



Chief Executive's Report
on submissions received in
relation to the
Draft Ministerial Direction
to the **Clare County**
Development Plan
2023-2029

7th June 2023



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL



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1. Introduction

1.1. Background and Overview of Chief Executive's Report

The Minister of State at the Department of Housing, Local Government and Heritage, consequent to a recommendation made by the Office of the Planning Regulator under Section 31AM of the Planning and Development Act 2000 (as amended), notified Clare County Council on the 18th April 2023 of the intention to issue a Direction to Clare County Council to take certain specified measures regarding the Clare County Development Plan 2023-2029 to ensure compliance with the requirements of the Act.

1.2. Public Consultation

As required under Section 31(7) of the Act, the Planning Authority published a notice of the draft direction in the Clare Champion on the 28th April 2023 stating the reasons for the draft direction, that a copy of the draft direction could be inspected for a period of 2 weeks, from 28th April to 11th May 2023 inclusive, and that submissions or observations made in respect of the draft direction during that time. During the appropriate period, submissions and observations were accepted by email and by post and a copy of the draft direction was available to view and download on the Clare County Council website www.clarecoco.ie and was also available for inspection during office hours at the following locations:

- Aras Contae an Chláir, New Road, Ennis
- Shannon Municipal District Office, Town Hall, Shannon
- West Clare Municipal District Office, Town Hall, The Square, Kilrush
- Ennistymon Area Office, Ennis Road, Ennistymon
- Killaloe Municipal District Office, Mountshannon Road, Scarriff

A total of 25 submissions were received during the consultation period from members of the public as well as from the Elected Members of Clare County Council. It should be noted that Section 31(10) of the Act allows for Elected Members to make a submission directly to the OPR and to send a copy also to the Minister during the public display period.

1.3. Purpose of the Report

Under Section 31(8) of the Planning and Development Act 2000 (as amended) the Chief Executive of Clare County Council is required to prepare a report on any submissions and observations received following the period of public consultation. The report is required to:

- a) Summarise the views of any person who made a submission or observation to the Planning Authority.
- b) Summarise the views and recommendations (if any) made by the Elected Members of the Planning Authority.
- c) Summarise the views of and recommendations (if any) made by the Regional Assembly.
- d) Make recommendations in relation to the best manner in which to give effect to the draft direction.

This report relates to the submissions received on the draft direction regarding the Clare County Development Plan 2023-2029. Each of the 25 submissions received within the statutory period is summarised and the Chief Executive's recommendation is given in relation to the best manner in which to give effect to the draft direction, taking account of the proper planning and sustainable development of the area, the statutory obligations of the local authority and any relevant policies or objectives for the time being of the Government or of any Minister of the Government.

1.4. Format of the Report

This Chief Executive's Report is divided into 4 sections:

- Section 1 outlines the introduction and background of the Chief Executive's Report, timeline and next steps.
- Section 2 provides a summary of submissions/observations received during the statutory period.
- Section 3 outlines the Chief Executive's recommendation in relation to the best manner in which to give effect to the draft direction.
- Appendices:
 - Appendix 1 includes a list of submissions received.
 - Appendix 2 includes a copy of the public newspaper notice.
 - Appendix 3 includes a copy of the Minister's draft direction.

1.5. Draft Direction

The Planning Authority has been directed to take the following steps:

- a) Reinstate the following zoning objectives and associated text consistent with the recommendation of the Chief Executive's Report dated 10th July 2022:
 - i. Kilrush R5 – i.e. the subject lands revert to unzoned 'white lands' from Residential.
 - ii. Killaloe R6 - i.e. the subject lands revert to Tourism from Residential
 - iii. Mullagh R3 - i.e. the subject lands revert to Agriculture from Residential
 - iv. Liscannor R3 - i.e. the subject lands revert to Agriculture from Residential
 - v. Broadford LDR1 - i.e. the subject lands revert to Agriculture from LDR
 - vi. Broadford LDR2 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR
 - vii. Broadford LDR4 - i.e. the subject lands revert to VGA from LDR
 - viii. Broadford LDR5 - i.e. the subject lands revert to Mixed Use (MU) from LDR
 - ix. Broadford LDR6 - i.e. the subject lands revert to VGA from LDR
 - x. Broadford LDR7 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR
 - xi. Broadford LDR8 - i.e. the subject lands revert to Existing Residential from LDR
 - xii. Broadford LDR9 - i.e. the subject lands revert to Existing Residential from LDR
 - xiii. Cooraclare LDR1 - i.e. the subject lands revert to VGA and Mixed Use (MU) from LDR

- xiv. Cooraclare LDR2 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR
- xv. Cooraclare LDR3 - i.e. the subject lands revert to VGA from LDR
- xvi. Cooraclare LDR4 - i.e. the subject lands revert to VGA and Agriculture from LDR
- xvii. Cooraclare LDR5 - i.e. the subject lands revert to Agriculture from LDR
- xviii. Cooraclare LDR6 - i.e. the subject lands revert to VGA from LDR
- xix. Ballynacally VGA3 - i.e. the subject lands revert to Agriculture and Mixed Use from VGA

and in the case of the following, the zoning objective and associated text shall be amended consistent with the recommendation of the Chief Executive's Report dated 10th July 2022:

- xx. Ennis LDR2 - i.e. the northern portion of the subject lands is amended to Open Space from LDR as per Volume 3a of the proposed amendments to the draft Plan dated 28 November 2022.

- b) Delete subsection 'Existing Accesses onto National Secondary Roads' under 'Exceptional Circumstances' of section 11.2.9.3 of the Plan consistent with the recommendation of the chief executive's report dated 10th July 2022.

1.6. Statement of Reasons for Draft Direction

The reasons as set out by the Minister for the Draft Direction are as follows:

- I. The Development Plan as made includes material amendments to the draft Plan which zone additional residential land in excess of what is required for Clare County as set out in the Core Strategy. These zoning objectives and amendments are located in peripheral and/or non-sequential locations and would encourage a pattern of development in particular locations which is inconsistent with national and regional policy objectives promoting compact forms of development (NPO 3 and RPO 35, which include lands that are not serviced or serviceable within the plan period inconsistent with the requirement to implement a tiered approach to zoning (NPO 72a-c), and inconsistent with national policy to promoting proportionate growth of settlements (NPO 18a), and fails to have regard to the policy and objective for a sequential approach to development under section 6.2.3 of the Development Plans, Guidelines for Planning Authorities (2022) issued under section 28 of the Act.
- II. The Development Plan as made includes policy provisions for exceptional circumstances for access on to national roads, which are not consistent with the National Strategic Outcome of the NPF for enhanced regional accessibility, including the maintenance of the strategic capacity and safety of the national road network, are not consistent with regional policy objective RPO 140 to maintain the strategic capacity and safety of the national road network, and do not have regard to section 2.5 and section 2.6 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) issued under section 28 of the Act.

- III. The Development Plan as made includes zoning objectives and material amendments to the draft Plan which zone land for uses within flood risk zone A/B that are vulnerable and/or highly vulnerable to flood risk which lands have not passed the plan making Justification Test. These zoning objectives are inconsistent with national and regional policy objectives for flood risk management (NPO 57 and RPO 116) and fail to have regard to The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) issued under section 28 of the Act by not demonstrating on a solid evidence base that proposed land use zoning objectives will satisfy the Justification Test.
- IV. Further, the statement under section 28(1A)(b) attached to the Development Plan as made fails to include information which demonstrates that the planning authority has formed the opinion that it is not possible to implement the policies and objectives contained in the Development Plans, Guidelines for Planning Authorities (2022), and/or in the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and/or in The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) because of the nature and characteristics of the area, in addition to failing to include the reasons for the forming of that opinion contrary to section 28(1B)(b).*
- VI. The Development Plan has not been made in a manner consistent with, and has failed to implement, the recommendations of the Office of the Planning Regulator under section 31AM of the Act.
- VII. In light of the matters set out at I-VI above, the Minister is of the opinion that the Development Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.
- VIII. In light of the matters set out at I to VI, above, the Development Plan is not in compliance with the requirements of the Act.

* Please note: The absence of an item V. in the Statement of Reasons for Draft Direction set out above correlates with the numbering in Draft Direction as issued by the Minister.

1.7. Timeframe

This section sets out the overall timeframe for the plan preparation process for the Clare County Development Plan 2023-2029. At each stage of the Plan making process, public consultation took place, to provide an opportunity for the people of County Clare to contribute towards shaping and directing the future vision for the County. The Plan as made came into effect on 20th April 2023 subject to the Draft Ministerial Direction issued on the 18th April 2023, under Section 31 (7) of the Planning and Development Act 2000 (as amended).

September 2020: Stage 1 Pre-Draft

Pursuant to Section 11 of the Planning and Development Act 2000 (as amended), Clare County Council issued a public notice of intention to review the Clare County Development Plan 2017-2023, (as varied) and to prepare a new Clare

County Development Plan 2022-2028. A Strategic Issues Paper was published, and public consultation commenced on Friday 18th September 2020 until Monday 16th November 2020, inclusive. A Chief Executive's Report on the submissions and observations received during the period of consultation was issued on 15th January 2021, and Directions from the Elected Members were issued in March 2021 regarding the preparation of the Draft Clare County Development Plan 2022-2028.

October 2021: Extension of Duration

Pursuant to the Planning and Development (Amendment) Act 2021 and Section 11D of the Planning and Development Act 2000, as amended, Clare County Council decided to extend the duration of the Clare County Development Plan 2017-2023 (as varied) up to the 29th of April 2023. The extension of duration of the Clare County Development Plan 2017-2023 (as varied) was necessary in order to provide a further period of time, of up to 7 months, to complete the review of the Clare County Development Plan 2017-2023 (as varied) and to prepare and make a new Clare County Development Plan due to the disruption resulting from restrictions introduced as a result of the Covid-19 Pandemic on the plan preparation process for the making of a new county development plan.

December 2021: Stage 2 Draft

Pursuant to Section 12 of the Planning and Development Act 2000 (as amended), notice of the preparation of the Draft Clare County Development Plan 2023-2029 was given on Friday 10th December 2021 and the Draft Plan was placed on public display. Submissions and observations on the Draft Plan and associated Environmental Reports were invited for a period of just over 15 weeks from 10th December 2021 to 28th March 2022 inclusive. An extensive programme of public consultation, which included 12 public information events at different locations around the County, generated 1,015 submissions on the Draft County Development Plan. The Chief Executive's Report on the Draft Plan consultation was submitted to the Elected Members of the Clare County Council for their consideration on the 10th July 2022.

December 2022: Stage 3 Amendments to the Draft Plan

Having considered the Chief Executive's Report as well as National and Regional policy and guidelines and the proper planning and sustainable development of the County, the Elected Members of Clare County Council resolved at a Special Council meeting held on the 20th October 2022, to make amendments to the Draft Clare County Development Plan 2023-2029, in accordance with the provisions of Section 12(6) of the Planning and Development Act, 2000 (as amended). The proposed amendments would, if made, be a material alteration of the Draft Plan and in accordance with Section 12(7) of the Act, the proposed amendments and the associated environmental reports and determinations

were placed on public display for a period of 4 weeks from the 28th November 2022 to the 3rd January 2023 inclusive.

January 2023: In total, 170 valid submissions were received and a further 11 late submissions were received after the closing date. The Chief Executive's Report was issued to the Elected Members on the 30th January 2023 on the submissions received during the consultation period in accordance with Section 12(8) of the Planning and Development Act 2000 (as amended).

March 2023: The Clare County Development Plan 2023-2029 was made on the 9th March 2023.

Notice was issued to the Office of the Planning Regulator (OPR) in accordance with the provisions of Section 31(AM)(6) of The Act, which states the following:

"A planning authority shall notify the Office within 5 working days of the making of a development plan or a variation to a development plan and send a copy of the written statement and maps as duly made and where the planning authority – (a) decides not to comply with any recommendations made in the relevant report of the Office, or (b) otherwise make the plan in such a manner as to be inconsistent with any recommendation made by the Office, then the chief executive shall inform the Office accordingly in writing, which notice shall state reasons for the decision of the planning authority."

April 2023: A Draft Ministerial Direction issued to Clare County Council on 18th April 2023.

April 2023: The Clare County Development Plan 2023-2029 came into effect on 20th April 2023 except for matters addressed by the Minister's Draft Direction.

Public consultation on the draft Ministerial Direction was held from 28th April to 11th May 2023 inclusive in accordance with Section 31(7) of the Planning and Development Act (as amended) and a total of 25 submissions were received.

June 2023: A Chief Executive's Report on the public submissions received and outlining the Chief Executive's recommendations in relation to the best manner in which to give effect to the Draft Ministerial Direction to be submitted to the OPR, the Minister and Elected Members on 7th June 2023.

1.8. Next Steps

Section 31(AN)(4) of the Planning and Development Act, 2000 (as amended) sets out that on receipt of the Chief Executive's Report, the Office of the Planning Regulator:

'shall consider the report of the chief executive on the submissions, together with any submission made under section 31(10), and shall, no later than 3 weeks after receipt of that report—

- a) recommend to the Minister that he or she issue the direction with or without minor amendments, or*

- b) *for stated reasons, where the Office is of the opinion that—*
- (i) a material amendment to the draft direction may be required,*
 - (ii) further investigation is necessary in order to clarify any aspect of the report furnished or submissions made, or*
 - (iii) it is necessary for any reason, appoint a person to be an inspector.’*

Following receipt of the Inspector’s Report (if required) the OPR shall recommend to the Minister to issue or not issue the direction.

If the Minister agrees with the Recommendation, then a Direction shall be issued with or without minor amendments. Pursuant to Section 31(17) of the Act, the direction issued by the Minister is deemed to have immediate effect and its terms are considered to be incorporated into the Plan, or, if appropriate, to constitute the plan.

2. Summary Of Submissions/Observations Received in Relation to the Draft Ministerial Direction

2.1. Views of any person who made a submission/observation

2.1.1. Submissions which relate to a number of elements which are the subject of the Draft Direction:

Submission No: S4/019– Southern Regional Assembly
Summary of Issues Raised in Submission
<p>The Southern Regional Assembly (SRA) set out its observations on the Section 31 of the Act relating to the Draft Ministerial Direction.</p> <ul style="list-style-type: none"> • In the SRA’s response to the Proposed Material Alterations to the Draft Clare County Development Plan 2023-2029, concern was expressed that the additional land zoned for residential purposes as well as the expanded settlement boundaries set out in Volumes 3 (Municipal District Settlement Plans) would be contrary to the principle of Compact Growth. • The SRA notes that Item 2 (a) of the Draft Direction seeks to reinstate and amend the specified zoning objectives and associated text consistent with the recommendation of the Chief Executive’s Report dated 10th July 2022. In support of achieving compact growth and an appropriate response to flood risk, the Regional Spatial & Economic Strategy for the Southern Region (RSES) Regional Policy Objectives (RPOs) 35 Support for Compact Growth and 116 Planning System and Flood Risk Management are of note for Points (I) and (III) of the Draft Direction’s Statement of Reasons. • Item 2 (b) of the Draft Direction seeks to delete subsection ‘Existing Accesses onto National Secondary Roads’ under ‘Exceptional Circumstances’ of section 11.2.9.3 of the Plan consistent with the recommendation of the Chief Executive’s Report dated 10th July 2022. RSES RPO 140 International Connectivity is of note for Point (II) of the Draft Direction’s Statement of Reasons.

Submission No: S4/021– Uisce Éireann
Summary of Issues Raised in Submission
<p>Uisce Éireann has provided observations and comments in relation to public water services as outlined below:</p> <ul style="list-style-type: none"> • In relation to the Mullagh Site (Residential) R3, as noted in the Proposed Amendments submission, available GIS data indicates a significant network extension of c. 400m would be

required to connect to the nearest sewer. There is also the potential that third party permissions may be required. Uisce Éireann has stated that its submission referred to the site in this context as Mullagh R4 when it should have been Mullagh R3.

- Residential zoning of sites on the extremity of settlements, such as Mullagh Site (Residential) R3 and Killaloe R6, may compromise the achievement of compact growth objectives and generally require a greater level of works to connect to the network.
- As noted in their Proposed Amendments submission, Liscannor Site (Residential) R3 is close to the new Liscannor wastewater treatment plant. Any future development of sensitive receptors, e.g. housing, on these lands would need to take account of the established use of the wastewater treatment plant and the potential for extensions and/or intensification of use of the treatment plant in the future.
- Broadford and Cooraclare are currently unserviced settlements, and as such, the proposal to revert zonings as outlined in the Draft Direction is considered appropriate and in line with Section 5.3 of the Draft Water Services Guidelines for Planning Authorities (Jan 2018).

2.1.2. Submissions which relate to a specific area which is the subject of the Draft Direction:

a) Reinstate the following zoning objectives and associated text consistent with the recommendation of the Chief Executive’s Report dated 10th July 2022:

i) Kilrush R5 – i.e. the subject lands revert to unzoned ‘white lands’ from Residential

Submission No: S4/010 – Tom Nolan

Summary of Issues Raised in Submission

The submission relates to lands zoned as Residential (R9) in the Kilrush Settlement Plan contained within the Clare County Development Plan 2023-2029. The Draft Direction issued by the Minister of State at the Department of Housing, Local Government does not include any reference to these lands.

The submitter refers to the draft Direction as it relates to lands zoned Residential R5 in Kilrush, which is to reinstate the zoning objective from Residential R5 to ‘white lands’ (countryside). It states that other Residential zoned lands R9 in Kilrush should also be returned to its previous zoning of Agriculture and in this regard make the following points in support of this:

Development of R9 will contribute to ‘ribbon development’ creating a dispersed pattern of settlement growth that will encourage car use in the future.

Several acres of land (north of R9) are more centrally located to the town centre but remain designated as open space/agriculture.

The zoning of R9 for Residential is an example of ‘leapfrogging’ as other lands including R5 lie closer to the town centre than the submitter’s lands at R9.

The zoning of R9 is unsound as it fails to have regard to Policies and Objectives for a sequential approach to development under Section 6.2.3 of the Development Plan Guidelines for Planning Authorities. These same policy guidelines are used in relation to R5 to reverse a zoning.

The submitter calls upon the Minister to review the Draft Direction to the Clare County Development Plan 2023-2029 and to order that lands designated as Residential R9 are reverted to Agriculture.

a) Reinstate the following zoning objectives and associated text consistent with the recommendation of the Chief Executive's Report dated 10th July 2022:

ii) Killaloe R6 - i.e. the subject lands revert to Tourism from Residential

Submission No: S4/007 – Cunnane Stratton Reynolds on behalf of Michael McHale

Summary of Issues Raised in Submission

This detailed submission relates to lands identified as Residential (R6) in the Killaloe Settlement Plan. The Draft Direction issued by the Minister of State at the Department of Housing, Local Government and Heritage instructs the Planning Authority to revert the subject lands from Residential to Tourism.

- The submission sets out that the exclusion of consideration of the R6 site and other potential sites are contrary to the proper planning and sustainable development of the area, during a period of a worsening housing crisis and other material planning considerations.
- It is stated that the population projections upon which the housing allocation is based within the county are fatally flawed and that no housing development has occurred in the town recently. It is unlikely there will be any substantial housing development without the subject site being retained as residential zoned land.
- The submission notes that the draft Direction is made in response to a number of recommendations made by the Office of the Planning Regulator on the Proposed Amendments to the Draft Clare County Development Plan 2023-2029, which was on public display from 28th November 2022 to 3rd January 2023 inclusive. A submission was made by Cunnane Stratton Reynolds on behalf of Mr McHale in respect of site R6 in Killaloe and was duly considered by the local authority, culminating in a decision by the elected representatives to change the zoning of the site from Tourism TOU2 to Residential R6.
- This land was zoned as TOU2 in the draft Clare County Development Plan. The principle of development, albeit non-residential development, has clearly been established for this site and it should be noted that even with the portion of TOU2 which has changed zoning to Residential R6, a substantial amount of land remains zoned for Tourism TOU2 to meet the future tourism needs and potential of the town. The site should not be considered unsuitable

for residential development in principle as it is ideally suited to contribute to meeting the residential needs of the town.

- The proposed bypass will benefit the town substantially from an access and environmental perspective. The existence of the proposed bypass when completed will also clearly open up portions of land in proximity to it for future development including this site that would have been previously constrained for future development purposes.
- To accommodate future residential development on R6, the County Council sought a number of safeguards in the plan which are set out in the submission (as per the County Development Plan).
- It is considered that all the safeguards can be met and will ensure that any proposed development in this location will be consistent with the proper planning and sustainable development of the area and that the site can be zoned for residential development. The OPR's recommendation that the site be returned to tourism acknowledges that the above safeguards can be met with proposed development, albeit related to tourism.
- The strategic flood risk assessment undertaken by the County Council for the production of the Plan (Strategic Flood Risk Assessment) shows this R6 site to be neither within Flood Risk Zone A or B. The flood map in the Plan for Killaloe refers. The submitter asks the County Council to review the flooding status of part of R6. Reasons related to flooding in the draft direction reason (III) does not apply and therefore is not a valid reason for changing the subject site from Residential to Tourism.

The submission requests that the Residential zoning objective of R6 should be retained for the following reasons:

- The Plan fails to meet requirements of Section 95(1)(a) of the Planning and Development Act 2000, as amended, as it does not ensure that sufficient suitable land is zoned for residential or a mixture of residential and other uses to meet the requirements of the Housing Supply Targets. The Housing Targets have been calculated without any regard to the proper planning and sustainable development of Killaloe.
- The housing targets are flawed having failed to have regard to the existing population of the area as per the preliminary results of Census 2022.
- The preliminary results indicated population growth projections have understated growth for Killaloe and are a flawed basis for identifying housing targets.
- Population projections published by the Economic and Social Research Institute (ESRI) including those on Net Inward Migration have been underestimated.

These points are expanded on further in the submission:

- In the submission the deliverability of Residential zoned lands and Strategic Residential Reserve lands in Killaloe is reviewed. The submission states that there is a greater likelihood of R6 being developed compared to other sites in Killaloe (R5 or its natural extension as SR2) within the lifetime of the Plan. It is stated that the zoning of R6 for Residential development is consistent with the advice contained in the Ministerial Guidelines on Development Plans.

- R6 should not be considered ‘piecemeal’ as it is sandwiched between two TOU zonings. The site is an ideal location for future housing for which there is a demonstrable need given the proximity to the town centre.

Submission No: S4/025 – Cllr. Tony O’Brien

Summary of Issues Raised in Submission

The submission relates to lands zoned as Residential (R6) in the Killaloe Settlement Plan contained within the Clare County Development Plan 2023-2029. The Draft Direction issued by the Minister of State at the Department of Housing, Local Government and Heritage instructs the Planning Authority to revert the subject lands from Residential to Tourism.

In the submission, Cllr. O’Brien sets out the reasons in support of retaining the Residential zoning objective (R6) in Killaloe:

- There is currently a huge deficit in housing stock in the Killaloe area. Current lands zoned for residential development have been zoned for a number of development plans with no signs of being developed. The deficit in the housing stock is also denying local people the opportunity to live locally and to own their own home.
- R6 is within the town settlement and by allowing development, this will greatly reduce the requirement for one off housing in the local rural area.
- R6 is already identified as a development site under previous County Development Plans. The Direction requests that the site is rezoned from Residential to Tourism. However, there is still a large area of land adjacent to R6 which is identified for Tourism development as well as other lands within the town.
- The investment in big infrastructural upgrades in the area namely in the wastewater treatment plant and the new Shannon River crossing/Killaloe bypass will enable new developments and create the environment to allow the area to develop in a proper and consequential manner.
- The housing targets allocated to County Clare and Killaloe were done so on outdated data and information namely the 2016 census. The arrival of approximately 4,000 people fleeing the Ukrainian war should have been included as current and valid data when calculating the housing targets/allocations.
- On October 4th, 2022, Minister for Housing, Local Government and Heritage, Darragh O’Brien is quoted in the Kildare Nationalist that more land is required to be zoned as Residential for the purposes of house building.
- The R6 land is approximately 6 kilometres from the Limerick - Shannon Metropolitan Area which has been identified as an area for growth and economic development in all National and Regional development plans. It is stated that the shortage of available housing stock is considered a major impediment to investing or expanding business. R6 will complement and enable the economic development of the region by providing a major area for housing thus helping to alleviate the burden of the chronic housing shortage.

There continues to be an ongoing housing crisis in our Country and Killaloe is no exception. The R6 lands should be retained as Residential for the betterment and sustainability of Killaloe and the entire region.

a) Reinstate the following zoning objectives and associated text consistent with the recommendation of the Chief Executive's Report dated 10th July 2022:

iii. Mullagh R3 - i.e. the subject lands revert to Agriculture from Residential

Submission No: S4/009 – John O'Brien

Summary of Issues Raised in Submission

In this submission, the submitter refers to his lands identified as R3 in the Mullagh Settlement Plan. The submitter states that he made a submission as part of Proposed Amendments public consultation stage of the draft Clare County Development Plan 2023-2029 requesting to have lands previously zoned for Agriculture in the draft Clare County Development Plan 2023-2029 zoned for Residential.

Mr O'Brien wishes for his land to be retained as Residential zoned land and makes the following points:

- The land is within the settlement boundary of Mullagh village.
- The recently upgraded West Clare Water Scheme runs by the land.
- It is very near to the public sewer which has capacity to take additional houses.
- Street lighting is located adjacent to the lands.
- There is fibre broadband in close proximity.
- The land is not in a Flood Risk Zone.
- The land is not near any major road.
- The land is not Additional Zoned Land, it is already zoned residential (R3) in the County Development Plan 2023-2029.
- There is very little zoned residential land within the settlement boundary of Mullagh village and this land would be most sought after.
- There is full planning permission (P20/321) for one house on the lands.

a) Reinstatement of the following zoning objectives and associated text consistent with the recommendation of the Chief Executive's Report dated 10th July 2022:

iv. Liscannor R3 - i.e. the subject lands revert to Agriculture from Residential

Submission No: S4/004 – Elected Members of the Ennistymon Electoral Area

Summary of Issues Raised in Submission

The submission is made by the Elected Members of the Ennistymon Electoral Area, with regard to the Draft Direction as it relates to the lands in Liscannor identified as Residential (R6).

Having participated in the extensive plan-making process and having had referred to all relevant guidelines, practices etc. the zoning of R6 lands is considered to be in line with the proper planning and sustainable development of the area. The reasons for arriving at this view and for requesting the residential zoning of these lands are:

- The proximity of the site to the core of the village. The site is the closest available development site to the main street of Liscannor and developing this site would help to achieve compact and sequential development in the village where pedestrian links can easily be achieved.
- It can leverage the significant state investment in the new Waste Water Treatment Plant in the village. Development has been stifled for years due to the slow pace of investment in critical infrastructure.
- The move to remote working has created high demand for locations such as Liscannor where families can achieve a positive work life balance adjacent to some of the best natural outdoor amenities in the country.

Submission No: S4/005 – Patrick Considine

Summary of Issues Raised in Submission

The submission relates to lands Residential (R3) in the Liscannor Settlement Plan in the Clare County Development Plan 2023-2029. The Draft Direction issued by the Minister of State at the Department of Housing, Local Government and Heritage instructs the Planning Authority to revert the subject lands from Residential to Agriculture.

The submitter notes their understanding of the role of the Elected Members in the preparation of the County Development Plan and having referred to relevant policies and guidelines in that

regard consider R6 zoned lands are in the interest of proper planning and sustainable development.

The current zoning is fully supported and the submitter requests that the Minister removes these lands from his Direction. Reasons for the retention of the residential zoning are outlined below:

Location

The site is in close proximity to the village core and is the closest available site to the main street in Liscannor. Developing this site would help to achieve compact and sequential development in the village. Pedestrian linkage with the main street can be easily achieved.

Infrastructure Investment

There has been significant investment in the new Wastewater Treatment Plant in the village. Development has been stifled for years due to the slow pace of investment in critical infrastructure.

Housing Demand

The move to remote working has created high demand for locations such as Liscannor where families can achieve a positive work life balance adjacent to some of the best natural outdoor amenities in the country.

Intention to Develop

These lands form part of the submitter's ancestral family farm. There are now a wide circle of his extended family actively looking for housing in the area and it is the intention to bring this site forward for development as soon as is practicable, to serve the general housing need and in particular the needs of his relatives.

a) Reinstate the following zoning objectives and associated text consistent with the recommendation of the Chief Executive's Report dated 10th July 2022:

- v) Broadford LDR1 - i.e. the subject lands revert to Agriculture from LDR**
- vi) Broadford LDR2 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR**
- vii) Broadford LDR4 - i.e. the subject lands revert to VGA from LDR**
- viii) Broadford LDR5 - i.e. the subject lands revert to Mixed Use (MU) from LDR**
- ix) Broadford LDR6 - i.e. the subject lands revert to VGA from LDR**
- x) Broadford LDR7 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR**

- xi) Broadford LDR8 - i.e. the subject lands revert to Existing Residential from LDR
- xii) Broadford LDR9 - i.e. the subject lands revert to Existing Residential from LDR
- xiii) Cooraclare LDR1 - i.e. the subject lands revert to VGA and Mixed Use (MU) from LDR
- xiv) Cooraclare LDR2 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR
- xv) Cooraclare LDR3 - i.e. the subject lands revert to VGA from LDR
- xvi) Cooraclare LDR4 - i.e. the subject lands revert to VGA and Agriculture from LDR
- xvii) Cooraclare LDR5 - i.e. the subject lands revert to Agriculture from LDR
- xviii) Cooraclare LDR6 - i.e. the subject lands revert to VGA from LDR

Submission No: S4/016 – Cllr Tony O’Brien on behalf of the Elected Members of Clare County Council

Summary of Issues Raised in Submission

This submission is made in relation to the Minister's request for Clare County Council to omit lands zoned for Residential in Broadford and Cooraclare in the Clare County Development Plan 2023-2029.

Broadford and Cooraclare

- The submission makes references to a survey undertaken by the Department of Housing, Local Government and Heritage that established a number of settlements which have concerning risks to human health and the environment as a result of Domestic Wastewater Treatment Systems. Broadford and Cooraclare were identified as two such settlements and are listed as priority areas for action under the third cycle Water Framework Directive.
- The submission notes that Broadford has potential and ambition to develop into a sustainable commuter community due to its location close to Limerick on the crossroads of the Limerick to Scarriff, O’Briensbridge and Tulla Roads. However, effluent from dysfunctional septic tanks within the village are discharging to the Broadford River. It refers to a recent funding application made by Clare County Council under the Multi-Annual Rural Water Programme 2022-2025 Measure A8 - Waste Water Collection and Treatment Needs for Villages and Settlement without access to Public Wastewater Services which will facilitate the necessary growth and development of the village through the delivery of much needed housing as well as to address serious concerns regarding degradation of water quality in the Broadford River and associated risks to public health. The submission notes that Broadford is a Priority Area for Action in the draft 3rd Cycle of the River Basin Management Plan.

- The submission states that Cooraclare has significant issues in terms of environmental concerns and impacts on the Doonbeg River which flows through the village and that the river is an Area for Restoration in the draft third cycle in River Basin Management Plan 2022-2027. It notes that the Doonbeg River supports a population of Freshwater Pearl Mussels although sewage and septic tank seepage into the river is resulting in the degradation of the mussels. The submission further notes that Clare County Council has also made an application under the Multi-Annual Rural Water Programme 2022-2025 Measure A8 in relation to Cooraclare and that Cooraclare has capacity for growth and that appropriate wastewater infrastructure is required to unlock the capacity.

National, Regional and Local Policy Context

- In line with regional and national policy, the Department of Housing, Local Government and Heritage announced a new funding measure under the Multi-Annual Rural Water Programme 2022-2025 for the Wastewater Collection and Treatment needs of villages/settlement that do not have access to public wastewater services and not provided for under Uisce Éireann's Small Town and Village Growth Programme.
- The new funding measure is aligned with the principles and objectives of all relevant national policies and the principal strategic objectives and policy drivers of the new funding measure are set out by the Department of Housing Heritage and Local Government as follows:
 - **Providing opportunities for rural housing:** Access to good quality public and other services is essential to encourage people to continue to live in rural towns and villages and to support the sustainability of rural communities.
 - **Risk to public health:** The discharge of inadequately treated wastewater may infect water sources, e.g. private wells or public drinking water supplies.
 - **Preventing water pollution:** Adequate wastewater treatment is necessary to prevent water pollution.
- Both Broadford and Cooraclare have been put forward by Clare County Council for this funding opportunity and the development plan making process will support efforts in line with this funding. Each Local Authority was invited to make 2 funding applications, Broadford and Cooraclare were submitted by Clare County Council as applications under the Multi-Annual Rural Water Programme 2022-2025 Measure A8 - Waste Water Collection and Treatment Needs for Villages and Settlements without access to Public Wastewater Services. In anticipation of being approved for funding under this funding stream it is considered essential to zone lands to accommodate future growth and deliver on the investment associated with providing this infrastructure.

Zoning of Land and Provision of Services

- Up until the current Clare County Development Plan 2023-2029, the approach taken by the Planning Authority of Clare County Council has been to zone land in all of its settlements for residential development, in a manner which promotes compact and sequential growth and at an appropriate scale to the existing settlement area. It was considered that this approach is essential to provide for the potential growth of settlements which will create a critical mass

that support existing, and potential expansion of local services and be key to securing investment in wastewater infrastructure.

- It is intended that the zoning of lands in Broadford and Cooraclare will act as an alternative to one off rural housing which currently is the only development option available in the hinterland of these settlements.
- To further reinforce the need for zoning land within smaller unserved villages in order to have any hope of attracting investment in key service infrastructure, Uisce Éireann recently indicated at a presentation to the Elected Members that only settlements which have land zoned for development will be considered by Uisce Éireann for future capital investment in key wastewater infrastructure. This creates a significant disparity between national and regional policy support for the provision of rural wastewater infrastructure, how Uisce Éireann target capital investment for this infrastructure and the future sustainable growth of numerous rural villages.
- The improved wastewater infrastructure will enable the local authority, as part of its multi-functional role, working in collaborative partnership with the community, to lead with other improvements to services and community facilities in the settlements concerned. The public wastewater services made available through the new funding measure contributes to the potential of the settlements to be better places to live, work and visit.

Core Strategy

- Upon completion Uisce Éireann will operate and maintain the schemes and manage future connections. This infrastructure will facilitate the necessary growth and development of Broadford and Cooraclare. It will enable the communities of both villages and Clare County Council to provide vital housing in the village, whilst removing the risk of effluent contributing to a degradation of water quality and to achieve the ambitions of rural development and economic revitalisation.
- Regarding the zoning of lands in Broadford and Cooraclare, the elected members of Clare County Council strongly disagree that the Clare County Development Plan 2023-2029 is inconsistent with national policy, NPO 72 (a-c) stated in the Minister's Draft Direction.

a) Reinstatement of the following zoning objectives and associated text consistent with the recommendation of the Chief Executive's Report dated 10th July 2022:

- iii) Ballynacally VGA3 - i.e. the subject lands revert to Agriculture and Mixed Use from VGA.**

Submission No: S4/023 – PF Molony on behalf of Eugene & Marcella Daly

Summary of Issues Raised in Submission

The submission relates to lands identified as a Village Growth Area (VGA3) in the Ballynacally Settlement Plan contained within the Clare County Development Plan 2023-2029. The Draft Direction issued by the Minister of State at the Department of Housing, Local Government and Heritage instructs the Planning Authority to revert the subject lands from VGA3 to Mixed Use and Agriculture.

- The submission states that the site should be retained as a Village Growth Area (VGA) as it is a central point within the community, located at a crossroads close to a public house and public park.
- Given the objectives outlined for the village of Ballynacally in the draft plan, VGA is the most appropriating designation for this site given its central location. A VGA would ensure that the village would be promoted as a better place to live, work and visit and offer a range of services and community facilities that accords with proper planning and sustainable development.
- The submission disagrees that the site should be categorised within Flood Zone A. The rationale for zoning is based on OPW National Indicative Flood Risk mapping 2019. Mapping produced by the OPW was never intended for this purpose and the mapping has a clear caveat that should only be used as a screening flood indication. There is no previous history of flooding at Ballynacally village, and the subject land has never flooded dating back to 19th century.
- A Hydrology Report accompanies this submission in respect of the site VGA3 which states that the site has a probability as low as Flood Zone C as opposed to Flood Zone A. An alteration to the categorisation of same is also required before full adoption of this Development Plan. In conclusion, it is requested that the site is retained as a Village Growth Area and that the Regulator and Minister give due consideration to this submission in their decision.

a) Reinststate the following zoning objectives and associated text consistent with the recommendation of the Chief Executive’s Report dated 10th July 2022:

- xix) Ennis LDR2 - i.e. the northern portion of the subject lands is amended to Open Space from LDR as per Volume 3a of the proposed amendments to the draft Plan dated 28 November 2022.**

Submission No: S4/006 – Dermot Merry

Summary of Issues Raised in Submission

The submitter objects to the Minister’s request to zone the northern portion of the land as Open Space for the following reasons:

- The lands are in the ownership of four different members of the Merry family, each having inherited a parcel of land from their late parents’ landholding with the intention of providing individual dwellings for their own use or combining the land to provide low density in the future. In any event, the lands must be zoned for residential use as was the case in the past. The Draft Direction for rezoning to northern portion of lands to Open Space sterilises the land for future development and with no access possible to the remaining part of the lands to the south, it will effectively cut off these lands.
- Commercial offices and an associated carpark have existed on an area of the lands zoned LDR2 for many years with private access to same from the public road. Not alone is this proposed open space boundary infringing on a large section of the carpark, the surrounds, the building and the access road, it will prohibit any future extension to the office building. Mr Merry states that in determining the extent of the Open Space as per Volume 3a the Proposed Amendment to the draft Clare County Development Plan that it appears no consideration was given to the foregoing physical conditions, but rather driven by potential flood risk.
- Regard should be had to the comprehensive Flood Risk Assessment (FRA) submitted during the consultation on the Proposed Amendments to the draft Clare County Development Plan 2023-2029 and this should be read as part of this submission. The FRA prepared by Brendan McGrath & Associates in conjunction with Hydro Environmental Ltd accompanies this submission. This report includes the following points:
 - Notes the corresponding change in the accompanying text which refers to the proposed Open Space zoning and queries reference to the ‘northern section’ of the site being at risk from flooding with no associated detailed analysis in Volume 10c (Strategic Flood Risk Assessment) of the Draft Plan.
 - Refers to the hydrological assessment and notes the difference in the level on the site (5mOD) and on other zoned development lands in the Lower Fergus area (downstream of Knox’s Bridge) and the Gaurus area. Lands below 3.2mOD are identified in the Ennis Flood Relief Scheme as potential strategic floodplain storage lands necessary for the Clarecastle barrage operation and considers the extent of flood risk on the lands should be defined by the 3.2mOD contour.

- Queries the extent of OS1 in the map and considers the proposed open space zoning on the site should be confined to the triangular area measuring approximately 0.2 hectares on the west side of the railway embankment [area identified in the hydrological assessment as being below the 3.2mOD].
 - Notes the north-west corner of the landholding comprises parkland and lawn and a vehicular access which also lies above the 3.2 metre contour.
 - Considers there are no reasons for designating this area Open Space and that there is merit in retaining it for residential due to its topography, location close to the town centre and due to its size, it would allow for flexibility in design layout and safe vehicular access.
- It is not practical or economical to develop any remaining land to the south of the proposed open space in the absence of any direct access including the distance of over 400ms to connect with public services.
 - Should the Planning Regulator maintain the view that the residential zoning on the LDR2 land is in excess of what is required and ignores the Flood Risk Assessment, then under such circumstances, the open space boundary proposed should be reduced or omitted from the greater part of the curtilage of the office building and carpark to allow for future expansion as well as the access to the remaining lands to the south without interference to the office grounds.
 - None of the foregoing provisions should be necessary if the Flood Risk Assessment Report was accepted by the Planning Regulator as it was by the Council. In any event, it is most unlikely that any development will take place during the life of the 2023-2029 Development Plan.
 - It is not clear as to why the subject lands, adjoining Ennis Town Centre, are the only lands in the Ennis area which the Regulator considers to be in excess of the Council requirements and it is submitted that some of the reasons stated in the Draft Direction are unreasonable and unfair in this particular case.

- b) Delete subsection 'Existing Accesses onto National Secondary Roads' under 'Exceptional Circumstances' of section 11.2.9.3 of the Plan consistent with the recommendation of the chief executive's report dated 10th July 2022.**

Submission No: S4/001 – Transport Infrastructure Ireland (TII)

Summary of Issues Raised in Submission

Transport Infrastructure Ireland (TII) notes that the Draft Ministerial Direction includes recommendations relating to the adoption of policies addressing 'Existing Accesses onto National Secondary Roads' under 'Exceptional Circumstances' of Section 11.2.9.3 of the Development Plan.

In relation to policies concerning 'Existing Accesses onto National Secondary Roads' under 'Exceptional Circumstances' of Section 11.2.9.3 of the Development Plan, TII's observations remain as set out in the Authority's submission on the Draft Development Plan of 9th March 2022, as well as on the Proposed Amendments to the Draft Plan of 22nd December 2022, which indicated:

Exceptional Circumstances provisions included in Section 11.2.9.3 of the Draft Plan relating to Existing Accesses onto National Secondary Roads conflict with official policy provisions and were recommended to be removed from the Plan in the Chief Executives Report.

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

Having regard to the foregoing, TII confirms support for the Draft Ministerial Direction relating to 'Existing Accesses onto National Secondary Roads' under 'Exceptional Circumstances' of Section 11.2.9.3 of the Development Plan.

Submission No: S4/002 – Míceál Neylon

Summary of Issues Raised in Submission

This submission is made to support the Draft Ministerial Direction, specifically the Minister's request to Clare County Council to omit the exemption provided for under section 11.2.9.3 of the

Clare County Development Plan 2023-2029 relating to 'Existing Accesses onto National Secondary Roads'.

Mr. Neylon has lodged an objection to Clare County Council in respect of an extension to the driving centre at Lismulbreeda. Mr. Neylon's concerns largely centre around the extent of traffic to be generated by the proposal on the private road accessed from the National Secondary Rd, Ennis to Kilrush.

Mr. Neylon wishes to confirm that he supports the draft Direction to omit the exemption provided for under section 11.2.9.3 of the Clare County Development Plan 2023-2029 relating to 'Existing Accesses onto National Secondary Roads' and trusts that this directive will be implemented by the council.

Submission No: S4/003 – Alan & Geraldine Hill

Summary of Issues Raised in Submission

This submission is made to object to the Draft Ministerial Direction, specifically the Minister's request to Clare County Council to omit the exemption provided for under section 11.2.9.3 of the Clare County Development Plan 2023-2029 relating to 'Existing Accesses onto National Secondary Roads'.

The submitters live along the N68 (a national secondary road). All of their lands adjoin the N68 on both sides of the road. None of their lands adjoin any other road. They are retiring and giving their land to their son, who wishes to build a family house on it. Under this proposal, he would be denied permission and therefore become homeless or have to rent a house away from the land. This will cause him to enter and leave the land many times during the day and night (e.g. cows calving). This will cause a greater risk of accidents to both him and others. The proposal is absurd, discriminatory and creates more problems than it solves. The submitters' modest home cannot accommodate two families.

Submission No: S4/008 – Cllr PJ Kelly

Summary of Issues Raised in Submission

This submission is made in relation to the Draft Ministerial Direction, specifically the Minister's request to Clare County Council to omit the exemption provided for under section 11.2.9.3 of the Clare County Development Plan 2023-2029 relating to 'Existing Accesses onto National Secondary Roads'.

- Cllr Kelly states that all three national roads in Clare are regional and the greater parts of these are located within the West Clare MD.
- The proposal to eliminate planning permission along these routes will have serious social cultural and economic impacts on the West Clare MD.
- Denying planning permission to farmers who inherit land will create more problems than it solves as the farmer will have to travel longer distances to the farm several times a day and will result in the farmer entering and exiting via the main road a lot more than if they were based on the land.
- The social and economic impact this would have on West Clare is huge and creates a scenario which conflicts other policies for the area.
- It will result in schools and shops closing and a general exodus from the hinterland due to lack of confidence in the future. Farming will cease to be a viable economic activity.
- The concern of TII could be addressed by sharing exits, recessing front boundaries to a distance of 3m verge of road and extending the area of front boundaries to a distance of 10m at both sides of entry.
- Penalising people because of where they live has serious ethical implications.

Submission No: S4/015 – Michael Duffy

Summary of Issues Raised in Submission

The submission relates to the Waste Water Treatment and Waste Water Treatment Plants within the County and to the exemption provided for under section 11.2.9.3 of the Clare County Development Plan 2023-2029 relating to ‘Access onto National Roads’.

In the submission, extensive reference is made to wastewater and notes the following:

- The National Planning Framework mentions the word wastewater five times in the entire document. One relates to an aspiration to increase capacity at a Dublin wastewater treatment plant, and another is to increase capacity in Galway City. Reference is also made to the NDP National Strategic Outcome 9 which relates to the Sustainable Management of Water and other Environmental Resources.
- The Regional & Economic Spatial Strategy (RSES) for the Southern Region mentions the word wastewater 43 times in the entire document. In the submission, the submitter cites various Regional Policy Objectives (RPOs) contained within the document including RPO 11(k); RPO26 – Towns and Villages and RPO 46 Digital and Physical Infrastructure in Rural Areas; RPO 211 – Irish Water and Wastewater; RPO 212 – Strategic Wastewater Treatment Facilities; RPO 213 – Rural Wastewater Treatment Programmes; RPO 214 – Eliminating Untreated Discharges and Long-term Planning; RPO 215 – Separation of Foul and Surface Water Networks; RPO 216 – Servicing of Rural Villages; RPO26 – Towns and Villages and RPO 46 –Digital and Physical Infrastructure in Rural Areas.
- “To plan increasing population growth in all Key Towns on a phased basis in collaboration with Irish Water, the local authority and other stakeholders to ensure that the assimilative capacity of the receiving environment is not exceeded and that increased wastewater discharges from

population growth does not contribute to degradation of water quality and avoids adverse impacts on the integrity of water dependent habitats and species within the Natura 2000 network”.

- The submitter states that the Strategic Environmental Assessment including the AA for the NDP and RSES and the adopted Clare County Development Plan are flawed as the vast majority of settlements in Clare do not have appropriate wastewater treatment and some have none. This is a flagrant breach of national legislation and European directives. The submission queries the stated population equivalent capacities for all wastewater treatment plants in the County save Corofin, Kilmurry Ibrickane, Lisdoonvarna, Quin and both Liscannor & Kilrush under construction. The submission further states that every wastewater treatment plant in County Clare is in breach of the European Directive 91/271/EEC which seeks to protect the environment from the adverse effects of wastewater discharges.
- It is suggested that the Minister of State must direct that all zonings necessitating wastewater treatment in the adopted plan must be removed until these matters are properly addressed to facilitate sustainable compliant development. It is not appropriate, or sustainable, to permit on-site wastewater treatment systems within designated settlements as a solution to a lack of municipal services. It would be in contravention of objectives requiring compact development given the separation distances required for on-site systems. Reference is made to the Minister of State to the following ECJ case law. C-301/10; C- 502/15; C-427 /1.
- With regard to the Minister’s direction to omit a section on ‘Access to National Roads’, the proposal to delete the reference to "exceptional circumstances" from section 11.2.9.3 is yet another attack on rural people. Given the geography and topography of the County the removal of this reference will have a huge impact on individual families.

Submission No: S4/017 – Cllr. Tony O’Brien on behalf of the Elected Members of Clare County Council

Summary of Issues Raised in Submission

This submission is made on foot of the Draft Ministerial Direction, specifically the Minister's request to Clare County Council to omit the exemption provided for under section 11.2.9.3 of the Clare County Development Plan 2023-2029 relating to ‘Existing Accesses onto National Secondary Roads’.

- The submission states that in line with the Clare County Development Plan 2023-2029, the elected members recommend a less restrictive approach be applied to existing accesses onto national secondary roads where a balance needs to be struck between the important transport function of such roads and the social and economic development of these areas.
- In the Clare County Development Plan 2023-2029, the Council gave consideration to developments utilising existing accesses onto national secondary roads for farmers and their sons and daughters who are actively engaged in farming the land, wishing to build a dwelling house for their own permanent residence on family land. This was, in the members opinion a very cautious approach to facilitating genuine applications with a demonstratable housing need. This was similar to how the 2017-2023 plan policy operated so it is clear that Clare

County Council can ensure that this policy if retained will be implemented only in very exceptional circumstances.

- During the lifetime of the Clare County Development Plan 2017-2023, very few applications for access onto national secondary roads were submitted to the Clare County Council and therefore, the impact on the national secondary road network has been negligible.
- The submission also states that the Croí Cónaithe (Towns) Fund Scheme which provides grants for the refurbishment of vacant properties will result in large numbers of vacant homes being purchased throughout the County which will enable them to be brought back into use. The Council should, in line with this government initiative, consider the use of existing accesses onto the National Road network to facilitate derelict and vacant homes coming back into the housing stock. The reuse and redevelopment of existing vacant/derelict housing stock can significantly contribute to growth and the sustainability of rural communities and should be facilitated where possible. In this regard the retention of the exceptional circumstances policy is critical.

2.1.3. Submissions not related to the Draft Direction:

Submission No: S4/011 – Mary Angela Keane

Summary of Issues Raised in Submission

The submission relates to lands currently zoned as Mixed Use (MU4) and Open Space (OS4) in the Lisdoonvarna Settlement Plan contained within the Clare County Development Plan 2023-2029. These lands are also designated as an Opportunity Site within the Plan due to their proximity to the Square in Lisdoonvarna. The Draft Direction issued by the Minister of State at the Department of Housing, Local Government and Heritage does not include any reference to these lands.

The submitter suggests that this is an ideal opportunity to re-visit the zoning designation assigned to the lands and makes the following points:

- Clare County Council’s objectives have the potential to prejudice the development of the lands by making any proposed development premature pending consultation and agreement to work in collaboration with the family (landowner) in advance of any plan. In the current Clare County Development Plan 2023-2029 the site is zoned 'opportunity site'. There are no other designations on the lands.
- The site is in the town centre, is not on a flood plain and is fully serviced. The proposal, it appears, would be in unison with the national policy to promote proportionate growth within the settlement of Lisdoonvarna and be in keeping with national and regional policy objectives, by allowing for compact forms of development.
- The site has potential to accommodate retirement homes, tourist units, enterprise buildings and is an ideal location for a standalone new school or linkage by way of extension to the existing modern school building.

- The 'opportunity site' designation does not provide the family with the necessary clarity or certainty regarding opportunities for the development of the land/ site going forward.
- The submitter requests that the objectives for the site in the Clare County Development Plan 2023-2029 be redrafted and the 'opportunity site' designation be amended to allow for other options as already stated. Re-zoning will reflect the significant future potential the lands offer. It is essential that the family have adequate certainty regarding the future development of these lands, without the unnecessary apprehension the current designation attracts.
- Allowing adequate time and flexibility within a spirit of collaboration in preparing proposals or plans would provide the family and the wider community with the necessary certainty where possible. In this regard the retention of the exceptional circumstances policy is critical.

Submission No: S4/012 – Angela Fitzpatrick

Summary of Issues Raised in Submission

The submission relates to lands currently zoned as Tourism (TOU1) in the Doonbeg Settlement Plan contained within the Clare County Development Plan 2023-2029.

The submission seeks to have this land dezoned/rezoned for the following reasons:

- Land should not be zoned where flooding exists (even if not officially mapped/recognised.)
- Land should not be zoned where wastewater treatment is not in accordance with national legislation and European directives.
- It is clear from the objective in Volume 3d that this land is prone to flooding. The low-lying nature of this site has no prospects for access to the National Route. An established adjacent permanent residential development makes tourism uses unsuitable as access can only be through a residential area with open space play areas.
- A well-established precedent requires necessary infrastructure to be in place in advance of zoning for development.
- An agricultural, community or open space designation should be applied to this land.

Submission No: S4/013 – Fergus Merriman

Summary of Issues Raised in Submission

The submitter makes the following observations:

- The Minister's proposals are in direct conflict with local democracy.
- The Clare Housing Delivery Action Plan 2022-2026 suggests a significant shortfall in housing provision.

- The national housing crisis resolution allocation is being directed to Limerick and Galway with Clare’s ability to provide housing being depleted.
- Not all residential zoned land can be developed for many complex reasons (despite the Government’s initiatives and penalties), so an adequate diversity of zoned land is required to ensure an adequate housing provision.

Reference is made to CDP19.2 of the Clare County Development Plan which states:

- To ensure that sufficient lands are zoned at appropriate locations in the settlement plans and local area plans of the County, in accordance with the Core Strategy population and housing targets, in order to meet the envisaged land use requirements of the area during the lifetime of this development plan. The Ministers directions are in conflict with local consideration of this key objective achieved by local consultation and appropriate local assessments.
- The national population trends according to the CSO will probably exceed available statistics due to the addition of migration and refugee influx stressing housing provision projections.
- Some infrastructure serviced sites formerly zoned residential have been changed for reasons hidden from public scrutiny.
- De-zoning sites without WWTP infrastructure removes the impetus for investments required by communities who already lack and urgently require such service.
- In addition, Mr Merriman wishes to make a further observation regarding the rejection in the Chief Executive’s Report on the Proposed Amendments to the Draft Clare County Development Plan of his submission in relation to land at Clarecastle. It is stated that there appears to be no obvious rationale for Open Space zoning on brownfield land within the village boundary. In the submission, it is asked what reason is there for this zoning as it prevents the natural development of housing or indeed any development of this site during a housing crisis.

Submission No: S4/014 – Kevin & Nuala Hayes

Summary of Issues Raised in Submission

This submission is made in relation to the zoning of lands for Tourism within the Doonbeg Settlement Plan in the Clare County Development Plan 2023-2029.

The submitters states that these lands are unsuitable for zoning for the following reasons:

- Wastewater treatment is not in accordance with European directives and flooding exists on the land.
- It is clear from the objective in Volume 3d that this land is prone to flooding.
- There is no access to the National Route from this site and the only access is through a permanent residential development which makes tourism uses unsuitable as access is through a residential area with open space play areas.

Submission No: S4/018 – Laurence Hannon

Summary of Issues Raised in Submission

The submission relates to lands currently zoned as Open Space (OS4) in the Quin Settlement Plan contained within the Clare County Development Plan 2023-2029.

- The submitter would like to propose land they own to be considered for residential zoning in the Development Plan.
- The land is zoned Open Space (OS4) and extends to approximately 3.2 acres. The land is serviced and has footpath access to all amenities in the village, including the school, church, shop and community hall.
- Other land zoned as 'Residential' and 'Strategic Residential Reserve' in Quin are without footpath access to the village (unless accessed via an existing housing estate) and are mostly positioned further from the village core than the subject lands.
- The only land zoned with footpath access is currently being developed, it is understood locally that this development (Planning Ref No. 2259) has been bought by a Housing Association and none of the houses will be offered for sale individually, further highlighting the urgency for residential lands to be developed.
- There is access directly from the subject land to the R469. Planning was granted in 2010 (Planning Ref No. 10642) for a new vehicle and pedestrian access to the subject lands and these works have been carried out.
- Quin playground adjoins the submitter's land, and it is considered that development of this land would enhance the village and it would provide for development within Quin village.

Submission No: S4/020 – Carolyn Meaney

Summary of Issues Raised in Submission

- The submission relates to wording included as part of Section 6.21 (Rural Enterprise) of the Clare County Development Plan 2023-2029 which states small-scale enterprises in rural areas will be considered on their individual merits.
- Reference is made to submission S2-911 to the Draft Clare County Development Plan 2023-2029 which sought to allow for the storage of heavy goods vehicles (HGVs) on unzoned lands located outside of settlements. This was accepted by Clare County Council and the submitter considers this decision is unlawful and contradictory to Section 2.5 and 2.6 of the Spatial Planning and National Roads guidelines for Planning Authorities (2012) issued under section 28 of the Planning and Development Act 2000, as amended. It is stated that any proposed storage of HGVs would bring about significantly increased traffic onto National Roads.
- Section 2.5 of the Spatial Planning and National Roads guidelines for Planning Authorities (2012) gives specific guidance with regard to National Roads. The policy of the planning

authority will be to avoid the creation of any additional access point from new development or the generation of increased traffic from existing accesses to national roads to which speed limits greater than 60km/hr apply. This provision applies to all categories of development.

- The submitter concludes that S2-911 needs to be disregarded and the contents of same not be included in the Clare County Development Plan 2023-2029.

Submission No: S4/024 – Dermot Morrissey

Summary of Issues Raised in Submission

The submission relates to lands currently zoned as Tourism in the Doonbeg Settlement Plan contained within the Clare County Development Plan 2023-2029. The Draft Direction issued by the Minister of State at the Department of Housing, Local Government and Heritage does not include any reference to these lands.

The submission states that the land zoned as Tourism (TOU1) is unsuitable for zoning for the following reasons:

- The land in question is prone to flooding and has been for as long as the submitter has lived in area.
- Wastewater treatment is not in accordance with national legislation and European directives in this area.
- The land cannot access the main Doonbeg / Kilkee route. Access through existing residential area, where several young children live, and play in open areas would be unsafe and would impact the privacy of current residents.
- A precedent has been established that in order to zone land for development, existing structures needs to be in place. This is not the case for this area. It is suggested that this land would be better zoned as agricultural, community, or an open space designation.

3. Recommendations on the best manner in which to give effect to the Draft Direction

3.1. Recommendations on 2a: Reinstate the following zoning objectives and associated text consistent with the recommendation of the Chief Executive's Report dated 10th July 2022

Draft Direction

- 2a(i) Kilrush R5 – i.e. the subject lands revert to unzoned 'white lands' from Residential.**
(xx) Ennis LDR2 - i.e. the northern portion of the subject lands is amended to Open Space from LDR as per Volume 3a of the proposed amendments to the draft Plan dated 28th November 2022.

The DRAFT DIRECTION IN THE MATTER OF SECTION 31 OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended) Clare County Development Plan 2023-2029 states that "The Planning Authority is hereby directed to take the following steps with regard to the Development Plan":

2a. Reinstate the following zoning objectives and associated text consistent with the recommendation of the Chief Executive's Report dated 10th July 2022:

- (i) Kilrush R5 – i.e. the subject lands revert to unzoned 'white lands' from Residential.*
(xx) Ennis LDR2 - i.e. the northern portion of the subject lands is amended to Open Space from LDR as per Volume 3a of the proposed amendments to the draft Plan dated 28th November 2022.

Chief Executive's Recommendation in relation to the best manner in which to give effect to the Draft Direction:

(i) **Kilrush R5**

1. Omit the Residential land use zoning objective from the subject land and revert to unzoned 'white lands' consistent with the recommendation of the Chief Executive's Report dated 10th July 2022.
2. Omit the associated text contained in the Kilrush Settlement Plan in Volume 3d of the Interim Clare County Development Plan 2023-2029 as follows:

R5 Lands North of the Ennis Road

This is a large site located north of the Ennis Road at the entrance to the Kilrush Settlement. The lands have the potential to impact on the Lower River Shannon cSAC and River Shannon & River Fergus Estuaries SPA. Any future development proposals shall include mitigation to protect water quality (construction and operation), Special Conservation Interest birds and habitats stipulated in line with Natura Impact Report (NIR) Mitigation 2, 3 and 4a set out in Volume 10a of the Plan.

(xx) **Ennis LDR2**

1. Amend the northern portion of the lands to Open Space from Low Density Residential as per Volume 3a of the proposed amendments to the draft Plan dated 28th November 2022.

2. Amend the associated text contained in the Ennis Settlement Plan in Volume 3a of the Interim Clare County Development Plan 2023-2029 as follows):

LDR2 Knox’s Bridge & OS1

The density of the proposed development will inform the most suitable location for vehicular access. Low density development may be accommodated through the existing access way subject to a satisfactory Traffic Impact Assessment being submitted.

Any development shall be of a high-quality design which sensitively incorporates the orchard/walled garden area, protects the mature trees on site, provides a buffer to the railway line and reflects the riverside setting, providing a green infrastructure buffer along the riverbank. Partial removal of the stone wall dividing the site may be permitted for vehicular and pedestrian access (in an east-west direction). Any planning application relating to this site shall include an archaeological assessment having regard to the proximity of an Archaeology Zone and a number of Recorded Monuments.

The northern section of this site zoned Open Space is located in an area that has been identified as being at risk from flooding. A site-specific Flood Risk Assessment in accordance with ‘The Planning System and Flood Risk Management – Guidelines for Planning Authorities’ (DoEHLG/OPW 2009) shall also be submitted as part of any planning application made in relation to this site. Any development proposals shall include details of how surface water will be controlled during construction to allow the local authority to screen the proposals under Article 6(3) of the EU Habitats Directive. Only proposals that can clearly demonstrate that they will not adversely affect on the cSAC will be permitted.

The trees located on the perimeter of the site shall be retained and incorporated into future development proposals and lighting shall be designed to ensure that there will be no increase in ambient light levels beyond the perimeter of the development footprint (through a Light Spill Model Study). A landscape management plan will also be required.

Draft Direction

2a(ii) Killaloe R6 - i.e. the subject lands revert to Tourism from Residential

The DRAFT DIRECTION IN THE MATTER OF SECTION 31 OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended) Clare County Development Plan 2023-2029 states that “The Planning Authority is hereby directed to take the following steps with regard to the Development Plan”:

2a. Reinstate the following zoning objectives and associated text consistent with the recommendation of the Chief Executive’s Report dated 10th July 2022:

(ii) Killaloe R6 - i.e. the subject lands revert to Tourism from Residential

Notwithstanding the draft Direction of the Minister to the Planning Authority as it relates to Killaloe R6, I consider that the Clare County Development Plan 2023-2029 is consistent with the national policy cited in the draft Direction and that the zoning objective and associated text should be retained for the following reasons:

- Investment in, and delivery of, key service infrastructure - Uisce Éireann confirm that an infrastructural upgrade to the wastewater treatment plant in the Killaloe/Ballina area is due for completion in 2025. The delivery of this key piece of infrastructure will be realised within the lifetime of the Clare County Development Plan 2023-2029 and will cater for increased housing demand in a much sought after location. Given confirmation of the timescale for the delivery of this essential upgrade from Uisce Éireann as the national statutory provider of wastewater infrastructure, I consider the inclusion of R6 lands in Killaloe is consistent with the requirements of NPO72a-c.
- The delivery of upgraded wastewater infrastructure will facilitate the delivery of residential development to provide much needed housing in the town. It is not the intention to encourage a proliferation of development which would detract from the character of the town or be disproportionate in scale. As with any sized urban settlement which has the benefit of key service infrastructure, the strategy is to provide for well-designed residential development which is incremental and balanced in nature, scale and character in accordance with NPO18a.
- It should also be noted that the lack of capacity within the existing wastewater treatment plant has led to little or no new housing development in Killaloe in recent years and currently there is a significant deficit in housing stock in the area. Killaloe's location in proximity to the Limerick-Shannon Metropolitan Area c.6km has also led to increased demand for housing in the area. The Limerick-Shannon Metropolitan Area is identified as a strategic and important area for growth and development in all national and regional planning guidelines. While not located within the Metropolitan Area, given its proximity the importance of Killaloe is recognised nationally, evidenced by the substantial financial investment in significant key infrastructure projects currently being delivered which serve Killaloe, these include the Uisce Éireann upgrade to the wastewater treatment plant and the provision of a new River Shannon road crossing and the development of the Killaloe Bypass, both due for completion in 2025, the latter providing improved strategic access to Killaloe and the R6 lands.

Core Strategy, Unmet Demand and Population

- There have been many unforeseen challenges during the plan preparation process, the most recent being the conflict in Ukraine. As part of the Humanitarian Response to Persons Arriving in Ireland fleeing the Conflict in Ukraine, County Clare has found itself in a unique position nationally in terms of the number of people arriving in the county needing accommodation. The Census (CSO) 2022 figures only just released confirm 4,511 Ukrainian Beneficiaries and an estimated 800 International Protection applicants are currently being accommodated in the County. The Census 2022 population figure for County Clare stands at 127,938 persons, which amounts to circa. 4.15% of County Clare's total population. Of note is the CSO 2022 population figure for County Clare has exceeded that of the National Planning Framework target for 2022 based on the Implementation Roadmap. The ESRI population projection figure for County Clare for 2022, based on the High Migration Scenario, is 124,478 persons some 3,460 short of the actual figure as per the Census 2022 i.e. 127,938 persons.

- The Housing Supply Target (HST) Guidelines Methodology takes account of all projected housing supply, social and private, however it does not take account of the current housing crisis. For County Clare the HST of 4,500 units does not therefore reflect the unprecedented situation in relation to the housing need created by those arriving in the county from Ukraine, nor more recently those seeking International Protection. This unforeseen additional housing need has not been considered in any of the policy documents or methodologies applied to both the population and housing supply target for County Clare. As a result of this unprecedented demand and in the knowledge of the ongoing housing crisis, the demand for housing is over and above what the NPF, RSES and HST methodology has accounted for, lands are required to provide for additional housing units and population in order to plan for the provision of units to cater for this ever-increasing unmet demand over the lifetime of this plan.
- I also refer to an [article](#) in the Kildare Nationalist newspaper dated October 4th, 2022, in which the current Minister in charge of housing, Minister Darragh O'Brien, stated that he is reviewing the National Planning Framework on the basis of new Census data (2022) and that more land needs to be zoned for housing.
- It is clear that current Government housing policy is based on very different circumstances to those at the time when the NPF and RSES were prepared. In deciding to include R6 lands in Killaloe, the Council has applied a plan-led approach to provide choice and to deliver the maximum number of housing units in the most appropriate locations in accordance with current Government housing policy.
- Moving forward, it is my opinion that the approach to achieving proper planning and sustainable development is to include lands identified as suitable for housing development in a planned manner, as part of the plan-making process, albeit may slightly exceed that outlined in the core strategy. This is in contrast to the ad-hoc reactionary manner that has been the experience in recent housing accommodation provision solutions provided in the County and nationally e.g. the use of hotel accommodation - and the consequent significant negative impact on the tourism industry, which is the main economic activity in rural parts of the County in particular - and planning exemptions for fast-track delivery of modular housing units.
- Having regard to all of the above, I consider that the inclusion of the Residential R6 lands in Killaloe in the Clare County Development Plan 2023-2029 is consistent with proper planning and sustainable development and that the County Development Plan is in compliance with the requirements of the Planning and Development Act 2000, as amended, in this regard.

Conclusion

I recommend that the draft Direction to reinstate the Tourism zoning objective and associated text in relation to R6 lands at Killaloe, does not take effect, and request that the Minister reconsider the draft Direction so as to retain the Residential zoning objective on the lands referenced as R6 and the associated text in the Clare County Development Plan 2023-2029. I contend that the inclusion of Residential R6 lands at Killaloe, as described in the Clare County Development Plan 2023-2029, is in line with National and Regional Policy Objectives, the relevant

Ministerial Guidelines, and sets out an overall strategy for the proper planning and sustainable development of Killaloe, by providing a plan-led approach that has adapted to the significant unforeseen changes experienced since the plan-making process commenced in September 2020, and that the Plan is in compliance with the requirements of the Planning and Development Act 2000, as amended.

Draft Direction

2a(iii) Mullagh R3 - i.e. the subject lands revert to Agriculture from Residential

2a(iv) Liscannor R3 - i.e. the subject lands revert to Agriculture from Residential

The DRAFT DIRECTION IN THE MATTER OF SECTION 31 OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended) Clare County Development Plan 2023-2029 states that “The Planning Authority is hereby directed to take the following steps with regard to the Development Plan”:

2a. Reinstate the following zoning objectives and associated text consistent with the recommendation of the Chief Executive’s Report dated 10th July 2022:

(iii) Mullagh R3 - i.e. the subject lands revert to Agriculture from Residential

(iv) Liscannor R3 - i.e. the subject lands revert to Agriculture from Residential

Notwithstanding the draft Direction of the Minister to the Planning Authority as it relates to Mullagh R3 and Liscannor R3, I consider that the Clare County Development Plan 2023-2029 is consistent with the national policy cited in the draft Direction and that the zoning objectives and associated text should be retained for the following reasons:

(iii) Mullagh R3

- Mullagh is served by the West Clare Regional Water Supply, and in the submission, S3/011, on the Clare County Development Plan 2023-2029, Uisce Éireann confirmed that an upgrade to the water treatment plant to provide additional spare capacity is nearing completion. In addition, Mullagh is served by the Quilty Wastewater Treatment System which has more than adequate capacity, 667PE according to the Uisce Éireann Capacity Register, March 2022, to cater for the Core Strategy population over the lifetime of the Clare County Development Plan 2023-2029, as well as significant spare capacity. Unlike many other settlements in West Clare that have limited capacity or no public wastewater facilities, Mullagh can cater for growth and the zoning of R3 lands will facilitate this through the delivery of residential development to provide much needed housing in the area, and this approach is consistent with the requirements of NPO72a-c.
- By capitalising on the availability of key infrastructure in the rural village of Mullagh to provide for much needed housing to serve a permanent resident population it will support the principles of proper planning and sustainable development. It is not the intention of Clare County Council to encourage a proliferation of development which would detract from the character of the settlement or be disproportionate in scale. As with any sized settlement which has the benefit of key service infrastructure, the strategy is to provide for well-designed

residential development which is incremental and balanced in nature, scale and character in accordance with NPO18a.

(iv) Liscannor R3

- In the submission (S3/011) on the Draft Clare County Development Plan 2023-2029 Uisce Éireann confirmed that a project to deliver a wastewater treatment plant for Liscannor is due for completion in 2023. The delivery of this key piece of infrastructure will cater for the provision of housing to meet a pent-up demand that has not been met given the lack of key wastewater infrastructure and has resulted in increased pressure for single rural houses in the rural hinterland. Unlike the majority of settlements in West Clare that have limited capacity or no public wastewater facilities, Liscannor will soon be in a position to capitalise on the investment in the village wastewater infrastructure upgrade providing the necessary capacity to cater for growth, and the zoning of R3 lands will facilitate this through the delivery of residential development to provide for much needed permanent housing in the area, consistent with the requirements of NPO72a-c.
- The delivery of appropriate wastewater infrastructure will facilitate the delivery of residential development to provide much needed housing in the village. It is not the intention to encourage a proliferation of development which would detract from the character of the village or be disproportionate in scale. As with any sized settlement which has the benefit of key service infrastructure, the strategy is to provide for well-designed residential development which is incremental and balanced in nature, scale and character in accordance with NPO18a.
- The growth in tourism, an increase in the number of existing houses in use as holiday homes and inadequate public wastewater facilities has led to little or no new housing development in Liscannor in recent years, which has created a significant deficit in housing stock and an increasing built up demand for permanent homes in the area. An increase in remote working and the movement of local people returning home following the Covid-19 pandemic has seen the demand for permanent housing escalate further. The lack of any housing opportunities within the village has led to significant pressure for single rural houses in the countryside. The lands zoned for residential development, including R3, is specifically for permanent occupancy to cater for this pent-up demand and thereby to ensure Liscannor has a year-round permanent population that will contribute to the social and economic vitality of the settlement consistent with NPO6. In addition, having regard to the location of R3 lands adjacent to the village core it is considered that development of R3 will promote compact growth and the sequential approach in line with NPO3 and RPO3.

Core Strategy/Unmet Demand/Population

- As in my response in relation to the inclusion of Residential R6 lands in Killaloe and the issues surrounding the ongoing housing crisis, these also are applicable in the case of the Residential R3 lands in Mullagh and R3 lands in Liscannor.
- I acknowledge that current Government housing policy is based on very different circumstances to those at the time when the NPF and RSES were prepared. During the plan-

making process in deciding to include R6 lands in Killaloe, the Council has applied a plan-led approach to provide choice and to deliver the maximum number of units in the most appropriate locations in accordance with national housing policy. Moving forward, it is my opinion that the approach to achieving proper planning and sustainable development is to include lands identified as suitable for housing development in a planned manner, including R3 in Mullagh and R3 in Liscannor, as part of the plan-making process rather than in an ad-hoc reactionary manner, as has been the experience in recent housing accommodation provision solutions in the County and nationally e.g. the use of hotel accommodation and the consequent significant negative impact on the tourism industry, which is the main economic activity in rural parts of the County in particular, and planning exemptions for fast track delivery of modular housing units etc. I refer to my more detailed commentary under Killaloe R6 in this regard.

- Having regard to the above, I consider that the inclusion of the Residential lands in Mullagh (R3) and Liscannor (R3) in the Clare County Development Plan 2023-2029 are consistent with proper planning and sustainable development and that the County Development Plan is in compliance with the requirements of the Planning and Development Act 2000, as amended, in this regard.

Conclusion

I recommend that the draft Direction to reinstate the Agriculture zoning objective and associated text in relation to R3 lands at Mullagh and R3 lands at Liscannor, does not take effect, and request that the Minister reconsider the draft Direction so as to retain the Residential zoned lands and associated text in the Clare County Development Plan 2023-2029. I contend that the inclusion of Residential lands at Mullagh and Liscannor, as described in the Clare County Development Plan 2023-2029, are in line with National and Regional Policy Objectives, the relevant Ministerial Guidelines, and sets out an overall strategy for the proper planning and sustainable development of both villages, by providing a plan-led approach that has adapted to the significant unforeseen changes experienced since the plan-making process commenced in September 2020, and that the Plan is in compliance with the requirements of the Planning and Development Act 2000, as amended.

Draft Direction

- 2a(v) *Broadford LDR1 - i.e. the subject lands revert to Agriculture from LDR***
- 2a(vi) *Broadford LDR2 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR***
- 2a(vii) *Broadford LDR4 - i.e. the subject lands revert to VGA from LDR***
- 2a(viii) *Broadford LDR5 - i.e. the subject lands revert to Mixed Use (MU) from LDR***
- 2a(ix) *Broadford LDR6 - i.e. the subject lands revert to VGA from LDR***
- 2a(x) *Broadford LDR7 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR***
- 2a(xi) *Broadford LDR8 - i.e. the subject lands revert to Existing Residential from LDR***
- 2a(xii) *Broadford LDR9 - i.e. the subject lands revert to Existing Residential from LDR***

- 2a(xiii) Cooraclare LDR1 - i.e. the subject lands revert to VGA and Mixed Use (MU) from LDR**
2a(xiv) Cooraclare LDR2 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR
2a(xv) Cooraclare LDR3 - i.e. the subject lands revert to VGA from LDR
2a(xvi) Cooraclare LDR4 - i.e. the subject lands revert to VGA and Agriculture from LDR
2a(xvii) Cooraclare LDR5 - i.e. the subject lands revert to Agriculture from LDR
2a(xviii) Cooraclare LDR6 - i.e. the subject lands revert to VGA from LDR

The DRAFT DIRECTION IN THE MATTER OF SECTION 31 OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended) Clare County Development Plan 2023-2029 states that “The Planning Authority is hereby directed to take the following steps with regard to the Development Plan”:

2a. Reinstate the following zoning objectives and associated text consistent with the recommendation of the Chief Executive’s Report dated 10th July 2022:

- (v) Broadford LDR1 - i.e. the subject lands revert to Agriculture from LDR*
(vi) Broadford LDR2 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR
(vii) Broadford LDR4 - i.e. the subject lands revert to VGA from LDR
(viii) Broadford LDR5 - i.e. the subject lands revert to Mixed Use (MU) from LDR
(ix) Broadford LDR6 - i.e. the subject lands revert to VGA from LDR
(x) Broadford LDR7 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR
(xi) Broadford LDR8 - i.e. the subject lands revert to Existing Residential from LDR
(xii) Broadford LDR9 - i.e. the subject lands revert to Existing Residential from LDR
(xiii) Cooraclare LDR1 - i.e. the subject lands revert to VGA and Mixed Use (MU) from LDR
(xiv) Cooraclare LDR2 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR
(xv) Cooraclare LDR3 - i.e. the subject lands revert to VGA from LDR
(xvi) Cooraclare LDR4 - i.e. the subject lands revert to VGA and Agriculture from LDR
(xvii) Cooraclare LDR5 - i.e. the subject lands revert to Agriculture from LDR
(xviii) Cooraclare LDR6 - i.e. the subject lands revert to VGA from LDR

Notwithstanding the Direction of the Minister to the Planning Authority to reinstate the zoning objectives and associated text consistent with the recommendation of the Chief Executive’s Report dated 10th July 2022, as it relates to Low Density Residential lands in Broadford and Cooraclare, I consider that the Clare County Development Plan 2023-2029 is consistent with the national policy cited in the draft Direction and that the zoning objectives and associated text should be retained for the following reasons:

- Clare County Council made a funding application for the villages of Broadford and Cooraclare under the Multi-Annual Rural Water Programme 2022-2025 Measure A8 - Waste Water Collection and Treatment Needs for Villages and Settlements without access to Public Waste Water Services. On foot of this funding the delivery of wastewater infrastructure will be realised within the lifetime of the Clare County Development Plan 2023-2029. The costing estimates associated with both schemes is included in the applications under the Measure AB

of the Multi-Annual Rural Water Programme 2022-2025 and it is the intention that both schemes will be delivered within the lifetime of the Clare County Development Plan 2023-2029. It is essential that these lands are zoned to accommodate future growth and deliver on the investment associated with providing this infrastructure and I believe the inclusion of Low Density Residential zoned lands in Broadford and Cooraclare is in accordance with the requirements of NPO72a-c.

- The delivery of wastewater infrastructure will facilitate the delivery of residential development to provide much needed housing in both Broadford and Cooraclare. It is not the intention to encourage a proliferation of development which would detract from the character of the villages or be disproportionate in scale. As with any sized rural settlement which has the benefit of key service infrastructure, the strategy is to provide for well-designed residential development which is incremental and balanced in nature, scale and character in accordance with NPO18a.

Broadford's location in proximity to the Limerick-Shannon Metropolitan Area c.10km has also led to increased demand for housing. The Limerick-Shannon Metropolitan Area is identified as a strategic and important area for growth and development in all national and regional planning guidelines. The importance of Broadford, which has the potential to serve as a sustainable commuter town with the provision of the necessary wastewater infrastructure, cannot be underestimated.

- Both Broadford and Cooraclare pose significant risk to human health and the environment due to water contamination of water courses that flow through the villages and are listed as Priority Areas for action under the third cycle Water Framework Directive. Broadford is currently served by older dysfunctional septic tanks and wastewater treatment plants which are discharging directly to the Broadford River which ultimately feeds into the Castle Lake drinking water abstraction source serving a population of over 25,000 and Ratty River Cave SAC and the Lower River Shannon SAC. Broadford is also a Priority Area for Action in the draft 3rd Cycle of the River Basin Management plan.
- The delivery of wastewater infrastructure in Cooraclare will have a significant positive affect on the water quality of the Doonbeg River and associated designated European sites. Cooraclare also has significant issues in terms of environmental concerns and impacts on the Doonbeg River, the associated designated European sites and Fresh Water Pearl Mussel Annex habitats. Located only a short distance from the service town of Kilrush, Cooraclare has capacity for growth, but it remains inhibited due to the existing lack of public wastewater infrastructure. The provision of low density residential lands within these two settlements is essential to ensure that both settlements have the critical mass to justify the level of investment in the provision of wastewater infrastructure.

Core Strategy and Zoning

- Both Broadford and Cooraclare are designated small villages on the settlement hierarchy, a position reflecting the limitations on development resulting from inadequate public investment. Development that will be realised upon the provision of wastewater

infrastructure will be of a relatively small scale relative to that provided for within the County as a whole and insignificant in the context of the overall core strategy. Given the current demands for housing it is important to provide a range of housing options in line with national and regional policy, and with County Clare having the 6th highest figures in the Country for accommodating those fleeing the Ukrainian conflict, this further emphasises the need to broaden opportunity and choice in delivering what is required to meet the ever-increasing housing demand.

- Until the current Clare County Development Plan 2023-2029, the approach taken by the Planning Authority of Clare County Council has been to zone land in all settlements for residential development, in a manner which promotes compact and sequential growth and at an appropriate scale to the existing settlement area. It was, and is, considered that this is an approach that is essential to provide for the potential growth of settlements which will create a critical mass that supports existing, and potential expansion of, local services and will be key to securing investment in wastewater infrastructure.
- The Tiered Approach to zoning of residential lands as set out in Appendix 3 of the National Planning Framework has resulted in over 50 settlements having their residential zoned land removed in the current development plan. The requirement for service provision as set out militates against attracting potential development interest within the unserved settlements, which is contrary to sustainable rural development and fuels the demand for individual single rural houses in the countryside. It is intended that the zoning of lands in Broadford and Cooraclare will act as an alternative to one off rural housing which currently is the only development option available in the hinterland of these settlements.
- In further support of the need for zoning land within smaller unserved villages, Uisce Éireann recently indicated at a presentation to the Elected Members that only settlements which have land zoned for development will be considered by Uisce Éireann for future capital investment in key wastewater infrastructure. This creates a significant disparity between national and regional policy support for the provision of rural wastewater infrastructure, how Uisce Éireann target capital investment for this infrastructure and the future sustainable growth of numerous rural villages. There is a fundamental issue whereby in the absence of residential zoned land, investment in rural wastewater infrastructure will not be forthcoming from the statutory provider, Uisce Éireann. This is being addressed by the Multi-Annual Rural Water Programme 2022-2025 Measure A8 - Waste Water Collection and Treatment Needs for Villages and Settlement without access to Public Wastewater Services.
- I refer to my supporting commentary to my recommendation in relation to the inclusion of Residential R6 lands in Killaloe and the issues surrounding the ongoing housing crisis as these are also applicable in the case of the Low Density Residential zoned lands in Broadford and Cooraclare.
- I acknowledge that current Government housing policy is based on very different circumstances to those at the time when the NPF and RSES were prepared. In the plan-making process, in deciding to include LDR lands in Broadford and Cooraclare, the Council has applied a plan-led approach in order to provide choice and to deliver the maximum number of units

in the most appropriate locations in accordance with national housing policy. Moving forward, it is the opinion of Clare County Council that the approach to achieving proper planning and sustainable development is to include lands identified as suitable for housing development in a planned manner, including Low Density Residential lands in Broadford and Cooraclare, as part of the plan-making process rather than the ad-hoc reactionary manner as has been the case in recent housing accommodation provision solutions in counties and nationally e.g. use of hotel accommodation which has a significant impact on the tourism industry which is central to the rural economy; planning exemptions for fast track delivery of modular housing units etc.

- Having regard to the above, I consider that the inclusion of the Low Density Residential lands in Broadford and Cooraclare in the Clare County Development Plan 2023-2029 are consistent with proper planning and sustainable development, and that the County Development Plan is in compliance with the requirements of the Planning and Development Act 2000, as amended.

Conclusion

I recommend that the draft Direction to reinstate the zoning objectives and associated text for Broadford and Cooraclare, to be consistent with the recommendation of the Chief Executive's Report dated 10th July 2022, does not take effect, and request that the Minister reconsider the draft Direction so as to retain the Low Density Residential zoned lands and associated text in the Clare County Development Plan 2023-2029. I contend that the inclusion of Low Density Residential lands at Broadford and Cooraclare, as described in the Clare County Development Plan 2023-2029, is in line with National and Regional Policy Objectives, the relevant Ministerial Guidelines, and sets out an overall strategy for the proper planning and sustainable development of both villages, by providing a plan-led approach that allows for choice and opportunity where these present themselves in the true spirit of planning properly and sustainably, which is in compliance with the requirements of the Planning and Development Act 2000, as amended.

Draft Direction

2a(xix) Ballynacally VGA3 - i.e. the subject lands revert to Agriculture and Mixed Use from VGA.

The DRAFT DIRECTION IN THE MATTER OF SECTION 31 OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended) Clare County Development Plan 2023-2029 "The Planning Authority is hereby directed to take the following steps with regard to the Development Plan":

2a. Reinstate the following zoning objectives and associated text consistent with the recommendation of the Chief Executive's Report dated 10th July 2022:

(xix) Ballynacally VGA3 - i.e. the subject lands revert to Agriculture and Mixed Use from VGA.

Notwithstanding the draft Direction of the Minister to the Planning Authority as it relates to VGA3 in Ballynacally, I consider that the Clare County Development Plan 2023-2029 is consistent with the national policy cited in the draft Direction and that the VGA3 designation and associated text should be retained for the following reasons:

- Until the current Clare County Development Plan 2023-2029, the approach taken by the Planning Authority of Clare County Council has been to zone land in all of its settlements for residential development, in a manner which promotes compact and sequential growth and at an appropriate scale to the existing settlement area. It was, and is, considered that this is an approach that is essential to provide for the potential growth of settlements which will create a critical mass that supports existing, and potential expansion of, local services and will be key to securing investment in wastewater infrastructure.
- The Tiered Approach to zoning of residential lands as set out in Appendix 3 of the National Planning Framework has resulted in over 50 settlements, including Ballynacally, having their residential zoned land removed in the current development plan. The requirement for service provision as set out militates against attracting potential development interest within the unserved settlements, which is contrary to sustainable rural development and fuels the demand for individual single rural houses in the countryside.
- In order to address this, the Clare County Development Plan 2023-2029 promotes future growth in smaller villages that is incremental and small scale in nature, that is relative and appropriate to the scale, size and character of the village and which makes a positive contribution to the overall enhancement of the village and sustains it into the future. A key aim of the Plan is to seek to achieve compact, sequential growth in all settlements including those that are currently unserved. Having regard to its location in proximity to the village core, the inclusion of the designated Village Growth Area (VGA3) lands in Ballynacally promotes compact growth and the sequential approach in line with NPO3 and RPO3.
- As already outlined, it is not the intention of Clare County Council to encourage a proliferation of development which would detract from the character of the village or be disproportionate in scale. In Ballynacally, as with any sized rural settlement, the strategy is to provide for well-designed development which is incremental and balanced in nature, scale and character in accordance with NPO18a.
- As part of the plan-making process, ground truthing of each settlement was carried out including a site inspection of VGA3 lands at Ballynacally. In relation to topography, it is clear from inspection that there is a significant difference in levels between the land, which is significantly higher, and the watercourse located along its southern boundary which is low-lying. Having regard to the above and information contained in Submission S4/023 relating to these lands, I support the retention of the VGA3 designation subject to the Minister and OPR being satisfied with the report, 'Examination of Flood Risk at Ballynacally Co. Clare', which accompanied the submission.

Conclusion

I recommend that the draft Direction which is to reinstate the zoning objective and associated text for VGA3 designated lands at Ballynacally, to be consistent with the recommendation of the Chief Executive's Report dated 10th July 2022, does not take effect, and request that the Minister reconsider the draft Direction so as to retain the Village Growth Area VGA3 designation and

associated text in the Clare County Development Plan 2023-2029. I contend that the inclusion of VGA3 lands at Ballynacally, as described in the Clare County Development Plan 2023-2029, is in line with National and Regional Policy Objectives, the relevant Ministerial Guidelines, and sets out an overall strategy for the proper planning and sustainable development of the village, by providing a plan-led approach that allows for appropriate growth and choice, and which is in compliance with the requirements of the Planning and Development Act 2000, as amended.

3.2. Recommendations on 2b: Delete subsection ‘Existing Accesses onto National Secondary Roads’ under ‘Exceptional Circumstances’ of section 11.2.9.3 of the Plan consistent with the recommendation of the chief executive’s report dated 10th July 2022.

Draft Direction

2b. Delete subsection ‘Existing Accesses onto National Secondary Roads’ under ‘Exceptional Circumstances’ of section 11.2.9.3 of the Plan consistent with the recommendation of the chief executive’s report dated 10th July 2022.

2b. Delete subsection ‘Existing Accesses onto National Secondary Roads’ under ‘Exceptional Circumstances’ of section 11.2.9.3 of the Plan consistent with the recommendation of the chief executive’s report dated 10th July 2022.

Chief Executive’s Recommendation in relation to the best manner in which to give effect to the Draft Direction:

The Draft Direction in the matter of Section 31 of the Planning and Development Act 2000 (as amended) Clare County Development Plan 2023-2029 states that “The Planning Authority is hereby directed to take the following steps with regard to the Development Plan”:

2b. Delete subsection ‘Existing Accesses onto National Secondary Roads’ under ‘Exceptional Circumstances’ of section 11.2.9.3 of the Plan consistent with the recommendation of the chief executive’s report dated 10th July 2022.

Notwithstanding the draft Direction of the Minister to the Planning Authority as it relates to subsection ‘Existing Accesses onto National Secondary Roads’ under ‘Exceptional Circumstances’ of section 11.2.9.3 of the Plan, I consider that the Clare County Development Plan 2023-2029 is consistent with the national policy cited in the draft Direction and that the zoning objectives and associated text should be retained for the following reasons:

- The inclusion of subsection ‘Existing Accesses onto National Secondary Roads’ under ‘Exceptional Circumstances’ in section 11.2.9.3 of the Clare County Development Plan 2023-2029 is in line with Section 2.6 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) which provides for Exceptional Circumstances in relation to access onto lightly trafficked sections of National Secondary Routes. I believe it is important to apply a less restrictive approach to existing accesses onto national secondary roads, where a balance can be struck between the important transport function of national secondary roads and the

social and economic development of these areas, where this enables farmers with a genuine rural housing need to use existing accesses where there are no suitable alternative sites available with access off a lower-level road.

- This provision was included in the Clare County Development Plan 2017-2023 and as part of that plan-making process the appropriate Roads Authority was consulted, and while a Ministerial Direction was issued to Clare County Council in relation to the Clare County Development Plan 2017-2023, this did not include a direction in relation to its inclusion. Notwithstanding the National Planning Framework and Regional Spatial and Economic Strategy for the Southern Region, I note that to date there has been no update of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012), and I consider it appropriate to retain the provision relating to ‘Existing Accesses onto National Secondary Roads’ under ‘Exceptional Circumstances’ in section 11.2.9.3 of the Clare County Development Plan 2023-2029.
- In reality the number of cases where these exceptions apply is extremely low, with a smaller number again actually being delivered on the ground. The net impact of the inclusion of these ‘Exceptional Circumstances’ in the Development Plan is therefore negligible in terms of facilitating the intensification of existing accesses onto a National Secondary Road as a result of developing a new single rural house, and only then where this fulfils a genuine requirement to live in a specific location i.e. family associated with working a farm.
- This policy also aligns also with RPO27 of the RSES which states that to support rural economies and rural communities, local authorities shall have regard to the viability of smaller towns and rural settlements as well as NPO15 which supports the sustainable development of rural areas by encouraging growth and arresting decline in areas that have experienced low population growth or decline in recent decades and by managing the growth of areas that are under strong urban influence to avoid over-development, while sustaining vibrant rural communities.
- This policy provision supports the Government’s Housing For All policy and the Croí Cónaithe (Towns) Fund Scheme by facilitating access to properties that avail of the scheme for the reuse and redevelopment of existing vacant and derelict housing stock in rural areas (60% of Croí Cónaithe grant applications to date in County Clare have been for properties in rural areas). RPO38 of RSES (Retrofitting Initiative Priorities) supports initiatives at a local level for the refurbishment and upgrading of suitable vacant and underused building stock, and the ‘Exceptional Circumstances’ policy also provides support in this regard. The redevelopment and reuse of vacant and derelict houses in rural areas can significantly contribute to growth and sustainability of rural communities consistent with NPO15 and promotes proper planning and sustainable development.

Conclusion

I recommend that the draft Direction which is to delete subsection 11.2.9.3 ‘Existing Accesses onto National Secondary Roads’ under ‘Exceptional Circumstances’ of section 11.2.9.3 of the Plan, to be consistent with the recommendation of the Chief Executive’s Report dated 10th July 2022, does not take effect, and request that the Minister reconsider the draft Direction so as to retain

the subsection 11.2.9.3 in the Clare County Development Plan 2023-2029. I contend that the inclusion of subsection 'Existing Accesses onto National Secondary Roads' under 'Exceptional Circumstances' of section 11.2.9.3 as described in the Clare County Development Plan 2023-2029 is in line with National and Regional Policy Objectives, the relevant Ministerial Guidelines and the proper planning and sustainable development rural Clare and is therefore in compliance with the requirements of the Planning and Development Act 2000, as amended.

3.3. Submissions not related to the Draft Direction

Submission No: S4/011 – Mary Angela Keane
Submission No: S4/012 – Angela Fitzpatrick
Submission No: S4/013 – Fergus Merriman
Submission No: S4/014 – Kevin & Nuala Hayes
Submission No: S4/018 – Laurence Hannon
Submission No: S4/020 – Carolyn Meaney
Submission No: S4/024 – Dermot Morrissey

Having reviewed the content of the above submissions, I note that they do not relate to any elements of the Draft Direction issued by the Minister and therefore cannot be considered or responded to as part of this process.

Appendices

Appendix 1 List of Submissions Received

Submissions related to the Draft Direction		
	Submission	Name/Organisation
1	S4-001	Transport Infrastructure Ireland
2	S4-002	Michael Leahy on behalf of Míceál Neylon
3	S4-003	Alan and Geraldine Hill
4	S4-004	Shane Talty on behalf of Ennistymon LEA Councillors
5	S4-005	Patrick Considine
6	S4-006	Dermot Merry
7	S4-007	Cunnane Stratton Reynolds on behalf of Michael McHale
8	S4-008	Cllr PJ Kelly
9	S4-009	John O'Brien
10	S4-010	Tom Nolan
11	S4-015	Michael Duffy
12	S4-016	Tony O'Brien on behalf of the Elected Members of Clare County Council
13	S4-017	Tony O'Brien on behalf of the Elected Members of Clare County Council
14	S4-019	Southern Regional Assembly
15	S4-021	Uisce Éireann
16	S4-022	PND Building Consultancy Ltd on behalf of Vincent Rodgers
17	S4-023	Patrick F Molony & Co on behalf of Eugene & Marcella Daly
18	S4-025	Councillor Tony O'Brien
Submissions not related to Draft Direction		
	Submission	Name/Organisation
1	S4-011	Mary Angela Keane
2	S4-012	Angela Fitzpatrick
3	S4-013	Fergus Merriman
4	S4-014	Kevin and Nuala Hayes
5	S4-018	Laurence Hannon
6	S4-020	Carolyn Meaney
7	S4-024	Dermot Morrissey



Appendix 2 Newspaper Notice



COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

NOTICE OF DRAFT DIRECTION ON THE CLARE COUNTY DEVELOPMENT PLAN 2023-2029

Notice is hereby given pursuant to Section 31(7) of the Planning and Development Act 2000 (as amended), that on the 18th April 2023, a draft direction relating to the Clare County Development Plan 2023-2029 was issued by the Minister.

The Minister has formed the opinion that:

- (i) Clare County Council, in making the development plan, has failed to implement recommendations made to it, as planning authority, by the Office of the Planning Regulator under section 31AM of the Act;
- (ii) The Plan, as made, fails to set out an overall strategy for the proper planning and sustainable development of the area;
- (iii) The Plan is inconsistent with national and regional policy objectives specified in the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy for the Southern Region (RSES);
- (iv) The Plan, as made, is not in compliance with the requirements of the Planning and Development Act 2000 (as amended).

The statement of reasons given for the Draft Direction is as follows:

- I. The Development Plan as made includes material amendments to the draft Plan which zone additional residential land in excess of what is required for Clare County as set out in the Core Strategy. These zoning objectives and amendments are located in peripheral and/or non-sequential locations and would encourage a pattern of development in particular locations which is inconsistent with national and regional policy objectives promoting compact forms of development (NPO 3 and RPO 35, which include lands that are not serviced or serviceable within the plan period inconsistent with the requirement to implement a tiered approach to zoning (NPO 72a-c), and inconsistent with national policy to promote proportionate growth of settlements (NPO 18a), and fail to have regard to the policy and objective for a sequential approach to development under section 6.2.3 of the Development Plans, Guidelines for Planning Authorities (2022) issued under section 28 of the Act.
- II. The Development Plan as made includes policy provisions for exceptional circumstances for access on to national roads, which are not consistent with the National Strategic Outcome of the NPF for enhanced regional accessibility, including the maintenance of the strategic capacity and safety of the national road network, are not consistent with regional policy objective RPO 140 to maintain the strategic capacity and safety of the national road network, and do not have regard to section 2.5 and section 2.6 of the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) issued under section 28 of the Act.
- III. The Development Plan as made includes zoning objectives and material amendments to the draft Plan which zone land for uses within flood risk zone A/B that are vulnerable and/or highly vulnerable to flood risk which lands have not passed the plan making Justification Test. These zoning objectives are inconsistent with national and regional policy objectives for flood risk management (NPO 57 and RPO 116) and fail to have regard to The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) issued under section 28 of the Act by not demonstrating on a solid evidence base that proposed land use zoning objectives will satisfy the Justification Test.
- IV. Further, the statement under section 28(1A)(b) attached to the Development Plan as made fails to include information which demonstrates that the planning authority has formed the opinion that it is not possible to implement the policies and objectives contained in the Development Plans, Guidelines for Planning Authorities (2022), and/or in the Spatial Planning and National Roads Guidelines for Planning Authorities (2012) and/or in The Planning System and Flood Risk Management Guidelines for Planning Authorities (2009) because of the nature and characteristics of the area, in addition to failing to include the reasons for the forming of that opinion contrary to section 28(1B)(b).
- VI. The Development Plan has not been made in a manner consistent with, and has failed to implement, the recommendations of the Office of the Planning Regulator under section 31AM of the Act.
- VII. In light of the matters set out at I-VI above, the Minister is of the opinion that the Development Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.
- VIII. In light of the matters set out at I to VI above, the Development Plan is not in compliance with the requirements of the Act.

A copy of the draft direction may be inspected during normal working hours between Friday 28th April and Thursday 11th May 2023 (both dates inclusive) at the following locations:-

- Áras Contae an Chláir, New Road, Ennis.
- Shannon Municipal District Office, Town Hall, Shannon.
- West Clare Municipal District Office, Town Hall, The Square, Kilrush.
- Ennistymon Area Office, Ennis Road, Ennistymon.
- Killaloe Municipal District Office, Mountshannon Road, Scariff and

The draft direction may also be viewed on the Clare County Council website at www.clarecoco.ie and <https://clarecdp2023-2029.clarecoco.ie/>

Making a Submission or Observation

Written submissions or observations in respect of the Draft Direction may be made to the Planning Authority during the consultation period and are hereby invited from members of the public, children, or groups or associations representing the interests of children and other interested parties. Submissions/observations may be made during the period from 28th of April 2023 to 11th May 2023 (both dates inclusive). These submissions or observations shall be included in the Chief Executive's Report and shall be taken into consideration by the Office of the Planning Regulator before it makes a recommendation to the Minister on the matter.

In respect of making a submission or observation please note the following:

- Please insert the heading "Submission to the Draft Direction on the Clare County Development Plan 2023-2029" on your submission
- Please make your submission by one medium only i.e. email or by post. This will avoid the duplication of submission reference numbers and will streamline the process.
- Submissions/observations should include your name and may include address, a map (for identification purposes) and, where relevant, details of any organization, community group or company etc., which you represent. Clare County Council is subject to the provisions of the Data Protection Act (as amended) and General Data Protection Regulation (GDPR). In order to assist us in complying with Data Protection and GDPR please include your name and contact details (and where relevant, details of any organization, community group or company etc., which you represent), on a separate sheet to the content of your submission/ observation. This processing of your personal data is lawful under Article 6 (1)(e) of the GDPR regulations. The Council's Data Protection Policy is available on the Council website.
- Please be advised that all submissions received may be published online in accordance with the requirements of the Planning and Development Act 2000, as amended, and will be summarized in the Chief Executive's Report, which will be published. You should ensure that no vexatious, libellous or confidential information, including confidential information relating to a third party (in respect of which the third party has not, expressly, or impliedly in the circumstances, consented to its disclosure) is included in your submission. The Planning Authority reserves the right to redact any submission or part thereof that does not comply with this requirement. The planning process is an open and public process and therefore your submission (in part or in total) may be available to view online at <https://clarecdp2023-2029.clarecoco.ie/>.

A submission/observation can be submitted by one of the following methods:

- In writing to: Planning Department, Clare County Council, New Road, Ennis, Co Clare, V95 DXP2
- By email to: devplan@clarecoco.ie. Subject headline should read "Submission to the Draft Direction on the Clare County Development Plan 2023-2029".

The deadline for receipt of submissions/observations is Thursday 11th May 2023. Please note late submissions will not be considered.

If you have any queries or require more detail, please contact the Forward Planning Section by email at: forwardplan@clarecoco.ie or by phone at 065-6846407/6846451.

Carmel Kirby, Director of Service,
Economic Development.

28th April 2023.



Appendix 3 Draft Direction

**DRAFT DIRECTION IN THE MATTER OF SECTION 31
OF THE PLANNING AND DEVELOPMENT ACT 2000 (as amended)
Clare County Development Plan 2023-2029**

“Development Plan” means the Clare County Development Plan 2023-2029

“Planning Authority” means Clare County Council

The Minister of State at the Department of Housing, Local Government and Heritage in exercise of the powers conferred on him by section 31 of the Planning and Development Act 2000 (No.30 of 2000) and the Housing, Local Government and Heritage (Delegation of Ministerial Functions) Order 2023 (S.I. No. 116 of 2023), and consequent to a recommendation made to him by the Office of the Planning Regulator, hereby directs as follows:

1. This Direction may be cited as the Planning and Development (Clare County Development Plan 2023-2029) Direction 2023.
2. The Planning Authority is hereby directed to take the following steps with regard to the Development Plan:
 - a. Reinstate the following zoning objectives and associated text consistent with the recommendation of the Chief Executive’s Report dated 10th July 2022:
 - (i) Kilrush R5 – i.e. the subject lands revert to unzoned ‘white lands’ from Residential.
 - (ii) Killaloe R6 - i.e. the subject lands revert to Tourism from Residential
 - (iii) Mullagh R3 - i.e. the subject lands revert to Agriculture from Residential
 - (iv) Liscannor R3 - i.e. the subject lands revert to Agriculture from Residential
 - (v) Broadford LDR1 - i.e. the subject lands revert to Agriculture from LDR
 - (vi) Broadford LDR2 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR
 - (vii) Broadford LDR4 - i.e. the subject lands revert to VGA from LDR
 - (viii) Broadford LDR5 - i.e. the subject lands revert to Mixed Use (MU) from LDR
 - (ix) Broadford LDR6 - i.e. the subject lands revert to VGA from LDR
 - (x) Broadford LDR7 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR

- (xi) Broadford LDR8 - i.e. the subject lands revert to Existing Residential from LDR
- (xii) Broadford LDR9 - i.e. the subject lands revert to Existing Residential from LDR
- (xiii) Cooraclare LDR1 - i.e. the subject lands revert to VGA and Mixed Use (MU) from LDR
- (xiv) Cooraclare LDR2 - i.e. the subject lands revert to Agriculture and Existing Residential from LDR
- (xv) Cooraclare LDR3 - i.e. the subject lands revert to VGA from LDR
- (xvi) Cooraclare LDR4 - i.e. the subject lands revert to VGA and Agriculture from LDR
- (xvii) Cooraclare LDR5 - i.e. the subject lands revert to Agriculture from LDR
- (xviii) Cooraclare LDR6 - i.e. the subject lands revert to VGA from LDR
- (xix) Ballynacally VGA3 - i.e. the subject lands revert to Agriculture and Mixed Use from VGA

and in the case of the following, the zoning objective and associated text shall be amended consistent with the recommendation of the Chief Executive's Report dated 10th July 2022:

- (xx) Ennis LDR2 - i.e. the northern portion of the subject lands is amended to Open Space from LDR as per Volume 3a of the proposed amendments to the draft Plan dated 28 November 2022.

- b. Delete subsection 'Existing Accesses onto National Secondary Roads' under 'Exceptional Circumstances' of section 11.2.9.3 of the Plan consistent with the recommendation of the chief executive's report dated 10th July 2022.

STATEMENT OF REASONS

- I. The Development Plan as made includes material amendments to the draft Plan which zone additional residential land in excess of what is required for Clare County as set out in the Core Strategy. These zoning objectives and amendments are located in peripheral and/or nonsequential locations and would encourage a pattern of development in particular locations which is inconsistent with national and regional policy objectives promoting compact forms of development (NPO 3 and RPO 35, which include lands that are not serviced or serviceable within the plan period inconsistent with the requirement to implement a tiered approach to zoning (NPO 72a-c), and inconsistent with national policy to promoting proportionate growth of settlements (NPO 18a), and fails to have regard to the policy and objective for a sequential approach to development under section 6.2.3 of the *Development Plans, Guidelines for Planning Authorities* (2022) issued under section 28 of the Act.
- II. The Development Plan as made includes policy provisions for exceptional circumstances for access on to national roads, which are not consistent with the National Strategic Outcome of the NPF for enhanced regional accessibility, including the maintenance of the strategic capacity and safety of the national road network, are not consistent with regional policy objective RPO 140 to maintain the strategic capacity and safety of the national road network, and do not have regard to section 2.5 and section 2.6 of the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) issued under section 28 of the Act.
- III. The Development Plan as made includes zoning objectives and material amendments to the draft Plan which zone land for uses within flood risk zone A/B that are vulnerable and/or highly vulnerable to flood risk which lands have not passed the plan making Justification Test. These zoning objectives are inconsistent with national and regional policy objectives for flood risk management (NPO 57 and RPO 116) and fail to have regard to *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) issued under section 28 of the Act by not demonstrating on a solid evidence base that proposed land use zoning objectives will satisfy the Justification Test.
- IV. Further, the statement under section 28(1A)(b) attached to the Development Plan as made fails to include information which demonstrates that the planning authority has formed the opinion that it is not possible to implement the policies and objectives contained in the *Development Plans, Guidelines for Planning Authorities* (2022), and/or in the *Spatial Planning and National Roads Guidelines for Planning Authorities* (2012) and/or in *The Planning System and Flood Risk Management Guidelines for Planning Authorities* (2009) because of the nature and characteristics of the area, in addition to failing to include the reasons for the forming of that opinion contrary to section 28(1B)(b).
- VI. The Development Plan has not been made in a manner consistent with, and has failed to implement, the recommendations of the Office of the Planning Regulator under section 31AM of the Act.

VII In light of the matters set out at I-VI above, the Minister is of the opinion that the Development Plan as made fails to set out an overall strategy for the proper planning and sustainable development of the area.

VIII In light of the matters set out at I to VI, above, the Development Plan is not in compliance with the requirements of the Act.

GIVEN under my hand,

Minister of State with responsibility for Local Government and Planning

day of month, year.

* Please note in relation to the absence of an item V. in the Statement of Reasons for Draft Direction correlates with the numbering in Draft Direction as issued i.e. nothing has been omitted.



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