



Submission Ref: S4-016

Submission to Forward Planning

Date: 11th May 2023

Re: DRAFT DIRECTION IN THE MATTER OF SECTION 31 OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended) relating to the Clare County Development Plan 2023-2029

A Chara

On behalf of the Elected Members of Clare County Council, I refer to the Draft Ministerial Direction issued by the Minister of State at the Department of Housing, Local Government and Heritage dated 18th April 2023 in the matter of Section 31 of the Planning and Development Act 2000 (as amended).

Broadford and Cooraclare

The Department of Housing, Local Government and Heritage conducted a baseline survey in early 2021, assisted by local authorities, to establish the numbers, size, national distribution and other environmental impacts of settlements that do not have access to public wastewater infrastructure provided by Uisce Eireann. This was guided by the county settlement hierarchy in the Development Plans in place at the time, to identify the settlements that had no wastewater infrastructure. Until the 2021 survey was conducted, the exact scale of settlements that do not have public wastewater infrastructure had not been quantified at a national level. The survey also indicated that a significant number of settlements have evidence of potential issues concerning risks to human health and environment, that are associated with Domestic Wastewater Treatment Systems. As such the settlements which experience these risks will be the main focus of the new funding measure. Broadford and Cooraclare were identified as two of those settlements affected.

Each Local Authority was invited to make 2 funding applications, Broadford and Cooraclare were submitted by Clare County Council as applications under the Multi-Annual Rural Water Programme 2022-2025 Measure A8 - Waste Water Collection and Treatment Needs for Villages and Settlements without access to Public Wastewater Services. In anticipation of being approved for funding under this funding stream it is considered essential to zone lands to accommodate future growth and deliver on the investment associated with providing this infrastructure.

Both villages have risks to human health and the environment due to water contamination of water courses that flow through the villages and are listed as Priority Areas for Action under the third cycle Water Framework Directive.

Broadford

Broadford has the very real potential and ambition to serve as a sustainable commuter community with the provision of the necessary wastewater infrastructure, being located 17km north of Limerick City on the crossroads of the Limerick – Scarriff Road (R466), the R465 from O'Briensbridge to Tulla and within 10km of the strategic location of the Limerick-Shannon Metropolitan Area set out in the National Planning Framework (NPF).

The ability of the village to become a commuter settlement and bring life and jobs into the village centre will promote environmentally sustainable, compact growth, being located in commutable distance to Ennis (19km), Shannon (10km), the Limerick-Shannon Metropolitan Area and the University of Limerick (23km).

However, effluent from old dysfunctional septic tanks within the village core, as well as inadequate and troublesome housing scheme wastewater treatment plants, are discharging to the Broadford River which ultimately feeds into the Castle Lake drinking water abstraction source serving a population of over 25,000 and associated SACs of the Ratty River Cave and the Lower River Shannon. Broadford is a Priority Area for Action in the draft 3rd Cycle of the River Basin Management plan.

Broadford was submitted as a Priority project in the Application made by Clare County Council under this funding stream in order to facilitate the necessary growth and development of Broadford village through the delivery of much needed housing in the village, as well as to address the serious concerns regarding degradation of water quality in the Broadford River and associated risks to public health and impact on European sites.

Cooraclare

Cooraclare, located in West Clare, north of Kilrush, has significant issues in terms of environmental concerns and impacts on the Doonbeg River which flows through the village. Cooraclare is a Priority Area as defined in the Measure 8 Framework and the Doonbeg River is an Area for Restoration in the draft third cycle RBMP 2022-2027, and the stretch of the river behind Cooraclare Main Street is 'at risk' of not achieving Water Framework Directive (WFD) objectives by 2027. The Doonbeg River supports a population of Freshwater Pearl Mussels which are listed on Annex II and Annex V of the Habitats directive. A survey of the species found sewage fungus and septic tank seepage in the river. Organic matter contributes significantly to the degradation of Freshwater Pearl Mussel habitat. There is a Special Area of Conservation and a Special Protection Area downstream of Cooraclare. The Doonbeg River, around which the village is built, flows to the Carrowmore Dunes SAC and the Mid-Clare Coast SPA. A wastewater treatment scheme is urgently needed in Cooraclare to address the very serious risks and impacts that the lack of adequate wastewater infrastructure has on water quality and the Annex habitats it supports and also on the conservation objectives of the European sites downstream of the village.

Cooraclare was also submitted as a Priority project in the Application made by Clare County Council under this funding stream. Cooraclare has capacity for growth but appropriate wastewater infrastructure is required to fully unlock this capacity. The very significant risks in terms of environmental concerns and impacts on the Doonbeg River, due to the lack of the necessary infrastructure, impact on public health and the Freshwater Pearl Mussel habitats, impact on the Carrowmore Dunes SAC and the Mid-Clare Coast SPA.

National, Regional and Local Planning Policy Objectives

There is comprehensive national, regional and local policy support for both financial investment in, and delivery of, rural wastewater infrastructure and in this regard it is requested that the Low Density Residential zoning objectives be maintained for both Broadford and Cooraclare.

- National Planning Framework in National Strategic Outcome 9
Development of a new rural settlement investment approach, coordinating Irish Water, local authority, developer and community led solutions to ensuring that sustainable water services solutions are progressively implemented.
- Regional Spatial and Economic Strategy for the Southern Region

RPO 213 Rural Wastewater Treatment Programmes

It is an objective to support investment in the sustainable development of rural wastewater treatment programmes and support the initiatives of Irish Water, local authorities, communities and developers in small rural settlements to identify sustainable solutions subject to available funding for such services including the Rural Regeneration and Development Fund of the NDP. Investment in Rural Wastewater and Treatment Programmes will be subject to settlement hierarchies and core strategies set out in development plans.

In line with the above mentioned national and regional policy, the Department of Housing, Local Government and Heritage announced a new funding measure under the Multi-annual Rural Water Programme 2022-2025 for the Wastewater Collection and Treatment needs of Villages/Settlements that do not have access to these Public Wastewater Services. An allocation of €50 million has been committed under the National Development Plan (NDP) for the period 2021 to 2025 for the new funding measure. Funding from the Department under the new measure will be co-financed with a contribution from local authority resources towards the overall funding needs of the projects and provision has been made by CCC for co-financing.

The first phase of funding under this new measure will focus on areas of most need. Villages and similar settlements identified as priority locations based on housing and environmental needs *or* on an exceptional basis, villages and similar settlements where in the opinion of the local authority, a requirement has been identified.

The new funding measure is aligned with the principles and objectives of all relevant national policies, policy statements, programmes, plans and frameworks. The principal strategic objectives and policy drivers of the new funding measure are set out by the Department of Housing Heritage and Local Government as follows:

- **providing opportunities for rural housing:** Access to good quality public and other services is essential to encourage people to continue to live in rural towns and villages and to support the sustainability of rural communities.
- **Risk to public health:** the provision of adequate wastewater treatment is a public health measure. The discharge of inadequately treated wastewater may infect people by direct contact or may contaminate groundwater and surface water with pathogens. These waters may be the source of drinking water for private wells, private drinking water supplies or for public drinking water supplies.
- **Preventing water pollution:** Adequate wastewater treatment is necessary to prevent water pollution.

In addition the applications put forward to put forward for Measure A8 are required to facilitate the elimination of discharges of waste from individual systems, should allow the receiving waters to meet the relevant quality objectives and protect sensitive areas such as bathing waters and other protected areas. Where this protection cannot be safeguarded, then investment in appropriate collection and treatment infrastructure will be necessary.

The prospects of the strategic objectives being achieved are optimised if there is adequate consideration given to the projects at the application for funding stage. The new funding measure is an initiative to provide for wastewater investment needs of villages/settlements not currently provided for under Uisce Eireann's ST&VGP.

In line with the requirements of the Measure A8, the selection by local authorities of its projects must include opportunities for the community to participate as early as possible in the inception stage of the process to gain support for the projects. Local collaboration is already advanced in Broadford and

Cooraclare and there is an expectation that the development plan making process will support their efforts in line with the Measure A8 fund.

- Clare County Development Plan 2023-2029

Volume 1 Written Statement

CDP 11.34 Rural Wastewater Treatment Programmes

It is an objective of Clare County Council:

- a) To support investment in the sustainable development of rural waste water treatment programmes and the initiatives of Uisce Éireann, communities and developers in small rural settlements to identify sustainable solutions subject to available funding for such services including the Rural Regeneration and Development Fund of the NDP and the Multi-Annual Rural Water Programme 2022-2025 Measure 8 – Waste Water Collection and Treatment Needs for Villages and Settlements without access to Public Waste Water Services.*
- b) To support the provision of centralised wastewater treatment plants at Broadford, Carrigaholt, Cooraclare, Doolin and Labasheeda within the lifetime of this plan;*
- c) To support the servicing of rural villages (serviced sites), in settlements with adequate public wastewater treatment capacity available, to provide an alternative to one-off housing in the countryside.*

CDP 4.8 (c) Small Villages

It is an objective of Clare County Council:

- c) To work with the relevant bodies and to seek investment for the timely and sustainable delivery of holistic infrastructure, to enhance the levels of amenity and design quality and to regenerate and rejuvenate the Small Villages throughout the county.*

Volume 3c Killaloe Municipal District Settlement Statements

It is an objective in the **Broadford Settlement Statement**:

- *To support the provision of wastewater treatment infrastructure to allow for future growth.*

Volume 3d West Clare Municipal District Settlement Statements

The **Cooraclare Settlement Statement** states: *The Council supports the provision of a new public wastewater treatment plant to serve the village and a funding application has been made under the Multi-Annual Rural Water Programme 2022- 2025; Measure A8 - Waste Water Collection Treatment Needs for Villages and Settlements without access to Public Wastewater Services.*

Core Strategy

Both Broadford and Cooraclare are designated small villages on the settlement hierarchy, a position reflecting the limitations on development resulting from inadequate public investment. Development that will be realised upon the provision of wastewater infrastructure will be of a relatively low scale relative to that provided for within the County as a whole and insignificant in the context of the overall core strategy. Given the current demands for housing it is important to provide a range of housing options in line with national and regional policy, and with County Clare having the 6th highest figures in the Country for accommodating those fleeing the Ukrainian conflict, this further emphasises the

need to broaden opportunity and choice in delivering what is required to meet the ever-increasing housing demand.

Zoning of Land and the provision of services

Up until the current Clare County Development Plan 2023-2029, the approach taken by the Planning Authority of Clare County Council has been to zone land in all of its settlements for residential development, in a manner which promotes compact and sequential growth and at an appropriate scale to the existing settlement area. It was, and is, considered that this is an approach that is essential to provide for the potential growth of settlements which will create a critical mass that supports existing, and potential expansion of, local services and be key to securing investment in wastewater infrastructure.

The Tiered Approach to zoning of residential lands as set out in Appendix 3 of the National Planning Framework has resulted in 50 settlements having their residential zoned land removed in the current development plan. The requirement for service provision as set out militates against attracting potential development interest within the unserved settlements, which is contrary to sustainable rural development and fuels the demand for individual single rural houses in the countryside. It is intended that the zoning of lands in Broadford and Cooraclare will act as an alternative to one off rural housing which currently is the only development option available in the hinterland of these settlements.

To further reinforce the need for zoning land within smaller unserved villages in order to have any hope of attracting investment in key service infrastructure, Uisce Eireann recently indicated at a presentation to the Elected Members that only settlements which have land zoned for development will be considered by Uisce Eireann for future capital investment in key wastewater infrastructure. This creates a significant disparity between national and regional policy support for the provision of rural wastewater infrastructure, how Uisce Eireann target capital investment for this infrastructure and the future sustainable growth of numerous rural villages. There is a fundamental issue whereby in the absence of residential zoned land, investment in rural wastewater infrastructure will not be forthcoming from the statutory provider, Uisce Eireann.

Wastewater Infrastructure Delivery

The new funding measure is aimed at the progressive expansion of the public wastewater collection and treatment infrastructure for settlements that are not currently served by Uisce Eireann. The improved wastewater infrastructure will enable the local authority, as part of its multi-functional role, working in collaborative partnership with the community, to lead with other improvements to services and community facilities in the settlements concerned. The public wastewater services made available through the new funding measure contributes to the potential of the settlements to be better places to live, work and visit.

The new funding measure is aligned with the principles and objectives of all relevant national policies, policy statements, programmes, plans and frameworks.

Clare County Council is committed to the co-funding of the wastewater infrastructure and working closely with the communities of Broadford and Cooraclare to gain a commitment from property owners within the villages to connect to the wastewater scheme upon its delivery. Upon completion Uisce Eireann will operate and maintain the schemes and manage future connections.

A detailed costing of each scheme has been provided as part of the funding application, sites for the provision of the services are within the Local Authority ownership and Part 8 planning consents are in place. Co-funding is also in place.

This infrastructure will facilitate the necessary growth and development of Broadford and Cooraclare. It will enable the communities of both villages and Clare County Council to provide vital housing in the village, whilst removing the risk of effluent contributing to a degradation of water quality and to achieve the ambitions of rural development and economic revitalisation.

In conclusion, and by reference to the reasons as set out in the draft Direction from the Minister as they relate to the elements of the direction relating the zoning of lands in Broadford and Cooraclare, the elected members of Clare County Council strongly disagree that the Clare County Development Plan 2023-2029 is inconsistent with national policy NPO 72a-c as follows:

National Policy Objective 72a Planning authorities will be required to apply a standardised, tiered approach to differentiate between i) zoned land that is serviced and ii) zoned land that is serviceable within the life of the plan.

Should the funding application be successful the delivery of the wastewater infrastructure will be realised within the lifetime of the Clare County Development Plan 2023-2029.

National Policy Objective 72b When considering zoning lands for development purposes that require investment in service infrastructure, planning authorities will make a reasonable estimate of the full cost of delivery of the specified services and prepare a report, detailing the estimated cost at draft and final plan stages.

The costing estimates associated with both schemes is included in the applications under the Measure A8 of the Multi-Annual Rural Water Programme 2022-2025.

National Policy Objective 72c When considering zoning land for development purposes that cannot be serviced within the life of the relevant plan, such lands should not be zoned for development.

It is the intention that both schemes will be delivered within the lifetime of the Clare County Development Plan 2023-2029.

National Policy Objective 18a To support the proportionate growth of and appropriately designed development in rural towns that will contribute to their regeneration and renewal, including interventions in the public realm, the provision of amenities, the acquisition of sites and the provision of services.

The delivery of wastewater infrastructure will facilitate the delivery of residential development to provide much needed housing in the village. It is not the intention to encourage a proliferation of development which would detract from the village character or be disproportionate in scale. As with any sized rural settlement which has the benefit of key service infrastructure, the strategy is to provide for well-designed residential development which is incremental and balanced in nature, scale and character.

I trust the above supports our reasons for retaining the Low-Density zoning objectives for Broadford and Cooraclare as set out in the Clare County Development 2023-2029 as made by the members on 09th March 2023. Should you have any queries, please do not hesitate to contact me.

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Tony O'Brien
Cathaoirleach, Clare County Council