fernhill/Ivy Hill that can be used.
- Any increase in the width of Hazel Lane will increase traffic flow in and out of Hazel Lane.
- An entrance along the Gort Road would half the amount of traffic entering and exiting Hazel Lane and any future development.
- The safety of children who use Hazel Lane to play will be at risk.
- Proposed access on Hazel Lane will result in loss of plants and trees.

### Chief Executive's Response

I thank Peter and Geraldine Moloney for their submission which objects to the proposed access to lands zoned 'Residential (R11)' from Hazel Lane. As the lands referred to are not subject to a proposed material alteration to the Draft Plan, I must advise that the change to zoning as requested cannot be considered at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.

### Chief Executive's Recommendation

There is no recommendation arising from this submission.





## Submission No: S3/159 – Niall Tuohy & Family

### Summary of Issues Raised in Submission

The submission relates to lands at Hazel Lane in Ennis currently zoned as 'Residential' in the Clare County Development Plan 2017-2023 (as varied) and were zoned for 'Residential' in the Draft Clare County Development Plan 2023-2029.

While there is no objection to the existing/proposed zoning of the land, it is requested that any future development on site will not be accessed via Hazel Lane for the following reasons:

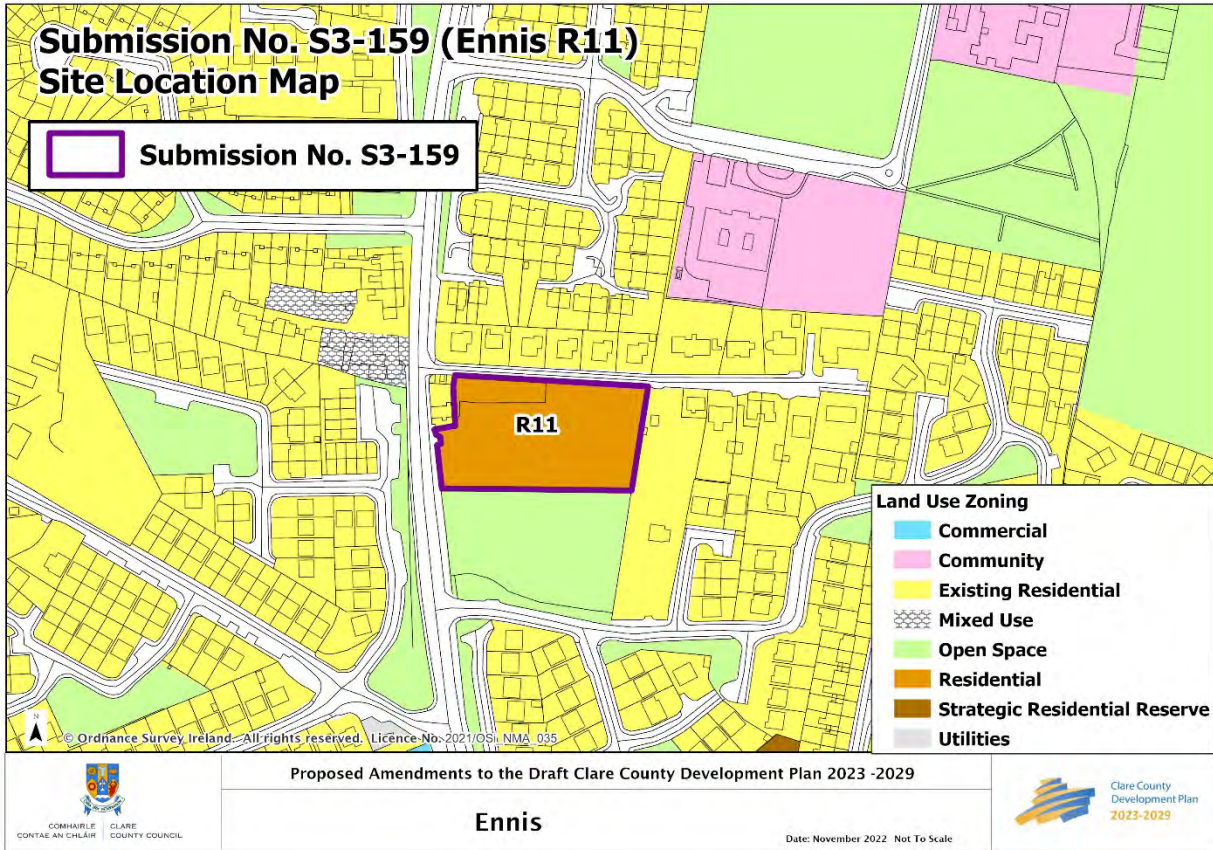
- Parents use the lane to drop children off to nearby Gaelscoil. Widening the lane will encourage more cars to accumulate here in the morning, lunchtime, and afternoon.
- The Gaelscoil have plans to expand further which will only exacerbate problems.
- There are a lot of retirees living on the lane who use it for walking and exercising. Widening the road will increase speed and make the lane more dangerous for these people living here.
- The Brothers of Charity located at the end of Hazel Lane has made the lane quite busy in recent years when staff change shifts. The lane itself is a safe haven for users of this service and any extra traffic or widening of the lane would have a huge impact on them.
- The widening of the road and the proposed widened footpath will encourage people to park on the path.
- As of now, two cars can go up and down the lane but can't take advantage of parking.
- Children use the lane to play and any extra pressure on the lane would be hazardous to children living there.
- Not opposed to housing development but as conserved with proposed entrance on Hazel Lane. An alternative entrance or existing entrance on Gort Road would be more suitable for existing residents along Hazel Lane.

### Chief Executive's Response

I thank Mr. Tuohy and his family for their submission which objects to the proposed access to lands zoned 'Residential (R11)' from Hazel Lane. As the lands referred to are not subject to a proposed material alteration to the Draft Plan, I must advise that the change to zoning as requested cannot be considered at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.

### Chief Executive's Recommendation

There is no recommendation arising from this submission.





### Submission No: S3/160 – Kate & Michael Finn

#### Summary of Issues Raised in Submission

The submission relates to lands at Hazel Lane in Ennis currently zoned as ‘Residential’ in the Clare County Development Plan 2017-2023 (as varied) and were zoned for ‘Residential’ in the Draft Clare County Development Plan 2023-2029.

While there is no objection to the existing/proposed zoning of the land, it is requested that any future development on site will not be accessed via Hazel Lane for the following reasons:

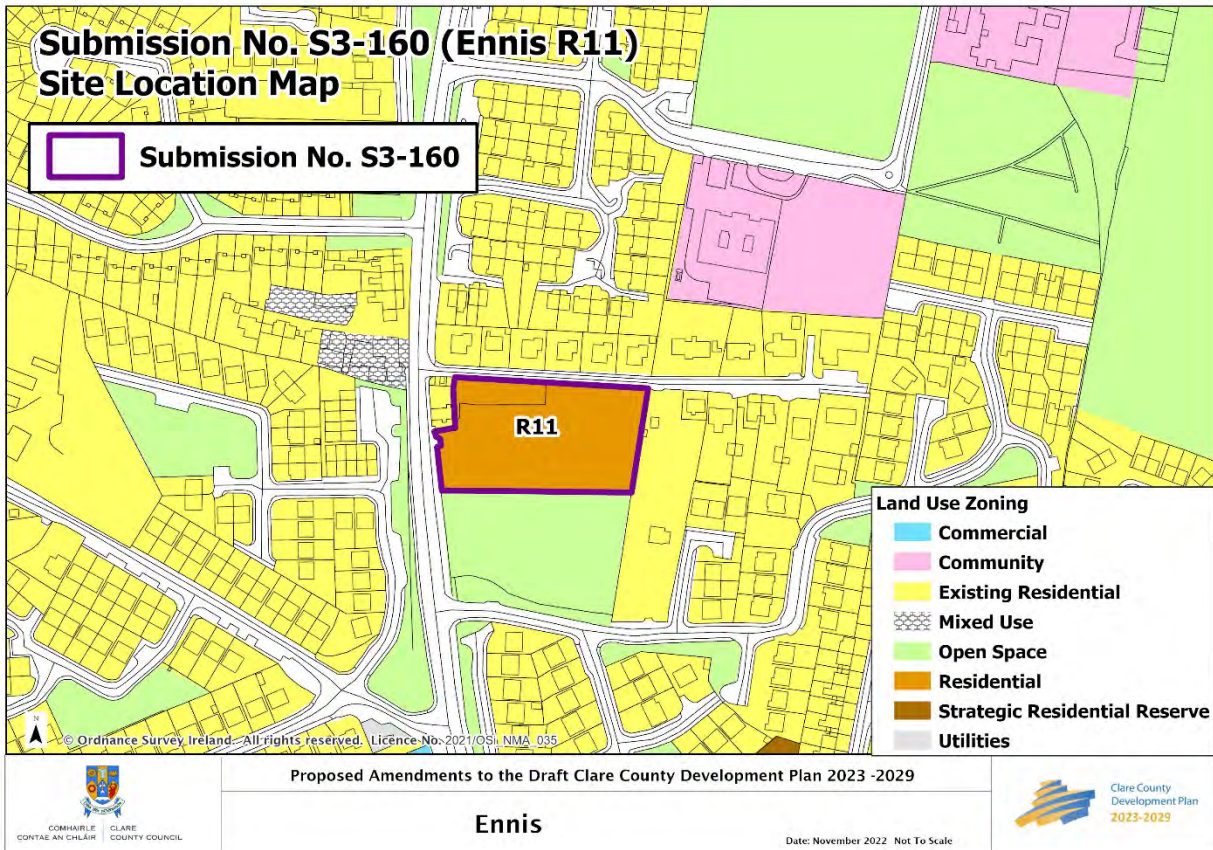
- At present, it is very difficult to turn right onto Gort Road when existing Hazel Lane due to businesses along Gort Road and nearby schools.
- An alternative access for the proposed development site should be found. There is an established wide road at Ivy Hill to the south of the site that would make more sense.
- A proposed access onto Hazel Lane will increase traffic along the lane and create a ‘bottle neck’ at the junction of Hazel Lane and Gort Road.
- The proposed access will negatively impact existing residents along Hazel Lane.

#### Chief Executive’s Response

I thank Kate and Michael Finn for their submission which objects to the proposed access to lands zoned ‘Residential (R11)’ from Hazel Lane. As the lands referred to are not subject to a proposed material alteration to the Draft Plan, I must advise that the change to zoning as requested cannot be considered at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.

#### Chief Executive’s Recommendation

There is no recommendation arising from this submission.



## Submission No: S3/161 – Sandra & Gerard Costello

### Summary of Issues Raised in Submission

The submission relates to lands at Hazel Lane in Ennis currently zoned as ‘Residential’ in the Clare County Development Plan 2017-2023 (as varied) and were zoned for ‘Residential’ in the Draft Clare County Development Plan 2023-2029.

Consideration should be given to the removal of the phrase “Vehicular access to the site shall be from Hazel Lane” for the following reasons:

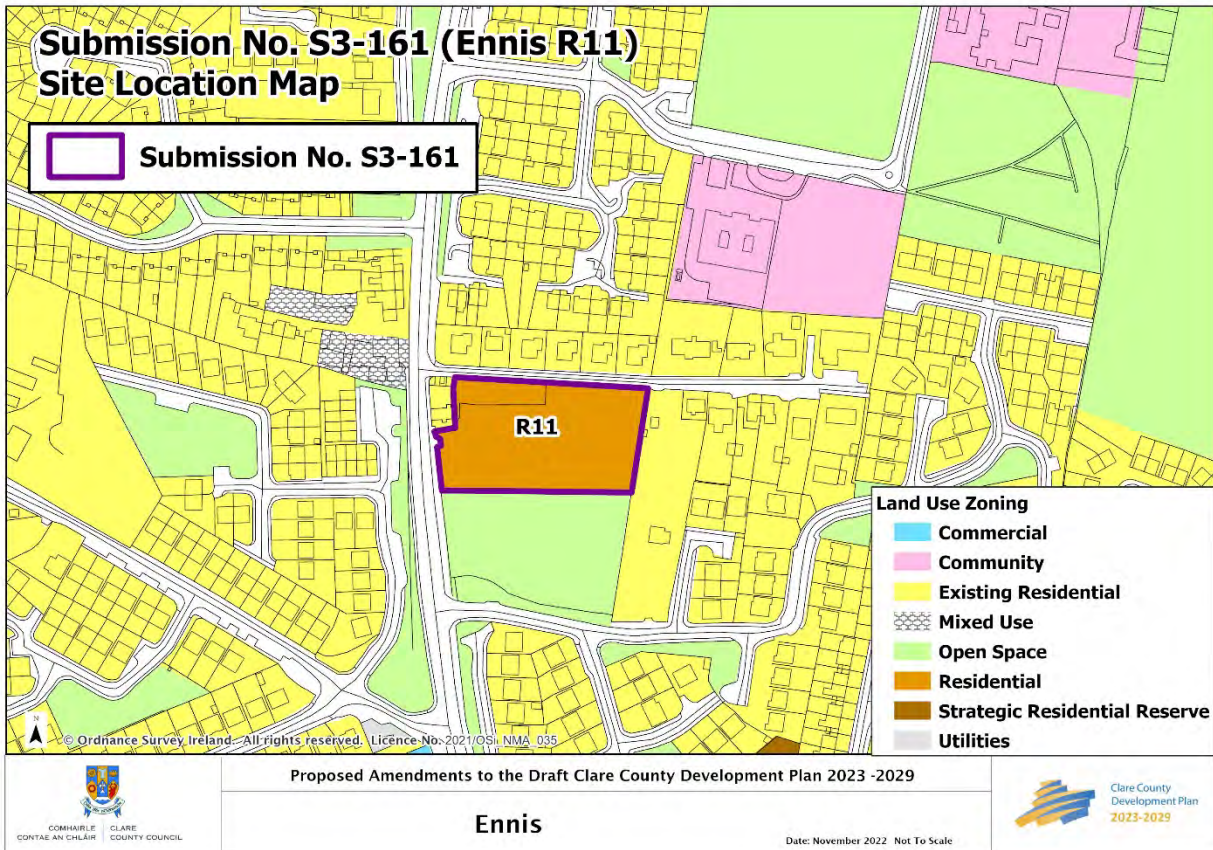
- Hazel Lane is not the only safe point for vehicular access to the site. Safe access can be provided via the Gort Road or Fernhill/Ivy Hill to the south which would prevent the unnecessary destruction of mature trees, hedgerow and limestone wall along Hazel Lane.
- The removal of mature trees, hedgerow and limestone wall will not “enhance the character of the adjoining Hazel Lane” as stated. It will also not “enrich the quality of life of local residents” which is an objective of the County Clare Development Plan in the provision of new residential developments.
- Access from any new development to Hazel Lane will result in an increase in traffic making Hazel Lane less safe and less pleasant for its residents.
- It will cause more difficulties for residents trying to exit onto the Gort Road at peak traffic times.
- The destruction of the mature trees and hedgerow would have a detrimental impact on the wildlife that inhabit these trees and hedgerow and contravenes the objective of the Development Plan to “promote the retention and conservation of existing trees and hedgerows”.

### Chief Executive’s Response

I thank Sandra and Gerard Costello for their submission which objects to the proposed access to lands zoned ‘Residential (R11)’ from Hazel Lane. As the lands referred to are not subject to a proposed material alteration to the Draft Plan, I must advise that the change to zoning as requested cannot be considered at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.

### Chief Executive’s Recommendation

There is no recommendation arising from this submission.







### Submission No: S3/162 – Bernadette McLernon

#### Summary of Issues Raised in Submission

The submission relates to lands at Hazel Lane in Ennis currently zoned as ‘Residential’ in the Clare County Development Plan 2017-2023 (as varied) and were zoned for ‘Residential’ in the Draft Clare County Development Plan 2023-2029.

While there is no objection to the proposed zoning of lands and any future housing development, the submission objects to the proposed access for future development which will be located along Hazel Lane.

The proposal to remove mature hedgerow, trees and stone wall to widen the lane will take away the little nature and wildlife that is lacking in urban areas.

The proposed widening of the lane will be overwhelming and dangerous to existing residents of Hazel Lane.

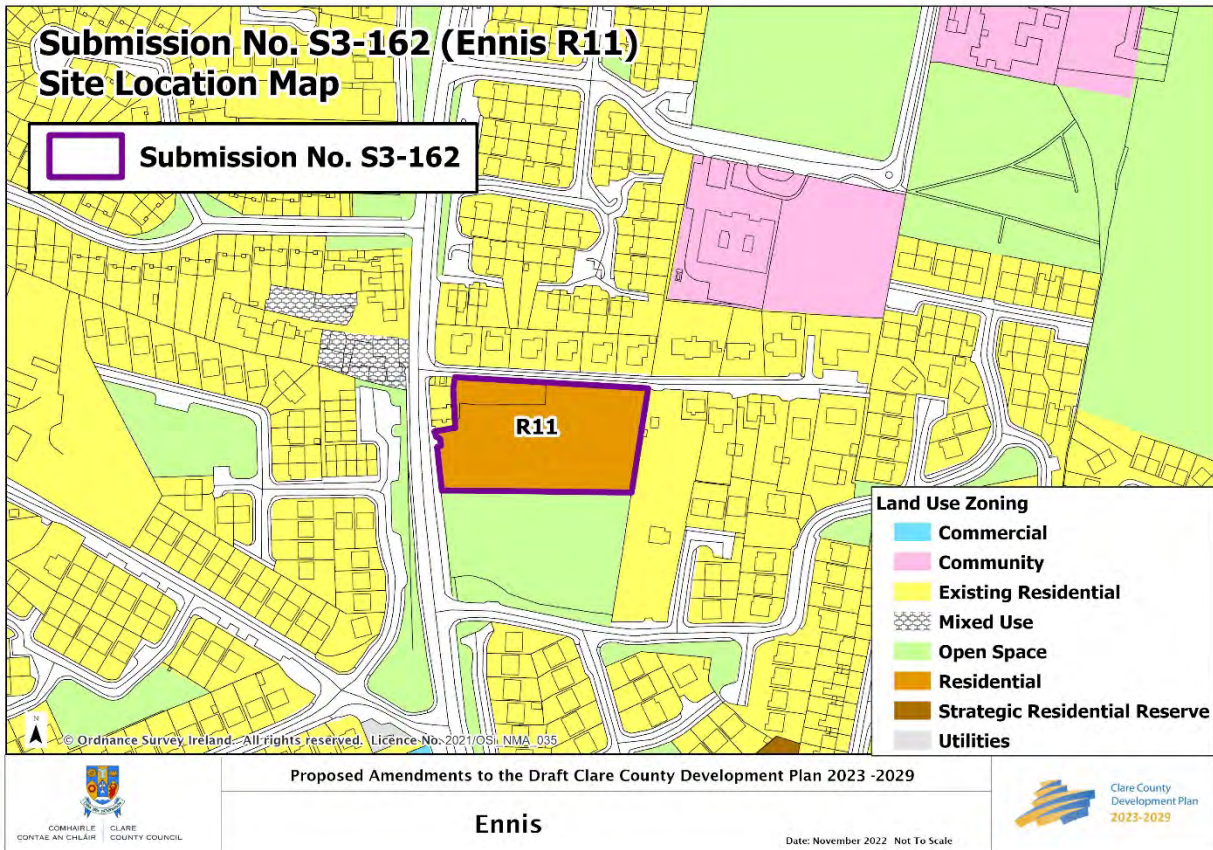
The existing access to the site on the Gort Road which previously served as a residential entrance makes more sense and should be used as access for any proposed development.

#### Chief Executive’s Response

I thank Ms. McLernon for her submission which objects to the proposed access to lands zoned ‘Residential (R11)’ from Hazel Lane. As the lands referred to are not subject to a proposed material alteration to the Draft Plan, I must advise that the change to zoning as requested cannot be considered at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.

#### Chief Executive’s Recommendation

There is no recommendation arising from this submission.





## Submission No: S3/163 – Fiona McLernon

### Summary of Issues Raised in Submission

The submission relates to lands at Hazel Lane in Ennis currently zoned as ‘Residential’ in the Clare County Development Plan 2017-2023 (as varied) and were zoned for ‘Residential’ in the Draft Clare County Development Plan 2023-2029.

The residents of Nos. 1-5 Glenina and other homes along Hazel Lane do not believe that having the vehicular access point to the proposed development from Hazel Lane will “enhance the character of the adjoining Hazel Lane”.

While there is no issue with the development on site for residential use, there are concerns about how access and boundaries may affect the laneway for the following reasons:

- To add an access road and additional traffic to the quiet laneway does not conserve or enhance the quality character of existing homes on the lane.
- A sense of privacy and proximity to nature would be lost if a development was to proceed as per the site description (access onto Hazel Lane).
- If access to the new development branches from Hazel Lane, and the laneway becomes a thoroughfare, there will be an increase in traffic that will segregate the community, particularly those living in Nos. 1-5 Glenina.
- The set-back building line together with the narrow width of the road and the height of the existing treeline creates a balanced sense of enclosure along the laneway.
- The laneway is home to all ages and abilities including the Brothers of Charity who use the laneway as a quiet and safe place to play and exercise.
- The road to the south (Fernhill/Ivy Hill) is wide enough to accommodate a controlled junction or roundabout, as well as increased traffic loading.
- A previously successful development proposed on the site had its access point branching from the road to the south.
- To remove planting along the northern boundary of the site and use the laneway as the vehicular access point would go against Objective 4.15 of the current Development Plan 2017-2023 which relates to ‘Green Infrastructure in Residential Developments’. The removal of the tree line would add to noise and air pollution.
- The laneway is not capable of serving more traffic without widening the existing road. This is problematic and would necessitate the removal of the old stone walling hedging and mature tree lines. It is already difficult to exit Hazel Lane onto the Gort Road without adding additional traffic to Hazel Lane.
- The existing narrow road reduces a motorist’s ability to move at speed. Widening of the existing road would likely result in the installation of a new footpath which would see motorists park on it, saturating the street with cars as there is no space to provide additional guest parking on Hazel Lane.
- A new junction in place of the existing site entrance along the Gort Road would be a more favourable experience for both pedestrians and motorists.

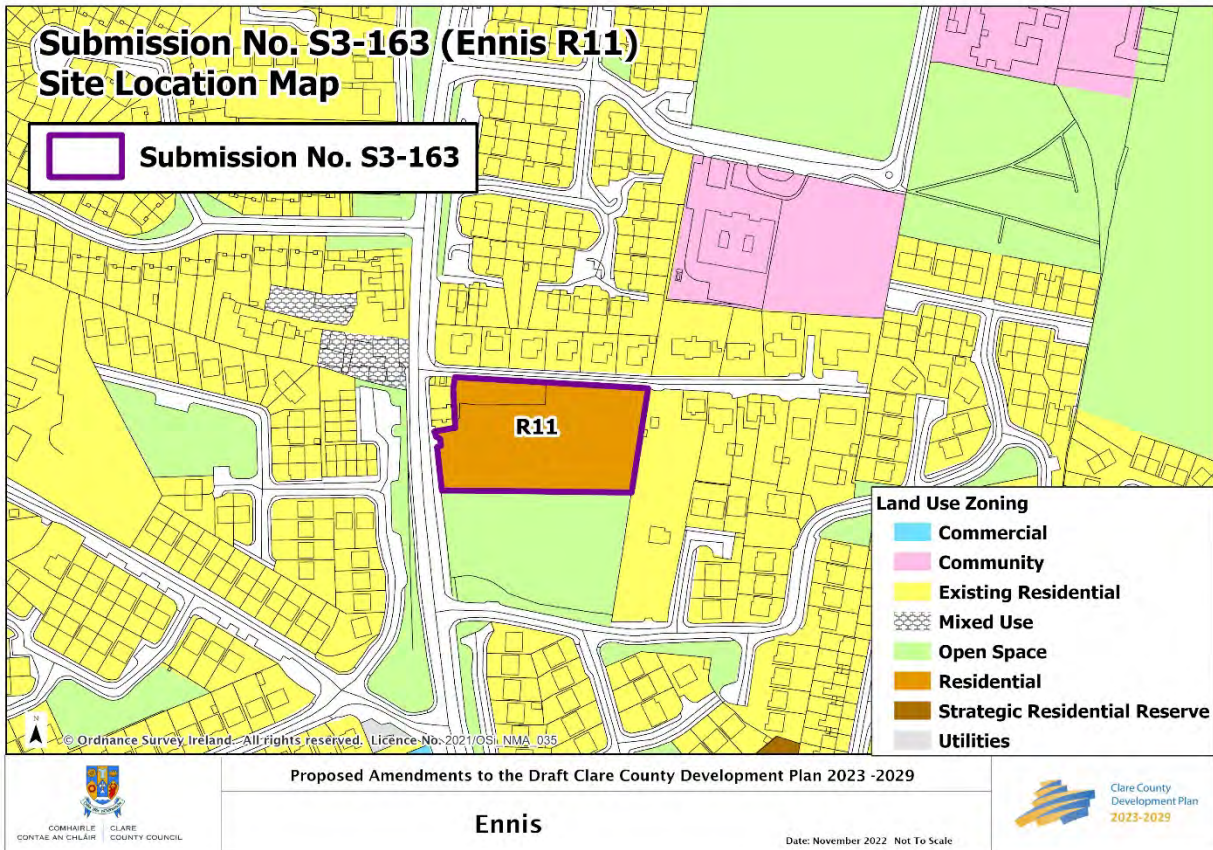


### Chief Executive's Response

I thank Ms. McLernon for her submission which objects to the proposed access to lands zoned 'Residential (R11)' from Hazel Lane. As the lands referred to are not subject to a proposed material alteration to the Draft Plan, I must advise that the change to zoning as requested cannot be considered at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.

### Chief Executive's Recommendation

There is no recommendation arising from this submission.





**Submission No: S3/164 – Lara Pitkin**

**Summary of Issues Raised in Submission**

The submission relates to lands at Hazel Lane in Ennis currently zoned as ‘Residential’ in the Clare County Development Plan 2017-2023 (as varied) and were zoned for ‘Residential’ in the Draft Clare County Development Plan 2023-2029.

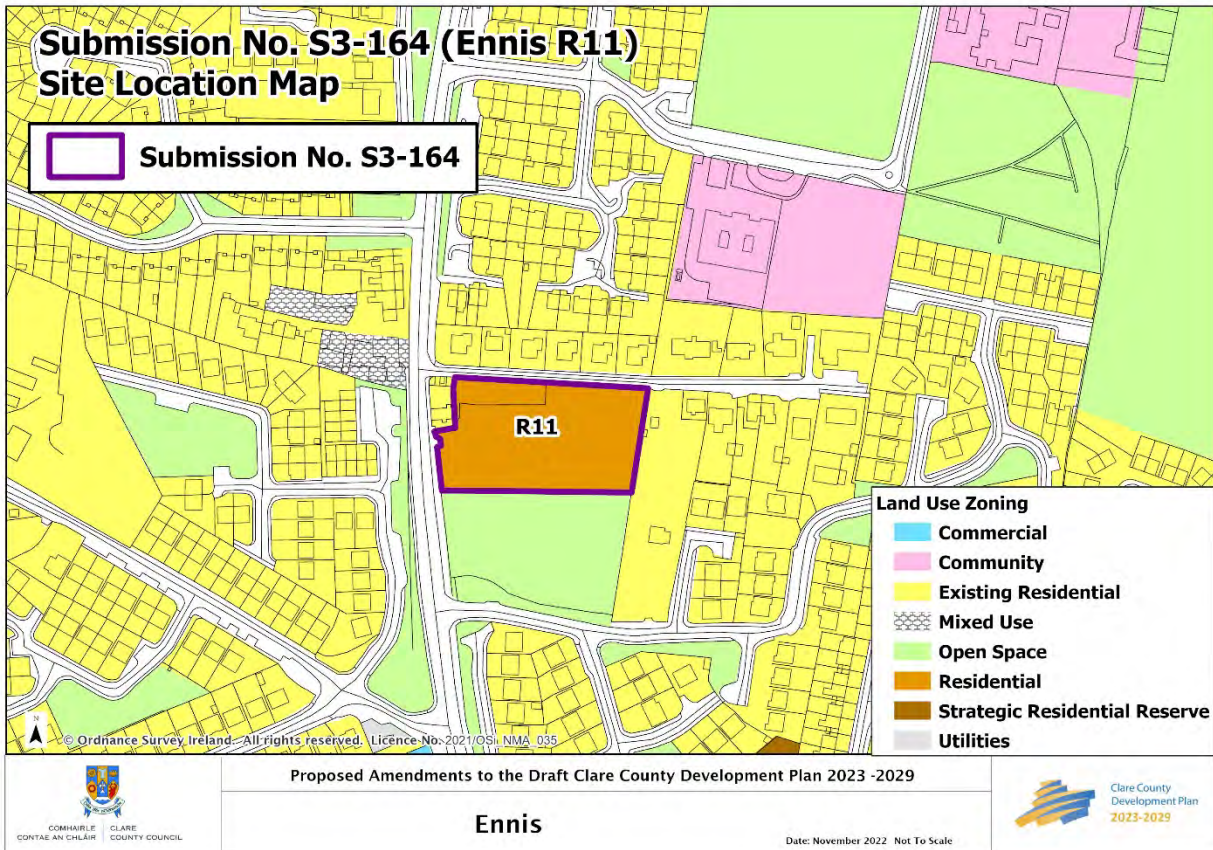
The submission states that there is no objection to the zoning of the site for ‘Residential’ and any subsequent development of the site. Concern is raised about the proposed removal of the private laneway. Trees along the laneway afford private and noise reduction to existing houses on Hazel Lane. At present, children are safe to move around the laneway without the threat of too much traffic.

**Chief Executive’s Response**

I thank Ms. Pitkin for her submission which objects to the proposed access to lands zoned ‘Residential (R11)’ from Hazel Lane. As the lands referred to are not subject to a proposed material alteration to the Draft Plan, I must advise that the change to zoning as requested cannot be considered at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.

**Chief Executive’s Recommendation**

There is no recommendation arising from this submission.



## Submission No: S3/166 – Finnian Lynch and others

### Summary of Issues Raised in Submission

The submission relates to lands at Cahercalla currently zoned ‘Open Space’ in the Clare County Development Plan 2017-2023 (as varied).

The subject lands were zoned as ‘Open Space’ in the Draft Clare County Development Plan 2023-2029. In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, the site is zoned as ‘Existing Residential’, by way of a proposed material alteration.

The submission objects to the Proposed Amendment for the following reasons:

- The land which is currently zoned as ‘Open Space’ in the Clare County Development Plan 2017-2023 (as varied) was a woodland before unauthorised development was undertaken to clear part of the site.
- Condition 5 of the parent planning permission for Cahercalla Drive (P8/17041) states that “Open space as shown on the layout received on the 20<sup>th</sup> March, 1981 shall be provided and developed suitable for use as a recreation area.”
- The roads and open spaces in Cahercalla Drive were part of Folio 7000F in the land registry and under the ownership of Mr. Michael Barry since 24<sup>th</sup> July 1981.
- The site was taken in charge by the council thereafter and has been maintained by the residents of the estate for the past 40 years. Residents have been paying €80 each per year for the maintenance of the open spaces in the estate.
- Planning permission P22/846 for a house located entirely in the site to the south of the open space with vehicular access from Cahercalla Road was granted by Clare County Council. Conditions attached to the planning permission prevented any development on adjacent open space area to the north and stipulated that there should be no vehicular access during or post construction from Cahercalla Drive.
- An appeal was lodged with An Bord Pleanála regarding P22/846 requesting that the open space be restored to its previous state as a precondition to the commencement of construction on the site. The outcome of this appeal has not been decided.
- Changing the zoning of the open space will not allow for housing to be built as a house has already been granted in the adjoining site to the south. The proposed rezoning from ‘Open Space’ to ‘Existing Residential’ would facilitate access from Cahercalla Drive which is unnecessary as there is already access from Cahercalla Road.

The residents of Cahercalla Drive request that the ‘Open Space’ zoning does not change to ‘Existing Residential’ and remains as open space for the reasons above.

### Chief Executive’s Response

I wish to thank Mr. Lynch for the submission, made on behalf of the Residents of Cahercalla Drive.

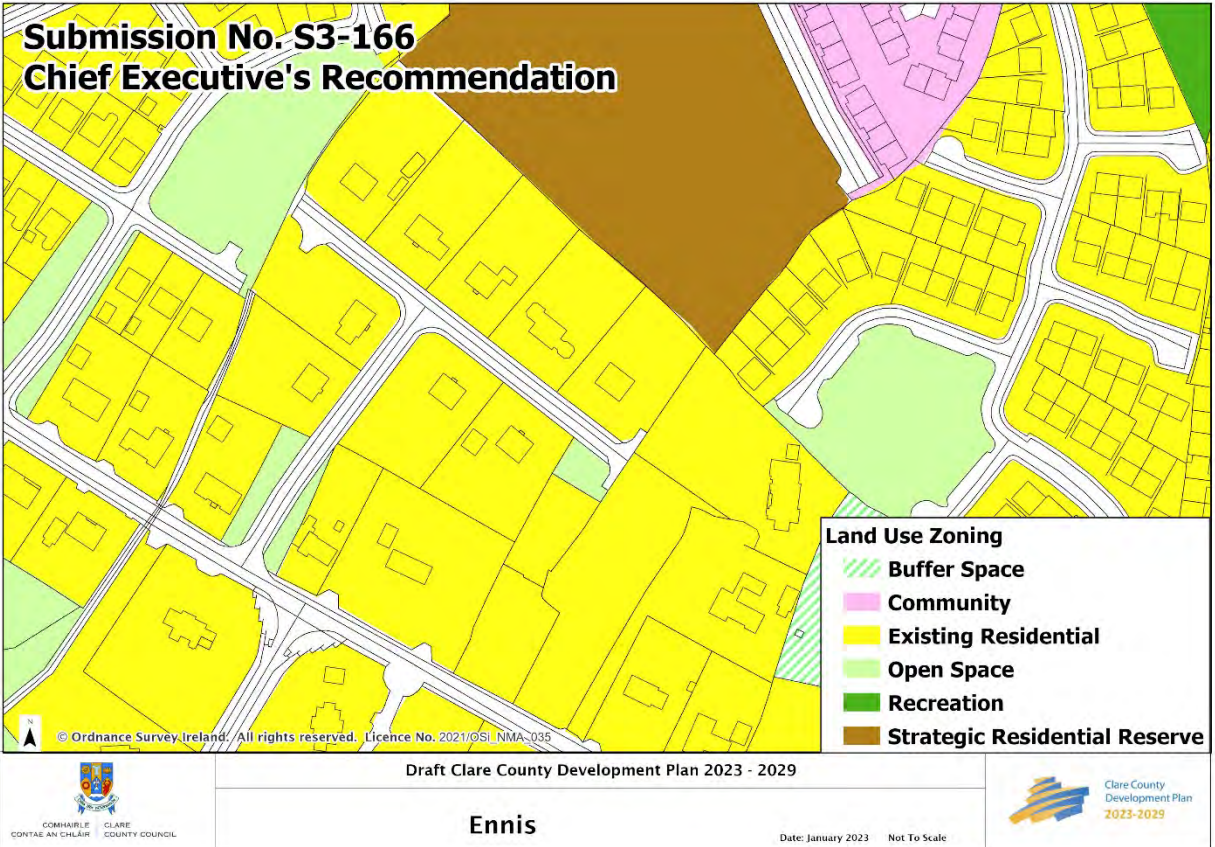
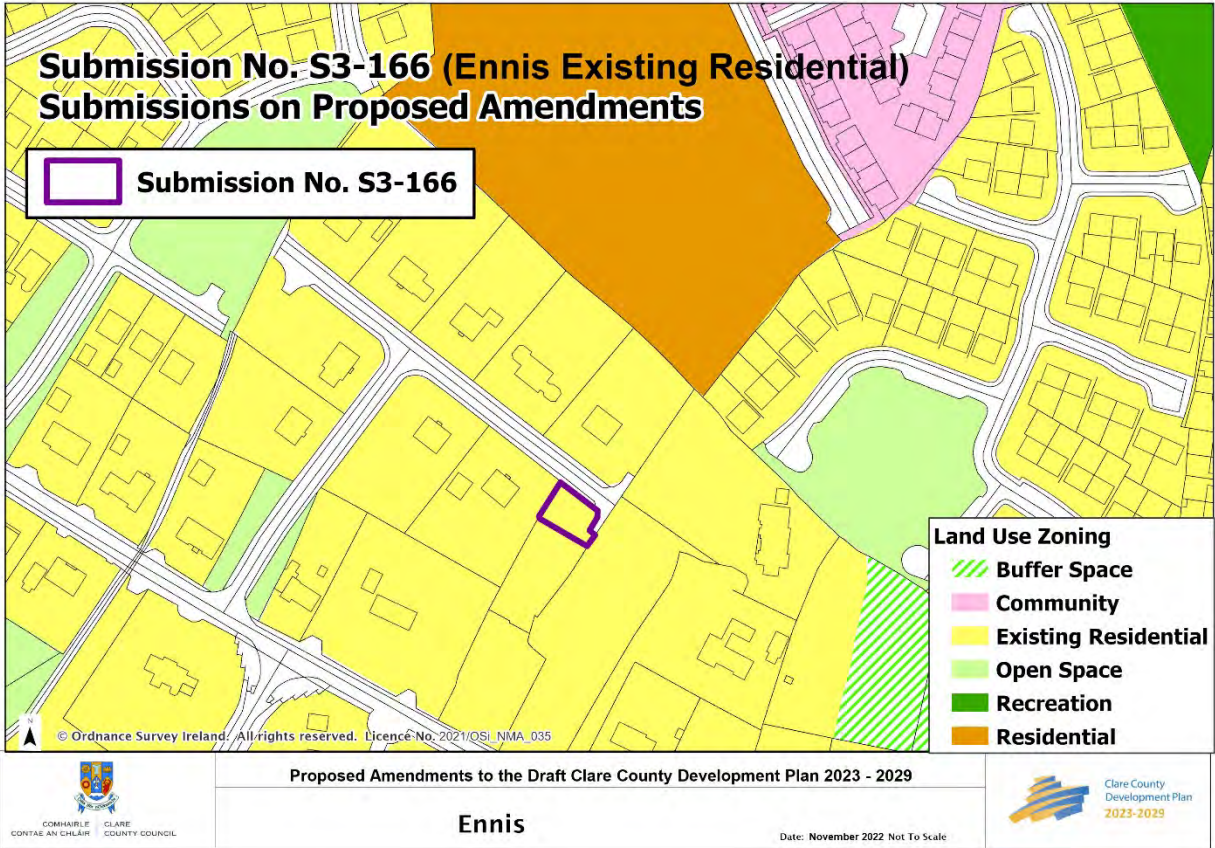
I acknowledge their opposition to the Proposed Material Alteration as it relates to the subject



lands at Cahercalla. I refer to the Chief Executive’s Report on the Draft Plan (10<sup>th</sup> July 2022). In this, the Chief Executive’s Response noted that the portion of land which is the subject of this submission forms part of the dedicated open space of the overall estate arising from the parent permission on site and as identified by the drawings and particulars that accompany the planning history files. Therefore, it is not appropriate or reasonable that the zoning objectives for this land be changed to ‘Residential’.

#### Chief Executive’s Recommendation

I recommend the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to lands in Cahercalla, as displayed.





# Clarecastle



## Submission No: S3/026 Fergus Merriman

### Summary of Issues Raised in Submission

The submission relates to lands at Sli an Fearghus, Clarecastle and a map is included.

The submitter refers to a previous submission on the Draft Plan, S2/546, (and similar submission S2-895) and fully supports the consequent proposed amendment to include a road infrastructure safeguard on the lands. The submitter requests that the Plan is amended to enable proper development of the lands for the following reasons:

- Restates reasons outlined in submission S2/546 including planning history, works already carried out on the site, similarity to adjacent 'mixed use' zones, pivotal as 'front door' to village and access and tourism potential.
- Notes Chief Executive's Response, the great potential for the site and road infrastructure safeguard proposal, the submission however considers it does not address the zoning which remains Open Space and which is incompatible with the development of the proposed road infrastructure.
- Notes OPR considers Open Space falls into two categories, public (park etc.) or private (area surrounding a private house), and considers the site is effectively sterilised as it is neither. Fully supports the proposal for road infrastructure and other proposals such as the Roche site but considers nothing can be done under Open Space zoning.
- Considers there cannot be sufficient zoned land available given current housing and tourist bed space struggles.
- This is a serviced brownfield site within the established village boundary.

### Chief Executive's Response

I wish to thank Fergus Merriman for the submission and respond as follows:

I acknowledge the points made in the submission and note that the submission requests a zoning change, however no specific land use zoning is requested. In the interests of fairness, it is my intention to address this submission as comprehensively as possible based on the information presented. Therefore, I am making an assumption, based on the content of the submission as well as the submitter's previous submission, S2/546, that a Mixed Use or similar zoning objective is requested on the lands.

In this regard, I refer to the Chief Executive's Report on the Draft Plan (10<sup>th</sup> July 2022) and the response to submission S2/546 which is referred to in this submission. The Chief Executive considered that additional Mixed Use zoning in this vicinity could lead to a cluster of such development, and detract from the village centre and compromise the redevelopment of the brownfield Roche site and would be disproportionate to the scale of the surrounding neighbourhood. Therefore, to change the zoning from Open Space to Mixed Use would be contrary to the proper planning and sustainable development of the area. I continue to retain this view at this stage of the plan making process.

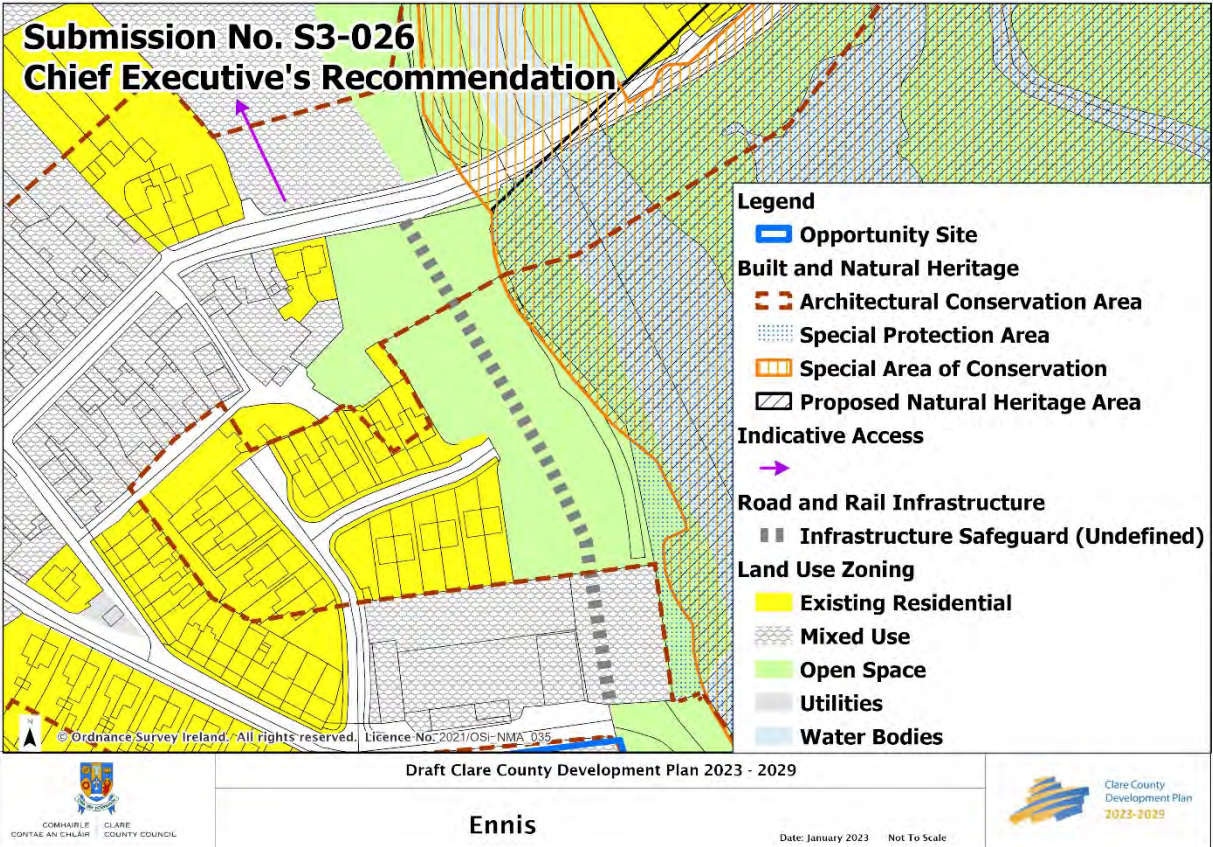
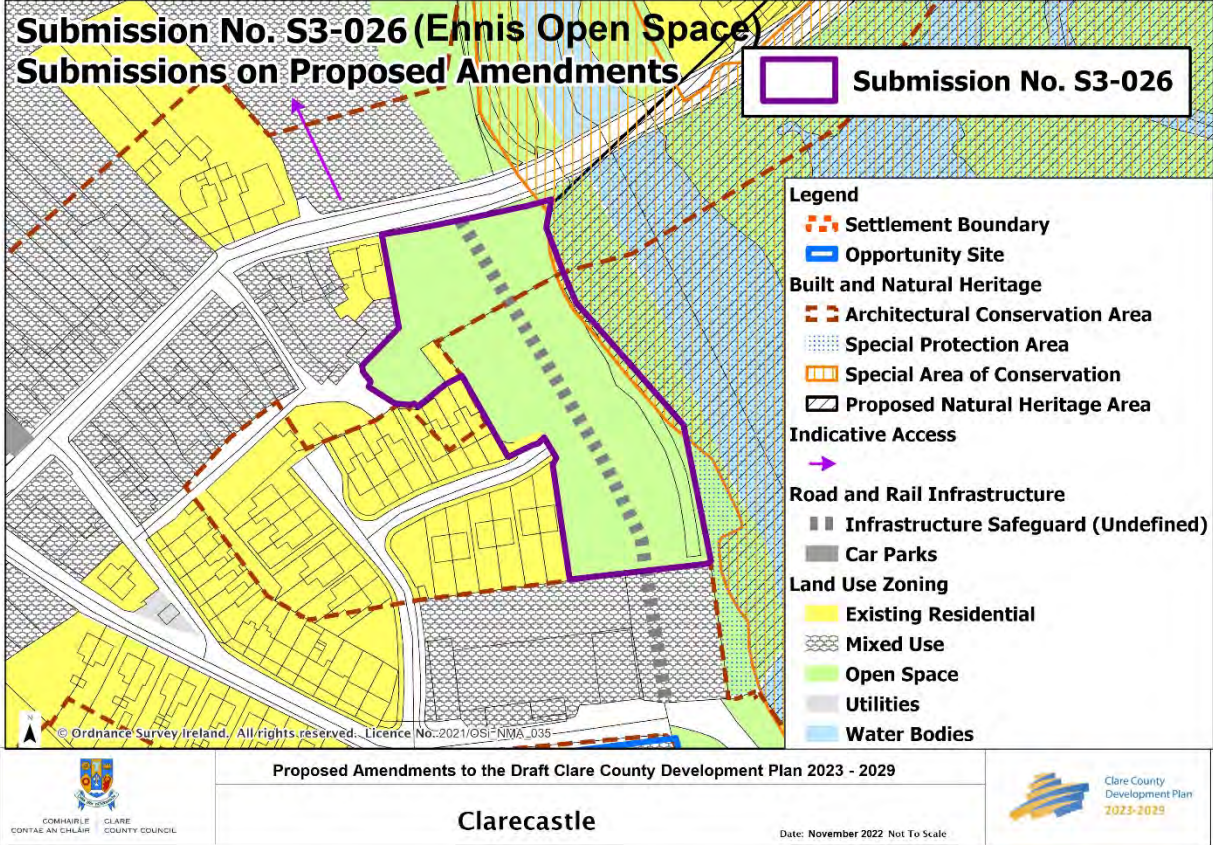
I welcome the support for the proposed road infrastructure safeguard on the lands and note the submitter considers a change in zoning is required to facilitate any future road. The Land Use



Zoning Matrix identifies several uses that may be allowed on Open Space zoning including leisure/gym/recreational sports club, playground, playing pitches and water-based recreational activities etc. The identification of the infrastructure safeguard on the land will ensure that access from the Main Street to the R458 to Quay Road is addressed in all future proposals including those permissible on the Open Space.

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to include a road infrastructure safeguard on the subject lands at Clarecastle in the Ennis Settlement Plan, Volume 3a, as displayed.



**Submission No: S3/027 –Ruth Hurley on behalf of The Rural Development Directorate Clare County Council**

**Summary of Issues Raised in Submission**

The submission relates to lands at Ballaghafadda, Clarecastle. No map is included.

The submission relates to lands proposed to be zoned TOU1 and C4 in the Draft Plan, which are the subject of the Ballaghafadda Amenity & Recreation Plan. The submission refers to the requirements for the site and includes several queries/requests as follows:

1. The provision of an ecological buffer along the shoreline may restrict any potential proposals for pontoon/kayaking which are included in the plan. Can consideration of limited points of access to the lake, subject to environmental considerations, be included to address the plans objectives?
2. Considers the split in zoning down the middle of the site seems arbitrary in relation to the Ballaghafadda Amenity & Recreation Plan and queries whether the zoning split addresses the community, amenity and tourism objectives as proposed by the Ballaghafadda Amenity & Recreation Plan.
3. Can a landscape buffer zone be considered to any light industry or commercially zoned uses in the vicinity of the site to compliment the rewilding and increased biodiversity proposed in the plan for the area?

**Chief Executive's Response**

I wish to thank Ruth Hurley on behalf of The Rural Development Directorate of Clare County Council for the submission. I acknowledge the points made in the submission and respond as follows:

1. I refer to my previous Chief Executive's Report on the Draft Plan (10<sup>th</sup> July 2022) and the response to the Rural Development Directorate's previous submission S2/006 which relates to these lands. The Chief Executive's Response confirms that the ecological buffer along the river is required to protect the Lough from any impacts from future development and on-going operation of the development on the site. In addition, in relation to future proposals on the site, the extent of the buffer required must be informed by a site specific ecological assessment. Notwithstanding this, future development proposals for pontoon/kayaking including points of access may be accommodated where they comply with the policies and objectives of the County Development Plan including the environmental requirements of Objective CDP3.3 'Appropriate Assessment, Strategic Environmental Assessment and Strategic Flood Risk Assessment' in Chapter 3, Volume 1 of the Draft Plan.
2. In relation to the division of zoning on the site, which is the subject of a proposed material alteration, I note that a swap of the Tourism TOU1 and Community C4 zonings on the subject lands was requested by the Rural Development Directorate in their previous submission S2/006. In addition, no map identifying alternative boundaries has been included with this submission nor are such boundaries defined within the Ballaghafadda Amenity and Recreation Plan, which I also note is at draft stage and therefore subject to change. However, the Land Use Zoning Matrix contained in Volume 1, Appendix 2 of the Draft Plan, allows for the development of community uses on Tourism zoned lands including community facilities,



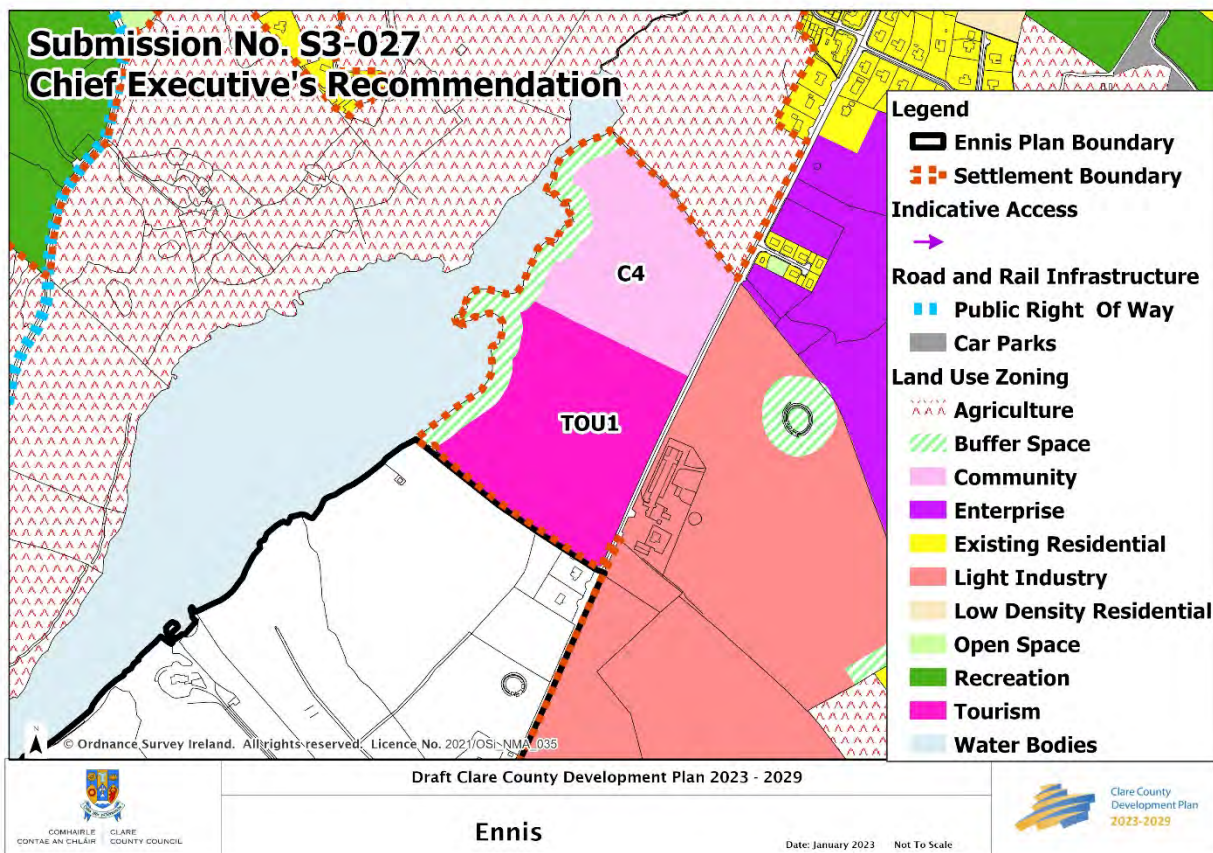
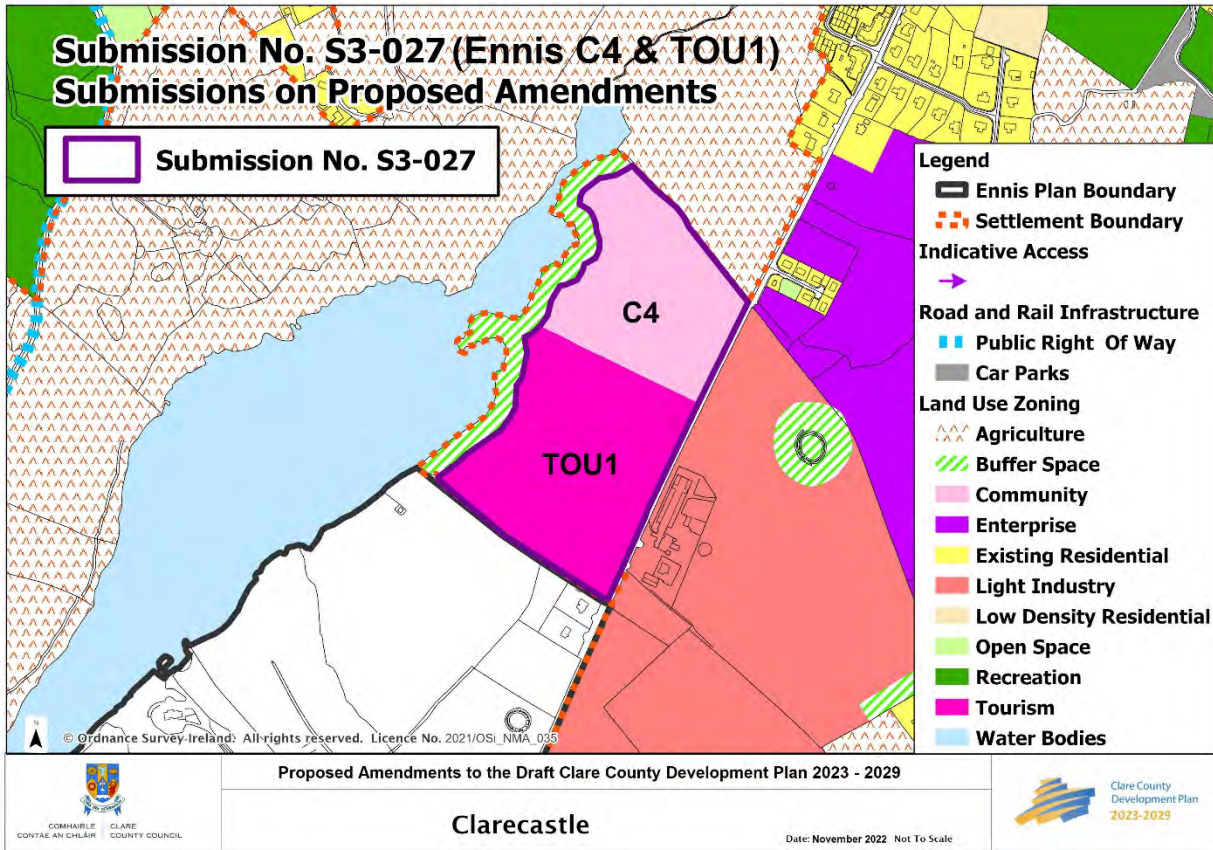


open space, playground and water-based recreational activities. In addition, the Land Use Zoning Matrix allows tourism type uses on Community zoned lands including Caravan Park/Camp Site/Motor Home Park (Tourist uses) Glamping, Golf Course / Pitch and Putt, Leisure / gym /rec. sports club, playing pitches, playground, Tourism Complex and Water-based recreational activities.

3. Chapter 15, Biodiversity Natural Heritage and Green Infrastructure of the Draft Plan contains policies and objectives to increase biodiversity in urban areas including light industry and commercial areas. Objective CDP15.13 Urban Ecology (a) to encourage and, where appropriate, enhance the provision of biodiversity features in urban areas through the preparation of local area plans/settlement plans, green infrastructure strategies, ecosystem services, and through the development management process, and Objective CDP15.14, Habitat Fragmentation and Green Infrastructure Corridors, to ensure that development proposals support and enhance the connectivity and integrity of habitats in the Plan area by incorporating natural features into the design of development proposals.

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration on the subject lands at Clarecastle in the Ennis Settlement Plan, Volume 3a, as displayed.





## Submission No: S3/055 – Rafarilla Ltd on behalf of Marram Properties

### Summary of Issues Raised in Submission

The submission relates to lands at Clareabbey, Clarecastle currently zoned for ‘Utilities’, ‘Agriculture’ and ‘Open Space’ in the Clare County Development Plan 2017-2023 (as varied) and proposed to be zoned ‘Utilities’, ‘Agriculture’, ‘Open Space’ and ‘Strategic Residential Reserve’ in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029.

This follows a submission made by KPMG Future Analytics on behalf of Marram Properties to the Draft Clare County Development Plan 2023-2029 which sought to have lands zoned partly as ‘Residential’.

The submission considers that the proposed Material Alteration represents a missed opportunity in realising the potential of the subject lands to accommodate residential development in the short to medium term and to ensure the strategic vision for the growth of Ennis can be delivered upon. While the zoning of a section of land as Strategic Residential Reserve (SRR) is welcome in that it leaves some scope to release SRR zoned lands if residential zoned land is not being brought forward, there is a genuine and realistic risk that Ennis’ population growth will not be accommodated and its status as a Key Town will be in jeopardy.

### Chief Executive’s Response

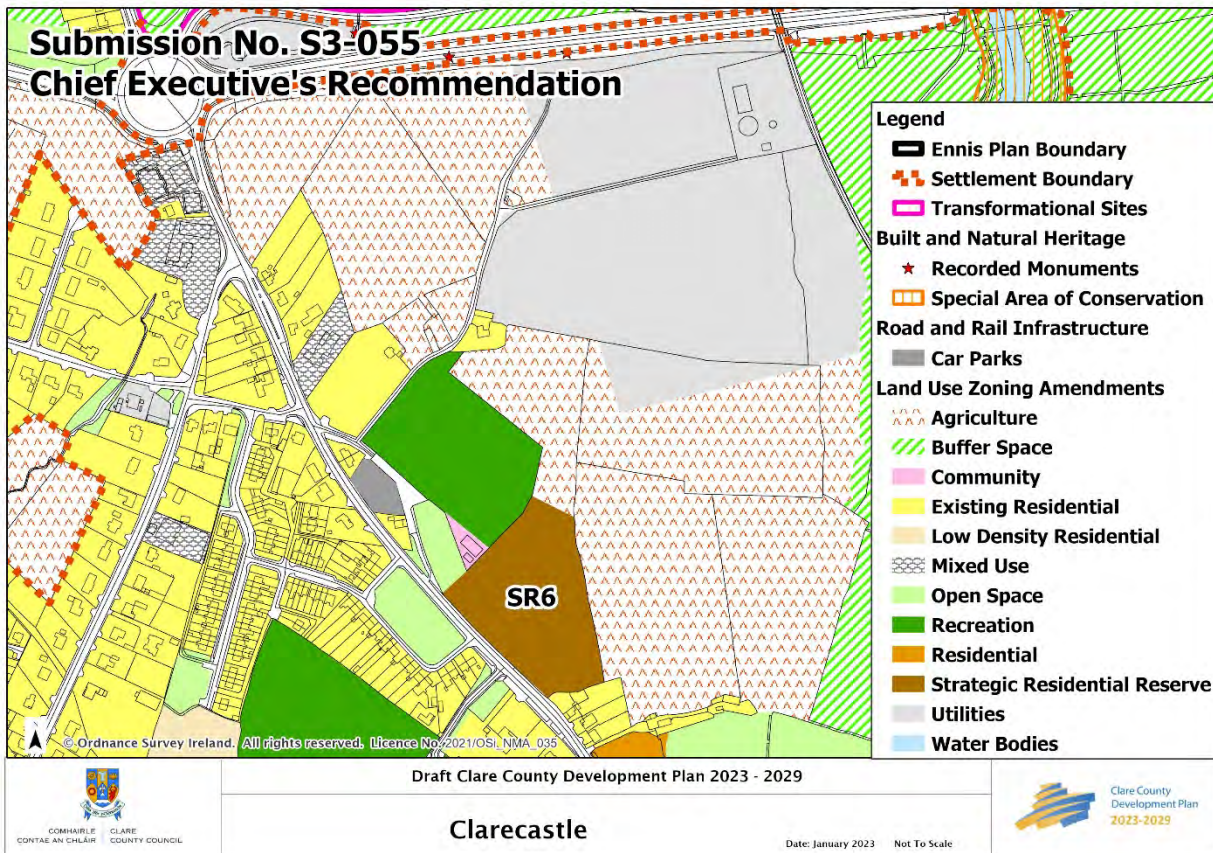
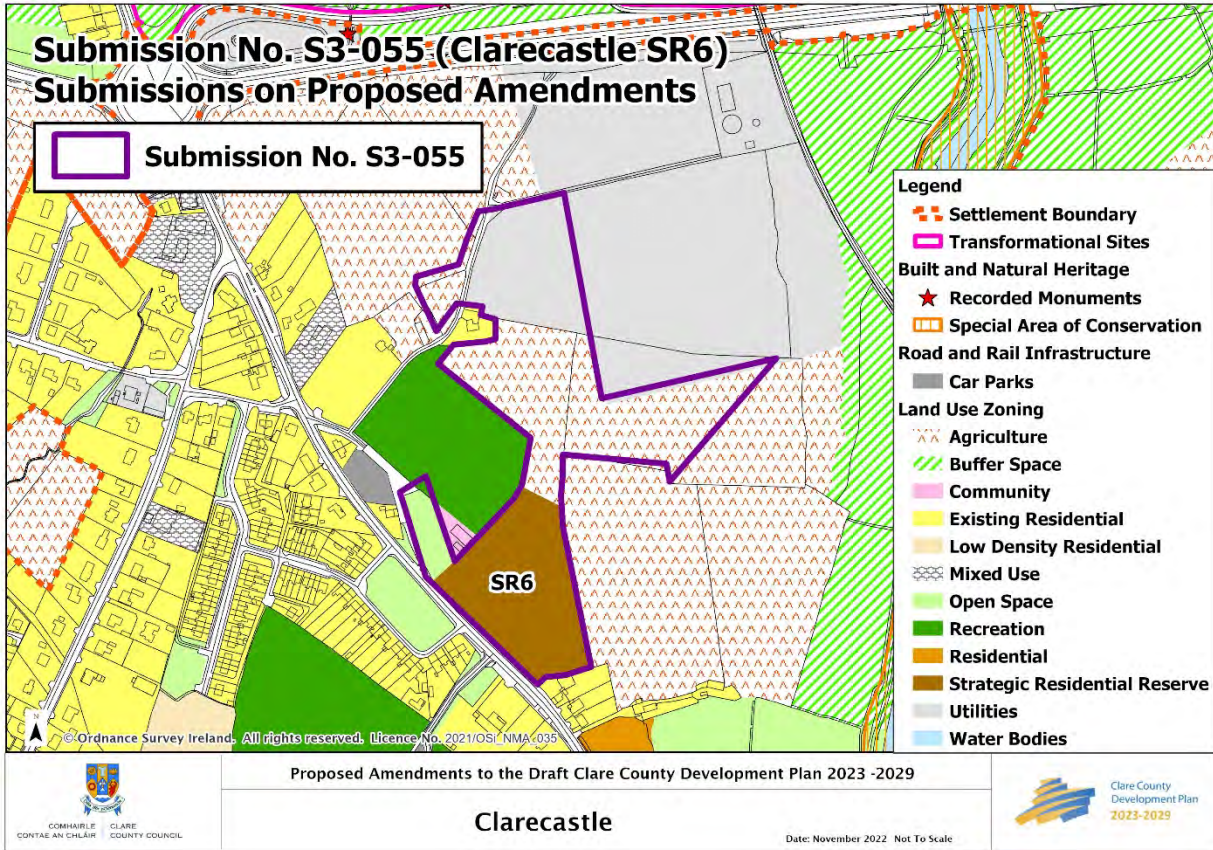
I wish to thank Rafarilla Ltd for their submission, on behalf of Marram Properties.

I am satisfied that a sufficient quantum of land has been zoned for ‘Residential’ within Ennis and Environs to accommodate the required amount of housing units to meet the needs of the allocated population growth for the town over the plan period 2023-2029. Given that there is adequate provision of zoned land within the settlement area I consider the zoning of these lands for ‘Residential’ is unnecessary and would be contrary to proper planning and sustainable development.

I consider that the proposed Material Alteration to change the zoning of the lands from Agriculture to Strategic Residential Reserve (SRR) as per the Members’ Resolution is appropriate. Consideration may be given to the development of some of the Strategic Residential Reserve before the end of the plan period where the Planning Authority is satisfied that the development of zoned land is progressing faster than expected and a shortage of available lands may arise, or residential zoned land may not be delivered as expected and a shortage may arise during the plan period.

### Chief Executive’s Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to lands at Clareabbey, Clarecastle, as displayed.



## Submission No: S3/ 085 - Padraig & John Meaney

### Summary of Issues Raised in Submission

The submission relates to lands between Main Street and the River Fergus at Clarecastle. A map is included.

The submitter refers to a previous submission on the Draft Plan, S2/895, and notes the consequent proposal to include an infrastructural safeguard (undefined) on the lands. The submitter strongly opposes the inclusion of the infrastructural safeguard and requests it is removed and not adopted in the final CDP 2023-2029. A change in zoning from Open Space to Mixed Use on the lands is also requested. Reasons provided for these requests are as follows:

#### Infrastructural Safeguard

- Notes the inclusion of the infrastructural safeguard on foot of submission S2/546 on the Draft Plan and refers to a difference in the ownership and leasehold of the lands.
- No issue with the provision of walkway/cycle track along the river on the subject site, however the proposed infrastructural safeguard will restrict future uses and sterilise the lands, restricting the leaseholder's right to develop and impacting on the value of the lands.

#### Land Use Zoning

- Notes the Chief Executive's response to the change of zoning request in submission, S2/895, and considers it did not address the request.
- Notes the Chief Executive's response to a similar change of zoning request on the lands under submission, S2/546, and concerns expressed due to the quantum of Mixed Use lands.
- Lands are located in the village fronting the street where the existing streetscape ends abruptly, the submitter proposes new thoughtfully designed development would repair the fragmented streetscape.
- Appropriate location for mixed uses (residential, retail and commercial) linked by green spaces and public plazas would activate the river front and create new connections to the village core. These would also enhance the village core and the Roche site, which is more suited to light industrial, industry or enterprise uses.

### Chief Executive's Response

I wish to thank Padraig and John Meaney for the submission and respond as follows:

#### Infrastructural Safeguard

While I note the concerns outlined in this submission in relation to the proposed infrastructure safeguard, I refer to the Chief Executive's Report on the Draft Plan (10<sup>th</sup> July 2022) and the response to submission S2/985 which is referred to in this submission. The Chief Executive's Response noted the potential of the lands, due to their location, to provide access to the Quay

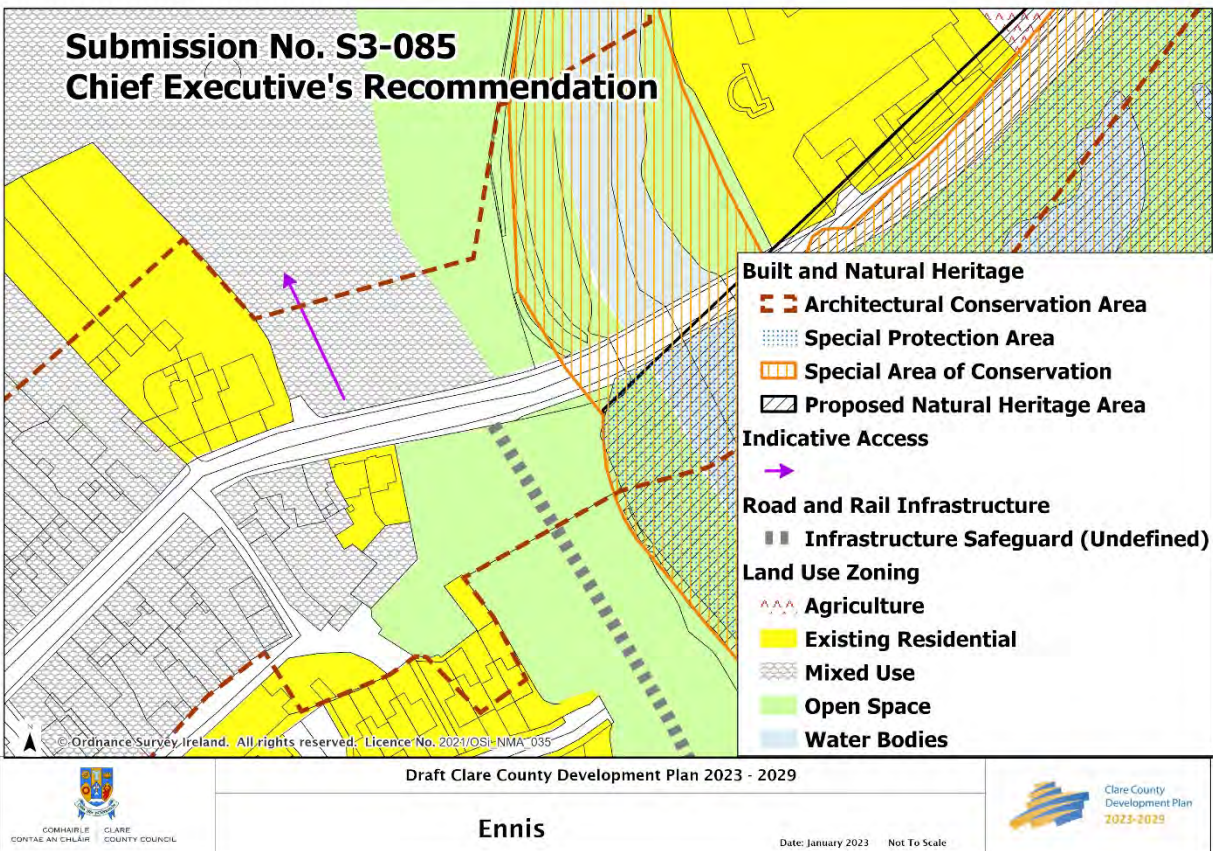
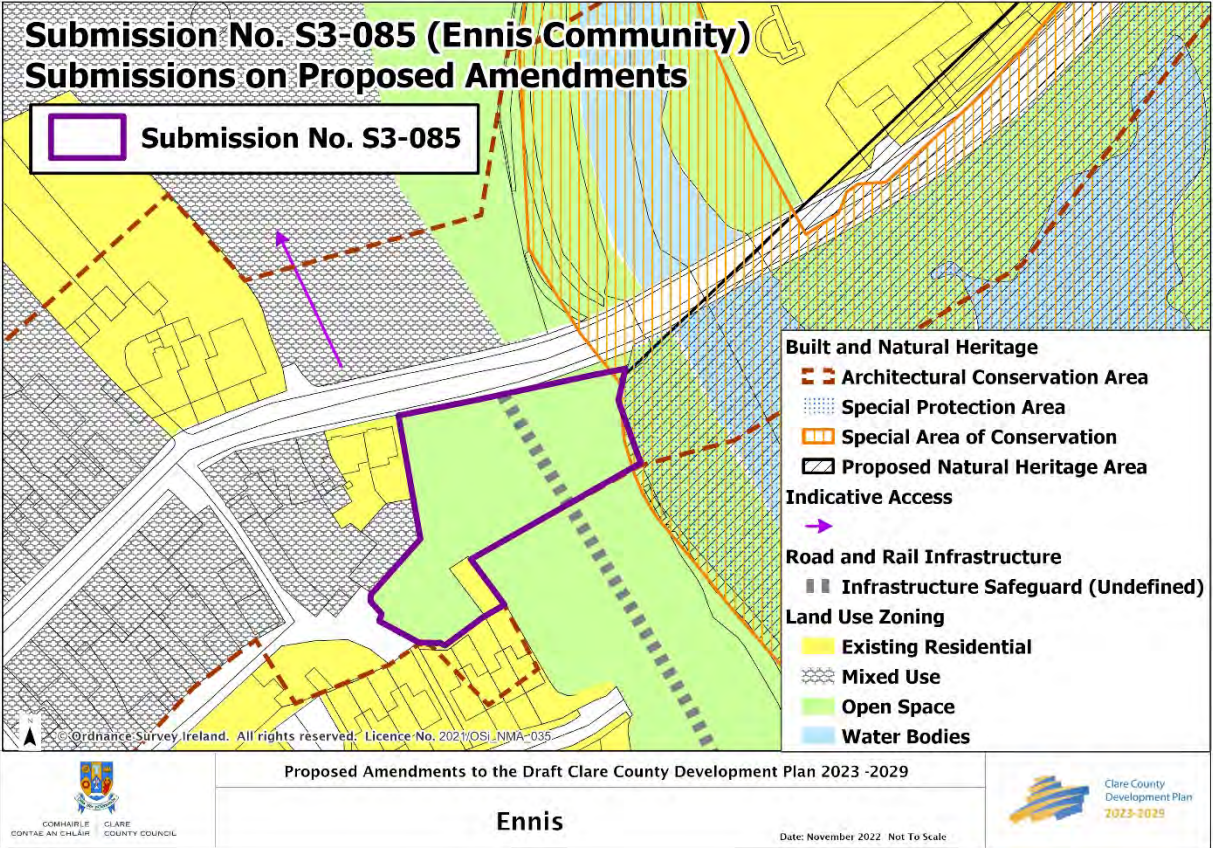
and the Roche site and to provide linkages into and around Clarecastle and along the River Fergus. Two key priorities in the Draft Plan were referenced, namely, to support and encourage the enhancement of the physical environment including cycle ways, cycle trial head facilities, walkways and the quayside area, and to harness recreational opportunities presented by the development of green infrastructure especially along the River Fergus linking Clarecastle to Ennis. It was therefore considered appropriate to include a road infrastructure safeguard to provide access from the Main Street the R458 to the Quay Road.

#### Land Use Zoning

While I acknowledge the points made in the submission, I refer to the Chief Executive's Report on the Draft Plan (10<sup>th</sup> July 2022) and the response and recommendation to submission S2/985 referred to in this submission. The Chief Executive's Response considered, having regard to the location and nature of the proposed zoning along the River Fergus, the flood risk associated to the lands in addition to the recommendations from the SEA, the location of the site on the fringes of the settlement, the vulnerability of uses/developments associated with mixed use, that the requested change to Mixed Use is not appropriate and would be contrary to the proper planning and sustainable development of the area.

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

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to include a road infrastructure safeguard on the subject lands at Clarecastle in the Ennis Settlement Plan, Volume 3a, as displayed.









# Barefield

### Submission No: S3/023 – Kathleen Griffey

#### Summary of Issues Raised in Submission

The submission relates to lands in Barefield currently zoned as ‘Low Density Residential’ in the Clare County Development Plan 2017-2023 (as varied) and proposed to be designated as ‘Village Growth Area’ in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029.

This follows a submission made by Ms. Griffey to the Draft Clare County Development Plan 2023-2029 (S2/759) which sought to have lands identified partly as ‘Village Growth Area’ and partly as ‘Agriculture’ to be designated fully as ‘Village Growth Area’.

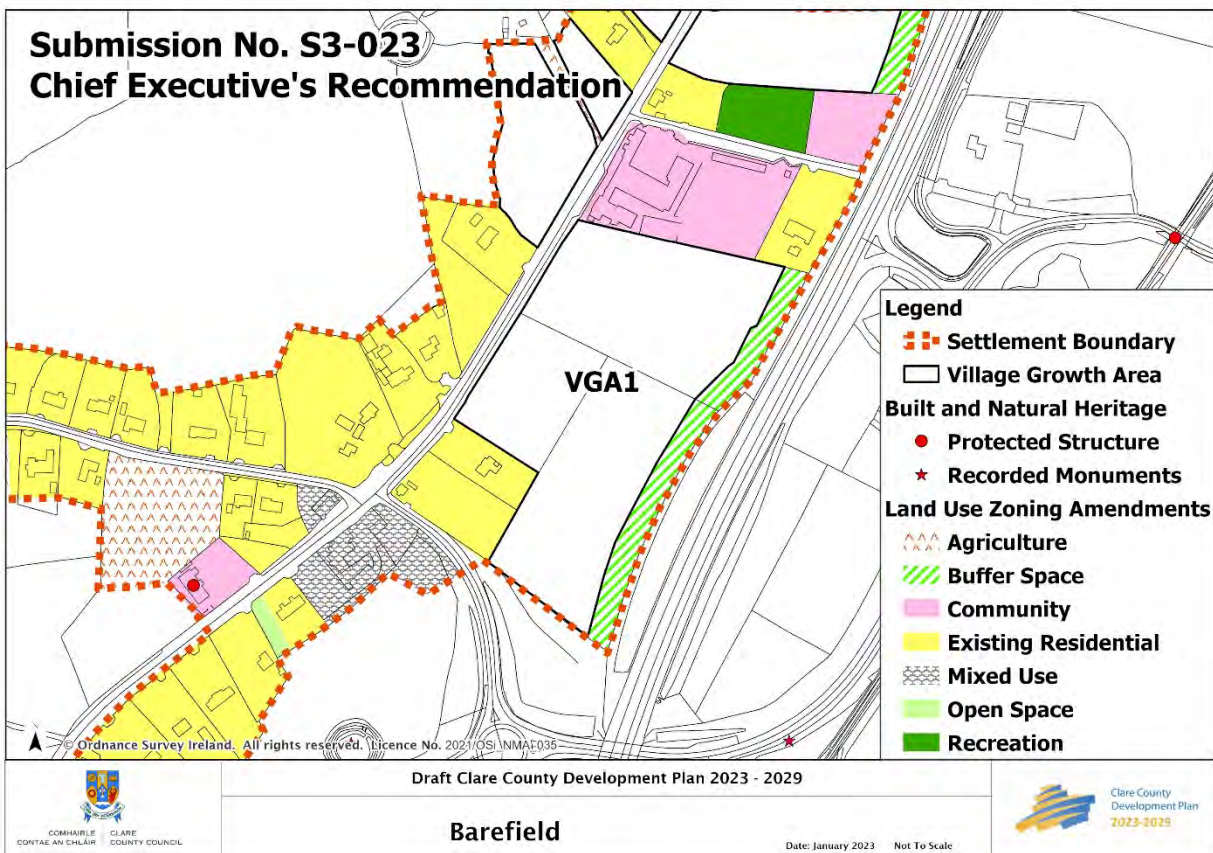
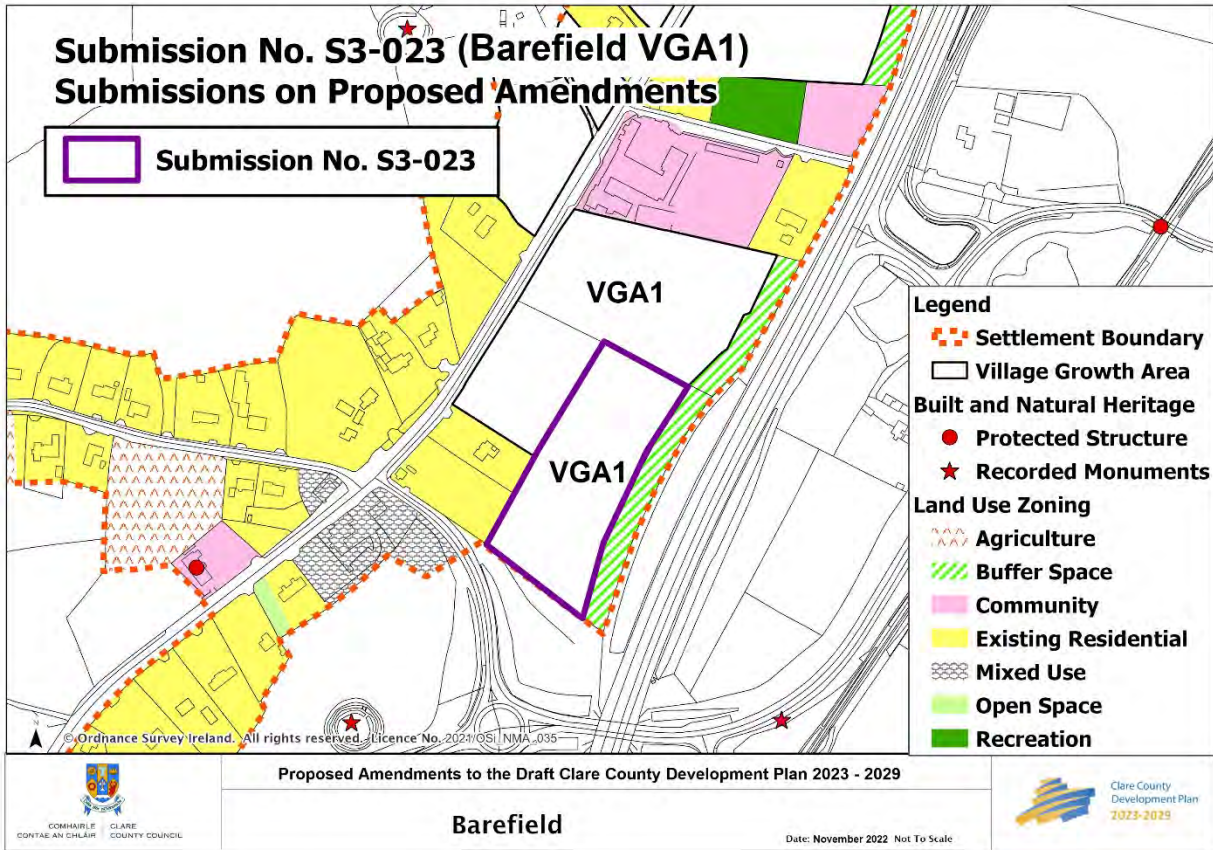
The submission supports the proposed designated in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029.

#### Chief Executive’s Response

I wish to thank Kathleen Griffey for her submission, and I acknowledge the support for the proposed Material Alteration to lands at Barefield. The proposed material alteration was included on foot of the Members’ Resolution made on October 20<sup>th</sup> 2022, in response to submissions received at Draft Plan stage. In accordance with this I advise that the Plan be made with this proposed Material Alteration.

#### Chief Executive’s Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to lands at Barefield, as displayed.





# Doora

## Submission No: S3/126 – Cllr Johnny Flynn

### Summary of Issues Raised in Submission

The submission fully supports the Proposed Amendment to the Draft Clare County Development Plan 2023-2029 associated with Volume 3a with respect to the Doora Village designation of Doora as a Small Village and the inclusion of a settlement statement for the village.

The submission requests that the following be included in the final text under “General Objectives” for the village;

- Due to the proximity to the M18 Motorway and the roundabout at Kilbreckan that the speed limit within the Village will be reduced in the interest of traffic safety. Traffic calming measures may also need to be provided to reduce traffic speed.
- Development of footpaths and a bus stop for the Local Link bus service within the Village
- Provision of additional public lighting.

The submission contains a copy of Cllr. Flynn’s earlier submission on the Draft Clare County Development Plan (Submission S2/855) which was responded to as part of the Chief Executive’s Report of July 10<sup>th</sup>, 2022.

### Chief Executive’s Response

I wish to thank Cllr. Johnny Flynn for the submission and respond as follows:

I consider that the specific issues raised in the submission are captured in one of the General Objectives for the Small Village of Doora that forms part of the Proposed Amendments to Volume 3a of the Draft Clare County Development Plan 2023-2029 i.e. “To facilitate the provision of infrastructure to allow for future growth in the village”. The specific details of future infrastructure investment in the village are outside the scope of the development plan making process and should be dealt with separately. However, I concur that there are several issues that need investigation. I will engage with the Ennis Municipal District with regard to following up on the points raised in this submission.

### Chief Executive’s Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to Volume 3a Doora, as displayed.

## Ballycannon North (Meelick)





### Submission No: S3/073 – Bernadette Kiely

#### Summary of Issues Raised in Submission

The submission relates to lands at the western side of Ballycannon North, and also relates to lands in the centre of the village.

The submission notes the Proposed Amendments in relation to land zonings in Ballycannon North, wherein a Strategic Residential Reserve site (SR2) in the Draft Clare County Development Plan 2023-2029 Settlement Plan for Ballycannon North was amended to become R1, and the R1-zoned site within the village was zoned SR2.

The submission requests that the Proposed Amendment to the Draft Clare County Development Plan 2023-2029 not be accepted and the land-use zoning for the village revert to that contained within the Draft Clare County Development Plan 2023-2029.

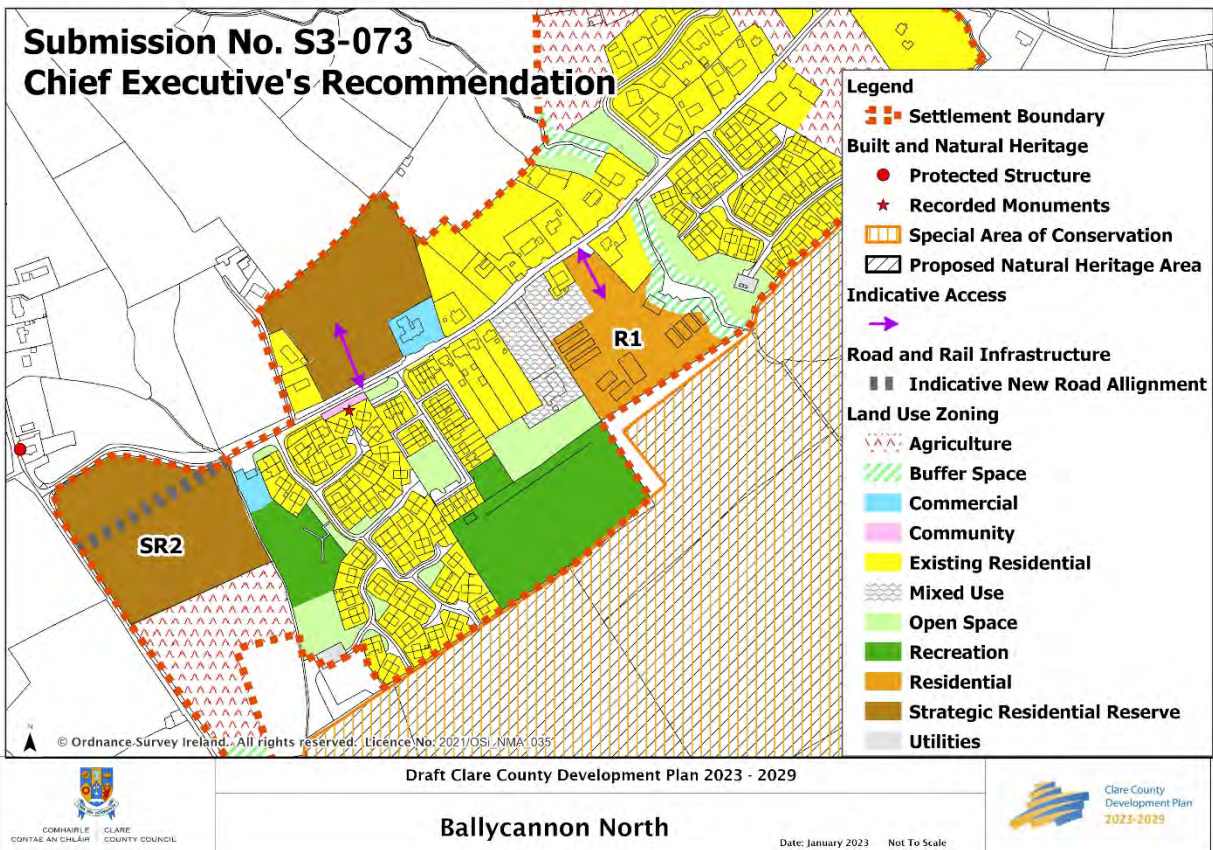
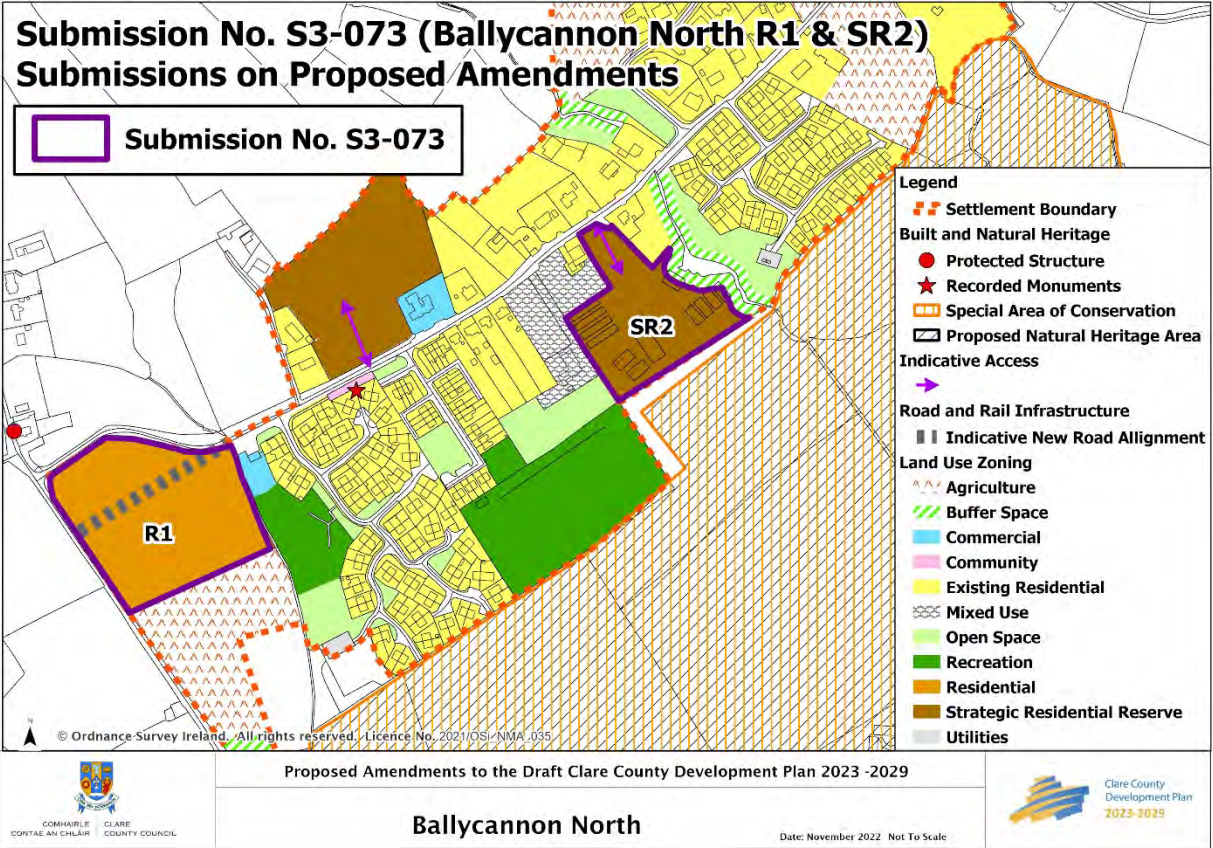
#### Chief Executive's Response

I thank Bernadette Kiely for the submission and I respond as follows.

The location and extent of land zoned for residential use within any settlement is determined by the Core Strategy as set out in Volume 1 of the Draft Development Plan. In accordance with same I am satisfied that a sufficient quantum of land is proposed for zoning within Ballycannon North to accommodate the required amount of housing units to meet the needs of the allocated population growth for the village over the plan period 2023-2029. Therefore, given the land zoned SR2 in the Draft County Development Plan 2023-2029, and zoned R1 in the proposed Material Alteration to the Draft Clare County Development Plan 2023-2029, is on the periphery of village, and that there is adequate provision of zoned land within the settlement area I consider the zoning of these lands as Residential is neither necessary or appropriate and would be contrary to proper planning and sustainable development. Furthermore, the proposed zoning of the lands as Strategic Residential Reserve forms part of the long-term sequential expansion of the settlement. In addition to protecting the lands for the long term expansion of Ballycannon North, consideration may be given to the development of some of the strategic residential reserve before the end of the current plan period where the Planning Authority is satisfied that the development of zoned land is progressing faster than expected and a shortage of available lands may arise or residential zoned land may not be delivered as expected and a shortage may arise during the plan period. The development of such lands will only be considered from the beginning of year four of the Plan (April 2027) in order to give an opportunity for zoned land to be brought forward for development, and where it can be clearly demonstrated to the satisfaction of the planning authority that a zoned parcel of land will not be brought forward for development due to infrastructural or other demonstrable constraints during the remaining period of the Plan.

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to the SR2 and R1 lands at Ballycannon North.





# Bunratty



## Submission No: S3/135 – Arnold Leahy Architects on behalf of Bunratty Acquisitions Ltd.

### Summary of Issues Raised in Submission

The submission relates to lands in Bunratty which are zoned Commercial and Buffer Space in the Draft Clare County Development Plan 2023-2029 and proposed to be zoned Residential, Agriculture and Buffer Space in the Proposed Amendments to the Draft County Development Plan 2023-2029.

This follows a submission (S2/176) made on behalf of Bunratty Acquisitions Ltd. to the draft County Development Plan which sought to have lands zoned as Agriculture rezoned to residential and commercial-zoned lands rezoned as mixed use.

The submission supports the rezoning of part of the Commercial-zoned lands as Residential in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029 and request that the remainder of the lands which were changed to Agriculture in the Proposed Amendment be restored to Commercial and Mixed Use zoning.

### Chief Executive's Response

I wish to thank Arnold Leahy Architects for their submission, made on behalf of Bunratty Acquisitions Ltd.

I acknowledge the support for the proposed material alteration to change the zoning on lands at Bunratty, which formed part of the Members' Resolution on 20<sup>th</sup> October 2022. The submission supports the rezoning of part of the Commercial-zoned lands as Residential, which enlarged the R1 zoned lands.

The submission now also requests that the remainder of the lands zoned Agriculture are zoned Commercial and Mixed Use.

The lands which are subject of the proposed zoning change to Agriculture and Residential as agreed by Members' Resolution, i.e. the lands identified by the circle on the maps below are the subject of this request, since those lands were amended by the Members' Resolution.

I consider that the R1 zoned lands, which measure c. 3 ha, are located close to the centre of the village and are suitably-located in terms of the sequential and compact future growth of the settlement. If the Clare County Development Plan 2023-2029 is made without the proposed Material Alteration, the additional residential zoning would not be included and this would be disadvantageous to the achievement of the aims of the Core Strategy.

Consequently, I intend to recommend that the Clare County Development Plan 2023-2029 is made **with** the proposed Material Alteration to lands in Bunratty, as displayed.

In my examination of the Proposed Amendment, I note that adjacent lands (not subject of the proposed Material Alteration) are zoned for Commercial use in the Draft Clare County

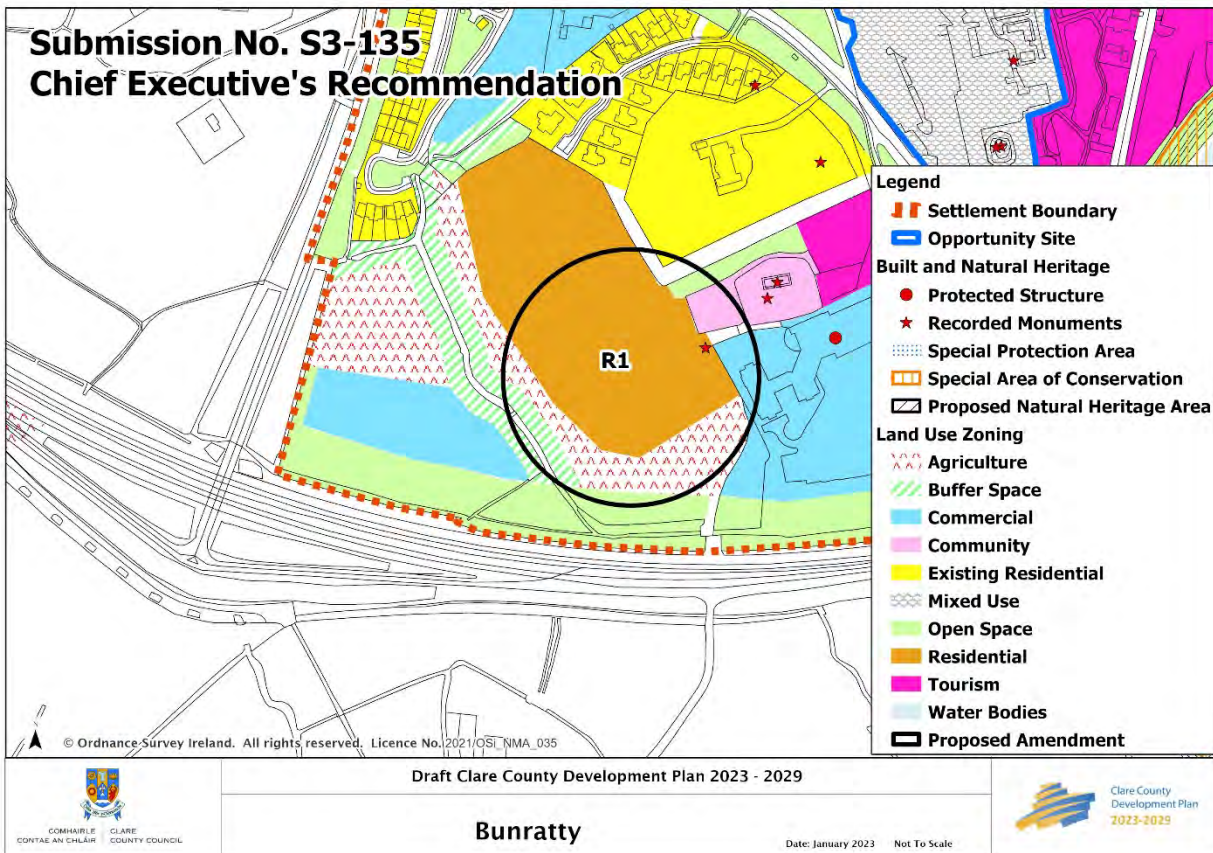
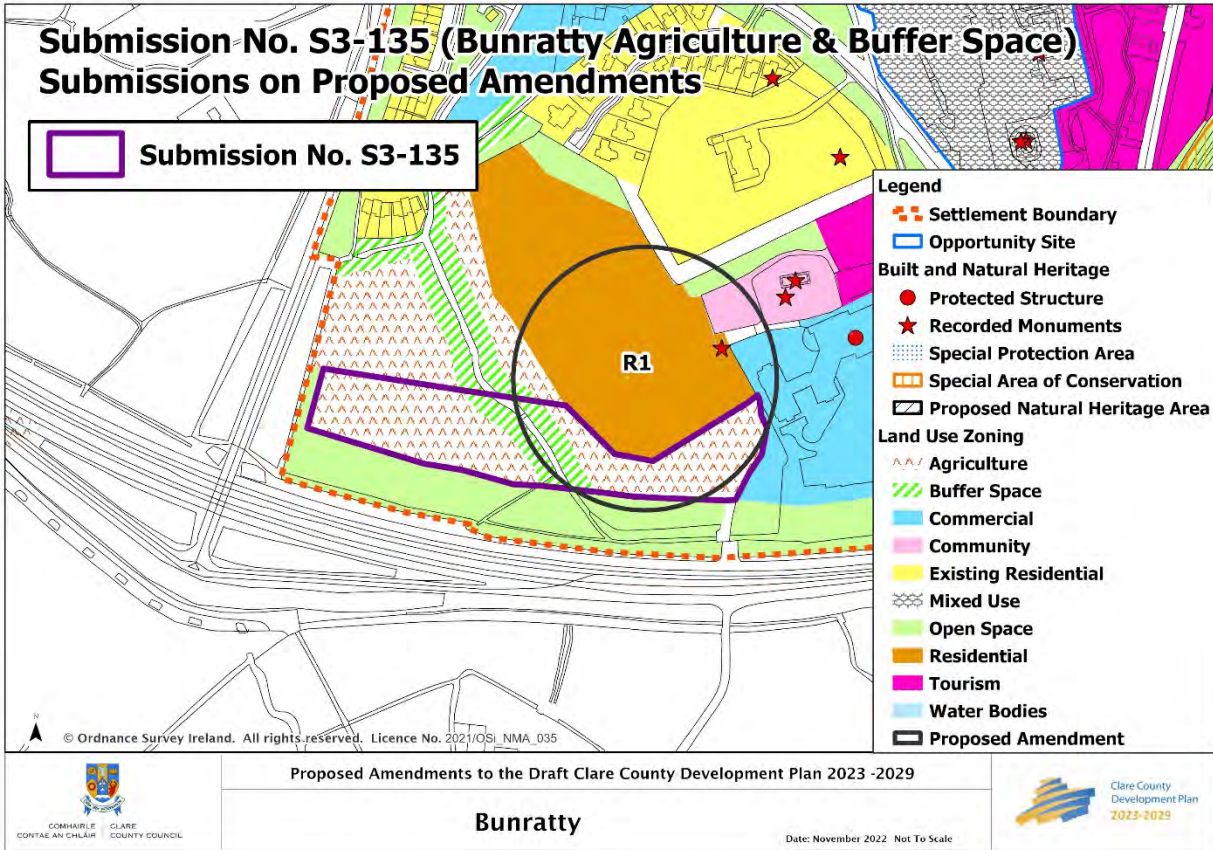


Development Plan 2023-2029 and were inadvertently changed to Agricultural zoning, due to a mapping error. In the interests of clarity, I propose a non-material mapping correction which is included on the Chief Executive's Recommendation map below.

### Chief Executive's Recommendation

I recommend the Clare County Development Plan 2023-2029 (Volume 3b Shannon Municipal District) is made **with** the proposed Material Alteration to lands in Bunratty, as displayed.

I recommend a non-material mapping correction to the Bunratty Settlement Plan map within Volume 3b Shannon Municipal District Settlement Plans, within the Clare County Development Plan 2023-2029, in accordance with the Chief Executive's Recommendation map below.









# Cratloe



## Submission No: S3/100 – MKO on behalf of Tekelek Group Holdings Ltd.

### Summary of Issues Raised in Submission

The submission relates to the Portdrine Business Park near Cratloe, to which a Proposed Amendment to the Draft Clare County Development Plan 2023-2029 relates.

This follows a submission made on behalf of Tekelek Group Holdings Ltd. to the Draft Plan (S2/783).

The relevant Proposed Amendment to the Draft Clare County Development Plan 2023-2029 concerns the addition of text to the Cratloe Settlement Plan which was inserted by way of a proposed material alteration to the Draft Plan. The submission supports the relevant Proposed Amendment and asks that it will be included in the adopted Clare County Development Plan 2023-2029 by Clare County Council.

### Chief Executive's Response

I wish to thank MKO for their submission, made on behalf of Tekelek Group Holdings Ltd. I acknowledge their support for the proposed Material Alteration to the Cratloe Settlement Plan text in respect of Portdrine Business Park, which was part of the Chief Executive's Report of July 10<sup>th</sup> 2022, in response to the submission by Tekelek Group Holdings Ltd. (S2/783) at Draft Plan stage.

I note the comments in the submission from Transport Infrastructure Ireland (S3/005) that the Council prepare an appropriate evidence base for the development of the subject lands. I consider that the text which is the subject of the proposed Material Alteration sets out that warehousing and transport logistics are the most appropriate uses at this site and that future development applications will be subject to assessment under normal planning and environmental criteria, which include traffic impacts and traffic safety.

The response to the current submission reflects that given in the Chief Executive's Report of July 10<sup>th</sup> 2022 to the submission, namely:

"I note the subject lands are located outside any settlement but in close proximity to Cratloe village. I acknowledge that the principle of development is long established at this location and its location adjacent to the National Road Network presents many advantages in relation to transport logistics. Therefore, the Council will support the organic growth of the site in relation to the established use and an objective should be added within the Cratloe settlement plan relating to same".

I propose to recommend that the Plan is made with the proposed Material Alteration.

### Chief Executive's Recommendation

I recommend that the Draft Clare County Development Plan 2023-2029 (Volume 3b Shannon Municipal District) is made **with** the proposed Material Alteration to the Cratloe Settlement Plan to include additional text relating to Portdrine Business Park, as displayed.



Clare County Development Plan  
2023-2029

## Newmarket on Fergus



## Submission No: S3/019 – Aisling Halpin

### Summary of Issues Raised in Submission

The submission relates to land to the south of Newmarket-on-Fergus village which takes access from the R472 and the old Knocknassaggart road.

The submission notes the comments in the Chief Executive’s Report of 10<sup>th</sup> July 2022 in relation to submission reference number S2-097 regarding the site. The submission also notes the inclusion of the site as “R5 – Knocknassaggart” residential zoning in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029.

It is requested that the site is designated as “Strategic Reserve” such that it can be released should the allocated population growth for the village be met.

### Chief Executive’s Response

I thank Aisling Halpin for the submission and I respond as follows.

For the purpose of clarity, I am taking that the reference to “Strategic Reserve” in the submission relates to “Strategic Residential Reserve”. A change of zoning to a proposed material alteration, which is the request in this submission, would constitute another material change which cannot be recommended at this advanced stage in the plan making process, in accordance with the Planning and Development Act 2000, as amended.

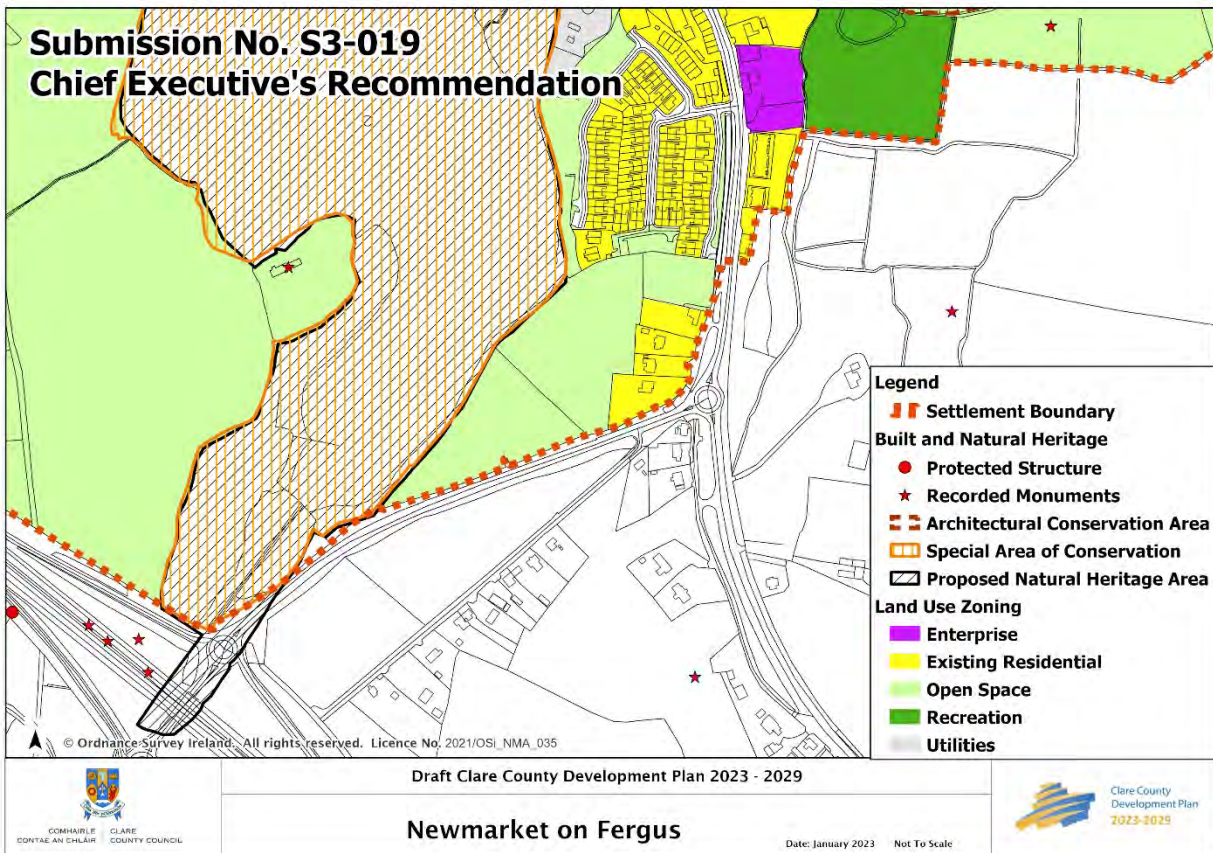
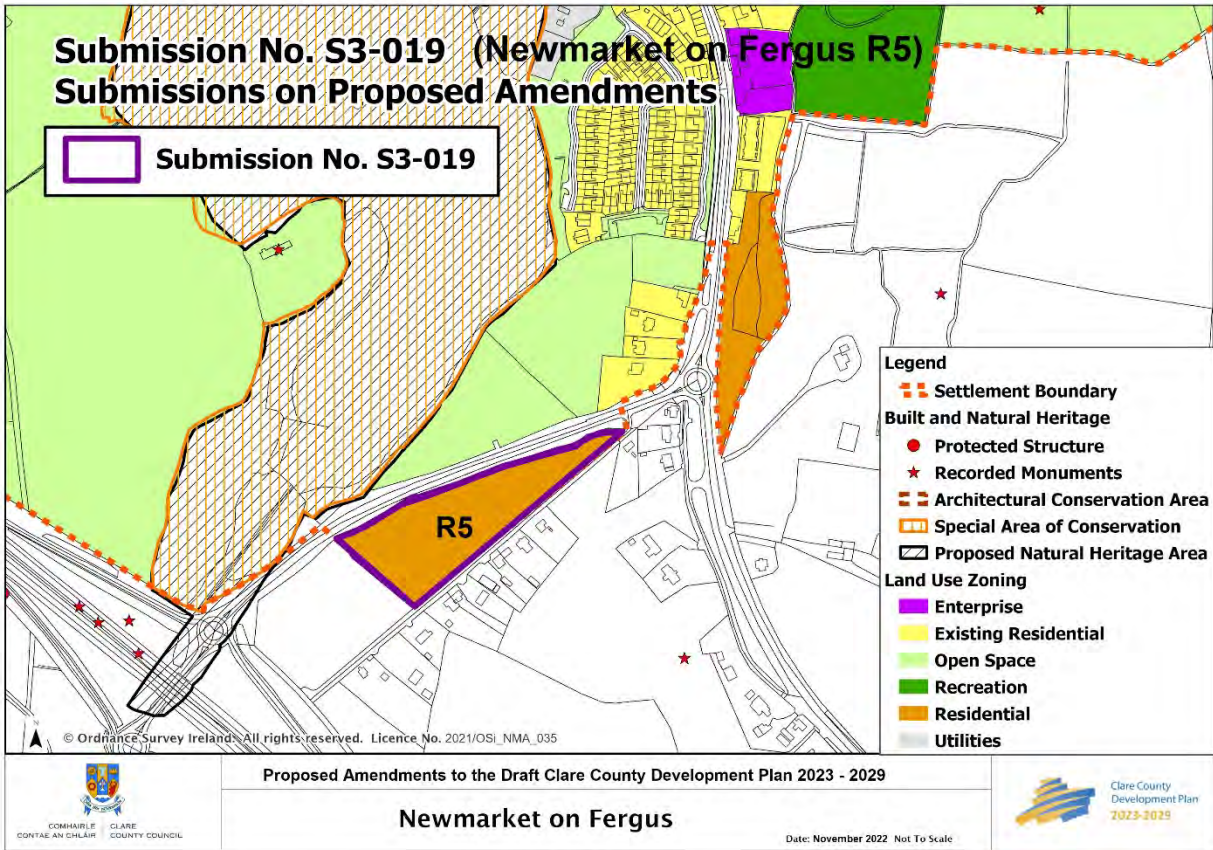
The settlement boundary of Newmarket-on-Fergus was enlarged and the site was included as the “R5 – Knocknassaggart” residential zoning in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, by way of Resolution (S.9) forming part of the Members’ Resolution made on October 20<sup>th</sup> 2022. This was contrary to the Chief Executive’s Report (10<sup>th</sup> July 2022), and the response to submission S2/097 which relates to these lands.

In its submission (S3/012) the Office of the Planning Regulator (OPR) make a requirement (MA4) that the Development Plan should be made without the Proposed Amendment to the Newmarket-on-Fergus Settlement Plan which concerns the R5 lands and the change from Open Countryside to Residential (R5).

I note that the issues raised in the Chief Executive’s Report (10<sup>th</sup> July 2022) align with those raised by the OPR in its submission (S3/012). In accordance with the Chief Executive’s recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this proposed Material Alteration, including all text changes related to it.

### Chief Executive’s Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Volume 3b Shannon Municipal District) is made **without** the proposed Material Alteration to lands at Newmarket-on-Fergus, as displayed.





# Scariff/Tuamgraney







## Submission No: S3/106 – Michael McMahon

### Summary of Issues Raised in Submission

The submission relates to lands at Tuamgraney currently not zoned and located outside the Scarriff/Tuamgraney Settlement Boundary as per the Clare County Development Plan 2017-2023 (as varied) and is proposed to remain unzoned in the Draft Clare County Development Plan 2023-2029.

In the submission it is requested that the land is zoned as ‘Low Density Residential’ for the following reasons:

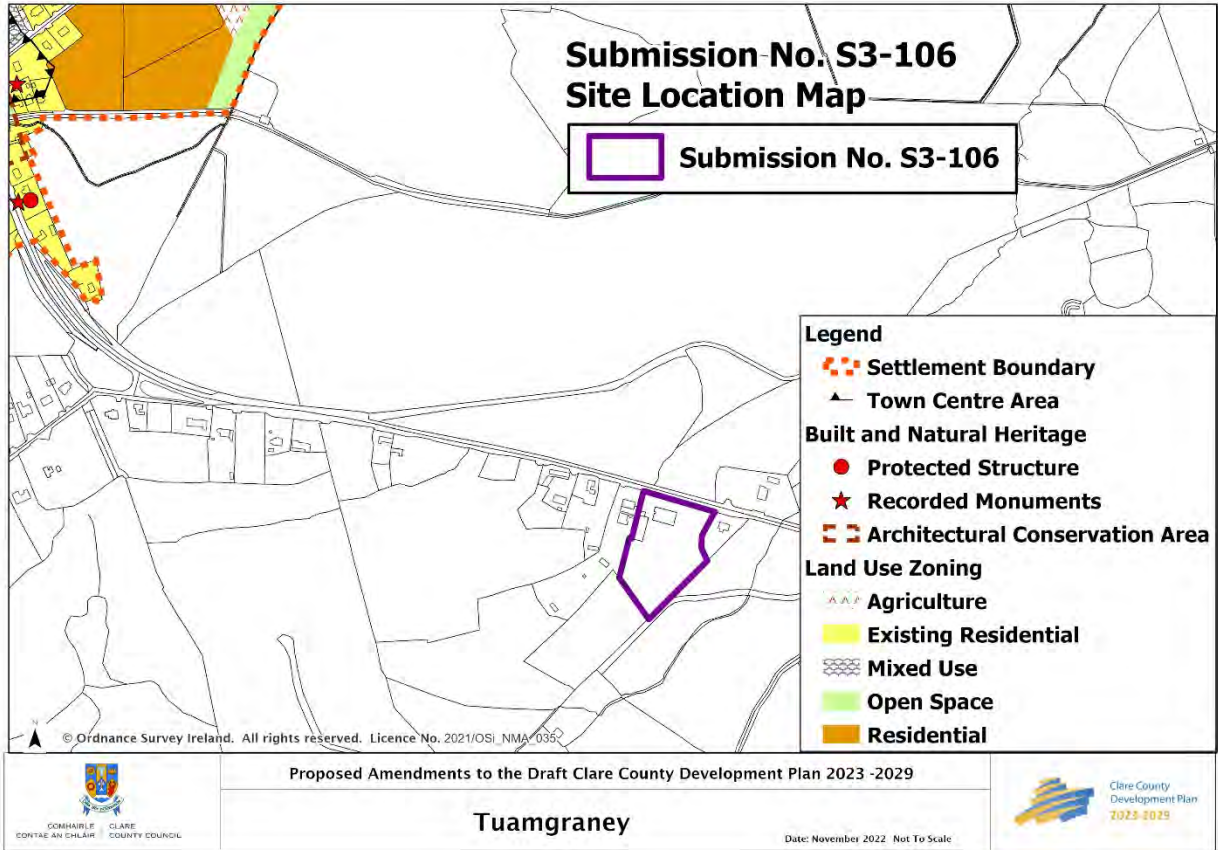
- The site is currently a derelict/light industrial/warehouse/storage facility in need of demolition or redevelopment.
- The site could provide for much needed housing in East Clare.
- The site is located within 500m of a school.
- The site is connected via a footpath to the village of Tuamgraney.
- The site could provide for up to five (5) residential sites providing the following:
  - All sites will be accessed from the existing entrance onto R463
  - Each site will be 0.2 hectares
  - Each site will be served by an individual wastewater treatment system.
  - Each site will meet all separation distance requirements outlined in Table 6.2 of the EPA Code of Practice Domestic Wastewater Treatment Systems (Population Equivalent ≤10)
  - Each site could be considered for a “Site for Independent Development” as outlined in Section 5.2.7 of the Draft Clare County Development Plan 2023-2029.

### Chief Executive’s Response

I thank Michael McMahon for his submission which requests the zoning of lands, located outside of the settlement of Scarriff/Tuamgraney, as Low Density Residential. As the lands referred to are not subject to a proposed material alteration to the draft Plan, I must advise that the change requested cannot be considered at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.

### Chief Executive’s Recommendation

There is no recommendation arising from this submission.



**Submission No: S3/138 – Michael McNamara on behalf of the estate of James O’Grady**

**Summary of Issues Raised in Submission**

The submission relates to lands at Scarriff currently zoned as ‘Low Density Residential’ and ‘Residential’ in the Clare County Development Plan 2017-2023 (as varied). In the Draft Clare County Development Plan 2023-2029, the land to the west of the church is proposed to be partly zoned for ‘Residential’ and partly zoned for ‘Strategic Residential Reserve’ while the land to the east of the Church is to be zoned ‘Agriculture’.

In the submission it is requested that the entirety of lands both east and west of the church, should be zoned ‘Strategic Residential Reserve’ for the following reasons:

- R4 - East of the Church, Scarriff – These lands have been identified as being suitable for housing due to their proximity to the town centre and to many of the services available in the area contributing to the compact growth of the settlements.
- This statement is incongruous with the map which accompanies the Draft Clare County Development Plan 2023-2029 wherein all the lands to the east of the Church have been rezoned from ‘Residential’ (to ‘Agriculture’) and are not even included in the ‘Strategic Residential Reserve’.
- Part of the field behind (west) of the church has retained its residential zoning and part has been included as ‘Strategic Residential Reserve’.
- No explanation is given for this departure from previous development plans or how this policy reversal is compatible with the proposed planning and sustainable development of the area.
- The Draft County Development Plan 2023-2029 Volume 3(c) Killaloe Municipal District Settlement Plans correctly records in respect of lands opposite (east of) the Church.
- It is accepted that, as reflected in the Draft Clare County Development Plan 2023-2029 there is little or no demand for large-scale residential development in Scarriff at the current time.
- Notwithstanding the existing zonings and proposed zonings in the Draft Clare County Development Plan 2023-2029, the appropriate zoning for the subject lands east and west of the church in Scarriff is ‘Strategic Residential Reserve’. In order to coherently develop the lands previously described in Local Area Plans as ‘natural extension to the town’, all of the lands need to be developed as part of a single coherent plan which would ensure the proposed planning and sustainable extension of the town.

**Chief Executive’s Response**

I thank Michael McNamara for his submission on behalf of the estate of James O’Grady. As the lands referred to are not subject to a proposed material alteration to the Draft Clare County Development Plan, I must advise that the change to zoning as requested cannot be recommended at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.

It should be noted that Site R4 is incorrectly labelled in both the Draft Development Plan 2023-2029 and the Proposed Amendments to the Draft Development Plan 2023-2029. The site relates



to land to the west of the church in Scarriff and should read **'R4 – West of the Church, Scarriff'**.

In the interest of consistency and by way of update, I propose a non-material update to the text in Section 1 Service Towns – Scarriff / Tuamgraney of Volume 3c Killaloe Municipal District Settlement Plans which is set out in my recommendation below.

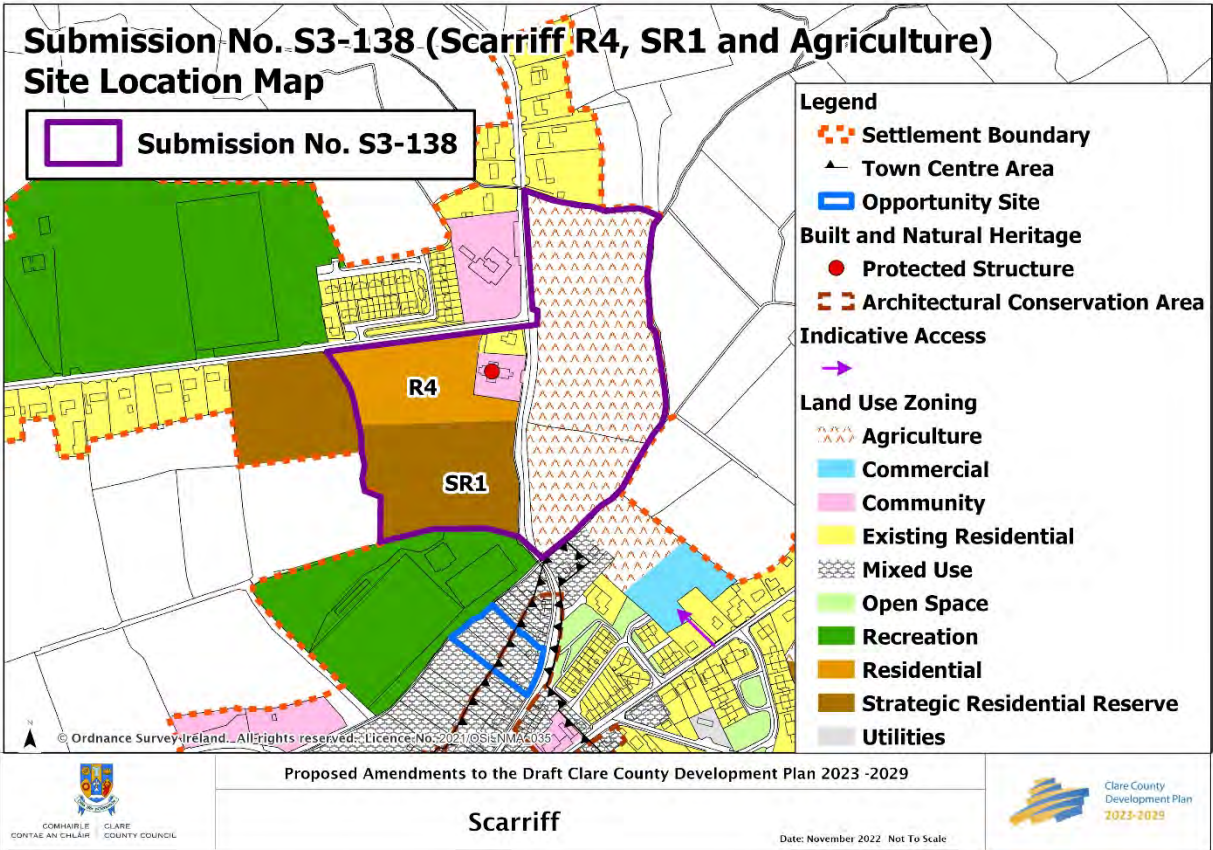
#### Chief Executive's Recommendation

I recommend a non-material update to make the following changes to Section 1 Service Towns – Scarriff / Tuamgraney of Volume 3c Killaloe Municipal District Settlement Plans:

**'R4 ~~East~~ West of the Church, Scarriff**

These lands have been identified as being suitable for housing due to their close proximity to the town centre and to many of the services available in the area contributing to the compact growth of the settlements.'

There are no further recommendations arising from this submission.







# Killaloe

**Submission No: S3/155 – Cunnane Stratton Reynolds on behalf of Michael McHale**

**Summary of Issues Raised in Submission**

The submission relates to lands at Killaloe which were changed from Tourism (TOU2) to Residential (R6) in the Proposed Amendments to the Draft County Development Plan 2023-2029.

The submission supports the relevant Proposed Amendment to the Draft County Development Plan 2023-2029 and asks that it is included in the adopted Plan by Clare County Council.

The submission:

- states that the site is well-located in respect of the Killaloe Bypass and Shannon River Crossing;
- states that the principle of development, albeit non-residential development (TOU2), is established for this site as it is, and has been within the settlement boundary of Killaloe;
- states that a substantial amount of the TOU2 lands are still zoned for Tourism, that the quantum is sufficient and will provide an employment location for future residents of the R6 lands;
- acknowledges that direct access off the bypass will be prohibited;
- states that the emerging County Development Plan includes an acknowledgement that temporary access to the site may have to be provided initially;
- states that the R6 lands are within the town of Killaloe rather than adjoining it, with the latter description used in the text of the Proposed Amendment;
- highlights that development safeguards concerning the R6 site are included in the text of Volume 3c Killaloe Settlement Plan, through the Proposed Amendment;
- states that Flood Risk Zones A & B do not overlap with the R6 lands and therefore a review is sought on that aspect of the text of the Proposed Amendment;
- states that nationally, housing provision appears not to have kept pace with population growth in the intercensal period (2016-2022);
- highlights that the recorded population for Clare in Census 2022 exceeds the population projection for the county for 2026 that is contained in the 'Housing Supply Target Methodology for Development Planning Guidelines for Planning Authorities'. The population target in that document for 2031 of 129,500 people in Clare is also highlighted;
- calculates that population growth of 11% between 2016 and 2022 has been recorded in the Killaloe Electoral Division;
- highlights that lack of sewerage capacity has curtailed residential development in Killaloe since c. 2005. Notes that the upgrade of the Ballina Wastewater Treatment Plant is scheduled for completion in 2024 according to the Killaloe Settlement Plan (within the Proposed Amendments to the Draft County Development Plan 2023-2029);
- highlights that constraints exist to residential development in the Limerick-Shannon Metropolitan Area (LSMA), and states that Killaloe is well-positioned to provide for residential development in proximity to the LSMA;
- quotes the Ministerial Guidelines for Planning Authorities on Development Plans (2022) with regard to approaches to avoid restricting the supply of new housing development;



- states that the site meets the sequential approach in the above Guidelines due to the physical constraints on development in Killaloe Town Centre;
- highlights that the site is within walking distance of recreational lands at Clarisford and of the town centre, which is advantageous.

### Chief Executive's Response

I wish to thank Cunnane Stratton Reynolds for the submission, made on behalf of Michael McHale and I respond as follows.

I acknowledge the support in the submission for the proposed Material Alteration to lands at Killaloe, which formed part of the Members' Resolution made on October 20th 2022. The submission supports the rezoning of part of the Tourism-zoned lands as Residential (R6). I acknowledge the points made in this submission in relation to the proposed Material Alteration which seeks to zone an additional c. 8 ha of lands for Residential use.

With regard to the points made in relation to Census 2022 population totals, I wish to clarify that the Killaloe Electoral Division includes a large rural hinterland as well as Killaloe town.

The response to the current submission reflects that given in the Chief Executive's Report of July 10<sup>th</sup> 2022 to the submission S2/707 (no location map included with the submission), namely:

- the extent of land zoned for future residential use within any settlement is determined by the Core Strategy as set out in Volume 1 of the Draft Development Plan. In determining the location and distribution of residentially zoned land, the Core Strategy is consistent with 'Guidance Notes on Core Strategy November 2010' together with the provisions and conclusions of the SFRA, the SEA and the AA process.
- In addition, site specific land use issues were considered. These criteria include, inter alia, the availability of services, a sequential test, flood risk assessment, planning history, consolidation of urban form etc.
- I note that the lands are at a distance from the town centre and further away than other lands zoned Residential in the Draft Plan. Therefore, in accordance with the Core Strategy, I am satisfied that a sufficient quantum of land has been zoned at appropriate locations within Killaloe to accommodate the required amount of housing units to meet the needs of the allocated population growth for the town over the plan period 2023-2029.
- Given that there is adequate provision of zoned land within the settlement area, I consider the zoning of these lands for Residential is neither necessary or appropriate and would be contrary to proper planning and sustainable development.

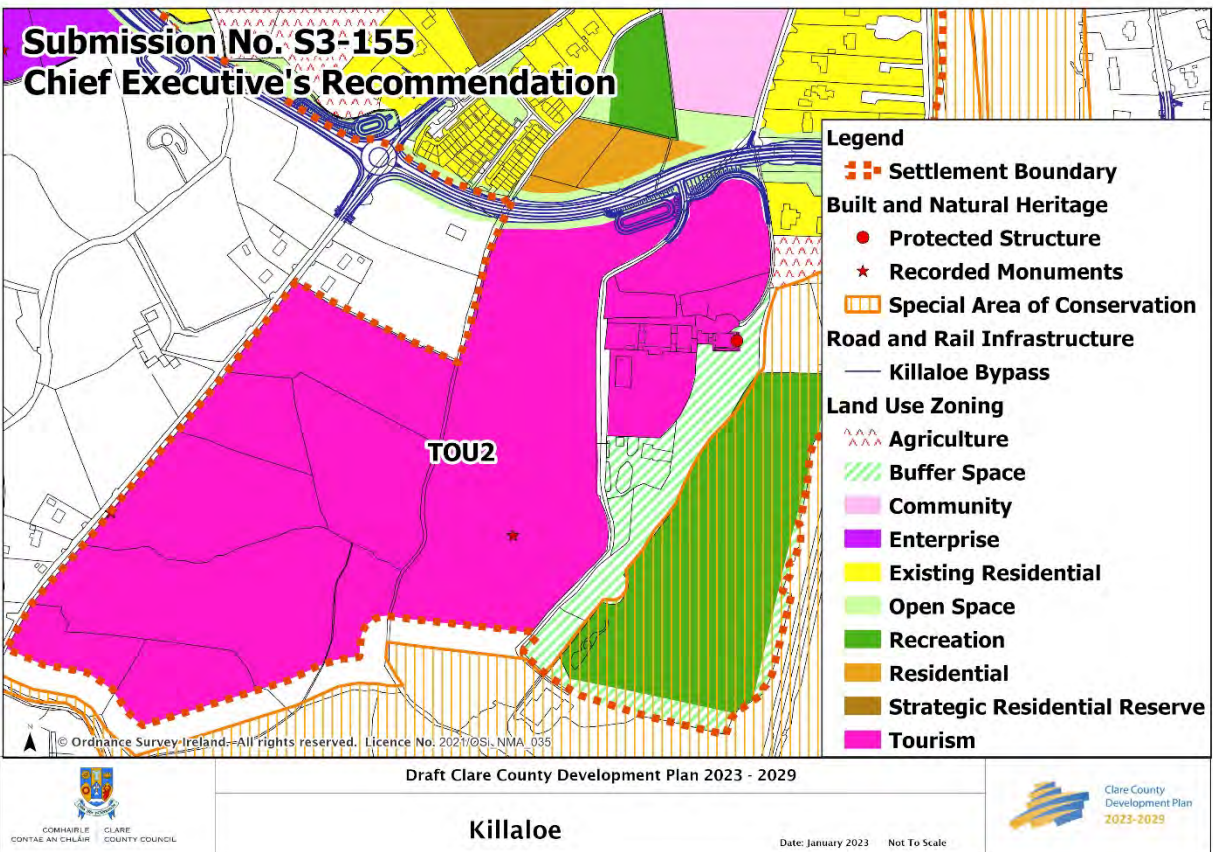
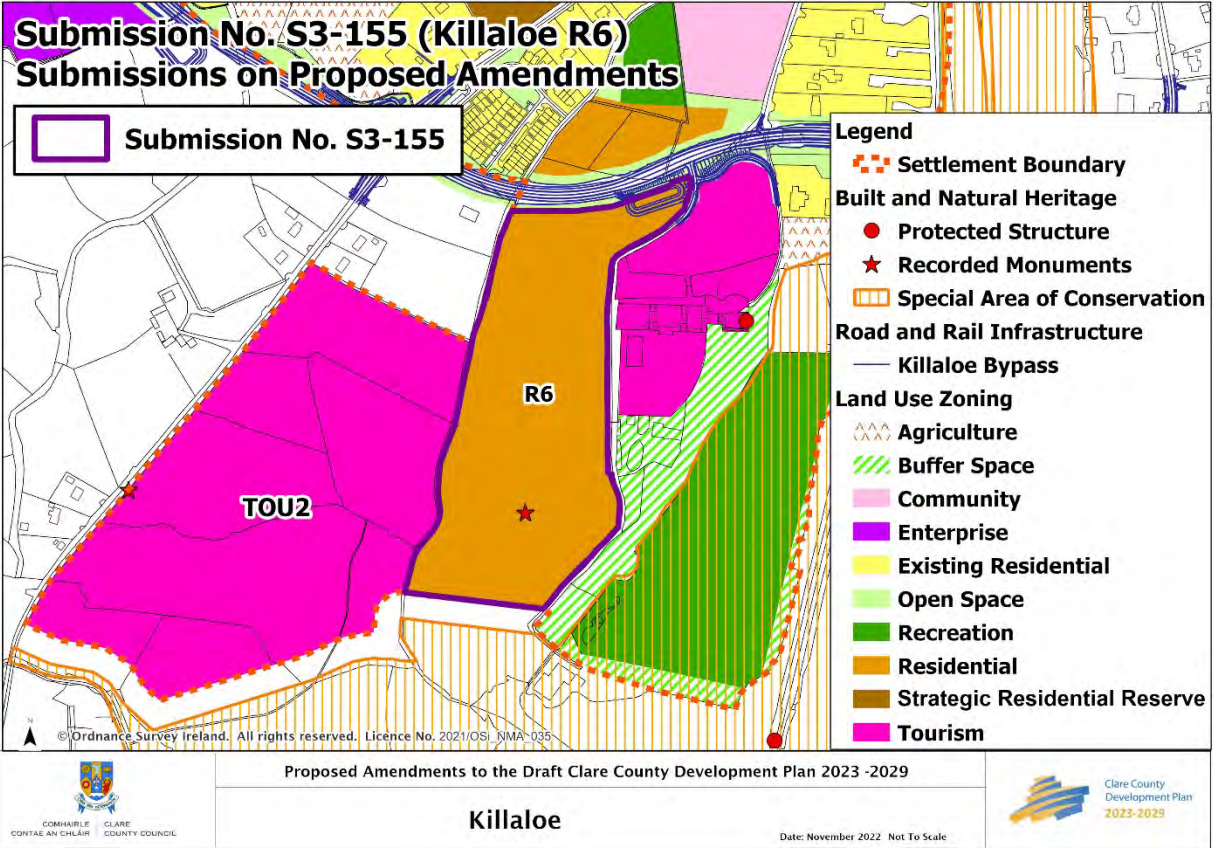
I note that Irish Water have expressed concerns about the proposed Material Alteration, highlighting that a network extension would be required to service the lands. I also note the Recommendation (MA Recommendation 4) set out in the submission from the Office of the Planning Regulator (OPR) (S3/012) states that the Material Alteration regarding Killaloe R6 – from Tourism to Residential not be included.

Contrary to the recommendation of the Chief Executive it was agreed by resolution to change the

zoning on part of the Tourism (TOU2) zoned lands to 'Residential' as a material alteration to the Draft Plan. In accordance with the Chief Executive's recommendation on the original submission to the Draft Plan, I advise that the Plan be made without this material alteration, including all text changes related to it.

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Volume 3c Killaloe Municipal District) be made **without** the proposed Material Alteration to the Killaloe Settlement Plan to change the zoning from Tourism (TOU2) to Residential (R6), as displayed.







# Tulla



**Submission No: S3/036 – Arnold Leahy Architects on behalf of WisKin Property Development Ltd.**

**Summary of Issues Raised in Submission**

The submission relates to c.12.5ha of lands in Tulla. Part of the lands are zoned in the Draft Clare County Development Plan 2023-2029 as Residential (R3), Strategic Residential Reserve (SR2), Community (C8) and Recreation. The remainder of the lands are located outside the Settlement boundary and therefore unzoned.

In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029:

- the R3 zoning is proposed to be enlarged to include the SR2 lands;
- the Community and Recreation lands are to remain zoned for those uses, and
- the settlement boundary is proposed to be enlarged and the subject lands contained within it zoned for Agriculture (AG1).

This follows a submission (S2/813) made on behalf of WisKin Property Ltd. to the Draft County Development Plan which sought to enlarge the R3 zoning to include the SR2 lands, to enlarge the Community zoning into the Recreation and unzoned lands and to zone the remainder of the unzoned lands as Mixed Use.

The submission supports the enlargement of the R3 zoning to include the SR2 lands. It also requests the zoning of the unzoned lands as Mixed Use (rather than Agriculture as has been proposed in the Proposed Amendments).

**Chief Executive’s Response**

I wish to thank Arnold Leahy Architects for the submission, made on behalf of WisKin Property Development Ltd. and I respond as follows.

I acknowledge the support for the proposed Material Alteration to lands at Tulla, which was part (K.7) of the Members’ Resolution made on October 20th 2022. The submission supports the enlargement of the R3 zoning to include the SR2 lands. Additionally, the submission seeks that the lands identified as Agriculture (AG1) in the proposed Material Alteration are zoned Mixed Use.

In its submission (S3/012) the Office of the Planning Regulator (OPR) raise concerns in relation to the inclusion of these lands and require the Development Plan to be made without the proposed Material Alteration to the Tulla Settlement Plan (Volume 3c Killaloe Municipal District) which relates specifically to the R3 lands and the change from “SR to Residential (2ha)”.

My response to this request in this submission reiterates my response to the OPR submission (S3/012) in this regard. It is also consistent with the response to submission S2/813 in the Chief Executive’s Report (10<sup>th</sup> July 2022). Contrary to the recommendation of the Chief Executive therein it was agreed by resolution to change the parcel of land zoned ‘Strategic Residential Reserve’ to ‘Residential’ as a proposed material alteration to the Draft Plan. In accordance with the Chief Executive’s recommendation on the original submission (S2/813) to the draft Plan, I advise that the Plan be made without this proposed material alteration, including all text changes



related to it.

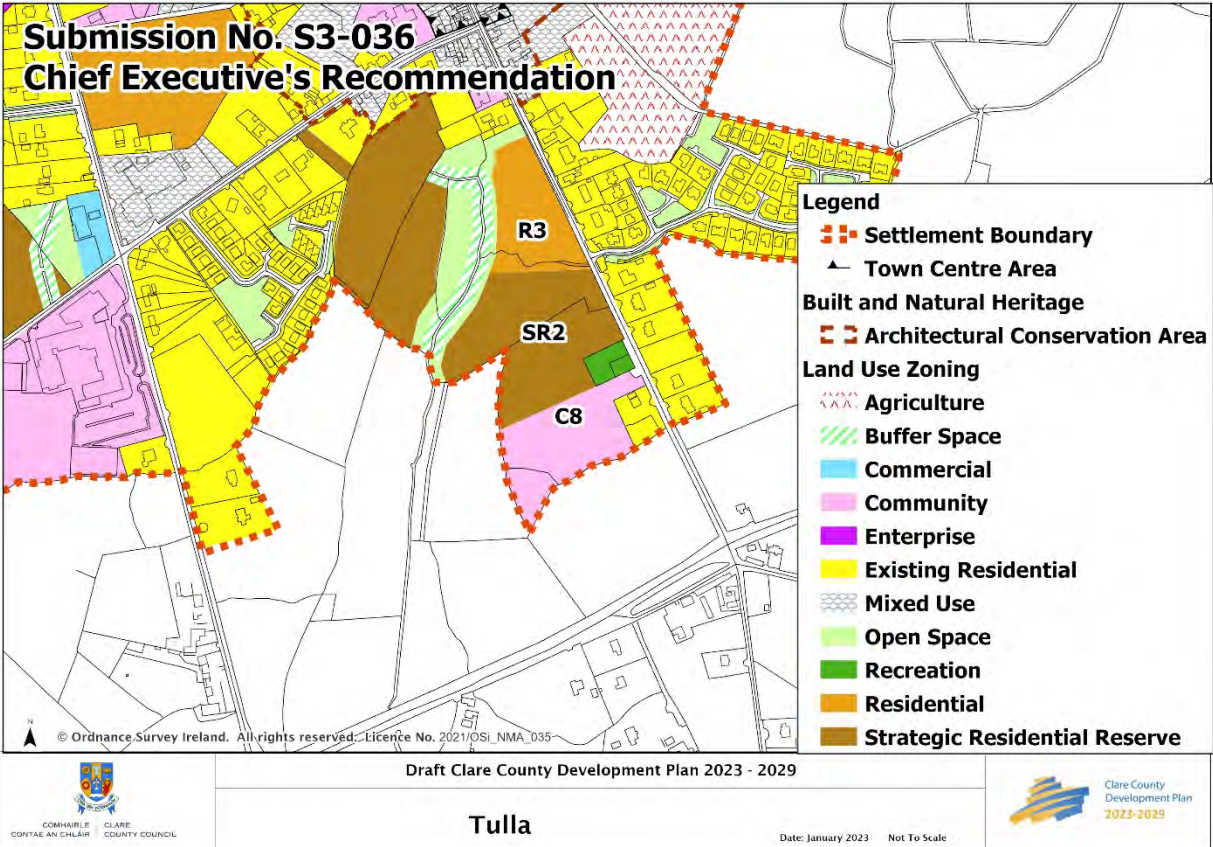
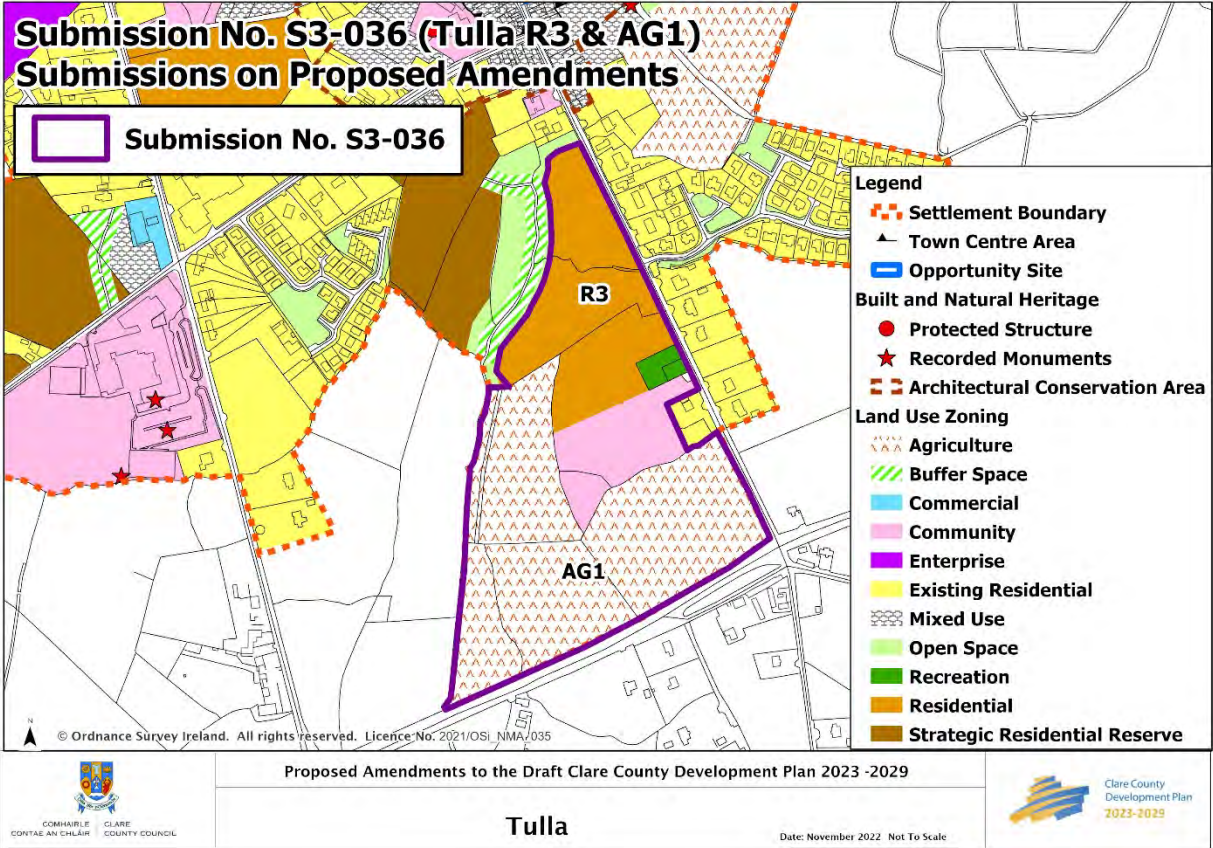
The other element of the current request concerns the AG1 lands, as zoned in the proposed Material Alteration. The submitter seeks to change the zoning from AG1 to Mixed Use. A change of zoning to a proposed material alteration, which is the request in this submission, would constitute another material change which cannot be recommended at this advanced stage in the plan making process, in accordance with the Planning and Development Act 2000, as amended.

### Chief Executive's Recommendation

In relation to the proposed change of the zoning objective of the lands from Strategic Residential Reserve (SR2) to Residential (R3), I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to lands at Tulla, as displayed.

In relation to the proposed enlargement of the Settlement boundary and the zoning of the subject lands contained within it for Agriculture (AG1), I recommend that the Clare County Development Plan 2023-2029 is made **without** the proposed Material Alteration to lands at Tulla, as displayed.







### Submission No: S3/115 – Jim Halpin

#### Summary of Issues Raised in Submission

The submission relates to lands at Tulla currently zoned as ‘Agriculture’ in the Clare County Development Plan 2017-2023 (as varied) and is proposed to remain zoned for ‘Agriculture’ in the Draft Clare County Development Plan 2023-2029.

In the submission it is requested that the land is rezoned as ‘Residential’ for the following reasons:

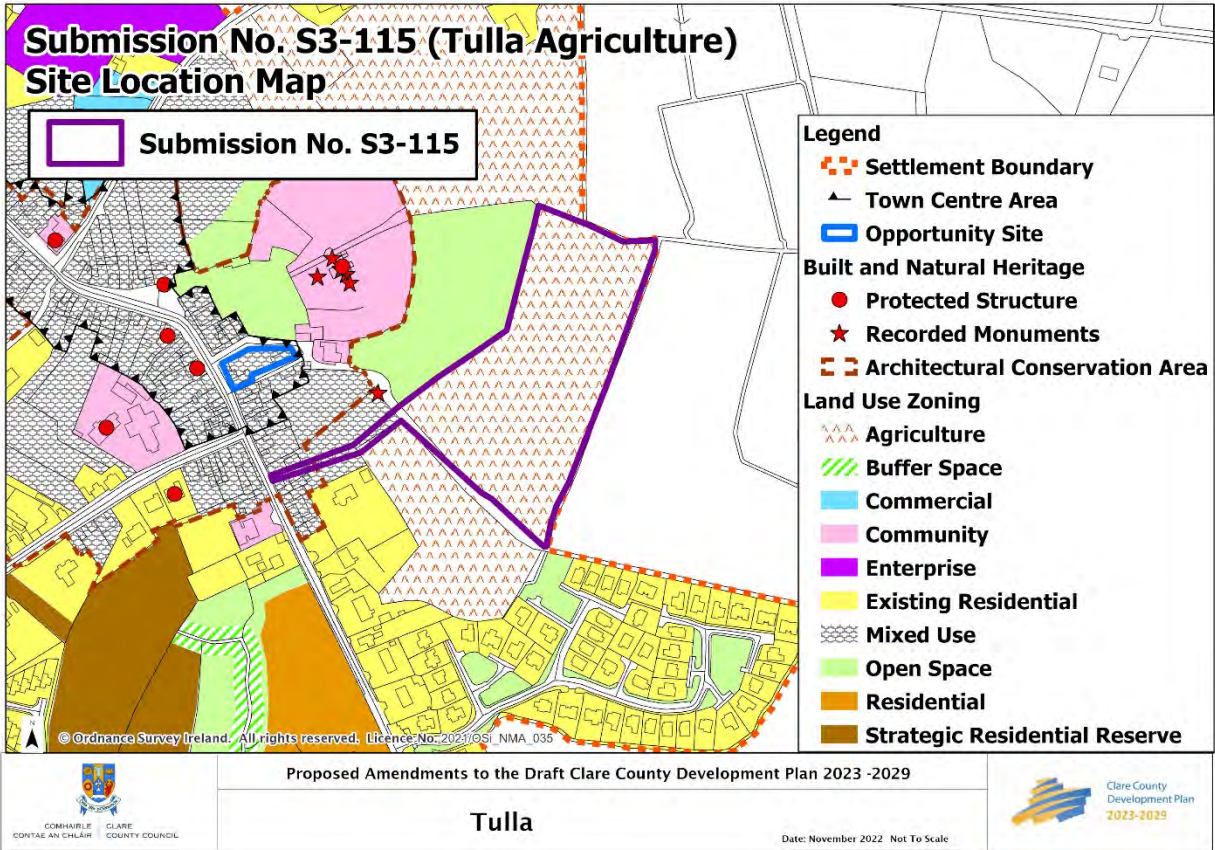
- The population of Tulla and its environs has grown moderately over the last 5 years.
- Foul and water services are available within practical connection distances of the subject lands which provides the opportunity to accommodate future growth.
- The subject lands are well placed to contribute to the future housing provision of the Tulla area.
- Existing development in the vicinity of the subject lands comprise a mixture of established residential developments along with several residential developments under construction.
- The subject lands can be adequately served in terms of water supply and wastewater treatment.
- The subject lands are closer to the town centre than other proposed zoned lands and therefore should be developed first to achieve orderly, sustainable and compact growth of the town.
- The suggested residential zoning of the lands would afford full regard to the adjoining land use and the existing urban and built form and the requirements to protect the visual amenities of the area.
- Vehicular access to the land would be readily available from the existing public road.

#### Chief Executive’s Response

I thank Jim Halpin for the submission which requests to rezone lands from ‘Agriculture’ to ‘Residential’ in Tulla. As the lands referred to are not subject to a proposed Material Alteration to the Draft Plan, I must advise that the change requested cannot be considered at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.

#### Chief Executive’s Recommendation

There is no recommendation arising from this submission.





## Mountshannon





### **Submission No: S3/169 – John Anthony (Tony) O’Rourke**

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

The submission relates to lands in Mountshannon currently zoned as ‘Residential’ in the Clare County Development Plan 2017-2023 (as varied) and is zoned for ‘Residential’ in Draft Clare County Development Plan 2023-2029.

In the submission it is requested that the land is rezoned as ‘Mixed Use’ for the following reasons:

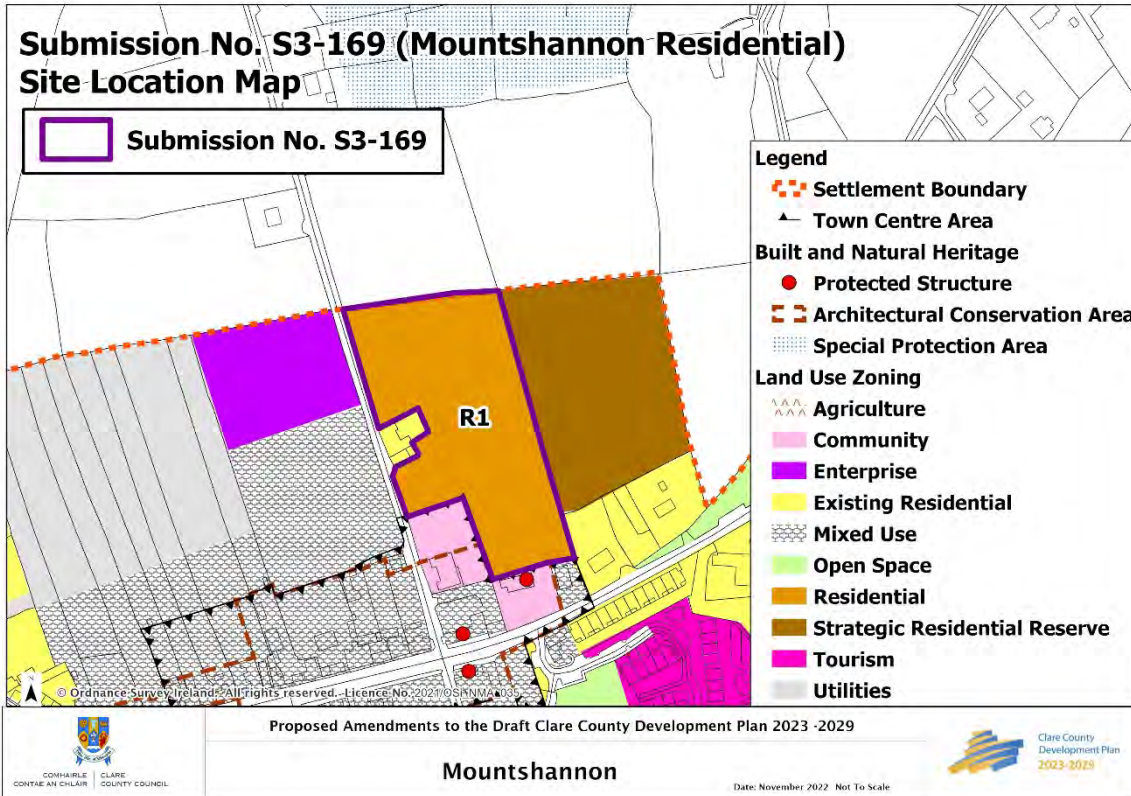
- There is a planning application currently in the system for 11 houses and 2 apartments elsewhere in Mountshannon. This should meet the housing demand in this small village until 2029.

#### **Chief Executive’s Response**

I thank Tony O’Rourke for his submission which requests to rezone lands from Residential to ‘Mixed Use’ in Mountshannon. As the lands referred to are not subject to a proposed material alteration to the Draft Plan, I must advise that the change to zoning as requested cannot be considered at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.

#### **Chief Executive’s Recommendation**

There is no recommendation arising from this submission.





## Kilmore Cluster



## Submission No: S3/025 – John & Ann Clogan

### Summary of Issues Raised in Submission

The submission relates to lands at Kilmore around which the Cluster boundary for Kilmore was expanded in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029.

This follows a submission made on behalf of John & Ann Clogan to the Draft Clare County Development Plan 2023-2029 (S2/540) which sought to enlarge the Cluster boundary for Kilmore, to a greater extent than the area to which the Proposed Amendment related.

The submission supports the relevant Proposed Amendment to the Draft County Development Plan 2023-2029 and asks that it will be ratified by Clare County Council.

### Chief Executive's Response

I wish to thank Town & Country Resources Ltd. for their submission, made on behalf of John & Ann Clogan. I acknowledge their support for the Proposed Amendment concerning lands at Kilmore, which was part (K.11) of the Members' Resolution made on October 20th 2022, in response to the submission by John & Ann Clogan (S2/540) at Draft Plan stage.

The response to the current submission reflects that given in the Chief Executive's Report of July 10<sup>th</sup> 2022 to the submission S2/540, namely:

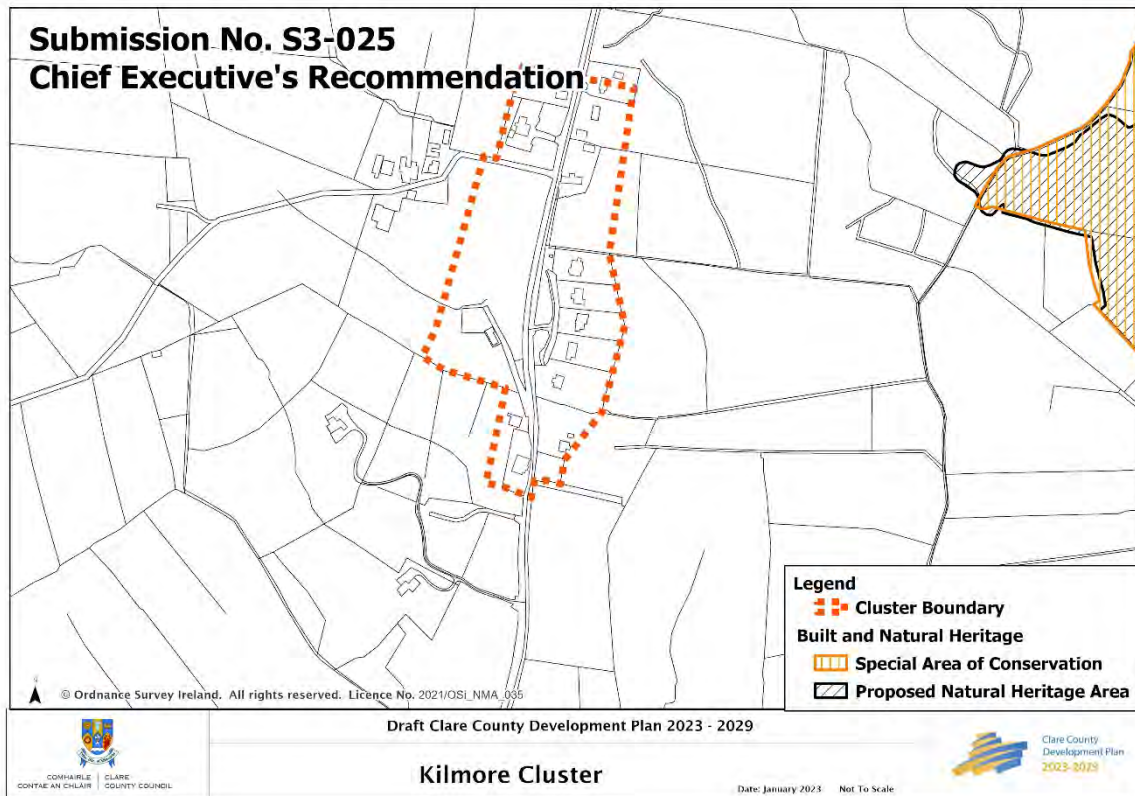
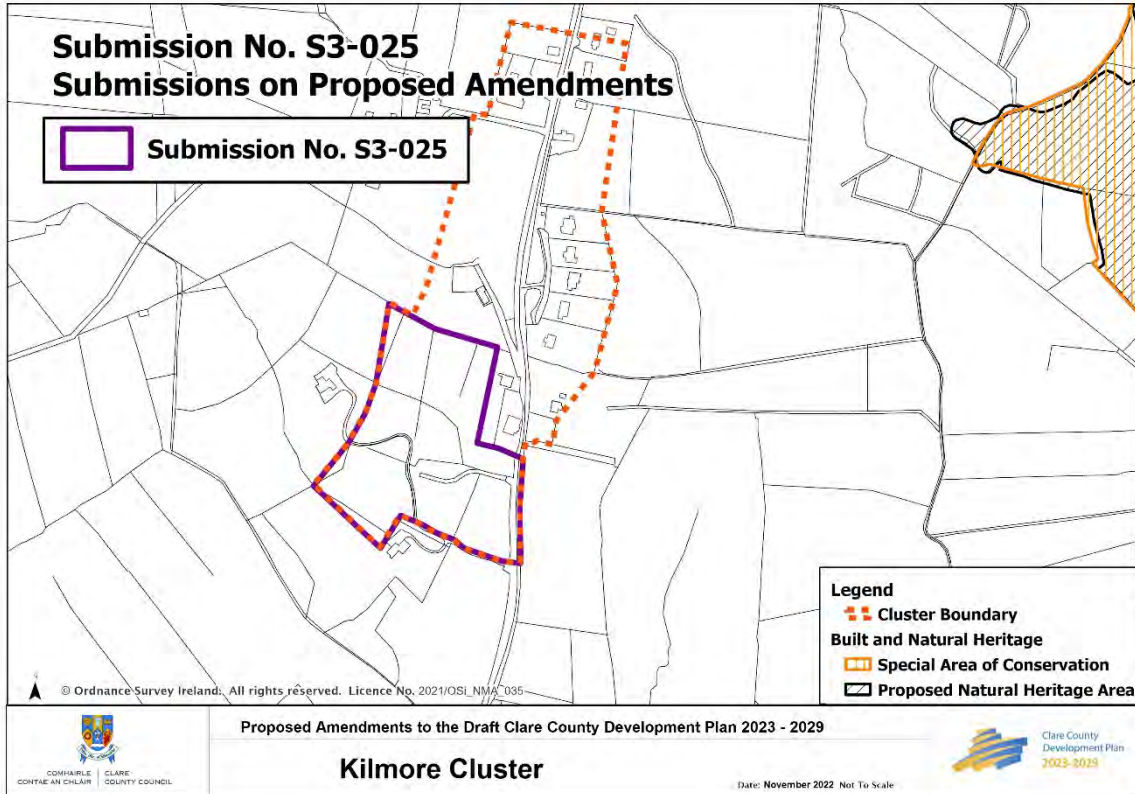
- The subject lands are located immediately south of the Kilmore Cluster boundary in a rural area under strong urban influence;
- The development of greenfield lands within the existing cluster boundary should take precedence ahead of enlarging the extent of the cluster. These lands are located adjacent to the public road and associated infrastructure;
- I consider that to provide for additional development through the extension of this cluster to include the subject lands would result in an undesirable pattern of development in the area and would be contrary to the proper planning and sustainable development of the cluster of Kilmore. It would also militate against the achievement of compact growth as set out in Objective CDP 4.13 Planned Growth of Settlements.

I note the Recommendation (MA Recommendation 7) set out in the submission from the Office of the Planning Regulator (OPR) (S3/012) that the Material Alteration regarding the Kilmore Cluster not be included. The response and recommendation in the Chief Executive's Report of July 10<sup>th</sup> 2022 regarding submission S2/540 largely accords with the OPR's concerns that the proposed Material Alteration is inconsistent with national and regional objectives for compact growth and regeneration, and would militate against the achievement of compact growth as set out in the draft Plan, specifically Objective CDP4.13 Planned Growth of Settlements. As such the Plan should be made without the proposed material alterations to the Kilmore cluster.



### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Volume 3c Killaloe Municipal District Settlement Plans) be made **without** the proposed Material Alteration to the boundary of Kilmore cluster, as displayed.







# Kilrush







## Submission No: S3/033 Lisa Marrinan & Diarmuid Whelan

### Summary of Issues Raised in Submission

The submission relates to lands in Kilrush and a map has been submitted.

In the submission, the submitters object to the extension of the town boundary at Leadmore and the zoning of lands as Residential for the following reasons:

- Considers the extension of the settlement boundary in Leadmore West would contradict the town centre first approach in the Draft CDP 2023-2029.
- Notes lack of demand for houses in neighbouring estate Beal an Inbhir thus estate remains unfinished today and considers there is a risk of inappropriate high densities on the lands.
- Notes Core Strategy target of 10.10ha of land for Kilrush in the Draft Plan has been exceeded by 20% therefore extension of the town is not necessary.
- Any proposed vehicular entrance to this site will impact on traffic safety and result in congestion on this section of a narrow secondary public road.
- Notes lands adjacent to existing graveyard which would limit future expansion of same.
- The proposed zoning would lead to a loss of native species and mature trees which provide bat habitats, other animals such as hedgehogs and moles, as well as the Hen Harrier and other birds and would contravene Objective CDP 15.19 of the Clare County Development Plan 2023-2029.
- The zoning of this agricultural land will have a potentially seriously impact on the residential amenity of the submitter including from noise due to increased traffic, overshadowing and loss of privacy.
- The zoning of this agricultural land will seriously impact the residence of the submitter and their site due to the topography of the adjoining land and subsidence issue along the existing town boundary line.
- The lands were included by resolution of the members against the wishes of the Chief Executive of the Council and the Planning Section.

### Chief Executive's Response

I wish to thank Lisa Marrinan and Diarmuid Whelan for the submission. I note the submitted map does not identify the lands referred to in the submission, however it is evident from the submission the parcel of land that is being referred to is Residential (R10), therefore in the interests of clarity a map of these lands has been prepared. My response to this submission is as follows:

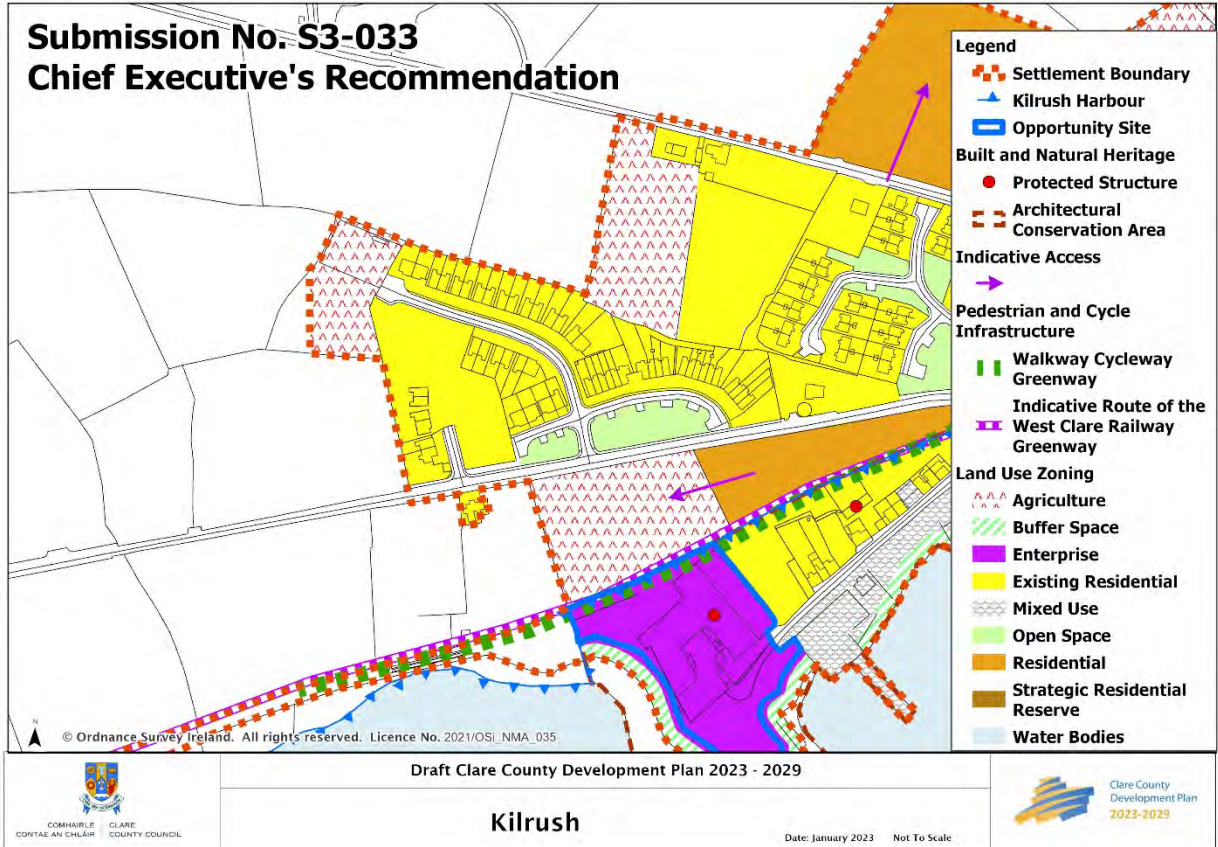
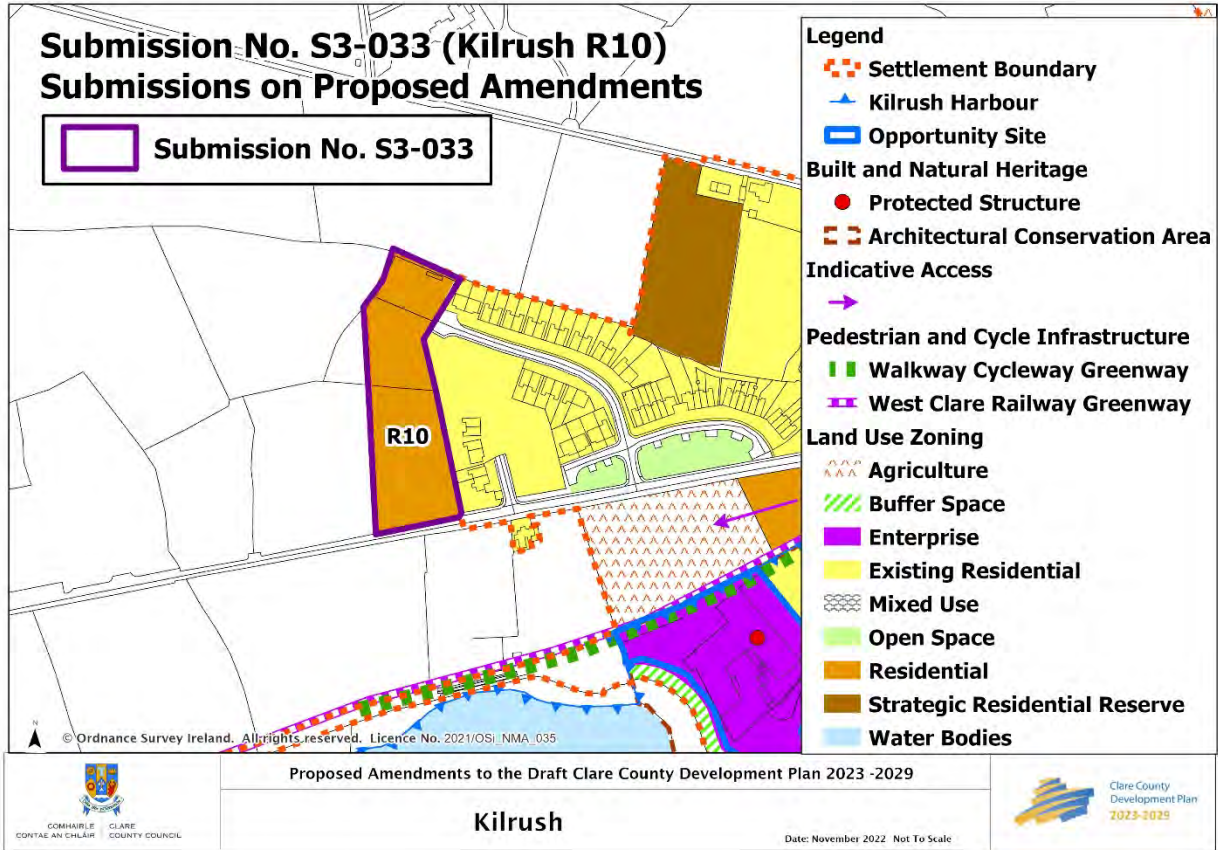
The submission relates to land that is zoned Agriculture in part with the remainder located outside of the Kilrush Settlement boundary in the Draft Clare County Development Plan 2023-2029. In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029 the settlement boundary is proposed to be extended and the lands zoned Residential (R10). I note that in response to a submission, S2/676, at Draft Plan stage requesting this amendment the Chief Executive's Report of July 10<sup>th</sup> 2022 recommended that the lands remain zoned for Agriculture in part with the remainder outside of the Kilrush Settlement boundary as per the Draft Plan.

In this regard, the Core Strategy of the development plan sets out the extent of land required to facilitate residential development in the Kilrush/Cappa area during the lifetime of the plan and it would not be in line with national and regional planning policy to zone lands in excess of the identified requirement. The subject lands are located immediately west of the Kilrush settlement boundary, and outside of that boundary. Having regard to the location of the subject site on the western periphery of the settlement and to 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. It is desirable to progress development in a sequential manner where zoned lands closest to the centre of the town and its associated facilities and services are developed before lands on the periphery of the settlement are brought forward for development. I consider that additional zoning of the scale proposed at this location would militate against compliance with Section 28 Housing Target Guidelines and the Core Strategy.

I refer to the submission made by the Office of the Planning Regulator's (OPR), S3/012, and MA Recommendation 3 – Kilrush Service Town, that having regard to the core strategy of the Draft Plan; the national and regional objectives, the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for the sequential approach to development and the provision of a sustainable settlement and transport strategy, the planning authority is required to make the Plan **without** the proposed Material Alteration on the subject lands.

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Kilrush Settlement Plan, Volume 3d West Clare Municipal District) be made **without** the proposed Material Alteration to extend the settlement boundary and change zoning from Agriculture to Residential (R10), as displayed.





## Submission No: S3/ 034 - Eliza Smyth

### Summary of Issues Raised in Submission

The submission relates to lands in Kilrush and a map has been submitted.

In the submission, the submitters object to the extension of the town boundary at Leadmore and the zoning of lands as Residential for the following reasons:

- Considers the extension of the settlement boundary in Leadmore West would contradict the town centre first approach in the Draft Clare County Development Plan 2023-2029.
- Notes the lack of demand for houses in the neighbouring estate Beal an Inbhir and the existence of derelict properties in the town centre that could be developed.
- Any proposed vehicular entrance to this site will comprise traffic safety and result in congestion on this section of a narrow secondary public road.
- Notes lands adjacent to existing graveyard which would limit future expansion of same.
- The proposed zoning would lead to a loss of native species and mature trees, would impact on hedgehogs, bats, birds and foxes and would contravene Objective CDP 15.19 of the Clare County Development Plan 2023-2029.
- The zoning of this agricultural land will have potentially seriously impacts on residential amenity as well as the submitters residence and site due to the topography of the adjoining land and subsidence issue along the existing town boundary line.
- The lands were included by resolution of the members against the wishes of the Chief Executive of the Council and the Planning Section.

### Chief Executive's Response

I wish to thank Eliza Smyth for the submission. I note the submitted map does not identify the lands referred to in the submission, however, it is evident from the submission the parcel of lands that is being referred to is Residential (R10), therefore in the interests of clarity a map of these lands has been prepared.

The submission relates to land that is zoned Agriculture in part with the remainder located outside of the Kilrush Settlement boundary in the Draft Clare County Development Plan 2023-2029. In the Proposed Amendments to the Draft Clare County Development Plan 2023-2029 the settlement boundary is proposed to be extended and the lands zoned Residential (R10). I note that in response to a submission, S2/676, at Draft Plan stage requesting this amendment the Chief Executive's Report of July 10<sup>th</sup> 2022 recommended that the lands remain zoned for Agriculture in part with the remainder outside of the Kilrush Settlement boundary as per the Draft Plan.

In this regard, the Core Strategy of the development plan sets out the extent of land required to facilitate residential development in the Kilrush/Cappa area during the lifetime of the plan and it would not be in line with national and regional planning policy to zone lands in excess of the identified requirement. The subject lands are located immediately west and outside of the existing Kilrush settlement boundary. Having regard to the location of the subject site on the western periphery of the settlement and to the availability of lands closer to the town centre

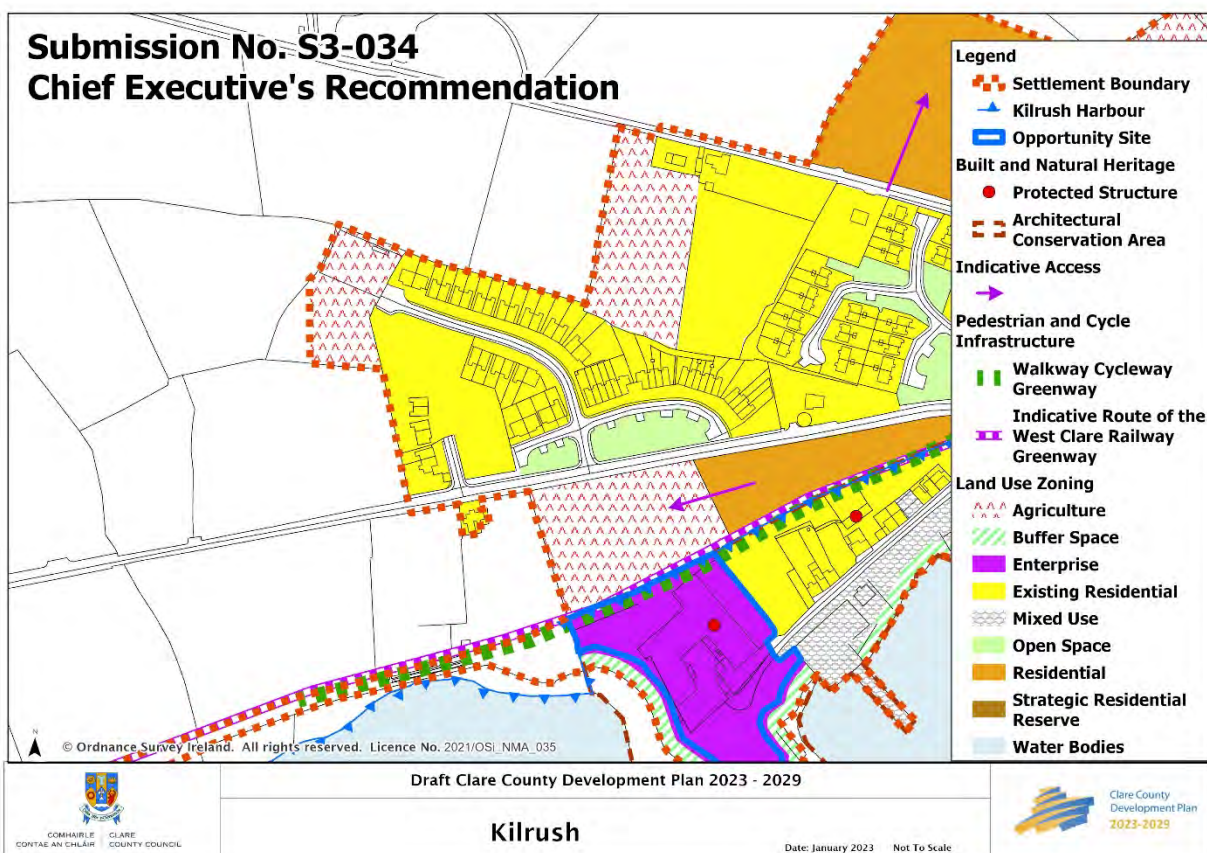
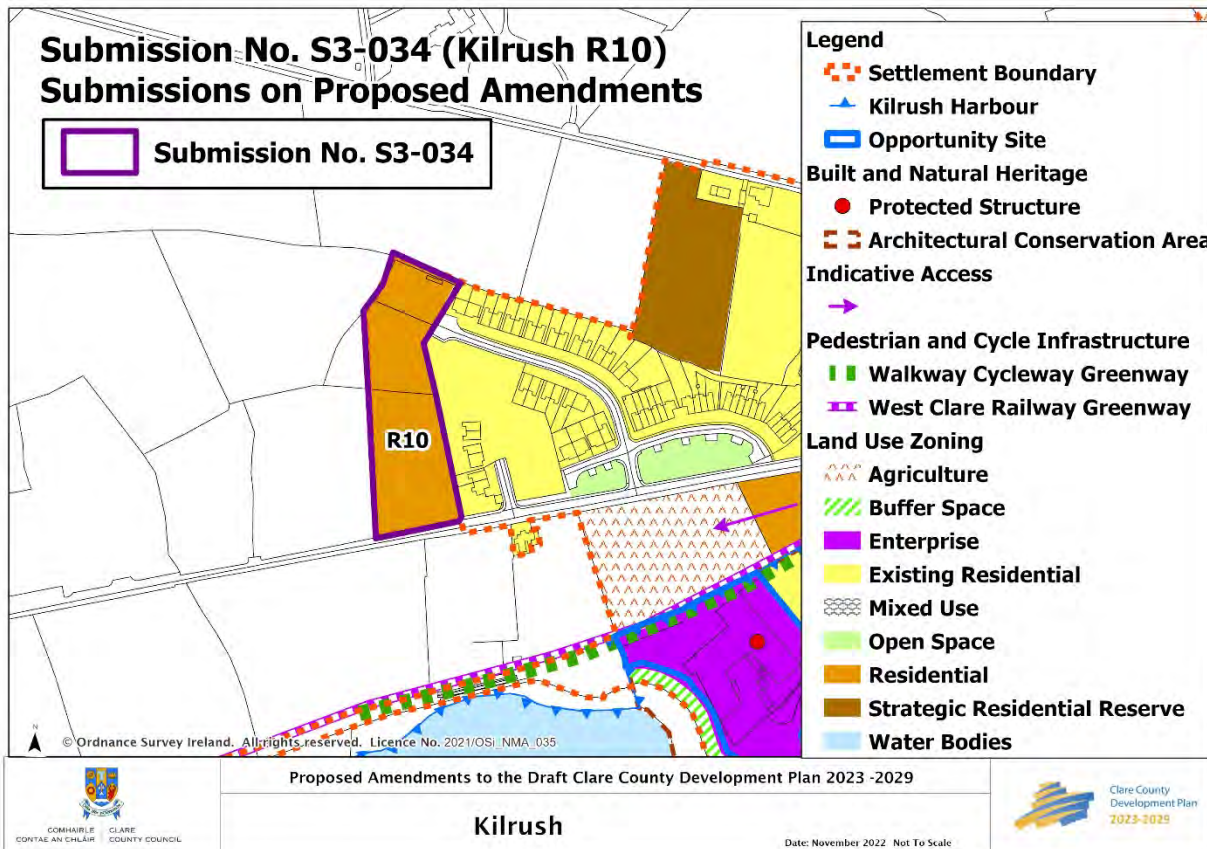


identified for residential development I do not consider it appropriate to zone these additional lands at this time. It is desirable to progress development in a sequential manner, with zoned lands closest to the centre of the town and its associated facilities and services, developed before lands on the periphery of the settlement are brought forward for development. I consider that additional zoning of the scale proposed at this location would militate against compliance with Section 28 Housing Target Guidelines and the Core Strategy.

I refer to the submission made by the Office of the Planning Regulator's (OPR) , S3/012, and MA Recommendation 3 – Kilrush Service Town, that having regard to the core strategy of the Draft Plan; the national and regional objectives, the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for the sequential approach to development and the provision of a sustainable settlement and transport strategy, the planning authority is required to make the Plan **without** the proposed Material Alteration on the subject lands.

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Kilrush Settlement Plan, Volume 3d West Clare Municipal District) be made **without** the proposed Material Alteration to extend the settlement boundary and change zoning from Agriculture to Residential (R10), as displayed.





### Submission No: S3/076 Bernadette Kiely

#### Summary of Issues Raised in Submission

The submission relates to Opportunity Site OP1 in Kilrush. No map has been submitted.

In relation to the description of OP1 in Kilrush, which is described as a Former Tile/Bathroom Showroom which is under-utilised, the submitter notes that it houses a gym and a bicycle shop, KFit Gym and L&L Cycles and requests that the paragraph is amended as the building is fully utilised.

The submission notes that the adjacent car park is in poor condition with illegal dumping at times and considers that other businesses could be encouraged to locate or relocate if these issues were resolved. It is requested that the Council consider putting additional supports in place to attract business to this location.

#### Chief Executive's Response

I wish to thank Bernadette Kiely for the submission and respond as follows:

In relation to the description of OP1 in Kilrush, I note that the former Tile/Bathroom Showroom is now in use. The building was unoccupied for a substantial period of time and given its location in the town centre with carparking and adjacent greenfield site, it has significant development/redevelopment potential in the longer-term which is reflected in the description contained in the Plan. Given that the building is currently occupied I consider it is appropriate to reference this within the description of OP1 under 'Opportunity Sites - Kilrush and Cappa' in the Kilrush Settlement Plan.

I also note the concerns in relation to the poor condition of the adjacent car park and the need to encourage other businesses to locate to the area. While the car park is not included within the boundary of the OP1 site, given its location adjacent to it, the condition of the car park has the potential to impact either positively or negatively on the OP1 site and its potential future occupants. Therefore, I consider it is important to support opportunities to enhance the car park and encourage new businesses to locate to the area.

Having regard to the above, I consider it is appropriate to include a non-material update to the text of the OP1 site to reference the current uses on the site and to support opportunities to enhance the car park and encourage new businesses to locate to the area.

#### Chief Executive's Recommendation

I recommend a non-material update to the Clare County Development Plan 2023-2029 (Kilrush Settlement Plan, Volume 3d West Clare Municipal District) in relation to text associated with Opportunity Site OP1 in Kilrush as follows (in blue text, with text in blue ~~strikethrough~~ representing a deletion from the Proposed Amendment):



**OP1 Former Tile/Bathroom Showroom, ~~and~~ associated car park area and adjacent site at Place de Plouzane**

The former showroom was unoccupied for a substantial period of time but is now in use as a gym and a bicycle shop, KFitt Gym and L&L Cycles. ~~is an under-utilised structure in the town and the~~ However, the ~~adjacent~~ associated car park is in poor condition. ~~The~~ and the adjacent site to the east is ~~also~~ underutilised. ~~There~~ Although it is currently occupied, there is an opportunity for the further development/redevelopment of the former showroom building either individually or in the context of the overall site, which could include the adjacent site to the east. The site is zoned Mixed Use which provides for a range of uses. The former showroom, for example, is suitable for the provision of a cinema, indoor children's activity centre, retail and hospitality uses. The overall site would be an ideal location for educational use. Place de Plouzane is identified as an area in need of enhancement and opportunities exist to open up the space for civic uses. The Council encourage the re-use of the building in a manner that will attract a high pedestrian footfall, in particular family-friendly uses, and will increase the use of the Place de Plouzane area. In addition, the Council support opportunities to enhance the car park and encourage new businesses to locate to the area.



## Submission No: S3/130 – Tom and Michael Nolan

### Summary of Issues Raised in Submission

The submission relates to lands at Kilrush currently zoned as ‘Agriculture’ in the Clare County Development Plan 2017-2023 (as varied). In the Draft Clare County Development Plan 2023-2029, the northern part of the subject lands remains zoned as ‘Agriculture’ while the southern part of the land was rezoned as ‘Residential R9’, by way of a proposed material alteration.

In the submission it is requested that Residential R9 is rezoned to Agriculture and that the land remains zoned in full for ‘Agriculture’ for the following reasons:

- The land is used for agricultural purposes under stewardship with successive family and extended family members working on it.
- The subject lands were zoned as ‘Mixed Amenity and Development’ in the Kilrush Development Plan 2008-2014.
- In 2012 as part of the Kilrush Town and Environs Development Plan 2014 – 2020, it was requested that the subject lands be zoned as ‘Agriculture’.
- In March 2022, it was proposed that the lands be divided into a Northern half and Southern half for planning purposes with ‘Agricultural’ on the northern half and ‘Strategic Residential Reserve’ zoning on the southern half.
- In the Draft Development Plan 2023-2029, a portion of the land was zoned ‘Residential’ which was never the use intended for it.
- Reassurance is sought that the ‘Residential’ zoning be removed from the Draft Development Plan 2023-2029 and that the entire field continues to be zoned as ‘Agriculture’.

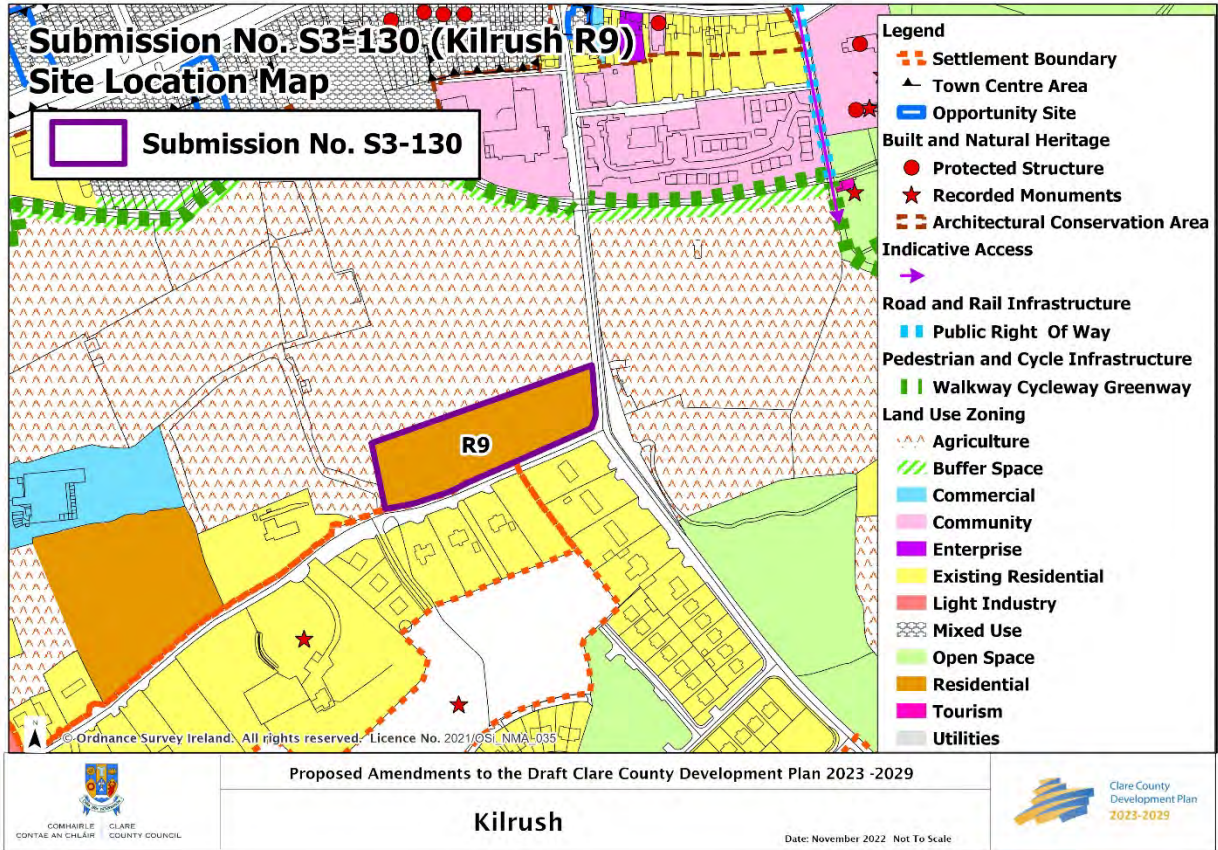
### Chief Executive’s Response

I note that no map has been submitted, however, as the submission refers to a specific residential land parcel and it is taken to be referring to Residential (R9). In the interests of clarity, a map has been prepared which accompanies this report. My response to this submission is as follows:

I wish to advise that the most recent round of public consultation in the County Development Plan making process was to obtain submissions in relation to the Proposed Amendments only to the Draft Clare County Development Plan 2023-2029. While I thank Tom Nolan and Michael Nolan for their submission, the lands referred to are not subject to a proposed material alteration to the Draft Plan and I must advise that the change to zoning as requested cannot be recommended at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.

### Chief Executive’s Recommendation

There is no recommendation arising from this submission.





# Kilkee





## Submission No: S3/050 Town & Country on behalf of Declan Cunningham

### Summary of Issues Raised in Submission

The submission relates to lands at Kilkee. A map has been submitted as well as a Hydrological Assessment.

In the submission it is requested that the Planning Authority adopt the land use zoning objectives included in the Draft CDP for the following reasons:

- Considers the proposed amendment is a direct response to a third-party submission on the Draft Plan, S2/901, which alleges a flood risk on the lands.
- Refers to an existing tourist facility, Cunningham's Holiday Park, on the landholding and a recent planning permission for extension of this facility, Ref No. 21/355, which was refused for 2 reasons including concerns regarding flood risk.
- Notes the conclusion of the submitted Hydrological Appraisal that Clare County Council must not adopt the proposed material amendment to the Draft Development Plan as detailed in the Kilkee Settlement Plan Map, published on 28th November 2022.

### Chief Executive's Response

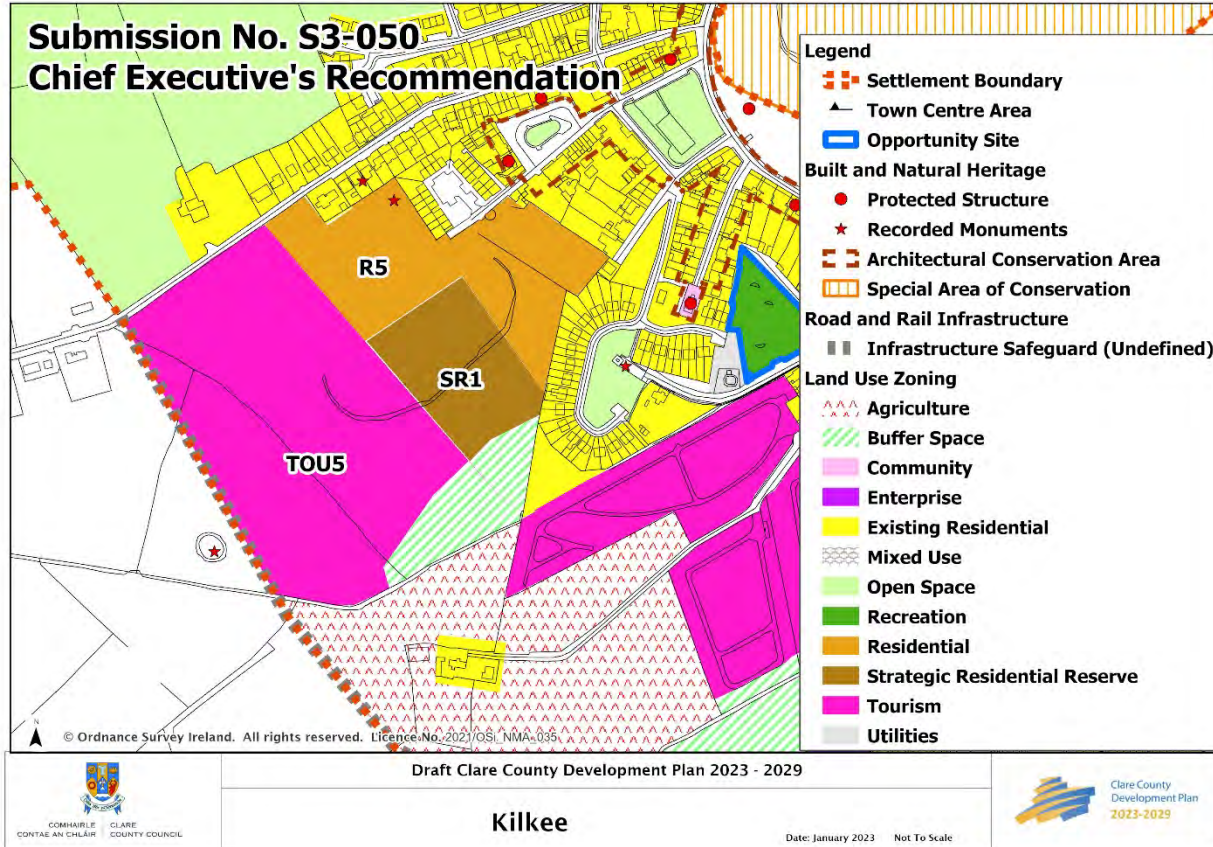
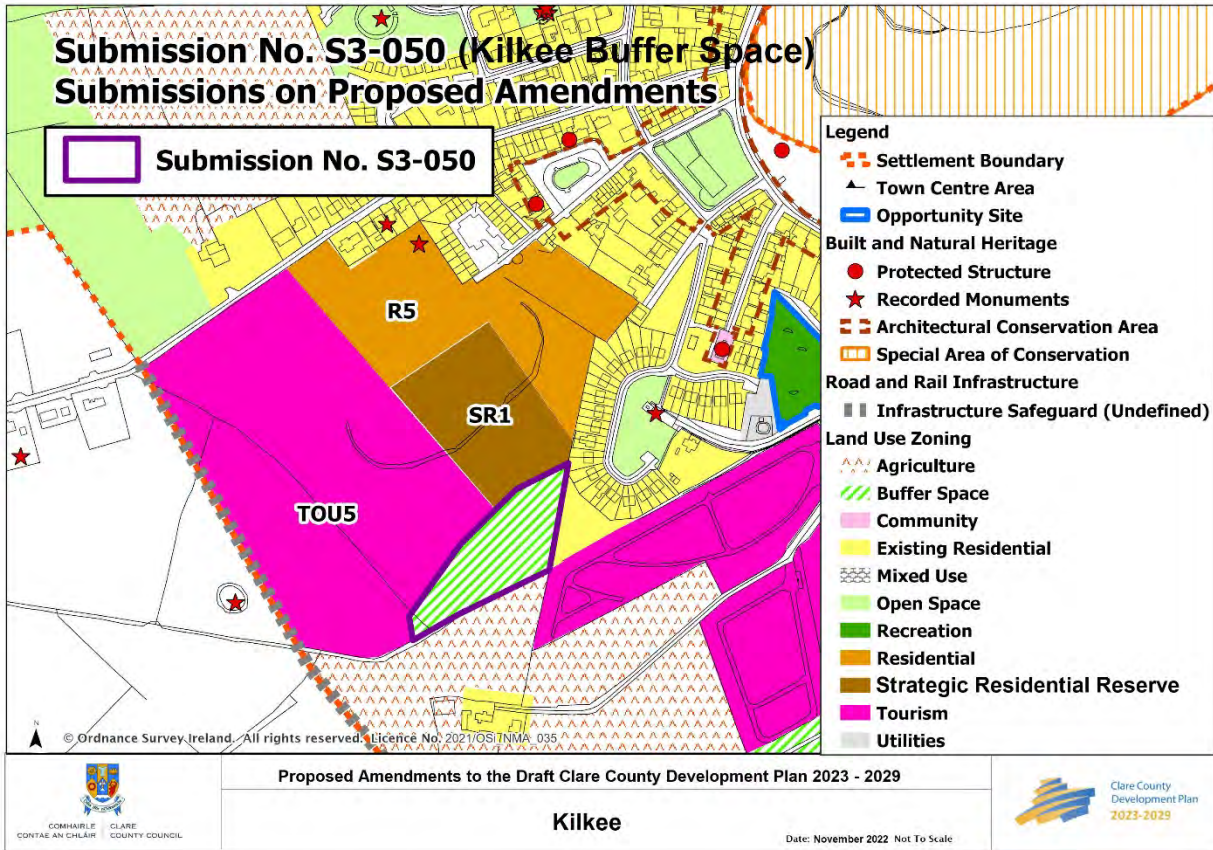
I wish to thank Declan Cunningham for the submission and respond as follows:

The submission relates to a portion of land zoned Tourism TOU5 and Strategic Residential Reserve SR1 in the Draft Clare County Development Plan 2023-2029 which is proposed to be zoned Buffer Space, by way of a proposed material alteration in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029. I note that in response to a submission (S2/901) made at Draft Plan stage, the Chief Executive's Report of July 10<sup>th</sup> 2022 recommended a change of the zoning from Tourism to Buffer Space on the subject land.

The submission requests the re-zoning of the Buffer Space land use zoning objective to a higher vulnerability use. The previous CE's Report explains why the land is required as buffer space, the lower (southern) part of the site is vulnerable to inundation from the Well Stream and is identified to form part of the Kilkee FRS options and which we are required to take into consideration in the zoning of lands. It is recommended that this lower part of the site is rezoned to a water compatible use and that the final Plan is made with the proposed Material Alteration.

### Chief Executive's Recommendation

I recommend the Clare County Development Plan 2023- 2029 (Kilkee Settlement Plan, Volume 3d West Clare Municipal District Settlement Plans) is made **with** the proposed Material Alteration, as displayed.





### Submission No: S3/078 Bernadette Kiely

#### Summary of Issues Raised in Submission

The submission relates to the new wastewater treatment plant in Kilkee. No map has been submitted.

1. The submission notes the expected completion date for the WWTP has been extended from 2025 up to 2029.
2. In the submission it is requested that text is included in the Plan ensuring the continued work on the elimination of Japanese Knotweed along the banks of the Victoria stream, by the developer, for the duration of the project.

#### Chief Executive's Response

I wish to thank Bernadette Kiely for the submission and respond as follows:

1. Noted.
2. The request does not relate to a proposed Material Alteration to the Draft Clare County Development Plan 2023-2029 and therefore the requested cannot be recommended at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended. However, please note that the Draft Plan contains broader policies and objectives relating to invasive species including Japanese Knotweed, in particular Section 15.2.23 Alien and Invasive Species in Chapter 15 Biodiversity, Natural Heritage and Green Infrastructure of Volume 1 and Objective CDP15.29 (b) which requires all development proposals to address the presence of invasive alien species on the proposed development site and to require an Invasive Species Management Plan where such species are present.

#### Chief Executive's Recommendation

There is no recommendation arising from this submission.







## Lisdoonvarna





## Submission No: S3/013 -Norah Kelly

### Summary of Issues Raised in Submission

The submission relates to lands at Rooska Lisdoonvarna. No map has been submitted.

The submitter objects to the proposed change in zoning of Strategic Residential Reserve (SR4) lands and Agriculture (AG1) lands in the Draft Plan to Agriculture (AG1) and Residential (R3) for the following reasons:

- Conflicts with balanced planning as social and affordable sites and associated amenities should be provided on public owned lands and queries the removal of SR4 zoning from lands suitable for social housing at a time of high housing list numbers, increasing construction costs and mortgage interest rates.
- Conflicts with town centre first policy.
- Concerns over density and type of housing to be provided on R3 lands. Changes in local community including no. of refugees (population has increased by 370%), the serviced sites will be out of reach of locals or Irish purchasers due to imbalance in the population mix.
- Notes that the local community are welcoming refugees as best they can in an emergency situation, however concerns are raised over loss of local identity and that R3 and AG1 zonings will provide an opportunity for rapid build modular houses for permanent accommodation of refugees.

### Chief Executive's Response

I wish to thank Norah Kelly for the submission. I note that no map has been submitted, however, as the submission refers to specific land parcels the subject lands can be identified and mapped accordingly.

I acknowledge the objection to the proposed change in zoning of lands at Rooska which was included by way of a proposed material alteration on foot of the Members' Resolution made on October 20<sup>th</sup> 2022, in response to submissions received at Draft Plan stage.

My response to the current submission reflects that which was given in the Chief Executive's Report of July 10<sup>th</sup> 2022 to submissions received at Draft Plan, including S2/098, S2/149 and S2/996. While I consider that the lands subject to the proposed Material Alteration, R3 and AG1, have potential to accommodate residential development in the future, they are located further from the town centre than other lands identified for residential use in the Draft Plan, including R2 lands to the north. The extent, location and distribution of land zoned for future residential use within any settlement is determined by the Core Strategy as set out in Volume 1 of the Draft Plan in line with 'Guidance notes on Core Strategy Nov 2010' together with the provisions and conclusions of the SFRA, the SEA and the AA process as well as site specific land use issues including availability of services, a sequential test, flood risk assessment, planning history, consolidation or urban form etc. Therefore, in accordance with the Core Strategy, I am satisfied that a sufficient quantum of land is already zoned in the Draft Plan at appropriate locations within Lisdoonvarna to accommodate the required amount of housing units to meet the needs of the allocated population growth for the town over the plan period 2023-2029.

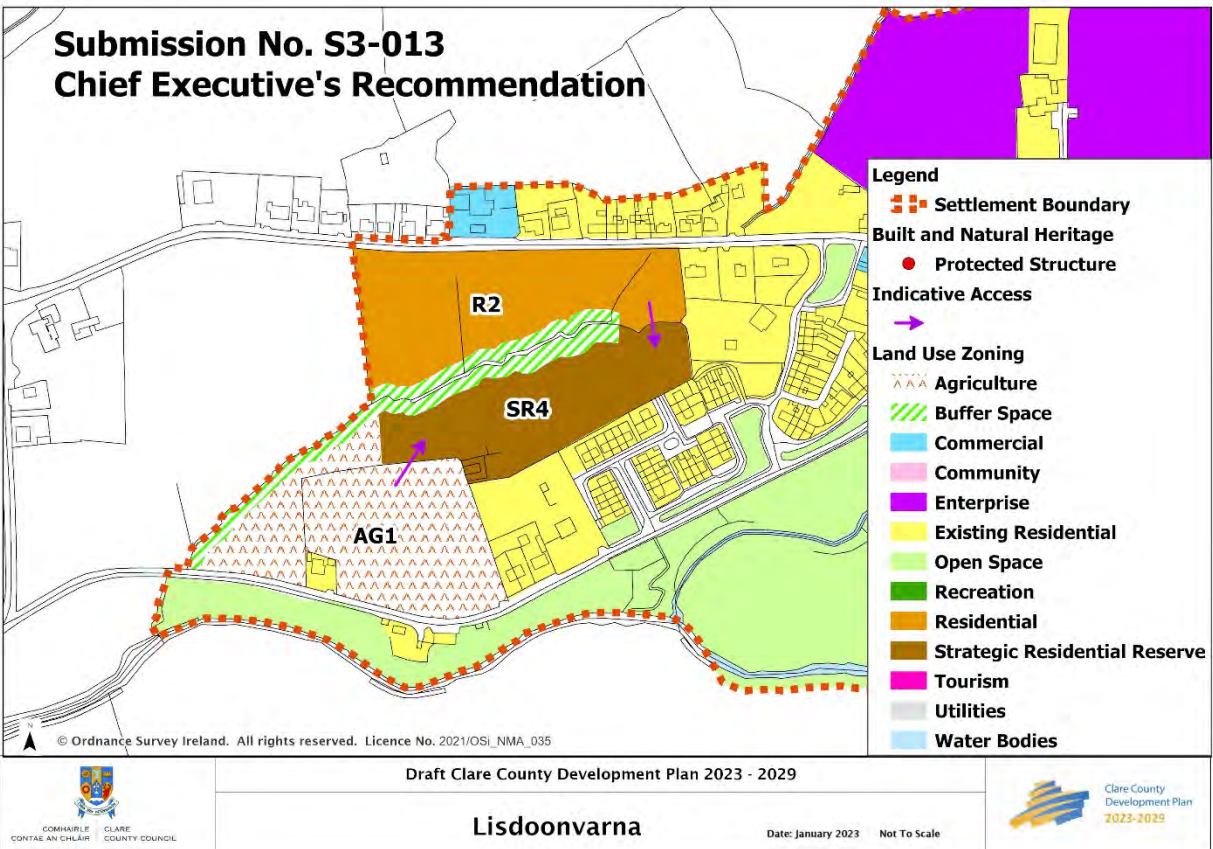
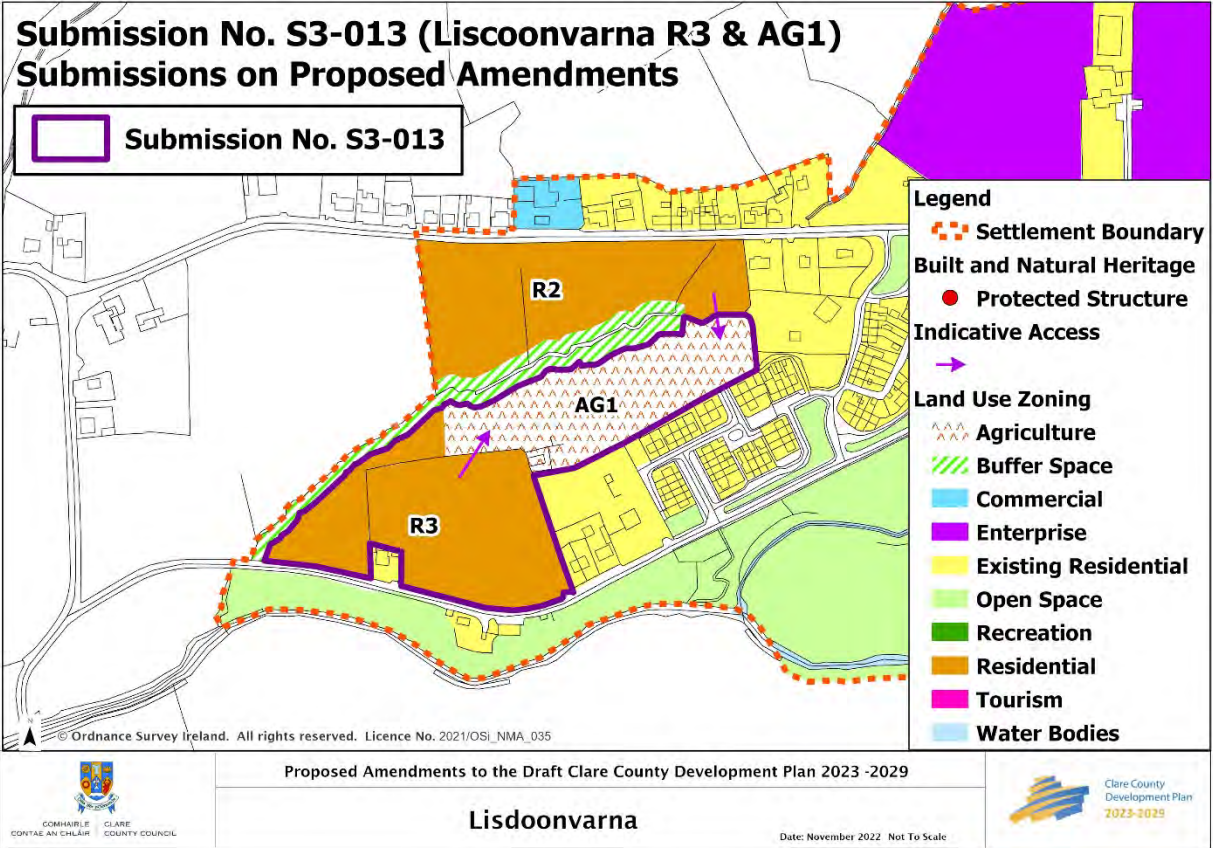


I refer to the submission made by the Office of the Planning Regulator's (OPR), S3/012, and MA Recommendation 4 – Small towns, that having regard to the core strategy of the Draft Plan; the national and regional objectives, the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for sequential approach to development and the provision of a sustainable settlement and transport strategy, the planning authority is required to make the Plan **without** the material amendment proposed on the subject lands.

Having regard to all of the above, I consider it appropriate to retain the Strategic Residential Reserve (SR4) and Agriculture (AG1) zoning on the subject lands as identified in the Draft Plan and that the Plan is made **without** the proposed Material Alteration.

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Lisdoonvarna Settlement Plan, Volume 3d West Clare Municipal District) is made **without** the proposed Material Alteration, as displayed, to change the zoning of land from Residential (R3) to Agriculture (AG1) and to change the zoning of land from Agriculture (AG1) to Strategic Residential Reserve (SR4) in Lisdoonvarna.



## Submission No: S3/014 Mary Clohessy

### Summary of Issues Raised in Submission

The submission relates to lands at Rooska, Lisdoonvarna. No map has been submitted.

The submitter objects to the proposed changes regarding Residential and Strategic Residential Reserve (SR) zones, for the following reasons:

- Concerns due to refugee numbers in the area in tandem with a lack of community services and facilities, and employment opportunities to accommodate the 300% population increase in the longer term.
- Concern over Residential and SR zoning changes to Draft Plan and the impact on existing residential amenity in particular for occupants in the Rooska estate should the construction of modular homes for refugees go ahead on these lands.

### Chief Executive's Response

I wish to thank Mary Clohessy for the submission. I note that no map has been submitted, however, as the submission refers to specific land parcels the submission can be linked to specific sites and a map can be generated of same.

In the interest of fairness it is my intention to address this submission as comprehensively as possible based on the information presented. In order to do so I am making an assumption, based on the content of the submission, that the submission objects to the proposed Material Alteration relating to Residential (R3) and Agriculture (AG1) lands. I have formulated my response and recommendation accordingly.

I acknowledge the objection to the proposed change in zoning of lands at Rooska which were included by way of a proposed material alteration on foot of the Members' Resolution made on October 20<sup>th</sup> 2022, in response to submissions received on the Draft Plan.

My response to the current submission reflects that which was given in the Chief Executive's Report of July 10<sup>th</sup> 2022 to submissions received on the Draft Plan, including S2/098, S2/149 and S2/996. While I consider that the lands subject to the proposed Material Alteration, R3 and AG1, have potential to accommodate residential development in the future, they are located further from the town centre than other lands identified for residential use in the Draft Plan, including R2 lands to the north. The extent, location and distribution of land zoned for future residential use within any settlement is determined by the Core Strategy as set out in Volume 1 of the Draft Plan in line with 'Guidance notes on Core Strategy Nov 2010' together with the provisions and conclusions of the SFRA, the SEA and the AA process as well as site specific land use issues including availability of services, a sequential test, flood risk assessment, planning history, consolidation or urban form etc. Therefore, in accordance with the Core Strategy, I am satisfied that a sufficient quantum of land is zoned in the Draft Plan at appropriate locations within Lisdoonvarna to accommodate the required amount of housing units to meet the needs of the allocated population growth for the town over the plan period 2023-2029.

I refer to the submission made by the Office of the Planning Regulator's (OPR), S3/012, and MA Recommendation 4 – Small towns, that having regard to the core strategy of the Draft Plan; the

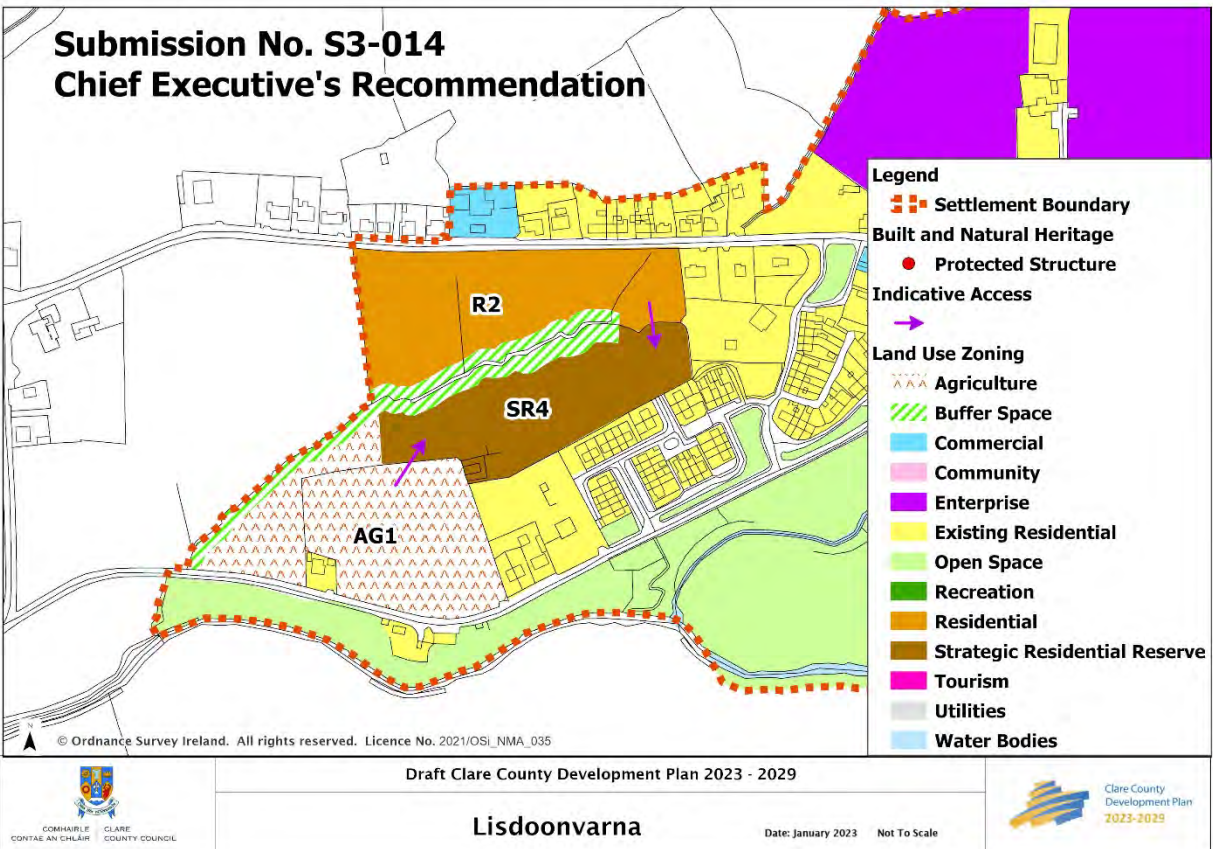
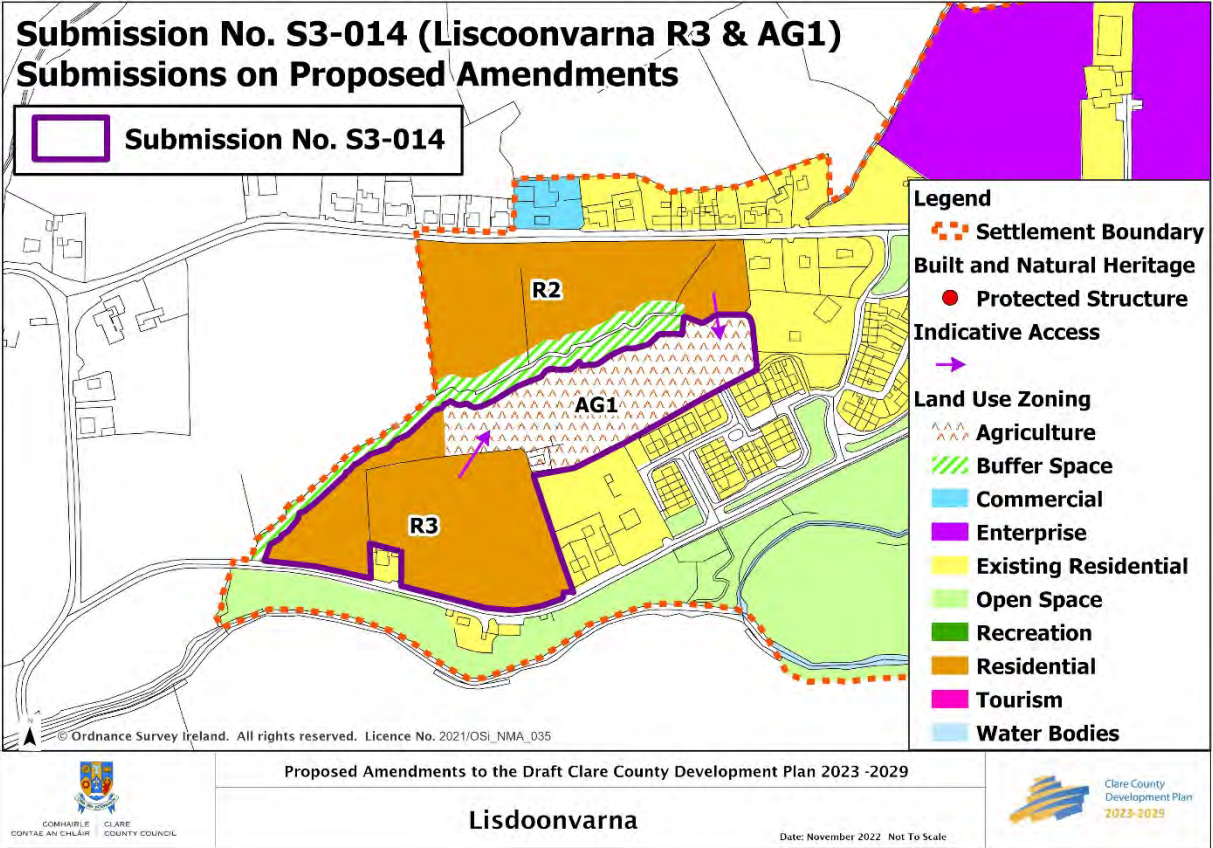


national and regional objectives, the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for sequential approach to development and the provision of a sustainable settlement and transport strategy, the planning authority is required to make the Plan **without** the material amendment proposed on the subject lands.

Having regard to all of the above, I consider it appropriate to retain the Strategic Residential Reserve (SR4) and Agriculture (AG1) zoning on the subject lands as identified in the Draft Plan and that the Plan is made **without** the proposed Material Alteration.

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Lisdoonvarna Settlement Plan, Volume 3d West Clare Municipal District) is made **without** the proposed Material Alteration, as displayed, to change the zoning of land from Residential (R3) to Agriculture (AG1) and to change the zoning of land from Agriculture (AG1) to Strategic Residential Reserve (SR4) in Lisdoonvarna.







## Submission No: S3/037 Karin Funke

### Summary of Issues Raised in Submission

The submission relates to lands at Rooska, Lisdoonvarna. No map has been submitted.

#### General

The submitter notes two errors in the text of the Lisdoonvarna Settlement Plan contained in Volume 3b of the Draft Plan as follows:

- P.77 “R5 Lands to the West of the Town Centre” should read “R5 Lands to the East of the Town Centre”
- P.79 “The square needs suitable physical definition on its southern side...” should read “The square needs suitable physical definition on its western side...”

#### Land Use Zoning

The submitter objects to the proposed changes regarding Residential and Strategic Residential Reserve (SR) zones, for the following reasons:

- Notes the proposed zoning changes including R3, R4 and R5 and the removal of SR4 resulting in a total of 9 residential zones (5 Residential & 4 Strategic Residential Reserve zones) since the start of the Draft Plan process.
- Notes R3 is state owned and earmarked for serviced sites for new homes (Croí Cónaithe (Towns) fund), and the submitter considers there is little demand from eligible target groups and would not be affordable for those on the housing list.
- Considers there is an imbalance between residential and the provision of other zones such as commercial, enterprise, utilities, community, tourism and recreation.
- Concerns over the impact of development on Strategic Residential Reserve lands if the need for temporary accommodation arises due to population increases and the need to provide associated community services and facilities.
- Suggests the provision of small pockets for social housing and an increase in community services and facilities including a new school.

### Chief Executive’s Response

I wish to thank Karen Funke for the submission. I note that no map has been submitted, however, as the submission refers to specific land parcels in the interests of clarity maps of these have been prepared.

#### General

I note the identified errors in the Lisdoonvarna Settlement Plan and consider these can be included as a non-material updates to the Draft Plan.

#### Land Use Zoning

In relation to the objection to provide Residential and Strategic Residential Reserve zoning, it is my intention to address this issue as comprehensively as possible based on the information presented in the submission. In order to do so I am making an assumption, based on the content

of the submission, that the submitter objects to proposed Material Alteration relating to (1) Residential R3 and Agriculture AG1 lands, (2) R4 lands and (3) R5 lands which were inserted by way of proposed material alterations to the Draft Plan. I have formulated my response and recommendation accordingly.

### **(1) Residential R3 lands**

My response to this current submission reflects that which was given in the Chief Executive's Report of July 10<sup>th</sup> 2022 to submissions received on the Draft Plan, including S2/098, S2/149 and S2/996. While I consider that the lands subject to the proposed Material Alteration, R3 and AG1, have potential to accommodate residential development in the future, they are located further from the town centre than other lands identified for residential use in the Draft Plan, including R2 lands to the north. The extent, location and distribution of land zoned for future residential use within any settlement is determined by the Core Strategy as set out in Volume 1 of the Draft Plan in line with 'Guidance notes on Core Strategy Nov 2010' together with the provisions and conclusions of the SFRA, the SEA and the AA process as well as site specific land use issues including availability of services, a sequential test, flood risk assessment, planning history, consolidation or urban form etc. Therefore, in accordance with the Core Strategy, I am satisfied that a sufficient quantum of land is zoned in the Draft Plan at appropriate locations within Lisdoonvarna to accommodate the required amount of housing units to meet the needs of the allocated population growth for the town over the plan period 2023-2029.

I refer to the submission made by the Office of the Planning Regulator's (OPR), S3/012, and MA Recommendation 4 – Small towns, that having regard to the core strategy of the Draft Plan; the national and regional objectives, the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for sequential approach to development and the provision of a sustainable settlement and transport strategy, the planning authority is required to make the Plan **without** the proposed Material Alteration on the subject lands.

Having regard to all of the above, I consider it appropriate to retain the Strategic Residential Reserve (SR4) and Agriculture (AG1) zoning on the subject lands as identified in the Draft Plan and that the Plan is made **without** the proposed Material Alteration.

### **(2) Residential R4 lands**

I note that in response to submission, S2/110, on the Draft Plan which requested the lands to be zoned, the Chief Executive's Report of July 10<sup>th</sup> 2022 recommended no change to the Agriculture zoning on the subject land. Contrary to the Chief Executive's recommendation, it was agreed by Members' Resolution made that the lands be zoned Residential as a Proposed Amendment to the Draft Plan.

My response to the current submission reflects that which was given in the previous Chief Executive's Report. Notwithstanding that the lands may be suitable for residential development in the future, they are currently located further from the town centre than other lands proposed to be zoned Residential in the Draft Plan and are therefore not optimal for the provision of growth during the lifetime of the Plan 2023-2029. 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. It is considered that additional zoning of the scale proposed at this location would militate against compliance with Section 28 Housing Target Guidelines and the Core Strategy.

I refer to the submission made by the Office of the Planning Regulator's (OPR), S3/012, and MA Recommendation 4 – Small towns, that having regard to the core strategy of the Draft Plan; the national and regional objectives, the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for sequential approach to development and the provision of a sustainable settlement and transport strategy, the planning authority is required to make the Plan **without** the proposed Material Alteration on the subject lands.

Having regard to all of the above, I consider it appropriate to retain the Agriculture zoning on the subject lands as identified in the Draft Plan and that the Plan is made **without** the proposed Material Alteration.

### **(3) Residential R5 lands**

I note there were no submissions made in relation to the subject lands at Draft Plan stage. In relation to the current submission, I acknowledge the points made including the quantity of land proposed to be zoned for residential development, concerns over population increases in Lisdoonvarna and a lack of associated community services and facilities.

The subject lands are located at the edge of the settlement and at a greater distance from the town centre than other proposed zoned lands. I note that the lands were not identified for growth in the Draft Plan and formed part of the members resolution to be identified as residential lands in the Proposed Material Alterations.

I refer to my response under (1) above in relation to issues with regard to Core Strategy and zoning of lands. In this regard and in accordance with the Core Strategy, I am satisfied that a sufficient quantum of land has been zoned in the Draft Plan at appropriate locations within Lisdoonvarna aside for this current land bank to accommodate the required amount of housing units to meet the needs of the allocated population growth for the town over the plan period 2023-2029.

I refer to the submission made by the Office of the Planning Regulator's (OPR), S3/012, and MA Recommendation 4 – Small towns, that having regard to the core strategy of the Draft Plan; the national and regional objectives, the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for sequential approach to development and the provision of a sustainable settlement and transport strategy, the planning authority is required to make the Plan **without** the proposed Material Alteration on the subject lands.

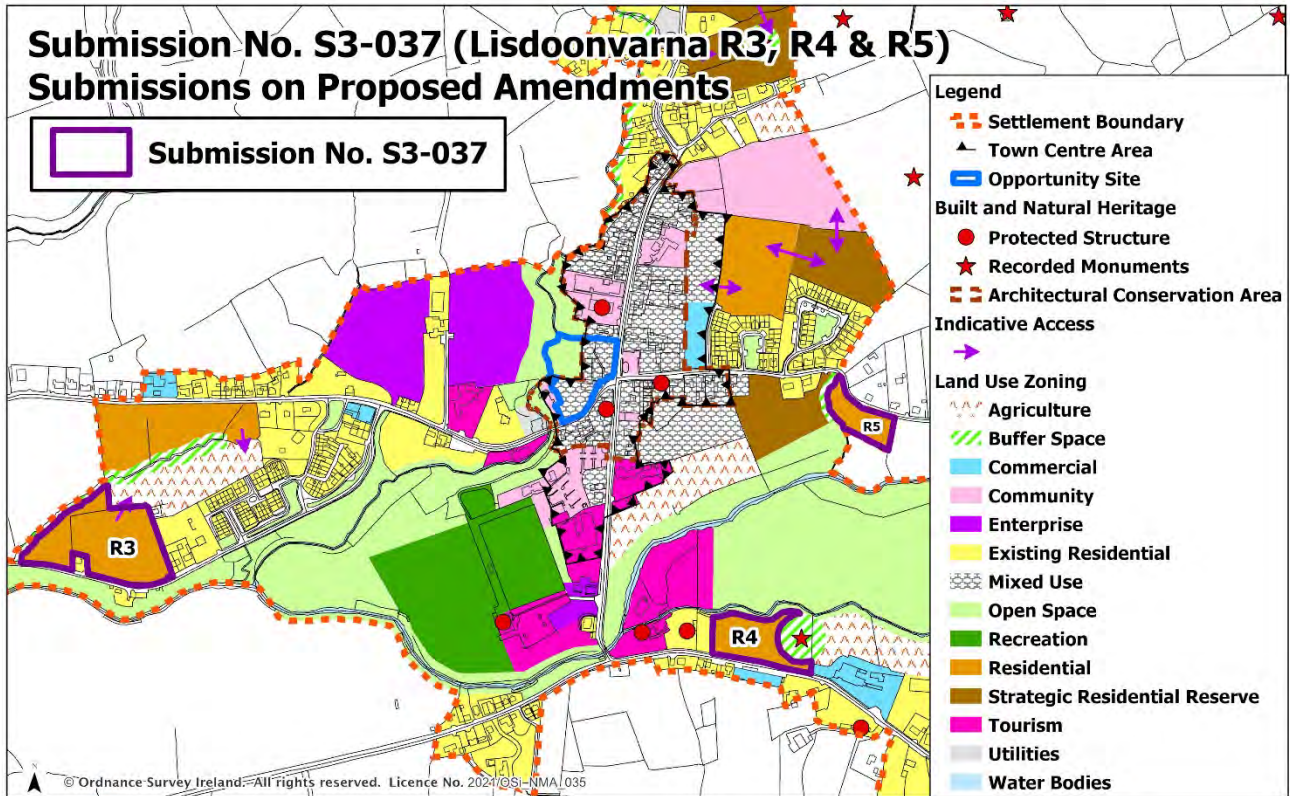
Having regard to all of the above, I consider the extension of the settlement boundary and the zoning of these lands 'Residential' is neither necessary or appropriate and would be contrary to proper planning and sustainable development and that the Plan is made **without** the proposed Material Alteration.



### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Lisdoonvarna Settlement Plan, Volume 3d West Clare Municipal District Settlement Plans) is made **without** the proposed Material Alterations, as displayed, to the following.

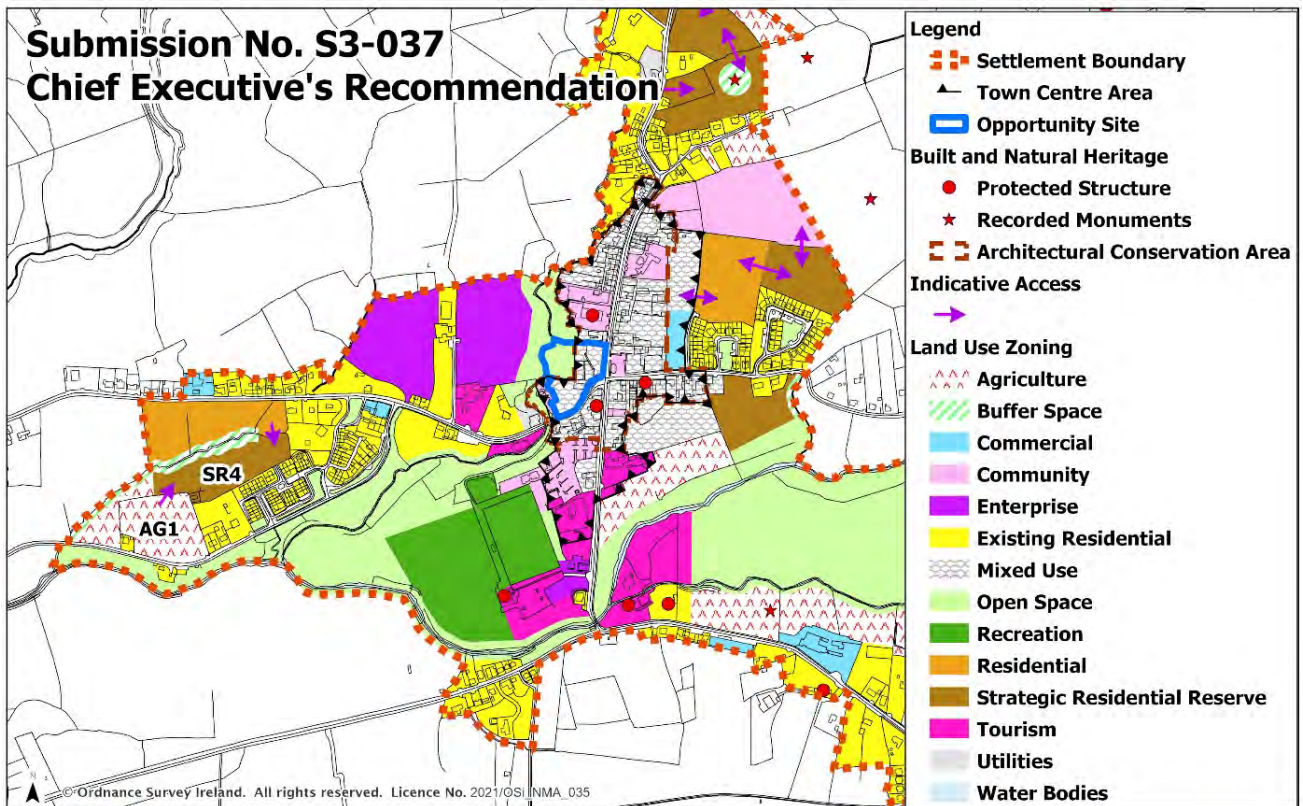
- Lisdoonvarna – change zoning from Agriculture (AG1) to Residential (R3) and Strategic Residential Reserve (SR4) to Agriculture (AG1)
- Lisdoonvarna – change zoning from Agriculture to Residential (R4).
- Lisdoonvarna – extend settlement boundary and zone lands Residential (R5)



Proposed Amendments to the Draft Clare County Development Plan 2023 -2029

**Lisdoonvarna**

Date: November 2022 Not To Scale



Draft Clare County Development Plan 2023 - 2029

**Lisdoonvarna**

Date: January 2023 Not To Scale

## Submission No: S3/038 - Patrick J Cusack

### Summary of Issues Raised in Submission

The submission relates to lands at Rooska Lisdoonvarna. A map has been submitted.

The submitter requests that the proposed Agriculture AG1 zoning is changed to Residential R3 to provide social housing rather than serviced sites, and that the R3 zoning is changed to AG1, for the following reasons:

- The lands are in state ownership.
- Need for social housing due to current construction costs.
- Concerns over impact of changes in local population (increased to 350%), refugee numbers and potential use of R3 lands for rapid build modular houses for permanent accommodation of refugees, impact on existing residential amenity and the need for balanced integration.
- Concerns due to imbalance in population mix and lack of community facilities and services and employment opportunities in the town as well as the erosion of quality of life, human rights, sense of protection and pride of place.
- Concerns due to over zoning of residential lands and considers the provision of serviced sites is inappropriate and premature.
- Refers to previous submission on the Draft Plan, S2/098.

### Chief Executive's Response

I wish to thank Patrick J Cusack for the submission and respond as follows:

I acknowledge the objection to the proposed change in the zoning of lands at Rooska which was included by way of a proposed material alteration on foot of the Members' Resolution made on October 20<sup>th</sup> 2022, in response to submissions received on the Draft Plan.

In relation to the request to change the proposed Agriculture AG1 zoning to Residential R3 to provide social housing rather than serviced sites, my response to the current submission reflects that which was given in the Chief Executive's Report of July 10<sup>th</sup> 2022 to submissions received on the Draft Plan, including S2/098, S2/149 and S2/996. While I consider that the lands subject to the proposed Material Alteration, R3 and AG1, have potential to accommodate residential development in the future, they are located further from the town centre than other lands identified for residential use in the Draft Plan, including R2 lands to the north. The extent, location and distribution of land zoned for future residential use within any settlement is determined by the Core Strategy as set out in Volume 1 of the Draft Plan in line with Section 28 Guidelines together with the provisions and conclusions of the SFRA, the SEA and the AA process as well as site specific land use issues including availability of services, a sequential test, flood risk assessment, planning history, consolidation or urban form etc. Therefore, in accordance with the Core Strategy, I am satisfied that a sufficient quantum of land aside from the current lands has been zoned in the Draft Plan at appropriate locations within Lisdoonvarna to accommodate the required amount of housing units to meet the needs of the allocated population growth for the town over the plan period 2023-2029.

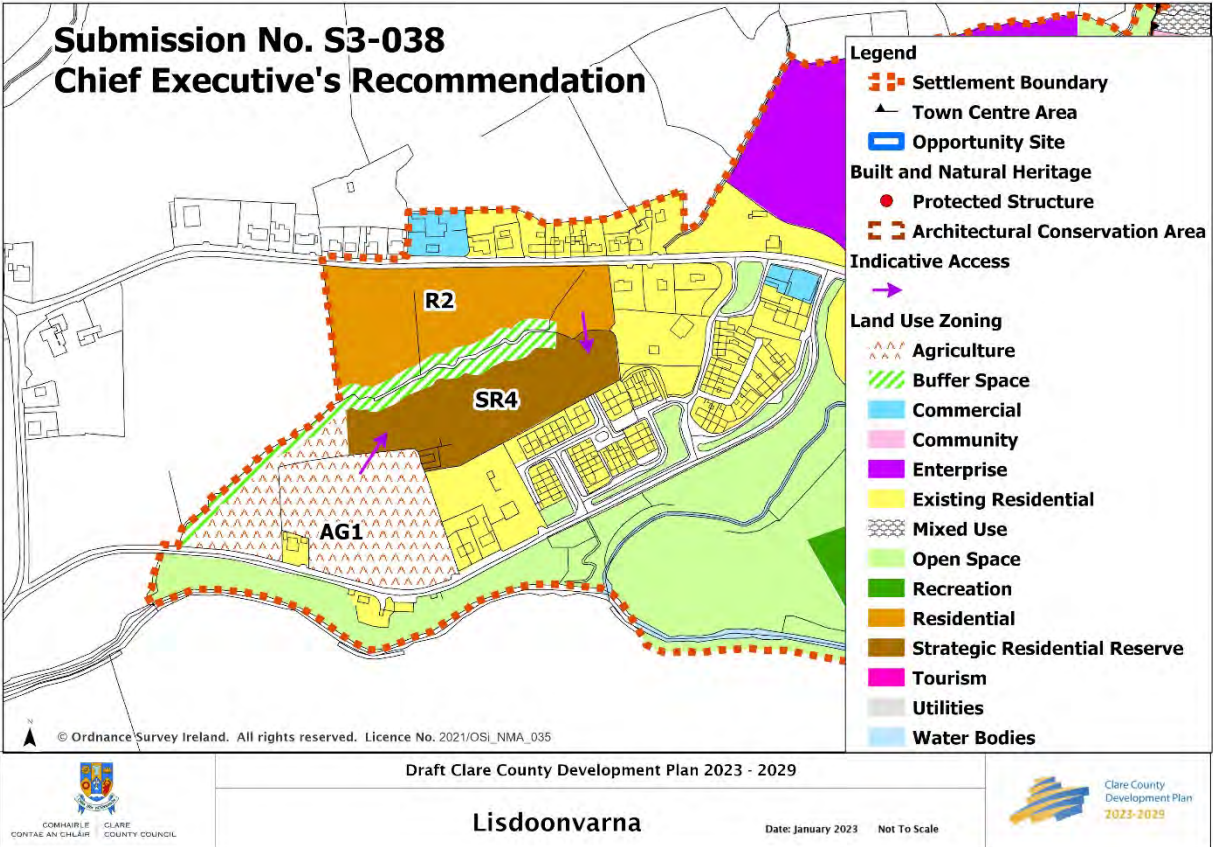
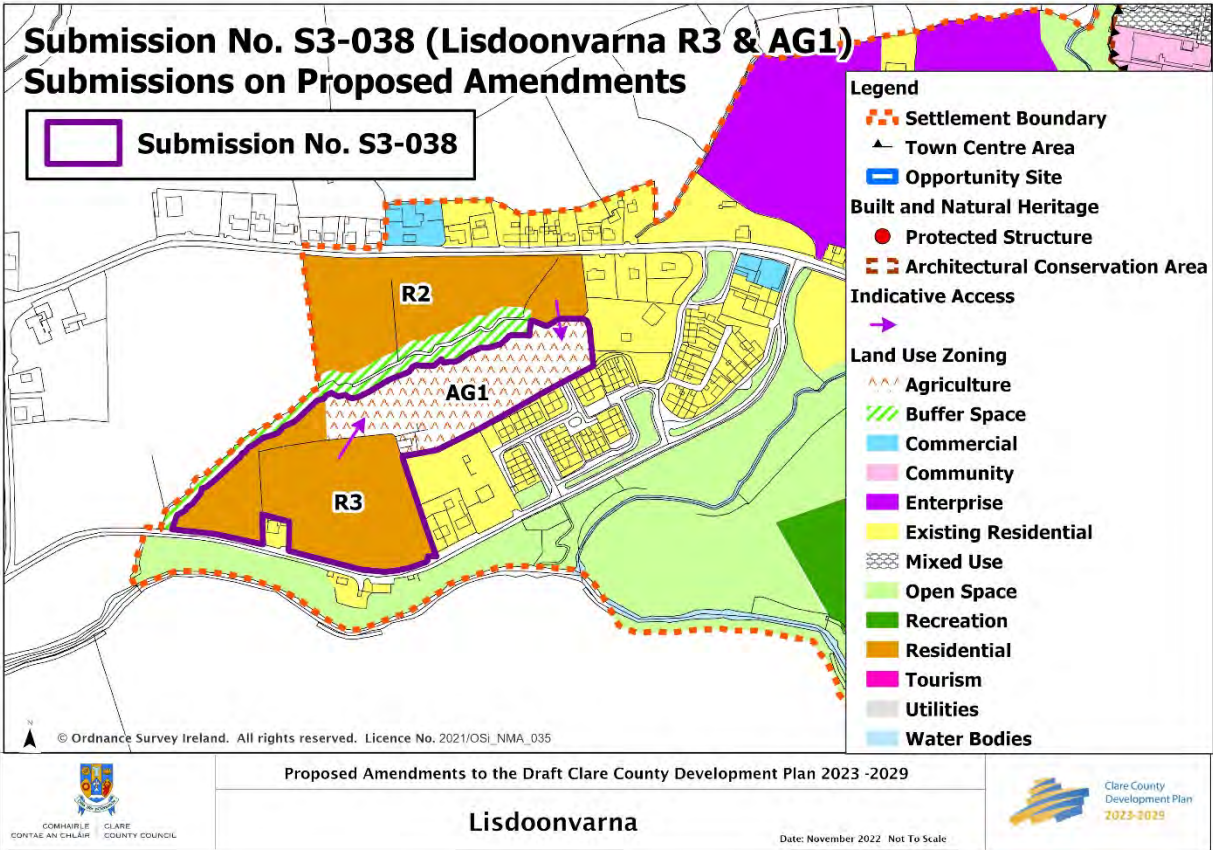


I refer to the submission made by the Office of the Planning Regulator's (OPR), S3/012, and MA Recommendation 4 – Small towns, that having regard to the core strategy of the Draft Plan; the national and regional objectives, the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for sequential approach to development and the provision of a sustainable settlement and transport strategy, the planning authority is required to make the Plan **without** the material amendment proposed on the subject lands.

Having regard to all of the above, I consider it appropriate to retain the Strategic Residential Reserve (SR4) and Agriculture (AG1) zoning on the subject lands as identified in the Draft Plan and that the Plan is made **without** the proposed Material Alteration.

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Lisdoonvarna Settlement Plan, Volume 3d West Clare Municipal District) is made **without** the proposed Material Alteration, as displayed, to change the zoning of land from Residential (R3) to Agriculture (AG1) and to change the zoning of land from Agriculture (AG1) to Strategic Residential Reserve (SR4) in Lisdoonvarna.





## Submission No: S3/039 – Mary Mc Namara

### Summary of Issues Raised in Submission

The submission relates to lands at Rooska Lisdoonvarna. No map has been submitted.

The submitter raises concerns in relation to the proposed change in zoning of Strategic Residential Reserve SR4 lands, and the change in Agriculture AG1 zoned lands to Residential R3 for the following reasons:

- No identification of density and type of housing to be provided on R3 lands.
- Concerns that the use on state owned lands could be changed.
- Considers all new plans should be compatible with the traditional character of the place and notes the impact of increased population in the area and challenges including constraints on educational, medical and transport services.

### Chief Executive's Response

I wish to thank Mary Mc Namara for the submission. I note that no map has been submitted, however, as the submission refers to specific land parcels in the interests of clarity a map of these lands has been prepared.

I acknowledge the concerns raised in relation to the proposed change in zoning of lands at Rooska which were included in the Members' Resolution made on October 20<sup>th</sup> 2022.

My response to the current submission reflects that which was given in the Chief Executive's Report of July 10<sup>th</sup> 2022 to submissions received on the Draft Plan, including S2/098, S2/149 and S2/996. While I consider that the lands subject to the Proposed Amendment, R3 and AG1, have potential to accommodate residential development in the future, they are located further from the town centre than other lands identified for residential use in the Draft Plan, including R2 lands to the north. The extent, location and distribution of land zoned for future residential use within any settlement is determined by the Core Strategy as set out in Volume 1 of the Draft Plan in line with 'Guidance notes on Core Strategy Nov 2010' together with the provisions and conclusions of the SFRA, the SEA and the AA process as well as site specific land use issues including availability of services, a sequential test, flood risk assessment, planning history, consolidation or urban form etc. Therefore, in accordance with the Core Strategy, I am satisfied that a sufficient quantum of land has been zoned in the Draft Plan aside from the subject lands, at appropriate locations within Lisdoonvarna to accommodate the required amount of housing units to meet the needs of the allocated population growth for the town over the plan period 2023-2029.

I refer to the submission made by the Office of the Planning Regulator's (OPR), S3/012, and MA Recommendation 4 – Small towns, that having regard to the core strategy of the Draft Plan; the national and regional objectives, the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for sequential approach to development and the provision of a sustainable settlement and transport strategy, the planning authority is required to make the Plan **without** the material amendment proposed on the subject lands.

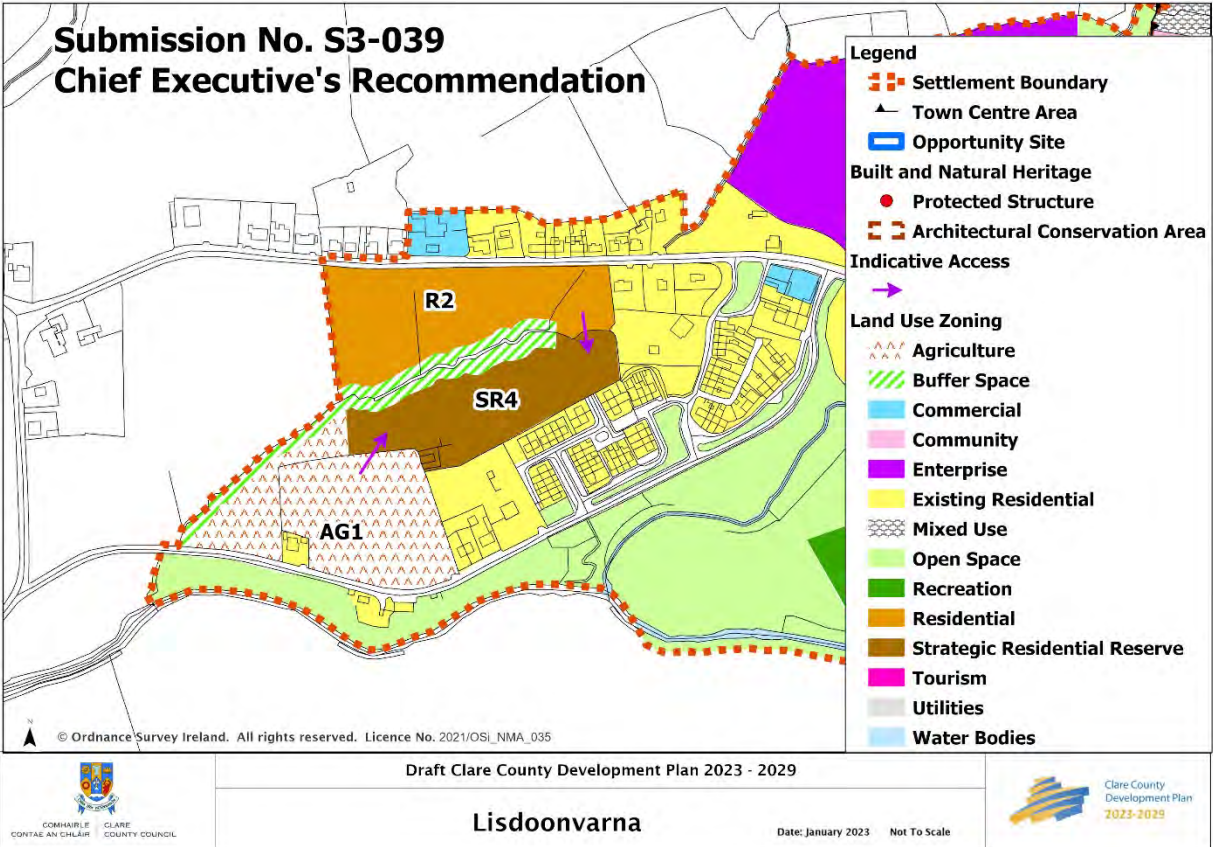
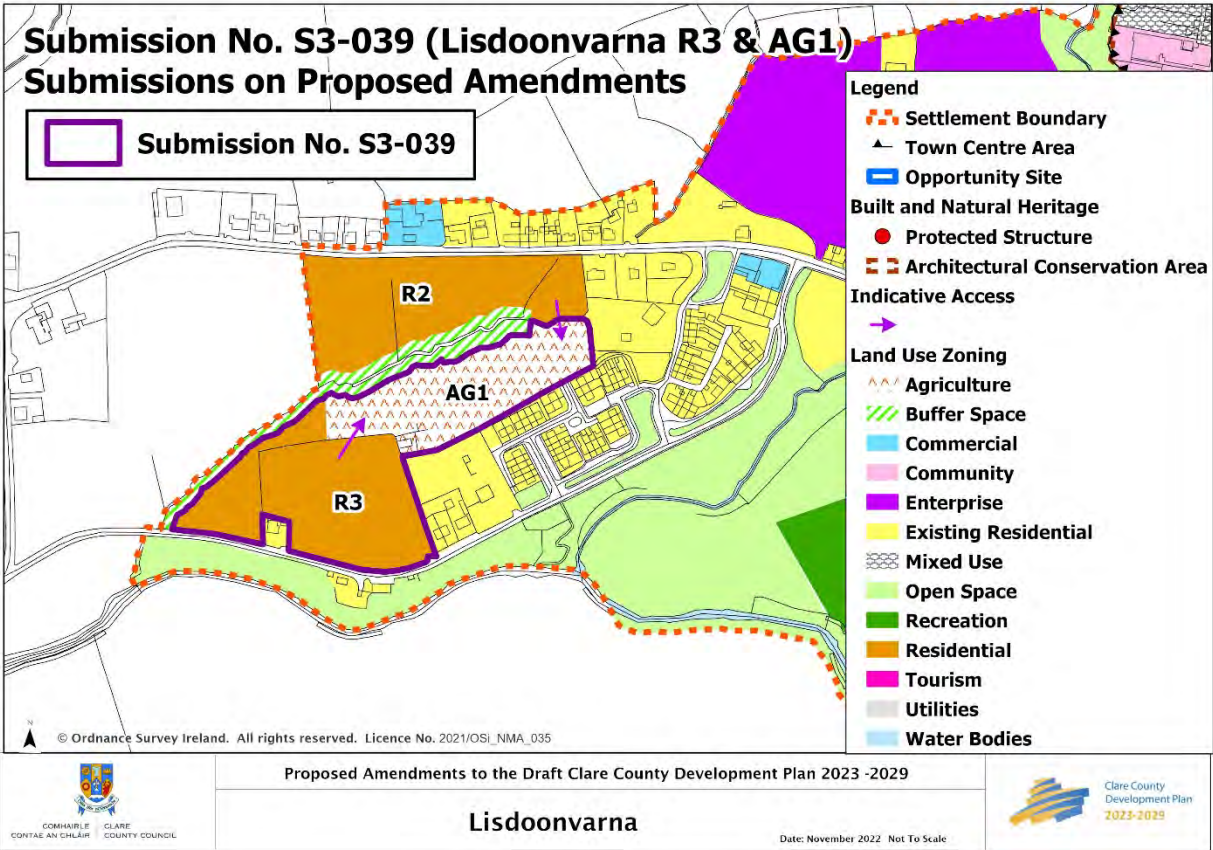
Having regard to all of the above, I consider it appropriate to retain the Strategic Residential



Reserve (SR4) and Agriculture (AG1) zoning on the subject lands as identified in the Draft Plan and that the Plan is made **without** the proposed Material Alteration.

### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Lisdoonvarna Settlement Plan, Volume 3d West Clare Municipal District) is made **without** the proposed Material Alteration, as displayed, to change the zoning of land from Residential (R3) to Agriculture (AG1) and to change the zoning of land from Agriculture (AG1) to Strategic Residential Reserve (SR4) in Lisdoonvarna.



## Submission No: S3/041 – Ann Marie Cullen & Stewart Anderton

### Summary of Issues Raised in Submission

The submission relates to lands at St. Brendan’s Road, Lisdoonvarna. No map has been submitted.

#### General

The submitter poses a number of general questions as follows:

- Who decided changes to Residential and Strategic Residential Reserve lands in the Draft Development Plan and the reasons for the changes?
- Is the project subject to planning application process and will there be public consultation?
- How many units proposed and what is the priority of development across zoned lands?

#### Land Use Zoning - Residential R5

The submitter raises concerns in relation to the proposal to include Residential R5 as follows:

- Sufficient amount of land already zoned, contrary to Town Centre First policy and there is an overabundance of derelict property in the town suitable for residential.
- Significant existing housing in the area including 3 housing estates as well as R1, SR3 and SR5 lands.
- More suitable better serviced zoned lands closer to town centre therefore no need to extend the town boundary; St Brendan’s Road is narrow road with no footpaths.
- Outside of the 60km zone and would lead to significant traffic issues due to narrow road and sharp bends and access point to R5 is narrow and on a tight bend.
- Impacts on ecology due to location close to a stream and river.
- Popular walking and cycling route for tourists and locals and impact on scenic route and town amenity.

### Chief Executive’s Response

I wish to thank Ann Marie Cullen and Stewart Anderton for the submission and respond as follows:

While no map has been submitted with this submission it does refer to specific lands(R5) and in the interests of clarity a map of these lands has been prepared.

#### General

In relation to the Proposed Amendments in the Draft Plan and the decision making during the county development plan making process, the current county development plan process has been carried out in accordance with the procedures as set out in the Planning and Development Act 2000, as amended. The county development plan process is a lengthy process comprising three stages (Pre-draft, Draft and Proposed Amendments). The current plan making process commenced in September 2020 and at each stage there has been an opportunity for public consultation. For example, as part of the Draft Stage of the current development plan process an extensive public consultation campaign was carried out with nine dedicated public consultation events around the County including one at the Pavillion in Lisdoonvarna in January 2022. This

phase of public consultation resulted in 1,015 submissions being received. Following consideration of each submission a Chief Executive's Report containing a response and recommendation to each was prepared and provided to Elected Members for consideration. The Proposed Amendments to the Draft Plan was agreed by resolution of the Elected Members on 20<sup>th</sup> October 2022 and was subsequently put on public display from 28<sup>th</sup> November 2022 to 3<sup>rd</sup> January 2023 during which time this submission and 169 others were received. This Chief Executive's Report has been prepared in accordance with statutory requirements and will be provided to the Elected Members for their consideration in the making of the final Plan in March 2023.

In relation to future development proposals on zoned lands and the query regarding the number of units all such proposals will be subject to the Development Management process whereby the extent, quantity of units, layout and design of any such proposals will be assessed in line with proper planning and sustainable development. This process also has a statutory period within which submissions from interested parties may be made.

In relation to priority of development across zoned lands, I note that while Residential zoned lands can be developed immediately, Strategic Residential Reserve zoned lands have been identified for the longer-term needs of the community and will only be considered for residential development in Year 4 of the Plan (2027) where Residential zoned land parcels have not become available for development and where they offer a reasonable substitute in terms of being delivered within the lifetime of the plan and are sequential lands within the settlement with good connectivity and access to services and amenities.

#### Land Use Zoning - Residential R5

I acknowledge the concerns set out in the submission in relation to the proposed Material Alteration included in the Proposed Amendments to the Draft Plan on foot of the Members' Resolution made on October 20<sup>th</sup> 2022 and I note that no submissions were received on the Draft Plan in relation to the subject lands.

I also note that the subject lands are located at the periphery of the town of Lisdoonvarna and are at a greater distance from the town centre than other lands proposed to be zoned residential. I am also conscious that the extent of land zoned for future residential use within any settlement is determined by the Core Strategy as set out in Volume 1 of the Draft Plan. In determining the location and distribution of residentially zoned land, the Core Strategy is consistent with 'Guidance notes on Core Strategy Nov 2010' together with the provisions and conclusions of the SFRA, the SEA and the AA process together with the Water Framework Directive. In addition, site specific land use issues are considered. These criteria include, inter alia, the availability of services, sequential test, flood risk assessment, planning history, consolidation of urban form etc. In accordance with the Core Strategy, I am satisfied that a sufficient quantum of land has been zoned in the Draft Plan aside from the R5 site the subject of the current submission, at appropriate locations within Lisdoonvarna to accommodate the required amount of housing units to meet the needs of the allocated population growth for the town over the plan period 2023-2029.

I refer to the submission made by the Office of the Planning Regulator's (OPR), S3/012, and MA Recommendation 4 – Small towns, that having regard to the core strategy of the Draft Plan; the

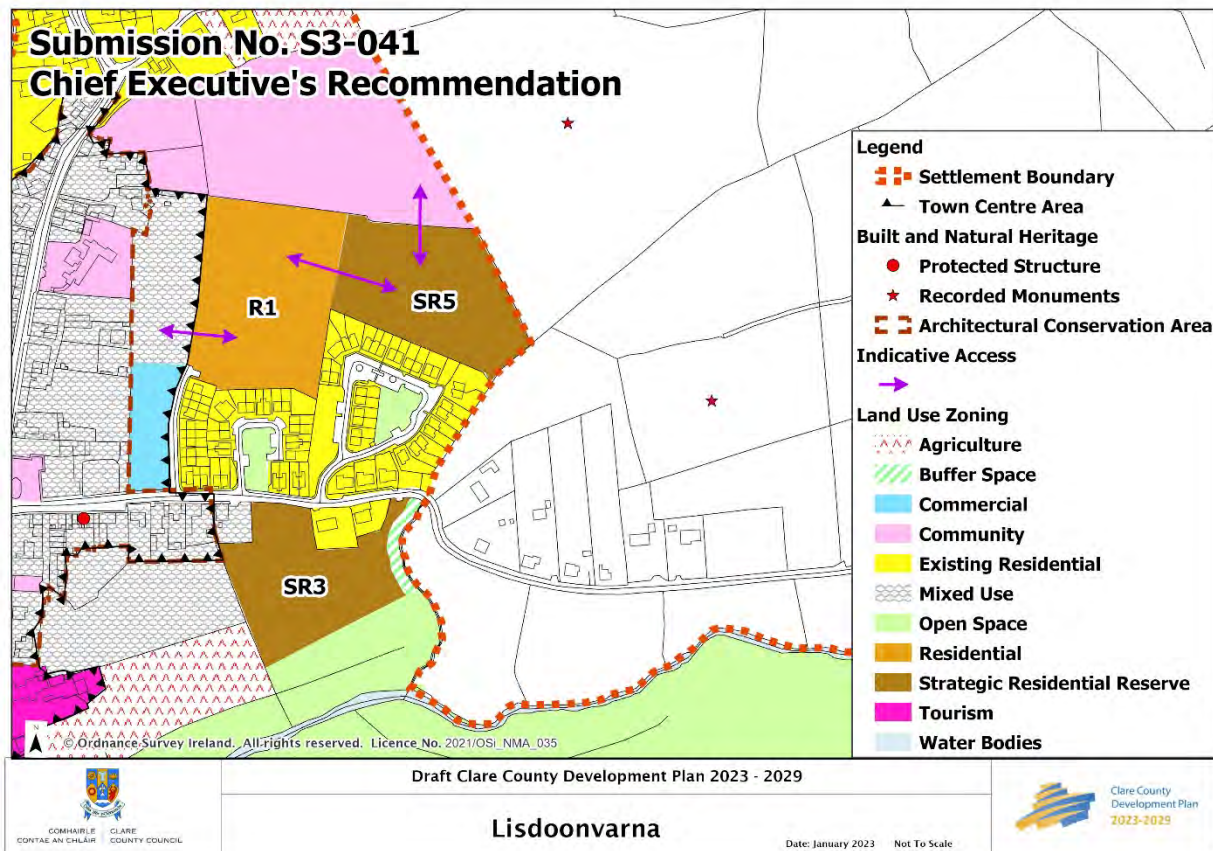
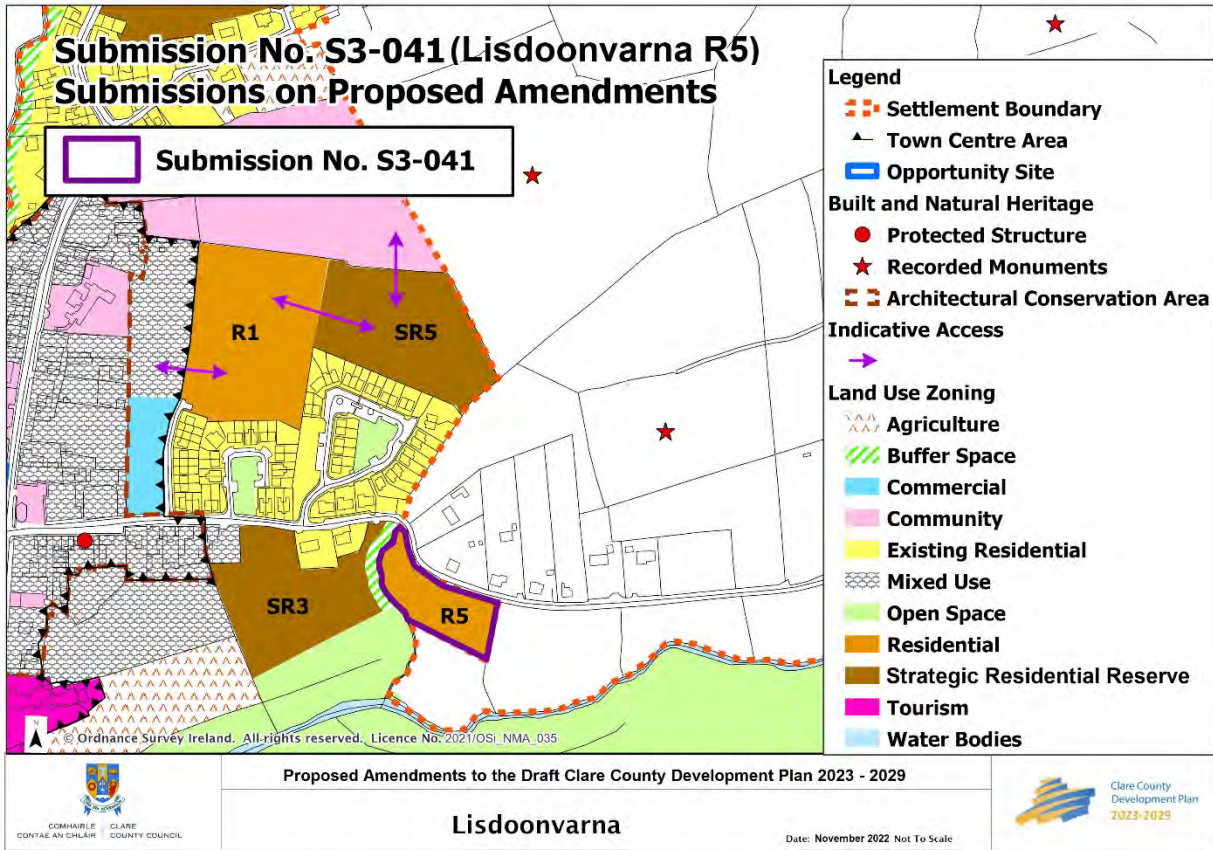


national and regional objectives, the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for sequential approach to development and the provision of a sustainable settlement and transport strategy, the planning authority is required to make the Plan **without** the proposed Material Alteration on the subject lands.

Having regard to all of the above, I consider the extension of the settlement boundary and the zoning of these lands Residential (R5) is neither necessary or appropriate and would be contrary to proper planning and sustainable development and that the Plan is made **without** the proposed Material Alteration.

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Lisdoonvarna Settlement Plan, Volume 3d West Clare Municipal District) is made **without** the proposed Material Alteration, as displayed, to extend the settlement boundary and the zone lands Residential (R5) in Lisdoonvarna.



## Submission No: S3/042 – Patricia Fitzpatrick

### Summary of Issues Raised in Submission

The submission relates to lands at St. Brendan’s Road, Lisdoonvarna. No map has been submitted.

The submitter raises concerns in relation to the proposal to include Residential R5 as follows:

- Safety concerns due to narrow bridge and bad bend outside the 80km [60kph] speed limit.
- Sufficient amount of land already zoned, contrary to Town Centre First policy and there is an overabundance of derelict property in the town suitable for residential.
- More suitable lands closer to town centre, R1, SR3 and SR5 lands and 3 existing housing estates.
- Few employment opportunities except tourism, no supermarket and doctor will be gone in March.
- Popular route for walkers and cyclists, beautiful scenery which will be lost if further development goes ahead.
- Impact of increase traffic due to narrow road with no footpaths.

### Chief Executive’s Response

I wish to thank Patricia Fitzpatrick for the submission. I note that no map has been submitted, however, as the submission refers to specific lands (R5) in the interests of clarity a map of these lands has been prepared. My response to this submission is as follows:

I acknowledge the concerns in relation to the proposed Material Alteration relating to R5 lands included in the Proposed Amendments to the Draft Plan, agreed by the Members’ Resolution made on October 20<sup>th</sup> 2022. I note that no submissions were received on the Draft Plan in relation to the subject lands.

In relation to this submission, I acknowledge the points made relating to adequate lands already zoned, town centre first policy compliance, existing levels of dereliction in the town, potential traffic issues, lack of services and impacts on recreation and tourism in the area.

In response, I note that the subject lands are located at the periphery of Lisdoonvarna Town, at a greater distance from the town centre than other lands proposed to be zoned residential. I am also conscious that the extent of land zoned for future residential use within any settlement is determined by the Core Strategy as set out in Volume 1 of the Draft Plan. In determining the location and distribution of residentially zoned land, the Core Strategy is consistent with ‘Guidance notes on Core Strategy Nov 2010’ together with the provisions and conclusions of the SFRA, the SEA and the AA process together with the Water Framework Directive. In addition, site specific land use issues were considered. These criteria include, inter alia, the availability of services, sequential test, flood risk assessment, planning history, consolidation of urban form etc. In accordance with the Core Strategy, I am satisfied that a sufficient quantum of land aside from the subject lands has been zoned in the Draft Plan at appropriate locations within Lisdoonvarna to accommodate the required amount of housing units to meet the needs of the allocated population growth for the town over the plan period 2023-2029.



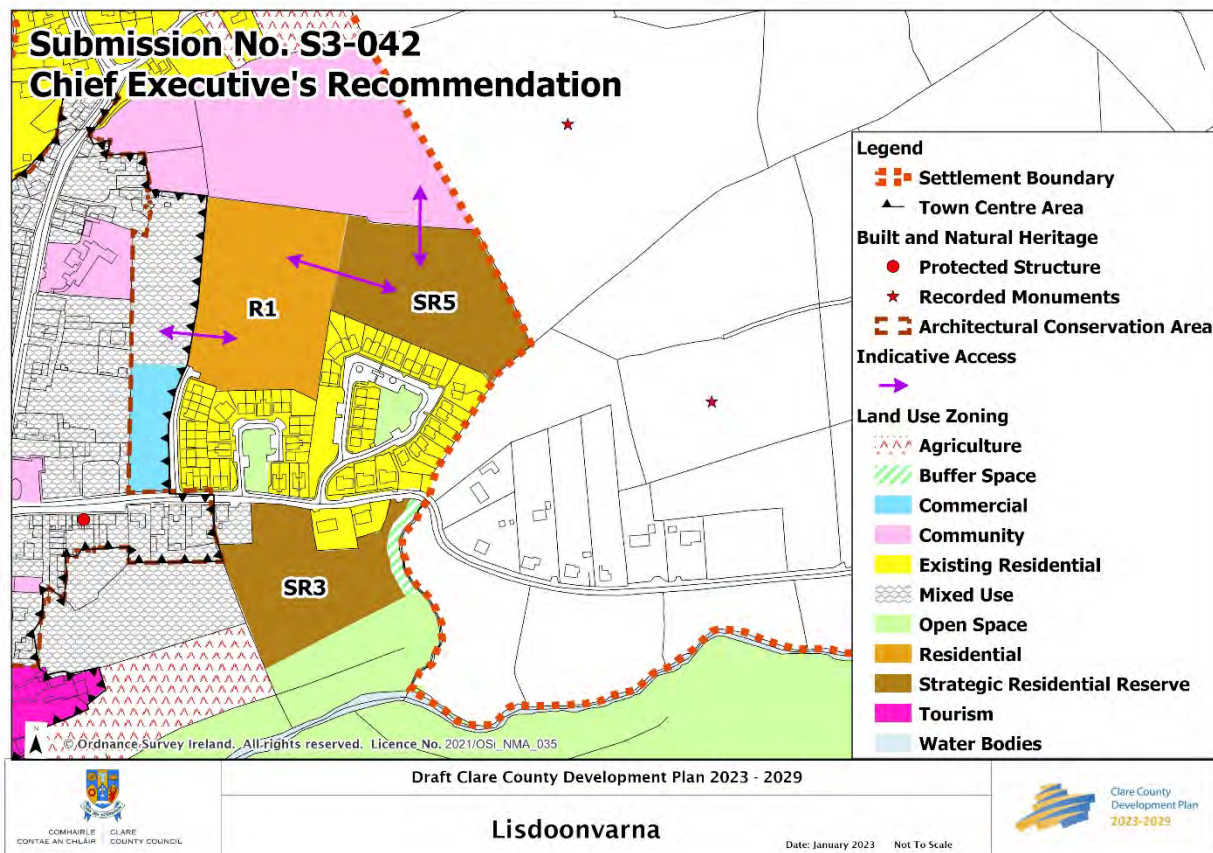
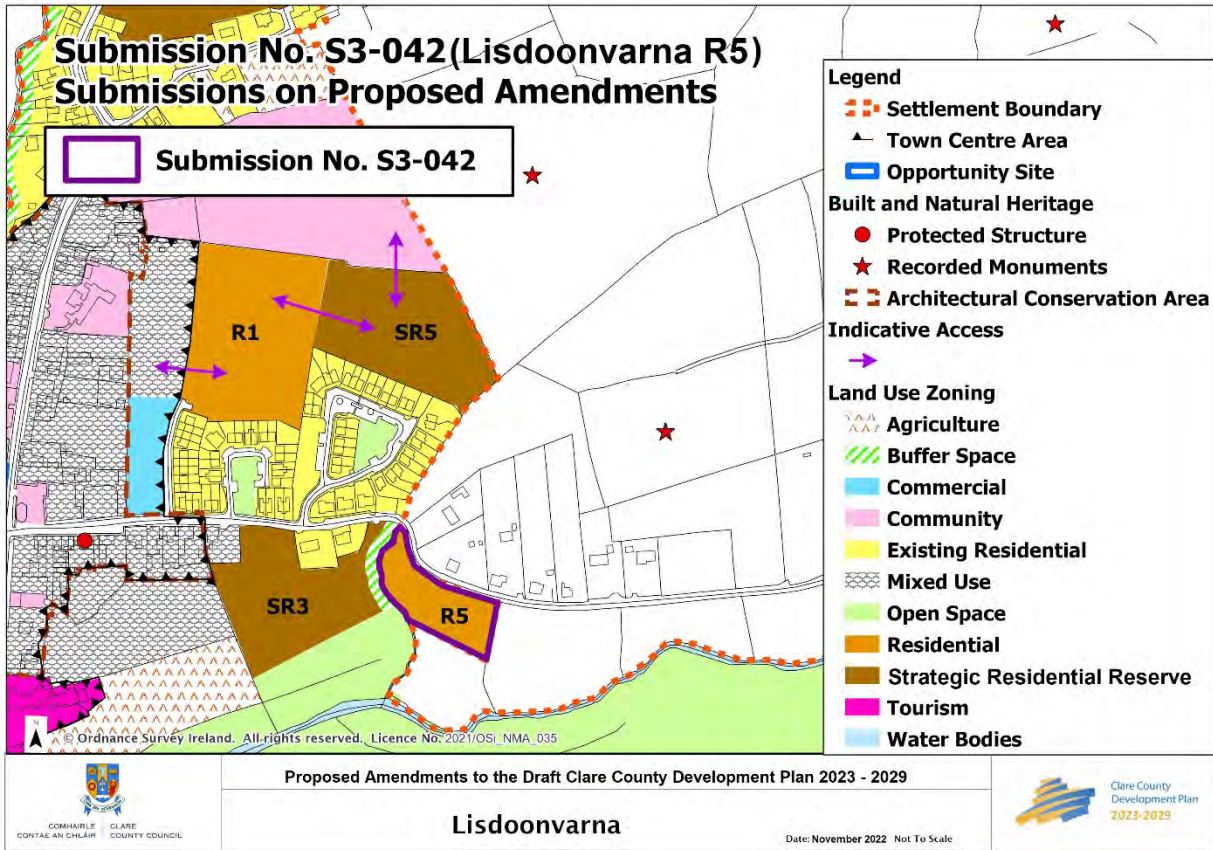


I refer to the submission made by the Office of the Planning Regulator's (OPR), S3/012, and MA Recommendation 4 – Small towns, that having regard to the core strategy of the Draft Plan; the national and regional objectives, the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for sequential approach to development and the provision of a sustainable settlement and transport strategy, the planning authority is required to make the Plan **without** the proposed Material Alteration on the subject lands.

Having regard to all of the above, I consider the extension of the settlement boundary and the zoning of these lands Residential (R5) is neither necessary or appropriate and would be contrary to proper planning and sustainable development and that the Plan is made **without** the proposed Material Alteration

### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Lisdoonvarna Settlement Plan, Volume 3d West Clare Municipal District) is made **without** the proposed Material Alteration, as displayed, to extend the settlement boundary and the zone lands Residential (R5) in Lisdoonvarna.



## Submission No: S3/054 Aideen O’Flaherty

### Summary of Issues Raised in Submission

The submission relates to lands at St. Brendan’s Road, Lisdoonvarna. No map has been submitted.

The submitter strongly objects to the proposal to include additional residential lands on St. Brendan’s Road for the following reasons:

- Traffic hazard and safety concerns due to extremely narrow bridge with bad bends outside the 60km speed limit with no footpaths with increased congestion due to additional housing development.
- Significant existing housing in the area including 3 housing estates as well as R1, SR3 and SR5 lands.
- Popular walking and cycling route for tourists and locals, any development will impact on scenic route due to high volume of traffic in the area.
- Contrary to Town Centre First policy, existing overabundance of derelict property in the town suitable for residential and not in character with the area.
- Sufficient amount of land already zoned and more suitable better serviced zoned lands closer to town centre and therefore no need to extend the town boundary.
- Impacts on ecology, natural habitats and hedgerows due to location close to a stream and river.
- Requirement for tourism to coincide with population growth.

### Chief Executive’s Response

I wish to thank Aideen O’Flaherty for the submission and respond as follows:

In the interest of fairness it is my intention to address this issue as comprehensively as possible based on the information presented in the submission. In order to do so I am making an assumption, based on the content of the submission, that the submission objects to proposed Material Alteration relating to Residential R5 lands on St. Brendan’s Road. I have formulated my response and recommendation accordingly and in the interests of clarity have also included a map of these lands.

I acknowledge the concerns in relation to the proposed Material Alteration relating to R5 lands included in the Proposed Amendments to the Draft Plan, agreed by the Members’ Resolution made on October 20<sup>th</sup> 2022. I note that no submissions were received on the Draft Plan in relation to the subject lands.

In relation to the current submission, I acknowledge the points made including adequate lands already zoned, town centre first policy, existing levels of dereliction in the town, potential traffic issues and impacts on ecology, recreation and tourism in the area. In response, I note that the subject lands are located peripheral to Lisdoonvarna town, at a greater distance from the town centre than other lands proposed to be zoned residential. I am also conscious that the extent of land zoned for future residential use within any settlement is determined by the Core Strategy as set out in Volume 1 of the Draft Plan. In determining the location and distribution of residentially zoned land, the Core Strategy is consistent with ‘Guidance notes on Core Strategy Nov 2010’ together with the provisions and conclusions of the SFRA, the SEA and the AA process and the



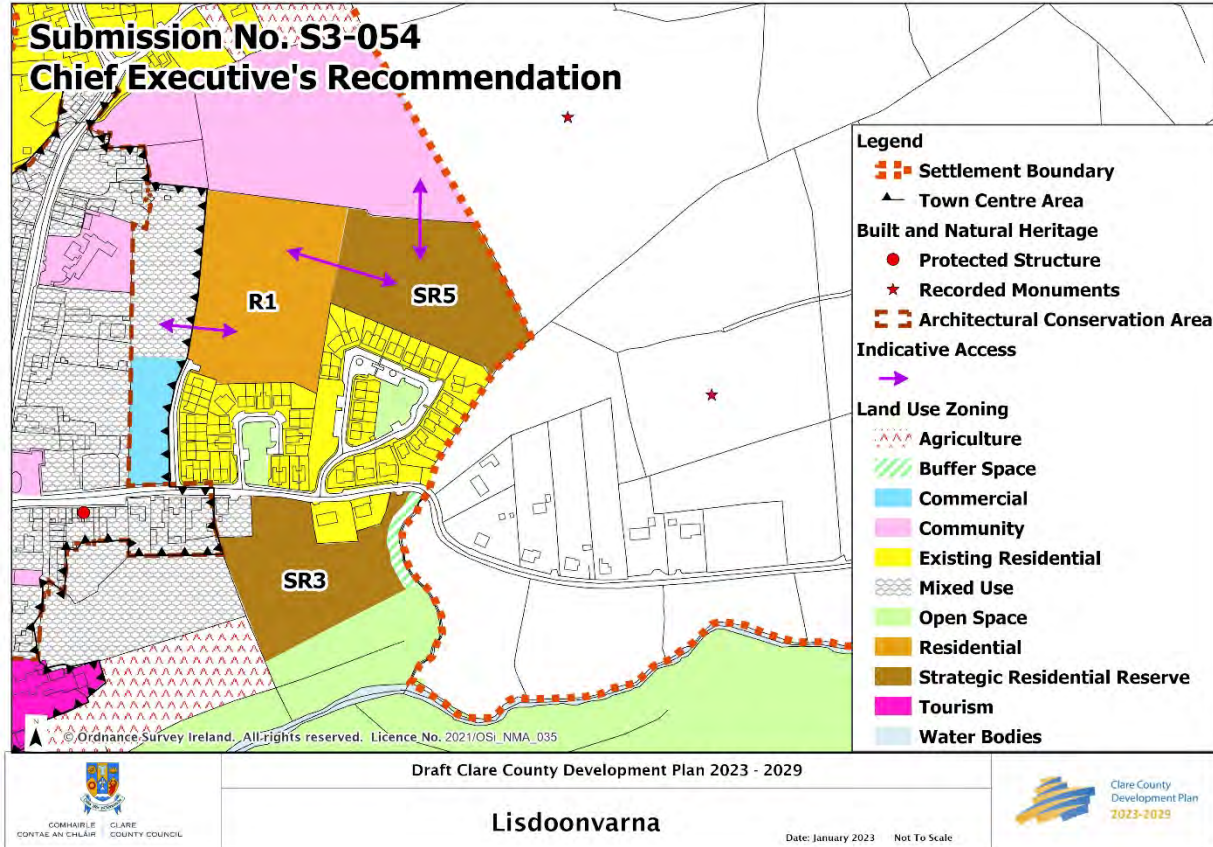
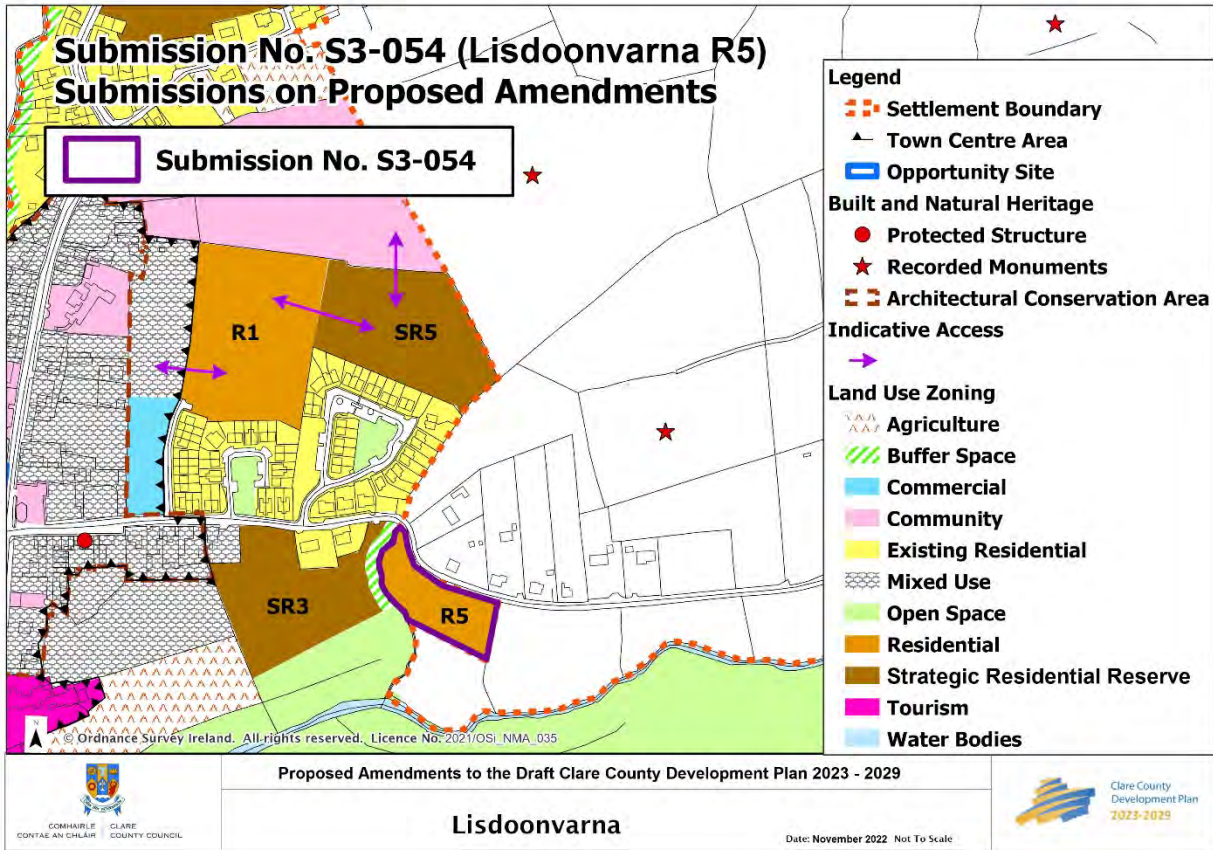
Water Framework Directive. In addition, site specific land use issues were considered. These criteria include, inter alia, the availability of services, sequential test, flood risk assessment, planning history, consolidation of urban form etc. In accordance with the Core Strategy, I am satisfied that a sufficient quantum of land has been zoned in the Draft Plan, aside from the subject site at appropriate locations within Lisdoonvarna to accommodate the required amount of housing units to meet the needs of the allocated population growth for the town over the plan period 2023-2029.

I refer to the submission made by the Office of the Planning Regulator's (OPR), S3/012, and MA Recommendation 4 – Small towns, that having regard to the core strategy of the Draft Plan; the national and regional objectives, the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for sequential approach to development and the provision of a sustainable settlement and transport strategy, the planning authority is required to make the Plan **without** the proposed Material Alteration on the subject lands.

Having regard to all of the above, I consider the extension of the settlement boundary and the zoning of these lands Residential (R5) is neither necessary or appropriate and would be contrary to proper planning and sustainable development and that the Plan is made **without** the proposed Material Alteration

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Lisdoonvarna Settlement Plan, Volume 3d West Clare Municipal District) is made **without** the proposed Material Alteration, as displayed, to extend the settlement boundary and the zone lands Residential (R5) in Lisdoonvarna.



## Submission No: S3/ 061 Joe & Mary Kelly

### Summary of Issues Raised in Submission

The submission relates to lands at St. Brendan's Road, Lisdoonvarna. No map has been submitted.

The submitter raises concerns in relation to the proposal to include additional residential lands on St. Brendan's Road for the following reasons:

- Other parcels exist nearer the town which are more suitable for developing.
- Where there is an urgent housing need, council land adjacent to existing housing should be developed first.
- The lands are outside the town boundary and would cost more to develop.
- Notes there is a stream running through the land and restrictions on building over this stream.
- Traffic hazard and safety concerns due to busy road with walkers and cyclists.
- Two sharp bends on the road would need to be removed which would not be cheap.

### Chief Executive's Response

I wish to thank Joe and Mary Kelly for the submission and respond as follows:

In the interest of fairness, it is my intention to address this issue as comprehensively as possible based on the information presented in the submission. In order to do so I am making an assumption, based on the content of the submission, that the submission objects to proposed Material Alterations relating to Residential R5 lands on St. Brendan's Road. I have formulated my response and recommendation accordingly and in the interests of clarity have also included a map of these lands.

I acknowledge the concerns in relation to the proposed Material Alteration relating to R5 lands included in the Proposed Amendments to the Draft Plan, agreed by the Members' Resolution made on October 20<sup>th</sup> 2022. I note no submissions were received on the Draft Plan in relation to the subject lands.

In relation to the current submission, I acknowledge the points made including that more suitable lands closer to the town including council land may exist, the potential traffic issues and impacts on the existing river etc. In response, I note that the subject lands are located peripheral to Lisdoonvarna Town at a greater distance from the town centre than other lands proposed to be zoned residential and are therefore not identified for growth in the Draft Plan. In this regard, the extent of land zoned for future residential use within any settlement is determined by the Core Strategy as set out in Volume 1 of the Draft Plan. In determining the location and distribution of residentially zoned land, the Core Strategy is consistent with 'Guidance notes on Core Strategy Nov 2010' together with the provisions and conclusions of the SFRA, the SEA and the AA process together with the Water Framework Directive. In addition, site specific land use issues were also considered. These criteria include the availability of services, sequential test, flood risk assessment, planning history, consolidation of urban form etc. In accordance with the Core Strategy, I am satisfied that a sufficient quantum of land has been zoned in the Draft Plan at appropriate locations within Lisdoonvarna to accommodate the required amount of housing units



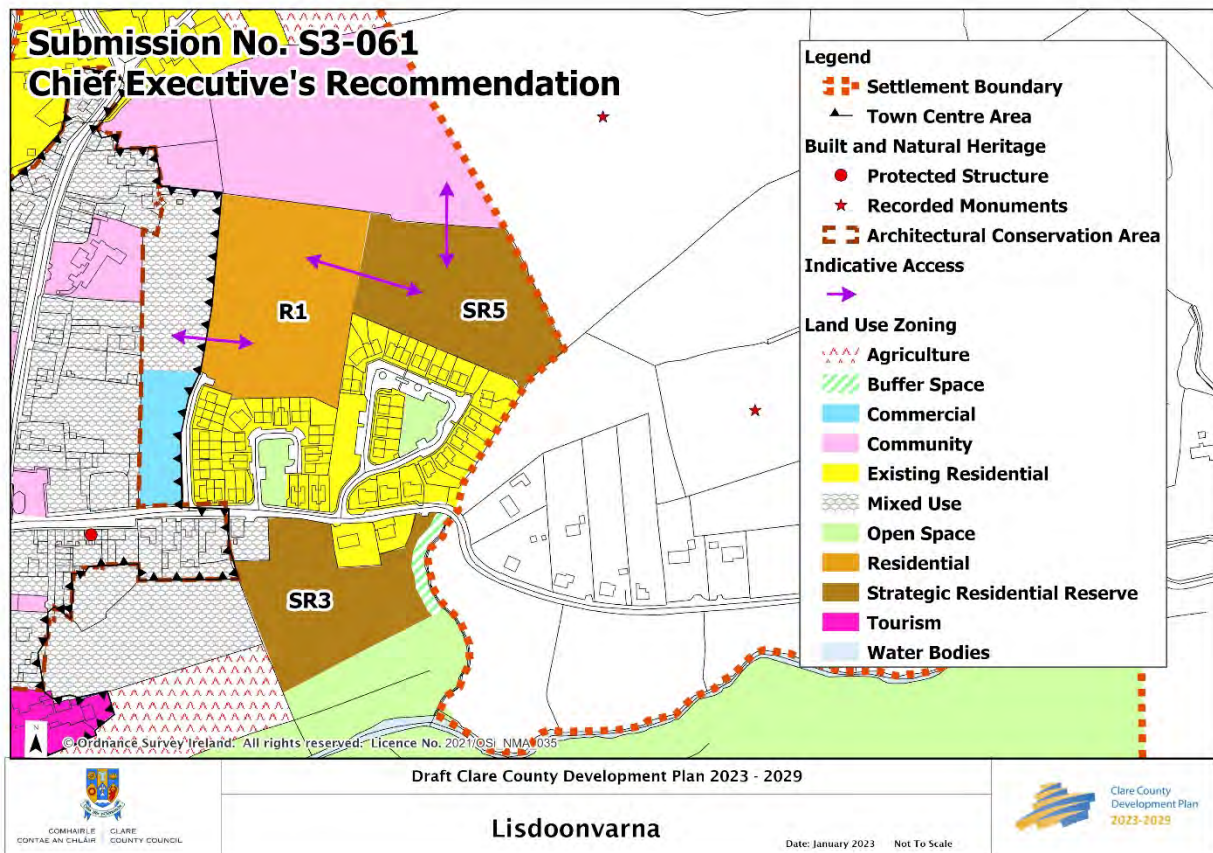
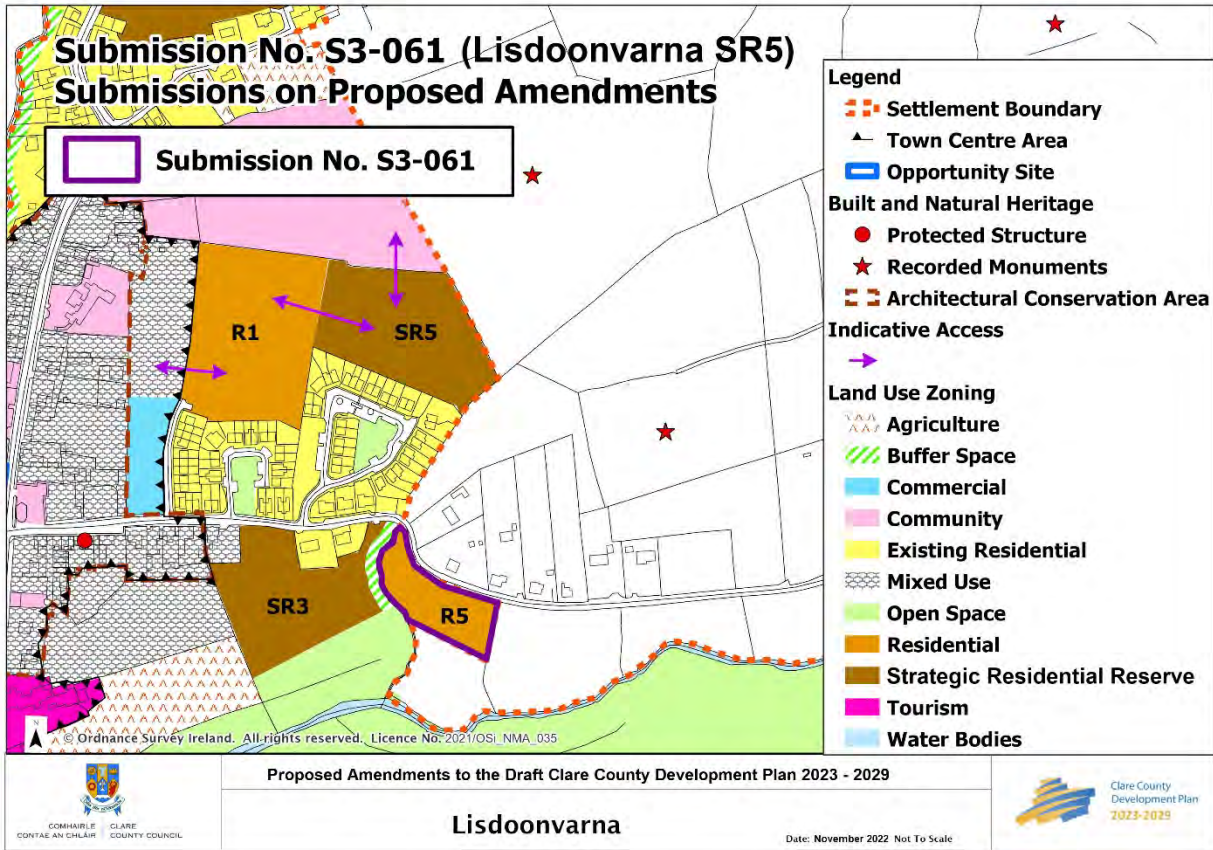
to meet the needs of the allocated population growth for the town over the plan period 2023-2029.

I refer to the submission made by the Office of the Planning Regulator's (OPR), S3/012, and MA Recommendation 4 – Small towns, that having regard to the core strategy of the Draft Plan; the national and regional objectives, the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for sequential approach to development and the provision of a sustainable settlement and transport strategy, the planning authority is required to make the Plan **without** the proposed Material Alteration on the subject lands.

Having regard to all of the above, I consider the extension of the settlement boundary and the zoning of these lands Residential (R5) is neither necessary or appropriate and would be contrary to proper planning and sustainable development and that the Plan is made **without** the proposed Material Alteration

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Lisdoonvarna Settlement Plan, Volume 3d West Clare Municipal District) is made **without** the proposed Material Alteration, as displayed, to extend the settlement boundary and the zone lands Residential (R5) in Lisdoonvarna.





## Submission No: S3/075 Christine Scullane

### Summary of Issues Raised in Submission

The submission relates to Lisdoonvarna, and no map has been included.

The submitter poses a number of questions and raises concerns in relation to the following:

- The development of modular homes on serviced sites on Residential and Strategic Residential Reserve lands, area of land for same, quantity of homes and people.
- Design and visual impact on homes and on the historical character of the town, tourism and other businesses.
- Impact on permanent residents, local population decline and provision of community services and amenities to meet the needs of new residents.
- Queries who decided on changes to the Development Plan and reasons for same, and why were residents not consulted/informed?
- Notes anti-social behaviour and a lack of community services such as an Garda Síochána.
- Notes presence of refugees, concerns over inability to integrate due to a lack of employment in the area.

### Chief Executive's Response

I wish to advise that the most recent round of public consultation in the Clare County Development Plan making process was to invite submissions in relation to the Proposed Amendments to the Draft Clare County Development Plan 2023-2029. I thank Christine Scullane for the submission, I note that it does not relate to any proposed material alteration contained in the Proposed Amendment to the Draft Plan. As the content of the submission is not the subject of a proposed material alteration, I must advise that no recommendation can be made at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.

However, I acknowledge the points made in the submission including questions regarding modular homes on residential lands. In this regard, the extent, quantity, exact layout and design of any future residential proposals will be determined through the various statutory processes that may apply.

In relation to the provision of community services and facilities, the Lisdoonvarna Settlement Plan in Chapter 3d West Clare Municipal District Settlement Plans, Volume 1, contains a general objective to make provision for the sustainable growth of the town which will support existing services and to encourage further expansion of the service base, whilst retaining its distinctive character. In addition, Chapter 10 Sustainable Communities, Volume 1, of the Draft Plan contains policies and objectives to support and facilitate such development including Objective CDP 10.16 "(a) to facilitate the provision of schools by zoning suitable lands in settlement plans and local area plans capable of meeting the demands of the projected populations and in line with the 2008 Code of Practice, *The Provision of Schools and the Planning System*" and Objective CDP 10.20 "(b) To encourage the integration of appropriate healthcare facilities within new and existing communities."

In relation to public consultation and decision making during the Clare County Development Plan 2023-2029 process, the current County Development Plan process has been carried out in accordance with the procedures set out in the Planning and Development Act 2000, as amended. The County Development Plan making process is a lengthy process comprising three stages (Pre-draft, Draft and Proposed Amendments). The current plan making process commenced in September 2020 and at each stage there has been an opportunity for public consultation. As part of the Draft Stage of the current development plan process an extensive public consultation campaign was carried out with nine dedicated public consultation events around the County including one at the Pavillion in Lisdoonvarna in January 2022, all of which resulted in 1,015 submissions being received. Following consideration of each submission a Chief Executive's Report containing a response and recommendation to each submission was prepared and provided to the Elected Members for their consideration. The Proposed Amendments were agreed by resolution of the Elected Members on 20<sup>th</sup> October 2022 and were subsequently put on public display from 28<sup>th</sup> November 2022 to 3<sup>rd</sup> January 2023 during which time this submission and 169 others were received. This Chief Executive's Report has been prepared in accordance with statutory requirements and will be provided to the Elected Members for their consideration prior to making the final Plan in March 2023.

In relation to employment in the area, the Lisdoonvarna Settlement Statement in Chapter 3d West Clare Municipal District Settlement Plans contain a number of objectives which includes a general objective to support and facilitate the development of a diverse tourism product that offers potential to expand the tourism base and provide year-round employment and economic activity; a specific Employment and Enterprise objective to provide for the growth and diversification of the local economy, promotion of the town as a base for visitors wishing to explore the Wild Atlantic Way as well as identifying a number of sites for commercial, mixed use and tourism development. In addition, Chapter 6 Economic Development and Enterprise of the Draft Plan contains policies and objectives to support and facilitate employment generation in all settlements in the county including Lisdoonvarna, for example Objective CDP 6.1 Economic Development and Enterprise 'to co-operate with local and national development agencies and engage with existing and future employers in order to maximise job opportunities...' and 'to support start-up businesses and small-scale industrial enterprise at appropriate locations throughout the County...'.

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

There is no recommendation arising from this submission.

## Submission No: S3/127 Aidan John O’Flaherty

### Summary of Issues Raised in Submission

The submission relates to lands at St. Brendan’s Road, Lisdoonvarna. No map has been submitted.

The submitter strongly objects to the proposal to include Residential R5 for the following reasons:

- Traffic hazard and safety concerns due to location of lands on a narrow bridge with bad bends and increased traffic impacting on pedestrians, cyclists and motorists.
- Renowned walking and cycling route for tourists and locals due to its low traffic volume and scenery.
- High density of existing housing in the area as well as R1, SR3 and SR5 lands. Further zoning would create an imbalance and suggests lands to north or west could be zoned.
- Suitable better serviced zoned lands already zoned closer to town centre with footpaths etc.
- Contrary to Town Centre First policy and renovation/development of derelict properties in the town centre should be considered before developing additional lands.
- Potential to impact on local stream and river and surrounding ecology

### Chief Executive’s Response

I wish to thank Aidan John O’Flaherty for the submission. I note that no map has been submitted, however, as the submission refers to specific lands (R5) in the interests of clarity a map of these lands has been prepared. My response to this submission is as follows:

I acknowledge the concerns in relation to the proposed Material Alteration relating to R5 lands included in the Proposed Amendments to the Draft Plan, agreed by the Members’ Resolution made on October 20<sup>th</sup> 2022. I note no submissions were received on the Draft Plan in relation to the subject lands.

I acknowledge the points made in the submission including potential traffic issues, impact on recreation and tourism in the area, adequate lands already zoned and existing residential opportunities in the area, the town centre first policy and existing dereliction in the town and impacts on surrounding ecology. In response, I note that the subject lands are located at the periphery of Lisdoonvarna town and are at a greater distance from the town centre than other lands proposed to be zoned residential and were therefore not identified for growth in the Draft Plan. In this regard, the extent of land zoned for future residential use within any settlement is determined by the Core Strategy as set out in Volume 1 of the Draft Plan. In determining the location and distribution of residentially zoned land, the Core Strategy is consistent with ‘Guidance notes on Core Strategy Nov 2010’ together with the provisions and conclusions of the SFRA, the SEA and the AA process and the Water Framework Directive. In addition, site specific land use issues were considered. These criteria include the availability of services, sequential test, flood risk assessment, planning history, consolidation of urban form etc. In accordance with the Core Strategy, I am satisfied that a sufficient quantum of land has been zoned in the Draft Plan at appropriate locations within Lisdoonvarna to accommodate the required amount of housing units to meet the needs of the allocated population growth for the town over the plan period 2023-2029.

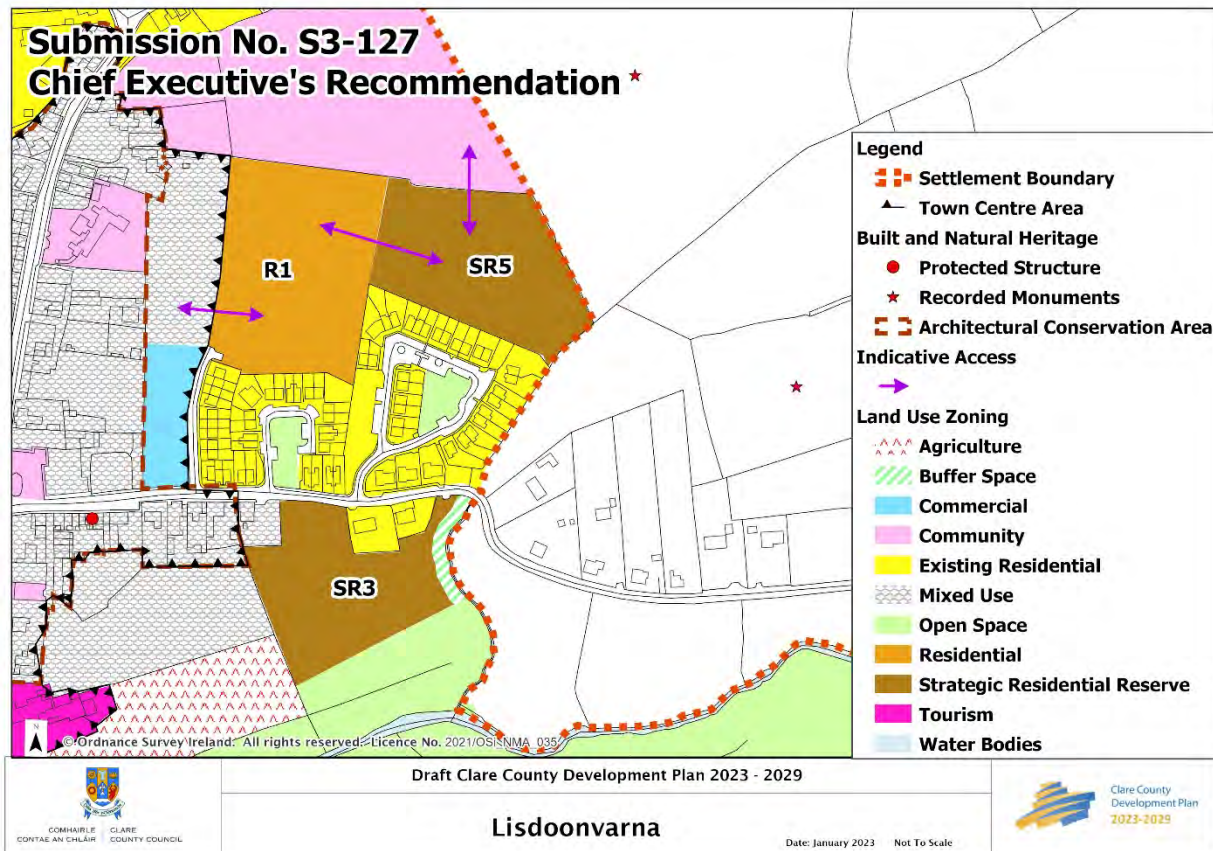
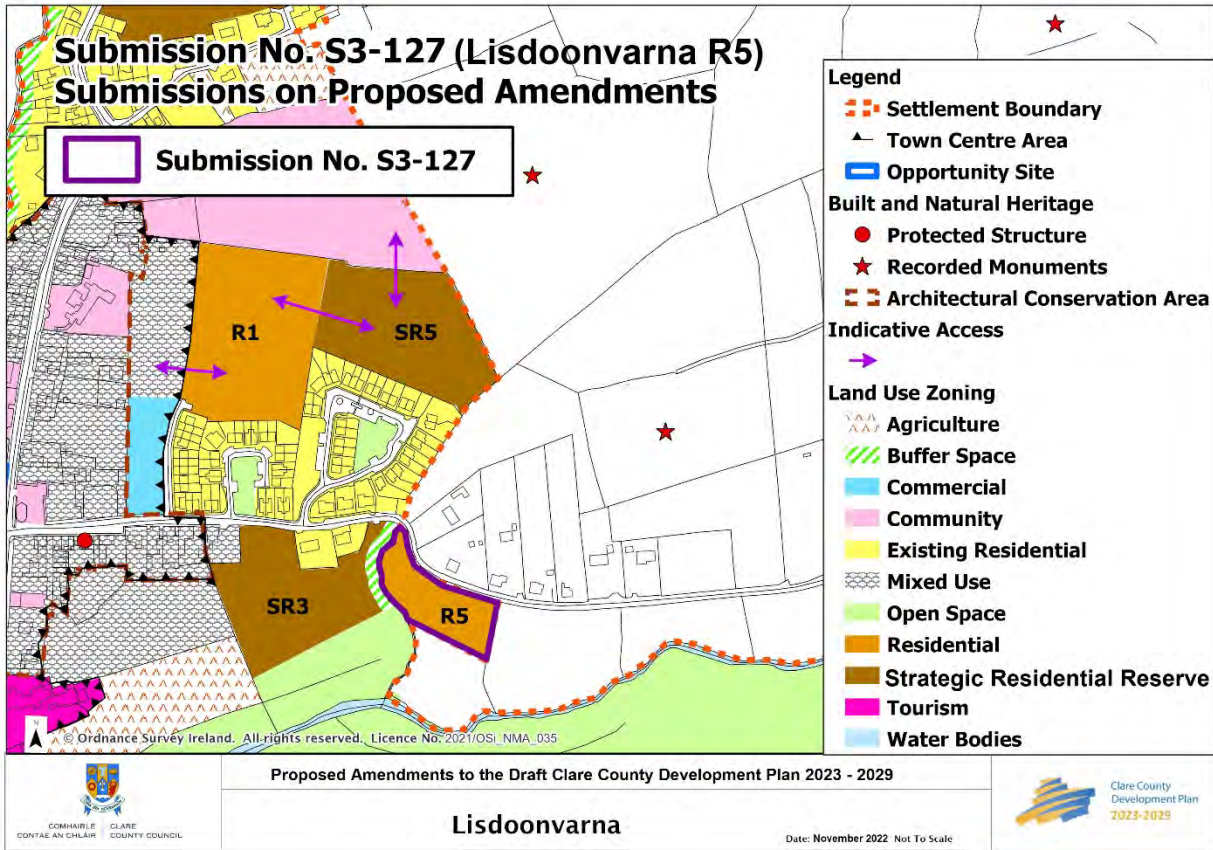


I refer to the submission made by the Office of the Planning Regulator's (OPR), S3/012, and MA Recommendation 4 – Small towns, that having regard to the core strategy of the Draft Plan; the national and regional objectives, the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for sequential approach to development and the provision of a sustainable settlement and transport strategy, the planning authority is required to make the Plan **without** the proposed Material Alteration on the subject lands.

Having regard to all of the above, I consider the extension of the settlement boundary and the zoning of these lands Residential (R5) is neither necessary or appropriate and would be contrary to proper planning and sustainable development and that the Plan is made **without** the proposed Material Alteration

### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Lisdoonvarna Settlement Plan, Volume 3d West Clare Municipal District) is made **without** the proposed Material Alteration, as displayed, to extend the settlement boundary and the zone lands Residential (R5) in Lisdoonvarna.



## Submission No: S3/132 Gerard & Joan O Flaherty

### Summary of Issues Raised in Submission

The submission relates to lands at St. Brendan's Road, Lisdoonvarna. No map has been submitted.

The submitter strongly objects to the proposal to include Residential R5 for the following reasons:

- High density of existing housing in the area (three estates) as well as R1, SR3 and SR5 lands and would create imbalance in the town.
- Contrary to Town Centre First policy and there is an overabundance of derelict property in the town suitable for residential.
- Suitable better serviced zoned lands already zoned closer to town centre without the need to extend the town boundary.
- Increased volume on narrow road with two bad bends, outside the 60km speed limit and no footpaths etc.
- Impact of higher volumes of traffic on this popular, quiet and scenic walking and cycling route used by tourists and locals.
- Need to factor Tourism needs into zoning to coincide with population growth.
- Impact on hedgerows and surrounding ecology due to location close to stream and river.

### Chief Executive's Response

I wish to thank Gerard & Joan O Flaherty for the submission and respond as follows:

I acknowledge the concerns in relation to the proposed Material Alteration relating to R5 lands included in the Proposed Amendments to the Draft Plan, agreed by Members' Resolution on October 20<sup>th</sup> 2022. I note no submissions were received on the Draft Plan in relation to the subject lands.

I acknowledge the points made in the submission including the level of existing residential zoned land in the area, the town centre first policy and the extent of dereliction in the town. I note that the submission references that there is an adequate quantum of lands already zoned and the potential for traffic issues arising with the development of the current site. In response, I note that the subject lands are located at the periphery of Lisdoonvarna town at a greater distance from the town centre than other lands proposed to be zoned residential. I also note that the extent of land zoned for future residential use within any settlement is determined by the Core Strategy as set out in Volume 1 of the Draft Plan. In determining the location and distribution of residentially zoned land, the Core Strategy is consistent with 'Guidance notes on Core Strategy Nov 2010' together with the provisions and conclusions of the SFRA, the SEA and the AA process together with the Water Framework Directive and Ministerial Guidelines. In addition, site specific land use issues were considered. These criteria include the availability of services, sequential test, flood risk assessment, planning history, consolidation of urban form etc. In accordance with the Core Strategy, I am satisfied that a sufficient quantum of land has been zoned in the Draft Plan at appropriate locations aside from the current lands within Lisdoonvarna to accommodate the required amount of housing units to meet the needs of the allocated population growth for the town over the plan period 2023-2029.

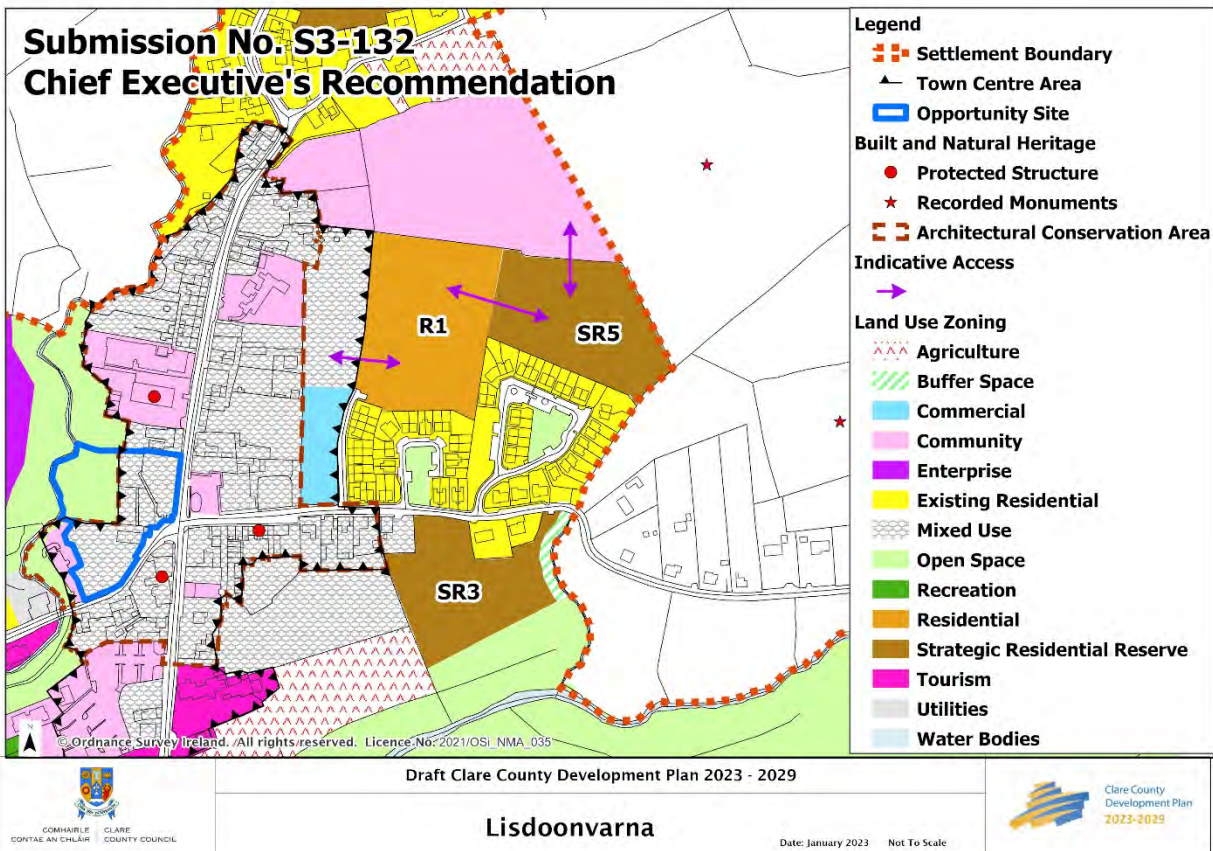
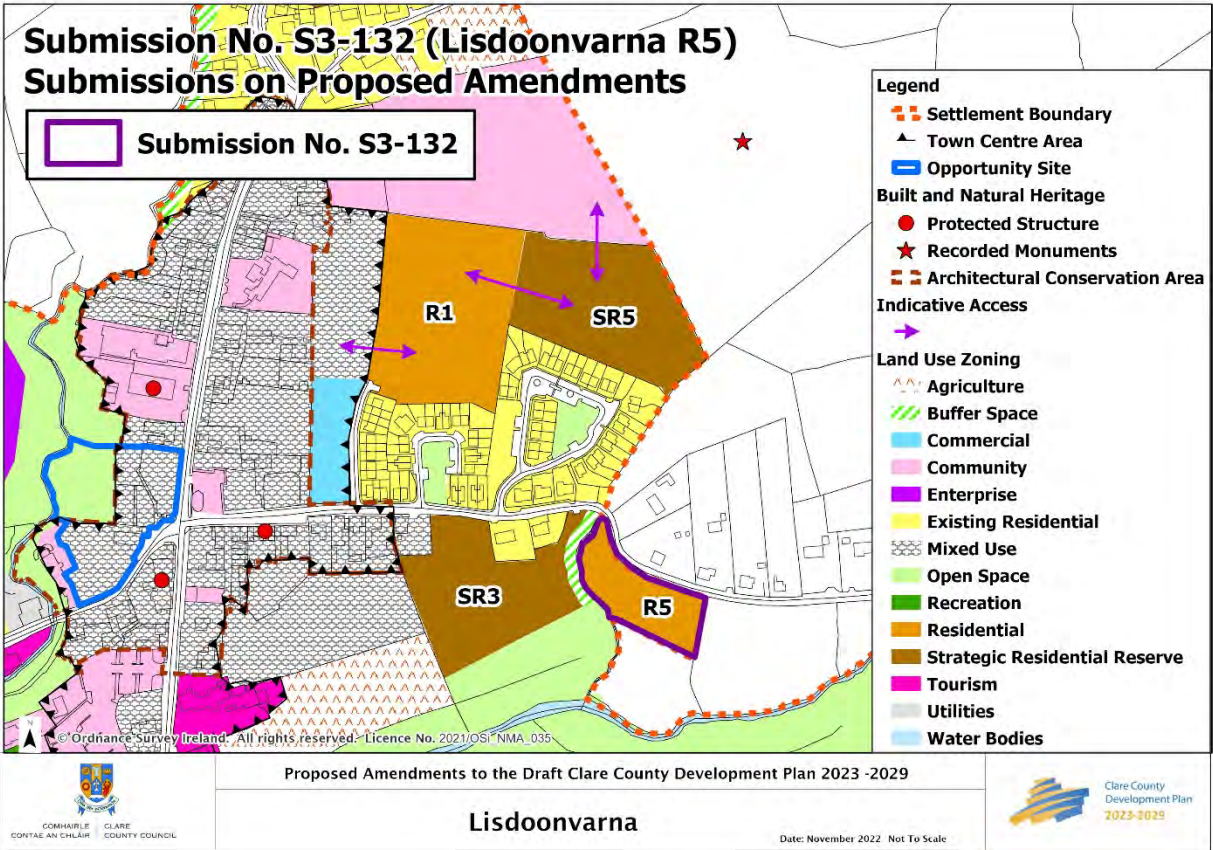


I refer to the submission made by the Office of the Planning Regulator's (OPR), S3/012, and MA Recommendation 4 – Small towns, that having regard to the core strategy of the Draft Plan; the national and regional objectives, the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for sequential approach to development and the provision of a sustainable settlement and transport strategy, the planning authority is required to make the Plan **without** the proposed Material Alteration on the subject lands.

Having regard to all of the above, I consider the extension of the settlement boundary and the zoning of these lands Residential (R5) is neither necessary or appropriate and would be contrary to proper planning and sustainable development and that the Plan is made **without** the proposed Material Alteration

### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Lisdoonvarna Settlement Plan, Volume 3d West Clare Municipal District) is made **without** the proposed Material Alteration, as displayed, to extend the settlement boundary and the zone lands Residential (R5) in Lisdoonvarna.





## Submission No: S3/134 Ronan O Flaherty

### Summary of Issues Raised in Submission

The submission relates to lands at St. Brendan's Road, Lisdoonvarna. No map has been submitted.

The submitter strongly objects to the proposal to include Residential R5 for the following reasons:

- Sufficient better serviced lands already zoned at appropriate locations without the need to extend the town boundary.
- High density of existing housing in the area (three estates) as well as R1, SR3 and SR5 lands and would create an imbalance in the town.
- Impact on nearby stream and river.
- Lack of services, footpaths etc.
- Safety concerns due to increased volumes of traffic on the narrow road with two bad bends, outside the 60km speed limit and no footpaths etc.
- Contrary to Town Centre First policy and there is an overabundance of derelict property in the town suitable for residential.
- Need to factor Tourism needs into zoning to coincide with population growth.
- Impact of higher volumes of traffic on this popular, quiet, and scenic walking and cycling route used by tourists and locals, particularly on tourism as local hotels are award winners in cycling holidays including along this route.

### Chief Executive's Response

I wish to thank Ronan O Flaherty for the submission. I note that no map has been submitted, however, as the submission refers to specific lands (R5) in the interests of clarity a map of these lands has been included. My response to this submission is as follows:

I acknowledge the concerns in relation to the proposed Material Alteration relating to R5 lands included in the Proposed Amendments to the Draft Plan, agreed by Members' Resolution on October 20<sup>th</sup> 2022. I note no submissions were received on the Draft Plan in relation to the subject lands.

I acknowledge the points made in the submission including adequate better serviced lands already zoned and level of existing residential in the area, the town centre first policy and existing dereliction in the town, the potential traffic issues that may arise, impact on recreation and tourism and ecology in the area etc. In response, I note that the subject lands are located at the periphery of Lisdoonvarna town at a greater distance from the town centre than other lands proposed to be zoned residential and are therefore not identified for growth in the Draft Plan. In this regard, the extent of land zoned for future residential use within any settlement is determined by the Core Strategy as set out in Volume 1 of the Draft Plan. In determining the location and distribution of residentially zoned land, the Core Strategy is consistent with 'Guidance notes on Core Strategy Nov 2010' together with the provisions and conclusions of the SFRA, the SEA and the AA process and the Water Framework Directive. In addition, site specific land use issues were considered. These criteria include the availability of services, sequential test, flood risk assessment, planning history, consolidation of urban form etc. In accordance with the Core Strategy, I am satisfied that a sufficient quantum of land at alternative locations has been



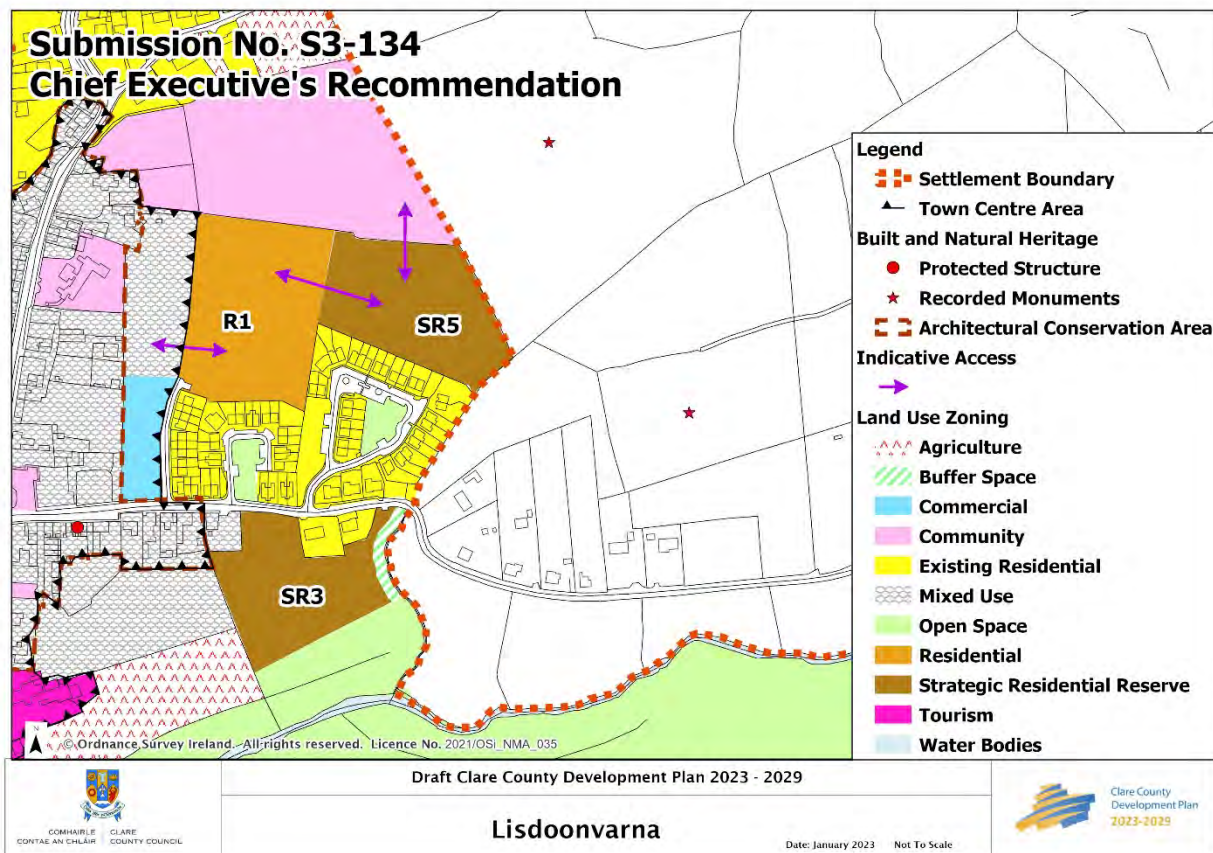
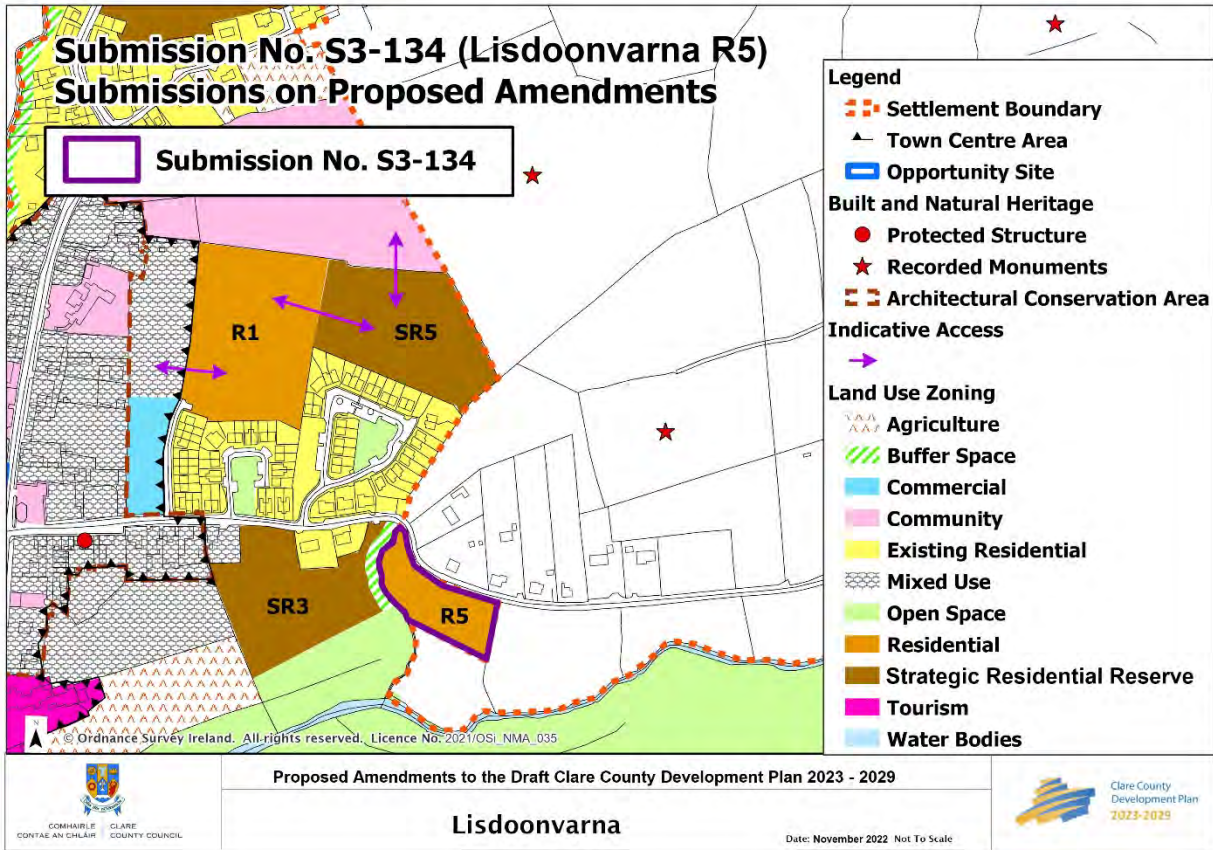
zoned in the Draft Plan which are more appropriate locations within Lisdoonvarna to accommodate the required amount of housing units to meet the needs of the allocated population growth for the town over the plan period 2023-2029.

I refer to the submission made by the Office of the Planning Regulator's (OPR), S3/012, and MA Recommendation 4 – Small towns, that having regard to the core strategy of the Draft Plan; the national and regional objectives, the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for sequential approach to development and the provision of a sustainable settlement and transport strategy, the planning authority is required to make the Plan **without** the proposed Material Alteration on the subject lands.

Having regard to all of the above, I consider the extension of the settlement boundary and the zoning of these lands Residential (R5) is neither necessary or appropriate and would be contrary to proper planning and sustainable development and that the Plan is made **without** the proposed Material Alteration

#### Chief Executive's Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Lisdoonvarna Settlement Plan, Volume 3d West Clare Municipal District) is made **without** the proposed Material Alteration, as displayed, to extend the settlement boundary and the zone lands Residential (R5) in Lisdoonvarna.



## Submission No: S3/150 Kaye O'Loughlen

### Summary of Issues Raised in Submission

The submission relates to lands at Rooska, Lisdoonvarna. No map has been submitted.

#### Land Use Zoning

The submitter questions the rationale for the proposed changes from Agriculture AG1 lands in the Draft Plan to Residential R3, and Residential R2 & Strategic Residential Reserve SR4 lands in the Draft Plan to Residential R2 & Agriculture AG1.

#### General

In addition, in relation to R3, the submitter queries what Serviced Sites are i.e. water, sewage etc. connections in place, whether they are to be sold individually, how is planning permission obtained, will the Council provide mortgages and the Council's contingency plans, including rezoning, if sites not sold.

### Chief Executive's Response

I wish to thank Kaye O'Loughlen for the submission. I note that no map has been submitted, however, as the submission refers to specific lands (R2, R3 and AG1) in the interests of clarity a map of these lands has been included. My response to this submission is as follows:

#### Land Use Zoning

##### **(1) Residential R2**

I wish to advise that the most recent round of public consultation in the County Development Plan process was to invite submissions in relation to the Proposed Amendments to the Draft Clare County Development Plan 2023-2029. I note that Residential R2 lands are not the subject of a proposed material alteration to the Draft Clare County Development Plan 2023-2029. As the lands referred to are not subject to a proposed material alteration, I must advise that the change to zoning as requested cannot be recommended at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.

##### **(2) Residential R3 and Agriculture AG1 lands**

I acknowledge the concerns in relation to the rationale for proposed changes to Residential R3 and AG1 zonings which was included by way of a proposed material alteration agreed by Members' Resolution on October 20<sup>th</sup> 2022, in response to submissions received on the Draft Plan.

My response to the current submission reflects that which was given in the Chief Executive's Report of July 10<sup>th</sup> 2022 to submissions received on the Draft Plan including S2/098, S2/149 and S2/996. While I consider that the lands subject to the proposed Material Alteration, R3 and AG1, have potential to accommodate residential development in the future, they are located further from the town centre than other lands identified for residential in the Draft Plan, including R2 lands to the north. The extent, location and distribution of land zoned for future residential use

within any settlement is determined by the Core Strategy as set out in Volume 1 of the Draft Plan in line with 'Guidance notes on Core Strategy Nov 2010' together with the provisions and conclusions of the SFRA, the SEA and the AA processes as well as site specific land use issues including availability of services, a sequential test, flood risk assessment, planning history, consolidation or urban form etc. Therefore, in accordance with the Core Strategy, I am satisfied that a sufficient quantum of land has been zoned in the Draft Plan at appropriate locations within Lisdoonvarna to accommodate the required amount of housing units to meet the needs of the allocated population growth for the town over the plan period 2023-2029.

I refer to the submission made by the Office of the Planning Regulator's (OPR), S3/012, and MA Recommendation 4 – Small towns, that having regard to the core strategy of the Draft Plan; the national and regional objectives, the provisions of the *Development Plans, Guidelines for Planning Authorities (2022)* including the policy and objective for sequential approach to development and the provision of a sustainable settlement and transport strategy, the planning authority is required to make the Plan **without** the material amendment proposed on the subject lands.

Having regard to all of the above, I consider it appropriate to retain the Strategic Residential Reserve (SR4) and Agriculture (AG1) zoning on the subject lands as identified in the Draft Plan and that the Plan is made **without** the proposed Material Alteration.

#### General

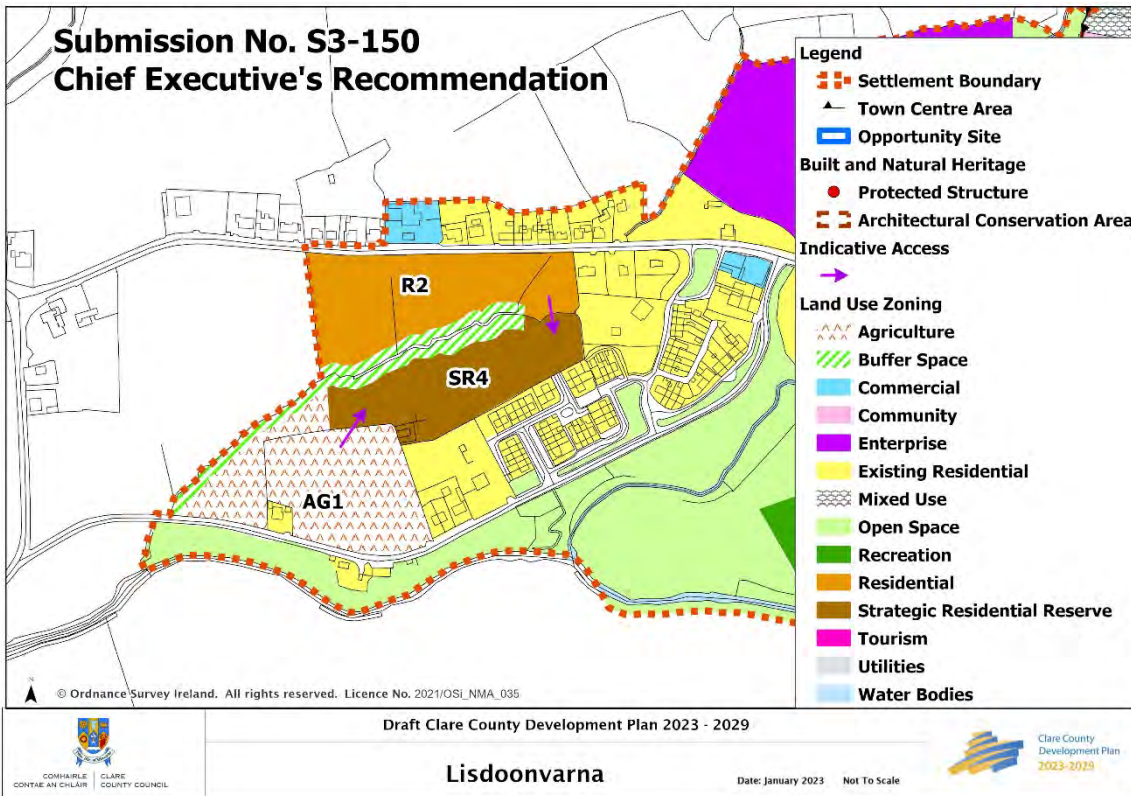
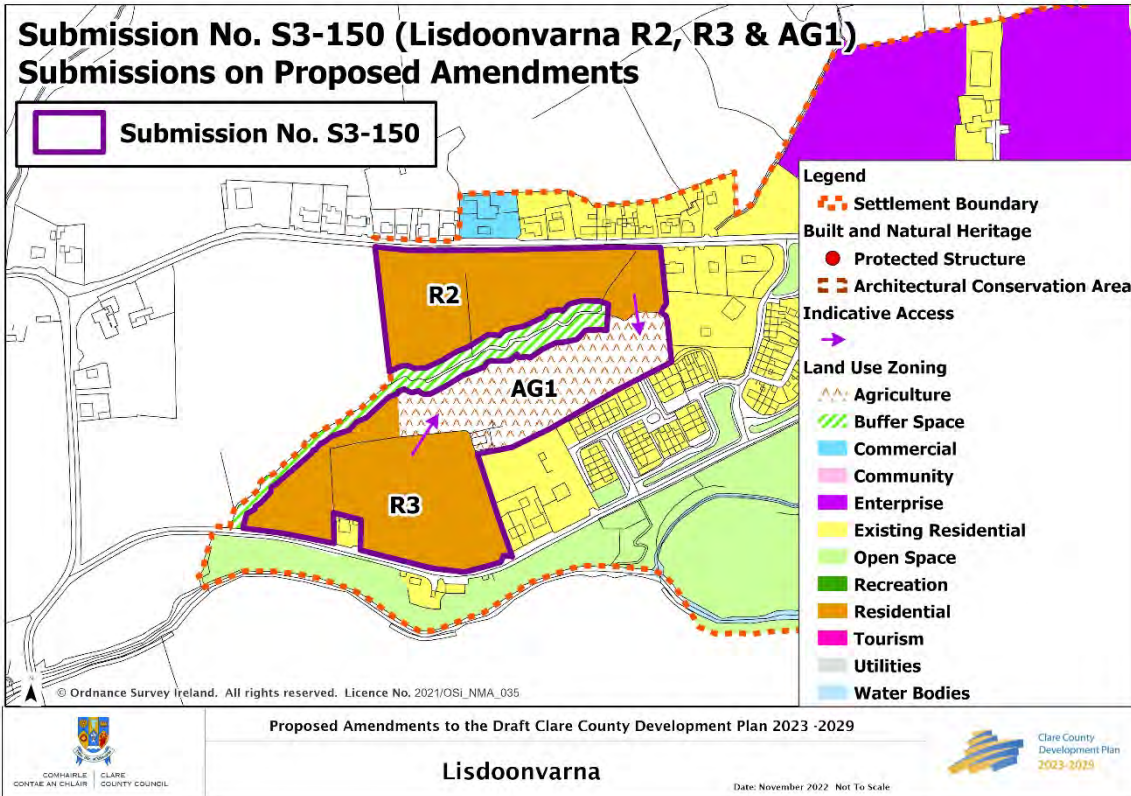
I acknowledge the submitters queries in relation to R3. In this regard, Serviced Sites are as described in the submission i.e. individual sites intended to be sold to individual purchasers, with services such as water, wastewater, electricity connections etc. already in place and are considered to provide an alternative option to one-off housing in the countryside. All future development proposals on serviced sites will be subject to the Development Management process and each purchaser will need to submit a planning application for individual houses which will be assessed by the Planning Authority in line with proper planning and sustainable development.

In relation to the eligibility of purchasers for Council Mortgages, as with any individual, would-be purchasers may be eligible to apply for a Council Mortgage if they meet the relevant criteria, this is a matter for the individual and the Housing Section of Clare County Council.

In relation to contingency plans, there is adequate lands zoned in the Draft Plan to meet the projected population targets. Lands zoned 'Strategic Residential Reserve' are identified to meet the longer-term needs of the town.

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

I recommend that the Clare County Development Plan 2023-2029 (Lisdoonvarna Settlement Plan, Volume 3d West Clare Municipal District) is made **without** the proposed Material Alteration, as displayed, to change the zoning of land from Residential (R3) to Agriculture (AG1) and to change the zoning of land from Agriculture (AG1) to Strategic Residential Reserve (SR4) in Lisdoonvarna.



## Submission No: S3/165 Maudie Gutherie

### Summary of Issues Raised in Submission

The submission relates to Lisdoonvarna. No map has been submitted.

The submitter objects to the Proposed Amendments to the Draft Clare County Development Plan 2023-2029 relating to the Lisdoonvarna Settlement Plan due to concerns in relation to land being changed to serviced sites:

- Queries what is going to be built on serviced sites and whether rapid build Modular housing is proposed on such sites?
- Refers to an increase in the local population of 1,000 people and asks who will benefit from these serviced sites?
- Notes the current constraints on local services including postal, bus and the lack of a Garda Station in the village.

### Chief Executive's Response

I wish to thank Maudie Gutherie for the submission and respond as follow:

The submitter refers to lands being changed to serviced sites although no specific land parcel is identified in the text of the submission and no map has been submitted. However, while the concerns in the submission may be site-specific, my response to these would be the same for any residential land parcel identified for the provision of serviced sites. I acknowledge the submitter's concerns and queries. Serviced sites are essentially individual sites intended to be sold to individual purchasers, with services such as water, wastewater, electricity connections etc. already in place and are considered to provide an alternative to one-off housing in the open countryside. All future development proposals on serviced sites will be subject to the Development Management process and individual purchasers will need to submit a planning application for individual houses which will be assessed by the Planning Authority in line with proper planning and sustainable development. As with all lands identified for growth in the development plan no beneficiaries for those lands have been identified as that is not within the remit for consideration in the development plan making process.

In relation to the provision of community services, the Lisdoonvarna Settlement Statement in Chapter 3d West Clare Municipal District Settlement Plans, Volume 1 of the Draft Plan contains a general objective to make provision for the sustainable growth of the town which will support existing services and encourage further expansion of the service base, whilst retaining its distinctive character. In addition, Chapter 8 Rural Development and Natural Resources contains policies and objectives to support and facilitate rural transport including Objective CDP 8.6 Rural Transport "(a) To support the retention and enhancement of existing rural transport services in County Clare and the expansion of the Local Link Rural Transport Programme" and "(d) To support the provision of regular express bus services throughout the County and to encourage private-public partnership in the provision of more widespread rural bus services."



### Chief Executive's Recommendation

There is no recommendation arising from this submission.



## Submission No: S3/168 Colette Bradley

### Summary of Issues Raised in Submission

The submission relates to Lisdoonvarna. No map has been submitted.

The submitter poses a number of questions in relation to Residential R3 lands as follows:

- What does 'limited to provision of serviced sites' mean?
- Will housing be standard houses or modular houses, and will development commence in the near future?
- Will the provision of safe pedestrian links and cycleways to the lands require changes to the road?
- Notes substantial inward migration relative to the size of the town due to war in Ukraine and queries if the long-term community impact, accommodation, and infrastructural needs have been considered by the Planning Authority.

### Chief Executive's Response

I wish to thank Colette Bradley for the submission and respond as follows:

I acknowledge the submitters queries in relation to the provision of serviced sites on R3 lands. Serviced sites are essentially individual sites intended to be sold to individual purchasers, with services such as water, wastewater, electricity connections etc. already in place. Serviced sites are considered to provide an alternative to one-off housing in the open countryside.

All future development proposals will be subject to the Development Management process with the nature, scale and design of units submitted as part of a planning application. This process is open for public consultation and all proposals will be assessed by the Planning Authority in line with proper planning and sustainable development of the area. The timeline for future development proposals and commencement of same is a matter for the landowner/developer rather than the Local Authority.

In relation to the provision of safe pedestrian links and cycleways, this may include changes to the existing roadway however it is impossible to identify same in the absence of a detailed design. Any forthcoming proposals will be subject to the development management process and/or Part VIII process if applicable.

I note the issues highlighted in relation to longer term community impacts, accommodation and infrastructural needs in Lisdoonvarna. These are operational issues and therefore not within the remit of the Development Plan making process. However, the county development plan supports and facilitates housing, community and other service needs by zoning adequate lands for residential, community and mixed use within the town boundary. In relation to the provision of community services and facilities, the Lisdoonvarna Settlement Statement in Chapter 3d West Clare Municipal District Settlement Plans, Volume 1 of the Draft Plan contains a general objective to make provision for the sustainable growth of the town which will support existing services and encourage further expansion of the service base, whilst retaining its distinctive character.



### Chief Executive's Recommendation

There is no recommendation arising from this submission.



# Ballyvaughan





### **Submission No: S3/052 – Martina Knight**

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

The submission relates to lands at Ballyvaughan currently zoned ‘Mixed Use’ in the Clare County Development Plan 2017-2023 (as varied) and zoned as ‘Mixed Use’ in the Draft Clare County Development Plan 2023-2029.

In the submission it is requested that the land is rezoned as ‘Agriculture’ for the following reasons:

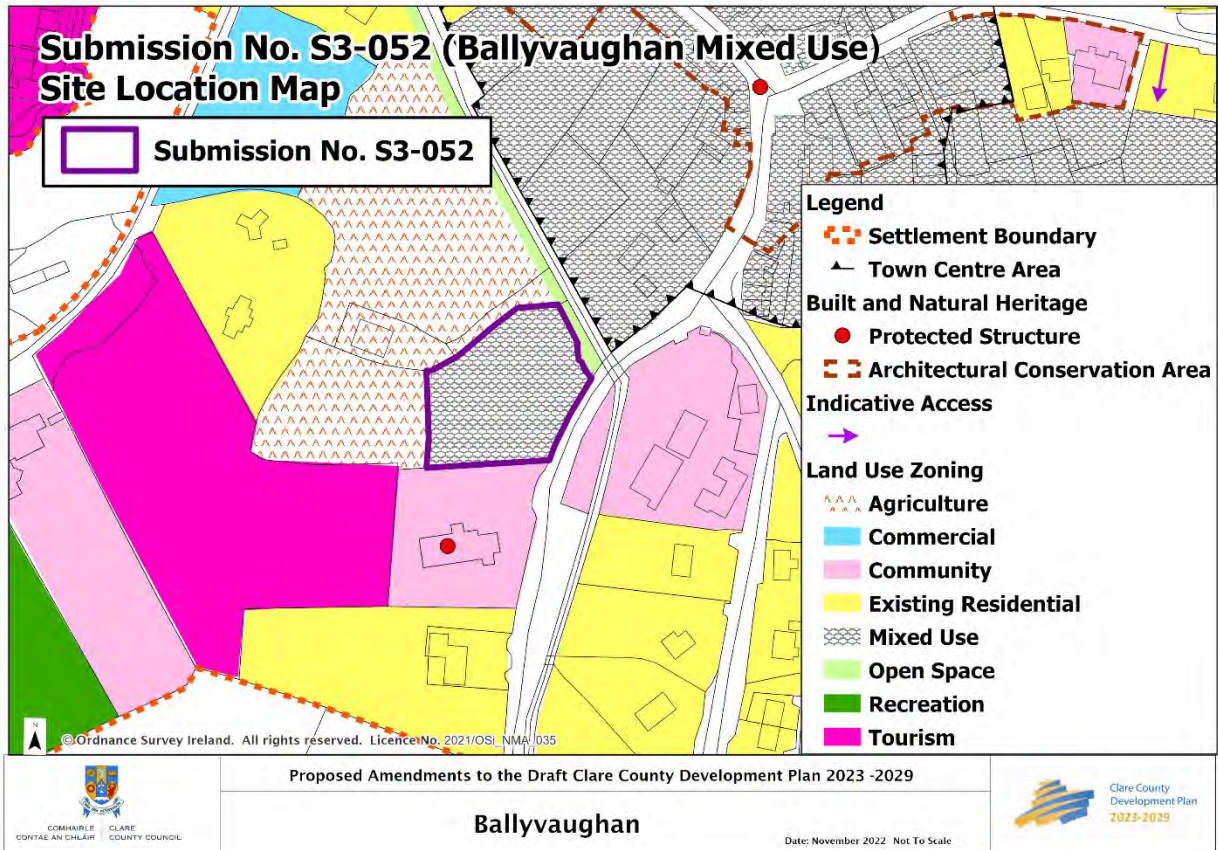
- The site is currently being used for farming activities
- The site is currently not serviced with foul sewerage or surface water drainage and therefore, the site should not be subject to Residential Zoned Land Tax (RZLT).

#### **Chief Executive’s Response**

I thank Martina Knight for the submission which requests to rezone lands from Mixed Use to Agriculture in Ballyvaughan. As the lands referred to are not subject to a proposed Material Alteration to the Draft Plan, I must advise that the change to zoning as requested cannot be considered at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.

#### **Chief Executive’s Recommendation**

There is no recommendation arising from this submission.





# Doolin



**Submission No: S3/021 – Cindy Sinnott Griffin**

**Summary of Issues Raised in Submission**

The submission states that the submitter received notice of the proposal to include her property in Doolin on the Record of Protected Structures and is happy with this inclusion. The submission includes information regarding the property, which is a cottage on Fisher Street in Doolin.

**Chief Executive’s Response**

I thank Cynthia Griffin for her submission regarding Fisherman’s Cottage on Fisher Street, Doolin supporting its addition to the Record of Protected Structures (RPS) as a proposed material alteration to the Draft Clare County Development Plan 2023-2029.

**Chief Executive’s Recommendation**

I recommend the Clare County Development Plan 2023-2029 be made **with** the proposed Material Alteration to include Fisherman’s Cottage, Doolin on the Record of Protected Structures, as displayed.





# Doonbeg

## Submission No: S3/020 Alison O'Donoghue & Noreen Honan

### Summary of Issues Raised in Submission

The submission relates to lands at Doonbeg and a map has been submitted.

In the submission it is requested that the Tourism TOU1 zoning is retained on the lands for the following reasons:

- The lands have not been in productive agriculture use for two decades.
- There is a history of residential planning permissions on the site since 2000 including 00/1597, 05/2257, P08/958 and 12/520.
- In response to submissions on the Draft Plan relating to the site, the Chief Executive's Report provided an assessment of the site including water, wastewater and flooding and recommended no change to the current Tourism zoning.
- While the map shows a change of zoning to Agriculture on the land, associated written text for TOU1 is still contained in the plan [Doonbeg Settlement Statement] and the Tourism TOU1 zoning is visible on other maps.
- Recent planning application on the site, 21/807 was refused for traffic safety reasons, however the CE's Report considers that vehicular access can be evaluated at planning application stage.
- Recent successful appeal to the Council for a reduction in the speed limit to 80km, with potential to relocate the speed limit to the west and provide traffic calming measures along the road.
- Part VIII planning permission 21/8002 on the adjacent site will include development of footpaths which will require a further reduction of speed limits to 50/60kph.

### Chief Executive's Response

I wish to thank Alison O'Donoghue and Noreen Honan for the submission and respond as follows:

The submission relates to land that is currently zoned Tourism TOU1 in the Clare County Development Plan 2017-2023 (as varied) and proposed to be zoned Agriculture, by way of a proposed material alteration to the Draft CDP 2023-2029. I note that in response to submissions at Draft Plan stage requesting a change of zoning, the Chief Executive's Report of July 10<sup>th</sup> 2022 recommended the retention of the Tourism TOU 1 zoning on the subject land.

I note the points made in the submission including the discrepancy in the Doonbeg Settlement Statement contained in the proposed Material Alteration to the Draft Plan between the map, which shows a change of zoning to Agriculture on the land, and the written text which retains the description associated with the TOU1 zoning objective. I can confirm that the text associated with TOU1 zoning objective was retained in error. To clarify, the Tourism TOU1 zoning is visible on other maps because the Draft Plan zoning is used as the base zoning for all submission maps contained in the Proposed Amendments document.

In relation to the request to retain the Tourism zoning on the subject lands, it is an objective of the Doonbeg Settlement Plan, contained in Volume 3D West Clare Municipal District of the Draft Clare County Development Plan 2023-2029 "To support the development of a diverse tourism

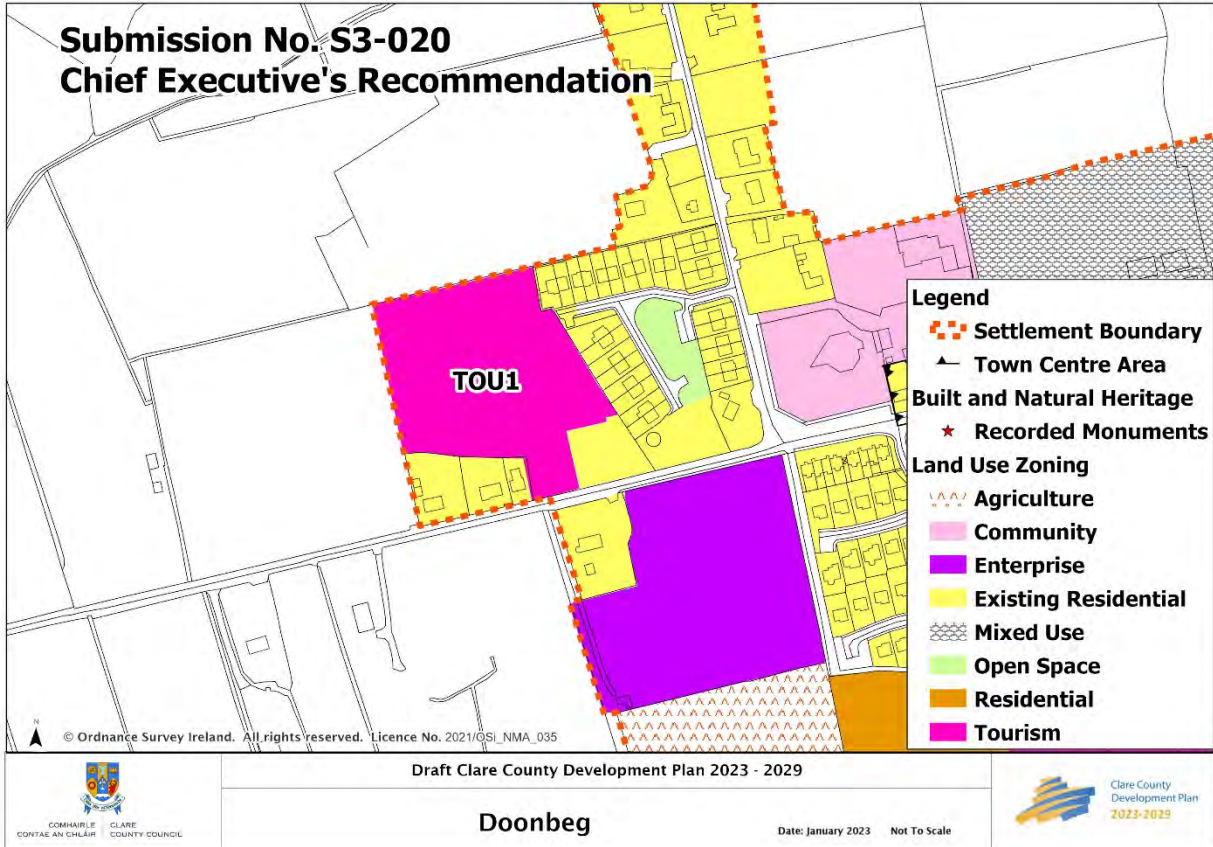
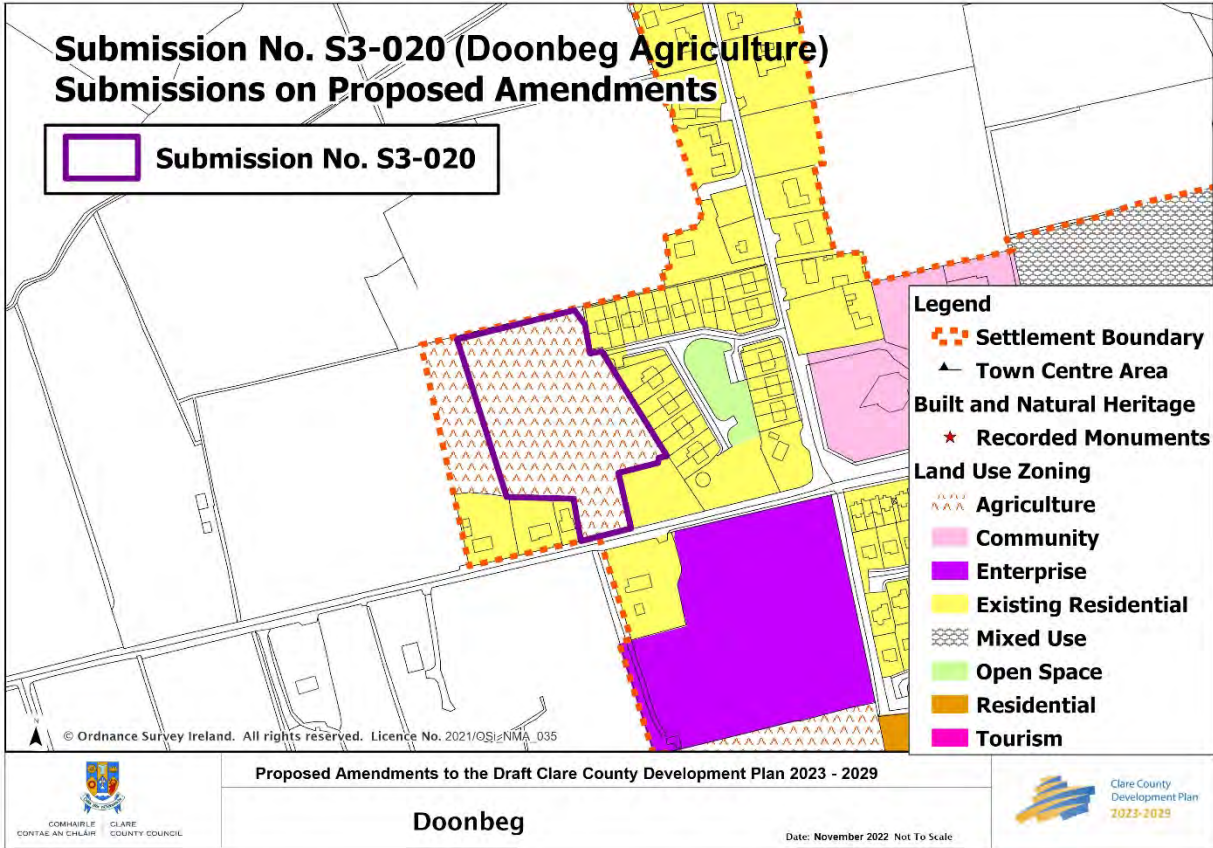


product which offers the potential to expand the tourism season to provide year-round employment and economic activity.” I therefore consider it necessary to identify lands in Doonbeg for tourism uses and to zone those lands accordingly.

Having regard to the above and the location of the site within the settlement boundary of Doonbeg, the linkages that can be provided to the village centre and the identified need for tourist facilities within Doonbeg and throughout the county, I consider that in line with my recommendation on submissions to the Draft Plan, it is appropriate retain the current Tourism TOU1 zoning objective on the subject lands and that the Draft Plan be made without the proposed Material Alteration.

### Chief Executive’s Recommendation

I recommend that the Clare County Development Plan 2023-2029 (Doonbeg Settlement Plan, Volume 3d West Clare Municipal District Settlement Plans) is made **without** the proposed Material Alteration to change the zoning from Tourism TOU1 in Doonbeg, as displayed.





## Killadysert

## Submission No: S3/044 – Catherine McNamara

### Summary of Issues Raised in Submission

The submission relates to lands at Killadysert currently zoned 'Low Density Residential' in the Clare County Development Plan 2017-2023 (as varied) and proposed to be designated as 'Village Growth Area' in the Draft Clare County Development Plan 2023-2029.

In the submission it is requested that the land is de-zoned for the following reasons:

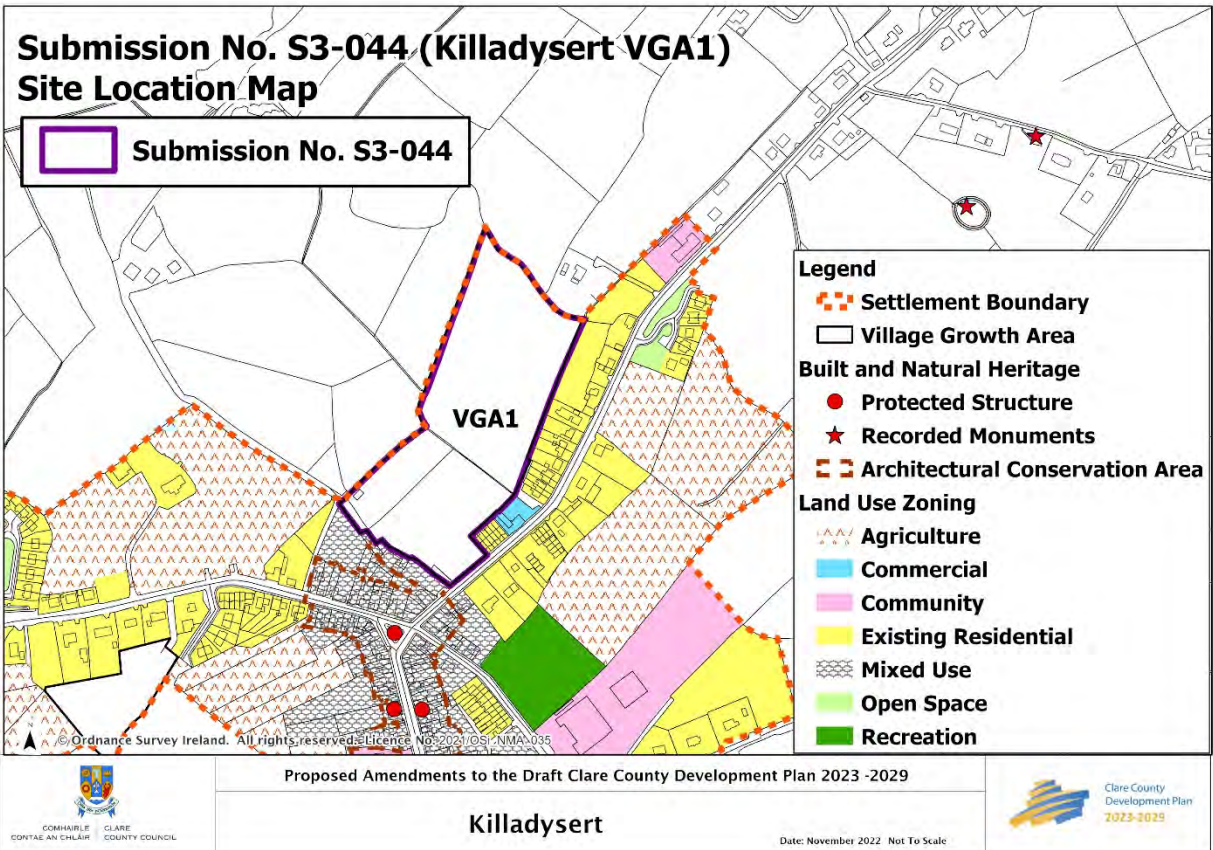
- The annual 3% Residential Zoned Land Tax (RZLT) is a financial burden based on each of the zoned acres and potentially based on commercial values, which would prove both penal and un-payable, while proving an immovable impediment to purchase by either an agricultural or commercial entity.
- Zoned land in Killadysert significantly exceeds and bears no relation to the housing need identified in the Draft County Development Plan 2023-2029.
- The land is totally unsuited to residential development until well documented and highly complex deficits in the development, provision and management of sewerage facilities are addressed in the coming years.
- The zoned area currently hosts a number of seabirds from the nearby estuary and the current Clare County Development Plan 2017-2023 (as varied) notes that "mature tree lines and hedges associated with the site should be retained as part of any future development proposal in order to maintain foraging and commuting routes for bats and retain their function as wildlife corridors."
- The almost 14 acres of good quality farmland are currently rented and comprise an essential element of a progressive, hard-working and environmentally sensitive farmer's enterprise, which will be unnecessarily disturbed and burdened with uncertainty at a time when neither a housing need nor commercial interest exist.
- If and when an identified housing need emerges and the previously outlined constraints on the site have been rectified, there will be no objection to rezoning the proportionate area, which no doubt would be a fraction of the current zoned area which is wholly overreaching.
- Any development close to the existing dwelling on the zoned land would impact on the adjacent Architectural Conservation Area (ACA).

### Chief Executive's Response

I thank Catherine McNamara for the submission which requests to de-zone lands in Killadysert. I note the lands referred to are not subject to a proposed Material Alteration to the Draft Plan and I must advise that the change to zoning as requested cannot be recommended at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended. However, as a point of clarification, I note that it is proposed under the Draft Plan that these lands be designated as 'Village Growth Area' rather than zoned for a 'Residential' as referred to in the submission.

### Chief Executive's Recommendation

There is no recommendation arising from this submission.



**Submission No: S3/170 – Anna O’Dea**

**Summary of Issues Raised in Submission**

The submission relates to lands at Killadysert proposed to be zoned for ‘Open Space’ and ‘Existing Residential’, by way of a proposed material alteration in the Proposed Amendments to the Draft Clare County Development Plan 2023-2029.

The submission requests that lands proposed to be zoned for ‘Open Space’ and ‘Existing Residential’ in the Proposed Amendments to the Draft Plan are zoned for ‘Agriculture’ and ‘Mixed Use’.

**Chief Executive’s Response**

I wish to thank Anna O’Dea for the submission and respond as follows:

I note that no map has been submitted and therefore it is not possible to identify the exact parcel of land to which the submission refers. Notwithstanding the absence of a site location map, no lands currently zoned as either ‘Open Space’ or ‘Existing Residential’ are subject to a proposed material alteration to the Draft Clare County Development Plan 2023-2029.

As the lands referred to are not subject to a proposed material alteration to the Draft Plan, I must advise that the change to zoning as requested cannot be recommended at this advanced stage in the plan-making process, in accordance with the Planning and Development Act 2000, as amended.

**Chief Executive’s Recommendation**

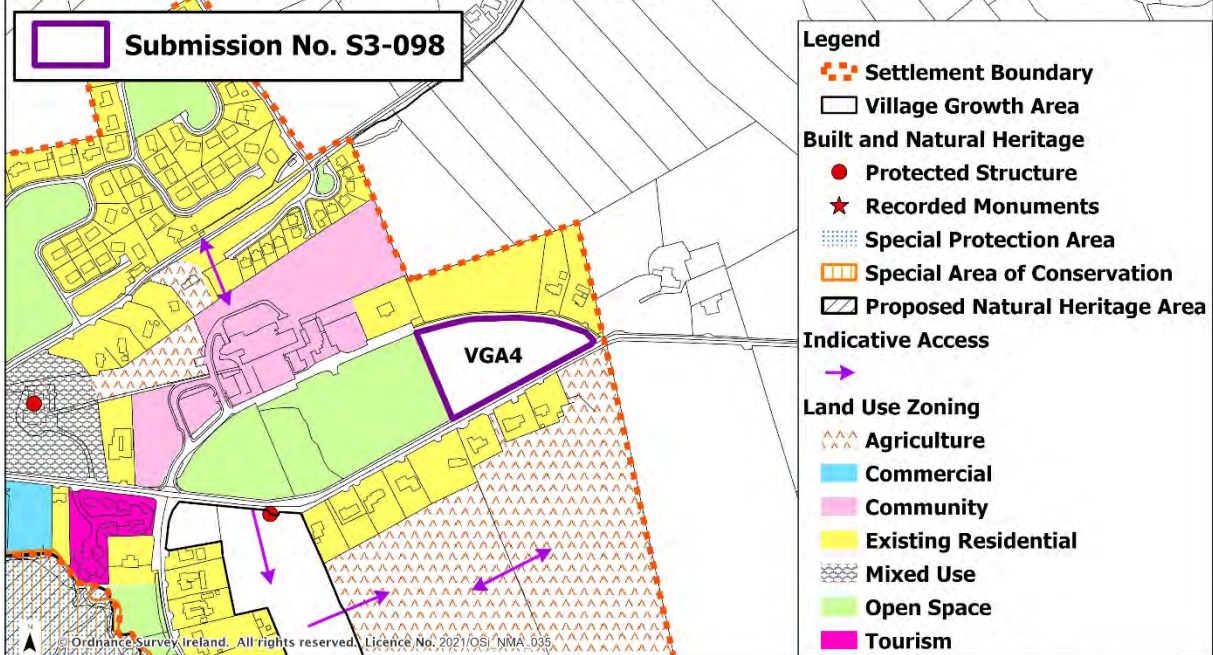
There is no recommendation arising from this submission.



## Spanish Point

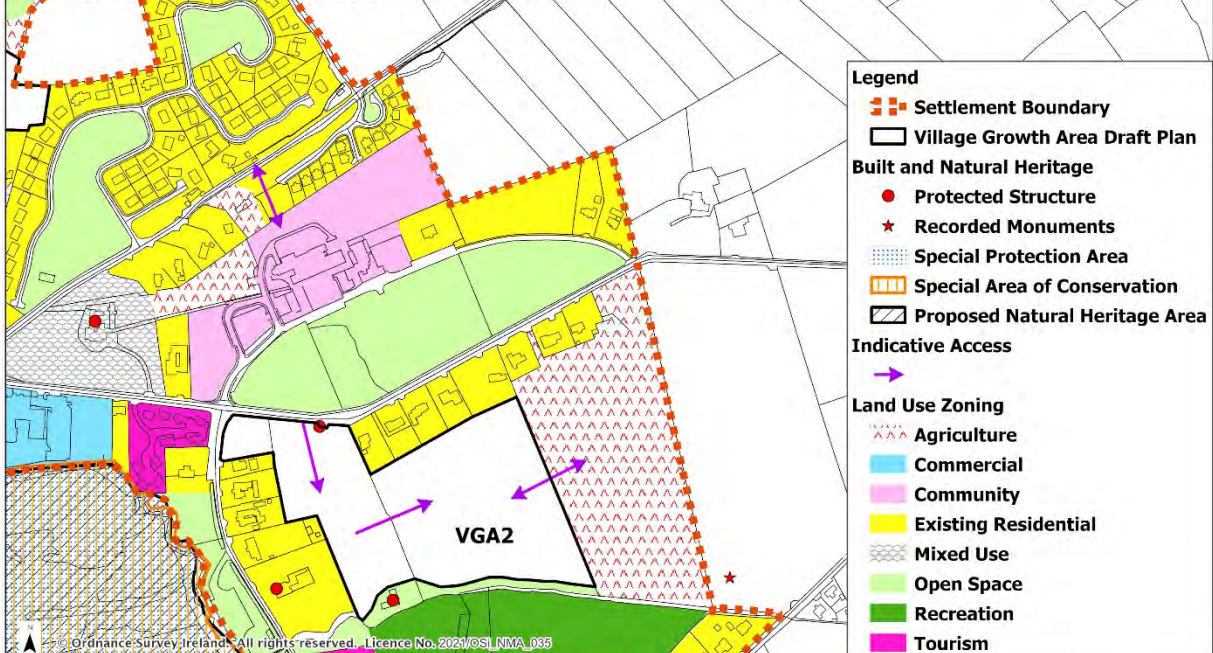
<p><b>Submission No: S3/098 – MKO on behalf of Spanish Point Homes Ltd.</b></p>
<p><b>Summary of Issues Raised in Submission</b></p>
<p>The submission relates to lands at Spanish Point and a map has been submitted.</p> <p>The submitter supports the proposed Material Alteration relating to the rezoning of Open Space lands to Village Growth Area VGA4 and requests that the lands remain zoned for Village Growth Area in the final Plan. In this regard, reference is made to previous submission on the Draft Plan which notes the lands are not in a flood risk zone, their strategic location close to village centre, recent road infrastructure upgrade including footpaths, precedent for residential development in the area, previous zoning on the lands, walking distance to secondary school, beach, golf course, bars and restaurants.</p>
<p><b>Chief Executive’s Response</b></p>
<p>I wish to thank Spanish Point Homes Ltd. for the submission and respond as follows:</p> <p>I acknowledge the submitter’s support for the proposed Material Alteration included in the Proposed Amendments to the Draft Plan, which was agreed by Members’ Resolution on October 20<sup>th</sup> 2022 in response to a submission on the Draft Plan, S2/670, and contrary to the recommendation contained in the Chief Executive’s Report of July 10<sup>th</sup> 2022.</p> <p>This submission supports the proposed Material Alteration to rezone Open Space lands in Spanish Point to Village Growth Area (VGA4). As noted in the previous CE’s Report, the strategy for the sustainable growth of the village is through consolidation and regeneration that promotes compact sequential growth and supports and strengthens a sustainable village community and its rural hinterland. This will be achieved by encouraging small scale growth in areas which make a positive contribution to the overall enhancement of the village and sustains it into the future. In line with this approach village growth areas have been identified to provide opportunities and choice for development, including small scale commercial, enterprise, community, services/facilities as well as small scale cluster housing, all of which offer a viable and attractive option for rural living within a village community and setting. In this regard the subject lands are at a further distance from the village centre than other lands proposed to be designated Village Growth Area, and there are other undeveloped lands in closer proximity to the village core. On this basis I am advising to make the Draft Plan without this proposed Material Alteration.</p>
<p><b>Chief Executive’s Recommendation</b></p>
<p>I recommend that the Clare County Development Plan 2023-2029 (Spanish Point Settlement Plan, Volume 3d West Clare Municipal District Settlement Plans) is made <b>without</b> the proposed Material Alteration, as displayed, to change the zoning from Open Space to designated Village Growth Area (VGA4) at Spanish Point.</p>

### Submission No. S3-098 (Spanish Point VGA4) Submissions on Proposed Amendments



COMHAIRLE CLARE COUNTY COUNCIL  
**Proposed Amendments to the Draft Clare County Development Plan 2023 - 2029**  
**Spanish Point**  
 Date: November 2022 Not To Scale

### Submission No. S3-098 Chief Executive's Recommendation



COMHAIRLE CLARE COUNTY COUNCIL  
**Draft Clare County Development Plan 2023 - 2029**  
**Spanish Point**  
 Date: January 2023 Not To Scale





## Appendix 1 -List of Late Submissions

<b>Submission No</b>	<b>Person or Organisation making Submission</b>	<b>Date Received</b>
S3-L001	Leigh Brosnan	04/01/2023
S3-L002	Environmental Co-ordinaton Unit, Department of Agriculture, Food and the Marine	04/01/2023
S3-L003	Siobhan & Robert King	04/01/2023
S3-L004	Office of the Planning Regulator	04/01/2023
S3-L005	Antoinette Greene	05/01/2023
S3-L006	Seafield/Quilty G.W.S. Co-Operative Society	05/01/2023
S3-L007	Seán Connolly	06/01/2023
S3-L008	Marie & Grainne O'Beirne	06/01/2023
S3-L009	Michael Irwin	06/01/2023
S3-L010	Keep Tulla Untouched	07/01/2023
S3-L011	Donal Stapleton	10/01/2023



## Appendix 2 -Public Notice

### NOTICE OF PROPOSED AMENDMENTS TO THE DRAFT CLARE COUNTY DEVELOPMENT PLAN 2023-2029

Notice is hereby given, pursuant to Section 12(7) of the Planning and Development Act 2000, as amended, that Clare County Council has prepared proposed amendments to the Draft Clare County Development Plan 2023-2029. The proposed amendments constitute a material alteration to the Draft Clare County Development Plan 2023-2029. The list of amendments includes proposed amendments to the Record of Protected Structures.

The proposed amendments are accompanied by an Addendum to the Environmental Report which provides information on the likely significant effects on the environment of implementing the proposed amendments, prepared in accordance with the Planning and Development (Strategic Environmental Assessment) Regulations 2004 (as amended) and Article 6 of the Habitats Directive 92/43/EEC.

Accordingly, the following Volumes of the Draft Clare County Development Plan 2023-2029 comprise proposed amendments:

- Volume 1 Written Statement
- Volume 2 Maps
- Volume 3 Municipal District Written Statement & Settlement Plans
  - 3a Ennis Municipal District
  - 3b Shannon Municipal District
  - 3c Killybeggee Municipal District
  - 3d West Clare Municipal District
- Volume 4 Record of Protected Structures
- Volume 5 Clare Renewable Energy Strategy
- Volume 7 Clare Retail Strategy
- Volume 8 Clare Housing Strategy
- Volume 10 Environmental Appraisal of the Plan
  - 10a5b Addendum to Environmental Assessments
  - 10c Strategic Flood Risk Assessment

The proposed amendments includes proposals to make additions, deletions and modifications to Volume 4-Record of Protected Structures and the Planning Authority shall serve on each person who is the owner or occupier of the proposed protected structure or the protected structure, as the case may be, a notice of the proposed addition, deletion or modification including the particulars.

#### Public Consultation

Copies of the Proposed Amendments to the Draft Clare County Development Plan 2023-2029 and the associated addendum will be on public display on **Monday 28th November 2022 to Tuesday 3rd January 2023 (both dates inclusive)** and will be available to view online at <https://clarecdp2023-2029.clarecoco.ie/taqe3-amendments/display/> and may also be inspected during normal opening hours at the following locations:

- Áras Contae an Chláir, New Road, Ennis.
- Shannon Municipal District Office, Town Hall, Shannon.
- West Clare Municipal District Office, Town Hall, The Square, Killybeggee.
- Ennistymon Area Office, Ennis Road, Ennistymon.
- Killybeggee Municipal District Office, Mountshannon Road, Scarriff and
- At all public libraries in County Clare during opening hours.

Pursuant to Article 13G of the Planning and Development (Strategic Environmental Assessment) Regulations (S.I. No. 436 of 2004) (as amended) and Article 6 of the Habitats Directive (92/43/EEC), information on the likely significant effects on the environment of implementing the proposed amendments will also be available for inspection at the above dates and locations.

#### Submission/Observations

Clare County Council hereby invites any interested parties to make submissions or observations with regard to the proposed amendments to the Draft Clare County Development Plan 2023-2029 and/or the information on the likely significant effects on the environment of implementing the proposed amendments. Submissions/observations may be made during the period from **Monday 28th November 2022 to Tuesday 3rd January 2023 (both dates inclusive)**. Submissions received will be taken into consideration before the making of the Clare County Development Plan 2023-2029.

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

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

The planning process is an open and public process and therefore your submission (in part or in total) will be available to view online at <https://clarecdp2023-2029.clarecoco.ie/>. All observations or submissions received during the above time period will be taken into consideration before the making of the Clare County Development Plan 2023-2029.

- All submissions are subject to the Data Protection Act (as amended) and the General Data Protection Regulation (GDPR) (as amended) and the Freedom of Information Act 2014 (as amended).

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

- In writing to: Proposed Amendments to Draft Clare County Development Plan 2023-2029, Planning Department, Clare County Council, New Road, Ennis, Co Clare. V95 DXP2
- By email to: [devplan@clarecoco.ie](mailto:devplan@clarecoco.ie). Subject headline should read "Proposed Amendments to the Draft Clare Draft Development Plan 2023-2029"

**The deadline for receipt of submissions/observations is Tuesday 3rd January 2023.** Please note late submissions will not be considered.

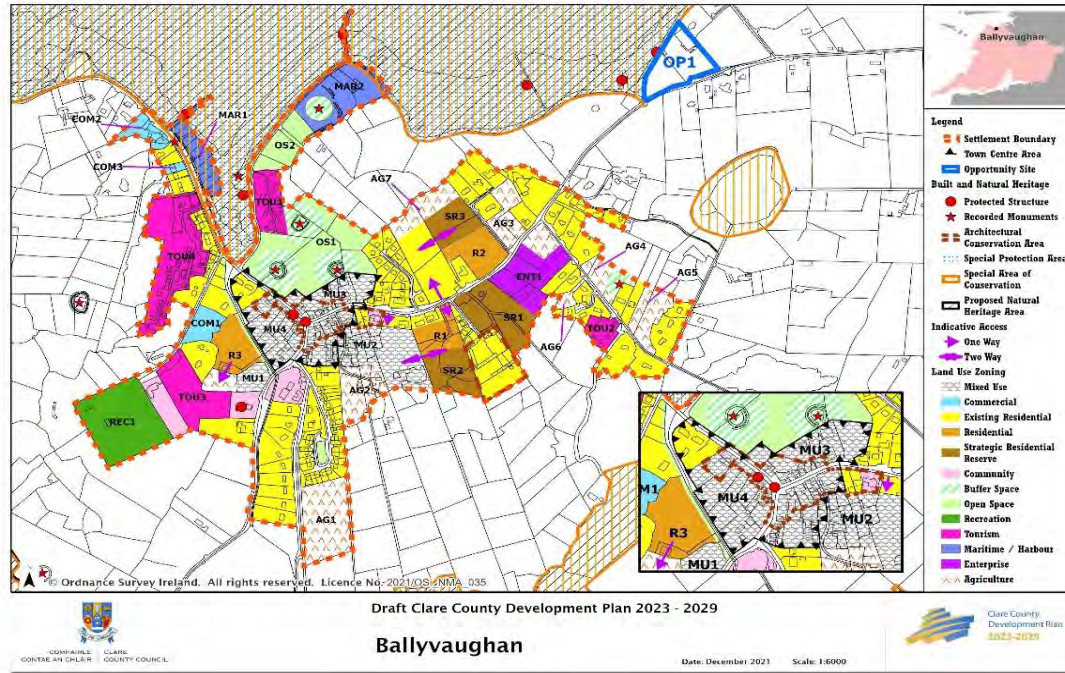
In accordance with Section 12 (7) of the 2000 Planning and Development Act (as amended) and Article 13G of the Planning and Development (Strategic Environmental Assessment) Regulations (S.I. No. 436 of 2004) (as amended), submissions made to the Planning Authority within the stated period and in relation to the proposed amendments and/or information on the likely significant effects on the environment of implementing the proposed amendments, will be taken into consideration, before the making of any amendment.

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

**Liam Conneally**  
Director of Service  
Economic Development  
25th November 2022



## Appendix 3 -SEA Assessment of Settlements



Detailed Assessment of Landuse Zonings

Impact

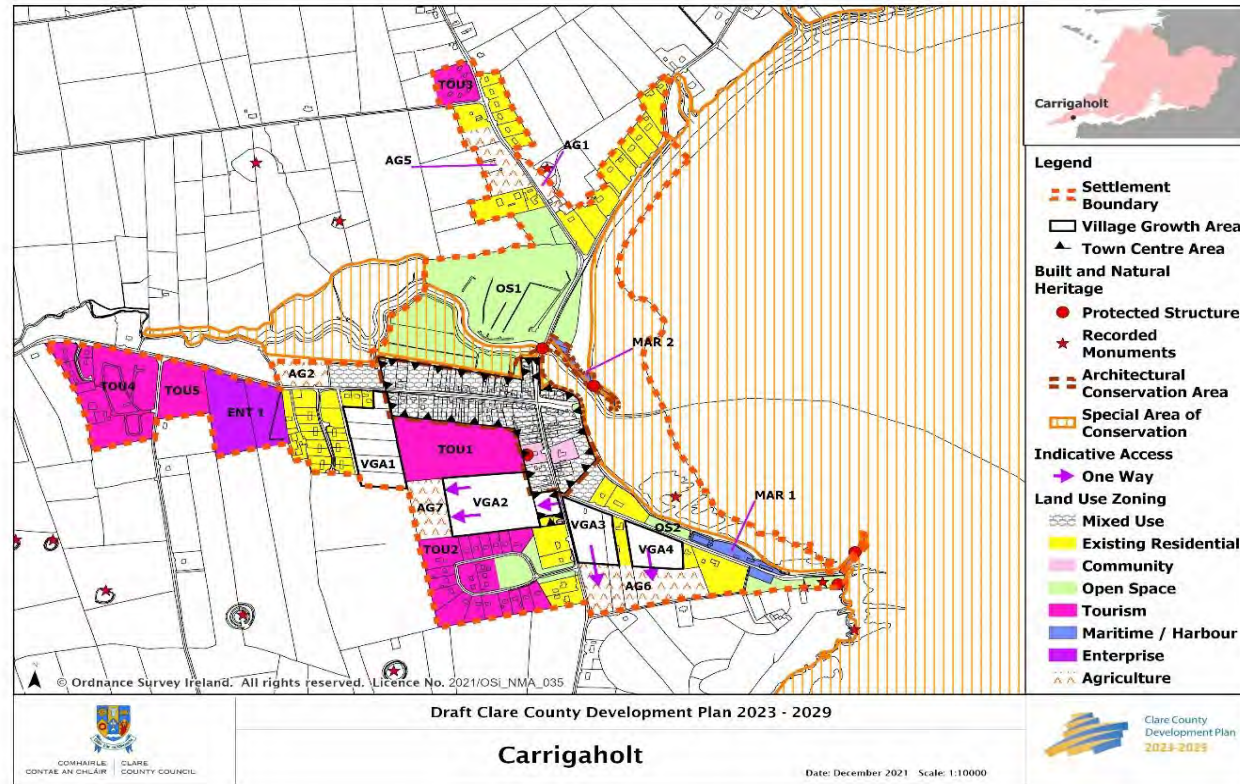
+	-	+/-	<b>0</b>
	P1, WW1, WW2	P1	P2, P3, B1, B2, B3, B4, B5, B6, S1, S2, S3, S4, S5, W1, W2,W3, W4, W5, W6, W7, C1, C2, C3, T1, T2, WA1, WS1, WS2, , RE1, CH1, CH2, CH3, L1, L2



Municipal District - West Clare	Settlement - Ballyvaughan
<b>Likely Significant Effects of Landuse Zoning and Strategic Reserves (Positive or negative taking into account the sensitivity or importance of the receiving environment)</b>	
Existing Residential Development	<p>Water supplied to Ballyvaughan is from the Ennistymon Regional Water Supply and is subject to the constraints of that supply. The existing public wastewater infrastructure in the village consists of a collection system and tidal holding tank located in the foreshore area. A new wastewater treatment plant, pumping station including pipework extensions are proposed in Ballyvaughan it is expected that the project would be completed in 2023 and will have capacity to cater for the target population over the lifetime ffo the plan. At present, there is limited capacity in the local wastewater treatment facilities. A 'Regionally Important Aquifer' is located in the region and has groundwater vulnerability ratings identified as 'extreme' and 'high'. Protection of groundwater is therefore an important issue in the area. This reflects negatively on SEO <b>P1, WW1 &amp; WW2</b>.</p> <p>Ballyvaughan Bay area is designated as a Special Area of Conservation (SAC) and a Special Protection Area (SPA) which is identified as Inner Galway Bay. It is therefore vulnerable to groundwater contamination in the absence of an adequate wastewater treatment plan. Any plan or project located within, adjacent to or which has the potential to impact on the integrity of an SAC or SPA, must be the subject to Screening for Appropriate Assessment. Accordingly, CDP Objective 3.1 of Vol 1 will apply to any future development proposals in this area.</p>
Residential and Strategic Reserve	<p><b>R1 &amp; SR2 - Land to the west of the auxiliary workhouse ACA.</b></p> <p>This land comprises an area of backland bounded to the east by the ACA and to the west by an area of backlands located off the N67. The site is accessed by an existing entrance from the N67 and development of the site will require that this entrance be upgraded to provide vehicular access whilst also providing for footpaths and lighting within the scheme.</p> <p>The site has the capacity to accommodate low density development providing dwellings for permanent occupation. Any future residential development proposals will be required to provide high quality design of dwellings and layout. The adjacent backlands to the west of the site offer the potential to provide an integrated housing development in conjunction with R1 &amp; SR2, thereby potentially providing for a well laid out and designed residential scheme. Access to these lands is constrained by the restricted entrance between the community hall and a dwelling. Access to this parcel of land will be safeguarded through the identification of an 'indicative future access' on the accompanying map that shall be included as part of any future planning application on the R1 &amp; SR2 lands. This objective representing permanent occupation will have a positive effect on the settlement and will will reflect positively on SEO <b>P1</b>.</p>

Municipal District - West Clare	Settlement - Ballyvaughan
Mixed Use	MU1 - MU4 confirms the existing village centre uses and will not significantly affect the receiving environment.
Commercial	COM2 & COM3 confirms the existing commercial use for these locations. These sites lie adjacent to the Galway Bay SPA (004031), Galway Bay Complex (000268) and the Galway Bay Complex NHA (000268). In addition historical records exist for Otter at this location from the Otter Survey of Ireland 1982.
Agriculture	AG1 & AG9 are consistent with the current use on these sites
Open Space	OS1 - OS5 are consistent with current use and identify areas of open space associated with existing residential areas primarily
Entreprise	ENT1 identifies a greenfield site within the settlement with some limited mature trees and hedgerows.
Marine and Tourism	MAR1 & MAR2 together with TOU1 and TOU4 lie directly adjacent to the Galway Bay SPA (004031), Galway Bay Complex (000268) and the Galway Bay Complex NHA (000268).
Economic Development	This includes an objective to facilitate a nursing home development in the Ballyvaughan area. A nursing home development will have a positive long term effect on human quality of life and uncertainty on the remaining SEOs as it is not site specific.
<b>Determination on whether mitigation is required</b>	
All Residential development	Any changes to existing residential development or any new residential development on identified lands will be strictly contingent on the provision of appropriate wastewater treatment facilities that can fully demonstrate no adverse effects on the receiving environment, water courses or adjacent ecological designations. This will be in accordance with relevant EPA standards and requirements to ensure that all future development is sustainable in the long term.
	Any future development to the existing residential development north of the N67 on the north eastern side of the settlement should ensure the trees for preservation are retained on site.
	SR1 contains a stand of mature broadleaved trees in the north western corner of the zoning this stand should be retained as part of any future residential development at this location.
Commercial	Given the location of these zonings directly adjacent to the Inner Galway Bay SPA (004031), Galway Bay Complex (000268) and the Galway Bay Complex NHA (000268) any future development, expansion or alteration at these locations will need to ensure screening for Appropriate Assessment is undertaken. Ecological surveys to cover Otter species should also be undertaken and inform any future development application.

Municipal District - West Clare	Settlement - Ballyvaughan
Recreation	Risk is limited to existing development. Given the history of flooding and known incidents of wave exacerbated storm damage, it is recommended that redevelopment of sites along the coastline is limited to less vulnerable uses, and sufficient measures are included in the design to ensure flood resilience. If this is not possible, then consideration should be given to relocating properties as they need to be redeveloped.
River Walk	Any site investigations, field surveys, design or planning in relation to a river walkway should take into consideration the recommendations and mitigation measures identified in the CDP AA.
Community	Risk is limited to existing development. Given the history of flooding and known incidents of wave exacerbated storm damage, it is recommended that redevelopment of sites along the coastline is limited to less vulnerable uses, and sufficient measures are included in the design to ensure flood resilience. If this is not possible, then consideration should be given to relocating properties as they need to be redeveloped.
Marine and Tourism	Risk is limited to existing development. Given the history of flooding and known incidents of wave exacerbated storm damage, it is recommended that redevelopment of sites along the coastline is limited to less vulnerable uses, and sufficient measures are included in the design to ensure flood resilience. If this is not possible, then consideration should be given to relocating properties as they need to be redeveloped.
	Any plan or project located within, adjacent to or which has the potential to impact on the integrity of an SAC or SPA, must be the subject to Screening for Appropriate Assessment. Accordingly, CDP 3.1 of Vol 1 will apply to any future development proposals in this area.
Recorded Monuments	The Recorded Monuments CL002-053 associated with MAR2, CL002-050, CL002-052, CL002-054 associated with OS1 and CL002-056, CL002-053 associated with OS3 together with Protected Structure 417 associated with MAR1, 156 associated with C2, 14 & 319 associated with MU1 should be afforded full protected and a suitable buffer put in place to protect these structures in association with any future development. <b>A buffer was included around CL002-053.</b>



Detailed Assessment of Landuse Zonings

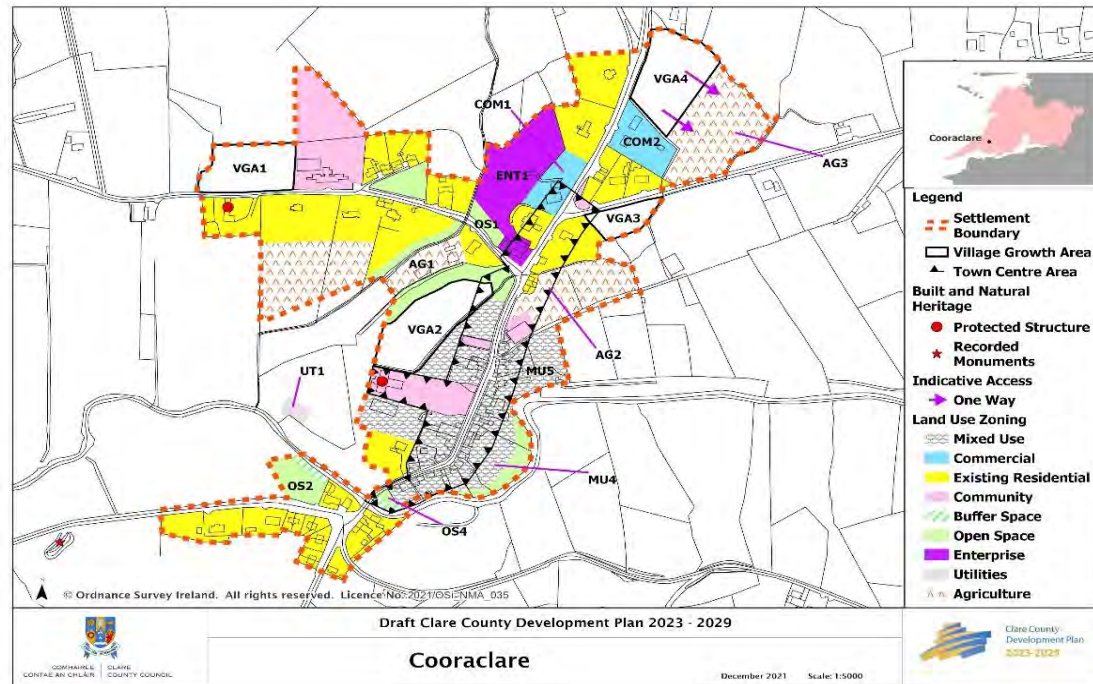
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B1, P1, P2, P3, S5, W3, W7, WS1, WS2, CH1, CH2, CH3, L1, L2	P1, WW1, WW2	P1	B2, B3, S2, S3, S4, W1, W4, W5, W6, C1, C2, C3, T1, T2, WA1, RE1,

Municipal District - West Clare	Settlement - Carrigaholt
<b>Likely Significant Effects of Landuse Zoning (Positive or negative taking into account the sensitivity or importance of the receiving environment)</b>	
Existing Residential Development	<p><b>Water</b> The town is connected to the West Clare Regional Water Supply (New) and while there is existing capacity to population targets this capacity may need to be upgraded in the future.</p> <p><b>Wastewater</b> Carrigaholt is not currently served by a public sewage system operated by Irish Water. The provision of such a system would be subject to the constraints of Irish Water’s capital investment programme and New Connections Policy.</p>
Maritime	<p><b>MAR1:</b> Existing quay, adjacent to Carrigaholt Castle This quay is currently the main commercial focus outside of the village centre. The commercial activity focuses around fishing enterprise and the Dolphin watch boat, which operates during the tourist season. Maritime related commercial activity will be the focus of this pier, whilst the pier in the Bay will be the focus of development for tourism and leisure use. The Council will facilitate proposals for the extension / upgrade of the facilities currently in place at MAR1 in Carrigaholt. Future developments must not impact on the favourable conservation status of the annex habitats for which the Special Area of Conservation, in which the pier is located, is designated.</p> <p><b>MAR2:</b> Old Quay, near Carrigaholt Bridge This area is reserved for the future development of the pier and land-based facilities for tourism and leisure uses. "The Marine and Leisure Development Strategy 2007-2013" produced by the Marine Institute promotes the development of existing pier and harbour areas as a tourism and leisure facility. It identifies infrastructure works, subject to funding, to improve land/sea access and associated infrastructure works that could complement the natural amenity around the river and bridge area. Future developments must not impact on the favourable conservation status of the annex habitats for which the Special Area of Conservation, in which the pier is located, is designated.</p>
Agriculture	The Agricultural zoning is consistent with the current use on these sites

Municipal District - West Clare	Settlement - Carrigaholt
Tourism	<p>TOU1 - Land to rear of West Street</p> <p>This site is situated to the rear of West Street to the south-west of the village centre. Its central location lends itself to tourism-related development, situated close to the village services and to the harbour and quay areas. The zoning of this site for Tourism purposes makes provision for tourism-related development, in order to bring people and revenue to the area in a sustainable manner. For the period of this plan the provision of accommodation in the form of holiday homes will not, in general, be considered favourably.</p>
Enterprise	<p>These lands have been designated for the development of enterprise and employment-generating uses with a view to providing greater employment opportunities for members of the local community.</p> <p>Other specific objectives for economic development are:</p> <ul style="list-style-type: none"> <li>• To encourage further retail and commercial development. This development shall be located in the centre of the village and the redevelopment of existing unused structures for retail or commercial purposes will be particularly encouraged (see also section on Architectural Conservation Area below)</li> <li>• To encourage developments that will provide services for both visitors to the area and the local population in order to generate year-round activity and employment in the area.</li> </ul>
Mixed Use	<p>The centre of the village of Carrigaholt has been designated as an Architectural Conservation Area (ACA). ACAs are places, areas, groups of structures or a townscape which are of special interest or contribute to the appreciation of a protected structure. The aim is to retain the overall special historic or architectural character of an area or place as per CDP Objective 16.5 of this plan.</p>
Open Space	<p>OS1: Area on the northern bank of the Moyarta River</p> <p>This is a low-lying area which has historically been a flood plain during the winter months, at the place where the river meets the sea at Carrigaholt Bay. Given its naturally low level vis a vis sea level, the proximity of the sea itself, the expected rise in sea levels associated with global warming and the implementation of the Planning System and Management – Guidelines for Planning Authorities (2009). it is necessary that the area remain available as flood plain. In addition it is a wildlife habitat and an attractive amenity in the village for both the local community and visitors to the area.</p>
<p><b>Likely Significant Effects on definitions (Positive or negative taking into account the sensitivity or importance of the receiving environment)</b></p>	

Municipal District - West Clare	Settlement - Carrigaholt
Village Growth Areas (VGAs) 1 - 4	VGA 2– Lands to the rear of Community Hall. This site is located in close proximity to the centre of the village and its associated amenities and has been identified as being suitable for residential development to meet the needs of the local community in the future. Dwellings constructed on this site shall be for permanent occupancy only.
<b>Determination on whether mitigation is required</b>	
All Residential development	Any changes to existing residential development or any new residential development on identified lands will be strictly contingent on the provision of appropriate wastewater treatment facilities that can fully demonstrate no adverse effects on the receiving environment, water courses or adjacent ecological designations. This will be in accordance with relevant EPA standards and requirements to ensure that all future development is sustainable in the long term.
Village Growth Areas	The EPA Code of Practice for Waste Water Treatment Systems must be strictly adhered to in the absence of a waste water treatment scheme in order to ensure no significant long term effects on the Lower River Shannon cSAC.
Tourism	TOU1 - Land to rear of West Street (3.77ha) The provision of accommodation in the form of holiday homes will not, in general, be considered favourably.
Enterprise	ENT1 - Any proposed development within ENT1 will be strictly contingent on the provision of appropriate wastewater treatment facilities that can fully demonstrate no adverse effects on the receiving environment, water courses or adjacent ecological designations. This will be in accordance with relevant EPA standards and requirements to ensure that all future development is sustainable in the long term.
Maritime	Any future development associated with MAR1 and MAR2 must ensure the requirement of the Habitats Directive, the Water Framework Directive and the Marine Strategy Framework Directive are strictly adhered to.
Open Space	OS1 This is a low lying area, which has historically been a flood plain during the winter months, at the place where the river meets the sea at Carrigaholt Bay. Given its naturally low level vis a vis sea level, the proximity of the sea itself, the expected rise in sea levels associated with global warming, the land to the north of OS1 was also zoned as Open Space. Both the SEA and Appropriate Assessment did not consider this land to be suitable for development.
All Zonings	All relevant mitigation measures and recommendations outlined in the AA for each of the zonings in Carrigaholt should be strictly adhered to.



Detailed Assessment of Landuse Zonings

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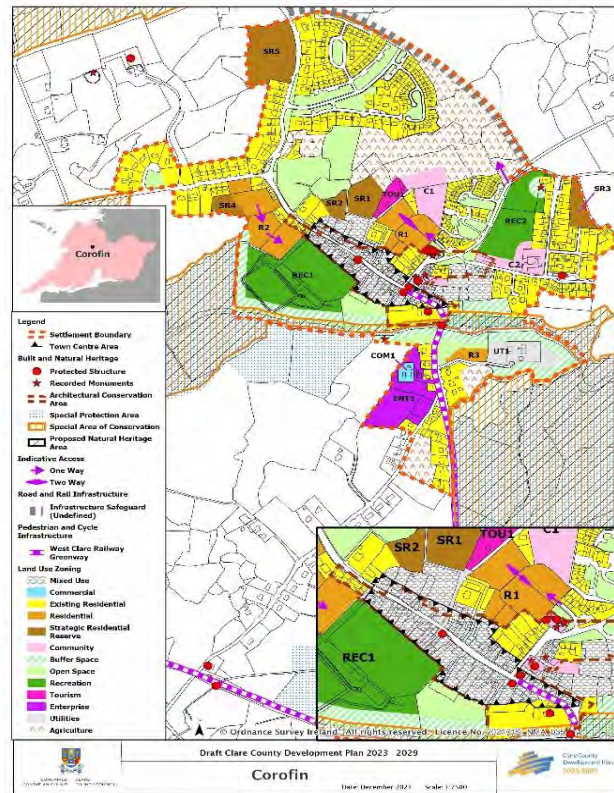
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			P1, P2, P3, B1, B2, B3, B4, B5, B6, S1, S2, S3, S4, S5, W1, W2, W3, W4, W5, W6, W7, C1, C2, C3, T1, T2, WA1, WS1, WS2, WW1, WW2, RE1, CH1, CH2, CH3, L1, L2



Municipal District - West Clare	Settlement - Cooraclare
<b>Likely Significant Effects of Landuse Zoning (Positive or negative taking into account the sensitivity or importance of the receiving environment)</b>	
Residential	Currently, there is no sewage treatment system serving the village. Cooraclare is connected to the public water supply. Cooraclare is traversed by the Doonbeg River to the south which forms part of the Doonbeg Freshwater Pearl Mussel Sensitive Area. Parts of the village of Cooraclare are located within a moderate to high risk area as per the EPA Domestic Waste Water Risk Register which may be related to the lack of a sewage treatment system.
Village Growth Areas (VGAs)	A number of sites within the village have been identified as Village Growth Areas with a view to supporting further development in the village, increase the local population and support existing services in the village. Development on these sites must reflect the scale and traditional character of the existing settlement and the population targets for the area.
	VGA 2- These lands are located in close proximity to the village centre and have been identified as being suitable for village growth due to their location in close proximity to many of the existing services in the area. Due to the location of the lands, close to a small tributary of the Doonbeg River, a Site Specific Flood Risk Assessment must accompany any proposals for development on these lands.
Entreprise	These lands have been designated for the development of enterprise and employment-generating uses with a view to providing greater employment opportunities for members of the local community.
Mixed Use	MU1 – Village Centre These lands are located at the centre of the village and comprise the existing buildings in the village core and a number of small backland areas. These buildings / lands can accommodate a mixture of uses to allow for the development of the village centre and the expansion of the existing services in the area.
Community	C1 - C5 include for the identification of lands for community purposes at the existing school (C2) with a view to allowing future expansion of the school, church (C4), community hall (C3), playground (C5), shrine (C1) consistent with the existing zoning of these lands.
Commercial	COM1 & COM2 confirms the existing commercial uses for these locations.
Agriculture	AG1 & AG2 are consistent with the current use on these sites
Open Space	OS1 - OS6 are consistent with current use and identify areas of open space associated with the Doonbeg River and adjacent to the school. There is a distinct lack of open space designation within the village of Doonbeg.
<b>Likely Significant Effects on definitions (Positive or negative taking into account the sensitivity or importance of the receiving environment)</b>	
Village Growth Areas (VGAs)	A number of sites within the village have been identified as Village Growth Areas with a view to supporting further development in the village, increase the local population and support existing services in the village. Development on these sites must reflect the scale and traditional character of the existing settlement and the population targets for the area.

Municipal District - West Clare	Settlement - Cooraclare
	<p>VGA 2- These lands are located in close proximity to the village centre and have been identified as being suitable for village growth due to their location in close proximity to many of the existing services in the area. Due to the location of the lands, close to a small tributary of the Doonbeg River, a Site Specific Flood Risk Assessment must accompany any proposals for development on these lands.</p>

Municipal District - West Clare	Settlement - Cooraclare
<b>Determination on whether mitigation is required</b>	
Village Growth Areas (VGAs)	<p>VGA 2 - The Open Space zoning OS3 must be strictly adhered to in relation to any future development in relation to VGA 2. The mature trees located within OS3 should be retained as part of any future development. Due to the location of the lands, close to a small tributary of the Doonbeg River, a Site Specific Flood Risk Assessment must accompany any proposals for development on these lands.</p> <p>VGA 2, 3 &amp; 4 - The mature trees and hedgerows associated with VGA 2,3 &amp; 4 should be retained as part of any future residential development as foraging and commuting routes for bats but also as ecological corridors for wider biodiversity issues.</p> <p>The EPA Code of Practise for Waste Water Treatment Systems in VGA 1 - 4 must be strictly adhered to in order to ensure no significant long term effects on the Doonbeg River.</p>
Mixed Use	<p>The centre of the village of Cooraclare has been designated as an Architectural Conservation Area (ACA). ACAs are places, areas, groups of structures or a townscape which are of special interest or contribute to the appreciation of a protected structure. The aim is to retain the overall special historic or architectural character of an area or place as per Objective CDP X.X of this plan ( Vol1) . This objective should be strictly adhered to in line with SEO CH1, CH2 &amp; CH3</p>
Open space	<p>Further open space should be zoned within the village of Cooraclare in association with ENT1</p>



Detailed Assessment of Landuse Zonings

Impact

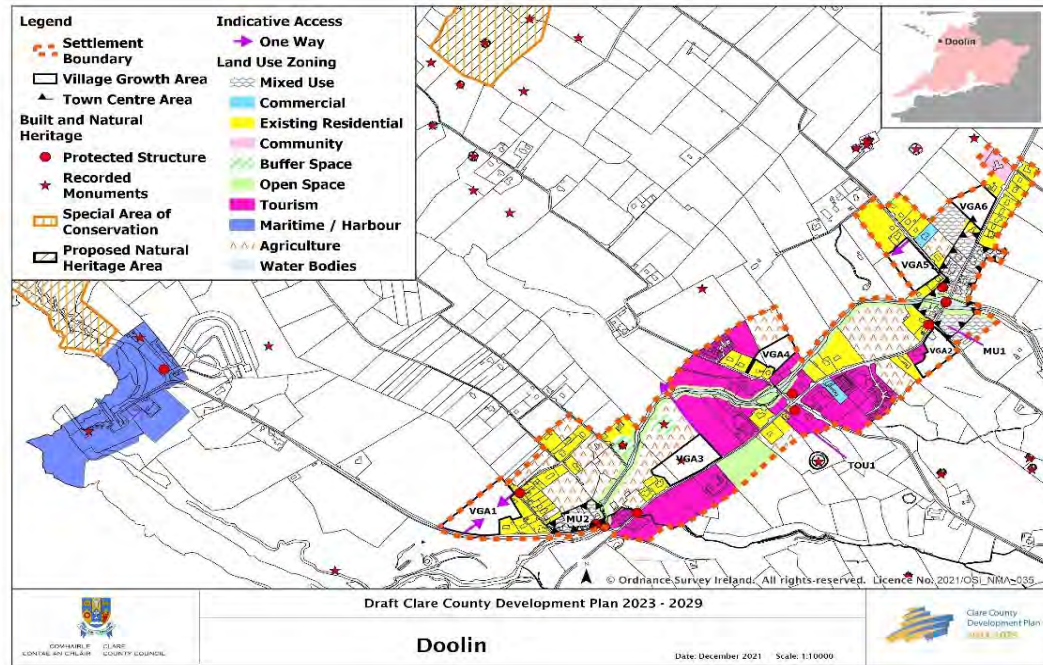
+	-	+/-	0
	WS1 & WS2, T1, T2, C1 - C3	P1 & P3	P2, B1, B2, B3, B4, B5, B6, S1, S2, S3, S4, S5, W1, W2, W3, W4, W5, W6, W7, WA1, WW1, WW2, RE1, CH1, CH2, CH3, L1, L2

Municipal District - West Clare	Settlement - Corrofin
<b>Likely Significant Effects of Landuse Zoning and Strategic Reserve (Positive or negative taking into account the sensitivity or importance of the receiving environment)</b>	
Existing Residential	<p>Consistent with current use and does alter extent of current zoned lands. Water supply is sourced through the Local Authority Water Scheme.</p> <p>A new wastewater treatment plant has been built recently in Corrofin with sufficient capacity to accommodate the future planned development in this large village.</p>
Residential & Strategic Reserve	<p>SR5 &amp; SR6 lie relatively close to Loughaun which is a Limestone Marl Lake (FL3) and to an area of Dry Calcareous habitat (GS1). This lake type corresponds to the annexed habitat 'hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. (3140). As these lakes are poor to moderately rich in nutrients any future development immediately surrounding this area needs to ensure no increase in nutrient pressure and no impacts to the lake habitat. The field boundaries which make up this site also contain mature trees which are of benefit to all bat species as commuting and foraging routes and as this area is located within a high bat landscape area it is imperative that these mature trees and hedgerows are maintained as part of any future development.</p>
	<p>R2 - A portion of this site lies adjacent to the SAC at this location. In addition, a portion of this section of zoned land sits behind the Architectural Conservation Area in the centre of the village of Corrofin. The aim is to retain the overall special historic or architectural character of an area or place as per CDP 16.8 of this plan ( Vol.1) . This objective should be strictly adhered to in line with SEO CH1, CH2 &amp; CH3 to ensure any development within this zoning is in line with the overall protective objectives and mitigation measures of the CDP. The site also forms a boundary with the development and the existing playing fields and recreational areas within the village which reflects positively on <b>SEOs P1, P3</b></p>
<b>Duration and determination on whether mitigation is required</b>	
All zoning	<p>NHAs are protected from works which would destroy or significantly alter, damage, or interfere with the features for which the sites were designated. Therefore, given the location of the Corrofin settlement any future residential development, commercial or employment generating development should be subject to screening for EIA and/or a Screening for Appropriate Assessment in relation to potential significant effects on the surrounding and adjacent European Sites. This should also include for an assessment of in-combination and cumulative effects on the Fergus River downstream in particular associated with the Ennis settlement.</p>
Utilities	<p>UT1 - 25m buffer zone included following the recommendations of the SEA and AA.</p>

Municipal District - West Clare	Settlement - Corrofin
Residential and Strategic Reserve	The mature trees and hedgerows associated with SR2, R3 and R4 should be retained as part of any future development of the site. Development should be sympathetic to the surrounding landscape and uses on the edge of the settlement within the Corofin and Crusheen Loughlands and the Low Burren Landscape Character Area.
Recreation	REC 1 & 2 - Corofin is located within an area identified as having high landscape suitability for bat species. All bat species are sensitive to light pollution and will avoid brightly lit areas. Inappropriate lighting around roosts may cause abandonment; lighting along commuting routes may cause preferred foraging areas to be abandoned, thus increasing energetic costs for bats (Schofield, 2008). -Any proposals to install flood lighting at this GAA pitch must adhere to the Bat Conservation Ireland Guidance Notes for: Planners, engineers, architects and developers with respect to lighting.
Recorded Monuments	A buffer should be placed around the recorded monument CL017-117 in REC2 <b>Buffer included in Draft Plan</b>
All zoning	All relevant mitigation measures and recommendations outlined in the AA for each of the zonings in Corrofin should be strictly adhered to.

**Municipal District - West Clare**

**Settlement - Doolin**



**Detailed Assessment of Landuse Zonings**

**Impact**

<b>+</b>	<b>-</b>	<b>+/-</b>	<b>0</b>
B1, P1, P2, P3, S5, W3, W7, WS1, WS2, CH1, CH2, CH3, L1, L2	P1, WW1, WW2	P1	B2, B3, S2, S3, S4, W1, W4, W5, W6, C1, C2, C3, T1, T2, WA1, RE1,

Municipal District - West Clare	Settlement - Doolin
<b>Likely Significant Effects of Landuse Zoning and Village Growth Areas (Positive or negative taking into account the sensitivity or importance of the receiving environment)</b>	
Village Growth Areas (VGAs)	Doolin has an adequate water supply however there is no public waste water treatment plant at present in Doolin and existing development is currently serviced by individual wastewater treatment units. Given the majority of Doolin is located within a Karstic Grounwater body it is highly liklely that this is having a negative effect on groundwater within the area and subsequently to the surface water through groundwater surface water interaction.
Mixed Use	MU1 - MU5 confirms the existing village centre uses and will not significantly affect the receiving environment.
Commercial	COM1 & COM2 confirms the existing commercial use for these locations.
Agriculture	AG1 - AG11 are consistant with the current use on these sites and should be retained in order to maintain the Landscape Charater of the area as the Miltown Malbay Coastal Farmlands.
Open Space	OS1 - OS10 are consistant with current use and identify areas of open space associated with the riparian zone of the Aille River primarily.
Tourism	TOU1, a portion of TOU2, TOU6, TOU11 & TOU12 represent existing tourism within Doolin. A 'Tourism Growth Centre' is identified in the centre of the village. This includes the area around Fitz's Cross. The streetscape and character of Fitz's Cross has evolved around the tourism market. This area has seen the development of two hotels and two holiday home developments which have defined the centre of Fitz's Cross. TOU3 forms a boundary with the Cronagort Stream or Aille River which is currently at "Poor Status" under the Water Framework directive. Any future development at this site should ensure the ahievement of at least good status and should not interfere with the achievement of the objective for this waterbody. TOU7 is located on a mature island in the centre of the Aille River. This is an important feature of the river ecosystem and has been morphologically shaped by the river supporting macrophtes and providing refuge for macroinverterates and other species.
<b>Determination on whether mitigation is required</b>	



Municipal District - West Clare	Settlement - Doolin
All Zonings, Village Growth Areas and changes to current land use.	Any changes to existing residential development or any new residential development together with any alterations to existing land uses on identified lands will be strictly contingent on the provision of appropriate wastewater treatment facilities that can fully demonstrate no adverse effects on the receiving environment, water courses or adjacent ecological designations. This will be in accordance with relevant EPA standards and requirements to ensure that all future development is sustainable in the long term. This must take into consideration the cumulative and in-combination effects arising upstream from Lisdoonvarna which also discharges to the Aille River. Climate Change with respect to low flows must also form part of any assessment given the Aille River suffers from drought conditions at certain times in the year. The Aille has also been identified and prioritised under the Water Framework Directive River Basin Management Plan by Clare County Council as an Area for Action and therefore the targetted measures to achieve the WFD objectives will also need to be taken into consideration.
Tourism	The lands north of the Aille River zoned for 'Tourism' have been identified as an area as potentially within a wider area of flood risk. TOU6 - forms a boundary with the Cronagort Stream or Aille River which is currently at "Poor Status" under the Water Framework Directive. Any future development at this site should ensure the achievement of at least good status and should not interfere with the achievement of the objective for this waterbody. The encroachment of Flood Zone A on lands is limited to the riverside margins. Planning applications can address flood risk by limiting buildings to Flood Zone C. Where access may be prevented during a flood event, an emergency plan should be put in place.
Recorded Monuments	The Recorded Monument CL008-059002 associated with OS3 and CL008-060 associated with OS4 should be afforded full protected and a suitable buffer put in place to protect these structures in association with any future development.
Agriculture	AG1 - AG11 are consistant with the current use on these sites and should be retained in order to maintain the Landscape Charater of the area as the Miltown Malbay Coastal Farmlands.
All Zonings	All relevant mitigation measures and recommendations outlined in the AA for each of the zonings in Doolin should be strictly adhered to.

Municipal District - West Clare

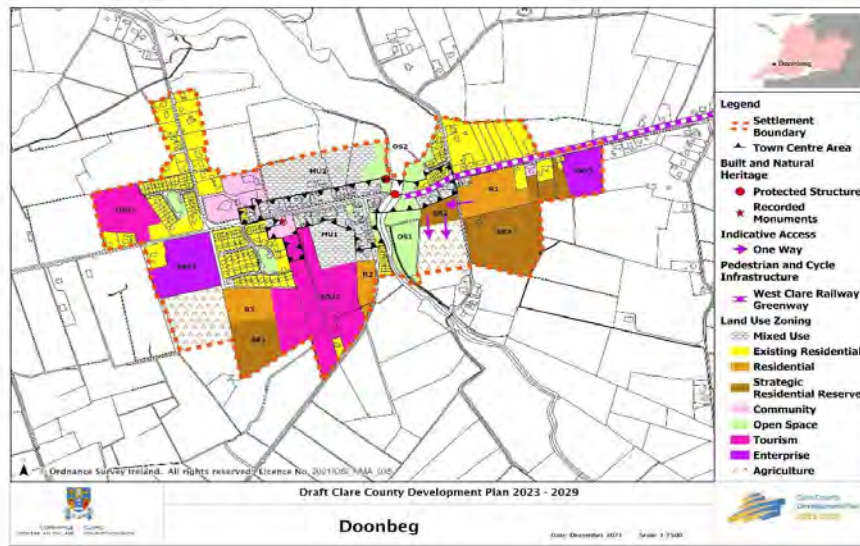
Settlement - Doolin

Mixed Use

**MU6**

**Mitigation:** In circumstances where certain measures proposed to mitigate or manage the risk of flooding associated with new developments within MU6 are likely to result in significant effects to the environment or European sites, the new developments and any such measures will undergo environmental assessment and Appropriate Assessment, as appropriate and in accordance with County Development Plan Objective 3.1.

**Mitigation:** Ensure any further development application is connected to a WWTP with adequate capacity for foul water during operation, or that it is serviced by an onsite treatment system that will ensure no impact to water quality in the area.



Detailed Assessment of Landuse Zonings

Impact			
+	-	+/-	0
	B1-B6		P1, P2, P3, S1, S2, S3, S4, S5, W1, W2, W3, W4, W5, W6, W7, C1, C2, C3, T1, T2, WA1, WS1, WS2, WW1, WW2, RE1, CH1, CH2, CH3, L1, L2

Municipal District - West Clare	Settlement - Doonbeg
<b>Likely Significant Effects of Landuse Zoning and Strategic Residential Reserve (Positive or negative taking into account the sensitivity or importance of the receiving environment)</b>	
Residential	<p><b>Water Supply</b> Doonbeg is connected to the West Clare Regional Water Supply (New) and there is sufficient capacity to cater for population targets.</p> <p><b>Wastewater</b> The village is served by an existing public waste water treatment plant which has sufficient treatment capacity to cater for the target population. Therefore the current residential development should not be reflecting negatively on the SEOs and will overall be reflecting positively on SEO <b>WS1 &amp; WS2, WW1 and WW2.</b></p>
Residential and Strategic Reserve	<p>R2 &amp; SR1 - These sites are centrally located within the village, south of the Main Street. This site can be accessed either directly from the Main Street or from the local road that runs to the east of the site. It is considered that this site could provide for some appropriate in-fill development whilst also helping to define the streetscape along Main Street. Adequate pedestrian, cycling and vehicular access shall be required as part of any development proposals for this site.</p> <p>R1, SR2 &amp; SR3 conforms with existing low density housing present in the village and is either adjacent to existing residential and/or close to the village centre. Development on these sites must reflect the scale and traditional character of the existing settlement and the population targets for the area. R1 - Development on this site must be proportionate to the size and scale of the existing settlement.</p>
Marine	<p>MAR1 - This area is reserved for the future development of the pier and land-based facilities for the development of water-based commercial activities and for tourism and leisure uses. It is important that all development that takes place around the pier head area is sympathetic to its sensitive location around Doonmore Castle and Doonmore House, and is in accordance with the proper planning and development of the area. It is important that development proposals for water-based commercial activity are compatible with the tourism and leisure potential of the pier and harbour.</p> <p>Doonmore pier is zoned as 'Maritime' and is located adjacent to the Mid-Clare Coast SPA. It is an objective of the Council to require all planning applications for development within, adjacent to, or affecting any European sites, to carry out Screening for Appropriate Assessment in accordance with CDP Objective 3.1.</p>

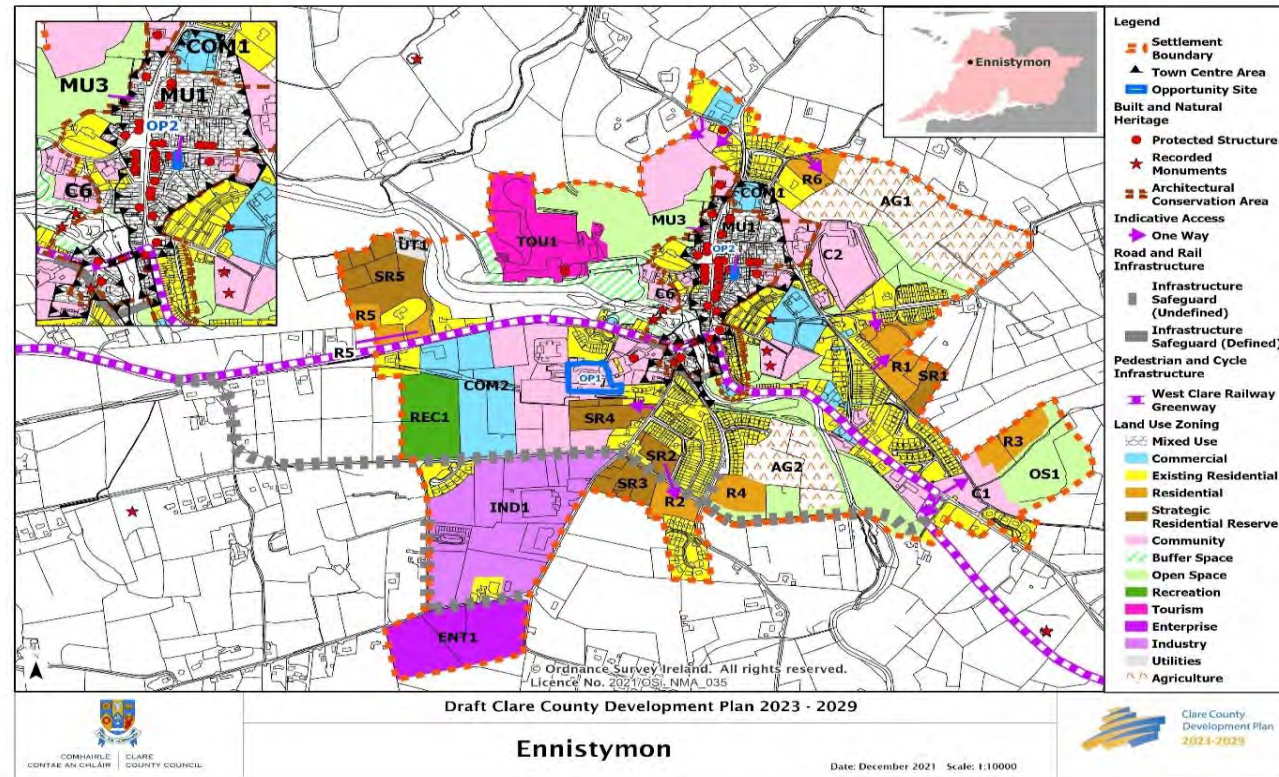
Municipal District - West Clare	Settlement - Doonbeg
Mixed Use	MU1 - MU6 confirms the existing village centre uses and will not significantly affect the receiving environment.
Community	C1 - C3 represent the existing community uses in the village associated with the church, graveyard and community hall.
Tourism	TOU2 represents the existing use as a caravan site and provides for expansion adjacent to it in the future.
Open Space	OS1 & OS2 identify areas of open space primarily associated with the Doonbeg River.
Entreprise	<p>ENT 1 and ENT2 are designated for the development of enterprise and employment-generating uses with a view to providing greater employment opportunities for residents of the village and the wider community.</p> <p>ENT1 – If possible, access to the site shall be taken from a location within the 50kph speed limit in the village.</p> <p>ENT2 – The access to any development taking place on these lands shall be located within the 50kph speed limit in the village.</p>
<b>Determination on whether mitigation is required</b>	
Low Density Residential	<p>It is recommended that any future development proposals associated with SR2 is conditional on the adherence of the OS1 zoning and the inclusion of a buffer zone of 5m around the mature trees within OS1 and along the Doonbeg River in order to provide protection to the water quality of the Doonbeg River.</p> <p>The EPA Code of Practice for Waste Water Treatment Systems in R1 &amp; R2 and any future development proposals for SR1 &amp; SR2 must be strictly adhered to in order to ensure no significant long term effects on the Doonbeg River.</p>
Open Space	The zoning of OS1 & OS2 as open space must be strictly adhered to in order to provide sufficient buffering from the village development to the river.
Tourism	Any future development at TOU2 should be mindful of the current residential use adjacent to this site and should be sympathetic to the permanent nature of this use. It should avoid development which may lead to anti-social behaviour in the adjoining estate or which is incompatible in nature.
Marine	Doonbeg pier is in close proximity to an SAC where otter activity has been recorded and is within an SPA which is home to the tree sparrow a rare species associated with the SPA although not annexed. Future development proposals must not impact on the favourable conservation status of the SAC and SPA. Any plan or project with the potential to impact on the SAC and/or SPA will be subject to screening for Appropriate Assessment and associated ecological assessments.

Municipal District - West Clare	Settlement - Doonbeg
All zonings	<p>The entire settlement of Doonbeg is located within the Doonbeg Margaritifera margaritifera (Freshwater Pearl Mussel (FPM)) Sensitive Area. While the current status of the FPM in this catchment is indicated as extant by the NPWS recent studies have provided additional records which indicate that this population has in excess of 8,000 individual mussels placing it as a very important catchment in County Clare for this species. Therefore any proposed development in terms of Residential, Commercial, Tourism, Enterprise, Agriculture, Community, Open Space, Marine, Mixed Use will need to take into consideration the potential negative effects on this species and its habitat.</p> <p>All relevant mitigation measures and recommendations outlined in the AA for each of the zonings in Doonbeg should be strictly adhered to.</p>

**Municipal District - West Clare**

**Settlement - Ennistymon**

Landuse Zonings (Ha)	
Buffer Space = 2.39	
Commerical = 7.01	
Community = 17.18	
Existing Residential = 22.51	
Industry = 9.68	
Mixed Use = 4.69	
Open Space = 13.99	
Recreation = 2.65	
Residential = 6.38	
Strategic Residential Reserve = 5.98	
Tourism = 4.46	
Utilities = 0.41	



**Detailed Assessment of Landuse Zonings**

Impact			
<b>+</b>	<b>-</b>	<b>+/-</b>	<b>0</b>
P1-P3, WW1, WW2, S1 - S4, CH1-CH3, L1 & L2			P1, P2, P3, B1, B2, B3, B4, B5, B6, S1, S2, S3, S4, S5, W1, W2, W3, W4, W5, W6, W7, C1, C2, C3, T1, T2, WA1, WS1, WS2, WW1, WW2, RE1, CH1, CH2, CH3, L1, L2

Municipal District - West Clare	Settlement - Ennistymon
<b>Likely Significant Effects of Landuse Zoning and Strategic Reserves (Positive or negative taking into account the sensitivity or importance of the receiving environment)</b>	
Residential zoning and Strategic Reserve	<p><b>R1 Area of land Deerpark Lower</b></p> <p>This site is located to the north east of Ard Donagh estate. It is bounded to the south west by an existing laneway. Proposals for the future development of this site must take into consideration the undulating nature of the site, providing for a mix of high quality designed dwellings. The existing laneway adjacent to the site shall be upgraded in terms of widening, footpath provision, resurfacing and public lighting as part of any development proposal. This reflects positively on SEO <b>L1 &amp; L2</b> together with <b>P1</b> through the provision and upgrading of the existing pedestrian access.</p> <p><b>SR5</b></p> <p>As part of any development proposals for the future development of this site, the proposed relief road for Ennistymon, the route of which is identified by the infrastructure safeguard, shall be provided as part of any future planning application. (planning authority expects to retain this zoning)</p>
Recreational	The zoning at REC1 represents the current use at this location for the sports grounds with the surrounding zoning for open space. This zoning reflects positively on SEO <b>P1 - P3</b> .
Industry	IND1 - This zoning reflects positively on the town of Ennistymon through the provision of future potential jobs within the immediate vicinity of residential areas. This reflects positively on SEOs <b>P1, T1 &amp; T2</b> but potentially negatively on SEOs <b>C1 - C3</b> together with <b>P2 &amp; P3</b> should an industry which requires the emissions of fumes, gas, smoke or odours come forward for this site.
Community	C1 - C11 reflect the community uses within the town such as the church, graveyard, fire station etc.
Mixed Use	MU1 - MU7 are largely contained within the Architectural Conservation Area in the centre of the town of Lahinch. The aim is to retain the overall special historic or architectural character of an area or place as CDP Objective 16.5 of this plan ( Vol.1) . This objective should be strictly adhered to in line with SEO <b>CH1, CH2 &amp; CH3</b> to ensure any development within this zoning is in line with the overall protective objectives and mitigation measures of the CDP.
Tourism	TOU1 represents the existing tourism use at this location as the Falls Hotel which is a key facility in the town of Ennistymon providing employment and lesiure facilities.
<b>Determination on whether mitigation is required</b>	



Municipal District - West Clare	Settlement - Ennistymon
Residential zoning and Strategic Reserve	<p>R5, SR3 &amp; SR5 - Development at this location should be for permanent residential housing allowing convenience of access to the services and facilities within the town. While the existing plant at Ennistymon currently complies with its Waste Water Discharge Licence it is marginally overloaded and therefore all future residential development within the settlement should be strictly contingent on the provision of appropriate wastewater treatment facilities that can fully demonstrate no adverse effects on the receiving environment, water courses or adjacent ecological designations. This will be in accordance with relevant EPA standards and requirements to ensure that all future development is sustainable in the long term.</p> <p>SR5 - A 10m buffer zone should be included between SR5 and the SAC to protect the aquatic environment from encroachment, sediment and nutrient loss to the channel and provide for Otter commuting and foraging routes.</p>
Commercial	<p>COM1 - Japanese Knotweed has been recorded to the south of the site.</p> <p>Potential for spread of Japanese Knotweed which may be on the COM1 site to European sites via surface waters and/or transport of vector materials.</p> <p>Mitigation: Any development application should include an assessment of the site by a suitably qualified Ecologist as to the presence of Japanese Knotweed. Rhizomes of the species can be present in soil up to 7m wide and 3m deep from the over ground parent plant. If present a suitable course of action should be outlined by an Invasive Species specialist to prevent the spread of the species e.g. do not strim, cut, flail or chip the plants as tiny fragments can regenerate new plants and spread on land and downstream through watercourses and attention should also be directed to the proper disposal of 'vector' materials i.e. soil, to a licenced waste facility.</p>
Community	<p>C6 - Japanese Knotweed has been recorded to the north of the site. Potential for spread of Japanese Knotweed which may be on the C6 site to European sites via surface waters and/or transport of vector materials.</p> <p>Mitigation: Any development application should include an assessment of the site by a suitably qualified Ecologist as to the presence of Japanese Knotweed. Rhizomes of the species can be present in soil up to 7m wide and 3m deep from the over ground parent plant. If present a suitable course of action should be outlined by an Invasive Species specialist to prevent the spread of the species e.g. do not strim, cut, flail or chip the plants as tiny fragments can regenerate new plants and spread on land and downstream through watercourses and attention should also be directed to the proper disposal of 'vector' materials i.e. soil, to a licenced waste facility.</p>

Municipal District - West Clare	Settlement - Ennistymon
Recreation	The portion of open space at OS2 on the eastern boundary of the REC1 zoning should be changed to REC to provide additional capacity for expansion or diversification of the existing sports grounds. This will reflect positively on SEO P1 - P2.
Industry	Any proposed development for IND1 should ensure compliance with all relevant EC Directives including the Air Quality Directive and CAFE Directive.
Tourism	<p><b>TOU1</b> - The mature trees surrounding the existing hotel within this zoning must be retained as part of any future development within TOU1 as they provide key foraging, commuting and resting areas for all bat species but in particular <i>Nyctalus Leisleri</i> and <i>Plecotus auritus</i> .</p> <p><b>Mitigation:</b> Ensure any further development application is connected to a WWTP with adequate capacity for foul water during operation, or that it is serviced by an on-site treatment system that will ensure no impact to water quality in the area.</p> <p><b>Mitigation:</b> Ensure a Construction Environmental Management Plan (CEMP) is produced as part of any planning application for further development detailing how surface water run-off, especially in relation to release of silt and other pollutants, will be controlled during construction. Ensure that surface water run-off during operation is treated via a combination of appropriate SuDS (i.e. green roofs, permeable paving, petrol interceptor, silt trap) prior to discharge to any surface water features.</p>
Architectural Conservation Area	The centre of the town of Ennistymon has been designated as an Architectural Conservation Area (ACA). ACAs are places, areas, groups of structures or a townscape which are of special interest or contribute to the appreciation of a protected structure. The aim is to retain the overall special historic or architectural character of an area or place as CDP Objective 16.5 of this plan ( Vol1) . This objective should be strictly adhered to in line with SEO CH1, CH2 & CH3.
Undefined Infrastructural Safeguard	The mitigation measures identified in the AA should be strictly adhered for in the planning, design and site selection for this currently undefined infrastructural safeguard.
All Zonings	All relevant mitigation measures and recommendations outlined in the AA for each of the zonings in Ennistymon should be strictly adhered to.
Opportunity Sites	<p>OP2 Parliment Street</p> <p>The re-use of this building is recommended by the SEA. Its proximity to the town centre allows for its integration with good pedestrian and cycle provision to minimise vehiicular traffic movements. Traffic congestion is an existing problem within Ennistymon for which measures should be incorporated to avoid further exacerbating this issue through the redevelopment of the site.</p>

**Municipal District - West Clare**

**Settlement - Ennistymon**

**OP1 Former Convent Site**

The site represents a significant land-mark in the town and its future re-use should reflect this. The convent is a protected structure, situated within an Architectural Conservation Area (ACA) reinforcing the importance of retaining its character and setting. The Mixed Use zoning must ensure any development is sympathetic in its design and layout to allow for the integrity and setting of the convent to be retained.

Municipal District - West Clare	Settlement - Ennistymon
<p><b>Infrastructural Safeguard</b></p>	<p><b>Inclusion of Infrastructural Safeguard</b></p> <p><b>Mitigation:</b> A Flood Risk Assessment should be undertaken at project design stage given the location within Flood Zone A</p> <p><b>Mitigation:</b></p> <p>A full bat detector survey of the infrastructural safeguard in line with National Roads Authority Best Practise Guidelines for Bats in the Planning of National Road Schemes should be undertaken in accordance with Appendix III 'appropriate survey timetable'. In addition, the buildings which may be demolished as part of the proposed development should be surveyed for the potential use as hibernation and/or maternity roosts.</p> <p>A hydromorphology assessment should be undertaken in relation to the proposed bridge structure in terms of suitability, channel morphology such as form, flow depths and velocity together with bank structure.</p> <p>A Construction Method Statement shall form part of the overall project design together with the development of an Environmental Construction Management Plan (ECMP) which together shall be subject to Appropriate Assessment as part of the overall project assessment.</p> <p>The project specific assessment should include for all relevant survey and modelling work to demonstrate that the specific design, construction and operation will not impact on the Water Framework Directive or the Marine Strategy Framework Directive. The objectives and requirements of the MSFD and the WFD (Shannon River Basin Management Plan or any subsequent plan) should be considered when assessing proposals for development. The design and construction of development should aim to protect water quality and provide no impediment to the achievement of WFD and MSFD water quality objectives. Operational activities should be designed and carried out so as to not impact on water body status.</p> <p>Ensure a Construction Environmental Management Plan (CEMP) is produced as part of any design stage detailing how surface water run-off, especially in relation to release of silt and other pollutants, will be controlled during construction;</p> <p><b>Mitigation:</b> The design of any in-stream structure shall not lead to any alteration of the channel morphology, flow regime, depositional patterns or interfere with habitat continuity.</p> <p><b>Mitigation:</b> All permits and consents required as part of the project shall be addressed at project design stage and incorporated as part of the overall Appropriate Assessment.</p>

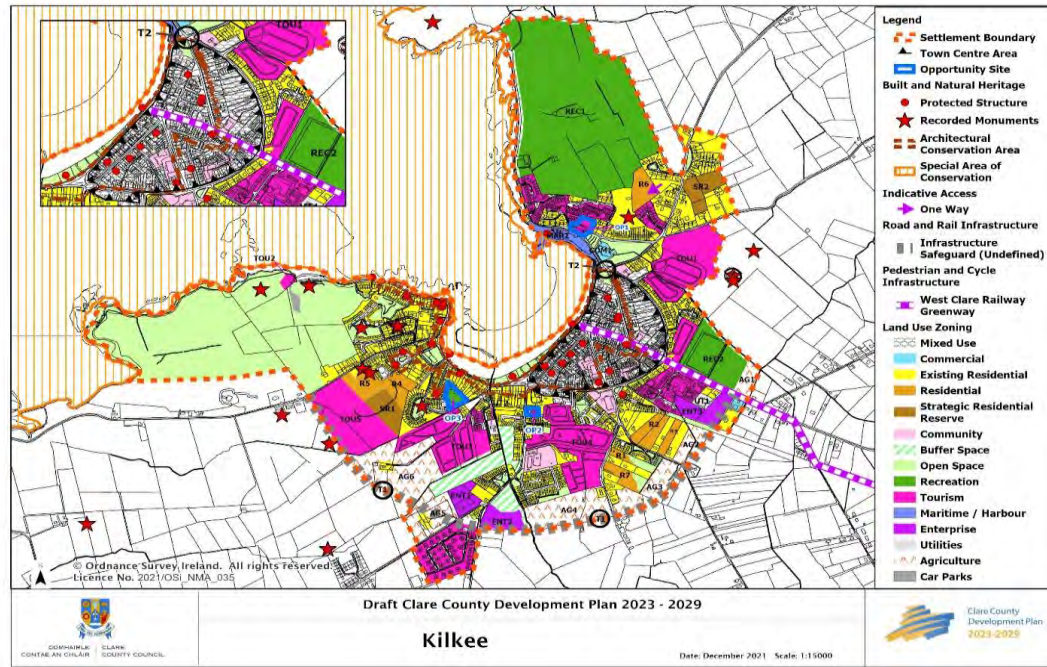
Municipal District - West Clare	Settlement - Ennistymon
	<p><b>Mitigation:</b> Ensure that surface water run-off during operation is treated via a combination of appropriate SuDS prior to discharge to any surface water features. River crossing to be a clear span structure with maintenance of natural banks and provision of 10m of otter habitats along the bankside.</p> <p><b>Mitigation:</b> Given the location of the proposed crossing in Ennistymon on the Inagh River upstream of a European Site on-going monitoring to assess the real time environmental impact of all site preparation, construction and post construction works shall take place, by suitably qualified ecologists.</p> <p><b>Mitigation:</b> At project level any mitigation measures proposed to avoid or offset the potential for significant effects must also be subject to Appropriate Assessment in order to provide an analysis and the scientific assessment as to the likely efficacy of the mitigation.</p>

**Municipal District - West Clare**

**Settlement - Kilkee**

**Landuse Zonings (Ha)**

Buffer Space = 5.81
Commercial = 0.73
Community = 3.55
Existing Residential = 45.82
Mixed Use = 13.72
Open Space = 47.40
Recreation = 41.29
Residential = 7.21
Strategic Residential Reserve = 3.50
Tourism = 38.30
Utilities = 0.77



**Detailed Assessment of Landuse Zonings**

Impact			
+	-	+/-	0
		B1-B6	P1, P2, P3, S1, S2, S3, S4, S5, W1, W2, W3, W4, W5, W6, W7, C1, C2, C3, T1, T2, WA1, WS1, WS2, WW1, WW2, RE1, CH1, CH2, CH3, L1, L2

Municipal District - West Clare	Settlement - Kilkee
<b>Likely Significant Effects of Landuse Zoning (Positive or negative taking into account the sensitivity or importance of the receiving environment)</b>	
Residential	<p><b>Water Supply</b></p> <p>Drinking water is supplied via the West Clare Regional (New) (Doolough Lake) water supply and also from Kilkee's own source at Lisluinaghan, which has its own treatment plant. The West Clare RWS also supplies a significant number of settlements in the area.</p> <p>There is currently spare capacity in the system to cater for population targets but the treatment plant may need to be upgraded in the future.</p> <p><b>Waterwater</b></p> <p>There is currently limited wastewater treatment in Kilkee, however, a new wastewater treatment plant, pumping station and rising main are planned for the town. This is due to commence in late 2023 with completion in early 2025 which will cater for the population targets for the town. All future development in Kilkee will be contingent upon the provision of adequate wastewater treatment. Kilkee experiences seasonal traffic problems and the construction of a proposed lower ring road which would link the N67 at the Kilkee Bay Hotel, running west to the Carrigaholt Road and continuing to link up with the coast road, would help to alleviate this problem.</p>
Residential & Strategic Reserve	<p><b>R2 &amp; R3: South Eastern Development Area</b></p> <p>This is an area of flat, low-lying land located to the south of the town centre area in Kilkee. This site provides an opportunity for in-depth development that will help to consolidate the development of this area, which is relatively degraded. The site is bounded to the north by the line of the former West Clare Railway. The site covers a large area. If development proposals come forward that do not utilise the entirety of the lands, a masterplan must be prepared showing connectivity to future development areas and an outline of the type of development that is proposed for the remainder of the site.</p> <p><b>R5 &amp; SR3: Land to the Northwest of the Carrigaholt Road</b></p> <p>This site lies southwest of the town centre and on the northwest side of the Carrigaholt road. Access to this site will be primarily through the existing housing estate and the zoning allows for an extension to same. Any development must reserve a 15 metre margin from the Victoria stream that runs along the boundary of the site.</p>
Marine	<p><b>MAR1: Existing jetty and Boat House at the east end of Moore Bay</b></p> <p>This area is reserved for the future development of the pier and land-based facilities for the development of water-based commercial activities and for tourism and leisure uses. Identified within the "Development Strategy for Marine and Leisure Infrastructure 2007-2013" by the Marine Institute, as a potential location for the development of land/sea access and associated infrastructure, there is a major opportunity to develop this area of Kilkee. It is important that development proposals for water-based commercial activities are not detrimental to the tourism and leisure potential of the area.</p> <p>The lands that have been zoned are both within and adjoining a Special Area of Conservation. The area forms part of the Kilkee Reefs. Future development proposals must not impact on the favourable conservation status of the annex habitats for which this SAC is designated.</p>

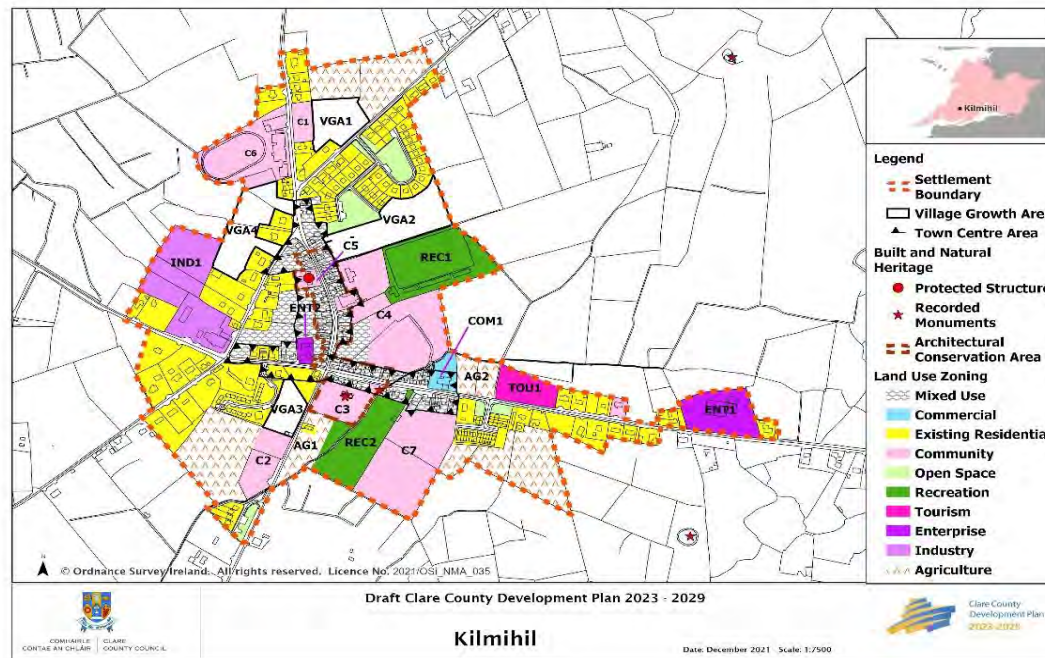
Municipal District - West Clare	Settlement - Kilkee
Mixed Use	<b>MU1 - MU8</b> confirms the existing village centre uses and will not significantly affect the receiving environment.
Community	<b>C1 - C3</b> represent the existing community uses in the town associated with the church, graveyard, school, community hall etc.
Tourism	<p><b>TOU1: Lands to the East of the N67</b></p> <p>These lands adjoin one of the existing mobile home parks in Kilkee and have been identified for the development of future tourist facilities in the area. More specifically, the lands at TOU1 have been zoned to accommodate the development of a camping and motorhome site in the area. There is an identified need for motorhome / camping facilities in Kilkee and TOU1, being both scenic and close to the town centre and with excellent links to one of the main transport routes in the area (N67) is considered to be suitable for the development of such facilities. It is envisaged that development of the site will be for the provision of temporary / short-stay tourist accommodation and the development of long-term mobile home parking facilities on these lands will not be permitted.</p> <p>Development proposals must provide for the retention of the stone wall on the northern boundary of the site and must also provide footpaths linking the development to the existing footpath network in Kilkee. Furthermore, developments located on the northern side of the site may be visible from the wider area and therefore development proposals for this area must be designed having due regard to the visual amenities of the wider area.</p> <p>Surface water drainage associated with future development on this site shall be designed to ensure the protection of water quality and associated biodiversity in the area.</p> <p>The zoning of this site for the development of a camping and campervan site does not prohibit a development of the same nature from locating at an alternative suitable site in the town.</p>
	<p><b>TOU2: Diamond Rocks</b></p> <p>This small commercial outlet provides a service to visitors during the tourist season on the south side of the bay, at the start of the cliff walk. Having regard to the sensitive location of the site it is considered that a limited form of expansion may be permitted in order to further enhance the potential of the site and an area of land surrounding the existing business has been zoned to accommodate this expansion.</p>
	<p><b>TOU3: Infill site south of the Well Road</b></p> <p>The land is zoned to allow for the expansion of existing holiday home accommodation, situated between a caravan park and an existing area of holiday homes and has the capacity for in depth development close to the town centre. Any development must reserve a 10 metre margin from the Victoria stream that runs along the southern boundary of the site.</p>
Open Space	<b>OS1 &amp; OS2</b> identify areas of open space primarily associated with the Doonbeg River.



Municipal District - West Clare	Settlement - Kilkee
Entreprise	<p><b>ENT1 &amp; ENT2: Enterprise Lands</b>  Existing enterprise activity in Kilkee is small and is concentrated in the Shannon Development enterprise units just off the Carrigaholt Road. These two sites have been designated for the development of enterprise and employment-generating uses with a view to providing greater employment opportunities for the local community. Proposals for the expansion of existing facilities will also be considered. Any development must reserve a 10 metre margin from the streams that run along the northwest boundary of ENT1 and the eastern boundary of ENT2.</p>
<b>Determination on whether mitigation is required</b>	
Residential & Strategic Reserve	<p>R5 &amp; SR3: Land to the Northwest of the Carrigaholt Road  Any development must reserve a 15 metre margin from the Victoria stream that runs along the boundary of the site.</p> <p>All residential development should be strictly contingent on the provision of appropriate wastewater treatment facilities that can fully demonstrate no adverse effects on the receiving environment, water courses or adjacent ecological designations. This will be in accordance with relevant EPA standards and requirements to ensure that all future development is sustainable in the long term.</p>
Mixed Use	<p>The centre of the town of Kilkee has been designated as an Architectural Conservation Area (ACA). ACAs are places, areas, groups of structures or a townscape which are of special interest or contribute to the appreciation of a protected structure. The aim is to retain the overall special historic or architectural character of an area or place as CDP X.X of this plan ( Vol.1) . This objective should be strictly adhered to in line with SEO <b>CH1, CH2 &amp; CH3</b>.  Any future development within MU1-MU8 must ensure the protection and maintenance of the County Protected Structures 573,401,398,399,406,408,571,574,308,576.</p>
Entreprise	<p>Following the recommendations of the SEA and AA the zoning boundary at ENT1 &amp; ENT2 was changed along the Kilkee Lower Stream to allow for a 15m wide riparian buffer zone between the zoning boundary and the stream. This was zoned as Buffer Space.</p>
Open Space	<p>The zoning of OS1 &amp; OS2 as open space must be strictly adhered to in order to provide sufficient buffering from the village development to the river.</p>

Municipal District - West Clare	Settlement - Kilkee
Tourism	<p>Any development proposals within tourism zonings should be accompanied by an Appropriate Assessment Screening Report and/or Natura Impact Statement, whichever is deemed necessary. The proposal should clearly identify the spatial extent of any tourism activities and should address the potential for increased recreational disturbance (both in isolation and in combination with other tourism activities) to any European sites as a result of increased tourism and recreation in the area/County, taking into account any current pressures on these Sites.</p> <p>Following the recommendations of the SEA and AA the zoning boundary at TOU3 a 15m wide riparian buffer zone has been included along the Kilkee Upper Stream between the zoning boundary and the stream. This has been zoned as Buffer Space.</p> <p><b>TOU12</b>  <b>Mitigation:</b> Development should be contingent on demonstrating the need for any such tourism related industry at this location.  Development at Dough should be strictly contingent on the provision of appropriate wastewater treatment that can fully demonstrate no adverse effects on the receiving environment, water courses or adjacent ecological designations. This will be in accordance with relevant EPA standards and requirements to ensure that all future development is sustainable in the long term.</p> <p><b>TOU2</b>  <b>Mitigation:</b> In order to ensure such a zoning reflects positively on the Strategic Environmental Objectives from the County Development Plan 2017-2023 any future planning application will be required to carry out all necessary environmental assessments to ensure compliance with County Development Plan Objective 2.1. In relation to the visual impact on the receiving environment any future planning application related to this zoning will be required to submit a "Landscape Assessment" which is cognisant of both the Clare "Landscape Character Assessment" and the "National Landscape Strategy for Ireland 2015-2025".  <b>Mitigation:</b>  Any future planning application within this zoning will be required to install a Class 1 interceptor at the discharge point from the car parking area. A Surface Water Management Plan will also be required as part of any future planning application to ensure the integrity of the Kilkee Reefs SAC is retained.</p>
Marine	<p>Future development proposals must not impact on the favourable conservation status of the SAC and SPA. Any plan or project with the potential to impact on the SAC and/or SPA will be subject to screening for Appropriate Assessment and associated ecological assessments. All applications must strictly adhere to the findings of the CDP AA 2022-2028.</p>
Recreation	<p><b>REC1 - A 10m wide riparian buffer zone between the zoning boundary and the stream have been included based on the findings and recommendations of the SEA and AA and zoned as a buffer space.</b>  REC1 contains Kilkee Golf Club which is of key economic, social and recreational importance to the town of Kilkee and the surrounding hinterland. Future development should be in keeping with this use and support the future development and expansion of the facility with compatible uses.</p> <p><b>REC2 - A 10m wide riparian buffer zone has been included at the back of REC1 which contains the GAA grounds and included as Buffer Space to provide protection to the Dough Stream/River as per the findings and recommendations of the SEA and AA.</b></p>

Municipal District - West Clare	Settlement - Kilkee
All zonings	All relevant mitigation measures and recommendations outlined in the AA for each of the zonings in Kilkee should be strictly adhered to.



Detailed Assessment of Landuse Zonings

Impact

+	-	+/-	0
B1, P1, P2, P3, S5, W3, W7, WS1, WS2, CH1, CH2, CH3, L1, L2	B4, B5, B6, W2, WW1, WW2	S1	B2, B3, S2, S3, S4, W1, W4, W5, W6, C1, C2, C3, T1, T2, WA1, RE1,

Municipal District - West Clare	Settlement - Kilmihil
<b>Likely Significant Effects of Landuse Zoning and Village Growth Areas (Positive or negative taking into account the sensitivity or importance of the receiving environment)</b>	
Village Growth Areas (VGA 1 - 4)	<p>While VGA 1 - 4 are on undeveloped, greenfield lands, adjacent to existing residential development at Croí na mBaile and St. Michael's Place and are sequential in that they develop from the village centre at VGA 2 and 4, and at VGA 1 &amp; 3 subsequently and therefore will support the core strategy and sequential approach, the Wastewater Treatment Plant in Kilmihil does not have capacity to accomodate future housing at present should these Village Growth Areas come forward for development in the future.</p> <p>The Kilmihil stream is currently at "bad status" and feeds into the Doonbeg River which contains a significant Freshwater Pearl Mussel Population. The freshwater pearl mussel is protected under Annex II and V of the European Community Council Directive on Conservation of Natural Habitats and of Wild Fauna and Flora (92/43/EEC). Therefore, any future development within this settlement must ensure it does not further alleviate the issues currently evident in the Kilmihil Stream or the Doonbeg River and should seek to improve the surface water status in line with the requirements and objectives of the Water Framework Directive.</p>
Industry	<p>IND1 is in line with and confirms existing use at this location however an area of improved grassland with hedgerows is also zoned adjacent to the exsisting industrial use. This area has been identified as having a 30.44% suitability index for all bat species in terms of the landscape suitability and in particular a 48% suitability for Brown Long eared bats therefore careful consideration should be given to the maintenance of hedgerows surrounding this site and adherence to appropriate development management controls particularly in relation to Biodiversity &amp; Natural Heritage.</p>
Mixed Use	<p>MU1 - MU7 confirms the existing village centre uses and will not significantly affect the receiving environment.</p>
Community	<p>C1 - C7 include for the identification of lands for community purposes at the existing secondary school (C1) with a view to providing parking facilities to serve the school, additional lands for further expansion of the new cemetery (C2) with the remainder C3 - C7 consistant with the existing zoning of these lands.</p>

Municipal District - West Clare	Settlement - Kilmihil
Recreation	REC1 is the existing GAA grounds and associated car park with the addition of REC2 identified to accomadate approved planning permission for recrerational area to include all weather playing pitch, new recreational area etc.
Commercial	COM1 confirms the existing commercial use for this location
Agriculture	AG1 & AG2 are consistant with the current use on these sites
Open Space	OS1 - OS5 are consistant with current use and identify areas of open space associated with existing residential areas primarily
Entreprise	ENT1 identifies the existing site which contains the old Kilmihil mart on the outskirts of the village. Bringing this site into the settlement boundary would encourage and promote the diversification of use for this location.
<b>Determination on whether mitigation is required</b>	
Village Growth Areas (VGA 1 - 4)/Utilities	<p>The Kilmihil stream is currently at "bad status" and feeds into the Doonbeg River which contains a significant Freshwater Pearl Mussel Population. The freshwater pearl mussel is protected under Annex II and V of the European Community Council Directive on Conservation of Natural Habitats and of Wild Fauna and Flora (92/43/EEC). Therefore, any future development within this settlement must ensure it does not further alleviate the issues currently evident in the Kilmihil Stream or the Doonbeg River and should seek to improve the surface water status in line with the requirements and objectives of the Water Framework Directive. Given the current Q values on the Kilmihil Stream it is highly likely that the current residential developments are having a negative impact on the stream water quality with results of downstream monitoring from the WWTP indicated the river is also at "bad Status".</p>

Municipal District - West Clare	Settlement - Kilmihil
	<p>Water bodies identified as being At Risk of not achieving their environmental objectives need to have targeted measures implemented to achieve objectives under this Plan. The manner and the timeframe in which these targeted measures are implemented need to be prioritised to take account of the finite resources available and of the time and resources needed to develop appropriate measures. During the development of the second cycle RBMP, a prioritisation exercise was undertaken by the local authorities, the EPA and other stakeholders to identify those water bodies that require immediate action within this plan (RBDP) cycle to 2021 with the Doonbeg System being identified as an Area for Action (AFA). In order to address the current water quality issues and to provide for future growth within the settlement in accordance with RPO 213 of the RSES for the Southern Region the SEA recommends the zoning or identification of lands surrounding the existing WWTP in Kilmihil to serve as a location for a reedbed or polishing filter which can be developer led, designed and built by Irish Water as a sustainable development solution to the waste water treatment issues currently experienced and reflected in the water quality monitoring results.</p>





Municipal District - West Clare	Settlement - Kilrush
<b>Likely Significant Effects of Landuse Zoning (Positive or negative taking into account the sensitivity or importance of the receiving environment)</b>	
All development	<p>The proper management of water and wastewater is a critical issue in the future growth and development of the settlement of Kilrush and Cappa.</p> <p><b>Water Supply</b>            At present, Kilrush town's daily water demand is in excess of 1200 cubic metres and is supplied from the West Clare Regional Water Supply – (new) Doolough Treatment Plant. This treatment plant also provides water to a significant number of towns and villages in the surrounding area, many which have a large seasonal holiday population. The capacity of the water supply and treatment are sufficient to meet the town's projected population increase. This reflects positively on SEO <b>WS1 &amp; WS2</b>.</p> <p><b>Wastewater Treatment</b>            Kilrush town's wastewater is collected via gravity sewers and four pumps (located at Merchants Quay, Leadmore, Moyne Court Ballynote and Cappa) and a rising mains network and is held at the Kilrush Sewerage Pumping Station (Tidal HoldingTank). Currently the wastewater is discharged from this tank to the sea without treatment. The provision of a Wastewater Treatment Plant for Kilrush is critical to the future planned development of the area. A new wastewater treatment plant, rising main and upgrade of the existing Frances St pumping station is due to commence in late 2021 with completion in early 2023. This reflects negatively on SEO <b>WW1 &amp; WW2</b>.</p>
Residential and Strategic Reserve	<p><b>R1 Shanakyle Road</b></p> <p>The Council envisages that appropriate residential development at this location will help to infill the existing buildings terraced on the Merchants Quay Road. Any proposed development at this location shall take account of the elevated nature of the site, the view of the site from the Marina and Shannon Estuary. This site can be accessed from Merchants Quay Road and/or the Shanakyle Road. Future development must take into account the future indicative access to lands west of the subject site. This reflects positively on SEO <b>S4</b>, but negatively on <b>L1 &amp; L2</b>.</p>

Municipal District - West Clare	Settlement - Kilrush
	<p><b>R8 Pella Road</b></p> <p>This site is accessible from Pella Road. The development of these lands should incorporate a public open space to facilitate both the proposed development and the existing terraces on Pella Road and should be readily accessible to both developments. It must also protect the existing residential amenity of the Pella Road Terrace. Future development must take into account access to R4 lands to the east of the subject site.</p> <p>In order to protect water quality in the area, future developments on this site must be connected to a wastewater treatment plant with adequate capacity for foul water during the operation of the proposed development.</p> <p>A Construction Environmental Management Plan (CEMP) will be required as part of any planning application for further development detailing how surface water run-off, especially in relation to release of silt and other pollutants, will be controlled during construction. Surface water run-off generated by development on this site must be treated via a combination of appropriate SUDS (e.g. green roofs, permeable paving, petrol interceptor, silt trap) prior to discharge to any surface water features.</p> <p>Any development application must include an assessment by a suitably qualified ecologist as to the potential for the adjoining/adjacent grasslands to support SPA Special Conservation Interest bird species. If the site is deemed suitable, detailed bird surveys must be undertaken on the site and accompany the development application. These assessments and/or surveys should inform a screening for appropriate assessment and/or Natura Impact Statement, dependent on the outcome of the site survey.</p>
	<p><b>R4 Pound Street</b></p> <p>This site may be accessible from the Dooneen Park spur road. The development of these lands should incorporate a public open space to facilitate both the proposed development and the existing Pound Street Terraces and should be readily accessible to both developments. Residential amenity of the existing Pound Street Terraces should be protected.</p>
	<p><b>SR1 Fahy's Road</b></p> <p>Development on this site on Fahy's Road must take account of the elevated and undulating nature of the lands. Future development must take into account the future indicative access to lands to the south-west of the subject site.</p>
	<p><b>R6 Ennis Road.</b></p> <p>Proposals regarding the subject site shall have regard, with specific reference to design proposals, to the prominence of the subject site which fronts a National Road.</p>

Municipal District - West Clare		Settlement - Kilrush	
	<p><b>SR3 Wilsons Road</b> The development of these lands will be required to have regard to the adjoining Protected Structure (RPS Ref. K32-Estate Cottage). Any proposed development must provide for future indicative access to lands to the west of the subject site.</p>		
	<p><b>R2 Fort Road, Cappa</b> The Council will favour the development of village-appropriate executive-style housing on the subject site. There are 3 no. entrances to the plot identified, 2no.from Fort Road and 1no. from the spur road into the Cappa Drive estate.</p> <p><b>R5 Broomhill</b> The site is located to the north east of Shannon Heights and in the interest of providing a range of housing type and mix in the town, the site lends itself to the provision of serviced sites. Any development must respect the character and setting of the Protected Structure and attendant grounds to the north of the site. In order to facilitate ease of access to future development and to improve accessibility along the existing access road in Shannon Heights, a vehicular turning circle and additional shared parking must be included as part of any development and must be complete prior to the occupation of any of the new residential units.</p> <p><b>R7 Wilsons Road</b> The development of this site should have regard to the need for the proposed scale and form to reflect the existing pattern of development adjoining the site.</p> <p><b>R6 Ennis Road</b> Development proposals on this site shall have regard, with specific reference to design proposals, to the prominence of the subject site which fronts a national road. The development of this site should have regard to its proximity to and visibility from the harbour, estuary and from lands on the other side of the harbour. Any proposed development must be sensitive to its landscape and consider its visual impression when approaching Kilrush from the water, as well as from land. As the site slopes up from the Cappa Road any development on the higher rise to the top of the hill should be single storey to minimise visual impact. Safe pedestrian connectivity between Kilrush and Cappa must be integrated into any proposal.</p>		
Commercial	COM1 - COM18 represents the commercial uses within the settlement ranging from the Tesco store to the mart.		
Mixed Use	MU1 - MU11 confirms the existing town centre uses and will not significantly affect the receiving environment.		

Municipal District - West Clare	Settlement - Kilrush	
Community	<p>C1 - C18 represent the existing community uses in the town associated with the school, community hall, carp parking space at C10, nursing home at C14 and church at C1 to mention a few. Any re-developed of any of these sites will be subject to the conditions of proper planning and environmental assessment.</p>	
Tourism	<p><b>TOU1 Greenfield site, south of Woodroad.</b></p> <p>This site is located on the eastern periphery of the town, south of Wood Road and east of the Vandeleur Estate. The site is bounded to the south by the Wood River and in its secluded location, is nestled in away from the road. The site is zoned to facilitate a high quality spa/eco type hotel development that is sympathetic to its surrounding environment and that in its design would be sensitive, complementary and integrated into its surroundings whilst allowing for connectivity with the neighbouring Vandeleur Estate and the many attractions of the town itself, including the harbour. Such a development shall contribute to the overall tourism offer of the town at a location which, although not within the town centre, is still within walking distance from it. Any hotel development in this location should have a strong experiential theme relating to its natural environment.</p> <p>Proposed development shall be required to adopt a sustainable approach to design, energy efficiency of buildings and to incorporate alternative renewable methods of energy provision in the overall design of the development in an integrated manner. During construction, operation and maintenance operations, as well as any other associated related development, for example provision of access roads associated with the development of this site, provisions shall be made to ensure that any disturbance to habitats and species is minimised.</p> <p>The site is bounded along Wood Road by a high stone wall, which is also tree lined and both must be retained. In order to ensure the retention of trees, access to the site shall be gained through the entrance to the Vandeleur Estate on the Killimer Road, providing an attractive approach to a development of this kind and ensuring existing landscape features and seclusion of the site are retained. The permitting of a hotel on site TOU1 does not preclude the location and/or need for an additional hotel in the Kilrush area.</p> <p><b>TOU2 Vandeleur Walled Garden.</b></p> <p>There are opportunities to develop the remainder of the Walled Garden complex, to promote the facilities and recreational amenities the area offers, and for the use of the facilities for public events and civic receptions. The zoning facilitates a wide range of uses for the development of tourist and recreational facilities to serve both visitors and locals. There is scope to link the town to the Walled Gardens via Turret Lane (Public Right of Way), to enable more pedestrian-friendly and scenic access to this natural heritage and wildlife resource.</p>	

Municipal District - West Clare	Settlement - Kilrush	
	<p><b>TOU3 Gate Lodge, Turret Lane</b></p> <p>The Gate Lodge (RPS 877) at the edge of the Vandeleur Demesne provides an excellent opportunity for the development of a pedestrian access to the Vandeleur Demesne from the town centre. Having received funding under the Historic Towns Initiative 2019, a collaboration between Kilrush and District Historical Society, Clare County Council and the Heritage Council has seen the successful redevelopment of the Gate Lodge as a community-run heritage and genealogy centre, which opened in late 2020. The Council recognises the importance of the resources available to the Demesne which can deliver historical, social and tourism benefits to the community and will actively promote opportunities for pedestrian linkages between the Demesne and the town centre. Taken in conjunction with the proposed walkway alongside the Wood River from Cappa Road to Stewart Street, which is proposed to link with an existing walkway from Turret Lane, proposals to create pedestrian walkways from Turret Lane to the Demesne would enhance permeability from the town to this unique resource at Vandeleur Demesne.</p>	

Municipal District - West Clare	Settlement - Kilrush
Industry	IND1 - is a greenfield site on the R483 Cooraclare Road and represents a positive effect on SEOs P1, T1 & T2 but potentially negatively on SEOs C1 - C3 together with P2 & P3 should an industry which requires the emissions of fumes, gas, smoke or odours come forward for this site.
Light Industry	LI1, LI2, & LI3 - is a greenfield site on the R483 Cooraclare Road and represents a positive effect on SEOs P1, T1 & T2 but potentially negatively on SEOs C1 - C3 together with P2 & P3 should an industry which requires the emissions of fumes, gas, smoke or odours come forward for these site.
Agriculture	AG1 - AG6 represents the current use of lands within the settlement boundary for agricultural purposes and does not alter their current use. It safe guards their functions and reflects positively on SEO B1 & B6 & S5.
Buffer Space	BS1 and BS2 represent the buffer space srrounding the marina and along the Wood River within the settlement of Kilrush. No developed will take place within these buffer spaces.
Entreprise	<p><b>ENT3 &amp; ENT4</b>  Represent eixsting ues at these sites as an old factory and Billpost within Kilrush.</p> <p><b>ENT1,2, 5,6 &amp; 7</b> will be subject to proper planning and all relevant EC Directives and implementing regulations.</p>
Harbour Area	Two acid oligotrophic lakes (FL2) are found adjacent to Kilrush Marina, one within the SAC boundary and outside of the settlement boundary and one inside the settlement boundary and outside the SAC boundary. This category has links with Annex I Acid oligotrophic lakes correspond to two annexed habitats, 'oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) (3110)' and 'oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or of the Isoeto-Nanojuncetea (3130).
<b>Determination on whether mitigation is required</b>	
All future development	All future development within the settlement should be strictly contingent on the provision of appropriate wastewater treatment facilities that can fully demonstrate no adverse effects on the receiving environment, water courses or adjacent ecological designations. This will be in accordance with relevant EPA standards and requirements to ensure that all future development is sustainable in the long term.
	All residential development should be strictly contingent on the provision of appropriate wastewater treatment facilities that can fully demonstrate no adverse effects on the receiving environment, water courses or adjacent ecological designations. This will be in accordance with relevant EPA standards and requirements to ensure that all future development is sustainable in the long term.

Municipal District - West Clare	Settlement - Kilrush	
Residential and Strategic Reserve	<p><b>R2 North Fort Road, Cappa</b></p> <p>SEA recommended that any development on this site should take account of:</p> <ul style="list-style-type: none"> <li>- A village scale and form that will enhance the village character of Cappa in line with the strategic aims of the Plan for Cappa village to retain and enhance its maritime and village character and encourage sustainable development sympathetic with the environment.</li> <li>- Consideration of the views both from any proposed development and also views of any development from the sea side and designated scenic route, along which tourism traffic from the ferry will be encouraged to travel.</li> <li>- Providing safe integrated pedestrian and cycle access ensuring its connectivity with the village of Cappa and also to the town centre of Kilrush.</li> <li>- Additional traffic volume generated by any future development, albeit proposed low density, to be considered in terms of its impact on the village environment.</li> <li>- Groundwater vulnerability is high</li> <li>- Heritage landscape</li> </ul>	
	<p><b>R5 Broomhill</b></p> <p>SEA recommended that any development on this site should take account of:</p> <ul style="list-style-type: none"> <li>- The site is elevated and, although to the rear of existing housing, requires consideration in relation to the visibility of future development and therefore careful consideration to design layout and landscaping.</li> <li>- Type of development has to be sympathetic to the amenity of the Protected Structure (Broomhill house K14 – existing)</li> </ul>	
	<p><b>R1</b></p> <ul style="list-style-type: none"> <li>- It is recommended that development on this site should take into account:</li> <li>- Poorly protective bedrock.</li> <li>- Seascape location – views to and from the estuary are important considerations when designing any proposed development.</li> <li>- Heritage landscape.</li> <li>- Protect hedgerow boundaries</li> <li>- Protect line of the West Clare Railway that passes through the site along the southern part of the main area of zoned land. This is an important amenity to the town.</li> <li>- Indicative arrows into adjacent agricultural land - ensure safe and integrated access for pedestrian and cyclists to and within the development.</li> </ul>	
	<p><b>R3 Soldiers Hill</b></p> <p>The development of this site should have regard to its proximity to and visibility from the harbour, estuary and from lands on the other side of the harbour. Any proposed development must be sensitive to its landscape and consider its visual impression when approaching Kilrush from the water, as well as from land. As the site slopes up from the Cappa Road any development on the higher rise to the top of the hill should be single storey to minimise visual impact. Safe pedestrian connectivity between Kilrush and Cappa must be integrated into any proposal.</p>	

Municipal District - West Clare	Settlement - Kilrush	
	<p><b>R8</b></p> <p>It is recommended that development on this site should take account of:</p> <ul style="list-style-type: none"> <li>- Protecting what remains of tree and hedgerow boundaries.</li> <li>- Groundwater vulnerability is high.</li> <li>- Heritage landscape.</li> <li>- Safe pedestrian and cycle access to and within the development and incorporate with open space area and inter-linkages with existing developments where possible, and provide for future connectivity with future potential development, illustrated by the indicative access points.</li> </ul>	
	<p><b>R4</b></p> <p>It is recommended that development on this site should take account of:</p> <ul style="list-style-type: none"> <li>- Appropriate landscaping of development to contribute not only to any new development but provide integration and enhancement of residential amenity of the existing terraces on Pound Street.</li> <li>- Groundwater Vulnerability is high.</li> <li>- Heritage landscape.</li> <li>- Safe pedestrian and cycle access to and within the development and incorporate with open space area and inter-linkages with existing developments where possible, and provide for future connectivity with future potential development, illustrated by the indicative access points.</li> </ul>	
	<p><b>SR1</b></p> <p>It is recommended that development on this site should take account of:</p> <ul style="list-style-type: none"> <li>- As more elevated site, consider visuals from both within the site and to it.</li> <li>- Groundwater vulnerability is high.</li> <li>- Indicative access into adjacent agricultural land needs to be considered in the context of integrated pedestrian and cycling access, should development be considered appropriate on these lands in the future.</li> <li>- Retain any existing trees and existing boundary hedgerows.</li> <li>- Inclusion of landscaping buffer at south-east boundary with light industrial zoning.</li> </ul>	
	<p><b>R6 &amp; SR2</b></p> <p>It is recommended that development on this site should take account of:</p> <ul style="list-style-type: none"> <li>- Groundwater vulnerability is extreme.</li> <li>- Providing a buffer between development and light industrial zoning to rear of the site.</li> <li>- Landscaping and open space must be incorporated in any development and retention of existing trees and hedgerows.</li> </ul>	
	<p><b>R6 Ennis Road</b></p> <p>It is recommended that development on this site should take account of:</p> <ul style="list-style-type: none"> <li>- Its location as a gateway site to the town requiring development that reflects this.</li> <li>- Ensuring a buffer between residential development and the existing commercial zoning to the west of the site.</li> <li>- Retain any existing trees and hedgerows.</li> <li>- Have regard to the Protected Structure located on adjoining land to the south east corner of the site.</li> <li>- Groundwater vulnerability is extreme.</li> <li>- Providing safe integrated access to future development on the site and its connectivity with adjacent and nearby development and facilities and with the town centre.</li> </ul>	



Municipal District - West Clare	Settlement - Kilrush
	<p><b>R7 Wilsons Road</b></p> <p>It is recommended that development on this site should take account of:</p> <ul style="list-style-type: none"> <li>- Have regard to the Protected Structure located on adjoining land to the south east corner of the site.</li> <li>- Groundwater vulnerability is extreme.</li> <li>- Retaining existing hedgerows and where these remain.</li> </ul>
Mixed Use	<p>The centre of the town of Kilrush has been designated as an Architectural Conservation Area (ACA). ACAs are places, areas, groups of structures or a townscape which are of special interest or contribute to the appreciation of a protected structure. The aim is to retain the overall special historic or architectural character of an area or place as per <b>Objective CDP x.x</b> of this plan ( Vol1) . This objective should be strictly adhered to in line with SEO CH1, CH2 &amp; CH3. Any proposed development at MU1 must take into consideration the receiving environment of Kilrush Marina which feeds into the Lower River Shannon cSAC and therefore the potential for in-direct effects on the conservation objectives and integrity of this site. Screening for Appropriate Assessment will be required to accompany any proposed planning application for this site. Prior to the development of any large-scale new builds on lands zoned Mixed Use (MU1) in the marina, a masterplan for the overall Marina area shall be prepared by the owners/applicants and submitted with, or in advance of, the planning application.</p>
Industry	<p>Any proposed development for IND1, LI1, LI2 or LI3 should ensure compliance with all relevant EC Directives including the Air Quality Directive and CAFE Directive. The current air quality in the Rural West AQH Region is 3 - Good. The index is based on information from monitoring instruments at representative locations in the region and may not reflect local incidents of air pollution.</p> <p>(Air Quality Index for Health)</p> <p>The index was calculated at 12:05, Tue 15-September-2015.</p> <p>Any future development should not lead to a deterioration in air quality from this.</p>
Tourism	<p>TOU1 - While the zoning at TOU1 has already been set back approximately 10m from the trees for preservation the SEA recommends that a further 15m buffer is included along the boundary of TOU1 and the trees to ensure adequate protection of this important ecological feature both during construction and post construction.</p>
Tourism	<p>Any development proposal within TOU1, TOU2, TOU3, TOU4 should be accompanied by an Appropriate Assessment Screening Report and/or Natura Impact Statement, whichever is deemed necessary. The proposal should clearly identify the spatial extent of any tourism activities and should address the potential for increased recreational disturbance (both in isolation and in combination with other tourism activities) to any European sites as a result of increased tourism and recreation in the area/County, taking into account any current pressures on these Sites.</p> <p><b>Following the recommendations of the SEA the zoning boundary at TOU1 was altered to include a 25m wide riparian buffer zone in order to protect the surrounding native woodland both during construction and post construction.</b></p>

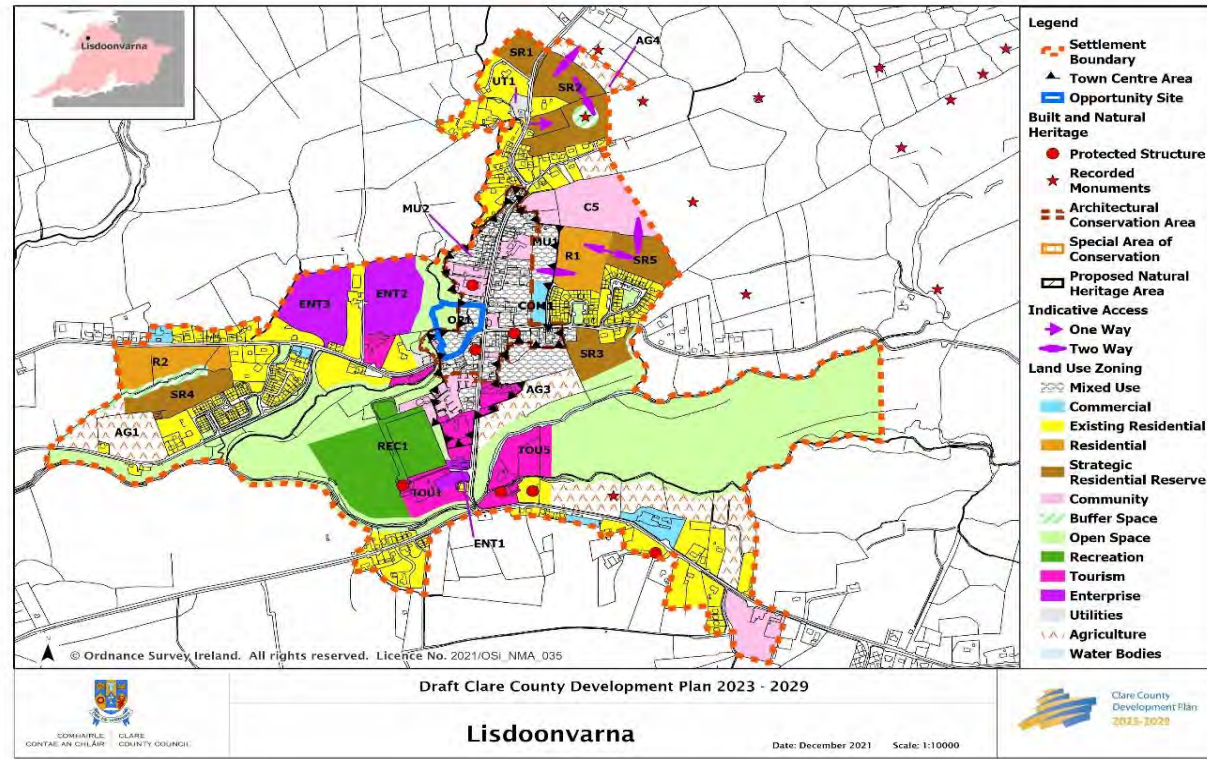
Municipal District - West Clare	Settlement - Kilrush
Marine	Future development proposals must not impact on the favourable conservation status of the SAC and SPA. Any plan or project with the potential to impact on the SAC and/or SPA will be subject to Screening for Appropriate Assessment and associated ecological assessments. All applications must strictly adhere to the findings of the CDP AA 2022-2028.
Mixed Use	<b>MU1 &amp; MU11 - zoning boundary was ammended on waterside to include a 10m buffer.</b>
Town Centre	<b>TC5- A 10m wide riparian buffer zone between the zoning boundary and the wood river has been included based on the findings and recommendations of the SEA and AA and zoned as a buffer space.</b>
Harbour area	As part of any future proposal for works related to the lock gates or the adjacent marina the lakes at the entrance to the marine should be surveyed and assessed as part of an overall ecological assessment to ensure no long term effects on this habitat or the features and species it supports.
All zonings	All relevant mitigation measures and recommendations outlined in the AA for each of the zonings in Kilrush should be strictly adhered to.
Opportunity Sites	<p><b>OP1 Former Tile/Bathroom Showroom, Place de Plouzane</b> SEA recommeded that redevelopment of this building would positively contribute to the Place de Plouzane area, which has the potential to become revitalised by appropriate redevelopment and enhancement. Integrated pedestrian and cycle access is important to create linkages with the town centre in addition to vehicle access and parking provision. The opportunity to create a public amenity areas on an adjacent area of open space will reinforce the importance for accessibility.</p> <p><b>OP2 Former Convent Building</b> The building represents a significant land-mark in the town and its future re-use should reflect this. The convent is a protected structure, situated within an Architectural Conservation Area (ACA) reinforcing the importance of retaining its character and setting. Development on the adjacent site (SR1 &amp; OS1) must be sympathetic in its design and layout to allow for the integrity and setting of the convent to be retained.</p> <p><b>OP3 Former Mace Shop (Junction of Moore St. Stewarts St.)</b> The building lies within an Architectural Conservation Area (ACA) requiring any redevelopment to be complimentary to the built heritage and character.</p> <p><b>OP4 Former Distillery &amp; Quay</b> The building is a protected structure and lies within an Architectural Conservation Area (ACA) requiring proposals to comply with the requirements of these designations. The building lies on the marina quay within heritage landscape and coastal seascape and with a designated scenic route to the north of the site. Groundwater vulnerability is categorised as ‘high’, requiring any development proposal to implement SuDS to ensure groundwater quality is protected. Development proposals should be complimentary to the adjacent marina site and seek to create a connection/integrated accessway to it and the town centre.</p>

Municipal District - West Clare	Settlement - Kilrush
	<p><b>OP5 &amp; OP12 Former Harbour Restaurant at Creek Lodge and Existing Boatyard</b></p> <p>The site is adjacent to the marine and within heritage and seascape landscapes. The area is categorised as "high" vulnerability. Should any additional development of either opportunity site take place it must be integral to the marina or have a marine related use. Any re-development of OP5 should be sympathetic to the origins of the West Clare Railway line adjacent to Creek Lodge and seek to intergrate it's historical value. The entrance to OP12 where the boatyard is located requires a planned approach with respect to public realm and place making. Both OP5 and OP12 mark the entry point to Kilrush on approach from Cappa and as such should set the tone for the town and act as a <u>flagship entrance to it.</u></p>
	<p><b>OP6 Cappa Shop</b></p> <p>The visual enhancement of this local shop would assist in adding to a seaside village feeling at the entrance to Cappa Village and would highlight to visitors the shop facility. It is situated in a proposed Architectural Conservation Area which requires it to respect the built heritage and maritime village character of the village. It lies within a heritage landscape and seascape requiring sympathetic consideration in any future proposals.</p>
	<p><b>OP7 Cappa Corner</b></p> <p>The entrance to Cappa from Aylevaroo would benefit from an appropriate landmark development. The Council will encourage development which marks the entrance to the village in an appropriate form and design. The Mixed Use zoning offers a variety of options in relation to possible land uses. The Council will encourage appropriately scaled, village-style development at this location, which would enhance the seaside village character of the area and increase the range of services/amenities available to residents and visitors.</p>
	<p><b>OP8 Inis Cathaigh</b></p> <p>SEA recommended the re-development of existing sites and this one lies within an Architectural Conservation Area within the town centre. Any increase of vehicular traffic generated by a proposal must be considered in terms of the town traffic management.</p>
	<p><b>OP9 Former Creamery Site</b></p> <p>The re-use of this building is recommended by the SEA. Its proximity to the town centre allows for its integration with good pedestrian and cycle provision to minimise vehiicular traffic movements.</p>
	<p><b>OP10 O'Dea's Field, Back Road</b></p> <p>A greenfield site in such a central location within a town is rare. Development of derelict and brownfield sites are promoted by SEA as the preferred option opposed to greendfield sites. Its environmental value of the site should not be underestimated. Any development on the site should take account of its location within an Architectural Conservation Area and any proposal should reflect the existing built heritage and character. The sites's groundwater is categorised as being of "high" vulnerability and any development should implement SuDS to ensure its protection. Any proposal must ensure good pedistrian accessibility with the rest of the town centre and parking must be considered in relation to increased traffic generation caused by a proposal.</p>
	<p><b>OP11 Former Cinema, Frances Street</b></p> <p>The building is located within an Architectural Conservation Area so its redevelopment must be integrated with the existing built heritage and character. Any increas of vehicular traffic generated by a proposal must be considered in terms of the towns traffic management.</p>

**Municipal District - West Clare**

**Settlement - Lisdoonvarna**

Landuse (Ha)
Buffer Space = 1.07
Commercial = 1.63
Existing Residential = 20.13
Mixed Use = 7.88
Open space = 30.03
Recreation = 5.45
Residential = 3.81
Strategic Residential Reserve = 8.23
Tourism = 4.99
Utilities = 0.37



**Detailed Assessment of Landuse Zonings**

Impact			
+	-	+/-	0
P1-P3, T1 & T2			P1, P2, P3, B1, B2, B3, B4, B5, B6, S1, S2, S3, S4, S5, W1, W2,W3, W4, W5, W6, W7, C1, C2, C3, T1, T2, WA1, WS1, WS2,WW1, WW2, RE1, CH1, CH2, CH3, L1, L2

Municipal District - West Clare	Settlement - Lisdoonvarna
<b>Likely Significant Effects of Landuse Zoning and Strategic Reserve (Positive or negative taking into account the sensitivity or importance of the receiving environment)</b>	
Residential Development and Strategic Reserve	<p>R1 &amp; SR5 Lands to the rear of Dún Brendan and Glean Brendan with access off St. Brendan’s Road</p> <p>This site has the capacity to provide for low density to low-medium density residential development. Vehicular access to the site shall be via the existing road off St. Brendan’s Road. Future access to the community zoned lands north of R1 &amp; SR5 shall be provided. R1 &amp; SR5 are identified to provide for a mix of residential units for permanent occupation. This reflects positively on SEO <b>P1 - P3</b> together with <b>T1 &amp; T2</b> as it provides residential accomadation in conjunction with community facilities which will reduce car journeys, benefit health and provide facilities and amenities in the immediate environs. The Aille (Clare) River which flows through Lisdoonvarna is currently at "Poor" Status under the Water Framework Directive and therefore requires measures to ensure it achieves at least "Good" status.</p> <p>R2 - This site is owned by the local authority and exits adjacent to Rooska housing estate. It is intended that this site will only be partly developed residential over the life time of this plan. Other uses may be appropriate such as community facilities, crèches, recreation facilities, and will be permitted to serve the local community. The Aille River runs along the boundary of this site and the overall settlement.</p> <p>SR2- Land on the northern edge of the town, east of the N67</p> <p>This site is located in the north of the town. The topography of the site is undulating and elevated in nature, rising from the road. Residential development proposals will be required to provide high quality design of dwellings and layout paying particular attention to the levels and contours of the site.</p> <p>Development of SR2 is contingent upon access being provided from the existing agricultural entrance adjoining the N67 situated on the southern side of the 100kmp speed limit sign heading north for Ballyvaughan, as indicated by the ‘Indicative Access’ on the Lisdoonvarna land use zoning map.</p> <p>The road shall be upgraded to a standard that will facilitate vehicular access, footpaths and lighting. SR2 is identified to provide for a mix of residential units for permanent occupation.</p>
Commercial	<p>COM1. This site is located in the town centre and provides an opportunity to accommodate a mix of retail or other uses. Access to serve this site shall be off the existing access road. This site is located within the Architectural Conservation Area in the centre of the town. The aim is to retain the overall special historic or architectural character of an area or place as per Objective CDP 15.5 of this plan ( Vol.1) . This objective should be strictly adhered to in line with SEO CH1, CH2 &amp; CH3 to ensure any development within this zoning is in line with the overall protective objectives and mitigation measures of the CDP.</p>

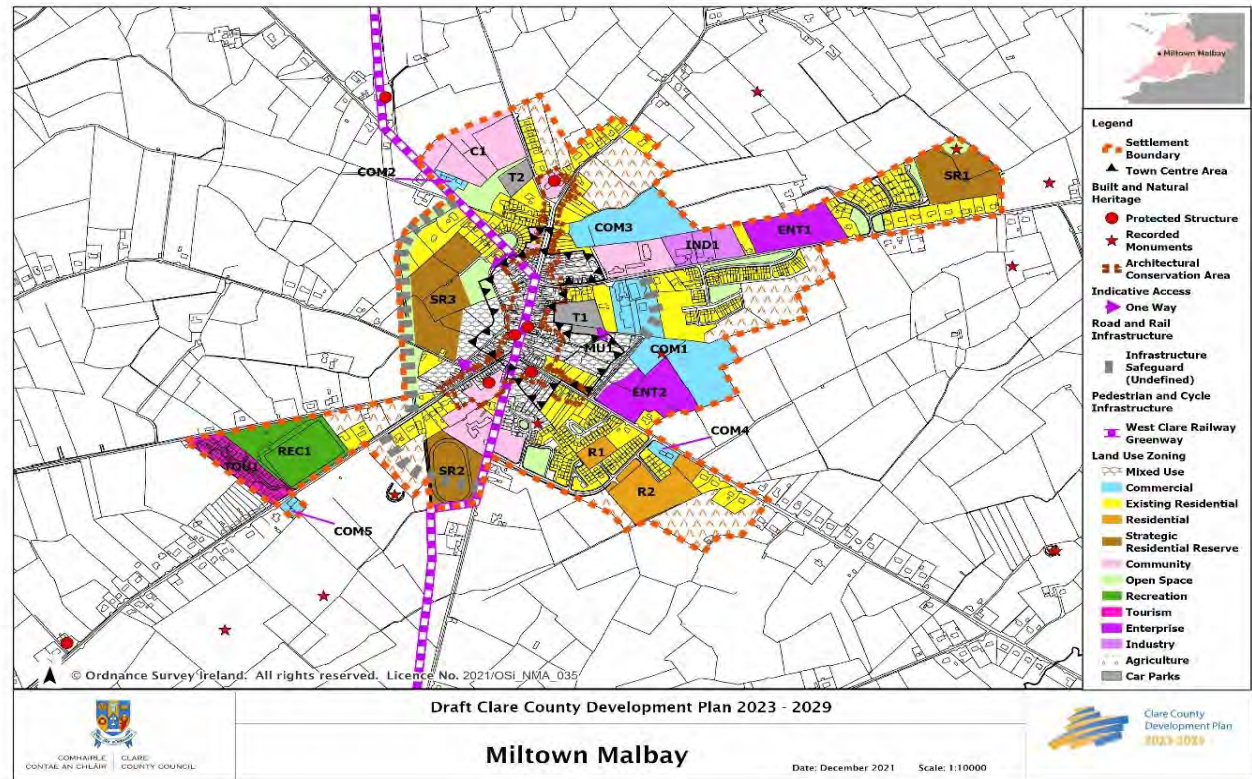
Municipal District - West Clare	Settlement - Lisdoonvarna
Mixed Use	MU1 - MU6 are largely contained within the Architectural Conservation Area in the centre of the town. The aim is to retain the overall special historic or architectural character of an area or place as per Objective CDP 15.5 of this plan ( Vol.1) . This objective should be strictly adhered to in line with SEO CH1, CH2 & CH3 to ensure any development within this zoning is in line with the overall protective objectives and mitigation measures of the CDP.
Open Space	The "Trees for Preservation" associated with OS1, OS2 & OS12 should be retained as a key component of the river riparian zone providing foraging and commuting routes for all bat species but in particular for Lesser Horseshore Bats. This feature forms a ket "stepping stone" and provides an ecological corridor as outlined in Article 10 of the Habitats Directive.
Agriculture	AG1 - AG7 has been zoned for agricultural purposes and should be retained as such. This reflects a positive impact in particular on SEO <b>P1, P2 &amp; P3</b> .
Community	C1 should be retained as part of the "Open Space" zoning OS13 in order to allow for ease of access around the sports grounds and continued use of this site as a recreational facility. This section of open space also provides a viewing area for the sports ground.
<b>Duration and determination on whether mitigation is required</b>	
All zonings	Any future residential development, commercial or employment generating development should be subject to the provision of a public sewerage scheme and the requirements of the EPA Codes of Practice for waste water treatment given the Aille (Clare) River is currently at "Poor" status in order to meet the requirements of the Water Framework Directive.
Strategic Reserve	<p><b>SR2</b> - Development at this location should be for permanent residential housing and it will be a requirement for a master plan to be prepared prior to the submission of any planning applications for an integrated approach to the overall development of this site. Full account should be taken of the landscape and visual amenity, i.e. coastal and seascape settings, and enhance/maintain coastal streetscapes through quality architectural design.</p> <p><b>SR3</b> In order to ensure the requirements of the Water Framework Directive are adhered to a 10m buffer should be applied to the small stream which crosses through this residential zoning in order to provide protection to the Aille River.</p> <p><b>SR4</b> - An appropriate riparian buffer of 15m or more should be maintained as a habitat corridor for aquatic and fluvial species e.g. Otter and also to maintain a buffer between proposed development and river corridors. This will also benefit the current "poor" water quality status in the Aille River.</p>

Municipal District - West Clare	Settlement - Lisdoonvarna
	The SEA recommends a buffer around the archaeological sites CL008-117 (Barrow-Mound Barrow). <b>This recommendation was taken on board.</b>
Architectural Conservation Area	The centre of Lisdoonvarna has been designated as an Architectural Conservation Area (ACA). ACAs are places, areas, groups of structures or a townscape which are of special interest or contribute to the appreciation of a protected structure. The aim is to retain the overall special historic or architectural character of an area or place as per Objective CDP 16.1 of this plan ( Vol.1) . This objective should be strictly adhered to in line with SEO CH1, CH2 & CH3
Open Space	The "Trees for Preservation" associated with OS1, OS2 & OS12 should be retained as a key component of the river riparian zone within the settlement.
Community	C1 should be retained as part of the "Open Space" zoning OS13.

**Municipal District - West Clare**

**Settlement - Miltown Malbay**

Landuse (Ha)	
Commercial	= 6.74
Community	= 6.10
Existing Residential	= 18.04
Industry	= 1.26
Mixed Use	= 9.37
Open Space	= 4.47
Recreation	= 2.89
Residential	= 2.48
Strategic Residential Reserve	= 7.02
Tourism	= 1.42



**Detailed Assessment of Landuse Zonings**

Impact			
<b>+</b>	<b>-</b>	<b>+/-</b>	<b>0</b>
S5, W3, W7, WS1, , L1, P1, P2, P3	B1, B2, B3, B4, B5, B6, W2, WW1, WW2, W2, C3, C2, L2	S1, CH1, CH2, CH3, WS1 & WS2	S2, S3, S4, W1, W4, W5, W6, C1, C2, C3, T1, T2, WA1, RE1



Municipal District - West Clare	Settlement - Miltown Malbay
<b>Likely Significant Effects of Landuse Zoning and Strategic Reserve (Positive or negative taking into account the sensitivity or importance of the receiving environment)</b>	
Residential	Miltown Malbay is served by water from the West Clare Regional Water Supply and Miltown Malbay Wastewater Treatment Plant. There is sufficient capacity in both to meet the needs of the target population. This reflects positively on SEOs <b>WW1 &amp; WW2</b> .
Residential and Strategic Reserve	R1 - R2. In order to ensure that Miltown Malbay's role as a small town is maintained and strengthened sufficient land is zoned for residential development at various locations. This zoning should incorporate areas of zoned open space in particular at R1 and SR4 which is a significant area of residential zoning located directly behind the main mixed use town centre. An area of open space zoning at this location would provide amenity areas and green space for those residents located in this area.
Enterprise	ENT1 represents an area adjacent to the centre of town and its mixed use zoning. This is in line with the SEOs in that it supports the working environment ( <b>P1</b> ) and could potentially provide employment opportunities locally within the village settlement.
Mixed Use	MU1 - MU10 are largely contained within the Architectural Conservation Area in the centre of the town of Miltown Malbay. The aim is to retain the overall special historic or architectural character of an area or place as CDP 15.5 of this plan ( Vol1) . This objective should be strictly adhered to in line with SEO CH1, CH2 & CH3 to ensure any development within this zoning is in line with the overall protective objectives and mitigation measures of the CDP.

Municipal District - West Clare	Settlement - Miltown Malbay
	<p>MU1 - This site bounds the town centre to the south east. Vehicular access to the site shall be from the R474 Ennis road, with provision for a connection to the north from the Ballard Road.</p> <p>As part of any future application on this site, the developer will be required to provide vehicular access to the site identified as T1 which is an objective to serve as a car park for the town centre if necessary.</p> <p>A mix of retail, commercial, office and residential are encouraged on the site identified as 'mixed use'.</p> <p>The development of this site is contingent upon the provision of pedestrian access to the site from the town centre, which shall be provided through an upgrade of the existing laneway running from the Main Street to the northern corner of the site which is bounded to the north west by T1. Any application for development must provide a pedestrian link from the subject site to the town centre by way of the existing laneway connecting the site with the town centre. The existing laneway shall be upgraded to the satisfaction of the planning authority, as part of any application on the lands. Provision of access serving the lands to the east of the site and the site identified as T1 shall also be provided for, as identified by the indicative future access arrows.</p> <p>Any future development proposals on these lands shall be accessed via the inner relief road that is identified as an 'infrastructure safeguard'. The provision of car parking, pedestrian access and links to the town centre reflect positively on the SEOs for the town. They represent a sustainable development in the town centre which will facilitate the local residents and benefit their overall well being.</p>
Utilities	<p>This site is located to the rear of the Main Street and provides the potential to be developed as a carpark to serve the town centre if necessary. Access to the site can be gained from the proposed relief road via the site adjacent to the south identified as 'mixed use' on the accompanying settlement plan.</p>
Open Space	<p>There is a distinct lack of open space in the settlement as a whole which reflects negatively on SEO <b>P1 and P3</b>. Additional open space land should be zoned within the settlement to improve people's quality of life and to provide green spaces for amenity and recreational uses.</p>
<b>Determination on whether mitigation is required</b>	
Residential and Strategic Reserve	<p>R1 - R3 &amp; SR1 - SR4. In order to ensure that Miltown Malbay's role as a small town is maintained and strengthened sufficient land is zoned for residential development at various locations together with the identification of Strategic Reserves. This zoning should incorporate areas of zoned open space in particular at R1 which is a significant area of residential zoning located directly behind the main mixed use town centre. An area of open space zoning at this location would provide amenity areas and green space for those residents located in this area.</p> <p>The provision of Sustainable urban Drainage Systems (SuDS) is also recommended for all proposals on lands zoned for residential development.</p>

Municipal District - West Clare	Settlement - Miltown Malbay
Architectural Conservation Area	The centre of the town of Miltown Malbay has been designated as an Architectural Conservation Area (ACA). ACAs are places, areas, groups of structures or a townscape which are of special interest or contribute to the appreciation of a protected structure. The aim is to retain the overall special historic or architectural character of an area or place as per Objective CDP 16.5 of this plan ( Vol1) . This objective should be strictly adhered to in line with SEO CH1, CH2 & CH3
Undefined Infrastructural Safeguard	The mitigation measures identified in the AA should be strictly adhered for in the planning, design and site selection for this currently undefined infrastructural safeguard.
Open Space	Additional open space land should be zoned within the settlement to improve people's quality of life and to provide green spaces for amenity and recreational uses.
All Zonings	All relevant mitigation measures and recommendations outlined in the AA for each of the zonings in Miltown Malbay should be strictly adhered to.
Community	<b>C1</b> There is a record of Japanese Knotweed located directly south-west of this zoning parcel. Any future development must not lead to the further spread of invasive species (Japanese Knotweed) into site. All development at this location will need to ensure it is inline with County Development Plan Objective 15.29 Alien and Invasive Species together with the Invasive Alien Species Regulations 2014.



## Appendix 4 -Justification Test

Justification test for sites within Flood Zone A and / or B	
	<b>R12Tulla Rd, Roslevan</b>
<i>The urban settlement is targeted for growth</i>	Ennis is a designated Key town (NPF). The site is partly in Flood Zone B, the remainder of the site is in Flood Zone C and filled.
<i>The zoning or designation of the lands for the particular use or development type is required to achieve the proper planning and sustainable development of the urban settlement</i>	It is proposed to zone the site residential which will contribute to sequential and compact growth through the development of a vacant underutilised site. It would complete the development at the adjacent estate and provide for the necessary infrastructure to allow the existing properties at the estate to be brought into the public network in terms of wastewater, currently served by on-site systems, protecting both the surface and ground water in this area and ultimately where it discharges downstream to the Gaurus River and onwards to the Lower River Shannon cSAC.
<i>Is essential to facilitate regeneration and / or expansion of the centre of the urban settlement.</i>	Site forms part of a residential estate. Development of the site is essential to facilitate regeneration through development of a vacant site which contributes to sequential and compact growth.
<i>Comprises significant previously developed and/ or under utilised lands</i>	The site has been previously filled and raised and is an identified underutilised site that is subject to the Vacant Site Levy.
<i>Is within or adjoining the core of an established or designated urban settlement</i>	The site is not within or adjoining the core of the settlement however, it provides an integral sequential site in terms of growth in a neighbourhood directly adjacent to the town centre where there is demand for housing given its proximity to the town centre and located directly adjacent to existing facilities.
<i>Will be essential in achieving compact and sustainable urban growth</i>	The site forms part of a residential estate. Its completion would achieve compact and sequential sustainable urban growth. Active travel routes are already in place along the Tulla Road which provide direct connectivity between the town centre and this site providing sustainable mobility options and facilitate active travel.
<i>There are no suitable alternative lands for the particular use or development type, in areas at lower risk of flooding within or adjoining the core of the urban settlement.</i>	While there are some suitable alternative lands which are not subject to flooding where residential development could be accommodated, this site represents the most appropriate lands for residential development that contributes to compact and sequential development. It also provides for regeneration in the utilisation of a site which has already been filled and raised and left vacant and unsightly for a considerable number of years on one of the main approach roads to Ennis Town Centre.



Justification test  
for sites within  
Flood Zone A  
and / or B

**R12Tulla Rd, Roslevan**

*A flood risk assessment to an appropriate level of detail has been carried out*



Land raising within the site has potentially reduced the extent of flooding compared to CFRAM mapping. Should a more detailed hydraulic modelling assessment be undertaken then the extent of Flood Zone A/B shown at the northern end of the site would potentially reduce.

A significant proportion of the site is located within Flood Zone C, with encroachment of Flood Zone A/B in the northern section of the site. Provided that a fully detailed Stage 3 FRA is provided at Development Management stage then the site may be developed, but on the condition that Flood Zone A and B are kept free from vulnerable development and roads access is kept in Flood Zone C. Further guidance provided in Section 7 of the SFRA should be followed.

**Result** Flood Zones are potentially different to CFRAM model and would require further detailed assessment at Development Management stage.

**Recommendation for zoning** Flood Zone C suitable for Residential development.









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