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Clare County Council  
New Road  
Ennis  
Co Clare  
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By email; devplan@clarecoco.ie

Dáta | Date  
20 December, 2022

Ár dTag | Our Ref.  
TII21-116523

**Re. Proposed Amendments to the Draft Clare County Development Plan, 2023 – 2029**

Dear Sir/Madam,

TII acknowledges receipt of referral of Proposed Material Alterations to the Draft Clare County Development Plan, 2023 - 2029.

As the Council is aware, National Policy Objective 74 of the National Planning Framework (NPF) indicates the requirement to secure the alignment of the NPF and the National Development Plan (NDP) through the delivery of the NPF's National Strategic Outcomes.

Chapter 7 'Enhanced Regional Accessibility' of the National Development Plan, 2021 – 2030, sets out the key sectoral priority of maintaining Ireland's existing national road network to a robust and safe standard for users. Government also includes the objective to maintain the strategic capacity and safety of the national roads network, including planning for future capacity enhancements, in National Strategic Outcome 2 of the National Planning Framework.

There is a critical need to manage the infrastructural assets that national roads represent in accordance with official Government policy as outlined in the DoECLG Spatial Planning and National Road Guidelines for Planning Authorities, the TEN – T Regulation (EU) No 1315/2013, the National Planning Framework, the National Development Plan, and the National Investment Framework for Transport in Ireland as well as the requirements of the Southern Regional Assembly Regional Spatial and Economic Strategy Regional Policy Objectives RPO 140, RPO 153, RPO 155, RPO 156 and RPO 167.

Regional Policy Objective RPO 140 requires the maintenance and protection of the strategic transport function of national roads and associated junctions. Regional Policy Objectives RPO 151, RPO 152 and RPO 157 provide guidance on principles and appropriate Local Planning Objectives for the integration of land use and transport planning and Local Transport Plans (LTP).

Having regard to this policy basis, the Authority acknowledges and welcomes the Proposed Material Alterations arising from consideration of the Authority's initial submission on the Draft Plan. In relation to other Proposed Material Alterations on display, TII outlines the following observations for the Councils consideration;

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### **1. Proposed Material Amendment to Objective CDP 4.1**

TII welcomes the proposed material amendment to objective CDP 4.1 (c) which clarifies that the preparation of the Ennis Local Area Plan will incorporate the preparation of a Local Transport Plan. Further, it is noted and welcome that Objective CDP 11.3 (c) confirms that Local Transport Plans will be prepared in accordance with the TII/NTA Area Based Transport Assessment (ABTA) Guidance.

#### **Recommendation**

- TII would welcome consultation on the preparation of relevant Local Area Plans and proposed Local Transport Plans where such proposals have implications for the strategic national road network.

### **2. Proposed Material Amendment relating to Section 5.2.7 Ancillary Living Accommodation**

TII has no objection in principle to the proposed material amendment. However, TII considers that the Council should ensure that the proposed policy objective accords with the provisions of official policy relating to national roads and safeguarding road user safety for all road users.

#### **Recommendation**

Having regard to the foregoing, TII recommends consideration is given to adding an additional requirement to the criteria listed in Section 5.2.8 of the Development Plan as follows;

- No new access and no intensification of direct access to a national road outside reduced urban 50 – 60kph speed limit locations shall arise. Existing accesses, insofar as no intensification of use arises, shall be assessed to ensure the safety of all road users is maintained and any required improvements are identified for implementation.

### **3. Section 6.8.1 South Clare/University of Limerick Economic Strategic Development Zone**

TII acknowledges the proposed material amendments related to the South Clare/University of Limerick Economic Strategic Development Zone. It is also acknowledged that Objective CDP 6.7 (e) introduces the requirement that the impact of the South Clare/University of Limerick Economic Strategic Development Zone (SDZ) on the national and strategic road network shall be fully assessed, and any mitigation measures shall be arrived at following engagement and input from key stakeholders including TII and the NTA.

#### **Recommendation**

TII's position remains as set out in the Authority's initial submission on the Draft Plan;

- TII would welcome consultation on the proposed SDZ where there may be implications for the strategic national road network in the area. Where there are implications for the strategic national road network, TII considers that proposals should be developed in accordance with the requirements of official policy relating to national roads, including the Section 28 Ministerial Guidelines on 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012) and the associated plan-led evidence base requirements.

### **4. Section 7.5.2 Retail Parks/Retail Warehousing**

TII notes additional proposed text for inclusion in Section 7.5.2 of the Development Plan that outlines that there is an identified need for retail warehouse development of notable scale in the Ennis retail catchment area, alongside more modest requirements towards the end of the Plan period identified in the retail catchment areas encompassing Kilrush, Shannon and the County-Clare portion of the shared Limerick retail area.

Associated amendment to Objective CDP 7.18 accompanies the proposed material amendment.

The Council will be aware that the Retail Planning Guidelines, 2012, outlines the Key Message that there should be a general presumption against large out-of-town retail centres in particular those located adjacent or close to existing, new or planned national roads/motorways.

#### **Recommendation**

Having regard to the foregoing, TII respectfully requests the inclusion of a new objective to be included in the Development Plan to include the explicit presumption against large out of town retail centres located adjacent or

close to existing, new or planned national roads/motorways reflecting policy outlined in the Retail Planning Guidelines, 2012;

- *'In accordance with the requirements of the DoECLG Retail Planning Guidelines (2012), Clare County Council will apply a presumption against large out of town retail centres located adjacent or close to existing, new or planned national roads/motorways'.*

As noted above, Regional Policy Objective RPO 140 specifically requires the maintenance and protection of the strategic transport function of national roads and associated junctions. Regional Policy Objective RPO 153 also outlines the objective to protect, improve and maintain the operation of the National and Strategic Regional inter-urban road connections. TII considers the inclusion of the above proposal would give effect to the identified Regional Policy Objectives and confirm adherence to the provisions of the DoECLG Retail Planning Guidelines, 2012.

## **5. Section 11.2.9.3 Access onto National Roads**

### **a) Exceptional Circumstances; Developments of National and Regional Strategic Importance**

TII notes that the Proposed Material Alterations to the Draft Plan outline no amendments to the section of the Draft Plan relating to 'exceptional circumstances' for Developments of National and Regional Strategic Importance accessing national roads. While TII notes the observations outlined in the Chief Executives Report on this matter, TII advises that the position outlined in TII's submission on the Draft Plan remains TII's position.

There is a critical need to manage the national road network asset in accordance with official Government policy as outlined in the DoECLG Spatial Planning and National Road Guidelines for Planning Authorities, the TEN – T Regulation (EU) No 1315/2013, the National Planning Framework, the National Development Plan, and the National Investment Framework for Transport in Ireland as well as the requirements of the Regional Spatial and Economic Strategy.

Therefore, having regard to the provisions of Section 2.6 (1) of the DoECLG Spatial Planning and National Roads Guidelines, TII remains of the opinion that there is a requirement to clarify proposals included in Section 11.2.9.3 'Developments of National and Regional Importance' to ensure compliance with the provisions of the Guidelines.

TII acknowledges that a technical appraisal of the four sites/junctions that were included in the Development Plan, 2017 – 2023, had been undertaken at that time by the Council. However, it still remains the case that there is, in the Authority's opinion, a lack of clarity in terms of 'strategic' uses that will be facilitated at the specific locations identified. The requirement to update the technical appraisals previously undertaken, having regard to the period that has passed since the initial appraisals were undertaken, has also not been addressed. Also, no elaboration of proposals in relation to the N19 Shannon Airport 'exceptional circumstances' case has been outlined.

TII remains of the opinion that there are critical road safety and policy provisions that still remain to be addressed pending the inclusion of the proposed 'Developments of National and Regional Strategic Importance' 'exceptional circumstances' cases in the Development Plan, including full demonstration of compliance with the DoECLG Guidelines. In such circumstances, TII cannot support the proposals as currently provided for in the Draft Development Plan. TII recommends that this aspect of the Draft Plan is reviewed to ensure adherence to the provisions of official policy outlined in the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012).

### **b) Exceptional Circumstances; Existing Accesses onto National Secondary Roads**

As outlined in TII's observation on the Draft Plan, the Authority is strongly of the opinion that 'exceptional circumstances' included in this section of the Draft Plan, 'Existing Accesses onto National Secondary Roads', is at variance with the provisions of official policy and conflicts with objectives to safeguard capacity and road safety on the national road network. TII respectfully requested removal of the foregoing provisions from the Draft Plan prior to adoption to ensure adherence to the provisions of the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012).

TII acknowledges that the Chief Executive Report on Draft Development Plan Submissions recognised the concerns raised in relation to the policy in the Draft Plan on 'Existing Accesses onto National Secondary Routes' and in line

with national policy and in the interest of traffic safety the Chief Executive recommendation was to remove these provisions from the Plan. However, such a recommendation does not appear to have been included as a Proposed Material Amendment to the Draft Plan.

In that regard, TII remains of the position that such provisions are in conflict with national and regional policy objectives to safeguard capacity and road safety on the national road network, including the TEN – T Regulation (EU) No 1315/2013, the National Planning Framework, the National Development Plan, and the National Investment Framework for Transport in Ireland as well as the requirements of Regional Policy Objectives: RPO 140, RPO 153, RPO 155 RPO 156 and RPO 167 and conflict with the provisions of the Section 28 Ministerial Guidelines ‘Spatial Planning and National Roads Guidelines for Planning Authorities’ (DoECLG, 2012).

#### **Recommendation**

- In relation to Exceptional Circumstances; Developments of National and Regional Strategic Importance, TII remains of the opinion that there are critical road safety and policy provisions that still remain to be addressed in relation to the inclusion of the proposed ‘Developments of National and Regional Strategic Importance’ ‘exceptional circumstances’ cases in Section 11.2.9.3 of the Development Plan, including full demonstration of compliance with the DoECLG Guidelines prior to such provisions being incorporated into the Plan.
- Exceptional Circumstances provisions included in Section 11.2.9.3 of the Draft Plan relating to Existing Accesses onto National Secondary Roads conflict with official policy provisions and were recommended to be removed from the Plan in the Chief Executives Report.

TII maintains the position that such provisions should be omitted from the Plan to ensure adherence to the provisions of the Section 28 Ministerial Guidelines ‘Spatial Planning and National Roads Guidelines for Planning Authorities’ (DoECLG, 2012). In addition, TII considers such provisions conflict with official policy, including Regional Policy Objectives RPO 140 and RPO 153 of the Southern Region Assembly Regional Spatial and Economic Strategy.

#### **6. Section 11.2.9.5 Relief/Distributor Road**

Proposed Amendment to Objective CDP 11.15 (e) confirms the Council commitment to progress the delivery of the Limerick Northern Distributor Road.

#### **Recommendation**

- As previously advised in relation to the Limerick Northern Distributor Road proposal, the Council will be aware of the special requirements of the tolling scheme (N18 and the Limerick Tunnel Scheme) which should be factored into considerations; details of potential implications have already been circulated to the relevant Council Chief Executives. Other requirements previously stated in this regard also apply, for example, the requirement for any additional connectivity to a national road to comply with the requirements of the DoECLG Spatial Planning and National Roads Guidelines and the requirement for a Motorway Order.

#### **7. Volume 3 A Ennis Municipal District Settlement Plans**

##### **Ennis Settlement Plan; Section 1.5.2 Lands for Employment-Generating Development**

It is noted that the proposed material amendments to the Ennis Settlement Plan include an extensive new ‘Enterprise’ zoning objective identified as ENT 5. The subject lands are in close proximity to lands identified with other Development Objectives ENT 1 and TOU 2 in the Beechpark Area of Ennis in the vicinity of the N85/R474 national road junction.

As advised in TII’s submission on the Draft Plan, there remains potential for development objectives, individually and in combination, to adversely affect the operation of the national road and associated junctions in the Ennis area if the cumulative impact of development is not planned for and co-ordinated with required infrastructure improvements to safeguard sufficient capacity on the strategic national road network.

## Recommendation

- In relation to such lands, TII recommends that development proposals are progressed in accordance with appropriate traffic and transport assessments undertaken in accordance with TII/NRA Traffic & Transport Assessment Guidelines (2014) and should include an assessment of the cumulative impact of traffic/transport generated by planned development in the area on the junctions concerned.

In addition, it is critical that the proposed Ennis Local Transport Plan address the peripheral nature of the lands and provide a land use and transport framework for their sustainable development complementary to safeguarding the strategic function of the adjoining national road network. In TII's opinion, development of such lands such be deferred pending the preparation of such a framework.

## 8. Volume 3 B Shannon Municipal District Settlement Plans

### a) Cratloe Settlement Plan; Employment and Enterprise

The Proposed Material Alterations include additional text outlining that within 1km of the village is the *'Portdrine Business Park located on the southern side of the N18 and this provides an opportunity for local employment. Its location adjacent to the National Road Network presents a competitive advantage in relation to warehousing and transport logistics. The Council supports the appropriate growth of the site in relation to the established use subject to normal planning and environmental criteria'*.

The subject lands appear to adjoin N18 Junction 5. Section 2.7 of the DoECLG Spatial Planning and National Roads Guidelines outline the requirement for an evidence-based approach to development proposals in the vicinity of national road junctions. TII is not aware that such an approach has been applied in this instance and limited information is provided.

## Recommendation

- TII recommends that the Council prepare an appropriate evidence base for the development of the subject lands including the development of sustainable transport provision and active travel measures to facilitate the sustainable development of the lands and to safeguard the strategic function of the adjoining national road network.

### b) Newmarket on Fergus Settlement Plan; R5 Knocknasaggart

TII notes proposals to identify an additional Residential Development Site at R5 Knocknasaggart within the Newmarket on Fergus Settlement Plan. The Amendment notes that the site is located at the western entry point to Newmarket-on-Fergus, c.150m from Junction 10 on the M18 Motorway.

## Recommendation

- TII notes that the subject lands appear to be removed from the centre of Newmarket on Fergus whereas other available lands appear more suited to achieve consolidated compact growth. Given the lands proximity to M18 Junction 10, TII considers that access to the lands should be provided from the adjoining local road network to the south as opposed to the R474 to the north in the vicinity of the motorway junction to safeguard the significant investment in the network and to safeguard road safety and the strategic function of the national road network in accordance with national and regional policies.

TII recommends that the proposed zoning of the subject lands should be reviewed in the context of official policy outlined in the DoECLG Spatial Planning and National Roads Guidelines as well as having regard to Regional Policy Objectives RPO 140 and 153 of the Southern Regional Assembly Regional Spatial and Economic Strategy.

## 9. Volume 3 D West Clare Municipal District Settlement Plan

### Lisdoonvarna Settlement Plan

TII notes the Chief Executive Recommendation to omit Strategic Reserve Lands SR1 to the north of Lisdoonvarna adjoining the N67, national road, at a location where a 100kph speed limit applies. Notwithstanding, it is noted that the lands have remained in the Plan and are not subject to Material Alteration.

**Recommendation**

- It remains TII's position that the identification of such lands for development in the manner proposed conflict with official policy having regard to access requirements to a national road subject to a 100kph speed limit. In accordance with the Chief Executive Recommendation, the lands should be omitted from the Plan to ensure adherence to the provisions of the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines for Planning Authorities' (DoECLG, 2012).

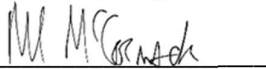
In addition, TII considers the identification of such lands for development accessing a national road in the manner proposed conflict with Regional Policy Objective RPO 140 and RPO 153 of the Southern Regional Assembly Regional Spatial and Economic Strategy.

**CONCLUSION**

The Authority is available to meet the Executive of the Council to discuss any issues arising in the foregoing or other matters related to the County Development Plan and national roads and TII would welcome future consultation on local area plan and local transport planning undertaken by the Council where there may be implications for the strategic national road network.

It is respectfully requested that the above observations are taken into consideration prior to the adoption of the Clare County Development Plan, 2023 – 2029.

Yours sincerely,



Michael McCormack  
Senior Land Use Planner