

## SUBMISSION ON THE DRAFT DIRECTION IN THE MATTER OF SECTION 31

OF THE PLANNING AND DEVELOPMENT ACT 2000 [as amended]

CLARE COUNTY DEVELOPMENT PLAN 2023-2029 .

[Reference Doc A. Vol 3d West Clare Municipal District Clare County Devt Plan 2023-29 B. Draft Direction in the matter of Section 31 PDA 2000 as amended, CCDPlan 23-29]

The essence of this submission is , using the logic applied in the Direction to the reinstatement of R5[ to its previous status of unzoned ‘white lands’, from Residential ] to insist that by using the same reasoning and guideline framework ,that R9 should also be restored to its previous status ,in this case ,Agricultural land/Open space.

More pertinently,the case is even stronger to revert R9 to its previous status,than is that used to reinstate R5.

The following is text from the Minister’s Draft Direction..’the Planning Authority is hereby directed to take the following steps with regard to the Development Plan:

*...2 a. ‘reinstates the following zoning objectives and associated text consistent with the recommendation of the Chief Executive’s Report dated 10/07/2022: [1] Kilrush R5-ie THE SUBJECT LANDS REVERT TO UNZONED ‘WHITE LANDS’ FROM RESIDENTIAL ‘*

*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 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...’’*

Section 6.2.3 ,referred to above, has not been applied in evaluating the zoning of R9, to which it more egregiously has reference than to R5...

Point 1--- R9 is a classic ‘ribbon development’,and manifestly the Council has adopted a spatial pattern of settlement growth ,using an existing road [Fort Road ] and encouraging future use of cars for access,as referred to in the Guidelines ‘‘ growth of settlements, often along radial access routes, characterised by ribbon and low density development, has served to ‘lock-

*in' extremely high levels of car dependence and render settlements too spread out and incoherent to comfortably get around on foot or by bicycle.'*

One would have to look hard to find such an example of the antithesis of the stated policy *“ In undertaking the zoning function for new residential development at individual settlement scale, it is recommended that planning authorities adopt a sequential approach which reflects the compact growth, utilisation of existing infrastructure and town regeneration national policy objectives of the NPF, further developing the Tiered Approach.*

Point 2—The stated policy is ..’ *It is a policy and objective of these Guidelines that planning authorities adopt a sequential approach when zoning lands for development, whereby the most spatially centrally located development sites in settlements are prioritised for new development first, with more spatially peripherally located development sites being zoned subsequently.’* .....it is manifestly obvious that that part- [R9]-of an open agriculturally -designated field, most peripherally- disposed in relation to the Town centre,is being prioritized for development ahead of the more spatially centrally- located development sites. It becomes more incredulous and incomprehensible, when there exists several acres of land [within the same field] North of R9 which are more centrally disposed vis a vis the Town centre,and which remain designated as Open Space/Agriculture.. it is clear that the designation of R9 is unsound as it 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]etc...and is in fact in breach of the law pertaining to same.

It is not just that policy guidelines are not being adhered to in this case,in order to **facilitate the designation of R9**; the invidious fact is that these same policy guidelines are used in relation to **R5 to reverse a designation.**

Point 3-- Nor is there any apparent reason for **exception** to the sequential approach in zoning settlements,as should be the norm—R9 is an outstanding example of clear ‘leapfrogging’ ..if anything, R5 lies within a settlement,whereas R9 does not...to reiterate policy guidelines enshrined in Law *“ The Town Centre First and compact growth approach can be achieved through the prioritisation of lands closest to the centres of settlements. Planning authorities are therefore required to utilise a sequential approach when considering proposals for land-use zoning, in particular for residential development.’*

I call on the Minister to review the Draft Direction 2023 for Clare County Development Plan 2023-2029 and to order that lands designated as R9 should revert to unzoned or Agricultural- use land as the proposed R9 designation is in breach of section 28 of the Act of 2022.

Signed: Tom Nolan MB . [REDACTED]

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