

Submission no: 114.



## **SUBMISSION TO CLARE ISSUES PAPER**

### **Information about Keep Ireland Open**

KIO is a voluntary organisation whose primary aim is to lobby for the legal right to reasonable access to the countryside which is the norm in virtually all European countries but is denied to us. However, we are also concerned with issues which affect the enjoyment of our countryside. Our membership covers a broad spectrum of recreational users of our countryside including An Oige, An Taisce, Friends of the Irish Environment and Irish Rural Link. See our web-site: [www.keepirelandopen.org](http://www.keepirelandopen.org).

We are members of Comhairle na Tuaithe.

We make this Submission as a national body but also on behalf of our members living in the county.

The scope of our Submission is limited to access to the countryside and directly related issues.

### **Other county plans**

While you are obliged to have regard to plans in adjoining counties as per the Planning and Development Act 2000 Sec 9 (4), you may care to take into account plans in other counties particularly those within the **Southern Region**.

### **Review of Plans in adjoining counties or within the Region**

We presume that you will be monitoring the reviews of Plans in the counties within the Region all of which have commenced and in the adjoining county of Galway and that you will liaise with their planners to ensure that the plans are compatible, where appropriate.

As our submission is very focused on issues of walking/cycling, public rights of way and better access to the countryside rather than answering

the questions therein, we are basing our submission on a critique of the 2017 Plan.

### **CRITIQUE OF EXISTING PLAN**

We presume that you will use the **2017 Plan** as the basis for the new one as it contains much excellent material. It does, of course, require expansion and updating.

We would point out that the Plan fails to comply with, have regard to/take into account:

Planning & Development Acts  
Plans in adjoining counties  
Development Plan Guidelines  
Heritage Act 1995  
National Heritage Plan

The mention of a provision in the Plan, without comment, indicates our support for the wording with appropriate up-dating.

Counties in **bold** are adjoining and/or counties within the Southern Region.

### **FORMAT**

**Index** We submit that you should provide an Index as recommended in the Development Plan Guidelines (5.15). See DLR, Sth Tipp & Waterford.

**Layout** We submit that this can be improved by sub-numbering or sub-lettering lists of points and paragraphs. The present layout creates difficulties when referring to particular points. Also we submit that you should include the Chpt/Sec title and its number on each page.

**“Seek to” and “contribute to”** We notice that these prefixes are beginning to appear in development plans and they appear here and there in the Draft. They could be interpreted as meaning that somehow the pols/obs aren't the primary responsibility of Councils which, of course is not the case.

**RSES** We presume that you will incorporate the appropriate provisions of the **Southern Region**.

## **Chapter 6 - Economic Development and Enterprise**

### **6.3.16 Agricultural Development**

We submit that **this should re-entitle: Agriculture to better reflect its contents.**

#### **Text**

We submit that **you should include an additional Para: *Commonage and other rough grazing land should be regarded primarily as an important recreational, environmental and amenity resource.*** Based on **Galway City 4.6.2 1<sup>st</sup> para 1<sup>st</sup> sentence 1<sup>st</sup> phrase & Kilkenny 6.2 Commonage Land 2<sup>nd</sup> sentence.**

#### **Development Plan Objective: Agriculture Developments**

We submit that **this should also be re-entitled as above.**

We submit that **you should include additional Objs:**

**1** *Recognise and support the role of **farmers as custodians** of the natural resources of the countryside and of rural landscapes.* Taken from Cavan 3.5 EDO6 1<sup>st</sup> sentence 1<sup>st</sup> phrase.

**2** *Promote, at national level, the adoption of a **Land Use Strategy.***

**Note:** All EU countries(including Ireland) are under increasing pressure from the EU to comply with various EU Directives. In response to this Scotland adopted a Strategy in 2011. See the 2014 Report of the Joint Oireachtas Committee on Agriculture, Food and Marine page 10.

**3** ***Protect and conserve rural amenities, archaeological and natural heritage, visual amenities, landscape and the environment generally, from **adverse impacts of agricultural practices** and development particularly in high amenity areas and ensure that it is appropriate in nature and scale, ensure that they do not have an undue negative impact on the visual/scenic amenity of the countryside and its appearance and character and integrate into the landscape. Developments and practices must be necessary for the efficient use of the farm and must ensure that they are conducted in a manner consistent with the protection of the environment and in line with national legislations and relevant guidelines. Identify mitigating measures where***

*required.* Based on **Waterford County** 6.7.1 2<sup>nd</sup> para (a), (d) & (e) and many other plans.

## **Chapter 8 Physical Infrastructure, Environment and Energy**

### **8.2 Access and Movement**

#### **Objective: Smarter Travel CDP 8.10**

##### **Objective: Walking and Cycling**

**CDP.13 a)** We submit that **this should be replaced by:** *Promote and facilitate the development of cycle routes in accordance with the National Cycle Network Scoping Study 2010 and implement their Recommendations and proposals.* See other plans.

**b)** We submit that **this should be replaced by:** *Protect, preserve and safeguard the route of the old West Clare Railway which has not been affected by existing development for recreational development free from development by protecting, enhancing, conserving, safeguarding and preserving potential greenway routes as long distance walking and cycling routes along or near these rail lines which could compromise their development as walking/cycle routes in the future. Along these corridors other uses shall not be considered. Where these corridors have been compromised by development, adjacent land which could provide opportunities to bypass such an impediment and reconnect these routes for walking/cycling shall be protected for this purpose.*

Based on **Carlow** 8.12 Obj 4 2<sup>nd</sup> pt, **Limerick County** 8.2.4 Obj IN O5 d), **Sth Tipp** Pol INF3 last sentence and many other plans.

We submit that **you should include an additional Obj:** Now that the **funding has been provided** we would ask you to give this project top priority due its very significant **recreational value**. Also, we would ask to follow Government Policy by acquiring any private land needed by use of **CPO's** to ensure that the greenway will be **permanently protected**. You will, no doubt, be aware that this is the approach being taken by Kerry County Council in respect of the proposed **Kerry Greenway** from Killorglin to Cahersiveen.

d) We submit that **this should be replaced by:** *Recognising their importance, create, provide, promote and prioritise their development and improve, plan, support, maintain, enhance, encourage, extend and facilitate the recreation potential of walking, rambling and cycling in conjunction the Irish Sports Council and other agencies by identifying/defining more dedicated walking and cycling routes(, including blueways,(named) to enable the creation of a high quality, coherent, pleasant, integrated and comprehensive dedicated off road countryside network of local and regional cycling/walking routes, footpaths and greenways that link communities to key destinations and amenities, including local walks, community walks medium/long distance walks and established rights of way, through open spaces, strategic green corridors(including river corridors) and other off-road routes), particularly those with historic associations/connections or other areas of interest. Expand and extend existing routes by utilising links from residential areas to provide access to coasts, mountains, lakeshores, rivers and scenic areas. Bring mountain amenities closer to residential communities by promoting the establishment of a network of formal footpaths, off road paths and cycleways that are attractive and facilitate casual walkers and cyclists. Investigate the provision of dedicated cycle and pedestrian routes along routes of high amenity. Based on DPG 3.5 Box 3 B Infrastructure 3<sup>rd</sup> pt, National Physical Activity Plan App 1 36, Kilkenny 7.3.2 5<sup>th</sup> para last sentence 1<sup>st</sup> phrase, Waterford County 6.13 Pol ECD 22 & Obj ECD 5, Limerick County 6.10.3 Obj COM 030, Sth Tipp 6.6 SEAHO 5 and many other plans.*

We submit that **you should include additional Objs:**

#### **WALKING**

We submit that **you should include a Table with maps of Way-marked Ways of medium/long-long distance walking routes, Greenways, Sli na Slainte, heritage/historic walking trails, pilgrim paths, paths to mass rocks and holy wells, looped walks, hillwalks, forest walks and other defined walking trails with accompanying maps and a data base should be set-up and up-dated as new trails emerge.**

See Kerry 5.4 1<sup>st</sup> para last sentence & M 5.1, Kilkenny Fig 7.1 & App 3 and many other counties.

**1** Promote and facilitate the continuing development of a regional and local **network of Ways and Permissive Access Routes** that provide a network of long distance walking, running and hiking trails and routes. Encourage the re-routing of existing trails off public roads. Based on DLR 4.1.2.16 Pol HB17 1<sup>st</sup> phrase, Sth Dublin 9.4.0.3 Obj 3 1<sup>st</sup> sentence 1<sup>st</sup> phrase & 2<sup>nd</sup> sentence & Mayo Vol 1 Chpt 3 Strategy Pedestrian & Cyclists PC-01.

**Note** In contrast to public rights of way, **long distance walking routes exist on a permissive access basis** and are not to be confused with designated public rights of way as consent can be withdrawn at any time by the landowner. Taken from Sligo 6.7.4 Permissive Trails.

**2** In view of the obesity and diabetes crisis, support, improve, develop, expand, upgrade and facilitate **Slí na Sláinte** routes. These should be waymarked/signposted, where feasible. Based on Kildare 6.5 WCO 5 last pt & DLR 4.1.2.16 Pol LHB17 2<sup>nd</sup> phrase & 2<sup>nd</sup> sentence. See also **Sth Tipp** 6.3.7 2<sup>nd</sup> para 2<sup>nd</sup> pt.

**3** Promote and encourage walking through the development and expansion of a network of **safe walking trails** off public roads within towns and villages and their environs. Such routes can link with existing waymarked trails, Sli na Slanite and the Green Infrastructure Network and existing or new public rights of way. Based on Fingal Chpt 5 Obj RF113 & Sth Dublin 9.40 Obj 3 last sentence.

**4** Support the provision of proposed long distance walking trails that **provide access to scenic uplands** and riverine and coastal features  
Taken from Fingal Chpt 5 Obj RF115.

**5** Research and map existing network of traditional paths used for leisure purposes to determine their **legal status**. Taken from **Carlow** 8.11.10 Obj 3 2<sup>nd</sup> pt.

**6** Employ a full time **Walks Officer** at an appropriate senior level.  
**Note** Many counties employ one.

**7** *The Council will co-operate with relevant agencies, both public and private, including the National Trails Office, NWMWAC, Coillte, the Heritage Council, adjoining councils and local landowners, to **support** the development, maintenance, facilitation and enhancement of medium and long distance **hiking/walking routes**, community walks and off-road trails particularly in the uplands. This will include consultation with adjoining councils with a view to promoting routes extending beyond the county boundary. Based on DLR 4.1.2.16 para under Pol 2<sup>nd</sup> & 3<sup>rd</sup> sentences, Laois 5.13 TM21 1<sup>st</sup> sentence, Meath 4.6.8 ED OBJ9 & Westmeath 3.14 P-GT 7 5<sup>th</sup> line.*

**8** *Lobby the appropriate Government Department to agree and implement a scheme to **indemnify private landowners** with regard to recreational users of their land. Taken from **Action Plan for Rural Development** 2017 Pillar 3 Act 176.*

### **9 Promote and keep open *Pilgrim Paths***

**10** *Preserve, **protect** and, where possible, enhance the integrity of existing/established public walking and access routes(including long distance walking routes) and potential routes, which contribute to the general amenity by prohibiting the intrusion of development along these routes at creates or has the potential to create dis-amenities, particularly those in scenic and high amenity areas and along inland waterways and access routes to upland walks and public rights of way. Based on **Kilkenny** 7.3.5 DMS, **Kerry** 9.10 SC52, **Carlow** 5.3.2 Pol 8 7<sup>th</sup> pt, 8<sup>th</sup> pt 1<sup>st</sup> phrase, **Cork County** 10 2 TM 2 1b) 1<sup>st</sup> phrase and many other plans.*

**11** *Take the potential impact of proposed development into account when **considering/assessing applications** for permission in the vicinity of established walking routes that might impinge on walking routes(including long distance) or potential walking routes. Taken from Sligo 6.7.4 Established walking routes 2<sup>nd</sup> & 3<sup>rd</sup> sentences. See also **Carlow** 5.3.2 Pol 8 8<sup>th</sup> pt last phrase.*

## **CYCLING**

### **Table**

We submit that **you should include a Table of Cycle routes with maps**. See **Kilkenny** Fig 7.1 and many other counties.

**To this you should add:** *Following the adoption of the Plan a temporary register of additional routes shall be maintained and should be included on the web site pending inclusion in the next Plan.*

**12** *Implement the relevant policies of the DoTTs NCPF and support, promote, facilitate and encourage the development, enhancement and expansion of an integrated, coherent and **safe** cycle network as opportunities arises by facilitating the construction of cycleways. Support the development of the National Cycle Network and enhance and maintain these routes with better signposting, lighting and road surfaces separated from vehicular traffic. Encourage the development of off-road cycling. Ensure that the upgrading of roads will not impact negatively on the safety and perceived safety of cyclists. Ensure that any dedicated cycle routes which are developed away from the main public carriageway are well lit and that all surfaces are maintained to a high standard. Routes should, where possible, follow off-road tracks and quiet country roads. Based on **DoTT's NCPF(2009)** Obj 5 & Pol 5.6, **Wexford** 15.6 Obj RS26 & 27 1<sup>st</sup> phrase, **Cork County** 10.2 TM 2 2d) 1<sup>st</sup> sentence, **Carlow** 5.3.2 pol 8 15<sup>th</sup> pt 1<sup>st</sup> phrase, **Sth Tipp** 7.1.4 4<sup>th</sup> para, **Kerry** 5.4 T23 & 5.5 2<sup>nd</sup> para and many other plans.*

**13** ***Cycle routes should be designed** using current thinking and best practice from experience in other locations, lower speed limits and priority over motorised transport to ensure road safety for cyclists. Taken from Roscommon 8.7.1 42 2<sup>nd</sup> sentence.*

**14** *Assign an officer at appropriate senior level as a "**Cycling Officer**". Taken from **DoT's NCPF(2009)** Pol 17.3.*

*To which you should add before officer, full-time and that any vacancy should be filled as soon as possible.*

**Note**

Many counties have one.

**15** *Support the development, maintenance and enhancement of trails and routes in co-operation with the Sports Council, NTA, NTO, NWMWAC, Heritage Council and other bodies to **develop cycle touring routes** including those linking with adjoining counties particularly in*



areas of high amenity. Based on **Kerry** 5.5 T26 1<sup>st</sup> phrase, **Carlow** 5.3.2 Pol 8 last pt and other plans.

**16** *Develop a Cycling **Strategy** during the lifetime of the Plan.* Taken from **Cork City** Obj 5.7.

**17** *Ensure that new development does not prejudice the **expansion of cycling corridors** that would compromise their future delivery.* Taken from Monaghan 7 Transport Policies TP 4.

**18** *Produce cycle **maps**.* Taken from **NCPF 2009** Pol 6.2 1<sup>st</sup> sentence & Westmeath 8.13 O 8 last sentence 2<sup>nd</sup> phrase.

**19** *Support community, authority or agency led projects that would deliver identified **strategic cycling links**.* Taken from Laois 6.1.1 TRANS38 1<sup>st</sup> phrase.

**20** *Support the policies of the **National Cycle Policy Framework(2009)**.* Taken from **Limerick County** 6.10.3 Obj COM 026.

## **WALKING AND CYCLING GREENWAYS AND CORRIDORS**

**21** *Ensure that new development does not prejudice the **expansion of cycling corridors** that would compromise their future delivery.* Taken from Monaghan 7 Transport Policies TP 4.

## **WALKING AND CYCLING**

**22** *Promote, secure, develop, provide and actively encourage and support the enhancement and extension of off road regional and Regional **interlinked cycleways and walkways**, hiking, walking and cycling routes and trails (mention routes), including medium and long distance walkways and those with historic associations in conjunction with the Irish Sports Council, IW and other stakeholders to link a strategic network of trails in adjoining counties(including cross border ones). Utilise links from residential areas, open spaces and existing or new public rights of way to facilitate the creation of a secure a safe green network to provide access to scenic, mountain, lakeshore and river features in accordance with national policy and guidelines and in*

*partnership with their councils, the state, private and voluntary sectors. Based on Kerry 7.2.3 RD 31 1<sup>st</sup> part, Kilkenny 7.3.2 1<sup>st</sup> para last sentence and Carlow 8.11.10 Pol 5 2<sup>nd</sup> pt.*

**23** *Support a comprehensive **network of national** Greenway/Blueways Networks and work with the NTA, WI and other stakeholders to develop a co-ordinated approach to the selection, delivery and servicing of future greenways, bueways, trails and routes. Based on NPF App 1 Obj 22 1<sup>st</sup> phrase & Kildare 5.19EO49.*

**24** *Walking and Cycling will be promoted, facilitated, prioritised and encouraged by improving existing cycleways and developing a network of safe, guarded cycle routes and footpaths and on routes reserved exclusively for pedestrians and cyclists on existing roads, on all new regional, local distributor and local collector roads. Ensure, where possible, that cycleways and footpaths are effectively separated from major vehicular carriageways. Provide, promote, improve and extend the network of off road cycle and walking routes on all new road improvement schemes to ensure personal **safety**, particularly at night and a more convenient, pleasant, attractive environment. Support the installation of infrastructure measures e.g new/wider pavements, road crossings, retrofitted, if necessary, which would facilitate and encourage safe walking and cycling. Based on Wexford 8.3 Obj TO10 last pt 1<sup>st</sup> phrase, Kerry 5.4 T20, Carlow 5.3.2 Pol 8 13<sup>th</sup> pt, Limerick County 6.10.3 Obj COM 029 b and many other plans.*

**25** *Support the provision of the signposting and waymarking of walking and cycle routes with appropriately designed quality signage and information boards, during the lifetime of the Plan. Based on Nth Tipp 6.11.3 3<sup>rd</sup> line, Carlow 5.3.2 Pol 8 12<sup>th</sup> pt 2<sup>nd</sup> line, Cork County 5.6.13 13<sup>th</sup> line and many other plans.*

**26** *Seek opportunities for the development of suitable walking routes and cycle tracks along **historic access routes**. Explore the potential of inter- county trails(named). Based on Action Plan for Rural Development 2017 Pillar 3 Action 200 & Leitrim*

3.6.3 Obj 29 & Longford 4.5 Mid-Shannon Wilderness Park(sic) last para.

**27 Develop and promote a Walking and Cycling Policy/Strategy** within two years of the adoption of the Plan, working in partnership with statutory bodies, private and voluntary sectors, landowners and other stakeholders. The Strategy should list trails, evaluate these routes and make recommendations for their promotion and would address, *inter alia*, the possibility of cycle-ways in recreational areas and along river banks, car parking for walkers and cyclists and improved signage and maps. Based on **National Activity Plan for Ireland App1 32, Kilkenny 7.3.2. 7<sup>th</sup> para & 2<sup>nd</sup> Obj 7C, Limerick County 6.10.3 Obj COM O27 b)** and many other plans.

#### **Note**

**Have Done:** Cavan Galway Laois Louth Monaghan Waterford

**28 Provide adequate car parking and/or lay-bys for walkers and cyclists,** (from your local knowledge name important locations) and other appropriate points to facilitate access to amenity/scenic areas from 9am until dark. Based on **Kerry 5.4 T-20 3<sup>rd</sup> line, Nth Tipp 7.5.7 Obj INF 28 7<sup>th</sup> line** and many other plans.

#### **Notes**

1 The absence of car parks can cause unnecessary friction between landowners and recreational users.

2 The primary responsibility for the provision of car parking lies with councils.

**29 Establish new Walkways and cycle routes on a legal and permanent basis.** Taken from **Carlow 5.3.2 Pol 8 12 pt 1<sup>st</sup> line,**

**30 Develop a strategy to underpin the funding for the development and extension and enhancement of walking/cycling trails, greenways, including off-road trails, inter-county waymarked walking and cycle routes, the Royal Canal and the Tain Trail, through the Action Plan for Rural Development 2017, DoTTS, NTA, Heritage Council and associated transport agencies and LEADER.** Based on **Action Plan for Rural Development 2017 Pillar 3 Action 167, Galway City 4.7**

Community Spaces Medium/Long Term 3<sup>rd</sup> pt 8<sup>th</sup> sub pt, **Kilkenny** 7.3.2 5<sup>th</sup> para 1<sup>st</sup> phrase and many other plans.

**31** *Ensure that walking and cycling routes and the public footpaths network are **maintained**.* Based on Roscommon 8.7.1 Pol 8.37, Meath 4.6.8 2<sup>nd</sup> para 1<sup>st</sup> sentence, & Mayo Vol 1 Chpt 3 Pedestrians & Cyclists 1<sup>st</sup> sentence,

**32** *Establish a **register of walking and cycling routes**.* Taken from Roscommon 8.7.1 OBJ 8.7.

**To which you should add:** *and put on your website.*

**33** *Recognising their importance **protect**, preserve and safeguard the integrity of established and future walking and cycling routes by prohibiting development which would adversely impact upon them or their settings particularly in scenic areas and ensure their maintenance.* Based on Louth Chpt 6 EDE 22, Monaghan 5.9 Cycling and Walking Policies CFP 12 last phrase, Donegal 9.1 12<sup>th</sup> pt, Cavan 9.6.1 RTO3 & 18 1<sup>st</sup> phrase & Roscommon 8.71 Pol 8.36 1<sup>st</sup> line & Pol 8.4.1 1<sup>st</sup> phrase.

**34** *Ensure that development proposals **protect the routes of potential linkages** such as linear paths footpaths trails, greenways and cycleways through a site where the Council considers that an opportunity to provide a linkage to or between adjoining areas.* Taken from Donegal 5.1.2 P3

**35** ***Protect** established **walking and cycling routes** and keep them free from development which would adversely impact upon them.* Taken from Cavan 9.8.1 RTO18 1<sup>st</sup> phrase.

**36** *Protect the routes of, and **prohibit development** which would hinder the creation and development of **future Greenways**, walking and cycling routes including those identified in the Plan.* Taken from Donegal 11.3 P 13 2<sup>nd</sup> pt.

### **8.2.12 Public Rights of Way**

We submit that **the 1<sup>st</sup> & 2<sup>nd</sup> sentences should be replaced by:** *Public Rights of Way have existed over the centuries and constitute an important recreational and tourism amenity and an economic and social*

asset. They enable the enjoyment of high quality landscape, natural, cultural and archaeological heritage and provide links to valuable amenities such as rivers lakes, bogs, forests and places of natural beauty. Based on **Carlow 8.12 1<sup>st</sup> para 1<sup>st</sup> sentence, Galway County 10.12 1<sup>st</sup> phrase** and many other plans.

We submit that you **should include additional Paras:**

**1 A PROW or highway is a physically defined route over which the public have a *right of passage* even if the route is not in public ownership. It is described as “a user as of right” and confers an unrestricted right of the general public to pass and repass at all times of the day or night and at all seasons without notice to, or permission from the landowner. The most common characteristic of a PROW is that it follows a defined route which may be sub-divided amongst different branches. Based on Sligo 6.7.4 Public rights of way 1<sup>st</sup> para last sentence & Wicklow Vol 1 10.3.8 2<sup>nd</sup> para 2<sup>nd</sup> & 4<sup>th</sup> sentences & last sentence 1<sup>st</sup> pt. See also Kilkenny 7.3.5 1<sup>st</sup> para 1<sup>st</sup> sentence.**

**2 The listing and mapping of public rights of way will *preserve Public Rights of Ways for recreational purposes*. Taken from Kerry 9.10 2<sup>nd</sup> para last sentence.**

**3 Section 14 of the Planning and Development Act 2000 sets out the formal process for designating rights of way in development plans. The scope of these statutory provisions is grounded on identification of existing routes over which PROWS are deemed to exist. The inclusion of PROW objectives for their preservation provides greater protection for such routes under development management provisions of planning legislation whilst also *restricting the scope of certain exempt development*. Taken from Wicklow Vol 1 10.3.8 3<sup>rd</sup> para.**

**4 The listing of public rights of way is an urgent matter as the lack of certainty on access has not only affected the rights of local people but has been the major cause of *the failure of walking tourism* to reach its full potential in this country.**

**5 It is suggested that the list of public rights of way should be compiled by following this modus operandi: *Place an advert in local papers seeking submissions from the public to identify public rights of way***

*which give access to seashores, mountains, lakeshores, riverbanks or other places of natural beauty or recreational utility.*

*Identify existing rights of ways, paths, and access points to seashores, mountains, lakeshores, riverbanks or other places of natural beauty or recreational activity.*

*Identify access points to seashores, mountains, lakeshores, riverbanks or other places of natural beauty or recreational activity which the Council have maintained or repaired with a view to identifying public rights of way.*

*Carry out a desktop analysis of public records, maps, aerial photographs and newspaper accounts to identify reputations of public rights of way. Once the list is compiled, advertise and put it on display. The public will be invited to make submissions on the validity of the public rights of way. Endeavor to verify and list the public rights of way and begin the formal process for designating rights of way under Section 14 of the Planning and Development Act 2000 (as amended).*

*Vary the Plan to include the list and map showing the public rights of way. Taken from **Wexford** 15.9 RS 3.*

**6** If an **Interim list** is included in the Plan the following should be appended to the list or provided in the written statement: *This is not an exhaustive list and the omission of a right of way from this list shall not be taken as an indication that such a right of way does not exist.* Taken from **Kerry** 9.10 3<sup>rd</sup> para, 3<sup>rd</sup> & 4<sup>th</sup> sentences.

**CDP 8.18** We submit **that this should be replaced by:** *Recognizing the importance of maintaining public rights of way, preserve, protect, promote, enhance, maintain and improve them, for the common good, all public rights of way particularly those giving access to seashores, mountains, lakes, river banks, geomorphological features of heritage value and other places of natural beauty or recreational utility by ensuring that development doesn't impinge thereon as set out in Appendix 6. Based on **Kilkenny** 7.3.5 2<sup>nd</sup> para & DMS, **Kerry** 9.10 SC 50, **Cork County** 13.4.6 2<sup>nd</sup> sentence 1<sup>st</sup> phrase, **Galway County** 10.13 PRW1 and many other plans.*

**Objs**

**1 Identify Public Rights of Way** prior to any new planting, infrastructural development of any new energy/telecommunications developments. Taken from **Carlow** 8.12 pol 6 2<sup>nd</sup> pt.

**2 Identify and map, on an ongoing basis, public rights of way and incorporate them in the Plan by way of a Variation.** Where appropriate links to established public rights of way in adjoining counties will be identified. Taken from Westmeath 7.15 O 1.

**3 In accordance with the provisions of either Sections 206 or 207 of the Planning and Development Act 2000 encourage and facilitate the creation of additional rights of way and extend existing ones for pedestrian or amenity reasons, by investigating named areas to facilitate the development of waymarked ways and looped walks, by undertaking a review/survey of green links and cycling routes and by bringing forward proposals within two years of the adoption of the Plan, either by agreement or by the use of compulsory powers, for the creation of public rights of way, particularly in areas of high amenity and recreational importance and to the coast, uplands, seashores, lakeshores, river banks, forests, heritage and scientific sites, areas of historic, archaeological and recreational importance and National Monuments, to create a meaningful network. Promote their greater use. Provide linkages from built up areas to the countryside and the coast and link with public rights of way in adjoining counties.** Based on **Galway City** 4.5.1 4<sup>th</sup> para 4<sup>th</sup> sentence 1<sup>st</sup> phrase, **Carlow** 5.3.2 last para 1<sup>st</sup> sentence & 8.12 Obj 4 1<sup>st</sup> pt, **Sth Tipp** 6.3.7 Pol AEH10, **Kilkenny** 7.3.5 2<sup>nd</sup> para 3<sup>rd</sup> line and many other plans.

**4 Ensure the provision of, and where necessary, improve signposting and waymarking on all public rights of way.** Based on **Carlow** 8.12 Obj 4 last pt last phrase and many other plans.

**Note** It is most important that public rights of way are marked on the ground because:

- 1 Walkers need to know of their existence to encourage usage
- 2 Signage would alert local residents to planning applications affecting the integrity of rights of rights of way

3 Directional signage during the course of the route would prevent involuntary trespass on private property and prevent walkers getting lost which might impinge on walker safety.

**5 Designate Pilgrim Paths as public rights of way.**

**Note** We submit that as these Paths have been walked for many centuries their case for designation is surely irrefutable.

**6 Identify mass paths and routes to holy wells, mass rocks and penal mass stations and consider designating them as public rights of way.**

**7 Encourage the provision, for the common good, of a network of Public Rights of Way to traditional outdoor amenities, including heritage sites and features of archaeological interest, national monuments, mountains, hills, rivers, forests, lakes, geological and geomorphic systems, water corridors, places of natural beauty and other natural amenities.** Taken from Westmeath 7.15 P 1 1<sup>st</sup> sentence 2<sup>nd</sup> phrase.

**8 Prohibit development and keep free from obstruction public walking routes and public rights of way, particularly those at seashores, mountains, lakeshores, riverbanks or other places of natural beauty or recreational activity and take legal action if necessary, to prevent any attempt to close them off.** Based on **Wexford 15.9 Obj RS36, Carlow 5.3.2 Pol 8 7<sup>th</sup> pt** and many other plans.

**9 Look favourably on planning applications which include proposals to improve the condition and appearance of existing rights of way.** Taken from **Carlow 8.12 Pol 6 7<sup>th</sup> pt.**

**10 Existing Public Rights of Way and established walking routes shall be identified prior to any new forestry planting, new infrastructural, energy/telecommunications or golf course developments.** Taken from **Kildare 14.12.2 RW 3.** See also **Carlow 8.12 Pol 6 3**

**11 Development will not be permitted where a public right of way might be prejudiced, unless specific arrangements are made for suitable alternative linkages and that the developer can demonstrate that the level of amenity is maintained by:**



(i) the footpath/bridleway being diverted by the minimal practical distance and the route continues to be segregated from vehicular traffic;  
(ii) Appropriate legal procedures have been undertaken to extinguish the existing right of way and to establish the new right of way to replace it.  
(iii) the diverted route is of at least equal character and convenience.  
Based on Mayo Vol 2 40.2, DLR 4.1.2.3 LHB14 5<sup>th</sup> pt, Laois 7.21 PRW6, Leitrim 4.5.12 & Fingal 5.2 Obj RF118 2<sup>nd</sup> phrase.

**12** *Where, in the interests of proper planning and development, the **extinguishment** of an existing right of way becomes expedient, the Council may require the provision of a suitable alternative.* Taken from **Galway City** 4.5.1 4<sup>th</sup> para 3<sup>rd</sup> sentence.

**13** *The Council will utilise its relevant statutory powers to **preserve** as practicable the **character** of listed public rights of way for amenity purposes.* Taken from Wicklow Vol 1 10.3.8 NH46 1<sup>st</sup> sentence.

**14** *Protect and promote **Greenways and consider designating them as public rights of way.*** Taken from Laois 7.21 PRW5 1<sup>st</sup> phrase.

## **8.6 Noise, Air and Light Pollution**

### **8.6.1 Objective: Noise Pollution CDP 8.33**

### **8.6.3 Objective: Light Pollution CDP 8.35**

**Objective: Electricity Network CDP 8.38 e)** We submit that **this should be replaced by:** *Recognising that large-scale overhead powerlines can have a significant impact on the visual character of an area, ensure that energy corridors do not impact on the natural environment and minimise their visual impact and obtrusiveness by avoiding areas of high amenity, high landscape value, scenic importance, sensitivity or sites and areas of nature conservation and areas of archaeological interest, NHAs, SPAs, SACs and National Monuments and mountains areas, by integrating with their surroundings and by preserving the natural environment. Where impacts are inevitable mitigation measures to minimise their visual obtrusiveness must be provided for in, in respect of Natura Sites, networks must comply with Art 6 of the Habitats Directive. Based on **Wexford** 11.2.1 2<sup>nd</sup> para 6<sup>th</sup> line, **Limerick County** 8.5.3 Obj IN 049d) & e) & IN 053a), **Galway***

**County 13.9 DM Standard 31a) 1<sup>st</sup> sentence, Cork County 9.6.2 & 1<sup>st</sup> & 2<sup>nd</sup> pts, Kilkenny 9.3.2 3<sup>rd</sup> , 4<sup>th</sup> & last pts and many other plans.**

**We submit that you should include additional Objs:**

**1** *In rural areas the undergrounding or re-routing of transmission lines (including telephone and TV cables) shall be considered first as part of a detailed consideration and evaluation of all available options. Where technically feasible and environmentally appropriate, HV and other powerlines (including existing powerlines) and associated equipment should be placed underground to reduce the visual impact on the natural environment especially in sensitive areas or areas of high visual amenity to preserve significant landscape, impact on Euro sites, NHAs, sites of nature conservation, possible interference with or damage to areas of archaeological importance or significant views from the visual intrusion of energy infrastructure and cooperate with other agencies as appropriate. Protect areas of recognised landscape importance and significant views from visually intrusive large scale energy transmission infrastructure by using alternative routing. They shall be designed so as not to cause to or minimise as far as practicable, detrimental harm to scenic areas or designated vulnerable landscapes. Development must be consistent with international best practice and national guidance. Integrate with surface treatment schemes where possible. Demonstrate that where impacts are identified mitigation features have been provided/included where impacts are inevitable.* Based on **Limerick County 8.5.3 IN 053b), Nth Tipp Pol SERV 28 Electricity Supply Lines** and many other plans.

**2 A VIA shall be submitted.** Taken from **Galway County 13.9 DM Standard 31a) last sentence.**

**3 A Landscape Impact Assessment shall be submitted** where a proposed **development** is located in lands in **high amenity and mountain areas** and shall be screened for potential impacts on **Natura 2000 sites**. Taken from **Sth Dublin 10.2.10 Pol 12.**

**Objective: Renewable Energy CDP 38.40**

**b) to d) & g)**

**We submit that you should include additional Objs:**

**1** *Developments must be **appropriately located**.* Taken from **Limerick County** 8.5.4 Obj IN 056 1<sup>st</sup> phrase.

**2** *The development including any ancillary facilities or buildings, considered individually or taking into account their scale and layout, their incremental/cumulative effect due to other proposals, the degree to which impacts are highly visible over a vast area, their visual impact on scenic landscape as well as local visual impacts, impacts on archaeology, **should not create a hazard or nuisance**, including the risk land instability and take into account the character and appearance of the surrounding area, the openness and **visual amenity** of the countryside, landscapes, protected areas such as NHA's, SPA,s SAC's and sites of historic or archaeological interest or in proximity to National Monuments. Development will be subject to suitable locations and will only be permitted where they will not have an adverse impact on the environment including natural heritage and the protection of amenities and landscapes. Where impacts are inevitable what mitigation features have been taken into account or in the case of European conservation sites, facilities can only be accepted if they comply with Art 6 of the Habitats Directive. Based on **Nth Tipp** 7.13.5(i) SERV 22 last phrase, **Limerick County** 8.5.4 Obj IN 056 d) & e.) and many other plans.*

**3** *In assessing development proposals the Council will take into account public access to the countryside and the impact on **public rights of way** and walking routes. Based on Fingal 12.10 DMS138 (iv) 2<sup>nd</sup> phrase & Meath 11.15.1 1<sup>st</sup> para 4<sup>th</sup> pt.*

We submit that **you should include additional aspects of Renewable Energy**.

### **A Wind Energy**

*Produce **Maps** showing the degree of acceptability from prohibition to preferred including areas in adjoining counties considered unsuitable. See **Cork County** Fig 9.2 and other counties*

### **Objs**

**1** *Undertake an analysis of suitable areas for wind energy and **prepare a map showing the Landscape Suitability for Wind Energy Development** in accordance with national guidelines including section*

*3.5 of the Wind Energy Guidelines(2006) and any subsequent revisions and as recommended in the LCA. Based on Sligo 11.1 SO EN 2 & Roscommon 4.6 Obj 4.55 1<sup>st</sup> phrase.*

*2 Prepare a **Wind Energy Strategy** within the one year of the adoption of the Plan. See **Cork County** 9.3.9 1<sup>st</sup> sentence, **Galway County** App IV, **Limerick County** 8.5.4 Wind energy strategy, **Nth Tipp** 7.13..5(ii) 3<sup>rd</sup> para last sentence, **Wexford** Vol 5, **Waterford County** 8.10 1<sup>st</sup> page 2<sup>nd</sup> sentence 1<sup>st</sup> phrase,and many other counties.*

*3 **Identify existing public rights of way and established walking routes and maintain and preserve them free from development.***  
Taken from Cavan 4.73 PIO 117.8.

*4 **Restrict large scale wind energy structures in the rural hinterland and mountain areas to protect their overriding visual and environmental values.*** Taken from Sth Dublin 10.27 Pol 9.

*5 All applicants should include a LIA dealing with possible **impacts on any existing rights of way** or established walking routes. Taken from **Kilkenny** 10.5.3 Landscape Impact Assessment 1<sup>st</sup> para 1<sup>st</sup> sentence.*

## **B Hydro Power**

*6 In assessing hydro energy schemes proposals the Council will take into account the **impact on public rights of way** and walking routes. Taken from **Carlow** 6.3.2 Pol 6 2<sup>nd</sup> pt.*

## **C Solar Power**

*1 Make representations to the appropriate government department to make **Planning Guidelines** for ground mounted solar farms.*

*8 Development must safeguard and **protect** the natural heritage and must have no significant adverse impact on the surrounding natural environment or on the visual character of the landscape and amenities. There is a presumption against their being located in sensitive areas such as Natura 2000 sites. Development must have regard to its effect on scenic routes, its possible cumulative effect and the potential for mitigation through screening with hedges. Based on **Tipperary***

**Renewable Energy Strategy** App 1 6.8 3 Pol RE10 1<sup>st</sup> para 2<sup>nd</sup> line and many other plans.

**Objective: Telecommunications Infrastructure CDP 8.44**

**We submit that you should include additional Objs:**

*1 Require the identification of **Public Rights of Way** and established walking routes prior to any new telecommunication developments(including associated processes) which will be prohibited if they impinge or impact thereon or on recreational amenities or public access to the countryside or on the natural environment. Taken from Sth Dublin 7.4 Obj 6. See also **Kilkenny** 9.4.2.1 3<sup>rd</sup> para, **Wexford** 9.3.1 Obj TC07, & **Carlow** 6.1 Pol 1 7<sup>th</sup> pt.*

**Note** Pending a complete listing of public rights of way, walking routes, as prospective rights of way, should be protected.

*2 The Council shall, in **assessing an application**, take into account the impact on established **walking routes**. Taken from Mayo Vol 2 55.3 4<sup>th</sup> pt.*

**Chapter 9 Tourism**

**Objective CDP 9.10 c) We submit that as this 10 10.4.2 relates also to local people as well as visitors it should be repositioned in 10.4.2 Forestry as additional Obj 1.**

**If you agree we submit that you should delete *and Forestry Tourism* from the Title.**

**Objective: Coastal Tourism CDP 9.12 b) & c)**

**9.3.12 Lakeland and Waterways Tourism CPD. 913 last sentence.**

**We submit that you should include additional Objs:**

*1 **Protect** the landscape from inappropriate development by ensuring that developments and other activities associated with tourism or recreational activity do not cause damage, be detrimental to or detract from the traditional character or appearance of areas of scenic or visual amenities and ensure that the layout, design and associated infrastructure are of highest quality. Developments must be sensitively located, and be sympathetic in manner with the environment, heritage*

*and amenities. They must ensure the protection, maintenance and conservation of amenities, be compatible with their intensity, scale, and balance and ensure that are not located where they would be detrimental to environmentally sensitive landscapes. Ensure the highest quality standards of design and materials so that there are no significant adverse impact on the coastal areas, Natura 2000 sites, historic or archaeological sites, maritime heritage or the countryside generally.. They must be integrated, assimilated and absorbed into the landscape to take advantage of natural screening and topography. Based on **Waterford County** 10.26 2<sup>nd</sup> pt, **Cork County** 8.8 Obj TO: 9-1 2<sup>nd</sup>line, **Limerick County** 5.5.2 EDO17 1<sup>st</sup> phrase, **Kerry** 5.12 T-60, **Galway County** 4.14 Pol EDT – 1 and many other plans.*

***2 Tourism and recreational development shall be assessed against the nature and scale appropriate to the character of the area and shall be located to be visually sympathetic to its surroundings.** Taken from Wicklow Vol 3 App 1 4 Tourism & Recreation, General criteria for tourism and recreational development 1<sup>st</sup> pt 1<sup>st</sup> sentence & 2<sup>nd</sup> pt 1<sup>st</sup> sentence.*

## **Chapter 10 Rural Development and Natural Resources**

**Objective: Rural Economic Development** We submit that **you should include an additional Obj: Only grant *planning permission* for new buildings or the expansion of existing industrial business enterprises in the countryside where the location is suitable and that the proposal would not be viable at an alternative location and where the development would not cause a detrimental impact, erode rural character and is compatible with neighbouring land use. Any new building will be required to respect the appearance of and character of the landscape not be acceptable where it is unduly prominent in the landscape, where it results in build-up of development when viewed with existing and/or approved building or where the impact of the ancillary works, including the creation of visibility splays would damage rural character or impact negatively on the environment or which fails to protect Natura Sites, conservation areas, natural heritage or the environment or fails to protect and improve or is injurious to amenities(including visual amenities) . Buildings should be kept simple and finished with material appropriate to rural settings and should reflect the size, scale and pattern of development in the area. Buildings of**

*excessive height will not be permitted and should be sited to make use of existing hedgerows and topography to provide natural screening.*  
Based on **Limerick County** Para under Objective ED 023: Farm Diversification & 5.6 Obj ED 025a), **Nth Tipp** 6.10 ENCON 12b) & d) & 6.17 Pol ECON 31 c, **Carlow** 3.5 E.D Pol 6 2<sup>nd</sup> pt last phrase, 11.1.12.7 6<sup>th</sup> sentence & 11.12.12 and many other plans.

## **10.4.2 Forestry**

### **Forestry**

The topic of forestry and woodlands can be dealt with in a number of different ways. Probably the best way of dealing with it is to consider the primary function of a forest/wood. We suggest that coniferous forestry should be regarded primarily as commercial forestry and deciduous forestry as amenity. Assuming you agree we have divided this topic into three sections:

- A Commercial forestry**
- B Amenity woodlands**
- C Provisions dealing with both**

### **A Commercial forestry Objective CDP 10.9 a) & c)**

We submit that **you should include additional Objs:**

*1 Recognising the contribution that forestry makes to well being, develop, promote, provide, protect, improve and encourage the provision of greater **public access** to new and existing forestry, both state and private, for recreational activities such as walking, hiking, cycling, and other non-noise generating activities and the provision of nature trails, as part of connected network of walking and cycle routes in cooperation/consultation with Coillte, the Forest Service, private landowners, local interest groups and other relevant stakeholders and agencies. Based on **Smarter Travel 2009-2020** Act 17 2<sup>nd</sup> sentence page 45, **2017 Plan** 9.3.9 10c), **Limerick County** 6.11 Obj 031a), **Kilkenny** 6.5 last para, **Wexford** 15.5 RS 12, **Nth Tipp** 4.5 EV27 and many other plans.*

*2 Retain **existing rights of way** and **identify them** and established walking routes before planting commences and maintain them as rights*

*of way/walking Routes. Taken from Cavan 3.9 EDP15 & EDO 31 & Sligo 4.3.2 P FOR 3.*

**Note** If this isn't done walking routes tend to become subsumed into the network of forest roads thus making it very difficult, over time, to establish the existence of these routes.

**3** *Ensure that existing **public rights of way**, traditional walking routes are not obstructed.* Taken from **Carlow** 3.5.12 E.D 18 3<sup>rd</sup> pt.

**4** *Forestry must not be visually obtrusive in the landscape so as to ensure that development is appropriate in its character, nature and scale and that it is carefully managed to so that it doesn't result in damage to visual amenity or have a negative visual effect on the rural environment and character of the countryside and that it must enhance and be in harmony with the landscape. Protect and safeguard scenic and exposed/elevated landscapes, nature conservation areas, geological sites, monuments, NHAs and other designated sites, archaeological or other historical or heritage features.* Based on **Cork County** 6.10 EE 10-1 Forestry last phase, **Limerick County** 5.6.2 Pol ED 20a), **Kilkenny** 6.5 4<sup>th</sup> para 1<sup>st</sup> sentence, **Wexford** 6.4.8 Obj ED22, **Sth Tipp** 9.20 1<sup>st</sup> para (i) & (ii), **Nth Tipp** 4.5.1 Pol ENV 26a), **Carlow** 11.10.7 1<sup>st</sup> para 3<sup>rd</sup> & 4<sup>th</sup> sentences & last para and many other plans.

**5** *No new or replacement coniferous forests will allowed on summits generally **above 250 mtrs**.* Taken from Laois 7.19 LS37 2<sup>nd</sup> sentence.

## **C Commercial Forestry and Amenity Woodlands**

**6** *Recognising the recreational potential of forestry, including Coillte's "open forest" policy, protect and encourage **access** to forestry and woodlands, in co-operation with Coillte, private landowners and other stakeholders for walking routes (including long distance and looped walks) mountain and nature trails and hiking.* Based on **Carlow** 3.5.12 E.D – Policy 16 2<sup>nd</sup> pt and many other plans.

**Objective: Minerals, Mining and Quarrying CDP 10.13** last phrase We submit that **this should be replaced by:** *Recognising that the development of aggregates/mineral extraction, processing and associated developments can impose adverse impacts on amenities,*



*public health or residential amenities of neighbouring settlements.. Ensure the protection, conservation, preservation and safeguarding of recorded monuments and areas in their vicinity, World Heritage Sites(including Tentative Sites), NHA's, Euro Sites, Nature Reserves archaeological sites and features, natural heritage, natural environment, features of natural beauty or interest, designated and prescribed sites, geological sites and areas of geological/geomorphological or historic interest and areas of high scenic amenity from inappropriate development that might be detrimental to them. Applicants must recognise that the aggregates(stone and sand/gravel deposits and mines) concrete products industry have a particularly sensitive role. Development must be carried out so that it minimises adverse effect on the environment and visual and natural amenities to the greatest possible extent must be carried out during all life cycle stages, whether in respect of new quarries or extensions to existing ones and development will be prohibited if the quality of the environment or landscape, particularly sensitive landscape, is adversely affected or there is a reduction of the visual amenity of areas of high amenity. All working should be landscaped either by the retention of existing vegetation or by screening. Operations should comply with all national regulations and guidelines. Based on **Waterford County** 6.21 Pol ECD 30, **Galway County** 6.21 Obj EQ 1, **2017 Plan** 10.4.6 P13 in 2<sup>nd</sup> line, **Cork County** 6.12 EE 12 3 3<sup>rd</sup> para, **Carlow** 3.5.7 P 13 1<sup>st</sup> pt and many other plans.*

We submit that **you should include additional Objs:**

**1 Applications for new development for aggregate extraction, processing and associated processes, shall *identify existing public rights of way and walking routes which may be impacted on or are adjacent to the development site. They shall be kept free from development as a Rights of Way/Walking Route.*** Taken from Cavan 3.8 EDO25.

**Note**

Pending a complete listing of public rights of way, walking routes, as prospective rights of way, should be protected.

**2 Restrict development of aggregate extraction, processing and associated concrete production which could impinge or impact on**

*matters of public importance, **public rights of way** or walking routes and satisfactorily address the potential impact on recreational activities. Based on **Kilkenny** 6.4.2 DMS 5<sup>th</sup> pt, **Carlow** 11.16 last para 1<sup>st</sup> pt and many other plans.*

**3** *Require that **development proposals** on or in proximity to a quarry site should investigate the nature and extent of the risks **associated with the development together with appropriate mitigation**. Taken from Roscommon 3.4.4 Pol 3.56.*

## **Chapter 12 Marine and Coastal Zone Management**

**Objective : Environmental Designations in Coastal Areas CDP 12.1**

**Objective: Management Structures CDP 12.2**

**Objective: Maritime Spatial Planning CDP 12.3**

**Objective: Integrated Coastal Zone Management CDP 12.4**

**Objective: Off-Shore Gas and Petroleum Resources CDP 12.5 last para last phrase**

**Objective: Offshore Renewable Energy CDP 12.6 last phrase**

**Objective: Coastal Erosion and Flooding CDP12.12**

**Objective: Coastal Squeeze CDP 12.13**

**Objective: Protection of Beaches and Sand Dunes CDP 12.14**

**a) We submit that this should be merged with c) and replaced by:**  
*Prohibit inappropriate development where such development which could cause damage to, or degradation of, beaches, estuaries or sand dunes, protected/designated landscapes, amenity areas and their recreational and amenity values or where it might affect the character, quality and distinctiveness of seascapes. Protect, conserve, safeguard and preserve the character, visual, environmental and amenity values, quality and distinctiveness of coasts, landscapes and seascapes as valuable local, enhance their visual and scenic qualities by protecting the*

*skyline. Strictly control the nature and pattern of development and ensure that it is designed and landscaped to the highest standards and sited so as not to detract from the visual amenities. Development must accord with its surroundings in scale, density, height, massing, layout and must not have a detrimental impact on skylines or important views. Development shall be prohibited where development poses a significant or potential threat to coastal features and/or where the development is likely to result in altered patterns of erosion or deposition. Protect the structure and function of sand dunes and prohibit development that would damage their visual integrity or prevent compliance with the Habitats and Birds Directives. Based on NPF National Policy Obj 41a, Galway County 9.9 NHB 8 c) & 10 1<sup>st</sup> & 3<sup>rd</sup> sentences, Kerry 5.1 T4 & 10.16.1 NE59 and many other plans.*

**b)**

We submit that **that you should include additional Objs:**

**1** *Promote, plan, develop and support, in conjunction with the Councils in adjoining counties and other partner agencies the development and use of a strategic waymarked **coastal path/greenway** along the entire coastline. Based on Wexford 13.7 CZM2 1<sup>st</sup> sentence, 15.5 RS22 1<sup>st</sup> phrase & 23 1<sup>st</sup> phrase, Galway City 4.5.1 1<sup>st</sup> para 1<sup>st</sup> phrase and other plans.*

#### **Notes**

**1** In England, the Cornwall/Devon cliff path brings in annual revenue of £325M and in Wales there is a coastal path around entire 870 mile-long coastline which attracts 100,000 tourists annually.

#### **2 Wexford Sli Garman**

**2** *Provide, support, actively promote, maintain, protect, improve and enhance public **access** to the coast, beaches, seashore, coastal heritage and scenic landscapes in co-operation with landowners, relevant stakeholders and local groups and with statutory and relevant organisations for recreational activities including walking and cycling and examine the designation of traditional walking routes thereto as public rights of way. Where feasible, develop walkways/cycleways between the coast and green spaces in built-up areas. Based on Wexford 13.7 CZM22 1<sup>st</sup> phrase, 24 1<sup>st</sup> phrase, 26 1<sup>st</sup> sentence 1<sup>st</sup> phrase & 2<sup>nd</sup>*

sentence 1<sup>st</sup> phrase, 13.9 CZM31 & 15.6 RS 23 1<sup>st</sup> phrase, **Kerry 5.4 T22 & 5.9 T38 & 44 1<sup>st</sup> phrase, Cork County 4.9 RC1 9 5a), Waterford County 6.13 Pol ECD 24 & 8.15 Obj CP 5 and many other plans.**

**3** *Work to protect beaches, within dunes and in other vulnerable areas manage and control car parking and vehicular movements.* Based on Meath 9.7.11 POL 23 & Sligo 4.4 P CZT 1 2<sup>nd</sup> para 1<sup>st</sup> phrase.

**Note**

**Galway County** and many other counties have adopted Bye-laws.

**4** *Prohibit development of facilities for fishing and leisure developments where the siting of such installations and their supporting infrastructure could cause landscape and environmental degradation or instability, have adverse effect natural heritage or designated sites or detract from the visual amenity of an area or public access to beaches.* Based on **Waterford County 6.15 Pol RCD 25** last phrase and other plans.

**5** *Protect established rights of way to coastal areas.* Taken from Louth 2.7 CON33.

**6** *In assessing proposals for Water Sports Development ensure that the following criteria are satisfied: that proposals are fully compatible with existing use, will not result in damage to nature conservation or archaeological features, can be fully integrated into its seascape landscape, or will not have an unactable impact on visual amenity or important scenic areas, or unduly restrict access.* Taken from DLR 8.2.10.5 st para & 1<sup>st</sup> pt 1<sup>st</sup> phrase, 2<sup>nd</sup> pt, 3<sup>rd</sup> pt 1<sup>st</sup> phrase & 6<sup>th</sup> pt.

**Objective: Island Development CDP12.16**

**Chapter 13 Landscape**

**13.2.1 Landscape Character Assessment**

**All**

**Objective: Landscape Character Assessment CDP 13.1**

**13.3 Living Landscapes**

**Objective: Settled Landscapes CDP13.2**

**Objective: Western Corridor Working Landscape CDP13.3**

**Objective: The Shannon Estuary Working Landscapes CDP 3.4**

**Objective: Heritage Landscapes CDP13.5**

**Objective: Seascape Character Areas CDP13.6**

We submit that in addition to the foregoing detailed provisions for the different Landscape Character Areas you should also including general Objs as is the approach adopted by other counties.

### **Objs**

**1** *Provide and increase managed public **access** to interesting and attractive landscapes or to semi-natural and landscape amenity areas for recreational purposes. Based on **Cork City** Obj 10.3 and many other plans.*

**2** *Preserve, maintain, enhance important landscapes and **protect** the amenity value, visual integrity of upland areas Discourage inappropriate development in open countryside and prohibit developments which are likely to have material adverse visual impacts, either individually or cumulatively, on the character of the uplands. Ensure that development will not materially interfere or detract from scenic uplands and that particular regard is had to potential impacts of new developments and require that proposed developments demonstrate that every effort has been made to reduce visual impacts(including excessive bulk and inappropriate siting) and that visually prominent sites have been avoided to minimise visibility from scenic routes, walking trails, public amenities, settlements and roads. Have particular regard to the potential impacts of development on sensitive upland areas and consider the difficulty of establishing and maintaining screening vegetation. Based on **Kilkenny** 8.2.10 DMS 6th pt, **Wexford** 14.4.3 LO3 and many other plans.*

**3** *Preserve the status of traditionally **open/unfenced landscapes** including commonages and other hill land. Based on **Galway County***

9.11 Obj LCM 3 1<sup>st</sup> sentence and other plans.

**4** *Protect, conserve, preserve, maintain, safeguard, identify and enhance the visual integrity,, scenic quality, general amenity and the visual quality of areas of intrinsically important and outstanding, **highly sensitive**, designated, natural, unspoilt and open **landscapes**(named), scenic areas, high amenity areas and the environs of archaeological or historic sites(named) from intrusive, inappropriate, injurious or unsympathetic new, or additions to, existing developments and reinforce their character and promote their distinctiveness by prohibiting development where it could unduly impinge or impact on or be detrimental to such landscapes or would be injurious to, or detract from natural amenities or introduce incongruous landscape elements. Based on **Limerick County** 7.3.3 Pol EH P2 1st phrase, **Cork County** 13.6 GI-6.1a) 1st phrase, **Cork City** 10.1 Obj 1 1st sentence & 10.14 1st sentence, **Nth Tipp** 4.2 Key Landscape Aims (ii) & 4.2.1 ENV 3 (d) and many other plans.*

**5** *Adopt a **regional approach** to the protection of the landscape in co-operation with neighbouring counties. Taken from Leitrim 1.10.2 g) 1st phrase.*

We submit that **you should include an additional Sub Sec: Fencing of Hitherto Open Land**

**Text**

**1** *It is a requirement of the Planning Regulations 2001 Art 9(1)(a)(x) that the **fencing or enclosure of land open to or used by the public** during the ten years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain or other place of natural beauty or recreational utility, requires planning permission. Taken from **Kilkenny** 6.2 Fencing 1<sup>st</sup> sentence.*

**2** ***Wire fencing** constitutes visual pollution and destroys the “away from it all” feeling which makes upland areas such an attraction. Taken from **Kilkenny** 6.2 Fencing 2<sup>nd</sup> sentence.*

**3** *There has been a **large increase in the amount of new fencing in upland areas**. Barbed wire has been used in most of this new fencing, which, in the absence of stiles or gates, makes access for recreational users of our countryside almost impossible. Traditional hill-sheep*

*farming rarely required fencing, but since the introduction of AEOS, sheep-farmers must, in certain circumstances, stock-proof their land. The challenge is to ensure that such fencing will be done in a manner that will meet the requirements of AEOS without impinging on access for walkers and other recreational users.*

### **Obj**

*As new **fencing of land open to or used by the public** during the ten years preceding is not exempt development in accordance with Art 9(1)(a)(x) of the Planning and Development Regulations the following criteria will be used when considering planning applications for new fencing of hitherto open land : Fencing, particularly in upland, highly scenic or amenity areas, will not normally be permitted unless such fencing is essential to the viability of the farm. The nature of the material to be used, the height of the fence, and in the case of a wire fence the type of wire to be used will be taken into account. Stiles or gates at appropriate places will be required. Barbed-wire will not be used for the top line of wire. Based on **Kilkenny 6.2.4** last pt and many other plans.*

**Note** As fencing may have a cross-county dimension it is important that this development plan should be in conformity with those in adjoining counties.

### **Objective: Scenic Routes CDP 13.7**

#### **Chapter 14 Biodiversity, Natural Heritage and Green Infrastructure Objective Biodiversity CDP 14.1**

**We submit that this Obj requires to be re-written as it's confusing that Co Heritage Plan and the Co Biodiversity Plan are dealt with together instead of separately as they deal with separate topics.**

**If you agree we submit that with regard to the Co Heritage Plan you should include the following Objs:**

**1 Appoint a *Heritage Forum* on a permanent basis to assist the heritage officer in implementing the actions and objectives of the heritage plan. See **Tipperary** and may other counties.**

**2 Support and implement the objectives and Actions of the County Heritage Plan.** Based on other plans. Based on **Sth Dublin 9 Pol1 Obj 2.**

**Obj** *In partnership with the NPWS, WI and other stakeholders facilitate **public access** to wetlands and support and protect the recreational and amenity potential of wetlands.* Based on **Kerry 10.6 NE-29, Kilkenny 8.2.6** last para last sentence and other plans.

We submit that **you should include additional Objs:**

**1 Publish a list with maps of heritage sites which are open to the public.** Taken from Westmeath Heritage Plan 4.2.

You should add: *and post on the Council's web-site.*

**2 Prepare and implement a **strategy for access** to heritage routes by identifying, promoting and supporting the development of a network of heritage trails, with a focus on publicly accessible heritage sites and attractions in co-operation community groups, landowners and other stakeholders incorporating features of heritage interest.** Based on Heritage Plans in Sth Dublin 2.4.(i), Westmeath 4.4 & 3.2.10 & Wicklow 2.1.

**Note The** above topic also applies to Archaeological sites.

#### **14.3.2 European Sites**

##### **Special Protection Areas**

We submit that **this should be upgraded to an Objective and repositioned and merged with a proposed additional Obj 3.**

#### **Objective CDP 14.2**

**a)** We submit that **this should be replaced by:** *All developments, plans and projects that have the potential to have a negative/adverse impact on the integrity or coherence of a Natura Site will be subject to Habitats Directive Assessment and should be in accordance with best practice and guidance. Comply fully with Art 6(3) & (4) of the Habitats Directive( as transposed into Irish law by the EU Habitats Regulations 1997 and subsequent amendments) and S.177A of the Planning and Development Act(2000 – 2010) or any superseding legislation to ensure the protection, management, enhancement and improvement of the network of Euro Sites by assessing and screening and, where warranted, by prohibiting developments or projects within, near or immediately adjacent, which could have significant adverse direct, indirect or*



*secondary impacts,(either individually, cumulatively or in combination with other plans) on the conservation objectives and qualifying interest of a Site, due to their size, scale or land take unless there imperative reasons such as overriding public interest of a social economic nature and adequate compensatory measures have been identifies and put in place to ensure and that it can be established that there is no feasible alternative or less damaging solutions. Sites should be afforded the highest level of protection in accordance with the relevant Directives and legislation. Promote the favourable conservation status of habitats and protective species including those listed under the Birds Directive, the Wildlife Acts and the Habitats Directive. Based on **Carlow** 9.1.3 Pol 2 5<sup>th</sup> pt 1<sup>st</sup> phrase, **Limerick County** 7.2.5 Obj EH01a), **Waterford County** 8.19 Obj NH 1, **Waterford City** 10.4.2 6<sup>th</sup> pt, **Cork City** 16.127 3<sup>rd</sup> sentence, **Waterford County** 8.19 Pol NH10, **Kerry** 10.2 NE-12 and many other plans.*

**b) & c)**

**Objective: Requirement for Appropriate Assessment under the Habitats Directive CDP 14.3**

**Objective: Natural Heritage Areas and proposed Natural Heritage Areas CDP 14.4**

**a)** We submit that **this should be replaced by:** *Recognising their importance, and in accordance with relevant legislation, actively promote the conservation and protection of the proposed or designated NHA,s and only consider development proposals within or affecting a Site if it can clearly demonstrate that the development will not have a significant adverse effect on it. Protect, enhance **and** conserve the character and integrity of designated or proposed NHAs including those that may be identified and designated during the lifetime of the Plan and maintain their conservation value, by avoiding/resisting proposed development in, near or adjacent to Sites which could result in their deterioration or which are likely to have a significant adverse effect (direct, indirect or cumulative) on features for which the sites were designated or prosed for designation. Ensure the protection of the ecological, visual, recreational, environmental and amenity values. Ensure that any development is designed and sited as to minimise its impact on landscape values. Maintain the conservation value of Council owned*

*land within designated or proposed Sites and promote the conservation value of adjoining council-owned land. Based on Limerick County 7.2.5 Obj EH 01c), Wexford 14.2 Obj NHO2, Carlow 9.1.1 Pol 2 4<sup>th</sup> pt 1<sup>st</sup> phrase and many other plans.*

b)

We submit that **you should include additional Objs:**

### **Special Areas of Conservation**

**1 *Protect their integrity of proposed or designated SACs. Development in, near or which could adversely affect a Site should avoid any significant impact on features for which the site is designated or proposed and only consider development proposals within or affect a Site if it can clearly demonstrate that the development will not have a significant adverse effect on it. Identify and afford appropriate protection to new Sites. Based on Roscommon 7.1 Special Areas of Conservation 2<sup>nd</sup> para 1<sup>st</sup> sentence, Cavan 8.4.1 Special Areas of Conservation 1<sup>st</sup> para 2<sup>nd</sup> sentence and Fingal 9.2 Obj NH16.***

**2 *Protect those sites identified as candidate SACs as well as other sites that may be identified during the lifetime of the Plan. Taken from Leitrim 3.8.3.2 Obj 62.***

### **Special Protection Areas**

**3 *Development in, near or which could adversely affect a SPA should avoid any significant adverse impact on the features for which the site has been designated or which could affect its integrity. Council will take appropriate steps to avoid the deterioration or disturbance of habitats or species contrary to the Habitats Directive and in particular will protect plant and animal species. Based on Waterford County 8.18 NH 3 1<sup>st</sup> phrase & 4 and many other plans.***

**4 *Assess proposed developments in order to determine if they are likely to impact directly, /indirectly or cumulatively on designated Sites in accordance with relevant legislation. Taken from Waterford City 10.4.2 Objs 6<sup>th</sup> pt.***

### **Combined Natura Sites and NHAs**

**5 Protect**, conserve, preserve, enhance, maintain and, where necessary restore the integrity of **all Sites**, including areas adjacent thereto, designated or proposed, under National and European legislation and in other relevant International Conventions and Agreements and Processes by prohibiting development which might damage or be harmful to or result in serious dereliction or disturbance or which could have a significant adverse effect on the integrity of a Site and maintain and develop linkages between them. Support in co-operation with statutory authorities the management of proposed or designated sites to achieve conservation objectives. Protect and maintain the favourable conservation status/value and where necessary the restoration of designated or proposed sites. When assessing development proposals ensure the protection and conservation and enhancement of wildlife habitats. Based on **Nth Tipp** 8.4.10 4<sup>th</sup> para 1<sup>st</sup> pt 1<sup>st</sup> phrase & HERT 29, **Sth Tipp** 6.3.3 2<sup>nd</sup> para 1<sup>st</sup> phrase, **Wexford** 14.2 Obj NHO1, **Cork County** 12 HE 2- I 1<sup>st</sup> sentence and many other plans.

**6 Apply the precautionary principle** in relation to proposed developments in environmentally sensitive areas to ensure that all potential adverse impacts on a designated NHA or Natura 2000 Site arising from any proposed development or land use activity are avoided, remedied or mitigated. Taken from **Limerick City** 11 Pol LBR 8.

**7 Maintain** or restore the favourable **conservation condition** of designated or proposed site **under the control of the Council**. Taken from Roscommon 7.1 Obj 1.

**8 When assessing development proposals** provide for the **protection, conservation and enhancement of wildlife habitats and designated sites**. Taken from **Nth Tipp** 4 Pol HERT 29: Designated Sites last phrase.

#### **Other Sites**

**9 Protect**, conserve, . protect the integrity of and maintain the favourable conservation status and conservation value of **Ramsar Sites, Statutory Nature Reserves, Biogenetic Reserves and Wildfowl Sanctuaries** under National and European legislation and International Agreements and maintain and /develop **linkages** between them. Prohibit development which would damage or threaten their integrity. Based on

**Kerry 10.2 NE-13 1<sup>st</sup> sentence, Wexford 14.2 Obj NHO1, Cork County 12 H and many other plans.**

**Objective: Geological Sites CDP 14.5**

a) We submit that **this should be replaced by:** *Recognising the importance of Geological Sites, work with stakeholders, to protect sites or features of geological or geomorphological interest or importance from inappropriate development by prohibiting development at, or in their vicinity, or which threaten their existence, integrity or conservation value. Identify, **protect**, enhance, maintain, manage, conserve, and where appropriate, restore their character and promote their preservation (including sites that may become designated during the lifetime of the Plan, in interest of protecting our geological heritage.* Based on **Planning & Development Act 2000** First Sch Part IV 6, **Limerick County 7.2.7** Obj EH04 1<sup>st</sup> phrase, **Cork County 12.2 Geological Sites HE 2-6, Carlow 9.1.11 Obj 7, Waterford County 8.28 Pol NH 27, Cork City Obj 10.11, Kerry 5.1 T4 & 10.1 NE1** and many other plans.

**b) & c)**

We submit that **you should include additional Objs:**

**1** *Promote, encourage, facilitate and support **access and public rights of way** to geological and geo-morphological features of interest inter in consultation with landowners (where appropriate).* Based on **Kilkenny 8.2.4 Dms last phrase** and many other plans.

**2** *Co-ordinate the continuing development of strategic **walking routes, trails and other countryside recreational opportunities.*** Taken from **Cavan 8.5 NHEO11.**

**Objective: Burren National Park, Wildlife Sanctuaries and Nature Reserves CD14.6**

We submit that **you should include an additional Obj:**

*Cooperate in the extension of the Burren **National Park.** See DLR 4.1.2.15 Pol LHB16.*

**Objective: Non- Designated Sites (Habitats and Species) CDP 14.7**

**Objective: Natural Heritage and Infrastructure Schemes CDP 14.8**

**Objective: Environmental Impact Assessment CDP 14.10**

**Objective: Habitat Protection CDP 14.11**

**Objective: Inland Waterways and River Corridors CD14.4 a) & b)**

We submit that **these should be merged and replaced by:** *Recognising the importance of inland waterways, both navigable and non navigable, work with State Agencies, landowners, local communities and other relevant groups/stakeholders to protect, manage, maintain, preserve, conserve, improve and enhance waterbodies and watercourses, rivers(named), streams, river valleys, lakes, springs and associated undeveloped riparian strips/zones, buffer zones distinctive linear sections of water corridors, river banks, river and stream valleys and riverine wetland areas, river corridors and their floodplains, fens and turloughs from degradation and damage and the visual impact of dispersed and highly visible development that could adversely affect them by compromising their visual integrity, recreational, amenity, natural heritage, geological or landscape character values and the natural characteristics and features and recognise and promote them as natural environmental assets and key elements in the green infrastructure network. Maintain them free from inappropriate development to ensure that public use is not prejudiced by incompatible uses. Keep them in an open state and in a natural condition by discouraging land filling culverting or realignment and in certain instances by uncovering existing culverts. Any existing blockages to permeability such as redundant buildings should be resolved where possible. Based on Galway County 9.9 Pol NHB 4 & Obj NHB 9, Kerry 10.7.1 NE 36, Wexford 14.4.3 L03, Kilkenny 8.2.6 last para 1<sup>st</sup> sentence & 2<sup>nd</sup> sentence 1<sup>st</sup> phrase, Carlow 9.1.7 Obj 3 1<sup>st</sup> pt, 9.1.8 Obj 4 1<sup>st</sup> pt 1<sup>st</sup> phrase & 2<sup>nd</sup> pt 1<sup>st</sup> phrase and many other plans.*

**c)**

**d)** We submit that **the 1<sup>st</sup> phrase should be replaced by:** *In partnership with the NPWS, WI, Councils, community groups and other relevant stakeholders, provide, protect, promote, encourage, develop, maintain, facilitate, increase and improve public access to the inland waterways*

*including riparian/waterway corridors. Based on National Heritage Plan 4.17, Limerick County 6.12 Obj COM O32a), Wexford 15.5 RS 12 2<sup>nd</sup> line, Sth Tipp 6.3.4 Pol AEH7 2<sup>nd</sup> phrase, Waterford County 8.23 Pol NH 16 1<sup>st</sup> sentence last phrase and many other plans.*

**e) & f)**

We submit that **you should include additional Objs:**

**1** *Recognising the importance of rivers and riparian corridors and buffer zones for their natural amenity and scenic values, **provide** promote, develop and facilitate/accommodate **access for walking**, cycling tracks and other compatible activities along inland waterways including rivers to facilitate the creation of linear parks, in co-operation with landowners, WI, NPWS, Government Departments, community groups and other councils. Based on Nth Tipp Pol ENV 16 1<sup>st</sup> phrase, Limerick County 6.11 Obj COMO32c) 1<sup>st</sup> phrase, Carlow 8.8 Pol 2 5<sup>th</sup> pt 1<sup>st</sup> phrase & 8.12 Pol 6 10<sup>th</sup> pt 1<sup>st</sup> phrase, Kilkenny 7.3.3 2<sup>nd</sup> para and many other plans. **2** Support and facilitate the development of **Greenways and Trails** along (named) rivers. Taken from Sth Dublin 4.5.0 Pol 6 Obj 1.*

**3** *Consider **developing Blueways** along **disused canals**.*

**4** ***Identify existing** accesses to lakes, shores and riverbanks within the life time of the Plan. Taken from Mayo Vol 1 Chpt 4 Access to Heritage & Amenities AC 01a.*

**5** *Require that **land adjacent** to river and lakeshores be reserved/**preserved for public access** as an undisturbed buffer zone between new development and river corridors and other water bodies to encourage increased public access and recreational opportunities. Based on Sth Tipp 6.3.4 Pol AEH7 and other plans.*

**6** *Seek to enhance **public access** to inland waterways as a condition of any development granted. Taken from Roscommon 7.4 Obj 7.32 1<sup>st</sup> phrase.*

**7** ***Protect** and maintain the amenity and recreational value of **walking and cycling routes** by prohibiting the intrusion of development along these routes. \*Seek to ensure that new development will not have a*

*negative impact on established walking routes and public rights of way along inland waterways.*

It would be better if *Seek to* was omitted. Based on **Carlow** 5.3.2 Pol 8 7<sup>th</sup> pt 1<sup>st</sup> phrase and many other plans.

**8** *Normally only permit proposals for **development associated with water sports** adjacent to waterways(including inland lakes)where the proposed facilities are compatible with existing use of water including non-recreational uses, which will not result in damage to important features of archaeological heritage or Natura Sites, can be satisfactorily integrated into the landscape or will not have an unacceptable impact on visual or environmental amenities especially in areas of high amenity or scenic importance.* Based on **Carlow** 8.11.9 1<sup>st</sup> & 2<sup>nd</sup> pts, 3<sup>rd</sup> pt 1<sup>st</sup> phrase & last pt 1<sup>st</sup> phrase, **Limerick County** 6.12 Obj COM034 a) to c) and other plans.

**9** *As **Water sports cover a wide range of activities** from tranquil uses such as sailing, canoeing, rowing and sail boarding to powered activities such as water-skiing and powerboat uses, the Council may require management plans for particular areas to address the compatibility of such varying demands.* Taken from **Carlow** 8.11.9 2<sup>nd</sup> para 1<sup>st</sup> sentence & **Kilkenny** 7.3.4.1 2<sup>nd</sup> para.

**10** ***Adopt bye laws prohibiting** or restricting jet-sking, water skiing and any other **noise generating activities** within one year of the adopt of the Plan.* Adapted from **Carlow** 8.11.9 1<sup>st</sup> para 6<sup>th</sup> pt,

**Note** Mayo has adopted bye laws

**11** *When considering development applicants relating to activities such as the use of **jet-skis and power boats** have regard to the recommendations of any **national guidelines** which may come into force with respect their potential impacts on nature conservation.* Taken from Roscommon 7.3 Obj 7.14.

**12** *In areas adjacent to inland waterways, lakes, rivers, where **planning permission** is sought, the applicant must ensure that full **public access** to waterways is retained or conditions may be attached requiring retention of this access to facilitate creation or extension of walking/cycle*

routes. Taken from Longford 6.2.27 ILW 5 2<sup>nd</sup> sentence & Dublin City App 23.9 2<sup>nd</sup> para last sentence.

**13** Adopt a **regional approach** to the **protection** of watercourses in co-operation with neighbouring counties. Taken from Leitrim 1.10.2 g) 1<sup>st</sup> phrase.

**14** Require that **development along rivers set aside land for pedestrian routes** that could be **linked** to established **settlements**. Taken from Carlow 8.11.10 Pol 5 2<sup>nd</sup> pt 1<sup>st</sup> phrase.

**15** Protect, enhance and improve **existing public rights of way** and, where possible, provide additional access to inland waterways including lake shores, river banks, through the acquisition of land for public rights of way and parking and lay-by facilities, through agreement with existing landowners\*. Taken from Longford 6.2.2.7 ILW 5 1<sup>st</sup> sentence & 6.

\*You should add: *or by the use of compulsory powers*

**16** Reserve land adjacent to river banks and other waterbodies to **promote and facilitate the creation of waterside linear parks** to link with existing parks and open spaces and to facilitate the provision of **walking/cycling routes** along canals and watercourses. Based on Dublin City 23.9 1<sup>st</sup> para 1<sup>st</sup> sentence, Leitrim 3.10.3 2<sup>nd</sup> para & 1<sup>st</sup> phrase & Westmeath 3.16 P 8 1<sup>st</sup> phrase.

**17** Promote the natural, historic and **amenity value** of watercourses to address the **long term management** and **protection** and strengthen **regional links**. Taken from Sth Dublin 8.20 Pol 3.

**18** The line of development within river valleys shall be strictly controlled so as to maintain the integrity of the natural topography. The maintenance of natural river banks shall be required to be without physical or visual encroachment. Taken from Dublin City 23.9 1<sup>st</sup> para 2<sup>nd</sup> sentence.

**19** Potential applicants will ensure that full public **access** to lands along waterways which are in **private ownership**. Taken from Dublin City 23.9 2<sup>nd</sup> para last sentence.



## **LAKES**

**20** *Promote, extend, develop and facilitate the provision of increased access to lakes and lakeshores to extend public walking and cycling routes. Based on Galway County 9.3.4.1 HL55 8<sup>th</sup> pt and other plans.*

**21** *Maintain the amenity value of major lakes and their environs by restricting and regulating development that would prejudice use of these areas. Taken from Cavan 8.8.1 NHEO33 1<sup>st</sup> phrase.*

### **Objective: Freshwater Pearl Mussels CDP 14.15**

**Objective: Peatlands CDP 14.16** We submit that **this should be replaced by:** *Protect, conserve and manage the character, appearance, heritage and amenity values of peatland landscapes by promoting high environmental standards in conjunction with the BnM, NPWS, Coillte, IPCC and NGOs. Based on many other plans.*

We submit that you **should include an additional Obj:** *The Council recognises the importance of **raised bogland** as a major natural, archaeological and amenity resource and will liaise with the relevant Government departments and NGOs to try to secure the conservation of original peatland areas. Taken from Nth Tipp 4.8 Peatlands 2<sup>nd</sup> para.*

### **Objective: Woodlands, Trees and Hedgerows CDP 14.17**

We submit that you **should include an additional Obj:** *Protect woodlands and groups of trees from inappropriate development that would impact adversely on them and affect their amenity value. Manage and promote the **preservation** and enhancement of the existing network of **woodlands** as they contribute to the environment including landscape character and landscape conservation. Where appropriate, protect mature groups of trees that are not protected under TPOs. Based on Waterford County 8.25 Pol NH 20 1<sup>st</sup> phrase, Cork County 12.2. HE 2 5c) and many other plans.*

### **Objective: Grasslands CDP 14.18**

**Objective: Wetlands CDP 4.19** We submit that **the 1<sup>st</sup> phrase should be replaced by:** *Protect, conserve, preserve, manage and enhance*

wetlands(including fens and turloughs) from infilling, fragmentation, degradation and protect and conserve their quality, character and features. Resist development (including land reclamation) which would destroy, fragment and degrade wetlands, coastal wetlands, estuarine marshland and control adjacent development by the use of buffer zones. Based on **Galway County** 8.7 Obj FL3 & 9.9 Pol NHB 4 and many other plans.

We submit that **you should include an additional Obj:** *In partnership with the NPWS, WI and other stakeholders facilitate **public access** to wetlands and support and protect the recreational and amenity potential of wetlands.* Based on **Kerry** 10.6 NE-29, **Kilkenny** 8.2.6 last para last sentence and other plans.

**Objective: The Burren National Park CDP 14.20**

**Objective: Limestone Habitats CDP 14.21**

**Objective: Burren and Cliffs of Moher Geopark CDP 14.22**

**Objective: World Heritage Site Status CDP 14.23**

a) We submit that **this should be replaced by:** *Recognising and respecting potential Sites such the Western Stone Forts support, pursue, progress, facilitate and promote their designation as UNESCO WHS in collaboration/partnership with the appropriate Government Department, landowners, local communities and other stakeholders, to assist in the preservation of the natural heritage.* Based on **Action Plan for Rural Development** 2017 Pillar 3 Act 190 and many other plans.

b) We submit that **this should be replaced by:** *Protect, preserve protect them and maintain the Outstanding Universal Value of sites (named) included in tentative list of WHS from inappropriate development and engage with other national and international initiatives which promote the special built, natural and cultural heritage.* Based on **Galway County** 9.15 Obj WH 1 1<sup>st</sup> phrase and many other plans.

**Objective: Development Proposals in Designated Heritage World Sites CDP 14.24**

**Objective: Dark Sky Reserve Designation CDP 14.25**

**Objective: Alien and Invasive Species CDP 14.26**

**Objective: Green Infrastructure CDP 14.27**

We submit that **you should include additional Sub Secs:**

**A Natural Heritage**

**Objs:**

**1** *Recognizing the role played by natural amenities and landscapes as major resources as part of our heritage, identify, provide, support, maintain, actively promote, encourage, protect, preserve, improve, safeguard and enhance **public access** to heritage sites and features, natural heritage and amenity areas, including Natura 2000 sites, nature reserves, mountains, uplands, moorlands, forests, rivers, lakes, valleys, scenic areas, areas of natural beauty and other natural amenities for active recreational activities such as mountaineering and hill-walking, which have been traditionally used for outdoor recreation, and to the countryside generally, by creating a meaningful network of access routes as the opportunity or need arises. This will be done in co-operation, consultation and consensus with state agencies, landowners, community groups other interested bodies. Based on **Co Heritage Plan 2.3.1 1<sup>st</sup> phrase, Galway County 9.9.Pol NHB 1 2<sup>nd</sup> last line, Sth Tipp 6.3.7 Pol AEH10, and many other plans.***

***Designate traditional walking routes to the uplands as **public rights of way**.*** Taken from Sligo 6.7.4 POR 16 last phrase.

**3** *Recognising the important role of the environment through diversity, quality, integrity and quality of life by promoting the protection, conservation and enhancement of the natural environment by **prohibiting intrusive development** that would detrimentally impact on natural heritage which could or might have a negative impact on natural amenity and recreational assets, natural heritage features or archaeology or might unduly damage or take away from its character and by implementing the provisions of the Planning and Development Act 2000(as amended). Promote appropriate enhancement of the natural environment as an integral part of development. Engage with stakeholders, including local communities and statutory authorities to*

*identify, protect, conserve, preserve, manage, enhance, safeguard, facilitate, maintain and, where appropriate, restore, visual and scenic amenities, the quality and character of the natural heritage features and the natural environment including rivers, streams, wetlands and woodlands, scenic areas and the general amenity of the countryside and in recognition of its importance as a non-renewable resource, from intrusive development that would detrimentally impact on it, while maximising the recreational amenity and quality of life by the provision of visual relief from the built environment. Avoid unnecessary harm and reduce its effect where it cannot be avoided by replacing like with like. Based on **DPG 3.5 Box 3 Environment, Heritage & Amenities** last pt, **2000 Planning & Development Act Sec 10.2 ©, Galway County 9.3 Pol GH3 & 4 & 9.9 Pol NHB1, Limerick County 7.2.4 Pol EH P1** and many other plans.*

**3 Impose “Precautionary Principles”** which are an integral component of planning policies on environmental and heritage matters. *Where uncertainty exists regarding the potential impact of a proposed development on natural heritage, full account shall be taken of these Principles. Taken from **Carlow 9.1 Heritage Pol 1 5<sup>th</sup> pt.***

**4 Adopt a regional approach to the protection, conservation and management of the environment in co-operation with neighbouring counties.** Taken from **Leitrim 1.10.2 g) 1<sup>st</sup> phrase.**

**5 Preserve the open character of commonage land and other hill land and secure access over paths and tracks through consensus with landowners, particularly in mountain areas.** Taken from **Wicklow Vol1 10.3.7 NH42.**

## **B Special Amenity Area Orders**

### **Obj**

*Actively **propose the designation** of (local area) as a Special Amenity Area and seek an Order to that effect as per section 202 of the Planning and Development Act 2000 (as amended) and undertake a feasibility study to report on other areas considered worthy of designation, to report within one year of the adoption of the Plan. Based on **Cavan 8.8 last sentence, Kildare 14.8.5 WC 7 & Laois 7.19 LS39.***

**Note** An Order has already been made covering the Liffey Valley, the Howth peninsula . By all accounts it is working very well.

## **Chapter 15 Architectural, Archaeological and Cultural Heritage**

**Objective: Architectural Heritage CDP 15.1**

**Objective: Protected Structured Structures CDP 15.2**

**Objective: Industrial Heritage CDP 15.3**

**Objective: Vernacular Heritage CDP 15.4**

**Objective: Architectural Conservation Areas CDP 15.5**

**Objective: Protected Species and Proposed Works to Buildings CDP 15.6**

**Objective: Maintenance and Improvement of Architectural Heritage CDP 15.7**

**Objective: Sites, Features and Objectives of Archaeological Interest CDP 15.8**

a) We submit that **this should be merged with c) 2<sup>nd</sup> pt and replaced by:** *Council recognises the importance of promoting, encouraging and securing/ensuring the protection, conservation, preservation, enhancement, safeguarding and appropriate management of sites, settings and features of archaeological/historic interest including the protection of their intrinsic value, character, integrity, context and settings of National/Recorded Monuments, caves or newly-discovered archaeological sites and/or sub-surface archaeological remains, known and unknown, including those identified in the RMP, RHM & SMR and sites and features of historic interest and National Monuments that are the subject to Preservation Orders, in the ownership or guardianship of the State or the Council and by implementing the provisions of the Planning and Development Act 2000(as amended) and other statutory and other relevant policy decisions. Development, either above or below ground, taking place within or adjacent to sites should be designed to*

*ensure that it will not seriously detract from, impact upon or damage features of historic or archaeological interest, shall respect their character and settings. Proposed developments which would be seriously injurious to the settings, character of sites or RPMs, including in particular, those within a 20m radius of National Monuments, will not be permitted and those within 75m will be discouraged. Ensure that development, within adjacent to or in the vicinity of an archaeological monument shall not detrimental to its character be or setting by reason of its bulk or detailing and shall be sited and designed in a manner which minimises its impact settings, is resisted. Extend this protection to cover additions or alterations that may arise during the adoption of this Plan and to newly discovered remains and features. Protect and preserve all archaeological sites and monuments included in the RMP, any sites of and features of historic or archaeological interest and any subsurface e arch features that may be discovered during the development. Protect, where appropriate, the character and setting of any unrecorded archaeological site from inappropriate development. Based on **2000 Planning & Development Act** Sec 10(2)(c) 1<sup>st</sup> phrase & First Sch Part IV 6, **DPG** 4.26 1<sup>st</sup> para 2<sup>nd</sup> sentence last phrase & 4.28 2<sup>nd</sup> para last sentence, **Galway County** 9.7 Pol ARC 1 & 4, Obj ARC 1 down to Historic Monuments & 7, **Sth Tipp** 6.4.3 Pol AEH13, **Limerick County** 7.5.2 EH 027 and many other plans.*

**b)** *Secure the **preservation in situ**, or in exceptional cases, preservation by record of all archaeological remains and sites of historic importance such as National Monuments, Recorded Monuments, their settings, features and context in accordance with Sec 12 of the National Monuments(Amendment) Act 1994 and in accordance with the recommendations of the Framework and Principles for the Protection of Archaeological Heritage DAHG(1999) or any superseding national policy document. The Council will have regard to the advice and recommendations of the relevant Government Dept. Based on **Waterford County** Pol AH 15 1 and many other plans.*

c) to e)

**Objective: Newly Discovered Archaeological Sites CDP 15.9**

**Objective: Zones of Archaeological Protection CDP 15.10**

**Objective: Archaeology and Infrastructure Schemes CDP 15.11**

**Objective: Raising Archaeological Awareness CDP 15.12**

a)

b) We submit that this should be repositioned in an additional Sub Sec: **Historic Graveyards & Burial Grounds**

**Objective: Underwater Archaeology CDP 15.13**

**Objective: Cultural Development CDP 15.14**

We submit that you should include additional Objs:

*1 Recognising the importance of archaeology and National Monuments as part of our heritage, promote, enhance, facilitate, encourage, support, improve and protect **public access** to National Monuments, Archaeological Sites, castles, sites of historic interest and to archaeological landscapes, in the direct ownership, guardianship or control of the Council, and/or the State or private ownership, including those listed in the RMP, in co-operation with landowners. Based on Kerry 5.12 T 53, North Tipp 8.4.6 Pol HERT 26 6<sup>th</sup> line, Galway County 9.7 Pol ARC 2, Carlow 8.5.2 Obj 2 & 9.2 Pol 3 4<sup>th</sup> pt, 1<sup>st</sup> phrase & 09 and many other plans.*

*2 Promote, provide and encourage **signage** to archaeological sites and National Monuments listed in the RMP. Based on DLR 6.1.2.1 1<sup>st</sup> para, Kildare 12.8.4 AH 9 & Laois 7.4 OBJ 2 last sentence.*

*3 Traditional access routes will be **designated as public rights of way**. In other cases, routes will be acquired by agreement with landowners or by way of compulsory powers. Taken from Laois 7.4 OBJ2 2<sup>nd</sup> & 3<sup>rd</sup> sentences.*

**4** *The council will continue to develop a programme of survey and management of Council-owned monuments and structures of historic interest.* Taken from Sth Dublin 9.1.0 Pol 2 Action.

**5** *Protect and preserve in situ all archaeological sites and features of historic interest discovered/identified subsequent to the publication of the RMP.* Taken from Limerick County 7.5.2 Obj EH 026.

We submit that **you should include additional Sub Secs:**

### **A Historic Graveyards & Burial Grounds**

**Objective:** *Protect, preserve, enhance, conserve and maintain archaeological/historic graveyards and their settings and historic burial grounds(including those identified in the RPM) and those in the guardianship of the Council through improved access and preserve their heritage value Encourage and promote local involvement and community stewardship in the care, upkeep, maintenance, management rehabilitation and conservation of these graveyards in accordance with legislation, best conservation and heritage principals and best practice guidelines. Maintain all burial grounds in the Council's charge in good condition.* Based on **2017 Plan** 15.4.12, **Co Heritage Plan** 2.5.4 1st phrase, **Cork City** Obj 9.17 1<sup>st</sup> sentence, **Limerick County** 6.7 COM 018, **Carlow** 8.13 Pol 7 1<sup>st</sup> pt 1<sup>st</sup> phrase & 2<sup>nd</sup> pt & 9.2 Pol 3 6<sup>th</sup> pt 1<sup>st</sup> sentence, **Waterford County** 8.39 Pol AH 16 1<sup>st</sup> phrase, **Kerry** 9.11 SC54, **Nth Tipp** .4.5 HERT 25 (i), **Kilkenny** 8.3.4 last para 2<sup>nd</sup> sentence, **Galway County** 9.7 Obj ARC 4, **Cork County** 12.3 HE 3 5, **Wexford** 14.5 AH11 & 14.6.3 Obj GO1 and many other plans.

### **B Mass Rocks/Holy Wells**

**Obj** *Preserve, protect and, where necessary, enhance mass rocks and holy wells.* Taken from **Nth Tipp** 8.4.5(iii).

We submit that **you should include an additional Chpt: Recreation and Sport**

### **Objs**

**1** *Support development, in co-operation with various stakeholders to promote, preserve, improve, encourage public access to lakes, beaches, coastal, riversides, uplands and other areas that have been*



*traditionally used for outdoor recreation and extend **recreational amenities** including riverside and canal walks and walking and cycling routes. Based on **2000 Planning and Development Act Sec 10(2)(j)**, **Galway County 10.11 Pol RA 1** and many other plans.*

**2 Promote** and encourage the **recreational use** of coastline, rivers and the development of blueways which provide opportunities for walkers, cyclist and canoers. Taken from Wicklow Vol 1 7.4 T34 1<sup>st</sup> sentence 1<sup>st</sup> phrase.

**3 Protect** and preserve recreational attractions such as scenic beauty, woodlands and waterways, coastal areas and beaches, natural heritage, the character and distinctiveness of scenic landscape and the environmental quality. It will normally only permit development where it won't result in damage to sites of nature conservation or important features of archaeological heritage, will not cause harm to the appearance and character of the landscape and can be readily absorbed into its surroundings by taking advantage of existing vegetation and/or topography, where the enjoyment of the countryside isn't adversely affected by the nature, scale, extent, frequency or timing of the proposed activities including any noise likely to be generated and any ancillary development shall be small in scale, designed to a high standard and sympathetic to environment in its setting, layout and landscaping. Based on **Carlow 8.11.2 Outdoor Recreation in the Countryside** 1<sup>st</sup>, 3<sup>rd</sup>, 4<sup>th</sup> last phrase & 5<sup>th</sup> pts and other plans.

**4 Ensure that **golf course development** does not impinge on existing public rights of way and walking routes by identifying them prior to development.** Taken from Sth Dublin 11.5.5(ii) last para & Kildare 14.12.2 RW 3.

**Note** Recreational users and golfers don't mix! While there are rights of way over golf courses, they aren't satisfactory as walkers run the risk of being hit by golf balls and golfers are distracted by people talking and moving about.

**5 Development proposals for **Noise Generating Sports** will not normally be permitted unless there is no conflict with the enjoyment of areas used for informal recreation.** Taken from **Kilkenny 7.7.2** last para 3<sup>rd</sup> pt.

**6 Adopt Bye-laws** banning the use of motor bikes and quads (except for bona fide agricultural purposes) in privately- owned areas of rough grazing (including commonage) and motorised para gliders.

**Note** Louth & Sligo have adopted bye-laws.

## **Appendix 6 Public Rights of Way**

We submit that **the last para should be replaced by:** *This is not an exhaustive list and the omission of a right of way from this list shall not be taken as an indication that such a right of way does not exist.* Taken from **Kerry 9.10** 3<sup>rd</sup> para 3<sup>rd</sup> & 4<sup>th</sup> sentences and many other plans.

We submit that **the following long established walking routes should be consider for listing:**

**1 Rath/Dysert Pilgrim Path** near Corifin

**Reason:** This path has ben in existence since the 8<sup>th</sup> century

**2 Access route to Leminagh Castle** situated at the intersection of the R476 Corifin to Killinaboy road and the R480 road to Ballyvaughan

**Reason:** This important historic castle is in the Guardianship of the State and the landowner is not allowing access.

**3 All Waymaked Ways throughout the County**

**Reason:** These Ways are ancient access routes

**4 The Route from Liscannor to Doolin**

**Reason:** This is probably the finest walks in the County and indeed in the country

**5 Other traditional walkways in the Burren**

**Reason:** Most of these paths have been in use for many years.

**Note** We believe that the above walkways have been walked over many years without let or hindrance from landowners

**KEEP IRELAND OPEN**

**Nov 2020**