



Clare County
Development Plan
2023-2029

Draft Clare CDP 2023-2029 - Public Consultation Portal

Submitted By: Anonymous user

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Volume 1

Core Strategy, Settlement Strategy and Housing, Economic Development & Enterprise, Retail, Towns & Villages, Design & Placemaking

Volume 3(a) Ennis Municipal District Written Statements and Settlement Maps

Volume 3(b) Shannon Municipal District Written Statements and Settlement Maps

Volume 3(c) Killaloe Municipal District Written Statements and Settlement Maps

Volume 3(d) West Clare Municipal District Written Statements and Settlement Maps

Ennistymon

Associated Documents

None of the above

Environmental Reports

None of the above

Your Submission

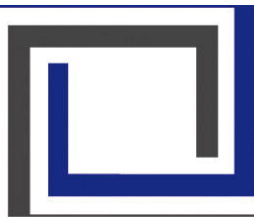
We hereby request: That the Commercial land-use zoning description as outlined under 19.4 of the Draft Clare County Development Plan 2023-2029 be amended to ensure consistency with development uses which 'will normally be acceptable in principle' as outlined within Appendix 2 Indicative Land Use Zoning Matrix of the Draft Clare County Development Plan 2023-2029, as follows: Commercial The use of land zoned for 'commercial' purposes shall be taken to include the use of the lands for commercial and business uses including offices, service industry, warehousing and the facilitation of enterprise/retail park/office type uses as appropriate. Retailing will normally be acceptable in principle under this zoning, provided that a sequential test is carried out and the lands are demonstrably the optimum location for the nature and quantum of retail development proposed.

Location Map



Upload Files

final TPP CCDP Draft Plan Site Specific Submission Ennistymon
28.03.2022.pdf, 1.89MB



Draft Clare County Development Plan 2023-2029
Planning Department
Clare County Council
New Road
Ennis
Co. Clare
V95 DXP2

Monday, 28th March 2022
[By Online submission]

Dear Sir / Madam

RE: SUBMISSION/OBSERVATION TO THE DRAFT CLARE COUNTY DEVELOPMENT PLAN 2023-2029

Site Specific Submission/Observation, Lands along Lahinch Road (N67) (1.1 ha) in the townland of Deerpark West, Ennistymon, Co. Clare

1.0 INTRODUCTION

1.1 Focus of Submission

The Planning Partnership, The Coach House, Dundanion, Blackrock Road, Cork, prepared this Submission/Observation in relation to the published *Draft Clare County Development Plan 2023-2029*.

It is acknowledged that the new Development Plan aim to achieve the recovery in response to the Covid-19 pandemic, and “*deliver on aspirations for a healthy and inclusive society with a high quality of life for all people, fostering an environment to encourage job creation, innovation and economic growth, while ensuring balanced development in our towns, villages and rural areas.*”¹

It is within this context that this Submission/Observation is made, focussing on the Site Specific Policy associated with Lands along Lahinch Road (N67) (1.1 ha) in the townland of Deerpark West, Ennistymon, Co. Clare, and specifically:

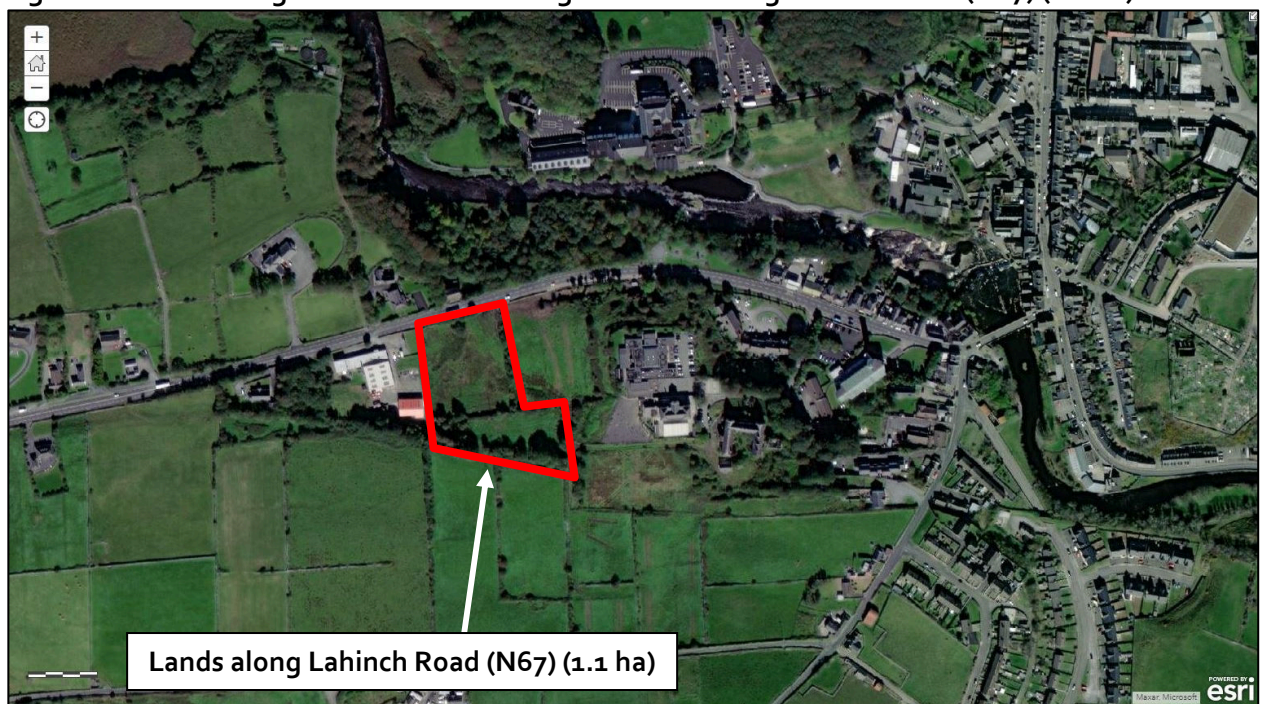
1. That the *Retail Planning Guidelines (2012)* is clear in that centres of towns are the most suitable locations for the higher order fashion and comparison goods and are the most accessible locations for the majority of the catchment population.
2. The Granting of Planning Permission on the *Commercial Zoned Lands* along Lahinch Road (N67) and located within the 50kph speed limit, is supported by the provisions of the *Spatial Planning and National Road Guidelines for Planning Authorities 2012*, and objectives outlined in *Volume 3d West Clare Municipal District Settlement Plans* of the *Draft Clare County Development Plan 2023-2029* under *Retail Development* for Ennistymon/Lahinch.
3. The draft proposal to zone the specific lands for the purposes of *Commercial* where the use as a “Shop” as defined within the *Planning and Development Regulations 2001* (as amended) ‘will normally be acceptable in principle’, is inconsistent with the *Commercial* land-use zoning description as outlined under 19.4 of the *Draft Clare County Development Plan 2023-2029*,

¹ Extract *Draft Clare County Development Plan 2023-2029*, Message from Councillor PJ Ryan, Cathaoirleach of Clare County Council

detailing that such is only 'open for consideration', provided that a sequential test is carried out and the lands are demonstrably the optimum location for the retail development proposed.

4. Clare County Council's promotion of the 10-minute town concept and active travel principles, and our opinion that the development of the lands along Lahinch Road (N67) (1.1 ha) for retail opportunities, will act as catalyst to provide adequate retail services to the Ennistymon/Lahinch catchment, and the improvement of the quality of life in Ennistymon/Lahinch and environs.
5. Our professional planning opinion that the identified Opportunity Sites, Commercial, or Mixed Use zoned lands/sites located within Ennistymon Town Centre, are not suitable and large enough in extent to facilitate a viable development comprising the footprint of a modern, good quality convenience goods store as required. The sites are more suitable for higher order fashion and comparison goods (high street retail and non-retail uses).

Figure 1.1: Aerial image of Kilrush illustrating the Lands along Lahinch Road (N67) (1.1 ha)



Source: ESRI ArcGIS, Annotated and Reproduced by The Planning Partnership under licence.

Within the context of the foregoing, and as detailed further below, **we hereby request that:**

That the **Commercial land-use zoning description** as outlined under 19.4 of the *Draft Clare County Development Plan 2023-2029* be amended (**additional text in red** with text to be omitted ~~striketrough~~) to ensure consistency with development uses which 'will normally be acceptable in principle' as outlined within *Appendix 2 Indicative Land Use Zoning Matrix* of the *Draft Clare County Development Plan 2023-2029*, as follows:

Commercial

The use of land zoned for 'commercial' purposes shall be taken to include the use of the lands for commercial and business uses including offices, service industry, warehousing and the facilitation of enterprise/retail park/office type uses as appropriate. Retailing **will normally be acceptable in principle** ~~is open for consideration~~ under this zoning, provided that a sequential test is carried out and the lands are demonstrably the optimum location for the nature and quantum of retail development proposed.

- 2.0 **COMMERCIAL ZONED LANDS ALONG LAHINCH ROAD (N67) (1.1 HA) REMAIN UNDEVELOPED IN SUCCESSIVE DEVELOPMENT PLANS, AND REQUIRES A CATALYST TO STIMULATE DEVELOPMENT**
- 2.1 **The proposed *Commercial* land-use zoning designation located along Lahinch Road (N67) (1.1 ha) within the 50kph speed limit presents the opportunity for development with a 5-minute drivetime catchment area which would encompass Lahinch**

The *Draft Clare County Development Plan 2023-2029* proposes that the Lands along Lahinch Road (N67) (1.1 ha) be zoned *Commercial*, with the following description:

Commercial

The use of land zoned for 'commercial' purposes shall be taken to include the use of the lands for commercial and business uses including offices, service industry, warehousing and the facilitation of enterprise/retail park/office type uses as appropriate. Retailing is open for consideration under this zoning, provided that a sequential test is carried out and the lands are demonstrably the optimum location for the nature and quantum of retail development proposed.

The following land-uses 'will normally be acceptable in principle' as outlined within *Appendix 2 Indicative Land Use Zoning Matrix of the Draft Clare County Development Plan 2023-2029*:

Adverting Structures, B&B/Guesthouse, Bank/Financial Institution, Betting Office, Car Park, Cash And Carry/Wholesale Outlet, Cinema/Theatre, Crèche/Childcare Facility, Doctor/Dentist, Education/Enterprise Centre, Funeral Home, Health Centre/Clinic, Home Based Economic Activities, Launderette/Dry Cleaner, Leisure/Gym / Recreational Sports Club, Library, Liquor Licence Premises, Motor Sales/Repairs/Service, Office <100m², Office 100m²-1000m², Office >1000m², Open Space, Restaurant/Cafe, School/College, Shop, Tourism Complex, Training Centre, Veterinary Surgery.

Volume 3d West Clare Municipal District Settlement Plans of the Draft Clare County Development Plan 2023-2029, details under ***Ennistymon/Lahinch Location and Context***:

Ennistymon/Lahinch is identified in the Clare settlement hierarchy as a Linked Service Town in North Clare, due to the role as an important service centre and drivers of growth for their respective hinterlands. Ennistymon and Lahinch are located approximately 2.5 km apart and are linked by the N67 footpath and cycleway. Both settlements provide business, retail, and employment services catering for the local population, while Lahinch, situated on the Wild Atlantic Way, is noted for its national and international tourism product which includes recreational activities associated with its seaside location. It is critical that each settlement retains its own identity and does not coalesce through ribboning of development.

.....

In the last year Ennistymon has seen an influx of people relocating to the area due to the opportunity for remote working because of the current Covid-19 pandemic. This has added a renewed vibrancy to the town beyond the main tourist season.

Volume 3d West Clare Municipal District Settlement Plans of the Draft Clare County Development Plan 2023-2029, details under ***General Objectives – Ennistymon/Lahinch Service Town*** *inter alia*:

To safeguard the existing character of the town centres by permitting development that respects the existing built heritage and encourages regeneration through appropriate renovation and redevelopment of, vacant, derelict and under-used buildings.

It is further acknowledged that that *Volume 3d West Clare Municipal District Settlement Plans of the Draft Clare County Development Plan 2023-2029*, details under **Retail Development**:

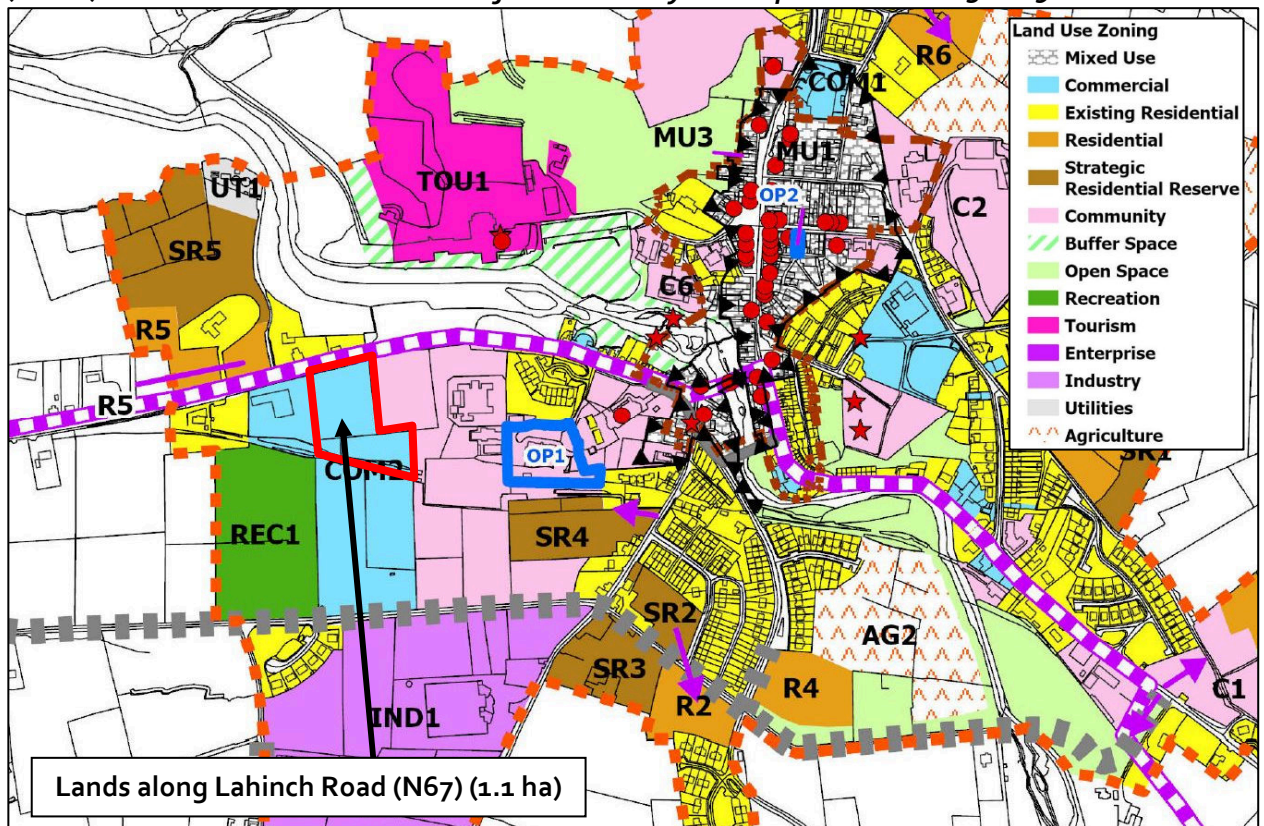
Ennistymon is identified as a Linked Service Town in County Clare and Tier 3 in the Retail Hierarchy included in the Clare Retail Strategy (Volume 7) of this plan. The purpose of the retail hierarchy is to indicate the level and form of retailing activity appropriate to the various urban centres in the County and to enable the Council to protect the overall vitality and viability of each town centre in line with their identified function.

The town serves as the main service centre for both Lahinch and the wider north Clare area and provides a wide range of produce and services, while Lahinch largely caters for the tourist trade.

It is an objective of the plan:

- *To support the town as an important centre for the provision of convenience goods and retail services.*
- *To encourage the provision (where not already provided) of good quality convenience outlets capable of supporting a main food shopping trip in or on the edge of town centre.*
- *To support the provision of non-bulky and bulky comparison goods outlets in the town centre where these are aimed at meeting the needs of the local catchment populations.*

Figure 2.1: COM 2 Land Use Zoning Designations as Applied to Lands along Lahinch Road (N67) (1.1 ha) under the Provisions of the Draft Clare County Development Plan 2023-2029



Source: Land Use Zoning Map of the *Ennistymon Draft Clare County Development Plan 2023-2029*, extracted, reproduced and annotated by The Planning Partnership under OS Licence No. AR0114722

It is our professional planning opinion as presented under 2.5 *Retail Planning Guidelines (2012)* below, and as outlined under 4.4 *Sequential Approach to the Location of Retail Development* as detailed within the *Retail Planning Guidelines (2012)*, that: *The centres of cities and towns are the most suitable locations for the higher order fashion and comparison goods and are the most accessible locations for the majority of the catchment population. They should be supported in maintaining and expanding their retail offer to serve that population in a sustainable way which will also help to reduce the need to travel.*

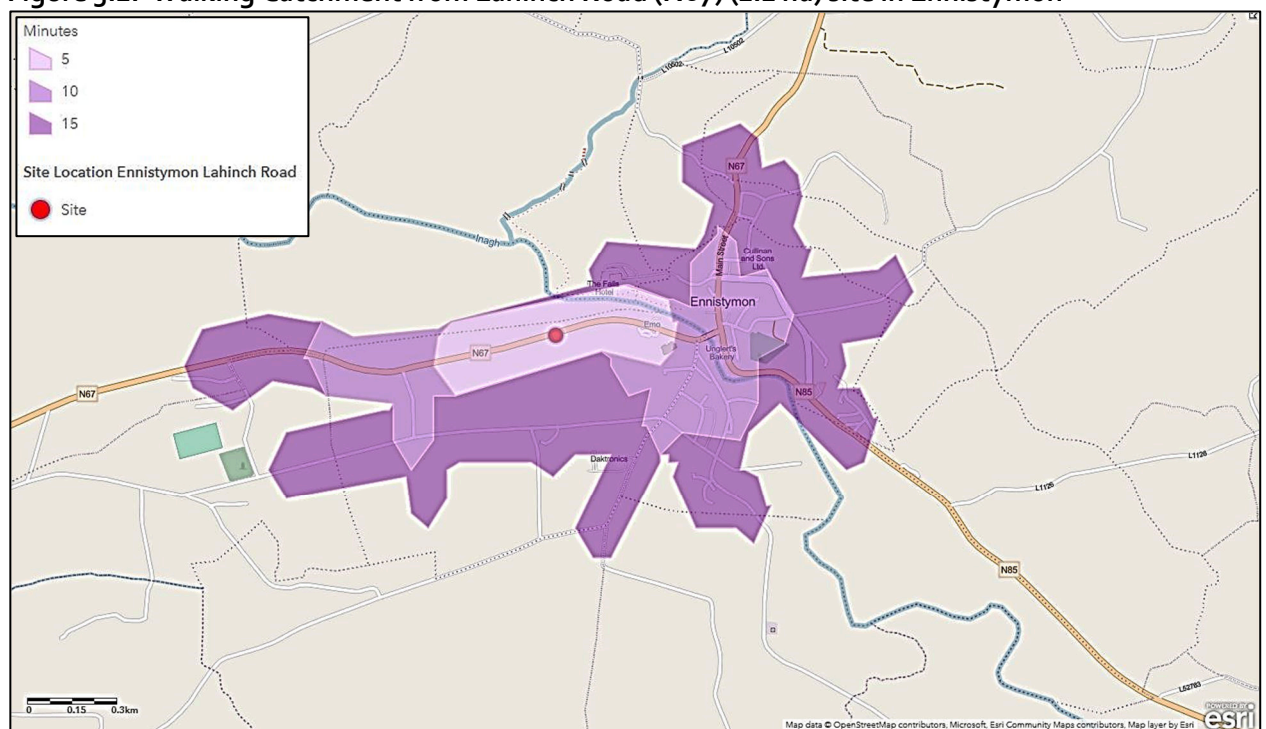
As Clare County Council is promoting the concept of the 10-minute town concept and active travel principles, the development of the lands along Lahinch Road (N67) for retail opportunities, will act as catalyst to provide adequate retail services to the *Ennistymon/Lahinch Service Town* catchment, and the improvement of the quality of life in Ennistymon and Lahinch and their environs.

The *Retail Planning Guidelines (2012)* is clear in this instance that centres of towns are the most suitable locations for the higher order fashion and comparison goods and are the most accessible locations for the majority of the catchment population.

Figure 3.1 below presents graphically three Walking Catchment areas, i.e. a 5-minute, 10-minute, and 15-minute average speed walk, which are served by the lands along Lahinch Road (N67) (1.1 ha) and immediate residential catchment.

The 15-minute walking catchment in effect extends into the entire Ennistymon Urban Build Form. Ennistymon Town Centre has a distinctive character with an attractive architectural style, although large areas need consolidation and renovation. The shop fronts in particular play an important part in the Irish vernacular tradition of town architecture.

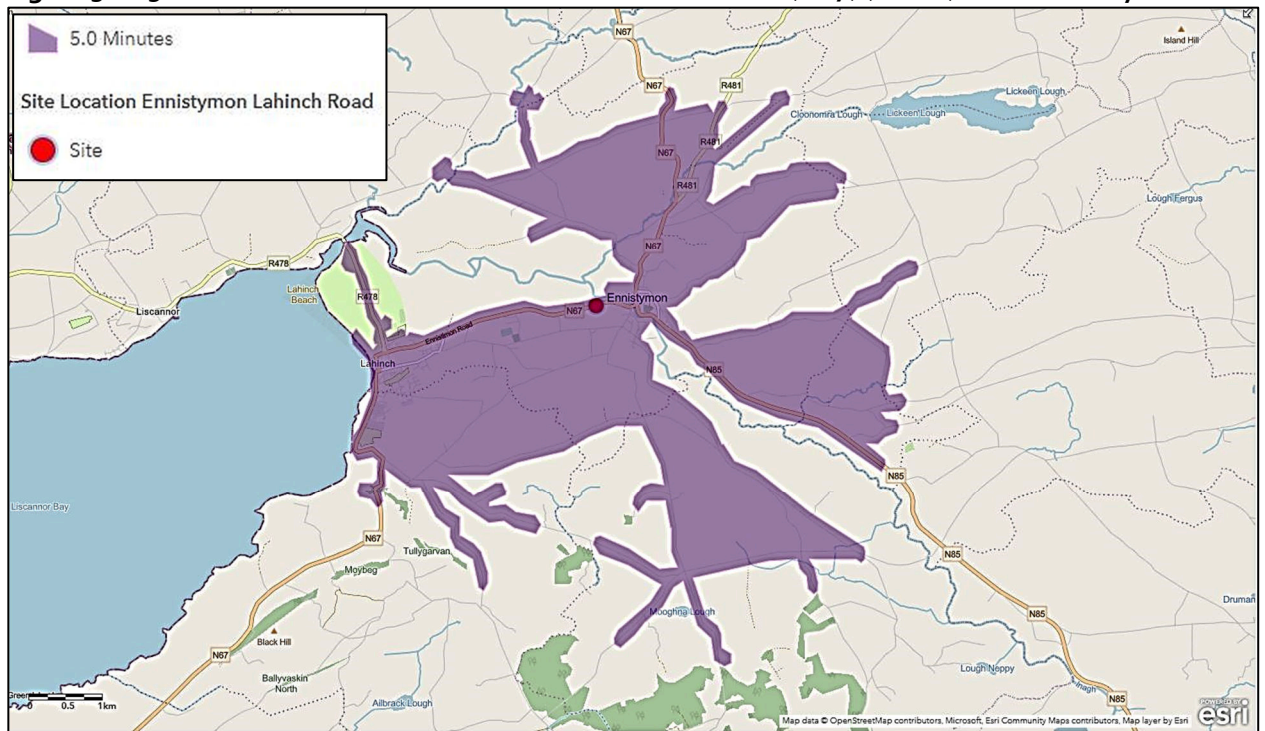
Figure 3.1: Walking Catchment from Lahinch Road (N67) (1.1 ha) site in Ennistymon



Source: ESRI ArcGIS, Annotated and Reproduced under Licence by The Planning Partnership March 2022

Figure 3.2 below presents graphically a 5-minute Drivetime Catchment area, which are served by the lands along Lahinch Road (N67) (1.1 ha) and immediate residential catchment, and extends to include the entire Lahinch Urban Build Form.

Figure 3.1: 5-minute Drivetime Catchment from Lahinch Road (N67) (1.1 ha) site in Ennistymon



Source: ESRI ArcGIS, Annotated and Reproduced under Licence by The Planning Partnership March 2022

2.2 Development of *Commercial Zoned Lands* along Lahinch Road (N67) (1.1 ha) and located within the 50kph speed limit is supported for development per *Spatial Planning and National Road Guidelines for Planning Authorities 2012*

It is a Key Principle of the *Spatial Planning and National Road Guidelines for Planning Authorities 2012* that where development is proposed on lands adjoining National Roads within 50kph speed limits:

Access to national roads will be considered by planning authorities in accordance with normal road safety, traffic management and urban design criteria for built up areas.

It is our professional planning opinion that the Granting of Planning Permission on the *Commercial Zoned Lands* along Lahinch Road (N67) and located within the 50kph speed limit, is supported by the provisions of the *Spatial Planning and National Road Guidelines for Planning Authorities 2012*.

2.3 National Planning Framework – Project Ireland

NPO 4: *Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.*

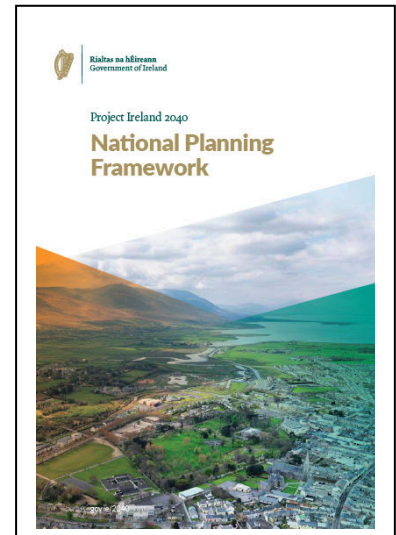
NPO 5: *Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.*

NPO 6: *Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.*

NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO 27: Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activities for all ages.

NPO 28: Plan for a more diverse and socially inclusive society that targets equality of opportunity and a better quality of life for all citizens, through improved integration and greater accessibility in the delivery of sustainable communities and the provision of associated services.

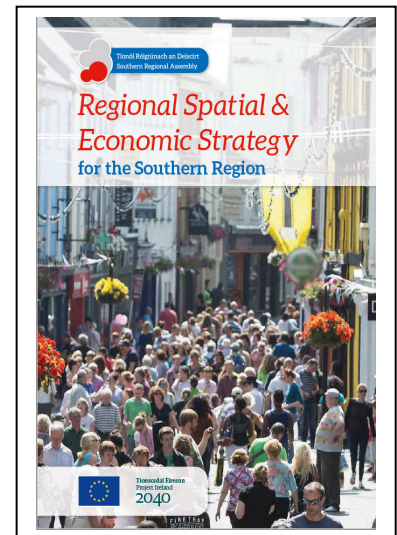


2.4 Regional Spatial Economic Strategy for the Southern Region

RPO 2 Planning for Diverse Areas: The RSES recognises the strategic role played by all areas, both urban and rural, in achieving the set regional and national targets and objectives. The RSES supports sustainable enterprise growth, services, physical and social infrastructure investment and the sustainable growth of all communities in the Region. The overall strategy builds on cities and their associated metropolitan areas as engines of growth and seeks, in parallel, to re-position the Region's strong network of towns, villages and diverse rural areas in an economically resilient, imaginative and smart way to foster sustainable competitive advantage.

RPO 55 Retail: It is an objective to:

- Improve the physical appearance, vitality and vibrancy of city centre, town centre and village locations through collaboration between Planning Authorities and Retail Traders Associations in regeneration / public realm projects and other measures;
- Ensure that retail development is focussed on urban and village centres with the application of a sequential approach to consideration of retail development which does not fall into this category;
- Prepare Retail Strategies in accordance with the Retail Planning Guidelines including Joint Retail Strategies where applicable. Proposed public realm or urban regeneration projects should be assessed for potential impacts on the receiving environment including capacity of existing services at project level. Where public realm or urban regeneration projects would significantly increase shopper/visitor numbers, planning authorities should ensure that projects include sustainable management of increased demand for access to city/town centre locations.



RPO 62 Location for Employment Development: It is an objective to:

- Identify future locations for strategic employment development having regard to accessibility by sustainable transport modes and environmental constraints.

2.5 Retail Planning Guidelines (2012)

2.5.3 Competitiveness in the Retail Sector: Strong competition is essential to reduce retail costs and ensure that savings are passed on to retail customers through lower prices. Competition also promotes innovation and productivity.

The planning system should not be used to inhibit competition, preserve existing commercial interests or prevent innovation. In interpreting and implementing these Guidelines, planning authorities and An Bord Pleanála should avoid taking actions which would adversely affect competition in the retail market. In particular, when the issue of trade diversion is being considered in the assessment of a proposed retail development, planning authorities and An Bord Pleanála should assess the likelihood of any adverse impacts on the vitality and viability of the city or town centre as a whole, and not on existing traders.

2.5.4 Encouraging Sustainable Travel: While the private car tends to be attractive for activities such as more substantial convenience goods shopping or bringing home bulky goods, careful location of retail developments and attention to detail in terms of how they are connected by footpaths and cycle facilities to surrounding areas can substantially boost trips on foot or bicycle for smaller purchases and make a substantial difference in encouraging smarter travel in line with the Smarter Travel strategy.

2.5.5 Retail Development and Urban Design: Quality design aims to create attractive, inclusive, durable, adaptable places for people to work in, to live in, to shop in, or pass through.

Planning authorities should promote quality design in retailing in their development plan and/or retail strategies and then implement this through the development management process. This is of particular importance for retail development because of the dominant visual and use role it plays in a city, town or village streetscape.

3.3 Development Plans and Retailing: The function of the development plan is to establish an overall strategy for the proper planning and sustainable development of its area.

Specifically in relation to retailing, the development plan must be:

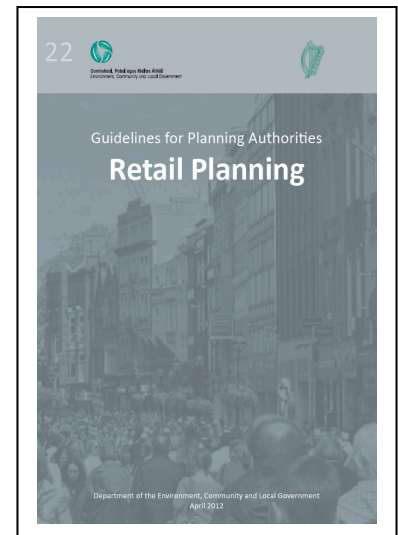
- Evidence-based through supporting analysis and data to guide decision making;
- Consistent with the approach of these guidelines; and
- Clear and concise with regard to specific objectives and requirements.

5- Set out strategic guidance on the location and scale of retail development to support the settlement hierarchy, including where appropriate identifying opportunity sites which are suitable and available and which match the future retailing needs of the area;

7- Mobility management measures- that both improve accessibility of retail areas while aiming to develop a pedestrian and cyclist friendly urban environment and vibrant street life.

4.4 Sequential Approach to the Location of Retail Development:

City and Town Centres: The centres of cities and towns are the most suitable locations for the higher order fashion and comparison goods and are the most accessible locations for the majority of the catchment population. They should be supported in maintaining and expanding their retail offer to serve that population in a sustainable way which will also help to reduce the need to travel.



4.9 Retail Impact Assessment: *However, where a planning authority considers an application for planning permission to develop a new retail development to be particularly large in scale compared to the existing city/town/district centre, or where a retail strategy or development plan has allocated a specific type and quantum of retail floorspace to a particular settlement and a proposed development absorbs on one site the bulk of that potential retail floorspace, the planning authority may request the applicant, by way of a Retail Impact Assessment (RIA) as set out in Annex 5, to demonstrate compliance with the development plan and that there will not be a material and unacceptable adverse impact on the vitality and viability of any existing centre. This is a matter for careful technical assessment and professional judgement.*

4.11.5 Retailing in Small Towns and Villages: *The role of small towns and villages in the provision of retail services to their local urban and rural populations should be defined in development plans. Where appropriate, the maximum size of store, consistent with maintaining a variety of shops in the centre of these towns and villages and protecting an appropriate level of retail provision in the rural area, should be identified. In general there should be a clear presumption stated in favour of central or edge-of-centre locations for new developments.*

4.11.6 Local Retail Units: *Local retail units such as corner shops or shops located in local or neighbourhood centres serving local residential districts perform an important function in urban areas. Where a planning authority can substantiate the local importance of such units in defined local centres, they should safeguard them in development plans, through appropriate land-use zoning. Development management decisions should support the provision of such units, particularly where they encompass both food-stores and important non-food outlets such as retail pharmacies, and have significant social and economic functions in improving access to local facilities especially for the elderly and persons with mobility impairments, families with small children, and those without access to private transport.*

3.0 OUR REQUEST

Acting as a catalyst to further positive development, the *Retail Planning Guidelines 2012* state that “retailing plays a major role in attracting people to the centre of cities, towns and villages, thus contributing to the overall economic vitality of those centres and supporting their role as centres of social and business interaction in the community...”.

The *Retail Planning Guidelines 2012* go on to say that retailing “...also supports the considerable investment by the public and private sectors in urban renewal, by providing shopping facilities to residents and by adding to the vitality and attractiveness of inner areas of cities and towns which is important also in the context of the tourism sector”.

From a detail review of the *Draft Clare County Development Plan 2023-2029*, it appears that inconsistencies are presented within the *Commercial* land-use zoning description as outlined under 19.4 of the *Draft Clare County Development Plan 2023-2029*, and the use as a ‘Shop’ ‘will normally be acceptable in principle’ as outlined within *Appendix 2 Indicative Land Use Zoning Matrix* of the *Draft Clare County Development Plan 2023-2029*.

The *Planning and Development Regulations 2001* (as amended) defines:

‘shop’ means a structure used for any or all of the following purposes, where the sale, display or service is principally to visiting members of the public –

- (a) for the retail sale of goods,*
- (b) as a post office,*
- (c) for the sale of tickets or as a travel agency,*

(d) for the sale of sandwiches or other food or of wine for consumption off the premises, where the sale of such food or wine is subsidiary to the main retail use, and "wine" is defined as any intoxicating liquor which may be sold under a wine retailer's off-licence (within the meaning of the Finance (1909-1910) Act, 1910), 10 Edw. 7. & 1 Geo. 5, c.8,

(e) for hairdressing,

(f) for the display of goods for sale,

(g) for the hiring out of domestic or personal goods or articles,

(h) as a launderette or dry cleaners,

(i) for the reception of goods to be washed, cleaned or repaired,

but does not include any use associated with the provision of funeral services or as a funeral home, or as a hotel, a restaurant or a public house, or for the sale of hot food or intoxicating liquor for consumption off the premises except under paragraph (d), or any use to which class 2 or 3 of Part 4 of Schedule 2 applies;

As noted from the above, it is clear that 'Shop' presents retail activities/uses which 'will normally be acceptable in principle' on *Commercial* zoned lands as outlined within *Appendix 2 Indicative Land Use Zoning Matrix* of the *Draft Clare County Development Plan 2023-2029*.

Accordingly, we hereby request:

That the *Commercial* land-use zoning description as outlined under 19.4 of the *Draft Clare County Development Plan 2023-2029* be amended (**additional text in red** with text to be omitted ~~striketrough~~) to ensure consistency with development uses which 'will normally be acceptable in principle' as outlined within *Appendix 2 Indicative Land Use Zoning Matrix* of the *Draft Clare County Development Plan 2023-2029*, as follows:

Commercial

The use of land zoned for 'commercial' purposes shall be taken to include the use of the lands for commercial and business uses including offices, service industry, warehousing and the facilitation of enterprise/retail park/office type uses as appropriate. Retailing **will normally be acceptable in principle** is open for consideration under this zoning, provided that a sequential test is carried out and the lands are demonstrably the optimum location for the nature and quantum of retail development proposed.

4.0 CONCLUSION

In closing, The Planning Partnership wishes to make this submission with regards to the future vitality and vibrancy of Ennistymon, to act as catalyst for development and deliver the inherent opportunities presented within the objectives of the Council as outlined in the *Draft Clare County Development Plan 2023-2029*.

It is our professional planning opinion that the Granting of Planning Permission on the *Commercial* Zoned Lands along Lahinch Road (N67) and located within the 50kph speed limit, is supported by the provisions of the *Spatial Planning and National Road Guidelines for Planning Authorities 2012*.

We confirm that the *Retail Planning Guidelines (2012)* is clear in that centres of towns are the most suitable locations for the higher order fashion and comparison goods and are the most accessible locations for the majority of the catchment population.

It is our professional planning opinion that the identified Opportunity Sites, or Mixed Use zoned lands/sites located within the Ennistymon Town Centre, are not suitable and large enough in extent to facilitate a viable development comprising the footprint of a modern, good quality convenience goods store as required. Such sites are more suitable for higher order fashion and comparison goods (high street retail and non-retail uses).

Should you have any queries or require any further information in relation to the above please do not hesitate to contact me.

Yours faithfully



Wessel Vosloo
Principal
The Planning Partnership