

Chief Executive's Report

to the Elected Members on submissions received on the
Draft Clare County Development Plan 2017-2023

Part I of III

Submissions 351 - 400

19th May 2016



Prepared in accordance with Section 12(4)(b) of the
Planning and Development Act 2000, as amended

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Ref. 351 Residents of Ivy Hill and Ref. 120 – 151 (inclusive)

Key Words: Ennis

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Submission ref. No. 137 Regina Lydon
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Submission ref. No. 150 Mary Fogarty
Submission ref. No. 151 John Fogarty
Submission ref. No. 351 Signed by Maggie Hutton, Secretary of Ivy Hill Residents Association, and includes a submission from Mary B. Vaughan

Summary of the Issues Raised in the Submission

These submissions relate to the zoning of land on the Gort Road, currently designated R15 in the Draft Clare County Development Plan 2017-2023, from its current open green and wetland zoning to residential zoning. They submit that such a change will pose a very serious risk of flooding if the land is zoned for residential use

Chief Executive's Response

I wish to thank the residents of Ivy Hill for their submissions relating to R15. I acknowledge concerns in relation to flooding and access. I refer to Section 2.6, Volume 3 attached to the Draft Clare County Development Plan 2017-2023, which sets out guidance on R15, which specifies that any development taking place on this site will not impact on the drainage of the site or on the operation of the road drainage system in the area. It also requires a hydrology assessment to be undertaken as part of any planning application. Surface water runoff must be managed to

minimise the speed and quantity of runoff to the open space to the south of the subject site. It is a requirement that a flood risk assessment must be carried out in relation to any future development of the site. I acknowledge concerns regarding vehicular access to R15. The guidance, as referred to above, specifies that vehicular access is to be from Hazel Lane, therefore not via Fernhill/ Ivy Hill. Additionally I consider that issues of traffic safety can be determined at development management stage. Given the limited area of the site it is not envisaged that development of R15 would generate significant traffic volumes.

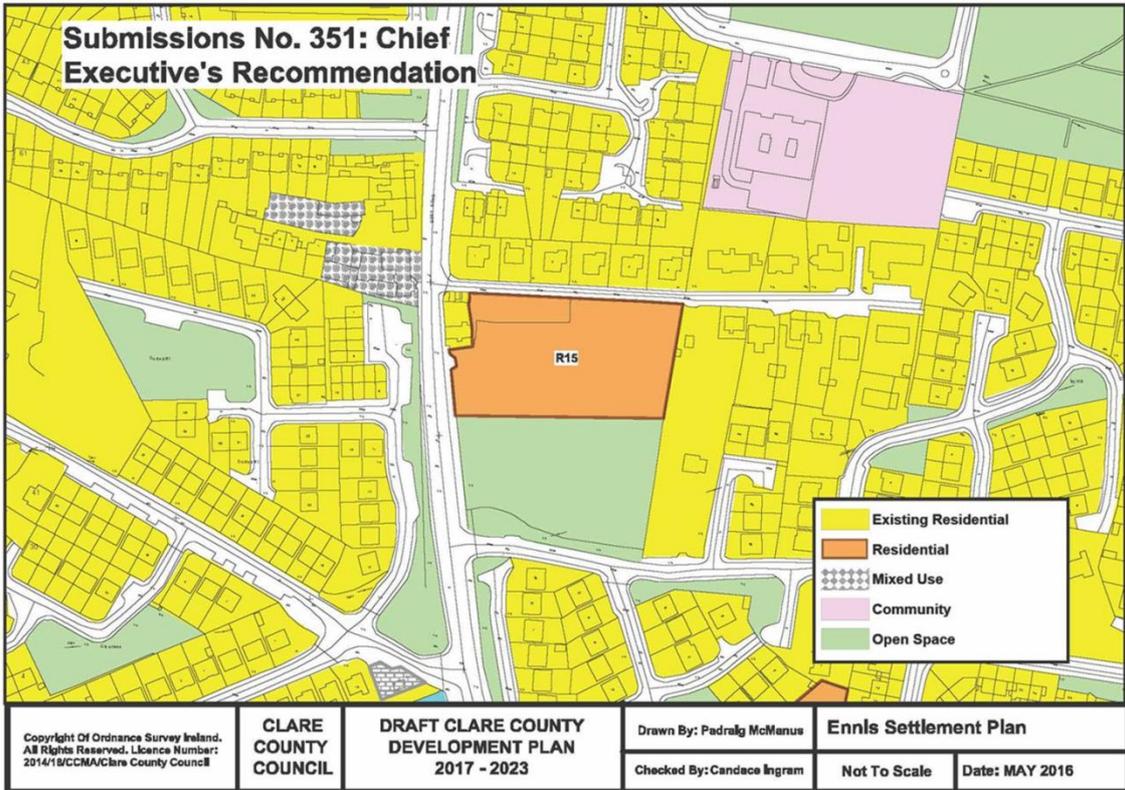
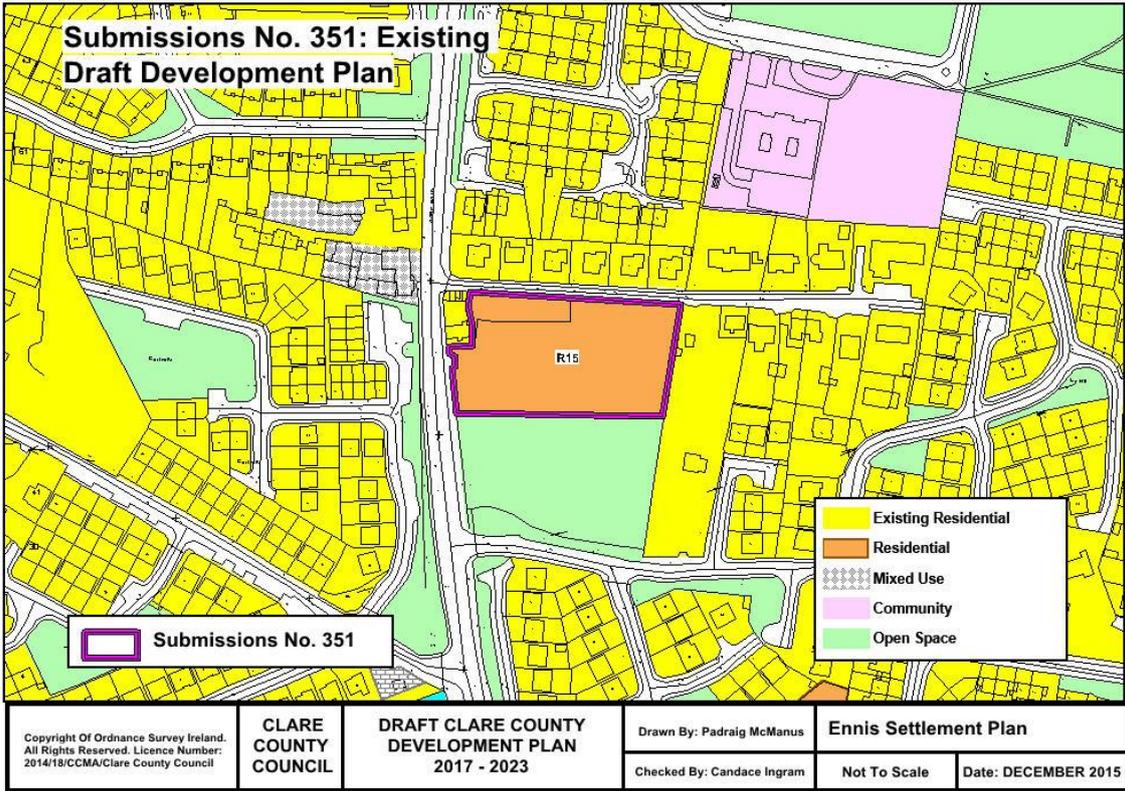
It is important that any development at the site does not impact on the drainage of the site, or the operation of the road drainage system. To achieve this, it is recommended that development is restricted to the northern portion of the site, and to land which is currently higher than the road level, which is proposed to be zoned Residential (R15) in the Draft Clare County Development Plan 2017-2023. I consider that no development, including raising land levels or laying areas of hard standing, should take place at lower levels as this may compromise the capability of the site to drain, and negatively impact on the runoff to the drainage network.

Surface water runoff from the residentially zoned portion of the land must be managed in such a way as to minimise the speed and quantity of runoff to the south-western corner of the site.

It is considered that development in the northern part of the site is possible, provided the southern part is kept as open space. This has informed the zoning for the site.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 352 Paddy O' Donoghue

Key Words: Policy, Environment

Summary of the Issues Raised in the Submission

This submission refers to the Shannon Estuary. The submission requests Clare County Council to ensure that by the end of term of this proposed plan, within its jurisdiction, no untreated waste would intentionally be discharged to the Shannon Estuary and that in its role as Lead Promotional Authority in the Shannon Estuary SIFP, it uses its new moral authority to ensure that its partners in SIFP ensure likewise.

The author submits that the Shannon Estuary continues to be the receptacle for untreated waste contributed to by Local Authorities together with large industrial and commercial enterprises.

The author proposes that an understanding of the difficulty which a small enterprise encounters when creating the conditions for enterprise is recognised and effectively responded to, in what they believe is Clare County Councils sincere aspiration within the Plan, to benefit the citizens of Co. Clare.

Chief Executive's Response

I thank Mr. O' Donoghue for his and I would like to respond as follows:

In relation to the SIFP, while Clare County Council chaired and coordinated the plan preparation-process, the contributing authorities retain their individual autonomy. Furthermore, the implementation of waste water measures, together with the legacy issues mentioned in the submission, are now the responsibility of a national body namely, Irish Water.

The SIFP does provide that in respect of new developments the following will apply:

"Development proposed in this plan will only take place where appropriate and sustainable waste water infrastructure is in place or can be up-graded to accommodate the scale of development which will secure the objectives of the Shannon River Basin Management Plan and the protection of Natura 2000 sites with water dependent habitats or species. This must be provided and be operational in advance of the commencement of any discharges from development.

Waste water infrastructure must be capable of treating discharges to ensure that water quality in the receiving river (The main River Shannon and/or its tributaries) does not fall below legally required levels. Sustainable Urban Drainage Systems (SUDS) will be required for all developments discharging within or upstream from Natura 2000 sites with water dependent habitats or species"

In respect of small enterprise, Chapter 6 of the Draft Clare County Development Plan 2017-2023 makes clear the Councils commitment to Economic Development and Enterprise of all scales. The establishment of a Local Enterprise Office (LEO) based within the Planning Department reinforces that commitment.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis on this submission.

Ref. 353 Paddy O'Donoghue

Key Words: Policy, Environment, Flooding, Ennis

Summary of the Issues Raised in the Submission

This submission refers to lands identified as owned by the above in the Ballycorey, Gort Road, Ennis.

The submission requests the planning authority to change the boundaries in relation to the historical depicted mapping of the flood zones as they relate to the said lands.

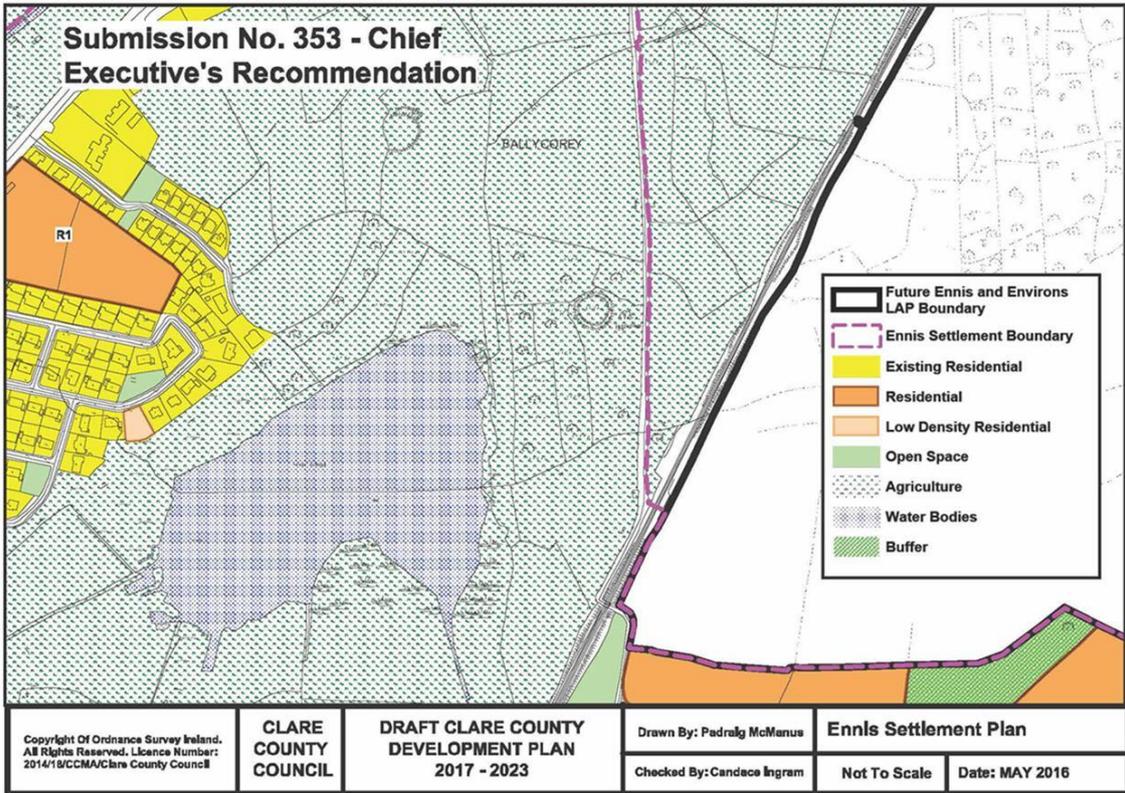
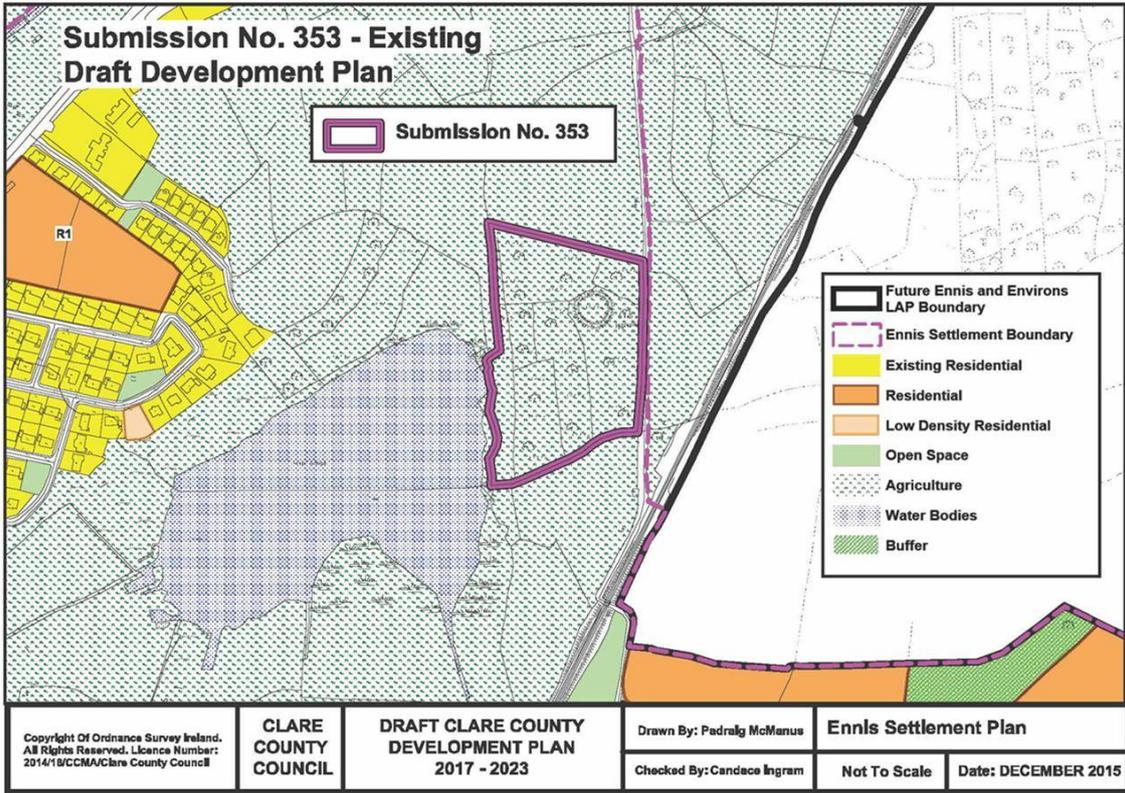
The submission considers that the subject lands have benefitted from the remediation of the Gort Road Industrial Estate drainage connector to the Fergus River, resulting in Flood Zone A and B boundaries greatly being retracted to the Lough Girroga Shoreline.

Chief Executive's Response

I wish to thank Mr. O Donoghue for his submission. I acknowledge that flood alleviation works carried out on the Gort Road have reduced the risk of flooding to many properties in the vicinity. I note that the Strategic Flood Risk Assessment which accompanies the Draft Clare County Development Plan 2017-2023 shows Flood Risk Zones A and B in the vicinity of Lough Girroga as well as recorded flood locations. Flood defence works are subject to the residual risk of failure and Flood Zones are required to ignore the impacts of man-made defences for this reason. In this regard, I recommend that the Flood Zones are to remain as shown in the Draft Clare County Development Plan 2017-2023.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 354 Mr. Paddy O'Donoghue

Keywords: Ennis

Summary of the Issues Raised in the Submission

This submission refers to lands identified as "LDR65" in the Ennis settlement plan.

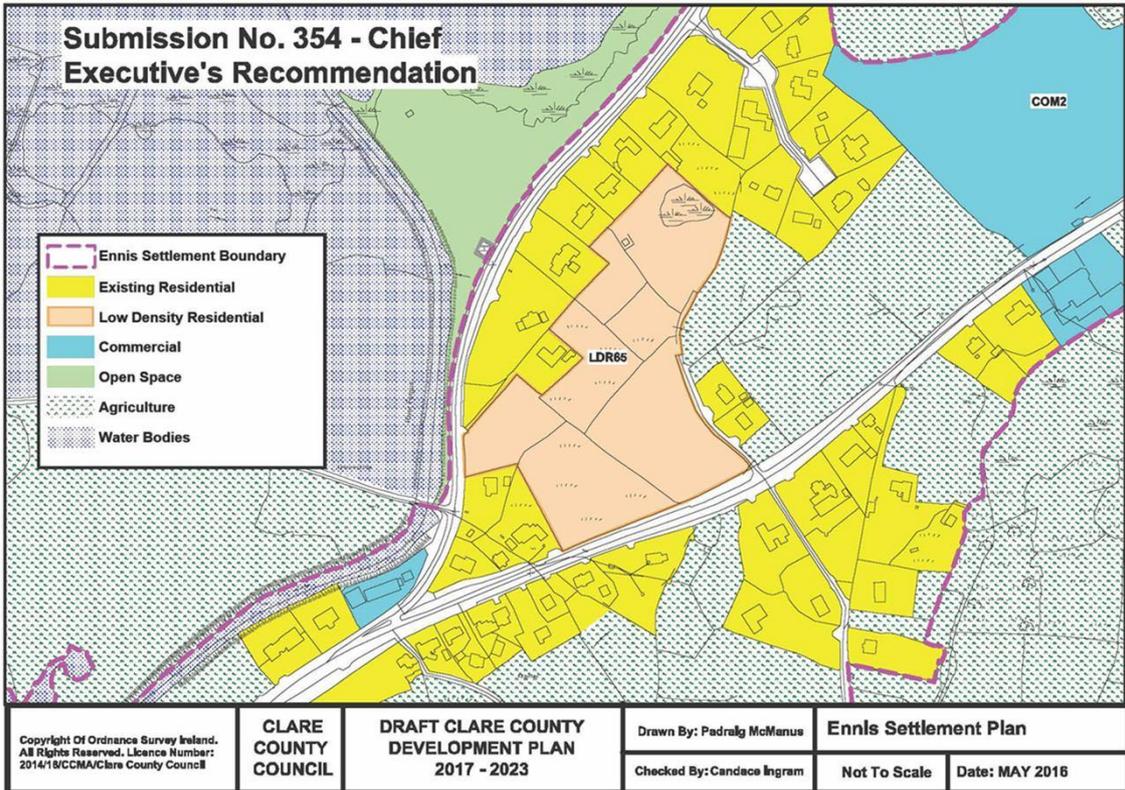
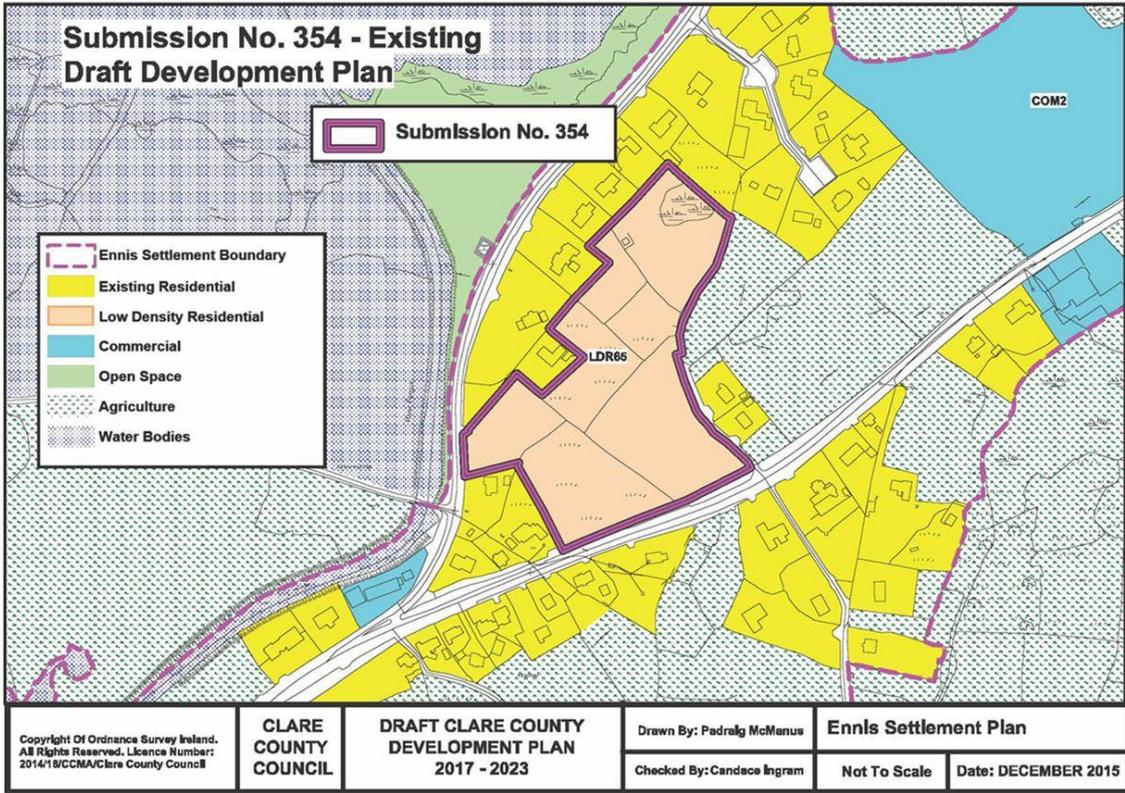
The author broadly welcomes the proposed zoning notwithstanding reservations regarding possible extra statutory conditions which may be imposed.

Chief Executive's Response

I note Mr. O Donoghue is satisfied with the low density zoning at this location. There is no request to change the zoning.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 355 Connellan & Associates on behalf of University of Limerick

Key Words: University of Limerick, Public Rights of Way, Access and Movement

Summary of the Issues Raised in the Submission

This submission welcomes the foresight of the Planning Authority in past years to designate the area in the hinterland of the University as a University Zone, which has retained this area for a plan-led orderly and sustainable development in the area which, together with its own lands, forms the immediate planning catchment area of the University. The University Zone is comprised for the most part of a large undeveloped land bank which is unique for a university in Ireland. The opportunity presented by this land bank puts the University of Limerick and County Clare ahead in terms of expansion possibility and confers on the region an unmatched capability to attract foreign direct investment. This will result in an inevitable growth of population not from natural local growth but attracted into the region by in-migration.

The University of Limerick has invested heavily in providing a substantial physical presence in County Clare in the last 10 years, an investment that has already resulted in huge educational, economic, social and cultural advantages to the County. The submission comments on some matters of detail with respect to the draft Plan:

Public right of way through University lands: it is noted that section 4.3.10 and CDP4.11 refer to public rights of way which in turn refer to a map and list in appendix 10. It is noted by the author that the public right of way that runs through the University lands is not included in the list.

Economic Development & Enterprise: the author submits that the University should be mentioned in the strategic aims at 6.1 of the Plan as it is regarded as a critical driver of development elsewhere in the Plan.

University Zone: it is considered that the Errinagh Canal should be highlighted on the map showing the University Zone and that the re-development of this canal be given prominence within the Plan including under recreation and tourism as well as in relation to the University development.

Chief Executive's Response

I thank the University of Limerick for their submission in relation to both the history and the future development of the University into County Clare in the University zone. I acknowledge the significant strategic importance of University of Limerick and the educational and economic benefit it presents for County Clare.

Public right of way through University lands: I recognise that a section of the Lough Derg Way passes through the identified University Zone, parallel to the Errina Canal and accept that this is a potentially significant asset for the Zone. I consider that it would be appropriate to identify this route on the University Zone map.

Economic Development & Enterprise: Significant weight is given to the development of a Clare Campus in successive Development Plans and to the long term potential for significant growth. In view of this, I consider that the addition of a dedicated Strategic Aim highlighting the University as a critical driver would reinforce the important role it plays in this region..

Errina Canal: As the canal is one of the boundaries of the University Zone and given its potential as an amenity to be incorporated in any future Masterplan, I consider it is appropriate to identify it on the map showing the University Zone.

Chief Executive's Recommendation

I recommend that the following amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission:

Map 6A UL, Chapter 6, Volume 1 - be amended to:

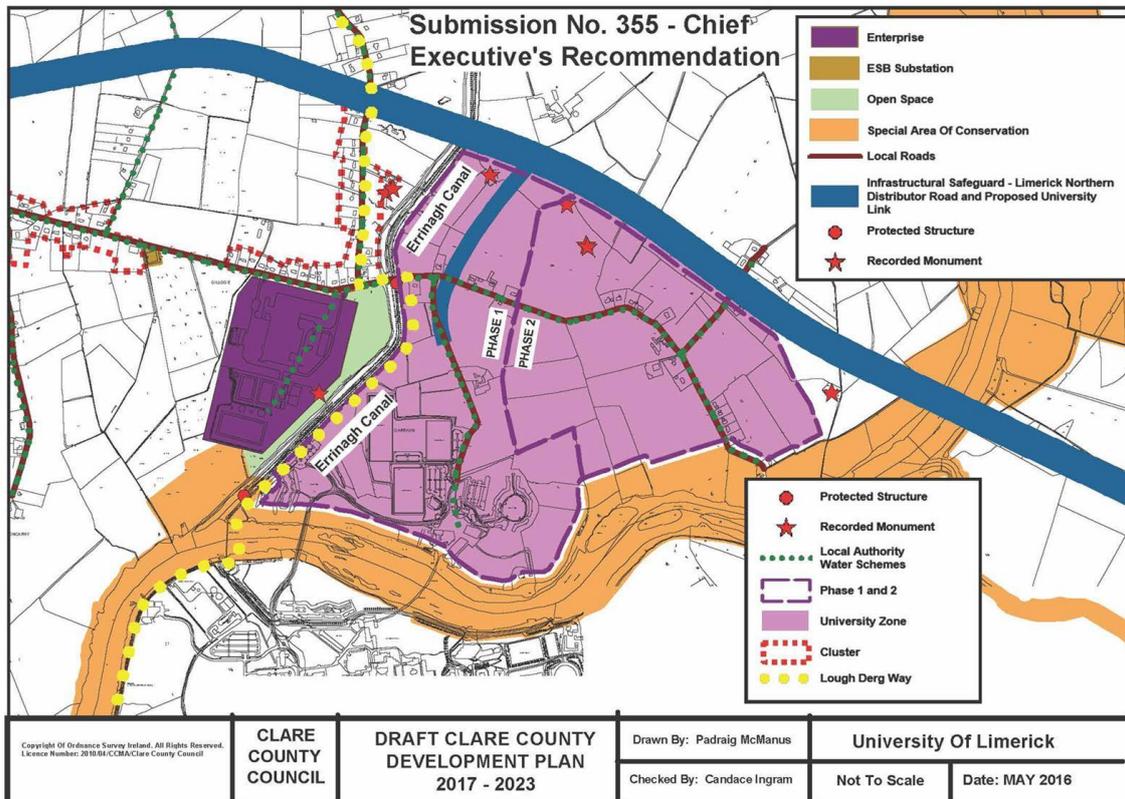
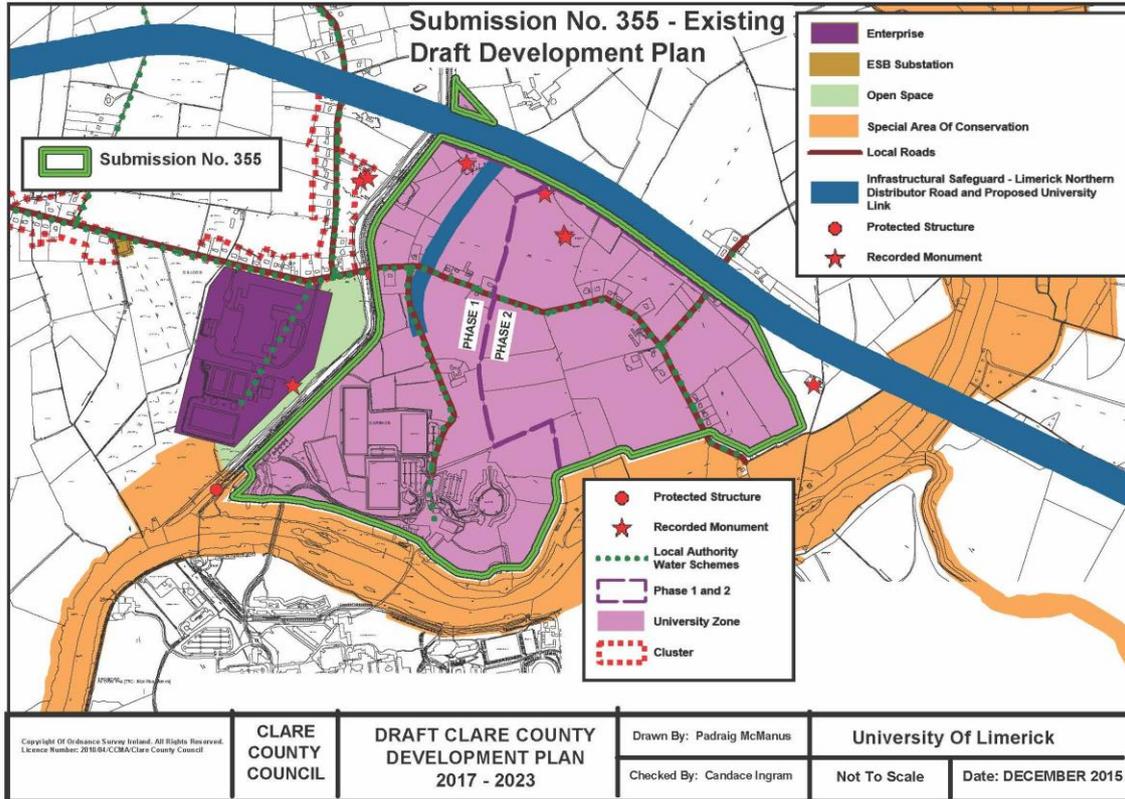
- Show the route of the Lough Derg Way
- Identify the Erina Canal
- Remove the small triangle university zone north of the infrastructure safeguard.

Volume 1, Chapter 6, Objective CDP6.7 University of Limerick-Clare Campus – insert additional point I) as follows:

“I) To support and facilitate the growth of the Clare Campus as part of the development of University of Limerick.”

Volume 1, Chapter 19, University Zone definition - insert additional text to the zoning definition for the University Zone as follows:

“It is intended that lands identified as ‘University Zone’ will be reserved to accommodate development and uses associated with higher education including research and development, student accommodation, residential quarters complementary to the uses contained within the University Zone, student support services, enterprise/start-up businesses units, commercial units linke to the research and development role, recreation, sport and social facilities and open spaces.”



Ref. 356 Connellan & Associates on behalf of Jimmy Browne

Keywords: Ardnacrusha

Summary of the Issues Raised in the Submission

This submission refers to lands owned by the above in Blackwater to the north of Ardnacrusha. The lands are currently outside the settlement boundary and are not zoned in the draft Development Plan. The submission requests that the planning authority to extend the settlement boundary and zone the subject land "Low Density Residential".

The author submits that the site is immediately adjacent to existing developed areas and it would not be an unreasonable extension to the settlement boundary. It is submitted that the Plan should respond to the new social and economic circumstances in Limerick and its environs in the same way as previous plans.

The designation of the area for housing would facilitate the development of a sustainable population in the area which would add to the likelihood of the development of the social and community facilities which is an objective of the Plan.

The author submits that his client would be willing to make lands available for an appropriate wastewater treatment facility which could facilitate both the lands proposed for designation as well as other existing and proposed dwellings.

The authors' client would be happy to provide "a low density scheme, consisting of well laid out units with generous private open space and a high overall standard of design, materials and finishes" as envisaged by the development plan.

Chief Executive's Response

I thank Mr Browne for his submission and I would like to respond as follows:

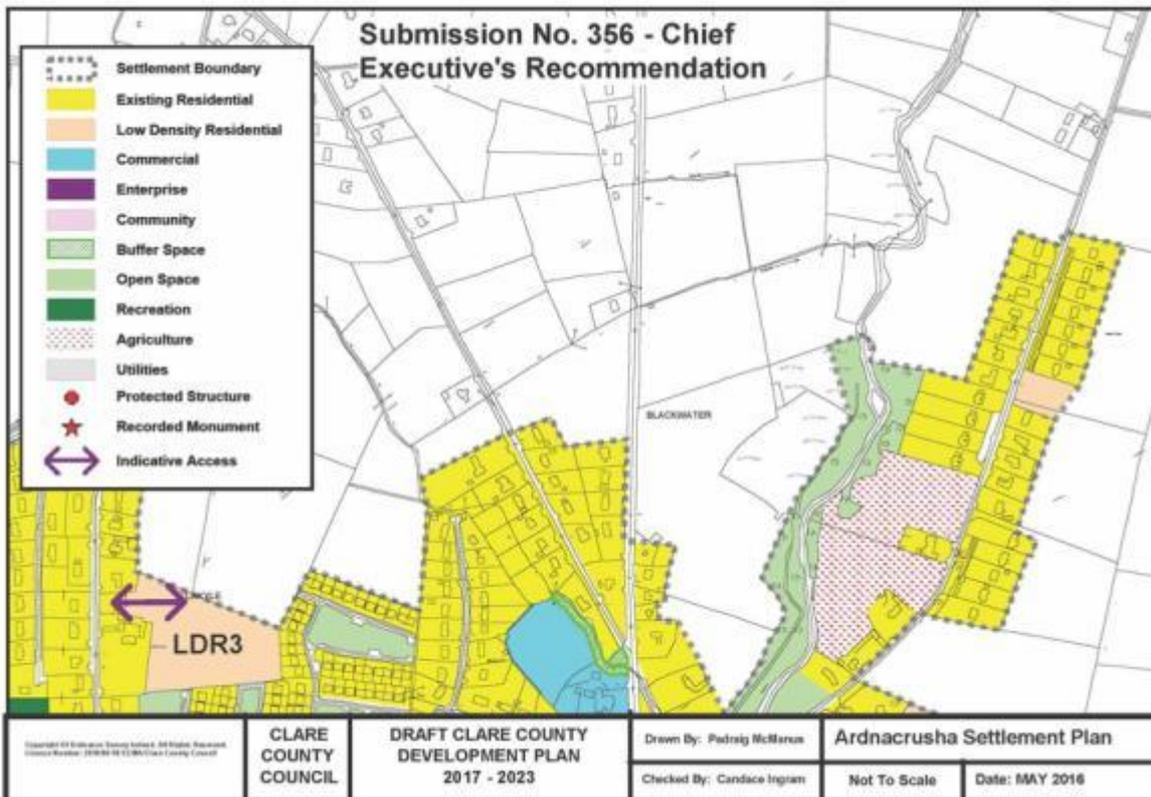
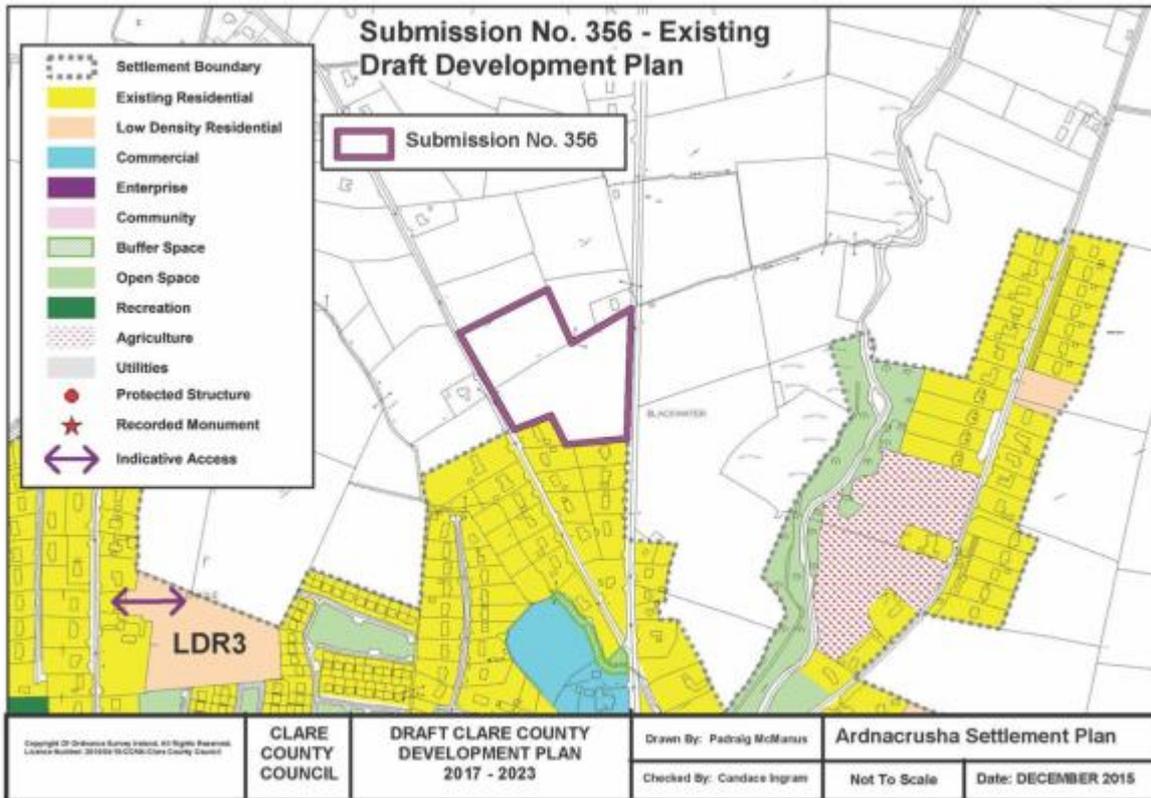
The subject site is to the north of the settlement boundary, in an area designated as a Rural Area Under Strong Urban Pressure. The quantum of land zoned for residential use within each settlement is established to Core Strategy as set out in Chapter 2, Volume 1 of the Draft Plan. The quantum required to accommodate the population target for Ardnacrusha during the lifetime of the Development Plan is 6.7ha and this has already been provided in the settlement. To exceed this quantum by zoning further lands would be contrary to proper planning of the area.

Furthermore, the subject lands are located on the periphery of the settlement, in an area that is predominantly rural in character. Existing residential development in the area takes the form of individual houses developed along the roadside. I do not consider it appropriate to zone lands for in-depth development at that location. It is preferable to develop lands close to the core of the village and the associated services and amenities before peripheral lands are zoned for development.

In the light of these facts, I do not consider the extension of the settlement and the zoning of these lands for development to be in the interest of the proper planning and sustainable development of the area.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 357 NAPS for Michael Enright

Key Words: Ennis

Summary of the Issues Raised in the Submission

The submission requests the zoning of 2.7 hectares of land located between clusters Drumline 1 and Drumline 2.

Chief Executive's Response

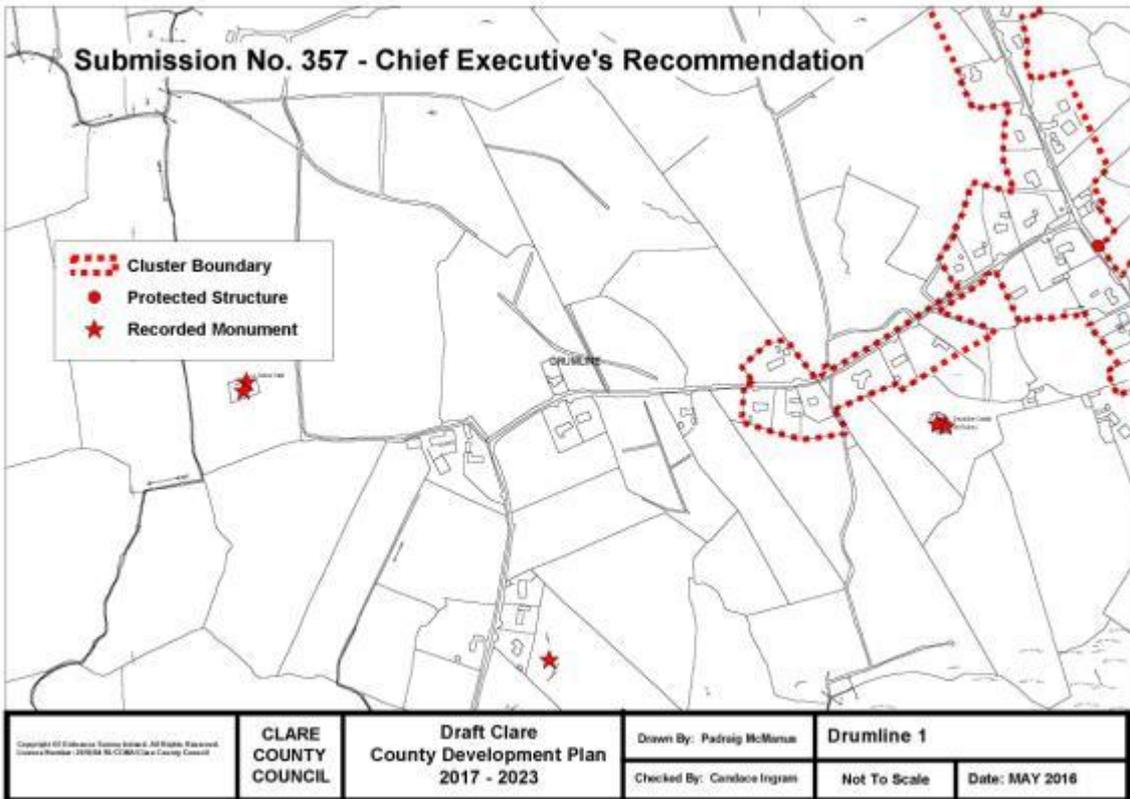
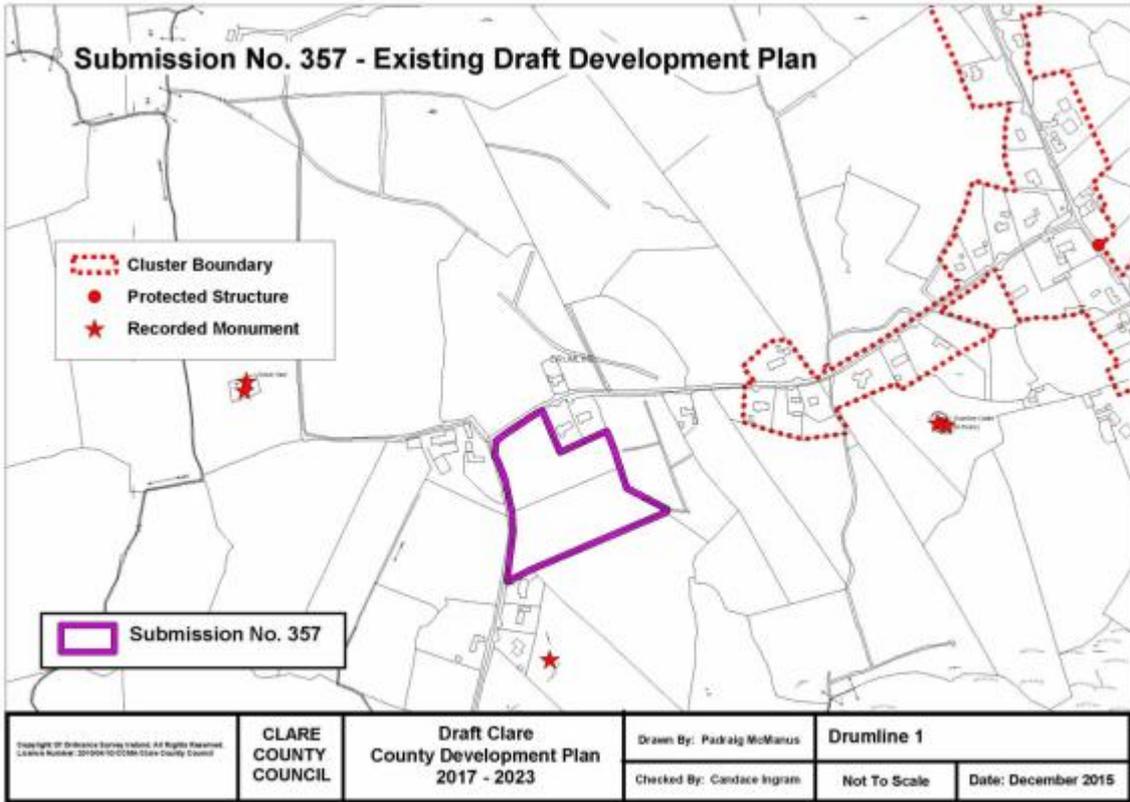
I thank NAPS for the submission, made on behalf of Mr. Enright, and wish to comment on the request made therein as follows:

This is a large unserviced site is located within the open countryside and completely detached from clusters Drumline 1 and Drumline 2, which are themselves composed of single rural houses. The site is situated on a narrow local road within an area designated as a Rural Area under Strong Urban Pressure in the general vicinity of Shannon, Newmarket on Fergus and Sixmilebridge.

To zone an isolated area of land for residential development, outside of, and at a distance from, any existing settlement would lead to an ad hoc pattern of development which would be contrary to proper planning and sustainable development.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 358 NAPS for Gerard Fahy

Key Words: Newmarket on Fergus, Shannon

Summary of the Issues Raised in the Submission

The submission requests the zoning of .75 Ha of land located adjacent to the cluster of Urlanmore/Bellsfort. It is requested that the cluster boundary be extended to allow this land to be included within the cluster.

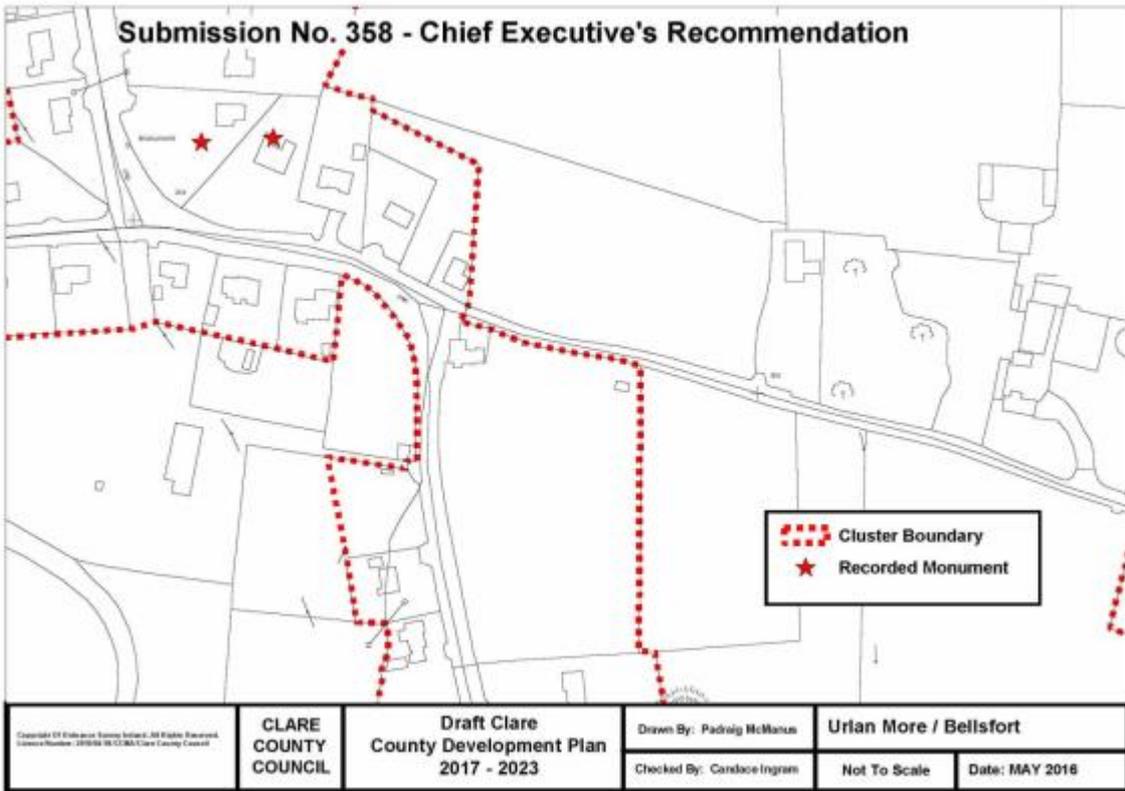
Chief Executive's Response

I thank NAPS for the submission, made on behalf of Mr.Fahy, and wish to comment on the request made therein as follows:

This site is situated on a large bend in the road, bounded to the south and west by the cluster boundary of Urlanmore/Bellsfort. Given the site's location on what is part of an "S" bend on a busy R472 road from Shannon to Newmarket on Fergus safe access to these lands is very problematic. As such, to include these lands within the cluster would be contrary to the proper planning and sustainable development of the area.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 359 Ray O’Leary

Key Words: Clarecastle, Physical Infrastructure, flooding

Summary of the Issues raised in the Submission

This submission refers to Clarecastle and its environs. The submission requests that the planning authority to:

- Support the upgrade of the village streetscape, pedestrian priority and rejuvenation of the shop fronts within the proposed Plan;
- Make the upgrade and accessibility to the river via slipway and complementary amenities an objective of the Plan for Clarecastle;
- Include the upgrade and organisation of parking and pedestrian priority on the road leading to the day care centre in the Plan;
- Ensure that the plan for TC1 makes reference to the development and to the architectural impact on the adjacent National Monument site and ACA of the old barracks. The commentary provided for TC1 in relation to environmental screening should also apply to any building works on the barracks side of the river which also bounds the SAC;
- Ensure that clarification is provided in relation to what is meant by “water compatible uses” in the event of demolition of the site;
- Ensure that the County Development Plan refers to requirements for waste water treatment infrastructure for Thomond Villas and that any proposed infrastructural upgrade to Clarecastle and environs would include this area;
- Ensure that the County Development Plan would note that appropriate planning procedures and considerations are required for any development in the ACA, in particular proposals for intensification, change of use or renovation of buildings and structures which are outside of those permitted by a Section 57;
- Ensure that the protection of Thomond Villas from flood risk is an objective of the Plan to safeguard both residential and architectural heritage for future generations.

Chief Executive’s Response

I wish to thank Mr. O’ Leary for his detailed submission. I agree with many of the points raised in his submission. However, the more detailed issues that address specific features of the village, or streets/areas within the village, will be addressed in the forthcoming Ennis and Environs Local Area Plan rather than in the County Development Plan, which looks at more strategic issues. The Clare County Development Plan 2017- 2023 sets out the key priorities for Clarecastle but objectives and proposals for upgrade of the village streetscape, improving accessibility to the river, upgrade and organisation of parking and pedestrian priority on the road leading to the day care centre are all suitable objectives to be included in a more detailed Local Area plan.

Comments regarding Thomond Villas are noted and I consider that they are most appropriately dealt with through the development management process. Policies regarding development in ACA’s, impacts on National Monuments and protection of SAC’s are all set out in Volume 1 of the Plan and I do not consider it necessary to reiterate them in the individual settlement plans set out in Volume 3 of the Plan.

Objectives regarding flood risk are set out in Volume 1 Written Statement. While they do not mention specific areas or properties, they relate to the county as a whole and incorporate all areas.

Chief Executive’s Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.

Ref. 360 Brian McGowan

Key Words: Quin, Access and Movement

Summary of the Issues Raised in the Submission

This submission refers to the Quin settlement plan and makes the following observations:

Traffic calming and pedestrian safety in the town centre

The author recommends implementation of enhanced signage warning visitors about the proximity to the school prior to the bend on the post office road. He requests that Clare County Council consider the implementation of reduced speed limits and digital speed feedback signage at peak traffic times and to construct a pedestrian crossing at this location.

The author also requests a risk assessment at the junction outside the Parish Priest's house on the main street in Quin and a review of best practice pedestrian management for this type of situation. He submits that the junction becomes chaotic and dangerous in the peak school runs.

Proposed extension of zoning and the area zoned Maigh Dara in Quin

The author objects to the continued zoning of lands surrounding the Maigh Dara residential housing development:

- Maigh Dara estate has not been completed to the standard of its planning permission;
- Traffic safety in the estate during construction of adjoining lands
- Impact any proposed development would have on existing estate and potential damage to roads, curbs and footpaths;
- Submits that R4 is a crag and part of R2 is a turlough

The author supports development on this land in line with the original development proposed whereby any development of this area would not increase the housing density above that initially envisaged in the original grant of planning permission.

Chief Executive's Response

I thank Mr. McGowan for his submission and I would like to respond to the various issues raised as follows:

In relation to pedestrian safety and traffic calming, historic towns and villages such as Quin often lack footpaths or dedicated areas for pedestrians frequently in central areas. This has become more problematic with the passing of time and the increase in both pedestrian and vehicle numbers. These and related issues are dealt with in the Design Manual for Urban Roads and Streets 2013 (DMURS), the principle policy document now governing these issues. The core objective of the document is to achieve urban roads and streets which cater in a balanced way for all users. The implementation of DMURS is an objective of the Draft Clare County Development Plan 2017-2023 (Objective CDP8.8) and it is also addressed in Section 17.4.2 Urban Design. However, while the Council will endeavour to carry out as many improvement works as possible but it is important to note that there are over eighty settlements in the county and limited resources so the design and implementation of these objectives will take time.

In relation to Maigh Dara, the completion of the estate is part of the day-to-day operations of the Council and is not an issue that can be addressed directly in the development plan.

However, in relation to the other issues raised, having regard to the Strategic Flood Risk Assessment contained in Volume 10(c) of the Draft Plan, I consider that site R2 currently functions as a surface water storage area and development of the land might exacerbate this issue. The location of the site in a topographic hollow and concern that potential mitigation measures provided as part of any future development may not be effective have resulted in a reconsideration of the zoning on this site. In relation to this issue I refer to the recommendation I have made in response to Submission Ref. 361.

In relation to Site R4, I note that GSI Quaternary Mapping shows this site to be mostly 'Till derived from Limestones', with 'Karstified Bedrock Outcrop or Subcrop' on the western and southern peripheries. Should rock breaking be required in order to accommodate future development on this site, I consider that the protection of amenities of local residents can be dealt with through the Development Management process.

In relation to alternative access to Site R4, I refer to my response to Submission 240, in which I make a recommendation in relation to this matter.

Chief Executive's Recommendation

Please refer to my recommendations in relation to Submission 361 (refers to Site R2) and Submission 240 (refers to Site R4)

Ref. 361 Project Design & Building Services Ltd on behalf of Sonny Scanlon

Key Words: Quin

Summary of the Issues Raised in the Submission

This submission refers to lands owned by the above at Madara, Quin and an accompanying map identifies the location of the lands (Site R2) which adjoin the Maigh Dara residential housing estate. The lands are currently zoned for residential development in the South Clare Local Area Plan 2012-2018 and in the draft Development Plan.

The submission supports the retention of residential zoning on this land. It is submitted that the ground levels of the site will be raised by 2 meters to eliminate any flooding issues and construction access to the site can be provided via a temporary access within Mr. Scanlon's landholding (alongside the water tower).

It is submitted that the existing Madara housing estate was built on lands previous owned by Mr. Scanlon and therefore he is legally entitled to utilise the existing infrastructure, roads and services for the benefit of any future development on the site R2.

Chief Executive's Response

I thank Mr. Scanlon for this submission and I acknowledge the information that has been set out therein, particularly in relation to the flooding that currently takes places on site R2. Having regard to the assessment of the site contained in the Strategic Flood Risk Assessment (Volume 10(c) of the Draft Plan), I consider that site R2 currently functions as a surface water storage area and development of the land might exacerbate this issue. The location of the site in a topographic hollow and concern that potential mitigation measures provided as part of any future development may not be effective have resulted in a reconsideration of the zoning on this site.

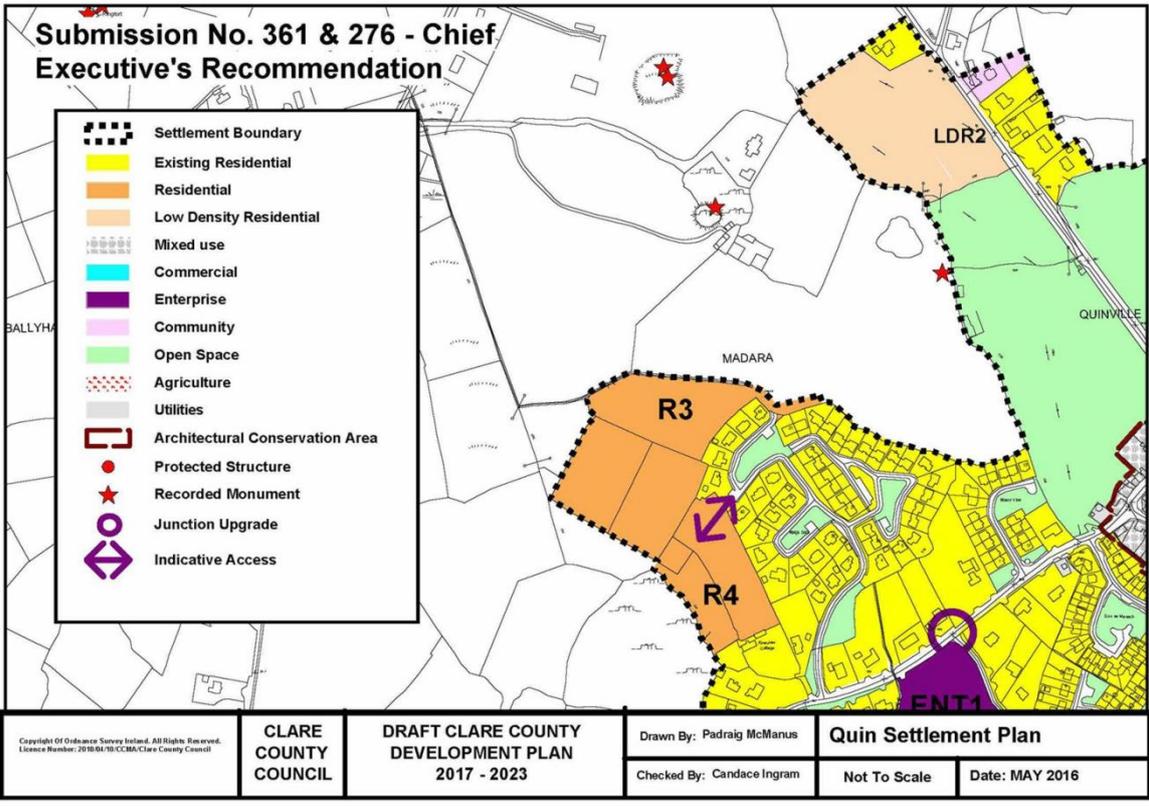
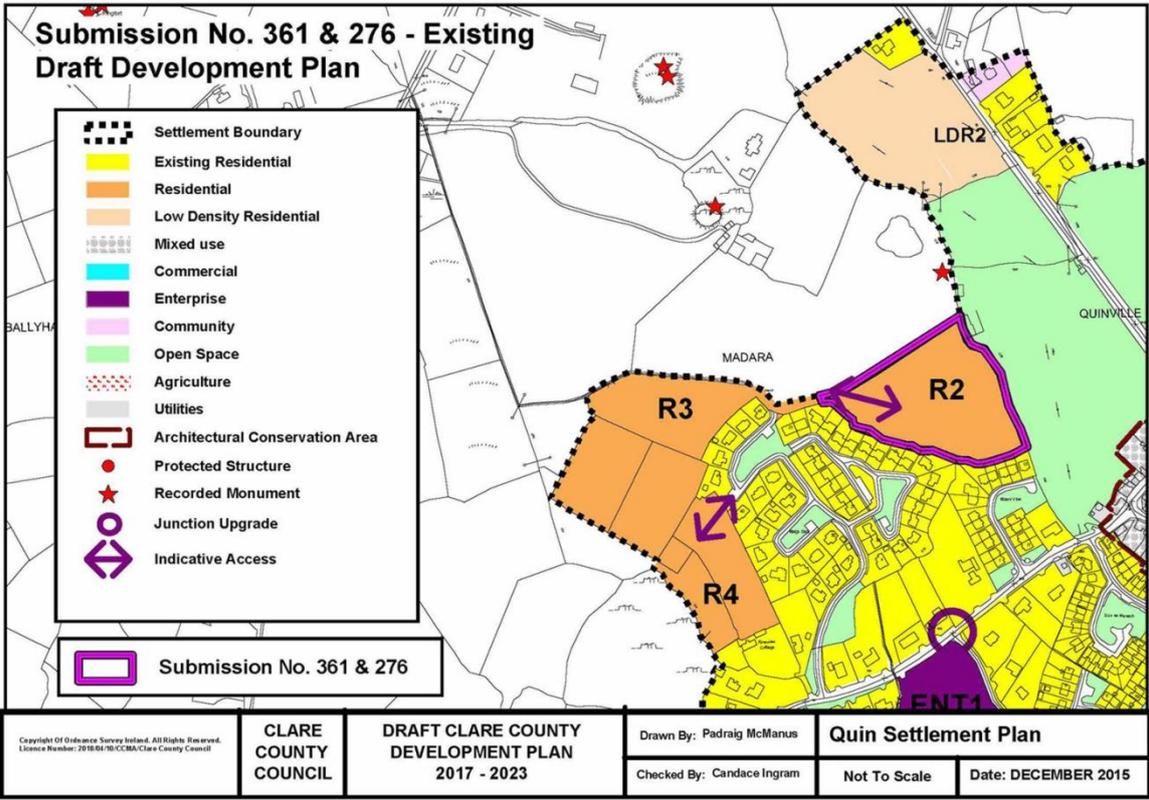
The protection of existing and future residences from flood risk is of paramount importance. Given the information currently available, I do not consider it appropriate to retain the residential zoning on this site.

Chief Executive's Recommendation

I recommend that the following amendments are made to the Draft Clare County Development Plan 2017-2023:

Volume 3(a), Quin Settlement Plan – zoning map

- Remove Residential zoning from Site R2
- Amend settlement boundary to as to exclude site R2.



Ref. 362 James B. Casey

Key words: Ennis

Summary of the Issues Raised in the Submission

This submission refers to land owned by the above at Shanvogh, Shanaway Road within the Ennis settlement plan and boundary which is currently zoned "Residential" and is proposed to be zoned "Agriculture" in the draft Plan. An accompanying map identifies the site location.

The submission requests the planning authority to:

- Zone the lands "Residential"

The author submits that the subject lands should remain zoned for residential use in order to facilitate the provision of an adequate quantum of houses to cater for the future growth and expansion of Ennis.

Chief Executive's Response

I wish to thank Mr. Casey for his submission. I acknowledge that the land has been zoned in two previous development plans. I also acknowledge that the site is situated in the Clareen neighbourhood which is designated for growth.

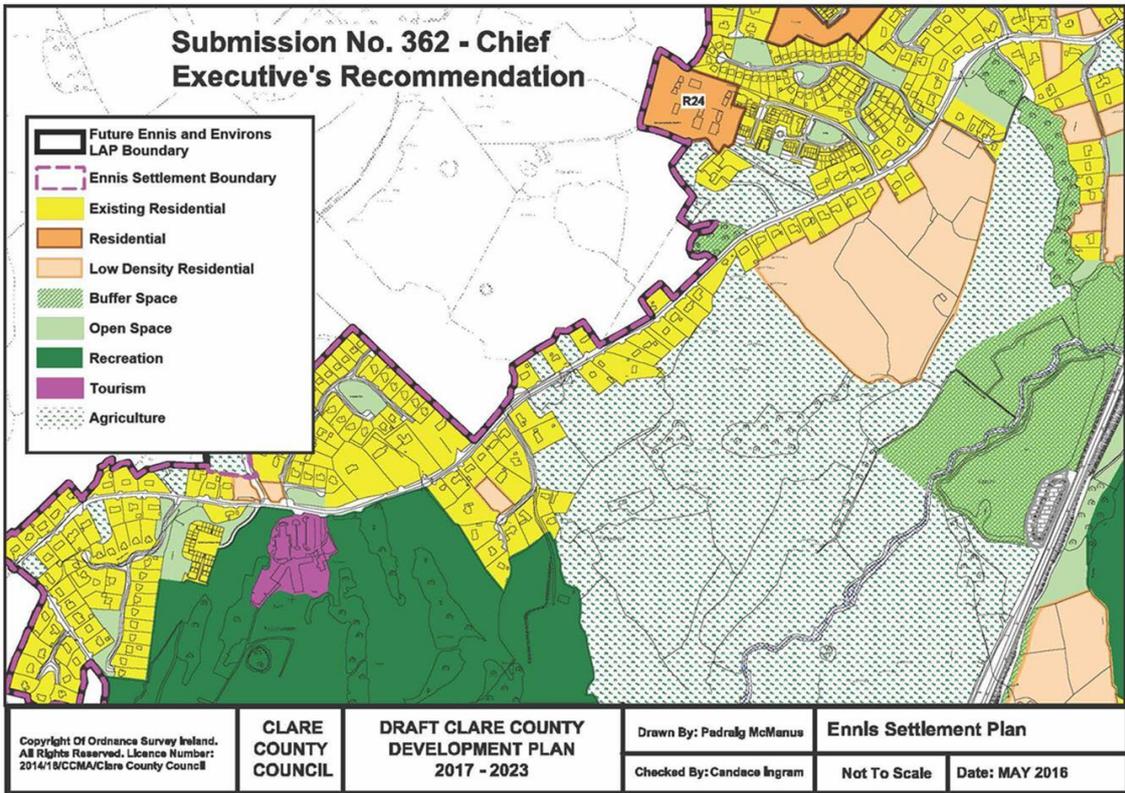
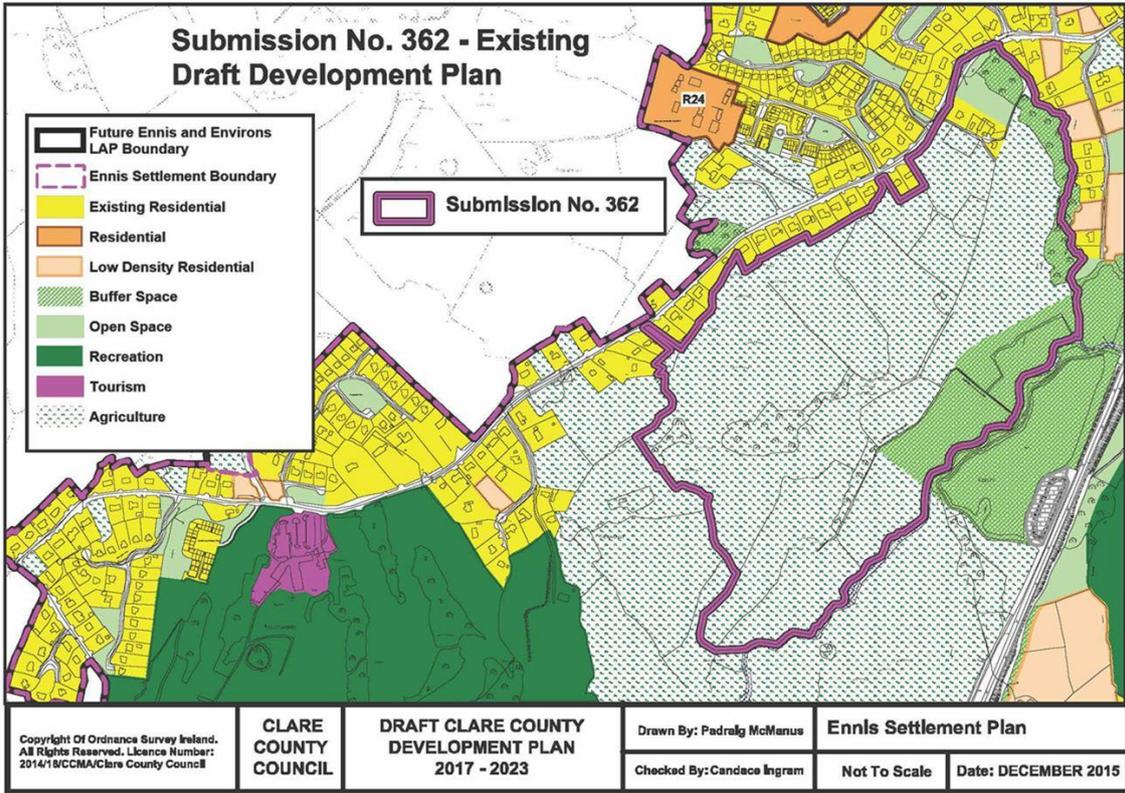
In relation to the lands as referred to in Mr. Casey's submission, I note that same is located outside the Drumcliff Inner Protection Zone. Additionally, the Clareen neighbourhood is one which has been designated for growth. Having regard to the prevailing pattern of development in the area, I consider that 11.33 ha of the overall plot as referred to in the submission, is zoned low density residential.

Chief Executive's Recommendation

I recommend the following amendments to the Draft Clare County Development Plan 2017-2023 on the basis of this submission:

Volume 3(a) Ennis Settlement Plan – amend zoning map as follows

Change zoning on lands to the southeast of Shanaway Road from Agriculture to Low Density Residential.



Ref. 363 Mr. Noel McGuane

Key Words: Policy, Renewable Energy, Wind Energy

Summary of the Issues Raised in the Submission

Mr. McGuane notes with regret that Department Circular PL20-13 restricts the review of the Wind Energy Strategy for the county at this time, particular when he is living in an area that will be the most saturated location in Ireland for wind farms.

It is submitted that the Council should carefully read the Department's letter on Proposed Variation No. 1 to the Clare County Development Plan 2011-2017 (Clare County Renewable Energy Strategy) where it remind the Council, as the competent authority, to verify all suggestions submitted by developers, such as the omission of NHA sites which will be heavily impacted upon by development.

Mr. McGuane also questions if the Planning Authority has acted in accordance with Circular FP 2014-033 when making recent decisions and also going forward, to fulfil this first duty, which is to protect locals in their homesteads.

Chief Executive's Response

I thank Mr. McGuane for his submission and I would like to comment on the issues raised as follows:

It is unfortunate that the Council is precluded from reviewing the Wind Energy Strategy as part of the Clare County Development Plan 2017-2023, however there is a commitment in objective CDP 8.30(d) to undertake a review which will commence upon the receipt of new national guidance. It is essential that any county-level strategy is in line with higher national and regional strategies to ensure that conflicts between the strategies do not arise. I note the approach taken by the Council in this regard is supported by The Department of Environment, Community and Local Government and the Southern Regional Assembly in their submissions on the Draft Plan (submissions 001 and 008 respectively).

With regard to the protection of NHAs and the submission from the Department of Arts, Heritage and the Gaeltacht in relation to Variation No. 1 to the Clare County Development Plan 2011-2017 (ref: FP2014/033), I addressed this issue at length in my response to their submission in my Manager's Report dated 6th May 2014. In my response I indicated that I disagreed with their opinion that there was inadequate mitigation associated with the designation of certain NHA areas as 'acceptable in principle' in the Wind Energy Strategy. I set out in detail the mitigation that has been provided and I am satisfied that the Planning Authority has acted correctly in this regard.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.

Ref. 364 Roseanne McCarthy

Keywords: Tulla

Summary of the Issues Raised in the Submission

This submission refers to lands owned by the above in the Tulla settlement plan which are currently zoned "Open Space" and there is no proposal to change this zoning in the Draft Clare County Development Plan 2017-2023.

The submission requests the planning authority to:

Rezone the land "Residential"

Appendix 6 of the current Clare County Development Plan 2011-2017 includes the Land Use Zoning Matrix which confirms that all the 13 no. development classes listed "*will normally be accepted in principal*" in a land use designated in the Matrix as open space. The author submits that there is a clear conflict between the definition of Open Space in the Matrix noted above and that noted elsewhere in the Draft Clare County Development Plan 2017-2023.

The author objects to any change to the development possibilities permitted and identified for "Open Space" in the current County Development Plan 2011-2017 Matrix which would have a negative impact on the development potential of her land.

She further objects to her land being designated as "Open Space" in the context of amenity/recreational use in the Draft Clare County Development Plan 2017-2023 and requests that it allows all the 13 no. development categories listed and identified as permitted in the Matrix in the current Plan.

Chief Executive's Response

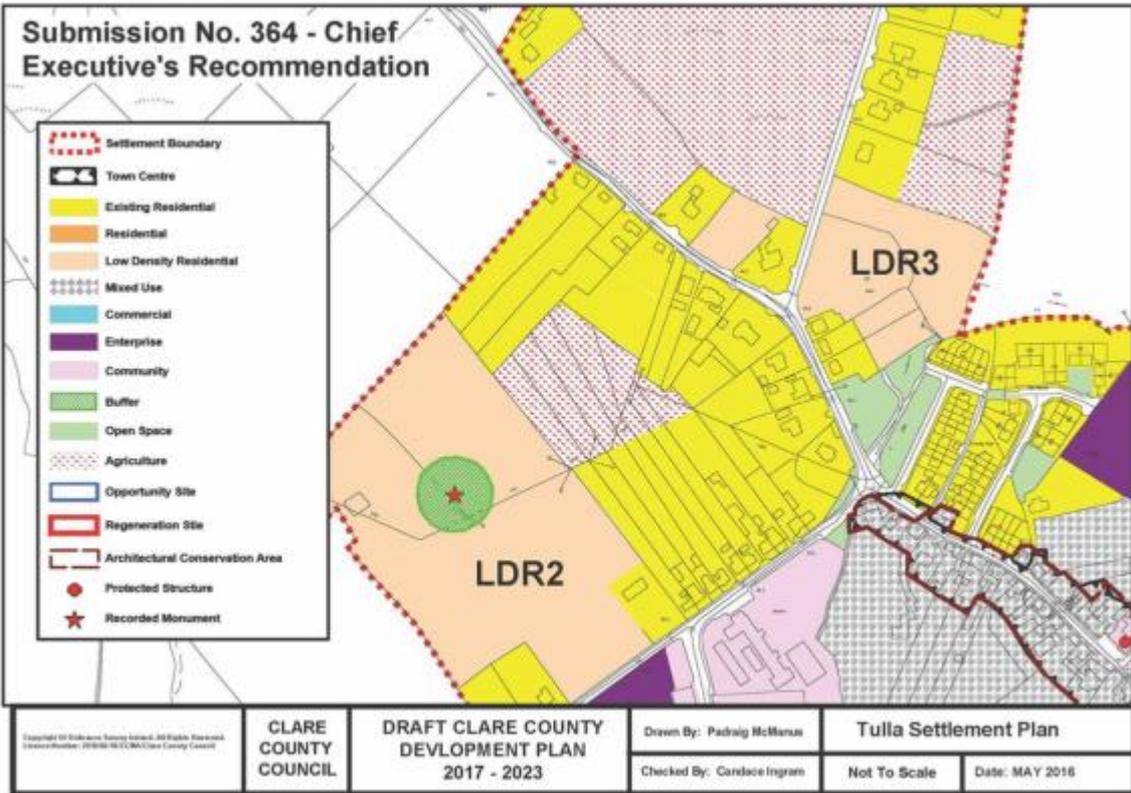
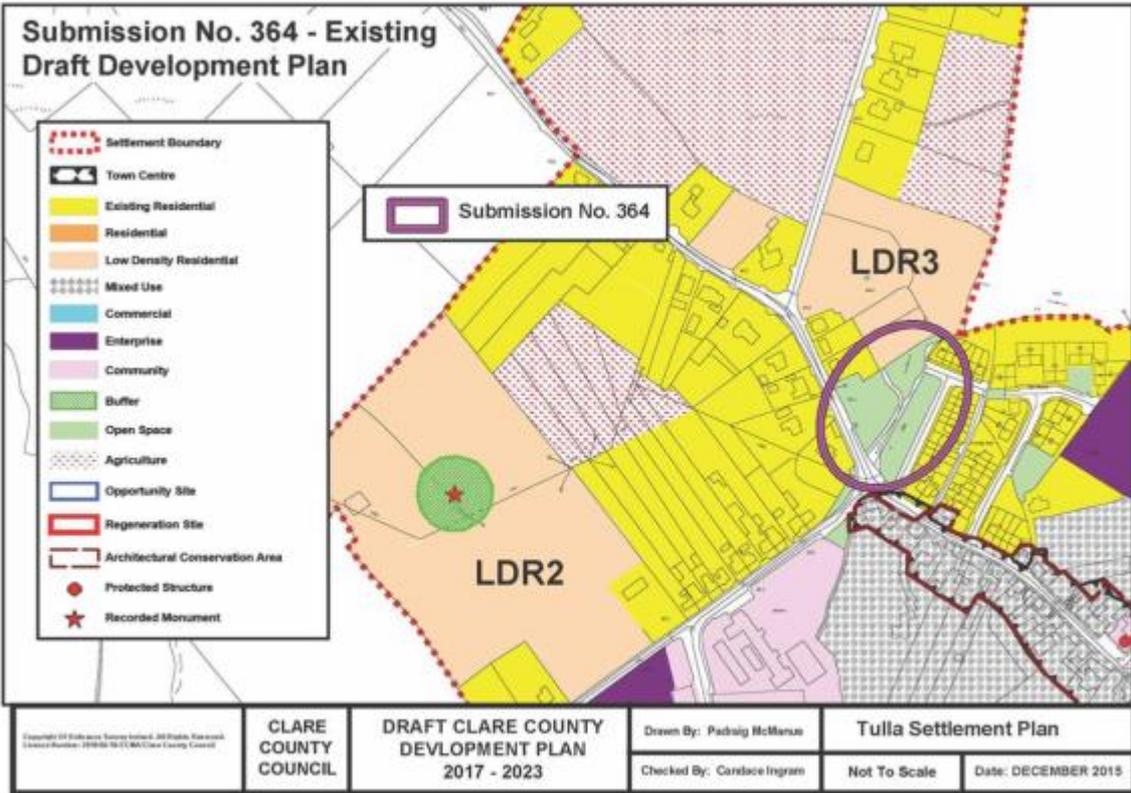
I thank Ms. McCarthy for the submission, note the comments and wish to comment on the request made therein as follows:

This submission requests that the 'Open to Consideration' options for the Open Space zoning in the Draft Clare County Development Plan 2017-2023 be the same as that in the County Development Plan 2011-2017. However, it is the case that the options in both zoning matrices are identical and that shows only two uses 'normally acceptable in principle' that is 1) a golf course/pitch and putt and 2) open space. It is possible that the matrix may have been misread in this respect.

The request is also made that the zoning be changed from Open Space to Residential. I have to advise that the quantum of land zoned for Residential use in Tulla matches that required by Core Strategy for the period of the Plan. It would not be in the interest of sustainable development to exceed the recommended quantum for this plan period.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 365 Mr. Seamus Vaughan

Key Words: Policy, Wind Energy, Renewable Energy

Summary of the Issues Raised in the Submission

This submission relates to Wind Energy in County Clare and in particular, the author submits that:

- He does not agree with Circular 20-13. it is not a directive, but the Council is using it as guidelines;
- There are 345,000 ha of land in County Clare, yet the majority of windfarms are developed in the west of the County;
- The proposed underground cable from The Hand to the Tulla Road ESB station will attract hundreds more wind turbines in the area;
- The technology has been developed for solar panel energy is more beneficial and less intrusive than wind turbines.

Chief Executive's Response

I thank Mr. Vaughan for his submission and I acknowledge the concerns that he has raised. It is unfortunate that the Council is precluded from reviewing the Wind Energy Strategy as part of the Clare County Development Plan 2017-2023, however there is a commitment in objective CDP 8.30(d) to undertake a review which will commence upon the receipt of new national guidance. It is essential that any county-level strategy is in line with higher national and regional strategies to ensure that conflicts between the strategies do not arise. The approach taken by the Council in this regard is supported by The Department of Environment, Community and Local Government and the Southern Regional Assembly in their submissions on the Draft Plan (submissions 001 and 008 respectively).

I note the concerns that are raised in relation to the majority of windfarms locating in the west of the County. Windfarm developments generally seek to locate where optimum wind speeds and geography conditions can be achieved. The adopted Wind Energy Strategy has identified Strategic Areas and areas that are Acceptable in Principle for wind farm development in both eastern and western parts of the county. While the Council can identify areas that are suitable, in principle, for development, they cannot direct which landowners will make their lands available and which sites developers will ultimately select to bring forward for development. However through the development management process the Council will work to ensure that there is no over-concentration of wind farm development in any one part of the county.

Similarly, this also relates to solar panel development. I acknowledge the comments that are made in the submission and I note also that there has been increased interest in solar panel development in the county in recent times. The adopted Renewable Energy Strategy supports developments of this nature but while the Council can encourage their development, whether or not such developments come to fruition is based on many factors outside the control of the Council such as market demand, economic viability, agreements between land owners and developers etc.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.

Ref. 366 PJ Murphy and Padraig Howard

Key Words: Policy, Kilmaley, Housing, Access and Movement, Physical Infrastructure

Summary of the Issues Raised in the Submission

This submission makes observations on the Kilmaley settlement plan as follows:

- Areas within local villages and small towns should be identified to cater for the housing needs of the older population by providing clusters of assisted living and retirement housing. Example is the elderly day care centre and assisted living housing in Kilmaley village. The Development Plan should seek to support and further assist these positive developments;
- The village of Kilmaley has a clear capacity to grow and provide vital services for the surrounding hinterland and rural community and the author submits that lands further north of the village should be included in the settlement boundary so that small scale housing provision or further commercial services could be provided;
- The Council should identify the R474 as a direct route to Miltown Malbay/Spanish Point from the Western Relief road at the Beechpark roundabout, thus relieving pressure on the Inagh to Ennis N67 route.
- The village core, sense of place, village amenity and traffic safety could be enhanced by narrowing the carriageway through the promotion and planning of traffic calming measures at the junction of the R474 and the village main street.

Chief Executive's Response

I thank Mr. Murphy and Mr. Howard for their submission and I have set out my response to the issue they have raised below:

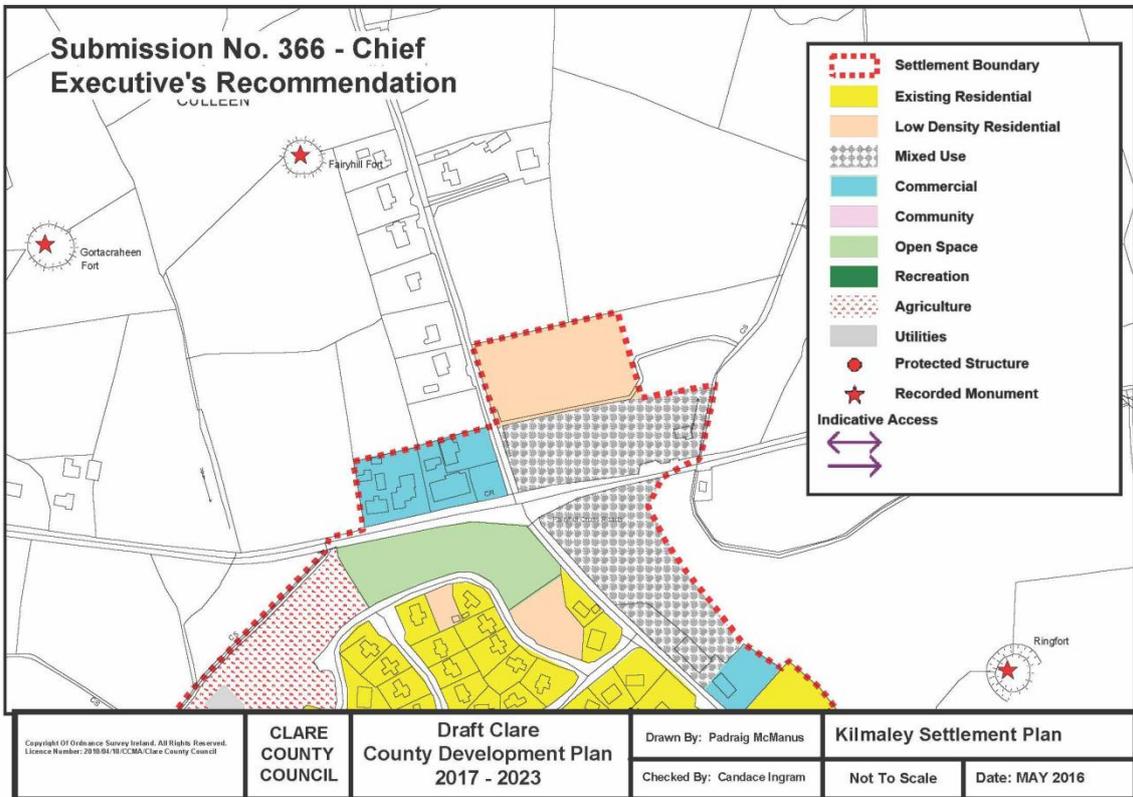
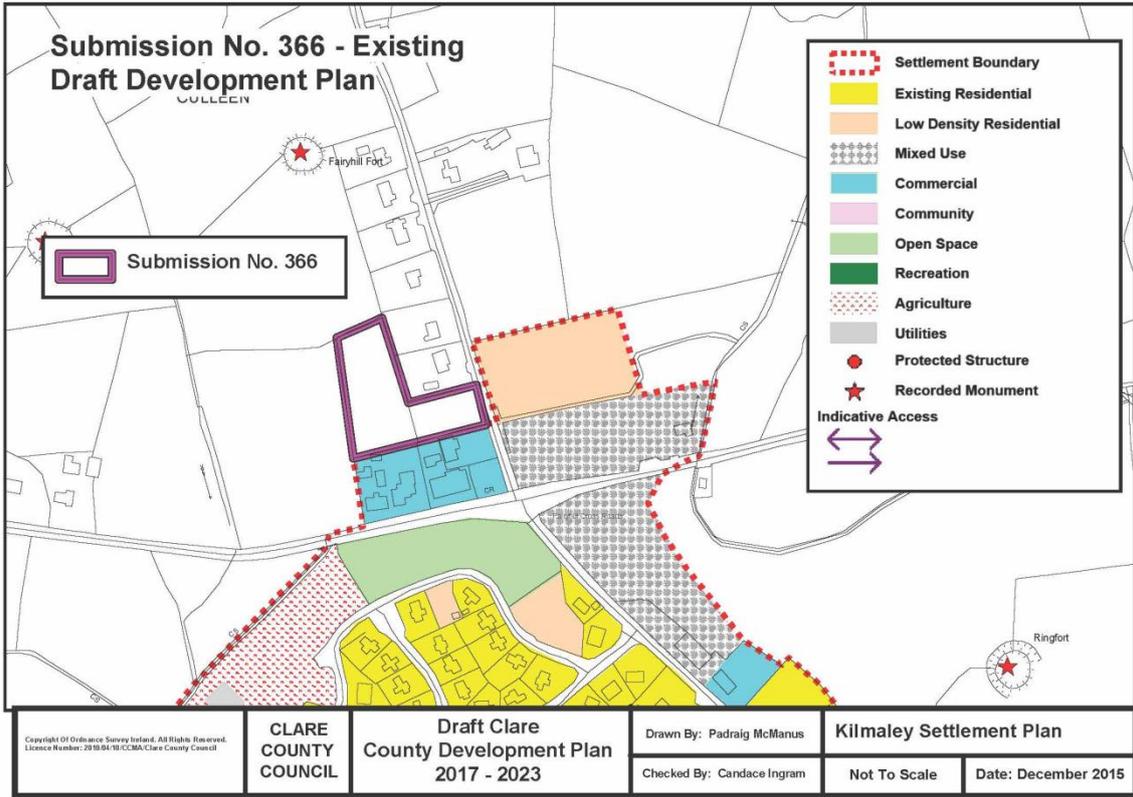
- I agree that it is essential to cater for the housing needs of the elderly and this issue is addressed in Chapter 4 of the Draft Plan which supports the development of adaptable homes and housing for older people (Section 4.3.8). I also refer to my recommendation in relation to submission ref: 478 in which I recommend additions to Section 4.3.8 and Objective CDP4.10 in relation to nursing home development.
- In relation to the village of Kilmaley, I note that the Draft Plan supports the consolidation of the two core areas in the village but, having regard to the significant through-traffic on the R474, aims to concentrate development on the southern side of this road in order to minimise access on and off the main road. To support this objective a limited area of Mixed Use and Low Density Residential land has been zoned in the northern half of the village, at the junction with the R474 in order to create a definable entrance to the village. However I do not consider it appropriate to zone further lands for development in this area. All additional development should be concentrated to the south of the R474 so as to support the objectives for the growth of the village in the future.
- The N67, as a National Secondary Route, has a higher carrying capacity than the R474 Regional Route and is one of the main links between Ennis and west Clare. I note that Miltown Malbay is sign-posted at the Beechpark roundabout on the N85 however any further signposting on the national route is a matter for Transport Infrastructure Ireland and is not an issue can be addressed through the development plan process.
- I agree that there are actions that can be taken to improve the sense of place in Kilmaley village. This issue is addressed in the Kilmaley Settlement Plan under the heading of 'Place Making and Amenity and I consider that it would be beneficial to make an addition to this section of the Draft Plan based on the issues raised in this submission.

Chief Executive's Recommendation

I recommend that the following amendment is made to the Draft Clare County Development Plan 2017-2023:

Volume 3(a), Kilmaley Settlement Plan, Place Making and Amenity Section – need text added to read:

It is important that development of the Mixed Use lands around the junction forms clear edges to the public road to assist with both placemaking and traffic calming as required by the Design Manual for Urban Roads and Streets (DMURS).



Ref. 367 Siobhan Burke on behalf of Doolough Protection Group

Key Words: Policy, Wind Energy, Renewable Energy, Environment

Summary of the Issues Raised in the Submission

The key areas of interest in this submission are the Clare Wind Energy Strategy, the Clare Renewable Energy Strategy, the promotion of renewable energy and a decarbonised local economy, rural economic development, the development of cultural facilities and community development.

Doolough Protection Group are members of the local community in West Clare whose aim it is to encourage sustainable development that also promotes family and home, fauna and wildlife, agricultural production and tourism.

In relation to the Wind Energy Strategy their area is designated as a *Strategic Area – eminently suitable for wind farm development*. It is submitted that this means that they are not *acceptable in principle* but that they are *acceptable per se*. Neither are they *open to consideration* therefore evaluated on a case by case basis. They are therefore prime targets for the world wind energy industry and have no protection, being unable to call on the designation of other regions that are not, in principle, considered suitable.

Ms. Burke stressed that Doolough Protection Group are not against wind farms or any other form of renewable energy. They call for sustainable development and the placing of wind turbines in suitable landscapes. This group is focused on establishing the ways in which the Slieve Callan uplands do not meet these requirements. They are concerned that the future of their area has been reinforced by the proposed Clare County Development Plan 2017-2023.

It is submitted that in all County Development Plans prior to 2005 the Slieve Callan uplands were designated Visually Vulnerable Area of Outstanding Natural Beauty. The submission claims that this designation was eliminated when it became clear that the area was wanted by windfarm concerns. The name has changed but the landscape has not ceased to be a visually vulnerable area of outstanding natural beauty.

Ms. Burke highlights that there are two main attractions to living in rural County Clare and it is on the same two attractions that much of the tourism industry is based – an area unpolluted by continuous sound and the natural scenery of the area. These attributes compensate for the amenities of urban areas that are sacrificed when people choose to live in rural locations. Wind turbines in the area cause noise and visual distortion, take away the peace and panoramic views and, it is submitted, locals are left with nothing.

The submission sets out that Slieve Callan Uplands is a blanket bog, a habitat that has been given a 'bad' status in the NPWS report on the condition of designated habitats. Ms Burke states that if proper assessment was given to the type of environment present in the area it would not have emerged as a primary area for wind turbines in the county. It is submitted that they not only want an end to the designation of the area as being suitable for wind turbines, they want to see the environment actively managed.

Doolough Protection Group also submit that they are highly concerned about the waterbodies in the area, the plantation forests, the blanket bog, the hen harriers and their habitats. They need higher protection, government assistance and guidance and grants and allowances to improve land/habitats and the species thereon. The designation of Slieve Callan Uplands as a strategic area for wind farm development has very negative effects on local environments e.g. peat shifts and contamination of groundwater. They are highly concerned about the influx of planning applications for wind farm developments and that all that is asked for is 'mitigation measures' to improve plans that the Council itself voices concerns over. They voice concerns over the proximity of the turbines to their houses and the seeming lack of a cap on how many turbine can be granted in an area.

The submission indicates that the NPWS has more work to do to ensure that the area continues to be a valuable habitat for the hen harrier and they intend to start negotiations to have the area designated as a Special Protection Area. They call on Clare County Council to moderate a sustainable development/protection plan for the region. The Group fears that they are on the brink

on losing the hen harrier habitat, fresh water and peatlands to a massive slippage and there will be no return from this destruction. Ecologically speaking, the Slieve Callan uplands assist with national carbon emissions and are a flood prevention regime.

The submission demands that the County Development Plan treat the Slieve Callan Uplands with more respect and opportunities to create employment as a side effect of sustainable peatland conservation, management and restoration, especially in parts of the country with weak employment growth, must be given priority.

The submission concludes by raising concerns about the assessment of development proposals for wind farms making reference to a recent planning application.

Chief Executive's Response

I thank Ms Burke and the wider Doolough Protection Group for their submission and for their detailed consideration of the Wind Energy Strategy and the issues that affect their community. I would like to make a number of comments in relation to the issues raised.

In relation to the former designation of Visually Vulnerable Areas throughout the county, this designation remained in place until the adoption of the Clare County Development Plan 2011-2017. During the preparation of that development plan the designations throughout the County were reviewed, in coordination with the Elected Members, as it was felt that the existing designations did not reflect the full range of landscapes in the county and the way in which the people of the county interact with the landscapes in which they live and work. The revised system recognised areas of scenic, ecological and historic importance (whereas the previous designation only reflected visual importance) and designated these sensitive areas as Heritage Landscapes. Other parts of the county were designated as Living Landscapes and Working Landscapes. The reassessment of the landscape designations in the county was based on detailed analysis of landscape character types, the location of habitats of importance and areas of historic importance throughout the county. It did not diminish the level of protection given to sensitive areas throughout the county.

In relation to the protection of the environment and the amenities of local residents, issues such as potential impacts on the receiving environment, impacts on nearby residents and the potential impacts of the development in-combination with existing developments in the area are always primary considerations in the assessment of development proposals. I note the concerns that are raised in relation to the number of applications being made in the area under the Planning and Development Act, the Planning Authority cannot restrict potential developers from lodging a planning application for consideration under Section 34 of the Act.

I acknowledge the concerns that are raised in relation to the designation of the Slieve Callan Uplands as a Strategic Area for wind farm development. The Draft Clare County Development Plan 2017-2023 has committed, in Objective CDP8.39(d) to prepare an updated Wind Energy Strategy for County Clare during the lifetime of the new development plan. The update strategy will be prepared when the new national-level guidelines are available to the Council. In the interim period however the Department of Environment, Community and Local Government, in Circular Letter 20-13, has requested that local authorities defer amending their wind energy strategies. For this reason the adopted Clare County Wind Energy Strategy is not being reviewed at this time.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.

Ref. 368 Castlerock Residents' Association

Key Words: Ennis.

Summary of the Issues Raised in the Submission

This submission is an objection to the proposed change of zoning of the site to the east of Pat Fitzpatrick's petrol station at Knockanoura, Tulla Road, Ennis. The lands are presently zoned "Other Settlement Land" and they are proposed to be zoned "Opportunity Site" in the draft Plan.

The author objects to the proposed zoning on the following grounds:

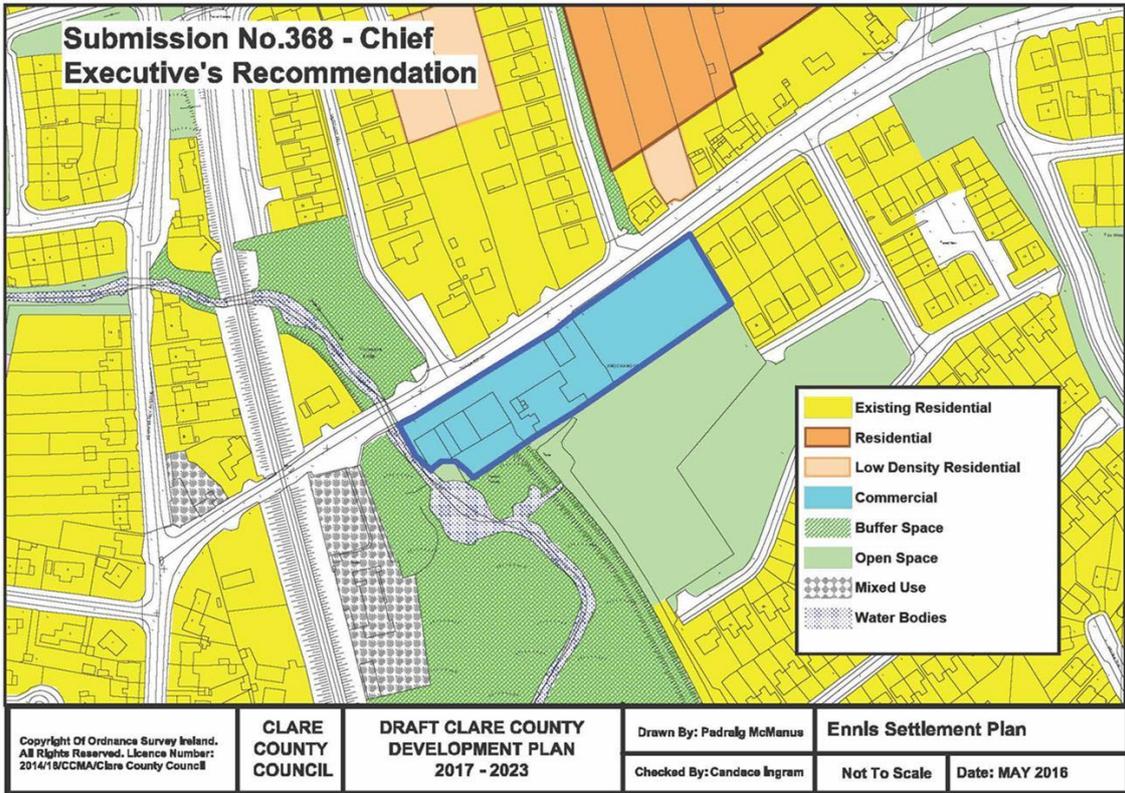
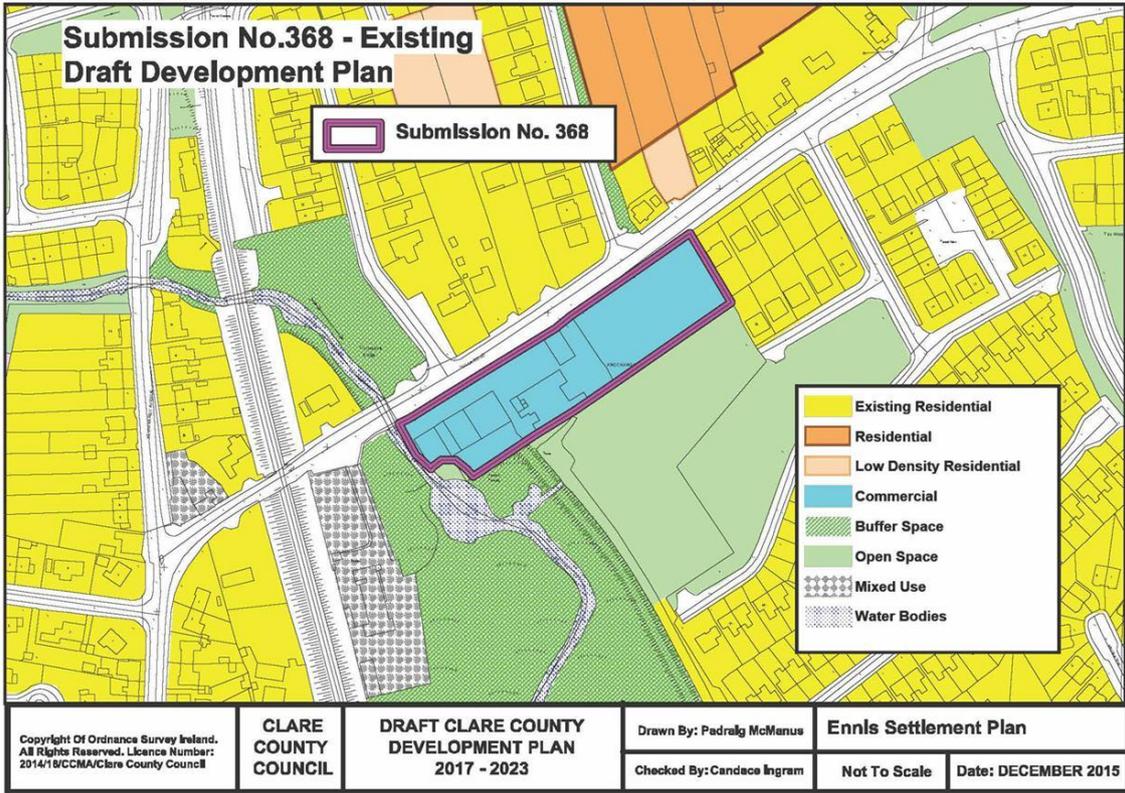
- Over intensification of development in a primarily residential area
- Provision of a commercial development at this site where there are no proper exit and entry access would create a huge traffic hazard on the Tulla Road
- Proposals for Cycle Lanes in this area would be abandoned
- Flooding issues for the green area on the Castlerock Estate could be increased as a result of commercial development

Chief Executive's Response

I wish to thank the Castlerock Residents Association for their submission. I acknowledge concerns raised by the Castlerock Residents Association regarding the change in zoning from Other Settlement Land to Opportunity Site and in particular their concerns regarding over intensification, road safety, lack of proper exit/ entry arrangements and flooding. I acknowledge the volume of Traffic on the Tulla Road and the challenges this poses for road safety. Guidance for the development of this opportunity site OP19 is set out under Section 2.14 of Volume 3 (a) of the Draft Plan which states that a traffic management plan must be submitted as part of any planning application as well as proposals for coordinated points of entry/exit. A flood risk assessment must also accompany any development proposals for the site.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission, save for the labelling of the site as LDR41.



Ref. 369 Brian Lohan and Martin O'Malley

Keywords: Ennis

Summary of the Issues Raised in the Submission

This submission relates to the proposed COM6 site at Cahircallamore, Kilrush Road.

The author notes that the planning objective for the site is to secure the optimum re-use of the existing building on site, by providing a neighbourhood centre anchored by a supermarket/grocery store up to 1200 sq meters.

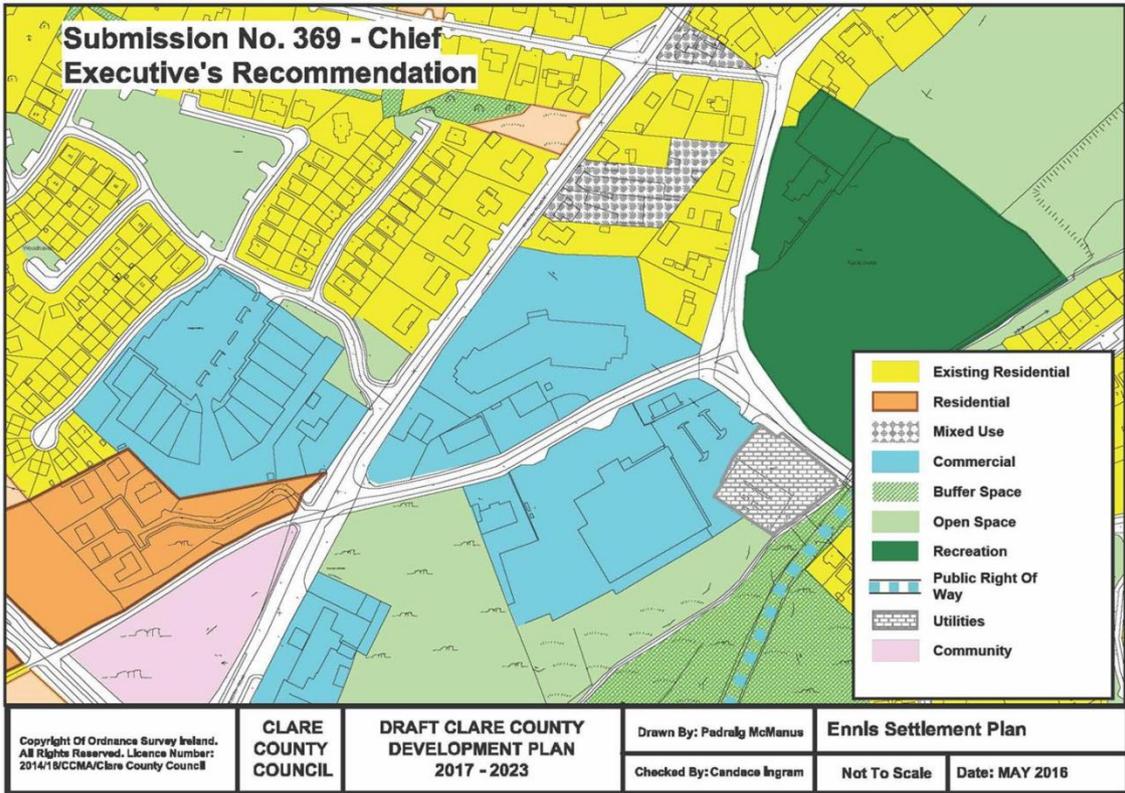
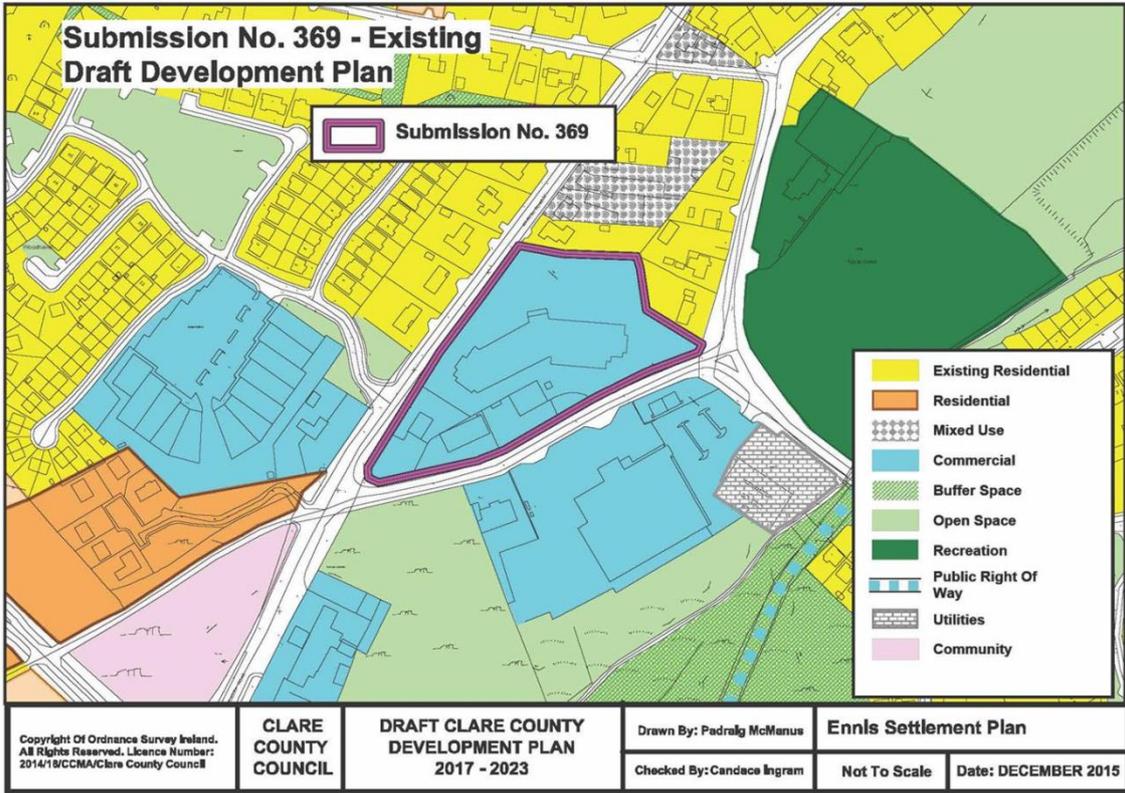
The submission proposes that the floor area not be restricted to 1200 sq meters given that the existing premises built on site has an approximate area of 1500 sq meters.

Chief Executive's Response

I wish to thank Mr. Lohan and Mr. O'Malley for their submission. I refer to Volume 3 (a) which accompanies the Draft Clare County Development Plan 2017 – 2023 and specifically to Section 1.7.6. 'Neighbourhood Centres' contained therein, which refers to Com 6 Cahircallamore, the site as referred to in this submission. The figure of 1200 sq.m. relates to net retail floor area. As per the 'Guidelines for Planning Authorities Retail Planning', as published by the Department of Environment, Community and Local Government (April 2012), the net retail floorspace refers to the area within the shop or store which is visible to the public and to which the public has access including fitting rooms, checkouts, the area in front of checkouts, serving counters and the area behind used by serving staff, areas occupied by retail concessionaires, customer service areas, and internal lobbies in which goods are displayed, but excluding storage areas, circulation space to which the public does not have access to, cafes, and customer toilets. I note that the submission refers to the vacant floor space on the ground floor which amounts to approximately 1500 sq.m. I do not consider that the allocated quantum of floor space as identified for a supermarket / grocery store of up to 12000 sq.m. (net) will preclude the re-use of this unit as the gross retail floorspace which includes the total floorspace, as measured from inside the shop walls, which includes sales space, plus storage space, offices, toilets, canteen, and circulation space could still amount to 1500 sq. m. being the total floor space of the unit.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 370 Cunnane Stratton Reynolds on behalf of Tony Liddy

Keywords: Ennis

Summary of the Issues Raised in the Submission

This submission refers to lands owned by the above at Toureen, Tulla Road, Ennis. An accompanying map identifies the location of the site which is approximately 500 metres to the east of the R352 Tulla Road Overbridge of the Ennis By-Pass and has an estimated area of 10 ha. The land is presently zoned "Open Countryside" and is proposed to be zoned as "Industrial IND1" in the draft Plan. This submission welcomes the proposed zoning.

The submission requests the planning authority to include provisions in the Ennis Municipal District Plan to accommodate other uses in the Industrial Zone.

The author submits that the draft Plan lacks a Zoning Matrix and requests that Paragraph 1 Page 14 of the Ennis Municipal District Plan be amended to reflect that it is desirable that this site be developed for a small number of large industries.

The author also requests the Council to state in this paragraph that access to the lands may be via unzoned lands as this would prevent third party ownerships and civil issues preventing access to the lands which have been identified by the Council as suitable for development.

Chief Executive's Response

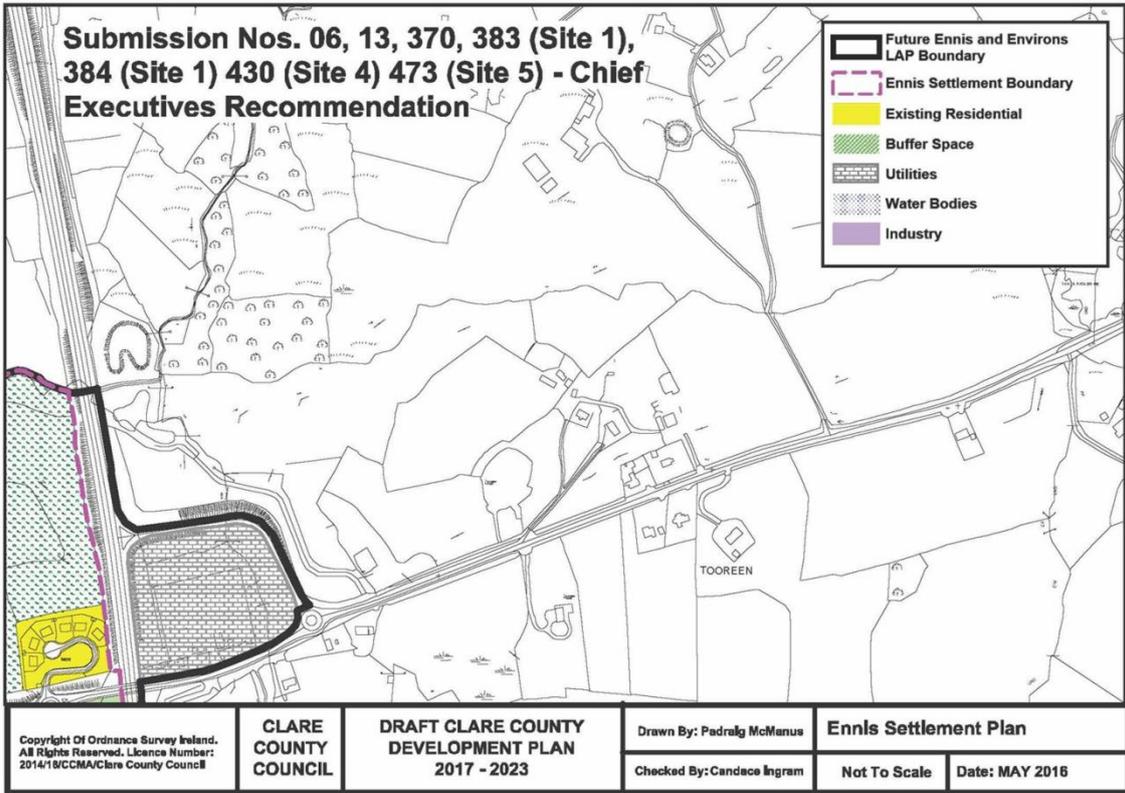
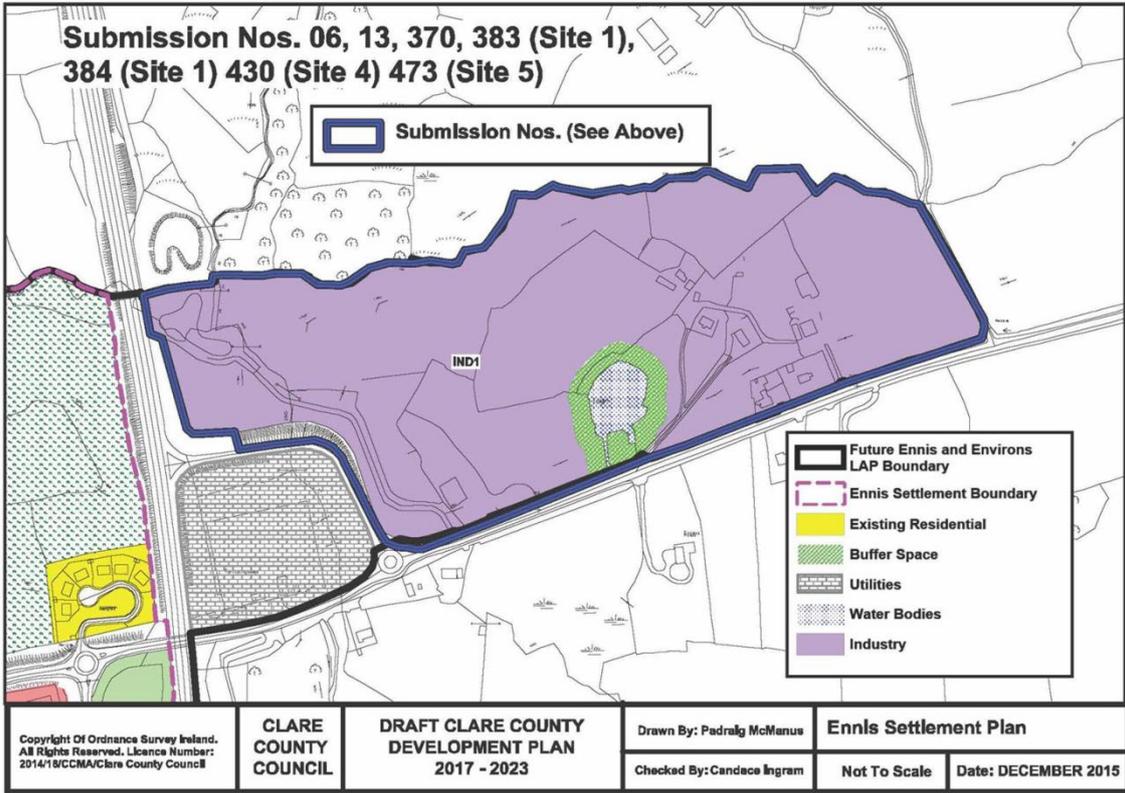
I wish to thank Mr. Liddy for this submission regarding IND 1. In relation to the proposed zoning of land at Junction 13 in Ennis, I note that a full Traffic Impact Assessment of the zonings has been carried out and sent to Transport Infrastructure Ireland for their consideration. Notwithstanding this additional information I note that T.I.I. have on-going concerns regarding the capacity of Junction 13 to accommodate additional traffic flows that may be generated as a result of the zoning of IND1. Having regard to the traffic safety concerns raised by Transport Infrastructure Ireland, I consider it appropriate to remove the Industry zoning from this site in Ennis and to move the settlement boundary westwards so that it no longer incorporates these lands.

Chief Executive's Recommendation

I recommend that the following amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission:

Volume 3(a) Ennis Settlement Plan – amend zoning map as follows:

Remove the Industry zoning from IND1 in Ennis and to move the settlement boundary westwards so that it no longer incorporates these lands.



Ref. 371 Peter and Mary Cosgrove

Key Words: Ennis

Summary of the Issues Raised in the Submission

This submission refers to the area known as Claremount in the townland of Ballaghfadda West, Clarecastle. The author raises concerns in relation to the following aspects of the draft Plan

- Site L1: Kildysart Road, Clarecastle.

This site is currently zoned "Agricultural" and it is proposed to rezone it "Light Industrial - L1" in the draft Plan. The author submits that the overall rezoning of land along the Kildysart Road to "Light Industrial" is excessive and contradicts the overall objective of the Plan as set out in objective V3(a)1(b).

- Contradictions in the Plan

It is the authors' opinion that light industrial zoning on site L1 contradicts the aim as set out in *Volume 3(a) Section 1.5.1. Strategic Aims for Economic Development and Enterprise*. They envisage traffic problems as a potential major difficulty for the area and feel it would make more sense to develop sites along the motorway thus avoiding the problems that will exist along the Kildysart Road.

The author further queries why the greenfield environment surrounding important architectural and heritage assets should be replaced by concrete thus impacting on current visual amenities in the area.

The author also has concerns regarding increased noise levels from light industrial areas.

The author submits that existing houses to the southeast of the subject lands were flooded in January 2016 as a result of water from the subject lands and contents that there will be an increased risk of flooding if there is a change to the landscape/structure of this field.

It is the opinion of the author that there should be a "green buffer" between their residences and the lands proposed as "light industrial" but would prefer that the lands remain "green".

Chief Executive's Response

I wish to thank Peter and Mary Cosgrove for their submission. In order to respond, I shall address each of the issues under the headings as stated above.

- Site L1: Kildysart Road, Clarecastle

I acknowledge the concerns as raised in the submission regarding the proposed zoning of LI1. However I consider that this is a strategic site for employment purposes which will build on the reputation of Clarecastle as a place to do business, exemplified by Roche (Ireland). I consider that LI1 zoning along with the enterprise zoning adjacent is well positioned to form an employment hub in the plan area taking advantage of its location close to the motorway. I note that the zoning of Light Industrial ensures that the use of such lands must be such that could be carried out or installed without detriment to the amenity of that area, by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. I consider that a comprehensive approach is undertaken to the development of the site, so as to avoid incremental / incompatible uses within the site. Additionally an archaeological assessment, details of how surface water will be controlled and a high quality design that has regard to the location and context of the site shall be required. Further hedgerows and treelines shall be retained and a suitable buffer shall be put in place to ensure their protection. Future development proposals shall demonstrate through a light spill modelling study that there will be no increase in ambient light levels beyond the perimeter of the development footprint. Each of these requirements shall be assessed under the Development Management process, however I consider that with the implementation of same, the amenities of the residents in the vicinity of this site will be retained and not interfered with.

- Contradictions in the Plan

I do not consider that there are contradictions in the Draft Plan. As stated above, the zoning of Light Industrial is to allow for uses which would not be detrimental to residential amenities. Additionally and as stated above, a comprehensive, master plan approach to the development of the entire site shall be required. Additionally, any planning application received on the site will require the submission of a detailed traffic management plan. The subject site has been examined in detail as part of the Strategic Flood Risk Assessment Land which concluded that the site is suited to proposed light industrial use, with a drainage impact assessment to be submitted and assessed during the Development Management process. I recommend that the text pertaining to Site LI1 Kildysert Road, as contained in Volume 3 (a) which accompanies the Draft County Development Plan 2017 – 2023.

- Site C2: Kildysert Road, Clarecastle

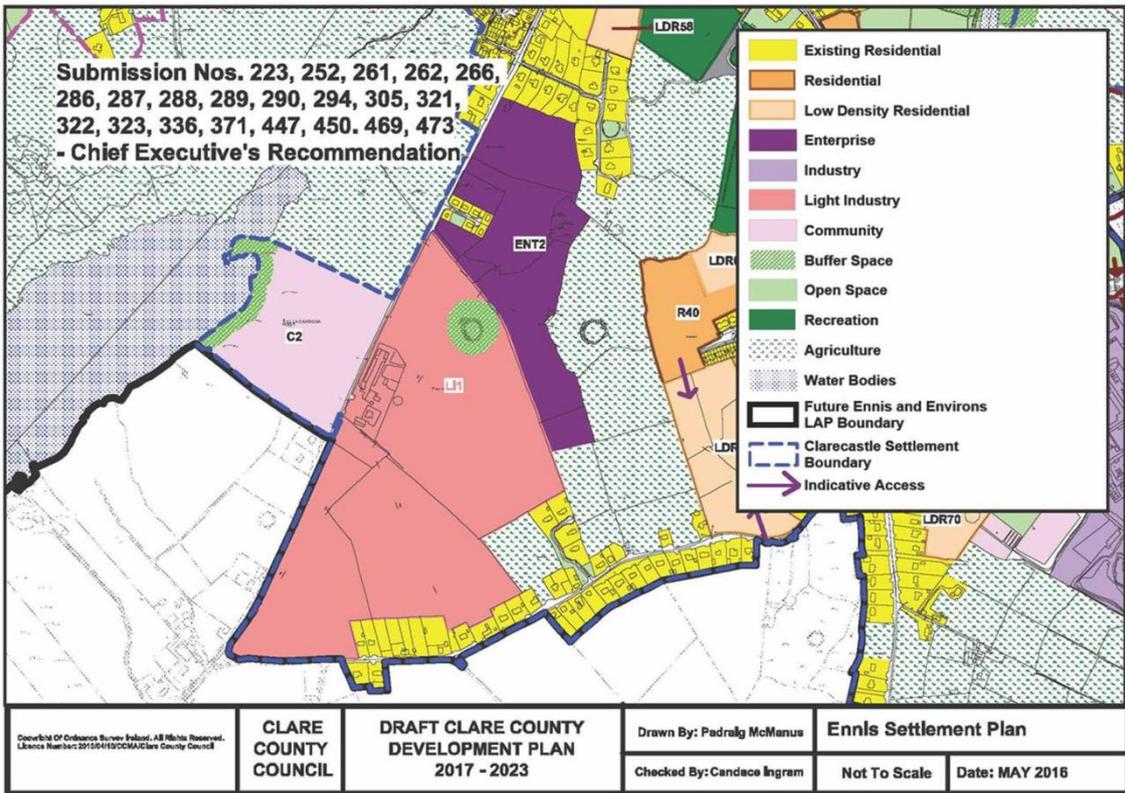
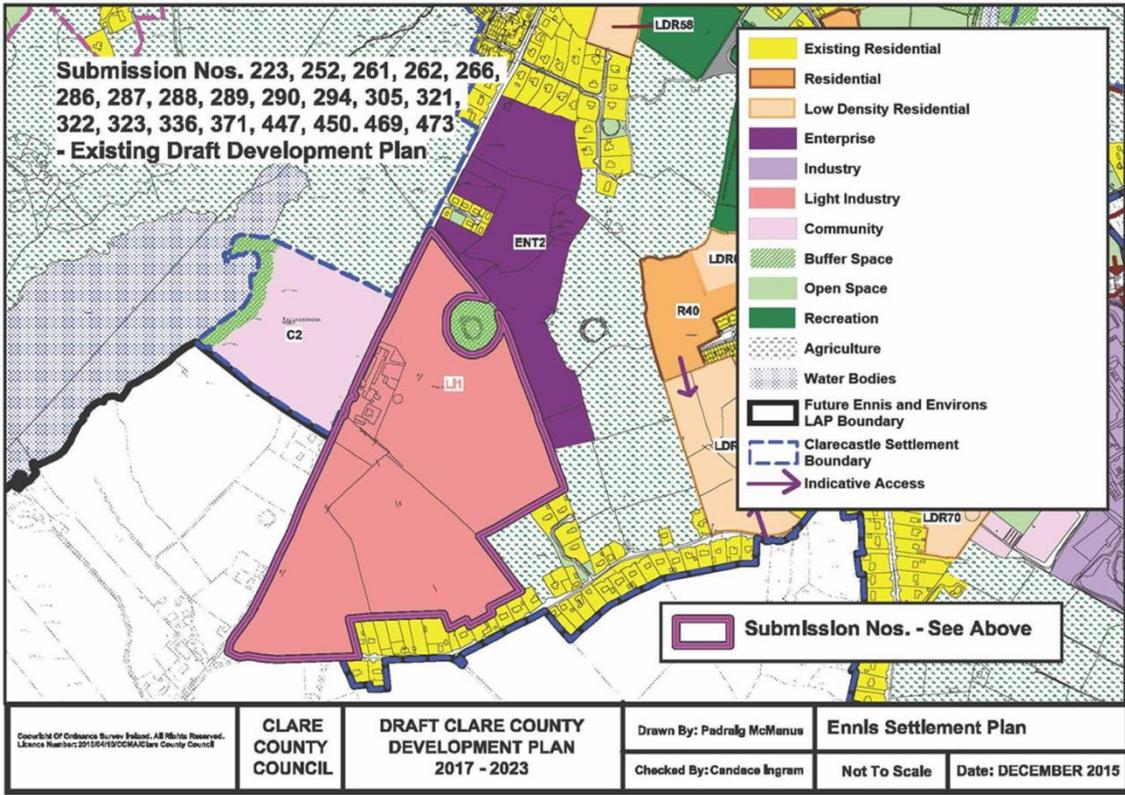
I acknowledge the concerns as raised in the submission, however I consider that this site is suitable for a crematorium, with potential for the co-location of a graveyard having regard to the location of same, which has excellent connections to the surrounding area and wider region, via the local, regional and national road network. I consider it appropriate that any proposals for development of the site include the provision of footpaths, cycle lanes (and associated road widening if required) and public lighting to connect with the existing network in the adjoining Clarecastle village, which will provide an amenity to the locality.

Chief Executive’s Recommendation

I recommend that no amendments are made to the zoning of LI1 as contained in Draft Clare County Development Plan 2017-2023 on the basis of this submission. However I recommend that the following additional text is inserted under Site LI1 Kildysert Road, Clarecaslte as contained in Volume 3 (a) which accompanies the Draft County Development Plan 2017 – 2023:

The masterplan shall incorporate the following elements:

- Design and site layout rationale;
- A detailed landscaping plan, utilising as far as possible existing landscaping features;
- Consideration of the future / existing development of adjacent areas;
- Measures to prevent significant negative effects on adjacent land use zonings;
- Detailed traffic management plan;
- An infrastructural services plan;
- A drainage impact assessment;
- Archaeological assessment;
- Light spill modelling study;
- Flood risk assessment.



Ref. 372 Coolpower Investments

Key Words: Policy, Renewable Energy

Summary of the Issues Raised in the Submission

This submission focuses on the Clare Renewable Energy Strategy – Solar Energy.

It is submitted that the draft Plan currently focuses on micro-generation of solar energy on buildings or small-scale development on brown-field sites. In December 2015 the Department of Communications, Energy and Natural Resources published a white paper highlighting the potential for utility scale solar PV in Ireland and the sustainable benefits of such developments. The developments can range from 15 to 100 acres.

It is submitted that developments of this nature would bring significant benefits to County Clare and the county has all the appropriate factors for successful utility-scale solar PV development including an excellent solar resource, an excellent grid structure and many marginal/small farms that are currently under-utilised.

It is requested that the Council add a section to Volume 6, Chapter 8 of the Development Plan to specifically address utility-scale solar PV developments.

Chief Executive's Response

I thank Mr. Fewer, on behalf of Coolpower Investments, for his submission on the Draft Clare County Development Plan 2017-2023. I acknowledge that there has been increased interest in the development of commercial-scale solar energy installations in recent years and that this is not fully reflected in the Renewable Energy Strategy for the county. Having regard to this submission, and particularly in light of the White Paper on Ireland's Transition to a Low Carbon Energy Future (DCENR 2015), I consider it appropriate to amend Volume 6, Chapter 8 of the Clare Renewable Energy Strategy 2017-2023 in relation to this issue.

Chief Executive's Recommendation

I recommend that the following amendments and additions are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission:

Volume 6, Chapter 8 – amend Section 8.2 as follows:

8.2 Assessment of Potential

The first part of this section identifies factors influencing the preferred locations for micro installation of PV and solar thermal ~~which is the focus of this chapter~~. The second part of this section looks at potential for large scale photovoltaic installations and the factors influencing preferred locations for same.

Volume 6, Chapter 8 – amend Section 8.2.2 as follows:

8.2.2 Factors influencing preferred location for large scale photovoltaic installations (exceeding 50 square metres)

- For the purposes of this strategy the term 'large scale' shall be taken to mean an area that is greater than the area that is exempt under S.I. 235 – 2008.
- Installations should be generally south facing, with an angle of 35–45 degrees. Some installations may have tracking technology with sensors and motors to track the motion of the sun and maximise electricity production.
- Vacant brown field sites in predominantly industrial areas which have not been developed to date with access to grid, vehicular access and with associated transformers and power cables. Such sites may occur in the Shannon Free Zone and other industrial areas in the County.

- Land diversification, where solar farms can be developed on agricultural land where proposals include the continued agricultural use of the site or incorporate biodiversity measures within the project.
- Industrial / commercial sites with large available roof space. Such sites may occur in the Shannon Free zone which would complement green zone policy as per the Shannon Local Area Plan 2012-2018.
- Office developments have good PV potential because their electricity demand is significant year round (including summer) and because demand is highest between 9am and 5pm. Thus the match between demand and supply is good.
- Sufficient hours of day light (as per SEAI irradiation map of Europe).
- Secure un-shaded site (shadow from buildings, trees and other structures can significantly reduce the performance of PV's).

Volume 6, Chapter 8 – amend Section 8.3 as follows:

There are few planning issues and constraints associated with micro renewables such as thermal solar energy and solar PV having regard to Exempted Development Planning and Development Regulations 2007 and 2008. Potential constraints to the development of large PV systems may include:

- Normal planning considerations including impact on landscape, urban design, biodiversity, and ecological impact, on-site water management, access to grid, security fencing, decommissioning issues and residential amenity including potential glint and glare.
- Buildings located within designated Architectural Conservation Areas or those listed in the Record of Protected Structures.
- Requirement for an exclusion zone / restrictions around Shannon Airport, due to potential conflict between aircraft radar systems and large PV tracker technology; also potential reflection / glare issues.
- The need to have sufficient areas of solar modules to produce the required energy output from the system.
- Functional effectiveness of the solar units in Ireland's climate.
- Shadow from buildings, trees and other structures can significantly reduce performance of PV's.

It is the policy of the Council to encourage the use of solar energy for generating the electricity/heating needs of buildings and infrastructure such as street lighting and road signage, in accordance with the principles of proper planning and sustainable development. The Council will generally support proposals for appropriately designed thermal solar and PV systems other than in circumstances where visual impact is critically damaging to a Recorded Monument, Protected Structure or an Architectural Conservation Area, has potential to negatively impact on the amenity (including residential) of the area or adversely affects a protected species and/or its habitat .

Volume 6, Chapter 8, Objective RES8.1 – amend Point (a) to read:

a) To ~~require encourage, at pre-planning stage~~ as part of the design and planning process, an evaluation of the potential to incorporate thermal solar or solar PV (or other suitable micro renewable technology) into the design of all new developments, or extensions to existing development, or change of use proposals, and to submit this evaluation with any planning application.

Volume 6, Chapter 8, Objective RES8.2 – add new point (b) to the objective to read:

To favourably consider the development of solar farms on agricultural lands which allow for farm diversification and multi-purpose land use subject to normal planning considerations. All such applications should be accompanied by an environmental report addressing issues such as ecological impacts, impacts on the amenity of adjoining properties, glint/glare, landscape impact assessment, cable trenching, sustainable drainage systems for the management of surface water disposal on site, decommissioning and site restoration.

Ref. 373 Michael Queally

Key Words: Doolin

Summary of the Issues Raised in the Submission

This submission refers to land owned by the above at Roadford within the Doolin settlement plan and boundary which is proposed to be zoned "Agriculture" in the draft Plan. An accompanying map identifies the site location which is approximately 0.5 ha in area.

The submission requests that the planning authority rezone the land "Mixed Use".

The author submits that rezoning his land to "mixed use" would enable him to develop a tourism business and to allow him live permanently in the settlement area and contribute to the social, cultural and community life of the parish. The development of a tourism product e.g. restaurant, accommodation etc would provide a sustainable livelihood for the landowner and his family. The land has access to all infrastructural services

Chief Executive's Response

I thank Mr. Queally for his submission and I wish to respond as follows:

The subject site is located in Doolin village, adjacent to Roadford Bridge and opposite McGann's Pub. The site is in a prime, central location in Roadford, providing opportunity for small scale expansion to the existing cluster of buildings/businesses in this part of the village.

However, I note that the development potential of the site is constrained by flood risk associated with proximity to the river; and lack of public waste water infrastructure in the village. Given its location I consider the site has the capacity to accommodate development and should be zoned Mixed Use, but development will be subject to strict criteria in relation to flood management, layout and design and infrastructure provision.

Chief Executive's Recommendation

I recommend that the following amendments are made to the Draft Clare County Development Plan on the basis of this submission:

Volume 3(d), Doolin Settlement Plan – amend zoning map and add text as follows:

- Zone part of the site Mixed Use and label MU6. Zone remaining area (adjoining the river) Open Space.

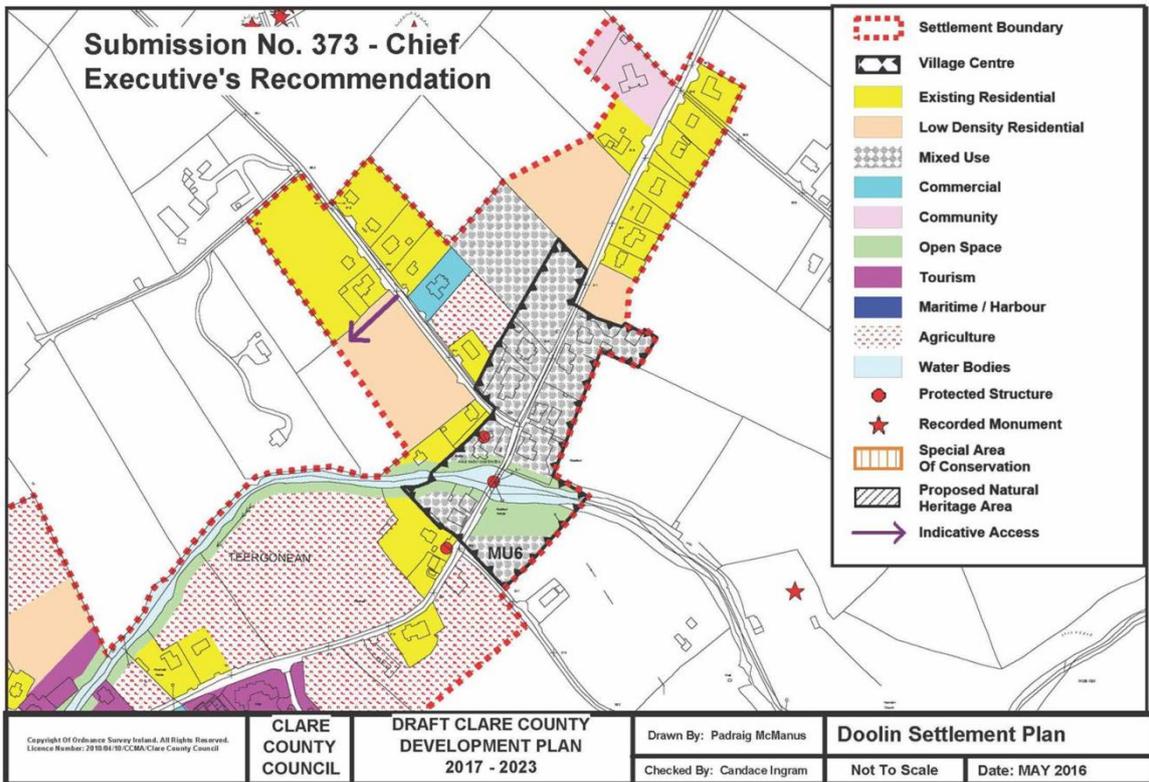
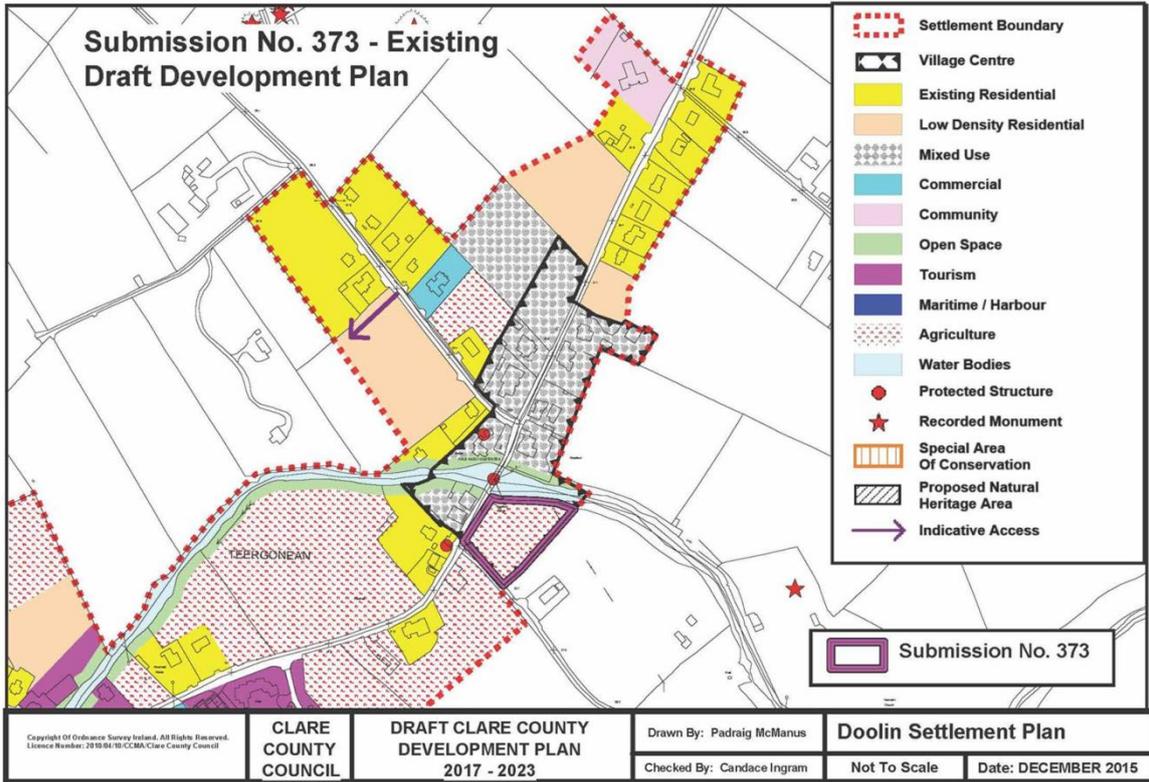
MU6 – Roadford Bridge

This site is in an excellent location adjoining the existing cluster of development in the Roadford service centre of the village. The site has the capacity to accommodate mixed use / tourism-based development that will contribute to the range of services and amenities in the village.

The design and layout of future development on this site must complement the historic character of this part of the village and the location of the site in proximity to a number of Protected Structures. The traditional layout, height and form of the buildings and structures in this part of the village must also be reflected in future designs.

The site directly adjoins lands that have a recorded flood history and parts of the subject site are identified as being at risk of flooding. No raising of land levels will be permitted on this site. Lands that are within Flood Zone A and B may be developed for water-compatible uses only. A detailed Stage 3 Flood Risk Assessment must accompany any future development proposals on this site to confirm the flood extent in this area. Only development proposals that can clearly demonstrate that there will be no resultant flooding/increase in flood risk, either on the subject site or other properties, will be considered.

Future development on these lands will be contingent upon the provision of appropriate wastewater treatment facilities and it must be fully demonstrated that there will be no adverse effects on the receiving environment. Waste water treatment must be in accordance with relevant EPA standards and requirements to ensure that all future development is sustainable in the long term and does not impact on water quality.



Ref. 374 Lourdes O'Donoghue on behalf of Mr. Noel Glynn

Keywords: Ennis

Summary of the Issues Raised in the Submission

This submission refers to lands owned by the above in the Rosleven Neighbourhood at Knockanoura, Tulla Road, Ennis. An accompanying map identifies the location of the site located on the main Tulla Road with an estimated area of 1.81 ha. The lands is presently zoned "Other Settlement Land", "Open Space" and "Petrol Station" and there is proposed zonings "Opportunity Site", "Commercial", "Buffer Space" and "Open Space" on the lands in the draft Plan.

The submission requests the planning authority to change the zoning of the portion of the lands referred to the in submission from "Open Space" to "Commercial"

The author submits that the proposed zoning of "Open Space" on approximately 0.86 ha of the total landholding is prohibitive and will impact on the clients intentions for redevelopment of the filling station and adjoining commercial/retail units.

The author submits that significant flood relief works have been undertaken on the lands with a flood defence embankment constructed along the north western boundary of the property, which significantly improves the development potential of the site.

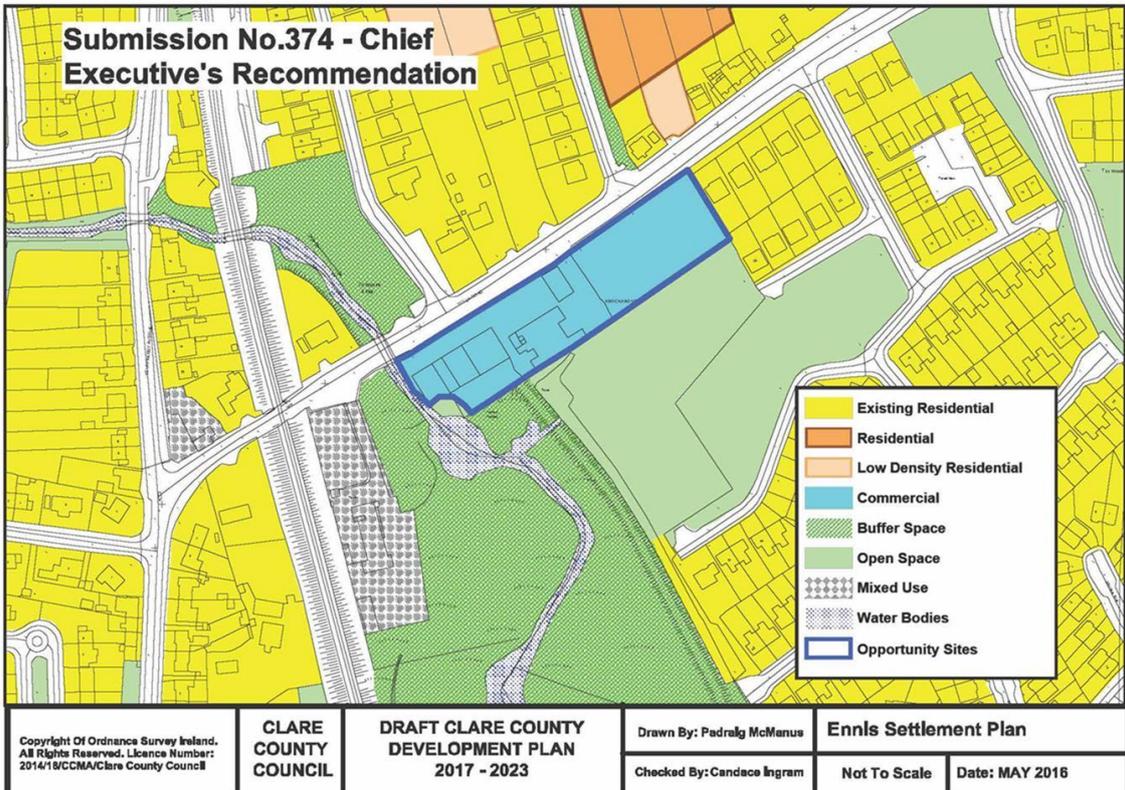
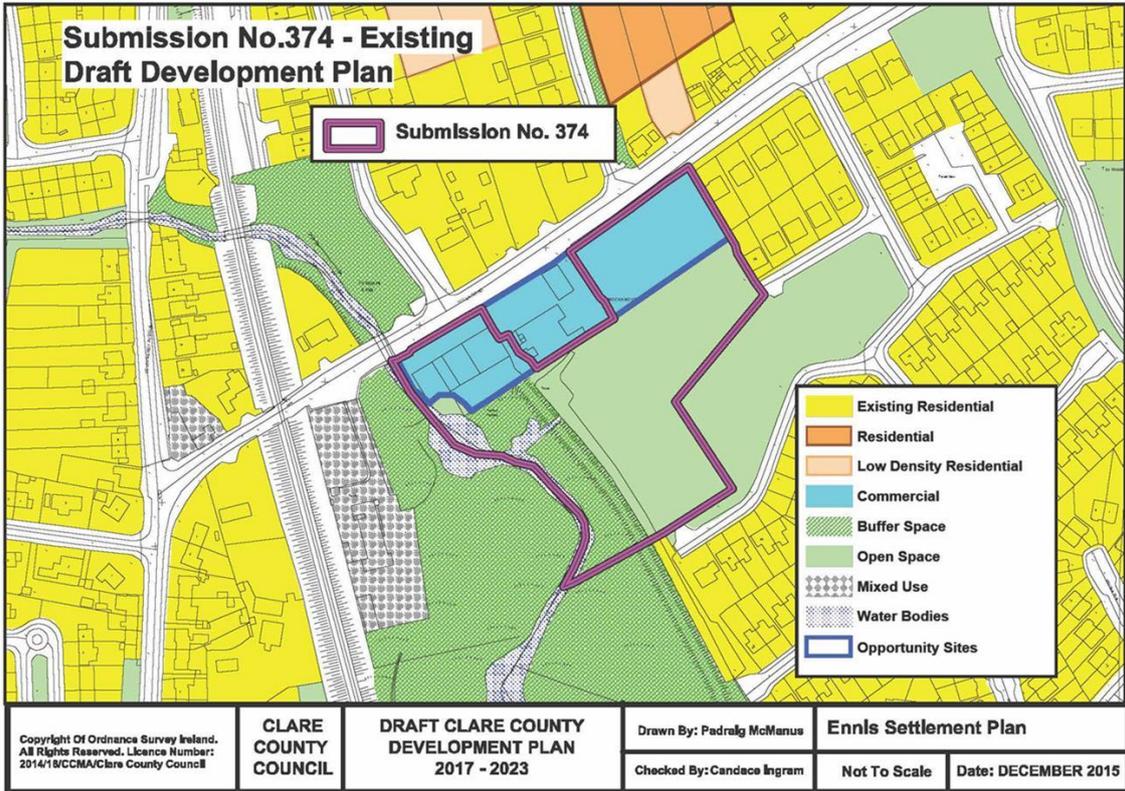
Chief Executive's Response

I wish to thank Mr. Glynn for his submission. I note that the site referred to in Submission 374 is located on the right bank of the Fergus Minor. The referred to plot of land is currently undeveloped and is proposed to be zoned open space. The land has been filled to levels generally in excess of 3.5m O.D., increasing to approximately 4.5m O.D. alongside the road. The lower lying part of the site, immediately behind the flood defences, plays an important role in storing surface water generated from the surrounding residential developments. It is further noted that the line of defences passes in front of the site and provides protection to the land against flooding. The defence is tied into the high ground that forms the adjoining OP19, so does not protect the existing (raised) development. The site also benefits from protection provided by the operation of the barrage.

I am not in favour of changing this area of open space to commercial as requested in the submission. I refer to the Strategic Flood Risk Assessment as contained in Volume 10 attached to the Draft County Development Plan 2017 – 2023, which sets out the development options for this site having regard to flood risk. The strategy advises that lands below the level of 4.2m O.D. should be zoned for water compatible uses. The strategy further advises that the lowest part of the site immediately behind the defences should be retained as open space in order to ensure that the attenuation function is maintained. Having regard to the foregoing, I recommend that no amendments are made to the draft Clare County Development Plan 2017-2023 on the basis of this submission

Chief Executive's Recommendation

I recommend that no amendments are made to the draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 375 Christine Sharp

Key Words: Access and Movement

Summary of the Issues Raised in the Submission

The author comments on traffic safety issues on the N67, particularly in the region of the Corkscrew Hill.

The submission requests the planning authority to:

Incorporate in the Plan a reduction of the speed limit to 60km in places on the N67 where urgently needed similar to what was done on the N85 in order to reduce accidents.

Chief Executive's Response

I thank Ms. Sharp for her detailed submission, acknowledge the contents and reply as follows:

I understand the situation as described in the submission and concur that this is an important safety issue. Unfortunately, the Development Plan process is not the appropriate forum for speed limit issues. Currently a speed limit review process under the auspices of the Department of Transport Tourism and Sport (DTTAS), Transport Infrastructure Ireland (TII), and the Local Authority is underway and we have liaised with the relevant department on foot of your submission. This review process is the appropriate forum for a submission should you not already have made one. The review is a process is due to report in April 2017.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.

Ref. 376 Richard Sharp

Key Words: Access and Movement

Summary of the Issues Raised in the Submission

The author comments on traffic safety issues on the N67, particularly in the region of the Corkscrew Hill.

The submission requests the planning authority to:

Incorporate in the Plan a reduction of the speed limit to 60km in places on the N67 where urgently needed similar to what was done on the N85 in order to reduce accidents.

Chief Executive's Response

I thank Ms. Sharp for her detailed submission, acknowledge the contents and reply as follows:

I understand the situation as described in the submission and concur that this is an important safety issue. Unfortunately, the Development Plan process is not the appropriate forum for speed limit issues. Currently a speed limit review process under the auspices of the Department of Transport Tourism and Sport (DTTAS), Transport Infrastructure Ireland (TII), and the Local Authority is underway and we have liaised with the relevant department on foot of your submission. This review process is the appropriate forum for a submission should you not already have made one. The review is a process is due to report in April 2017.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.

Ref. 377 Aidan Conway

Key Words: Sixmilebridge, Policy

Summary of the Issues Raised in the Submission

This submission relates to the Sixmilebridge settlement and in particular the objective *MU2 South of Clonlara Road* of which the author is the owner of the site and to which he objects to the references to parking.

The author submits that parking in the town centre is adequate at present but notes that there are specific issues which are causing intermittent traffic problems.

The author submits that there are a number of unauthorized developments in the immediate area which have not provided parking for their developments in accordance with their planning permissions and which should be enforced by the Council.

All developments should be contributing to parking and other items fairly and equitably in accordance with the existing Development Plan requirements.

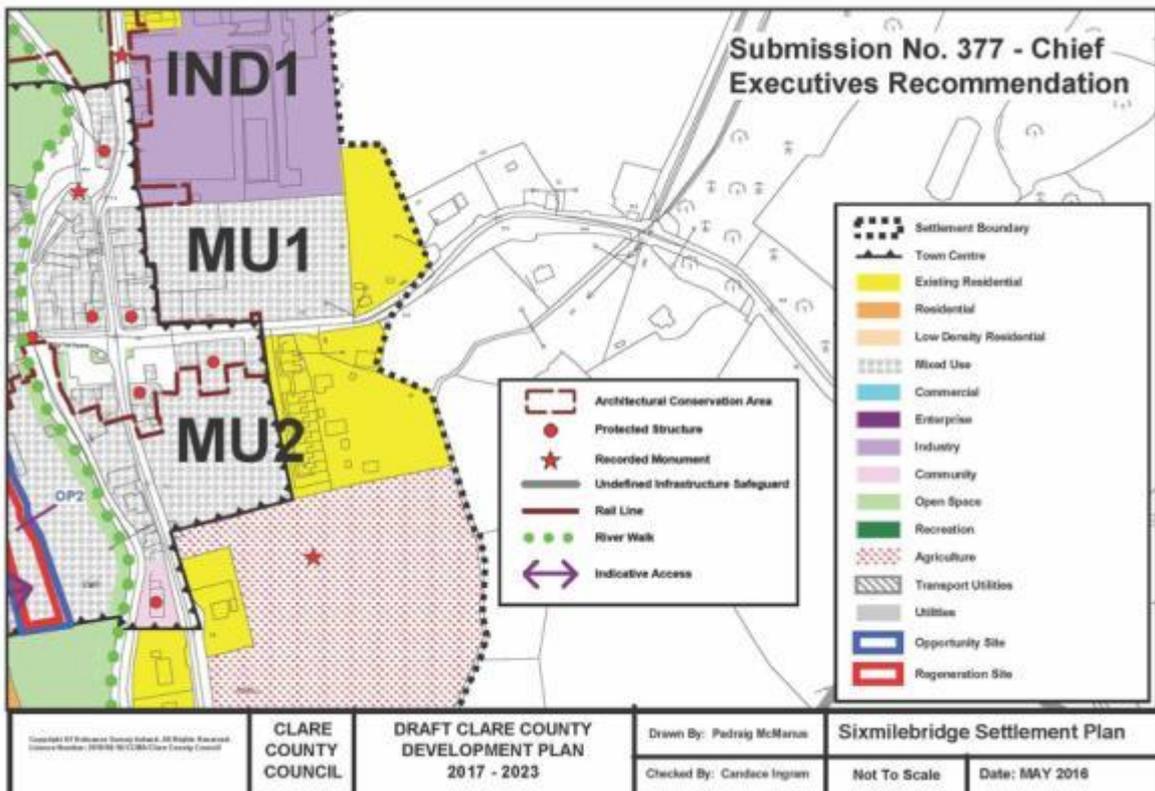
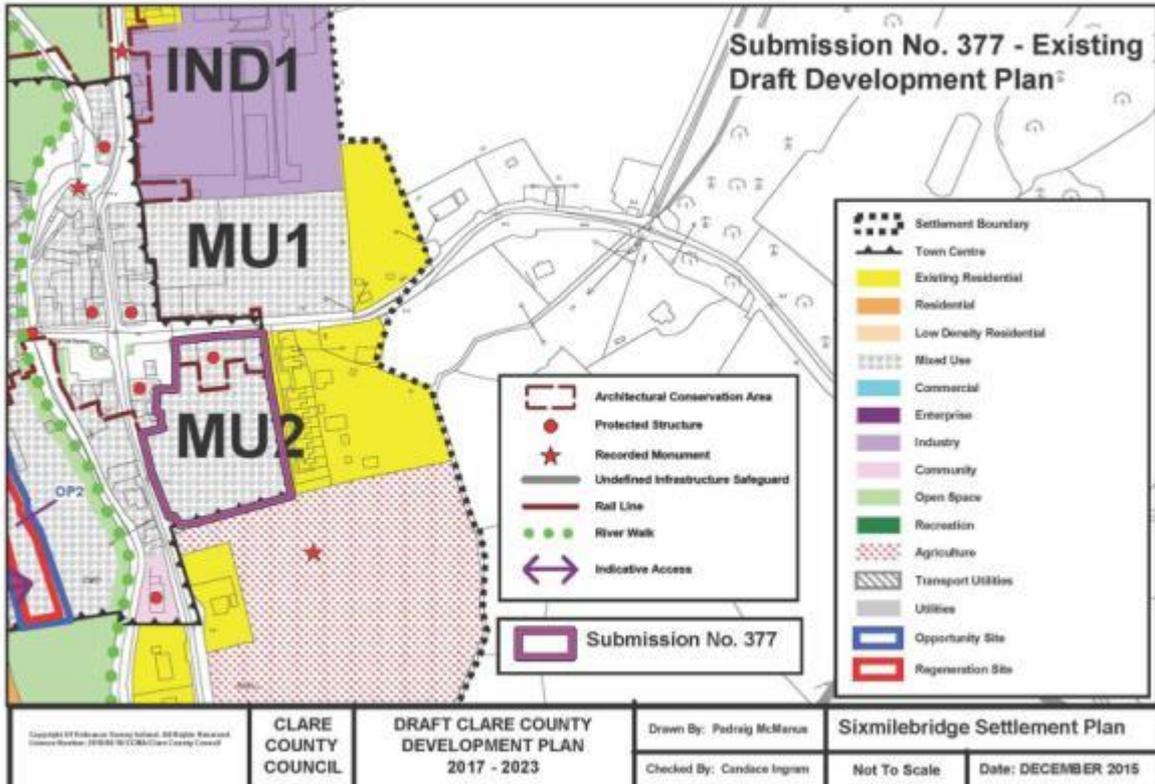
Chief Executive's Response

I thank Mr. Conway for this submission I wish respond as follows:

There is a transport objective in the text of Sixmilebridge relating to the provision of additional car parking in or near the town centre. I agree that it is responsible for a traffic survey to be carried out to accurately ascertain the level of requirement for additional parking in the town centre area. I consider that amendments are also required to the text in relation to Sites MU1 and MU2, both of which are key locations adjoining the town centre.

Chief Executive's Recommendation

I refer to the recommendations that I have made in relation to Submission 378. That submission addresses a range of issues, many of which are concurrent with those raised in Mr. Conway's submission. I consider that my recommendations in relation to submission 378 also satisfy the issues raised herein.



Ref. 378 Andrea Goble

Keywords: Sixmilebridge, Policy, Physical Infrastructure, Access and Movement

Summary of the Issues Raised in the Submission

This submission relates to the Sixmilebridge settlement and makes observations in relation to the following objectives:

Transport Objectives

- *To proactively pursue the provision of additional car parking in or adjoining Sixmilebridge town centre.*

The author objects to this transport objective and submits there is no scientific basis for it. The existing parking has not been surveyed; therefore there has been no analysis to determine if additional parking is required. The proper analysis would be a Traffic Management Plan/ audit, carried out by independent and competent professionals. The author considers that there is currently more than adequate parking in Sixmilebridge Town Centre and requests that this transport objective is removed from the Draft CDP.

- *To secure the provision of a link road (consistent with Guidance in Design Manual for Urban Roads and Streets) for the settlement and to facilitate the provision of clear markings, signage and traffic calming measures throughout the town, in order to provide for the safe movement of all transport modes and to alleviate current traffic congestion problems.*

The author objects to this transport objective and submits there is no scientific basis for it. The existing transport network has not been surveyed and there has been no analysis to determine if the provision of a link road is required or if there are current congestion problems.

MU2 South of Clonlara Road

The author objects to car-parking being specifically included in the statement and requests that any reference to car parking should be removed from the MU2 statement on the following grounds:

- There is no scientific basis for it. The same rationale is provided as for the objective to the first Transport Objective above. Ms. Goble submits that she never has difficulty finding parking in the town centre.
- The requirement for car parking is already dealt with in the development plan, in that each development should provide for its own parking.
- There are no other sites in or adjacent to the Town Centre that have been specifically picked out for potential car parking or with the requirement of providing a comprehensive Traffic Management Strategy. The submission lists other sites that could accommodate car parking close to the town centre.
- The statement that *'The provision of additional car parking in Sixmilebridge should be accompanied by a comprehensive traffic management strategy'* appears to be a general one, more associated with the town and not a statement that should be unfairly attributed to one site only.
- In terms of place making; the part of MU2 that should consist of a built form and provide an 'edge' to the square; is the narrow strip that adjoins the Clonlara Rd. It makes no sense from an architectural or urban design perspective to expand the car parking into MU2.

IND1 Corner of Frederick Square / George's Street.

It is submitted that there should be no further intensification of this site because of the large scale and long term vacancies of the existing units and that this site requires a master plan rather than a management plan.

The author further submits that the existing 'edge' along Georges St, should be Mixed Use instead of Industrial to allow for potential aesthetic upgrade of this street. The existing wide vehicular entrance and the fragmented 'edge' to the industrial premises is an 'eyesore' and will not be improved by the Industrial zoning, but might be improved by mixed use/ residential use.

OS1 River bank.

The author supports the description contained therein, and should like to add that OS1 should be retained and safeguarded as Open Space because it is of such high natural heritage quality and because it is the only open space that serves the north-east of Sixmilebridge.

Conclusion

It is submitted that, as the owner of site MU2 she is disappointed that the Planning Authority has appeared to have taken such a subjective and inequitable approach to traffic and car parking in relation to only her site.

It is further submitted that the most common use of the car park in the Square is the Funeral Home, which does not have Planning Permission that it is unfair to earmark MU2 because of the Planning Authority's lack of enforcement of this and other nearby developments.

Finally the author requests that the site be analysed properly and fairly and without influence from vested interests.

Chief Executive's Response

I thank Ms. Goble for this submission and I wish to respond as follows:

There are a number of transport objectives in the text and on the map of Sixmilebridge including the provision of link roads and additional car parking in or near the town centre. In view of the potential impacts of implementing these items, either jointly or severally, it is reasonable to require a traffic survey to be carried out to accurately ascertain the requirement.

It is the case that public car parking is proposed for part of MU1, a privately owned site. I consider that the text in relation to MU1 and MU2 need to be reconsidered to reflect the priorities for town centre sites and their importance to the public realm. Opportunity sites and other undeveloped town centre sites need additional text to support the public realm.

In relation to site IND1, this 1.9ha site would benefit from a master plan in addition to a management plan. In respect of zoning, the zoning matrix contained in Volume 1 of the Draft Plan sets out a range of uses that are 'Open to Consideration' on this site and along the edge to Frederick Square. I consider these provisions to be satisfactory and I do not consider amendments to the zoning in this area to be necessary to support regeneration. Intensification of use along this edge could impact negatively on the proposed upgrade of Frederick Square and the traffic management in the immediate area. However, I note that the existing cottages and their curtilages are included within the Industrial zoning. I consider that this should be changed to Existing Residential zoning to facilitate the sensitive redevelopment of this strip which would contribute to the Frederick Square area.

Chief Executive's Recommendation

I recommend that the following amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission:

Volume 3(b), Sixmilebridge Settlement Plan, amend the Transport Objectives as follows:

- ~~• To secure the provision of a link road (consistent with Guidance in Design Manual for Urban Roads and Streets) for the settlement and to facilitate the provision of clear markings, signage and traffic calming measures throughout the town, in order to provide for the safe movement of all transport modes and to alleviate current traffic congestion problems.~~

- To secure the provision of a link road (consistent with the DMRB) following the undertaking traffic surveys on the approach roads to Sixmilebridge and in the town centre
- To secure the provision of a dedicated shuttle bus service between Sixmilebridge railway station and Shannon Airport (via Bunratty).
- To improve pedestrian and cycle movement and linkages throughout the town, with particular attention to pedestrian and cycle movements over the bridge, within the central area and connecting existing and future developments to the town centre, the railway station and park and ride facility.
- To proactively pursue the provision of additional car parking in or adjoining Sixmilebridge town centre
- To maximise opportunities for the town provided by the rail link to Limerick, ~~and~~ Ennis and Galway.
- To explore improved cycle connectivity between Sixmilebridge and Bunratty.

Volume 3(b), Sixmilebridge Settlement Plan, Site MU1, add new text to read:

It is considered that MU1, given its location within easy walking distance of the town centre, has the potential to accommodate car parking, subject to needs identified in the traffic surveys which will be carried out during the lifetime of this Plan. Refer also to Place Making and Amenity section of this settlement plan.

Volume 3(b), Sixmilebridge Settlement Plan, Site MU2, amend the text to read:

In relation to MU2 South of Clonlara Road existing text

This site is considered appropriate for a mixed use scheme incorporating housing, retail and commercial uses, with good pedestrian permeability, soft landscaping and linkages to the town centre. All proposals for development on this site shall be accompanied by a Flood Risk Assessment.

~~It is considered that MU2 has potential to accommodate a car park, given its location in close proximity to and within walking distance of the town centre. The provision of additional car parking in Sixmilebridge should be accompanied by a comprehensive traffic management strategy that seeks to ensure the free flow of traffic through the town, reduced congestion and maximising the opportunities for increased pedestrian and cycle links to the town centre.~~

~~The size and location of any future car parking provision on the site, while complementing the existing, shall not prejudice the opportunity to consolidate and enhance the existing townscape at this prominent town centre location, as part of an overall mixed use scheme for the MU2 lands.~~

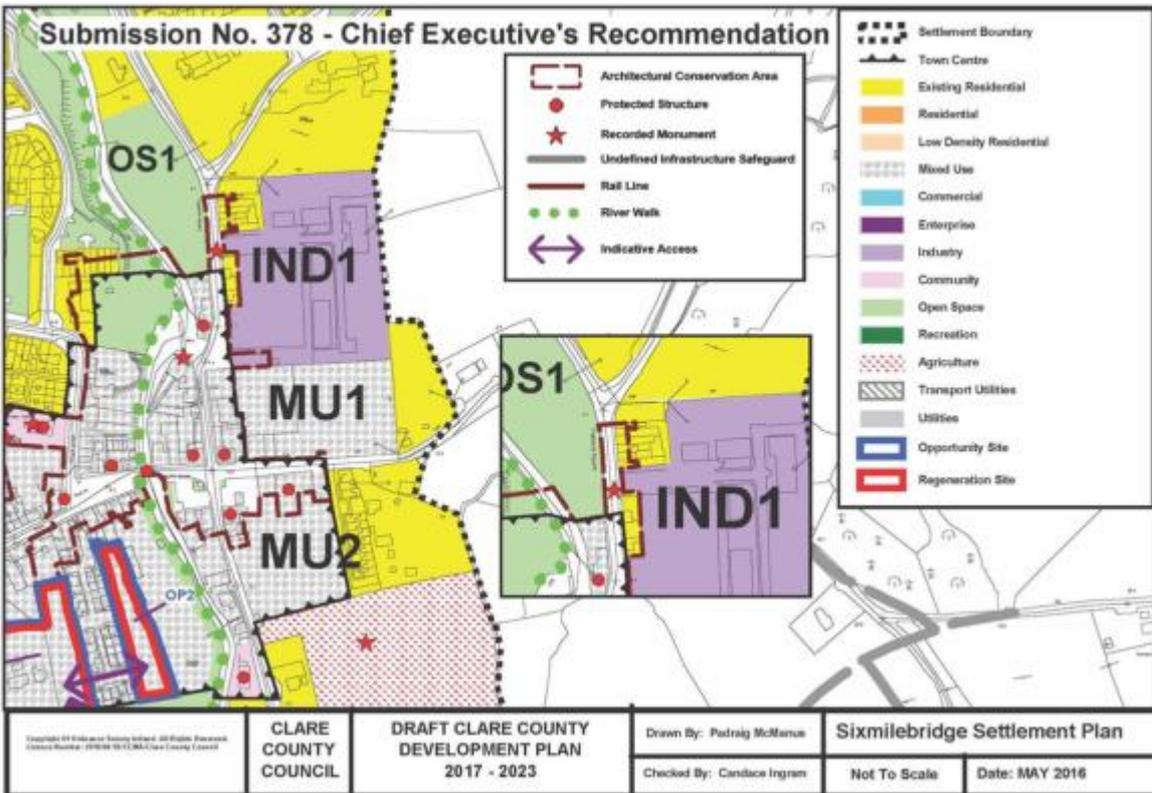
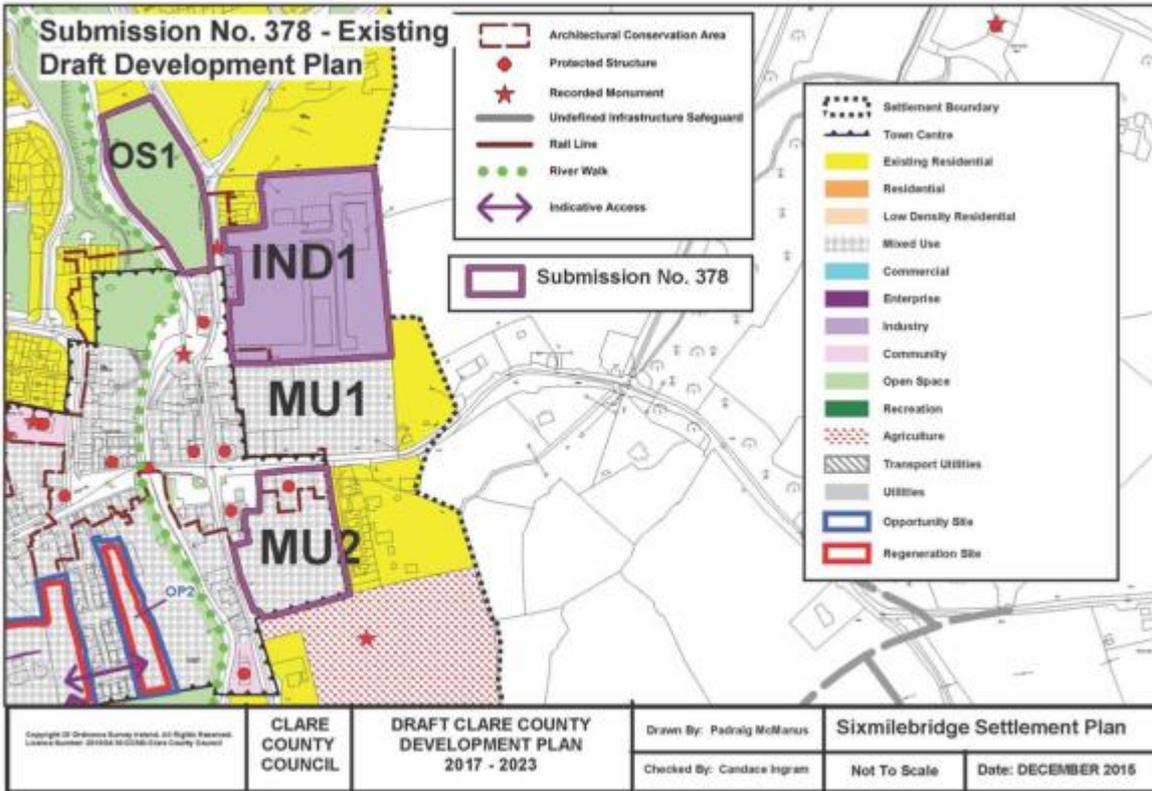
It is considered that MU2, given its location within easy walking distance of the town centre, has the potential to accommodate car parking, subject to needs identified in the traffic surveys which will be carried out during the lifetime of this Plan. Refer also to Place Making and Amenity section of this settlement plan.

Volume 3(b), Sixmilebridge Settlement Plan, add new text to the Place Making and Amenity section to read:

Developments on MU1, MU2, Opportunity Sites and Mixed Use undeveloped sites in the town centre or riverbank shall enhance the existing townscape and consolidate the public squares.

Volume 3(b), Sixmilebridge Settlement Plan, Site IND1

Change the zoning on the cottages located along the roadside from Industrial to Existing Residential.



Ref. 379 Dr. Conor Fanning

Summary of the Issues Raised in the Submission

This submission relates to a site owned by the above on the Tulla Road, Ennis which has planning permission for a medical centre and pharmacy.

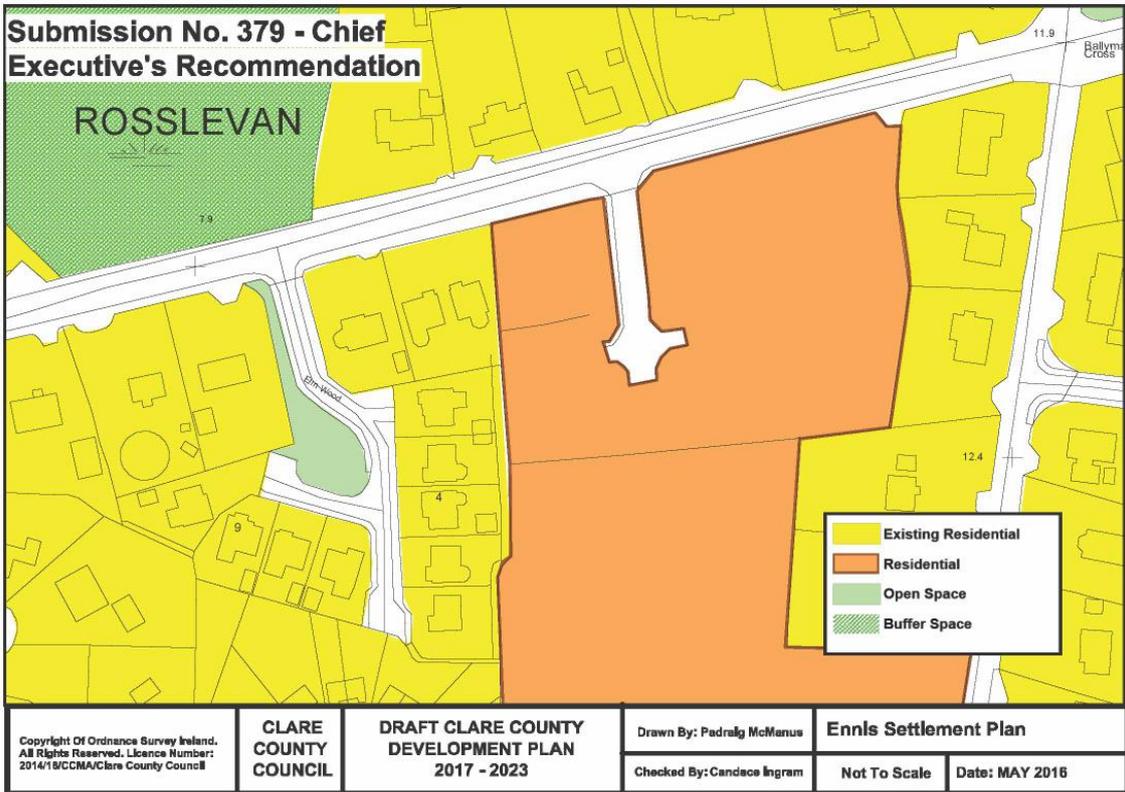
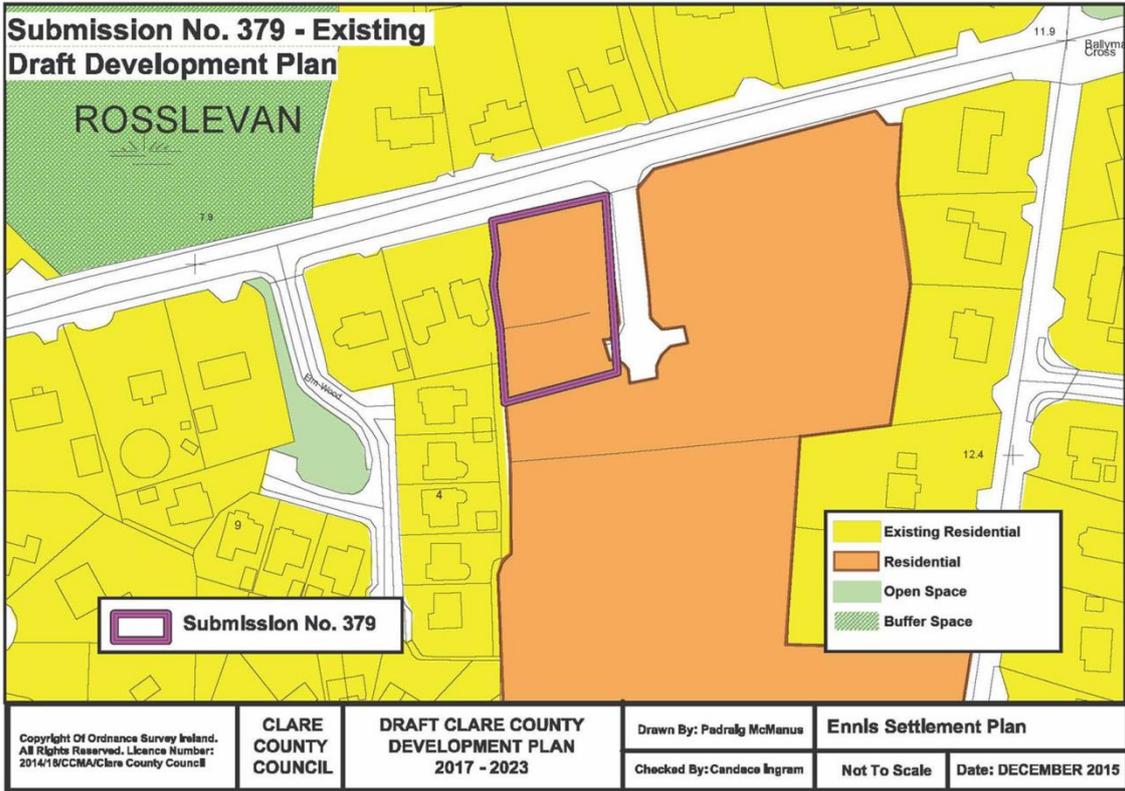
The submission requests the Planning Authority to retain its planning status as town centre and not change it to residential which would have negative planning and financial implications for the author.

Chief Executive's Response

I wish to thank Dr. Conor Fanning for his submission. I note that planning permission was granted on the subject site under planning reference no. p10 21088 for a single storey Medical Centre of 275.8sq.m and Community Pharmacy of 126.1sq.m, associated signage, 25 car spaces, foul and surface water connections to public system, and ancillary site works. This permission is due to expire on 03/05/2016. I note the submission is requesting that town centre zoning be retained on this site. A medical surgery (doctor/ dentist) is normally acceptable in principal on residential zoning, while a chemist is open to consideration. Furthermore the zoning matrix contains a Primary Health Centre which is open to consideration on Residentially zoned lands.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 380 Leonard Cleary, SEO on behalf of Housing Department, Clare County Council

Key Words: Ennistymon, Miltown Malbay, Kilrush, Killaloe, Feakle, Ennis

Summary of the Issues Raised in the Submission

This submission refers to the Housing Strategy and lands available for the provision of Social Housing needs in County Clare.

The submission requests the planning authority to:

West Clare Municipal District

Ennistymon

To provide clarification on the text referring to lands with proposed zoning "R5" on the Ennis Road as it would appear to be more applicable to the "R4" zoned land.

To consider changing the zoning of this land from "Residential" to that which would support a range of services on the sites.

Miltown Malbay - Ballard Road

To consider rezoning part of the site with a proposed "Commercial" zoning to "Low Density Residential" to accommodate a small expansion (6-8 units) of the existing Ballard Road housing development to facilitate demand for housing in this area. The author submits that the design would also address the back lands and overlooking of space and allow integration of a buffer zone for future commercial development.

Kilrush - John Paul Estate

To update the Plan to show the new access to Wilson Road

To increase the area denoted as community and enterprise

Killaloe Municipal District

Feakle LDR2 Lands to the east of the National School

To acknowledge restriction on road access to the lands and allow consideration of set-back of part of the existing wall to facilitate access and future development of this site in line with Road Design requirements

To provide clarification regarding the proposed mixed use zoning for the area adjacent to the stream north of LDR2.

To check for accuracy the area assigned to the playground/recreation in outline.

Ennis Municipal District

Watery Road

To consider changing the zoning of the land north and south of the community crèche to "Low Density Residential" to accommodate the high demand for housing in the Ennis area.

Ballaghboy site, Quin Road

To appropriately zone the site to address the objectives of the Traveller Accommodation Programme 2014-2018 which includes for provision of 4 no. permanent housing units on the site.

Chief Executive's Response

I acknowledge the requests contained in this submission and I wish to respond as follows:

Ennistymon

I agree that the text under R5 is more appropriate to R4 which has a street frontage as referred to in the text and I consider that the site reference numbers should be amended. With regard to the zoning and associated uses, it is the case that Residential zoning is flexible with ten uses that are 'Acceptable in Principle' including: Creche/Childcare, Doctor/Dentist, Nursing Home, Open Space/Recreation and Multiple Housing Units. There are a further twenty five uses which are 'Open to Consideration' Given the contours on site design will need to be configured to avoid unsightly retaining walls on this prominent gateway site. Due to the inadequate wastewater treatment infrastructure in Ennistymon and the potential for impacts on water quality downstream due in the Inagh River Estuary SAC any future development of this site must be connected to a WWTP with adequate capacity for foul water during operation, or serviced by an on-site treatment system that will ensure no impact to water quality in the area.

Miltown Malbay – Ballard Road

The area of land requested for zoning as residential is currently zoned Commercial in the Draft Plan. I have considered the request and am of the opinion that in order to provide for the comprehensive and sustainable development of this overall area that the full extent of the land up to the infrastructure safeguard should be included in any change of zoning. Development should be dependent upon the delivery of the section of the relief road which would bound the site to the west. On this basis I am prepared to consider this amendment to the zoning of these lands.

Kilrush - John Paul Estate

I agree to update the settlement map showing the new access and also to extend enterprise and community zoned lands to provide for any future expansion needs of these facilities.

Feakle LDR2 Lands to the east of the National School

The area referred to in the submission is zoned 'Mixed Use', the objective for which is for the use of land for developments to include the use of land for a range of uses, making provision, where appropriate, for primary and secondary uses e.g. commercial/retail development as the primary use with residential development as a secondary use. Secondary uses will be considered by the local authority having considered the particular character of the given area. It is considered that the development of the area specifically referred to may be part of a larger scale development, the detail of which would be best addressed at the development management stage of the planning process.

Watery Road

With regard to the site at Watery Road, Ennis, I wish to refer to the document entitled 'Planning System and Flood Risk Management Guidelines for Planning Authorities' as published by the Department of Environment, Heritage and Local Government (November 2009) which classifies residential development as highly vulnerable to flooding. I note that the parcel of land to the south as referred to in this submission is in Flood Zone B. The parcel of land to the north is predominately in Flood Zone B with the remainder in Flood Zone C and there is a slight encroachment of Flood Zone A in its north western end. Having regard to same, it would not be in the interest of proper planning and sustainable development to zone this land for residential development in light of level of flood risk and the vulnerable nature of proposed use.

Ballaghboy Site – Quin Road

With regard to the site at Ballaghboy, Quin Road, and having regard to the traveller accommodation programme 2014- 2018, I agree to change the zoning on this site from residential to low density residential to reflect the objectives of the Traveller Accommodation Programme 2014 - 2018.

Chief Executive's Recommendation

I recommend that amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission as follows:

Volume 3 (a) Ennis Settlement Map – amend zoning of lands at Ballaghboy, Quin Road from "Residential" to "Low Density Residential" in the Draft Clare County Development Plan 2017-2023.

Volume 3(d) Miltown Malbay Settlement Statement and Map – amend as follows:

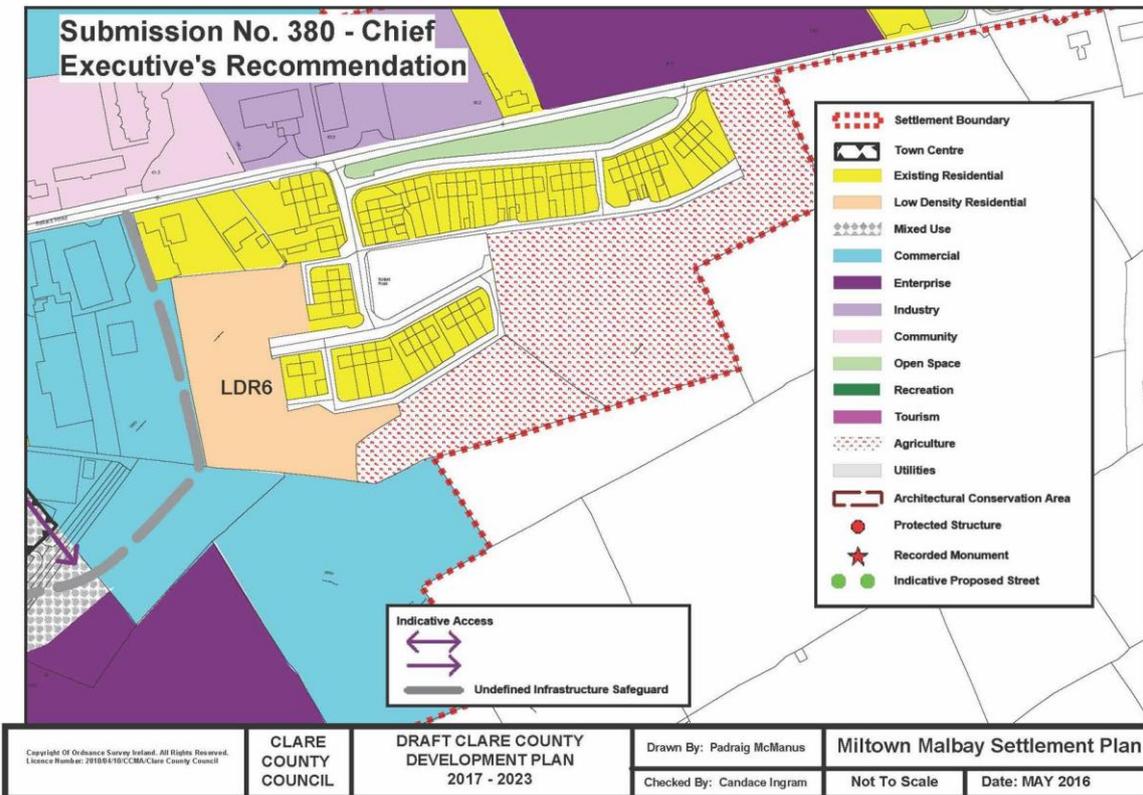
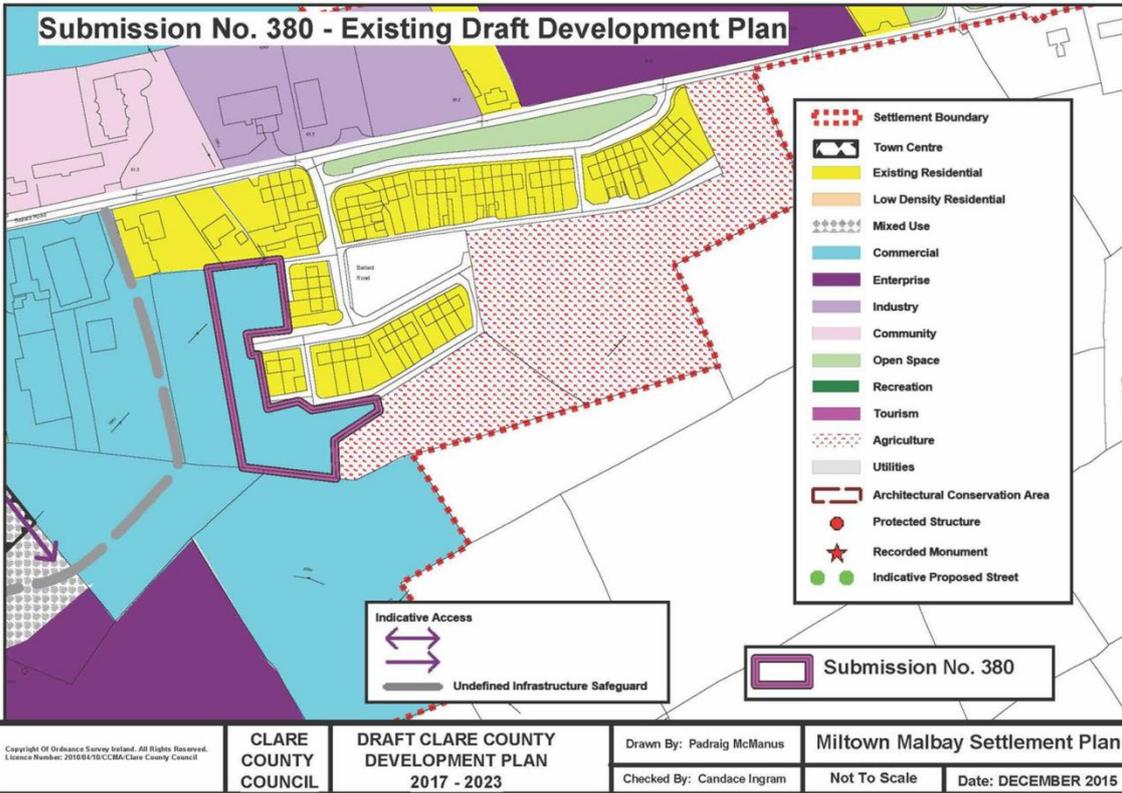
Amend zoning from Commercial to Low Density Residential referenced LDR6.

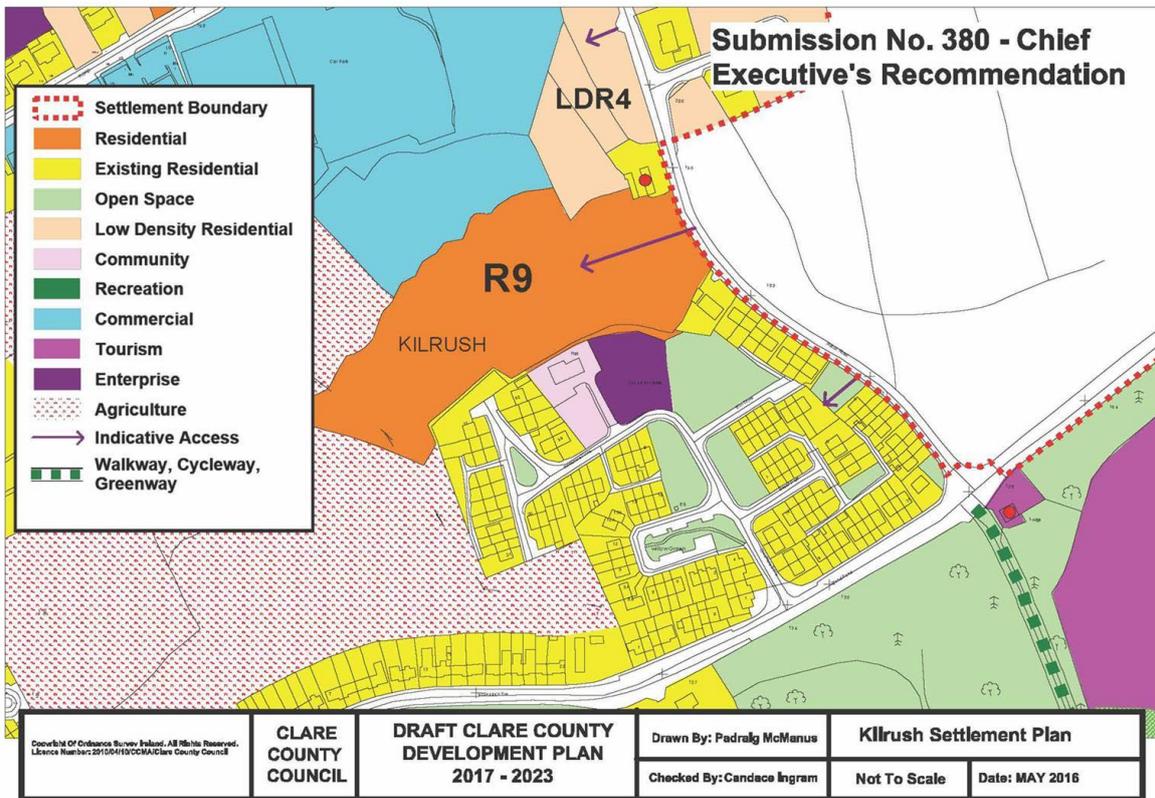
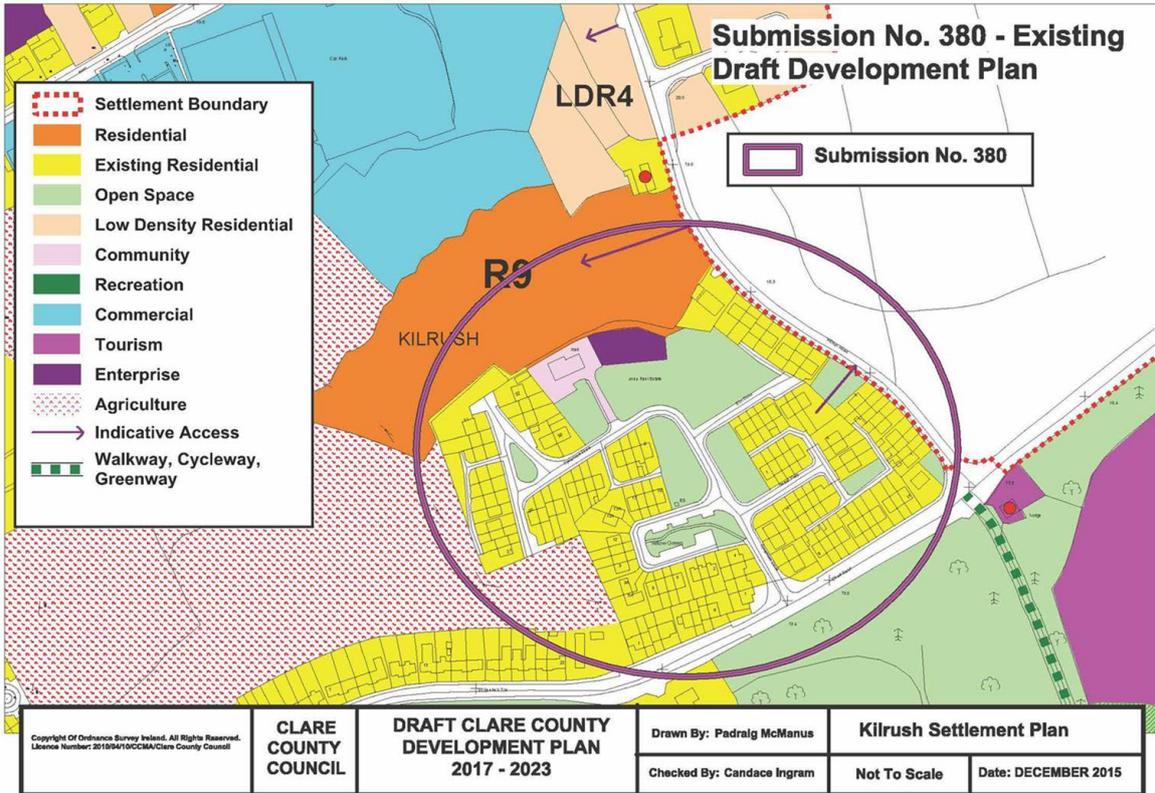
Include text which reads:

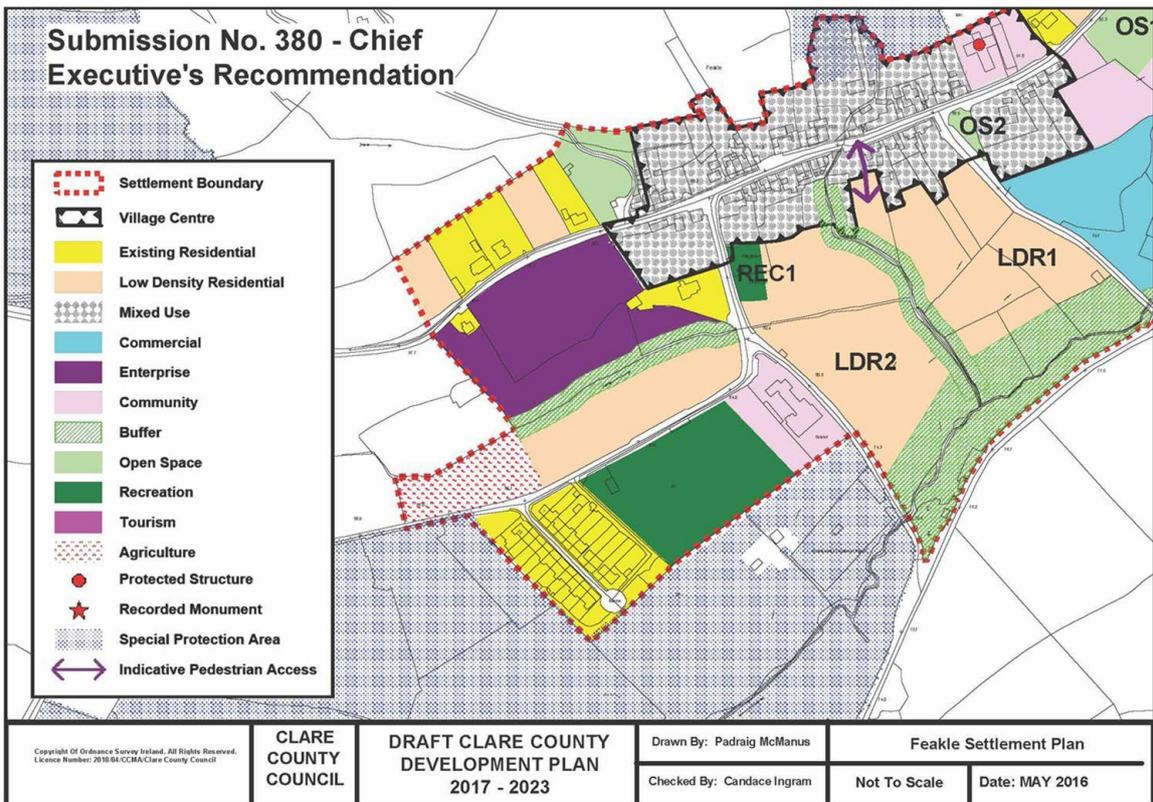
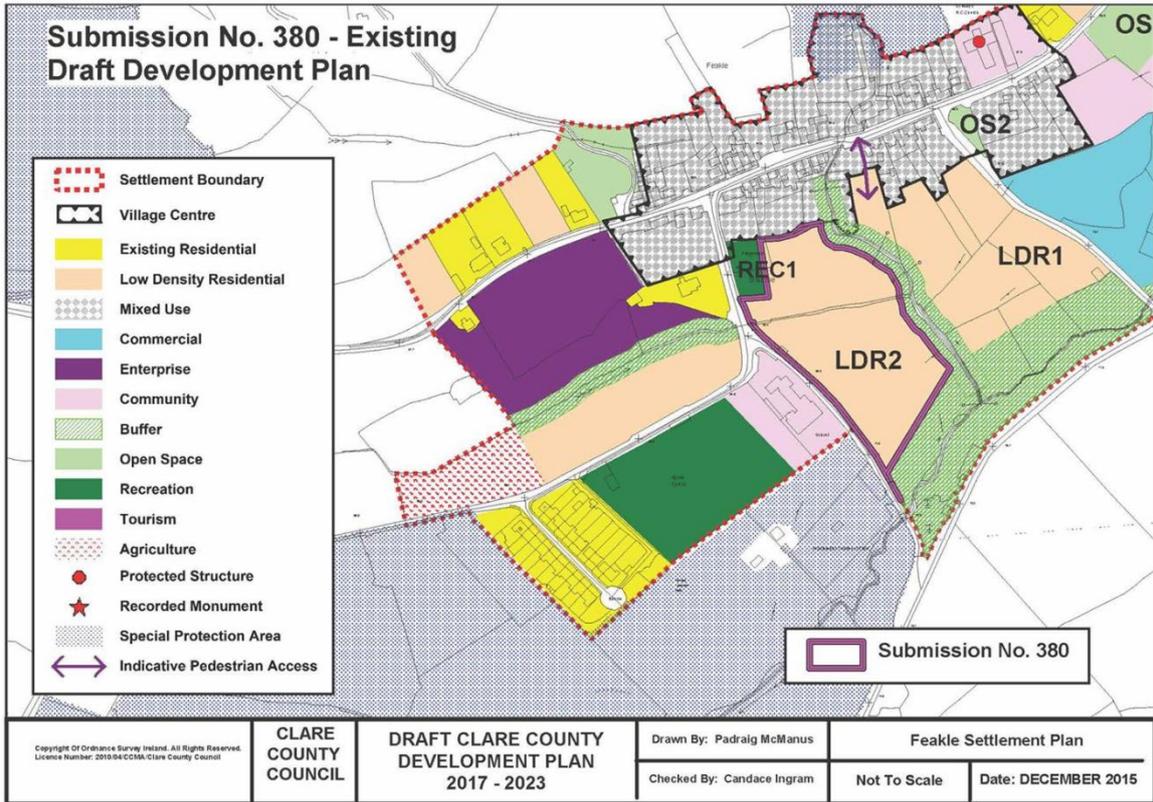
"LDR 6 Ballard Road

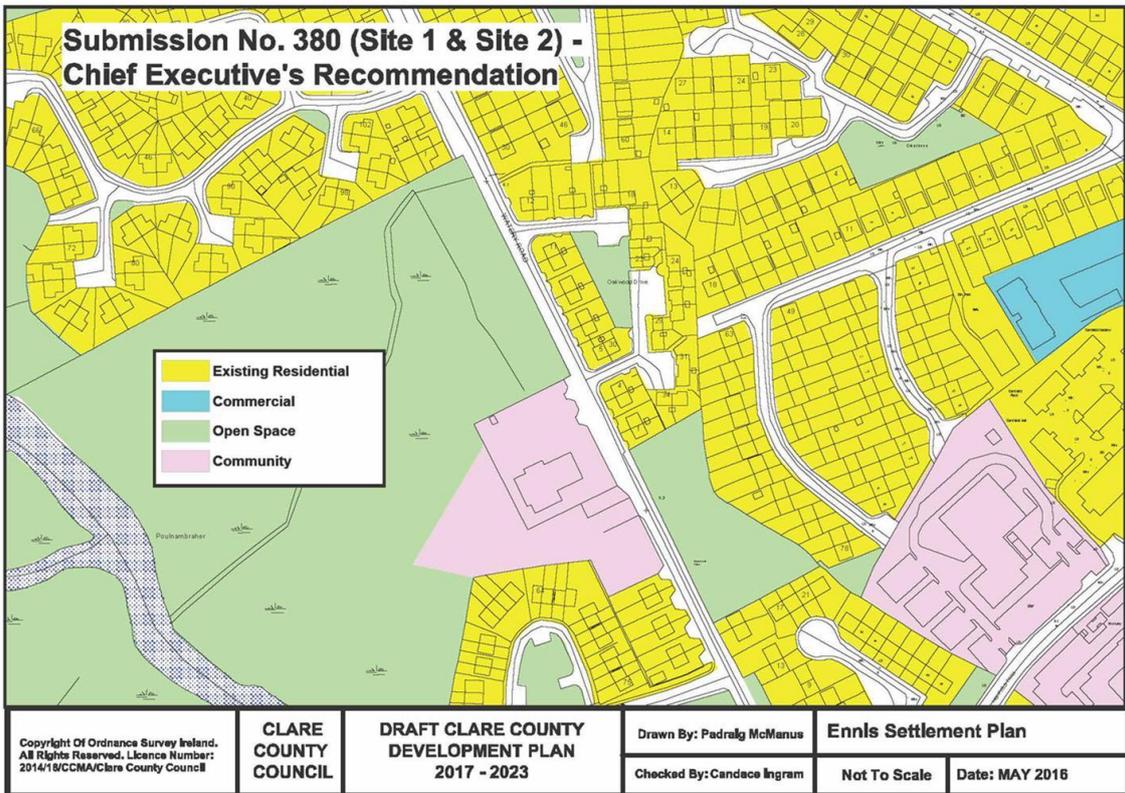
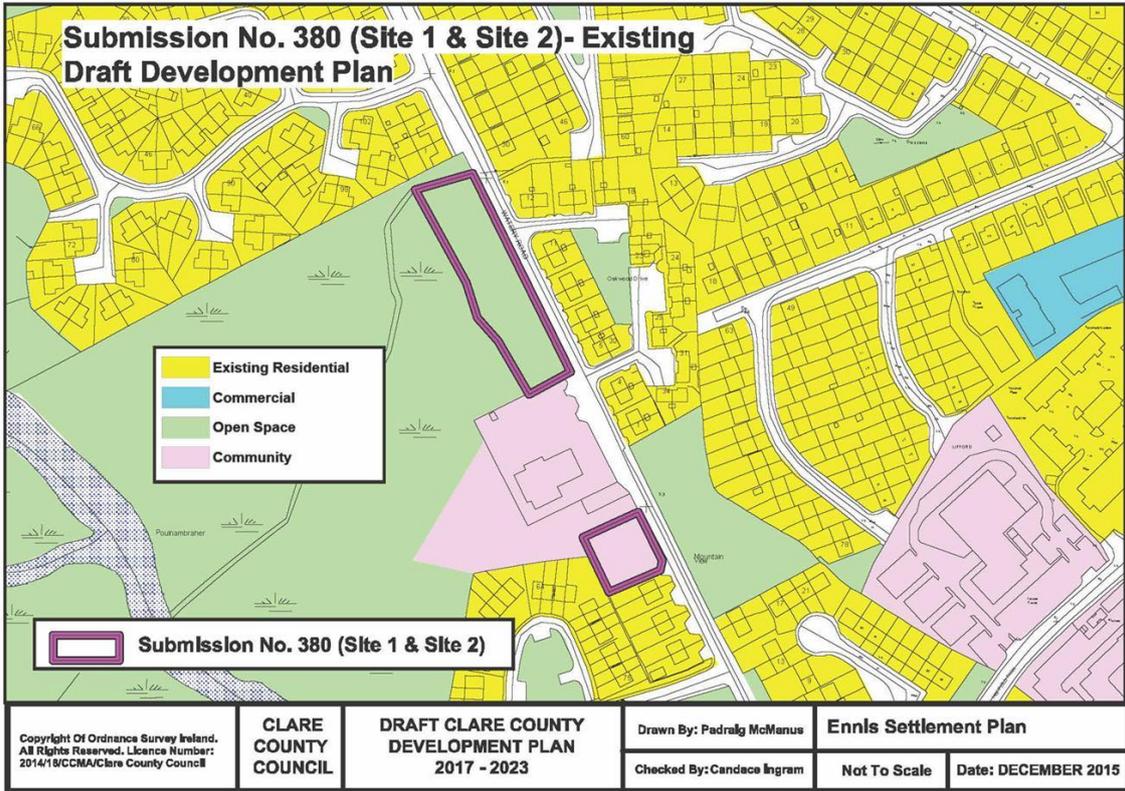
This site provides for an extension of the existing adjacent housing development. Development should be dependent upon the delivery of the section of the relief road which bounds the site to the west."

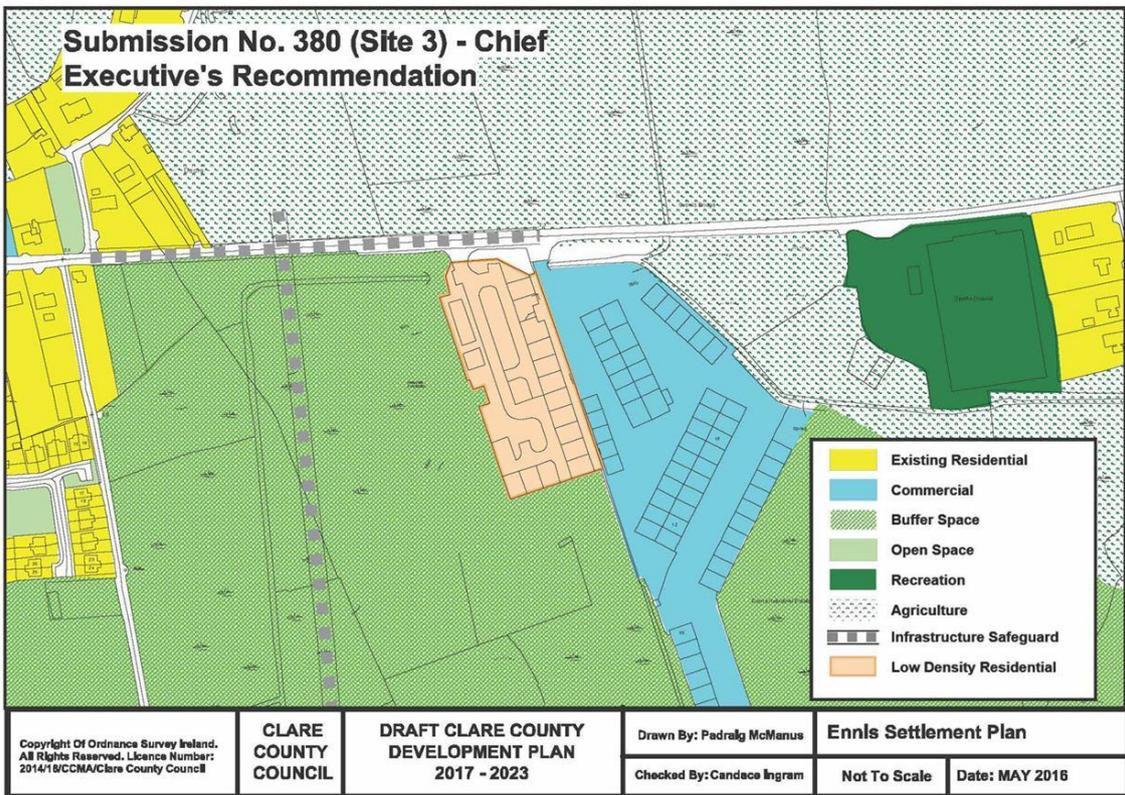
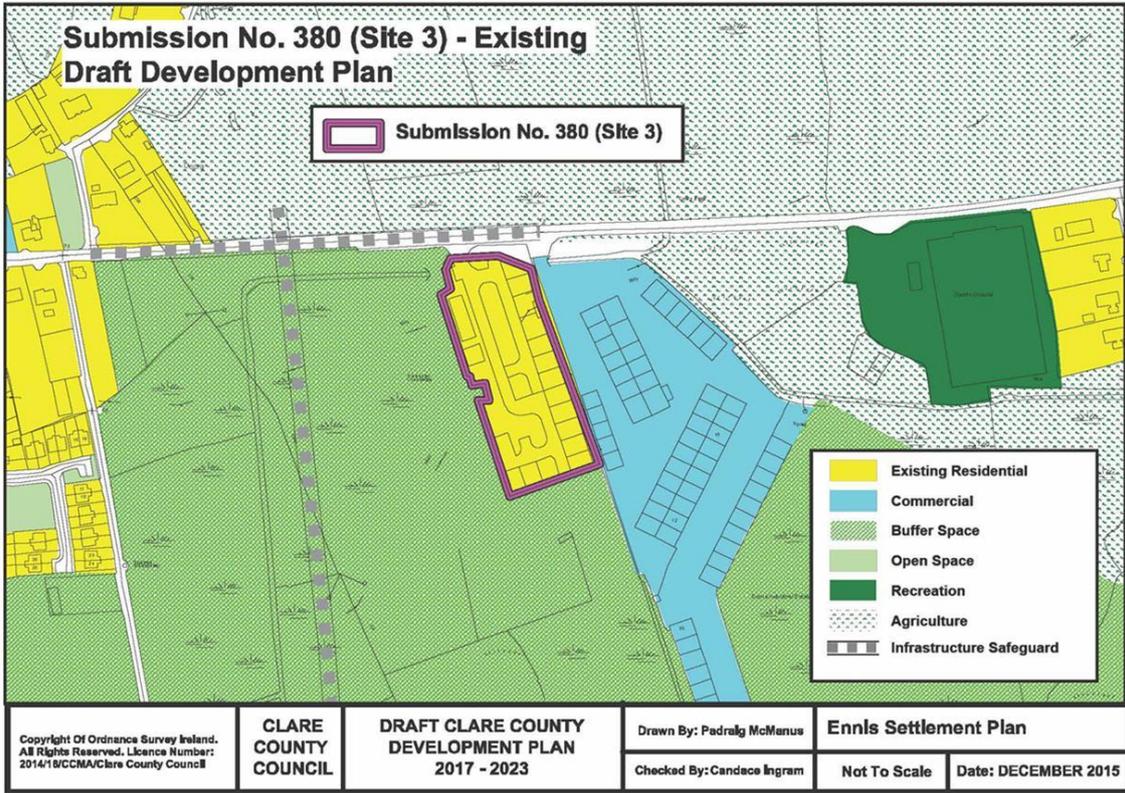
Volume 3(d) Kilrush Development Zoning Map – amend zoning map at John Paul Estate to indicate the new access to Wilson Road and to extend the community and enterprise zonings within the estate.











Ref. 381 EirGrid

Key Words: Policy, Physical Infrastructure

Summary of the Issues Raised in the Submission

This submission is intended to inform the provision of effective policies for the development of strategic infrastructure, whilst also ensuring the protection of the natural and human environment to the greatest extent possible. The author considers the suggested amendments to text below and clarification sought will ensure that the context framework for the on-going development of transmission infrastructure in County Clare, as provided for within the draft Plan, will occur in the context of good planning practice and the proper planning and strategic development of the county.

The submission requests the planning authority to:

1. Amend Objective CDP 6.10 relating to Moneypoint Power Plant to read as follows:

To facilitate the diversification and expansion of Moneypoint Power Station and to work with all relevant stakeholders to identify and secure ~~an~~ alternative future uses for the Strategic Development Location that complement and are compatible with the existing energy use, in accordance with the findings and recommendations in the SIFP, in order to ensure on-going employment and support economic growth in the West Clare area.

2. Remove reference to EirGrid's "Grid 25 Strategy" from Sections 8.8.1 Energy and Communications Context and 8.8.4 Electricity Network.

The author advises that GRID25 is currently under review and will be superseded by a future Grid/Transmission Strategy Plan in 2016.

3. Include reference to the Government's White Paper on Energy published in December 2015 as a framing document, in section 8.8.1 Energy and Communications; 8.8.6 – Renewable Energy Sources and CDP 8.39 in Chapter 8, Volume 1. Any provisions specific to Energy Policy within the draft Plan should be updated to reflect the Governments' stance and strategy.

4. The following text is suggested for inclusion:

To accommodate access onto the National Grid of renewable energy development in the southwest of the country, Eirgrid is progressing a number of projects, collectively known as the Regional Solution. This will increase the capability of the transmission system to bring power from the renewable generation source to where it is used. Two of these projects will be partially or completely located in County Clare:

- *Series compensation of the existing 400kV overhead lines connected to Moneypoint will require the construction of a series compensation device at the Moneypoint 400kV station. This device, in conjunction with similar devices connected to the 400kV overhead lines at other 400kV substations, will allow increased use of the capability of the existing 400kV overhead lines.*
- *A new 400kV submarine cable connecting Moneypoint 400kV station to a new 400kV station in North Kerry, on the southern side of the Shannon Estuary. This new submarine cable circuit will allow increased power flow to Moneypoint to make use of the capability of the existing 400kV overhead lines connected to Moneypoint.*

In relation to Map Ref. G (Strategic Development Locations), it is requested that the legend be changed. It currently shows Moneypoint Strategic Development Location B as "Marine Related Industry". It is requested that this is changed to "Marine and Energy Related Industry". It is submitted that this qualification would better support other stated objectives with the draft Plan e.g. Objective CDP8.37, amongst others.

In conclusion it is noted that the submission is intended to inform the provision of effective policies for the development of strategic infrastructure, whilst also ensuring the protection of the natural and human environment to the greatest possible extent.

Chief Executive's Response

I would like to thank Eirgrid for this submission and I acknowledge the issues that they have raised. I am in agreement with the amendments that they have suggested in relation to Objective CDP6.10, the removal of references to the Grid25 Strategy and the inclusion of reference to the Government's White Paper on Energy in various parts of the Plan.

In relation to the proposed text on the Regional Solution, I consider it importance to mention this project in the County Development Plan due to the significant impact that it will have on energy supply in the county in the future. However, I consider the detailed text that has been submitted to be in excess of what is required for a County Development Plan and I propose the inclusion of a summary of the information that has been submitted which is set out in my recommendation below.

With regard to the proposal to change the zoning on Strategic Development Location B – Moneypoint from *Marine-Related Industry* to *Marine and Energy-Related Industry* I would like to respond as follows. The identification of potential development sites and their subsequent zoning was the result of an extensive, inter-agency, collaborative process which resulted in the publication of the Strategic Integrated Framework Plan for the Shannon Estuary. The site identification process and the possible future use of these sites was examined and discussed in great detail which included the zoning categories. I note that Eirgrid were represented on the SIFP Steering Group.

While Moneypoint is identified as a Strategic Development Location for Marine-Related Industry, there is also a Renewable Energy Site identified adjacent to Moneypoint. The two key objectives relevant to Moneypoint arising from the SIFP seek to safeguard the role and function of ESB Moneypoint and to encourage its sustainable growth, operational expansion and diversification. In addition, objective SIFP MRI 1.2.3 seeks to support and facilitate the development of marine related industry on lands adjacent to Moneypoint, which is compatible with the primary use of this SDL, as a Strategic Energy Location. I am satisfied that the designations on the site together with the associated objectives both in Volume 1 and Volume 7 fully supports the future development and needs at this location and there is no requirement for further amendments to the text of the Draft Development Plan.

Chief Executive's Recommendation

I recommend that the following amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission:

Objective CDP6.10 – amend the text as follows:

"To facilitate the diversification and expansion of Moneypoint Power Station and to work with all relevant stakeholders to identify and secure ~~an~~ alternative future uses for the Strategic Development Location that complement and are compatible with, the existing energy use, in accordance with the findings and recommendations in the SIFP, in order to ensure on-going employment and support economic growth in the West Clare area."

Remove reference to Grid 25 from the following sections of the Draft Plan:

- Section 8.8.1 Energy and Communications Context
- Section 8.4.4 Electricity Network
- Objective CDP8.37 Electricity Network

Add reference to the Government's White Paper on Energy to the following sections of the Draft Plan:

- Section 8.8.1 Energy and Communications Context
- Section 8.8.6 Renewable Energy Sources
- Objective CDP8.39 Renewable Energy

Add text to Section 8.8.4 Electricity Networks and insert as the third paragraph as follows:

“Eirgrid is currently progressing a number of projects that will accommodate renewable energy projects in their requirements to connect to the National Grid. In County Clare the project will involve works at Moneypoint in order to allow increased use of the capability of the existing 400kV overhead lines and the proposed constructions of a new submarine 400kV cable to connect Moneypoint to North Kerry on the southern side of the Shannon Estuary.”

Ref. 382 Richard Pyne

Key Words: Clarecastle

Summary of the Issues Raised in the Submission

This submission refers to the land adjacent to Sli an Fearghas Estate, Clarecastle and the proposed rezoning of the area south of TC1 in the draft Plan to recreation/green area to which the author objects.

The submission requests that the planning authority retain residential zoning on the area of land.

The author submits that the proposed recreation area could easily become used for unauthorised parking or uses with anti-social behaviour, especially in the centre of the village. He further submits that suitable development land is at a premium in the centre of Clarecastle.

Chief Executive's Response

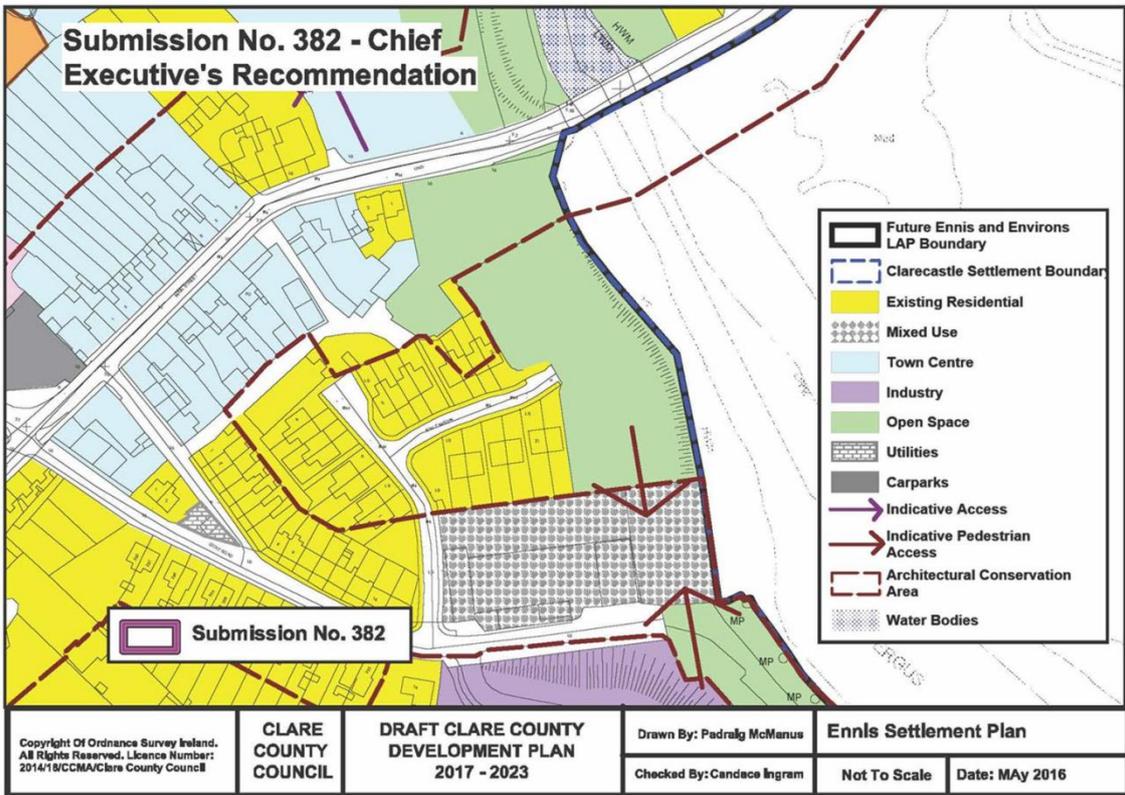
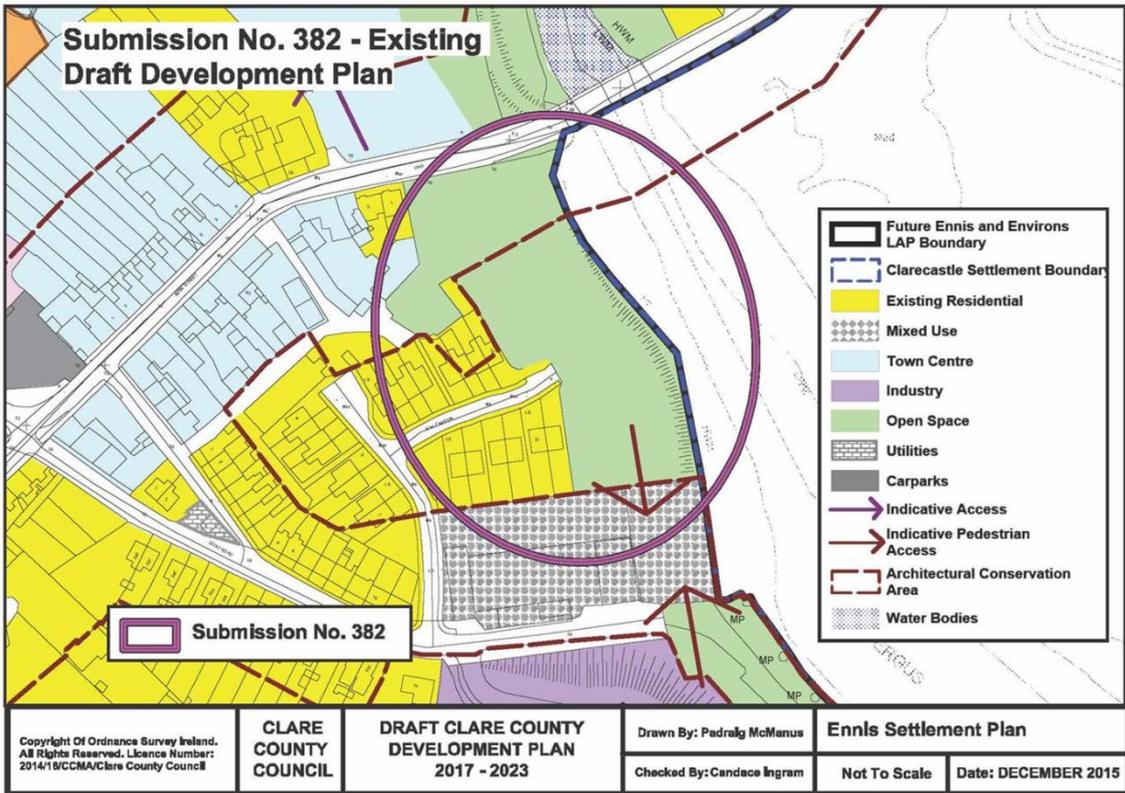
I thank Mr. Pyne for his submission and I acknowledge the issues that he has raised.

Firstly I refer to the Planning System and Flood Risk Management Guidelines Nov 2009 which classifies residential development as highly vulnerable to flooding. I refer also to the Strategic Flood Risk Assessment Flood Risk Zones and Flooding Map (Volume 10 of the Draft Plan) which shows the subject site to be within Flood Risk Zone A. Given the level of flood risk associated with the subject site and the vulnerable nature of the proposed use, I do not consider it appropriate to zone these lands for Residential use.

I note that the subject area is zoned Open Space in the Draft Plan. A key priority for Clarecastle is to support and encourage the enhancement of the physical environment including cycle ways, cycle trial head facilities, walkways and the quayside area. Another key priority is to harness recreational opportunities presented by the development of green infrastructure especially along the River Fergus linking Clarecastle to Ennis. The forthcoming Ennis and Environs Local Area Plan will contain further detail in this regard. However, given that the subject site lies adjacent to the River Fergus, it has the potential to play an important role in the provision of green infrastructure in the area.

Chief Executive's Recommendation

I recommend that no changes are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 383 Diarmuid Hanratty

Keywords: Ennis

Summary of the Issues Raised in the Submission

This submission refers to lands to the east of the Ennis settlement plan which are proposed to be zoned "Industrial – IND1" and "Light Industrial – LI4" in the draft Plan. The submission notes that lands previously zoned for development in close proximity to the M18 proved to be ill judged, as they were not suitable for development due to the soil composition. The submission also notes that there are no services on the sites, and are located in residential areas. It is further noted that Ballymaley has empty units that could be utilised. The submission raises concerns regarding the visual impact of industrial units on the entry points to Ennis, and the consequent effects on tourism.

Chief Executive's Response

I wish to thank Mr. Hanratty for this submission relating to LI 4 and IND 1. I consider that the zoning of LI 4 for light industrial would not detract visually from the area having regard to the existing developments in the immediate vicinity of same. The zoning of lands as 'light industrial' ensures that the use of such lands must be such that could be carried out or installed without detriment to the amenity of that area, by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. A high quality scheme of light industrial development could be provided at this location, thus enhancing the entrance to Ennis.

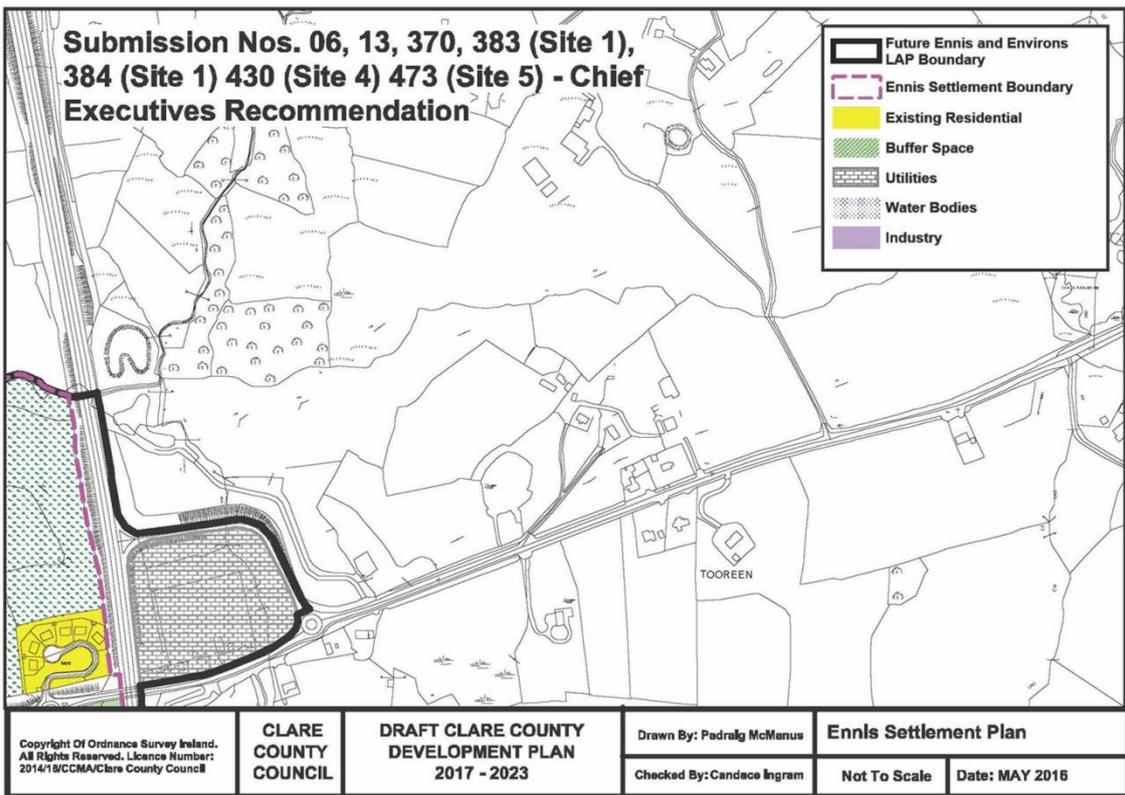
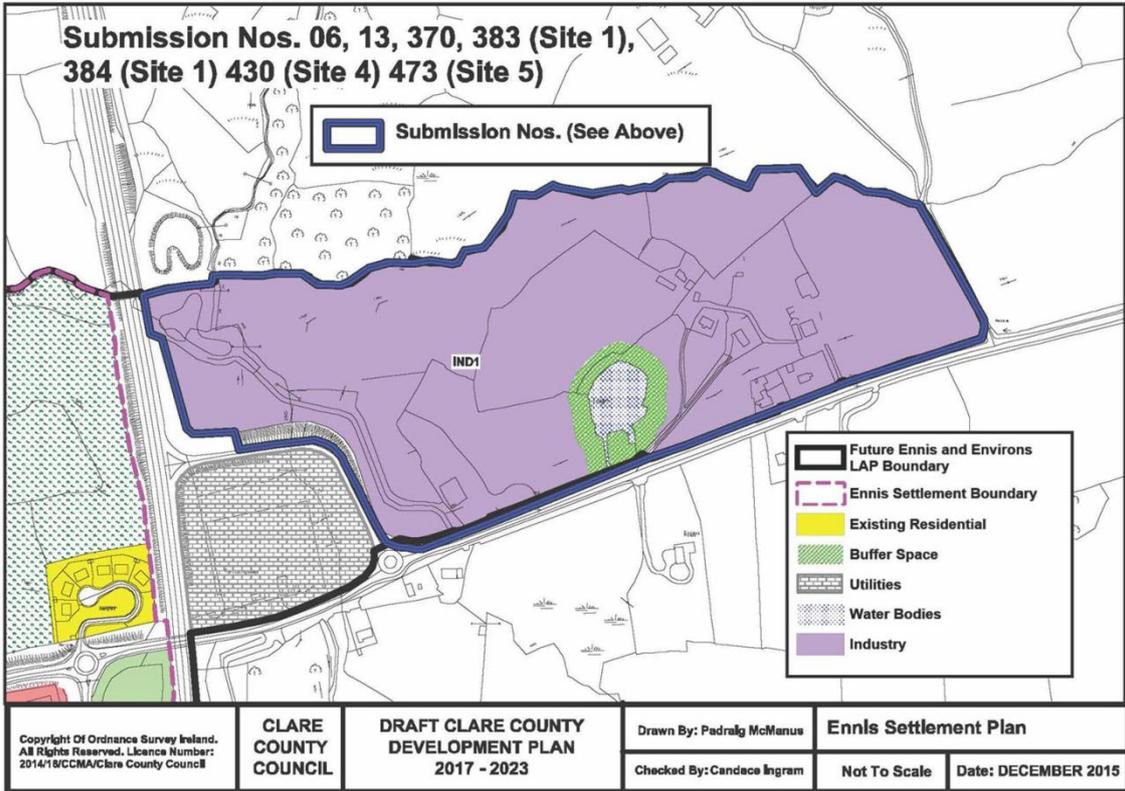
With regards to IND 1, in relation to the proposed zoning of land at Junction 13 in Ennis, I note that a full Traffic Impact Assessment of the zonings has been carried out and sent to Transport Infrastructure Ireland for their consideration. Notwithstanding this additional information I note that T.I.I. have on-going concerns regarding the capacity of Junction 13 to accommodate additional traffic flows that may be generated as a result of the zoning of IND1. Having regard to the traffic safety concerns raised by Transport Infrastructure Ireland, I consider it appropriate to remove the Industry zoning from this site in Ennis and to move the settlement boundary westwards so that it no longer incorporates these lands.

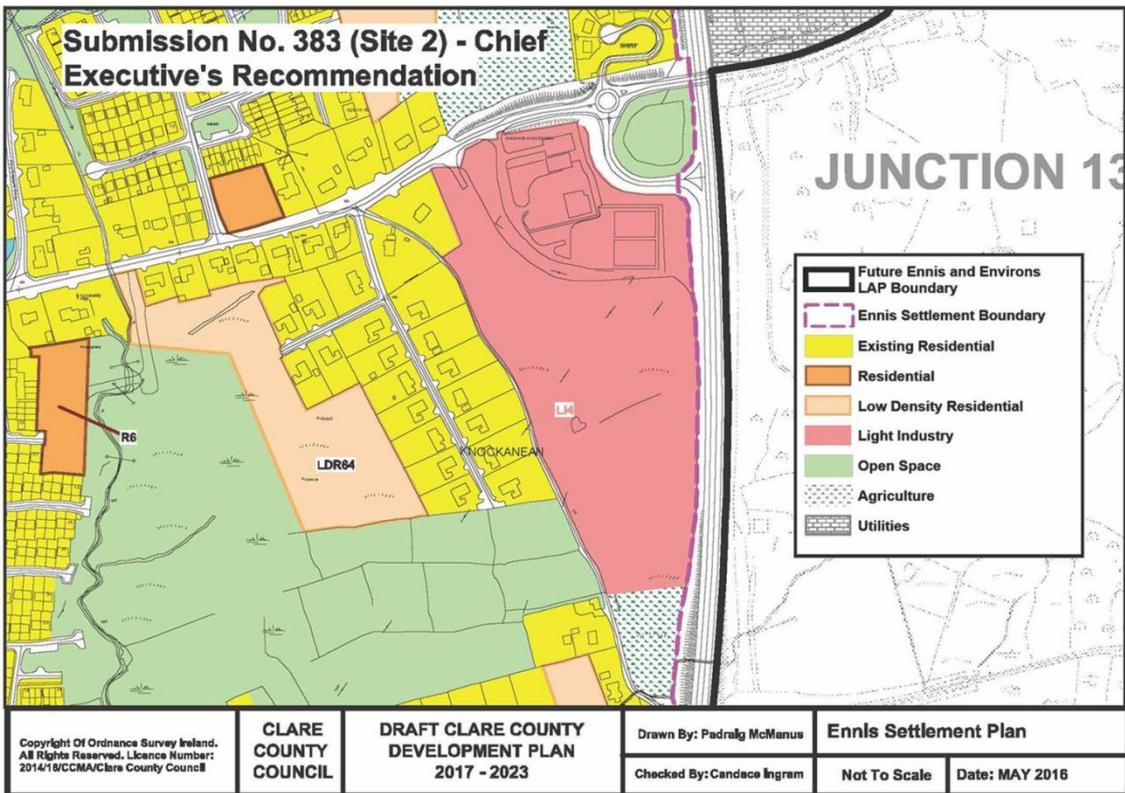
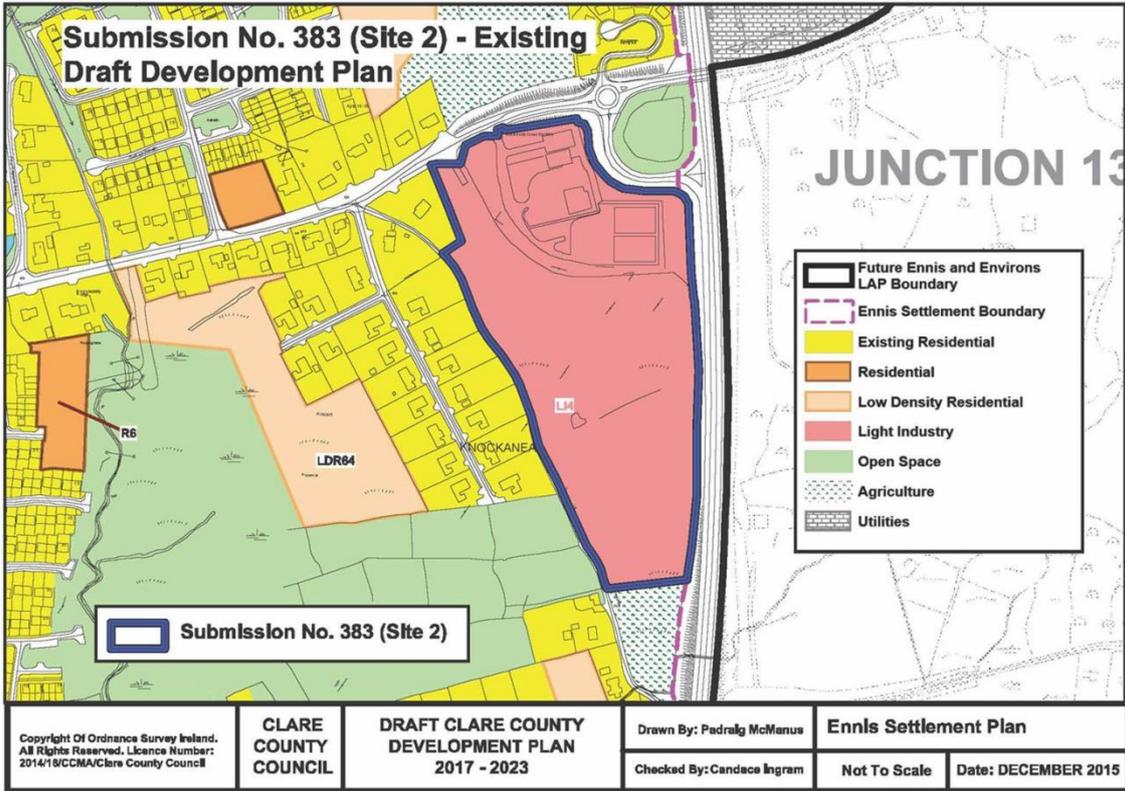
Chief Executive's Recommendation

I recommend that the following amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission:

Volume 3(a) Ennis Settlement Plan – amend zoning map as follows:

Remove the Industry zoning from IND1 in Ennis and to move the settlement boundary westwards so that it no longer incorporates these lands.





Ref. 384 Anne Falvey

Keywords: Ennis

Summary of the Issues Raised in the Submission

This submission refers to lands to the east of the Ennis settlement plan which are proposed to be zoned "Industrial – IND1" and "Light Industrial – LI4" in the draft Plan and cover an area of approximately 18 ha.

The submission requests the planning authority to reconsider the location of these zonings on the basis of:

- The author submits that the only reason offered for industrial zoning in this location is the proximity to the M18 motorway and is of the opinion that previous rezoning of land purely on the basis of proximity to the M18 has been a poor judgment and gives the example of lands between Skehanagh and Killow roundabouts which have been underwater for the last 3 months.
- There are no services on these sites and they are located in residential areas.
- There are existing underutilized industrial sites in the Ennis area e.g. Ballymaley
- Clare is already serviced with industrial infrastructure in Shannon which is close to the M18 and the airport.
- The proposed development would have a negative impact on traffic and constitute an increased hazard to motorists and pedestrians.
- The current Junction 13 is not suited to heavy goods vehicles.
- These lands are adjacent to Junction 13 on the M18 and industrial zones would detract from first visual impressions for tourists entering Ennis.

Chief Executive's Response

I wish to thank Ms. Falvey for this submission relating to LI 4 and IND 1. I consider that the zoning of LI 4 for light industrial would not detract visually from the area having regard to the existing developments in the immediate vicinity of same. The zoning of lands as 'light industrial' ensures that the use of such lands must be such that could be carried out or installed without detriment to the amenity of that area, by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. A high quality scheme of light industrial development could be provided at this location, this enhancing the entrance to Ennis.

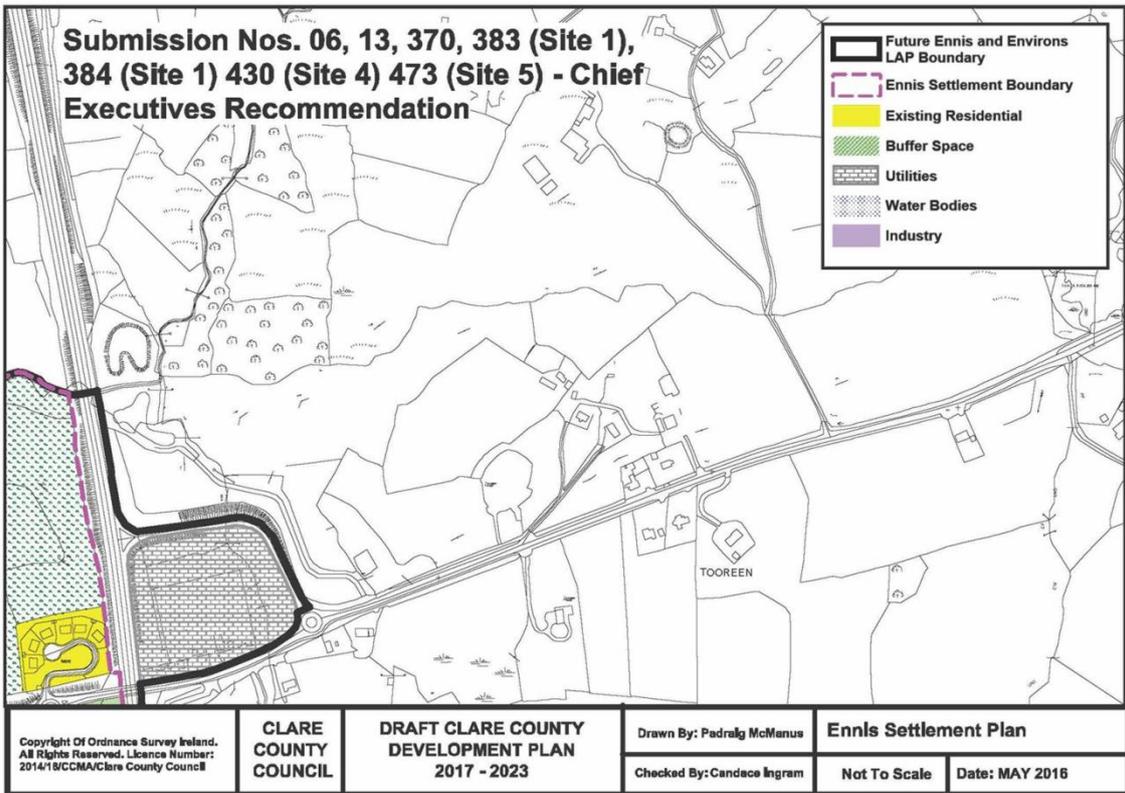
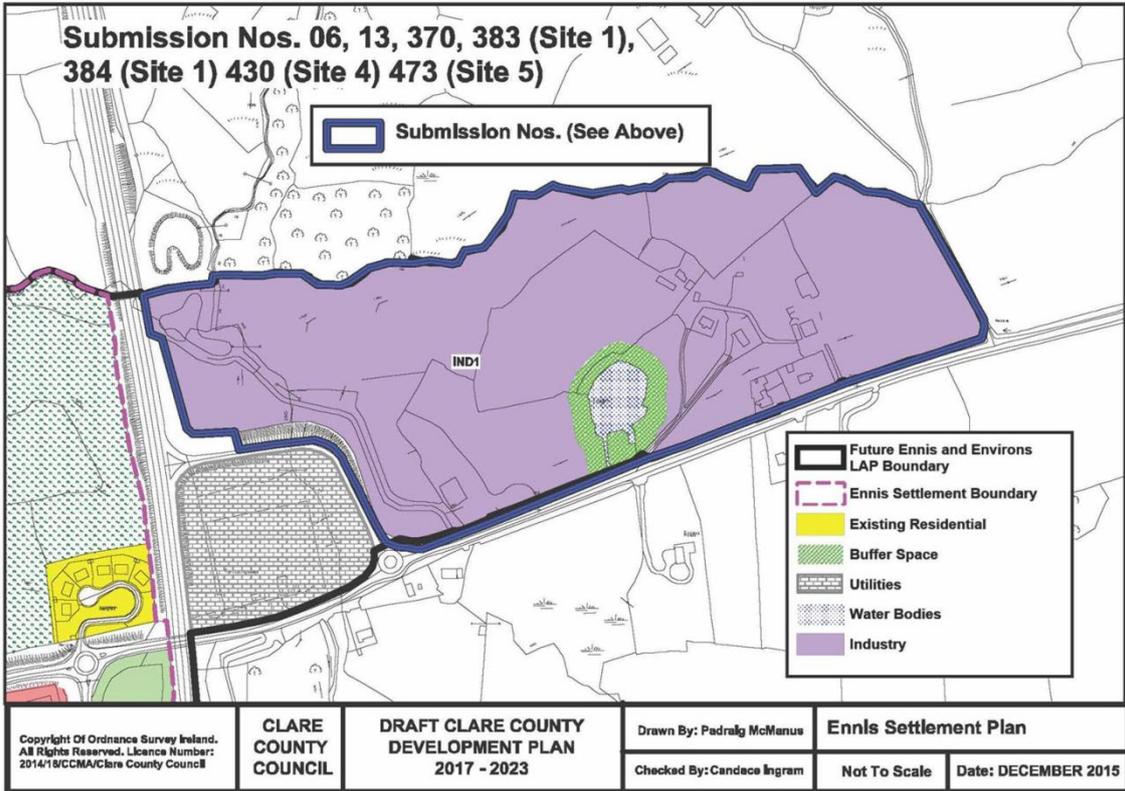
With regards to IND 1, in relation to the proposed zoning of land at Junction 13 in Ennis, I note that a full Traffic Impact Assessment of the zonings has been carried out and sent to Transport Infrastructure Ireland for their consideration. Notwithstanding this additional information I note that T.I.I. have on-going concerns regarding the capacity of Junction 13 to accommodate additional traffic flows that may be generated as a result of the zoning of IND1. Having regard to the traffic safety concerns raised by Transport Infrastructure Ireland, I consider it appropriate to remove the Industry zoning from this site in Ennis and to move the settlement boundary westwards so that it no longer incorporates these lands.

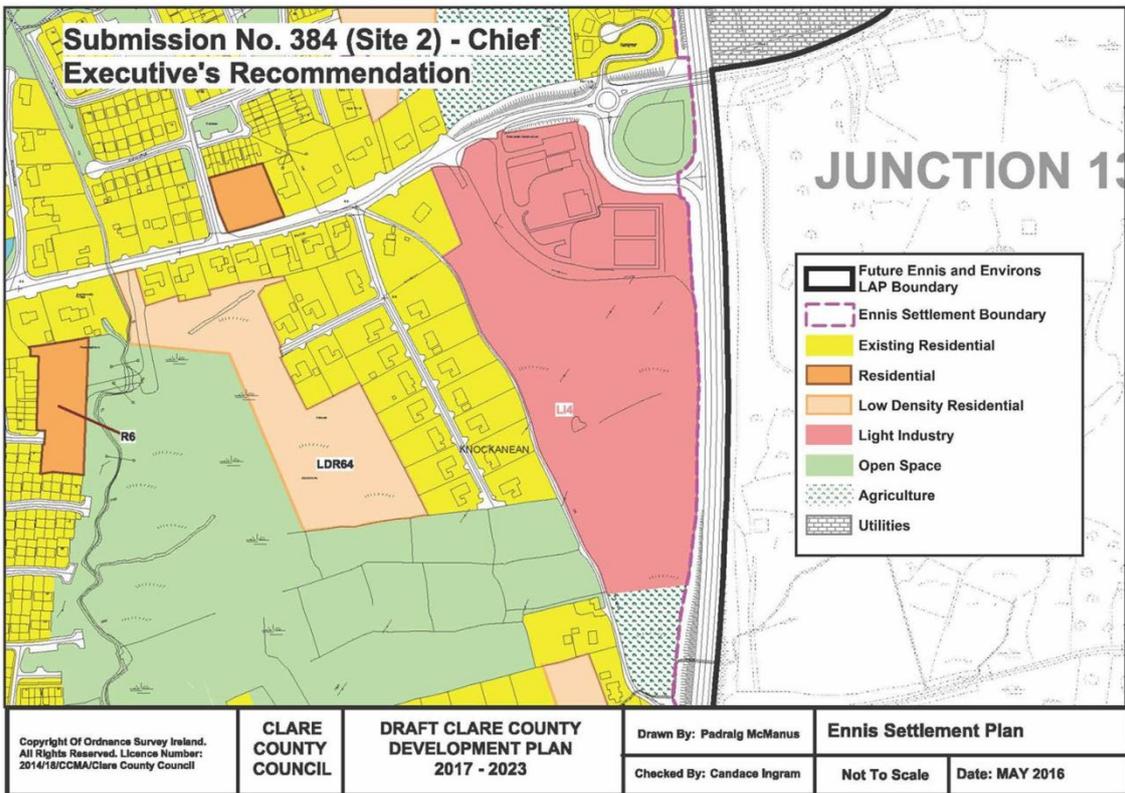
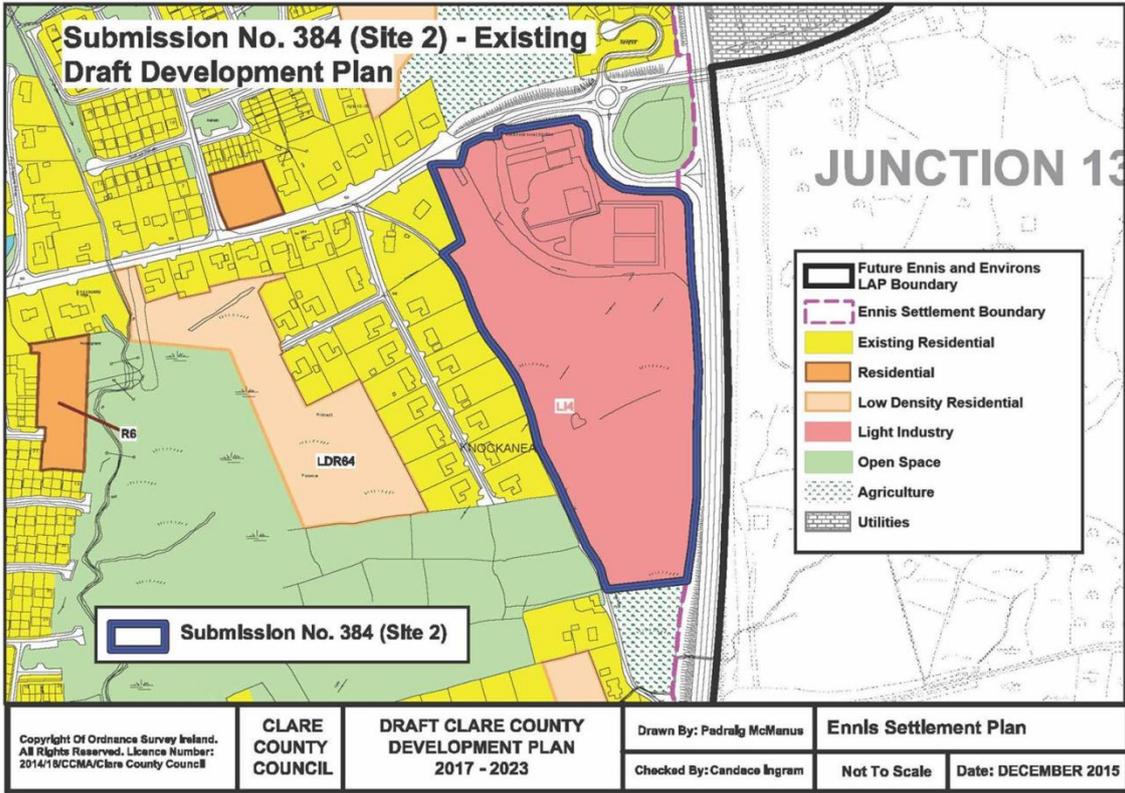
Chief Executive's Recommendation

I recommend that the following amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission:

Volume 3(a) Ennis Settlement Plan – amend zoning map as follows:

Remove the Industry zoning from IND1 in Ennis and to move the settlement boundary westwards so that it no longer incorporates these lands.





Ref. 385 Linda and Jeeves Kochhar

Keywords: Ennis

Summary of the Issues Raised in the Submission

This submission refers to property owned by the above in the Summerhill area of the Ennis Settlement Plan which is proposed to be zoned "Residential" in the draft Plan.

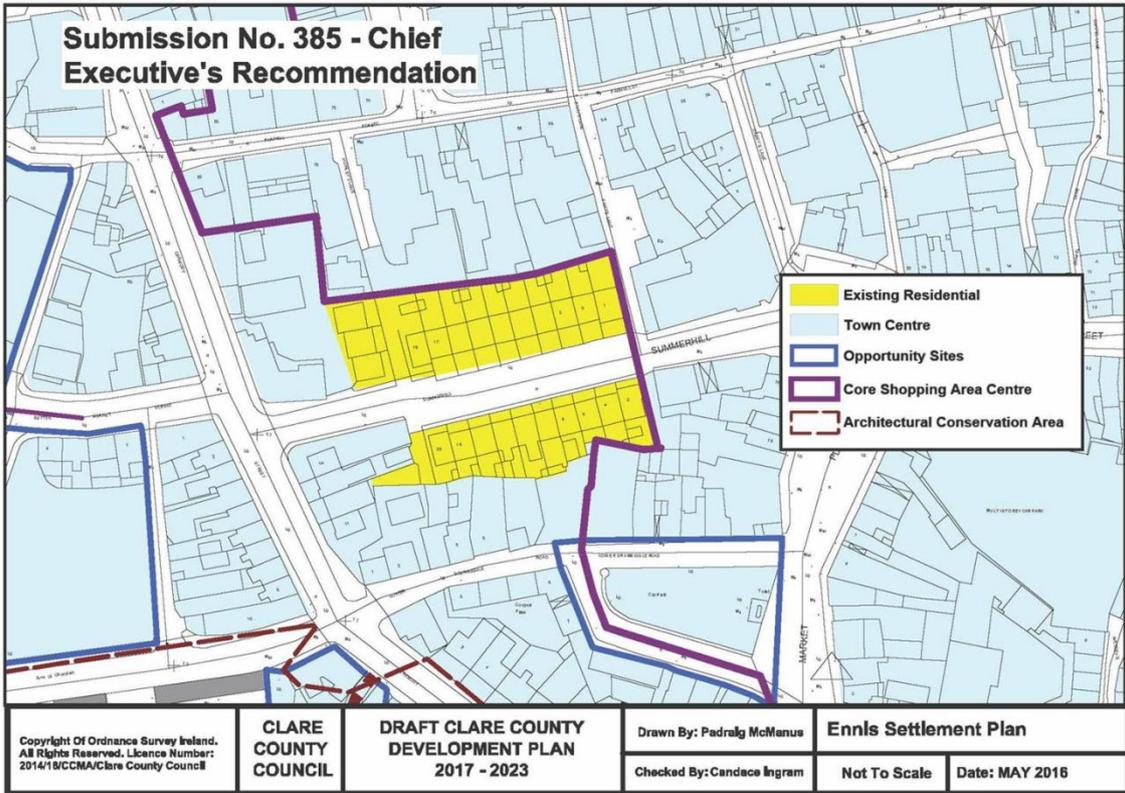
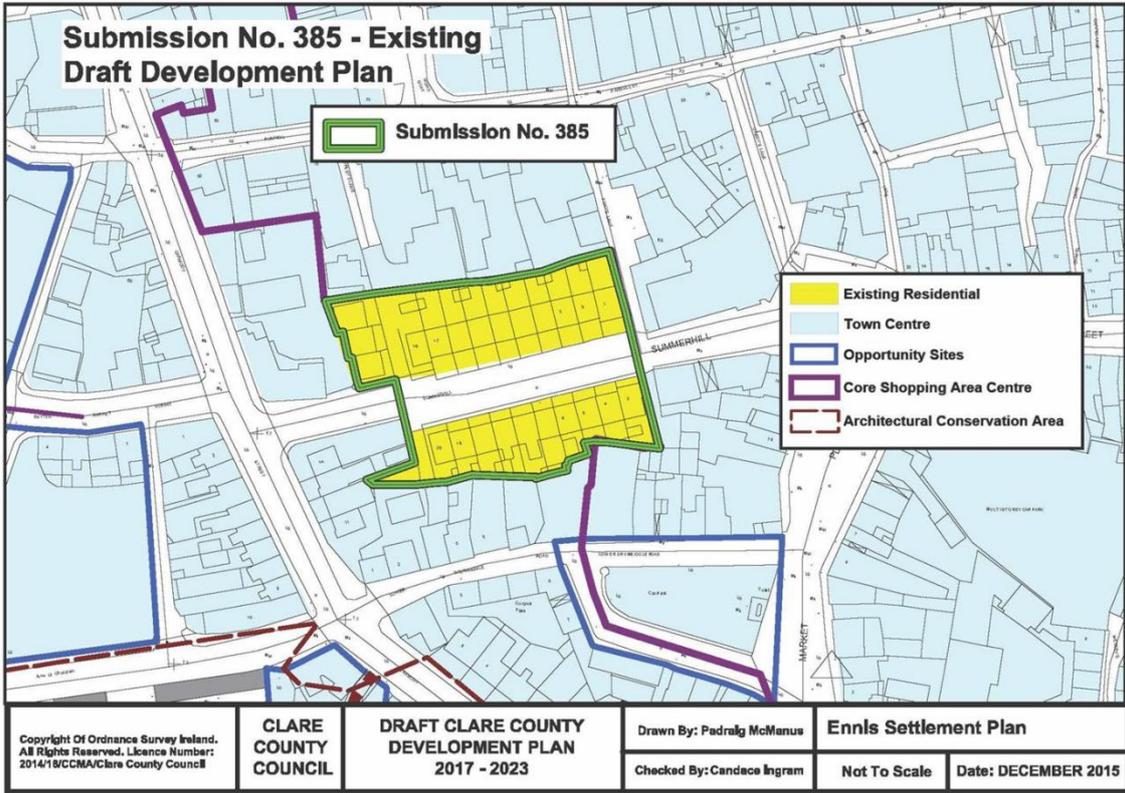
The submission requests the planning authority to rezone the Summerhill area to "Mixed Use"

Chief Executive's Response

I wish to thank Linda and Jeeves Kochhar for their submission. I wish to advise that number of uses are open for consideration on lands which are zoned existing residential, which may be subject to obtaining the appropriate planning permission. Therefore I do not consider there is a requirement to change the zoning from existing residential to mixed use.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 386 P. Coleman & Associates on behalf of Gus Murphy

Key words: Ennis

Summary of the Issues Raised in the Submission

This submission refers to lands owned by the above at Drehidnagower, Lifford, Drumcliff, Ennis. An accompanying map identifies the location of the land which has been divided into Plot A and Plot B and has a total approximate area of 2.155 ha. Three public road approaches facilitate access to the site, easterly approach along Drehidnagower Road from the N18, southerly approach along Watery Road from the N18 and westerly approach along Drehidnagower Road from the N85 and Drumcliff Road over the Drehidnagower Bridge. Part of the lands form the banks of the River Fergus and lie within a Flood Zone.

The land is presently in use as agricultural grazing land and is currently zoned "Other Settlement Land" within the Ennis Settlement Boundary. It is proposed to rezone it as "Open Space" in the draft Plan.

The submission requests the planning authority to:

- Rezone Plot B as "Low Density Residential"

Plot B measures approximately 1.070 ha and the author submits that it is not subject to flooding (aerial photos from 2009 flooding submitted). While they concede that the area around the access road and inside the eastern boundary was subject to flooding, their client states that he can address this by raising the level of this access road in order to ensure adequate access to this part of the land holding. It is submitted that the volume of water displacement by the raising of this access road would be negligible in the overall context of the flood areas. It is further noted by the author that a substantially greater portion of lands adjoining their clients land, (which are evidently liable to flooding as per the 2009 aerial photograph submitted) have been proposed zoned as "Low Density Residential" specifically "LDR16" in the draft Plan.

The author also refers to the draft CFRAM maps in relation to the subject land

- Rezone Plot A as "Agriculture"

The author submits that the subject site is not suitable to form "Open Space" as it will be an isolated pocket not linked to other open space lands and also refers to the High Court case Mahon-v-An Bord Pleanala.

Chief Executive's Response

I wish to thank Mr. Murphy for his submission. The submission refers to Plot A and B, which splits the subject site into a northern and southern half. The subject sites (Plot A and Plot B) have been examined in detail as part of the Strategic Flood Risk Assessment (Vol. 10c).

- Rezone Plot B as "Low Density Residential"

Plot B (southern half) is at lower overall risk of flooding when considering the new CFRAM mapping. However, the eastern part of the site and the access route is partly within Flood Zone A/B. To zone the site would require the successful application of the Justification Test and subsequent conditions set for appropriate site levels as well as an assessment of how to mitigate access routes. I note that there is an availability of others lands for residential purposes which are not subject to flooding. Additionally consideration was given to the fact that the site is not within the centre of the settlement, or essential to regeneration. I recommend that Plot B remains zoned as Open Space.

- Rezone Plot A as "Agriculture"

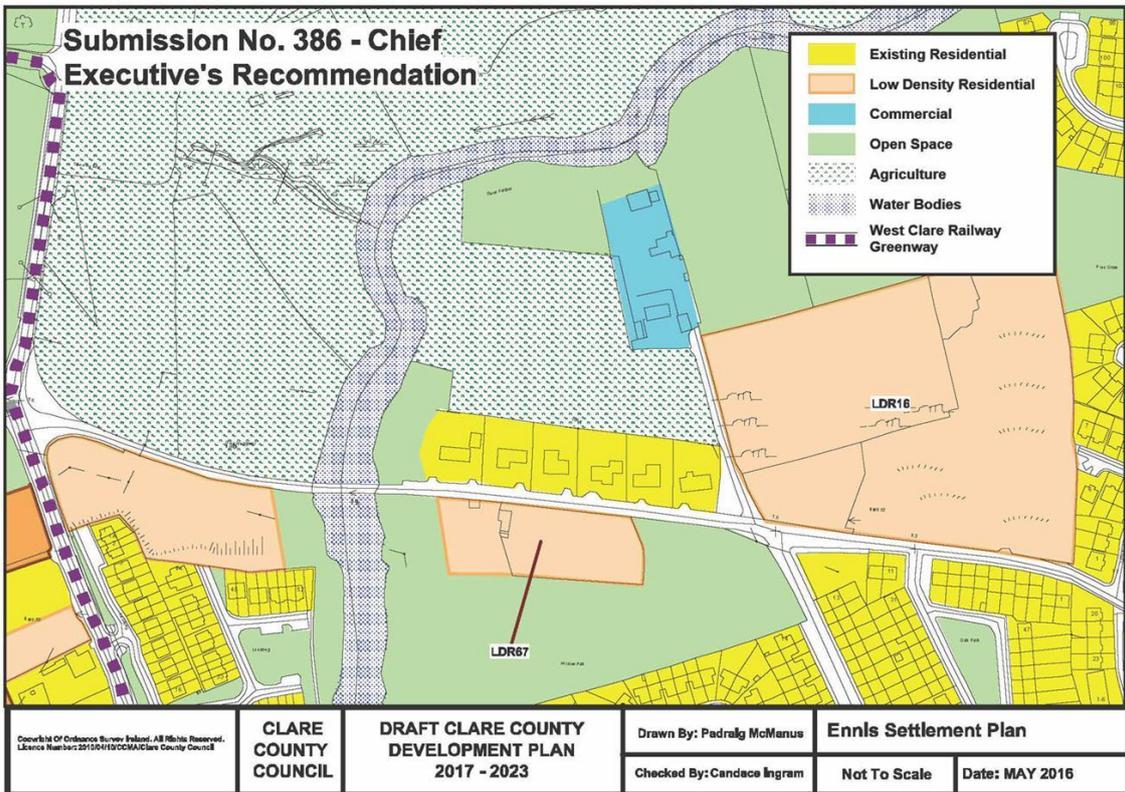
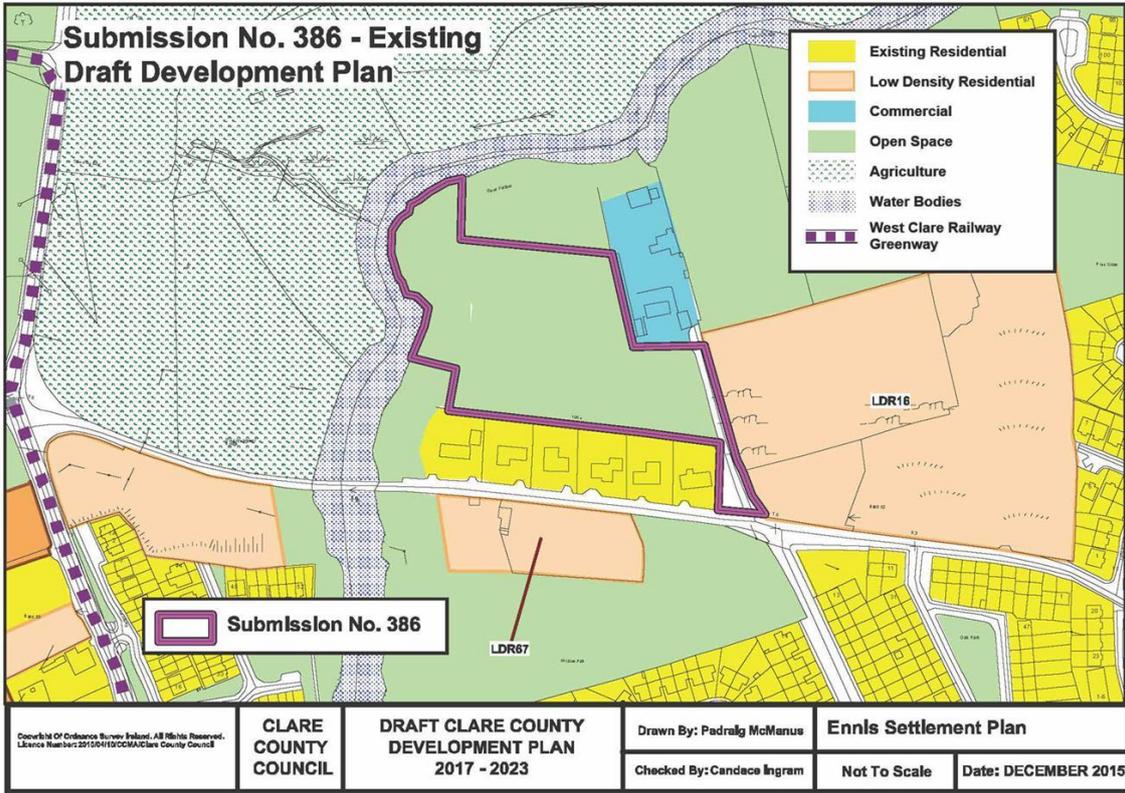
Plot A (northern half of site) is within Flood Zone A/B and is suited to water compatible use, as per the open space proposed zoning. The submission requests re-zoning to Agriculture, and this could be considered given the water compatibility of this use.

Chief Executive's Recommendation

I recommend that the following amendments are made to the Draft Clare County Development Plan on the basis of this submission:

Volume 3(a) Ennis Settlement Plan – amend zoning map as follows:

Change zoning on Plot A, as identified in Submission no. 386, from "Open Space " to "Agriculture".



Ref. 387 P. Coleman & Associates on behalf of Killaloe Diocesan Trust

Key Words: Ennis

Summary of the Issues Raised in the Submission

This submission refers to lands owned by the above at Cahircalla More, Beechpark, Ennis to the east of the N85 Western Relief Road between the Beechpark and Rockyroad Roundabouts. An accompanying map identifies the location of the lands which have a total approximate area of 27.619 ha. The landholding currently lies within the Ennis Settlement Boundary and is currently zoned "Proposal Site – PS5". The landholding has been divided into 9 no. individual plots with particular zoning objectives for each in the draft Plan.

The submission requests the planning authority to:

- Decrease the extent of "Buffer Area" at N85 Beechpark Roundabout

The submission considers that the large parcel of land adjacent to the N85/Beechpark Roundabout with the proposed "Buffer Area" to be excessive and requests that it is scaled down in size similar to that on lands to the northeast of the Beechpark Roundabout

- Relocate the proposed "Recreation" zoned lands

This site lies between the N85 and the lands identified as "R32" and the authors' client seeks to relocate it to an undeveloped parcel of land between the new Ennis National School and Cahercalla Community Hospital which is proposed to be zoned as "Community". Such relocation would be in accordance with the original Masterplan for these lands.

- Rezone the parcel of land proposed as "Recreation" to "Low Density Residential"

The submission considers that their client has been approached by housing developers to acquire some of the proposed residentially zoned lands within this landholding. They submit that the original masterplan for this landholding provided for most of it to be developed as a residential neighbourhood to meet the demands of the greater Ennis area and to support the relocation of the Ennis National School.

Chief Executive's Response

I wish to thank the Killaloe Diocesan Trust for their submission. In order to respond to the submission I will address each of the points as raised above under the separate headings.

Decrease the extent of "Buffer Area" at N85 Beechpark Roundabout

I note the points raised in relation to the extent of "Buffer Area" zoned at the N85 Beechpark Roundabout in comparison to the "Buffer Area" zoning adjacent to LDR66. The habitat type present adjacent to LDR66 is of a different nature to that which lies adjacent to R30 which is the justification for the requirement to zone the extent of buffer space at this location. The habitat type located here is comprised of the Fossitt classification WS1 Scrub which has links to the Annex I habitat "*Juniperus communis* formations on heaths or calcareous grasslands" (5130). The removal of scrub in this area could potentially impact on the foraging/commuting/roosting habitat of the Lesser Horseshoe Bat which is designated as a qualifying interest of a number of surrounding SACs and primarily the Pouladatig Cave.

The council has an obligation as the competent authority in relation to the Habitats Directive to undertake Appropriate Assessment (AA) and Strategic Environmental Assessment processes which must be carried out in compliance with the relevant legislation before the CDP is made. The AA places particular emphasis on the implications of the Draft Plan for the conservation objectives of European sites. In contrast the SEA looks at the wider ecological and biodiversity issues with particular reference to strictly protected species and their key habitats, 'natural habitats and protected species', and ecological corridors and stepping stones.

Screening for appropriate assessment, and the appropriate assessment must be carried out in compliance with Part XAB of Planning and Development Act, 2000 as amended. The relevant tests, terminology and stages of this legislation should be followed and referenced in relation to the analyses undertaken and the determinations reached at screening and any subsequent stage(s) in the process. In accordance with Section 177U of the Act, screening is carried out to assess, in view of best scientific knowledge, if the draft plan, on its own or in-combination with other plans (including the existing plan) and projects, is likely to have a significant effect on a European site. Only if it can be excluded on the basis of objective information that the plan, individually or in combination with other plans and projects, will not have significant effects on a European site, may it be determined that an appropriate assessment is not required.

The Habitats Directive is the key piece of legislation in relation to undertaking AA which is transposed into Irish legislation through the Birds and Natural Habitats Regulations 2011.

The key criteria used to assess the site which forms the subject of this submission is as follows:

1. Is the site located within 6km of a Lesser Horseshoe Bat Roost SAC? This criterion refers to the potential impact that development can have on foraging areas, roosts and flight paths used by this Annex II/IV species. County Clare is a stronghold for this species and development both in isolation and when viewed in combination can have adverse effects. Research carried out on this species has suggested that the majority of feeding activity takes place within 2-3km of roosts during the year with occasional movements in excess of 4km (Bontadina, 2002; Biggane, 2003). This distance can reduce down to a few hundred metres in the birthing season whilst larger scale movements of up to 15km are not unreasonable when bats move between winter and summer roosts. For the purposes of identifying a zone of influence, a precautionary value of 6km was applied to identify a theoretical maximum foraging range.

In light of recent changes to legislation as outlined above it is no longer sufficient to say that protective policies or objectives included in parts of the plan will counteract potential significant or adverse effects of development or redevelopment of sites within the plan area. Strategic examination and analysis are required at the plan level as the basis for considering the effects alone or in combination with other plans and projects on European sites in view of their conservation objectives. Clare County Council as the competent authority must have sufficient information to screen out the potential for significant effects or otherwise zoning which leads to this significant effect cannot be accommodated.

The lands which are the subject of this submission are ca. 1,700m from the Pouladatig Cave SAC. The closest record of a Lesser Horseshoe Bat is within the 1km grid square of this site. Due to the potential significant negative impact on the foraging/commuting/roosting habitat of the Lesser Horseshoe Bat, which is a qualifying interest feature of the Pouladatig Cave SAC amongst others and in the absence of site specific assessments I recommend this zoning stays the same.

Relocate the proposed "Recreation" zoned lands

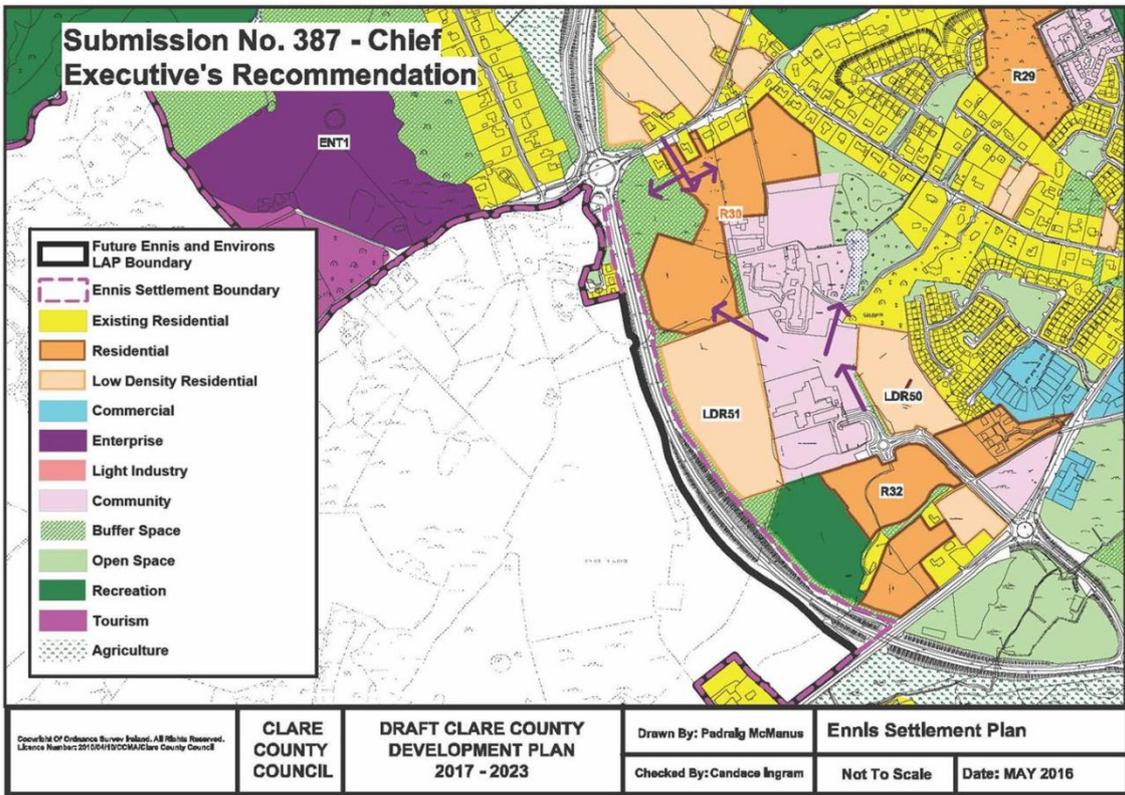
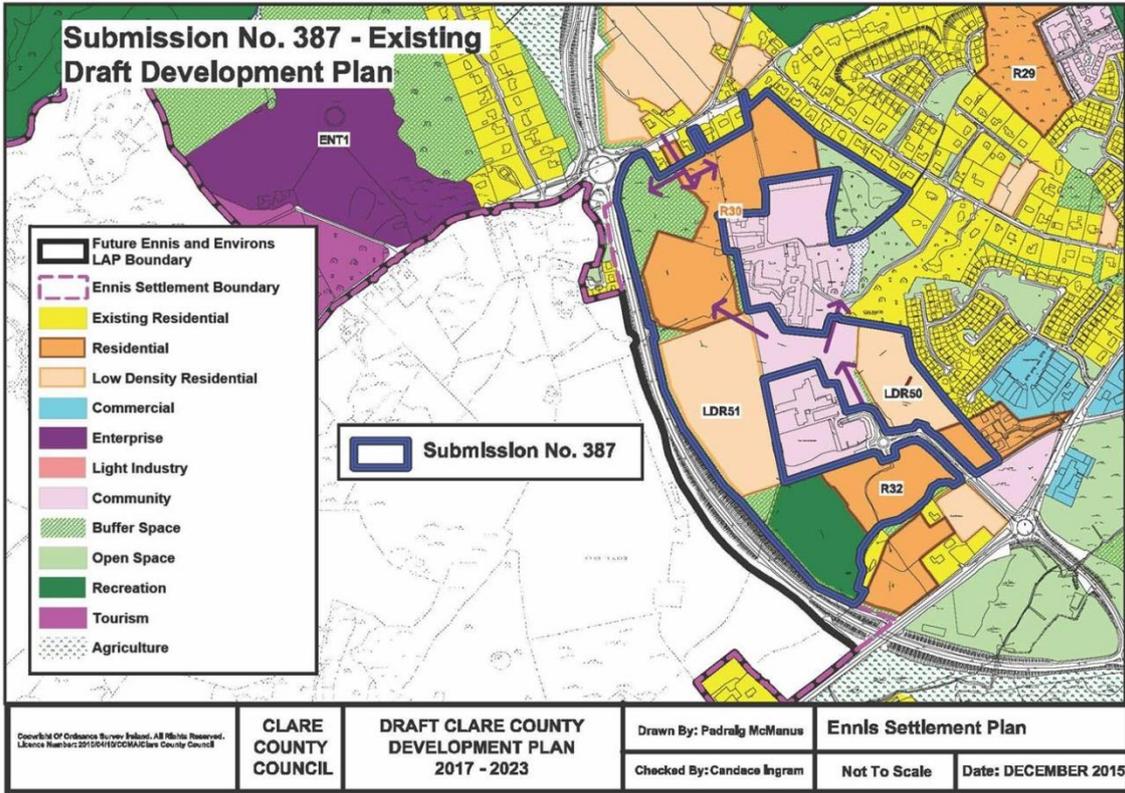
I am not in favour of relocating the recreation lands on to the area to where submission 329 plot E refers. This land is not under the control of the Killaloe Diocesan Trust. It is preferable to retain land north of the Ennis National School for recreation use. Such recreation uses may benefit the school as well as the wider Cahercalla More neighbourhood, which has been identified for expansion in the Draft Plan.

Rezone the parcel of land proposed as "Recreation" to "Low Density Residential"

I am not in favour of rezoning this parcel of land from recreation to Low Density Residential having regard to the mix of land use zoning and the requirement to have a recreation area to serve Ashline and Cahircallamore in to the future.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan on the basis of this submission.



Ref. 388 P. Coleman & Associates on behalf of Killaloe Diocesan Trust

Key Words: Ennis, Renewable Energy

Summary of the Issues Raised in the Submission

This submission refers to lands owned by the above at Cahircalla More, Beechpark, Ennis to the west of the N85 Western Relief Road between the Claureen and Beechpark Roundabouts. An accompanying map identifies the location of the lands which have a total approximate area of 21.291 ha. The landholding currently lies outside the Ennis Settlement Boundary and is not zoned for development purposes but is classified as "Open Countryside". It is not proposed to zone this land in the draft Plan.

The submission requests that the planning authority extend the Plan and Settlement Plan Boundary to include the subject lands and zone the lands for Light Industrial use.

The subject lands are adjacent to the proposed draft settlement boundary of Ennis town. It is submitted that there is very little land proposed for new "Light Industrial" use in the draft Plan and that the majority of the land which is zoned for this use is already substantially developed. Furthermore there is no proposed "Light Industrial" or "General Industrial" use proposed for this side of Ennis. They submit that the lands are located in an appropriate location for light industrial business and that it would not impact adversely on surrounding existing or proposed land uses and is more suitable than the proposed "LI1" lands at Ballaghfadda.

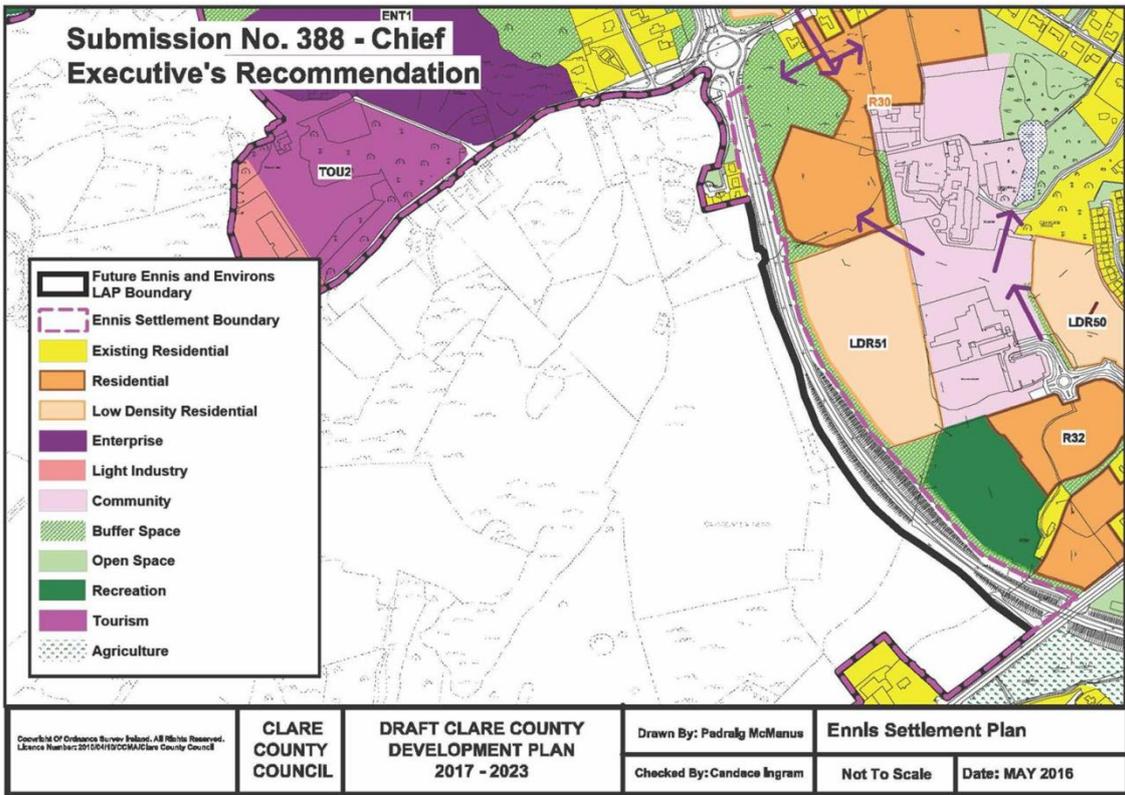
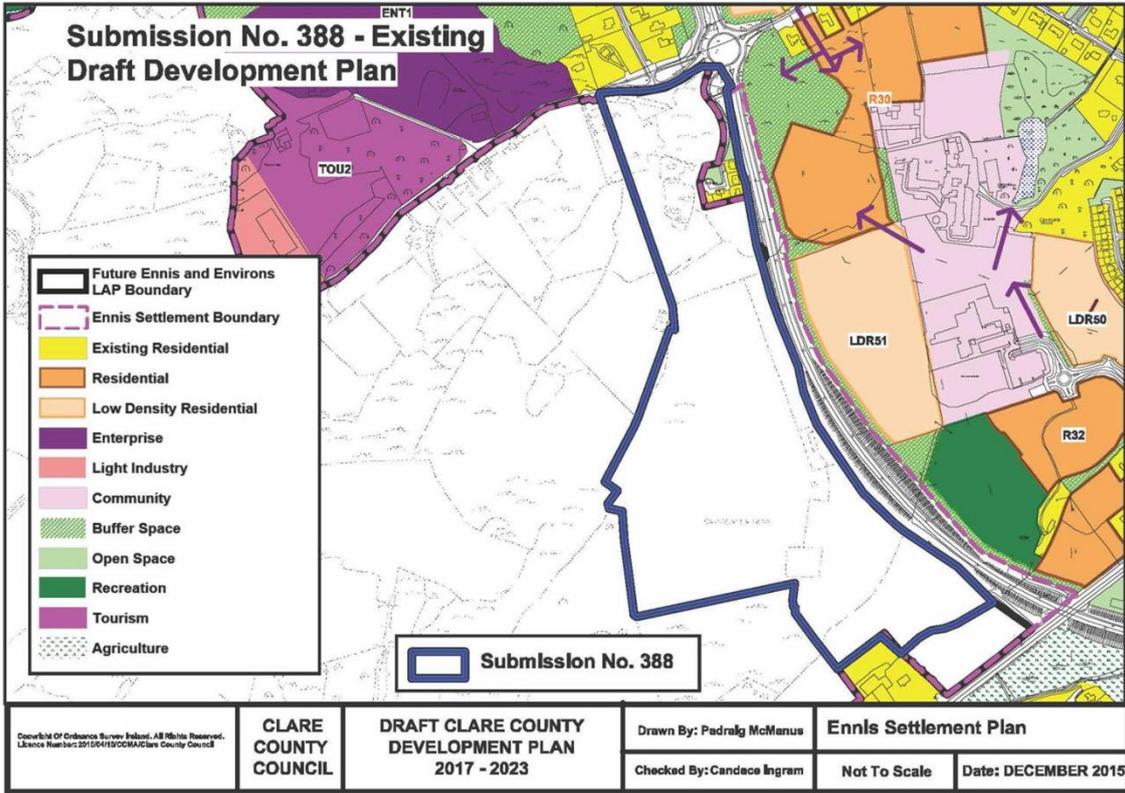
They further submit that their client was recently approached by a developer of Solar Photovoltaic Farms with a proposal to develop part of the lands.

Chief Executive's Response

I wish to thank the Killaloe Diocesan Trust for their submission. It should be noted that the zoning map generally proposes agriculture, buffer and open space zoning west of the N85 in order to spatially separate the built up area of Ennis from the surrounding countryside. It is not envisaged that Ennis will grow significantly to west of the N85 at this location. Therefore I am not in favour of changing the zoning to Light Industry or altering the settlement boundary to allow for the development of these lands. I note that utility-scale renewable energy developments are most commonly located in countryside areas and the zoning of land for light industry is not a prerequisite for the progression of a development of this nature.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 389 P. Coleman and Associates on behalf of Killaloe Diocesan Trust

Key words: Ennis

Summary of the Issues Raised in the Submission

This submission refers to lands owned by the Killaloe Diocesan Trust within St. Flannan's College complex, Ennis, which is identified as Plot A on an accompanying map and encompasses a total approximate area of 1.5 ha. The landholding is inside the Ennis Settlement Boundary and is currently zoned "Community" and it is not proposed to change this zoning in the draft Plan.

The submission requests the planning authority to zone Plot A as "Residential"

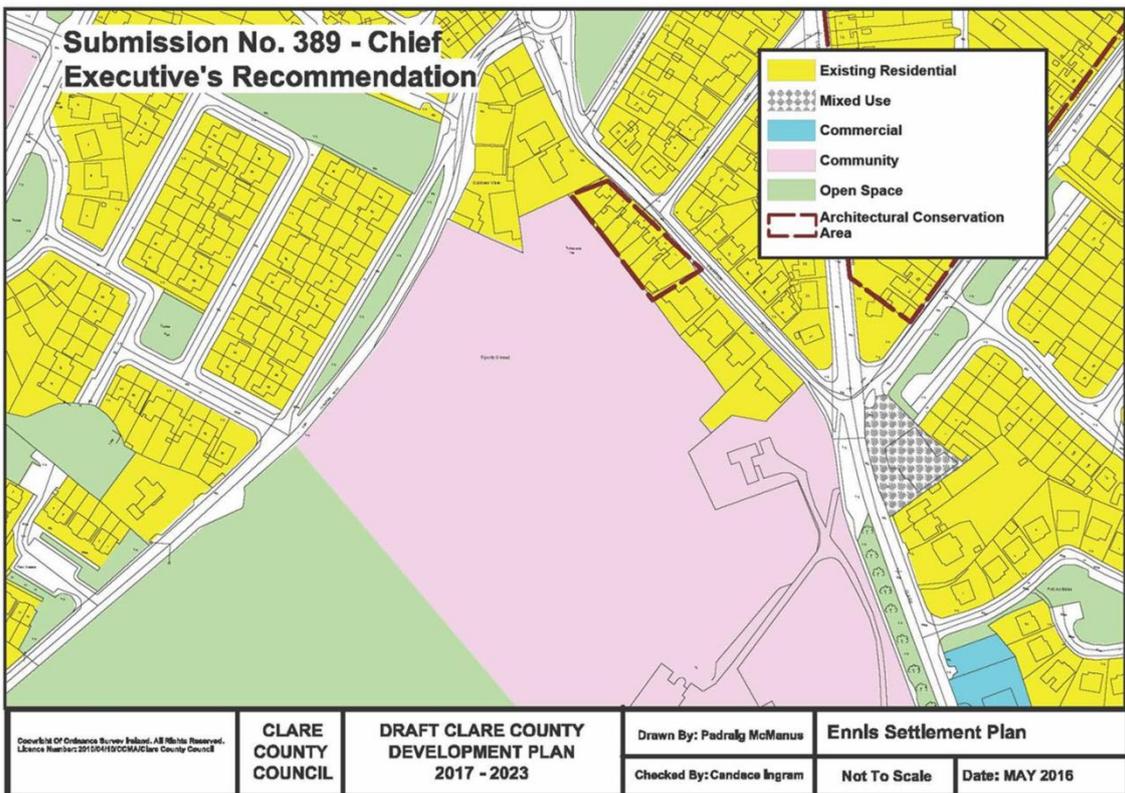
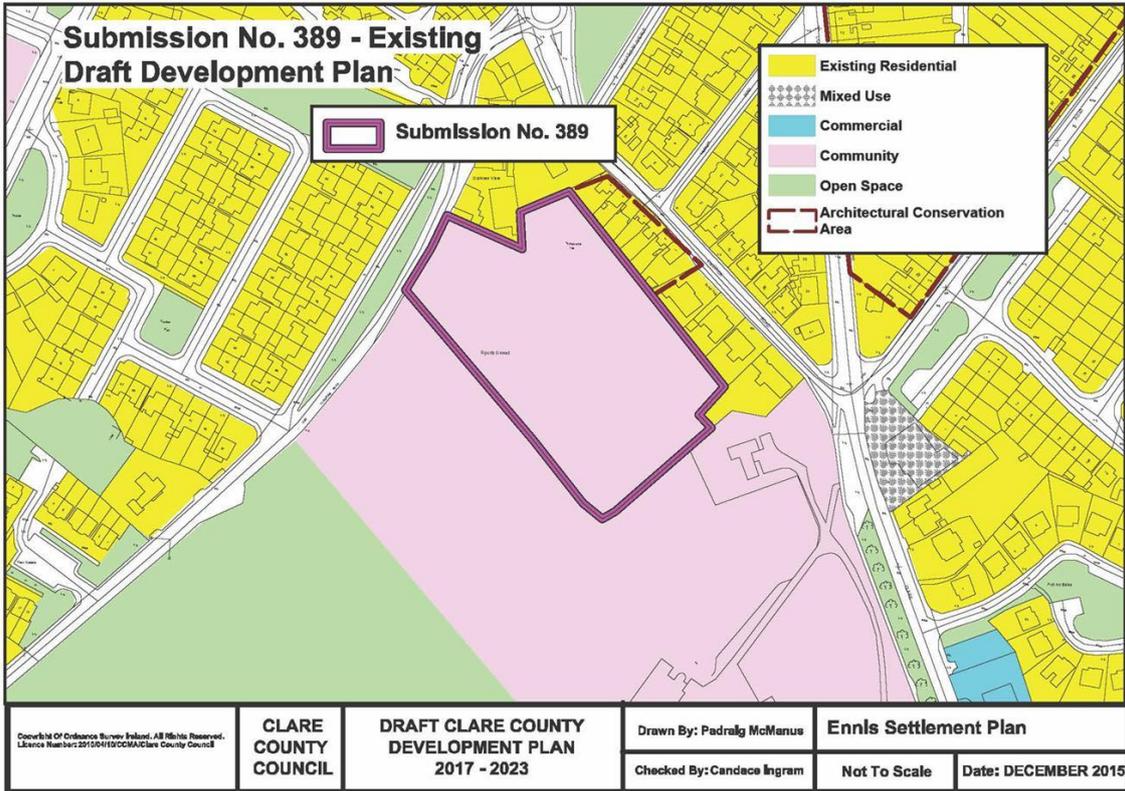
The submission notes the proximity of Plot A to the town centre makes the land ideally suited for residential development. It is their opinion that reclassification to "Residential" zoning would be compatible with the adjoining residential land uses and the pattern of development in the area and would not therefore seriously injure the amenities of the area or of the properties.

Chief Executive's Response

I wish to thank Killaloe Diocesan Trust for their submission. I agree that from a sequential point of view that the land as referred to in the submission is well positioned to accommodate residential zoning, as it is within walking distance of the town centre. However the requirement to meet the need for housing on Plot A as requested by this submission must be balanced against the requirement to ensure there is sufficient community zoned lands to serve the neighbourhood in which it is located. With the exception of a parcel community zoning in Clarecastle, this is the only area of proposed community zoning in the southern half of the Ennis Settlement. I also mindful of the growing requirement for school places which is a trend that I consider will continue for some years to come. I therefore consider that land as referred to in submission number 389 should be zoned community.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 390 P. Coleman and Associates on behalf of Killaloe Diocesan Trust

Keywords: Ennis

Summary of the Issues Raised in the Submission

This submission refers to a standalone site owned by the above fronting onto St. Flannan's Drive adjacent to the Éire Óg GAA sports ground which has a total approximate area of 0.085 ha. The landholding is inside the Ennis Settlement Boundary and is currently zoned "Other Settlement Land" and is proposed to be zoned "Open Space" in the draft Plan.

The submission requests the planning authority to zone the site as "Low Density Residential"

The submission regards this as an infill site and submits that reclassification to "Low Density Residential" zoning would be compatible with the adjoining residential land uses and the pattern of development in the area and would not therefore seriously injure the amenities of the area or of the properties. The site is serviced and has the benefit of an existing access/exit.

The submission notes that part of the site floods due to waters not being able to pass under the adjacent bridge resulting in flood waters overflowing the bank on the upstream side of the bridge. They submit that the remainder of the site never flooded and that flooding in St. Flannan's College grounds has no influence on this site.

The submission also refers to the High court case Mahon-v- An Bord Pleanala, in which the High Court noted that the zoning of land for a particular purpose and the realization of that objective requires the landowners cooperation and consent and, as our Client does not propose to develop this land as "Open Space", there seems to be little benefit in continuing to pursue "Open Space" zoning on the subject lands.

Chief Executive's Response

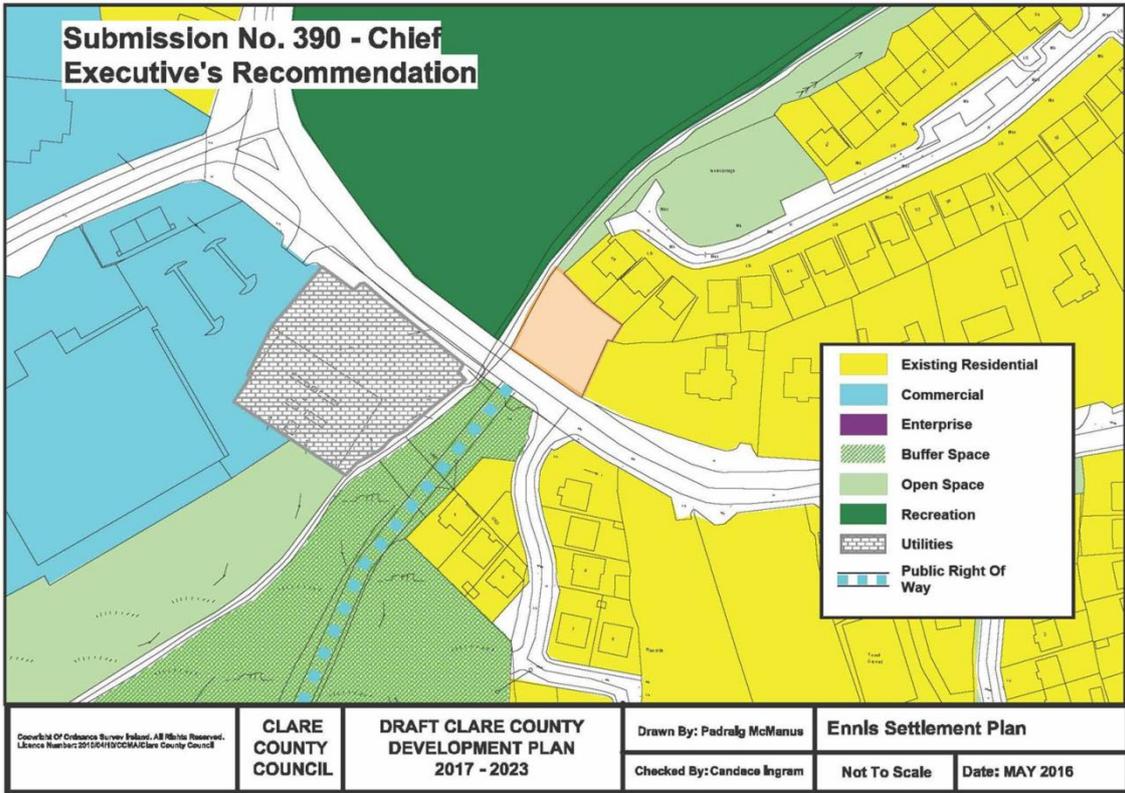
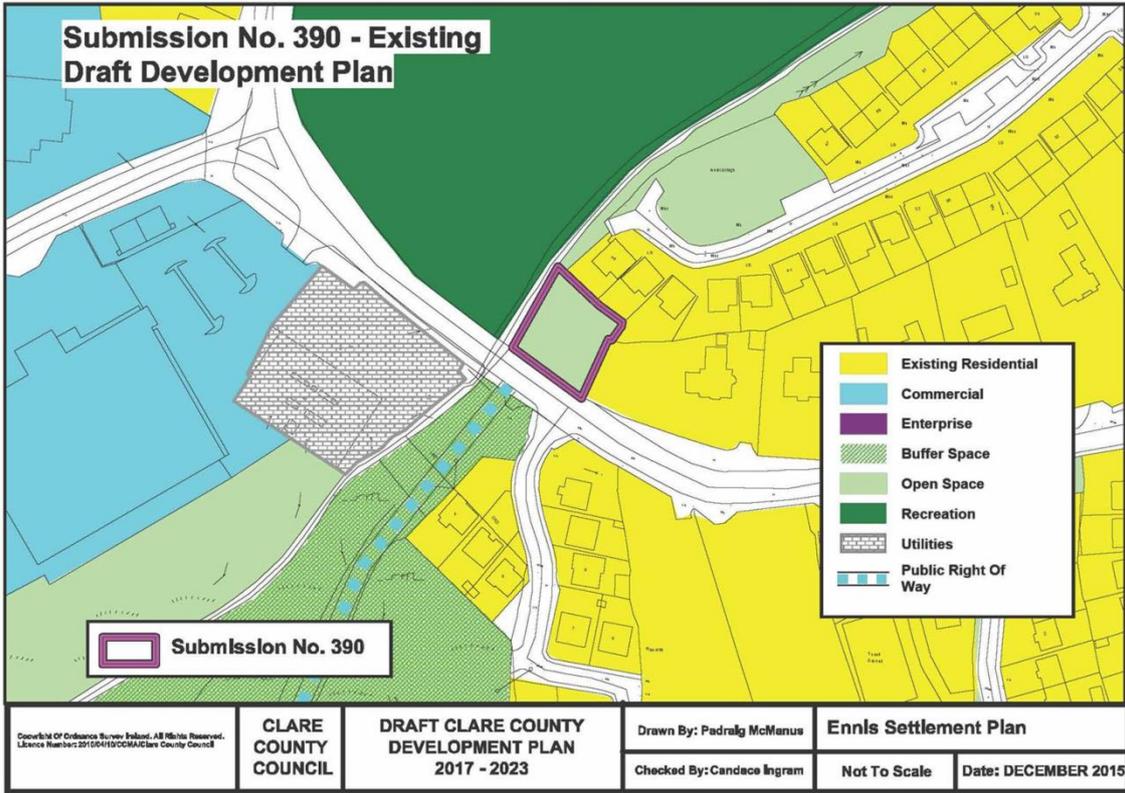
I wish to thank the Killaloe Diocesan Trust for its submission. I note that the new CFRAM maps are adopted in this area. As per these maps, the site is largely within Flood Zone C. Therefore consideration could be given to the proposal contained within the submission, subject to caveats requiring the submission of a Flood Risk Assessment and surface water management plan to be submitted with any planning application. Same would be assessed under the Development Management Process

Chief Executive's Recommendation

I recommend the following amendments to the Draft Clare County Development Plan 2017-2023 on the basis of this submission:

Volume 3(a) Ennis Settlement Plan – amend zoning maps as follows:

Change zoning on the lands, as identified in Submission 390, from Open Space to Low Density Residential.



Ref. 391 P. Coleman and Associates on behalf of Killaloe Diocesan Trust

Keywords: Ennis

Summary of the Issues Raised in the Submission

This submission refers to a site owned by the above identified a Plot C within the Westbourne Estate on the Cusack Road to the east of the N85 which has a total approximate area of 0.63 ha. The estate is set in wooded grounds with mature gardens and outbuildings the majority of which is currently zoned "Other Settlement Land" with the remainder zoned as "Open Space". It is proposed to zone Plot C "Open Space" in the draft Plan and to reclassify the estate into 3 different zoning objectives as follows:

- The existing Westbourne House has been reclassified as "Existing Residential"
- The walled garden plot directly adjacent to Westbourne House to the north has been zoned for "Low Density Residential"
- The balance of the lands are proposed to be zoned as "Open Space"

The submission requests the planning authority to zone Plot C as "Low Density Residential"

The authors' client is seeking to facilitate housing for retired priests within the Dioceses and feels that Plot C is strategically located for same. They submit that the subject site can be regarded as an infill site and is fully serviced.

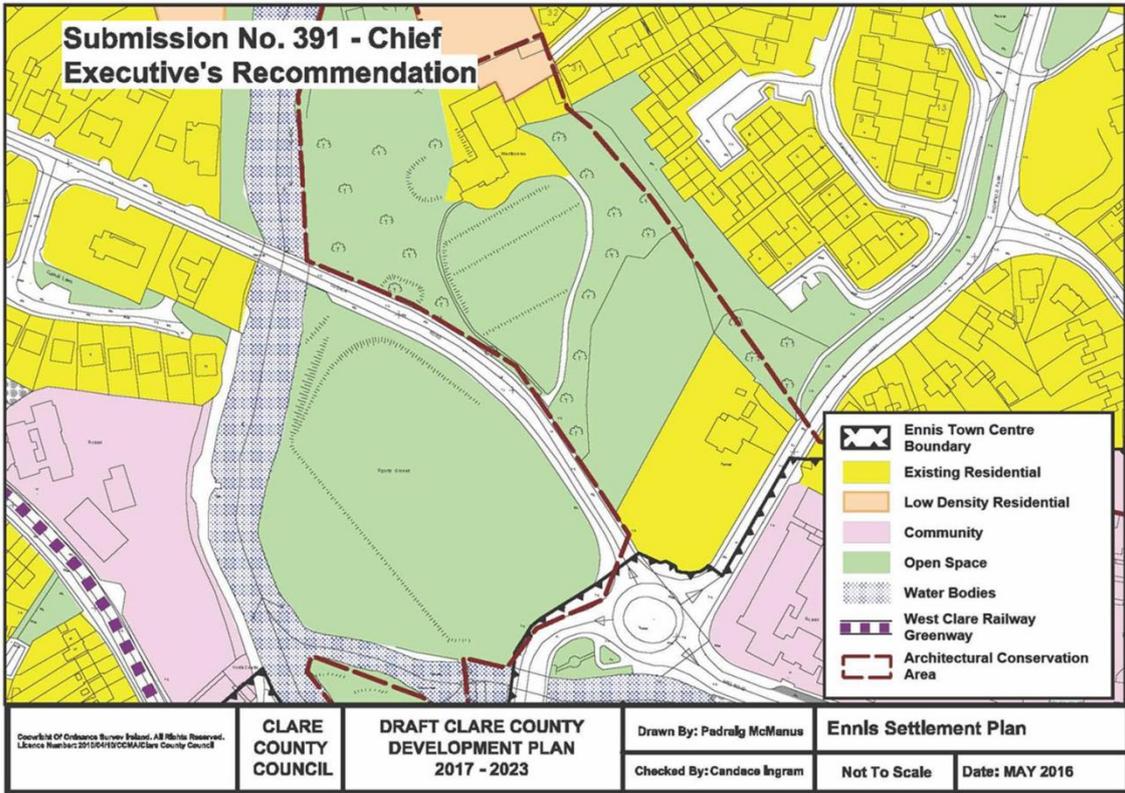
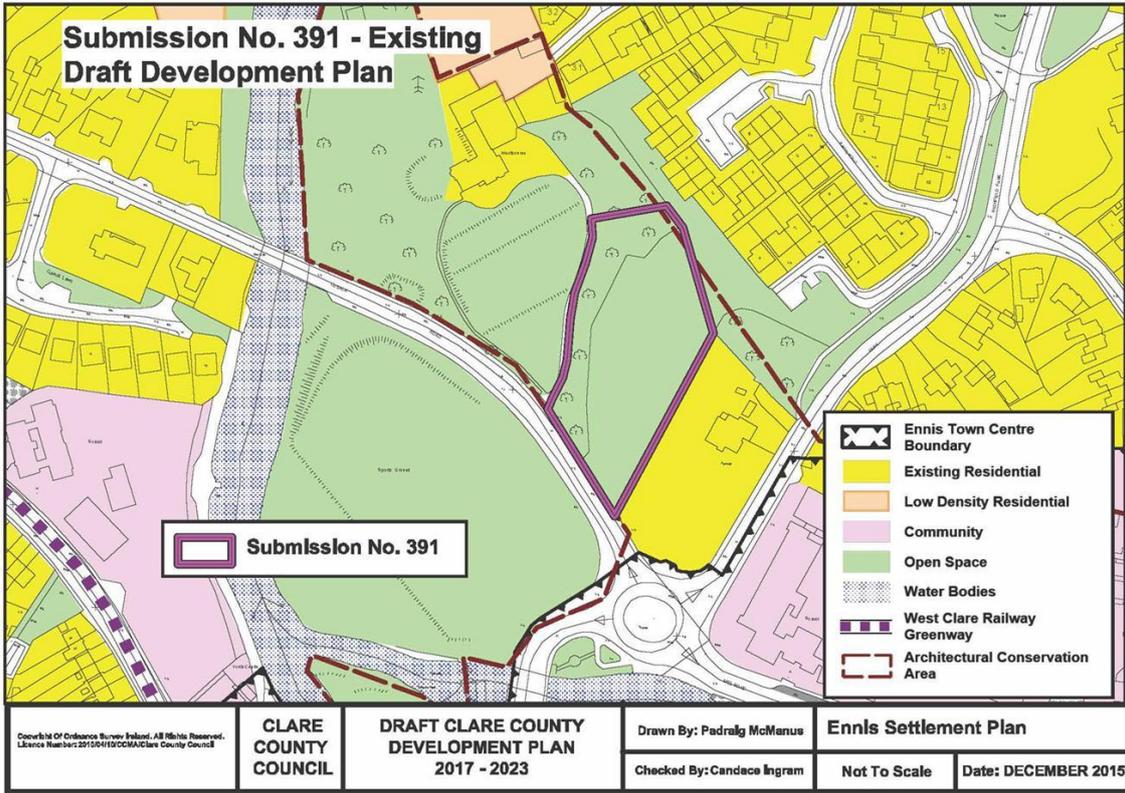
The author also refers to the High court case Mahon-v- An Bord Pleanala.

Chief Executive's Response

I wish to thank Killaloe Diocesan Trust for their submission. I am in not favour of changing the zoning of the lands referred to as Plot C in the submission to Low Density Residential, having regard to the formal landscaped setting of Westborne House which has been identified as a protected structure. I note that the requirement for housing for retired priests could be accommodated to the rear of Westbourne House, on lands which are proposed to be zoned Low Density Residential.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 392 P. Coleman and Associates on behalf of Killaloe Diocesan Trust

Keywords: Ennis

Summary of the Issues Raised in the Submission

This submission refers to sites owned by the above identified as Plot A and Plot B within the Westbourne Estate on the Cusack Road to the east of the N85 which has a total approximate area of 0.66 ha. The estate is set in wooded grounds with mature gardens and outbuildings the majority of which is currently zoned "Other Settlement Land" with the remainder zoned as "Open Space". It is proposed to zone Plot A as "Open Space" and Plot B as "Low Density Residential" in the draft Plan and to reclassify the estate into 3 different zoning objectives as follows:

The existing Westbourne House has been reclassified as "Existing Residential"

The walled garden plot directly adjacent to Westbourne House to the north has been zoned for "Low Density Residential"

The balance of the lands are proposed to be zoned as "Open Space"

The submission requests the planning authority to zone Plot A and B as "Residential"

The author submits that their client has been approached by a Voluntary Housing Organisation who is interested in developing these lands for social housing subject to appropriate zoning. Plots A & B could be regarded as infill sites between existing residential developments and both plots are serviced.

They advise that Plot B is only accessible through Plot A and therefore contend that it would be unreasonable to zone Plot B for development purposes and not Plot A.

The author further notes the large amount of land directly adjacent to Westbourne Estate which is currently in use as "Open Space" and the amount of proposed "Open Space" zoned in the draft Plan. The author also refers to the High court case Mahon-v-An Bord Pleanala.

Chief Executive's Response

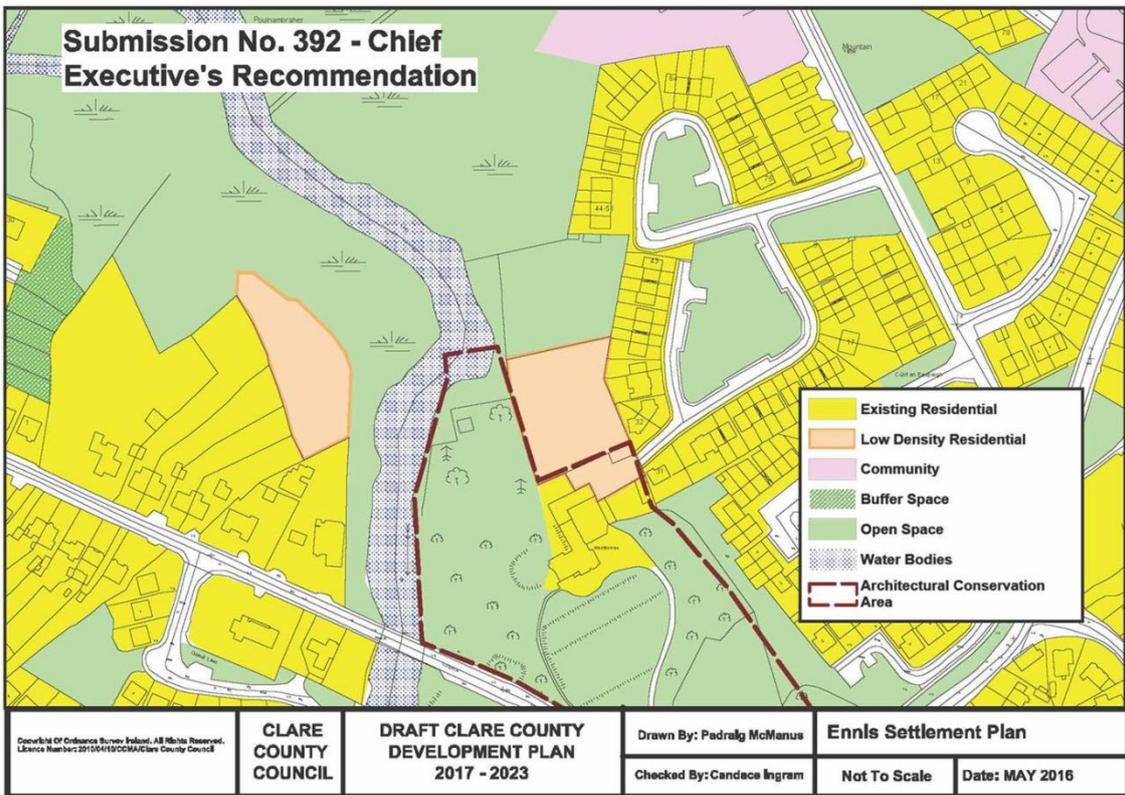
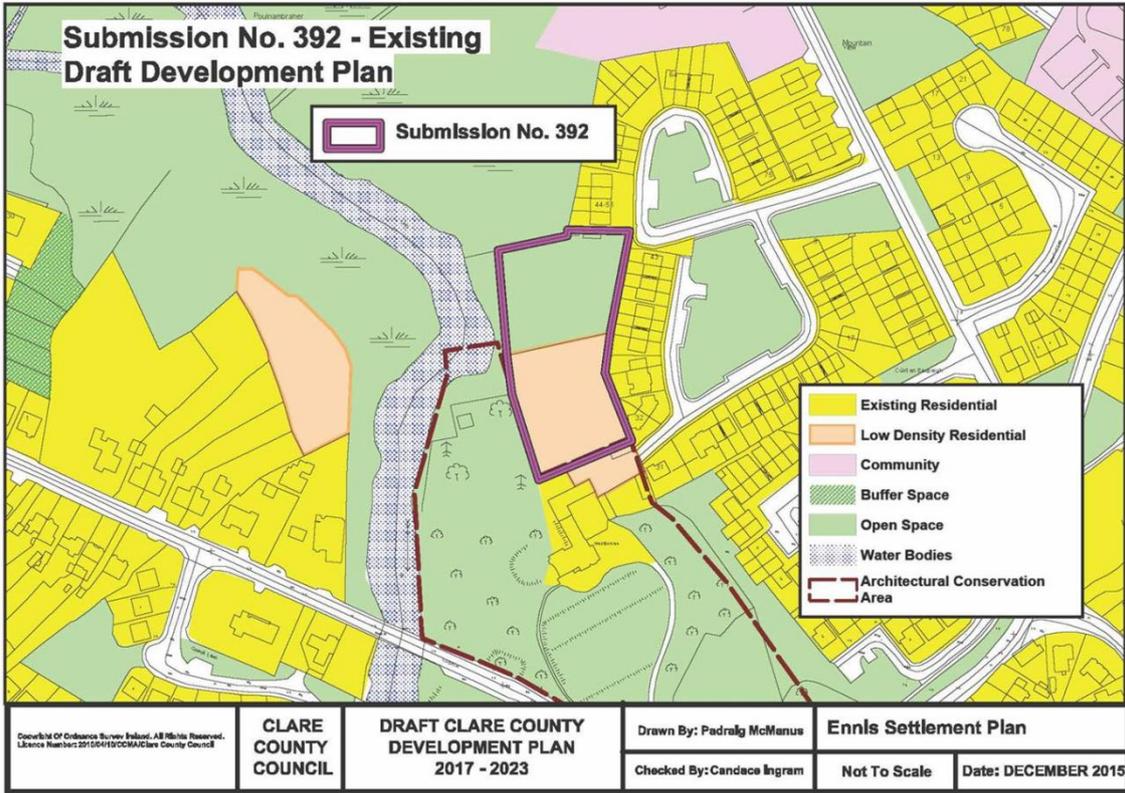
I wish to thank Killaloe Diocesan Trust for their submission.

In relation to Plot A as identified in the submission, I do not consider that same is appropriate for residentially zoned lands. The subject site has been examined in detail as part of the Strategic Flood Risk Assessment (Vol. 10c). Plot A is within Flood Zone A and B and is not suitable for development on either flood risk or Appropriate Assessment grounds and has therefore been zoned for open space.

I note that Plot B is within Flood zone C. Having regard to the pattern of development in the area, the quantity of zoned lands as provided for in the plan area, and the proximity to Westbourne House, and the setting of same, it is considered that low density residential is the most appropriate zoning for this site.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 393 John Duggan on behalf of Jim Hehir

Keywords: Barntick

Summary of the Issues Raised in the Submission

This submission refers to one of 2 no. infill sites owned by the above north of the Barntick designated cluster boundary which are not proposed to be zoned in the draft Plan. An accompanying map identifies the site location.

The submission requests that the planning authority to extend the proposed Barntick cluster boundary to include the above infill sites.

The author is of the opinion that if the land was rezoned and the settlement boundary extended it would lessen the need for one-off developments and avoid the concept of ribbon development elsewhere in the surrounding countryside. He further submits that these vacant, derelict and underused infill sites are ideally located to accommodate people from the area and outside to develop one-off individual houses within this already built up area.

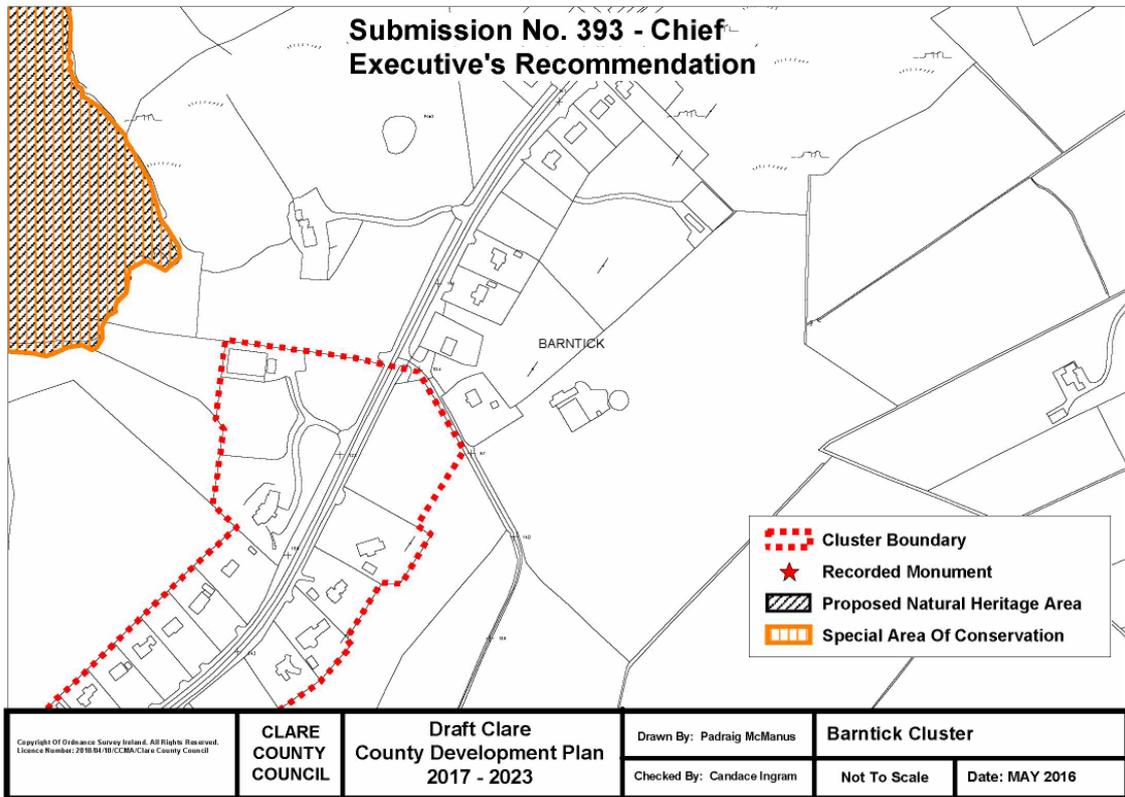
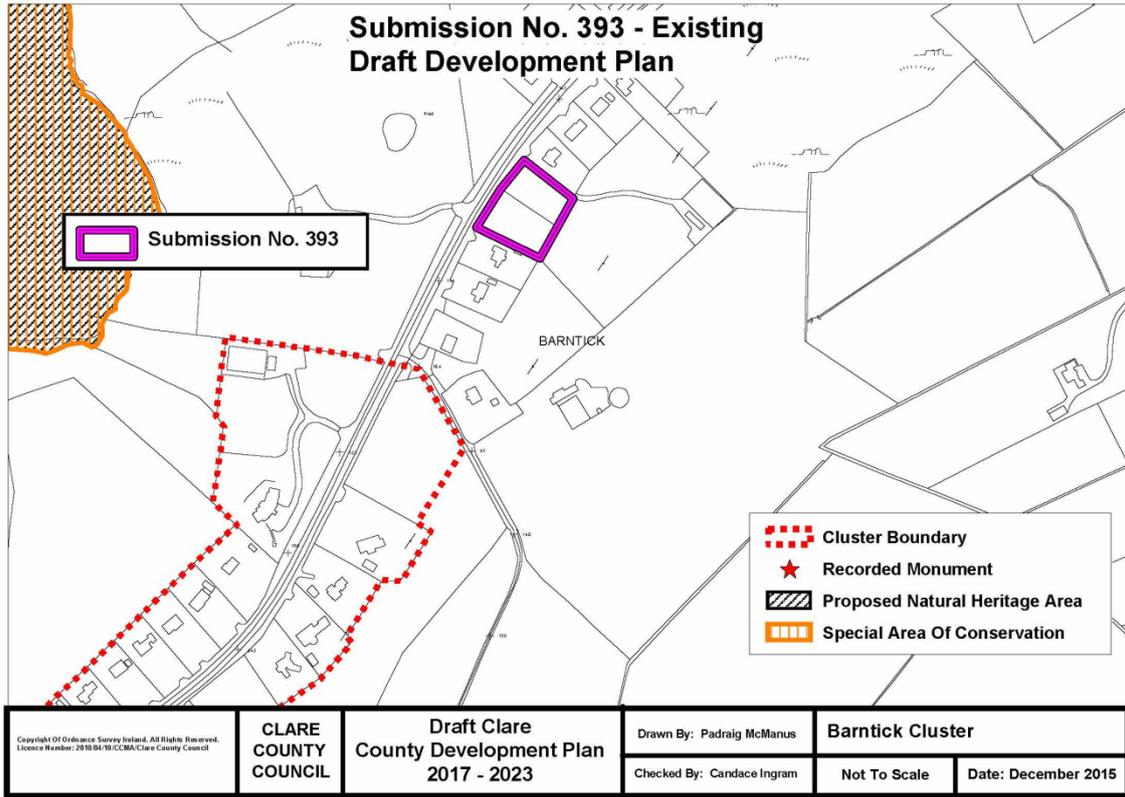
Chief Executive's Response

I thank Mr. Hehir for his submission and I note his request. The extension of the boundary of the Barntick cluster to include these lands would result in the cluster stretching for almost a kilometre along the Regional Road and would further contribute to ribbon development along the road.

While Mr. Hehir suggests that the inclusion of the lands would provide an alternative to one-off developments, I note that there are further lands available for development within the existing cluster boundary to fulfil this purpose. The subject lands currently function as agriculture grassland, appropriate to a rural area. I do not consider the lands to be derelict or under-utilised. I would also respectfully point out that if Mr. Hehir considers the property to be in a derelict condition, as the landowner it is his responsibility to carry out improvement works.

Chief Executive's Recommendation

I recommend that no amendments are made the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 394 John Duggan on behalf of Gerard Reidy

Key Words: Barntick

Summary of the Issues Raised in the Submission

This submission refers to one of 2 no. infill sites owned by the above north of the Barntick designated cluster boundary which are not proposed to be zoned in the draft Plan. An accompanying map identifies the site location.

The submission requests that the planning authority extend the proposed Barntick cluster boundary to include the above infill sites.

The author is of the opinion that if the land was rezoned and the settlement boundary extended it would lessen the need for one-off developments and avoid the concept of ribbon development elsewhere in the surrounding countryside. He further submits that these vacant, derelict and underused infill sites are ideally located to accommodate people from the area and outside to develop non-one-off individual houses within this already built up area.

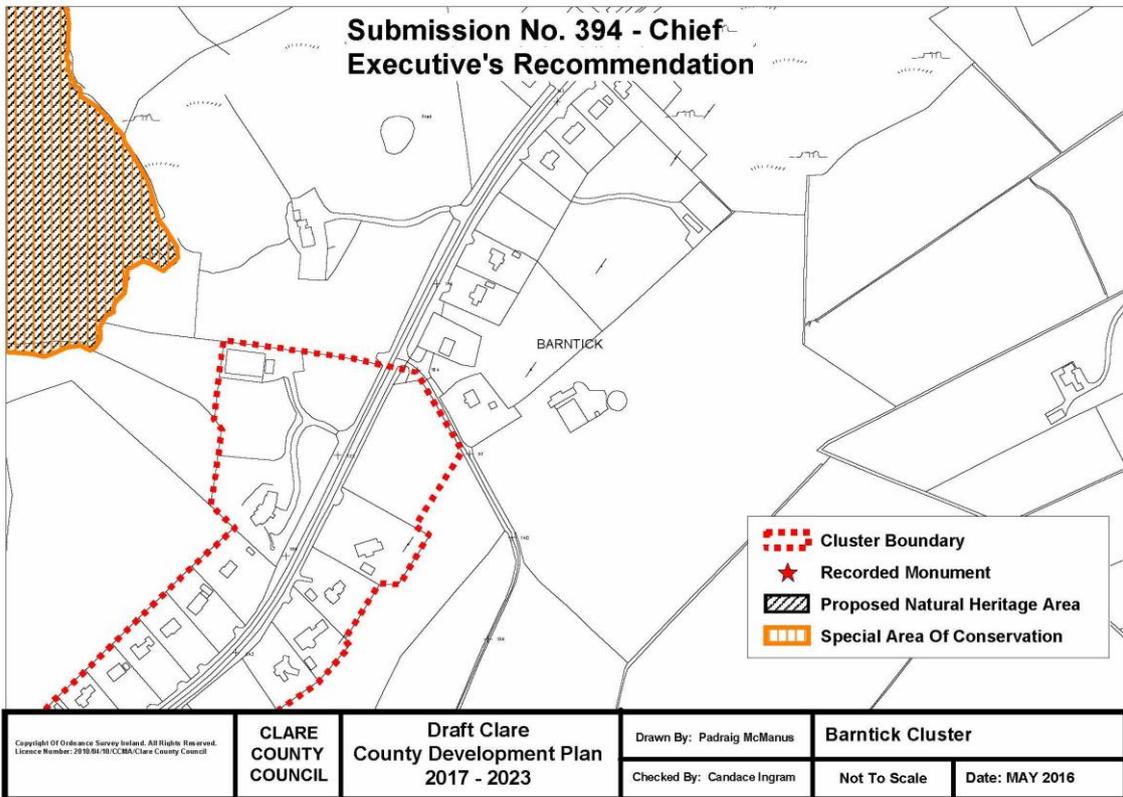
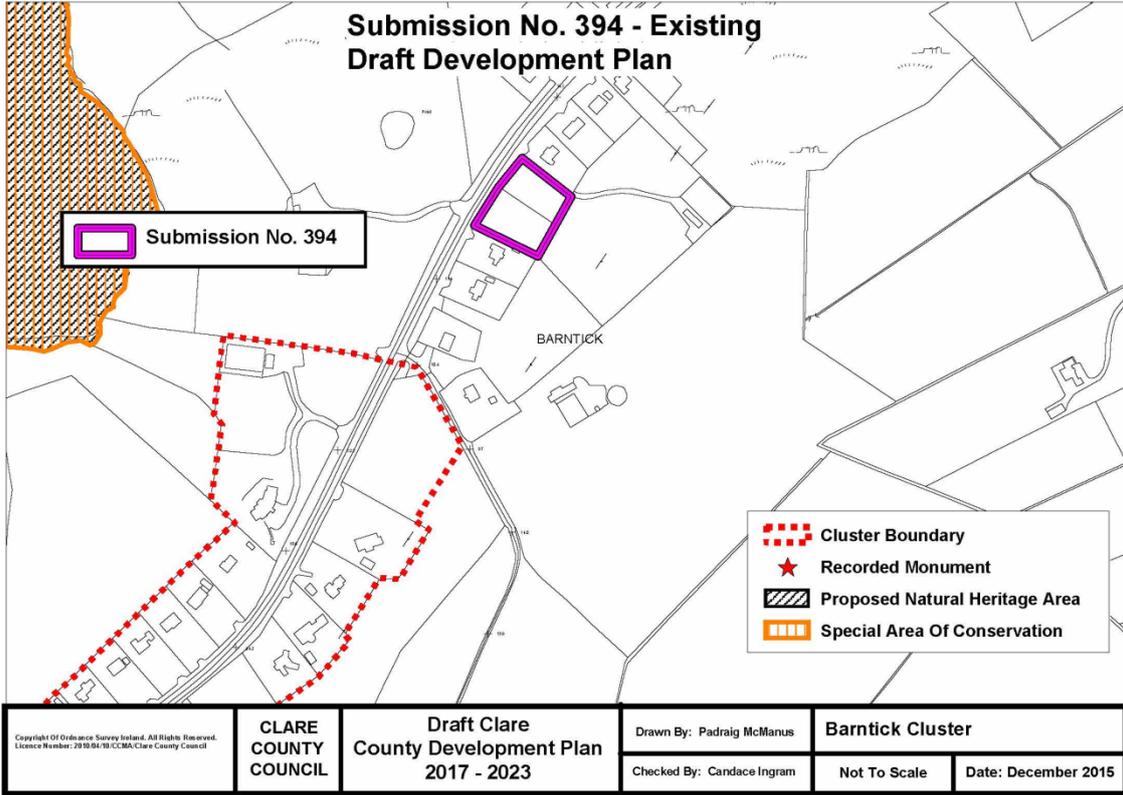
Chief Executive's Response

I thank Mr. Reidy for his submission and I note his request. The extension of the boundary of the Barntick cluster to include these lands would result in the cluster stretching for almost a kilometre along the Regional Road and would further contribute to ribbon development along the road.

While Mr. Reidy suggests that the inclusion of the lands would provide an alternative to one-off developments, I note that there are further lands available for development within the existing cluster boundary to fulfil this purpose. The subject lands currently function as agriculture grassland, appropriate to a rural area. I do not consider the lands to be derelict or under-utilised. I would also respectfully point out that if Mr. Reidy considers the property to be in a derelict condition, as the landowner it is his responsibility to carry out improvement works.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 395 John Duggan on behalf of Daniel Moloney

Key Words: Kilkee, Housing, Policy

Summary of the Issues Raised in the Submission

This submission refers to a site owned by the above at Dough in the Kilkee settlement plan as identified in an accompanying map extract and is approximately 3 acres in size. The site is proposed to be zoned "Low Density Residential" in the draft Plan.

The submission requests that the planning authority rezone the site "Tourism".

The authors' client recently purchased this site and is of the view that the land would be more viable for development if the zoning were changed to tourism in order to facilitate improvement and expansion of tourism services and amenities. They submit that the property would be ideally suited for non-permanent uses such as high quality up-market Holiday Chalets, Caravan Park, Hostel etc and that such development would complement the existing tourism zoned site to the west to the subject site.

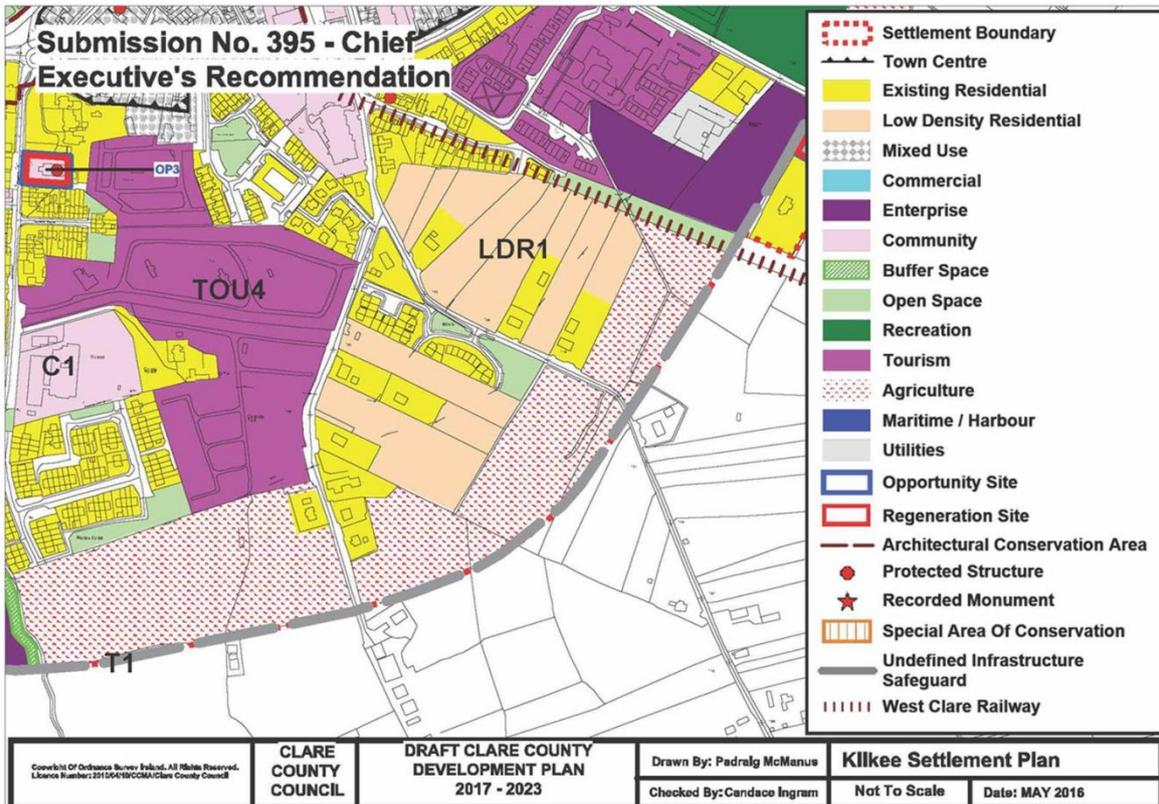
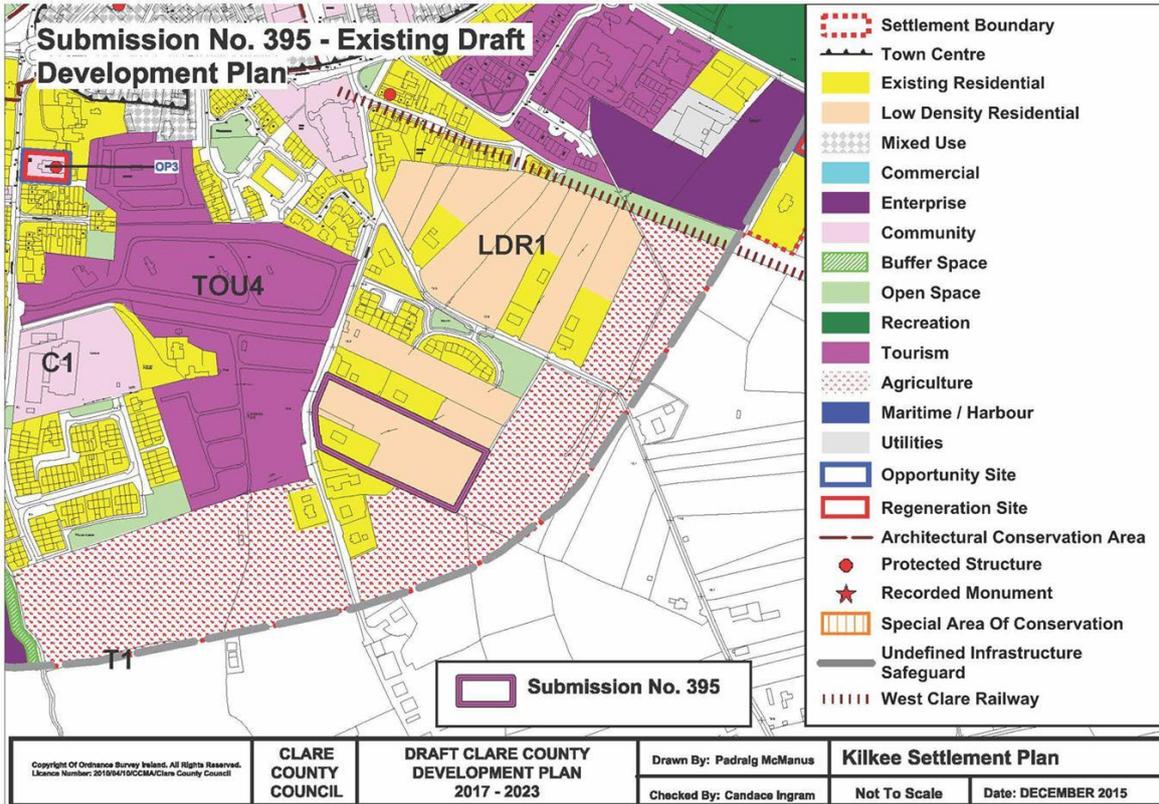
Chief Executive's Response

I acknowledge the request contained in this submission. Kilkee has long been a popular tourist destination and as a result there is a large amount of non-permanent accommodation in the town. Consequently the town experiences high levels of vacancy (over 70% in the last census) and it an objective to increase the permanent population in the area.

Having regard to these issues, and to Objective CDP4.12 Holiday Homes as contained in Volume 1 of the Draft Plan, I do not consider it appropriate to change the zoning on this site to Tourism.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 396 John Duggan on behalf of Con Duggan

Keywords: Kilkishen

Summary of the Issues Raised in the Submission

This submission refers to lands by the above to the east of the Kilkishen settlement plan boundary which are contained within the "Area of Special Control" in Map H8 of Draft Clare County Development Plan 2017-2023. An accompanying map identifies the location of the lands which are farmed by the landowner and currently classified as being "under strong urban pressure".

The submission requests the planning authority to:

Reduce the extent of the "Area of Special Control" identified on Map H8.

The author submits that there has been almost zero development in the area over the last 30 years and therefore is of the opinion that a classification of "Countryside" would be more appropriate as his clients' lands are not under any kind of development pressure.

Chief Executive's Response

I wish to thank Mr. Duggan for making this submission, the content of which is noted. Areas of Special Control are a part of policy dealing with Single Housing in the Countryside. The Council is required to have regard to Ministerial Guidelines in formulating its policies on rural housing. The categories are derived from set criteria and in the case of Rural areas under Strong Urban Pressure these are:

- Proximity to the immediate environs or close commuting catchment of large towns.
- Rapidly rising population.
- Location in areas of considerable pressure for development of housing due to proximity to urban centres.
- Proximity to major transport corridors with ready access to urban areas.

The evaluation of areas to determine the underlying pressures at work is a wide ranging carefully researched process which includes census data, census of agriculture, travel to work data, numbers of planning applications and other matters. The area which is the subject of this submission is part of a larger body of land which was judged to fall into the Strong Urban Pressure category. To amend small portions of that area, on a piece meal basis in the absence of a comprehensive review of data, would not be in the interest of sustainable planning.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis on this submission.

Ref. 397 John Duggan

Key Words: Flooding, Clarecastle

Summary of the Issues Raised in the Submission

This submission refers to lands owned by the above at Ballyvonnaun, Clarecastle which is primarily contained within Flood Zone A of the Draft Plan. The submission requests that the planning authority reclassify any part of the property with levels above 4.92m which are not at risk of flooding, from Flood Zone A to Flood Zone C in Flood Zone Map I7 of the Draft County Development Plan 2017-2023.

The author submits that Map I7 of the draft Plan is inaccurate as the property is very elevated and therefore not at risk of flooding. The author has also submitted a map from the OPW which shows that the lands in the area have benefited from arterial drainage carried out by the OPW in the immediate vicinity of this site. A review of the OPW National Flood Hazard Map shows that there were 2 no. recorded flood locations within 2.5km of the site and neither of these results had any effect on the subject site.

Chief Executive's Response

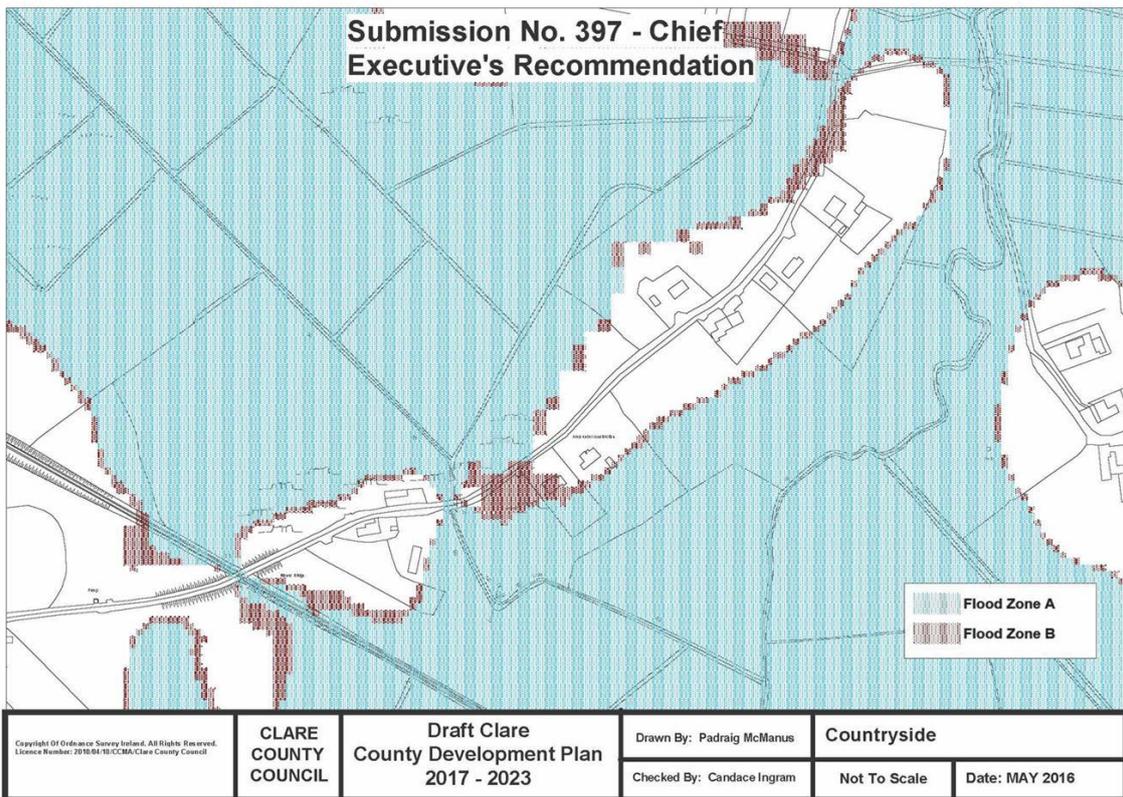
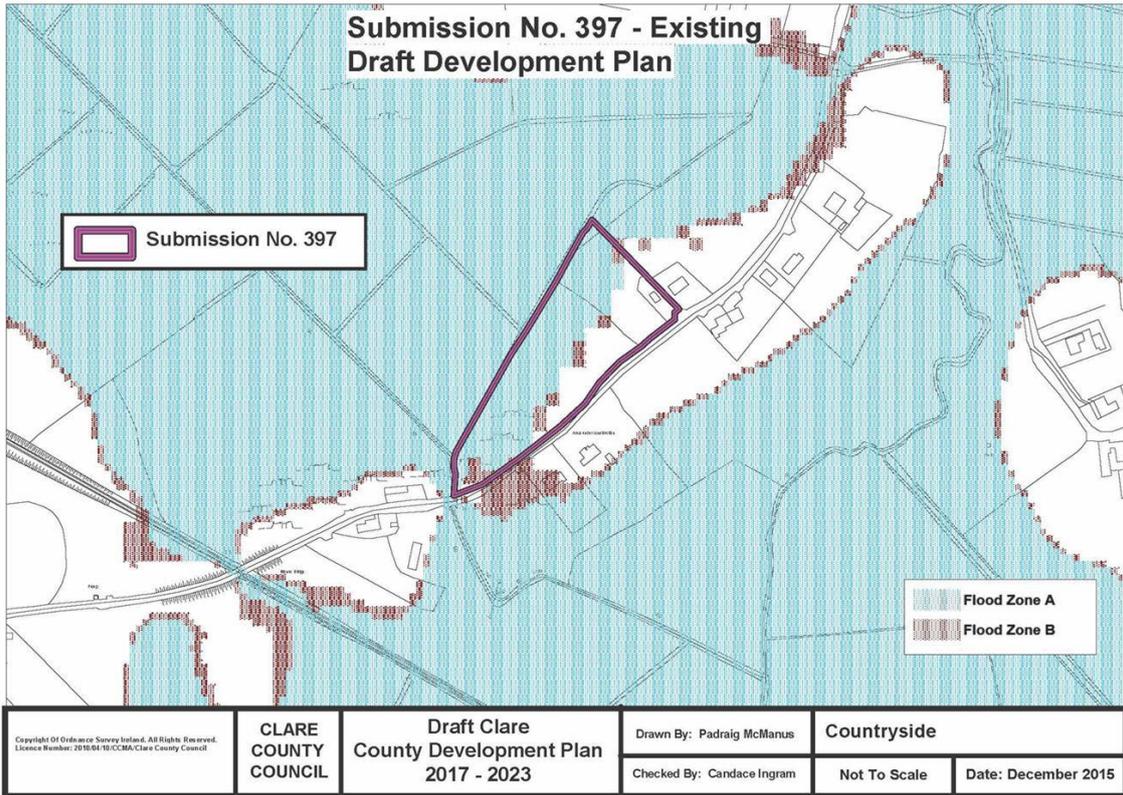
I thank Mr. Duggan for his submission and I would like to respond as follows:

The purpose of the Flood Risk Assessment is to indicate the likelihood of a flood occurring. It is important to note that that definition of the Flood Zones is based on an undefended scenario and does not take into account the presence of flood protection structures such as flood walls or embankments. This is to allow for the fact that there is a residual risk of flooding behind defences due to over-topping or breach and that there may be no guarantee that the defences will be maintained in perpetuity.

In relation to the site that is the subject of this submission, I note that the Flood Zones A, B and C apply to various parts of the site. I note that the new draft OPW CFRAM mapping indicates a slightly lesser flood extent on the site and also indicates that the area is benefitting from a flood defence scheme that has a 0.1%AEP standard of protection. This new maps will be integrated into the Clare County Development Plan and the subject site will benefit from the revised assessment. I do not consider it appropriate to make any adjustments to the flood mapping for the county other than those that are supported by the evidence-based assessments such as the CFRAM mapping.

Chief Executive's Recommendation

I recommend that the draft OPW CFRAM mapping be incorporated in the Clare County Development Plan 2017-2023.



Ref. 398 John Duggan on behalf of Patrick Keane

Keywords: Kilmurry

Summary of the Issues Raised in the Submission

This submission refers to lands owned by the above to the east of the Kilmurry settlement plan boundary which are not proposed to be zoned in the draft Plan. An accompanying map identifies the site location which has an area of approximately 1.57 ha.

The submission requests the planning authority to: Extend the proposed Kilmurray settlement boundary and include residential zoning for this infill site

The author is of the opinion that if the land was re-zoned and the settlement boundary extended it would lessen the need for one-off developments and avoid the concept of ribbon development elsewhere in the surrounding countryside.

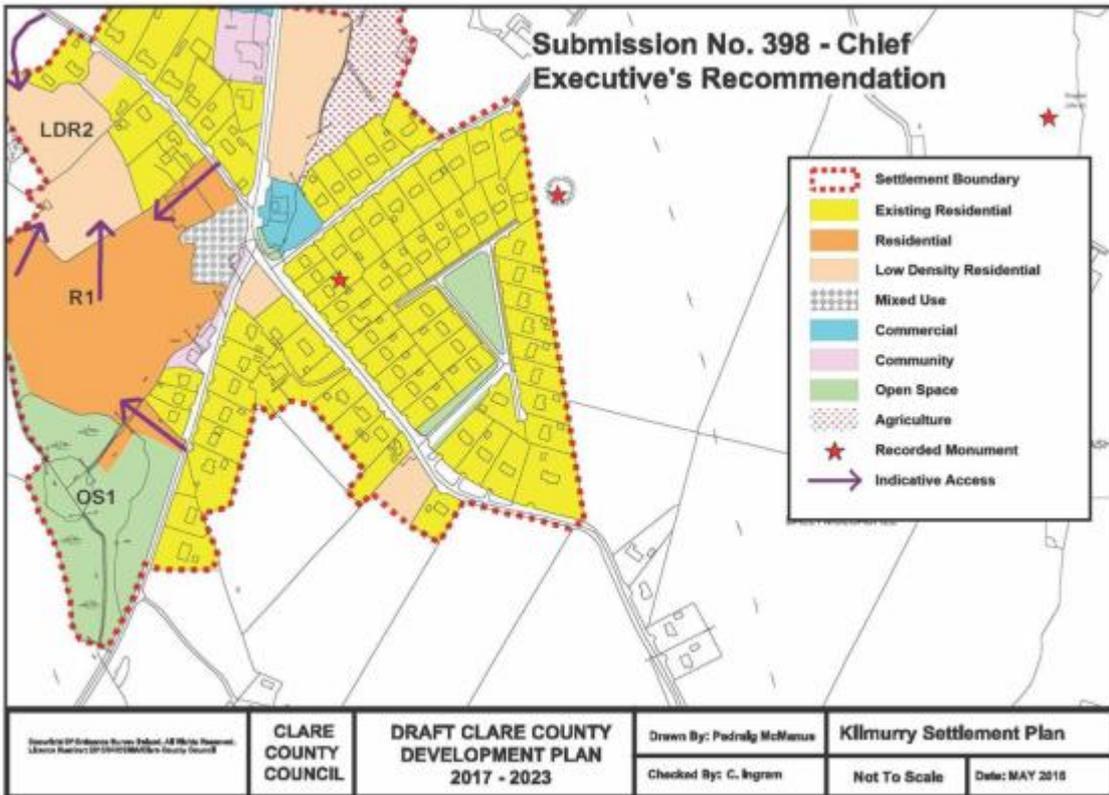
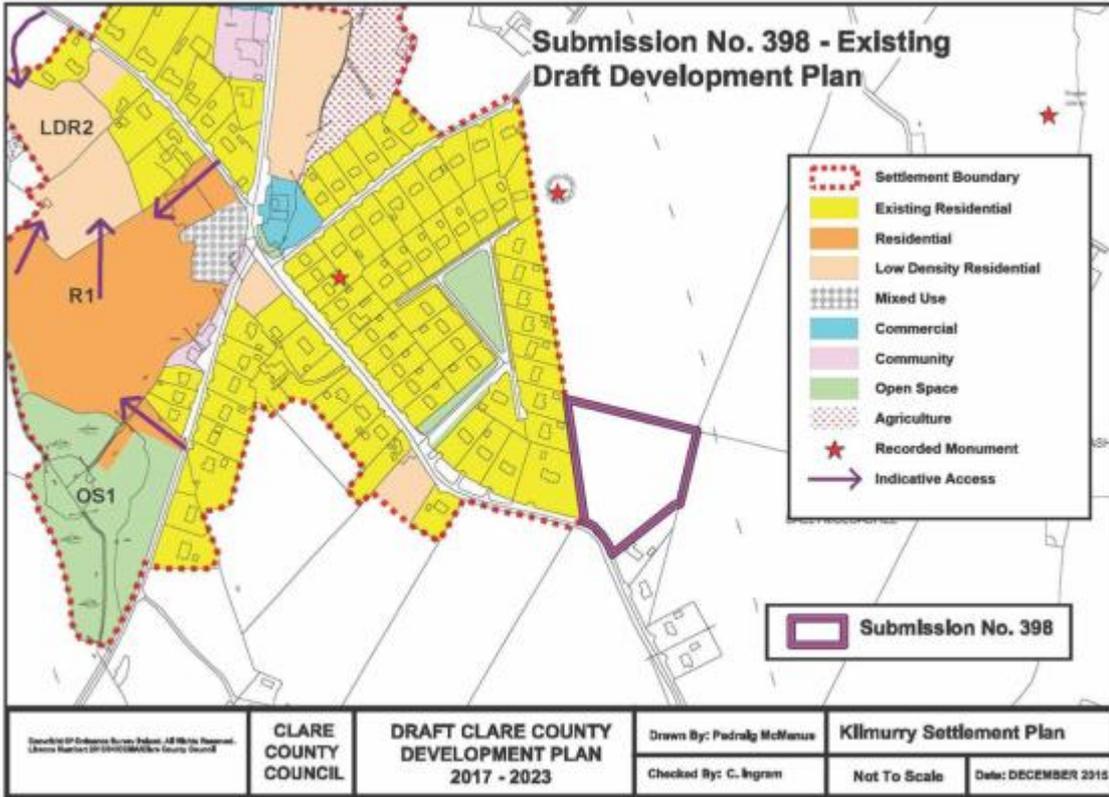
Chief Executive's Response

I thank Mr.Keane for his submission in relation to Kilmurry, the content of which is noted, and I reply as follows:

The location of this site on the outside edge of Kilmurry would give rise to an unbalanced pattern of development. It is preferable that the compact shape of the settlement be consolidated prior to consideration of any future extensions. The submission contains a request to extend the boundary of Kilmurry to include an additional area of 1.57 Ha for residential use. However the quantum of land zoned for Residential use in Kilmurry (Res 4.465 Ha. and LDR 3.74) matches that required by the Core Strategy for the period of the Plan. Accordingly, it would not be in the interest of sustainable development to exceed the recommended quantum for this plan period.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 399 P. Coleman & Associates on behalf of Killaloe Diocesan Trust

Key Words: Clarecastle

Summary of the Issues Raised in the Submission

This submission refers to lands owned by the above in the townland of Clareabbey on the southern side of Ennis. An accompanying map identifies the location of the greenfield site which has an approximate area of 2.84 ha. The landholding currently lies within the Ennis Settlement Boundary and has two zoning classifications - "Residential" and "Open Space". Part of the land is also identified as being within an "Area of Special Development Management". It is proposed to zone this land "Agriculture" and "Buffer Space" in the draft Plan.

The submission requests that the planning authority to zone the subject site in accordance with zoning of the full landholding.

The authors' client requests that if the land previously owned by Crystal Partners is zoned for development purposes under the Clare County Development Plan, their parcel of land, which originally formed part of this overall landholding, would also be given the same zoning objective, thus ensuring a consistent approach to the zoning objective for the full original landholding.

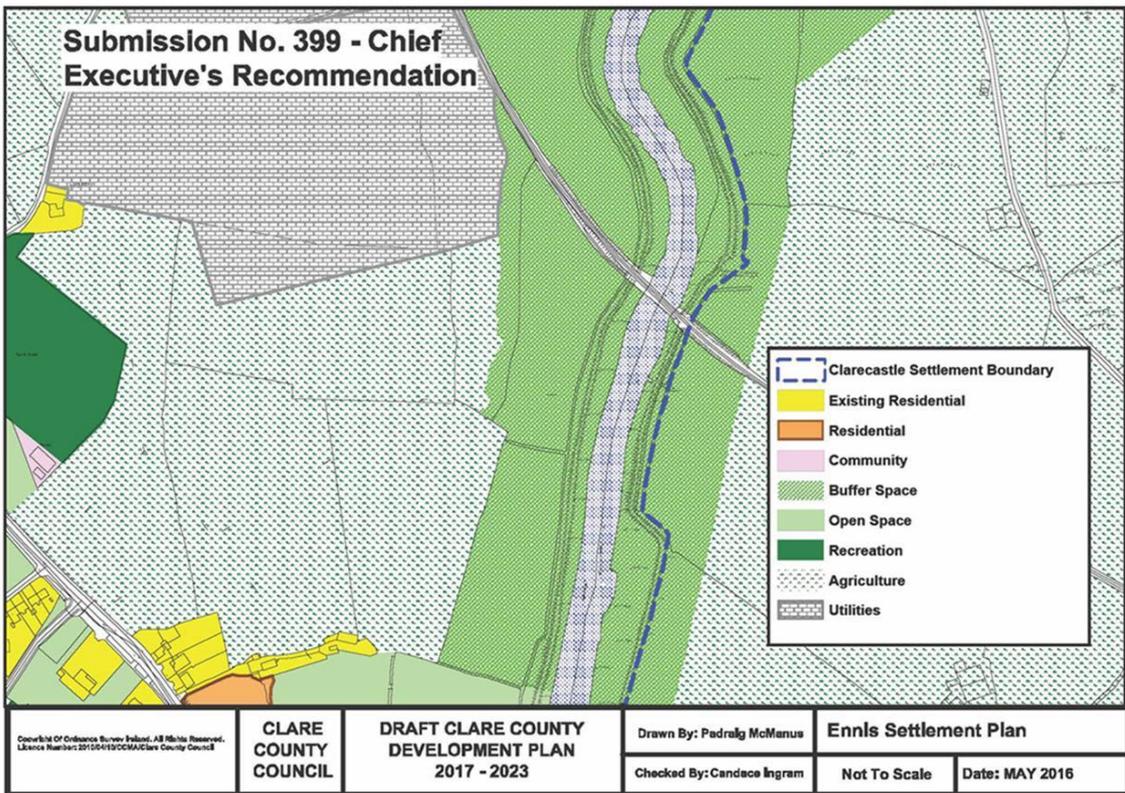
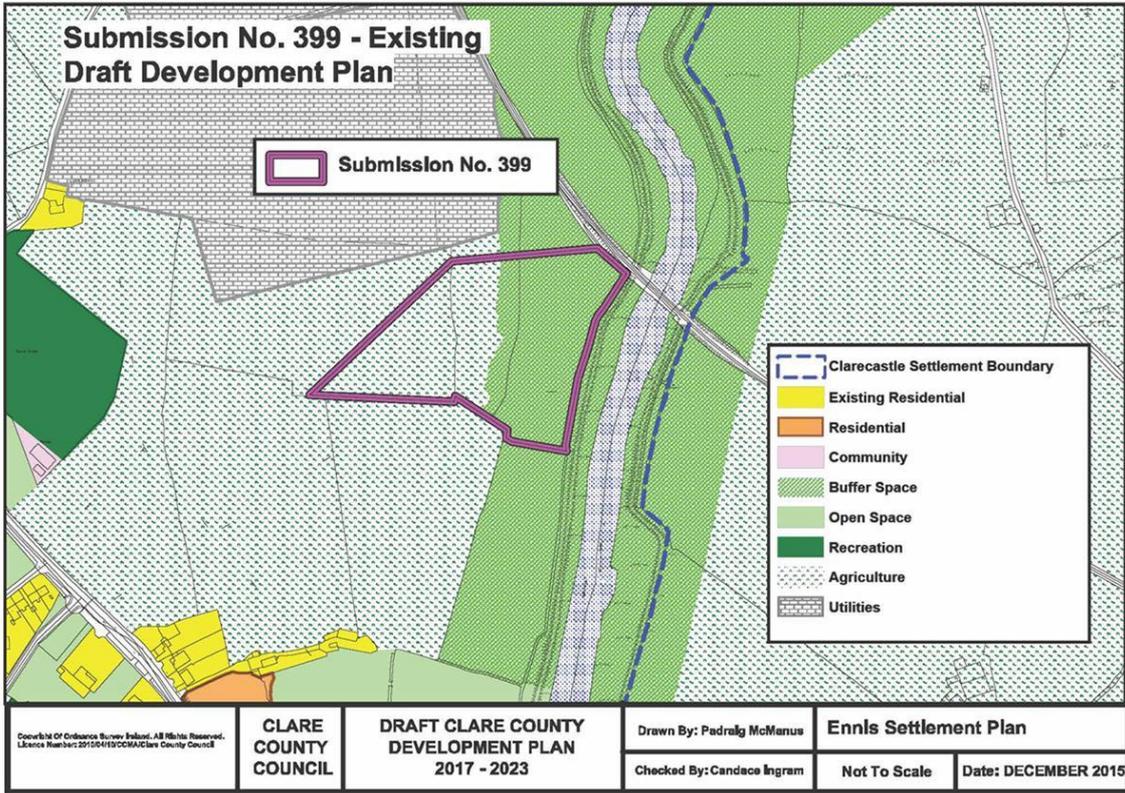
Chief Executive's Response

I wish to thank the Killaloe Diocesan Trust for their submission. In relation to their request for Residential zoning, the extent of land which is zoned for residential uses in any settlement is determined by the Core Strategy, which is set out in Volume 1 of the Draft Plan, in compliance with the population targets as set out in the Mid West Regional Planning Guidelines 2010- 2022. The outcomes of the SEA and AA processes are also key considerations.

Having regard to the extent of land required for residential uses in the plan area, the location of part of the subject site in Flood Zone A (see Section 12.3.20 of the Strategic Flood Risk Assessment), the location of the site at a distance from the built-up area of Clarecastle and the preference to progress development in a sequential manner, I do not consider it appropriate to zone this site for Residential use. The Agriculture/Buffer Space zoning on the lands are more appropriate given the land's location and function.

Chief Executive's Recommendation

I recommend that no amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission.



Ref. 400 P. Coleman and Associates on behalf of Killaloe Diocesan Trust

Keywords: Ennis

Summary of the Issues Raised in the Submission

This submission refers to a property consisting of a bungalow dwelling located on the grounds of St. Flannan's College inside the Ennis Settlement Boundary which is currently zoned "Community" with no proposed change of zoning in the draft Plan.

The submission requests the planning authority to zone the property as "Existing Residential"

The author submits that the property is currently in use as a residential dwelling house for priests and is not in community use.

Chief Executive's Response

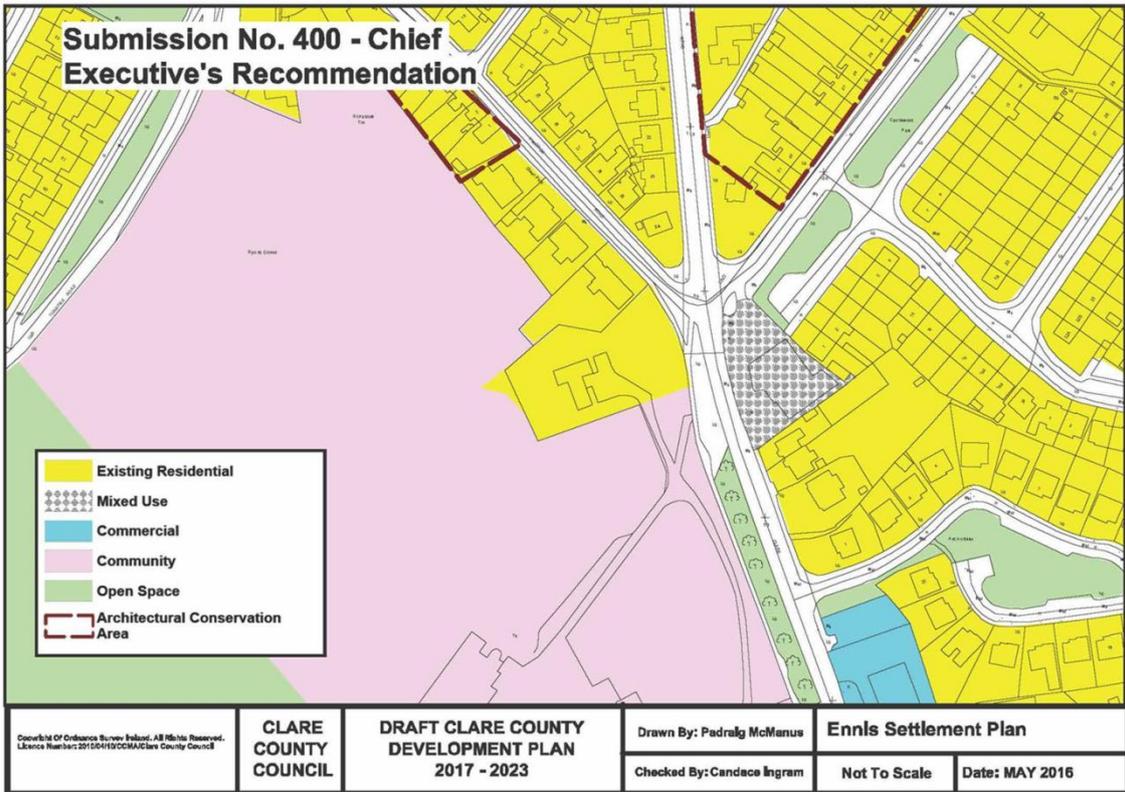
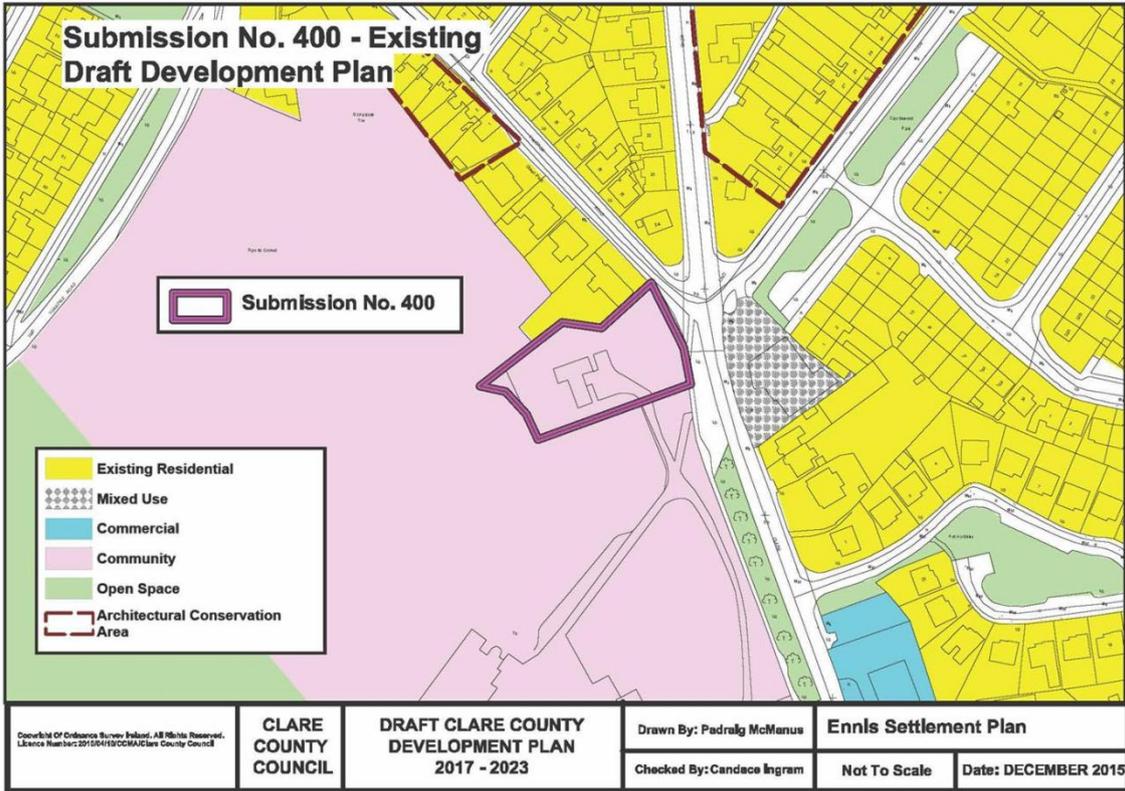
I wish to thank Killaloe Diocesan Trust for their submission. I note that the dwelling house as referred to in the submission does not have direct access on to the public road and is essentially in community use having regard to its location within the grounds of St. Flannan's College. However I acknowledge the points raised in the submission and I agree that the zoning should be changed from community to existing residential. Any proposal for direct access on to the public road would require to be determined through the development management process.

Chief Executive's Recommendation

I recommend that the following amendments are made to the Draft Clare County Development Plan 2017-2023 on the basis of this submission:

Volume 3(a) Ennis Settlement Plan – amend zoning map as follows:

Change zoning on the site identified in Submission 400 from "Community" to "Existing Residential".



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