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Clare County Council

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TII20-111232



Re. Review of the Clare County Development Plan 2017-2023 and prepare the Clare County Development Plan, 2022-2028.

Dear Sir/Madam,

The Authority welcomes consultation on the review of the Council's Development Plan and the preparation of a new Clare Development Plan. The Authority submits the following observations for the Councils consideration which may inform the preparation of the Draft County Development Plan.

1. MANAGING EXCHEQUER INVESTMENT AND STATUTORY GUIDANCE

The EU Trans-European Transport Networks (EU TEN-T) are a planned set of transport networks across Europe. The EU TEN-T regulations target a gradual development of the transport network with the core network a priority (by 2030) followed by the remainder of the comprehensive network (by 2050). The EU TEN-T regulations define the objective of increasing the benefits for road users by ensuring safe, secure and high-quality standards for road users and freight transport, co-ordinated to achieve integrated and intermodal long-distance travel routes across Europe.

The Council will be aware that the M18 Galway to Limerick is identified as part of the EU TEN -T Comprehensive Network. Such a designation has repercussions and action requirements for policies and objectives, which should be considered in the preparation of the new County Development Plan. In addition, the N19 national primary road and the N67, N68, N85 national secondary roads also provide important regional and inter-regional connectivity within and through Clare.

Project Ireland 2040 | National Development Plan, 2018 – 2027, outlines the investment priority to ensure that the existing extensive transport networks, which have been greatly enhanced over the last two decades, are maintained to a high level to ensure quality levels of service, accessibility and connectivity to transport 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.



The routes identified above are important strategic national roads and give access to regional and international markets, including through strategic airport and port locations as well as linking with other strategic national roads.

It is of particular importance that policies and objectives are drafted which allow the network of national roads to continue to play the intended strategic role in catering for inter-urban and inter-regional transport requirements that will serve economic competitiveness and regional accessibility by providing faster, more efficient and safer access to and from our major ports, airports, cities and large towns.

There is a critical need to manage these assets in accordance with national and regional policy as outlined in Smarter Travel (DTTAS, 2009), (SFILT) Investing in our Transport Future (DTTAS, 2015), the provisions of the Section 28 DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), Project Ireland 2040 and the Southern Regional Assembly Regional Spatial and Economic Strategy (SRA RSES).

The SRA RSES includes Regional Policy Objectives concerning national roads. Regional Policy Objective RPO 140 outlines;

To sustainably maintain the strategic capacity and safety of the national roads and rail network including planning for future capacity enhancements to ensure effective land transport connections to the major ports, airports and markets.

Having regard to the foregoing provisions of official and Regional policy, TII would welcome consideration by the Council of including as a Core Strategy Objective in the Draft Development Plan strategic objectives to reflect the foregoing policy requirements, which are summarised as;

- a) to maintain the strategic function, capacity and safety of the national roads network, including planning for future capacity enhancements, and
- b) to ensure that the existing extensive transport networks, which have been greatly enhanced over the last two decades, are maintained to a high level to ensure quality levels of service, safety, accessibility and connectivity to transport users.

TII requests that the preparation of the County Development Plan reflects the foregoing provisions of official policy and national and regional objectives in relation to spatial planning and national roads.

2. DEVELOPMENT AND CORE STRATEGY

As demonstrated in this submission, the Authority seeks to ensure that the carrying capacity, operational efficiency, safety and national investment made in national roads in Clare continue to be safeguarded and that the relevant policies/objectives included in the County Development Plan are developed to reflect this.

In particular, the Authority requests that the Council consider the implications of land use policies on the strategic national road network in the area as a criterion in determining the future land use zoning strategy to be outlined in the Draft Development Plan and the respective Core Strategy.

The Authority respectively points out that although a requirement may be identified for the development of a particular location, any local transport function of national roads in respect of such areas is, and must continue to be, secondary to the role of these roads in catering for strategic traffic. Such an approach, consistent with the provisions of official policy, supports access to markets and economic growth. In addition, proposals should not be developed that are to the detriment of the investment in national road infrastructure, by eroding or undermining that investment, which is required to service the Country's major inter-urban and inter-regional transport requirements and underpins economic competitiveness.

Policies and objectives in identified urban growth areas can be developed and adopted so as to avoid undermining the strategic transport function of national roads. Measures to cater for the needs of local traffic and local development related traffic are appropriately addressed within a framework of providing an adequate local transportation infrastructure. The Development Plan is the policy document to set this framework at city and county level. In that regard, zoning and/or development strategies should demonstrate adherence with the National Strategic Outcome No 1 of the National Planning Framework, which aims to achieve compact growth and such development should also adhere to RPO 158 of the Southern RSES.

The SRA RSES has identified Ennis as a 'Key Town', which is a significant sub-regional level town, under RPO 11. TII also notes the requirement to make a Local Transport Plan for Ennis (RPO 157). Given the national roads implications associated with this RPO, TII looks forward to future consultation with respect of the creation of the Local Transport Plan. TII would also welcome objectives requiring the Local Transport Plan to be included in the Draft Development Plan for Clare thus giving effect to RPO 11 (c) and RPO 157 of the SRA RSES. Furthermore, TII looks forward to future consultation on 'Ennis 2040' as referred to under SRA RSES RPO 13 (b).

The Limerick Shannon Metropolitan Area Transport Strategy (LSMATS) will be a key component in facilitating compact growth and sustainable transport in the Limerick Shannon Metropolitan Area Strategic Plan (MASP) area. Having regard to the foregoing, TII would welcome the LSMATS informing the land use and transport strategy to be developed by the Council for the new Development Plan as it relates to Shannon and that relevant objectives from the LSMATS would be clearly incorporated into the Draft Plan, with respect of Shannon, prior to publication thus giving effect to Regional Policy Objective Limerick Shannon *MASP Policy Objective 6 (a)* of the SRA RSES.

In addition to the review of the extent and location of residential lands in settlements in accordance with core strategy requirements, the Council may consider it appropriate to review the extent and location of industry, employment and other commercial type land uses to prepare a co-ordinated and integrated land use pattern; the Guidance Note on Core Strategies published by the DoECLG (2010) contains advice on this requirement, page 8 refers. This requirement will be particularly relevant where the planning authority is considering zoning and development strategies, including consolidation and extension to established areas on the periphery of urban areas that may have implications for the safe and efficient operation of the national road network and associated junctions.

The requirement to consider extent and location of industry, employment and other commercial type land uses should also extend to existing locations and proposals to better serve established employment/commercial areas with more sustainable transport options.

The Authority recommends that residential, retail, and employment objectives especially zoning objectives should guide developers to design for sustainable transportation requirements at the earliest stages of development design. An integrated approach to the design of development areas should include a set of principles and criteria designed to ensure a high standard of access by public transport, foot and private car so that the variety of residential, enterprise and employment zones/areas can be easily accessible by all modes of transport and all sections of society.

As indicated in the Spatial Planning and National Roads Guidelines for Planning Authorities (DoECLG, 2012) where planning authorities propose large scale development in urban areas and or areas adjoining national roads, including major junctions and interchanges, development plans should ensure that the capacity on national roads is utilised appropriately and that such roads can continue to perform their intended function into the future by:

- protecting undeveloped lands adjoining national roads and junctions from development to cater for potential capacity enhancements;
- ensuring that capacity enhancements and or traffic management measures will be put in place to facilitate new development; and
- improving operational efficiency of the regional and local road and transportation infrastructure – e.g., where appropriate, promoting new regional and local road networks and alternative modes.

The Council is also advised that any costs such as land acquisition, additional road infrastructure and environmental mitigation measures arising to the national roads network to accommodate local development proposals will be borne by the local authority and will not be funded by TII and thus should be integrated into future local development contributions schemes.

In TII's opinion, the co-ordination of land use planning and transportation is critical to achieving the complementary objectives of compact urban growth while safeguarding the strategic function of the national road corridors in Clare, including in the designated Key Town of Ennis under the SRA RSES, Shannon in accordance with LSMATS and in addition to other settlements on the national road network in the county.

a. Development at national road junctions

In addition to the Core Strategy and general development strategy safeguarding the strategic inter-urban and inter-regional function of national roads, as outlined above, it will be important for the Council to exercise particular care in their assessment and management of development proposals in the Development Plan relating to the zoning of locations at or close to junctions on the national road network where such development could generate significant additional traffic, thereby potentially compromising the capacity and efficiency of the national road/associated junctions and possibly leading to the premature and unacceptable reduction in the level of service available to road users.

Proposals for development and land use zoning designations at national road interchanges and junctions, as referenced above in relation to Core Strategy requirements, require careful consideration and any proposals should be prepared in the context of the provisions of Section 2.7 of the DoECLG Spatial Planning and National Roads Guidelines. TII remains available to assist the Council in preparing Strategic Transport Assessments to address development proposals in the proximity of national roads where such proposals are demonstrated as being in accordance with the provisions of official policy in the first instance. The Council will be aware that Section 2.7 of the DoECLG Guidelines do not extend to include retail and residential development. Where such frameworks are already in place for developing areas, development principles and investment requirements should be reflected in the Development Plan.

As outlined, Draft Development Plan policies should reflect and safeguard the strategic role of the national road network and associated junctions in catering for the safe and efficient movement of inter-urban and inter-regional traffic. Planning authorities, in considering proposals for zonings adjacent or close to existing or planned national roads/motorways and junctions, should give special attention to the preferences expressed in the Retail Planning Guidelines for locating developments that attract many trips within established towns and district centres.

In addition, TII would welcome a new policy objective 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.

It should be noted that whilst the Authority recommends that traffic and transport assessments be carried out for individual planning applications as part of the development management process, this is not a substitute for a prior overall transport assessment of areas where the planning authority is determining fundamental issues of land use and transportation. Leaving the overall transport assessment of areas to individual applicants' transport assessments is considered highly inappropriate and would lead to a piecemeal and unsustainable approach to development in the vicinity of the strategic national road network. Such an approach is particularly relevant for planned growth areas in the LSMATS with reference to Shannon and within the higher tiered settlements in the County.

In the context of official policy there is a requirement to carefully consider zoning and development proposals in the vicinity of the strategic national road network and associated junctions.

It is the Authority's opinion that the Council should give consideration to undertaking appropriate Area Based Transport Assessment and/or Strategic Transport Assessment (STA) for areas not covered by LSMATS and/or to supplement LSMATS to support the preparation of the Draft County Development Plan, particularly, in relation to areas of planned development which have an interface with the national road network. Section 1.4 of the NRA/TII Traffic and Transport Assessment Guidelines (2014) refers. Guidance is also available in TII Publications PE-PDV-02046 Area Based Transport Assessment (ABTA) Guidance Notes, jointly prepared by TII and the NTA.

TII remains available to assist the Council and is available for consultation in relation to matters impacting the strategic national road network in the County.

b. Access to national roads

The DoECLG Spatial Planning and National Roads Guidelines advise, Section 2.5 refers, that development plans should make it clear that the policy of the planning authority will be to avoid the creation of additional access points from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 50kph apply. While TII acknowledges the tradition of rural settlement and the requirement for rural communities to be sustained, it is requested that this official policy provision is reflected in the Development Plan having regard to the extensive national road network in the County and in the interests of advising applicants/developers of such policy provisions at the earliest stage of their pre-planning.

TII remains consistent in its approach towards development on National Roads and this approach is fully compliant with the Section 28 Guidelines; DoECLG Spatial Planning and National Roads Guidelines. TII notes elements of the current development plan, under Section 8.2.3.3 with regard to exceptional circumstances, which are not consistent with said ministerial guidelines and TII submits that it is not supportive of any departure from these guidelines. TII therefore recommends that the relevant elements of the current plan be reviewed and that the draft plan should reflect national guidance on such matters.

The official policy outlined in Section 2.5 of the Section 28 Ministerial Guidelines relating to access to national roads also creates the requirement to co-ordinate proposed zoning designations and/or access strategies in the Development Plan and accompanying settlement plans, as appropriate, with speed limits on national roads.

c. 'Exceptional Circumstances'

With regard to the current Clare County Development Plan 2017-2023, where the planning authority proposes to exercise a less restrictive approach to the control of development accessing national roads, this should be plan led, done in consultation with and subject to the agreement of TII in accordance with the provisions of Section 2.6 of the DoECLG Spatial Planning and National Roads Guidelines. The Authority advises that it is available to discuss proposals, including a review of existing cases, in relation to Section 2.6 of the Guidelines with the Executive of Clare County Council for incorporation into the new Development Plan where relevant; it will be important that the appropriate evidence base is developed or updated to support any proposals in this regard.

The Council may also wish to consider cases relating to any planned strategic infrastructure development proposals.

3. TRANSPORT PLANNING AND NATIONAL ROAD SCHEMES

TII in collaboration with local Councils, is developing/progressing national road schemes and improvements in the Region, which will enhance regional accessibility in accordance with National Development Plan investment commitments. While there are no current schemes identified under the National Development Plan, the following scheme is progressing to look at options in line with Phase 2 of the TII Project Management Guidelines;

- **N19 Shannon Access Rd**

Planning authority policies and objectives, including rezoning of lands, should not compromise the road planning and route option evaluation process in circumstances where road scheme planning is underway and potential

routes have been identified and brought to the attention of the planning authority, including schemes that may currently be suspended. Similarly, development strategies or rezoning proposals should not have the effect of altering the function of these routes or importantly, increase the cost of land to be acquired or under active consideration as a route option for a national road scheme. Such proposals, while potentially bringing major financial gains to the property owners involved, would be at variance with the broader public interest and would, by significantly increasing the cost of the land to be acquired for road schemes, reduce the funding available to the Authority for road construction and improvement work generally.

There are other national road improvement schemes in development that the Council may consider relevant for inclusion in the Draft Development Plan. TII recommends consultation with the Councils Road Design Office or local National Road Design Office to ensure the inclusion of up to date information in the Draft Plan, noting that the status of schemes can alter during the course of a Development Plan and development plan preparation.

The Authority's other priorities in relation to national roads are the maintenance of the existing national road network, including junctions, and safeguarding the Exchequer investment in national roads to date.

In addition to schemes addressed in the foregoing, TII advises that any additional improvements relating to national roads identified at a local level should be done so in consultation with and subject to the agreement of TII. The Council will be aware that TII may not be responsible for the funding of any additional schemes or improvements. Any additional connectivity to national roads should be developed in accordance with the requirements of Section 2.7 of the DoECLG Spatial Planning and National Roads Guidelines (2012).

Related to the foregoing, the Authority requests the inclusion of policies and objectives in the Development Plan that provide for the following:

- objectives providing for development of relevant national road schemes,
- a policy to protect national road schemes free from adverse development that may compromise the development of route options or the construction of preferred routes or add to the overall costs associated with proposed schemes.

The Council will be aware that the implementation of all national road schemes is subject to budgetary constraints and is subject to prioritisation and adequacy of the funding resource available to the Authority. In these circumstances and taking account of the Exchequer financial position and levels of funding available to the Authority, the relative priority or timeframe for national road schemes may be subject to alteration.

In relation to any additional crossings of the River Shannon that the Council may identify for inclusion in the Development Plan, the Members and Executive of the Council will be aware and should evaluate the consequences of the special requirements of the tolling scheme (N18 Limerick Tunnel PPP Scheme) and the financial implications for the Exchequer of all additional proposed crossing points of the River Shannon within the contract extents. Details of these implications have previously been circulated to the Council.

In addition, the Council will be aware of the requirement for a Motorway Order for any modification, including additional connectivity, to a designated motorway.

4. OTHER SPECIFIC POLICIES AND OBJECTIVES

a. Road Safety

The Road Safety Authority's Road Safety Strategy, 2013 – 2020, builds on existing road safety interventions, but reframes the way in which road safety is viewed and managed in the community. It addresses all elements of the road transport system in an integrated way with the aim of ensuring collision energy levels are below what would cause fatal or serious injury. It requires acceptance of shared overall responsibilities and accountability between system designers and road users and it stimulates the development of innovative interventions and new partnerships necessary to achieve ambitious long-term road safety targets.

Therefore, the design of development proposals must address the functionality and safety of road needs. Two processes address these design concerns: Road Safety Impact Assessment (RSIA) and Road Safety Audit (RSA).

- **Road Safety Impact Assessment (RSA)** is described in the EU Directive on Road Infrastructure Safety Management (EU RISM) 2008/96/EC as a strategic comparative analysis of the impact of a new road, or for substantial modifications to an existing road, on the safety performance of the road network (refer to TII Publications Planning and Evaluation PE-PMG-02001 Road Safety Impact Assessment).
- **Road Safety Audit (RSA)** involves the evaluation of road schemes during design, construction and early operation to identify potential hazards to all road users. RSA is to be carried out on all new national road infrastructure projects and on any schemes/proposal which results in a permanent change to the layout of a national road (refer to TII Publications GE-STY-01024 Road Safety Audit).

RSIA is a separate process to RSA. While RSA examines the safety aspects within a scheme, RSIA considers the safety impact of a scheme on the surrounding road network. RSIA and RSA both work to improve the safety performance of new roads and existing roads that require modifications due to projects or proposals. Both have consequences for the design and layout of any project. The Council is requested to reference RSA and RSIA requirements in the Draft Development Plan relating to development proposals with implications for the national road network.

b. Traffic and Transport Assessment (TTA)

As referenced in the observations above, the Authority recommends that planning applications for significant development proposals should be accompanied with TTA to be carried out by suitably competent consultants, which are assessed in association with their cumulative impact with other relevant developments on the road network. Guidance in relation to TTA is given in the "Traffic Management Guidelines". To assist with TTA, TII has prepared the Traffic and Transport Assessment Guidelines (2014), which are available at www.tii.ie and could be referenced in the Draft Plan as appropriate guidance. The Guidelines also include recommendations on the requirement for sub-threshold traffic and transport assessments.

The Council is requested to reference the TII Traffic & Transport Assessment Guidelines (2014) in the Draft Development Plan relating to development proposals with implications for the national road network. Thresholds advised in the TII Traffic & Transport Assessment Guidelines (2014), including sub-threshold TTA requirements, relate specifically to development proposals affecting national roads.

c. Service Areas

The planning authority will be aware that Section 2.8 of the DoECLG Spatial Planning and National Roads Guidelines indicates the requirement for a forward planning approach to the provision of off-line motorway service areas at national road junctions and also addresses road side service facilities on non-motorway national roads and their junctions. Comments, above, in relation to development at national road junctions may also be pertinent in the case of such development proposals.

The Council will be aware that the Authority has issued the TII Policy on Service Areas (August, 2014). Section 1.4 of the Policy outlines the roles of the Authority and planning authorities in relation to the provision of service areas.

The TII Policy on Service Areas has identified the need for an on-line service area to serve the M18 (J7 to J12) and identifies that TII in consultation with Clare County Council will lead its development. The Authority would welcome the provisions of the TII Service Area Policy (2014), including the identified need for on-line service provision to serve the M18, and the relevant provisions of the DoECLG Guidelines reflected in the Draft County Development Plan.

Having reviewed the existing policies in the current County Development Plan, 2017 – 2023, relating to on-line service area provision, Objective CDP 8.3 remains relevant and TII would welcome it's continued inclusion in the Draft Development Plan, 2022 – 2028.

d. Signage

TII has also issued the Policy on the Provision of Tourist & Leisure Signage on National Roads (March 2011). The purpose of this document is to outline TII's policy on the provision of tourist and leisure information signs on national primary and national secondary roads in Ireland.

With respect to the new Development Plan, the Planning Authority is also referred to Section 3.8 of the DoECLG's Spatial Planning and National Roads Guidelines which indicates a requirement to control the proliferation of non-road traffic signage on and adjacent to national roads. The Authority would welcome the provisions of the TII Policy and the DoECLG Guidelines incorporated into the new Development Plan.

e. Noise

The Council is also requested to refer to the requirements of S.I. No. 140 of 2006 Environmental Noise Regulations in the Draft Plan. The Authority advises that it requires that development proposals identify and implement noise mitigation measures when introducing noise sensitive uses in the environs of existing and planned national roads, where such mitigation is warranted. The costs of implementing mitigation measures shall be borne by the developer, as the Authority will not be responsible for the provision of additional noise mitigation.

f. Safeguarding national road drainage regimes

TII would welcome consideration being given to including a new objective associated with safeguarding investment in the national road network relating to protection of national road drainage regimes. Significant improvements to the national road network have been overseen by Clare. There is an onus and a policy requirement on road and planning authorities to safeguard the national investment made. In that regard, TII has experienced a number of instances nationally where private development proposals have accessed or sought to access national road drainage regimes to dispose of surface water drainage.

National road surface water drainage regimes are constructed with the objective of disposing of national road surface water, it is important that capacity in the drainage regime is retained to address this function.

Having regard to the extensive national road and motorway network in Clare, TII would welcome consideration of a new Objective included in the Development Plan outlining that;

'The capacity and efficiency of the national road network drainage regimes in Clare will be safeguarded for national road drainage purposes'.

g. Renewable Energy

In relation to Solar Energy development proposals, TII recommends that an objective is included in the Plan requiring the submission of Glint and Glare Assessments with relevant applications where there may be implications for the safety and efficiency of the strategic national road network.

In addition, for all renewable energy developments requiring grid connection to the national grid, TII recommends that an assessment of all alternatives to grid connection routing should be assessed. It is considered inappropriate to only consider utilising the national road as a grid connection route when alternatives are available.

In TII's experience, grid connection routing accommodated on national roads has the potential, inter alia, to result in technical road safety issues such as differential settlement due to backfilling trenches and can impact on ability and cost of general maintenance and safety works to existing roads. Constraints and costs arise to on-line national road improvements and upgrades also.

Having regard to the foregoing, TII would welcome consideration being given to including an objective in the Development Plan, in relation to renewable energy and in relation to safeguarding the national road network, indicating that it should be demonstrated that an assessment of all alternative grid connection route options has

been undertaken prior to any proposals being brought forward for grid connection utilising the national road network.

CONCLUSION

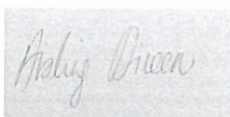
Having regard to the foregoing, the Authority recommends that the development objectives included in the Draft Development Plan reflect the provisions of the Section 28 Ministerial Guidelines 'Spatial Planning and National Roads Guidelines' (DoECLG, 2012) which indicates the importance of developing an evidence based approach at development plan stage for proposals with implications for the on-going safe and efficient operation of national roads.

In summary, the Planning Authority is advised to ensure in the review of the County Development Plan:

- The protection of the safety, carrying capacity and efficiency of the existing and future national roads network is maintained,
- Future National Road Scheme planning is provided for and schemes are safeguarded, and;
- An integrated approach to land use and transportation solutions throughout the County should be undertaken such that local traffic generated by developments is catered for primarily within the framework of the local (i.e. non-national) road network.

The Authority welcomes the meeting already facilitated on the subject of the preparation of the new draft development plan and wishes to extend its continued availability to meet the Executive, to further discuss the issues raised in this correspondence, as an aid to devising an appropriate and sustainable development plan for Clare.

Yours sincerely,



Aisling Dineen
Land Use Planner

