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An Taisce
The National Trust for Ireland

Planning Department
Clare County Council
New Road
Ennis
Co. Clare

Submitted via email to: devplan@clarecoco.ie

24th March 2022

RE: Draft Clare County Development Plan 2023-2029

A Chara,

An Taisce welcomes the opportunity to comment on the Draft Clare County Development Plan 2023-2029. We wish to make the following submission, which we request the Council take into consideration in the finalisation and adoption of the Plan.

We would also request that the Council make An Taisce known of any further consultation periods regarding the making of the new Development Plan.

Yours sincerely,

Phoebe Duvall
Planning and Environmental Policy Officer
An Taisce – The National Trust for Ireland

An Taisce Submission on the Draft Clare County Development Plan 2023-2029

1. Overarching Comments

The new Clare County Development Plan (hereafter referred to as the CDP or Draft Plan) should represent a catalyst for positive change and facilitate the development of the county in a plan-led, sustainable manner. The CDP should strive to establish a coherent framework for the coordinated sustainable economic, social, cultural and environmental development of the county in line with the UN Sustainable Development Goals.

An Taisce's key objectives in making this submission on the Draft Plan include:

- Ensuring that the climate and biodiversity loss emergencies are addressed at all levels of planning and development;
- Ensuring that European, national, regional and local policy and guidelines are implemented;
- Reducing Ireland's fossil fuel use and greenhouse gas emissions in accordance with EU law;
- Protecting town centres, and avoiding un-serviced development and sprawl;
- Promoting compact development served by public transport;
- Promoting rapid and extensive shifts toward walking and cycling and away from private car use;
- Ensuring the implementation of EU environmental law and protecting habitats and biodiversity, particularly Natura 2000 sites;
- Protecting our water bodies and water quality, including through the prevention of inappropriate development;
- Conserving the quality of the Irish landscape, archaeological monuments and built heritage, particularly protected structures;
- Promoting efficient investment in public infrastructure and services; and,
- Promoting local self-reliance, public health and quality of life.

We are pleased that many of these goals already form key parts of the Draft CDP.

2. Addressing the Climate and Biodiversity Emergencies

2.1 Climate Change

Given that the global climate and biodiversity loss emergencies are the defining challenges of our time, An Taisce strongly supports the significantly increased emphasis on climate mitigation and adaptation the Draft Plan, particularly in Chapter 2.

All climate mitigation provisions in the new CDP must be assessed against Ireland's fair share emissions reduction commitments in line with the Paris Agreement and the need to limit warming to 1.5C over pre-industrial levels. Similarly, the new Plan should ensure that development decisions are also assessed against these commitments. We also recommend that commitments be added to Chapter 10 (Sustainable Communities) to address the disproportionate impact of climate change on marginalised communities.

As climate change both impacts and is impacted by all areas of planning and development, we welcome the summary of objectives relating to climate action in Table 2.1 of Chapter 2 as well as the consideration in that chapter of the relationship between climate and many of the other key themes of the Plan. However, we consider that the Draft CDP could further improve its explicit integration of climate action throughout. We recommend that each chapter of the new Development Plan be *directly* assessed against the Plan's climate objectives and wider national and EU targets, particularly the obligations under the Climate Action and Low Carbon Development (Amendment) Act 2021. This is of particular importance because several plan objectives, notably those for the creation of a data centre outside Ennis and the expansion of gas infrastructure, are incompatible with the Draft Plan's broader climate action objectives.

The recent Draft Longford Development Plan provides a useful example of climate integration throughout the plan. Each chapter contains a climate context section with climate-specific objectives relating to the theme of the chapter. We recommend that a similar approach be added to the new Clare Plan.

2.1.1 Just Transition

The equitable and united transition as a society towards decarbonisation is essential, and ensuring a Just Transition should be a guiding principle in forward planning. Our move away from away from fossil fuels and emissions-intensive industries must be equitable and support the viability and vibrancy of life in Clare. It is therefore imperative that workers and other stakeholders impacted by these changes are provided with the appropriate resources, compensation, training, etc. A Just Transition model is needed to plan and deliver a package of complementary interventions to secure livelihoods while shifting rapidly to sustainable methods of energy and food production, transport, etc. We therefore recommend that the Just Transition principle be integrated into the final Plan.

2.1.2 Flood Risk and Climate

Both the policies and the zoning in the new CDP should take account of up-to-date climate projections with regard to increased coastal, fluvial and pluvial flood risk. New development proposals should be explicitly required to demonstrate consideration of this where relevant.

We also submit that Objective CDP2.6b be amended to read: "*To ensure that flood risk assessments include consideration of potential impacts of flooding arising from climate change including sea level rise and coastal erosion* ***as well increased pluvial and fluvial flooding from rainfall events.***"

2.2 Biodiversity Loss

While the Draft CDP has a strong focus on climate, An Taisce considers that it does not sufficiently address the concurrent biodiversity loss emergency. The 2018 "Living Planet Report" from the World Wildlife Fund[1] presented a very bleak picture of the state of global biodiversity. There has been an overall 60% decline in species population size in just over 40 years (1970-2014). This decline stands at 83% for freshwater species. We would also draw the Council's attention to a recent paper[2] published by an international cohort of researchers highlighting the scale of the challenge posed by biodiversity loss, the implications for human society and the lack of adequate responses from policymakers.

We submit that the new CDP should directly and thoroughly address the gravity of the biodiversity crisis in a manner commensurate to the way it in which addresses the climate crisis. While there are many robust objectives in the Draft Plan aimed at ecological protection, especially in Chapter 15, we do not consider that the Draft Plan, as a whole, sufficiently considers the context or addresses the scale of the current biodiversity loss emergency.

[1] Living Planet Report, World Wildlife Fund (2018): https://www.worldwildlife.org/pages/living-planet-report-2018

[2] Bradshaw et al (2021) Underestimating the Challenges of Avoiding a Ghastly Future, Frontiers in Conservation Science: https://www.frontiersin.org/articles/10.3389/fcosc.2020.615419/full ; Covered in the *Irish Times* here: https://www.irishtimes.com/news/environment/a-ghastly-future-leading-scientists-offer-bleak-prediction-for-civilisation-1.4456653

3. Sustainable Settlement

A significant proportion of settlement development in recent decades has been of a sprawling, uncoordinated nature where land has been developed in a 'leapfrog', low-density pattern. This type of land use has diminished the liveability of areas, created places that lack adequate public facilities, and generated car dependency for long commutes.

To achieve more compact and sustainable settlement patterns, combat rising transport emissions, and improve the quality of life, it is key that the new CDP addresses future population growth and continues to encourage a shift away from dispersed, car-orientated development to walkable, cycleable, transit-orientated and consolidated settlement forms. A crucial aspect of this will be the maintenance of and improvement in investment in public transport, walking and cycling, in both urban and rural areas, to offer communities viable alternatives to private cars.

The prioritisation of future development in Clare's towns towards efficient, compact, and serviced locations in accordance with the sequential approach and existing infrastructural capacity is critical. The CDP should be guided by the existing essential physical infrastructure (transport, water services, communications, etc.), social infrastructure (schools, community facilities, etc.), and services (stores, healthcare facilities, etc.), including realistic prospects for addressing capacity constraints. Where services are not available, there should be a reasonable expectation of their provision within the plan period. Land should not be zoned if there is no reliable prospect of providing key infrastructure and services within the plan period or within a reasonable time period thereafter, such as improved roads, footpaths, drainage and lighting to serve likely future development. The Council should engage with the providers of essential physical and social infrastructure and ensure that the town-specific policies are based on realistic assessments regarding the funding and timing of such infrastructure, recognising that some levels of strategic infrastructure may take a number of cycles to provide.

An Taisce therefore welcomes the numerous commitments throughout the Draft Plan to, for example:

- Promote compact development;
- Integrate land use and transport planning;
- Create walkable and cycleable places and support public transport provision;
- Prioritise brownfield, infill and underutilised land in future development;
- Encourage the renovation and reuse of vacant and/or derelict dwellings;
- Facilitate inclusive placemaking;
- Strengthen rural towns and settlement centres.

To most effectively deliver on these objectives, we consider that the policies directing new residential development to existing settlements and the criteria for limiting one-off housing to those with a demonstrated need should be as robust as possible as well as fully implemented and enforced.

As an additional measure to address compact settlement creation and the issues discussed above, An Taisce recommends that the Council make the seven location test standards for new housing outlined in the now replaced National Spatial Strategy 2002 (see chart below) a mandatory CDP requirement for new housing development. Unlike sustainability and quality of life indicators, these should be strictly enforced threshold standards without which no development should be permitted. This requires that zoning and decisions for new housing be conditional on integration with existing communities, affordability and mix of housing types, walking and cycling access to local services and schools, public transport access to employment locations, and availability of recreation facilities.

	Evaluation Considerations
The Asset Test	Are there existing community resources such as schools, etc. with spare capacity?
The Carrying Capacity Test	Is the environmental setting capable of absorbing development in terms of drainage, etc.?
The Transport Test	Is there potential for reinforcing usage of public transport, walking and cycling?
The Economic Development Test	Is there potential to ensure integration between the location of housing and employment?
The Character Test	Will the proposal reinforce a sense of place and character?
The Community Test	Will the proposal reinforce the integrity and vitality of the local community and services that can be provided?
The Integration Test	Will the proposal aid an integrated approach to catering for the housing needs of all sections of society?

Tests for housing locations from the National Spatial Strategy 2002

4. Economic Development

4.1 Shannon Airport

All objectives relating to the expansion of capacity at Shannon Airport should be assessed against local, national and EU emissions reduction obligations.

4.2 South Clare/University of Limerick Economic SDZ

The creation of the South Clare/University of Limerick Economic Strategic Development Zone has the potential to undermine the urban centre of Limerick, and we submit that this requires further evaluation in the new CDP. The potential impacts on the achievement of the Draft Plan's other proposals for town centre revitalisation in towns in the catchment of the proposed SDZ also require consideration.

4.3 Digital Hub Network and Remote Working

We welcome the objectives to support remote working as this has the potential to contribute significantly to the vitality and long-term viability of Clare's rural areas and small towns while also reducing the need for long commutes by private car.

4.4 Sustainable Design and Working Environments

All new commercial and business developments should be required to apply sustainable transport principles, not just *within* the site but *to* the site.

4.5 Data Centres

Ireland has been called the 'data centre capital of Europe' due to its favourable climate and openness to foreign direct investment. The proliferation of data infrastructure here has largely gone unchecked, and data centres now consume 11% of Ireland's total grid-generated electricity. The Irish Academy of Engineers has projected that this will increase to 31% by 2027, and adding between 1.5 and 3 million tonnes of CO_2 to Ireland's overall greenhouse gas emissions by 2028[3]. This trajectory is incompatible with achievement of Ireland's legally binding EU emissions and renewable energy targets and the realisation of its national climate targets per the recent Climate Action and Low Carbon Development (Amendment) Bill 2021.

[3] http://iae.ie/wp-content/uploads/2019/08/Data-Centres-July-2019.pdf

Furthermore, increasing overall energy demand in Ireland through the uninhibited development of data centres actively dilutes the end benefit of the renewable energy brought on stream in recent years. Crucially, this is also the case when data centres enter into corporate power purchase agreements (CPPAs) for renewable energy, as overall energy demand is still increasing and those renewables are going to power data centres rather than towards existing mitigation needs.

Any new data centre should not jeopardise Ireland's existing national climate and renewable energy targets. At a minimum, we recommend the inclusion of the following Objectives in the new CDP:

- Any new data centre development should only be considered if it is powered by one of the following:
    - A new, dedicated onsite supply of renewable energy;
    - A new offsite supply of renewable energy with a dedicated grid connection;
    - Or by matching its full annual energy consumption with a new commensurate or greater contribution to Ireland's renewable's supply developed prior to or in tandem with the data centre.
- Any new data centre proposal must fully comply with the requirements of the Environmental Impact Assessment Directive and assess the cumulative impacts of the energy demand and associated emissions in combination with the data centre sector as a whole.
- Any new data centre proposal must evaluate its energy demand in relation to rapidly increasing grid constraints.

We also submit that, in the absence of the above policies, Objective CDP6.27 for the development of a new data centre is contrary to the climate action objectives in Chapter 2 of the Draft Plan and is incompatible with the Climate Action and Low Carbon Development (Amendment) Act 2021. We recommend it be removed from the Plan.

5. Rural Development and Natural Resources

5.1 Agricultural Development

Current models of intensive agriculture in Ireland are resulting in an array of adverse impacts including to water quality, air and climate, and biodiversity. The EPA released the Water Quality in 2020 report[4] in July 2021, indicating that nearly half of our rivers (47%)

[4] EPA (2021) Water Quality in 2020: An Indicators Report. https://www.epa.ie/publications/monitoring--assessment/freshwater--marine/EPA_Water_Quality_2020_indicators-report.pdf

and a third of lakes are failing to meet their environmental quality standards for nutrients, with serious consequences for the health of Irish waters. Rather than meeting our obligations under the Water Framework Directive to halt and reverse water pollution, it is actually on the rise: more than one third of river sites (38%) have increasing levels of nitrate pollution.

Similarly, the 2019 data[5] (published in December 2020) highlighted that agricultural activities are the most significant source of pollution for Irish waters, with a direct impact on 53% of the 1,460 water bodies monitored. Critically the 2020 report outlined:

> *"Of significant concern is the finding that nitrate is increasing in nearly half of our river sites. Phosphate levels are also on the rise in a quarter of river sites. This is in sharp contrast to the picture prior to 2015 when only a small proportion of sites had increasing nitrate and phosphate concentrations (1.4% and 4.2%, respectively)."*

These results build on those from the more comprehensive EPA report in 2019[6], which presented the results of the second six-year assessment undertaken since the introduction of the Water Framework Directive (WFD) for 2013-2018[7], providing a full assessment of the state of Ireland's aquatic environment, including the ecological and chemical status of Ireland's surface waters and the quantitative and chemical status of its groundwater resource. That report highlighted that more than half our rivers, lakes and estuaries (47%; 49.5%; and 62% respectively) were in less than good status. The following excerpt is particularly critical:

> *"This recent net decline in water quality means meeting the targets set in Ireland's River Basin Management Plan 2018-2021* ***will be extremely challenging unless urgent steps are taken to address the causes of deterioration****. The increase in nutrient concentrations, which coincide with areas impacted by agricultural activities, are a particular concern, in the context of the ambition for further growth in the sector under the FoodWise 2025 strategy."* [An Taisce emphasis]

Ireland is also in ongoing breach of its 116kt per annum ammonia[8] limit under the National Emissions Ceiling Directive (2016/2284/EU),[9] 99% of which is caused by agriculture. This

[5] Environmental Protection Agency (2020) Water Quality in 2019: An Indicators Report. https://www.epa.ie/pubs/reports/water/waterqua/waterqualityin2019-anindicatorsreport.html
[6] Environmental Protection Agency (2019) Water Quality in Ireland 2013-2018. https://www.epa.ie/pubs/reports/water/waterqua/waterqualityinireland2013-2018.html
[7] Ibid.
[8] Ammonia is a toxic gas that is a major by-product of animal-based agriculture that combines with other pollutants to form $PM_{2.5}$, one of the most dangerous and deadly types of air pollution particles. This gas also poses a serious threat to biodiversity, with well-established links between ammonia and biodiversity loss. It can cause soil acidification and runoff of polluting nitrates into nearby waterbodies. It also impacts some of the

breach is currently subject to an EU legal infringement complaint. Ireland is legally obliged under the Directive to decrease its ammonia emissions to 107.5kt by 2030. While previous reporting indicated that Ireland's total ammonia emissions were already in breach of EU thresholds since 2016, this is now recognised as a serious undercount. Data released by the EPA in June 2021[10] highlights that the State has been non-compliant for seven out of the last nine years, driven by growth of the agriculture sector.

Agriculture is also a major emitter of greenhouse gases and is contributing significantly to Ireland's ongoing failures to reach its legally binding Paris Agreement targets; GHGs from agriculture account for one third of Ireland's total emissions.

It is submitted that stronger objectives are required to promote environmentally sustainable and economically viable agriculture while reflecting the scale of the changes needed in the sector to address the aforementioned issues. These issues should also be addressed in Chapter 2 on climate action and Chapter 15 on biodiversity. We submit that objectives should be included to ensure that the evaluation of agricultural proposals includes consideration of impacts from activities resulting from or facilitating the proposal (e.g. slurry spreading in relation to an application for slurry storage). Objective CDP11.39 on the disposal of agricultural waste requires rigorous implementation and enforcement. The new CDP should also require compliance with River Basin Management Plans as well as the use of catchment sensitive farming practices. Compliance with the Habitats, Birds, Water Framework and Nitrates Directives is also key.

5.1.1 Diversification

Agriculture will continue to form a key part of the rural economy in Clare. In the interest of making it maximally sustainable, we therefore welcome the inclusion of specific objectives promoting agricultural and rural enterprise diversification. We recommend these specifically promote the production of vegetables, grains, nuts, pulses, fruits, etc.

5.1.2 Integration of European Strategies

In May 2020, in furtherance of the European Green Deal, the EU Commission published in parallel "*A Farm to Fork Strategy*" and the "*EU Biodiversity Strategy for 2030 - Bringing*

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country's most pristine habitats such as bogs and heaths, killing the sensitive species, such as lichens and mosses, and damaging whole ecosystems.

[9] EPA, June 2020, Ireland's Air Pollutant Emissions: https://www.epa.ie/pubs/reports/air/airemissions/irelandsairpollutantemissions2018/EPA-Air-Pollutant-Emissions-website.pdf; https://www.epa.ie/news-releases/news-releases-2021/ireland-continues-to-be-in-non-compliance-with-the-eu-national-emissions-ceiling-directive.php

[10] EPA, June 2021, Ireland's Air Pollutant Emissions: https://www.epa.ie/publications/monitoring--assessment/climate-change/air-emissions/EPA-Irelands-Air-Pollutant-Emissions-report_2021Final.pdf

nature back into our lives". The Biodiversity Strategy includes 14 key targets, the majority of which are relevant to agriculture (see Section 10 below on biodiversity for the full list).

We submit that the policies, objectives and targets of these two strategies should be incorporated into the new CDP. We therefore recommend the inclusion of the following objective:

> "*Clare County Council will implement the objectives and targets at county level of the EU 'A Farm to Fork strategy', published in May 2020. The Council will also implement the targets of the 14-point EU Nature Restoration Plan in the 'EU Biodiversity Strategy for 2030 - Bringing nature back into our lives'. Agricultural development proposals must demonstrate compliance with the targets and policies of both strategies."*

5.2 Forestry

An Taisce welcomes Objective CDP8.10c on the development of native woodlands. We recommend that greater emphasis be placed on this over the planting of species such as sitka spruce, which create what are essentially ecological dead zones.

5.3 Bioenergy – Anaerobic Digestion

In principle, An Taisce supports the development of bioenergy through anaerobic digestion but *only* where the sustainability of this resource is justified. In order for bioenergy to be deemed renewable and to contribute to overall emissions reduction, the feedstock sources and the supply chain of these feedstocks must be assessed to be sustainable.

For example, while the burning of biogas generated from biomass, slurry, etc. might be deemed 'carbon neutral', the emissions that contribute to the growth, harvesting and transport of the feedstock must also be considered, and can negatively impact bioenergy's overall contribution to climate mitigation. The fertiliser used to accelerate the growth of energy crops and feed cattle, which eventually produce slurry, not only produce emissions but also contribute to water pollution. In the worst cases, the emissions mitigation potential of biogas may be negligible.

We would also highlight that anaerobic digesters suffer from significant fugitive emissions problems via methane leaks. The effect of the leakage of this potent greenhouse gas may

greatly reduce or cancel out the claimed climate benefits of using biogas in place of fossil fuels.[11] Digesters also do not remove ammonia from the digestate.

Anaerobic digestion predicated on increased grass/energy crop production should not be permitted in light of the increased levels of fertiliser input needed to grow the grass and the associated water quality and climate impacts. The use of existing waste streams for energy provision are often a more sustainable option as they do not promote an increase in production of energy crops, which can increase NO_2 soil emissions and water quality impacts through higher requirements of fertiliser.

However, with regard to the use of slurry, intensive cattle farming is also a major emitter of greenhouse gases and is contributing significantly to Ireland's ongoing failures to reach its legally binding Paris Agreement targets; GHGs from agriculture account for one third of Ireland's total emissions. Any use of slurry for bioenergy production should not be reliant upon or drive further bovine agriculture intensification.

To ensure the sustainability of biogas production, the sustainability of the biogas's end use must also be fully assessed. Permission for biogas facilities should only be granted where the biomethane will not be mixed with fossil gas, as this would exacerbate lock-in to fossil fuel use and contribute negatively to Ireland's potential to reach emissions reduction targets. Biogas cannot be considered to be sustainable if it relies on fossil gas for its end use.

Supplying biogas to off-grid industrial users would be a potentially sustainable option, provided it is used for electricity generation and is not mixed with fossil gas. Biogas can also be sustainably used to power buses and delivery vehicles in urban areas, which will have the parallel benefit of reducing air pollution.

The CDP should therefore ensure that any provision of bioenergy through anaerobic digestion is accomplished in a sustainable manner. We submit that the Objectives relating to bioenergy (e.g. CDP2.19, 8.3iii, 8.11, etc.) should be amended to specify that biogas

[11] Paolini, V., Petracchini, F., Segreto, M., Tomassetti, L., Naja, N., Cecinato, A., 2018. Environmental impact of biogas: A short review of current knowledge. Journal of Environmental Science and Health, Part A 53, 899–906. https://doi.org/10.1080/10934529.2018.1459076; Grubert, E., 2020. At scale, renewable natural gas systems could be climate intensive: The influence of methane feedstock and leakage rates. Environ. Res. Lett. https://doi.org/10.1088/1748-9326/ab9335; Liebetrau, J., Reinelt, T., Agostini, A., Linke, B., 2017. Methane emissions from biogas plants. IEA Bioenergy; Ebner, J.H., Labatut, R.A., Rankin, M.J., Pronto, J.L., Gooch, C.A., Williamson, A.A., Trabold, T.A., 2015. Lifecycle Greenhouse Gas Analysis of an Anaerobic Codigestion Facility Processing Dairy Manure and Industrial Food Waste. Environ. Sci. Technol. 49, 11199–11208. https://doi.org/10.1021/acs.est.5b01331; Baldé, H., VanderZaag, A.C., Burtt, S.D., Wagner-Riddle, C., Crolla, A., Desjardins, R.L., MacDonald, D.J., 2016. Methane emissions from digestate at an agricultural biogas plant. Bioresource Technology 216, 914–922. https://doi.org/10.1016/j.biortech.2016.06.031

development will only be supported where it can be demonstrated that the feedstock source is sustainable per the criteria above (critically, not requiring additional grass or energy crop production) and where the end product will not be mixed with fossil gas.

5.4 Renewable Energy

We welcome the Draft Plan's robust consideration of renewable energy development of various types and scales across Clare and well as the many policy objectives supporting and facilitating this. We also welcome the objectives recognising that the development of renewables must be done with regard to ecological constraints, Habitats Directive requirements, heritage considerations, landscape, local amenity, etc. Facilitating the development of renewables in a manner that also ensures adequate protection for biodiversity and local amenity requires strong implementation of these objectives. See also Section 5.3 above on biogas.

5.5 Extractive Industry

We submit that Objective CDP8.14 be amended to require strict enforcement against unauthorised development and enforcement of conditions applied to permitted quarry development. We also consider that Section 35 of the Planning and Development Act 2000 (as amended) regarding past failures to comply should be rigorously applied to proposals for continued or expanding quarrying operations.

6. Tourism

It is a particular objective of An Taisce that future tourism and recreational visitor promotion should be as car-free as possible. A new tourist model is required based on longer area-based stays accommodated in locations to a level commensurate with the capacity of the host environment rather than high volume car trips and drive-through tourism. This should include a strong focus on the enhanced promotion and development of safe greenway cycling routes, attractive walking and hiking routes, and other outdoor activities for all ages and abilities. It is noted that the 2020 Programme for Government sets out a range of policies on tourism including to: "*Develop Ireland as a **long stay** tourism destination to spread tourism more evenly across the country. This will help reduce emissions and maximise economic return*" (emphasis added).

The overarching consideration of any tourism project needs to:

A. Assess the suitability of its nature, scale and location impact; and

B. Ensure that there will be no direct, indirect or cumulative adverse impacts on the quality and character of the host location and wider area (for example, causing traffic congestion and damaging nature conservation sites).

Projects seeking to attract larger visitor numbers, and consequently causing traffic generation and physical impacts, should not be located in areas of ecological or landscape sensitivity and which do not have the carrying capacity for the impact and service demand generated. We therefore welcome CDP9.17 on balancing tourism growth with protecting the environment that draws tourists in the first place. We also welcome Objective CDP9.8f's consideration of climate impacts.

With regard to transport, we welcome Objective CDP9.3e) "*To support sustainable travel in the tourism sector by the promotion of public transport use and by undertaking enhancements to overall accessibility*". However, there is an overall need to better integrate sustainable transport integration with tourism. We recommend the inclusion of additional explicit objectives to:

- Increase the access to public transport, walking and cycling options from key tourist destinations and accommodation hubs;
- Increase car-free, long-stay trips; and
- Make driving routes like the Wild Atlantic Way and the Shannon Estuary Way less focused on private car use and more accessible for public transport, walking and cycling.

The integration of land use and transport planning in relation to tourism is also facilitated by locating new accommodation and tourist facilities in areas with existing services, infrastructure and transport links to amenities. We therefore welcome, for example, Objective CDP9.5c's commitment to new developments for camping, glamping, etc. having strong connectivity to existing tourism assets. We also recommend amending Objective CDP9.5a to read "*… at appropriate locations throughout the County,* ***particularly in areas with existing services and infrastructure***".

We welcome the objectives to continue promoting the development of recreational walking and cycling routes. We submit that CDP9.8d could be amended to specifically commit to avoiding conflicts with sensitive ecological sites and ensuring compliance with the Habitats and Birds Directives. Similar commitments to compliance with EU Directives are welcome in CDP9.4c and 9.13.

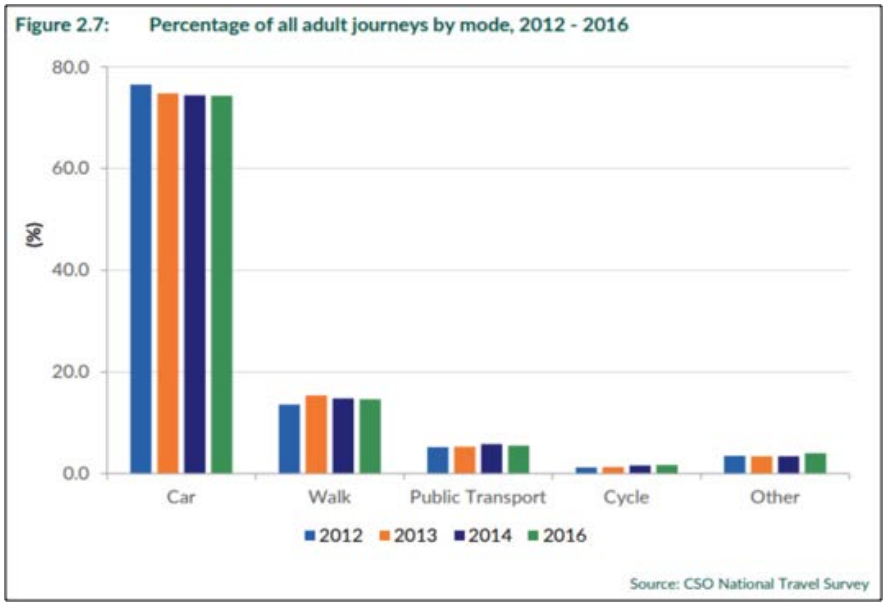
7. Physical Infrastructure, Environment and Energy

7.1 Sustainable Transport and Integration with Land Use Planning

To achieve compact and sustainable settlement, combat rising transport emissions, and improve the quality of life for people in Clare, it is imperative that the CDP comprehensively addresses future population growth and encourages a shift away from dispersed settlement towards more consolidated urban forms. A crucial aspect of this is that investment in public transport, walking and cycling is maintained and improved across the county in order to offer communities viable alternatives to private cars.

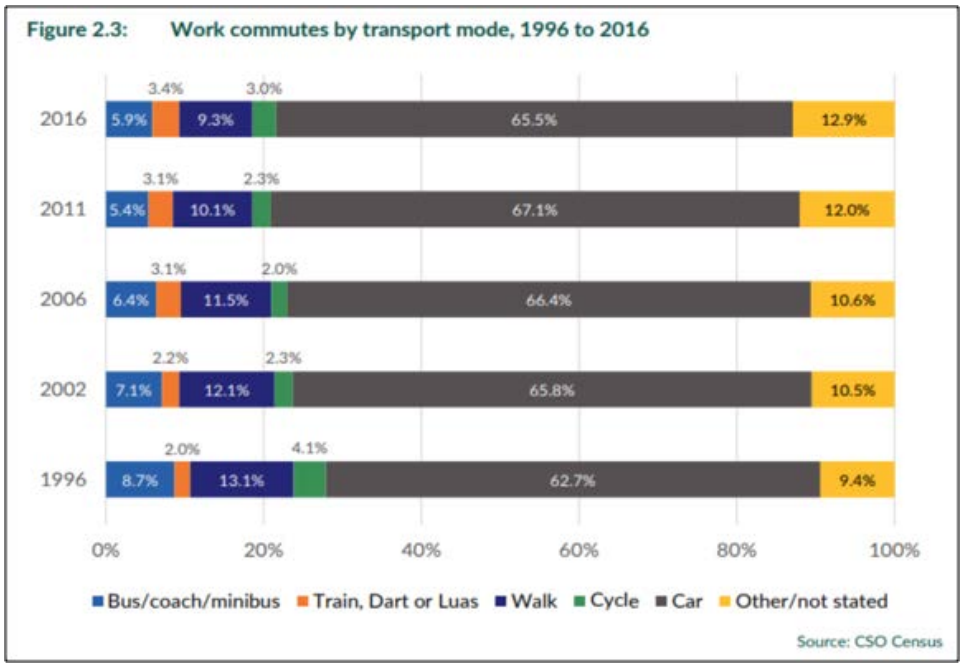
The data presented in a recent Government review of sustainable mobility policy make it unequivocally clear that Ireland has failed to achieve the modal shift in transport that was envisioned in the Smarter Travel policy (2009) and a suite of other transport-related policies. This also presents a significant climate mitigation challenge.

CSO data show that private car dependence is extremely high across Ireland - 74.3% of all journeys are made by car. 15% are made on foot while only 5.5% are by public transport and 2% by bicycle (see chart below). We note that the National Cycling Strategy, which ran in parallel to Smarter Travel, provided that 10% of all journeys would be made by bike by 2020. Notably, public transport use and accessibility in smaller towns and rural areas is also particularly poor.



Similarly, a cornerstone target of the Smarter Travel policy was that commuting journeys made by car should drop from 65% to 45% by 2020 while commuter journeys by walking,

cycling and public transport should increase to account for 55%. As the 2016 census data below shows, we have completely failed to achieve that. In fact, the share of car journeys to work has risen since 1996 and actually surpassed the Smarter Travel baseline of 65%. The percentage of commutes made by cycling, walking or taking the bus has decreased and is nowhere near the 55% share stipulated by Smarter Travel.



An Taisce therefore welcomes the many transport and mobility provisions which aim to support the objectives of compact development, integrate land use and transport planning, facilitate a modal shift away from car dependency, and support the provision of public transport as well as high quality pedestrian and cycling infrastructure. We note in particular: Objective CDP11.2 on achieving Smarter Travel targets, CDP8.6 on improving rural public transport, and CDP11.9 on the better integration of transport services.

Crucially, we submit that robust targeted and timelined plans are needed to ensure the efficient implementation of these policies. Following the Smarter Travel review currently being undertaken for Clare, we submit that specific modal shift targets for 2029 should be set. We recommend that this include settlement-specific targets and overall county level targets.

An additional specific measure that An Taisce recommends for inclusion is an explicit objective ensuring that sufficient public transport capacity as well as safe cycling and pedestrian infrastructure be provided *prior to or in tandem with* any new residential development. Increased sustainable transport infrastructure and capacity provision needs to

come before expanded residential development, particularly in larger towns and their catchment areas.

Significant amounts of existing road space also needs to be reallocated for high quality segregated cycle lanes and footpaths.

7.1.1 Programme for Government

The 2020 Programme for Government sets out as an overarching mission: *"A Better Quality of Life for All"* with *"A national clean air strategy," "Better work life balance"* and *"a fundamental change in the nature of transport in Ireland"* as key objectives. It sets out as immediate priority actions:

> *"Necessary improvements in climate impact, quality of life, air quality and physical and mental health demand that every effort is made by the Government to make active travel and public transport better and more accessible."*
>
> *"Each local authority will be immediately mandated to carry out an assessment of the road network, to see what space can be allocated for pedestrians and cyclists. This should be done immediately."*

In light of the Programme for Government mandate and the aforementioned transport data, we cannot overstate the urgency with which the Council needs to address the current unsustainability of transport in the county and the ongoing failures to achieve meaningful progress toward a modal shift away from private car use

7.1.2 Road Investment

We submit that transport policy and investment in Clare should be reprioritised away from road infrastructure, of course with the exception of necessary maintenance and small town bypasses, and instead redirected to support public and active transport projects and cycling infrastructure. This should align with the Government commitment to a 2:1 ratio of expenditure between new public transport infrastructure and new roads. We consider that any future investment in motorway or dual carriageway schemes, other than small-scale bypasses to relieve urban congestion points, would be a misdirection and misspending of limited public money.

7.2 Water Resources

The management of surface and ground water in accordance with the provisions of the EU Water Framework Directive (WFD) and Groundwater Directive will be one of the most crucial challenges in this new CDP. Ireland faces an immense challenge in achieving 'good' status in all water bodies by 2027 as required by the WFD (see also Section 5.1 above on current WFD issues). As such, it is submitted that the CDP should include a requirement for all development proposals to demonstrate full compliance with the WFD and Groundwater Directive.

7.2.1 Wastewater

Clare is facing ongoing problems with wastewater treatment and the resulting impacts to the environment and water quality. The EPA's latest Urban Waste Water Treatment report[12] confirms that Ennis South, Lahinch and Shannon breached the treatment standards of the EU Urban Waste Water Treatment Directive in 2020. Furthermore, five areas in Clare were still discharging untreated sewage as of mid-2021 (Ballyvaughan, Clarecastle, Kilkee, Kilrush and Liscannor). Resolving these issues and increasing treatment capacity should be a key priority in the new CDP.

While connection to public wastewater infrastructure is far preferable to further proliferation of private treatment systems, planning permission for developments that require additional public wastewater treatment capacity must be deemed premature until such capacity is in place. Furthermore, land should not be zoned if there is no plan in place to provide the necessary wastewater treatment capacity within the plan period.

7.2.2 Private Treatment Systems

The ongoing proliferation of private wastewater treatment systems will present significant challenges for the achievement of Ireland's legally binding water quality targets under the WFD. This is of particular relevance to Clare – as noted in section 11.4.3 of the Draft Plan, 44.97% of households in Clare have private treatment systems, 39.71% of these being septic tanks. We recommend that an objective be included specifically requiring that planning applications including a private wastewater treatment system be assessed for cumulative impacts with other such systems in the area to guard against water quality deterioration.

[12] EPA (2021) Urban Waste Water Treatment in 2020: https://www.epa.ie/publications/monitoring--assessment/waste-water/Urban-Waste-Water-Treatment-in-2020-report.pdf

We also recommend the insertion of an objective to promote changeover from septic tanks to public collection networks in all cases where this is feasible.

Furthermore, the CDP should ensure the adequate provision of serviced sites in close proximity to established water/wastewater infrastructure, where a connection to services can be readily facilitated, and where there is sufficient cumulative capacity within the wastewater treatment plant.

7.2.3 Impacts in Areas of Karst

Significant areas of Clare are characterised by their karst geology. The risk of groundwater pollution is very high in areas of karst, therefore we submit that the CDP should contain specific objectives to protect groundwater in these areas against the risk of pollution from private wastewater treatment systems, agricultural and industrial runoff, siltation and other contamination during construction activities, etc.

7.2.4 Unassigned Waterbodies

We would highlight the recent court ruling by Justice Hyland (2018 740 JR), which clarifies how waterbodies that have yet to be assigned a WFD water quality status by the EPA must be treated when assessing planning applications against WFD requirements, with implications for projects in proximity to unassigned waterbodies:

> "*The WFD, as interpreted by the CJEU, requires a Member State to ensure that the requirements of Article 4 are met before permission is granted. It cannot be so satisfied in respect of development affecting a water body whose status has (in breach of the WFD and the implementing regulations in Ireland) not been assigned by the EPA*." [para 130 2018 740 JR]

It is submitted that the new CDP should take account of this ruling and its implications for granting planning permissions.

7.3 Energy – Fossil Fuels and Gas

With regard to objectives CDP8.13, 11.44, and 11.46, An Taisce submits that there is no capacity under national, EU and international climate policy for further fossil fuel exploration/extraction or further development of the gas network. Fossil gas must be phased out of our energy mix as rapidly as possible if we are to reach our Paris-aligned targets to limit warming to 1.5C.

Natural gas is often touted as a 'clean' fossil fuel, however, this statement is profoundly misleading. While gas has lower emissions at the point of combustion than other fossil fuels, the methane emissions released throughout the supply chain (extraction, processing, transport, etc.) entail that gas ultimately has no benefit over fuels such as oil and coal. Crucially, this is the case for conventional gas in addition to fracked gas[13]. If we are to meet our emissions reduction obligations under the Paris Agreement and associated EU and national laws, gas use must rapidly decrease. It is not an appropriate 'bridge' or 'transition' fuel.

With regard to energy security, Ireland is already heavily reliant on natural gas. Increasing reliance on it will introduce further security of supply issues while also failing to realise the level of rapid decarbonisation and emissions reduction needed to meet Paris Agreement targets.[14] Further expansion of gas networks also risks that infrastructure becoming "stranded assets" as Ireland makes the required transition away from fossil fuels.

We therefore recommend that the relevant objectives to further expand the gas network be removed.

See also Section 5.3 this submission on biogas.

8. Shannon Estuary

All proposals and objectives for the Shannon Estuary should be subject to robust evaluation under the Habitats Directive. See also Section 9.1 below on marine renewables.

An Taisce supports the rapid transition of the Moneypoint power station away from fossil fuel use. We submit that the CDP should include a requirement for a just transition plan for Moneypoint to ensure that this is accomplished equitably (see also Section 2.1.1 of this submission).

9. Marine, Coastal and Island Management

We note that the overall approach taken in the Draft CDP generally frames the management of the marine and coastal areas in terms of economic growth and resources with the

[13] Howarth, R. W. (2015). Methane emissions and climatic warming risk from hydraulic fracturing and shale gas development: implications for policy. Energy and Emission Control Technologies, 3, 45-5.
[14] McMullin, B.; Price, P.; Carton, J. & Anderson, K. (2018) "Is Natural Gas 'Essential for Ireland's Future Energy Security'?: A Critical Response to the Irish Academy of Engineering." Stop Climate Chaos.

protection of marine ecology appearing to be a secondary concern, including in CDP13.1a and b on Environmental Designations in coastal areas:

> "*a) To promote the sustainable development of the potential of the marine environment;*
> *b) To foster opportunities for innovation in the maritime economy and drive forward the County as a first mover under the National Marine Planning Framework (NMPF) while preserving the environmental and ecological conservation status of our marine natural resource*."

An Taisce considers that instead of the ocean environment being simply another pillar of a sustainable approach to marine planning, in addition to social and economic concerns, it must be recognised that a healthy ocean ecosystem is absolutely fundamental for the realisation of any economic or social benefits. We submit that the objectives for the marine area should therefore directly address the trade-offs that may arise between economic interests and the pressing need to address declining marine biodiversity.

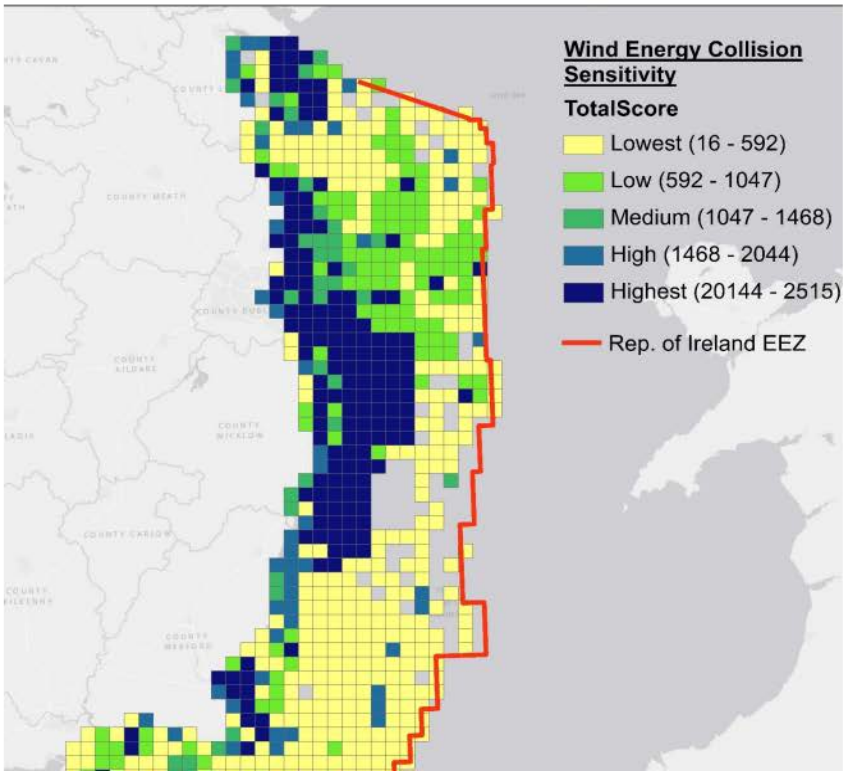
We welcome the objectives aimed at protecting the marine and coastal environments, however, we recommend that an ecosystem approach be adopted in the CDP's marine-related policy involving basing all decisions on the proper functioning of the ecosystems upon which human activities in the marine area depend. This would better ensure that the ecological health of the marine area takes precedence over human pressures such as fishing and aquaculture. Indeed, such an approach will have long-term economic benefits, particularly for coastal communities, as our seas return to a healthier ecological state. We consider that an objective to apply this approach for marine planning and policy should be explicitly stated. This is particularly important in light of the commencement of the new marine planning regime.

In addition, it is key that the final plan includes an objective to ensure that any economic activity which utilises the marine area must comply with the Marine Strategy Framework Directive and achieve the legally binding target for reaching Good Environmental Status in coastal and marine waters.

9.1 Marine Renewable Energy and Biodiversity

The development of a sustainable and effective offshore energy regime for Ireland is a major strategic priority for the decade ahead. Wind energy installation has been decreasing in costs, and the technology for the deployment of floating turbines is robust. It is essential to ensure that the advancement of wind turbine deployment to address the climate emergency is reconciled with the biodiversity loss emergency. Birdwatch Ireland has been

trialling a bird sensitivity mapping tool[15] which could be used to identify potential constraints early in the planning process. It would allow developers to further investigate the potential risk of impacts and include suitable mitigation measures where necessary. An example of this trial sensitivity mapping is given below, adapted from Figure 4 in the original publication.



Trial bird sensitivity mapping by Birdwatch Ireland

We therefore recommend that the CDP include a policy requiring the use of a seabird sensitivity map in the early stages of planning, to assess the risk posed by marine renewable energy developments, and to fully comply with our legal obligations to protect birds and their habitats.

We also recommend that objective CDP13.5 be amended to explicitly include a requirement for compliance with Environmental Impact Assessment, Birds and Habitats Directives obligations.

[15] Burke, B. (2018) Trialling a Seabird Sensitivity Mapping Tool for Marine Renewable Energy Developments in Ireland. BirdWatch Ireland, Kilcoole, Co. Wicklow.

9.2 Fishing and Aquaculture

We consider that an explicit commitment to ecological protection and an ecosystems approach is required in the objectives relating to aquaculture and fisheries (CDP13.6 - 13.8). While CDP13.6a states the intention to facilitate conservation, it nevertheless frames it in terms of need it for economic growth (see Section 9 above).

9.3 Coastal Erosion and Flooding

We submit that where flood mitigation measures are necessary, soft engineering solutions should preferentially be employed over hard engineering solutions where possible and recommend including this as an objective in CDP13.11.

9.4 Coastal Squeeze, Beaches and Sand Dunes

An Taisce welcomes the discussion of coastal squeeze in Section 13.15 of the Draft Plan. We recommend strengthening the accompanying objective (CDP13.12) to state that coastal squeeze should be avoided wherever possible. We also welcome CDP13.13 on the protection of beach and dune areas.

10. Biodiversity, Natural Heritage and Green Infrastructure

10.1 Biodiversity

The 2019 report on "The Status of EU Protected Habitats and Species in Ireland" (prepared every six years as required by Article 17 of the EU Habitats Directive)[16] illustrates the poor condition of Ireland's biodiversity. Out of Ireland's 59 European protected habitats, 85% were assessed as being in an unfavourable conservation status and 46% suffering from ongoing declines. The report highlighted agriculture and development (housing, commercial, industrial, and recreational) as two of the primary threats facing these habitats.

In light of the above, the urgency with which we need to address the biodiversity loss emergency must be reflected in the CDP. As such, we are pleased to see the suite of policies aimed at biodiversity protection and enhancement, including for Clare's many Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas (existing and proposed) and other protected sites.

[16] Habitats Directive Article 17 Report Summary 2019:
https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2019_Vol1_Summary_Article17.pdf

However, the implementation and enforcement of these policies, whether in relation to protected sites or biodiversity and ecology more broadly, must be upheld in the planning process at all levels. In An Taisce's experience, this is frequently not the case. Moreover, as discussed in Section 2.2 of this submission, we consider that the Draft Plan generally lacks consideration of the urgency required in addressing the biodiversity loss crisis.

10.1.1 Habitats Directive Requirements

In light of the aforementioned poor state of many of Ireland's protected habitats and species, we would highlight the strict legal requirements of the Habitat's Directive with regard to the granting of planning permission where the proposal could impact Natura 2000 sites.

It is now well established in law that approval can only be granted for plans and projects when it has been established beyond all reasonable scientific doubt that the subject proposal will not adversely impact any Natura 2000 sites.

In Case C-258/11, Sweetman & Others v An Bord Pleanála & Others, it was held that the provisions of Articles 6(2)–(4) of the Habitats Directive must be interpreted together "*as a coherent whole in the light of the conservation objectives pursued by the directive*" and that they impose a series of specific obligations necessary to achieve and maintain favourable conservation status. A plan or project will negatively impact upon a site if it prevented the "*lasting preservation of the constitutive characteristics*" of the site for which it was designated, with reference to the site's conservation objectives. Significantly it was determined that "*authorisation for a plan or project ....may therefore be given only on condition that the competent authorities ....are certain that the plan or project will not have lasting adverse effects on the integrity of the site. That is so where* ***no reasonable scientific doubt remains*** *as to the absence of such effects*" [emphasis added].

The competent authority must therefore refuse authorisation for any plans or projects where there is uncertainty as to whether the plan or project will have adverse effects on the integrity of the site. It was also held in paragraph 44 that:

> "*So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it* ***cannot have lacunae*** *and* ***must contain complete, precise and definitive findings*** *and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned (see, to this effect, Case C 404/09 Commission v Spain, paragraph 100 and the case-law cited)...*" [emphasis added].

In Kelly v An Bord Pleanála & Others, [2013 No 802 J.R.] with reference to Commission v Spain c-404/09, the High Court held in paragraph 36 that the competent authority must carry out an Appropriate Assessment for a plan or project in light of the best scientific knowledge in the field. It was also held that the competent authority must lay out the rational and reasoning which was used to arrive at the determination.

If uncertainty exists regarding the potential impact of any proposed development full account should be taken of the precautionary principle, and the development should be refused. These points of law regarding Appropriate Assessment must be upheld in the planning process in Clare and provided for in the CDP.

10.1.2 EU Biodiversity Strategy

We recommend that the implementation of the 14 points in the EU Biodiversity Strategy 2030 should be included as a specific biodiversity objective:

1. *Legally-binding EU nature restoration targets will be proposed in 2021, subject to an environmental impact assessment. By 2030, significant areas of degraded and carbon-rich ecosystems are restored; habitats and species show no deterioration in conservation trends and status; and at least 30% reach favourable conservation status or at least show a positive trend.*
2. *The decline in pollinators is reversed.*
3. *The risk and use of chemical pesticides is reduced by 50% and the use of more hazardous pesticides is reduced by 50%.*
4. *At least 10% of agricultural area is under high-diversity landscape features.*
5. *At least 25% of agricultural land is under organic farming management, and the uptake of agro-ecological practices is significantly increased.*
6. *Three billion new trees are planted in the EU, in full respect of ecological principles.*
7. *Significant progress has been made in the remediation of contaminated soil sites.*
8. *At least 25,000 km of free-flowing rivers are restored.*
9. *There is a 50% reduction in the number of Red List species threatened by invasive alien species.*
10. *The losses of nutrients from fertilisers are reduced by 50%, resulting in the reduction of the use of fertilisers by at least 20%.*
11. *Cities with at least 20,000 inhabitants have an ambitious Urban Greening Plan.*
12. *No chemical pesticides are used in sensitive areas such as EU urban green areas.*
13. *The negative impacts on sensitive species and habitats, including on the seabed through fishing and extraction activities, are substantially reduced to achieve good environmental status.*
14. *The by-catch of species is eliminated or reduced to a level that allows species recovery and conservation.*

10.2 Peatlands

The commitments in Chapter 15 to protecting and enhancing peatlands are welcome. It is submitted, however, that any provision for development on peatlands must be subject to full sustainability assessments, particularly in relation to carbon and biodiversity. We also submit that an additional policy objective should be added to state: "*The extraction and use of peat for horticulture is not to be permitted*".

10.3 Green Infrastructure and Urban Greening

We welcome the Draft Plan's approach to green infrastructure and the recognition of the benefits to both environment and communities.

We would highlight Point 11 of the aforementioned EU Biodiversity Strategy: "*Cities with at least 20,000 inhabitants have an ambitious Urban Greening Plan.*" With regard to greening urban and peri-urban areas, Section 2.2.8 of the EU Biodiversity Strategy states:

> "*Green urban spaces, from parks and gardens to green roofs and urban farms, provide a wide range of benefits for people. They also provide opportunities for businesses and a refuge for nature. They reduce air, water and noise pollution, provide protection from flooding, droughts and heat waves, and maintain a connection between humans and nature.*
>
> *The recent lockdowns due to the COVID-19 pandemic have shown us the value of green urban spaces for our physical and mental wellbeing. While protection of some urban green spaces has increased, green spaces often lose out in the competition for land as the share of the population living in urban areas continues to rise.*
>
> *This strategy aims to reverse these trends and stop the loss of green urban ecosystems. The promotion of healthy ecosystems, green infrastructure and nature-based solutions should be systematically integrated into urban planning, including in public spaces, infrastructure, and the design of buildings and their surroundings.*
>
> ***To bring nature back to cities and reward community action, the Commission calls on European cities of at least 20,000 inhabitants to develop ambitious Urban Greening Plans by the end of 2021. These should include measures to create biodiverse and accessible urban forests, parks and gardens; urban farms; green roofs and walls; treelined streets; urban meadows; and urban hedges. They should also help improve connections between green spaces, eliminate the use of pesticides, limit excessive***

mowing of urban green spaces and other biodiversity harmful practices. Such plans could mobilise policy, regulatory and financial tools.

To facilitate this work, the Commission will in 2021 set up an EU Urban Greening Platform, under a new 'Green City Accord' with cities and mayors. This will be done in close coordination with the European Covenant of Mayors. The Urban Greening Plans will have a central role in choosing the European Green Capital 2023 and European Green Leaf 2022.

The Commission will support Member States and local and regional authorities through technical guidance and help to mobilise funding and capacity building. It will also reflect these objectives in the European Climate Pact." [An Taisce emphasis added]

We note that Objective CDP15.30 provides for the development of a green infrastructure plan for Ennis and Kilrush. We recommend that these plans incorporate the above recommendations of the EU Biodiversity Strategy. We would also encourage the development of green infrastructure/urban greening plans in other towns throughout Clare. To better ensure implementation, specific timelined and targeted policies for achieving green infrastructure/urban greening objectives during the plan period should be developed.

11. Architectural, Archaeological and Cultural Heritage

Ireland's, and indeed Clare's, unique built and cultural heritage is increasingly threatened. Ireland is a signatory to UNESCO's Convention Concerning the Protection of the World Cultural and Natural Heritage ratified by Ireland in 1991 and the Granda Convention ratified in Ireland in 1995. These conventions provide the basis for our national commitment to the protection of architectural heritage, the importance of "*handing down to future generations a system of cultural references*". To be effective, it relies on its signatory countries implementing their own national protective regimes.

The CDP should ensure the effective promotion of the Architectural Heritage provisions of Planning and Development Act 2000 (as amended) and therefore the protection of Clare's built heritage, including Architectural Conservation Areas (ACAs) and Protected Structures. Robust implementation and enforcement provisions should be included.

Crucially, we submit that Chapter 16 should be amended to include policies for monitoring buildings at risk and using the provisions of Section 59 of the Planning Act to serve notices of endangerment to negligent property owners.

We note that Section 2.6.5 recognises the risks climate changes poses to cultural heritage assets and welcome the objective to undertake a risk assessment in that regard.

12. Towns and Villages

12.1 Town Centres

An Taisce welcomes the objectives in the Draft CDP, for example CDP5.3, 17.1, etc. that promote town centre vitality and regeneration.

These are also supported by the 2020 Programme for Government, which includes a mandate for implementing a Town Centres First policy to: "*implement a strategic approach to town centre regeneration by utilising existing buildings and unused lands for new development, and promote residential occupancy in our rural towns and villages. We will use the National Planning Framework as our template*."

12.2 Re-Use of Existing Buildings

As a priority, the need for reuse, rather than redevelopment, of existing buildings of all periods should be emphasised. Existing buildings should always be kept in use and improved in thermal performance and accessibility rather than redeveloped (projected energy savings of a new building will never overcome the massive environmental footprint of demolition and redevelopment), and having regard to the UN Sustainable Development Goals (SDGs) which oblige the reuse and repurposing of existing buildings in the aim of saving embedded energy.

13. Strategic Environmental Assessment

The Council has a legal obligation to ensure that the Strategic Environmental Assessment (SEA) process is robust, effective, and identifies all likely significant effects on the environment under the range of considerations set out in the Annexes to the SEA Directive. To ensure integration of environmental considerations into the plan, a general policy or land use zoning should not be maintained where likely significant effects on the environment are identified.

An Taisce highlights Article 10 of the SEA Directive, which sets out the provisions for the monitoring of a programme subject to SEA and the obligation for remedial action where unforeseen adverse effects arise:

1. *Member States shall monitor the significant environmental effects of the implementation of plans and programmes in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.*
2. *In order to comply with paragraph 1, existing monitoring arrangements may be used if appropriate, with a view to avoiding duplication of monitoring.*

The provisions of Article 10 are not just for monitoring but, notably, for the remediation of unforeseen adverse effects. Section 8.12 of the 2001 European Commission guidance states that

> "*Unforeseen adverse effects is better interpreted as referring to shortcomings of the prognostic statements in the environmental report (e.g. regarding the predicted intensity of the environmental effect) or unforeseen effects resulting from change of circumstances*."

The Council should ensure that monitoring of significant environmental effects is carried out and that any unforeseen adverse impacts that arise are remediated.

14. Implementation and Monitoring

In the absence of rigorous application of policy, the divergence between policy and practice results in unsustainable, economically inefficient, structurally weak and spatially dispersed development patterns. Therefore, it is of paramount importance that the new CDP moves beyond objectives within the text and towards robust targets, actions and measures to achieve the tangible implementation of the plan's objectives and policies. The success or otherwise of the forthcoming CDP can only be judged against quantifiable and implementable criteria which are subject to ongoing monitoring. This will be fundamental in creating a sustainable and healthy future for Clare that supports the wellbeing of both people and environment.