



11 May 2023

Clare County Council,
Planning Department,
New Road,
Ennis,
Co. Clare

To whom it may concern,

I wish to make a submission to the Clare County Development plan 2023-2029 along side the draft direction in the matter of Section 31.

I would like it taken into consideration that Submission S2-911 made by Kieran Kelly Haulage and which has been accepted by Clare County Council is unlawful and is contradictory to the Section 2.5 and 2.6 of the Spatial Planning and National Roads guidelines for Planning Authorities (2012) issued under section 28 of the Act.

Section 2.5 gives specific guidance with regards to National Roads. It goes onto say that Lands adjoining National Roads to which speed limits greater than 60 km/hr apply: 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 60 km/hr apply. This provision applies to all categories of development.

The submission S2-911 made by Kieran Kelly Haulage has requested that Clare County Council provides a policy for the Principle of Open Storage Type Uses outside Designated Settlements to be included in the County Development Plan 2023-2029. Kelly Haulage is proposing and requesting storage sites for HGV's to be granted in unzoned areas outside of designated settlement centres. By the very nature of the business of Kelly Haulage, this would naturally bring about significantly increased traffic onto National Roads.

Clare County Council have readily accepted S2-911 and I propose that it is unlawful and contrary to the planning guidelines that are in place.

S2-911 needs to be revoked and the contents of same not be included in the Clare County Development Plan 2023-2029.

Regards

Carolyn Meaney

SUBMISSION TO DRAFT CLARE COUNTY DEVELOPMENT PLAN 2023-2029

Kieran Kelly

Issue: A

Customer Project Number: 6414

Customer Document Number:



Document Sign Off

SUBMISSION TO DRAFT CLARE COUNTY DEVELOPMENT PLAN 2023-2029

Kieran Kelly
Issue A

File No: 6414

CURRENT ISSUE					
Issue No: A	Date: 26.03.22	Reason for issue: Submission to Draft Clare County Development Plan 2023-2029			
Sign Off	Originator	Checker	Reviewer	Approver	Customer Approval (if required)
Print Name	Mandy Coleman	Paddy Coleman		Mandy Coleman	
Signature	Authorised Electronically				
Date	26.03.22	26.03.22		26.03.22	

PREVIOUS ISSUES							
Issue No	Date	Originator	Checker	Reviewer	Approver	Customer	Reason for issue

1.0 INTRODUCTION

P. Coleman & Associates, Architects, Engineers and Planners have been appointed by Kieran Kelly to prepare a submission to the Draft Clare County Development Plan 2023-2029 (Draft Plan) with specific reference to the importance of established industrial and commercial uses and facilities being provided outside of designated settlement centres.

This submission will address the following:-

Section Two: Describe the types of uses this submission refers to,

Section Three: Outline the need for these uses outside of designated settlement centres,

Section Four: Present the case to Clare County Council to recognise the importance of established industrial and commercial uses located outside of settlement centres

Section Five: Request Clare County Council provide for policy objectives to support the uses the subject of this submission in principle

Section Six: Overall conclusion.

2.0 TYPES OF USES

The types of established uses which are relevant to this submission are those that are extensive in land area that they require but are low in the intensity of use. They can be described as predominately '*open storage*' with a small number of associated buildings required, not warehouse facilities that are typically related to '*Industrial*' land use zoning objectives.

The type of storage uses that require these large land areas are those required by the construction industry, communications industry, haulage, plant hire, agricultural suppliers, freight and bus transport to name a few. These types of businesses require a large amount of equipment, plant and materials in order to efficiently function. During periods where equipment and machinery is not used, these companies require appropriate locations to store and service their equipment and machinery.

These types of bulky equipment and machinery are usually stored outside, and do not require significant covered space. Some such uses include the following:-

- Plant hire equipment/machinery storage for Civil Engineering Plant Contractors
- Construction materials storage by individual Building and Civil Engineering contractors
- Haulage distribution and transport including both freight and bus,
- Plant hire and servicing,
- Storage for Communications cabling, equipment, ducting and fittings all of which are stored externally

These type of uses would have no visiting members of the public and most of the people employed by these businesses work off-site except where plant, product or fittings and machinery needs to be retrieved, repaired or serviced. Staff drive to the yard, collect product and or machinery and leave again. Therefore in terms of trip generation, given the nature of the uses, the proposed uses are likely to generate low traffic numbers and unlikely to have any significant or undue impact on the local road network. Most traffic from these uses will be early morning or late evening.



No major on-site manufacturing or processing takes place with these uses. No major servicing is carried out on site. Only minor servicing, maintenance and light repair works are undertaken by these businesses. No refueling of commercial vehicles takes place on site.

In relation to Plant Hire businesses, when machinery and vehicles are on hire, they generally remain at the worksite for the duration that they are required on site, which can be a few months depending on the nature of the works being undertaken. After completion of the project, machinery and vehicles are returned to the storage yard and remain parked until they are required for another worksite.

The nature of the existing uses are such that they cannot feasibly be located in a confined urban setting and have traditionally been located near national roads and motorways in rural areas or on the periphery or hinterlands of built-up areas.

Given that there are no zonings on lands outside of designated settlements our Client is seeking the provision of a policy objective to be included in the Draft Plan which will permit the principle of these employment uses for distribution and storage and servicing of machinery and vehicles in appropriate locations outside of designated settlements.

Our Client has specific interest in providing for his haulage business on lands at Cragard/Curraderra, Barefield, Ennis which are outside any designated settlement or cluster. Our Client's business is a family run Haulage business which is in operation since 1990. The company is one of the leading haulage companies in the mid-west and currently employs 15 full time employees and 5 part time. At present the business operates from their facility which is located just off the Claireen Roundabout. The existing facility at Claireen was significantly impacted upon by the construction of the Claireen Roundabout and given that the business has expanded over the years, the site at Claireen no longer has the capacity to cater for the full business activity. Currently some of the trucks and trailers are parked up at night at the Roadstone Quarry in Toonagh (formally Ryan's Quarry) and some at O'Keeffe's depot in Lifford with some trucks also being parked at drivers' homes. Our Client has been struggling for years to find a suitable location to accommodate his full business activity and to provide for a safe secure location for the storage of the trucks outside of business hours. In addition, the approval granted for the provision of a new road to be provided from Lees Road junction to the Claireen roundabout, granted permission under Planning Ref: P20-8003, will render the existing facility at Claireen roundabout extremely unsafe for our Client to continue to operate his business.

Our Client acquired a block of land at Cragard/Curraderra, Barefield early in 2020. The lands were in agricultural use but had been neglected for some time. Our Client has been carrying out improvement works to the lands which has included the upgrading and provision of access road and boundary repair. Some of the land is currently in use as agriculture for the overwintering of cattle. Our Client presently has a planning application for consideration by Clare County Council, Planning Permission P21-1259 on a small portion of this land to facilitate the relocation of his business. This application is seeking permission for (a) construction of shed for storage of commercial vehicles and light repair works, (b) waste-water treatment system and percolation area, (b) bored well, (d) upgrade entrance/exit and access road, (e) all ancillary site works and (f) retain gravel area at Cragard/Curraderra, Barefield, Ennis, Co. Clare. Our Client is hoping that he

will obtain permission to provide for his business use on these lands. See Site Location Map of this lands outlined in Figure 1 below.



Site Location Map - Scale 1:2500

O.S. Sheet Ref. No. 4149-C and D: 4207 A and B:
 Printed under Ordnance Survey Licence No. AR 0011021
 Area of Site Application = 0.725 hectares
 Gravel Yard Area to be retained 0.399 hectares
 Area of Land Holding = 14.5 hectares approx
 Proposed Finished Floor Level 25.3m O.D.

Figure 1 – Site Location Map P21-1259



3.0 NEED

3.1 Need for Uses

Civil Engineering, Building, Communication Service, Construction, plant hire and haulage companies (such as our Client's) require a large amount of bulky equipment, and there is a need for 'open storage yards' with a small number of buildings/sheds to efficiently store and maintain their construction material and other items of plant and equipment. This storage use is extensive in land requirement and requires large mounts of space that are not intensive in terms of land value. In terms of land-use zoning objectives this land use would be considered 'Industrial'. However, storage uses require much larger sites, and as such it is not appropriate to locate these sites in zoned, serviced land. Extensive land areas are not available within the county's settlement centres, towns and villages. To locate open storage sites in these areas would be considered an underutilisation of zoned and serviced lands. Some of these established uses can be accommodated in areas that have established commercial and industrial uses in unzoned areas outside the settlement centres. They are not an appropriate or sustainable use of zoned and serviced lands in settlement centres.

We note that Clare County Council have the above needs for storage of Council equipment required to maintain public roads, footpaths, etc. throughout the County. The principle of permitting these uses outside of designated settlement centres would positively meet the future requirements of Clare County Council also for new locations for their storage purposes. The principle of permitting open storage facilities in areas outside of settlement centres could provide a logical alternative location away from urban centres, towns and villages.

Where existing enterprise nodes have development, our Client requests that the Planning Authority take a positive view of proposals which consolidate the node as a place where new, similar development may be accommodated, subject to normal planning considerations. Where due to changing economic or physical circumstances, an alternative or expanded enterprise is proposed at an established commercial location, we request that the Planning Authority will be favourably disposed towards same, provided that the traffic, environmental or visual impacts of such a new development are acceptable and in accordance with other policies and objectives of the Development Plan.

In relation to the provision of ancillary buildings/sheds associated with these 'Open Storage Uses', it is submitted that large outbuildings are a commonplace within rural areas and the appearance of these can be mitigated through siting, design and landscaping. These types of outbuildings would not be an unexpected aspect of Rural areas.

It is noted that within 'Volume One; Written Statement' of the Draft Plan that there is reference to Industrial Zoned lands stating that "*The use of land for industry uses shall be taken to include the use for industrial processing or manufacturing of a scale and nature where there is significant goods manufacturing and related uses*". The uses which are the subject of this submission would not therefore be suitable on these lands.



Also, within some towns and villages in the county there are lands zoned for 'Enterprise' which would also not cater for uses the subject of this submission as it is stated in the Draft Plan that they are more suited for "*small-scale business and enterprise development such as incubator units, craft centres/workshops, small-scale manufacturing, local digital/ technology business etc*".

There is clearly a need for the uses referred to above. We refer to many examples below of these types of uses which are located in rural areas outside of designed settlements. Some of these existing uses have the benefit of planning permission and are regulated through planning conditions. Others are unauthorized with some of these also being immune from enforcement as they have been situ for over 7 years. The unauthorised uses are therefore uncontrolled. Many of these could seek to have their developments regularised through retrospective permission if the principle of their use was deemed to be permitted, with all applications being assessed on their own merits. However, given the lack of policy to support the presence of these uses in these rural areas in the Draft Plan, permission may not be acceptable in principle. Therefore these unauthorised developments, particularly the ones which are immune from enforcement proceedings will never be controlled or regulated. A suitable policy objective in the Draft Plan would allow for businesses which are in existence for in excess of 7 years and which seek to regularise their unauthorised status, to be considered in principle subject to the normal planning consideration.

The following are examples of these similar type of existing established businesses which are located in rural unzoned unserved areas. These examples show that clearly there is a demand for these types of uses to be located in rural areas given the size and nature of their activity.

County Clare

1. Various uses at Lismulbreeda, Darragh, Ennis

Cliff Quarry, Clare Vehicle Testing Centre, Clare County Council yard, Goulding Fertilizer Storage Compound, M&S Boland Civil Engineering Ltd Storage Compound, McClogan Screeding, Neville Civil works and Atlantic Plant Hire & Contract Crushing Ltd.



Figure 2 – Aerial Image of various uses at Lismulbreda, Darragh, Ennis.

2. Builders Compound and Storage Yard located off the N68 at Darragh, Ennis.



Figure 3 – Aerial Image of Builders Compound and Storage Yard at Darragh, Ennis.

3. Builders Compound and Yard at Caherbannagh, Fountain, Ennis



Figure 4 - Aerial Image - Builders Compound & Storage Yard at Caherbannagh, Fountain, Ennis.

4. Truck Haulage Depot at Woodpark, Bunratty, Co. Clare.



Figure 5 – Aerial Image of Truck Haulage Company at Woodpark, Bunratty, Co. Clare.

5. Builders Compound/Storage Yard/Shed at Lismulbreda, Darragh, Ennis.



Figure 6 – Aerial Image of Builders Storage Yard and Shed at Lismulbreda, Darragh.

6. Plant and Machinery Sales Ltd located on the main Ennis to Lahinch Road N85 in Cullinagh, Ennistymon



Figure 7 – Aerial Image of Euro Plant & Machinery Sales Ltd at Cullinagh, Ennistymon,

7. Plant Sales in Carrowdotia, Barefield, Ennis.



Figure 8 – Aerial Image of Whelans Plant & Machinery Sales Ltd at Carrowdotia, Barefield, Ennis

County Limerick

8. Adare Machinery

Planning Permission Ref: 00/2346 - Permission granted for Change of Use of Agricultural Storage Building to commercial Storage Building at Fanningstown, Patrickswell, Co. Limerick. See Figures 8 and 9 below.



Figure 9 – Aerial of Adare Machinery, Truckcar Sales and Walsh’s Commercial Centre with adjacent residential uses.



Figure 10 – Street View of Adare Machinery located directly adjacent to Residential property with other residential properties in close proximity.

9. Goulding Fertiliser Askeaton



Figure 11 – Aerial of Goulding Fertiliser Site in Askeaton



Figure 12 – Street View image from N69 of Goulding site at Askeaton - July 2009



Figure 13 – Street View image from N69 of Goulding site at Askeaton - October, 2019



Figure 14 – Street View image from L1234 of Goulding site at Askeaton - July 2009

County Galway

10. Barna Recycling, Galway Truck and Van Centre, Headford Road Car Dismantlers.



Figure 15 - Barna Recycling, Galway Truck and Van Centre, Corrib Trucks, Headford Road Car-Dismantlers



Many of these types of uses are operating as unauthorized development and are in 'development limbo' (not necessarily the above examples). Our Client requests the introduction of an appropriate policy objective in the Draft Plan which will allow for the principle of these businesses to be permitted which would be consistent with development policy, supportive of local enterprise, local jobs and the economy. If these types of uses were regularised through the Planning Process, these businesses could be strictly controlled in terms of their use, noise, traffic, screening etc.

4.0 DRAFT PLAN

4.1 Policy Objective for Rural Based Uses

We note the following from the Draft Plan in relation to the uses the subject of this submission.

Section 6.21 of the Draft Plan – Rural Enterprises

Rural enterprises are vitally important to sustaining rural populations, supporting the rural economy and generally enhancing the fabric of rural society. The Council recognises that businesses in rural areas and their employees benefit from the high quality of life and the opportunities arising from the available capacity in local social, community and educational facilities. Rural areas in proximity to raw materials and resources may have competitive advantages and be best placed to establish niche enterprises ideally located to serve their markets and provide employment in rural areas. There is also a growing trend for the development of small workshops, some of which are located within the confines of existing houses, in rural areas. Clare County Council will seek to accommodate these, including the suitable expansion of existing facilities wherever possible subject to normal planning considerations.

Proposals for other small-scale enterprises in rural areas will be considered on their individual merits, including:

- the nature of the activity;
- where the workforce is likely to be sourced;
- evidence that its scale is appropriate to a rural area;
- evidence that the enterprise would not be viable on industrial or commercial zoned land in towns and villages nearby;
- evidence that a suitable site is available.

The following proposed policy is of relevance to the types of uses the subject of this submission:-

Policy CDP8.2 Rural Innovation, Enterprise and Employment

It is an objective of Clare County Council:

To encourage growth and arrest the decline of rural areas through supporting the sustainable development of these areas by:

- a) Facilitating innovative rural enterprises and the diversification of the rural economy into new sectors and services including ICT based industries and those addressing climate change and sustainability;



- b) To give favourable consideration to the sustainable development of existing and start-up rural resource-based industries in rural areas;
- c) Supporting and facilitating proposals for new small-scale rural enterprises or extensions to existing small-scale rural based indigenous industries;
- d) Encouraging new commercial uses for vacant or derelict buildings, including historic buildings and buildings in rural areas subject to compliance with appropriate planning, wildlife legislation and service requirements; and
- e) Encouraging and supporting the sustainable development of new rural and farm-related enterprises, existing initiatives, innovation in indigenous enterprise (both hightech and traditional) and on and off farm employment activities.

It is our Clients opinion that the above policy is not supportive enough for the types of uses which are currently operating at the subject lands and indeed at other rural locations around the county. Policy objective CDP8.2 is aimed primarily at rural resource-based businesses. Policies in relation to Working Landscapes outlined in the Draft Plan under CDP14.3 and CDP14.4 are also not adequate as they are only applicable for certain designated areas.

5.0 SUBMISISON REQUEST

5.1 Provide a Policy for the Principle of Open Storage Type Uses outside Designated Settlements

Our Client requests that an appropriate policy, such as the sample below, be included in the Draft Plan that supports open storage type uses in unzoned areas outside of designated settlement centres and that can accommodate future development on such sites. Policies regarding Rural Enterprise, in general in the Draft Plan do not align with National Policy. The National Planning Framework identifies the importance of rescuing rural decline both in terms of employment and in terms of population.

Our Client requests that the Planning Authority adopt a policy such as the one outlined below in the Draft Plan.

To permit development proposals for industrial, storage and/or business enterprises in unserviced rural areas outside of towns or village settings where generally the following criteria are met:-

- a) **the proposed use has locational and or space requirements that can more readily be accommodated in a rural location than an urban setting and this has been demonstrated to the satisfaction of Clare County Council; or**
- b) **the proposal involves the reuse of existing farm buildings or brownfield sites; or**
- c) **the proposal is within an existing enterprise/commercial node with similar development; or**
- d) **the proposal involves the expansion of an existing established business;**
- e) **the resultant development is of a size and scale which remains appropriate, and which does not negatively impact on the character and amenity of the surrounding area;**
- f) **the proposal demonstrates that it has taken into account traffic, public health, environmental and amenity considerations;**
- g) **the proposal is in accordance with the policies, requirements and guidance contained in this plan;**



The request to include a policy objective to provide for the above uses is based on the absolute need to utilise these proposed and established industrial and commercial uses on lands outside of the designated settlement centres for open storage type uses.

We believe that the above requests will ensure that the Draft Plan accords with National policy. The National Planning Framework (NPF) 2040 is a framework to guide public and private investment, to create and promote opportunities for our people and to protect and enhance our environment. The NPF recognises the importance of strengthening the rural fabric, and planning for the future growth and development of rural areas:-

‘The emergence of new technologies and improved infrastructural connectivity provide opportunities for diversification into new employment sectors and to build on the success of many Irish and foreign-owned companies supporting employment in rural areas’.

In terms of specific objectives contained with the NPF we highlight the following:-

Objective 15 states that it is a national policy objective to *‘Support 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’.*

Objective 21 – *Enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services, including ICT based industries and those addressing climate change and sustainability.*

Objective 23 – *Facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing, aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.*

Outcome 3 – *Strengthened Rural Economies and Communities – Encourage and attract entrepreneurship and innovation in the context of the rural economy and its continuing sustainable diversification, particularly where low carbon outputs can be achieved, encouraging ongoing innovational recycling in rural areas and lowering Irelands carbon output through the end-of-life vehicle recycling and reuse.*

Outcome 5 – *A Strong Economy Support by Enterprise, Innovation and Skills – A competitive, innovative and resilient regional enterprise base is essential to provide the jobs and employment opportunities for people to live and prosper in the regions, which can be achieved through supporting entrepreneurialism and building competitive clusters in key sectors and activities through collaborative actions at regional and local level.*



The request to provide for a policy objective as outlined above is based on the absolute need to utilise these proposed and established industrial and commercial uses on lands outside of the designated settlement centres for open storage type uses.

6.0 CONCLUSION

This submission requests that the Draft Plan provide a clear policy objective that supports new and established industrial and commercial open storage type uses in unzoned areas outside of designated settlement centres. It would also ensure that existing permitted business would be permitted to extend and existing businesses seeking to be regularized would be permitted in principle in these areas.

We respectfully request that the Planning Authority give due consideration to this submission in the preparation of the forthcoming plan and that they incorporate very specific policies to deal with the very important matters raised above which need to be dealt with.