

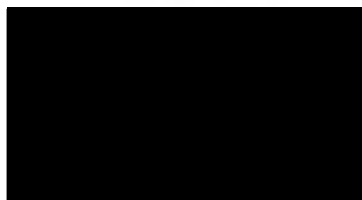
Submission No: 175

**Pre-Draft Submission**



**Clare County Development Plan  
2022-2028**

Michael Duffy.



16<sup>th</sup> November 2020

## Extracts from Issues Paper

1. How and where can County Clare provide for the housing needs of all groups, including older people, people with disabilities, the homeless, etc.? County Clare has a difficulty in many of its towns & villages providing for any housing given the lack of appropriate infrastructure. This will not change until proper resources are provided from central Government. Since the creation of Irish Water CCC has no control of its destiny in this regard. The solution from central Government is simple; either provide resources to facilitate proper water and wastewater treatment infrastructure or seek derogations from environmental obligations at European level. The reality in most of the County at this point in time is that the only environmentally sustainable housing is one-off of small clusters built on suitable sites.
2. How can we encourage the provision of house types in our towns and villages for all life stages? There should be better consideration of mixes of types in development applications. Small local developers should be embraced by CCC and encouraged to provide such mixes. These should also be considered in existing or new clusters. Such designs should be well informed with pre-development inputs from service providers with occupational therapist input. Accommodation for people with disabilities and the elderly should be integrated with independent quarters for care providers who could live in close proximity.
3. How can we encourage innovation and new types of houses which deliver on peoples' preferences, in a sustainable manner? CCC does not have to concern itself in this regard. Market forces combined with Building Regulations and an instilled desire in people to do the right thing will deal with this issue. If CCC is really concerned it should focus on making the pre-construction process a lean and cost effective as possible for applicants so that scarce resources can be directed to quality builds.
4. How best can we ensure the vacant houses in the rural areas are brought into use? By lobbying central Government, and SEAI, to change its totally unsuitable deep retrofitting policy & procedures. If a proper account is taken there is no issue with vacant houses in areas where development restrictions apply. Previous policy restricting development to local rural persons has created a thriving market for vacant housing in such areas. Outsiders have elevated the prices so that locals cannot compete. In many cases outsiders can achieve renovation or replacement permissions simply by having high financed applications often with no consideration to objectives of the development plan.
5. How should we protect environmentally sensitive areas of the County? A large proportion of the damage to environmentally sensitive areas has and is being caused by CCC itself or by facilitating inappropriate development. A simple example of this is the Cliffs of Moher Visitor Centre which has a throughput of visitors 10 times more than the design capacity wastewater treatment system. This has been managed by a combination of pollution and unsustainable tankering of effluent off-site completely contrary to planning permission. This is not just an environmentally sensitive area but is also an UNESCO World Heritage Site.

Similarly many towns and villages are polluting sensitive areas and sites with the discharge of poorly treated effluent or untreated sewage. CCC, depending on who the applicant is, continues to permit development in these locations contrary to National and European law. CCC clearly has a conflict of interest between its desire for planning contributions and proper planning and sustainable development.

6. **How do we achieve a good balance between single rural housing and the creation of viable towns and villages?** For starters most rural people do not want to live in towns and villages. Viable towns and villages are a very subjective and debatable concept. The jury is still out on such viability when all aspects of modern living are considered. Refuse collection may be marginally more cost effective in towns and villages but how do you value freedom from anti-social behaviour? A cynic might ask why the Planning Authority in the past saw fit to permit a motorway service area in a location which would clearly reduce the viability of established Ennis businesses. The real question is not managing a balance, but particularly now with the potential for much more working from home, ensuring sustainable rural housing in a way which enhances the countryside. Rural housing does not, and should not be confined to ribbon development. Enlightened planning could facilitate rural development around existing clusters or in new clusters.
7. **What measures should be considered to encourage the use of existing unfinished estates and the large number of vacant dwellings in our towns and villages?** CCC made its bed with unfinished housing estates. In many cases it failed to ensure compliance with planning permission and/or failed to ensure infrastructure was correctly provided. Its policy of purchasing en-bloc housing in some locations has alienated existing residents who purchased houses at premium prices. In very many cases vacant properties in towns and villages are nothing more than serviced sites. In fact these are even of less value if in ACA's because onerous requirements place significant additional costs on developers often in locations where other properties have ignored the ACA status for years. It is hard not to have sympathy for an individual who is conditioned to install hardwood windows and natural slate when the property next door, renovated 30 years ago has aluminium windows and plastic coated steel cladding on the roof. A derelict site tax implemented without fear or favour is the only method to ensure development of such properties. This might cause the value of such properties to be reduced by 50% or even more but that is the reality of bringing such properties back into use.
8. **How can we encourage the re-use of redundant or derelict buildings?** In urban areas a derelict site tax combined with a policy not to apply silly impediments on developers. There is a longstanding policy or practice whereby there is often a reluctance to permit demolition and reconstruction without the retention of some element of the old building. This is impractical when trying to achieve modern building standards. Occasionally there is a case to be made to retain an historic structure, and indeed sometimes an applicant prefers this option, but it always comes at a premium cost. The vast majority of developers do not have the luxury to facilitate additional costs. Significant development contributions along with extortionate

connection fees will only drive away developers who might otherwise consider such properties. In that regard Irish Water connection fees and a possibly unlawful insistence on using its designated contractor for civil works to facilitate connections is a discouragement.

9. How can we maintain a distinction between towns and villages and the surrounding rural areas?  
By making it cost effective for people to consider urban living over one-off housing.
10. How can Clare County Council stimulate construction activity in our towns and villages? It cannot attempt anything until proper wastewater treatment is provided in most of them and this is beyond its control.
11. Is there a deficit in the provision of a particular type of housing that should be addressed e.g. apartments, duplex etc.? Suitable housing to cater for the elderly and/or disabled with independent carer facilities incorporated in the designs.
12. How can the potential increase in remote working be facilitated in a way that would benefit the communities within the remote working locations? The provision of high speed broadband internet will facilitate sustainable home working. Rollout in rural areas on a similar model to GWS should be investigated as much of the skills required are readily available in local communities.
13. How can we ensure the protection of rural and natural amenities while providing for sustainable economic development? The key to sustainability is employment and the key to employment is high speed broadband. The planning authority should shake off its opposition to rural housing and instead market the County on the basis of home working with associated quality of life benefits. Elected members know full well that policy in this regard does not reflect the wishes of its electorate. They cannot serve two masters nor can they presume that they, or the executive, know more about sustainable communities than the people themselves. A cost benefit analysis to the locality comparing a wind turbine and a family home, over their respective lifetimes, might provide interesting findings. There is a strong perception that the case against rural housing is driven by a Dublin 4 cohort with so called green credentials. Professional planning is undoubtedly influenced by this. Wind generation has driven a coach and four through the reality of preserving the countryside in an unblemished manner. The same Dublin 4 cohort love the concept of renewable energy and are prepared to allow the unsightly infrastructure to infest rural areas provided some unblemished locations are maintained for their summer sojourns. One wonders would the Planning Authorities practice be different if a one-off rural home attracted the same financial rates harvested from a wind turbine. It is open to CCC to develop strategic development zones in rural areas where appropriate infrastructure is provided for an appropriate development charge. In many cases some or most of the infrastructure is already there. One-off housing is not all about ribbon development and it is not beyond capabilities to facilitate high quality rural housing with appropriate mixes to cater for the indigenous community in a sustainable way. It is becoming increasingly impossible to maintain the proposition that a 6m high rural dwelling compromises a scenic route when a 30 turbine wind farm does not.

14. What measures could be made to support Rural Business and Enterprise? **Local rural trades people and entrepreneurs should be permitted light industrial workshops and/or showrooms adjacent to their homes. These are local rural people and in many cases creating local employment. Exemptions are available for substantial agricultural buildings which in most cases are facilitating a home industry. I am not suggesting these should be exempt but there should be an objective encouraging development of small local enterprise.**
15. How can we best support new and evolving work patterns which reduce the demand to travel to work, including e-business and home based activity? **As above, high speed broadband is the key.**
16. How will Ennis 2040 and the Shannon Town Master-plan be integrated into the County Development Plan?
17. With a strong focus of the Limerick – Shannon Metropolitan Area, how should the needs of, and opportunities for, other areas in the County to develop, be addressed? **By appropriate planning policy which excludes the development of a motorway service at Junction 12 which will become a destination and will dilute the established businesses in the town.**
18. What could be done to protect, support and enhance the Tourism sector? **Lobby for a direct Yes link between Shannon Airport and Dublin Airport.**
19. Vacancy has been an on-going problem in some areas. How can we encourage uses and occupancy? **Implement a derelict building tax.**
20. What measures and/or design policies can be implemented to ensure that our town centres are attractive places to shop, live, visit and work in? **By ensuring future business is consolidated in town centres and not on the outskirts. Inventive parking solutions should be sought out in towns like Ennistymon so that private car-parking is off-street and thereby facilitating the parking of touring coaches to create footfall.**
21. How can houses be provided within rural villages without wastewater treatment infrastructure in place? **This is a disingenuous question and should not be limited to rural villages. The truth is that planning permission cannot be permitted in Ennis, Shannon, Kilrush, Kilkee, Ennistymon, Lahinch, Miltown, Ballyvaughan, Liscannor, Clarecastle, Newmarket and many more towns & villages. Planners, and in particular the executive, are well aware of these constrictions but to date the issue is being ignored. Since the formation of Irish Water CCC are even more impotent than ever at being able to address the problem.**
22. How do you think the County Development Plan can support sustainable agriculture and other rural based enterprises such as forestry and renewable energy? **Deforestation should be conditioned in planning permission so that removal of timber from remote locations is by small suitably loaded vehicles to central truck loading points on national routes. Renewable energy should only be permitted when local people are significant and material stakeholders by co-operatives or other appropriate means. It is one thing having your locality and amenity thrashed if you or your family benefit in a meaningful sustainable manner but to have it thrashed for the benefit of a pension fund in Munich is a bridge too far.**
23. What services are required in the countryside to support vibrant rural communities? **High speed broadband.**

24. How can we manage our natural resources to ensure that rural economies and communities prosper in a sustainable way? Sustainability is a practical misnomer. The correct question is “in a material way”. A material way is where the landowners benefit in an ongoing manner and locals are employed during construction and operational phases. The bottom line is that the people of County Clare are being used to appease the collective conscience of fancy cities back east and beyond. It is completely open to CCC to make a bye-law that on an acreage basis local rural people must be employed to maintain the
25. How do we achieve a sustainable balance between granting one-off houses in the countryside and maintaining viable rural towns and villages? An incremental SPZ development charge for different categories. i.e. local rural person, full-time resident home worker, urban generated holidaymaker. The SPZ provides, facilitates and maintains water, wastewater, road infrastructure, waste, and regional amenity.
26. How can we support the sustainable future of Shannon International Airport? A direct high speed TGV type rail link between Shannon Airport and Dublin Airport, with links to Dublin and Limerick.
27. Should parking standards for new developments reflect the need to reduce car dependency? What reduced car dependency?
28. In your opinion, what are the key transport and mobility issues affecting residents, workers and visitors? The lack of critical mass to sustain top class transport and mobility.
29. What is needed to secure a better quality communications network throughout the County? The commitment of Central Government and a model for roll out of infrastructure (similar to group water scheme roll-out). County Clare could be a pilot for such a scheme. Rural areas are eminently equipped with capabilities to provide civil infrastructure for high speed internet in a cost effective competitive manner.
30. What towns or villages should be prioritised for water/wastewater improvements? Is this a trick question?
31. How can we support agencies in the provision of water and wastewater infrastructure? Threaten them and central Government with the ECJ. Either we declare publicly to the EU our inability to comply with European Directives (which is the case since their origins) or funding must be immediately provided to address the issues.
32. Are there significant factors leading to deterioration in the water quality of groundwater or rivers and how can these be addressed? Yes, as per previous question. Forestry, agriculture and legacy wastewater treatment systems also need addressing. The National inspection of 1% of on-site wastewater treatment systems (to appease EU on foot of ECJ judgement) and the methodology of inspections is risible. The real facts are that 80% of on-site systems are dysfunctional. The average cost of remedial works is approximately €5,500 per dwelling. Creative schemes could go a long way to address this issue. Many homeowners are amenable to improving their situations. The first issue is that technically planning permission is required. I will speak to the general relationship of the planning process to wastewater treatment elsewhere herein but this is ridiculous when scarce resources should be applied directly to remedial works to the system. Creative processes such as off-setting property tax against costs

of remedial works should be considered. Again Clare could be a pilot for a national scheme. Ultimately Clare tourism could be marketed with the additional flag of having the best groundwater and surface waters in the Country. Increasingly tourists will pay a premium for such status. We have a long way to go but we have to start somewhere. The one thing that should not happen is a grant scheme as such schemes only corrupt costs.

33. What policies and/or incentives could be used to ensure that Protected Structures are properly maintained and do not fall into disrepair? This is an impossible task for a LA to undertake. If the State values certain structures or classes of structures let it put its money where its sentiments lie. Old buildings, and particularly protected structures, are prohibitively expensive to manage and maintain. This is a chicken and egg situation. There is not a critical mass of such work to encourage competition which leads to it being considered "specialist" thereby attracting specialist costs. In reality much of the work is not rocket science but there is a paucity of properly trained trades people in the County/Region/State. This training is something that CCC could encourage or partner with interested Contractors and professionals on a cost effective basis.
34. Is the existing level of protection for Protected Structures, ACAs and Archaeology sufficient in the County? If you call prohibition sufficient then the answer is yes. Protection to not be interfered with which effectively means that most are just left there to deteriorate. A protected structure, and to a lesser extent a property in an ACA, is a millstone and a liability more than an asset.
35. How can the new County Development Plan protect and enhance the County's existing natural heritage and biodiversity? By attracting people to the County, preferably to live here on a fulltime basis. Where they live in the County should be less of a concern. Rural density was not the cause of the famine.
36. How can modern living requirements be facilitated for Protected Structures and ACAs without compromising their integrity? With significant difficulty and expense. In reality the two are counter intuitive.
37. How can the County Development Plan continue to protect the natural heritage including landscape while supporting sustainable development? The people need to decide this. Nobody I know sets out to deliberately damage natural heritage. Everyone has their subjective opinions in this regard. Nobody can reconcile wind farms, solar farms and hopefully in time pumped storage facilities with our traditional natural heritage. Rightly or wrongly the former two have been imposed on the indigenous people who are in effect "The County" without much collaboration to date. Heritage, to some extent must evolve. Well considered planning with the participation of local communities can address the issue of rural housing in a sustainable way that will work in concert with our heritage and please the badly needed visitor. Tourists don't want to see vacant countryside. They would much prefer to see vibrant communities in towns, villages, clusters and individual farms throughout the County. Clearly there are areas which require special protection but the current blanket policy is damaging and creates ill will towards the PA.

38. How could the County Development Plan promote and encourage the inclusion of Green Infrastructure into new developments? This is not a matter for the CDP should concern itself with. Market forces, Building Regulations and SEAI will address that issue. The CDP has enough on its plate.
39. How can the existing Green Infrastructure in the County be improved? By actively seeking suitable partners to engage with local communities to provide pumped storage generation in several suitable locations in the County. This generation should be fed into the national network through the Moneypoint facility.
40. Are there any areas of Green infrastructure in Clare that could be sustainably developed to provide recreational spaces? Yes. Pumped storage facilities could incorporate watersport facilities and associated amenity.
41. How can the County Development Plan actively engage and raise awareness and help reduce the impact of climate change? Addressing climate change is a National if not international task. National building regulations and planning legislation already addresses climate change issues.
42. What are the main environmental issues facing Clare and how can the County Development Plan address these? Municipal wastewater treatment; some Part 8 applications; wind generation; solar generation; forestry, on-site wastewater treatment; farming; in that order.

The County can do little to address the first issue as it is completely in the gift of Irish Water.

This Council carried out 43 Part 8 planning applications since 2016 (I have not yet looked at ones prior to that). These included three significant road bridges, in or adjacent to European Sites, and work at the Cliffs of Moher, a European Site and a UNESCO site. In every one of the 43 applications the Council screened out the need for Appropriate Assessment in breach of National and European law. It is able to manipulate the process to ease its own planning permissions while it enforces rules rigidly on some others very often putting businesses and individuals to unnecessary significant expense. Proper execution of the Part 8 process would improve environmental matters.

The Council has a conflict of interests in dealing with wind and solar generation in particular. It has a vested interest in harvesting development contributions associated with the construction of these projects. The local rural objector does not have the resources to challenge the purchased environmental reports generated at the whim of applicants. The Part 8's referred to above had purchased environmental reports paid for by the Council which miraculously screened out appropriate assessment in all cases. He who pays the environmentalist calls the tune. The Council has not got the will, and often the capacity, to challenge details submitted in applications for wind and solar generation. The vested interest in such cases calls the tune.

Similarly with forestry which is Dublin 4 resolving its carbon conscience with no proper regard for pollution caused by run-off from plantations.

The State has decided to inspect 1% of wastewater treatment systems per annum and even then the inspection is technically risible. A wastewater treatment system, particularly a septic



tank and percolation, cannot be properly inspected without invasive work which does not form part of the statutory inspection process. The State knows the extent of the problem but does not want to address it. The inspection is tokenism to appease Europe.

Farming could improve matters but of all stakeholders it is a sector doing its best and is the most regulated of all.

43. How can the County Development Plan tailor its policies on renewable energy to support this industry but also protect the landscapes, amenity and ecology? **There is no appetite within the Council to address this issue on behalf of the people of Clare. It is a *fait accompli* determined at national level by making the Council dependent on rates and development contributions from such developments. Renewable energy and the protection of landscapes, amenity and ecology do not sit comfortably side by side. The best that can be achieved is that if local communities, which are literally at the coal face of impacts, are genuine stakeholders and beneficiaries with respect to earning long term income from such facilities. Europe was able to include schemes to make farming sustainable. It should be within the gift of the Council possibly thought implementation of bye-laws to create schemes around renewable energy to provide long term employment which could mitigate the harm caused to the environment and amenity of the areas impacted.**
44. How can the County Development Plan facilitate the transition to a low carbon society? **By actively seeking sites for pumped storage generation in concert with local communities where opportunities exist.**
45. What measures could be implemented to encourage householders and commercial businesses to reduce waste and increase recycling? **Householders can be encouraged by educating children in national schools to drive the message from within homes. Businesses are already focused on recycling through the cost of landfill.**
46. How can the pressure for development in areas at risk of flooding be managed? **Development, particularly residential development should not be permitted in areas prone to flooding. This can be addressed through proper zoning.**
47. How can the County Development Plan achieve a balance between the growth of the County and the protection of the environment? **By applying the rules already in place to all participants, including the Council itself and other public bodies, in a fair and reasonable manner.**
48. What policies and objectives could be set out in the Plan to expand or incentivise small scale renewable energy developments, for communities or individual homes? **This is a National issue and not one the Council should be using resources on. The cost of renewable energy installation is heavily front loaded and payback times have yet to be properly tested for many systems. There is no independent body which will guarantee the performance of systems to stakeholders into the future. Individuals are at the mercy of suppliers and marketing. SEAI are particularly lacking in any meaningful support.**

49. How can the new County Development Plan support and protect the viability of our Rural Communities? **By having the same value on a rural household as it has on a wind turbine or solar panel.**
50. How can the County Development Plan facilitate the demand for sports and leisure facilities within the County? **The Council has made decent strides in this regard. Like hospitals, for best outcomes, this infrastructure requires centres of excellence. These cannot be provided in every town and village. The Lees Road facility is top class. There is probably a good case for a similar facility in West Clare.**

## **In respect of current Objectives:**

### **Ennis CDP 3.1**

- a) To ensure that Ennis, as the County Town and as a designated Hub Town in the NSS, is a driver of county and regional prosperity by harnessing its strategic location and access on the Atlantic Corridor; its strong urban structure, existing retail, service and accommodation base; and other competitive advantages;
- b) To achieve a vibrant and culturally-rich Ennis area with a revitalised town centre and strong economic growth balanced with enhanced social inclusion, sustainable neighbourhoods and a high level of environmental quality to ensure an excellent quality of life for all;
- c) To prepare a local area plan for the Ennis Town and Environs area during the lifetime of this development plan.
- d) To protect established Ennis businesses by dezoning Com 7 which has infrastructural deficits and will impact on a wider plan for the area.

### **Clusters CDP 3.7**

To ensure that clusters throughout the county maintain their existing character providing only for very small scale growth.

To consider the revision of some clusters and the creation of new clusters in appropriate settings with the formation of SDZ's. Many clusters are linear in form, some even discontinuous. This could be revised to accommodate more suitable layouts and more sustainable services.

### **Monitoring and Implementation of Settlement Strategy CDP 3.9**

- a) To achieve the delivery of strategic, plan-led, co-ordinated and balanced development of the settlements throughout the county; **Plan led development is premature if necessary infrastructure is not in place and such objectives are meaningless in the absence of necessary infrastructure over which the Council has no control.**

b) To carefully monitor the scale, rate and location of newly permitted developments and apply appropriate development management measures to ensure compliance with the Settlement Hierarchy and Strategy, including the population targets for the county. **Population targets are meaningless and cannot be achieved without the provision of appropriate infrastructure without which development is precluded.**

### **Planned Growth of Settlements**

#### **CDP 3.10**

a) To ensure that the sequential approach is applied to the assessment of proposals for development in towns and villages and to ensure that new developments are of a scale and character that is appropriate to the area in which they are located; **Growth cannot be achieved without the provision of appropriate infrastructure without which development is precluded.**

b) To restrict single and/or multiple large-scale developments that would lead to the rapid completion of any settlement within its development boundary, in excess of its capacity to absorb development in terms of physical infrastructure (water, wastewater, surface water, lighting, footpaths, access etc.) and social infrastructure (schools, community facilities etc.). **This is relevant to any development in many settlements in the County not alone large scale development.**

### **New Single Houses in the Countryside within the 'Areas of Special Control'**

#### **CDP 3.11**

**This objective needs to be completely revised in light of changes in home working and potentially a legitimate desire for relocation from cities. It should be considered to be a resource for the County to be exploited for the benefit of rural communities. It is likely in the medium term that rural housing will be the most sustainable environmentally. Appropriate planning of small settlements where there already most of the services required can revitalise rural communities. Rural areas have and will be impacted significantly by renewable energy generation which rural people are supposed to accept as their lot but are not supposed to seek to live in rural areas. There is a much bigger picture around the desire for people to live and raise families in rural areas. It cannot be addressed by a few paragraphs in a CDP without meaningful debate and recognition of the benefits along with other impacts.**

a) In the parts of the countryside within the 'Areas of Special Control' i.e.:

- Areas under Strong Urban Pressure (See chapter 17)
- Heritage Landscapes (See Chapter 13)
- Sites accessed from Scenic Routes (See Chapter 13 and Appendix 5)

To permit a new single house for the permanent occupation of an applicant who falls within one of the **Categories A or B or C** below and meets the necessary criteria.

b) To ensure compliance with all relevant legislation as outlined in Objective CDP2.1 and have regard to the County Clare House Design Guide, in particular with respect to siting and boundary treatment.

*Note: Where the proposed site is accessed from a National route or certain Regional routes, the proposal must **in addition** to compliance with this objective, also be subject to compliance with objectives CDP8.4 and 8.5 as set out in Chapter 8.*

## **New Single Houses in the Countryside**

### **CDP 3.16**

To not permit new single holiday homes in the countryside and to direct this type of development to appropriately zoned land within certain settlements. Alternatively this need can be met through the second hand housing stock in the countryside or the refurbishment of derelict dwellings or structures. **This market could be facilitated in appropriate SDZ's creating a revenue stream and in a manner that will not impact on the cost of housing for indigenous people.**

## **Facilitating the Housing Needs of the Population**

### **CDP4.2**

- a) To facilitate the housing needs of the existing and future population of County Clare through the management of housing development throughout the county in accordance with the Settlement Strategy;
- b) To monitor the effectiveness of the Housing Strategy in meeting and resolving identified housing needs;
- c) To prioritise the reuse of existing housing stock in the plan area.

**This is a meaningless objective given the Council's inability to address wastewater treatment issues in most settlements. Growth cannot be achieved without the provision of appropriate infrastructure without which development is precluded.**

## **Living in our Towns and Villages**

### **CDP4.3**

- a) To encourage the reuse of upper floors above commercial premises for residential accommodation;
- b) To promote the retention of town centre residential units and to discourage their subdivision into smaller units or conversion into non-residential uses;
- c) To encourage the development of new residential accommodation in or adjoining town centres and to ensure that such developments provide a range of accommodation types and tenures and a high level of residential amenity;
- d) To support the procurement of vacant town centre residential property by Clare County Council to ensure its continued use for residential purposes into the future.

**This aspiration is impractical given inflated current market values. Restoration of these properties is very costly. A dereliction tax will place realistic values on such properties and thus enable restoration and reuse.**

## **Social and Affordable Housing**

### **CDP4.4**

- a) In accordance with the requirements of Section 94(4)(c) of the Planning and Development Act, 2000 (as amended), to reserve 10% of land zoned for residential use, or for a mixture of residential and other uses,

including 'low density residential' for the purpose of meeting social and affordable housing need arising within the county;

b) To acquire land/properties for social and affordable housing provision in advance of immediate requirements in order to be in a position to respond to housing supply and demand opportunities;

c) To support and encourage the use of existing housing stock and infill sites, in close proximity to services in towns and villages, for social and affordable housing provision;

d) To ensure that new social and affordable housing developments are strongly integrated into the structure of existing settlements and are not isolated from services or segregated from the surrounding community;

e) To ensure that new social and affordable housing developments are designed and constructed on the principles of universal design and life-long adaptability;

f) To support the work of voluntary and cooperative housing associations in County Clare;

g) To ensure that there is a balanced supply of private, social and affordable housing such that no settlement in the county experiences an over-concentration of any one type of accommodation.

While this is a national policy, and beyond the reach of this process, it is material to the debate around urban / rural living. This policy has failed to provide social housing as required. The policy of the Council in certain locations to purchase additional houses further exacerbates the problem. The reality of this policy is that the purchasers of urban houses are subsidising the policy and are being further impacted when the Council do additional deals with developers.

## **Unfinished Developments and Taking in Charge**

### **CDP4.6**

a) To work with all relevant stakeholders to secure the satisfactory completion of unfinished developments in the county in accordance with 'Managing and Resolving Unfinished Housing Developments (DoECLG 2011)'

b) To work with all relevant stakeholders to ensure that residential developments are taken in charge in accordance with the requirements of the Planning and Development Act, 2000 (as amended) and the Council's 'Taking in Charge Policy for Private Housing Developments 2009' or any updated version.

There is a strong argument to be made that future rezoning should only be on land already in the ownership of the LA. This land should be developed by the LA to its standards and then sites sold to developers wishing to provide housing. This could range from large scale developers to individuals wishing to build their own homes. There are significant cost benefits in such a model. It would also lead to diversity in designs and occupancies in urban areas.

## **Housing for Older People**

### **CDP 4.10**

- a) To ensure that new housing developments provide a range of house types and that accessibility and life-long adaptability are key elements in house design;
- b) To facilitate the provision of accommodation to meet the needs of older people and to encourage the provision of a range of housing options for older people in appropriate, convenient and easily accessible locations;
- c) To support the development of new nursing home and day care facilities in towns and villages in the county;
- d) To support the development of nursing home and day care facilities on brownfield sites outside of settlements, subject to normal site suitability criteria.

This has been aspirational but needs to be meaningfully addressed. There is an urgent need for appropriate accommodation for elderly and disabled capable of partial independent supported living. This would free alternative housing stock elsewhere.

#### **Further Education and Adult Learning**

##### **CDP5.19**

- a) To encourage the retention and expansion of all tiers of educational services and associated educational and skills training programmes;
- b) To collaborate with other agencies in the delivery of adult education, skills training and post secondary school education.

The Council should seek to engage with building contractors, tradespeople and professionals to encourage knowledge sharing and an awareness of constantly changing building regulations to improve the building outcomes in the County. This does not need to be a significant cost on the council. A similar process should be engaged for meaningful appropriate collaboration between planners and agents to raise all ships and reduce costs on end users.

#### **Availability of Land and Infrastructure**

##### **CDP6.14**

- a) To ensure that an adequate supply of land is zoned in appropriate locations throughout the county to support economic development and employment-generating activities;
- b) To maximise the efficiency of zoned lands by advocating for and facilitating the provision, upgrade or refurbishment of necessary infrastructure;
- c) To protect land zoned for employment-generating uses from inappropriate development that would negate future economic activity;
- d) To ensure that lands are zoned for industry and enterprise development in towns and villages across the county at a scale appropriate to the size and role of the settlement as per the settlement hierarchy.
- e) To protect established Ennis businesses by dezoning Com 7 which has infrastructural deficits and will impact on a wider plan for the area.

## **Energy Supply**

### **CDP6.17**

To contribute to the economic development and enhanced employment opportunities in the county by:

- a) Facilitating the development of a self-sustaining, secure, reliable and efficient renewable energy supply and storage for the county;
- b) Enabling the county to become a leader in the production of sustainable and renewable energy for national and international consumption through research, technology development and innovation.
- c) To actively encourage local stakeholder participation to identify and promote sites for pumped storage in the County.

## **Home Based Economic Activity**

### **CDP6.23**

- a) To support the conversion of part of a dwelling to an appropriate home-based economic activity, where the dwelling remains as the main residence of the practitioner;
- b) To co-operate with and facilitate government agencies and other bodies where feasible, in encouraging home-based employment;
- c) To promote and facilitate the development of:
  - e-town, home-based employment
  - “electronic courtyard” developments in villages and rural areas
  - improved communication networks throughout the county.
- d) To actively encourage the relocation of home based workers to the County for permanent occupancy.

## **Shannon Rail Link**

### **CDP8.15**

To safeguard the route of the proposed Shannon Rail Link and permit development where it is demonstrated it will not inhibit the future development of the selected route as a rail link.

## **Water Framework Directive**

### **CDP8.21**

- a) To facilitate the implementation of the Shannon River Basin Management Plan and the Western River Basin Management Plan (together with any subsequent National River Basin Management Plan) for



groundwaters and surface waters in the plan area as part of the implementation of the EU Water Framework Directive;

b) To protect groundwater resources in accordance with the statutory requirements and specific measures as set out in the relevant River Basin Management Plan;

c) To consider proposals for development where it can be clearly demonstrated that the development will meet the requirements of the relevant River Basin Management Plan.

Compliance with this objective precludes development in most urban areas of the county.

### **Protection of Water Resources**

#### **CDP8.22**

a) To protect the water resources of County Clare having regard to the requirements of the relevant EU Directives;

b) To ensure that developments that would have an unacceptable impact on water resources, including surface water and groundwater quality and quantity, designated sources protection areas, coastal and transitional waters, river corridors and associated wetlands are not permitted;

c) In areas of potable groundwater resources or over vulnerable aquifer areas, development proposals will only be considered if the applicant can clearly demonstrate that the proposed development will not pose a risk to the quality of the underlying groundwater;

d) To protect groundwater resources, in accordance with statutory requirements and specific measures as set out in the Shannon and Western River Basin Management Plans;

e) To ensure that proposals for development which infringe on a river boundary, or an associated habitat, including their connection by groundwater, will only be considered where it can be clearly demonstrated that:

- The character of the area will be conserved;
- An acceptable physical riparian zone will be maintained with all natural vegetation preserved;
- There will be no impact on the ecological, aquatic or fishing potential of the waters or associated waters;
- All proposals are in compliance with the requirements of the Habitats Directive, where appropriate.

As @ 8.21

### **Development Plan Objective: Water Services**

#### **CDP8.24**

a) To work closely with Irish Water to identify and facilitate the timely delivery of the water services required to realise the development objectives of this Plan;

- b) To facilitate the provision of integrated and sustainable water services through effective consultation with Irish Water on the layout and design of water services in relation to the selection and planning of development areas and the preparation of master plans;
- c) To ensure that adequate water services will be available to service development prior to the granting of planning permission and to require developers to consult Irish Water regarding available capacity prior to applying for planning permission;
- d) To ensure that development proposals comply with the standards and requirements of Irish Water in relation to water and waste water infrastructure to facilitate the proposed development.

**This has not been done and the Council have no control over Irish Water.**

## **Water Supply**

### **Ennis and Environs Water Supply**

#### **CDP8.26**

- a) To improve efficiency in the operation and demand management of the water supply infrastructure, promote water conservation and reduce the overall loss in public water supply in the Ennis and Environs area;
- b) To safeguard Pouladower Spring and investigate its use as a potential supply of water for the Ennis area. Any such proposals shall demonstrate that they will not have a negative impact on European Sites;
- c) To advocate the provision, by Irish Water, of adequate water supply to accommodate the target population and the employment potential of the Ennis and Environs area in accordance with statutory obligations as set out by EU and National policy
- d) To protect Drumcliff Springs water resource. **No development will be permitted on either the Springs, or the within established 200m exclusion zone.**

**CCC itself granted permission for development within this 200m exclusion in material contravention of its own plan.**

## **Waste Water Treatment and Disposal**

#### **CDP8.27**

- a) To advocate the provision, by Irish Water, of adequate waste water services and capacity to accommodate the target population and employment potential of County Clare in accordance with the statutory obligations set out in EU and national policy;
- b) To support Irish Water in the promotion of effective management of trade discharges to sewers in order to maximise the capacity of the existing sewer networks and minimise detrimental impacts on sewage treatment works;

c) To permit the development of single dwelling houses only where it is demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with the 'Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses EPA (2009)';

d) To permit the development of treatment systems for small businesses/community facilities in unserved areas where they are in single ownership and where it is demonstrated to the satisfaction of the Planning Authority that the proposed wastewater treatment system is in accordance with 'Code of Practice Wastewater Treatment and Disposal Systems Serving Single Houses EPA (2009) and Wastewater Treatment Manuals-Treatment Systems for Small Communities, Business, Leisure Centres and Hotels, EPA (1999)';

e) To encourage and support a changeover from septic tanks/private waste water treatment plants to public collection networks wherever feasible, subject to connection agreements with Irish Water and to ensure that any future development connects to the public wastewater infrastructure where it is available.

**The Council has no control over Irish Water in these regards.**

**There is extensive case law that the planning process should not stray into areas regulated by other statutory regimes. On-site wastewater treatment is a matter for Building Regulation and should be left there. The P&R Regulations 2006**

22. 2 (c) where it is proposed to dispose of wastewater from the proposed development other than to a public sewer, information on the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed,

**This is all that is required in a planning application. If an indemnified designer confirms in a planning application that a given site can treat the wastewater arising and demonstrates the type of system proposed then the planning process needs go no further. Thereafter the Building Regulation process is statutorily compelled to deal with the construction process.**

## **Waste Management**

### **Waste Transfer and Recovery Facilities**

#### **8.5.4 Construction and Demolition Waste**

Construction and demolition waste (C&D waste) is generally associated with waste materials arising from construction, demolition and renovation activities. Landfill has traditionally been the main receiving point for the disposal of waste associated with construction and demolition building materials but reuse and recycling of C&D waste is now recognised as a more sustainable alternative.

**The Council should be responsible for identifying and managing suitable locations for C&D waste and take it into consideration when granting permissions.**

