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Submission to Clare County Council seeking the inclusion of the Doonass Looped walks as a public right of way in the Clare County Development Plan 2023-2029

In variety and woody fertility it is not surpassed by the most celebrated of the English vales none of which can boast as an adjunct to its scenery, so noble a river as the Shannon –

From Ireland in 1834 by H.G. Inglis writing on his visit to the Falls of Doonass

March 2021

1. Introduction

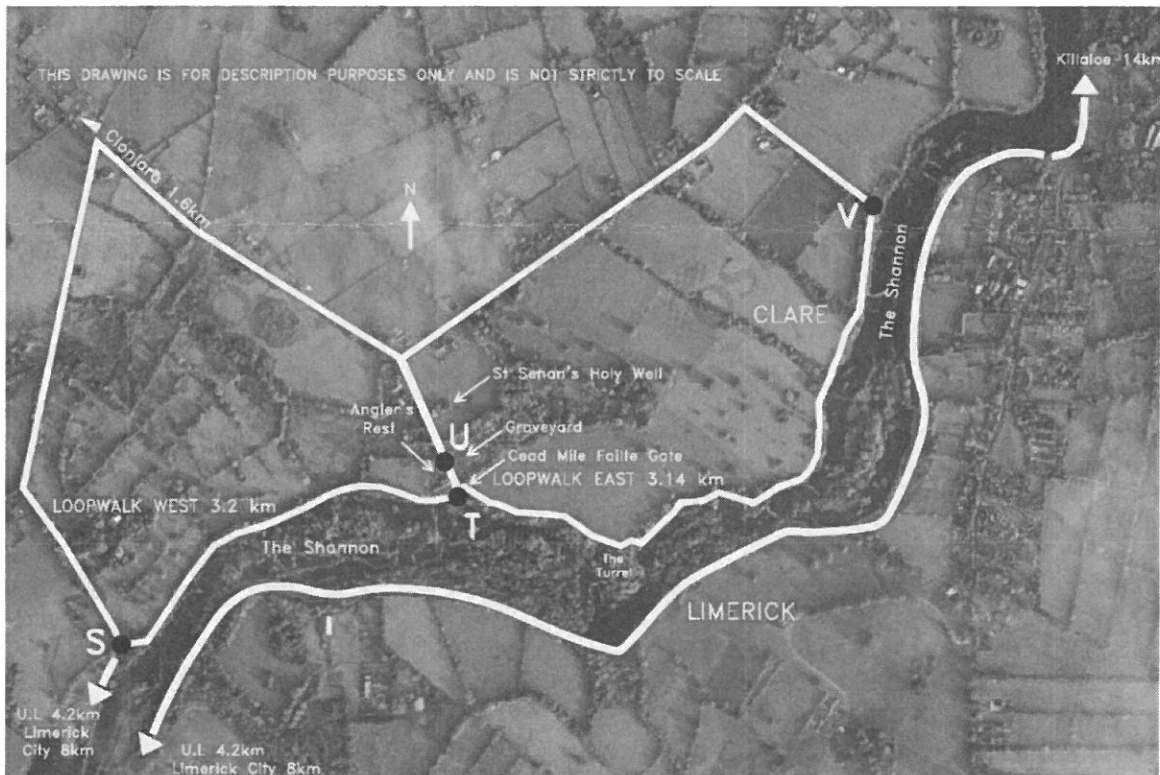
Clonlara is an idyllic village, the gateway to the internationally famous “Falls of Doonass.”

The Falls has been a tourist destination and recorded as such for centuries. Time has made a walking route built by the feet of people treading the riverside routes from Clonlara to Doonass and onwards to Castleconnell making loops east and west. Landowners both native and landed gentry have facilitated this leisure and pilgrim trail through famine, war and peacetime.

This submission relates specifically to one such looped walk which starts to the south east of Clonlara via Doonass and onwards along the banks of the River Shannon. The purpose of the submission is to request the Council to designate sections of this route as a public right of way in the County Development Plan in order to recognise and preserve public rights in this regard.

2. Doonass Route

This route is shown on the map set out below. The route starts south east of Clonlara and follows the public road going southwards towards the River Shannon as far as the southern boundary of the public road (marked “U” on Map 1 below) then south thereafter running to the east of the building known as the Angler’s Rest as far as the River Shannon (marked “T” on the map below) and then east through the stile at “The Céad Mile Fáilte” to the public footbridge crossing that leads to Castleconnell (marked “V” on the map below) and west to the junction with the public Road at Illaunyreagan (marked “S” on the map below).



Map 1: Doonass looped walks

This entire route has been used over time immemorial by the public. In particular the route from “U” to “T” to “V” is heavily trafficked.

The Council will be aware that a dispute arose in recent times regarding public access via the property known as the Angler’s Rest. This resulted in an application for a declaration being lodged with the Council as to whether the construction of a fence, a pedestrian gate and a vehicular gate on the road in Doonass is or is not development and is or is not exempted development– planning reference R20-44 refers. The Council did not make a determination on the application, referring it in turn to An Bord Pleanála – planning reference ABP-308442-20 refers. The Bord found that the works were development and were not exempted development having regard to the fact that the development, inter alia, ‘*consist of the fencing or enclosure of land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility*’

3. Request to Council with respect to Development Plan

Without prejudice to the matter regarding exemption, we would like the Council to deal with this matter with respect to the Development Plan under the provisions of section 10 (2) (o) of the Planning & Development Act 2000, as amended, where it is stated that the development plan may include objectives for –

(o) the preservation of public rights of way which give access to seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility, which public rights of way shall be identified both by marking them on at least one of the maps forming part of the development plan and by indicating their location on a list appended to the development plan

We note section 10.15 of the existing draft plan (*‘Sustainable Communities’*) which sets out the Council’s policy position regarding public rights of way. It is stated that such rights of way form an important amenity and that the Council recognises the importance of maintaining these and supporting initiatives for establishing walking routes in the County.

The section goes on to state that the development plan ‘*is required to preserve public rights which give access to seashore, mountain, lakeshore, riverbank or other places of natural beauty or recreational activity*’ – see excerpt from draft plan below. This corresponds with the legislative requirements set out in the act.

10.15 Public Rights of Way

Established public rights of way constitute an important amenity and the Council recognises the importance of maintaining these and supporting initiatives for establishing walking routes in the County. The Development Plan is required under the *Planning and Development Act, 2000, as amended*, to preserve public rights of way which give access to seashore, mountain, lakeshore, riverbank or other places of natural beauty or recreational utility. The Act requires that such public rights of way shall be identified both by marking them on at least one of the maps forming part of the development plan and by including a list with their location appended to the Plan.

The inclusion of a public right of way in this plan is based on evidence of such a right of way existing and in particular of its compliance with the specific requirements of Section 10(2)(o) of the Act. This is not an exhaustive list and does not affect the existence or validity of any other public right of way which is not included in the Plan. Public rights of way are set out in Appendix 6 of this Plan including a list of locations and associated maps.

| Development Plan Objective: Public Rights of Way | |
|---|--|
| CDP10.13 | It is an objective of Clare County Council: a) To encourage the preservation of existing public rights of way within the Plan area; and b) In accordance with the provisions of the Planning and Development Act, 2000 (as amended), including Sections 10 and 14, to preserve public rights of way which give access to |
| | natural beauty or recreational utility, as set out in the maps associated with this Plan. |

The Council has followed up on this objective by setting out a further statement at 11.2.12 of the draft Development Plan stating that public rights of way *constitute an important amenity and an economic and social asset, allowing enjoyment of the County's high quality landscape and are important for tourism development, recreation and engagement with the County's cultural heritage.* To this end the Council states at CDP 11.20 that it is *an objective of the Council to encourage the preservation of the existing public rights of way within the County set out in appendix 6* – extract from plan set out below.

11.2.12 Public Rights of Way

Public rights of way constitute an important amenity and an economic and social asset. They enable enjoyment of the County's high-quality landscape and are important for tourism development, recreation, and engagement with the County's cultural heritage. In accordance with the requirements of the *Planning and Development Act, 2000, as amended*, Appendix 6 of this Plan contains a list and maps of the public rights of way in County Clare that give access to seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational activity. Any consideration of public right of way extinguishments will have regard to RPO152 of the *RSES*.

| Development Plan Objective: Public Rights of Way | |
|---|--|
| CDP11.20 | It is an objective of Clare County Council: To encourage the preservation of the existing public rights of way within the County, as set out in Appendix 6. |

We note that 25 such rights of way are set out in Appendix 6.

We request that the route south of the graveyard and along the north bank of the River Shannon as indicated in map 1 above be added to this list.

We make this request having regard to –

- The historic usage of the route. Evidence to this effect has been lodged with the Council in the application for a declaration with respect to the development at the Angler's rest mentioned above.
- The fact that the route gives access to and leads along the river bank and that it is vitally important amenity and social and economic asset to the area.
- The substantial changes that are to come in the general area and the need to ensure that public rights in the area are secured for the future. We note the following two major changes in particular -

(a) The Council notes in the draft plan that 49% of the Limerick-Shannon Metropolitan Strategic Plan (MASP) area is located in County Clare. This area includes 7 Clare settlements. Clonlara is one of these settlements – extract from draft plan showing map of MASP area (figure 4.1) shown below.



Figure 4.1 Limerick-Shannon Metropolitan Area

This MASP area is expected to contribute substantially to the achievement of the National Planning Framework objectives in economic, social and amenity terms. Substantial population growth is particularly expected which in turn will lead to substantially increased recreational activities, including walking, fishing and general recreational activities along the River Shannon.

(b) The proximity to Limerick City and UL could lead to Clonlara becoming a dormitory village in the future. We note in particular the proposal to provide a Strategic Development Zone centred on UL which is supported in the draft Development Plan. This will be a development of substantial significance for the whole area.

- Clonlara itself has had a steady increase in population in the recent past with growth in the Electoral District, rising from a total of 950 people in 1981 to 1911 in 2016. The population has further increased since then with the many one off housing projects, the extension of Derryvinna and the integration of Church Fields and Clonlara Village housing estates. There is also a planning application in train for a development of 70 more houses in the village.

Even though Clonlara is located in a very scenic locality, on the banks of the River Shannon and between Killaloe and Limerick and adjacent to the Slieve Bearnagh Mountains, there is a lack of any tourism structure/facilities in the immediate area. Visitors to the greater Lough Derg region are unaware of the heritage this area has to offer. Clonlara uniquely has no through traffic so it's imperative to draw visitors to the area that can only be achieved by offering them an interesting reason to visit. The preservation of access to the River Shannon is vital in this context. The development of this walking/recreational and fishing route close to Clonlara would be a major benefit for economic, social and environmental growth for the local community and could direct and enhance community partnerships among the various groups operating within the locality. The imminent development of the UL to Scariff greenway increases the opportunity to attract more tourist and visitors to this area, providing economic opportunities in the service and hospitality sectors.

The preservation of the public right of way at this location is essential for the reasons set out above and we request the Council to include the Doonass Looped walks over the area "U" to "T" and "T" to "V" and "T" to "S" on map 1 in this submission as a public right of way in the Development Plan under the provisions of section 10 (2) (o) of the Planning & Development Act 2000, as amended.

Yours sincerely

Name



Address

