



Clare County  
Development Plan  
**2023-2029**

## **Draft Clare CDP 2023-2029 - Public Consultation Portal**

**Submitted By: Anonymous user**

**Submitted Time: March 28, 2022 3:11 PM**

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### **Volume 1**

Core Strategy, Settlement Strategy and Housing, Economic Development & Enterprise, Retail, Towns & Villages, Design & Placemaking, Sustainable Communities, Architectural, Archaeological & Cultural Heritage

### **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**

Volume 7 Clare Retail Strategy

### **Environmental Reports**

None of the above

### **Your Submission**

The Retail Planning Guidelines 2012 further under 4.4 Sequential Approach to the Location of Retail Development, details 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." Volume 7 Clare Retail Strategy presents a clear demand for 3,688 sq m NRSA of Convenience Goods by 2026, increasing to 4,184 sq m NRSA of Convenience Goods by 2029. Commercial zoned lands located to the south-east of the retail core of Ennistymon, south of the Aldi Foodstore along Church Hill, is located to the north of a ruined church and graveyard designated as Recorded Monuments, rendering significantly challenging for viable development of good quality modern Convenience Goods store.

We request new CCDP include the following per details presented in document uploaded as part of this submission: 1. Specific targeted measures to improve the public realm associated with our civic spaces and streetscapes. 2. Specific targeted measures to improve the 10-minute town concept and active travel principles. 3. Specific targeted measures to reduce the vacancy rates. 4. That the Commercial land-use zoning description as outlined under 19.4 be amended to ensure consistency with development uses which 'will normally be acceptable in principle' as outlined within Appendix 2. 5. That the Enterprise land-use zoning description as outlined under 19.4 be amended to ensure consistency with development uses which 'open to consideration' as outlined within Appendix 2.

## Location Map



Earthstar Geographics | Esri, FAO, NOAA

Powered by [Esri](#)

## Upload Files

final Lidl CCDP Draft Plan General Submission Ennistymon 28.03.2022.pdf,  
1.64MB



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

Monday, 28<sup>th</sup> March 2022  
[By Online submission]

Dear Sir / Madam

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

**General Development Policy and Objective Submission/Observation associated with Ennistymon, Co. Clare**

## 1.0 INTRODUCTION

### 1.1 Focus of Submission

The Planning Partnership has been retained by Lidl Ireland GmbH, Head Office, Main Road, Tallaght, Dublin 24, to prepare 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.*”<sup>1</sup>

Lidl currently employ a large number of staff in their Foodstores in Ennis and Shannon, which is anticipated to significantly increase in the short term within County Clare, subject in large part to the ability of the planning system to facilitate Lidl’s expansion plans.

This submission does not relate to any specific site and is made in the context of strategic issues, emphasising the importance of retailing within Ennistymon/Lahinch as presented within *Volume 3d West Clare Municipal District Settlement Plans* of the *Draft Clare County Development Plan 2023-2029*, and the need for appropriate policies and objectives associated within the future *Clare County Development Plan 2023-2029*.

### 1.2 COVID-19 Implications for Retailing

As widely recognised, the ongoing pandemic has demonstrated the critical role of the Foodstore (Corner shop, Neighbourhood Shop, Discount Foodstore, Supermarket, Superstore, etc.) as a strategic service, and one which is needed locally and not on a centralised basis.

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

If food shopping were to be restricted to a narrow set of centres, this would lead to unnecessarily excessive concentrations of people, and would also require much more travel and longer journeys.

It is acknowledged that Clare County Council is promoting the implementation of the *10-minute* town concept to ensure active travel principles and integration of public transport and land use.

The *Retail Planning Guidelines 2012* are very much about refocusing towards plan-led development, encouraging competitiveness and in particular promoting the viability and vitality of town centres.

In this regard, the Guidelines have five key policy objectives:

1. Ensuring that retail development is ***plan led***;
2. Promoting city/town centre vitality through a ***sequential approach*** to development;
3. ***Securing competitiveness in the retail sector*** by actively enabling good quality development proposals to come forward in suitable locations;
4. Facilitating a shift towards increased access to retailing by public transport, cycling and walking in accordance with the Smarter Travel strategy; and
5. Delivering quality urban design outcomes.

The *Retail Planning Guidelines 2012* further under 4.4 *Sequential Approach to the Location of Retail Development*, details 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.*

During the period of COVID-19 restriction of movement to within 2km or 5km from your place of residence, local shopping played a vital role in facilitating the minimisation of travel.

In this regard, we submit that Lidl and similarly scaled operators should be actively encouraged to develop a broader network of stores in a wider network of towns within its immediate 10-minute walking distance catchment, as opposed to concentrating convenience floorspace in a smaller number of larger superstores or hyperstores (considered to be anti-competitive per the *Retail Planning Guidelines 2012*), or indeed transitioning stores and other infrastructure into online shopping distribution centres.

In addition, we note that a key action outlined in IBEC's *Reboot and Reimagine* campaign is to:

*"Ensure fair competition: We must support and maintain the domestic retail sector's competitiveness and ability to grow, sustain jobs and deliver great choice and value to consumers..."*

Covid-19 has also demonstrated that Convenience shopping is highly exposed to change and a potential shift to online shopping platforms. Limiting local access to physical stores will only encourage and accelerate the transition to online shopping options.

For instance, online food sales have increased from pre-pandemic level of 2.7% to 6.3% of all sales in February 2021, more than doubling in a year, according to Kantar.<sup>2</sup>

We also note ongoing trials of a supermarket delivery service via Drone in Oranmore, County Galway, with the operator of the service confirming that "... *more than 35% of homes in the Oranmore delivery area use the service on a regular basis. The company's drones make an average 100 deliveries*

<sup>2</sup> <https://www.rte.ie/news/business/2021/0308/1201651-kantar-supermarket-figures/>

per day". They have also recently announced expansion to another (much larger - 40,000 people) urban centre in Ireland.<sup>3</sup>

Widespread adoption of this model would likely have a dramatic and disruptive effect on the retail sector, which has already experienced significant impacts through recession and changes in consumer behaviour.

*Volume 7 Clare Retail Strategy* of the *Draft Clare County Development Plan 2023-2029* details that the Household Survey Results indicated the "highest recorded use of online shopping for main groceries was from respondents in Ennistymon (20%)", with the convenience thereof being cited as the biggest motivation.<sup>4</sup>

The Planning Authority should therefore actively encourage the provision of 'bricks and mortar' retail infrastructure to the greatest extent possible, to preserve and enhance the vitality and viability of town and village centres.

It is within this context that this Submission/Observation is made, focussing on policies and objectives within the *Draft Clare County Development Plan 2023-2029*, 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. Clare County Council's promotion of the *10-minute* town concept to ensure active travel principles and integration of public transport and land use, which would apply to retail opportunities in Ennistymon with the objective to provide adequate retail services to the wider Ennistymon/Lahinch catchment, and the improvement of the quality of life in Ennistymon/Lahinch and environs.
3. The most recent *Retail Strategy for the Mid-West Region 2010-2016* which has been prepared in 2009, shortly after commencement of the economic crash which has been well reported, does not reflect current relevant Retail Policy, i.e. the current *Retail Planning Guidelines 2012*, however encourages the provision of good quality convenience outlets capable of supporting a main food shopping trip in or on the edge of the town centre of Ennistymon.
4. 11 % vacancy recorded within Ennistymon Town Centre<sup>5</sup> is presented which requires specific targeted measures to reduce the vacancy rates, with the issue of 'vacancy' relating to all use types, not solely retail, including a myriad of commercial uses and substantial residential vacancy within Ennistymon Town Centre.
5. *Volume 7 Clare Retail Strategy* of the *Draft Clare County Development Plan 2023-2029* presents a clear demand for 3,688 sq m Net Retail Sales Area of Convenience Goods by 2026, increasing to 4,184 sq m Net Retail Sales Area of Convenience Goods by 2029.
6. An approximate 0.68 hectares of *Commercial* zoned lands located to the south-east of the retail core of Ennistymon, south of the Aldi Foodstore along Church Hill, is located to the north of a ruined church and graveyard designated as Recorded Monuments, rendering such significantly challenging for viable development of good quality modern Convenience Goods store capable of supporting a main food shopping trip.
7. Our professional planning opinion that the identified Opportunity Sites or Mixed Use zoned lands/sites located within Ennistymon Town Centre, are not suitable and large enough in extent

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<sup>3</sup><https://www.thegrocer.co.uk/technology-and-supply-chain/tesco-delivery-drone-partner-eyes-expansion-to-bigger-town/658411.article>

<sup>4</sup> Pages 75 and 76 of *Volume 7 Clare Retail Strategy* of the *Draft Clare County Development Plan 2023-2029*

<sup>5</sup> Page 103 of *Volume 7 Clare Retail Strategy* of the *Draft Clare County Development Plan 2023-2029*

to facilitate viable development of a good quality modern Convenience Goods store capable of supporting a main food shopping trip, as required. These sites are more suitable for higher order fashion and comparison goods (high street retail and non-retail uses).

8. The use as a "Shop" as defined within the *Planning and Development Regulations 2001* (as amended) '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*, which is inconsistent with the *Commercial* land-use zoning description as outlined under 19.4 of the *Draft Clare County Development Plan 2023-2029*, which details 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.
9. The use as a "Shop" as defined within the *Planning and Development Regulations 2001* (as amended) is 'open to consideration' on *Enterprise* zoned lands as outlined within *Appendix 2 Indicative Land Use Zoning Matrix* of the *Draft Clare County Development Plan 2023-2029*, which is inconsistent with the *Enterprise* land-use zoning description as outlined under 19.4 of the *Draft Clare County Development Plan 2023-2029*, which clearly excludes general retail.

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

1. We respectfully submit that the forthcoming *Clare County Development Plan 2023-2029* should include specific targeted measures to improve the public realm associated with our civic spaces and streetscapes, to actively drive change.
2. We respectfully submit that the forthcoming *Clare County Development Plan 2023-2029* should include specific targeted measures to improve the 10-minute town concept and active travel principles, to actively drive change.
3. We respectfully submit that the forthcoming *Clare County Development Plan 2023-2029* should itself include specific targeted measures to reduce the vacancy rates, with a vacancy survey (with annual reviews thereafter) of all centres in Levels 1 and 2 of Tier 3- Town Centres in the *Clare County Retail Hierarchy* undertaken (prior to adoption of, and for inclusion in, the forthcoming Development Plan) which could identify the key constituent causes, solutions and contributing elements to re-activate the specific vacant unit and actively drive a reduction in vacancy rates.
4. 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.

5. That the *Enterprise* 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 are 'open to consideration' as outlined within *Appendix 2 Indicative Land Use Zoning Matrix* of the *Draft Clare County Development Plan 2023-2029*, as follows:

## Enterprise

Lands zoned for 'enterprise' shall be taken to include the use and development of land for high end research and development, business science and technology-based industry, financial services, call centres/telemarketing, software development, data centres, enterprise and incubator units, small/medium manufacturing or corporate office in high quality campus/park type development.

It is intended that such developments will have high quality architectural design and landscaping. This zoning allows for 'walk to' support facilities such as canteen, restaurant or crèche services which are integrated into employment units and are of a nature and scale to serve the needs of employees on the campus.

This zoning also allows for associated power generating infrastructure as well as transportation infrastructure such as car and bicycle parking and bus stop shelters. This zoning excludes ~~general retail, retail park outlets,~~ motor sales/servicing activities and heavy industrial undertakings.

Lands zoned for 'enterprise' in large villages and small villages shall be taken to include the use and development of land for small-scale business and enterprise development such as incubator units, craft centres/workshops, small-scale manufacturing, local digital/technology business etc. Retail use on these sites shall only be considered where it is ~~ancillary~~ **complementary as part of an overall integrated mix-use development** to the main activity taking place.

Enterprise developments in large villages and small villages must have a high standard of architecture and landscaping and must be relative and appropriate to the scale, size and character of the settlement in which they are planned to be located.

## 2.0 PLANNING ISSUES AS A CATALYST TO STIMULATE DEVELOPMENT

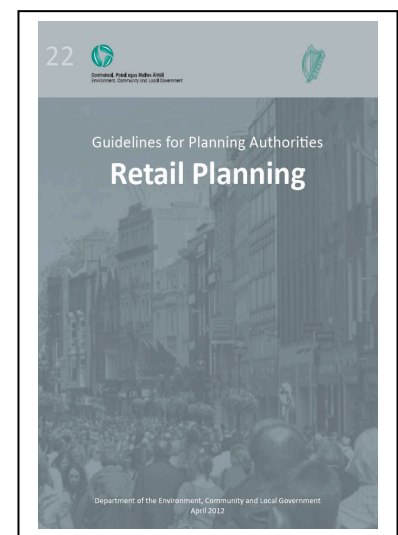
### 2.1 *Retail Planning Guidelines 2012* are current relevant policy

Section 34(2)(ba) of the *Planning and Development Act 2000* (as amended) states:

*"Where specific planning **policy requirements of guidelines** referred to in subsection (2)(aa) **differ from** the provisions of **the development plan** of a planning authority, then **those requirements shall**, to the extent that they so differ, **apply instead of the provisions of the development plan**".*

[Our **emphasis**]

Therefore, where the relevant Development Management Standards do not accord with the corresponding Ministerial Guidelines, in this instance the *Retail Planning Guidelines 2012* the provision of the Guidelines shall be adhered to by the developer.



**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.

We submit that the *Retail Planning Guidelines 2012* specifically details the *Sequential Approach to the Location of Retail Development*, confirming that centres of cities and towns are the most suitable locations for the higher order fashion and comparison goods. The same emphasis is not placed on convenience goods which are more aligned to weekly shopping trips, occurring within a much shorter time frame due to the nature of goods purchased.

Prioritising higher order fashion and comparison goods to be located within the centres of cities and towns, as intended within the *Retail Planning Guidelines 2012*, will ensure that residents spend longer time/periods town centres and will drive the demand for enhanced urban spaces and public realm, by demanding civic spaces and streetscapes of the highest quality, to contribute to the establishment off areas with a better 'sense of place'.

We further submit that it is not the absence of convenience goods retail within our town centres resulting in vacancy or dereliction as currently experienced, but the lack of public realm associated with our civic spaces and streetscapes which is uninviting to residents and communities within the town centre catchment.

We respectfully submit that the forthcoming *Clare County Development Plan 2023-2029* should include specific targeted measures to improve the public realm associated with our civic spaces and streetscapes. Tangible policy measures should be included to actively drive change which could include the following:

1. Explicitly encourage drivers of footfall to urban and village centres, such as higher order fashion, comparison goods, other retail and non-retail activities that act as 'destinations' or 'attractions';
2. Specifically calling on Government to expand the Living City Initiative to all towns and villages;
3. Establish a dedicated public realm and urban regeneration unit within the Planning Authority;
4. Introduce Rates and Financial Incentives;<sup>6</sup> and
5. Provide a Business and Retail Incentive Scheme as has occurred in other local authority areas.<sup>7</sup>

## 2.2 Specific targeted measures to improve the 10-minute town concept and active travel principles

Clare County Council is promoting the 10-minute town concept and active travel principles:

Development Plan Objective **CDP18.3** details:

*It is an objective of Clare County Council:*

- a) *To facilitate sustainable compact settlements with the "10-minute" town concept, whereby, a range of community facilities and services are accessible in short walking and*

<sup>6</sup> For example as highlighted in <https://www.lgma.ie/en/publications/local-authority-sector-reports/local-authority-retail-support-improving-our-cities-and-towns.pdf>

<sup>7</sup> <https://www.localenterprise.ie/Limerick/Enterprise-Development/Local-Authority-Business-Services/>

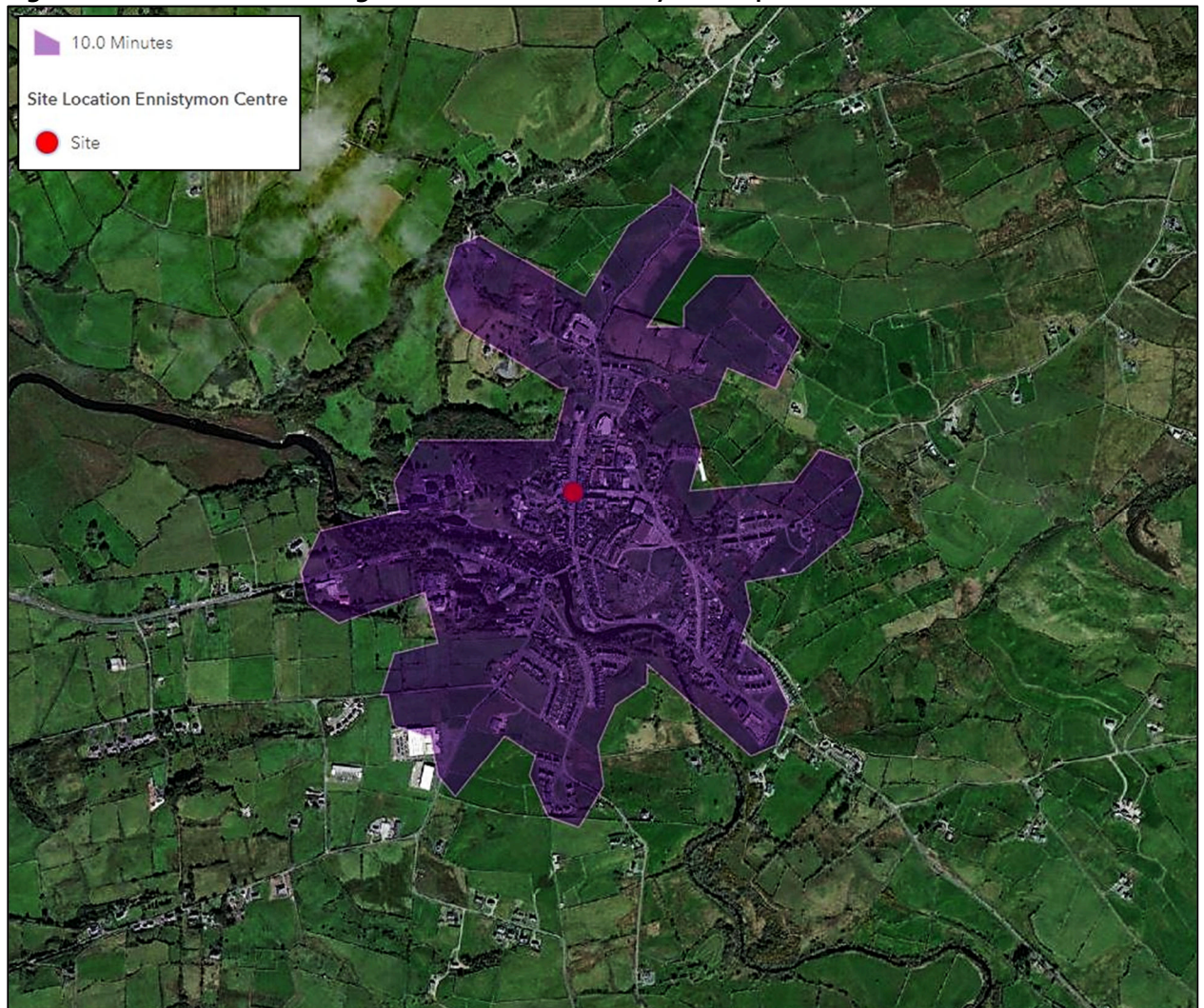
- cycle timeframes from homes or are accessible by high quality public transport services by connecting people to larger scaled settlements delivering these services;*
- b) *To ensure that decision making in relation to new infrastructure to provide improved connectivity is informed by an appropriate level of environmental assessment and in accordance with CDP Objective 3.1; and*
- c) *To support the delivery of the Strategic Objectives of Ennis 2040 Economic and Spatial Strategy in establishing Ennis as Ireland's first '10-minute' town.*

We submit that the 10-minute town concept is intended to bring the necessities of life with an easier reach of residence, both existing and new, without having to build a lot of costly new infrastructure.

Figure 2.1 below presents graphically the 10-minute Walking Catchment from Ennistymon Town Centre, taken at intersection between Main Street/Church Street with Parliament Street at Ennistymon Square.

The 10-minute walking catchment in effect extends into the entire Ennistymon Urban Build Form. The 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 2.1: 10-Minute Walking Catchment from Ennistymon Square**



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

We respectfully submit that the forthcoming *Clare County Development Plan 2023-2029* should include specific targeted measures to improve the 10-minute town concept and active travel principles. Tangible policy measures should be included to actively drive change which could include the following:

1. Bring back the neighbourhood school and guard against the consolidation of neighbourhood schools into massive, isolated campuses.
2. Make sure food and basic necessities are available locally within walking distance of their immediate catchment areas.
3. Community gathering space where you can meet and can be as simple as a pocket park carved out of a neglected bit of land.
4. House enough people, and all kinds of people by providing a diverse mix of housing options for homeowners, renters, people of different ages and walks of life with housing options that meet people's real needs.
5. Density alone does not make a successful 10-minute town, and importantly is the fine grained and truly mixed homes, businesses and public spaces seamlessly integrated.
6. Walkability is absolutely essential for a 10-minute town integrated with improved public realm associated with our sidewalks, streetscapes and civic spaces.

### 2.3 Retail and the issue of Vacancy

*Volume 7 Clare Retail Strategy* of the *Draft Clare County Development Plan 2023-2029* discusses vacancy issues, which are a major concern in many town centres and urban areas all across the country. In seeking to address the 11 % vacancy recorded within Ennistymon Town Centre<sup>8</sup> it is in our opinion important to identify the key constituent causes, solutions and contributing elements.

In our opinion, *vacancy* is not caused as a result of over provision of retail floorspace, rather it is moreso a result of changing patterns of activity in town centres and urban areas, along with obsolescence of smaller and/or physically constrained retail units.

Therefore, vacancy should not be a barrier, implicit or explicit, to the development of new floorspace, as in many instances the creation of new floorspace (such as a Lidl Foodstore) can lead to improved footfall, etc. which could contribute to a reversal of fortunes in some town centres and urban areas.

Furthermore, data on vacancy is particularly limited, and an overreliance on 'GeoDirectory' or other sources may not be appropriate as such sources would not provide the same level of accuracy as physical vacancy survey's and/or town health checks undertaken by the Planning Authority (and updated on a regular basis) as part of a Retail Strategy.

We also note that the issue of 'vacancy' relates to all use types, not solely retail, including a myriad of commercial uses and substantial residential vacancy in town centres and urban areas all across the country. For example, the GeoDirectory 'GeoView Commercial' report for Q4 2020 notes that the 'Retail and Wholesale' accounts for only 22.5% of the Commercial Address Points database, with 'Services' accounting for 49%.

Therefore, vacancy issues should not be a barrier or preoccupation specifically to retail developments, rather vacancy should be one consideration of many, balanced in context with the benefit that new development can provide in all urban developments.

<sup>8</sup> Page 103 of *Volume 7 Clare Retail Strategy* of the *Draft Clare County Development Plan 2023-2029*

We respectfully submit that the forthcoming *Clare County Development Plan 2023-2029* should itself include specific targeted measures to reduce the vacancy rates. For example, a vacancy survey (with annual reviews thereafter) of all centres in Levels 1 and 2 of Tier 3- Town Centres in the *Clare County Retail Hierarchy*<sup>9</sup> should in our opinion be undertaken (prior to adoption of, and for inclusion in, the forthcoming Development Plan) which could identify the following as deemed appropriate:

- a) The previous use(s) of the unit, distinguishing between the various types of retail/commercial where relevant;
- b) The duration of vacancy;
- c) The cause of vacancy;
- d) The Gross Floor Space and Net Retail Sales Area of the unit;
- e) The physical condition / habitability of the unit;
- f) The potential (if any) for amalgamation with adjoining vacant unit(s);
- g) The indicative potential or suitability for reuse of the unit for non-retail (or indeed residential) use;
- h) Land legal burdens, easements or exclusivity agreements;
- i) The owner / point of contact for the unit; and
- j) The availability, if any, for purchase or lease of the unit.

#### 2.4 **Draft Clare County Development Plan 2023-2029 Commercial and Enterprise Land-use Zoning Description is inconsistent with Zoning Matrix**

*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.*

<sup>9</sup> Page 150 of *Volume 1 Written Statement of the Draft Clare County Development Plan 2023-2029*

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.*

*Volume 3d West Clare Municipal District Settlement Plans of the Draft Clare County Development Plan 2023-2029*, details under **Opportunity Sites in Ennistymon**:

#### **OP1 Former Convent site**

This substantial site, adjoining the town centre, is ideally suited for accommodation use. There is an existing planning permission for the refurbishment and construction of two extensions for living accommodation, valid until January 2025.

#### **OP2 Parliament Street**

*This site extends from Parliament Street through to Markham's Lane. The Protected Structure (RPS 361) on the site is one of a terrace of historic structures. Any development proposals on the site shall ensure that there is adequate access from the lane to the rear of the main building.*

Under 19.4 of the *Draft Clare County Development Plan 2023-2029* the following description is presented for Commercial Land-use Zoning:

#### **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' on *Commercial* zoned lands 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 <100m<sup>2</sup>, Office 100m<sup>2</sup>-1000m<sup>2</sup>, Office >1000m<sup>2</sup>, Open Space, Restaurant/Cafe, School/College, Shop, Tourism Complex, Training Centre, Veterinary Surgery.*

The following land-uses are 'open to consideration' on *Commercial* zoned lands as outlined within *Appendix 2 Indicative Land Use Zoning Matrix* of the *Draft Clare County Development Plan 2023-2029*:

*Agricultural Business, Agricultural Tourism, Amusement Arcade, Cemetery, Chemist/Pharmacy, Civic and Amenity Recycling Facility, Community Facility, Disco/Nightclub, Dog Grooming, Function Room, Garden Centre, Hair Dressing Salon And Beauticians, Heavy Vehicle Park, Helicopter Pad, Hospital, Hostel, Hotel, Industry, Industry - Light, Lorry Depot, Petrol Station, Plant/Tool Hire, Playground, Playing Pictures, Primary Care Facility, Research and Development, Residential Institution, Retail Warehousing, Science and Technology Based Enterprise, Take Away, Warehousing, Water-based Recreational Activities, CHP/Waste to Energy Facilities.*

Under 19.4 of the *Draft Clare County Development Plan 2023-2029* the following description is presented for *Enterprise* Land-use Zoning:

### ***Enterprise***

*Lands zoned for 'enterprise' shall be taken to include the use and development of land for high end research and development, business science and technology-based industry, financial services, call centres/telemarketing, software development, data centres, enterprise and incubator units, small/medium manufacturing or corporate office in high quality campus/park type development.*

*It is intended that such developments will have high quality architectural design and landscaping. This zoning allows for 'walk to' support facilities such as canteen, restaurant or crèche services which are integrated into employment units and are of a nature and scale to serve the needs of employees on the campus.*

*This zoning also allows for associated power generating infrastructure as well as transportation infrastructure such as car and bicycle parking and bus stop shelters. This zoning excludes general retail, retail park outlets, motor sales/servicing activities and heavy industrial undertakings.*

*Lands zoned for 'enterprise' in large villages and small villages shall be taken to include the use and development of land for small-scale business and enterprise development such as incubator units, craft centres/workshops, small-scale manufacturing, local digital/technology business etc. Retail use on these sites shall only be considered where it is ancillary to the main activity taking place.*

*Enterprise developments in large villages and small villages must have a high standard of architecture and landscaping and must be relative and appropriate to the scale, size and character of the settlement in which they are planned to be located.*

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

*Agricultural Business, Agricultural Tourism, Boarding Kennels, Car Park, Civic and Amenity Recycling Facility, Community Facility, Crash/Childcare Facility, Education/Enterprise Centre, Industry Light, Office <100m<sup>2</sup>, Office 100m<sup>2</sup>-1000m<sup>2</sup>, Office >1000m<sup>2</sup>, Open Space, Research and Development, School/College, Science and Technology Based Enterprise, Tourism Complex, Training Centre, CHP/Waste to Energy Facilities.*

The following land-uses are 'open to consideration' on *Enterprise* zoned lands as outlined within *Appendix 2 Indicative Land Use Zoning Matrix* of the *Draft Clare County Development Plan 2023-2029*:

*Allotments, Advertising Structures, Bank/Financial Institutions, Cash and Carry/Wholesale Outlet, Civic/Cultural/Heritage Building, Composting Facility, Doctor/Dentist, Dog Grooming, Fuel Depot, Garden Centre, Golf Course/Pitch and Put, Go-Kart Track, Health Centre/Clinic, Heavy Vehicle Park, Helicopter Pad, Home Based Economic Activities, Hospital, Leisure/Gym/Recreational Sports Club, Library, Lorry Depot, Mart/Co-op, Motor Sales/Repairs/Service, Playground, Primary Care Facility, Restaurant/Cafe, Shop, Veterinary Surgery, Warehousing, Water-Based Recreational Activities.*

From a detail review of the *Draft Clare County Development Plan 2023-2029*, it appears that inconsistencies are presented within the *Commercial* and *Enterprise* land-use zoning description as outlined under 19.4 of the *Draft Clare County Development Plan 2023-2029*, and the use as a 'Shop' 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,*

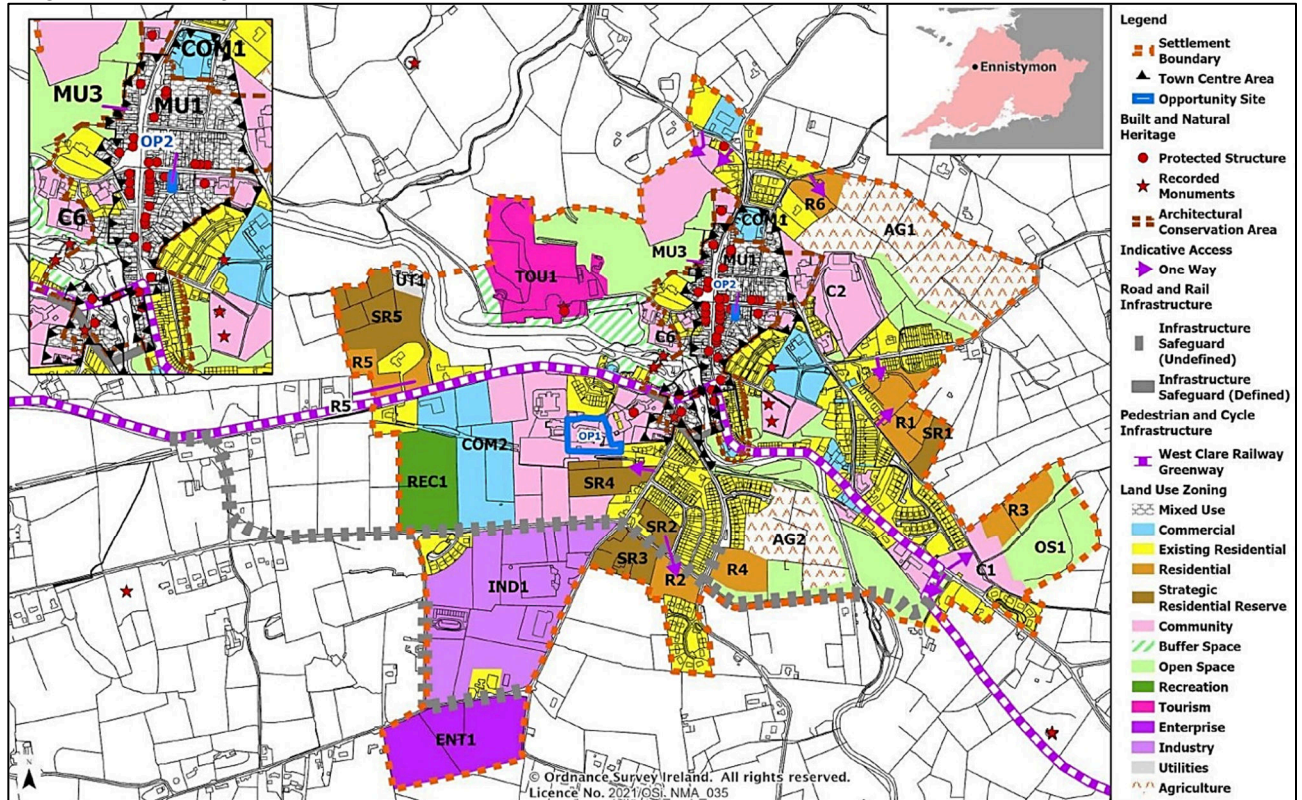
*(i) for the reception of goods to be washed, cleaned or repaired,*

*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, and 'open to consideration' on *Enterprise* zoned lands as outlined within *Appendix 2 Indicative Land Use Zoning Matrix* of the *Draft Clare County Development Plan 2023-2029*.

**Figure 2.2: Land Use Zoning Designations as Applied to Ennistymon 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

Our professional planning opinion that the identified Opportunity Sites or Mixed Use zoned lands/sites located within Ennistymon Town Centre, are not suitable and large enough in extent to facilitate viable development of good quality modern Convenience Goods store capable of supporting a main food shopping trip, as required. These sites are more suitable for higher order fashion and comparison goods (high street retail and non-retail uses).

We respectfully submit that

1. 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 ~~strikethrough~~) 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. That the *Enterprise* 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 are 'open to consideration' as outlined within *Appendix 2 Indicative Land Use Zoning Matrix* of the *Draft Clare County Development Plan 2023-2029*, as follows:

### **Enterprise**

Lands zoned for 'enterprise' shall be taken to include the use and development of land for high end research and development, business science and technology-based industry, financial services, call centres/telemarketing, software development, data centres, enterprise and incubator units, small/medium manufacturing or corporate office in high quality campus/park type development.

It is intended that such developments will have high quality architectural design and landscaping. This zoning allows for 'walk to' support facilities such as canteen, restaurant or crèche services which are integrated into employment units and are of a nature and scale to serve the needs of employees on the campus.

This zoning also allows for associated power generating infrastructure as well as transportation infrastructure such as car and bicycle parking and bus stop shelters. This zoning excludes ~~general retail, retail park outlets,~~ motor sales/servicing activities and heavy industrial undertakings.

Lands zoned for 'enterprise' in large villages and small villages shall be taken to include the use and development of land for small-scale business and enterprise development such as incubator units, craft centres/workshops, small-scale manufacturing, local digital/technology business etc. Retail use on these sites shall only be considered where it is **ancillary complementary as part of an overall integrated mix-use development** to the main activity taking place.

Enterprise developments in large villages and small villages must have a high standard of architecture and landscaping and must be relative and appropriate to the scale, size and character of the settlement in which they are planned to be located.

## 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*.

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).

From a detail review of the *Draft Clare County Development Plan 2023-2029*, it appears that inconsistencies are presented within the *Commercial* and *Enterprise* land-use zoning description as

outlined under 19.4 of the *Draft Clare County Development Plan 2023-2029*, and the use as a 'Shop' as outlined within *Appendix 2 Indicative Land Use Zoning Matrix* of the *Draft Clare County Development Plan 2023-2029*.

It is clear that 'Shop' as defined in the *Planning and Development Regulations 2001* (as amended), presents retail activities/uses which 'will normally be acceptable in principle' on *Commercial* zoned lands, and 'open to consideration' on *Enterprise* zoned lands as outlined within *Appendix 2 Indicative Land Use Zoning Matrix* of the *Draft Clare County Development Plan 2023-2029*.

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**