



**OPR Ref: DP-005-22**

28<sup>th</sup> March 2022

Planning Department,  
Clare County Council,  
New Road,  
Ennis,  
Co Clare,  
V95 DXP2.

**Re: Draft Clare County Development Plan 2023-2029**

A chara,

Thank you for your authority's work in preparing the draft Clare County Development Plan 2023-2029 (the draft Plan).

The Office of the Planning Regulator (the Office) wishes to acknowledge the considerable work your authority has undertaken in the preparation of the draft Plan against the backdrop of an evolving national and regional planning policy and regulatory context. In particular, the Office commends the approach to planning for renewable energy and climate action, and recognises the significant contribution that County Clare has already made to the generation of renewable wind energy.

The Office also acknowledges the extensive and positive public engagement carried out by the authority to extend the public input into the preparation of the Plan, in particular the engagement with younger people and school groups; the production of a video on the draft Plan to engage with people remotely; direct engagement through public meetings; and use of traditional and social media.

As your authority is aware, a key function of the Office is the assessment of statutory plans to ensure consistency with legislative and policy requirements relating to planning.

The Office has evaluated and assessed the draft Plan under the provisions of sections 31AO(1) and 31AO(2) of the *Planning and Development Act 2000*, as amended (the Act), and this submission has been prepared accordingly.

Recommendations issued by the Office relate to clear breaches of the relevant legislative provisions, of the national or regional policy framework and/or of the policy of Government, as set out in the Ministerial guidelines under section 28. As such, the planning authority is required to implement or address recommendations made by the Office in order to ensure consistency with the relevant policy and legislative provisions.

Observations take the form of a request for further information, justification on a particular matter, or clarification regarding particular provisions of a plan on issues that are required to ensure alignment with policy and legislative provisions. The planning authority is requested by the Office to action an observation.

A submission also can include advice on matters that the Office considers would contribute positively to the proper planning and sustainable development of the area. The planning authority is requested by the Office to give full consideration to the advice contained in a submission.

## **Overview**

The draft Plan is being prepared at a crucial time following the preparation of the National Planning Framework (NPF) and the Southern Regional Assembly Regional Spatial and Economic Strategy (RSES), which seek to promote the rebalancing of regional development in a sustainable manner. The draft Plan has proactively embraced many of the challenges and opportunities identified in the NPF and the RSES by directing future housing and economic growth to the Metropolitan Area Strategic Plan (MASP), the key town of Ennis and larger settlements with strong policy commitments for compact growth, regeneration and economic development.

The Office commends the planning authority for including objectives for the future development of the Limerick Shannon Metropolitan Area and for taking account of the draft Limerick Shannon Metropolitan Area Transport Strategy and preparing a

Joint Retail Strategy with Limerick County Council. The Office considers, however, that the draft Plan could more clearly recognise and engage with the critical role that Limerick Shannon Metropolitan Area and Limerick City and Suburbs play as the main economic drivers for County Clare and wider region. Some recommendations are included below, as to how the metropolitan area could be better presented in the Plan to more fully reflect its important role in regional development.

The Office also acknowledges the extensive work involved in the preparation of settlement plans and zoning maps for all towns as well as many large villages and including settlement boundaries for all other settlements. The Office has, however, identified a number of concerns regarding the amount of residential land zoned in certain towns, risking the ability to deliver housing that is well located and served by services and amenities.

The identification of 'Opportunity Sites' for all towns in the county to promote compact growth, sustainable transport and climate mitigation is welcomed, as is the identification of village growth areas to promote the consolidation of existing small villages through brownfield development. However, some significant adjustments will be required to ensure that the Core Strategy and zoning maps are fully aligned with legislative requirements, national and regional policies for certain towns, and to align with section 28 guidelines.

The Office acknowledges the general ambition of the planning authority to establish an economic Strategic Development Zone (SDZ) for South Clare / University of Limerick consistent with the RSES, to be developed over the long term, and notes the making of an application to the Minister in this regard. However, for reasons outlined below, it is considered inappropriate at this stage to take account of the potential future SDZ in the Core Strategy.

The Office welcomes the positive approach taken by the planning authority in addressing climate action, including climate mitigation and adaptation, in the draft Plan, which is addressed as a cross-cutting theme and in a self-contained chapter. However, this submission, below, details significant concerns regarding the approach to flood risk management, which is a fundamental climate adaptation strategy.

Overall, the Office considers that the draft Plan generally includes objectives relating to all the subsections as required under section 10(2) of the *Planning and Development Act 2000*, as amended (the Act). Notwithstanding, the Office has identified a number of areas which require further consideration in order to more fully align with national and regional policy context, including the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August 2021).

The planning authority will also be aware that the Office's evaluation of the plan is required under section 31AM(2)(a) to address, in particular, matters within the scope of section 10(2)(n) of the Act in relation to climate change, and these issues are specifically identified in the recommendations and observations below.

It is within this context the submission below sets out 13 recommendations and 8 observations under the following 12 themes:

Key theme	Recommendation	Observation
Limerick Shannon Metropolitan Area	<a href="#">Recommendation 1</a>	-
<a href="#">Core strategy and settlement strategy</a>	Recommendations <a href="#">2,3,4,5</a> and <a href="#">6</a>	<a href="#">Observation 1</a>
<a href="#">Sustainable Development</a>	Recommendations <a href="#">7,8</a> and <a href="#">9</a>	
<a href="#">Housing Strategy and relevant policies</a>	<a href="#">Recommendation 10</a>	-
<a href="#">Rural Housing and Regeneration</a>	-	<a href="#">Observation 2</a>
<a href="#">Economic Development and Employment</a>	<a href="#">Recommendation 11</a>	<a href="#">Observations 3</a>
<a href="#">Climate Action and Renewable Energy</a>	-	<a href="#">Observation 4</a>
<a href="#">Sustainable Transport and Accessibility</a>	<a href="#">Recommendation 12</a>	Observation <a href="#">5</a> & <a href="#">6</a>
<a href="#">Flood Risk Management</a>	<a href="#">Recommendation 13</a>	-



<a href="#">Environment, Heritage and Amenities</a>	-	<a href="#">Observation 7</a>
<a href="#">Implementation and Monitoring</a>	-	<a href="#">Observation 8</a>
<a href="#">General and Procedural Matters</a>	-	-

## 1. Limerick Shannon Metropolitan Area

The development of the Limerick Shannon Metropolitan Area (LSMA) as a driver of growth in the region is a central objective the Regional Spatial and Economic Strategy for the Southern Region (RSES) and the Limerick Shannon Metropolitan Area Strategic Plan (LSMASP). The Office welcomes the provisions made in the draft Plan for the future development of LSMA, including objectives to strengthen its role as a complement to Dublin, as a driver of growth in the region, and to facilitate its development as a compact, cohesive metropolitan area.

As a large part of the LSMA is located within County Clare, it is important that a strategy for the future development of this area be clearly set out in the Plan, consistent with the RSES. The Office considers that this would be best achieved by the inclusion of a standalone chapter, or significant section, dealing with the LSMA, to bring together the key development issues and policy responses for the future development of the area, to complement the policies for Limerick city and the wider LSMA, and aligned with LSMASP objectives.

The Office would also welcome the amendment of the Core Strategy Map to give more prominence to the LSMA, in addition to the adjustment of the legend of the map to include reference to the settlement tiers.

## Recommendation 1– Limerick Shannon Metropolitan Area

Having regard to the Limerick-Shannon Metropolitan Area Strategic Plan forming part of the RSES and in accordance with the requirements of section 9(4) of the *Planning and Development Act 2000* (as amended), the planning authority is required to amend the proposed written statement to:

- (i) include a standalone chapter or substantial section addressing the future planning of the Clare part of the Limerick Shannon Metropolitan Area as a distinct spatial planning unit, forming part of the overall Limerick Shannon Metropolitan Area, and to draw together the relevant development issues and policy responses relating to the Metropolitan Area; and
- (ii) give appropriate prominence to the LSMA in other parts of the Plan, including the economic and transportation strategies and present it clearly in relevant maps, such as the Core Strategy and settlement strategy maps.

## 2. Core Strategy and Settlement Strategy

### 2.1 Housing and population targets

The National Planning Framework Implementation Roadmap (the Roadmap) sets out the approach to determining population targets for each county, based on the ESRI 50:50 Scenario; these are reflected in the RSES population target for each county and for each metropolitan area and its constituent parts. The section 28 Guidelines: *Housing Supply Target Methodology for Development Planning* (2021) (HST Guidelines) outline the methodology for determining the housing supply target, also based on the ESRI 50:50 Scenario. It is necessary to follow the approach set out in these documents in order to implement the overall objectives of the National Planning Framework (NPF) and RSES, in order to ensure that an appropriate level of housing is delivered in the right locations, aligned with national investment in critical infrastructure.



The population target of 11,637 proposed in the Core Strategy (Table 2.4) is higher than that provided for in the Roadmap and RSES. This would appear to result primarily from the allocation of 3,500 for the as yet undesignated South Clare Economic Strategic Development Zone (SDZ) adjoining the University of Limerick.

Having regard to the identification of the potential SDZ as a national enabler in the LSMASP and to LSMASP PO 14 supporting the application to the Minister for an SDZ designation, the Office welcomes the identification of long-term strategic lands to accommodate future development in a well-planned, strategic approach, where consistent with section 28 guidelines. However, in the absence of a designation for the establishment of an SDZ by the Minister under section 166 of the Act, the planning authority is advised to satisfy itself as to whether it is within its power to include the SDZ in the draft Plan, other than as a simple objective to pursue an SDZ in this location.

In view of the provisions of the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August 2021)<sup>1</sup>, the allocation of population and housing to this area in the Core Strategy during the Plan-period is premature pending the designation of the establishment of an SDZ by the Minister, if not the making of a planning scheme for the SDZ to determine the range and nature of development proposed and the level of infrastructure required to facilitated its implementation.

In view of the provisions of the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August, 2021)<sup>2</sup>, the allocation of population and housing to this area in the Core Strategy during the Plan period is premature pending the designation of the establishment of an SDZ by the Minister, if not the making of a planning scheme for the SDZ to determine the range and nature of development proposed and the level of infrastructure required to facilitated its implementation.

The total population uplift as shown in the core strategy table (excluding SDZ allocation) is estimated by the Office to be in the region of 1,000 above what would

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<sup>1</sup> In particular section 4.4.4, which provides guidance on the approach to be followed for long-term strategic and sustainable development sites.

<sup>2</sup> In particular section 4.4.4, which provides guidance on the approach to be followed for long-term strategic and sustainable development sites.

be warranted based on the Roadmap and RSES allocations for the plan period. It appears that the figure has been calculated based on a longer period than the statutory 6-year plan period. The population targets should therefore be recalculated to align with the Roadmap and RSES.

Although the housing supply target determined by the planning authority is consistent with the HST Guidelines, adjustments may be required to the settlement level population, housing allocations and land use zoning consequent to revisions to the county population target.

The Office also notes that although the Core Strategy provides the projected population growth for settlements for the concise Plan period, it does not provide the projected populations for settlements, or for the open countryside, to the end of the Plan period, as required by section 10(2A)(f). Nor does it indicate the target population for the county or the LSMA (and its constitute parts) which is necessary to demonstrate consistency with the population growth targets of the Roadmap and the RSES over the 2016 baseline.

## Recommendation 2 – Population Targets

Having regard to the provisions of and population targets for the county in the NPF Implementation Roadmap, the RSES (Appendix 1) and in the Limerick Shannon Metropolitan Area Strategic Plan (table 1), and to the provisions of the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August, 2021), the planning authority is required to amend the population targets in the Core Strategy including through the:

- (i) omission of the population allocation of 3,500 for the as yet undesignated South Clare Economic Strategic Development Zone;
- (ii) recalculation of the county population target to align with the 6 year (24 quarters) plan period from Q2 2023 to Q1 2029, based on the NPF Implementation Roadmap allocation; and



- (iii) consequential appropriate adjustments to settlement population targets, housing unit allocations and residential land zoning requirements based on the amendments under (i) and (ii).

In accordance with the provisions of section 10(2A)(f) of the *Planning and Development Act 2000*, as amended, and in order to demonstrate consistency with the population targets of the Roadmap and the RSES, the Core Strategy is also required to be amended to state the projected population target for the county, for the individual towns in the hierarchy and, in aggregate (I) for towns and villages >1500, and (II) for the open countryside outside of towns and villages.

## 2.2 Settlement Hierarchy

The proposed settlement hierarchy (5 tiers) is generally consistent with the settlement typology of the RSES and that proposed in the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August, 2021). However, the critical role of the five cities in driving regional and national population growth (NPO 2a), and the role of the LSMA in national and regional policy as reflected in RSES requires the metropolitan area to be given prominence and placed in the top tier of the settlement hierarchy and the Key Town of Ennis placed in the second tier, consistent with the RPO3 and the RSES typology. The Core Strategy should be amended to reflect these provisions.

The Office considers there to be internal inconsistencies in the hierarchy of settlements below the top 2 tiers. For example, the east-Clare settlement of Scarriff / Tuamgraney (population 805) is designated as a Tier 3 Service Town despite being substantially smaller than many of the Tier 4 Small Towns settlements, in particular Killaloe (combined town of Killaloe/Ballina population 4025), also in east-Clare.

This is similarly for the proposed Tier 4 settlements of Newmarket on Fergus (population 1968) and Kilkree (1,155). It is also apparent with the Tier 5 settlement of Quin (population 984), which is larger than Scarriff / Tuamgraney (Tier 3) and larger than the Tier 4 settlements of Miltown Malbay (population 769) and Tulla (population 759).



It is essential that the designation of the settlement hierarchy follows a rational, evidence-based approach consistent with the settlement typology under the RSES, as required by RPO 3.2, in order to ensure that growth is targeted at the appropriate settlements in line with infrastructure investment priorities of government. Where an alternative approach is proposed, it is important that it be supported by a strong, rational justification based on the proper planning and sustainable development of the county.

The Office considers adjustments are required to the settlement hierarchy in this regard, and that consequential amendments to population allocations and zoning proposals may be required.

### Recommendation 3 – Settlement Hierarchy

Having regard to the provisions of NPO 2a, the settlement typology under the RSES (table 3.2 Settlement Typology and RPO 3 refer) the planning authority is required to amend the settlement hierarchy to:

- (i) place the LSMA in the top tier of the settlement hierarchy, followed by the key town of Ennis, consistent with the RSES typology, and to identify specifically those areas within the city and suburbs of Limerick;
- (ii) arrange the settlements in tiers/levels (service towns, small towns, large villages) generally consistent with the size of the settlement, in addition to the function the settlement performs, unless there is a clear justification consistent with the proper planning and sustainable development for an alternative approach (e.g. specific capacity constraints to growth). In this regard, the Office considers it would be appropriate to designate Scarrif as a Small Town; Killaloe and Newmarket-on-Ferus as Service Towns; and Quinn as a Small Town; and
- (iii) review and amend population and housing unit targets and consequential zoning proposals for settlements as appropriate to take account of parts (i) and (ii).



## 2.3 Distribution of growth

The NPF and RSES define urban areas as those settlements with a population of 1500 and above, and rural areas as settlements with population less than 1500 and the open countryside outside of towns and villages. The distribution of population to rural and urban settlements in the draft Plan is considered generally in line with NPF objectives of achieving a balance between encouraging growth to strong employment and service centres and regeneration of small centres and rural areas (NPO 7).

The Office welcomes the allocation of separate population and housing targets for the LSMA in the Core Strategy table, however the allocation excludes figures for un-serviced villages and rural areas in the LSMA, which have been amalgamated into the overall county 'un-serviced villages' category in the Core Strategy table. It is not therefore possible to accurately determine if the total population being allocated to the LSMA aligns with LSMASP projections.

As part of its strategy to promote compact growth in the LSMA, the LSMASP sets specific population growth targets for Limerick city and suburbs (RPO 10 and LSMASP Table1 refer). Notwithstanding the overall level of growth allocation to the city suburbs located within Clare is relatively small, the growth allocated under the Core Strategy would appear to fall significantly short of this target.

Compact growth of cities and suburbs is a core objective of NPF and RSES and the Plan therefore needs to indicate a level of growth for the suburbs consistent with LSMASP projections and to set out a strategy to deliver this growth, including identifying the delivery of necessary infrastructure.

## Recommendation 4 - Distribution of growth

Having regard to NPO 3b, to the growth targets under the NPF Implementation Roadmap, the RSES and the LSMASP, to the requirements of section 10(2A)(f) of the *Planning and Development Act 2000* (as amended), and to the provisions of the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August, 2021), the planning authority is required to amend the Core Strategy to ensure compliance with these targets, detailing :

- (i) the total population growth (and associated housing supply targets) for the Limerick Shannon Metropolitan Area (LSMA);
- (ii) the proposed share of the population (and associated housing) to the Limerick city and suburbs within County Clare consistent with the targets of the Limerick Shannon Metropolitan Area Strategic Plan (LSMASP) (Table 1 p.286) and a strategy for its delivery; and
- (iii) the growth allocation to the a) un-serviced villages, and b) rural areas within the LSMA.

### 2.4 Core Strategy and zoning for residential use

The Office welcomes the setting out in the Core Strategy of the area of residential zoned land<sup>3</sup> required to accommodate the additional growth for each settlement, including Shannon. This appears to relate only to lands zoned primarily residential. No figure is provided specifically for lands to be zoned for mixture of residential and other uses, as required under section 10(2A)(d) of the Act. The Office understands that the main potential for residential housing yield on mixed-use land is through ‘opportunity’ and ‘mixed-use’ sites, largely included as ‘brownfield 30%’ in the Core Strategy table<sup>4</sup>. It would be appropriate for the planning authority to clarify that this is the case through a footnote to the Core Strategy table, or to otherwise amend the Core Strategy to ensure consistency with the aforementioned statutory provisions.

<sup>3</sup> Column 9, ‘Housing land required in ha’.

<sup>4</sup> Column 7



It is also noted that the Core Strategy does not detail the existing area zoned for residential or for a mixture of residential use in the current development plan, contrary to the requirements of section 10(2A)(c) of the Act. This matter should be rectified through the material alterations. In this regard the Office directs the planning authority to the sample core strategy table in appendix A of the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August, 2021).

The Office welcomes the identification of housing units to be delivered on brownfield lands, at a rate of 30% of all units, to contribute to compact growth as per NPO 3c. However, the planning authority will be aware that a rate of 50% is required to be applied to the limited area of the county that falls within the Limerick City and Suburbs as per NPO3b (Athlunkard and Parteen, refer). The total area of land to which 30%/50% 'brownfield' will apply should also be included in the Core Strategy table (this is further addressed in 3.2 below). In this regard the planning authority should consider the definition of the '*existing built-up footprints*' of the settlement concerned when determining how many units can be accommodated as compact growth.

The Core Strategy makes clear that the area of residential zoned land required to accommodate the housing supply target allocations has been determined based on the application of a low net density rate for 20% of units, and a higher net density rate for 80% of units for all settlement. The Office accepts there is rationale for this approach for smaller towns and villages, based on the provision for low-density development of <15-20uph as an alternative to one-off housing under the *Sustainable Residential Development in Urban Area Guidelines for Planning Authorities* (2009) (the SRDUAGs). However, the application of this 80%/20% approach to larger towns and cities settlements, including Limerick City and Suburbs and to Ennis and Shannon, is not consistent with those guidelines and will contribute to the continuation of low-density sprawl inconsistent with the achievement of compact growth in accordance with NPO 3b and NPO 3c, including through excessive zoning.



Under the SRDUAGs a range of residential densities are set out for settlements, which should be taken into account in determining the core strategy consistent with the draft DPGs. Those densities must be compliant with the SRDUAGs, as required by SPPR 4 of the *Urban Development and Building Heights Guidelines for Planning Authorities* (2018) (the ‘Building Height Guidelines’), as clarified by Circular Letter NRUP 02/2021. The higher density level applied in the Core Strategy does not take account of the range of appropriate densities, but applies the lowest end of the range applicable only to greenfield sites (35-50uph and no less than 30uph) across the settlement. It is also not apparent that higher density levels achievable on brownfield (compact growth) sites are taken into account. The Core Strategy and consequential land use zonings will therefore need to be reviewed.

#### Recommendation 5 – Determination of residential land zoning requirements

Having regard to the provisions under section 10(2A) of the *Planning and Development Act 2000*, as amended, NPO 3 compact growth, the *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities* (2009) (SRDUAGs) and the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August, 2021), the planning authority is required to review and revise the determination of land use zoning required under the Core Strategy to:

- (i) provide for 50% compact growth within Limerick City and Suburbs;
- (ii) apply the density standards set out under the SRDUAGs and in particular to omit the proposed low density residential development provisions for settlements >5000 population (Limerick City and Suburbs, Ennis and Shannon); and
- (iii) include the area of lands zoned for residential use or for a mixture of residential and other uses in accordance with the requirements of section 10(2A)(c) of the Act.

The draft Plan<sup>5</sup> indicates that the ‘Additional Provision’ mechanism for residential zoning has been applied on a uniform basis to all settlements at a rate of 25% to determine ‘Housing Land Required’ in Core Strategy Table 3.4.

Section 4.4.3 of the draft DPGs, require that where a planning authority considers it necessary to employ this mechanism for a particular settlement, it must be clearly set out in the Core Strategy, including the precise extent to which zoned lands and sites in excess of that required to meet the agreed housing supply target are provided.

The Office is of the view that having regard to the projected level of growth in housing in the county in the RSES and in the LSMASP, and to the specific geographic locations identified in those policy documents to accommodate significant growth – the Limerick-Shannon Metropolitan Area (LSMA) and Ennis Key Town – there is no clear evidence basis for ‘Additional Provision’ outside of those locations.

Where the principle of ‘Additional Provision’ is acceptable, such land / sites must be consistent with sequential development patterns, Town Centre First principles, proximity to services and facilities and the need to reduce carbon emissions; and it must be phased in a clear sequence of priority. This information, which is necessary to enable the Office to assess and evaluate the proposals for ‘Additional Provision’ as envisaged by the guidelines, does not appear to have been clearly set out in the draft Plan.

The Office is also concerned that the proposed area of land to be zoned for residential use is not aligned with the area of ‘Housing Land Required’ determined in the Core Strategy for many settlements, including Ennis, Ennistymon / Lahinch, Scarriff / Tuamganey, Kilkee, Tulla, Quin, Crusheen, Doonbeg and Bunratty. This largely results from the inclusion of lands with extant planning permissions and for the delivery of social housing, notwithstanding that the HST Guidelines methodology takes accounts of all projected housing supply, social and private, and the approach therefore results in double-counting.

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<sup>5</sup> P.66 of the draft Plan



Although the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August, 2021) advise that extant planning permissions must be taken into consideration, the total area of land proposed to be zoned must adhere to the Core Strategy and housing supply target and the zoning must align with national policy objectives including for compact growth and sequential development and guidelines on housing targets. In preparing the Core Strategy, sites with extant planning permission that has yet to commence may be regarded as having equivalent potential to any other zoned and serviced land for core strategy purposes.

Where excess lands zoned for residential use have been identified, the draft DPGs (Appendix A, s.1.3.5) advise that the planning authority should consider prioritising / phasing lands ('Further Additional Provision', in accordance with the guidelines), indicating alternative objectives (i.e. for non-residential uses) or discontinuing the zoning objective. A review of settlements with proposed residential zoned land in excess of demand is therefore required.

It is also noted that significant land has been zoned 'Strategic Residential Reserve', over and above the 'Additional Provision' included for residential lands. The draft Plan allows for these lands to be considered for development from year 4 of the Plan period, under certain circumstances, yet they are not included in the Core Strategy table or in the infrastructure assessment, and are over and above the land required to meet demand for housing during the plan period. There is nothing to suggest that these lands can be considered Long-Term Strategic and Sustainable Sites and their inclusion in the draft Plan is therefore inconsistent with the provisions of the draft DPGs and with national and regional objectives for compact growth under NPO 3 and RPO 10.

The cumulative result of the uniform application of 'Additional Provision' across the county as discussed above, the treatment of extant permissions, and the further 'Strategic Residential Reserve' which will also be available for development during the plan period (albeit from year 4) results in a significant excess of residential zoned land over and above what is required to ensure a sufficient supply of zoned land consistent with the Housing Supply Targets for each settlement.





The inclusion of excess zoning is critical because it makes achieving compact growth, sustainable mobility and the prioritisation of the investment in both physical and social infrastructure needed to support new and expanded communities more difficult, and ultimately undermines the delivery of housing targets.

In finalising the Plan the planning authority may also wish to consider the Residential Zoned Land Tax provisions introduced in Budget 2022, as enacted through the Finance Act 2021 edition, which applies the tax ‘at 3% of the market value of land that is zoned as being suitable for residential development and is serviced’<sup>6</sup>.

### Recommendation 6 – Residential land use zoning

Having regard to the provisions under section 10 of the Act, to NPO 3 and RPO 10 compact growth, and to the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August, 2021) the planning authority is required to::

- (i) amend the Core Strategy calculations for the determination of ‘Housing Land Required’ by omitting ‘Additional Provision’ for the zoning of land except for settlements within the Limerick Shannon Metropolitan Area and within Ennis Key Town;
- (ii) define the precise extent of ‘Additional Provision’ lands proposed to be zoned per settlement under (i), the extent and location of which is to be based on a settlement level justification under section 4.4.3 of the *Development Plan Guidelines for Planning Authorities, Draft for Consultation* (August, 2021) is to be provided;
- (iii) where land in excess of that required to meet the implementation of the housing supply target allocation, in combination with any justified ‘Additional Provision’, as revised in accordance with this recommendation, has been proposed to be zoned in the draft Plan, the planning authority is required to implement one of the mechanisms provided for under s.1.3.5

<sup>6</sup> P.3, ‘Notes for Guidance - Taxes Consolidation Act 1997 Finance Act 2021 edition Part 22A Residential Zoned Land Tax’ (Revenue, December 2021).



of Appendix A of the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August, 2021):

- prioritisation / phasing (only where allowed for),
- alternative objectives or
- the discontinuation of objectives

with particular reference to Ennis, Ennistymon/Lahinch, Scarriff/Tuamganey, Kilkee, Tulla, Quin, Crusheen, Doonbeg, and Bunratty; and

- (iv) the planning authority is required to omit the zoning objectives for strategic residential reserve or to remove the ability of the land to be considered for development within any part of the plan period.

The Office notes arithmetic errors in the land area columns in the Core Strategy table and the planning authority should be mindful to correct the errors in the final tables.

It is noted that the draft Plan does not contain a core strategy statement as provided for under SPPR DPG 6 of the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August, 2021). It is requested that such a statement be included in the Plan to explain the rationale for the distribution of housing and population for each settlement type in the settlement hierarchy and to identify any local infrastructural deficiencies considered.

#### Observation 1 – Core Strategy Statement

Having regard to the provisions of SPPR DPG 6 of the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August, 2021), the planning authority is requested to amend the draft Plan to include a core strategy statement.



### 3. Sustainable Development

#### 3.1 Development approach for settlements

The Office recognises the significant body of work undertaken by the planning authority in including in the draft Plan zoning objectives, detailed settlement plans and extensive mapped planning objectives for each town and village (apart from Shannon), tailored to the size of the settlement. The planning authority is commended for taking such a comprehensive approach to the future planning of the county.

The draft Plan proposes that Local Area Plans (LAPs) be prepared for Ennis and Shannon over the plan period and, in the case of Shannon, to include zoning objectives as they are not included in the draft Plan. The planning authority will be aware of the requirements under sections 18 and 19 of the Act concerning the status, preparation and amendment of LAPs within the context of the making of a new development Plan. The Office would welcome the inclusion of an objective to prepare the LAPs within 1 year of the making of the development plan.

Killaloe and Ballina function as a combined settlement serving east Clare and North Tipperary, the future development of which will be greatly facilitated by the implementation of the new river crossing and bypass, as well as by planned improvements to wastewater treatment infrastructure and the implementation of the Killaloe-Ballina Enhancement and Mobility Plan. However, the further co-ordination in the development approach to the combined settlement would benefit both towns, in particular the inclusions of the objectives of the adjoining planning authority with respect to Ballina in the draft Plan, as provided for in section 9(4) of the Act.

#### **Recommendation 7 – Killaloe – inclusion of objectives for Ballina**

Having regard to Section 9(4) of the *Planning and Development Act 2000*, as amended, and to the status of Killaloe as a joint settlement with Ballina, the planning authority is required to indicate in the Plan the land use zoning objectives and other relevant objectives of the adjoining planning authority with respect to the settlement of Ballina in conjunction with the proposed objectives for Killaloe.



### **3.2 Compact Growth & Regeneration**

The Office welcomes the inclusion of objectives in the draft Plan to promote compact growth and regeneration in every tier of the settlement hierarchy in support of national and regional policy objectives for compact growth (NPO 3 and RPO 10). In this context the application of the Town Centre First principle and the identification of opportunity sites in each town centre, is considered a very positive addition.

NPO 3c requires at least 30% of new homes in settlements (outside cities and suburbs) to be delivered within their 'existing built-up footprints', as defined by the CSO settlement boundary, to help ensure a more compact form of development.

NPO 3b applies to Limerick city and suburbs, which requires at least 50% compact growth.

The Core Strategy table in the draft Plan indicates that approximately 30% of residential units in each town will be located on 'brownfield' or compact growth development sites, but it does not indicate the amount of land that will be needed to provide for this 30%/50% or illustrate it in the zoning maps. This is inconsistent with the recommended approach in Appendix A of the draft DPGs (s.1.3.3 refers) and does not clearly demonstrate consistency with the requirements of NPO 3 and RPO 10.

In addition, no provision has been made for brownfield or compact growth for large villages in the core strategy table, notwithstanding that many of the sites proposed to be zoned in these villages would be likely to contribute positively to compact growth.

The Office notes that in the Core Strategy 'brownfield' would appear to encompass opportunity sites, specific zonings for mixed use and some expansion areas of town centre and suburban areas, which may not strictly adhere to the definition of brownfield land, but which may be consistent with compact growth. It would be appropriate to clarify in the Plan the lands that would contribute to 'brownfield' or compact growth, having regard to the definition of the 'existing built-up footprints' of settlements in NPO3.

### Recommendation 8 - Compact Development

Having regard to the provisions of NPO 3b and NPO 3c and RPO 10 for compact growth and to the provisions of the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August, 2021), the planning authority is required to amend the Core Strategy table to indicate:

- (i) in the Core Strategy table, the amount of land proposed to meet the requirement of national and regional policy to deliver 30% or 50%, as appropriate, of new homes targeted within settlements within the 'existing built-up footprints' as compact growth, including for 'Large Villages'; and
- (ii) on the zoning maps, the lands proposed to be zoned to deliver the 30%/50% compact growth target under item (i) of this recommendation.

### 3.3 Residential Land Use Zoning – Compact growth and sequential approach

The Office welcomes the preparation of zoning maps and settlement strategies for the towns and large villages in the County (apart from Shannon) and the largely sequential approach taken in zoning land. This will assist in guiding development and future population growth in accordance with recent national and regional policies objectives. However as outlined above there is concern that the amount of zoned land in some settlements exceeds the land required to provide for the housing supply targets set out in the Core Strategy and the draft Plan will need to be amended to rectify this to ensure compact development and the efficient use of existing and planned infrastructure.

The infrastructural assessment of proposed zoned land to align with the tiered approach to zoning required under NPO 72a-c is noted and welcomed. However, in order to align more fully with NPO 72a-c and to provide greater clarity for all parties, the planning authority should provide a clear overall designation of each zoning / site as tier 1 or tier 2.



### 3.4 Standards and Guidelines

The draft Plan includes a comprehensive Chapter on design and place-making, providing appropriate guidance on good quality, well-designed buildings, urban spaces and public realm, which is welcomed as consistent with the requirements for place-making detailed in the RSES and would contribute to the integration of land use and transport as required by RPO 151.

In addition, the draft Plan makes reference to a number of relevant Development Management Standards (Appendix A). These standards are generally consistent with the move towards performance-based standards advocated by NPO13. However, the Office has identified a number of areas that require further consideration in relation to guidelines and standards to support the principle of promoting appropriate density and compact growth in the higher tier settlements.

It is noted that no specific standards are included in the development management chapter with respect to density standards, or any clear commitment to implement the standards set out in the *Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities* (2009), consistent with Circular Letter NRUP 02/2021.

The Office welcomes the referencing of the *Design Manual for Urban Roads and Streets* (2019) (DMURS) in the draft Plan and the commitment under objective CDP11.18 to implement the requirements and recommendations of DMURS, which are the standards adopted by the Department of Housing, Local Government and Heritage and by the Department of Transport for urban areas where the speed limit of 60kph or less applies, consistent with the requirements of RPO 151(i).

However, section A1.6.1 Cycle Routes, Footpaths and Roads indicates that NRA 41/95 Design Manual for Roads and Bridges (DMRB) is the reference for design of accesses to development, and section A1.6.2 Sight Distance sets out the entrance sight distance requirements for new entrances to a dwelling site as set out in DMRB. In addition, section A1.6.1 sets out minimum standards for carriageway-widths and imposes restrictions on direct access for development. These standards are not consistent with the application of DMURS and, if applied to settlements, will prevent

the implementation of compact growth (NPO 3, RPO 10) and will create an environment hostile to pedestrians and cyclists contrary to NPO 27.

Furthermore, DMRB standards have been replaced by TII publications, which should be appropriately referenced, including in particular TII Publication '*The Treatment of Transition Zones to Towns and Villages on National Roads*' (TII Publications DN-GEO-03084), which complements DMURS.

The Office welcomes the inclusion of bicycle parking standards, which will assist in achieving a shift in transport modes from private car to active transport. The planning authority should ensure that bicycle parking standards, in particular for residential development, meets at least the minimum standards recommended by the *National Cycle Manual* (2011).

However, the car parking standards in the draft Plan are minimum standards, rather than maximum standards recommended in the SRDUAGs (for residential development) and by RPO 151(f) (for non-residential development). This will militate against the implementation of objectives for sustainable settlement and transport strategies in line with section 10(2)(n) of the Act and the implementation of compact growth and the integration of land use and transport.

### Recommendation 9 - Development management standards

Having regard to section 10(2)(n) of the *Planning and Development Act 2000*, as amended, to NPO 3, NPO 13 and NPO 27, to RPO 10 and RPO 151, and to the *Sustainable Residential Development for Urban Areas Guidelines for Planning Authorities* (2009) and *Circular Letter NRUP 02/2021*, the planning authority is required review and amend the development management standards and policy objectives of the draft Plan to:

- (i) provide that new residential is required to be compliant with the residential density standards set out in the *Sustainable Residential Development for Urban Areas Guidelines for Planning Authorities* (2009);
- (ii) define parking standards in the draft Plan as maximum standards;
- (iii) set cycle parking standards;

- (iv) include an additional policy objective to provide for car-free developments for specified development types in appropriate contexts to facilitate urban regeneration, infill / brownfield and compact growth; and
- (v) provide that the road design standards under sections A1.6.1 *Cycle Routes, Footpaths and Roads* and A1.6.2 *Sight Distance* comply with the *Design Manual for Urban Roads and Streets* (2019) and the complementary TII Publication '*The Treatment of Transition Zones to Towns and Villages on National Roads*' (TII Publications DN-GEO-03084) within applicable contexts.

## 4. Housing Strategy and relevant policies

### 4.1 Traveller accommodation

Section 5.2 of the draft Plan includes relevant policies from the housing strategy addressing specialised housing requirements, including those of the Traveller community (CDP5.10). The Office welcomes the commitment to provide appropriate housing accommodation for the Traveller Community in accordance with the *Clare County Traveller Accommodation Programme 2019-2024* (TAP), and to the addressing of Traveller Accommodation in the Housing Strategy.

It is noted, however that the TAP does not specifically identify a need for transient halting sites and that accommodation will be provided only in the form of standard-type housing. Accordingly, no objectives are included in the draft Plan to provide specific accommodation to reflect the specific cultural preferences of Travellers.

The Office notes that no particular areas have been identified for the purpose of providing accommodation for travellers as required by 10(2)(i), notwithstanding that the TAP states that 12 families are accommodated on halting sites and 12 other families reside on unauthorised sites. The TPA also recognises that the provision of transient accommodation must be pursued, albeit on a national / regional basis, as part of a coordinated network of sites throughout the country.

The planning authority's attention is drawn to examples of good practice identified in the OPR's recent [Case Study Paper](#) on this subject matter.



## Recommendation 10 - Traveller Accommodation

Having regard to the requirements of section 10(2)(i) of the *Planning and Development Act 2000*, (as amended), the planning authority is required to include objectives in the plan for the provision of accommodation for Travellers, and the use of particular areas for that purpose in accordance with the legislative requirements under section 10(2)(i) of the Act.

This will include the identification of specific locations in the land use zoning maps for the county, including existing and proposed accommodations.

## 5. Rural Housing and Regeneration

### 5.1 Rural regeneration

The Office acknowledges the objectives in the plan to reinforce the vitality and future of small towns and villages, which recognise the critical role these settlements play in the wider social and economic development of rural parts of the county. In this context, the inclusion of policy objectives that aim to enhance rural towns and villages through investment in infrastructure and the public realm, and which seek to use active land management as a tool to reduce vacancy and dereliction are particularly welcomed.

The draft Plan further stimulates potential to revitalise and regenerate the network of rural small towns and villages in Clare through support for the 'New Homes in Small Towns' initiative, providing a viable alternative to one off housing in the open countryside for those who wish to live nearer to services and facilities in those settlements.

The Office welcomes the overall approach to rural housing set out in the policy objectives and provisions under section 4.2.4 of the draft Plan, which appropriately balance the requirements of NPO 19 and the *Sustainable Rural Housing Guidelines for Planning Authorities* (2005). However, policy objective CDP 4.14 'Areas of Special Control' does not properly reflect the requirement of NPO 19 that single



housing in the countryside in areas under urban influence should be based on economic or social need, the planning authority must have regard to the viability and vitality of smaller towns and rural settlements. This requirement is referred to only in policy objective CDP 4.15.

### Observation 2 – Rural Housing

Having regard to requirements of NPO 19 and to the provisions of the *Sustainable Rural Housing Guidelines for Planning Authorities (2005)*, the planning authority is requested to amend policy objective CDP 4.14 *New Single Housing in the Countryside within 'Areas of Special Control'* to provide that in facilitating single houses in those rural areas the planning authority shall have regard to the potential impact of such development on the viability of smaller towns and rural settlements.

The Office welcomes the intention of the planning authority (Section 4.3) to monitor progress on implementing the planned sustainable development set out in the Core Strategy and Settlement Hierarchy, to assess the degree to which settlement policy objectives are being met and to take appropriate management measures to address same as set out under section 4.2.4 of the draft Plan.

## 6. Economic Development and Employment

### 6.1 Employment Zoned Land

Chapter 6 of the draft Plan includes a detailed overall economic strategy, underpinned by appropriate strategic aims, informed by key documents, including the Mid-West Regional Enterprise Plan, the Clare Local Economic and Community Plan and the Shannon Integrated Framework Plan, to direct the economic development of the county over the plan period. The strategy addresses the key economic locations (e.g. Ennis, Shannon), facilities such as Shannon International Airport, higher educational institutes and Shannon Estuary, and innovations like Clare Digital Hub and has supports development of the Atlantic Corridor consistent with the RSES.



However, the chapter does not fully reflect the critical role that Limerick Shannon Metropolitan Area and Limerick City and Suburbs play as the main economic drivers for the county and wider region. As noted in Recommendation 1, above, it is essential that the draft Plan recognises and highlights the importance of these areas in the order and formatting of the chapter, in order to reflect the provisions and objectives of the NPF and the RSES and to better facilitate the LSMA to act as a counterbalance to the development of Dublin, to the benefit of County Clare.

The draft Plan provides for a concentration of new employment related development within the main towns, but strikes a good balance in ensuring sufficient lands are zoned for employment opportunities of appropriate scale in smaller settlements. The Office welcomes, in particular, the recognition of the importance of availability of infrastructure to facilitate economic growth, in addition to the availability of land, and to provisions for brownfield development and infill sites.

The provisions for agricultural and rural enterprise are also critical to a predominantly rural county. In view of the positive approach to renewable energy and climate action in the draft Plan, the planning authority should consider how the objectives of the draft Plan could more clearly direct the economic and employment potential of low-carbon economy in line with RPO 56.

However, it is important to ensure that employment zonings are proportionate to their context to sustainable settlement strategies and that they are suitably accessible to support sustainable transport strategies, having regard to the requirements for sustainable settlement and transport strategies under section 10(2)(n) of the Act to address climate action.

In addition, having regard to NPO 72a-c it is important that employment lands are serviced or serviceable in order to ensure that economic development can be rapidly facilitated on the right lands. Having regard to the provisions of section 6.2.5 of the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August 2021), it would be appropriate to review the evidence base to support the overall quantity and location of lands proposed to be zoned for economic and enterprise uses.

### Observation 3 – Employment land zoning

Having regard to the requirement to provide clarity, evidence and transparency in accordance with Section 6.2.5 of the *Development Plans, Guidelines for Planning Authorities, Draft for Consultation* (August 2021), the tiered approach to zoning under NPO72, and the provisions of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012), the planning authority is requested to:

- (i) provide an evidence-based justification for the overall quantity and the spatial location of all employment generating land use zonings;
- (ii) consider all relevant infrastructural constraints in applying the tiered approach to zoning;
- (iii) consider the necessity to protect the capacity of existing and future national roads; and
- (iv) omit any lands which cannot be justified under (i), (ii) and (iii).

## 6.2 Retail

The planning authority is to be commended for its preparation of the Clare Retail Strategy, prepared with Limerick City and County Council as a Joint Retail Strategy as it applies to the Limerick-Shannon Metropolitan Area and County Clare. The provision of a planned approach to the accommodation and delivery of retailing for the county and for the major retail centres forming the LSMASP, has the potential to ensure that the convenience-retail needs of the local population can be met in the locality, and that comparison-retail needs can be met in more strategic locations, contributing to the vitality and regeneration of settlements and minimising the need to travel long distances.

The proposed retail hierarchy (5 tiers) logically follows the proposed settlement hierarchy. However, in view of the Office's recommendation (Recommendation 3) that the settlement hierarchy of the Core Strategy be reviewed, it would be appropriate to also reconsider the retail hierarchy, particularly in view of the



provisions of section 8.7 Retail of the LSMASP and LSMAP PO 17. In this regard, the positioning of Shannon as tier 3 (level 1) below Ennis (tier 2), would appear to conflict with the approach recommended in the LSMASP and should be reconsidered. Some consideration of Limerick City and Suburbs would also be appropriate in the Strategy and the retail hierarchy.

The Office would question the designation of Scarif as tier 3 (level 2), due to its small population base and the limited scale of retailing, large outflows of convenience shopping expenditure and the limited future retail growth identified in the Strategy. In contrast, the larger urban centres such as Killaloe and Newmarket-on-Fergus, which are not assessed in detail in the Strategy, may be more suited to designation as higher tiers, subject to a review of the Strategy at material alterations stage.

The Office welcomes the objective (CDP7.5) to prepare a Masterplan for Shannon Town Centre to inform the forthcoming LAP and to support the continuing development of its retail facilities and encourage additional floorspace in the town centre. This approach appropriately reflects with the policy approach under the RSES and LSMASP, including LSMAPS PO 17(d), which seeks to develop its distinct shopping character, increase its attraction and to complement the retail function of Limerick.

In order to better integrate the Strategy into the draft Plan, the planning authority should consider including the projected retail floorspace requirements for the higher order settlements of the LSMA and for Ennis into Chapter 7 and the relevant settlement and local area plans.

There is an apparent conflict between the draft Plan (Section 7.5.2), which identifies a need for retail warehousing in Shannon, and the Strategy which suggests the Limerick Shannon Metropolitan Area retail catchment is oversupplied, with a limited amount required to 2029. This may undermine the viability of existing such retail facilities through oversupply, leading to vacancies and dereliction, and lead to demand for unplanned change-of-use. This is contrary to provisions of the *Retail Planning Guidelines for Planning Authorities* (2012), which specifically requires that the 'need for any additional retail warehousing should be carefully assessed in view

*of the significant levels of recent provision and potential impacts on vitality and viability of city and town centres.'*

### Recommendation 11 – Retail Strategy

Having regard to the *Retail Planning Guidelines for Planning Authorities* (2012), to the provisions for Retail under section 8.7 of the Limerick-Shannon MASP, to LSMASP PO 17, and the draft Clare Retail Strategy, the planning authority is required to:

- (i) review the proposed Retail Strategy with a view to review and revise the proposed retail hierarchy in the Plan in tandem with the review of the settlement hierarchy, further to Recommendation 3 above, to:
  - set Shannon at a higher tier than tier 3, at least to match Ennis, to reflect its role within the Limerick-Shannon Metropolitan Area;
  - set Scarriff at lower tier than tier 3, to reflect the scale of the settlement and its low capacity for retail growth; and
  - set Killaloe at a higher tier, to reflect the scale of the settlement and location, and consider also setting Newmarket-on-Fergus at a higher tier in view of the scale of the settlement.
- (ii) incorporate the proposed additional retail floorspace requirements for higher order settlements outlined in Volume 8 Retail Strategy, into the Written Statement of the Plan; and
- (iii) amend retail objectives for bulky goods comparison shopping for Shannon to ensure they are consistent with the findings of the Retail Strategy.

## 7. Climate Action and Renewable Energy

### 7.1 Climate Action

The Office welcomes the cross-cutting approach to Climate Action adopted in the draft Plan, as summarised in Table 2.1, as well as the inclusion of dedicated Chapter on Climate Action.



The draft Plan's overall strategy, in terms of the focus of growth on the Metropolitan Area and the Key Town of Ennis and the smaller towns and villages is broadly consistent with the promotion of sustainable settlement, in accordance with the NPF and the RSES, taking into account the particular circumstances of the county. However as outlined earlier, some aspects of the Plan require adjustment and in addressing recommendations relating to the core strategy and the settlement strategy, as well as the transport strategy.

The planning authority should also consider the opportunity to identify positive impacts that will arise from its objectives.

For example, the support for the use of Sustainable Drainage Systems in new developments to reduce flood risk, improve water quality and increase biodiversity in the draft Plan. In this context it is suggested that the Plan should seek to implement measures set out in the recently published guidance document for addressing surface water run-off in urban areas: *Nature Based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas* (DHLGH 2021).

Flood risk management, a key consideration in the evaluation of the climate adaptation provisions of the draft Plan, is addressed in section 9 of this submission.

## **7.2 Renewable Energy**

The planning authority is to be commended on the *Renewable Energy Strategy* (RES) which has been prepared for the county and which addresses a wide range of types of renewable energy in a comprehensive fashion. The intention to update the separate Wind Energy Strategy when revised Wind Energy Guidelines are published is noted and welcomed.

The inclusion of targets in draft Plan for the various forms of renewable energy for County Clare to 2030, including an on-shore wind energy target of 550MW is acknowledged and demonstrates clear compliance with the Specific Planning Policy Requirement (SPPR) in the *Interim Guidelines for Planning Authorities on Statutory Plans, Renewable Energy and Climate Change* (2017), and will ensure County Clare continues to play a leading role in the development of renewable energy and in the



mitigation of climate change consistent with the government's Climate Action Plan 2021.

### 7.3 Rural Economy & Tourism

The National Planning Framework highlights the key role of the planning process in realising the potential of extractive industries in identifying and protecting important mineral reserves for future use. Although the draft Plan recognises the importance of mineral resources and quarrying, it does not identify or map the location of major deposits as advised by the section 28 *Quarries and Ancillary Activities Guidelines for Planning Authorities* (2004).

#### Observation 4 – Minerals and quarrying

Having regard to National Policy Objective 23 and the section 28 *Quarries and Ancillary Activities Guidelines for Planning Authorities* (2004), the planning authority is requested to include a map showing the location of quarries and minerals across County Clare.

## 8. Sustainable Transport and Accessibility

The Office acknowledges the evident work that the planning authority has undertaken in preparing detailed provisions for climate action included in the draft Plan under Chapter 2 Climate Action and throughout the draft Plan, which objectives are identified for each chapter in Table 2.1, including those relating to transportation in Chapter 11.

In particular the Office welcomes the commitment to implement the draft Limerick Shannon Metropolitan Area Transport Strategy and local transport plans for Ennis, Shannon and other settlements during the life of the Plan under Objective CDP11.3 and to implement Active Travel Towns (objective CDP11.4).

The Office appreciates the order in which Chapter 11 sets out the policy approach to transport modes from active modes, through sustainable modes, to private car which reflects the order of importance of modes in addressing climate mitigation.



This policy approach is positive and generally consistent with the integrated approach to land use and transport as set by the RSES.

The provisions for active travel modes under objective CDP11.5 are also positive. However, in order to achieve mode shift from car to walking and cycling it will be necessary for the planning authority to commit to providing pedestrian and cycling facilities and infrastructure, or to require the provision of these facilities in future developments rather than supporting such development.

The planning authority should reconsider the wording of this and other objectives to maximise the potential to drive forward modal shift. As noted above, in Recommendation 9, it is important that development management standards of the Plan do not undermine its climate action objectives and aims.

Regarding rural transport, it would be appropriate to reference the NTA Connecting Ireland initiative which aims to achieve an overall increase of 25% in rural bus services which will enhance services from rural villages and rural areas to their local towns, supporting local economies and helping reduce GHG emissions.

In order to ensure the effectiveness of the plan's sustainable transport strategy, it is important that it is informed by existing baseline figures for modal share, which would enable the planning authority to set achievable targets for mode share change for individual settlements (e.g. as part of Local Transport Plans) consistent with RPO 163 of the RSES. Inclusion of baseline figures and targets for modal share would also form a basis for effective monitoring in the implementation of the planning authority's sustainable transport strategy and its climate change strategy, highlighting where implementation needs to be stepped up or addressed in subsequent reviews of the development plan.

### Observation 5 – Modal Share and Sustainable Transport

Having regard to the provisions of section 10(2)(n) of the *Planning and Development Act 2000*, as amended, concerning sustainable settlement and transport strategies, to National Strategic Outcome 5 on sustainable mobility, and to RPO 163, the planning authority is requested, in consultation with the National Transport Authority (and Transport Infrastructure Ireland), as appropriate, to:

- (i) include existing baseline figures for modal share for the overall county and modal share targets for the plan period. It is recommended that this could best be provided at individual settlement level for the larger settlements, and at aggregate level for rural towns and villages and the open countryside; and
- (ii) provide an effective monitoring regime for the implementation of the planning authority's sustainable transport strategy and the modal share targets in particular.

### National Roads

The Office acknowledges and welcomes the significant alignment in the draft Plan with official policy concerning development planning, development management and national roads. However, it is critical that the strategic capacity of the national road network is maintained and not adversely affected by future development, including through the provision of new accesses or the intensification of existing accesses contrary to the requirements of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012)

The Office notes objective CDP11.11 for a proposed new M18 Interchange at Quin Road Ennis, and would share TII's concern that this objective is inconsistent with section 2.7 of the guidelines, in terms of potential adverse impacts on the safety and efficiency of the motorway. The Office also notes that this would also require a Motorway Order.



The planning authority will be aware that section 2.5 of the guidelines require that Plan policy should avoid the generation of increased traffic from existing accesses to national roads including individual houses. The Office considers the proposal in the Plan to allow for additional access from existing accesses to National Secondary Roads in exceptional circumstances (section 11.2.9.3) to be inconsistent with the Guidelines. Section 2.6 of the guidelines only allow the planning authorities to identify stretches of national roads where a less restrictive approach may be applied<sup>7</sup>, in general. There are no provisions for exceptional circumstances to be applied based on a particular use class.

### Recommendation 12 – Exceptional Circumstances for Access on to National Roads

Having regard to the provisions of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) the planning authority is requested to omit the exemption provided for under in section 11.2.9.3 of the draft Plan to allow consideration of access to individual dwellings off existing accesses to National Secondary Roads.

### Limerick Northern Distributor Road

The draft Plan proposes to support the delivery of the Limerick Northern Distributor Route, which will connect the M18 to the M7 and incorporate Smarter Travel measures. This is consistent with the RSES and LSMASP, however the objectives of the draft Plan should reflect the need to protect the strategic nature of the future road in accordance with the draft Limerick Shannon Metropolitan Area Transport Strategy (p.75) which envisages that:

*'In terms of a strategic land use planning policy based approach and the management of longer-term changes to land use patterns, the route of the LNDR will be regarded as being similar to roads covered by the National roads and the Spatial Planning and National Roads Guidelines and that*

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<sup>7</sup> Having consulted and taken on board the advice of TII.



*implementation of the LNDR would not support any significant development along the route, subject to any strategic and/or national considerations’.*

It would be appropriate to reflect these provision in the Plan.

#### Observation 6 – Limerick North Distributor Road

The planning authority is requested to reflect the provisions of the draft Limerick Shannon Metropolitan Area Transport Strategy in the written statement of the draft Plan in respect of strategic land use policy, in coordination with adjoining authorities, along the emerging alignment of the Northern Distributor Road.

### 9. Flood Risk Management

The response of a development plan to flood risk is a key element of adaptation to climate change. In this regard a Strategic Flood Risk Assessment (SFRA) inclusive of plan-making Justification Tests has been carried out by the planning authority and has been reviewed by the Office and OPW. However, the Justification Test has not been applied to all the land use zones proposed to accommodate vulnerable and / or highly vulnerable uses flood risk zones A and B, as part of the SFRA, contrary to the requirements of section 4.23 of the Guidelines (and clarifying Circular PL2/2014).

The planning authority is therefore required to review the SFRA and to carry out Justification Tests in line with the guidelines, in particular for the settlements and zoning objectives listed in the recommendation below.

In addition, the flood risk zones have not been overlaid on the land use zoning map in order to clearly identify what lands are impacted by flood risk, and to assess if the sequential approach has been applied. This approach would also provide clarity in terms of the implementation of appropriate flood risk management through development management. Also, in some cases the flood risk zones shown on maps in Volume 2 are obscured by other objectives and cannot be clearly seen.

## Recommendation 13- Flood Risk Management

Having regard to the detailed requirements of *The Planning System and Flood Risk Management, Guidelines for Planning Authorities* (DEHLG and OPW 2009), as amended by *Circular PL 2/2014*, the planning authority is required to:

- (i) revisit the Strategic Flood Risk Assessment and carry out the plan-making justification test for all lands proposed to be zoned to accommodate development vulnerable to flooding within areas at a high or moderate risk of flooding in particular the following:

- Ennis - Op6, Op15, Op18 and TOU1
- Bunratty - R1
- Killaloe - Residential and Tourism
- O'Callaghan's Mills - Existing Residential
- Scarrif/Tuamgraney - Community Zoned Lands
- Ballyvaughan - Commercial, Existing Residential
- Ballynacallay - Commercial, Existing Residential
- Belharbour - Existing Residential, Mixed Use
- Carrigaholt - Existing Residential, Mixed Use
- Cooraclare - Existing Residential, Mixed Use
- Corofin - New Residential (R3), Existing Residential, Utilities
- Cranny - Enterprise
- Creegh - Existing Residential
- Doolin - Tourism, Mixed Use
- Doonbeg - Existing Residential
- Inagh - Commercial, Community, Mixed Use
- Inch - Existing Residential
- Killadysert - Existing Residential, Community
- Kilmihil - Existing Residential, Community
- Knock - Existing Residential, Community
- Lisdoonvarna - Existing Residential, Tourism, Community
- Lissycasey - Commercial, Existing Residential

- Moy - Residential
- Moyasta - Existing Residential, Tourism
- Querrin - Existing Residential
- Quilty - Existing Residential
- Spanish Point - Tourism

- (ii) consequent to the above, to not zone for highly vulnerable (Flood Zones A and B) or less vulnerable (Flood Zone A) development, any lands that have not passed the Justification Test;
- (iii) include in the Plan all non-structural and structural (if applicable) flood risk management measures recommended under point 3 of the Justification Test as required to prevent flood risk to vulnerable uses; and
- (iv) overlay the flood risk zone mapping on the land use zoning objective maps to facilitate the implementation of guidelines, including through the development management process.

The planning authority is advised to consult with the OPW in respect of the above.

## 10. Environment, Heritage and Amenities

The Office acknowledges the comprehensive and systematic approach taken by the planning authority in addressing the wide range of issues relevant to the protection, preservation and improvement of environmental and built heritage and amenities, included in Volume 1 Chapters 10, 14, 15 and 16 and Appendix 4, together with Volume 4, to address the mandatory objectives relating to environment and heritage conservation and protection.

### 10.1 Rights of Way

The Office notes the inclusion of objectives to protect two rights of way in the draft Plan (CDP 10.13 and Appendix 6). However, in view of the extensive seashore, mountain, lakeshore, riverbank and other places of natural beauty and/or recreational utility in the county, this is considered to be very limited taking account of the significant resources.



Such rights can contribute to the economic base of the county through the facilitation and encouragement of tourism, in addition to providing important amenities to the local population and it is therefore important that the planning authority is proactive in identifying and securing the future of such routes.

The planning authority's attention is drawn to examples of good practice identified in the OPR Case Study Paper CSP01 '[Public Rights of Way and the Local Authority Development Plan](#)'.

#### Observation 7 – Rights of Way

Having regard to Section 10(2)(o) of the *Planning and Development Act 2000*, as amended, the planning authority is requested to review the number of rights of way in the draft Plan to more fully reflect the nature and scale of the County.

## 10.2 Environmental Assessments

The Office has reviewed the environmental assessment reports attached to the draft Plan, inclusive of an SEA Environmental Report, an Appropriate Assessment Screening Report and Natura Impact Report, in addition to the SFRA.

It is noted that 11 of the largest West Clare settlements, although included in the settlement list, appear to be missing from the detailed analysis of settlements in Appendix B of the Environmental Report. In addition, no obvious concluding statement confirming the overall conclusion of the SEA process to date is evident in the Environmental Report, inconsistent with the section 28 guidelines *Implementation of SEA Directive (2001/42/EC): Assessment of the Effects of Certain Plans and Programmes on the Environment Guidelines for Regional Authorities and Planning Authorities* (2004). The planning authority is advised to rectify these omissions in the preparation of the material alterations.

## 11. Implementation and Monitoring

The Office welcomes the commitment to monitoring the plan in Chapter 20 Implementation and Monitoring and Appendix 9, consistent with the provisions of the

*Development Plans Guidelines for Planning Authorities, Draft for Consultation*  
(August 2021).

The Office advises that implementation and monitoring would be best to focus on the anticipated key outcomes of the plan, as determined by the planning authority, such as the core strategy (e.g. population growth and housing delivery), urban and rural regeneration, the sustainable transport strategy (e.g. modal share, preparation of Local Transport Plan), climate action (e.g. renewable energy development, biodiversity and landscape (e.g. status of designate habitats) and others.

### Observation 8 – Implementation and Monitoring

Having regard to the commitment of the planning authority to securing and monitoring the implementation of the strategies, policies and objectives of the draft Plan, the Office advises the planning authority to consider how Chapter 20 'Implementation and Monitoring' could be amended to ensure that any monitoring is strategic in nature consistent with Part 10 of the *Development Plans, Guidelines for Planning Authorities, Consultation Draft* (August 2021).

## 12. General and Procedural Matters

### 12.1 Mapping

Excepting issues relating to the presentation of flood risk maps, the planning authority is commended for the overall quality, detail and range of mapping provided in the draft Plan. This positive approach will assist the public in understanding the overall planning policy approach proposed in the Plan.

### 12.2 Inconsistencies

Having regard to the *Development Plans Guidelines for Planning Authorities, Draft for Consultation* (August 2021), the planning authority should consider revising the zoning objectives in the draft Plan to align with the standardised zoning objectives in Appendix B of the Guidelines, including defined land use zoning objectives and



development priorities for each zoning type. This will assist in providing a consistent approach to zoning nationally and aid the understanding of zoning objectives by the public and the development sector alike.

The separation of the settlement plans into volumes based on geographical area (Municipal Districts) is a good approach. However, all but one of the Metropolitan Area settlements are detailed in Volume 3(b) Shannon Municipal Area Settlements, while O'Briensbridge, is included in Volume 3(c) Killaloe Municipal Area Settlements. It is suggested that all the Metropolitan Area settlements would be better included in the same volume.

A minor revision is suggested to Section 5.3.3 to remove reference to the *Urban Housing and Regeneration Act 2015* and insert reference to the *Affordable Housing Act 2021*.

## **Summary**

The Office requests that your authority addresses the recommendations and observations outlined above. As you are aware, the report of the chief executive of your authority prepared for the elected members under section 12 of the Act must summarise these recommendations and the manner in which they will be addressed. In accordance with section 12(5)(a)(a), where the planning authority decides not to comply with any of the Office's recommendations made in the draft Plan and report, they shall inform the Office, by notice in writing containing the reasons for the decision.

At the end of the process, your authority is required to notify this Office within five working days of the decision of the planning authority in relation to the draft Plan. Where your authority decides not to comply with the recommendations of the Office, or otherwise makes the plan in such a manner as to be inconsistent with the recommendations of the Office, the chief executive must inform the Office accordingly and state the reasons for the decision of the planning authority.



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Planning Regulator

Please feel free to contact the staff of the Office in the context of your authority's responses to the above, which we would be happy to facilitate. Contact can be initiated through [plans@opr.ie](mailto:plans@opr.ie).

Is mise le meas,

A handwritten signature in black ink that reads 'AM O'Connor'.

**Anne Marie O'Connor**

Deputy Regulator and Director of Plans Evaluations

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