



Your Ref: Draft Clare County Development Plan 2023-2029

Our Ref: **FP2021/070**

*(Please quote in all related correspondence)*

25/03/2022

Draft Clare County Development Plan 2023-2029,  
Planning Department,  
Clare County Council,  
New Road,  
Ennis,  
Co Clare.  
V95 DXP2  
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**Re: Draft Clare County Development Plan 2023-2029**

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I refer to correspondence received in connection with the above. Outlined below are heritage related observations/recommendations of The Department under the stated heading(s).

### **Archaeology**

The Department welcomes the opportunity to comment on the Clare Draft County Development Plan 2022-2028 and notes that the plan contains a specific 'Architectural and Cultural Heritage' Chapter (Chapter 16). This submission follows the chapter headings in Volume 1 Written Statement of the CDP, as well as subsequent volumes:

#### **Volume 1—Chapter 1 Introduction and Vision**

The Department welcomes the Vision for County Clare and in particular supports the inclusion within this of Goal XV: *A county that affords protection and conservation to buildings, areas, structures, sites and features of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest and recognises them as a social, cultural and economic asset to the county.*

#### **Volume 1—Chapter 2 Climate Action**

The Department notes that there is cross-referencing between this chapter and the policy commitments outlined in the other sections of the report (including Chapter 16 Architectural and Cultural Heritage). However, neither this chapter nor Chapter 16 include any specific commitments in relation to climate change and archaeology, architectural and cultural heritage. As part of implementation of the *Climate Change Sectoral Adaptation Plan for Built and Archaeological Heritage*, we strongly encourage that this omission is directly addressed.

**The Department recommends inclusion of the following policy objectives:**



- To promote awareness and the appropriate adaptation of Ireland's built and archaeological heritage to deal with the effects of climate change.
- To identify the built and archaeological heritage in local authority ownership and areas at risk from climate change including, but not necessarily restricted to, the Record of Monuments and Places, protected structures and architectural conservation areas designated in the development plan.
- To undertake climate change vulnerability assessments for the historic structures, sites, and underwater archaeological heritage in its area.
- To develop disaster risk reduction policies addressing direct and indirect risks to the built and archaeological heritage in its area.
- To develop resilience and adaptation strategies for the built and archaeological heritage in its area.
- To develop the skills capacity within the local authority to address adaptation / mitigation / emergency management issues affecting historic structures and sites in order to avoid inadvertent loss or damage in the course of climate change adaptation or mitigation works.

**Volume 1—Chapter 3 Core Strategy** - No Comment

**Volume 1—Chapter 4 Urban and Rural Settlement Strategy** - No Comment

**Volume 1—Chapter 5 Housing** - No Comment

**Volume 1—Chapter 6 Economic Development** - No Comment

**Volume 1—Chapter 7 Retail** - No Comment

**Volume 1—Chapter 8 Rural Development and Natural Resources**

The Department welcomes the commitment to protect archaeological heritage as expressed within policy CDP8.14 Minerals, Mining and Quarrying. However, the Department views that the avoidance of development-driven impacts to archaeological heritage is just as critical in relation to other areas of Rural Development and Natural Resources as outlined in this chapter.

**The Department advises** that a similar commitment to appropriately consider and avoid negative impacts should be included in relation other types of proposed developments, in particular, Forestry and Renewable Energy.

**Volume 1—Chapter 9 Tourism**

The Department welcomes and supports the policy commitments at CDP9.4 and CDP9.16 to develop and support sustainable tourism incorporating architectural, archaeological and cultural heritage assets.



**The Department recommends** that the list of named stakeholders in Policy CDP9.16 should be expanded to include the National Monuments Service (DHLGH).

#### **Volume 1—Chapter 10 Sustainable Communities**

The Department notes the policy commitment at CDP10.23 to *provide extensions to existing burial grounds and facilitate the provision of new burial grounds in cooperation with local communities, at appropriate locations*. However, this should be balanced a specific commitment to protect historic burial grounds and to appropriately consider the impact to archaeology and cultural heritage from any expansion to existing burial grounds or establishment of new ones.

- **The Department recommends inclusion of a policy objective:** To protect historic graveyards, including through the avoidance of extensions to them would have an inappropriate level of impact on sub-surface archaeological remains or on their setting or amenity and, in that regard, as an alternative to extensions to historic graveyards to endeavour to find alternative locations where additional land for burial is considered necessary.
- **The Department recommends inclusion of a policy objective:** To ensure that historic graveyards in the ownership or care of the local authority are managed and maintained in accordance with appropriate conservation standards and that local communities involved in care and maintenance of historic graveyards receive appropriate advice regarding such standards.

#### **Volume 1—Chapter 11 Physical Infrastructure etc - No Comment**

#### **Volume 1—Chapter 12 Shannon Estuary**

This chapter clearly recognises the rich and important archaeological, architectural and culture heritage of the Shannon Estuary. It should be stressed, however, that the international significance of the underwater archaeological heritage of the estuary has been demonstrated by the wealth of previously unknown prehistoric, medieval and post-medieval sites and objects (fish-traps, weirs, logboats, wrecks, middens etc.) that were discovered in the course of the Discovery Programme's Shannon estuary intertidal survey (O Sullivan, *Foragers, Farmers and Fishers...*, Discovery Programme, 2001). In this regard the absence of any specific policies within this section of the plan to either protect or promote the archaeological, architectural and culture heritage of the Shannon Estuary is a significant omission and should be addressed.

- **The Department recommends inclusion of a policy objective:** To protect, preserve and promote the underwater (including intertidal and subtidal) archaeological heritage of the Shannon Estuary.
- **The Department recommends inclusion of a policy objective:** To seek and have regard to the advice and recommendations of The Department of Housing, Local Government and Heritage relating to all developments within the Shannon Estuary,



including flood relief schemes, dredging operations, marina developments and aquaculture.

### **Volume 1—Chapter 13 Marine and Coastal Zone Management**

Development, including infrastructure responding to the mitigation of flooding resulting from climate change, within the marine and coastal zones can lead to impacts on both recorded and unrecorded archaeological and cultural heritage occurring in the intertidal and subtidal areas and on the coastal fringes.

- **The Department recommends inclusion of a policy objective:** To protect, preserve and promote the marine and coastal zone archaeological, including underwater, heritage of Co. Clare. Where flood relief schemes are being undertaken the Council will have regard to the Archaeological Guidelines for Flood Relief Schemes (DHLGH and OPW 2021).

Section 13.18 Island development recognises that the 98 islands located along the Atlantic coast of County Clare and in the Shannon and Fergus Estuaries are particularly susceptible to damage from inappropriate development. This includes (but is not limited to) a susceptibility to negative impacts to archaeological, architectural and culture heritage (both terrestrial and underwater). THE Department notes, this regard, that policy CDP13.15 includes a commitment *to have regard to any environmental and/or heritage related designation in the assessment of all applications for development on the islands.*

**The Department recommends** that protection for heritage in policy CDP13.15 should be strengthened by the addition of a specific commitment to require the preparation of appropriate Archaeological and Cultural Heritage Impact Assessments (including Underwater Archaeological Impact Assessment) in relation to any development proposals for the islands.

### **Volume 1—Chapter 14 Landscape**

### **Volume 1—Chapter 15 Biodiversity, Natural Heritage and Green Infrastructure - No Comment**

### **Volume 1—Chapter 16 Architectural and Cultural Heritage**

The Department broadly welcomes the objectives and policies set out in this chapter in relation to the protection and promotion of our archaeological, architectural and cultural heritage.

The Department notes a number of inaccuracies in the summary description at Section 16.4 of the legal protections afforded to archaeological sites and the specific definitions those sites.



**The Department suggest the following alternative wording:**

Archaeology is the study of past societies through their material remains and the evidence of their environment. It is not restricted solely to ancient periods; it includes the study of relatively recent societies through, for example, industrial and military sites. Archaeological heritage is comprised of all material remains of past societies with the potential to add to our knowledge of such societies. It therefore includes the remains of features such as settlements, monuments, burials, ships and boats and portable objects of all kinds, from the everyday to the very special. It also includes evidence of the environment in which those societies lived. Archaeological heritage occurs in all environments, urban and rural, upland and lowland, grassland, tillage and forestry, inland and coastal, dryland, wetland (including peatlands) and underwater (including watercourses, lakes and the sea). Archaeological heritage may exist in the form of upstanding or visible remains, or as subsurface features with no surface presentation.

The National Monuments Acts 1930-2004, International Conventions ratified by Ireland (the “Valletta Convention” and the UNESCO World Heritage Convention), the EU Directive on EIA, the National Cultural Institutions Act 1997 and the Planning and Development Act, 2000 (as amended) provide legal protection for archaeological sites and monuments and a framework for the carrying out of archaeological activities and investigations. The Record of Monuments and Places (RMP)—established under section 12 of the National Monuments (Amendment) Act 1994—which takes the form of lists and maps for each county in the State including Clare. Copies of these lists and maps, as prepared in the 1990s, were circulated to all planning authorities and are now available in PDF format at [www.archaeology.ie](http://www.archaeology.ie). The RMP includes the archaeological monuments—referred to as Recorded Monuments— which had been identified at the time it was issued. Notice to be given to the Minister for Housing, Local Government and Heritage of proposed work at or in relation to any Recorded Monument. Similar protection is provided by the Register of Historic Monuments (established under section 5 of the National Monuments (Amendment) Act 1987) to historic monuments and archaeological areas included in it. The relevant Notification Form can be found at [www.archaeology.ie](http://www.archaeology.ie).

Of course, many more archaeological monuments have been identified since and, while these have not as yet been included in the RMP, an online database of known archaeological monuments (including current RMP entries and ones which will be included in a revised RMP) is available as the Historic Environment Viewer, which can be accessed at [www.archaeology.ie](http://www.archaeology.ie).

The strongest legal protection under the National Monuments Acts in respect of monuments is afforded to national monuments of which the Minister for Housing, Local Government and Heritage or a local authority is owner or guardian or in respect of which a Preservation Order under the National Monuments Acts is in force. A national monument is any monument the preservation of which is a matter of national importance by reason of the archaeological, architectural, historical, traditional or artistic interest attaching to it. The consent of the Minister is required for interference with such national monuments or ground disturbance



around or in proximity to them. Under the National Monuments Acts the Minister and local authorities must maintain national monuments of which they are owners or guardians (the OPW has day to day responsibility in relation to national monuments owned by or in guardianship of the Minister for Housing, Local Government and Heritage) and, subject to such restrictions as are reasonably necessary, seek to provide public access to such national monuments. A list of National Monuments designated in each local authority area and of the Preservation Orders currently in force can be found at [www.archaeology.ie](http://www.archaeology.ie).

All wrecks over 100 years old (whether previously known or just discovered) and all archaeological objects situated underwater, are protected under section 3 of the National Monuments (Amendment) Act 1987. Wrecks of any date and the potential location of wrecks or archaeological objects may also be protected under Section 3 of the 1987 (Amendment) Act by the making of an underwater heritage order, if considered to be of sufficient historical, archaeological or artistic importance to merit such protection. Information on known wrecks can be found in The Department's Wreck Viewer at [www.archaeology.ie](http://www.archaeology.ie).

The Department advises that the Minister for Housing, Local Government and Heritage is responsible for the protection of our archaeological heritage through the exercise of powers under the National Monuments Acts 1930 to 2014; references to consultation in this regard should be updated throughout this section to reflect this.

The Department advises that policies for the protection of our archaeological heritage should also take account of the setting and amenity of sites and monument.

- **The Department recommends inclusion of a policy objective:** To preserve the setting and amenity of all archaeological monuments, with particular regard for upstanding monuments, by ensuring that development in the vicinity of these archaeological monuments is not detrimental to their character or setting by reason of the development's location, scale, bulk or detailing.
- **The Department recommends inclusion of a policy objective:** To support the incorporation of monuments into designated open spaces and public amenity spaces, provided this is done in a manner compatible with the protection and proper management and conservation of the monument in question, in particular through ensuring that such monuments are not left vulnerable, e.g. to erosion or to becoming the focus of vandalism or anti-social behaviour, or are not left in, or allowed to deteriorate to be in, a condition incompatible with public safety. Accordingly, where such incorporation takes place an appropriate and enforceable permanent management and conservation plan will be required.
- **The Department recommends inclusion of a policy objective:** To preserve means of access to monuments currently accessible to the public and to develop further and better access to monuments, including as part of the design of development in their vicinity (where appropriate).



The current national policy as expressed in the *Framework and Principles for the Protection of Archaeological Heritage* (1999) is that there 'should always be a presumption in favour of avoiding developmental impacts on the archaeological heritage'. It is important that appropriate forms of archaeological assessment are carried out in advance of development. Such assessment can be in a variety of forms (from non-invasive to advance archaeological excavation, as appropriate), and assists in avoiding impact of development on archaeological heritage or, where that is not possible, ensuring that preservation by record (through archaeological excavation and recording) takes place. Where archaeological excavation does take place it is important that the results of such investigations are communicated to the wider public.

- **The Department recommends inclusion of a policy objective:** All planning applications for new development, redevelopment, any ground works, refurbishment, and restoration, etc. within areas of archaeological potential or within close proximity to Recorded Monuments or that are large in scale will take account of the archaeological heritage of the area and the need for archaeological mitigation.
- **The Department recommends inclusion of a policy objective:** To ensure that in appropriate cases developments include as a long-term measure appropriate interpretive material regarding the archaeological features identified or uncovered in the course of development or pre-development work, whether or not such features have been preserved *in-situ* or are themselves presented.
- **The Department recommends inclusion of a policy objective:** To provide, in appropriate cases and subject to appropriate safeguards and restrictions, appropriate forms of public access (whether actual or virtual) to archaeological excavations taking place in advance of development.

The Community Monuments Fund (CMF) is an important initiative managed by the Department and administered through Local Authorities. The fund is having a very positive impact on monument repair, conservation and improving access to heritage sites, with a strong community and public involvement and also providing thousands of hours of employment for heritage professionals and trades. The impact of activities supported through this initiative should be recognised within the development plan.

- **The Department recommends inclusion of a policy objective:** To support community initiatives and projects regarding preservation, presentation and access to archaeological heritage and underwater cultural heritage, provided such are compatible with appropriate conservation policies and standards, having regard to the guidance and advice of The Department of Housing, Local Government and Heritage.

**Volume 1—Chapter 17 Towns and Villages** - No Comment

**Volume 1—Chapter 18 Design and Placemaking** - No Comment

**Volume 1—Chapter 19 Land Use and Zoning** - No Comment

**Volume 1—Chapter 20 Implementation and Monitoring** - No Comment



## **Volume 1—Appendices**

### **Appendix 1 Development Management Guidelines—A1.9 Archaeological Heritage**

The Department notes the inclusion of specific management guidelines for archaeology in the planning process. The currently proposed guidelines are lacking in necessary detail and specificity, however.

#### **The Department advises that the following revised guidance should be included:**

The *National Monuments Acts (1930-2004)* provides for the regulation of archaeological activity and for the protection of archaeological heritage (both terrestrial and underwater). The most widely applicable protective mechanism is the Record of Monuments and Places (RMP)—a national inventory of site and monuments—with the strongest legal protection applying to the subset of sites that have been further designated at National Monuments under the Act or a subject to a Preservation Order. A National Monument is any monument the preservation of which is a matter of national importance by reason of the archaeological, architectural, historical, traditional or artistic interest attaching to it. The National Monuments Service, Department of Housing, Local Government and Heritage maintains a database of all known archaeological sites that can be accessed via their website: [www.archaeology.ie](http://www.archaeology.ie).

In considering proposals for development, applicants are advised to consult the archaeological maps (available for viewing in the Planning Department) in order to ascertain whether their development is located in an area of archaeological potential. If a proposed development site is located in such an area or is large in scale (greater than 0.5ha or over 1km in length for a linear scheme), it is advisable to consult with the Council at the earliest possible opportunity. The National Monuments Service of The Department of Housing, Local Government and Heritage may also be consulted, including via the Developments Applications Unit: [manager.dau@housing.gov.ie](mailto:manager.dau@housing.gov.ie).

All planning applications for new development, redevelopment, any ground works, refurbishment and restoration, etc. within areas of archaeological potential or within close proximity to Recorded Monuments must take account of the archaeological heritage of the area and the need for archaeological mitigation. Any persons proposing to carry out works at or in relation to a Recorded Monument must give 2 months written notice, in advance, to the Minister for Housing, Local Government and Heritage. Consent of the Minister for Housing, Local Government and Heritage is required for any interference with or works to a National Monument (whether or not the works are archaeological in nature)

Developers should give due consideration to the following:

- *Framework and Principles for the Protection of Archaeological Heritage*, DAHG (1999)
- *Planning Leaflet 13: Archaeology and the Planning Process*, OPR/DHLGH (2021)
- *Archaeology & Development: Guidelines for Good Practice for Developers*, Heritage Council (2000)



**Volume 2 Maps-** No Comment

**Volume 3 Municipal District Written Statement and Maps-** No Comment

**Volume 4 - Record of Protected Structures -** No Comment

## **Volume 5 Renewable Energy Strategy**

### **Chapter 17 Environmental Considerations & Development Management Advice**

#### **17.2 Environmental Considerations—Built Heritage**

The Department concurs with the broad commitment that Renewable Energy developments should avoid adversely impacting the cultural heritage in the county. The Department notes that particular attention is drawn to the Record of Monuments and Places (RMP), Record of Protected Structures (RPS) and the National Inventory of Architectural Heritage (NIAH) with regard to the identification architectural and archaeological sites and monuments.

**The Department advises that particular attention should be drawn to** Wreck Inventory of Ireland Database (WIID) that includes all known wrecks over 100 years old and have full legal protection under the National Monuments Acts (1930–2004)—207 wrecks are recorded in the WIID from Co. Clare—as well as the statutory listings of National Monuments and sites subject to a Preservation Order. There are 37 designated National Monuments within the county and 19 sites subject to a Preservation Order.

**The Department suggests the following reworking (underlined) of final paragraph of this section:** *Development proposals within or near designated Architectural Conservation Areas (ACAs) and the Zone of Archaeological Potential surrounding recorded monuments and other designated archaeological sites may be constrained. In all cases, the potential impact of proposed developments on archaeological, architectural and cultural heritage must be assessed by way of a comprehensive Cultural Heritage Impact Assessment (CHIA) and appropriate mitigation measures put in place where necessary. Where measures cannot be implemented to eliminate or significantly reduce impacts, developments should consider alternative siting. Advance consultation with the National Monuments Service (DHLGH) with regard to the scope of the necessary CHIA is advised. The aim is to harness the renewable energy potential of the area while preserving and protecting the archaeological, architectural and cultural heritage.*

#### **Strategic Environmental Assessment (SEA) for the Renewable Energy Strategy**

The Department notes that an SEA has been carried out of the proposed Renewable Energy Strategy. Review of this assessment indicates that the potential impacts to archaeological, architectural and cultural heritage from the development of certain Renewable Energy technologies have not been fully stated. The broad commitment against permitting energy developments that involves the loss of cultural heritage is very welcome. However, this must be balanced by appropriate identification of the risks to cultural heritage (in its widest sense) that can eventuate from development of each type of technology, to ensure that fully informed planning decisions can be made in this regard.



**The Department advises that:**

*Solar*: Utility-scale solar projects are large in scale and have the potential to have both direct impacts—though ground disturbance, etc—and indirect impacts—visual impacts or impacts to setting/amenity—to archaeological, architectural and cultural heritage. This is not clearly articulated in the current RES or SEA for the RES.

*Wave and Tidal Energy*: This has the potential for direct impacts to maritime/underwater archaeology and cultural heritage through disturbance of the seabed. This is not clearly articulated in the current RES or SEA for the RES.

*Micro Hydro and Pumped Hydro*: Both technologies would require alteration to existing rivers or watercourses creating potential for direct impact to underwater archaeological heritage. This is not clearly articulated in the current RES or SEA for the RES.

**Volume 6 Wind Energy Strategy**

**Annex A: Best Practice and General Considerations for wind energy developments in County Clare**

The Department notes that the guidance provided in relation to the management of archaeological, architectural and cultural heritage issues in the context of a proposed terrestrial wind energy project is not adequately aligned to the current *Wind Energy Development Guidelines, Guidelines for Planning Authorities* (DEHLG, 2006)—see in particular Sections 4.5, 5.4 and 5.5 of the *Guidelines*—or current best practice with regard to development control generally.

**6.1 General Considerations for Applications for Wind Energy Development**

No high-level guidance in relation to archaeological, architectural and cultural heritage has been included in this section, this omission should be addressed.

**The Department recommends inclusion of additional guidance:**

A Cultural Heritage Impact Assessment—encompassing archaeological, architectural and cultural heritage—may also be required as appropriate.

**The Department suggests the following rewording (underlined):** *The Council may require as appropriate, the preparation and implementation of an Environmental Management Plan (incorporating surface water, groundwater protection, slope stability, flood risk potential, waste generation and management, ecology and protection of natural heritage and protection of cultural heritage) for wind energy developments.*

**6.6 Cultural Heritage—Archaeology**

This section is not aligned with the current *Wind Energy Development Guidelines, Guidelines for Planning Authorities* (DEHLG, 2006) or with the *Framework and Principles for the Protection of Archaeological Heritage*, DAHG (1999)—particularly in light of the scale and character of terrestrial wind energy projects.

**The Department recommends that the current wording is replaced with the following:**

- All applications will be required to undertake an assessment of the impacts of the proposed development on the archaeological resource. The assessment should



address direct impacts on the integrity and visual amenity of monuments and include appropriate mitigation measures. This assessment must include a desktop study and comprehensive field inspection as well as any further additional prospection—such as geophysical survey or advance archaeological excavation—as may be required to adequately characterise the baseline environment and identify likely impacts of the proposed development.

- Assessments must be undertaken by a suitably qualified archaeologist. The applicant should consult in advance with Clare County Council and the National Monuments Service (DHLGH) with regard to the scope and requirements for the assessment.
- Developments should seek in the first instance to avoid and mitigate impacts to archaeology through appropriate design including (but not limited to) relocation of position of turbine(s) and other infrastructure in order to minimise impact on the archaeological heritage and/or create buffer zones; and temporary fencing-off of archaeological monuments during construction, repairing and decommissioning in order to protect and preserve the monument.
- The Construction Environment Management Plan shall clearly identify and highlight the location of all archaeological and cultural heritage constraints located in proximity to the proposed works and incorporate any applicable mitigation measures required.

**Volume 7 Clare Retail Strategy** - No Comment

**Volume 8 Clare Housing Strategy** - No Comment

**Volume 9 Strategic Integrated Framework Plan (SIFP) for the Shannon Estuary** - No Comment

**Volume 10 Environmental Appraisal of the Plan** - No Comment

### **Underwater Archaeology**

The Department welcomes the inclusion (Section 16.4.1) in the draft Development Plan of a section on underwater archaeology but would recommend that the following additions be made to strengthen its protection and promotion.

Please note proposed insertions are underlined below.

CDP16.8 It is an objective of Clare County Council:

- a) To safeguard sites, features, protected wrecks, and objects of archaeological interest generally;
- b) To secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments included in the Record of Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994, and of sites, features and objects of archaeological and historical interest generally and of protected wrecks and underwater archaeological heritage; c) In securing such preservation, to have regard to the advice and recommendations of the Department of Housing, Local Government and Heritage;



d) To have regard to the government publication Framework and Principles for the Protection of the Archaeological Heritage 1999 in relation to protecting sites, features and objects of archaeological interest; and e) To advocate for greater financial assistance for the maintenance and improvement of features of archaeological interests in County Clare.

Development Plan Objective:

Newly Discovered Archaeological Sites

CDP16.9 It is an objective of Clare County Council:

To protect and preserve archaeological sites discovered since the publication of the Record of Monuments and Places.

#### **16.4.1 Underwater Archaeology**

County Clare has an extensive coastline and network of inland water bodies with a rich and diverse underwater archaeology. From the Bronze Age fish weir at Islandmagrath (Fergus Estuary), medieval fish weirs and 18th and 19th century kelp walls in the Shannon Estuary to the possible location of Spanish Armada ships off the west coast of Quilty, great opportunities exist to further investigate this archaeological potential.

Logboats, such as the example from the River Fergus, Clareabbey, have also been previously recorded from the county's waterways. Artefacts may also be deposited in lakes and rivers as part of a ritual deposition or as a result of accidental loss, particularly at crossings or fording points. Increasing levels of erosion due to climate change are likely to expose even more coastal and intertidal artefacts and features, including submerged landscapes, in the future.

The protection of underwater cultural heritage in all its forms (which includes a range of features, including wrecks, remains of bridges and submerged, or partially submerged, coastal and riverine structures and palaeolandscapes) is a core objective of Clare County Council in relation to archaeological heritage. Climate change mitigation infrastructure such as flood relief schemes and other forms of flood defence can have significant impacts on both underwater and terrestrial archaeological heritage. Where flood relief schemes are being undertaken the Council will have regard to the Archaeological Guidelines for Flood Relief Schemes (DHLGH and OPW 2022).

The Underwater Archaeology Unit (UAU), Department of Housing, Local Government and Heritage is engaged in the compilation of an inventory of shipwrecks recorded in Irish waters, including the Co. Clare coast. The Wreck Inventory of Ireland Database (WIID) includes all known wrecks over 100 years old and approximately 18,000 records have been compiled and integrated into the shipwreck database thus far. Wrecks 100 or more years old have full legal protection under the National Monuments Acts. They (along with archaeological objects) are automatically protected and generally do not feature in statutory listings (the Record of Monuments and Places and the Register of Historic Monuments). A total of 207 wrecks are recorded in the WIID from Co. Clare. The National Monument Service's Wreck Viewer has been developed to facilitate easy access to the WIID. The Wreck Viewer displays



only wrecks for which we have a recorded location (approx. 22% of total entries in the WIID). Of the wrecks listed for Ireland, most are without exact locations and the records of wrecking pertaining to them date from the 18th century or later. Many more previously unknown wrecks therefore await discovery in the coastal waters off Clare and in the county's inland waterways, dating to earlier times but which went unrecorded when lost.

Development Plan Objective:

Underwater Archaeology

CDP16.13 It is an objective of Clare County Council

- a) To protect, preserve and promote the archaeological value of underwater archaeological sites in rivers, lakes, intertidal and sub tidal environments; b) In assessing proposals for development, the Council will take account of the Archaeological Potential of rivers, lakes, intertidal and sub-tidal environments. Where flood relief schemes are being undertaken the Council will have regard to the Archaeological Guidelines for Flood Relief Schemes (DHLGH and OPW 2021).
- c) To support the further exploration of the underwater archaeology of County Clare, including the San Marcos project, and any subsequent projects that may arise during the lifetime of this Plan.

### **Nature Conservation**

The following observations are made by The Department in its role as the authority with overarching responsibility for nature conservation and the nature directives (i.e. the Birds and Habitats Directives). The observations are not exhaustive but are intended to assist the planning authority in meeting its obligations in relation to nature conservation, European sites, biodiversity and environmental protection in the process of reviewing and preparing the County Development Plan 2023-2029 for Clare, hereafter referred to as the CDP. Specific observations on policy, strategy and objectives are intended to be of assistance in enhancing and strengthening sections of the plan which already have been identified as important natural heritage policies.

### **Core Strategy and strategic aims**

Though partially covered under a number of different headings/sections in CDP3.1 of Chapter 3 (Core Strategy) The Department recommends that the CDP has a clear standalone overarching strategy/policy to undertake Appropriate Assessment (AA), Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA) and Ecological Impact Assessment (EclA) as required and appropriate in relation to all downstream plans and projects arising from the plan. This should be clearly stated in the core strategy of the CDP.

Ecological Impact Assessment (EclA) should be added to the existing **CDP3.1** list as it is currently omitted and The Department recommends that it is an objective of CDP's to ensure non statutory Ecological Impact Assessment (EclA) will be carried out for any proposed developments likely to significantly impact on natural habitats or species.



The Department recommends that it is an objective of the CDP to implement the objectives of the National Biodiversity Action Plan 2017-2021 and thus promote sustainable development, and this should be a key objective within the core strategy. It is not currently included within Chapter 3 (Core Strategy) nor within CDP3.1 and therefore this should be addressed with this objective added.

Both of the above objective/strategies should also be mentioned in **section 15.1 (Strategic Aims) of Chapter 15 (Biodiversity, Natural Heritage and Green Infrastructure)** as they are not currently mentioned there.

The above is in keeping within the framework of the government approved National Biodiversity Action Plan 2017-2021 (NBAP) '*...to halt the loss of biodiversity and the degradation of ecosystems in the EU and globally*' biodiversity protection and conservation must be embedded within all development plans. Objective 1 of the NBAP is to '*Mainstream biodiversity into decision-making across all sectors*'. Development plans are specifically mentioned under this objective within action 1.1.6 '*Local Authorities will review and update their Development Plans and policies to include policies and objectives for the protection and restoration of biodiversity*'. The performance indicator to measure how this objective is to be achieved will be the '*Number of explicit policies and objectives for biodiversity and ecosystem services in County Development Plans and other Local plans per Local Author.*'

#### **Biodiversity, Natural Heritage and Green Infrastructure**

Regarding objective **CDP15.3 and European sites** in section b) "likely significant effect" should be changed to "possible significant effect".

In addition a 4<sup>th</sup> specific subsection for the protection of European sites should be added in as **CDP15.3 d)**..... "No projects giving rise to significant cumulative, direct, indirect or secondary impacts on Natura sites arising from their size or scale, land take, proximity, resource requirements, emissions (disposal to land, water or air) transportation requirements, duration of construction, operation, decommissioning or from any other effects shall be permitted on the basis of this plan (either individually or in combination with other plans or projects".

Regarding **CDP15.5 and Natural Heritage Areas (NHA's)** the following should be added in regarding the format of assessment as CDP15.5 c)....."To ensure the impact of development within or adjacent to national sites, Natural Heritage Areas, RAMSAR Sites, National Park and Nature Reserves is assessed by requiring the submission of an Ecological Impact Assessment (EclA) prepared by a suitably qualified professional which should accompany planning applications and council developments".

Regarding **CDP 15.12 under Promoting and Protecting Biodiversity and Wildlife Corridors** the following three objectives should be considered for substituting the current a) and b).....



*“1. To support the protection and enhancement of biodiversity and ecological connectivity within the plan area in accordance with Article 10 of the Habitats Directive, including linear landscape features like watercourses (rivers, streams, canals, ponds, drainage channels, etc.), woodlands, trees, hedgerows, road and railway margins, semi-natural grasslands, natural springs, wetlands, stonewalls, geological and geo-morphological systems, features which act as stepping stones, such as marshes and woodlands, other landscape features and associated wildlife where these form part of the ecological network and/or may be considered as ecological corridors or stepping stones that taken as a whole help to improve the coherence of the Natura 2000 network in Clare.”*

*“2. To protect non-designated sites from inappropriate development, ensuring that ecological impact assessment is carried out for any proposed development likely to significantly impact on locally important natural habitats, protected species or wildlife corridors. Ensure avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment (EclA).”*

*“3. To develop and implement a Green infrastructure Strategy for the county within the lifetime of the Plan in consultation with adjoining local authorities, key stakeholders and the public, subject to compliance with Articles 6 and 10 of the Habitats Directive. The Strategy will integrate policies and objectives under a number of headings including; natural heritage, parks and open spaces, built heritage and archaeology, water management, flooding and climate change allowing for a strategic approach to green space planning in the County.”*

Regarding **CDP 15.14, under Habitat Fragmentation**, the following should be considered as an addition at the end of the existing text....

“To ensure that traditional field boundaries, ponds or small woods which provide important ecological networks are protected. Where such features exist on land which is to be developed the applicant should demonstrate that the design of the development has resulted in the retention of these features and that the existing biodiversity value of the site has been protected and enhanced.”

Regarding **CDP15.15, under Biodiversity on Local Authority Lands**, reference to the use of and prioritisation of native Irish species in landscaping etc. should be incorporated into the existing text.

Regarding **CDP15.16 under Inland Waters, River Corridors and Riparian Zones**, the following text could be added on to the last sentence at the end of section a)..... “which provides space for storage and conveyance of floodwater, enabling flood risk to be more effectively managed and reducing the need to provide flood defences in the future”.

In addition the following text should be added into the start of section b).... “ensure that development does not impact on important wetland sites within river/stream catchments”. Section d) has an objective to “improve appropriate access to waterways and river corridors” and e) “To encourage development proposal”. However continued development or improved access to areas with high ecological sensitivity can be problematic in terms of conflict with the conservation objectives of sites and with the protection of biodiversity. An extra line of text should be added to both “where compatible with nature conservation and biodiversity



protection and where potential issues have been addressed in Strategic Environmental Assessment (SEA), Appropriate Assessment (AA) and Ecological Impact Assessment (ECiA) as appropriate”.

Regarding **CDP 15.18, under Peatlands**, the following text should be added in at the end of the last sentence in the current objective... “and various peatland habitat types”. This is both to ensure habitats are mentioned specifically, and not just areas, and that the impression is not given that Raised and Blanket bogs are the only relevant peatland habitat types. In addition the following should be added as an extra section under this CDP....”To take into account relevant recommendations from the National Peatlands Strategy when implementing the Plan”.

Regarding **CDP 15.19, under Woodlands, Trees and Hedgerows**, The Department recommends that the following objective is inserted here under CDP 15.9..... “to ensure there is no net loss of native hedgerows across the county due to developments arising from the plan and where removal is absolutely necessary that the same or greater length of compensatory native hedgerow will be planted. A plan to retain, transplant or provide compensatory planting to ensure there is no net loss of such features must be provided with any development proposal”. Another objective for inclusion here would be “to encourage the retention of existing mature trees and woodlands in new developments”.

In the existing section e) it may be appropriate to use a term such as authorised in front of “river drainage/maintenance works and flood repair”.

Under Objective **CDP15.20, Natural Resources & Climate Change**, the following should be included as an extra section....”to ensure the protection, restoration and enhancement of biodiversity during plan implementation to increase the resilience of natural and human systems to climate change”.

Included within **CDP 15.21, under grasslands**, is an objective to “To complete the habitat mapping of the County (in accordance with A Guide to Habitats in Ireland – (The Heritage Council) in order to identify and record the different grasslands of the County at a detailed level and to use the collected data to ensure that the necessary protection is afforded to areas of importance”. This is a commendable and valuable objective and equally applies to peatland, woodland, wetland etc. habitats and the specific CDP sections elsewhere dealing with them within this draft Biodiversity chapter. Therefore a standalone objective encompassing all such semi-natural habitats is recommended for inclusion. In addition some definition of “areas of importance” is required. The following overall objective is therefore recommended for consideration for inclusion to address both of the above issues...“To complete the habitat mapping of the County (in accordance with A Guide to Habitats in Ireland – (The Heritage Council)) in order to identify and record the different habitats of the County at a detailed level, and to use the collected data to ensure that the necessary protection is afforded to areas of importance, and to protect annexed habitat under the EU Habitats Directive”. This latter point will contribute towards addressing the requirements of



Article 10, Article 12, Article 13 or the protection of annexed habitats and species outside of the Natura (designated sites) network.

Regarding **CDP15.29, under Alien and Invasive Species**, it is recommended that section b) is amended to the following .....”Ensure that proposals for development do not lead to the spread or introduction of invasive species. If developments are proposed on sites where invasive species are or were previously present, the applicants will be required to submit a control and management program for the particular invasive species as part of the planning process and to comply with the provisions of the European Communities Birds and Habitats Regulations 2011 (S.I. 477/2011)”.

In addition it is recommended that an extra section be included with an objective regarding crayfish plague with wording similar to or encompassing the following....”To ensure all local authority works are carried out according to, and adhere to, the ‘Check, Clean and Dry’ protocol and other relevant Biosecurity Measures and that licensing decisions consider potential crayfish plague issues (e.g. for kayaking events)”.

The Department recommends that the CDP has a clear policy to ensure appropriate ecological advice will be available to the council when implementing any biodiversity measures proposed during plan implementation.

Surveys carried out for the preparation of NIS, ER, EIAR or EclA generally generate biodiversity data, and The Department encourages the Council to include an objective to ensure these data are made available to the National Biodiversity Data Centre (NDBC) on an ongoing basis. This would strengthen county Clare’s biodiversity knowledge base and ultimately aid its protection.

### **The Burren National Park**

In relation to section 15.2.20.1, the stated area of the National Park needs to be revised. The present area of the Burren National Park is 2,033ha (which includes 209ha of commonage in which NPWS has an interest).

This section has very little content and it is suggested that it should be beefed up to reflect the importance of the National Park in the context of the County Development Plan.

### Policies and Objectives

It is recommended that policies and objectives for the Development Plan are developed, with the aim of protecting the environment, vistas and zones of visual influence in and around the national park, including the visual character of the park.

The Burren National Park which is still in a relatively early stage of development, in terms of its overall area and infrastructure, is nonetheless a special and unique site. It would be helpful if the development plan set out the Council’s view on how it wishes to see the park developing



and expanding and how it views the park as an asset for Co. Clare – both environmental and as a tourism asset - and its potential for assisting in local and county development.

Policies and objectives, in relation to the promotion of the park, signage to the park, traffic, vehicular parking, the facilitation of access to the park by tourists and other visitors while conserving the character, habitats and environment of the park, would be a welcome inclusion for the County Development Plan to 2029.

It would be helpful if the Development Plan set out the Council's support for an administrative base for the Park and visitor facilities, in the village of Corofin.

In conclusion, it is considered that Objective CPD 15.23 is rather vague and does not focus specifically on the Burren National Park entity itself, park facilities and the park's relationship with the village of Corofin and the wider Co. Clare.

NPWS would be happy to meet with officials of Clare Co. Co. to further discuss and explore the foregoing issues.

#### **Bats and other protected species**

The Department recommends that 'Lighting' objectives are included within the plan both for town and rural areas where incorrect types or inappropriate use of LEDs can have an impact on bat species and other wildlife. Therefore The Department would like to highlight again the EUROBATS (EUROBATS Series No. 8 publication, Guidelines for consideration of bats in lighting projects, 2018) and Dark Sky lighting recommendations (Dark Sky Ireland Lighting Recommendations, 2019) which provide further information on reducing the impact of lighting on wildlife, noting that the correct LEDs and lighting fittings can ensure that these impacts are avoided or minimised and can also reduce carbon emissions. There is currently no mention of lighting in the objectives in **Chapter 15** so therefore an objective should be added with adherence to the above included. There is a Light Pollution objective included within **Chapter 11 (Physical Infrastructure, Environment and Energy), CDP11.42**, and though it does include Bat Conservation Ireland Guidance Notes EUROBATS guidelines and Dark Sky recommendations are not included and should be added here too.

The Department welcomes the references to Bats and other protected species under **Chapter 4 (Urban and Rural Settlement Strategy), Replacement/refurbishment of houses/structures CDP 4.17 c) and CDP 4.18 f)**. The Department also welcomes the references to ecological/environmental assessment and protected species under **Chapter 16 (Architectural, Archaeological and Cultural Heritage) Industrial Heritage CDP16.3 and Proposed Works to Buildings - Protected Species and Environmental Considerations CDP16.6**. It is however slightly unclear if CDP16.6 covers all of the Chapter (for example 16.3.3 Vernacular Heritage) and an amendment to clarify may be required? Embedding similar objectives elsewhere within the Plan would also be positive, for example within **Chapter 11 (Physical Infrastructure etc.)** which does not seem to contain such a reference to protected species currently?



However the Plan should also acknowledge the strict protection, provided for by the Habitats Directive, which applies to Annex IV species (e.g. Bats and Otter) wherever they occur; and should provide for this protection to be fully implemented in any plans and projects arising from the Plan. This, the associated objective and the below detail on protected species should be added in as a new section in Chapter 15 as it does not seem to be covered in the current draft Biodiversity Chapter.

A specific objective should be included requiring that surveys for Annex IV strictly protected species and other species protected under the Wildlife Acts (for example Barn Owls), are included in all development and maintenance proposals (e.g. refurbishment of houses, road and bridge maintenance etc.) where there is a reasonable likelihood of these species being present and affected by the development. It should be noted that adherence to the previous NPWS guidance to the Council on annex IV species, Circular Letter NPWS 2/07 (16 May 2007), is required (or to future updates of same) and this should also be included within the objective.

This is an important objective as, for example, an important issue is that Bat Roosts and hibernacula under bridges may be lost due to bridge improvements. The practices of filling voids with liquid concrete and using concrete to seal the undersides of bridges can not only result in a loss of roost space, but there is a possibility that bats may become entombed alive, it is the responsibility of all competent authorities to ensure that their activities do not adversely affect bat species. Notification of bridge works to NPWS should also take place. As well as the mentioned NPWS Bat Mitigation Guidelines for Ireland, the TII/NRA "Guidelines for the Treatment of Bats during the Construction of National Road Schemes" and "Best Practice Guidelines for the Conservation of Bats in the Planning of National Road Schemes" should also be followed.

#### **Greenways, blueways etc. and Tourism**

As advised in the National Greenway Strategy, greenways and other associated linear trails should be designed to take into account, and avoid where necessary, the sensitivities of natural heritage. The same risks to biodiversity can be associated with these type of trails, as with any other road or infrastructure development, and The Department recommends that such proposals are subject to route/site selection processes to ensure that impacts to biodiversity and nature conservation interests are avoided. The Department also notes the need to apply the precautionary principle when screening for Appropriate Assessment (AA) and/or undertaking AA for Greenways, Blueways and Peatways. The Council must ensure objectives for proposed Greenways or Blueways recognise the need to protect and conserve biodiversity, including European sites and this may impact the ability to deliver desired outcomes. In terms of what's currently proposed within the draft Plan the following seems relevant...

**Chapter 10 (Sustainable Communities), Development Plan Objective: Recreational Routes CDP10.11-g)** To ensure that the development of any off-road walking and cycling routes, blueways and peatways is informed by an appropriate level of environmental



assessment, including all necessary reports to assess the potential impact on designated European sites and any impacts that may arise from increased visitor pressures.

**Chapter 11 (Physical Infrastructure, Environment and Energy), Development Plan Objective: Direct Access onto National Roads CDP11.13-d)** To subject any proposals for greenways, new routes and trails to screening for appropriate assessment and an ecological impact assessment where appropriate to ensure that the design and operation of the proposal is in full compliance with the EU Habitats Directive.....

However **CDP10.11-g)** only refers to non-defined environmental assessment to assess impacts (i.e. no mention of assessment type required or avoiding impacts) while **CDP11.13-d)** only mentions some of assessments (omitting NIS, ER, EIAR) and does not mention avoiding impact on NHA's, biodiversity in general etc.

Therefore The Department recommends that the following objective is now added in to both of these Chapters... "to ensure the development of all Greenways, Blueways and Peatways are subject to route/site selection processes to ensure that negative impacts to biodiversity and nature conservation interests are avoided".

The need to undertake Appropriate Assessment (AA), Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA) and Ecological Impact Assessment (EcIA) as required should also be stated.

- In terms of other types of Tourism development it is noted that **Chapter 9 (Tourism), Development Plan Objective: Tourist Developments and Tourist Facilities CDP9.4** states the following....

-c) To ensure that development of new or enhanced tourism infrastructure and facilities include an assessment of the environmental sensitivities of the area including an Environmental Impact Assessment (EIA); Appropriate Assessment (AA) and Strategic Flood Risk Assessment (SFRA) if required in order to avoid adverse impacts on the receiving environment; and d) To work with the relevant authorities to develop specific monitoring protocols for visitor pressure on the County's natural, archaeological and built heritage asset and to ensure that tourism activities are maintained within sustainable limits for the European sites in the County.

In terms of Nature Conservation for the above section c) Ecological Impact Assessment (EcIA) needs to be added to the list of assessments and in addition the avoidance of impacts to biodiversity and nature conservation interests should be specified also in terms of "the receiving environment". In relation to section d) it is important that the LA takes an active role and this should be clear within the policy/objective and therefore it is suggested that "To work with the relevant authorities" part of the sentence is removed. Also in terms of d) only European sites are mentioned regarding sustainable limits, therefore biodiversity sites and nature conservation interests should be added to the end of the objective here.



### **Clare County Energy Strategies**

The Climate Change Advisory Council (CCAC) has recently submitted Ireland's first carbon budget programme, broken down into two five-year carbon budgets, to the Government. In its technical report to accompany the proposed carbon budgets, the advisory council has said:

“Renewable energy infrastructure and forest plantations must not be at the expense of biodiversity, already in a crisis of its own”.

Regarding both the Renewable Energy Strategy (RES) and the draft CDP this caveat should be embedded into the plans. For example **CDP objective 8.12, within Chapter 8 Rural Development and Natural Resources**, could be amended to include wording such as ‘subject to the requirement of biodiversity protection’ or the above statement could be added as a separate new CDP objective in either this Chapter and/or within Chapter 2 Climate Action. It would also be appropriate to embed it within **CDP11.47 (Chapter 11 Physical Infrastructure, Environment and Energy)**. The Department recommends that it is an objective of the CDP to ensure the protection, restoration and enhancement of biodiversity during plan implementation to increase the resilience of natural and human systems to climate change.z

It appears from the NIR that the Wind Energy Strategy (WES) is to remain as per CCDP 2011-2017 and that this was the last time a Natura Impact Report was prepared and an Appropriate Assessment was undertaken for the strategy. There have been no changes to the content of the WES and it will not undergo reassessment. Though The Department of Housing Planning, Community and Local Government (formally The Department of Environment, Community and Local Government) Planning Circular Letter ‘Circular PL 20-13’ gave advice to operate existing Development Plan policies and objectives until further notice it does not remove the need for assessment of same. The assessment is important for the following non exhaustive reasons...

- Since the adaptation of the WES the boundaries of SACs and SPAs may have changed and there may now be a gap in the assessments carried out on the Strategy.
- There are other zoning issues (such as some pNHAs and NHAs that fall currently within the ‘Strategic Areas’ and the identification of the West Clare Uplands Important Bird Areas (IBA) Hen Harrier population since the Strategy was put in place).
- The national landslide susceptibility mapping was completed between 2007-2016 and may not have been taken account of in the original assessment.
- Repowering is also a concern with respect to Wind Farms and due to the outdated nature of the current WES has not been considered.
- New case law and guidance has been provided by numerous National and European Court of Justice (ECJ) cases since 2010 and in addition new scientific advice, monitoring and survey data etc. is also now available.



- In combination and cumulative impact affects through projects already permitted have not been assessed.
- No assessment seems to have therefore been carried out since S.I. No. 477/2011 (the European Communities (Birds and Natural Habitats) Regulations 2011) came into force.

On this latter point the Council should specifically note under these regulations Regulation 27 (Duties of public authorities relating to nature conservation), Regulation 42 (Screening for Appropriate Assessment and Appropriate Assessment of implications for European Sites) and Regulation 46 (Review of existing plans) and may wish to get legal advice on the requirement to carry out an updated assessment.

In terms of the Mitigation Measures specific to the Renewable Energy Strategy (RES) for the Chapter 11 – Micro Hydroelectric Power (MHD) a proposed new objective is that “An Ecological Impact Assessment should identify all ecological factors, including ecological corridors, be accompanied by appropriate surveys, undertaken at the correct time of year and be undertaken by a suitability qualified and experienced ecologists”. However this is not just relevant as mitigation for MHD and should be included in the General Mitigation section (i.e. Proposed New Objectives/NIR Mitigation to be included in Chapter 1 and incorporated into the Chapter as an extra Objective under RES 1.1).

#### **NIR, SEA and related issues**

Figure 5.6.6 in the SEA report, “Protected Peatlands within County Clare”, is incorrect (or labelled incorrectly) as it shows only the five raised bog sites.

The Department notes that the 15km zone is commonly used in screening for AA and would like to highlight that ‘likely significant effects’ can occur beyond 15km specifically in relation to River SACs and also to sites designated as SPAs for bird species. The Department recommends that flight collision and barrier risks are considered in the NIR, for example, with respect to the movement of species between SPAs and migratory bird routes across the county. It is important to ensure that development pressure does not inadvertently threaten internationally important bird species protected within or outside the Special Protection Areas in County Clare and The Department recommends that this is assessed in the Plan.

#### **Strategic Environmental Objectives**

In terms of Climate Change Mitigation Measure CC4 Peatland and Wetland habitats should be added to the list of carbon sinks as some habitats such as heaths and swamps would not be covered under the current list otherwise.

Under the Biodiversity, Flora and Fauna Section a primary commitment in the NBAP is to move towards no net loss of biodiversity through strategies, planning, etc. therefore no net loss of biodiversity is recommended for an additional inclusion under/as Measure B7.



## Monitoring

The Department welcomes the attempt to include a **Strategic Environmental Objectives, Targets and Indicators Monitoring Plan** but there are some issues regarding the effectiveness of what is currently proposed. There appears a lack of quantitative or qualitative measurable data proposals regarding Indicators in the nature conservation/biodiversity examples. There also seems to be confusion in some examples in terms of what is included within the individual Target Indicator/Data Sources Remedial Action Source/Responsibility/Frequency sections.

Some example issues are identified below to aid the Council in identifying the issues (and on what generally would be required in a monitoring plan to ensure mechanisms are in place to monitor the environmental impacts of plan implementation) and in some of the issue examples suggested alternatives are made for effective monitoring. The Department notes that on a general basis nationally, although monitoring is a legal requirement under Article 10 of the SEA directive, the EPA has reported that 'intervention based on monitoring, and responsibility for checking that mitigation measures have been implemented are often unclear'. It is also recommended that the planning authority make the monitoring reports available.

The development plan could have a wide range of direct and indirect impacts to biodiversity and thus the monitoring needs to clearly outline how it is proposed to record the impacts of plan implementation on biodiversity (both in terms of biodiversity loss and biodiversity enhancement). The planning authority must monitor the significant environmental effects of plan implementation in order to identify at an early stage any unforeseen adverse effects and to undertake appropriate remedial action. Reliance on existing monitoring programmes, carried out by other stakeholders, will not be adequate as these will not be specific enough to capture the effects of a development plan.

Regarding **CC4** The Department welcomes the target but (as per SEO comment above) peatland habitat should be mentioned in order to encompass heathland, Molinia meadow, transition mire etc. However in terms of remedial action the section is blank and in terms of both indicator and responsibility the sections seem incomplete. As well as the planning sections the enforcement section should also be included. Also for monitoring both use of the existing Clare County Council habitat mapping of the County project data and use of the Environmental Sensitivity Mapping (ESM) web tool would seem relevant. Proposals such as an audit of such mapping information and of planning permissions, enforcement files etc. would seem appropriate. NIS, ER, EIAR or EclA generated biodiversity data and an audit and/or spot check of enforcement/mitigation arising from same would seem appropriate and relevant.

In terms of **CC8** the same Indicator/Data Sources and Source/Responsibility/Frequency issues and suggestions as per CC4 apply. In addition the indicator for the target is Extent/Quantity of riparian buffer zones, open space and green infrastructure zoned. However it is difficult to see this as an indicator in terms of the preservation/enhancement of



ecological networks and stepping-stones as it is limited to separate types and most importantly appears confined to the objectives themselves. In effect it seems to indicate the objective will be measured and monitored by the objective itself with no specific data, measurement or monitoring. Measurements and indicators such as net length of hedgerow and area of various habitats etc should be used. The audit of files and mapping points from above are again relevant. The remedial action already included is very good but a 2<sup>nd</sup> should also be included that deals with remedial action if the loss was caused by the policies or implementation (in practice) of the CDP itself (presumably would involve review of implementation of same).

Regarding B1 one of the Target's is "Reduction in length or loss of hedgerows", presumably this should be No Reduction? The 2<sup>nd</sup> Target "No. ecological networks or parts thereof which provide significant connectivity between areas of local biodiversity to be lost without remediation as a result of implementation of the Clare County Development Plan 2023 – 2029", it is difficult to ascertain what this Target is stating and this should be clarified/re-worded.

If No, rather than No./Nbr, is what is meant it is potentially a very good Target but weakened (and perhaps impractical to measure and implement) if "significant" and "remediation" are undefined. Referral back to the CDP objectives themselves and to no net loss of biodiversity may assist and details there in (for example no net loss of native hedgerows across the county due to developments arising from the plan and where removal is absolutely necessary that the same or greater length of compensatory native hedgerow will be planted. A plan to retain, transplant or provide compensatory planting to ensure there is no net loss of such features must be provided with any development proposal) can be utilised.

As per above Measurements and Indicators such as net length of hedgerow and area of various habitats etc. should be used and the audit of files and mapping points, and other points, under CC4 above are again relevant. Under Remedial action here it is currently stated that "Where condition of European sites is found to be deteriorating this will be investigated with reference to the NPWS to establish if the pressures are related to CDP actions/ activities. A tailored response will be developed in consultation with relevant stakeholders" however this does not seem relevant in this particular section as the SEO is a general biodiversity one rather than a European site one (which is in a different SEO). In terms of this SEO NPWS would probably not have the resources to measure and address the effects arising specifically from the CDP and it would be the responsibility of the Local Authority to do so. Similarly in the Indicator column reference is made to "No. of developments granted planning permission within designated sites" and "No. of Natura Impact Statements submitted to Clare County Council". Again as well as being unsuited to this SEO these measurements are not appropriate as indicators in sites anyway as it is the effects and impacts of developments on European sites that is of most relevance rather than whether or not a development was permitted in a site or if had required an NIS.



**SEO B2, “To achieve the conservation objectives of European Sites (SACs and SPAs) and other sites of nature conservation”** seems to overlap with B3 as other nature conservation sites are dealt with separately in B3 and therefore it is taken that this SEO is meant to just refer to NATURA 2000 sites. Again “No./percentage of developments in/near the Natura 2000 network” is not the most appropriate indicator as it is impacts and effects on sites that matter most. The references to “Percentage of European sites in the plan area that are at ‘Favourable’ conservation status” etc. are laudable but perhaps not the best indicator for monitoring of the CDP as NPWS are the primary body regarding Favourable Conservation status and the status could be affected by a lot of factors outside of the CDP effects. Perhaps a better indicator would be to ensure no negative impacts on sites through the Councils own works or through developments/licenses/permissions/permits etc. granted by the Council. All of the points above can then come into play as raised in CC4 etc., i.e. audit of mapping and permissions granted, area of habitat, enforcement files, NIS, ER, EIAR or EclA generated biodiversity data (audit and/or spot check of enforcement/mitigation arising from same would seem particularly important). Regarding the Source column, referral and consultation with NPWS on both applications and enforcement files is of high importance.

There are a number of issues with the current **SEO B3 monitoring proposals**. The reference to “submission of Screening Report or Natura Impact Statement” in the Target is presumably a mistake as this SEO is specifically excluding European sites and reference to Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA) and Ecological Impact Assessment (EclA) is what is required. The same applies to the reference in the Indicator/Data Sources column. Also regarding that section “Percentage of unique habitats and species lost in designated sites through trending of annual surveys” does not seem an appropriate indicator as, for example, it is unclear what “unique” means or what “percentage” lost is being proposed/considered appropriate. As well as no remedial proposals as of yet this SEO also has no Indicator/Source information for protected species (and habitats) outside these areas. It is recommended that the SEO include reference to annexed habitats (as well as species protected under the Wildlife Acts) to provide clarity. The aforementioned Indicator/Data Sources, Remedial Action and Source/Responsibility/Frequency points referenced above for other SEO’s are again relative.

### **Other Issues**

It should be ensured that all development proposals include measures to protect and enhance biodiversity. A good overarching commitment within the Development Management Standards (DMS) section is needed to ensure all development proposals will take recognition to both protect and enhance biodiversity. This does not seem to be currently included and therefore should be added.

It is important that the Plan provides for unauthorised developments to be addressed in a comprehensive manner to ensure that such development does not impact biodiversity in the county, including impacts to sites designated by law. The Plan should have a clear objective to ensure that the planning enforcement system works effectively and to ensure that sites are restored as required.”



You are requested to send any further communications to this Department's Development Applications Unit (DAU) at [manager.dau@housing.gov.ie](mailto:manager.dau@housing.gov.ie), or to the following address:

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