

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 251 - 300

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. 251 McCutcheon Halley Walsh

Keywords: Lisdoonvarna

Summary of the Issues Raised in the Submission

This submission addresses two issues:

- Urban design and placemaking in general
- Site OP1 in Lisdoonvarna

The submission welcomes the importance that is given to urban design and placemaking in the Draft County Development Plan but it is submitted that it is important to make a clear distinction between the role of public and private spaces within historic town cores. The streets and squares within the public domain should be the primary focus of urban traffic and parking while spaces within private property boundaries should generally be reserved for private open space and limited provision for private parking. The emphasis should be on maintaining and enhancing street frontage to give a sense of enclosure to the public domain.

The submission sets out some of the key points from DMURS in relation to achieving a sense of place within a street. In this context it is submitted that Section 17.4 of the Draft County Plan should be amended to clarify references to "*appropriate traffic management*". McCutcheon Halley Walsh submit that traffic management objectives for the town centres should be focused on improving the pedestrian environment and should avoid the provision of new off-street public car parks within the town core.

The submission summaries some of the main provisions in relation to Opportunity Sites, as set out in Chapter 16 of the Draft Plan, including the criteria used to identify the sites and the different role of sites in public and private ownership. It is submitted that the Draft County Plan should clarify that the use of opportunity sites for off-street public car parks should only be considered if the site is already in public ownership.

In relation to site OP1 in Lisdoonvarna, the submission highlights that it is located in an Architectural Conservation Area with a distinctive character and a pleasant well laid-out central market square area. The special character of the town is described and the general objective for the town, as contained in the Draft Plan, is reiterated. The submission requests that the proposal to designate the former Glenview Hotel as an Opportunity Site be considered in this policy context and the development objectives for the site should ensure that the urban design potential is fully achieved.

It is submitted that the reference to the site's "*possible role in traffic management*" should be deleted for the following reasons:

- Traffic management is an issue to be addressed in the context of the town as a whole and is not a special problem in regard to the OP1 site;
- The guidelines set out in DMURS and the Urban Design Manual indicate that measures to improve traffic management should primarily be delivered in the public domain;
- Chapter 16 of the Draft Development Plan (Volume 1) implies that opportunity sites should only be used for traffic management purposes if they are already in public ownership;
- As the OP1 site adjoins The Square, it is essential that the redevelopment of the site enhances the enclosure of the important public space.

In conclusion it is requested that the specific objectives for the OP1 zone should preclude the provision of car parking spaces in excess of the needs of the development within the site.

Chief Executive's Response

I thank McCutcheon Halley Walsh for their submission, the content of which is acknowledged and I reply as follows:

I note your comments on the Urban Design content of the Lisdoonvarna chapter. It is hoped that the former hotel site can in time make a substantial contribution to this. Indeed it is noted that the former hotel site is part of a larger parcel and I consider it would be more logical to include the entire block as representing the opportunity site.

Your submission expresses some concern regarding the designation of the site of the former Glen View Hotel as an Opportunity Site. To clarify, a series of Opportunity Sites have been identified in the towns and villages across the county, the re-development of which would make a significant positive contribution to the settlement in which they are located. This contribution can be from either a physical or economic perspective.

The guidance provided for OP1 includes the urban design priorities for the site. I have reviewed the wording in relation to traffic management and consider an amendment to the text is appropriate by removing the reference to traffic management. I acknowledge that DMURS applies to the public realm, however, the importance of private boundaries must not be under-emphasised as they define the interface between public and private spheres.

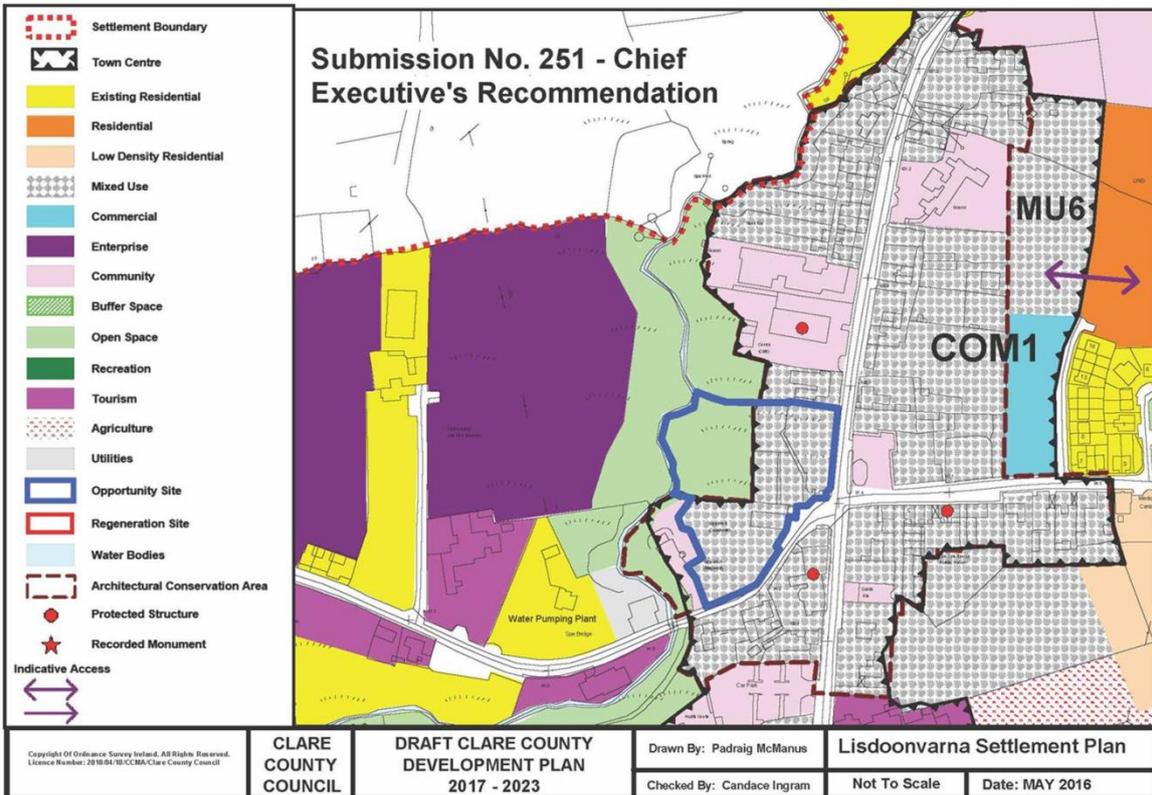
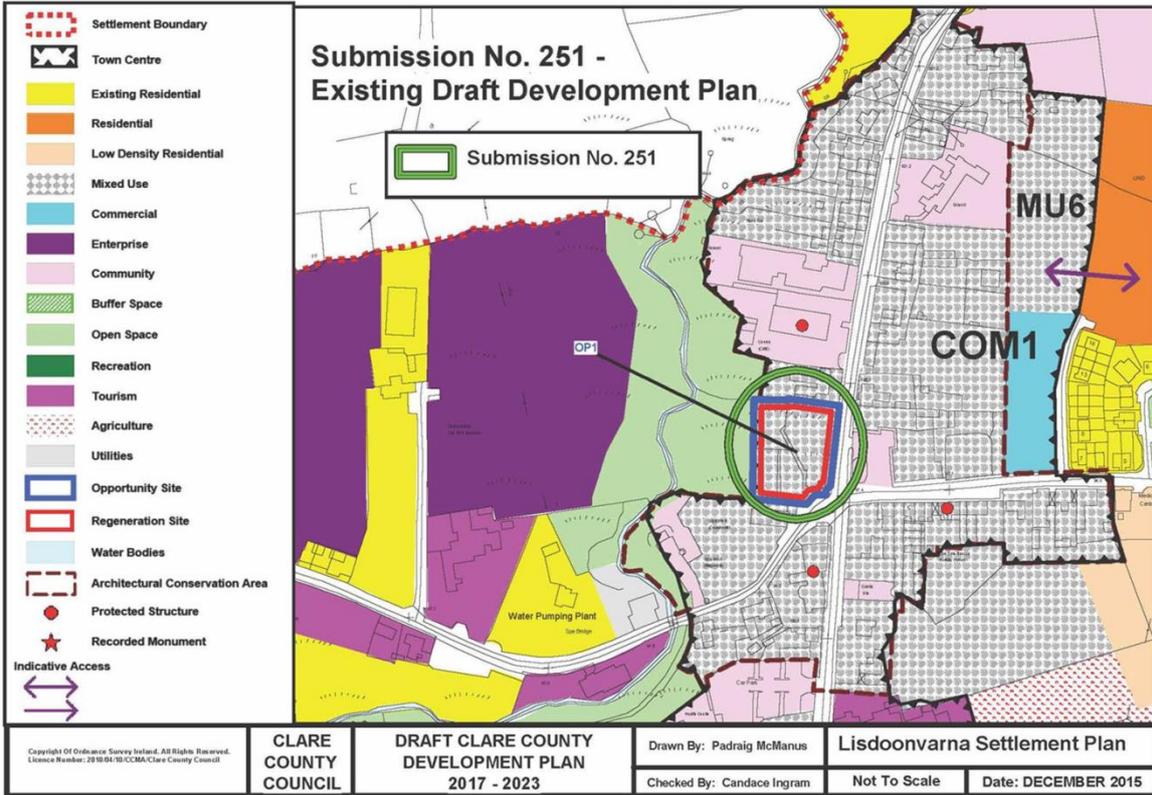
Chief Executive's Recommendation

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

Amend the text for the Opportunity Site OP1 as follows:

"OP1 Former Glen View Hotel

The site and its immediate environs would benefit from a master plan to explore options including defining the square, visual connection to green amenity and pedestrian linkages. ~~and possible role in traffic management.~~ The Square needs suitable physical definition on its southern side, the site of the former Glenview Hotel."



Ref. 252 Connellan and Associates on behalf of Clarecastle Community Development Ltd.

Key Words: Clarecastle

Summary of the Issues raised in the Submission

The submission notes that Clarecastle Community Development Ltd. is a non-profit organisation established in 2012 whose focus is on the community development of Clarecastle and environs area.

The submission welcomes the provisions of the Draft Plan which seek to promote the development of Clarecastle and the surrounding area and states that the company will endeavour to work with the Planning Authority in the future to secure such appropriate provision. The submission raised concerns with respect to certain provisions included in the Draft Plan and puts forward recommendations which they consider should be included or given greater emphasis.

The concerns/matters for consideration relate to the following:

- The overall recognition/designation of the village of Clarecastle
- The provisions for town centre designation/rezoning of commercial areas
- The appropriateness/scale of the area zoned for Light Industry on the Kildysert Road (LI1)
- The provisions with respect of the general quay area in relation to amenity/tourism promotion
- The need to establish a separate visual identity for Clarecastle.

Recognition/designation of the village of Clarecastle in the Draft Plan

It is noted that a new Ennis Local Area Plan (LAP) will be prepared during the lifetime of the new County Development Plan. The submission also understands that the zoning provisions in the County Plan will not be part of any review with respect to the LAP. For this reason Clarecastle Community Development is concerned that the framework/policies/objectives presented in the Draft Plan take adequate account of the needs and potential of the Clarecastle area in an overall county and local context.

It is submitted that the village of Clarecastle must not lose its identity as a separate settlement while recognising that it is, of course, located on the outskirts of Ennis and its part of the environs of that town. The submission notes that the Draft Plan varies in how it recognises Clarecastle – it is recognised as a 'residential and employment centre', a 'village', a 'neighbourhood', a 'settlement' and also as one of a series of 'communities' in the environs area of Ennis.

Clarecastle Community Development does not want Clarecastle to lose its status as a separate 'village' in either the written document or the maps of the Plan. The submission considers the 'neighbourhood' approach (with distinction of the village existence) lowers the status of Clarecastle considerably and does not take account of the historical and current status of the village as a separate settlement. They do not want Clarecastle to become official recognised as a suburb of Ennis, which it is endanger of becoming if not recognised properly in the Plan.

It is requested that a consistent approach is taken and that Clarecastle is recognised as a 'village' throughout the written document and maps.

The Provision for Town Centre Designations/Rezoning of Commercial Areas

Clarecastle Community Development Ltd has particular concerns about certain aspects of the draft plan relating to town centre designation and also the proposed rezoning of certain lands from their 'commercial' designation in the current 2008 Ennis & Environs Plan. Clarecastle has a linear development with most of the commercial development main street. This results in a lack of a strong central village commercial/ community focus. It will be important as the village grows to accommodate more modern commercial facilities and car parking in addition to expanded community facilities. Clarecastle Community Development Ltd would like this issue to be addressed.

It is submitted that the optimum location for village centre development is in the vicinity of the church/existing shop/community facilities, with the remaining main streets through the village providing opportunities for small scale commercial uses.

In this regard the provisions of the Draft Plan raise the following concerns -

- A large area adjacent to the River Fergus has been zoned TC1. We understand that this may reflect a current zoning on the land for commercial purposes. Previous planning permissions on this site permitted a substantial number of commercial units which would unbalance the village and 'pull' the town centre down towards this location away from the most appropriate location close to the church/school. The submission is concerned about any development zoning on TC1. If any Mixed Use or Commercial zoning is to be put in place it should only be a second phase development moving out from the area across from the Church and any zoning proposal should make it possible to provide a 'green wedge' along the river.
- There is an area opposite the church that contains the main grocery shop in the village with community facilities close by. This general area would be a better location for an expanded town centre. The limited commercial zoning proposed in the plan for this area, however, is too limited to permit it to act adequately for this purpose. The zonings should be reviewed to permit a strong village centre at this location.
- Much of the area zoned commercial in the current plan (2008) has been 'rezoned' to 'existing residential' in the Draft Plan. These currently zoned areas are along the main street and the side street leading to Lissane. It is considered that rezoning these areas to 'existing residential' in the middle of the village is not appropriate. Small individual local shop units should be permitted to open up in the middle of what are the main streets of the village. It is accepted that the Council may be concerned to limit the scale of any individual unit at these locations and this is considered reasonable. The issue of scale should be addressed in the written statement for the village.

Appropriateness/Scale of Light Industry Zoning on Site LI1 (Lissane)

Clarecastle Community Development is concerned concerns about the large area zoned for Light Industry at site L11. There is substantial residential development along the Claremount Road (L4172), leading to the Killadysart road from the village. The proposal would result in a very large industrial park to the rear of these houses.

The Council will also note that there is already a large area of industrially zoned land in the area. It is requested the Council to review this matter with a view to reducing the scale of what is proposed; adopting a phased approach to any development of this nature at this location and moving the zoned area back from the houses. They also ask that a substantial buffer zone be provide between any industrially zoned land and existing houses and that this be allowed for in the initial approach to development of these lands.

Tourism and the General Quay Area

Clarecastle Community Development Ltd. welcomes the Planning Authority's aim to -

'facilitate the expansion of tourism infrastructure, facilities, entertainment and accommodation in Clarecastle' (strategic aims at 1.11.1 of the plan) and also the objective set out to -

'support the development of Clarecastle as a centre for tourism activity' (Obj. V3 (a) 1 of the plan)

Clarecastle Community Development Ltd. looks forward to working with the Council with respect to the general provisions set out above.

With regards to the general quay area the submission notes that the area is -

- Incorporated into the area covered by the Strategic Integrated Framework Plan for the Shannon Estuary
- Zoned for Open Space purposes in the draft plan

It is submitted that a greater emphasis is needed if the area is to fulfil its potential and in this regard the submission would like the Planning Authority to relook at the whole quay area, designating it as a tourism/amenity opportunity site. It is suggested that one of the buildings that fronts onto Quay Road might be linked to uses at the quay side in the future.

It is also submitted that the amenity and tourism potential of water sports on the River Fergus and Estuary-based sailing utilising Clarecastle Quay should be explored and the Company would welcome the assistance of Clare County Council to develop feasibility plans in this regard.

The People's Park

Clarecastle Community Development Ltd. was concerned to note an earlier proposal (the 2015 Ennis Local Area Plan, now withdrawn) to zone part of the People's Park from its current zoning as 'open space' to 'residential'.

It is noted that the existing zoning as 'open space' is now to be retained in the present draft Plan and the company acknowledges and thanks the Council for withdrawing the earlier proposal. The submission sets out a number of reasons why the retention of the Open Space zoning is important.

While the amended zoning as 'open space' is acknowledged, it is submitted that the previous zoning for 'residential' shown in the 2015 draft LAP is still shown in the map at 8.6.3 of volume 10 (b) (i) of the plan (Strategic Environmental Assessment).

The Need to establish a Separate Visual Identity for Clarecastle

It is submitted that the village of Clarecastle suffers in identity terms from the fact that it is located on the outskirts to Ennis town/environs. There is nothing in visual terms to represent the fact that one is entering/leaving the village from the Ennis side because development down through the years has effectively 'linked' the two settlements. The entrance from Kilydsart also suffers in this regard. While the entrance from the Newmarket-on-Fergus side is more obvious it could still be more distinctive. It is considered to be very important that the issue of visual identity is given particular attention in the Plan. Proposals could include a signage programme for the village, sculptural features and other visual identity/recognition features that may be developed during the plan period and which could be used for village/tourism promotion. It is submitted that a reference should be included in the Plan to the need for this visual identity.

Conclusion

The submission concludes by listing changes that Clarecastle Community Development Ltd. would like to see in the Plan, including:

- Revised titles on Volume 3 Plan to indicate that they relate to the settlements in each Municipal District and not the wider area.
- The inclusion of a map at the beginning of Volume 3 plans to show the area that is covered by the particular plan.
- The village of Clarecastle should be properly identified in the Plan and regarded as a separate settlement throughout i.e. with consistency in all chapters and maps.
- Clarecastle should be omitted from all reference to *neighbourhood/neighbourhood approach*. It should be recognised as a village in its own right and not as a neighbourhood of Ennis.
- The area zoned for Light Industry at Lissane should be reviewed, scaled back and phased as appropriate.
- The area zoned TC should be reviewed and the zoning removed, leaving all or most of this area as an amenity area by the river.

Chief Executive's Response

I thank Clarecastle Community Development Ltd. for their detailed and comprehensive submission and I would like to respond to the issues raised as follows:

Recognition/designation of the village of Clarecastle in the Draft Plan

The need to establish a separate visual identity for Clarecastle is a very important issue and one which has been examined by the Council. Proposals to improve a sense of arrival and to visually distinguish the village from Ennis will be further developed in the forthcoming Ennis and Environs Local Area Plan in the form of a schematic masterplan which can be used as a template for more detailed design for specific locations where required.

I note that Clareabbey roundabout is the principle gateway to both Ennis and Clarecastle. In consultation with Transport Infrastructure Ireland and other relevant stakeholders, the Council will consider the redesign of Clareabbey roundabout and the approach roads to the roundabout, in accordance with the principles of the *Design Manual for Urban Roads and Streets* to reflect that it is a junction in an urban area which should successfully balance the needs of all road users including pedestrians and cyclists. Such redesign will require a holistic approach including traffic calming on the approach roads, screening, landscaping, creating a sense of enclosure and place, thus creating an attractive and memorable gateway to both settlements. In this regard I have set out new text which I consider should be included in the Plan below.

I concur with the submission regarding the identity of Clarecastle, and I consider that the Draft Plan does not diminish the status of Clarecastle as a village. In this regard, I note that Volume 1 of the Draft Plan contains the settlement hierarchy for County Clare (Table 2.1). Clarecastle is listed under the Large Village in this hierarchy. The Draft Plan, within Volume 1, notes that the large village provides a reasonable range of services and facilitates for their surroundings. It also contains the following objective for large villages:

CDP3.5: It is an objective of the Development Plan:

To ensure that the large villages throughout the county maintain existing population levels and services and to ensure that future growth is balanced and sustainable and is relative and appropriate to their scale, size and character.

Regarding Volume 3(a) of the Draft Plan, I acknowledge that Clarecastle is identified as a neighbourhood. I consider that the importance of Clarecastle, whilst identified as a neighbourhood within Volume 3(a), is acknowledged as an important residential and employment centre within the Plan area. The Plan further acknowledges that Clarecastle has a strong village core and offers a wide range of services and amenities to local residents. The neighbourhood concept was devised in order to identify certain areas within the Plan which are considered suitable for further growth in terms of residential growth, employment generating growth and amenities and community generated growth. Volume 3(a) provides comprehensive site brief for the village, albeit under Section 2 of the Plan. It was considered that this was the most appropriate method with which to address the further proper planning and sustainable development of Clarecastle. I recommend that the title of the existing Ennis settlement map is amended to "Ennis and Clarecastle Settlement Map"

The Provision for Town Centre Designations/Rezoning of Commercial Areas

I acknowledge the concerns regarding the extent of town centre zoning (TC1) and how this may be perceived. I agree that the area opposite and in the vicinity of the church is considered to be the village centre. However, the potential to expand this area is quite limited when the various community uses, open space and parking areas are included. It was considered that there was a requirement to have a further mixed use zoning, hence I recommend that a Mixed Use Zoning is provided for in the Village. I therefore consider that the zoning on site TC1 should be changed to Mixed Use to distinguish it from the rest of the village centre. In addition I consider it appropriate that any new development proposals on this site incorporate an area of both Open Space and Buffer Space between the development and the river.

I also agree that the existing residential development zoning on the Lissane Road, within the ACA boundary, should be zoned Mixed Use to further strengthen the core of the village and allow for the potential for a greater mix of uses to emerge over the plan period.

Appropriateness/Scale of Light Industry Zoning on Site LI1 (Lissane)

I acknowledge the concerns 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 an excellent place to do business. I consider that the LI1 zoning, along with the adjacent Enterprise zoning, 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 Industry ensures that the use of the land must be such that could be carried out or installed without detriment to the amenity of the area, by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. A comprehensive approach will be taken to the development of these lands so as to avoid incremental/incompatible uses within the site. Additionally, an archaeological assessment, details of how surface water will be managed and a high quality design that reflects the location and context of the site will be required.

Furthermore, hedgerows and tree lines will be retained on the site and a suitable buffer will be put in place to ensure their protection. Future developments on the site will also be required to ensure that there is no increase in ambient lighting beyond the perimeter of the development footprint. Each of these requirements will be assessed through the Development Management process and this will ensure that the amenities of residents in the area are protected.

In this regard I consider it appropriate to add text to the Plan to require a drainage impact assessment as part of any future development proposals.

Tourism and the General Quay Area

I agree with Clarecastle Community Development Ltd in relation to the potential of the quayside in the village. I consider that additional text should be added to the Plan to highlight its potential, having regard to the Strategic Integrated Framework Plan for the Shannon Estuary.

The People's Park

I acknowledge the comments made in relation to the People's Park. An error was made in the map in Section 8.6.3 of Volume 10(b)(i) of the Draft Plan (Strategic Environmental Assessment) and I will ensure that this matter is corrected.

The Need to establish a Separate Visual Identity for Clarecastle

As noted above, I recommend that additional text is inserted into Volume 3(a) of the Plan in relation to this issue.

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), Section 1.14.2 – add new text as follows:

Clareabbey roundabout is the principle gateway to both Ennis and Clarecastle. In consultation with the Transport Infrastructure Ireland and other relevant stakeholders, the plan supports the redesign of Clareabbey roundabout and the approach roads to the roundabout, in accordance with the principles of 'Design Manual for Urban Roads and Streets' to reflect that it is a junction in an urban area which should successfully balance the needs of all road users including pedestrians and cyclists. Such redesign will require a holistic approach which will include traffic calming on the approach roads, screening, landscaping, creating a sense of enclosure and place, and thus creating an attractive and memorable gateway to both settlements.

Volume 3(a), Section 2.12, Site TC1 Cois Fearghas – amend the text to read:

Site ~~TC1~~ MU4 Cois Fearghas, Clarecastle

This site is zoned ~~Town Centre~~ Mixed Use to allow for a broad range of potential uses. The partially constructed development on the right bank immediately upstream of the R456 bridge is located within Flood Zone A within the tidal and fluvial flood zone and is behind earthen embankments. ~~If construction is to be continued~~ It shall be a requirement of any future development on this site

that less vulnerable uses be located on basement/lower ground floors, and more vulnerable uses such as apartments on higher levels. If the existing partially constructed development is demolished then only water compatible uses will be permitted.

~~If construction is continued,~~ The portion of this site that has already been developed is ~~this part of the site in particular is~~ visually prominent from the River Fergus itself, from lands across the river and from the southern approach road. Sensitive and careful design ~~in relation to the design and landscaping of the Open Space and Buffer Space areas~~ will be required to ensure the integration of new development into the riverside setting.

Any new development proposals on this site must include details of how surface water will be controlled during construction and operation to allow the local authority to screen the proposals under Article 6(3) of the EC Habitats Directive. Only proposals that can clearly demonstrate that they will not adversely affect the Lower River Shannon SAC will be permitted. A site survey to check the integrity of the existing flood protection berm on site must be carried out to verify any drainage paths to the river.

Volume 3(a), Section 2.12, Site LI1 Kiladysert Road – amend the text to add an additional point to the information that must be included in the masterplan, as follows:

- 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

Volume 3(a), Section 2.12 – new text to be added to read:

Clarecastle Quayside

Clare County Council acknowledges the historic, recreational and amenity value of Clarecastle Quay. The maintenance and enhancement of the quay is important to the local cultural identity and has potential tourism, recreational and economic benefit. The potential for the redevelopment of this 200 year old quay presents opportunities to enhance the marine, leisure, economic and tourism development of the area and has been recognised in the Strategic Integrated Framework Plan (SIFP) for the Shannon Estuary.

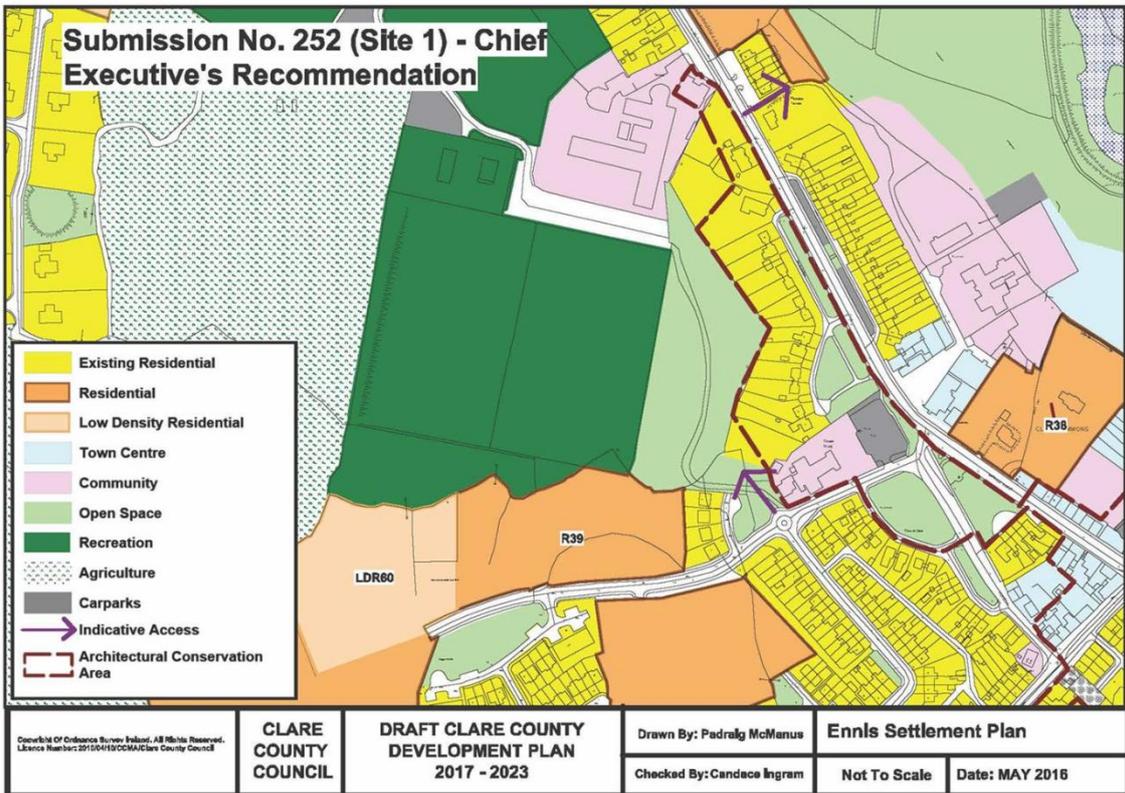
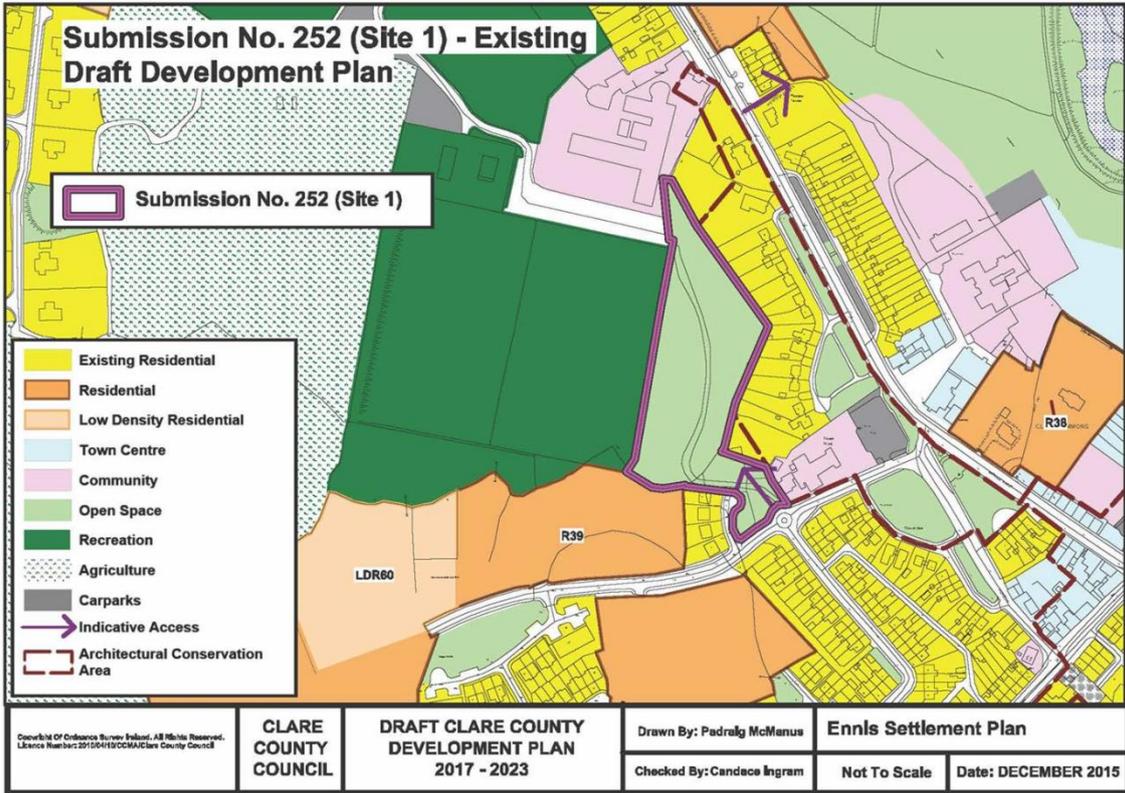
It is also envisaged that Clarecastle Quay will play a key role in green infrastructure development in the Plan area through the provision of a trail head for riverside walking and cycling facilities. Any proposals for the quayside shall demonstrate that there will be no negative impact on European sites, architectural heritage and the status of designated bathing waters.

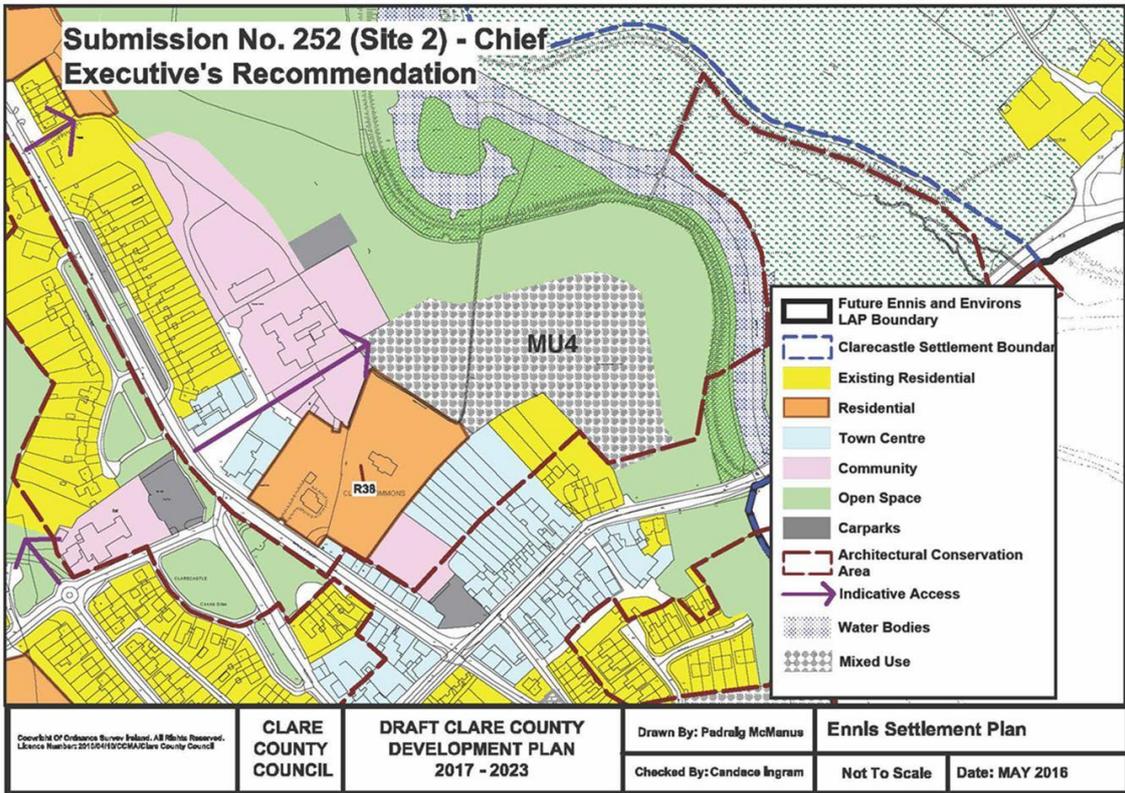
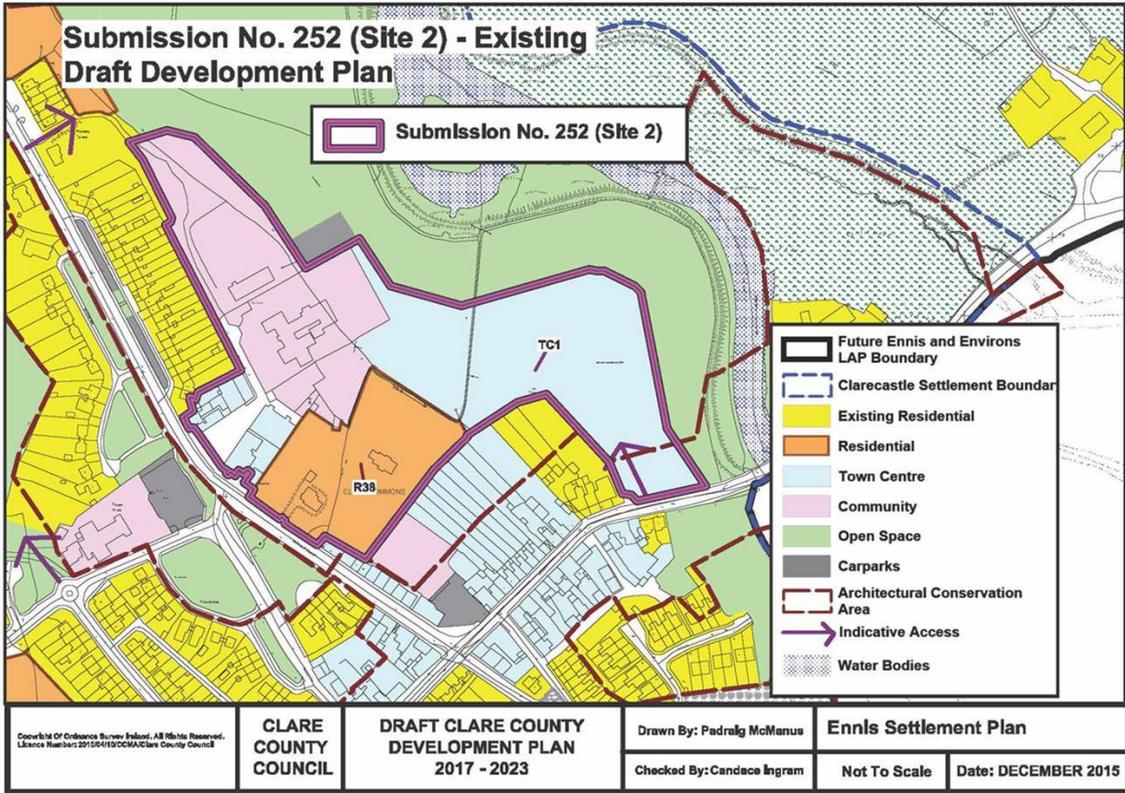
Volume 3(a), Objective V3(a)16 – amend point (d) as follows:

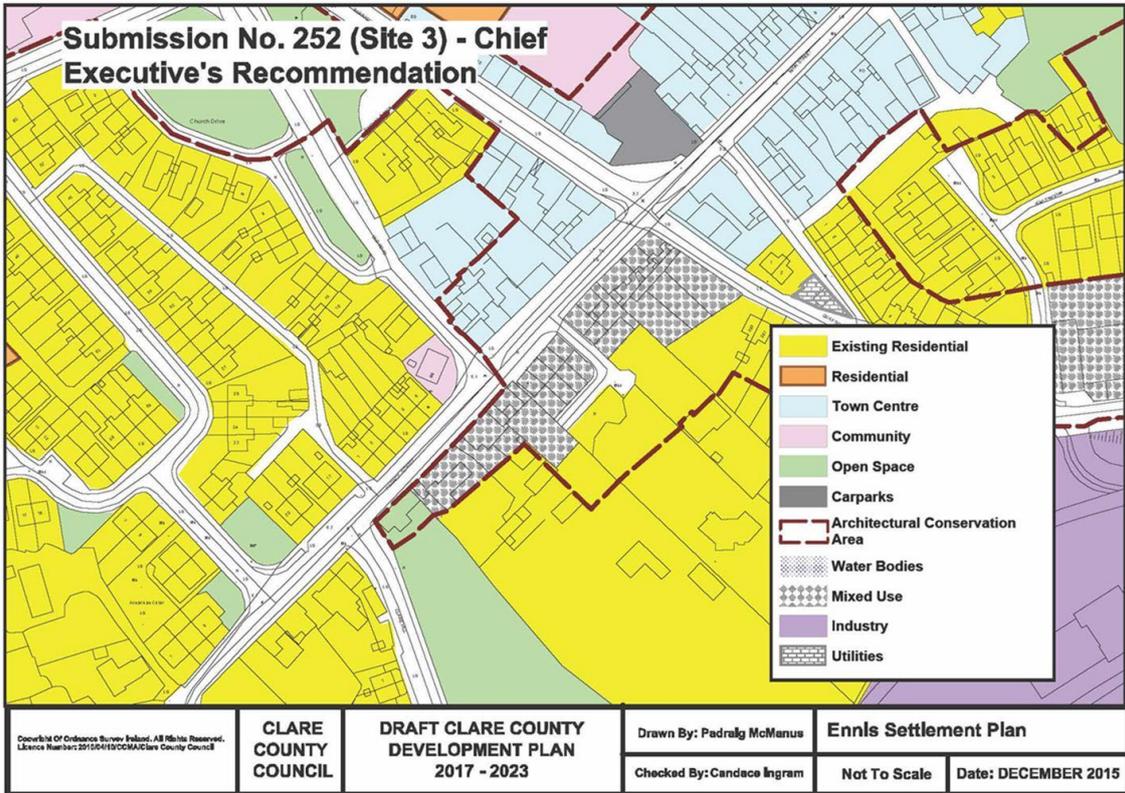
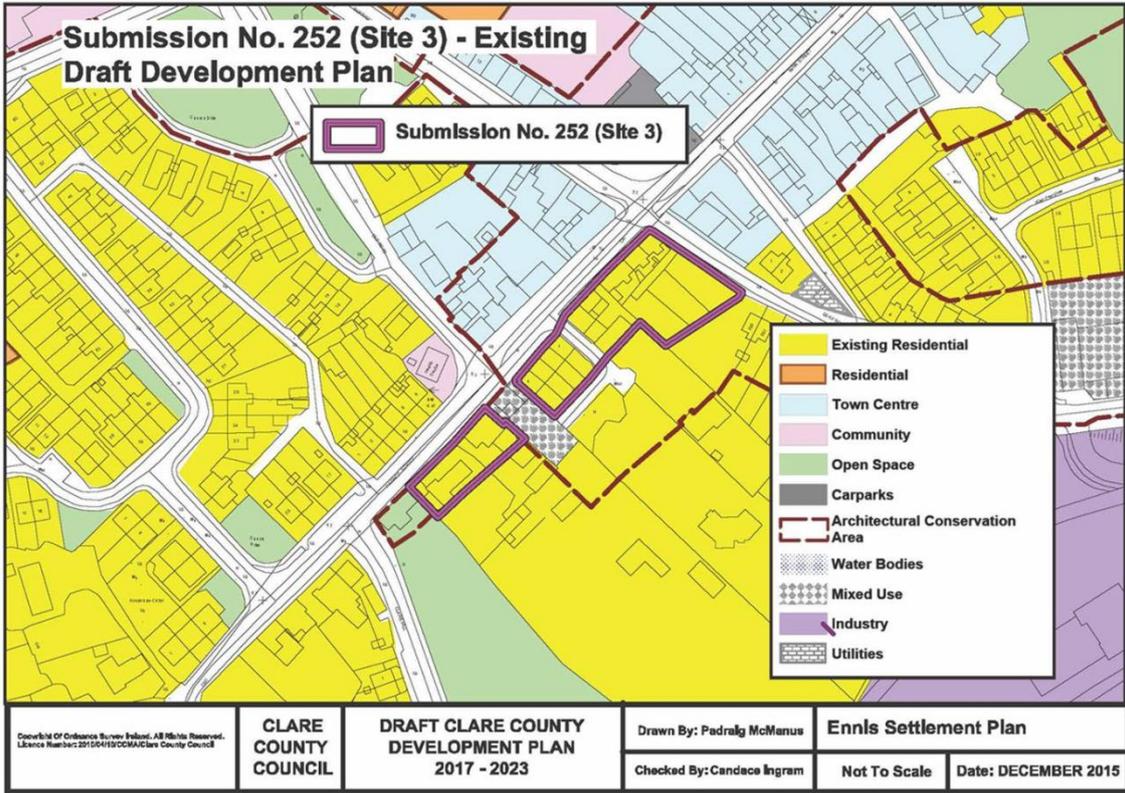
d) To implement the principles of 'Design Manual for Urban Roads and Streets' in the construction of new roads and streets and the upgrading of existing roads, ~~roundabouts, junctions~~ and streets in the Plan area.

Volume 3(a), Ennis and Environs Zoning Map – make the following changes

- Change zoning on Site TC1 from Town Centre to Mixed Use and label MU4
- Lissane Road, Clarecastle – change the zoning within the Architectural Conservation Area from Existing Residential to Mixed Use.







Ref. 253 McCarthy Keville O’Sullivan on behalf of the Paul Keane and Family

Keywords: Ennis

Summary of the Issues Raised in the Submission

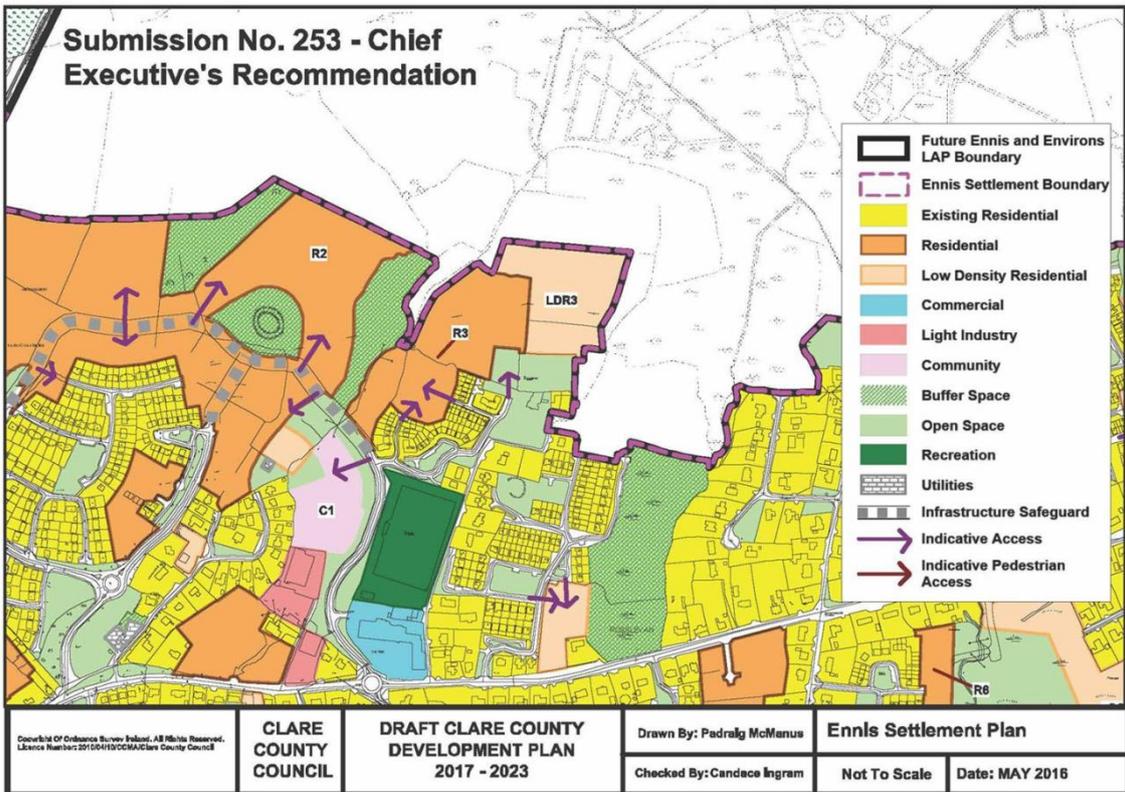
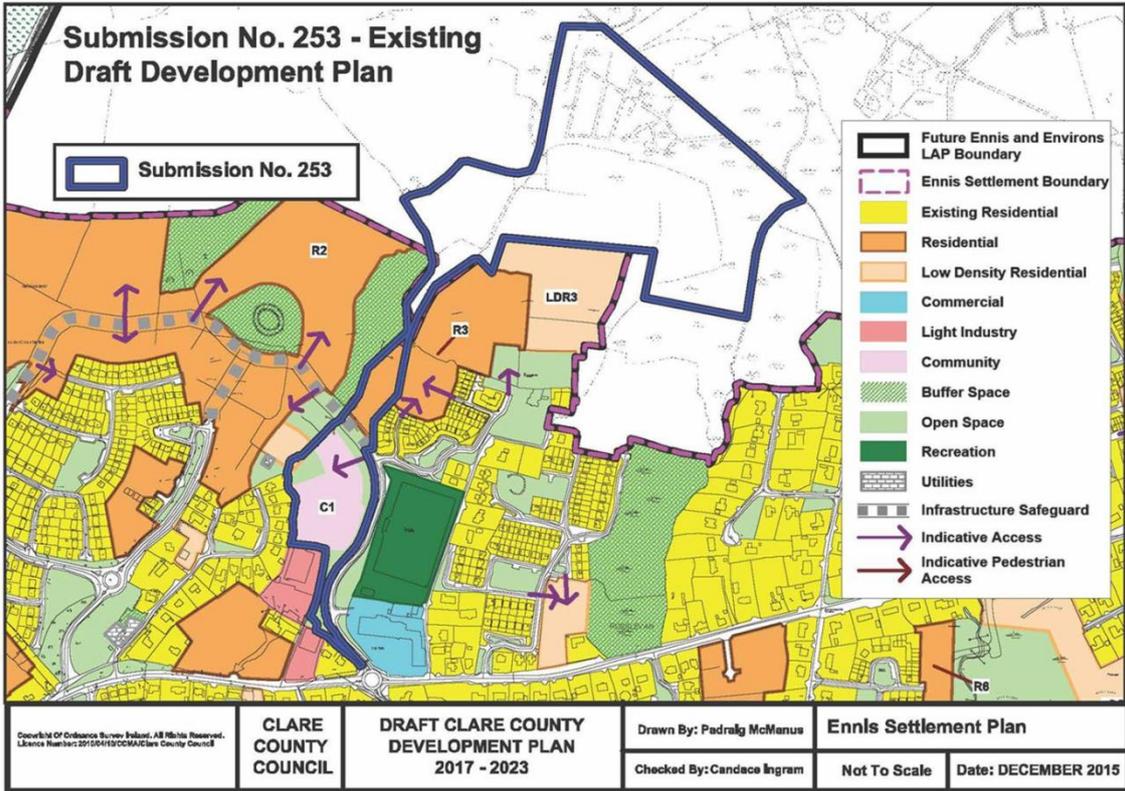
The submission seeks to retain the current “Comm 2” zoning or similar on lands which are proposed to be zoned “C1” in the Draft Clare County Development Plan 2017-2023. Access to the subject lands are via an existing link road, off the Tulla Road, which currently serves Roslevan Neighbourhood Centre, Avenue United Football Club and existing residential development. The submission considers that, given the substantial investment made to date in relation to footpaths, cycle lanes, etc, the site should be developed in a way that maximises its potential. The submission contends that there is a well defined process for the assessment of need and identification of locations for new primary schools. The submission does not consider that such an assessment has been undertaken by the Department of Education and Skills. The zoning of the lands as commercial use would leave a school open to consideration according to the zoning matrix as contained in the Draft Clare County Development Plan 2017-2023.

Chief Executive’s Response

I wish to thank the Keane family for their submission. I acknowledge that school is normally acceptable in principle on commercial zoned land as per the zoning matrix of the Draft Clare County Development Plan 2017- 2023. Looking at the larger Roslevan neighbourhood, however there is only one other parcel of land zoned community at Fahy Hall. I note that community zoning accounts for 3.14ha of all the land zoned in Roslevan. I do not consider that there is a requirement to provide additional neighbourhood shopping given that the area is well served in terms of these facilities. It would not be in the interest of proper planning to allow a neighbourhood to continually develop without any provision for community uses. This site by virtue of its central location in the neighbourhood is particularly suited to community 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. 254 Tom Tiernan, Roads and Transportation, Clare County Council

Key Words: Doolin

Summary of the Issues Raised in the Submission

The submission is to request a restoration of the area zoned for Marine/Harbour uses in the North Clare Local Area Plan 2011-2017 to enable the development of facilities for the ferry service to the islands from Doolin.

Chief Executive's Response

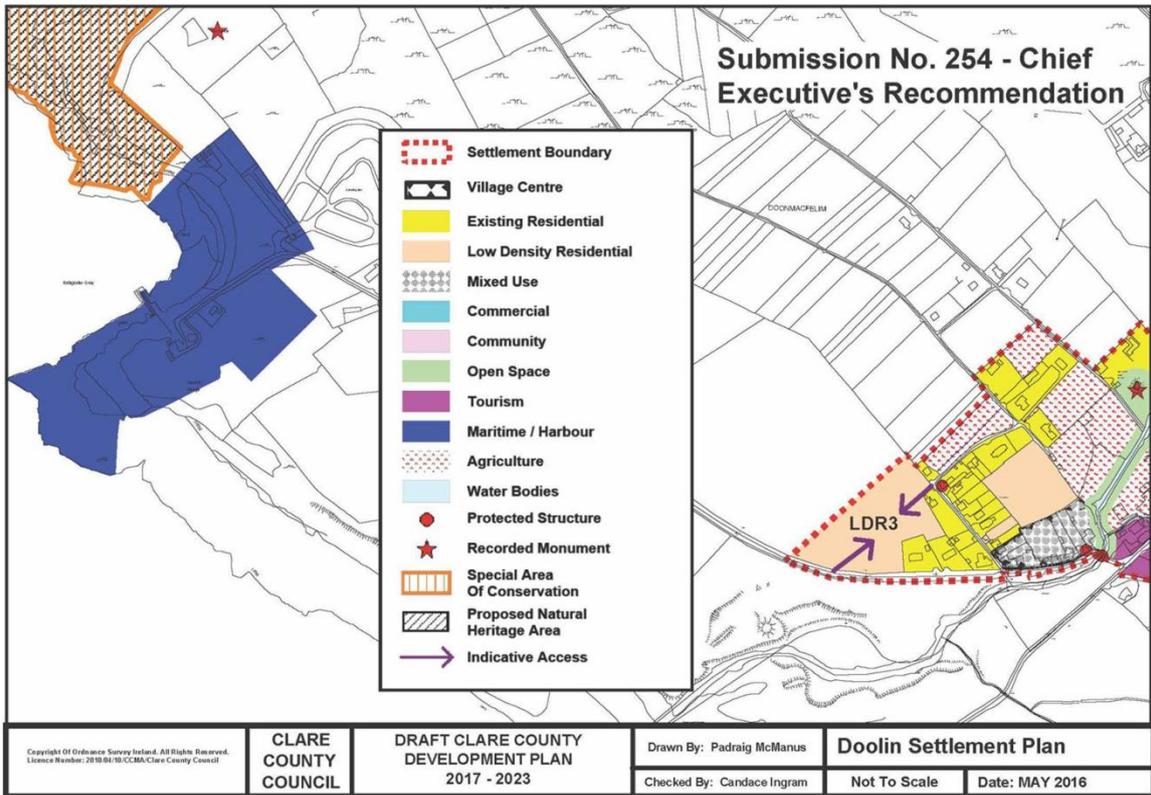
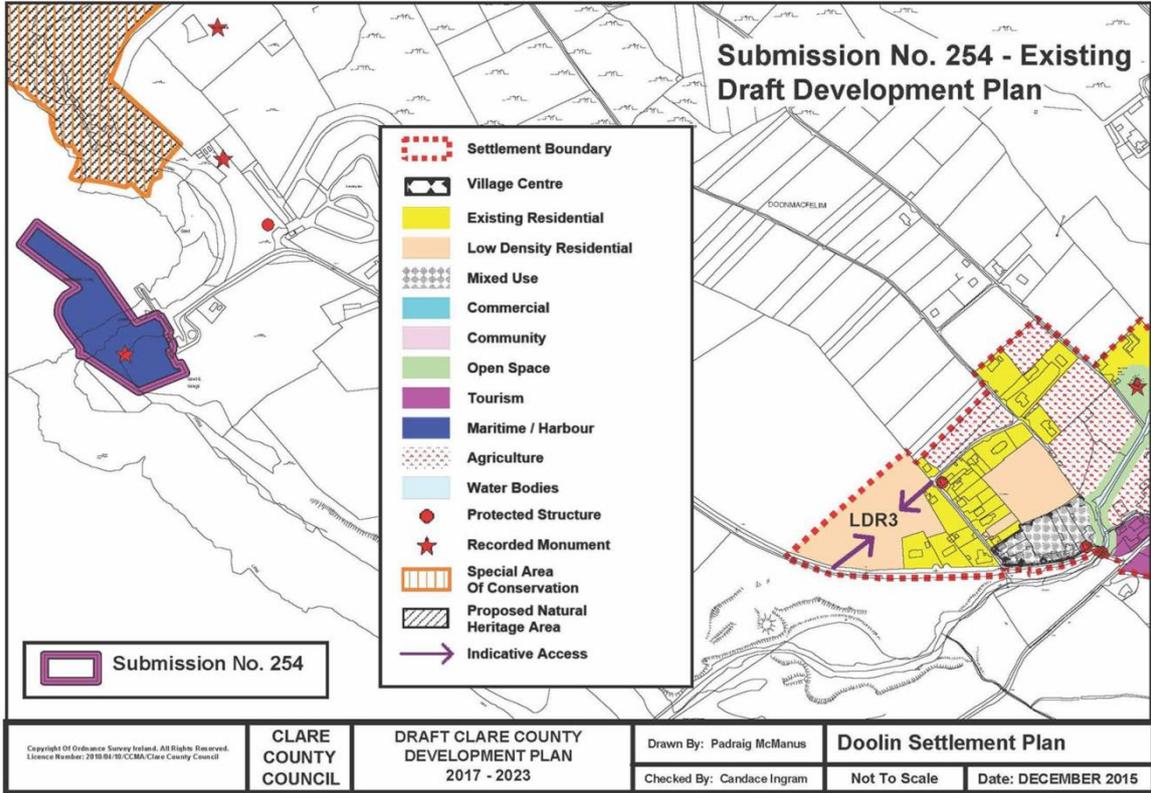
I thank Mr. Tiernan for his submission and I respond as follows:

I have examined the area around Doolin Pier zoned for Maritime use in the North Clare Local Area Plan 2011-2017 and note that it differs from the Maritime zoned area in the Draft Plan.

I consider the area as shown in the North Clare Local Area Plan should be reflected in the Clare County Development Plan 2017-2023 and as such should be amended accordingly

Chief Executive's Recommendation

I recommend that the Maritime zoning as proposed in the Draft Clare County Development Plan 2017-2023 be amended to reflect the extent of Maritime zoning shown in the North Clare Local Area Plan 2011-2017 on the basis of this submission.



Ref. 255 John Costelloe, Bunratty.

Keywords: Bunratty

Summary of the Issues Raised in the Submission

This submission requests a change in zoning, from Agriculture to Residential and Commercial, in the south-west corner of Bunratty settlement. The request is for approximately 1.6ha of Residential zoning to the west of Site R1 in Bunratty and approximately 2.69ha of Commercial zoning to the west of COM1 in the village. The submission also includes a proposal to extend the Open Space Buffer along the river edge.

Chief Executive's Response

I thank Mr. Costelloe for his submission and wish to respond to the request made therein as follows:

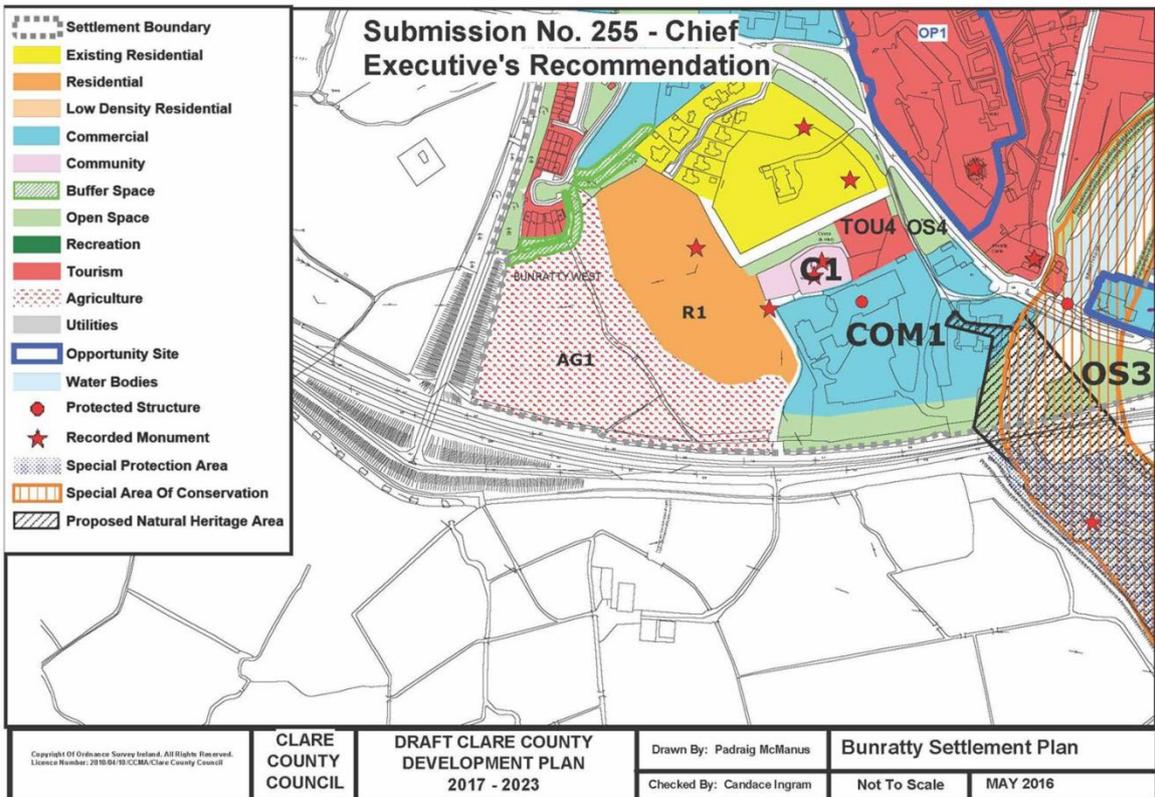
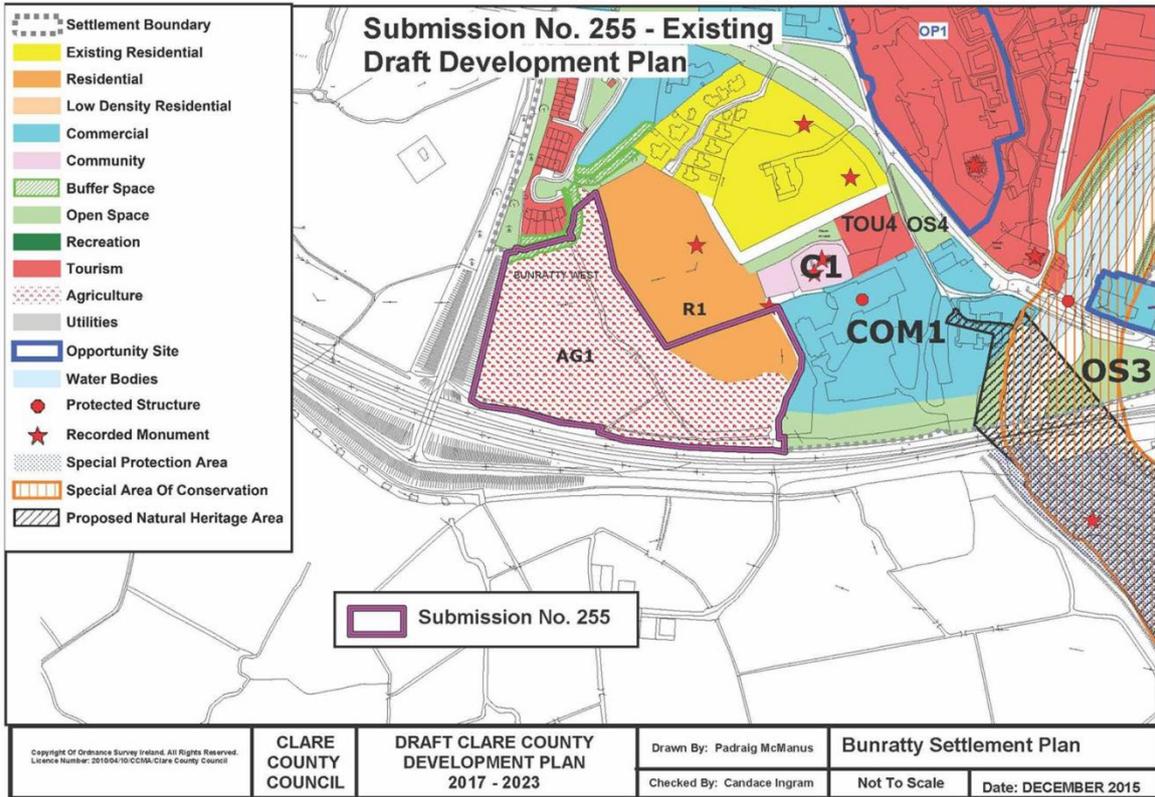
Significant areas of Bunratty fall within Flood Risk Zone A which represents a significant constraint to proposed development. The Strategic Flood Risk Assessment, which integrates the most up-to-date CFRAM data, indicates that the entirety of the subject site is within Flood Zone A.

I am satisfied that there are sufficient lands for residential development in Bunratty, in areas that are in Flood Zone C and therefore deemed suitable for residential development, to accommodate the target population growth for the village during the lifetime of the Development Plan.

Having regard to the foregoing, I do not consider it appropriate to zone lands at this location for Commercial or Residential uses.

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. 256 David Costelloe and others

Key Words: Policy, Retail, Flooding, Environment

Summary of the Issues Raised in the Submission

This submission relates to the retail requirements of Ennis Town Centre and primarily to the lack of a proper shopping centre or retail park. It notes that Ennis has not been able to accommodate the retail requirement of a number of national retail concerns in the town centre. It outlines the detrimental impact this has had on the town in 3 main points relating to leakage of retail spend, decrease in catchment area of Ennis and the deterioration of the profile and reputation of Ennis due to the lack of retail offering. The submission documents the historic identification of potential retail sites including Cusack Park and the former Boys National School and outlines the reasons why these sites have either failed or are unsuitable.

The submission outlines how the best site for a shopping centre is on The Post Office Field and requests that it is zoned for town centre activities. It also makes the following recommendations in relation to the site;

- The site should be developed along sensitive lines not least to reflect the uniqueness of Ennis, the river frontage the sites enjoy and its proximity to O'Connell Square.
- The development should incorporate;
 - A People's Park on its western end
 - A connecting bridge over the River Fergus to Wood Quay/Parnell Street Car Park
 - A retail shopping centre of appropriate size with a good car parking provision
 - A mix of uses to include residential and perhaps, if sustainable, community uses
 - Other uses could be considered like the new home for the public library etc,
 - The existing old Exchange Building and possible the Rectors House on Bindon Street could be incorporated.

The submission outlines a number of advantages to the development of this site which includes the following;

- The development takes place in the heart of the town
- It will solve the major retail requirements that Ennis has failed to satisfy
- It is an incredible opportunity to develop a useable public space/garden for Ennis people and visitors to enjoy
- It provides connectivity to Woodquay at the west side of the town
- It will reinvigorate Woodquay and Parnell Street, two parts of Ennis that are dying from a trading point of view.
- It provides scope for a river fronting development to provide further walks and connectivity
- It creates opportunities for the rear of the buildings along Parnell Street Car Park, to properly appreciate the vista of The River Fergus.
- It is mainly owned by the Local Authority

The submission requests that the site is zoned for town centre activities.

Chief Executive's Response

I would like to thank David Costello for making this submission on behalf of the co signed and I note the points made in relation to town centre retail in Ennis. I acknowledge the points made in relation to the failure to secure a shopping centre or Retail Park and the points raised in relation to the two historically proposed sites.

In relation to the suitability of The Post Office Field I would like to firstly point out that this site has been identified as an Opportunity Site (OP6) in Volume 3 (a) of the Plan with the technical guidance associated with this site outlining the aspiration to develop this site for amenity or recreational use. The Post Office field is a significant natural open space asset located adjacent to the historic town centre in a broad meander of the River Fergus. The low-lying ground, extending to around 1.6ha, is a natural floodplain for the River Fergus, helping to naturally ease the effects

of seasonal flooding for the town. Whilst strategically located in the town, access to the field is limited whilst the height of the river wall, constructed as part of flood relief works has partially restricted visual and functional links to it from the surrounding town centre. As part of a green infrastructure plan, the Council will, subject to available funds, seek to sensitively enhance the Post Office field, improve pedestrian/cycle access to it through the provision of a continuous elevated boardwalk from Bank Place around the north edge of the site to Springfield with viewing platforms for pedestrians and cyclists. Proposals must be informed by a comprehensive ecological survey and landscape management plan.

The boardwalk would allow excellent uninterrupted views to the river, the floodplain and its ecology in all seasons. This will ensure the fauna, in particular bird life, can be appreciated. Other forms of built development will not be permitted on this site. A new pedestrian footbridge linking the boardwalk to the Parnell Street car park area would also increase accessibility in the area.

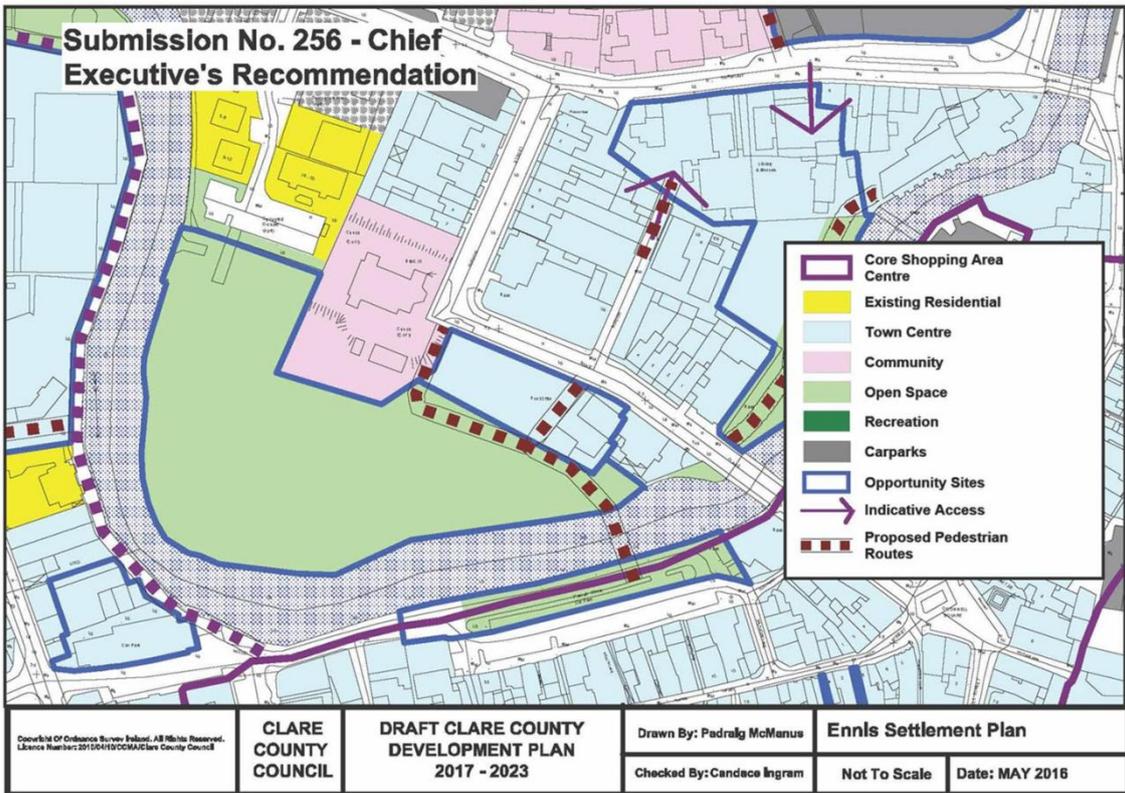
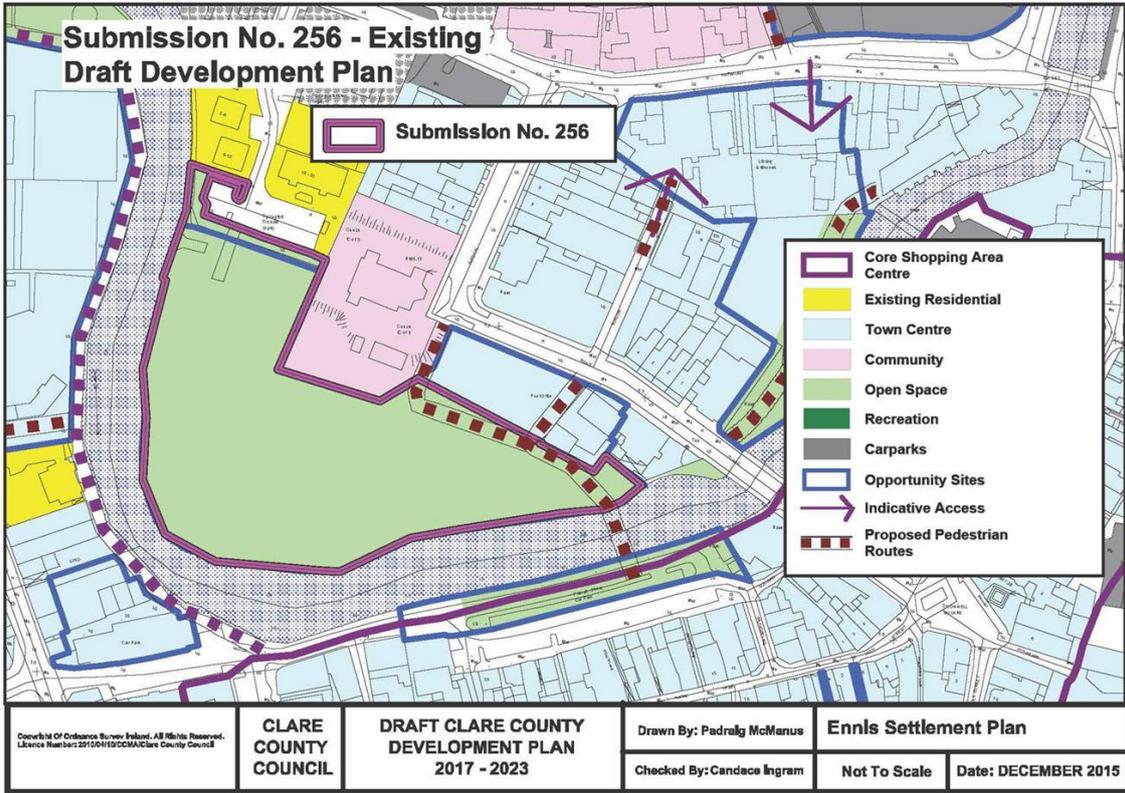
Protecting and managing the natural qualities of the Post Office field and safeguarding the role it plays in the flooding regime of the River Fergus is a significant consideration in the future development of this site. The flood plain may be enhanced from an ecological perspective by the creation of shallow ponds to encourage both wetland plant diversity and wading bird habitat. Retention of existing riverside trees and the addition of small areas of alder on the higher ground would further reinforce habitat diversity. Development proposals must retain an undisturbed 10m otter habitats zone on the riverbank. The site directly adjoins the Lower River Shannon SAC and future development proposals must be progressed in full compliance with the requirements of the EU Habitats Directive.

The redevelopment of the adjoining site on Bank Place (Analogue Building and adjoining infill site – OP5) will also enliven this area, whilst providing maximum opportunities for both physical and visual connectivity to the Post Office Field.

The site directly adjoins the Lower River Shannon cSAC and future development proposals must be progressed in full compliance with the requirements of the EU Habitats Directive. The Post Office Field has also been assessed as part of the SEA, AA and SFRA assessments undertaken as part of the overall Plan under the heading of Opportunity Site 6. Arising from these assessments is also a number of mitigation measures as detailed in the Appendix Table C2 (c) Ennis Municipal District of the NIR and Appendix B Ennis Town of the SEA ER. The NIR in particular identifies the future surveys and requirements which will be necessary prior to any development taking place in order to ensure compliance with all relevant EU and national legislation. Specifically in relation to the Strategic Flood Risk Assessment the entire site is located within Flood Zone A and is not protected by the flood relief scheme. As such, it plays a significant role in the flooding regime of the River Fergus at this location and the site is therefore best suited to open space use, maintaining the storage function that is currently provided. Development of this site for retail use would have significant consequences in terms of the potential impact on the flood relief scheme, loss of potential storage and implications in terms of resilience of the current flood relief scheme to climate change.

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. 257 Fenloe Properties Ltd.

Key Words: Ennis

Summary of the Issues Raised in the Submission

This submission refers to lands owned by the above at Ballaghfadda, West, Kildysart Road, Clarecastle just off the main R473 Kiladysart Road which is on its eastern boundary. An accompanying map identifies the location of the subject site. The land is bound to the west by Ballybeg lake and by agricultural lands primarily to its south and north. The land is proposed to be zoned 'Agriculture' in the Draft Clare County Development Plan 2017 – 2023.

The submission requests the planning authority to change from the proposed 'Agriculture' zoning to 'Low Density Residential' with a continuation of a buffer zone from the lands to the south (proposed to be zoned C2 in the Draft Plan).

The submission suggests that there is a requirement for one off housing in the area, and the proposed zoning would alleviate some of this pressure. It is further suggested that the zoning of Agriculture will have a negative impact on Ballybeg Lake.

Chief Executive's Response

I wish to thank Fenloe Properties Ltd. for its submission. The extent of land required for residential uses in the Ennis and Environs area is determined in the Core Strategy, as contained in Volume 1 of the Draft Plan. In determining the location and distribution of residentially-zoned land the Core Strategy is consistent with 'Guidance notes on Core Strategy Nov 2010', together with the provisions and conclusions of the SEA and AA process and the Water Framework Directive. In addition site specific land use issues were considered. These criteria include, inter alia, the availability of services, sequential test, flood risk assessment, planning history, consolidation or urban form etc. The subject site is not serviced by waste water infrastructure and is not located in an area identified for growth. From a sequential point of view the site is removed from the core built up areas of Ennis and Clarecastle and would not contribute to the consolidation of the urban form.

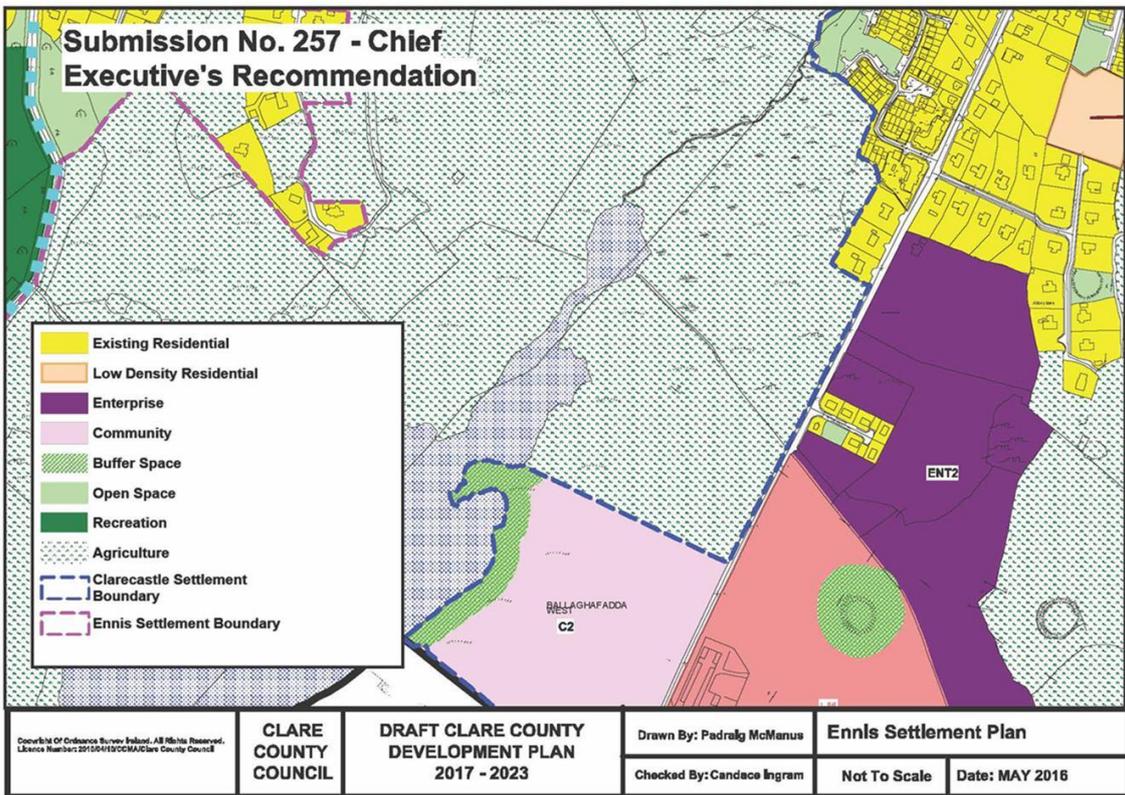
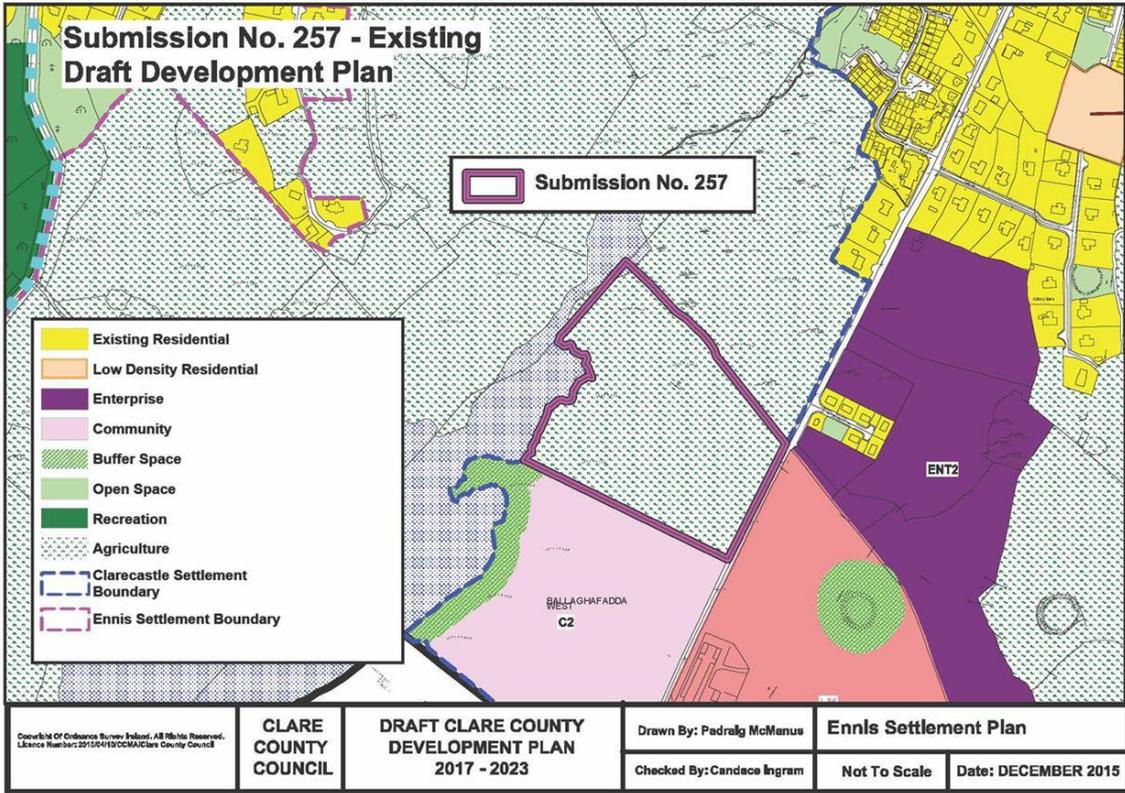
I also note that the eastern boundary of the subject site adjoins Ballybeg Lake. The surface water catchment inputting to Ballybeg Lake covers a limited area. Therefore, while there may be some contribution from surface water, the most significant contribution to water in the lake is from groundwater sources. Ballybeg Lake is within a karstified limestone aquifer which the Geological Survey of Ireland has classified as being within Category X – Extreme Vulnerability. This is where the bedrock is at or within a meter of the surface and leads to extreme vulnerability.

The Water Framework Directive has assigned Ballybeg Lake a 'hypertrophic' status (i.e. it has been excessively enriched with nutrients). This status was assigned to the lake having regard to the high concentration of septic tanks in the area (Rockmount, Ballybeg estate and Silvergrove to the north, residential development along the Kiladysert Road to the east and south and residential development to west in the Newhall and Ballyea areas). It is highly likely that a combination of agricultural activity and septic tank concentration is contributing to the deterioration in the water quality in the lake.

Having regard to the foregoing issues I do not consider it appropriate to zone the subject site for residential/low density residential uses.

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. 258 McCarthy Keville O’Sullivan on behalf of Michael and Elizabeth Howard

Key Words: Ennis

Summary of the Issues Raised in the Submission

The submission notes that Michael and Elizabeth Howard are the owners of the site at Brookville, Lahinch Road as indicated on Map 1 which accompanies the submission. The site was previously zoned Residential in the Ennis and Environs Development Plan 2008 – 2014, as varied. Clare County Council proposed to down zone the site from Residential to Open Space. The land owners are requesting that the site is zoned for residential purposes.

The submission notes that subject site is located well within the Ennis Town urban area boundary on the Lahinch Road (R352) at the entrance to the Brookville housing development and measures an estimated 0.73 hectares (1.8 acres). The subject site at Brookville is fully serviced and accessible and was always intended to be developed for residential development, in accordance with the current zoning and the established layout of the existing residential development.

The site was subject of a planning application for 26 no. houses in 2007 (Pl. Ref. No. 07/106). However, this was refused after an appeal on the basis that the lack of adequate sewerage facilities, which have since been addressed, and the scale and bulk of the development and the proposed development would injure the established visual amenities of neighboring properties.

The submission considers that the Brookville Estate is more than adequately served by existing communal open space. There are various usable open spaces throughout the estate which are in everyday use by residents. The site is not required as additional open space.

The development of this site would help in the consolidation and completion of the Brookville development. It would also benefit the streetscape of the Lahinch Road and Ennis in general, if this infill site was to be developed. The council has not provided any justification for the additional open space zoning at this location, which is well serviced by an existing amount of open space for recreation and amenity purposes.

The submission also notes that the landowners have other lands immediately opposite the subject site on the east side of the Brookville access road. These lands measure approximately 0.40 hectares (1.0acre). These lands are proposed to be zoned open space under the Draft Clare County Development Plan 2017-2023 and our client does not object to this proposal.

As part of this submission Anthony Cawley, managing director of Hydro Environmental Ltd., carried out an assessment of the subject site his findings are listed below;

This Site is low-lying and ponds both from local storm water and overland runoff before eventually draining away to ground. The topographical survey shows this site to be low-lying relative to the surrounding lands and roadway with ground levels varying from 4.9 to 5.8m O.D. Malin. Such levels put this site clearly within Flood Zone A (At risk of flooding up to 100year return period). The recent flood event in December 2009 saw this site inundated by overbank flow from the Claureen which inundated the site from the adjacent Claureen channel flood out across the Brookfield Entrance Road and the site to a level of approximately 5.85m O.D. Malin.

The Brookfield estate access road to the site is prone to flooding and a section is located within the 100year Flood Zone.

Chief Executive’s Response

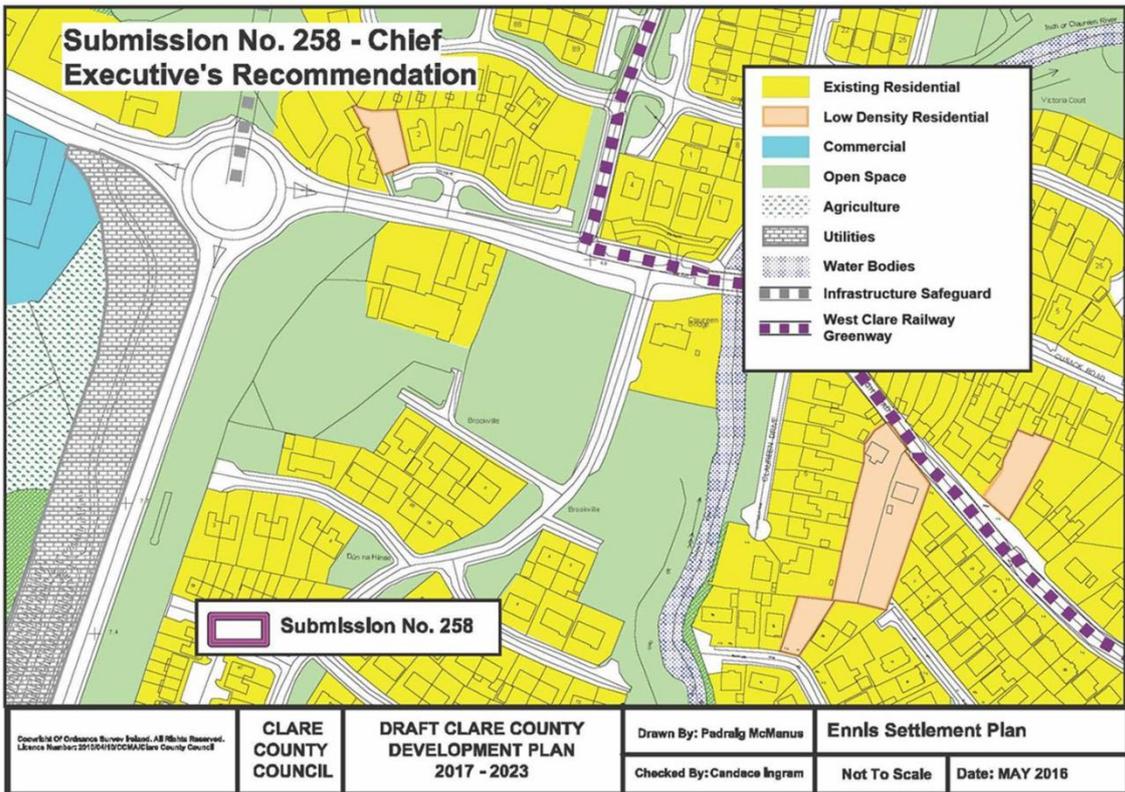
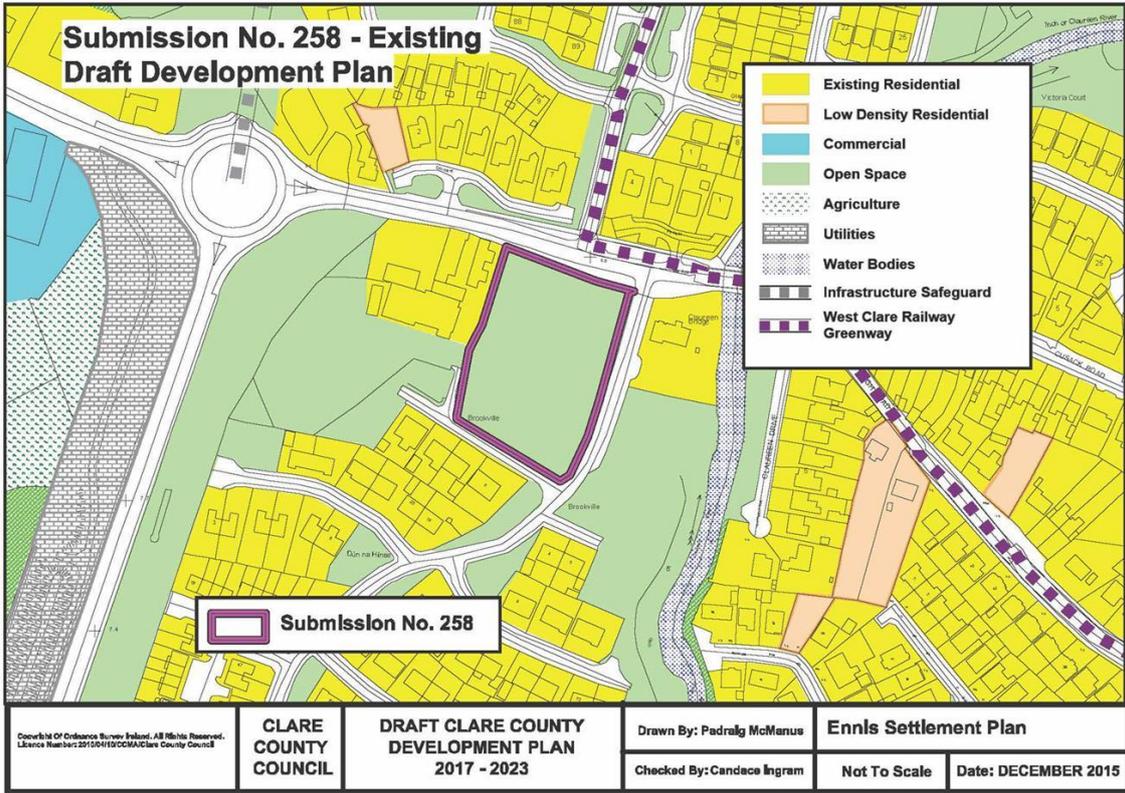
I wish to thank Michael and Elizabeth Howard for their submission. The subject site has been examined in detail as part of the Strategic Flood Risk Assessment (Vol. 10c). It is noted that this site is located within Flood Zone B as shown on Clare County Council and new CFRAM mapping. Highly vulnerable residential development is not therefore recommended.

Additionally, I do not consider this site would pass the justification test as provided for in The Planning System and Flood Risk Management - Guidelines for Planning Authorities (November 2009, DoEHLG) as there is an availability of others lands for residential purposes which are not subject to flooding.

I note that the permission was refused by An Bord Pleanala for reason relating to deficiency in the sewerage facilities and that the board was not satisfied the information submitted that the proposed development would not result in an increased risk of flooding to adjoining properties or that future development would be adequately protected from the potential of flooding (An Bord Pleanala Reference PL58.230099 refers)

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. 259 McCarthy Keville O’Sullivan on behalf of Brid and Louise Howard

Key Words: Ennis

Summary of the Issues Raised in the Submission

The submission notes that Louise and Brid Howard, own the site at Brookville, Lahinch Road as indicated on map which accompanies the submission. The site was previously zoned Residential in the Ennis and Environs Development Plan, 2008 to 2014. The submission notes that it is proposed to rezone the site from Residential to Open Space. The submission requests that Clare County Council zone the subject site for residential development in the finalised Clare County Development Plan 2017-2023.

The submission notes that the subject site is located well within the Ennis Town urban area boundary in the Brookville housing development and measures an estimated 0.26 hectares (0.64 acres). The subject site at Brookville is fully serviced and accessible and was always intended to be developed for residential development, in accordance with the current zoning and the established layout of the existing residential development.

The submission considers that Brookville Estate is more than adequately served by existing communal open space. There are various usable open spaces throughout the estate which are in everyday use by residents. The site is not required as additional open space will be an isolated pocket not linked to other areas within the scheme. The provision of additional open space at this location is therefore considered to be unnecessary.

It is submitted that the Planning Authority should prioritise the development of suitably located and serviced infill sites, such as the subject site, in the interests of sustainable neighbourhoods. This site is serviced and immediately available for development.

The submission considers that the development of this site would help in the consolidation and completion of the Brookville development. It would also benefit the streetscape of the Lahinch Road and Ennis in general, if this infill site was to be developed.

As part of this submission we requested the expertise of a Hydrologist to address any possible flooding concerns. Anthony Cawley, managing director of Hydro Environmental Ltd., carried out an assessment of the subject site his findings are listed below;

In respect to the Brookfield Site of Louise and Brid Howard this site did not flood during the Recent December 2015 Flood event. The general ground levels on the site vary from approximately 5.9 to 6.25m O.D. Malin. A low drainage channel that runs along the north boundary of the site is observed to flood. Based on the estimated 100 and 1000year flood levels presented above the majority of the site is located in flood zone C and only the boundary drainage channel is located in flood zone A.

The middle section of the site based on the survey falls only slightly into Flood Zone B having potentially an inundation depth of 10cm at the 1000year flood event which is insignificant in respect to flood storage volume. Development of this site is possible without resulting in any significant flood storage loss or resultant impact on flood risk to the site itself and surrounding properties.

The Brookfield estate access road to the site is prone to flooding and a section is located within the 100year Flood Zone.

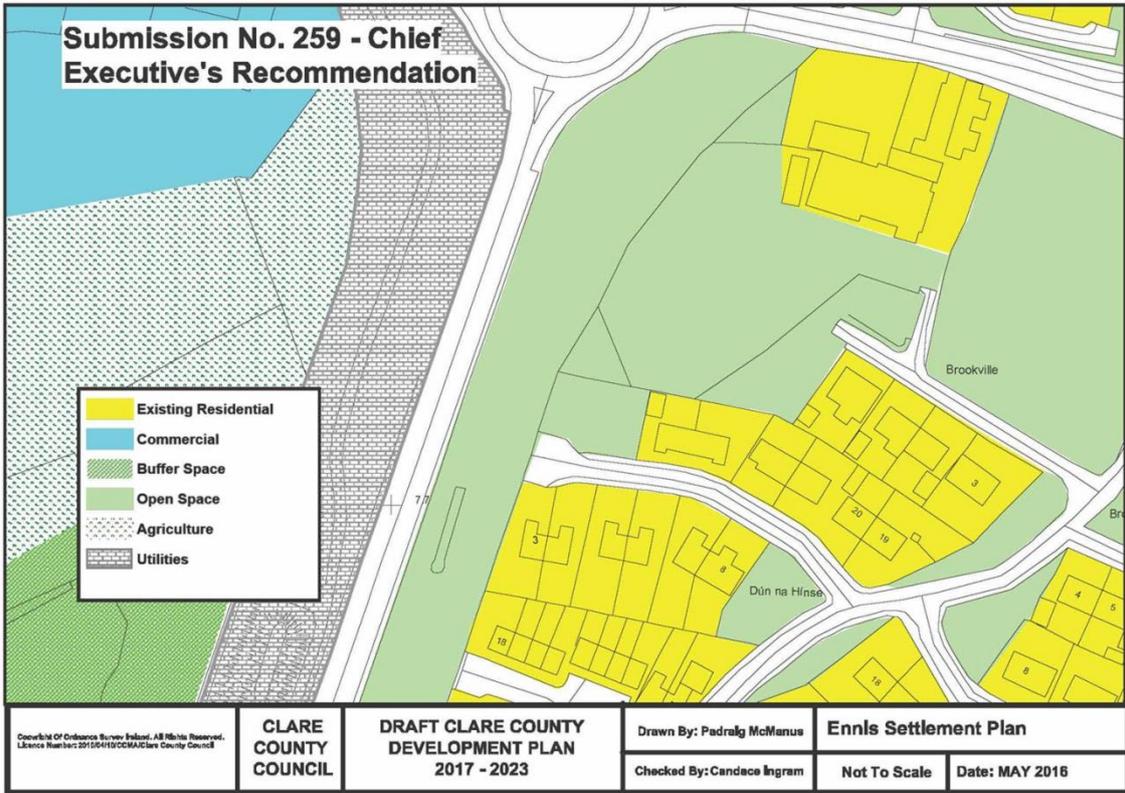
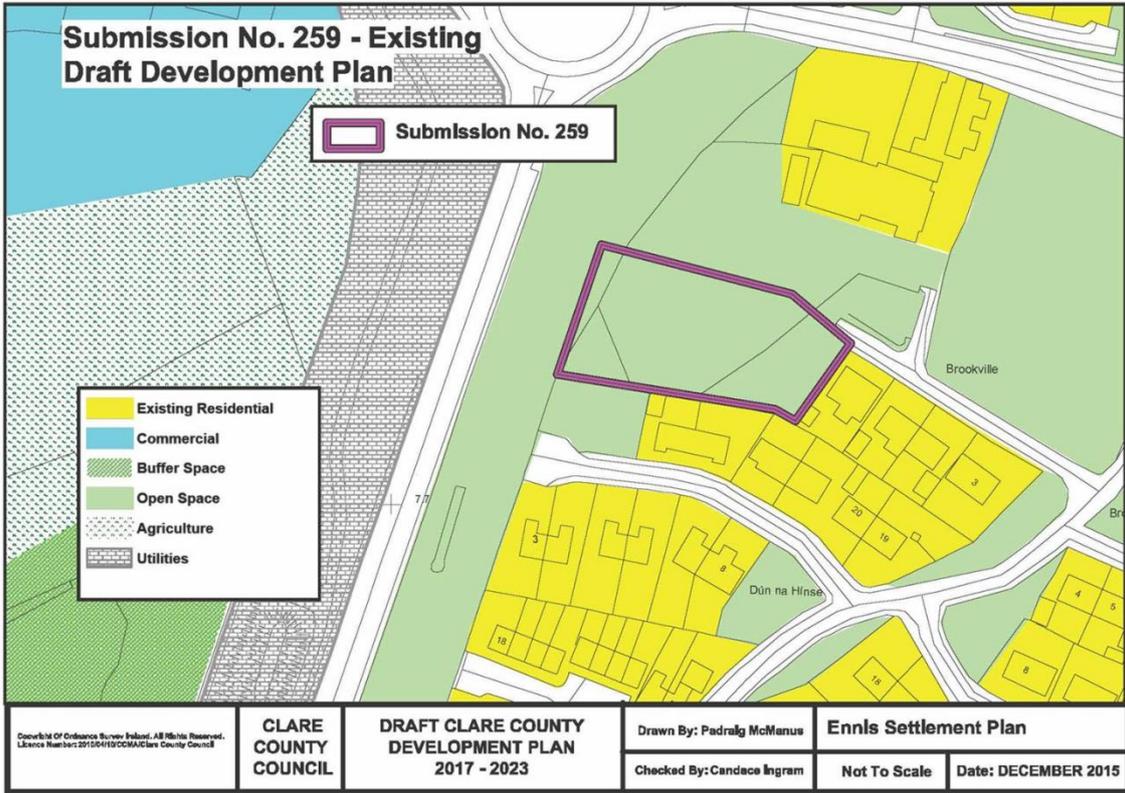
Chief Executive’s Response

I wish to thank the Howards for their submission. The subject site has been examined in detail as part of the Strategic Flood Risk Assessment (Vol. 10c). It is noted that this site is located within Flood Zone B as shown on Clare County Council and new CFRAM mapping. Highly vulnerable residential development is not therefore recommended.

Additionally, I do not consider this site would pass the justification test as provided for in The Planning System and Flood Risk Management - Guidelines for Planning Authorities (November 2009, DoEHLG) as there is an availability of others lands for residential purposes which are not subject to flooding.

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. 260 Therese McCarthy , Ennis

Key Words: Ennis

Summary of the Issues Raised in the Submission

This submission relates to land in the order of 2.5Ha at Cahircalla Beg / Ballybeg and makes the following points:

1. The submission objects to the rezoning of said land to 'Agriculture'. The owner purchased the lands in 2005 but due to legal blockages was unable to develop the lands.
2. Under the current plan the lands are zoned Residential – Phase 1.
3. The said land is not within the SAC and its development poses no risk to species.
4. Development of the said land would have very limited impact on habitat.
5. The submission claims that a Supreme Court ruling in 2007 (Courtney v McCarthy) upheld Therese McCarthy's rights re: the site (the nature of these rights are not clearly stated in the submission).
6. Constitutional property rights are being seriously affected and expense has been incurred.
7. The submission requests that the site is zoned Low Density Residential.

Chief Executive's Response

I would like to thank Ms McCarthy for her submission and would like to respond to the issues raised therein as follows:

Clare County Council has an obligation, as the competent authority in relation to the Habitats Directive, to undertake Appropriate Assessment (AA) and Strategic Environmental Assessment processes. These processes must be carried out in compliance with the relevant legislation before the County Development Plan 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 itself, 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 and it is transposed into Irish legislation through the Birds and Natural Habitats Regulations 2011. These regulations were amended since the original zoning of the lands at Ballybeg in the Ennis and Environs Development Plan 2008, and subsequent Variation No. 1, coupled with the introduction of the Appropriate Assessment Guidelines for Planning Authorities in 2009 and indeed the significant amount of case law which now exists in this area.

The key criteria used to assess the site which forms the subject of this submission in Ballybeg together with the other sites mentioned at LDR51 and R32 are as follows:

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.

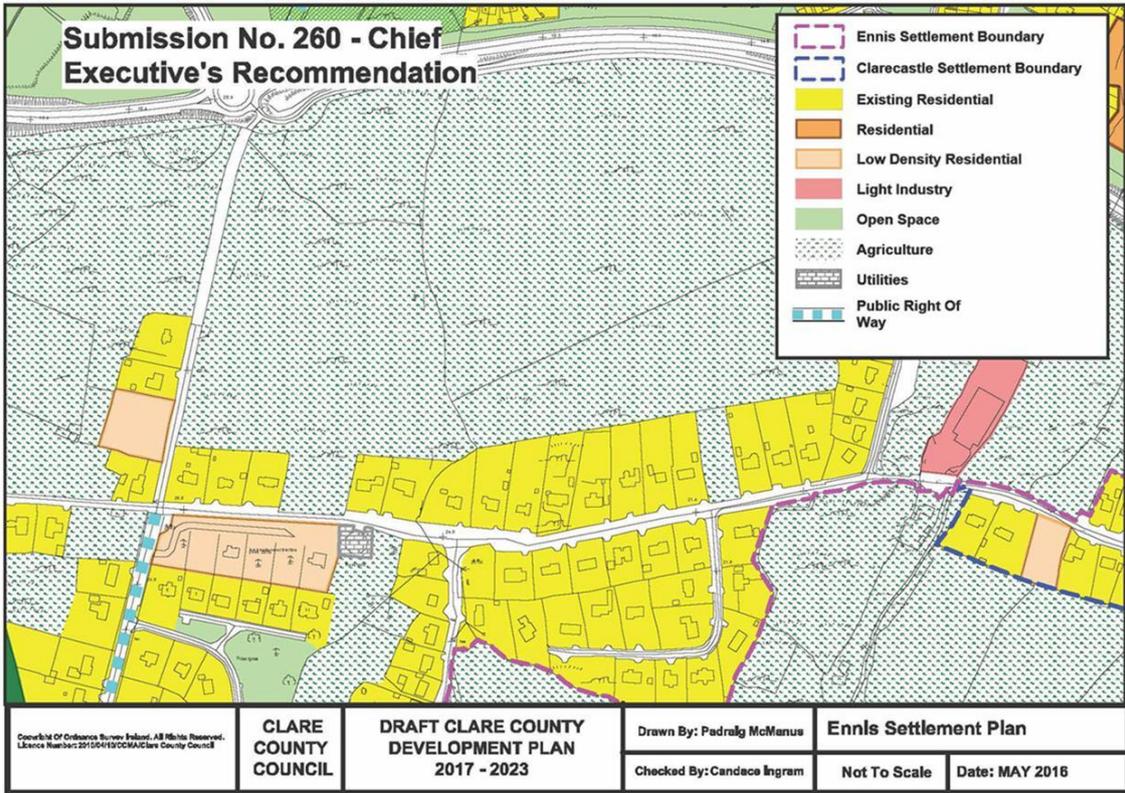
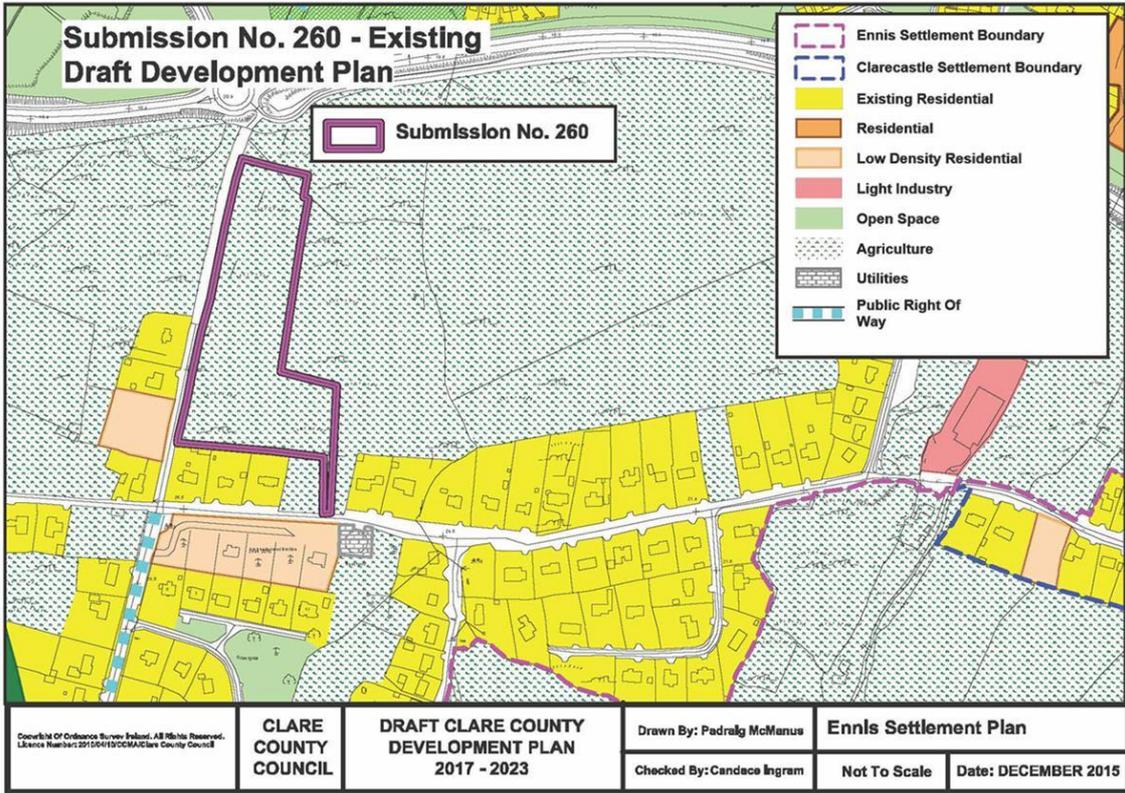
The lands which are the subject of this submission are ca. 810m from Newhall and Edenvale SAC. The closest record of a Lesser Horseshoe Bat is ca. 1km south-west of the site. The site is located within a section of land identified by NPWS as native woodland habitat with limestone pavement which is an Annex I habitat. 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 Newhall and Edenvale SAC, this site is not suitable for zoning for residential/low density residential development.

Furthermore, I note that the site is located in the Ballybeg area of Ennis. The extent of land required for residential uses in the Ennis and Environs area is determined in the Core Strategy, as contained in Volume 1 of the Draft Plan. In determining the location and distribution of residentially-zoned land the Core Strategy is consistent with 'Guidance notes on Core Strategy Nov 2010', together with the provisions and conclusions of the SEA and AA process and the Water Framework Directive. In addition site specific land use issues were considered. These criteria include, inter alia, the availability of services, sequential test, flood risk assessment, planning history, consolidation or urban form etc. The subject site is not serviced by waste water infrastructure and is not located in an area identified for growth. From a sequential point of view the site is removed from the core built up areas of Ennis and Clarecastle and would not contribute to the consolidation of the urban form.

Having regard to the foregoing, I do not consider it appropriate to zone the subject site for residential/low density residential development.

Chief Executive's Recommendation

I recommend that no changes are made to the zoning of this site at Cahircalla Beg/Ballybeg on the basis of the contents of this submission.



Ref. 261 Mark Waters

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".

- Site C2: Kildysart Road, Clarecastle.

The author submits that the imposition of a crematorium at this site is inappropriate, taking into account the rural setting and feels that the area should consist of a nature reserve with walkways and cycleways similar to Ballyalla Lake/Amenity area.

Chief Executive's Response

I wish to thank Mr. Waters for his 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: Kildysart Road, Clarecastle

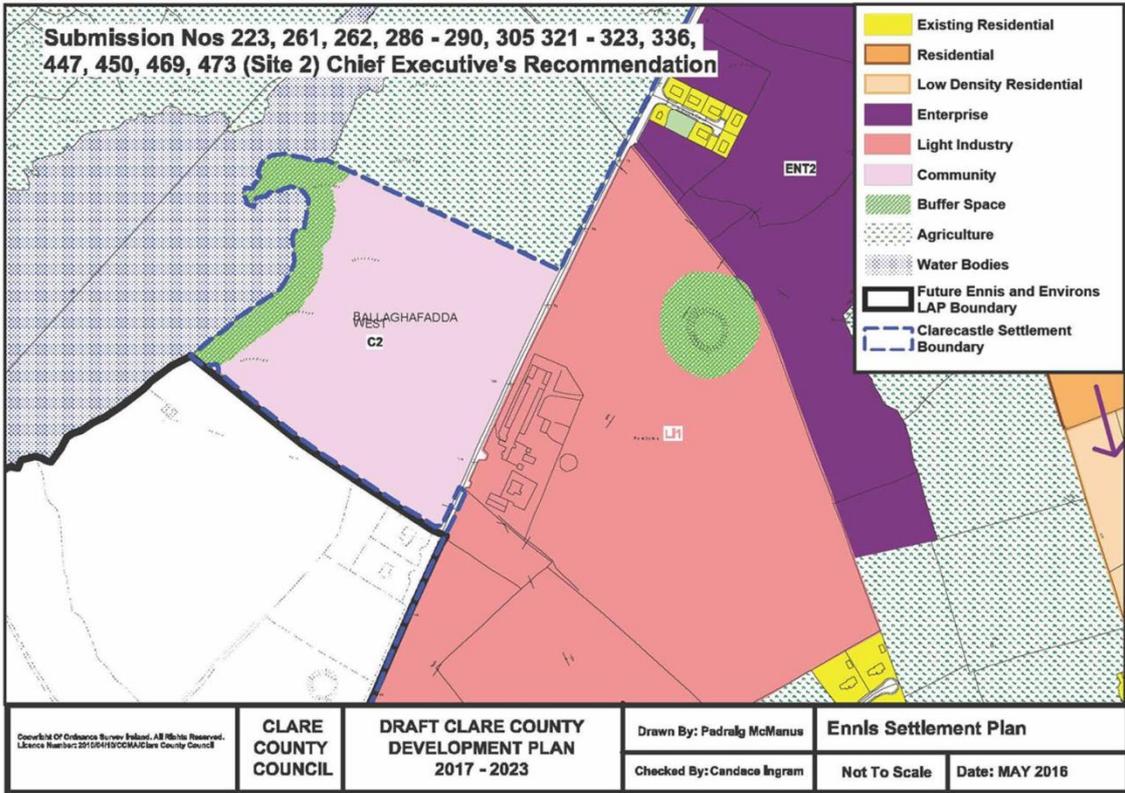
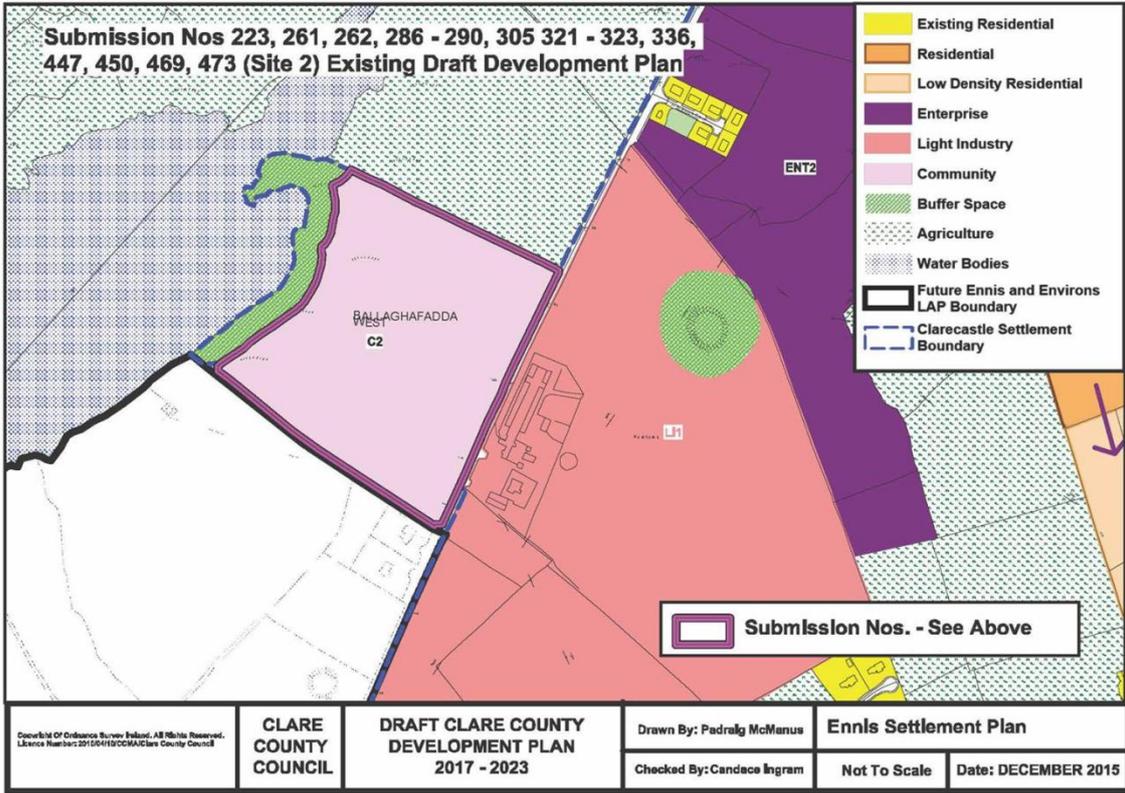
I acknowledge the concerns as raised in the submission, however I consider that this site is suitable for a crematorium, with potential for the co-location of a graveyard having regard to the location of same, which has excellent connections to the surrounding area and wider region, via the local, regional 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.

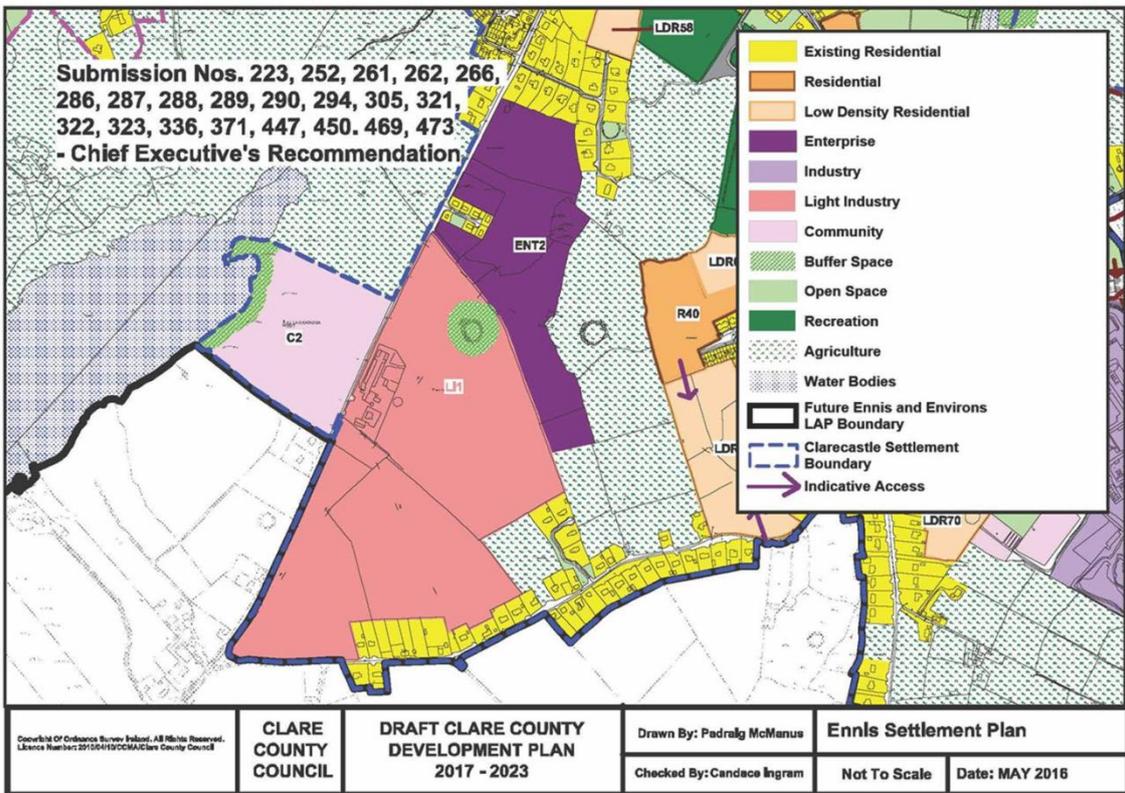
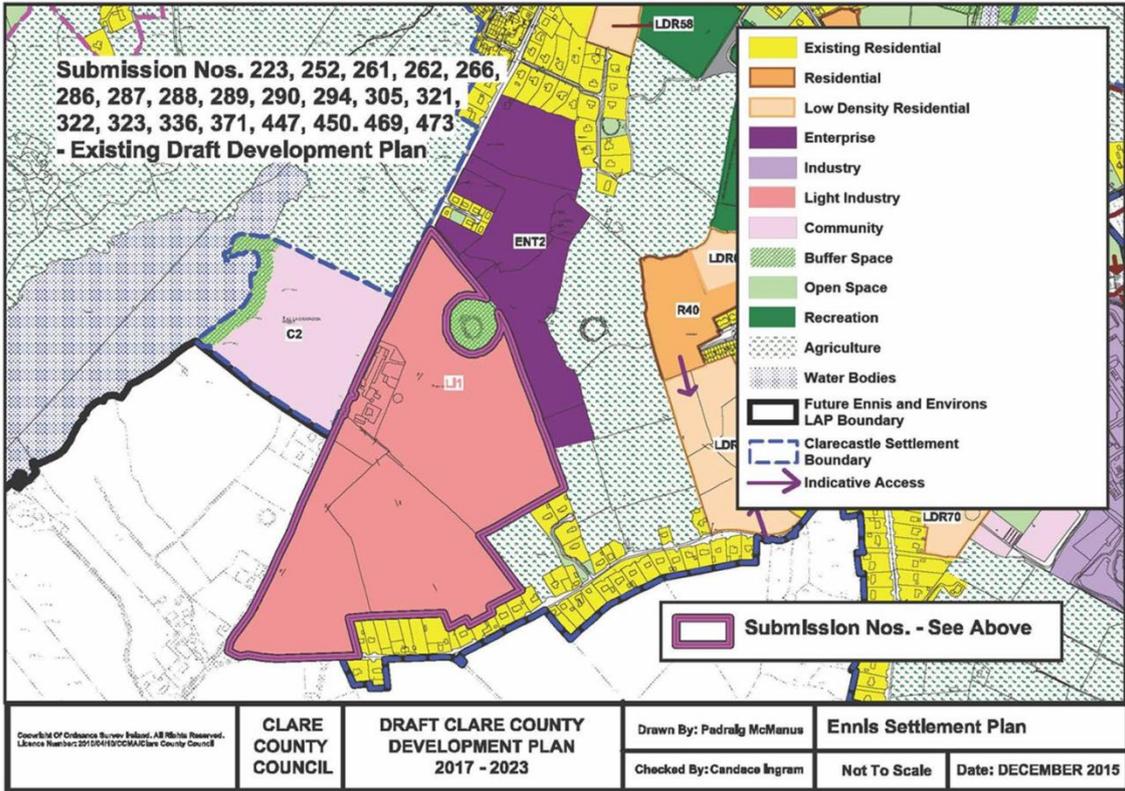
Chief Executive's Recommendation

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, Clarecastle 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. 262 Gillian O'Loughlin

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".

- Site C2: Kildysart Road, Clarecastle.

The author submits that the imposition of a crematorium at this site is inappropriate, taking into account the rural setting and feels that the area should consist of a nature reserve with walkways and cycleways similar to Ballyalla Lake/Amenity area.

Chief Executive's Response

I wish to thank Ms. O'Loughlin for her 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: Kildysart Road, Clarecastle

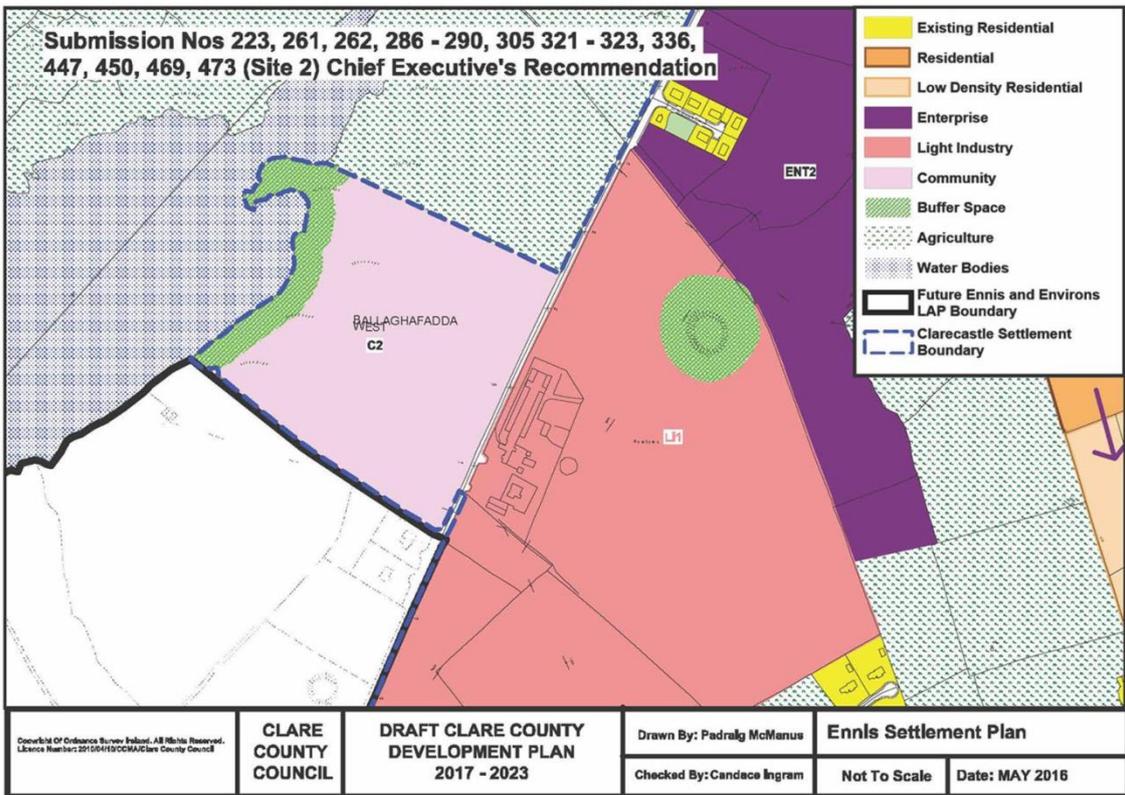
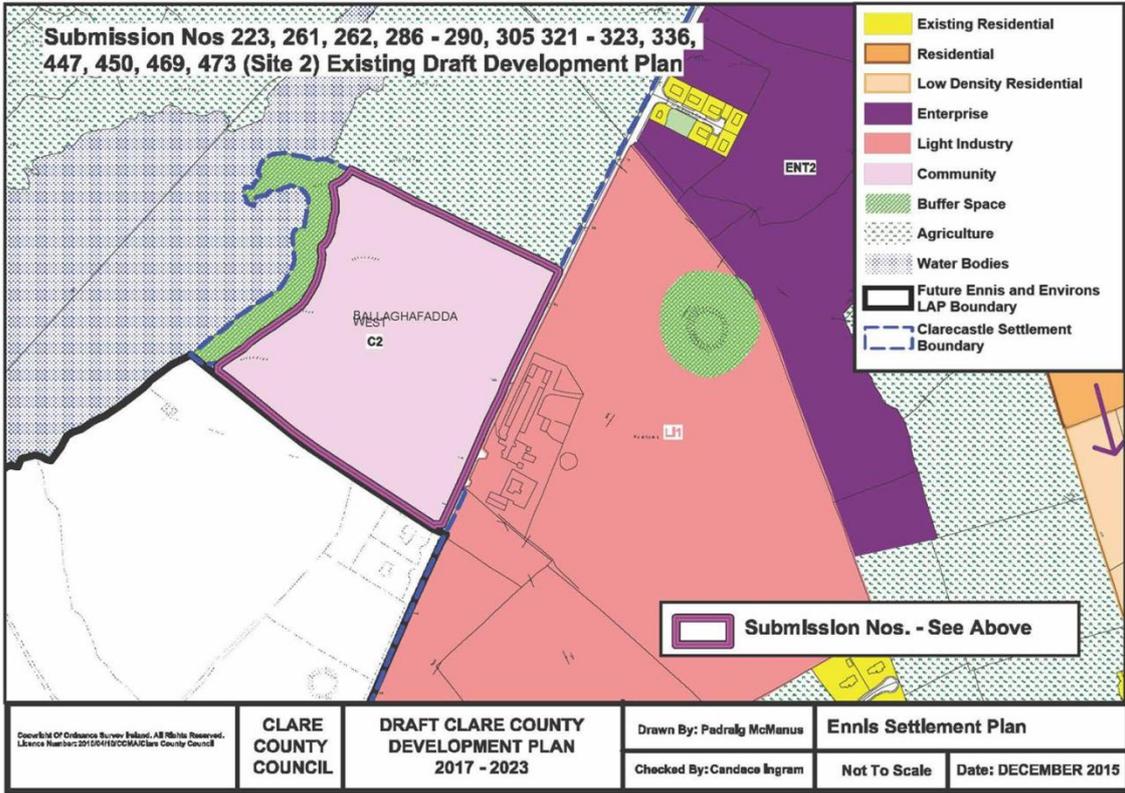
I acknowledge the concerns as raised in the submission, however I consider that this site is suitable for a crematorium, with potential for the co-location of a graveyard having regard to the location of same, which has excellent connections to the surrounding area and wider region, via the local, regional 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.

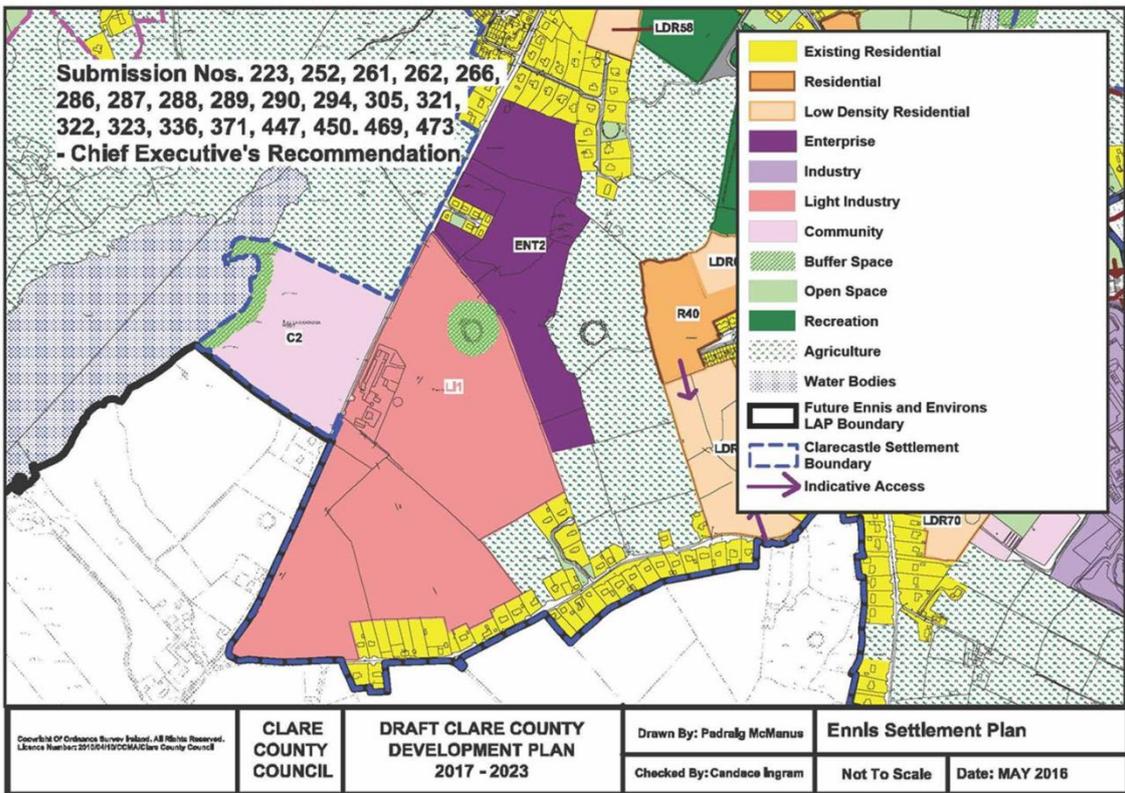
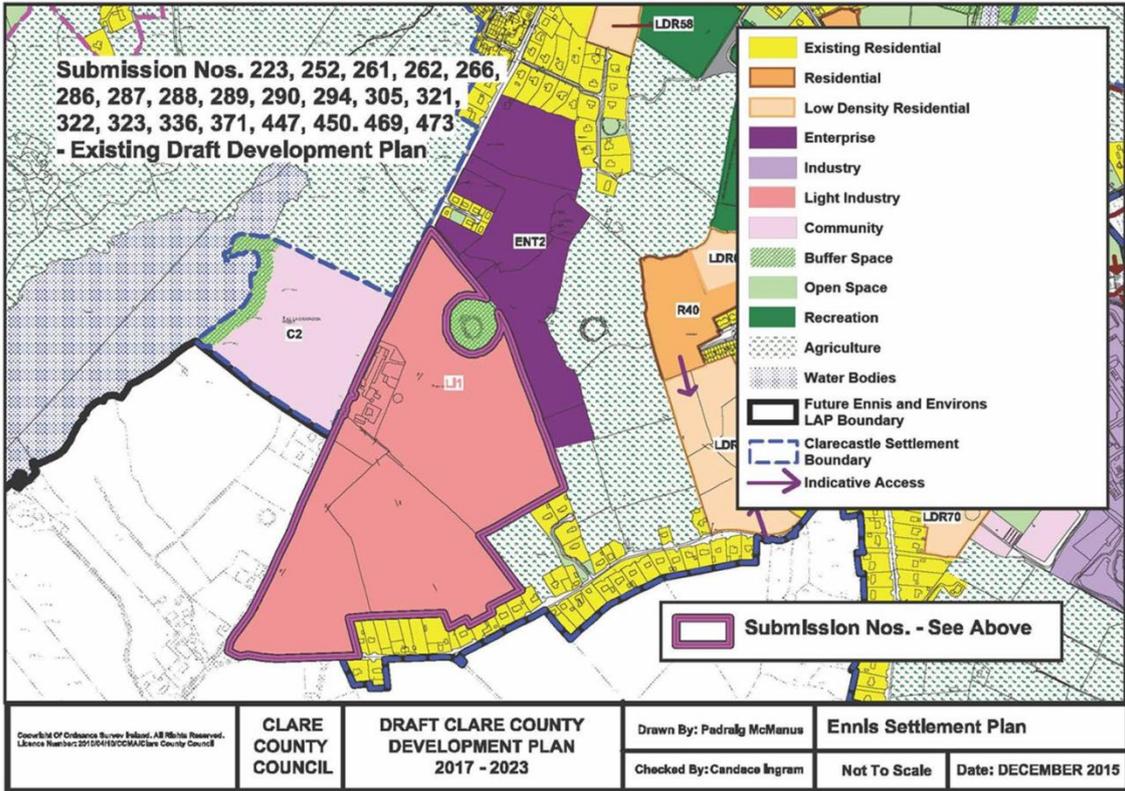
Chief Executive's Recommendation

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, Clarecastle 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. 263 Brendan Mc Grath for Liam Nolan, Sixmilebridge

Keywords: Sixmilebridge

Summary of the Issues Raised in the Submission

This submission relates to a parcel of land in Sixmilebridge, contiguous with but outside the settlement boundary to the south. The land is traversed by an undefined infrastructure safeguard.

The request is for the land to be brought into the settlement, as in the past, and be zoned for Low Density Residential. The case is made, that this location is more in line with Sustainable Urban Development based on walking distance to the centre, service infrastructure and road quality. The site itself is suitable apart from an area by the river which is in Flood Risk which is proposed as Open Space

Chief Executive's Response

I thank Mr, Nolan for his submission the content of which is acknowledged and I respond as follows:

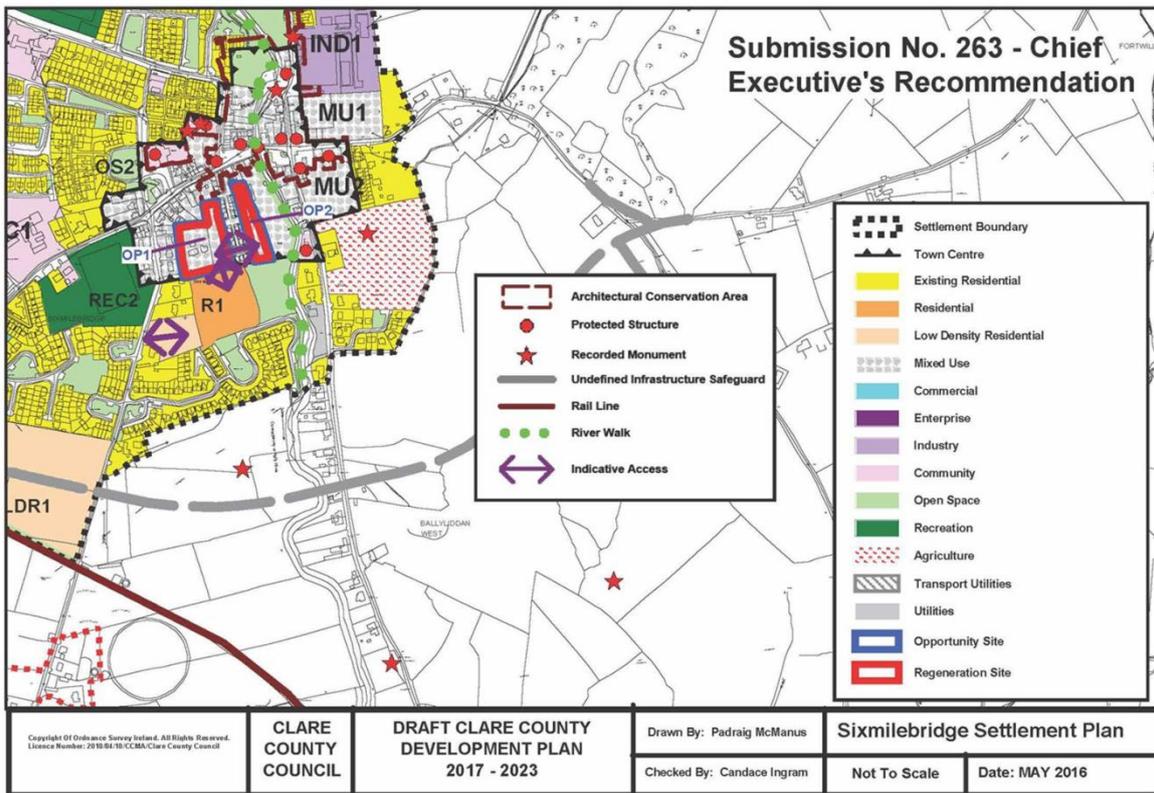
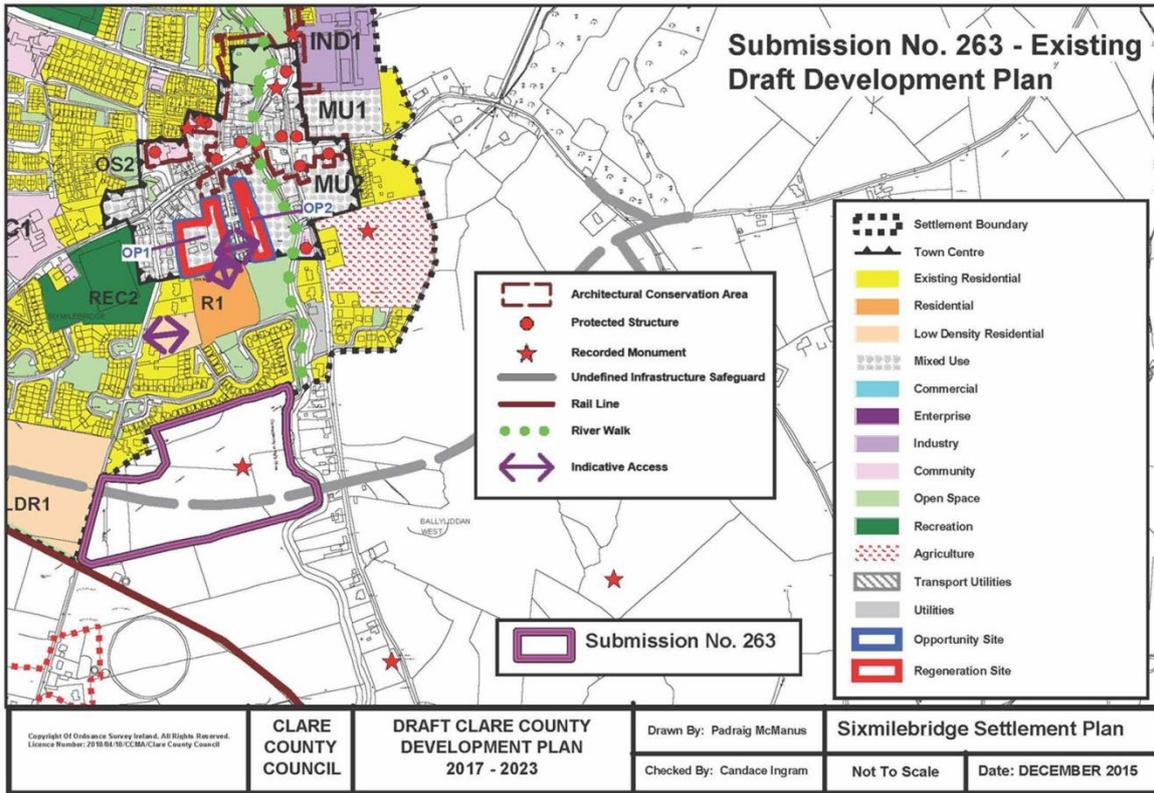
It is acknowledged that the site in question is relatively close to the village centre. As you acknowledge, the flood risk assessment shows that lands bordering the river are within flood risk zones A and B.

This is a large area of land (6.7Ha) located outside the settlement boundary of Sixmilebridge part of which lies within flood risk zones A and B. It has the capacity to accommodate a significant number of dwelling units. The quantum of residential land zoned currently within the settlement of Sixmilebridge is consistent with that required in accordance with the Core Strategy as set out in Chapter 2 of Volume 1 of the Draft Clare County Development Plan 2017-2023.

I consider there is no justification to extend the boundary to include additional lands for residential development at this time as it would not be in the interest of proper planning and sustainable development of the settlement.

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. 264 Brendan McGrath and Associates on behalf of Finn Properties

Key words: Ennis

Summary of the Issues Raised in the Submission

This submission relates to land at Knockaderry, Roslevan, Ennis which is owned by Finn properties who have been building houses at Knockaderry for more than twenty years. The following is requested:

- A revised plan area boundary at Knockaderry to enable future expansion of the Ennis urban area and zoning the peripheral area either for Agriculture or as 'buffer'.
- Revision of the proposed district distributor road network in Knockaderry to include a road reserve or reserves to enable plan flexibility and the possibility of future urban expansion
- An amendment of the development brief for Site R2 in relation to surface water drainage

The case is made that the proposed settlement boundary in this area is unduly tight, is arbitrary and is inconsistent with boundaries in other areas. It ignores the both development constraints of other areas and the development potential of Knockaderry when environmental issues are taken into consideration. Rezoning is not requested in this plan, however, it is held that the absence of a distributor road leading north, as in previous plans, will limit development potential and seriously hamper the sustainable expansion of Ennis.

Chief Executive's Response

I wish to thank Finn Properties for their submission, and I will address each point as raised above:

- A revised plan area boundary at Knockaderry to enable future expansion of the Ennis urban area and zoning the peripheral area either for Agriculture or as 'buffer'.

I note that this submission is not seeking additional zoning for land for residential development but rather to extend the boundary for growth after 2023. The boundary as indicated in the Draft Clare County Development Plan 2017 - 2023, as specifically Volume 3(a) of that Draft Plan, was determined having regard to the core strategy. The quantum of land included is in compliance with the populations targets as set out in the Mid West Regional Planning Guidelines 2010- 2022. In determining the scale, location, and distribution of residentially zoned land the core strategy is consistent with 'Guidance notes on Core Strategy Nov 2010', together with the provisions and conclusions of the SEA and HDA process and the Water Framework Directive. In addition site specific land use issues were considered. These criteria include inter alia availability of services, sequential test, flood risk assessment, planning history, consolidation or urban form etc. Therefore I do not agree that there is a requirement to extend the Plan boundaries.

- Revision of the proposed district distributor road network in Knockaderry to include a road reserve or reserves to enable plan flexibility and the possibility of future urban expansion

Having reviewed the submission in relation to the proposed district distributor road network with the Senior Engineer it is considered that there is no justification to change to same.

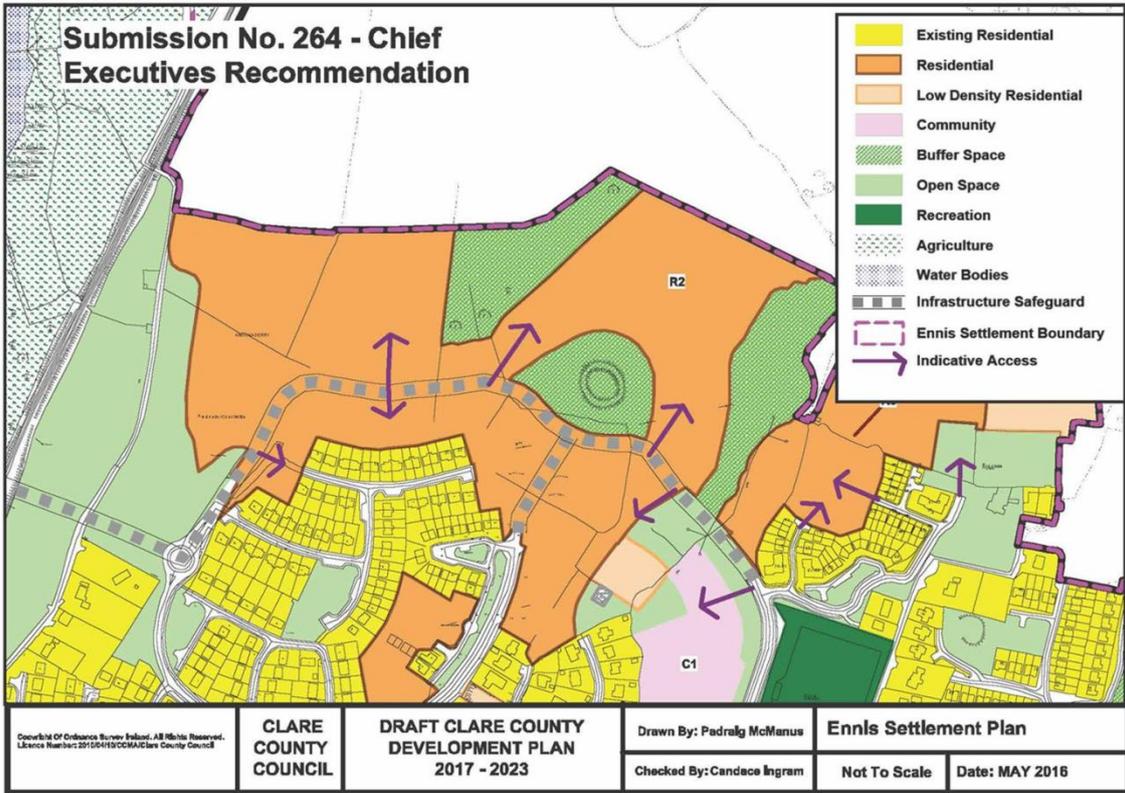
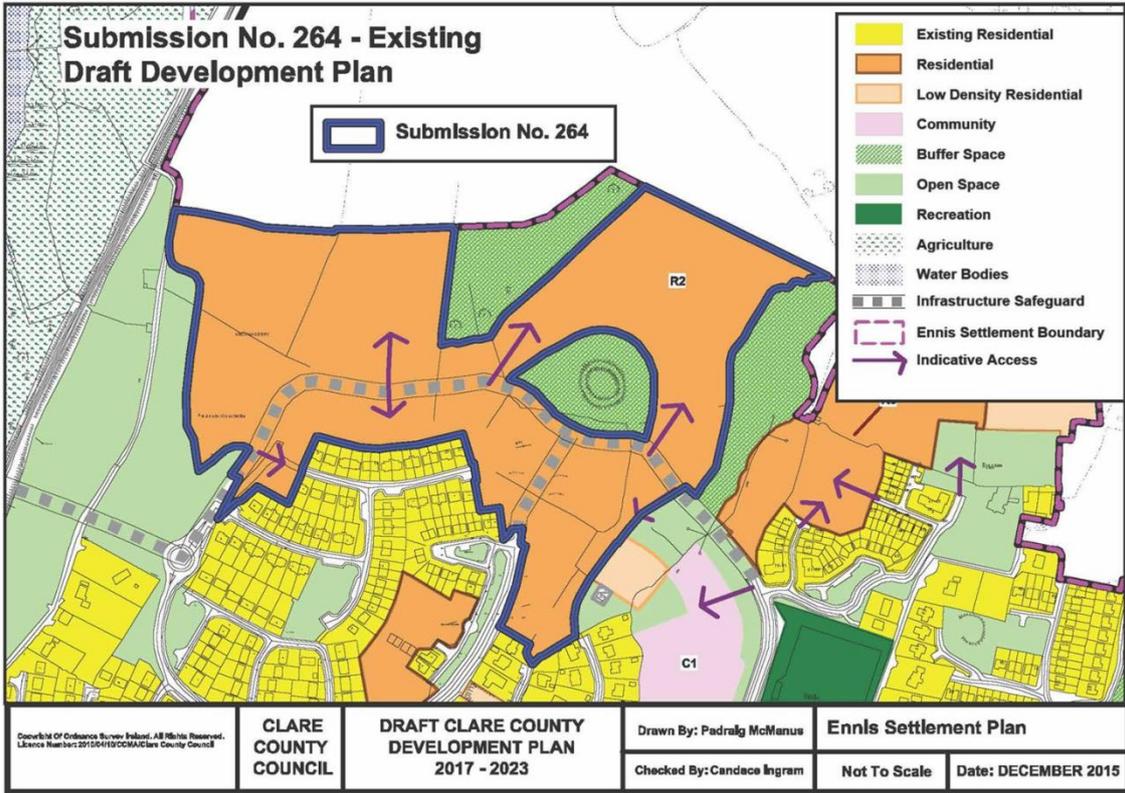
- An amendment of the development brief for Site R2 in relation to surface water drainage

In relation to the point made in the submission on the protection of the turlough to the north of R2 during the course of construction and development proposals while I appreciate that the existing planning permission for this site provides for attenuation to this area notwithstanding this, any future works should ensure that the existing hydrological regime and supply system to this area (whether groundwater or surface water) is maintained and not compromised in any way. For clarity I will make a recommendation in relation to the classification of this feature.

Chief Executive's Recommendation

In relation to the development brief text for Site R2 as contained in Volume 3(a) of the Draft Clare County Development Plan 2017-2023, I recommend the following change;

Although Rich Fen and Flush habitat to the north east of R2 is outside of the settlement boundary the groundwater or flowing surface waters which feed the habitat should be protected during the course of construction and development. Proposals for this site (R2) shall demonstrate how the natural water supply to the ~~turlough~~ Rich Fen and Flush will be protected.



Ref. 265 Brendan McGrath for Tekelek Europe Ltd. and Estate of Stephen Finn, Portdrine.

Key Words: Portdrine

Summary of the Issues Raised in the Submission

This submission relates to a site in Portdrine on which stands three warehouse units built in 2005 on foot of Planning Ref. 99/2307. A request for commercial zoning in the 2008 plan was supported by Managers Report but was not adopted. Current zoning is Agriculture which is problematic in terms of completion of the site as a small industrial estate.

Request is now made for Light Industrial zoning on the basis that the site:

1. Adjoins an existing junction on the N18 serving Portdrine and Cratloe on which there is capacity.
2. Is only 3KM from the Limerick tunnel
3. Is beside bus stops for intercity regional services
4. Is 1Kilometer approx from Cratloe and adjoins Portdrine.

The change in zoning on the small scale of the site will not impact on Shannon (CDP6.3) and would be consistent with other economic policy of the Draft plan on the availability of land and infrastructure (CDP 6.14)

Chief Executive's Response

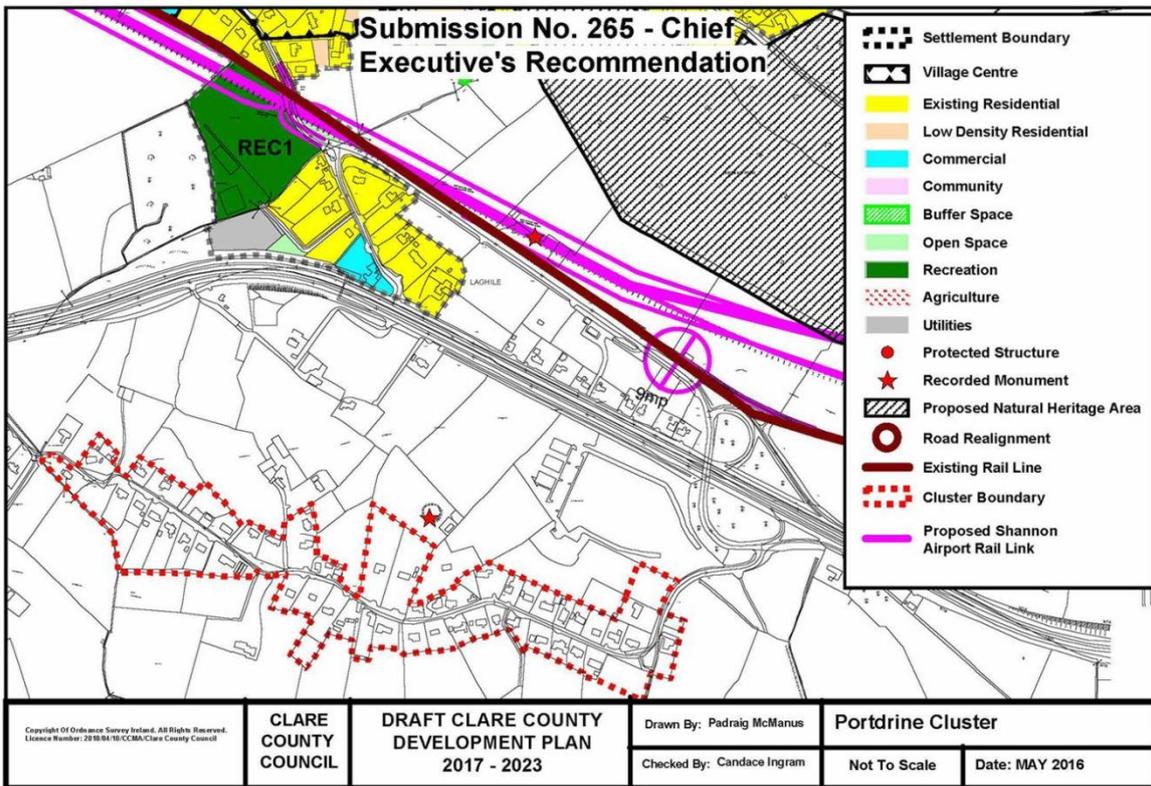
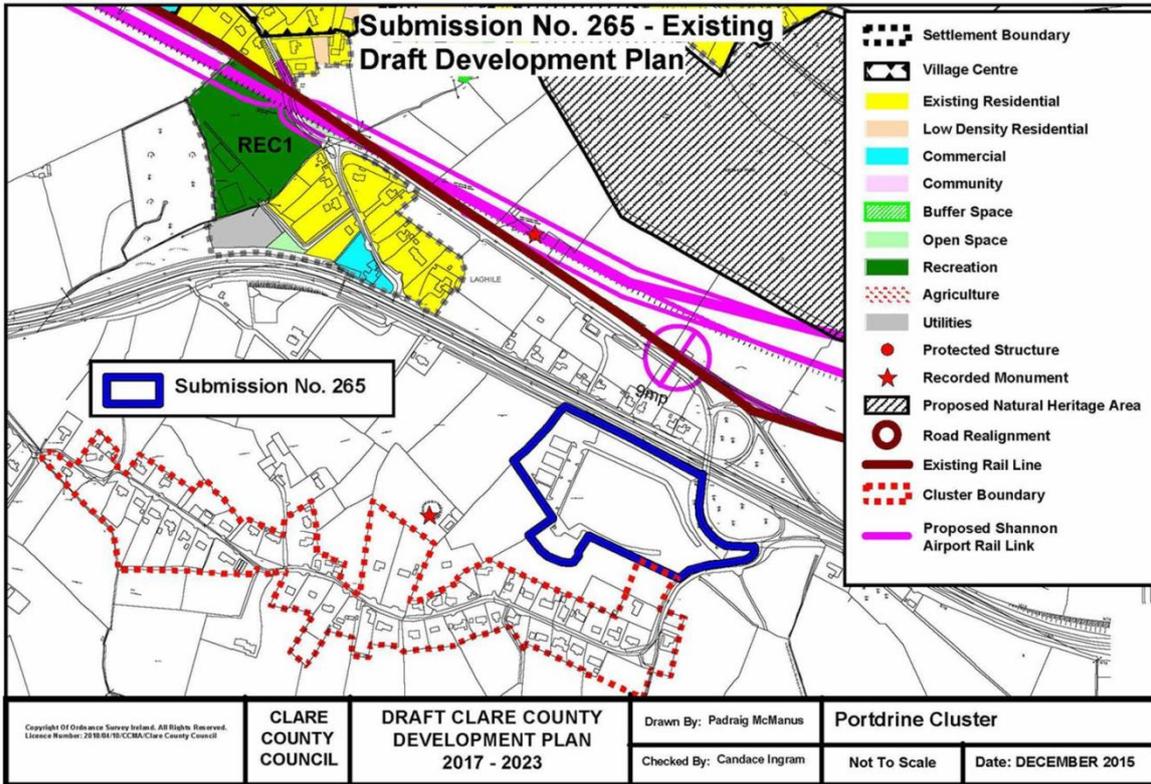
I thank Tekelek Europe Ltd. and Estate of Stephen Finn, Portdrine for the submission. I acknowledge the content of the submission and reply as follows:

The submission states that the site is currently zoned for Agriculture although this is not the case. The site is situated on unzoned land which is designated as Countryside. It also is an Area of Special Control namely an Area Under Urban Generated Pressure. The land contained within clusters are not zoned and so to extend the cluster, even if this was considered desirable, would not confer a zoning on the site.

There is an established use on site however and there are policies in the Draft Clare County Development Plan 2017-2023 which may assist in consolidating the existing development. These are CDP 6.3.12: Re-Use of Brownfield sites and CDP 6.3.20: Rural Enterprises.

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. 266 Andrew Hersey, Ennis, Bunratty and Kilkee

Key Words: Clarecastle, Bunratty, Kilkee, Public Rights of Way

Summary of the Issues Raised in the Submission

This submission relates to Draft Plan proposals in three areas of the county:

In relation to Clarecastle, Ennis, the submission focuses on the Light Industrial zoning on LI1. It is stated that this, an estimated 30Ha, is completely unnecessary and unjustified. Other lands deemed to be more suitable for such a use are identified, ie. lands near Roche or the existing light industrial facility at Lissane. The LI 1 location is not well placed for road access, there are better sites adjacent to N18 in the vicinity of Tulla road interchange or the Clarecastle Sewerage Treatment facility.

Traffic generated by development on LI1 would result in serious loss of residential amenity to houses on Claremount road both to the rear and to the front. To the rear a buffer space of 200M landscaped with native broadleaves would be a minimum and this should be a Plan objective, not left to the Development Management process. Development on the site would worsen flooding which seriously affected houses in December 2015.

Traffic management on the Claremount road, as with many rural roads, needs plan led policies to protect safety and amenity. This issue cannot be left to the Roads department.

In relation to Bunratty, the submission believes that lands zoned OS1 would be suitable for some development as maintaining it as a complete buffer is not necessary. He believes it would be suitable for a garden centre use and requests that such a use be Open to Consideration on Open Space and also on Tourism zoning. In Bunratty the small garden centre run by Mr. Hersey attracts both international and domestic tourists.

In relation to Kilkee, there is a Right of Way which exists between Atlantic View Housing Estate and the carpark at the Pollock Holes. Could this be investigated and mapped?

In relation to the Land Use Zoning Matrix, it is requested that 'Countryside' be returned to the matrix and that Garden Centres be 'Acceptable in Principle' on such zonings.

In relation to Cycle and Walking routes submission requests that the embankments along the Fergus and Shannon Estuary be designated for this use to facilitate traffic free access between Ennis and Clarecastle. Also future cycle routes should not share space with pedestrians but should be at road level but be separated from vehicular traffic.

Chief Executive's Response

In relation to Clarecastle, I acknowledge the concerns as raised in the submission regarding the proposed zoning of LI1. However, I believe that in planning for long-term employment and economic growth, this is a strategic site which will build on the reputation of Clarecastle as a place to do business, exemplified by Roche (Ireland). I consider that the LI1 zoning, along with the adjacent enterprise zoning, is well positioned to form an employment hub in the plan area taking advantage of its location close to the M18 motorway.

In response to your concerns regarding flooding on the site, a flood risk assessment has identified no flood risk issues although there is evidence of pluvial flooding towards the eastern boundary of the site which will require a drainage impact assessment being undertaken at Development Management stage. The zoning of Light Industry requires that any operation to be carried out or installed without detriment to the amenity of the area with regard to such things as noise, vibration, fumes etc.

A comprehensive approach to the development of the site must be taken, so as to avoid incremental / incompatible uses within it. I consider that with proper planning, design and mitigation measures to ensure protection of residential amenity, comprehensive traffic management and effective design, incorporating and protecting identified natural and architectural features through the implementation of appropriate measures, that this zoning should be retained.

Regarding Bunratty I note your request for a Garden Centre to be a use that is Open for Consideration in Open Space and on Tourism zoned lands with specific reference to lands zoned OS1 within the village. I have reviewed these zoning objectives and consider that this type of use could be acceptable in certain locations on zoned Tourism lands where it contributes to the overall tourism product and as such that the land-use matrix should be amended to reflect this. With regard to OS1 lands in Bunratty, I accept that there is potential for appropriate development to be facilitated which would need to be of the type that would retain the sense of separation between the village and quarry, whilst also enhancing the amenity and connectivity with the village. However, I do not consider that amending the uses open for consideration on Open Space zoning to be appropriate, but I propose to amend the zoning from Open Space (OS1) to Agriculture as I consider this amendment to the zoning is more appropriate and would allow for the location of a Garden Centre to be Open for Consideration.

The submission requests the inclusion of Countryside as a zoning in the land-use zoning matrix in Appendix 2, Volume 1 of the Draft Clare County Development Plan 2017-2023. As Countryside is a designation opposed to a zoning, I do not consider it appropriate to amend the land-use zoning matrix in this regard. I note that Objective CDP6.20 Rural Enterprise does make provision supporting and facilitating proposals for new small-scale rural enterprises in accordance with appropriate planning and wildlife legislation.

I have reviewed the Public Right of Way issue with the County Solicitor and I am advised that the legislation and case law in relation to public rights of way clearly states that to establish a PROW:

- There must be actual dedication by the landowner to the public use of the route in question or there must be sufficient evidence to show that such a dedication was intended;
- A public right of way must be open to the public and not just a class of persons or limited number of the public;
- A public right of way must start in and finish in a public area (i.e. it cannot terminate in private property);
- A public right of way cannot be obtained by stealth, by force or by licence i.e. it must be a route to which the public have a right of access as a right not by way of permission.

In the absence of certainty in relation to all of the above points I am of the opinion that no additional Public Rights of Way be identified until such certainty in their existence in accordance with legislation is established.

Clare County Council work on an on-going basis to support walking, cycling and other sports and recreation activities throughout the county. In relation to the development of new Cycle and Walking routes along the embankments of the Shannon and Fergus Estuaries, I note that the County Development Plan supports the development of walking and cycling routes in all parts of the county. This is not restricted to historic access routes and I consider the current stance of the Plan to be more beneficial to the development of walking and cycling routes in the county. All new routes will be developed based on the most appropriate arrangement with the given landowner e.g. right of way, permissive trails etc. The development of walking cycle trails is widely supported in the Draft Plan e.g. Section 5.4.2.1 Off-Road Walking and Cycling, Section 5.4.2.2 Countryside Recreation and Section 8.2.9 Walking and Cycling.

In respect of conditions on public roads, it is the case that where roads occur within the boundaries of a settlement, they are subject to the provisions of the Design Manual for Urban Roads and Streets (DMURS). This document contains requirements in relation to the roads being public spaces which must balance the needs of all users. In addition, I agree that the environment and character of rural roads should ideally balance the needs of all users since they are public spaces serving a range of functions.

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:

LI1 Kildysert Road, Clarecastle – Volume (a) - insert additional text as follows:

"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"*

Land-Use Zoning Matrix – amend to show Garden Centre as 'Open for Consideration' on Tourism zoned land.

Bunratty Settlement Statement:

Open Space (OS1) – amend zoning to Agriculture and reference AG1. Text for OS1 to be removed (and all subsequent OS numbers to be amended accordingly) and text to be included for AG1 within the settlement statement as follows:

~~OS1 Scrubland at Western Boundary~~

~~This area of land acts as a buffer zone between the village and the adjacent quarry operated by Roadstone.~~

AG1- Scrubland at Western Boundary

This area of land provides a physical break which acts as a buffer between the village and the adjacent quarry. Appropriate uses may be considered which have potential to enhance the amenity and connectivity within Bunratty, provided the rural character and sense of space separation between the village and quarry is retained. Residential use is not considered appropriate at this location.

Ref. 267 Antoinette McCormack.

Keywords: Ennis

Summary of the Issues Raised in the Submission

This submission refers to lands owned by the above at Gaurus, Ennis. I note the author has submitted a copy of his previous submission to the draft Ennis and Environs Plan 2015-2021 which had a proposed cycle lane traversing the land to which the landowners object. Concerns are raised in relation to safety, privacy, security and litter.

Chief Executive's Response

I wish to thank the Mc Cormack Family for their submission. I acknowledge their concerns regarding the potential impact such a walkway/ cycle way can have on residential amenity. I note this submission refer to map no. 10 which formed part of the Ennis and Environs Local Area Plan 2015- 2021 (withdrawn in Spring 2015). Map 10 does not form part of the Draft Clare County Development Plan 2017- 2023 and was not on public display as part of the plan. It is envisaged that the forthcoming Ennis and Environs Local Area Plan 2017- 2023 will contain a green infrastructure and walking/ cycling strategy. The McCormack family will have the opportunity to make further submissions when the draft Ennis and Environs Local Area Plan 2017- 2023 goes on public display. Any project for the provision of such facilities will require be assessed having regard to the provisions of Part 8 of the Planning and Development Act 2000, as amended which includes public consultation.

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. 268 Declan and Noreen Staunton

Key Words: Quin, Access and Movement

Summary of the Issues Raised in the Submission

This submission refers to lands surrounding the Maigh Dara residential housing estate at Madara, Quin. The submission objects to the proposed access points to the zoned lands through the Maigh Dara. Concerns are raised in relation to traffic safety arising from potential increased traffic volumes through the estate. It is submitted that the access road through the estate is narrow and unsuited to increased traffic volumes. It is also submitted that there are existing problems with visibility at the entrance to the estate which would be compounded by extra traffic associated with potential new developments.

In relation to sites R2, R3 and R4, it is submitted that the zoning on these sites should be Low Density Residential to reflect the existing pattern of development in the area.

Chief Executive's Response

I acknowledge the concerns that have been raised in this submission and I would like to respond as follows:

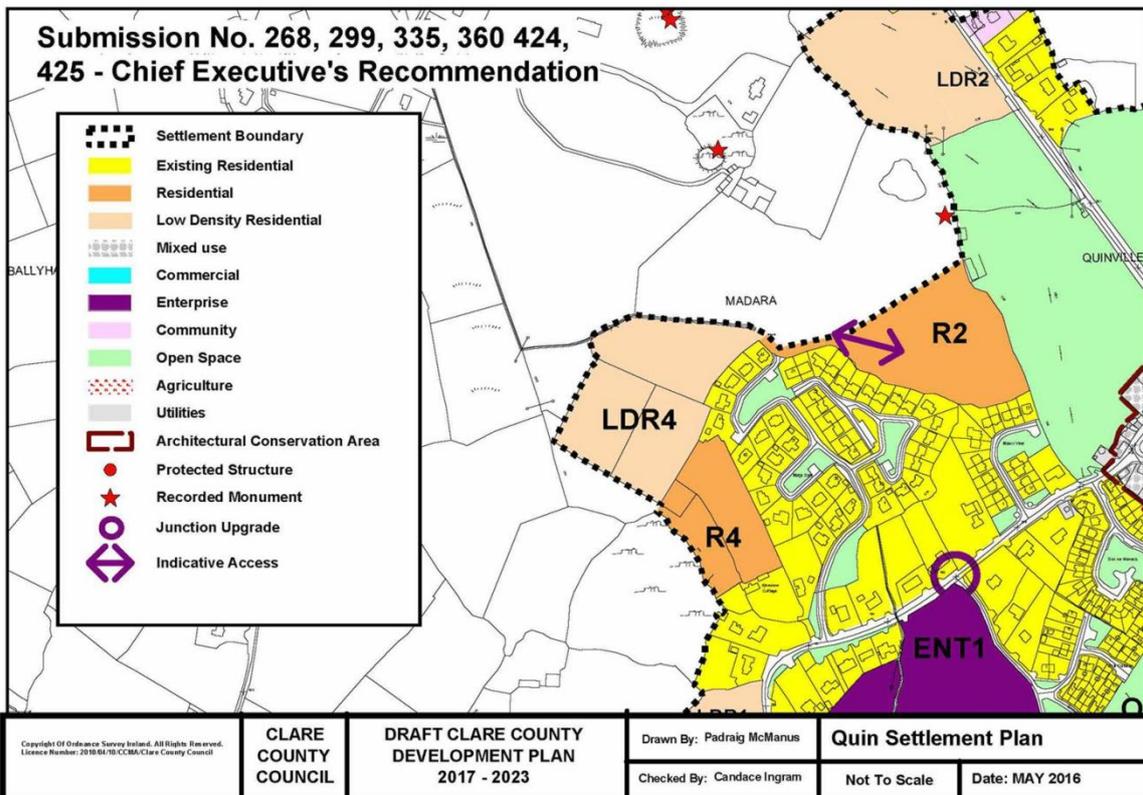
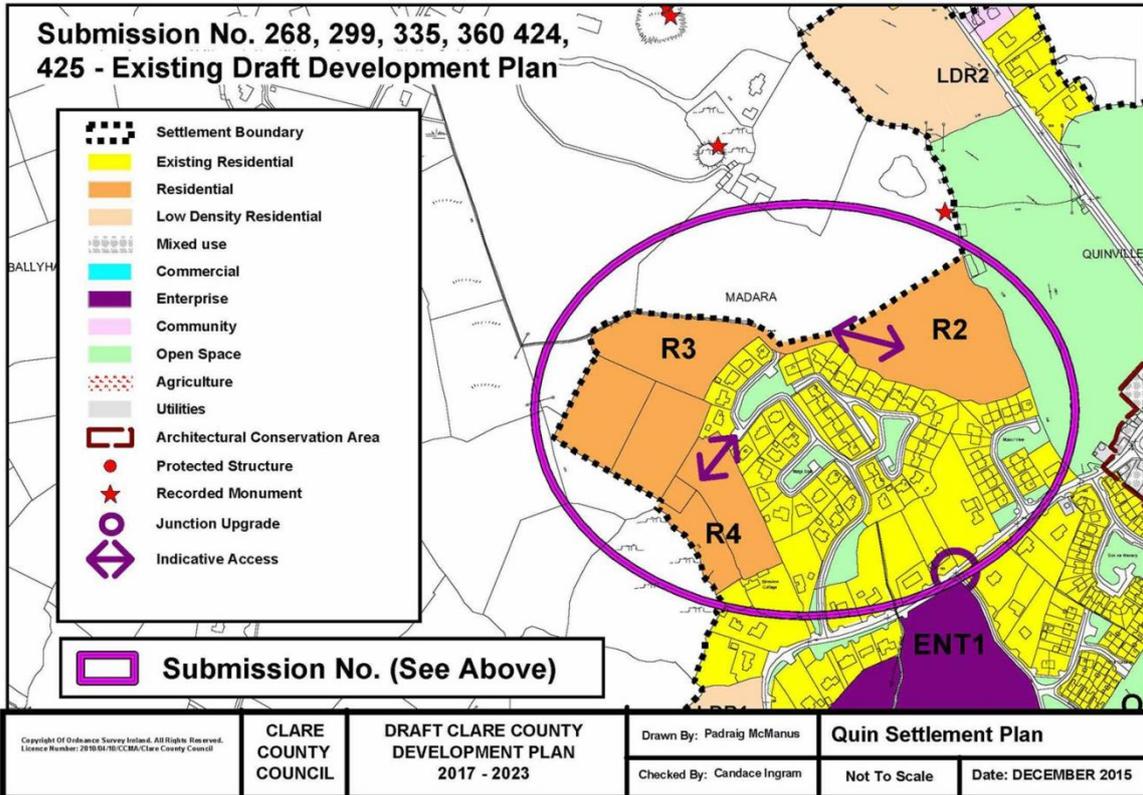
In relation to Site R2 in Quin, I note that the Strategic Flood Risk Assessment (Volume 10(c) of the Draft Plan), states that Site R2 currently functions as a surface water storage area and development of the land might exacerbate this issue. The location of the site in a topographic hollow and concern 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. In this regard I refer to my recommendation in relation to Submission 361, which also relates to this site.

In relation to Site R3, planning permission was previously granted for the development of additional houses in this area and the road layout in Maigh Dara was designed to accommodate these additional houses. I have noted the concern in relation to additional traffic movements in the estate and to alleviate this issue I have made recommendations in response to Submission Ref. 299 to change the zoning on these lands to Low Density Residential and to introduce new text into the Plan in relation to traffic management.

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), Submission 299 (refers to Site R3) and Submission 240 (refers to Site R4).



Ref. 269 Edmond Irwin, Parteen

Key Words: Parteen

Summary of the Issues Raised in the Submission

The submission refers to land in Parteen zoned in the Draft Plan which is zoned as Open Space. It is requested that the zoning on the lands is changed to Low Density Residential to facilitate a house for the landowner who is originally from Parteen. The submission indicates that lands on either side of the entrance road to the site could become a community-owned green space or amenity area as part of the proposal.

Chief Executive's Response

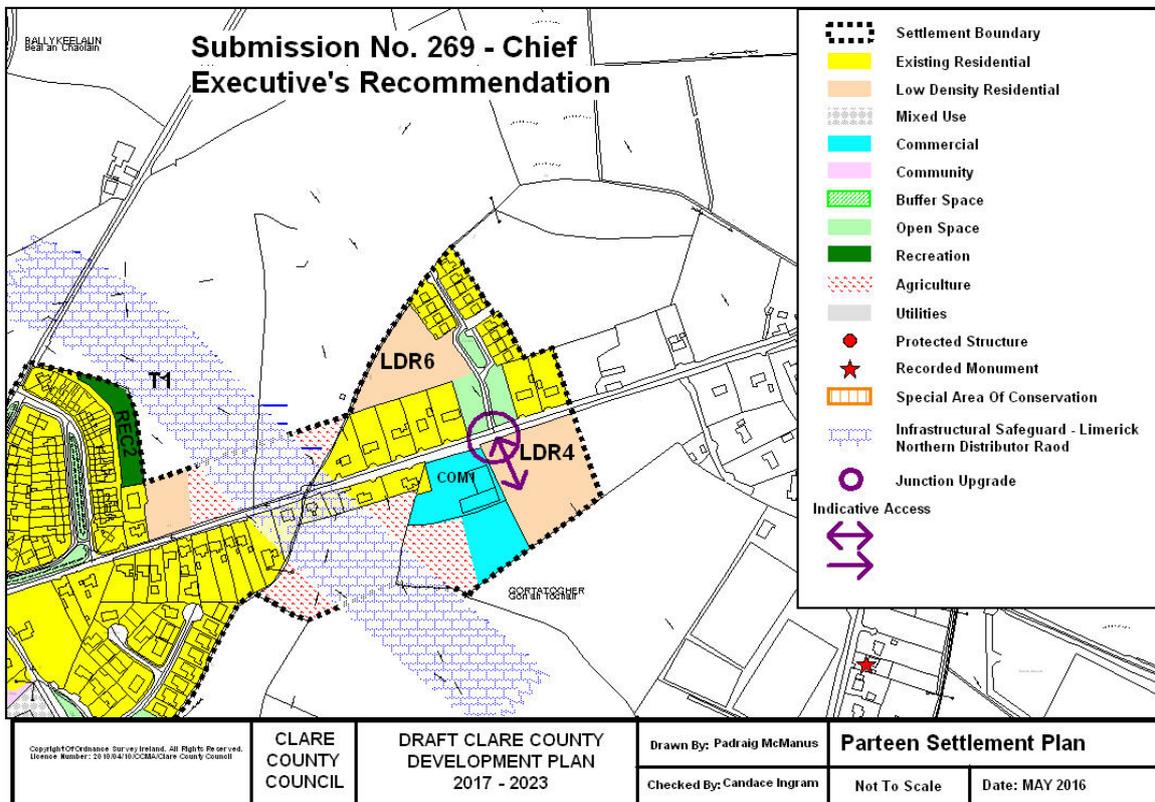
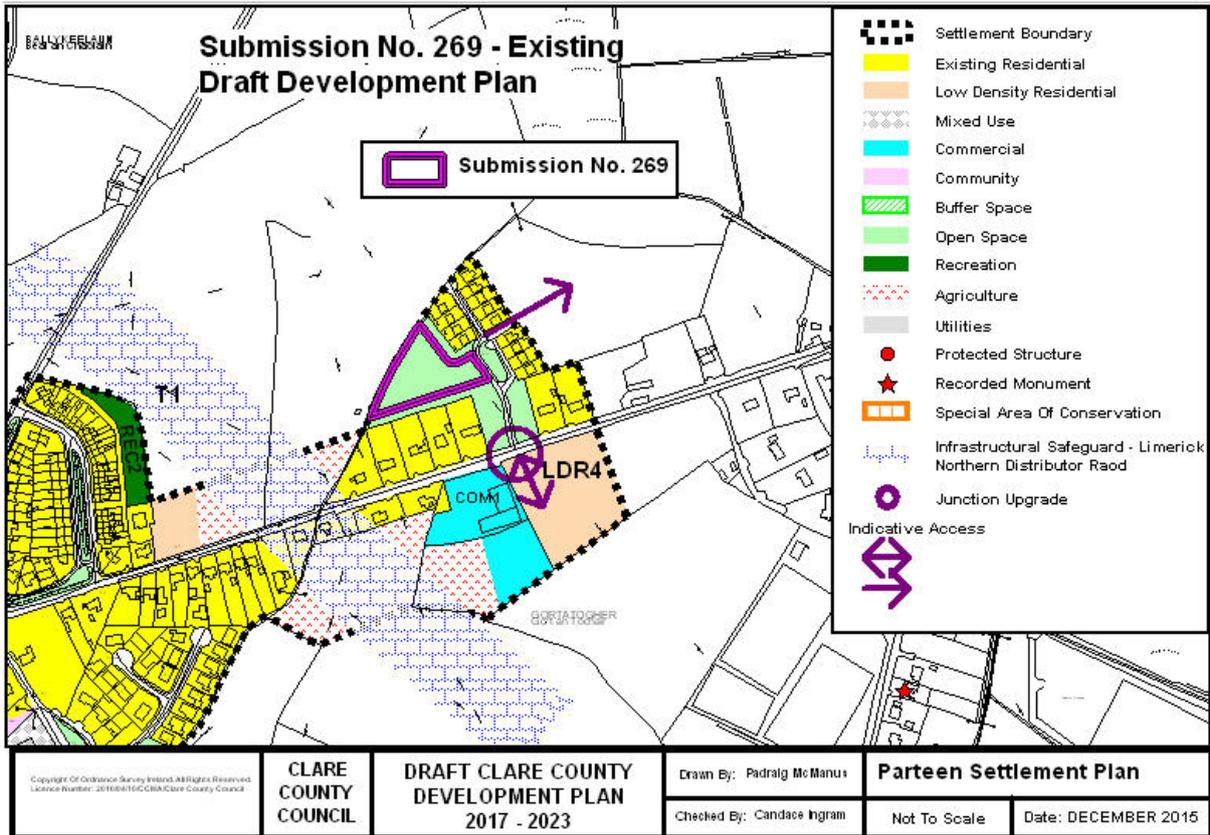
I thank Mr. Irwin for his submission, the content of which is acknowledged. The subject site is located within the settlement boundary of Parteen and adjoins an existing residential area. The lands are within walking distance of local services and amenities such as the church and the school at the village core. Having regard to the attributes of the site I consider it appropriate to zone the subject lands Low Density Residential.

Chief Executive's Recommendation

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

Volume 3(b) Parteen Settlement Plan – amend the zoning map as follows:

- Change zoning on lands to the east of Firhill from Open Space to Low Density Residential



Ref. 270 Cyril O'Reilly on behalf of Patrick Hassett

Key Words: Quin

Summary of the Issues Raised in the Submission

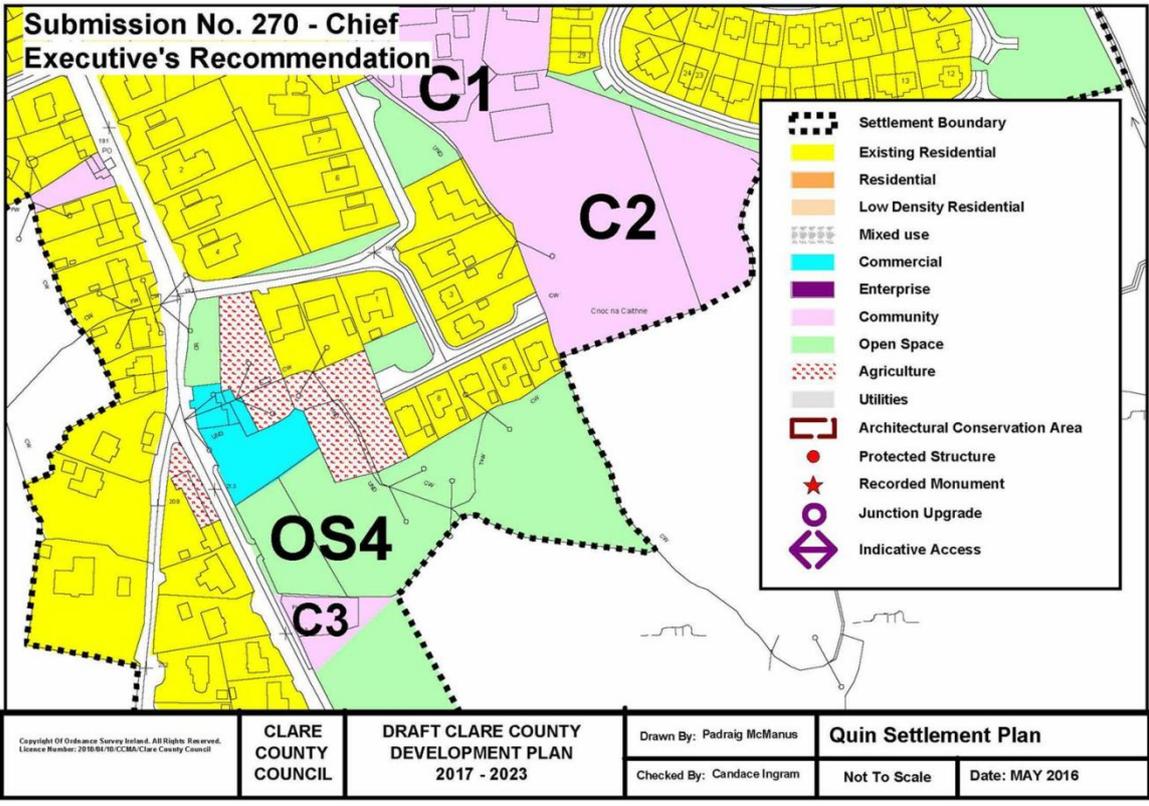
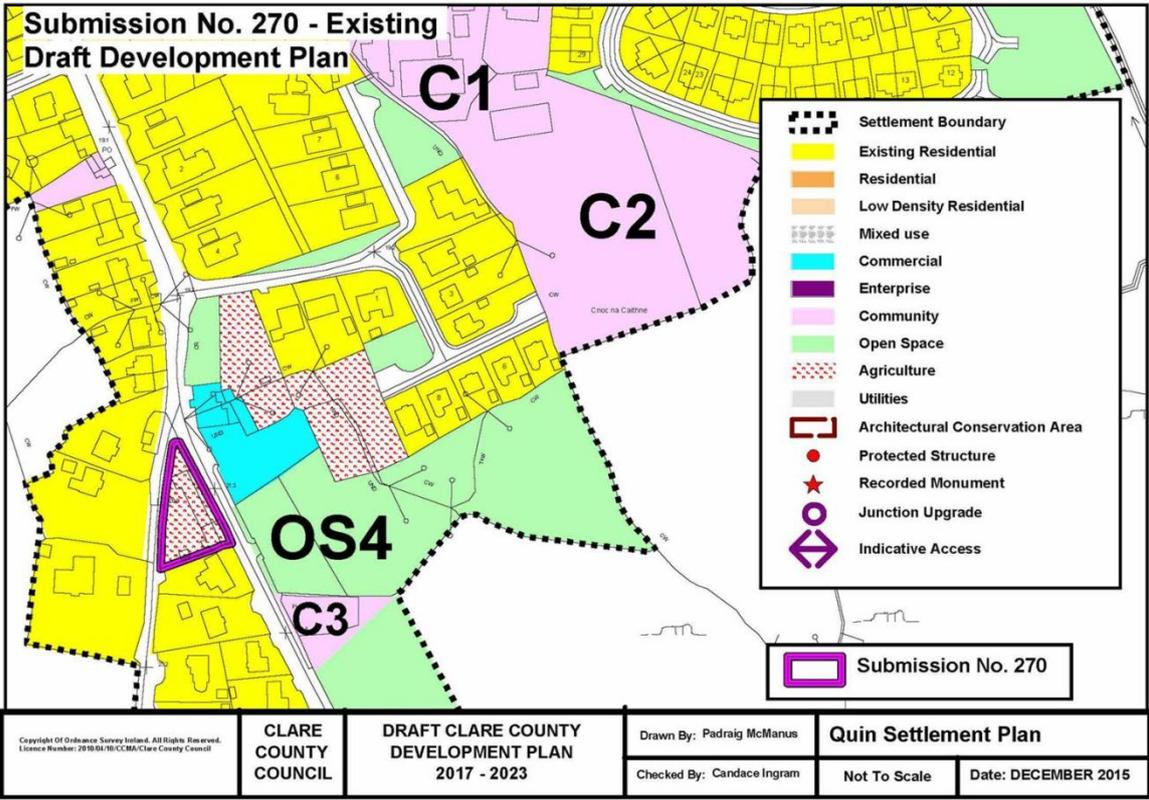
This submission relates to land which is partially owned by the above in the Quin settlement plan which has been zoned "Agriculture" in the Draft Plan. The author requests the planning authority to zone the land "Residential" having regard to the existing dwelling house in the subject lands.

Chief Executive's Response

I thank Mr. Hassett for his submission and I note that there is an existing dwelling house on the subject site and therefore I consider it appropriate to zone this area of lands as Existing Residential on the Quin Settlement Map. However, even though the stables are attached to the dwelling house, they appear to be a separate property with clear boundaries defined between the two. I recommend that the zoning on the stable block remains 'Agriculture'.

Chief Executive's Recommendation

I recommend that the zoning on the existing dwelling and associated garden area be changed from Agriculture to Existing Residential in the Quin Settlement Plan.



Ref. 271 Leadmore West Partnership

Key Words: Kilrush

Summary of the Issues Raised in the Submission

This submission refers to lands owned by the above located at Leadmore West, Shanakyle, Kilrush. An accompanying map identifies the exact location of the site marked as "Plot 2A which is proposed to be outside the Kilrush settlement boundary and remain unzoned in the draft Plan.

The submission requests that the planning authority rezone the subject lands as residential and include within the Kilrush settlement boundary.

The author submits that Plot 2A land is ideal for further residential development as it is located adjacent of the existing Beal an Inbhir housing development which is currently being completed.

The author also proposes that the land which was the subject of Planning Application 10/05 (Kilrush Town Council) may be of interest to Clare County Council for future acquisition and they would welcome an opportunity to engage in discussion.

Chief Executive's Response

I thank Leadmore Partnership for their submissions and I would like to respond to the issues raised as follows:

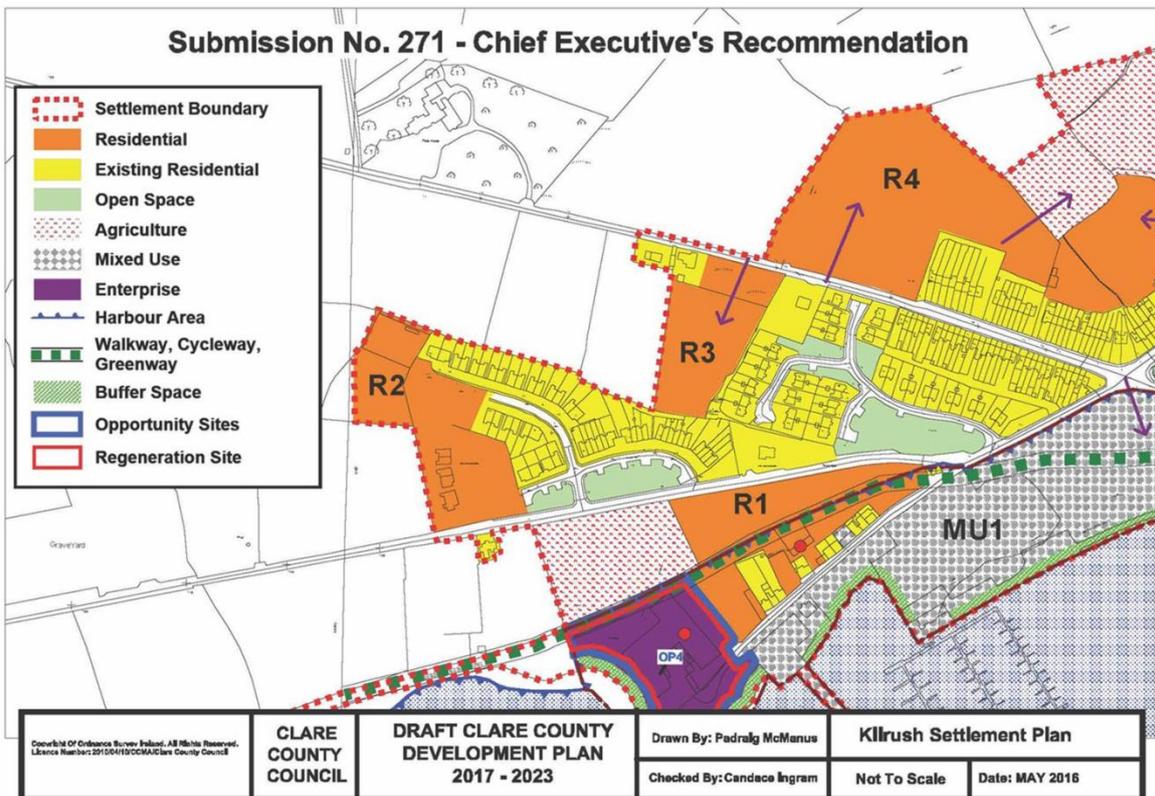
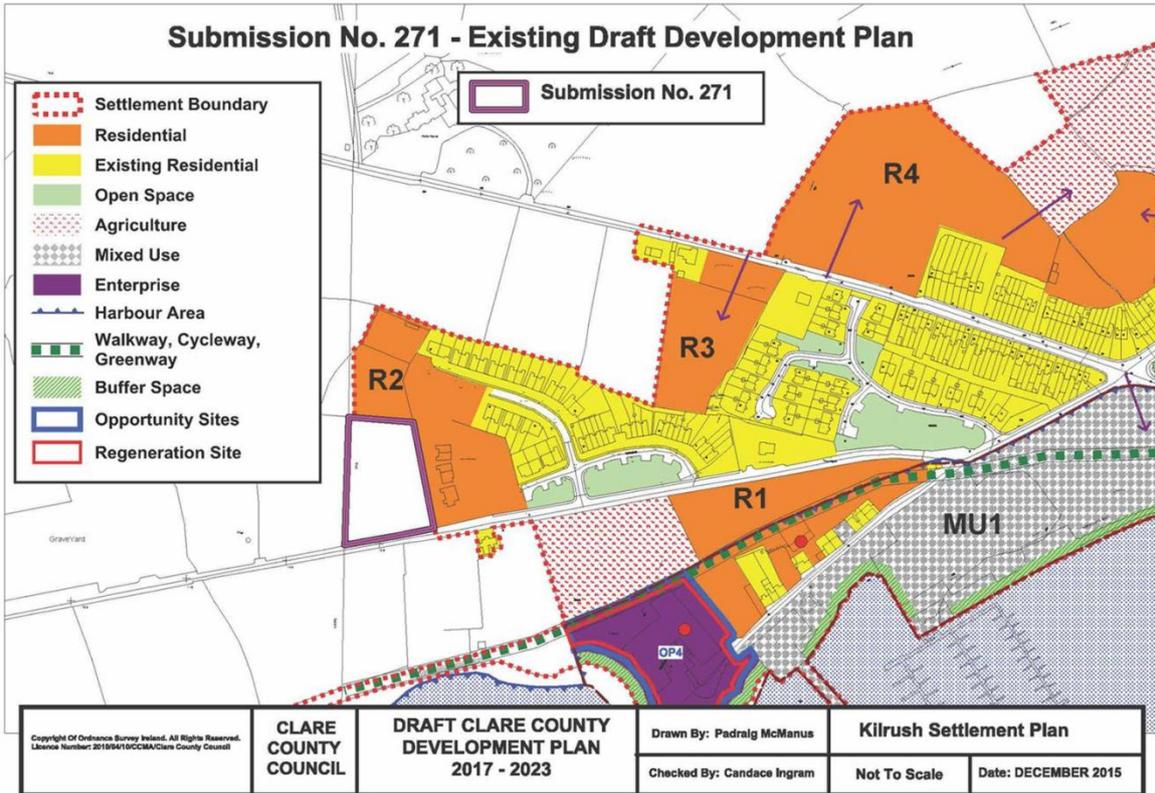
The Core Strategy of the development plan sets out the extent of land required to provide for residential development in the Kilrush area during the lifetime of the plan. To include additional lands in excess of the identified requirement would be contrary to the proper planning and sustainable development of the area.

The subject site is located on the western periphery of the town of Kilrush. While I note the planning history of the site and the request to have it zoned, there are other areas of residential land zoned for development located closer to the town centre. These lands should be prioritised for development before additional lands on the edge of the settlement are zoned for development. For this reason I do not consider it appropriate to zone the subject lands at this time.

In relation to the potential acquisition of the land by Clare County Council, this is not a matter that can be considered through the County Development Plan process.

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. 272 Michael Hehir

Key Words: Quilty, Housing, Policy

Summary of the Issues Raised in the Submission

This submission refers to lands owned by the above located at Quilty West. An accompanying map identifies the exact location of the site marked as "Plot A which is proposed to be outside the Quilty settlement boundary and remain open countryside in the draft Plan.

The submission requests the planning authority to:

Rezone the subject lands as low density residential and tourism related activity and include within the Quilty settlement boundary.

The author submits that Plot A land which is adjacent to lands proposed to be zoned "TOU1" and "LDR2" is ideal for further residential development and would ensure the sustainable growth of the village in the hierarchy structure and also support the existing services and provide for additional tourist accommodation/permanent residential accommodation.

It is submitted that Mr. Hehir would like to progress an overall masterplan for the area that would accommodate low-density housing, a tourism-related development incorporating the West Clare Railway and a community-based facility for the development of the village. It is submitted that the proposed rezoning should be accommodated for the following reasons:

- The availability of both water and waste water services.
- The general objectives in the draft development plan:
 - To make provision for the sustainable growth of the village
 - To encourage development that reflects the distinctive character of the village
 - To ensure the permanent population levels and services in the area are retained.
 - To assist the community to provide a playground for the village
 - To examine the feasibility of providing a walkway from Quilty to Doonbeg
 - To support the continued use of Seafield Pier.
- Other lands that are zoned for Low Density Development in the village are not suitable for development. The lands have multiple owners and there are problems with access and the limited number of units they can provide.
- If no interested parties come forward to develop the lands the zoning could be reconsidered in futures. However this problem could be overcome if the Local Authority buys the land for future housing.
- The site can be accessed from a local road where a 50kmph speed limit applies.

Chief Executive's Response

I would like to thank Mr. Hehir for this submission and I would like to comment on his request as follows:

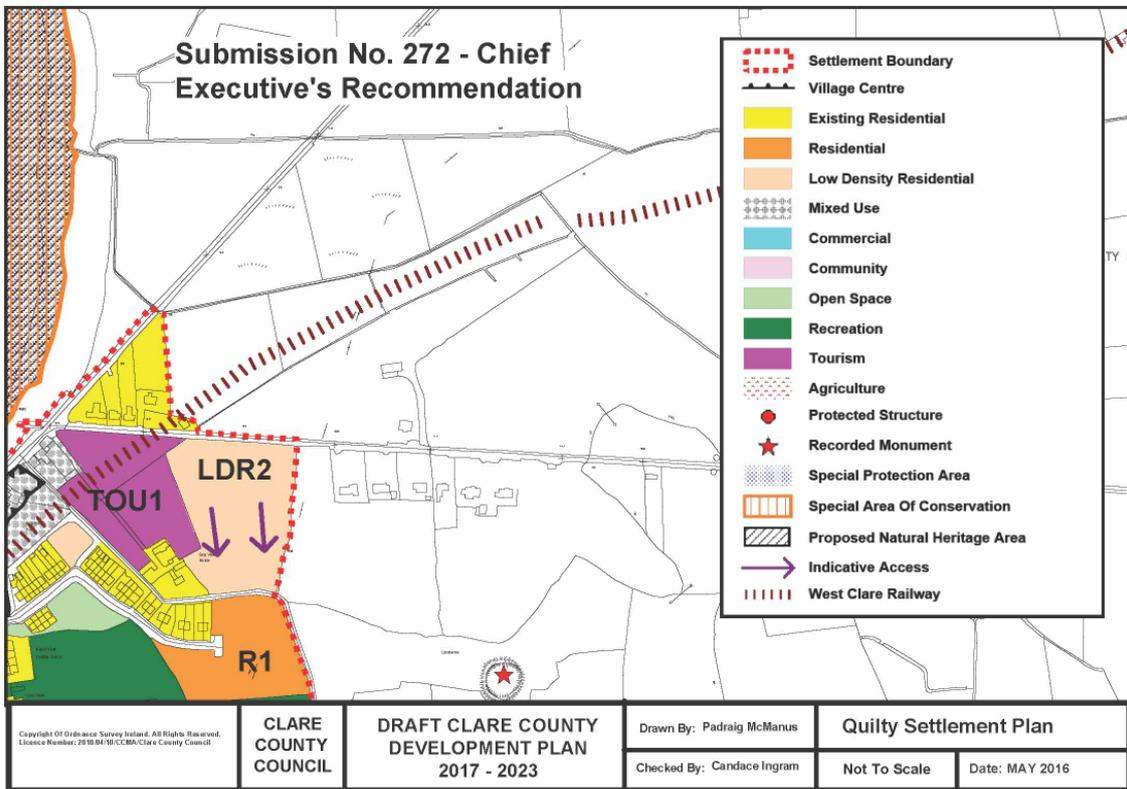
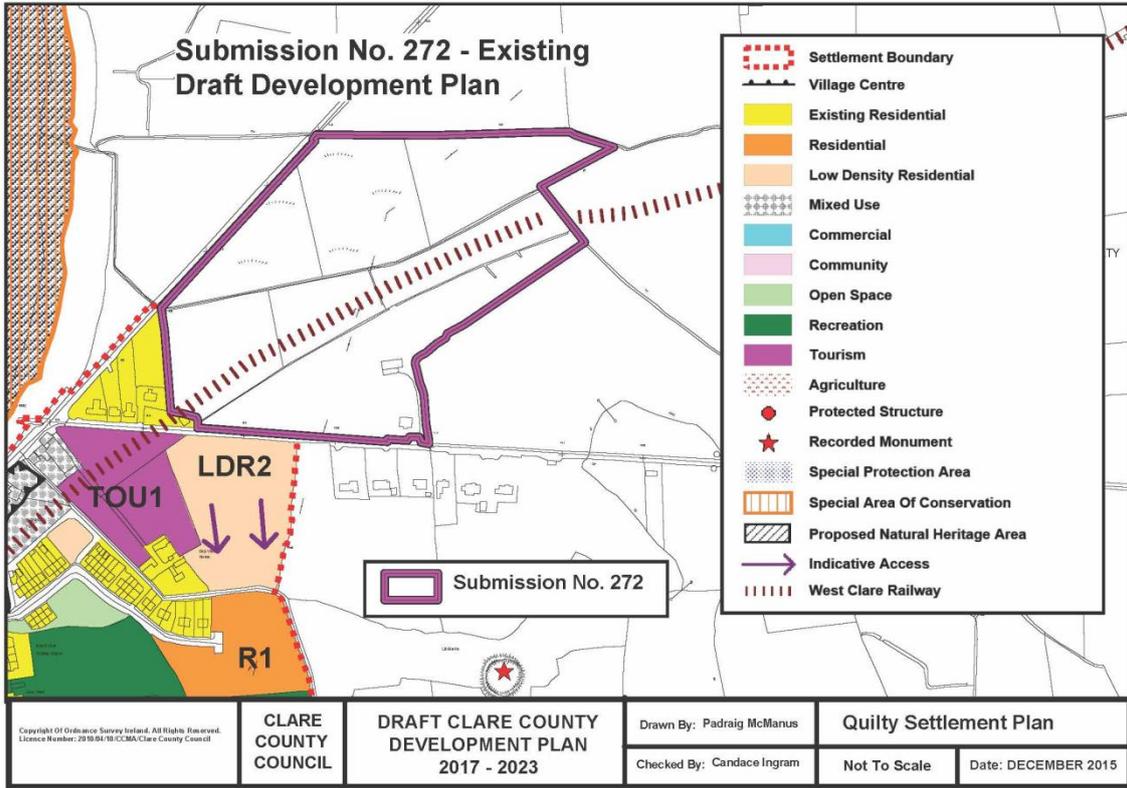
I agree that it is important to ensure that the permanent population of the area is retained and the use of available infrastructure is optimised. Quilty is also an important location on the Wild Atlantic Way and opportunities exist to grow the tourism industry in the village.

The subject lands are located in a low-lying and open landscape on the northern periphery of the village and I note that the lands are identified as lying within Flood Risk Zone A and therefore are not suitable for the type of zoning requested in this submission.

In addition I note that the extent of land required for future residential development in Quilty, as established in the Core Strategy, has already been provided for in the settlement zoning and no further lands is not required 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. 273 Gary Egan

Key Words: Kilrush

Summary of the Issues Raised in the Submission

This submission refers to lands owned by the above located at Leadmore East, Kilrush. An accompanying map identifies the exact location of the site marked as "Plot A which is proposed to be outside the Kilrush settlement boundary and remain unzoned in the draft Plan.

The submission requests that the planning authority rezone the subject lands as residential and include within the Kilrush settlement boundary.

The author submits that Plot A land is ideal for further residential development as it is located adjacent of the existing Shannon Heights housing development.

The author also proposes that land governed by planning permission P09/19 may be of interest to Clare County Council for future acquisition and would welcome an opportunity to engage in discussion.

Chief Executive's Response

I acknowledge the request contained in this submission and I would like to respond as follows:

The Core Strategy of the development plan sets out the extent of land required to provide for residential development in the Kilrush area to meet the projected population growth during the lifetime of the plan and it is the responsibility of the Planning Authority Lands to zone land in accordance with the identified requirement.

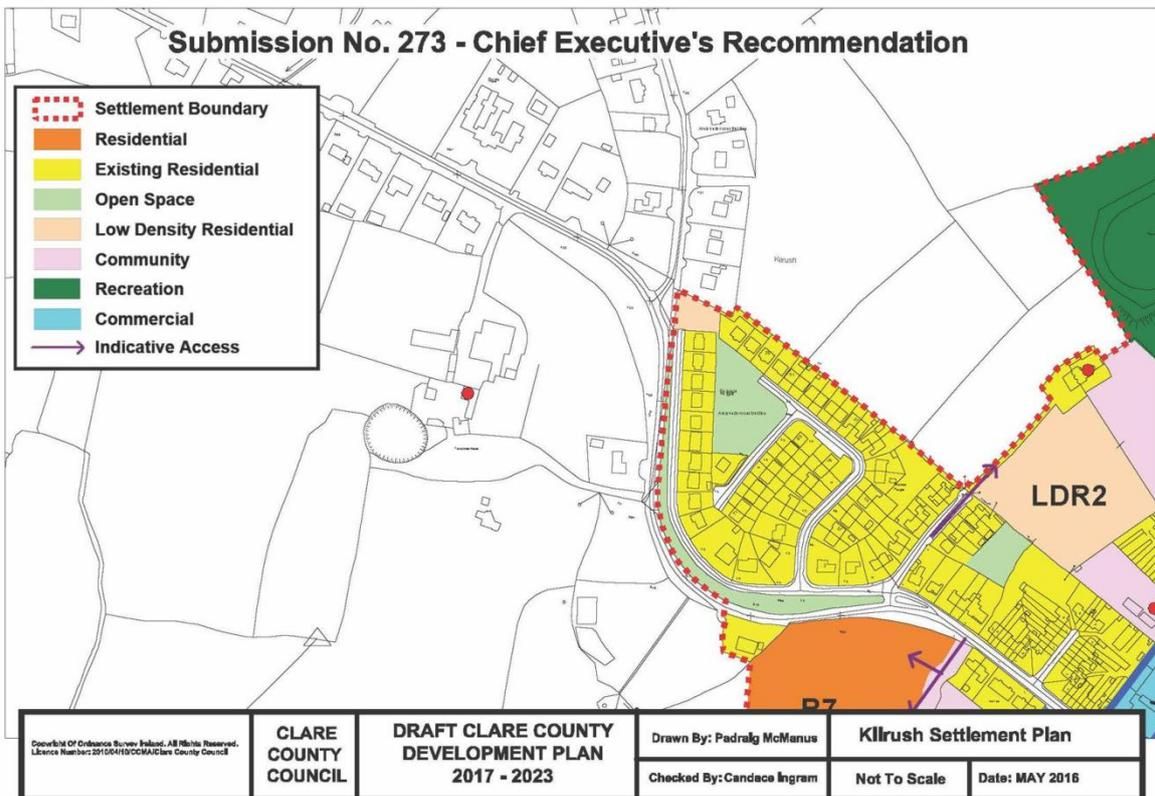
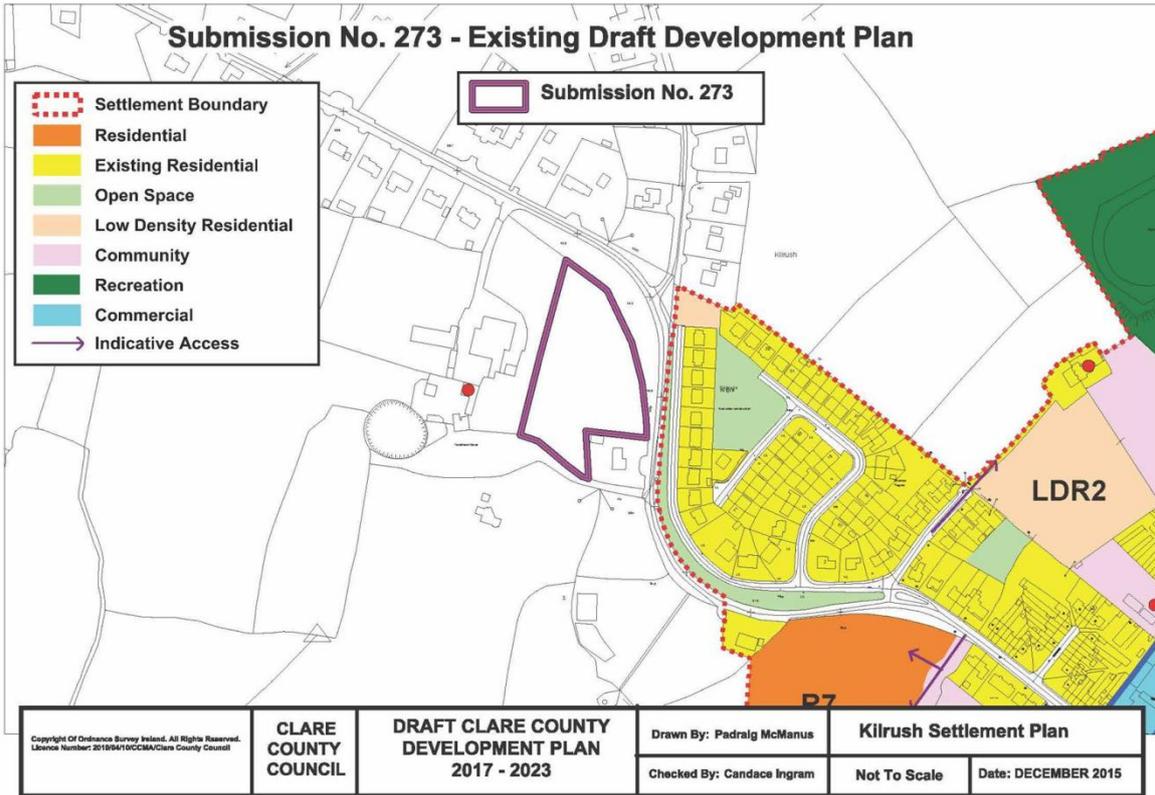
While I note the planning history of this site, development should progress in a sequential manner, with lands closest to the centre of the town and its associated facilities and services, zoned and be developed before lands on the periphery of the settlement are brought forward for development.

Having regard to the location of the site on the north-west periphery of the settlement and the availability of lands closer to the town centre for residential development I do not consider it appropriate to zone these lands at this time.

In relation to the potential acquisition of the land by Clare County Council, this is not a matter that can be considered through the County Development Plan process.

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. 274 James O'Brien

Key Words: Miltown Malbay, Access and Movement

Summary of the Issues Raised in the Submission

This submission refers to the Miltown Malbay Settlement Plan in the West Clare Municipal District and makes the following observations:

- The author advises that the Supervalu building which was built in 2013 has not been identified on the site designated "MU1" in the draft Plan.
- The author refers to the car-park to the northwest of the town which is designated "community" in the draft Plan and queries why it is not designated as "Utilities". He also notes that the access road from the N67 to the car-park is not indicated on the map.
- The Plan should identify the proposed site for a new Waste Water Treatment Plant in the event that Irish Water upgrade the system.
- The Plan needs to address and outline preventative measures to deal with flooding in Church Street which the author submits is caused by a tributary passing under the street via culvert and which requires upgrading to deal with the increase development in Miltown Malbay.
- The author suggests that any proposed new street would be best suited to the east side of the town which has pedestrian access from the Main Street, as the majority of work linking the R474 to the Ballard Road has been completed.
- LDR4 is poorly defined with zoning passing through lands rather than on boundaries.
- The author submits that a traffic management plan for the northern end of the town at the Church is required.

Chief Executive's Response

I thank Mr. O' Brien for taking the time to review the Draft Clare County Development Plan 2017-2023 and for making this submission. There are a number of issues discussed in this submission and I would like to address them in the order that they have been raised as follows:

I acknowledge the base mapping for the settlement plan for Miltown Malbay in relation to site MU1 does not show the Supervalu development. The text, as it appeared in the Draft Plan, was included in error and I have, in my response to Submission Ref. 411 recommended that the text be amended accordingly.

In relation to the mapping, the base layer for the maps which shows roads, buildings etc. is provided by Ordnance Survey Ireland. Their maps are updated periodically and we use the most up-to-date maps available in our plans. At the time when the Draft Development Plan was published the recent development to the north of the Ennis Road in Miltown Malbay was not yet shown on the maps. However, in the intervening period new maps have become available and they will be used in all mapping associated with the County Development Plan going forward. The new maps show the development which has taken place on site MU1.

In relation to Church Street car-park, I agree that the zoning on the site should be the same as that for site T1 in the plan.

I acknowledge that the waste water treatment plant servicing the town is in need of significant investment and this is very important for the future development of the town. The upgrade of waste water infrastructure falls within the remit of Irish Water and they have indicated that significant investment is required to upgrade the facilities to an acceptable standard and a new site or discharge location may be required in order to accommodate these facilities in the future. Until such time as the land-use requirements are determined by Irish Water I do not consider it appropriate to identify lands in this regard.

In relation to the flooding issue that has emerged in the town in recent years, the Council is aware this is an issue that requires addressing and options are currently being examined with regard to possible defense against future flood events.

With regards to the proposed new street it is necessary to provide appropriate access to the residential and mixed use lands zoned to the west of the town centre and to link those lands

conveniently to the centre of the town. The term 'street' in this context does not necessarily refer to a town centre street, lined with shops and services, but rather to a urban/residential street, designed in accordance with the Design Manual for Urban Roads and Streets, that will provide attractive linkages between different parts of the town.

I acknowledge that the boundaries to the lands zoned LDR4 do not follow natural field/property boundaries as would normally be the case, but in this case the boundaries to the east and west of the lands are defined by the proposed street to the east and the infrastructure safeguard to the west which I consider appropriate with no need for amendment.

In relation to traffic management at the northern end I consider that it would be beneficial to expand the guidance in the Placemaking and Amenity section to include guidance on improvements in this area. A suitably designed scheme could combine better managed traffic with a more attractive, safer pedestrian environment.

Chief Executive's Recommendation

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

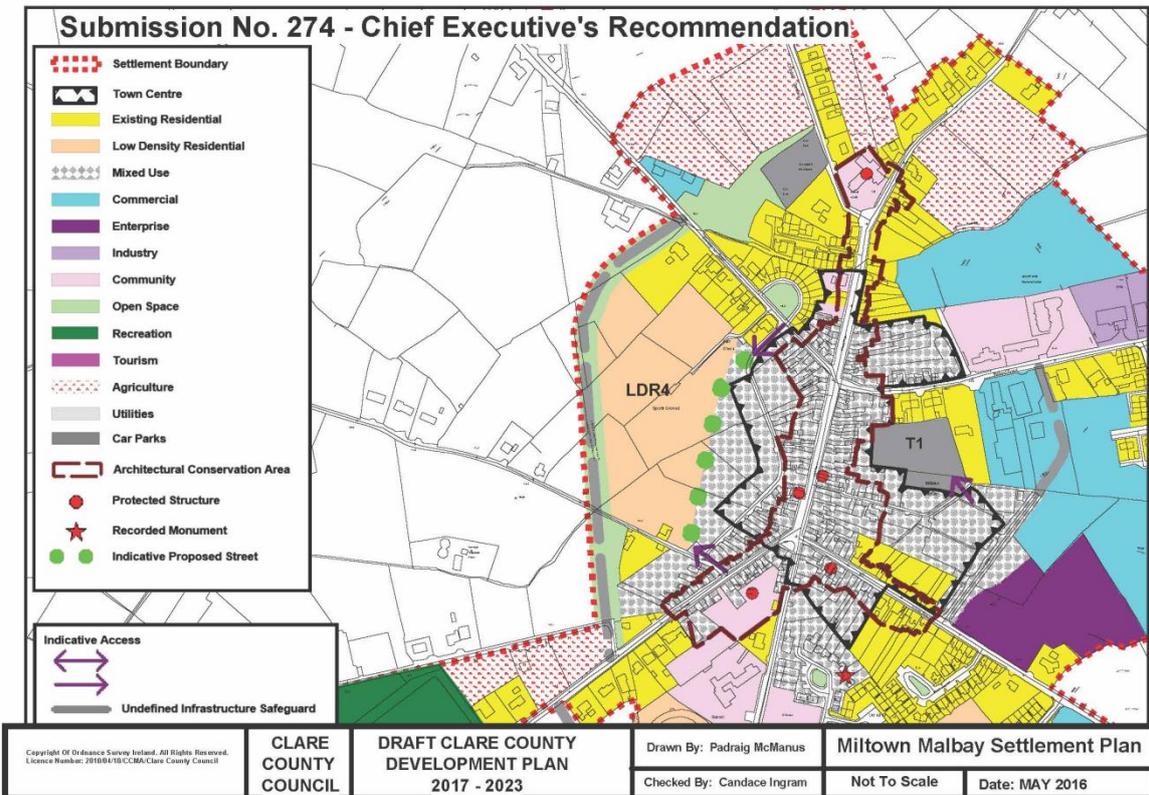
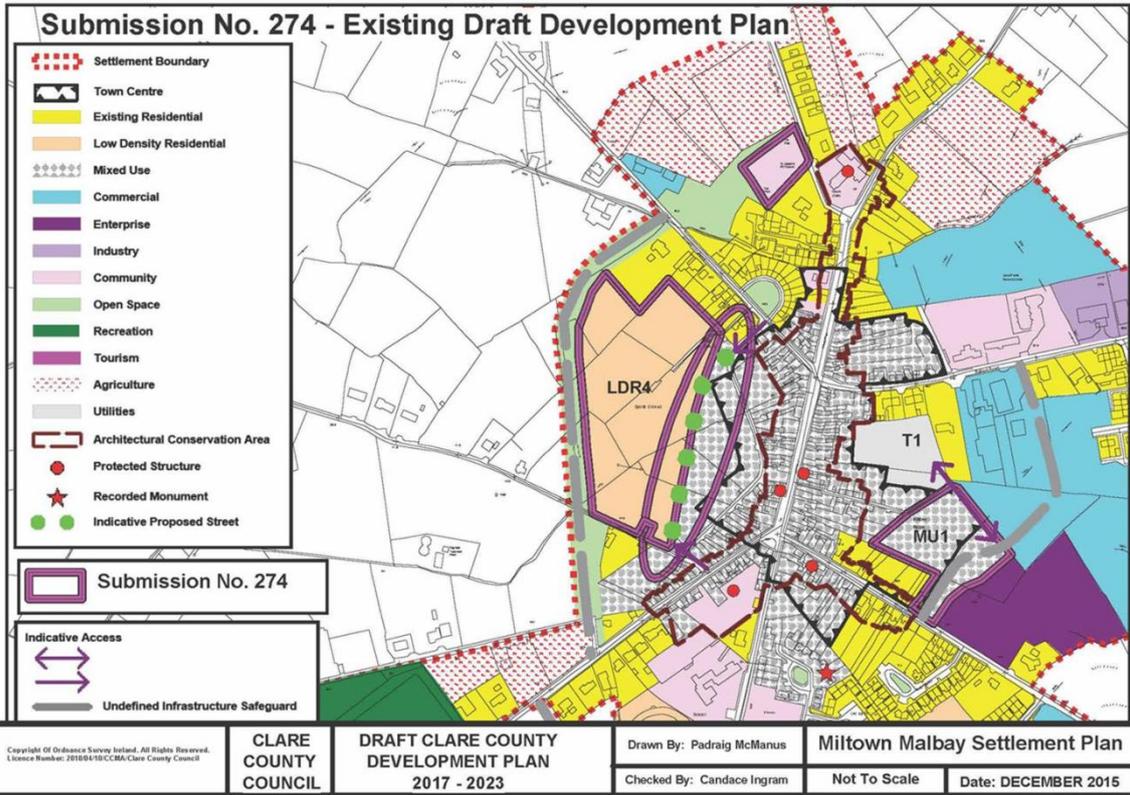
Volume 3(d) Miltown Malbay Settlement Plan – Zoning Map

- Amend zoning on Church Street car-park from 'Community' to 'Car-park' with associated reference (T2?) and include in the map legend.
- Site MU1 – I refer to my recommendation in relation to Submission ref: 285 in which I propose alterations to the mapping of this site.

I recommend that text be added as follows:

Place Making and Amenity

Miltown Malbay has a strong sense of place due to the continuous containment of space by buildings within the long, broad Main Street. The junctions with the five streets branching off to East and West are, mostly, just as strong. The straight spine of Main Street forms a clear line of sight to the closing elements at each end. The Square at the Southern end would benefit from a placemaking scheme to enhance and soften this important space. Traffic management input is required around this junction to create a small but significant civic space and to rebalance use in favour of the pedestrian. St Joseph's church is a visually strong element to the North. There is space in the wide main street for some build outs and trees in between the parked cars. **The space in and around this area would benefit from a design which better manages the movement of traffic and provides for a balance of users in a visually attractive and safe manner.**



Ref. 275 Kitty McInerney

Keywords: Ennis

Summary of the Issues Raised in the Submission

The submission relates to land south of and adjoining the site designated "COM4" Quin Road Business and Retail Park. An accompanying map identifies the site which is currently zoned "Other Settlement Land" and which is proposed to be zoned "Buffer Space" in the draft Plan.

The submission requests the planning authority to rezone the subject land "Commercial" or "Light Industrial"

The submission considers that this is the only potential available land for expansion of the Business and Retail Park. She further submits that the Ennis South Flood scheme, will further enhance the drainage of this land and make it even more suitable for development.

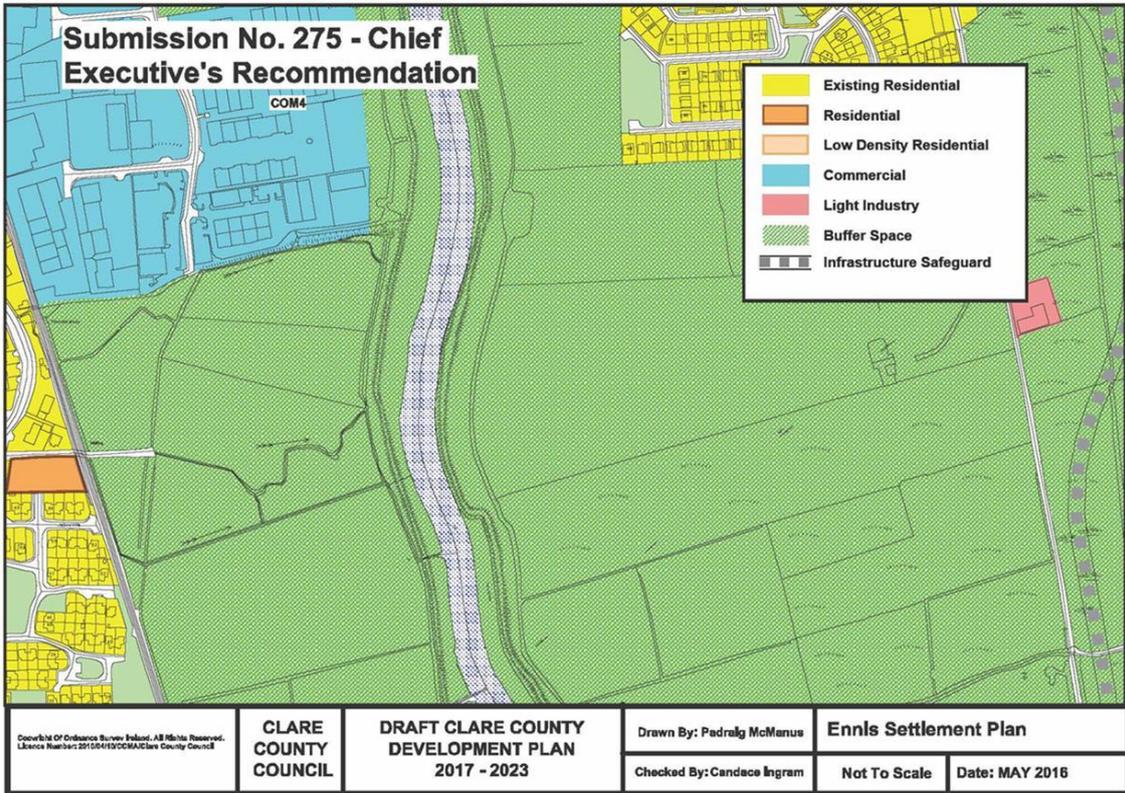
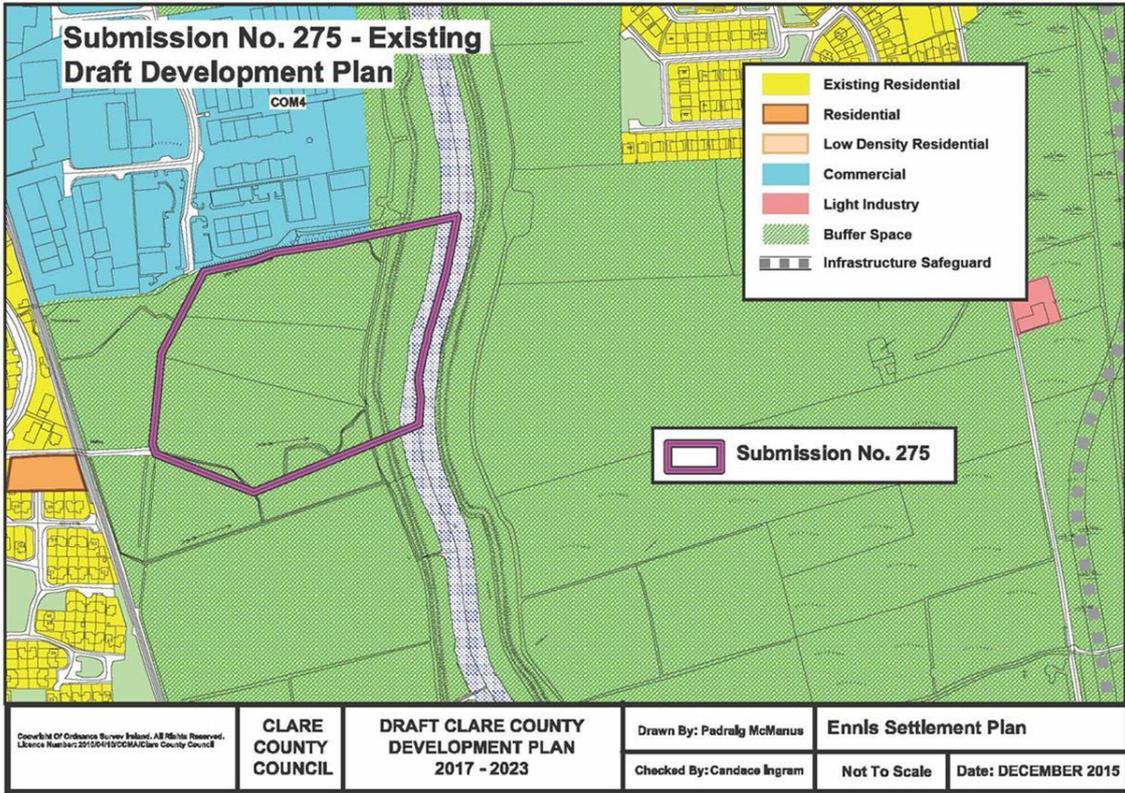
Chief Executive's Response

I wish to thank Ms. McInerney for her submission. It is noted that the site is behind existing embankments, which have been in place since the 1940s, although have needed to be repaired on a number of occasions, including localised raising in January 2014. The site will benefit from the Ennis South Flood Relief Scheme (currently at Design Stage). The Cost Benefit Analysis for the Ennis South Flood Alleviation Scheme notes that the flood level at the upstream of the barrage was 2.8mOD, and that the Quin Road Business and Retail Park (amongst other locations) was at risk of flooding.

The whole of the site is shown to be within Flood Zone A in the undefended scenario and will continue to be so positioned, even with the new scheme in place. It is also considered that the site may also provide an important attenuation function. Having regard to the foregoing, I recommend that the "buffer zoning" remains.

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. 276 Fergal Doyle

Key Words: Quin, Flooding, Access and Movement

Summary of the Issues Raised in the Submission

This submission refers to lands surrounding the Maigh Dara residential housing estate at Madara, Quin. The lands are currently zoned for residential development in the South Clare Local Area Plan 2012-2018 and it is proposed to retain residential zoning in the draft Plan.

This submission makes the following observations:

Land zoned "R2"

The author objects to the retention of residential zoning on this land and requests the Planning Authority to rezone it "Agriculture". The author submits that any infilling and development on this land could increase the flood risk to Maigh Dara estate as the subject lands is and has been flooded in recent years.

Land zoned "R4"

The author requests that an alternative access would be used for this land in the event of development as it is their opinion that the existing road through the estate will not be adequate to cater for both existing residential and construction traffic.

Chief Executive's Response

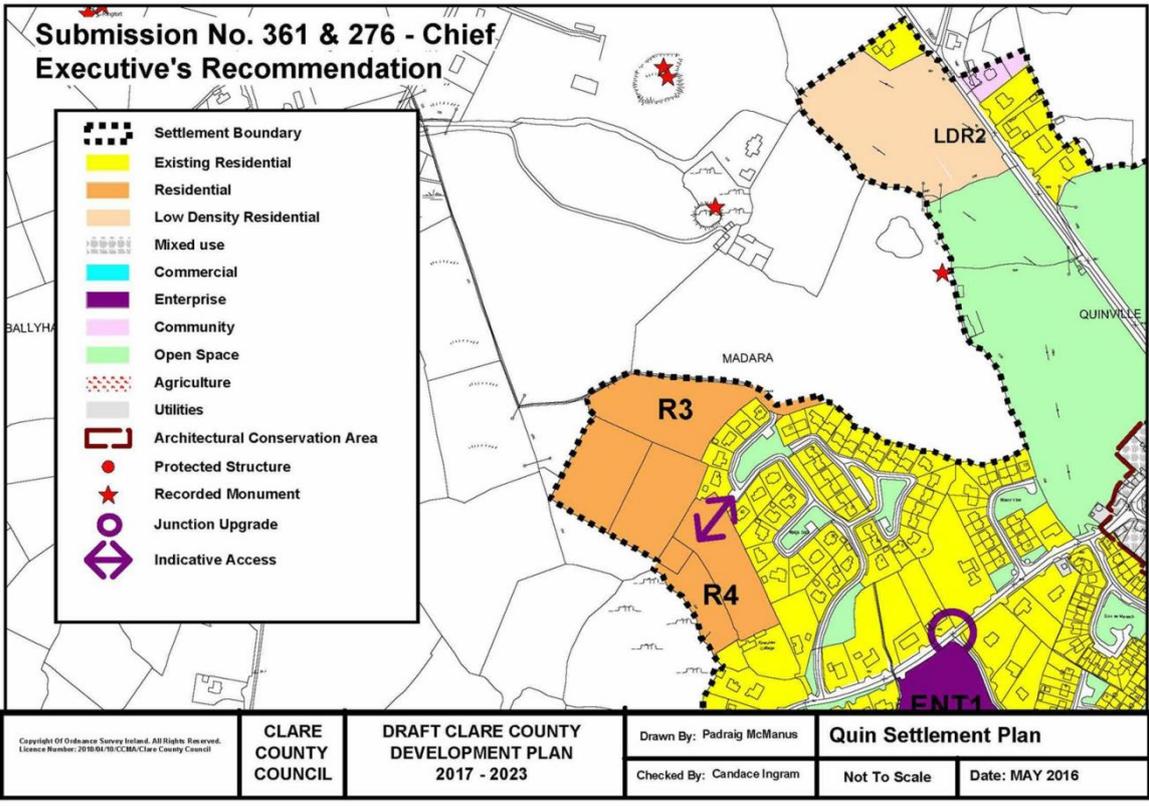
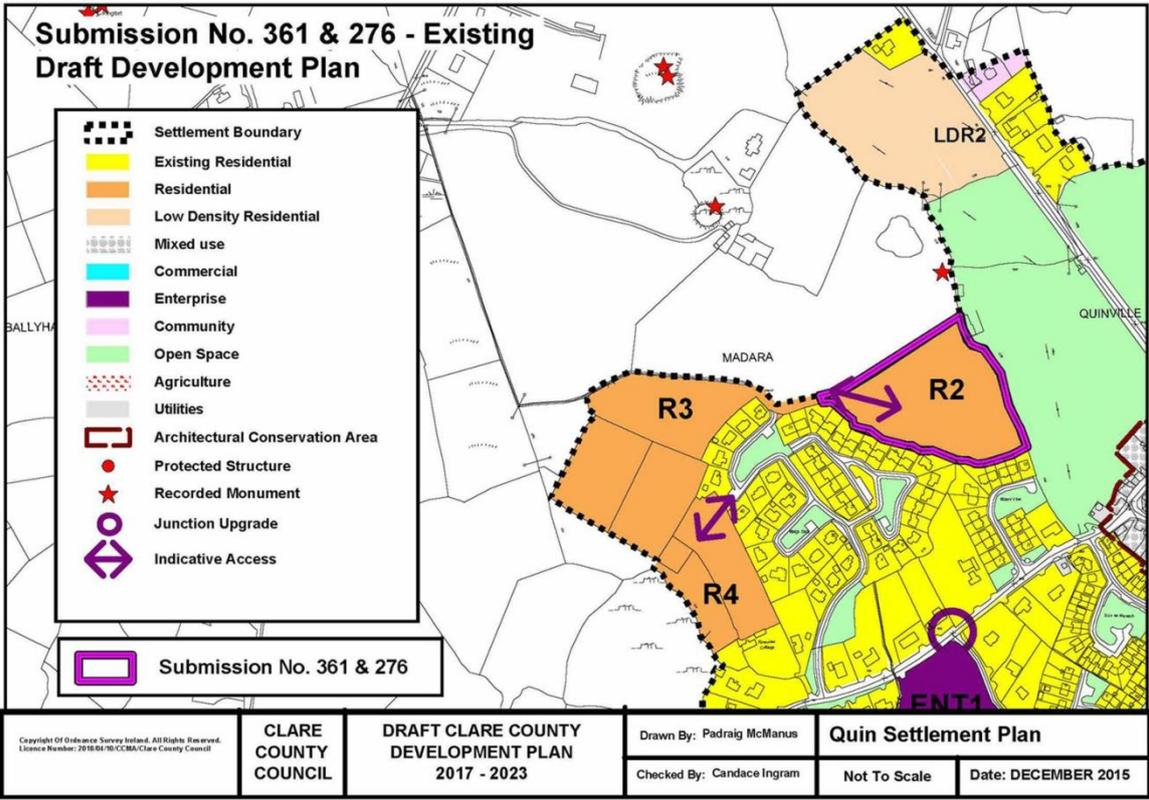
I thank Mr. Doyle for his submission and I would like to respond to the issues raised as follows:

The Strategic Flood Risk Assessment, as contained in Volume 10 of the Draft Development Plan, identifies a flood risk associated with the future development of site R2. In this regard I refer to my recommendation in relation to Submission Ref. 361 which also relates to this site.

I acknowledge the concerns that have been raised in relation to access to future developments on site R4 in Quin. I agree that development on these lands must be subject to the achievement of safe access for both future residents and construction traffic. In this regard I refer to my recommendation in relation to Submission 240 in which I recommend an alternative access to Site R4.

Chief Executive's Recommendation

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



Ref. 277 to Ref. 279 inclusive

Key Words: Quin

Ref 277 Mr. Eoin Ryan

Ref. 278 Charlotte & Michael Conlon

Ref. 279 Mr. Christian Eva

Summary of the Issues Raised in the Submission

These submissions relate to the zoning of land in Quin settlement for Enterprise use. The objections are based on the following points:

- Enterprise use is incompatible with the Economic Development objective: *To continue to promote tourism and tourist activity within the village whilst being sensitive to its existing character and environment.*
- Enterprise use is incompatible with the text in Housing and Sustainable Communities: *In addition, future challenges centre on infrastructural limitations, access problems, traffic congestion along Main Street, road safety and ensuring that the traditional character of the village continues to be retained.*
- High speed broadband is not available.
- The wastewater treatment plant is at capacity and cannot sustain a development of this nature
- Existing roads are incapable of carrying heavy traffic

Chief Executive's Response

I wish to thank the residents of the Quin area for their submissions and I wish to respond as follows:

The subject site was zoned for enterprise use with a view to providing space for small-scale business and enterprise development such as incubator units, craft centres/workshops, small-scale manufacturing, local digital/technology businesses and other such developments that could provide employment opportunities for local residents. It was also considered appropriate to zone lands for Enterprise use in more rural towns and villages such as Quin to support the objectives of the CEDRA Report and to assist with Local Enterprise Office Clare's ambition to develop a network of digital hubs across the county, with two digital hubs in each Municipal District.

However, I note that widespread local opposition has been voiced to this zoning, with this submission forming one of many in relation to the site. Planning is an inherently democratic process and I consider it appropriate to change the zoning on this site Residential. I note that the draft CFRAM mapping shows, as integrated into Volume 10(c) Strategic Flood Risk Assessment of the Draft Plan, shows the entirety of the site to be within Flood Zone C. However there is evidence of pluvial flooding in this area. Therefore, a Stage 3 detailed Flood Risk Assessment will be required for any development proposals coming forward on these lands.

Chief Executive's Recommendation

I refer to my recommendation in relation to Submissions Ref. 065 to 083 (inclusive) which relation to the same lands in Quin village.

Ref. 280 Brian Foudy and Associates on behalf of Mr. Christy Guerin

Key words: Ennis

Summary of the Issues Raised in the Submission

This submission refers to lands owned by the above at Ballylannidy, Ennis which are proposed to be zoned "Recreation" in the draft Plan.

The submission requests the planning authority to zone the plot of land shaded in green in the map which accompanies the submission, as low density residential.

Chief Executive's Response

I wish to thank Mr. Guerin for his submission. I note this site is situated on the western perimeter of the plan area and is proposed to be zoned recreation. Residential zoning is determined having regard to the core strategy. The quantum of land included is in compliance with the populations targets as set out in the Mid West Regional Planning Guidelines 2010- 2022. In determining the scale, location, and distribution of residentially zoned land the core strategy is consistent with 'Guidance notes on Core Strategy Nov 2010', together with the provisions and conclusions of the SEA and HDA process and the Water Framework Directive. In addition site specific land use issues were considered. These criteria include inter alia availability of services, sequential test, flood risk assessment, planning history, consolidation or urban form etc. Having regard to the foregoing and in particular the rural nature, distance from the town centre and capacity of the road network, zoning land at this location for residential development would be contrary to the guiding principle of the sequential development from the centre outwards upon which this plan is based. It would also be contrary to the principle of consolidating the urban form. I therefore am not in favour of the proposal to zone these lands for 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. 281 Larry Brennan, Woodhaven Developments Ltd.

Key Words: Ennis

Summary of the Issues Raised in the Submission

The submission relates to land identified as "LDR66" in Cahircalla More, Ennis to the west of Ennis Golf Course. An accompanying map identifies the land of which the author owns a section. It is proposed to zone the site "Low Density Residential" in the Draft Plan.

The submission sets out the attributes of the site such as its location in close proximity to the town centre, availability of safe access to the site and connection to public infrastructure.

It is requested that the zoning on the site be changed from 'Low Density Residential' to 'Residential'

Chief Executive's Response

I thank Mr. Brennan for his submission and I note the attributes of the site as set out in this submission. Having considered the site characteristics and the requirements of the Core Strategy I consider that this site has capacity to accommodate a higher density of development. The density of development on the site can be incrementally reduce on the northern section of the site to ensure that there is strong physical and visual integration between this site and any future development that may take place on the Low Density Residential lands to the north.

Chief Executive's Recommendation

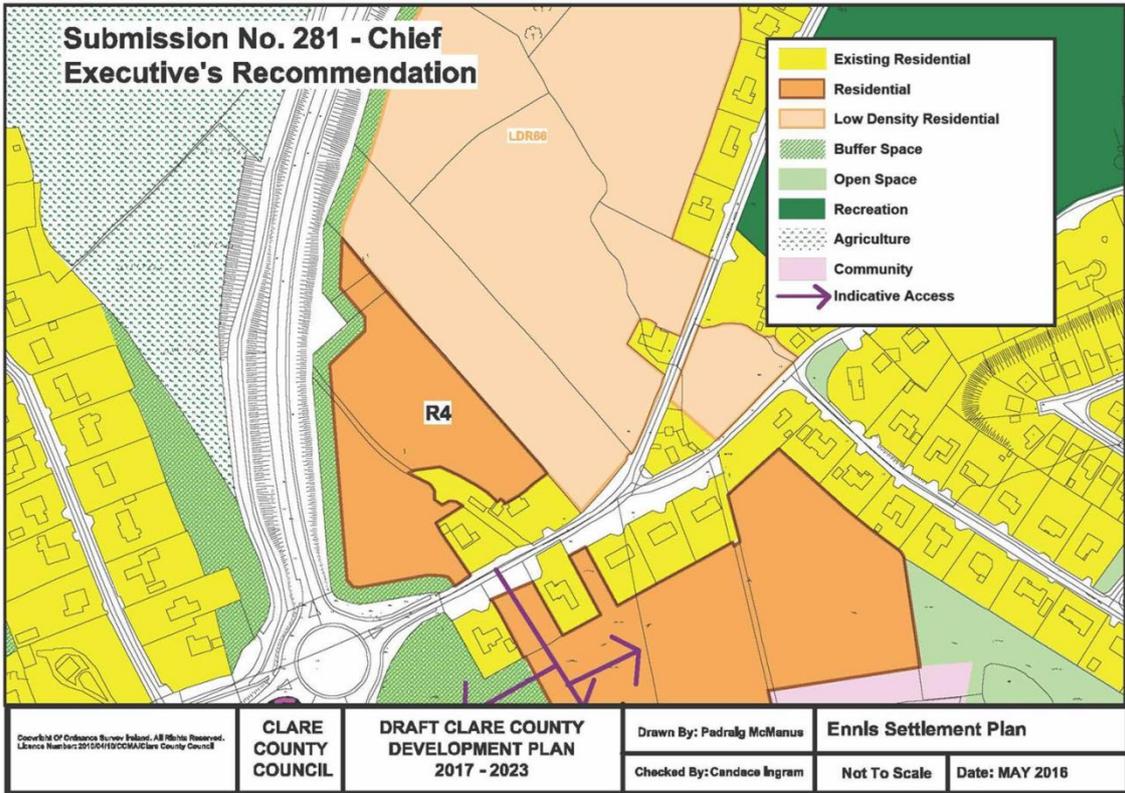
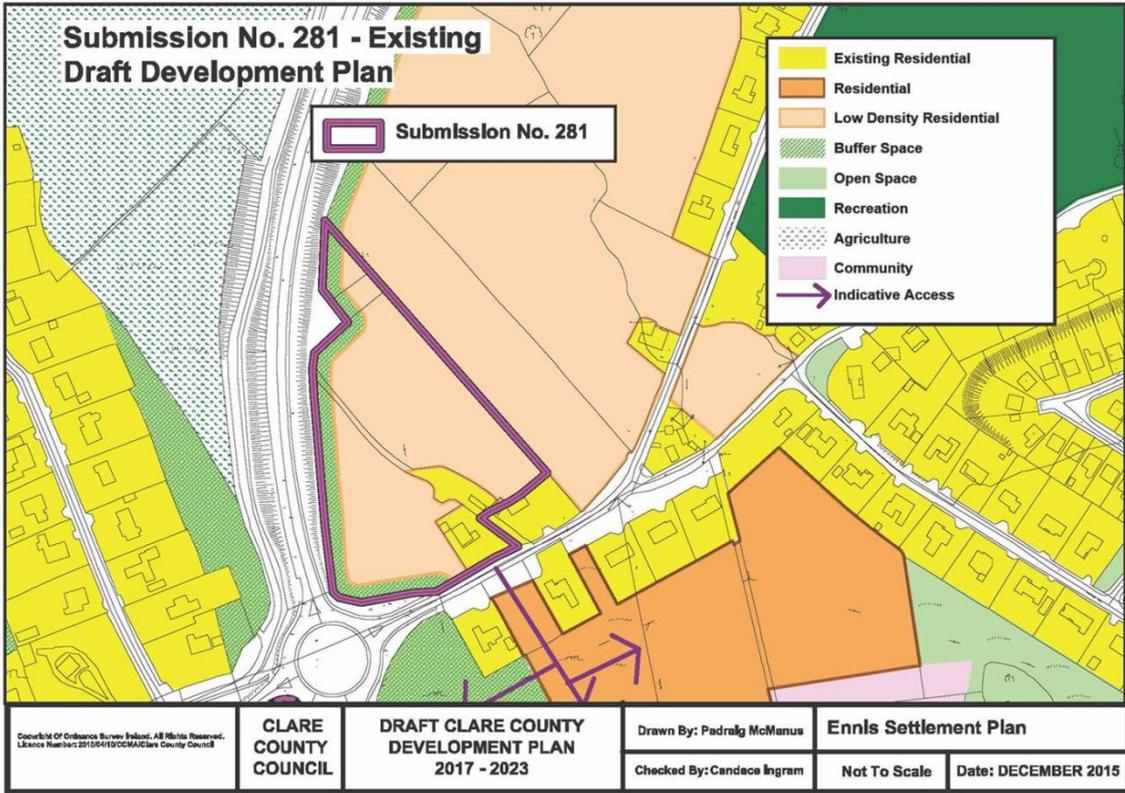
I recommend that the zoning of this site be changed from 'Low Density Residential' to 'Residential' and that the following text be added in relation to the site:

Volume 3(a), Ennis Settlement Plan,

Site R4- Circular Road

This site has been zoned for residential development and can accommodate high quality dwelling units with associated green areas and amenities. The buffer area between the N85 and the Residential zoning must be maintained and will not be considered as part of usable open space in the development. Development proposals must have regard to the Clare Noise Action Plan 2013 and appropriate noise mitigation must be incorporated into any proposals.

Development proposals on the site shall be accompanied by a flood risk assessment to ensure that floor levels are set to an appropriate height (1 in 100 year flood event plus climate change allowance and freeboard). A drainage impact assessment will also be required.



Ref. 282 F.M. Casey

Keywords: Ennis

Summary of the Issues Raised in the Submission

The author of this submission owns a business on O'Connell Square and feels it is vital to maintain the current level of access at all times to the town centre for pedestrians, motorists, delivery vehicles and locally owned commercial vehicles.

The submission also notes that the disabled parking space in the Friary Carpark is in an awkward location and should be relocated.

The Bin Cage should be retained in its present location away from buildings in the Friary Carpark.

Chief Executive's Response

I wish to thank Mr. Casey for his submission. I note that Mr. Casey feels it is vital to maintain the current level of access at all times to the town centre for pedestrians, motorists, delivery vehicles and locally owned commercial vehicles. I refer to Volume 3 (a) attached to the Draft Clare County Development Plan 2017 – 2023 and specifically Section 1.9 'Travel and Mobility'. A strategic aim of the Draft Plan is to maintain and improve pedestrian and walking permeability in order to prioritise walking as a preferred mode of transport in the settlement area, particularly in Ennis town centre. It is also a strategic aim of the Draft Plan to work with relevant stakeholders to address the transportation needs of businesses operating in the town centre area.

I note the comments regarding the disabled parking space in the Friary Car Park. This is considered an operational issue and has been referred to the Ennis Municipal District Office for assessment and consideration.

The comments as contained in the submission regarding bin cages are noted.

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. 283 John Madden

Keywords: Ennis

Summary of the Issues Raised in the Submission

The submission relates to land identified as "LDR66" at Ballymacaula/Keelty and Beechpark adjacent to the lower part of Ennis Golf Course. An accompanying map identifies the land which is currently zoned "Residential" and is proposed to be zoned "Low Density Residential" in the draft Plan.

The author objects to the proposed zoning on a number of grounds namely; lack of management of surface water disposal, lack of attenuation pond (storm water storage tank), flood data, backwatering of the Claureen River; EPA/Water Quality; sewerage issues; sightlines; lack of traffic impact assessment; impact of traffic noise from N18 and N85.

The author also objects to the proposed cycle route along the Claureen River as the area in question suffers from severe flooding.

Chief Executive's Response

I wish to thank Mr. Madden for his detailed submission in relation to LDR 66. My response is set out under the following headings:

Surface water, attenuation and flood data and the Claureen River

Detailed proposals for disposal of surface water are normally determined at the development management stage rather than the plan making stage. However the Council is mindful of the requirement to comply with *The Planning System and Flood Risk Management* Guidelines for Planning Authorities and in this regard the site is not located within Flood Risk Zone A or B. Section 1.12.5 of Volume 3 (a) which accompanies the Draft Clare County Development Plan 2017 – 2023 which sets out the Planning Authority's position regarding flood risk and future development in the settlement area. This is further supported by the Volume 10 Strategic Flood Risk Assessment (SFRA) of the Draft Plan. I wish to refer to Section 7 'Approach to Flood Management' as contained in the SFRA which sets out the overall approach to Flood Management. I therefore consider that the Planning Authority is taking surface water management and attenuation into account when deciding to zone land.

Comments regarding flood data are noted. However I do not share Mr. Madden's opinion. I refer to Strategic Flood Risk Assessment Volume 10 attached to the Draft Clare County Development Plan 2017 – 2023, and specifically Section 4 which clearly sets out all the data sets relied upon to inform flood risk together with a comment regarding their robustness and usefulness.

Since the lands zoned LDR66 are located in Flood Zone C, I consider that residential zoning is suitable. Any development proposal should include a flood risk assessment to ensure floor levels are set to an appropriate height (1 in 100 year flood event, plus climate change allowance and freeboard). A drainage impact assessment will also be required. I recommend that text is inserted in Volume 3 (a) attached to the Draft Plan to reflect these requirements.

EPA/ Water Quality

In relation to the concerns raised in terms of impacts on water quality and primarily impacts to the Claureen River any application relating to development on this site would be required to demonstrate compliance with the following legislation prior to permission being granted;

- The Birds and Habitats Directives
- The Birds and Habitats Regulations
- The Surface Water Quality Regulations
- The Water Framework Directive
- Quality of Salmonid Waters Regulations

In addition either an appropriately designed and sized On Site Waste Water Treatment System which is in compliance with the relevant EPA Codes of Practice or a connection to the Public Sewerage System would be required prior to any grant of planning permission. Given the zoning associated with this site is for Low Density Residential development it is highly unlikely that any fats, grease or oils or any special waste will be generated from the site which would necessitate an oil interceptor or other form of separator. The mitigation measures associated with the zoning for this site contained in Table C2(c) of Volume 10a of the County Development Plan also stipulate the following which will ensure adequate protection in terms of water quality. *"Ensure any future development application is connected to a WWTP with adequate capacity for foul water during operation, or that it is serviced by an on-site treatment system that will ensure no impact to water quality in the area"*. Given the requirements in terms of compliance with the relevant legislation from a planning perspective coupled with the mitigation measures which have been incorporated into the Draft County Development Plan for this site I am satisfied that there is no risk to water quality.

Sewerage

I consider this matter is best determined as part of the Development Management process in consultation with Irish Water.

Sightlines, traffic impact assessment and Noise

I consider these matters are more appropriately determined as part of the Development Management process.

Cycle lane along the Claureen River

I note that this submission refers to an indicative cycle track which would appear to be from the now discontinued Draft Ennis and Environs LAP 2015- 2021 and specifically Map 10 contained therein rather than the Draft Clare County Development Plan 2017 - 2023. I refer to Volume 3 (a) which accompanies the Draft Clare County Development Plan 2017 - 2023, and specifically Section 1.13 contained therein which sets out the strategic aims for green infrastructure. I envisage that further details regarding green infrastructure will be elaborated upon in the forthcoming Ennis and Environs Local Area Plan.

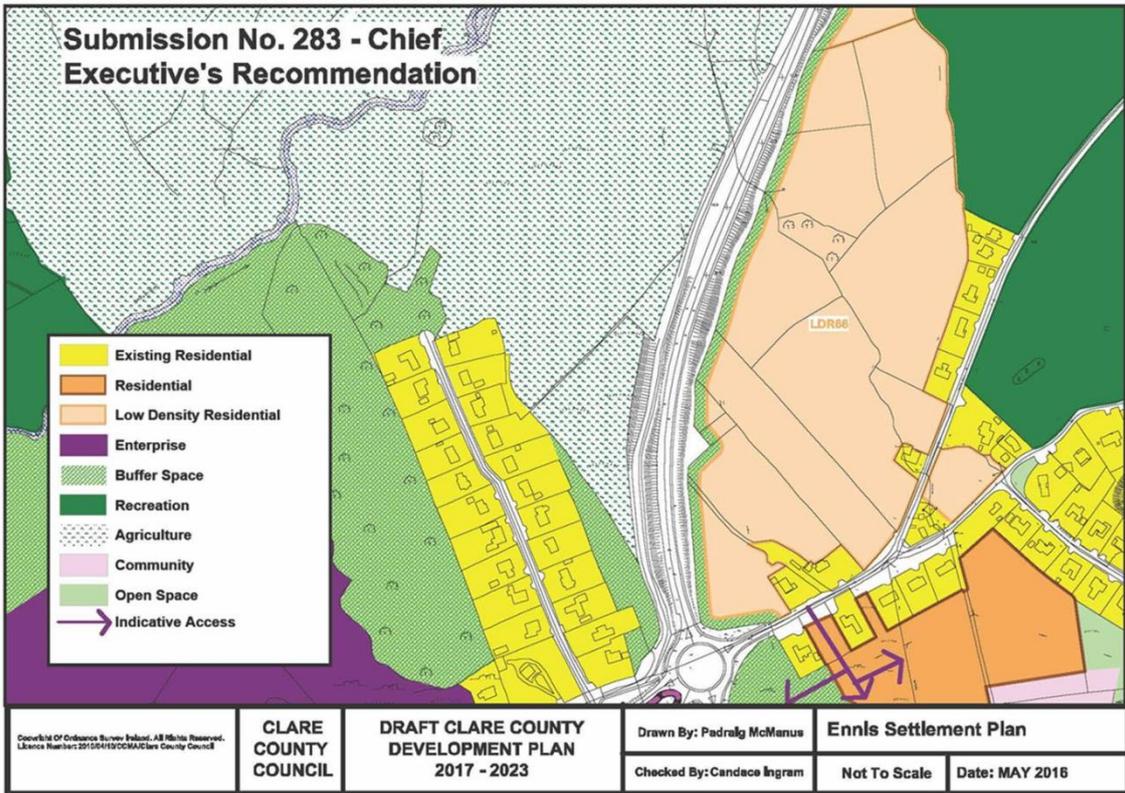
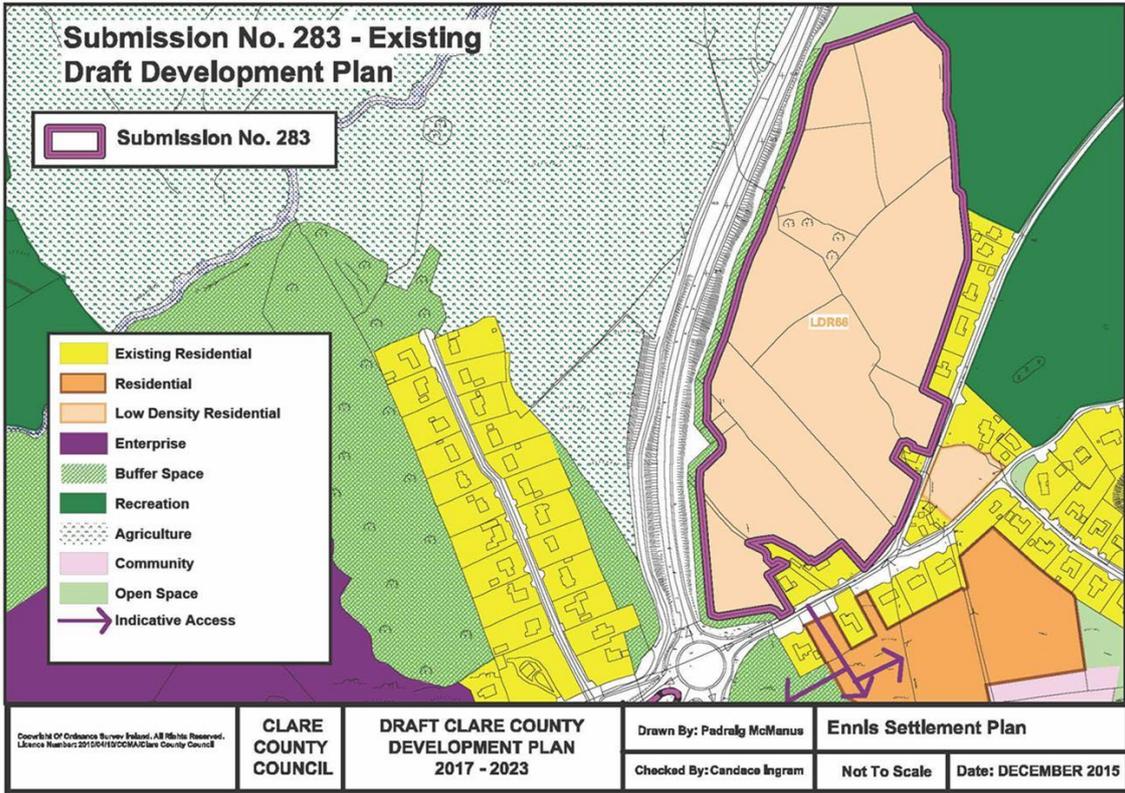
Chief Executive's Recommendation

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

Volume 3(a) – Ennis Settlement Plan – Site LDR66

- Make the following addition to the text in relation to site LDR66 in Volume 3(a):
"Residential development on this site will be required to incorporate a buffer of sufficient width between the proposed development and the N85 to protect residential amenity. Development proposals on the site shall be accompanied by a flood risk assessment to ensure that floor levels are set to an appropriate height (1 in 100 year flood event plus climate change allowance and freeboard). A drainage impact assessment will also be required."

Note: Please also refer to my recommendation in relation to Submission no. 202 which also refers to LDR 66.



Ref. 284 Jackie Whelan

Key Words: Policy, Access and Movement, Physical Infrastructure

Summary of the Issues Raised in the Submission

The submission requests that the Heritage status of the West Clare Railway remains the same as in the previous plan, the Clare County Development Plan 2011-2017.

Chief Executive's Response

I thank Mr. Whelan for his submission and I can confirm that objective CDP 9.25 West Clare Railway in the Draft Clare County Development Plan 2017-2023 relation to the West Clare Railway in the Draft Clare County Development Plan 2017-2023 remains the same as 11.10 (b) in the Clare County Development Plan 2011-2017. This text reads as follows:

"Development Plan Objective: West Clare Railway CDP9.25 It is an objective of the development plan: To facilitate the reopening of the West Clare Railway as an operational tourist attraction by permitting new sections of railway as alternatives to parts of the line which have been built on or are inaccessible since its closure."

The West Clare Railway route is also referenced generally in the context of Off Road Walking and Cycling Routes in CDP 5.4.2.1

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. 285 John Jones

Key Words: Miltown Malbay, Physical Infrastructure, Environment

Summary of the Issues Raised in the Submission

This submission refers to land designated "MU1" in the Miltown Malbay settlement plan in the West Clare Municipal District Area. The author developed a supermarket on the site in 2013 and is querying why it has been suggested as suitable for "*a mix of retail, commercial, office and residential*" development in the draft Plan.

The author also queries why the route which he provided to connect the north of the site to the Ballard Road is not shown on the map. The submission requests Clare County Council to complete the route between the site and the Ballard Road which would ease traffic congestion on the Main Street in Miltown Malbay.

The author advises that there is a playground and astro turf pitch in the area marked with an indicative access route between T1 and the proposed access road on the proposed draft Plan.

Chief Executive's Response

I thank Mr. Jones for his submission and I would like to comment as follows:

I acknowledge that there is an error in the Miltown Malbay Settlement Plan in relation to site MU1. The text, as it appeared in the Plan, was included in error and I have, in my response to Submission Ref: 411 recommended that this error be rectified.

In relation to the mapping, the base layer for the maps which shows roads, buildings etc. is provided by Ordnance Survey Ireland. Their maps are updated periodically and we use the most up-to-date maps available in our plans. At the time when the Draft Development Plan was published the recent development to the north of the Ennis Road in Miltown Malbay was not yet shown on the maps. However, in the intervening period new maps have become available and they will be used in all mapping associated with the County Development Plan going forward. The new maps show the development which has taken place on Mr. Jones' land.

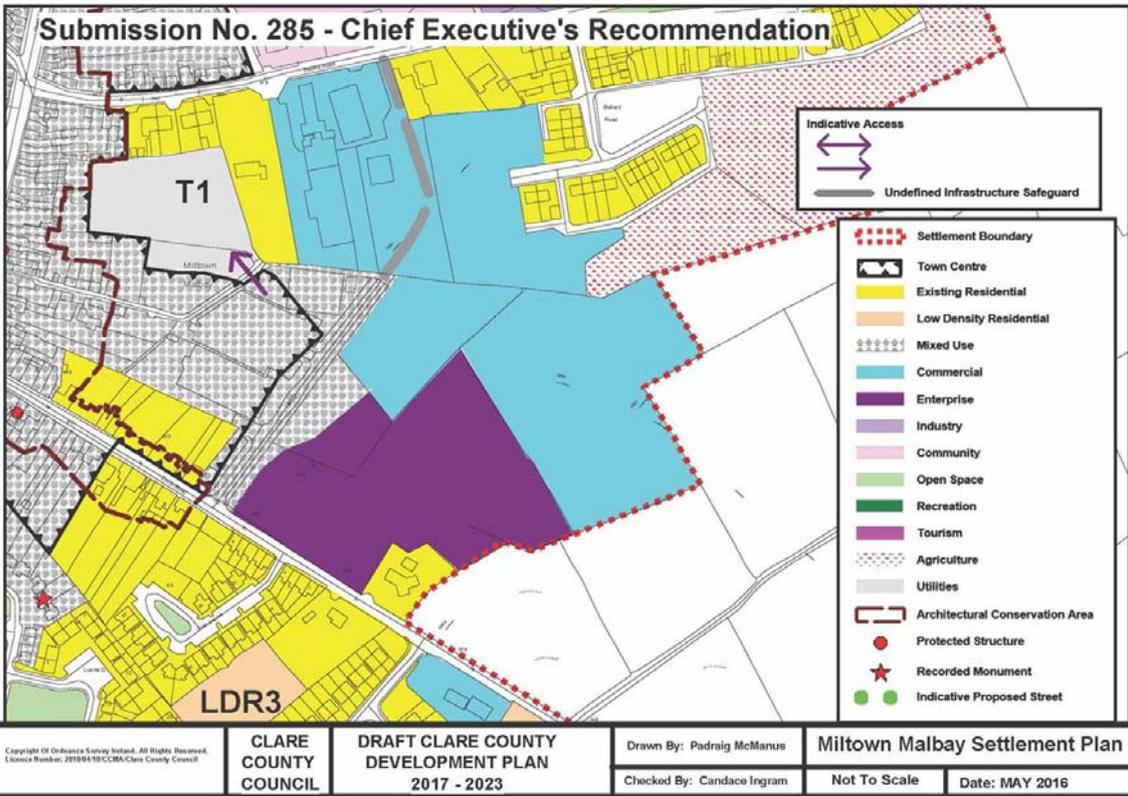
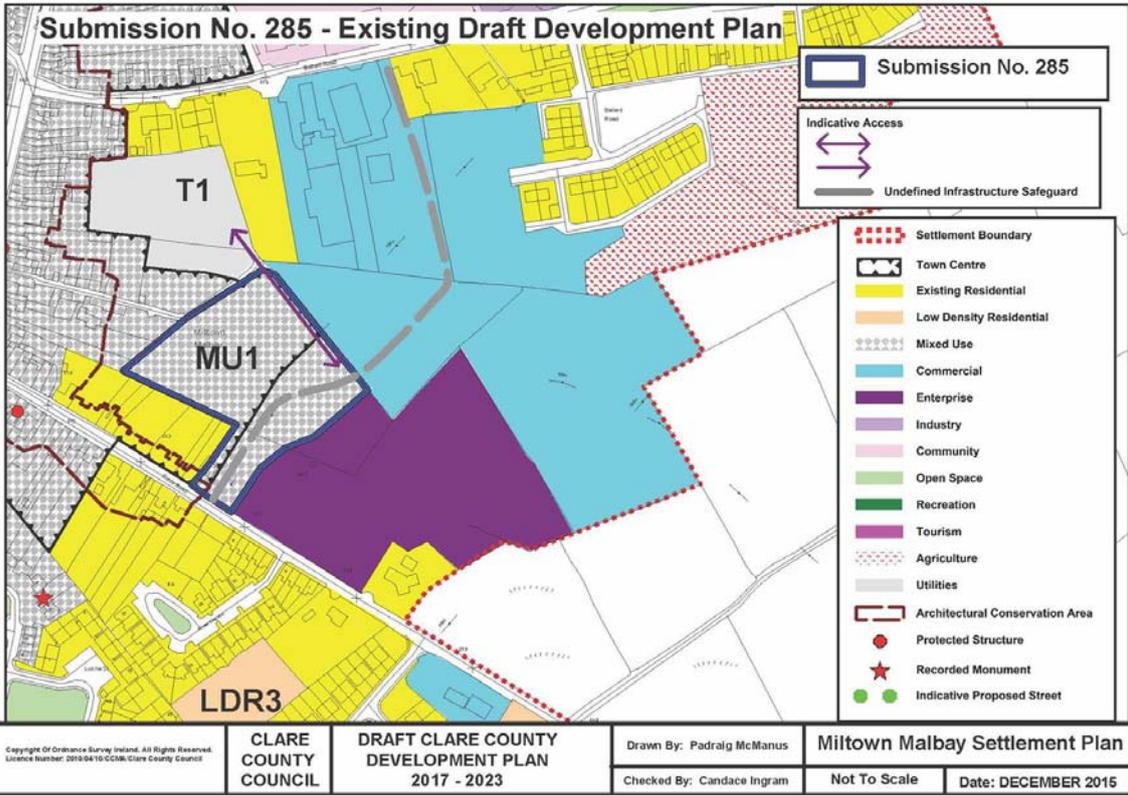
Having regard to the issues raised in this submission I also consider it necessary to make a number of other minor amendments to the map associated with the Draft Miltown Malbay Settlement Plan to reflect recent developments in this part of the town.

Chief Executive's Recommendation

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

Volume 3(d) – Miltown Malbay Settlement Plan – amend zoning map as follows:

- Amend that extent of Mixed Use zoning on Site MU1 to reflect the development that has taken place on the site.
- Amend the route of the Infrastructure Safeguard linking the Ennis Road with the Ballard Road to reflect the construction that has already taken place.
- Amend Indicative Access arrow to reflect development that has taken place on the site.



Ref. 286 Bernard McGuane

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".

- Site C2: Kildysart Road, Clarecastle.

The author submits that the imposition of a crematorium at this site is inappropriate, taking into account the rural setting and feels that the area should consist of a nature reserve with walkways and cycleways similar to Ballyalla Lake/Amenity area.

Chief Executive's Response

I wish to thank Mr. McGuane for his 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: Kildysart Road, Clarecastle

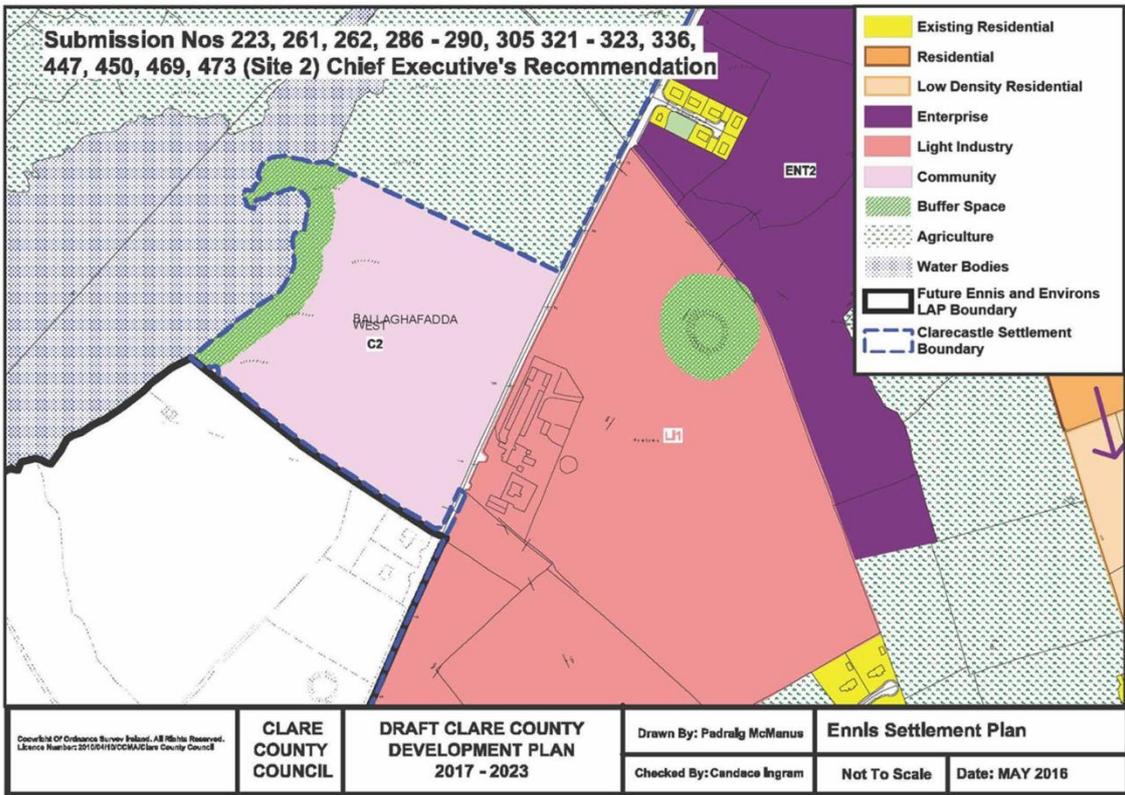
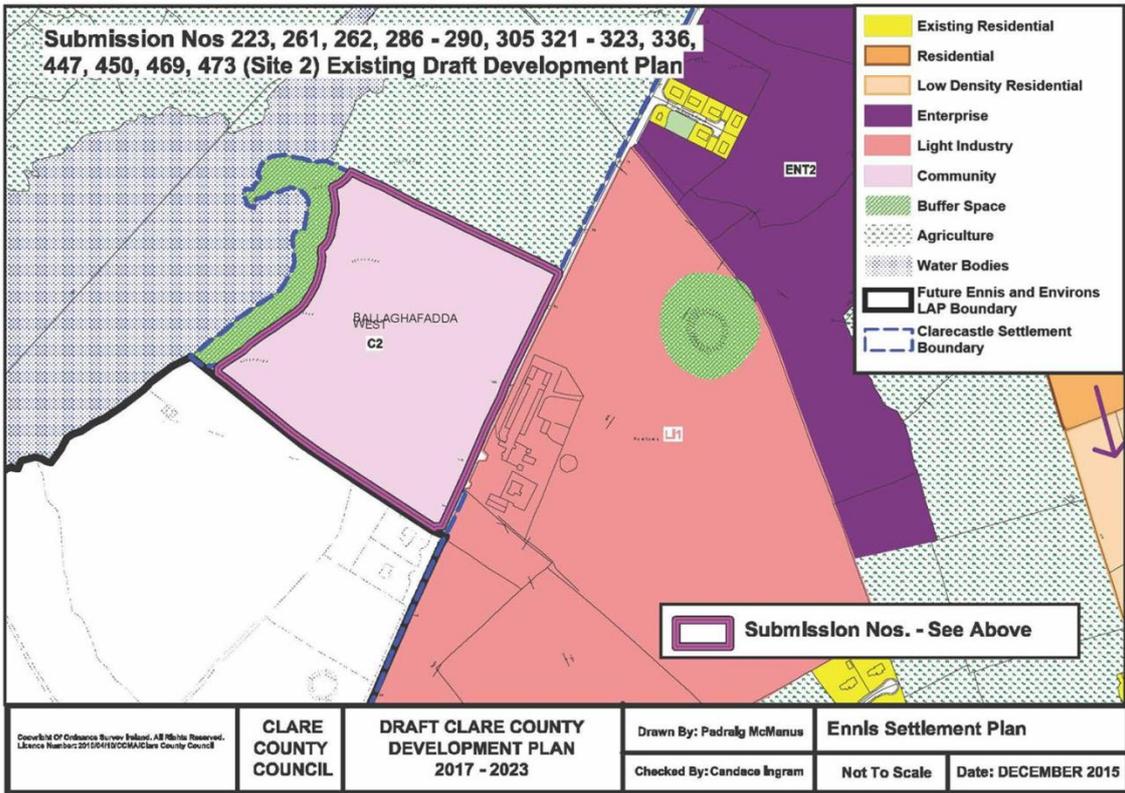
I acknowledge the concerns as raised in the submission, however I consider that this site is suitable for a crematorium, with potential for the co-location of a graveyard having regard to the location of same, which has excellent connections to the surrounding area and wider region, via the local, regional 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.

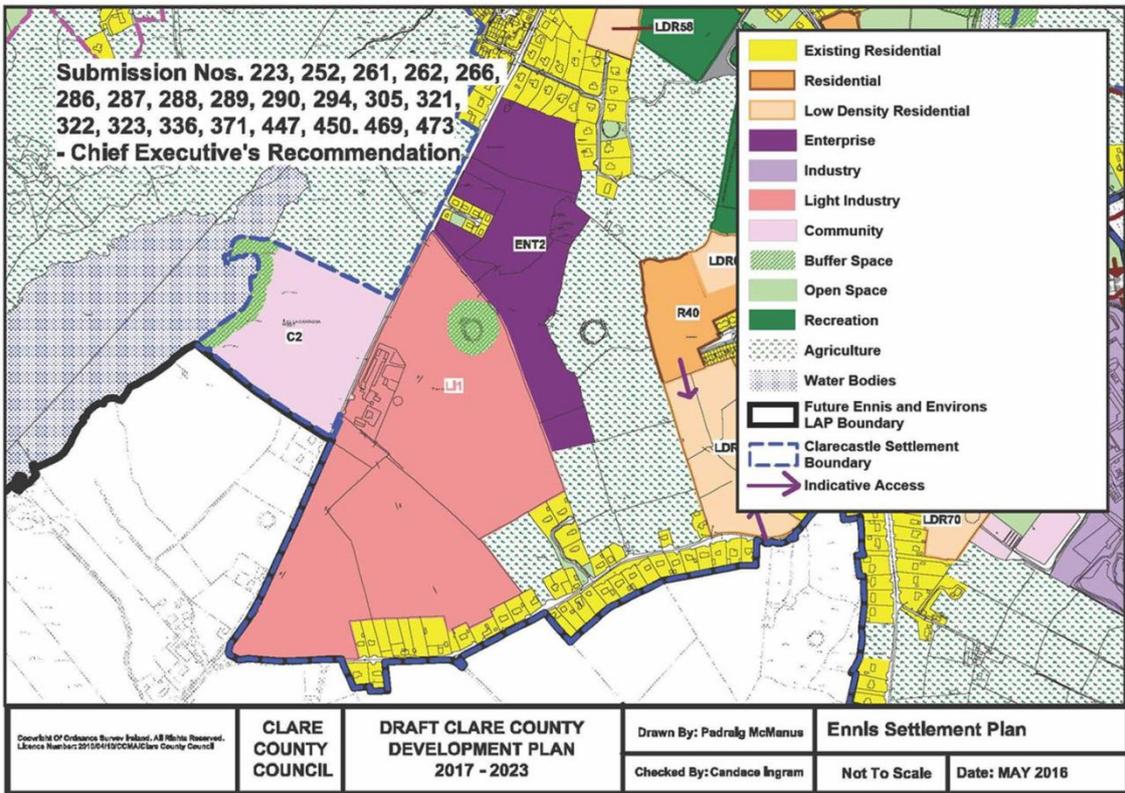
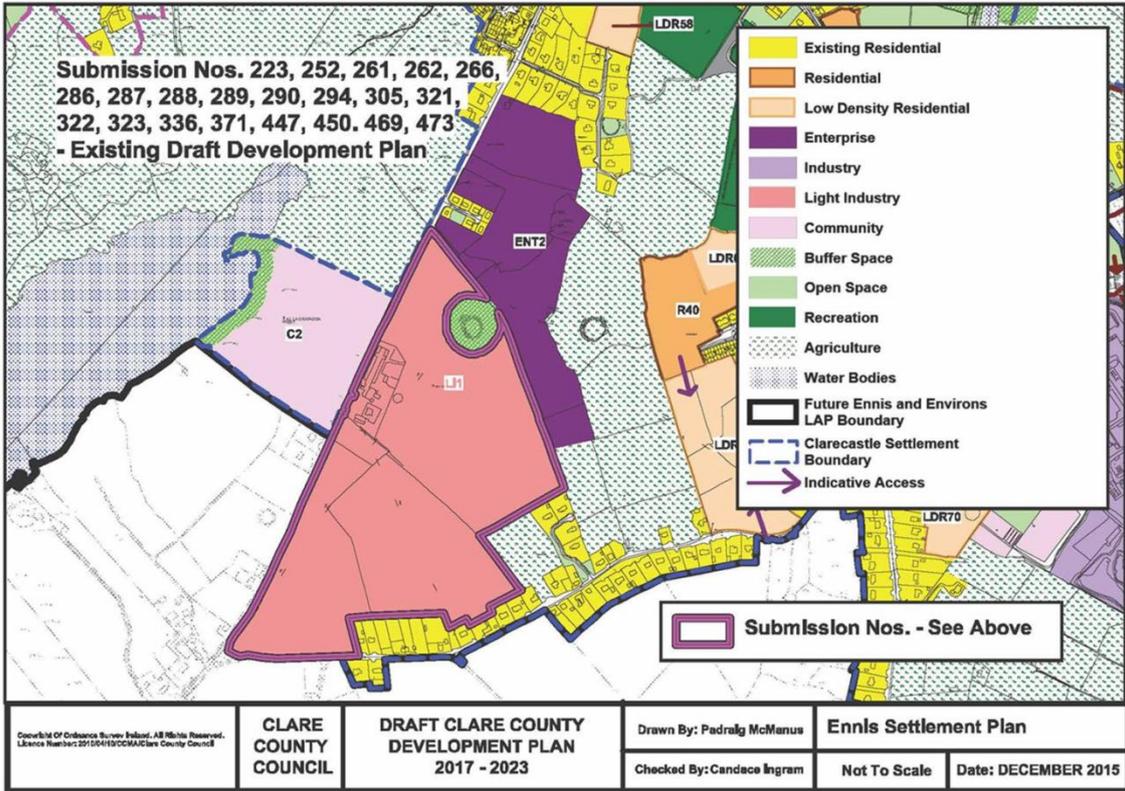
Chief Executive's Recommendation

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, Clarecastle 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. 287 Mary McGuane

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".

- Site C2: Kildysart Road, Clarecastle.

The author submits that the imposition of a crematorium at this site is inappropriate, taking into account the rural setting and feels that the area should consist of a nature reserve with walkways and cycleways similar to Ballyalla Lake/Amenity area.

Chief Executive's Response

I wish to thank Ms. McGuane for her 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

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- 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.

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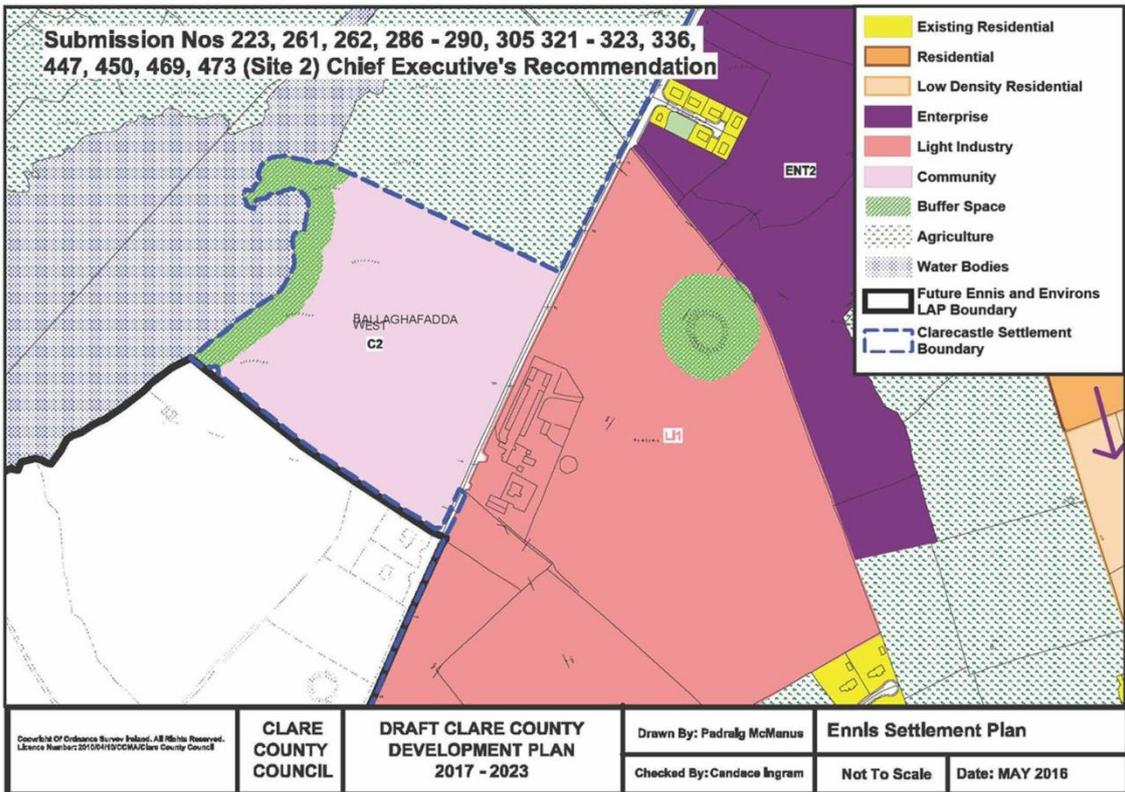
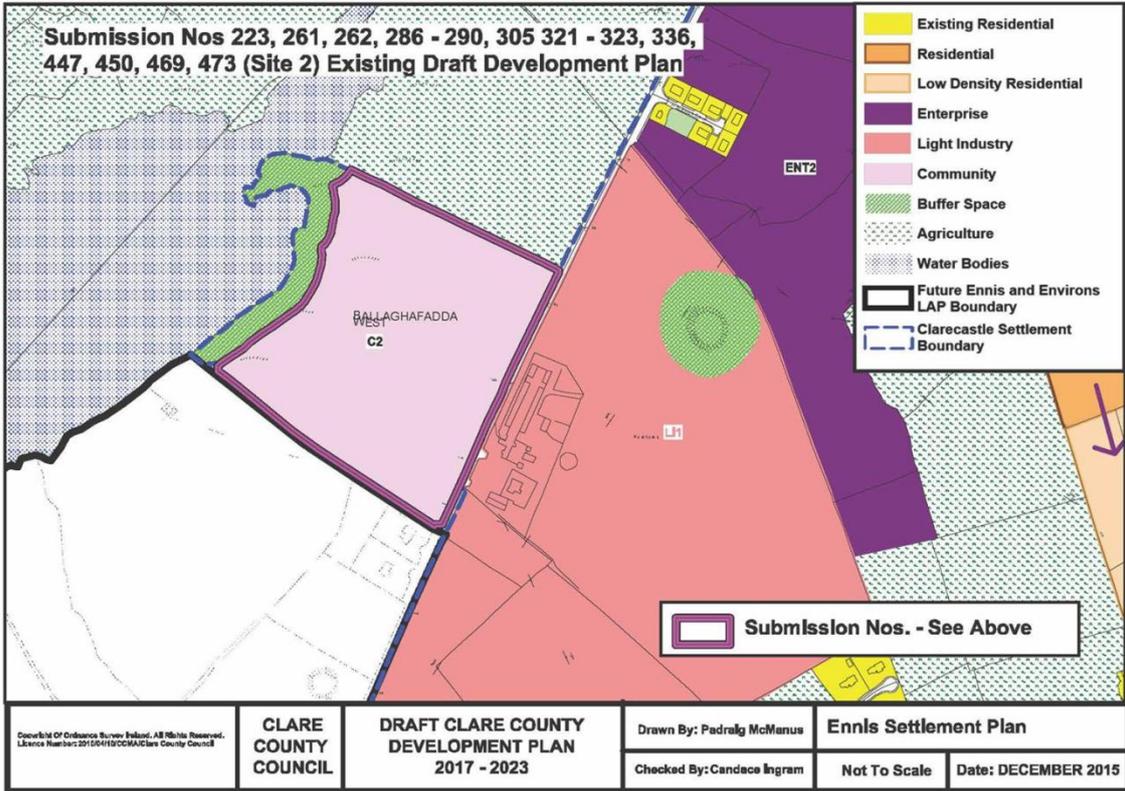
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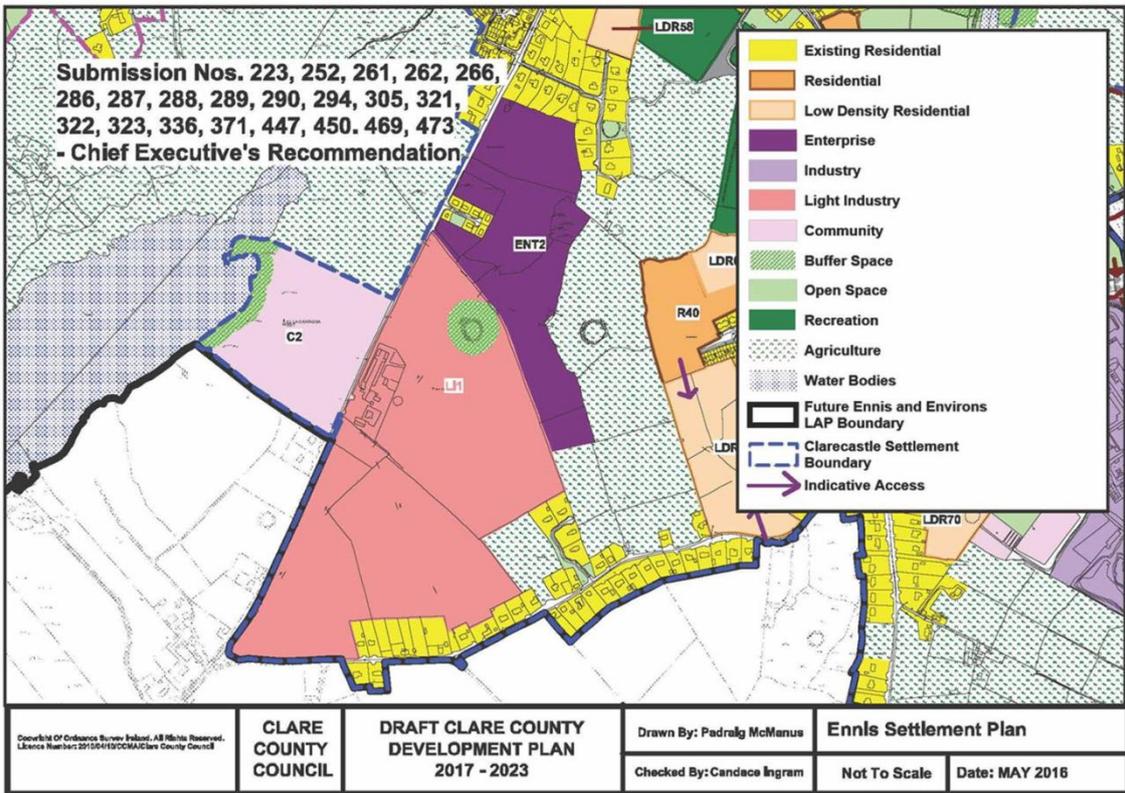
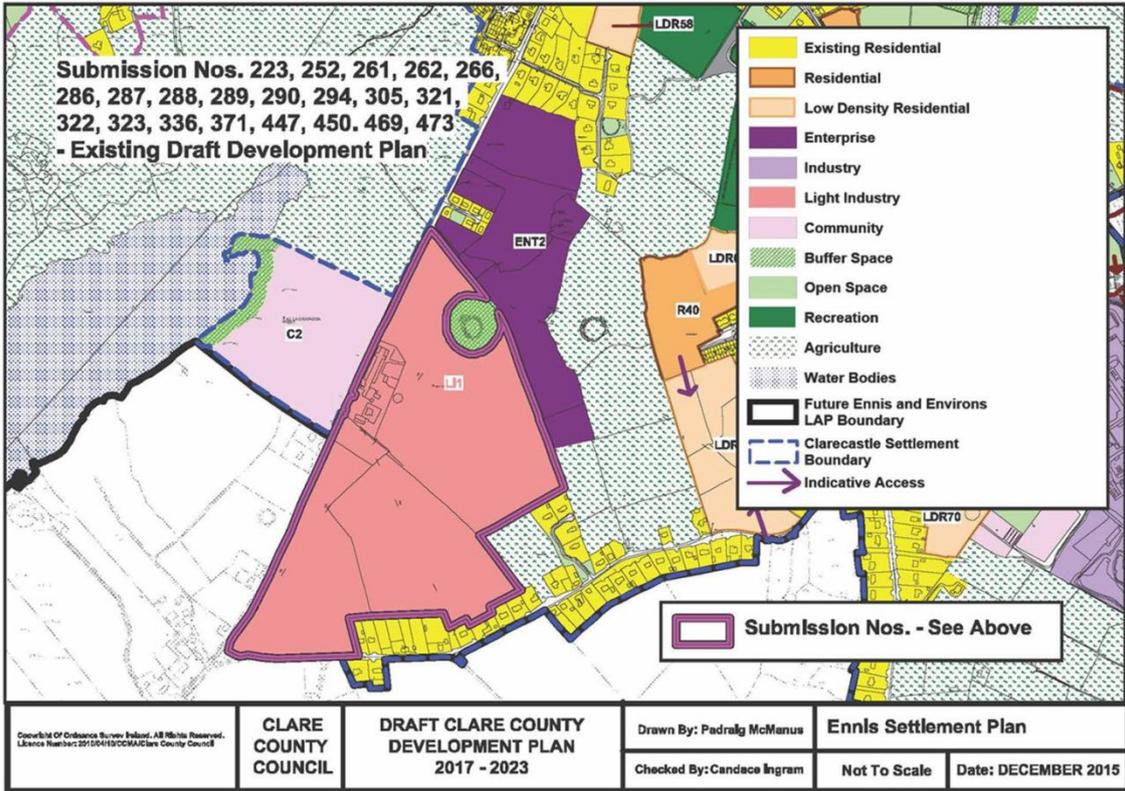
Chief Executive's Recommendation

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- Detailed traffic management plan;
- An infrastructural services plan;
- A drainage impact assessment;
- Archaeological assessment;
- Light spill modelling study;
- Flood risk assessment





Ref. 288 Sarah McGuane

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

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- 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".

- Site C2: Kildysart Road, Clarecastle.

The author submits that the imposition of a crematorium at this site is inappropriate, taking into account the rural setting and feels that the area should consist of a nature reserve with walkways and cycleways similar to Ballyalla Lake/Amenity area.

Chief Executive's Response

I wish to thank Ms. McGuane for her 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

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- Contradictions in the Plan

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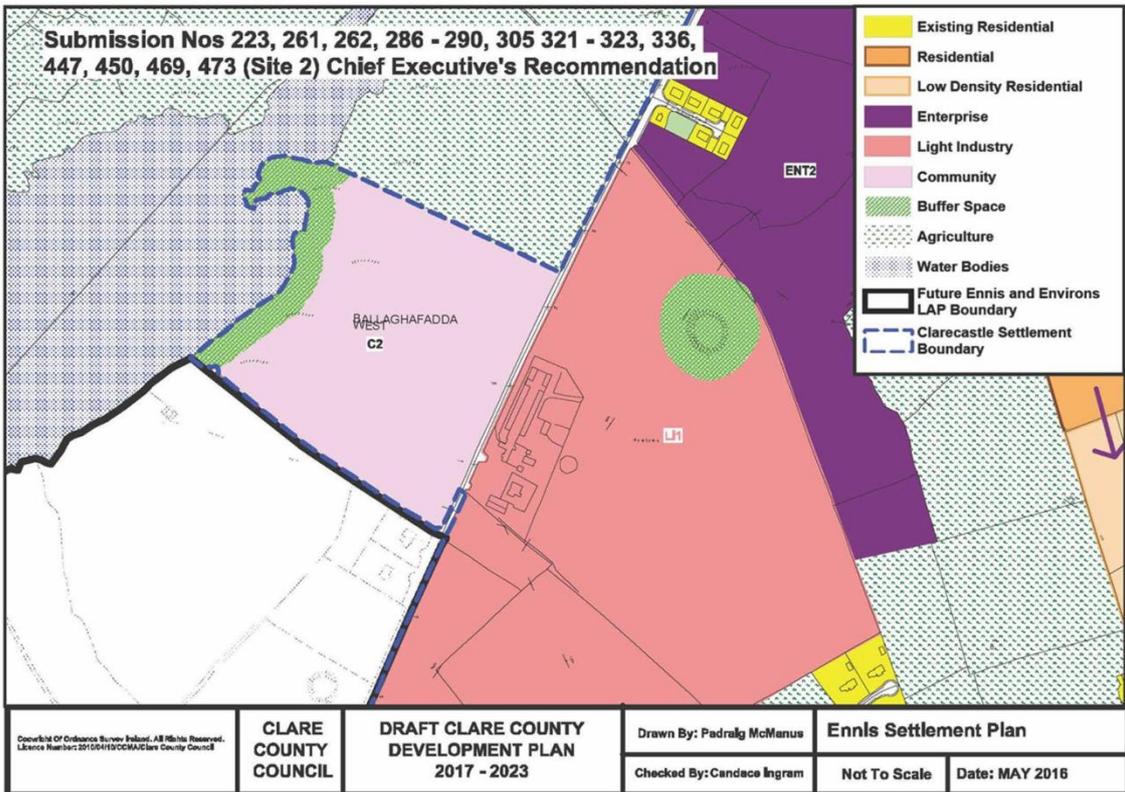
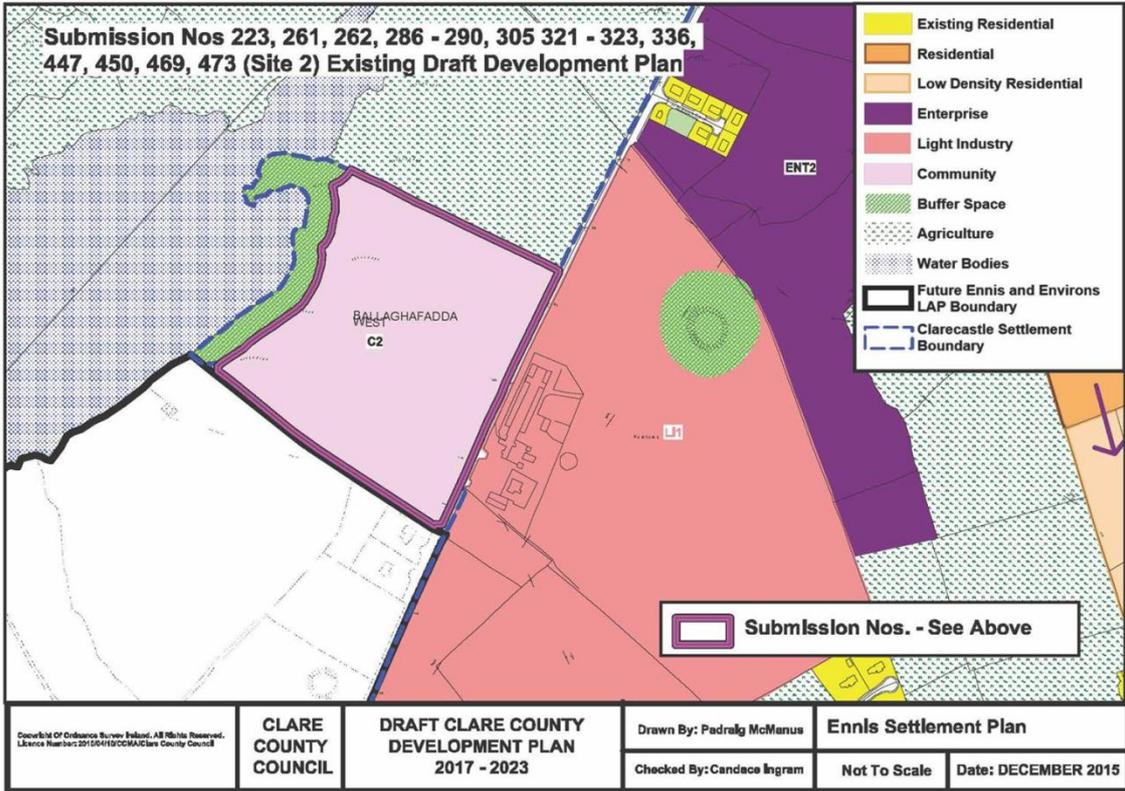
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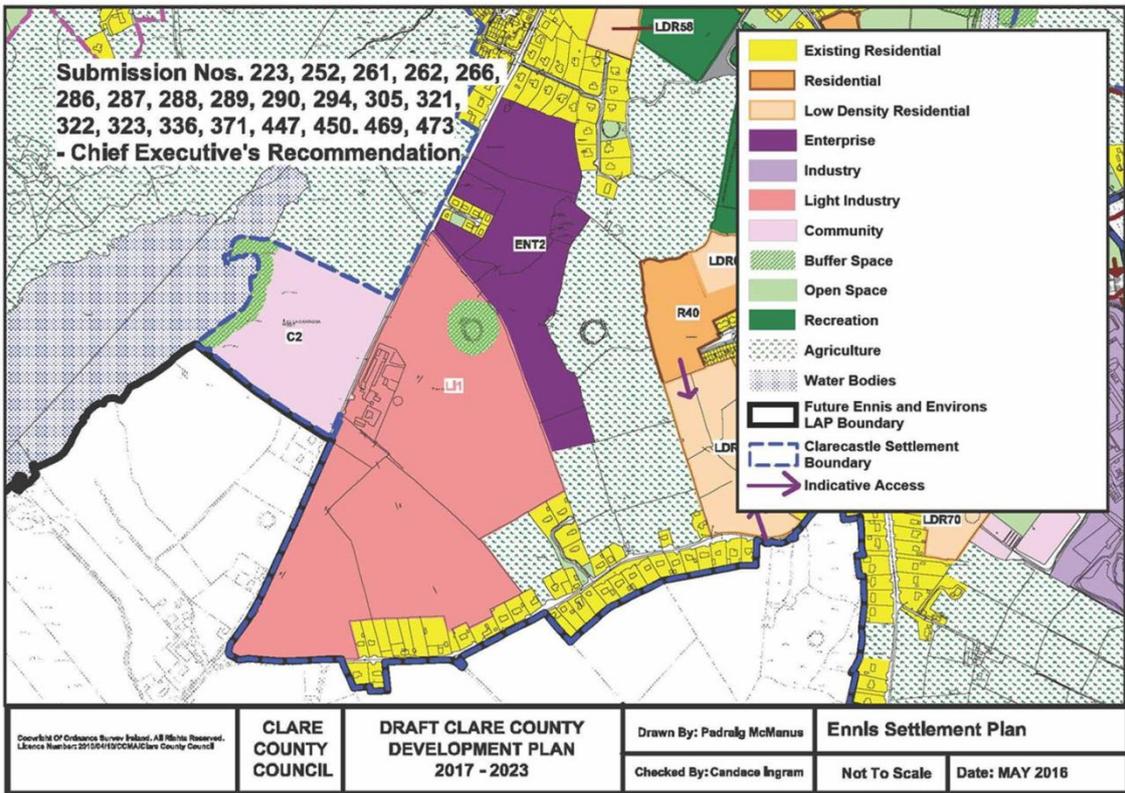
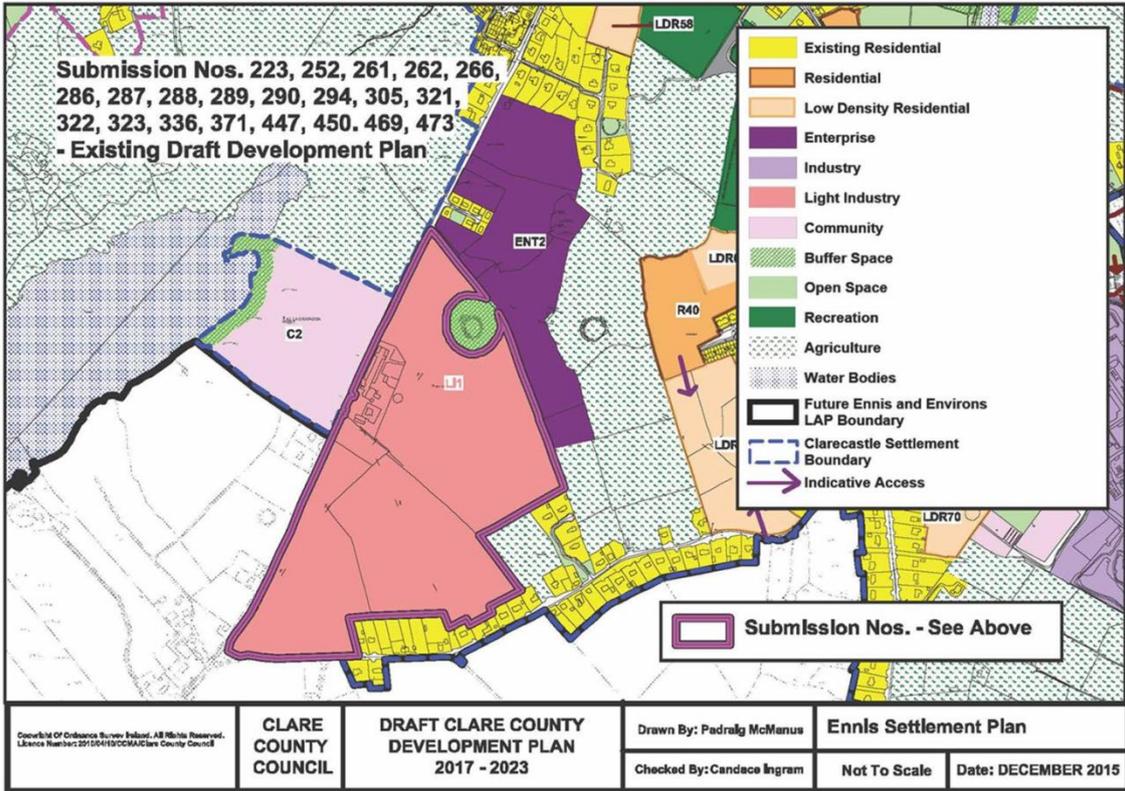
Chief Executive's Recommendation

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, Clarecastle as contained in Volume 3 (a) which accompanies the Draft County Development Plan 2017 – 2023:

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- Detailed traffic management plan;
- An infrastructural services plan;
- A drainage impact assessment;
- Archaeological assessment
- Light spill modelling study;
- Flood risk assessment





Ref. 289 Peggy Gleeson

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

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- 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 submission also raises 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".

- Site C2: Kildysart Road, Clarecastle

The author submits that the imposition of a crematorium at this site is inappropriate, taking into account the rural setting and feels that the area should consist of a nature reserve with walkways and cycleways similar to Ballyalla Lake/Amenity area.

Chief Executive's Response

I wish to thank Ms. Gleeson for her 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 had regard to the location and context of the site shall be required.

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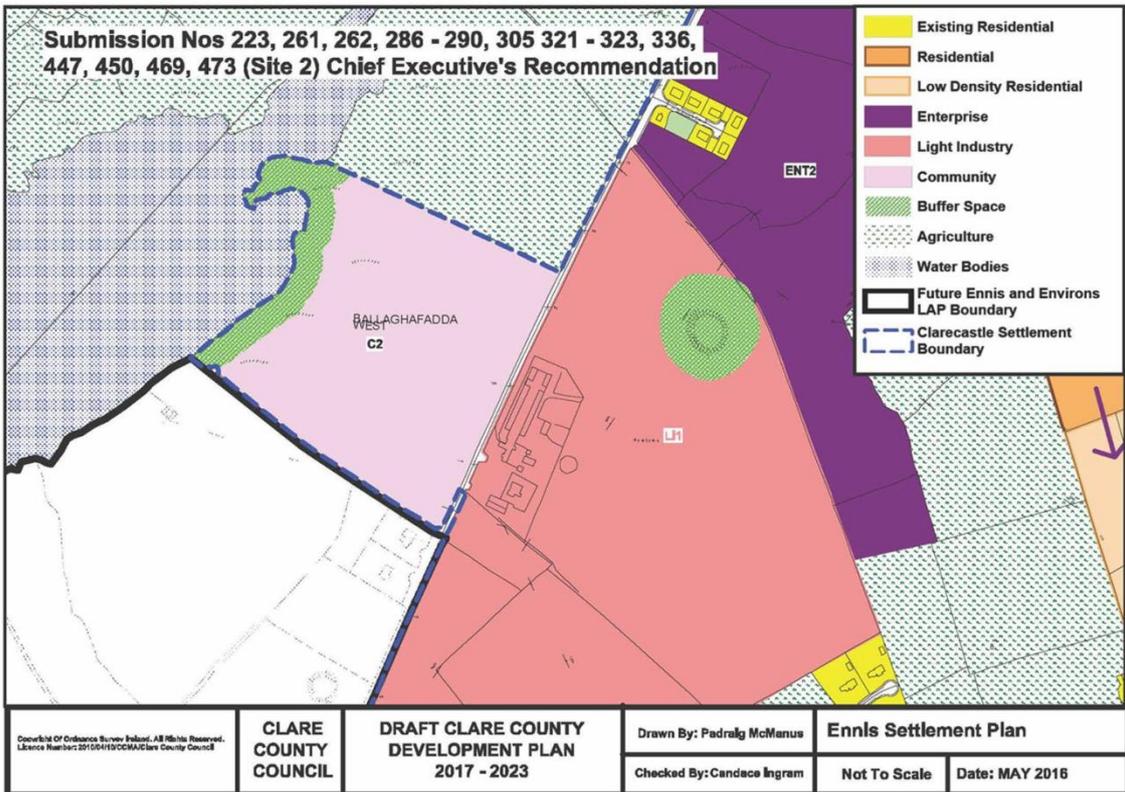
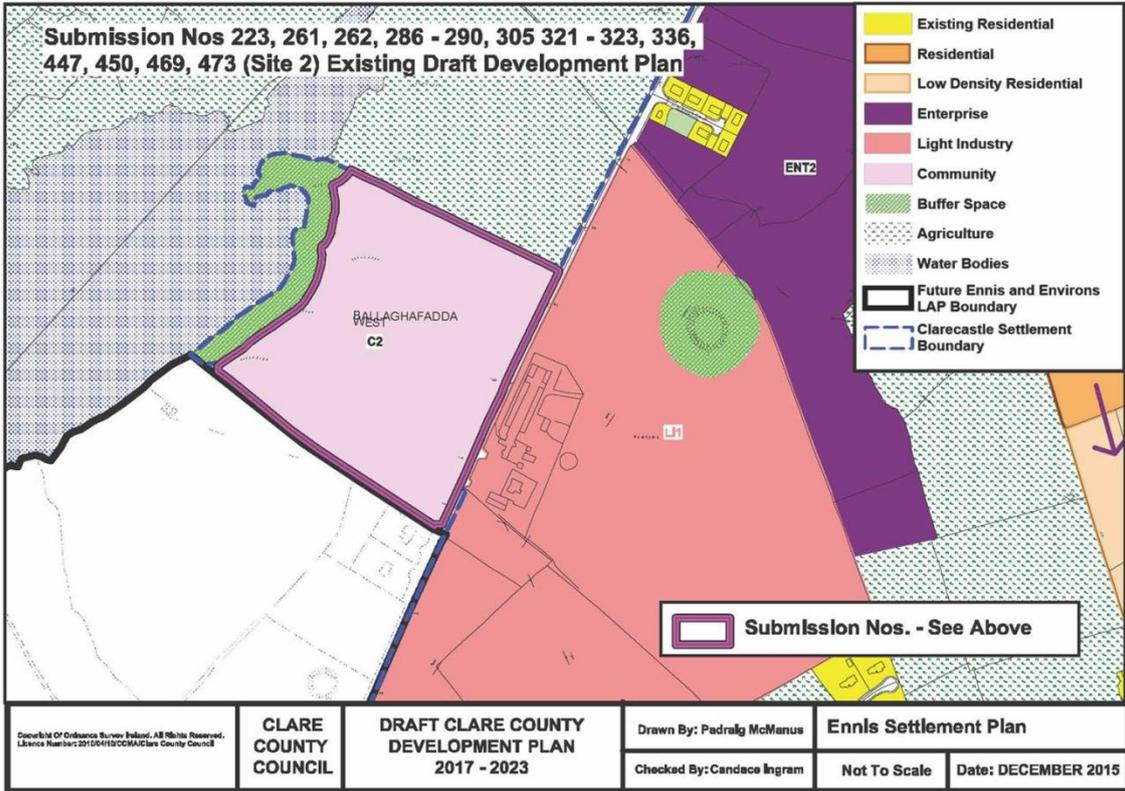
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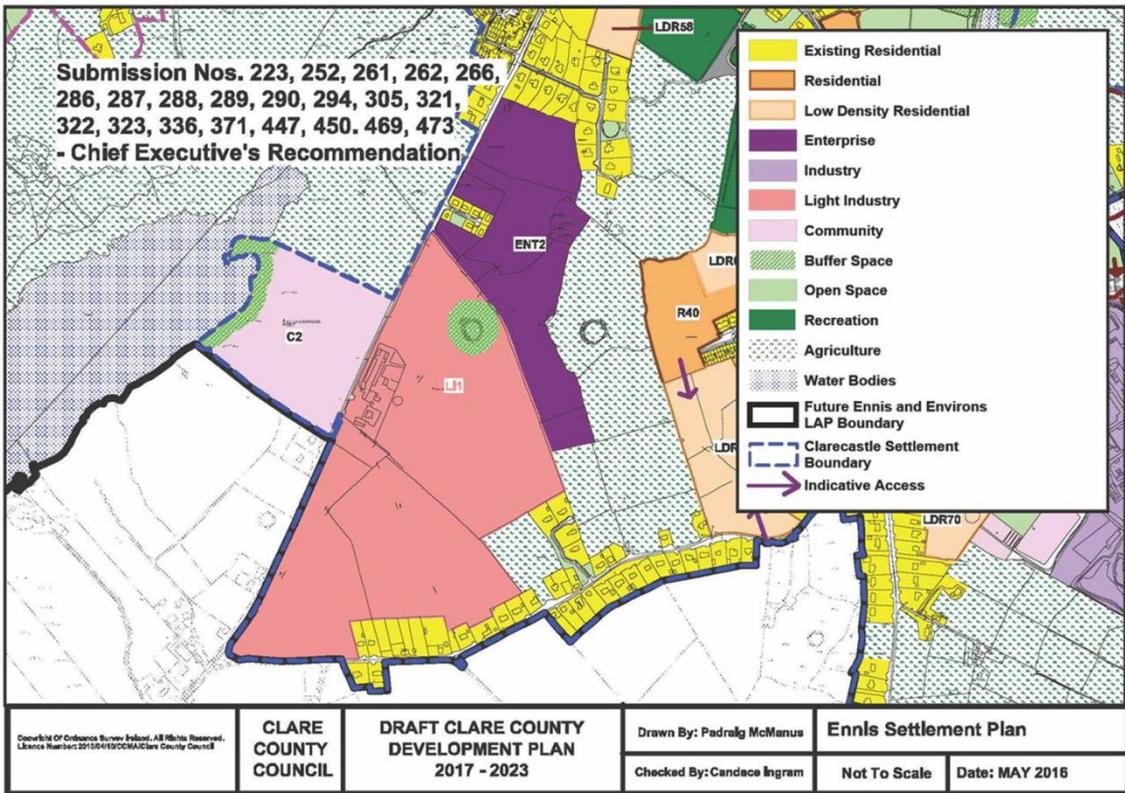
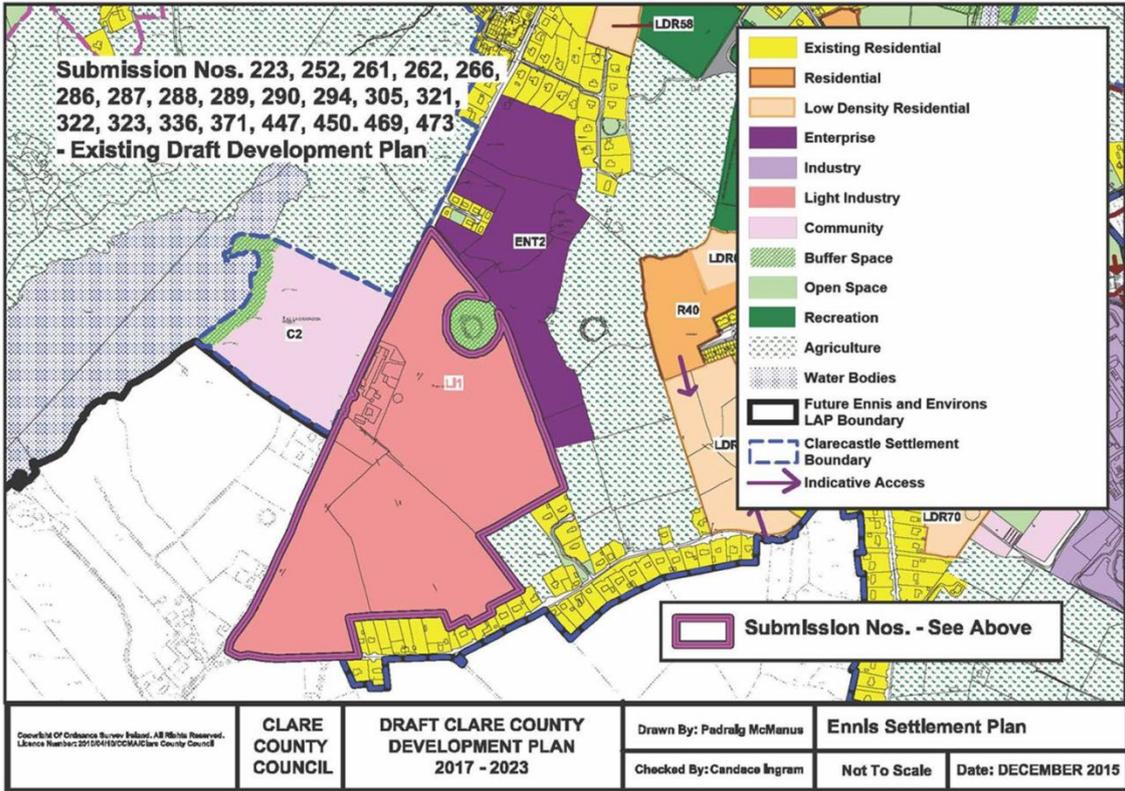
Chief Executive's Recommendation

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, Clarecastle 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. 290 Seán Gleeson

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".

- Site C2: Kildysart Road, Clarecastle.

The author submits that the imposition of a crematorium at this site is inappropriate, taking into account the rural setting and feels that the area should consist of a nature reserve with walkways and cycleways similar to Ballyalla Lake/Amenity area.

Chief Executive's Response

I wish to thank Mr. Gleeson for his 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: Kildysart Road, Clarecastle

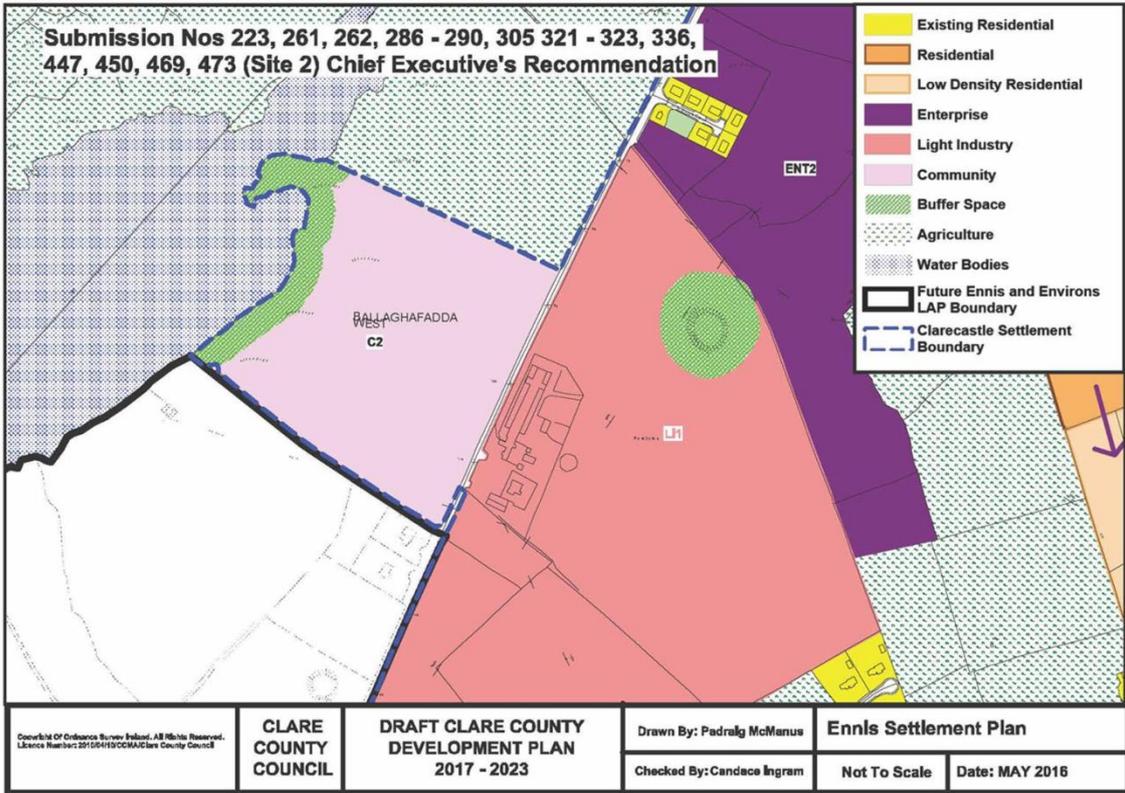
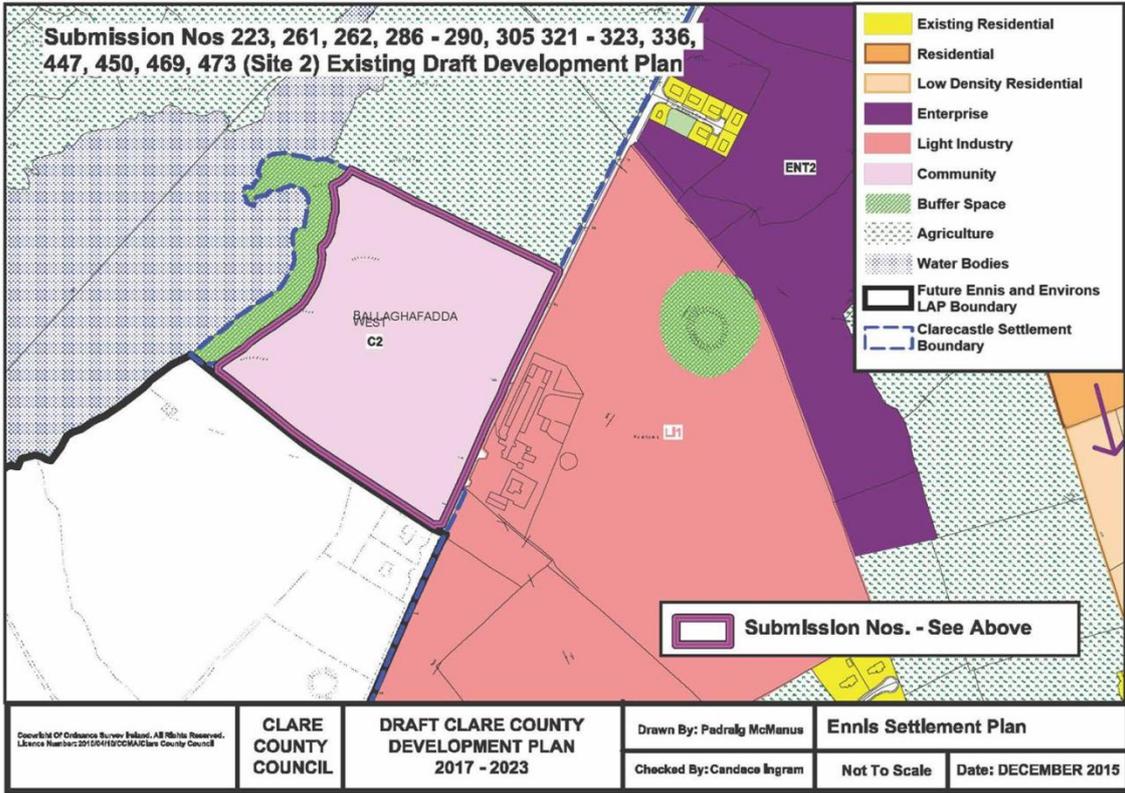
I acknowledge the concerns as raised in the submission, however I consider that this site is suitable for a crematorium, with potential for the co-location of a graveyard having regard to the location of same, which has excellent connections to the surrounding area and wider region, via the local, regional 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.

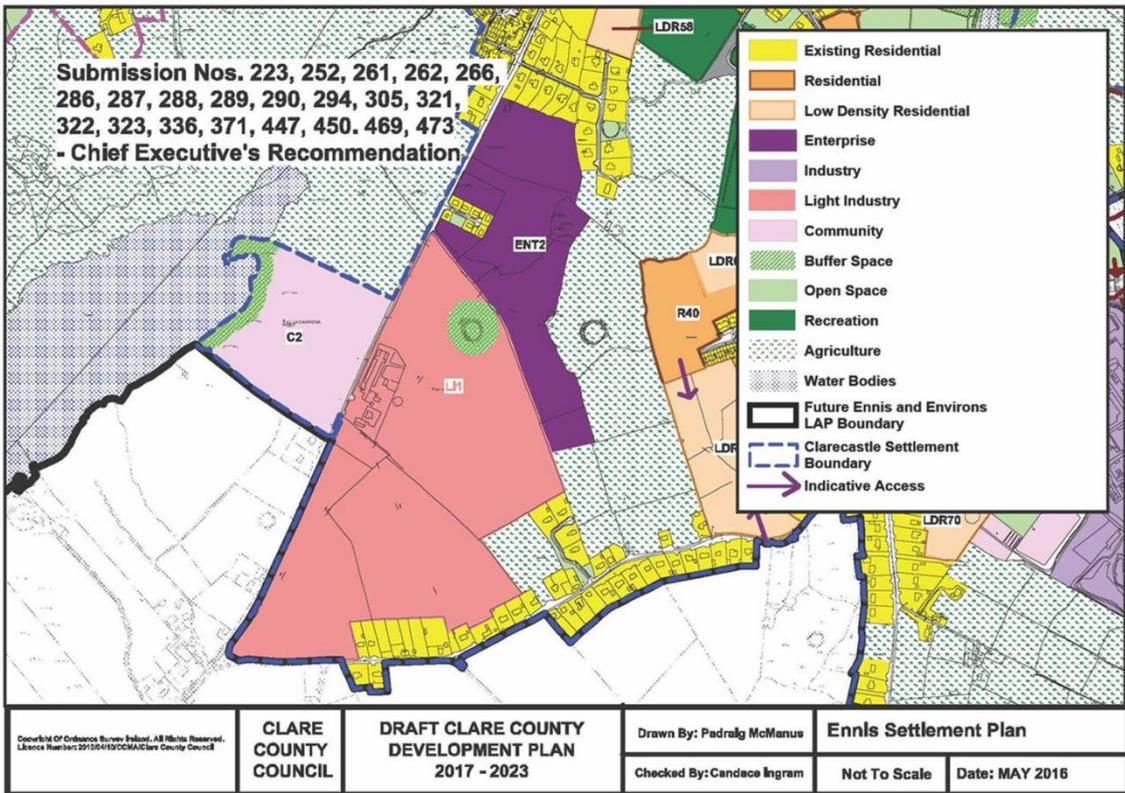
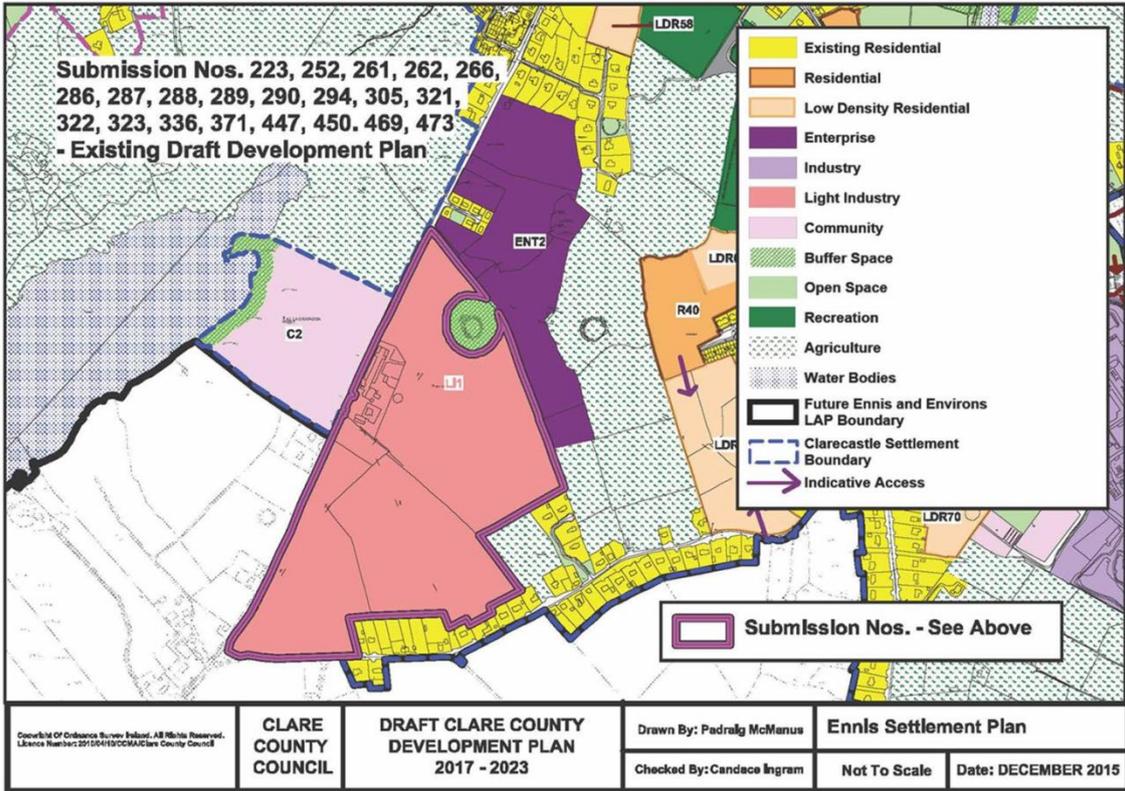
Chief Executive's Recommendation

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. 291 OBB Consulting Engineers & Surveyors for Kieran Aherne, Ballycannon North

Keywords: Ballyhannon North

Summary of the Issues Raised in the Submission

This submission refers to lands owned by the above in Ballycannon North in the Shannon Municipal District. An accompanying map identifies the site which has an estimated area of 4.5ha and lies to the west of the existing Eton Court housing estate, but lies outside the Ballycannon North settlement in the Draft Development Plan.

The submission requests that the planning authority rezone the subject lands as additional "Low Density Residential".

The author submits that the land enjoys the benefit of frontage onto two roads and could form a defined gateway to the existing village of Meelick from Brennan's Cross. In addition, the lands are located adjacent to the existing sewage plant.

Chief Executive's Response

I thank Mr. Aherne for his submission. The subject site is located outside the boundary of Ballycannon North to the southwest of the settlement. While the village is well-placed in relation to Limerick and Shannon, there are four parcels of undeveloped land zoned for Low Density Residential with the current boundary of the settlement. This quantum of land is in line with Core Strategy requirements. Constraints in the waste water treatment infrastructure serving the village will need to be resolved prior to development of these zoned lands.

I have further concerns in relation to the location of the subject lands on the periphery of the settlement. I consider it preferable to develop lands close to the core of the village before peripheral lands are zoned for development. Further, the proximity of the site to Brennan's Cross and the poor road alignment in this area raises serious concerns in relation to traffic safety in terms of access and egress from the site.

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 on this submission.

Ref. 292 OBB Consulting Engineers & Surveyors on behalf of Martin McMahon, Ballycannon North

Keywords: Ballycannon Nort,

Summary of the Issues Raised in the Submission

This submission refers to lands owned by the above in Ballycannon North in the Shannon Municipal District. An accompanying map identifies the site which has an estimated area of 1.67ha and lies to the north of the lands identified as "LDR3" in the village. The subject site is located outside the settlement boundary of the village in the Draft Development Plan.

The submission requests that the planning authority rezone the subject lands as additional "Low Density Residential".

The author submits that such additional low density residential zoning would supplement the existing proposed zoning of site LDR3 and also enhance the economic viability of the subject lands.

Chief Executive's Response

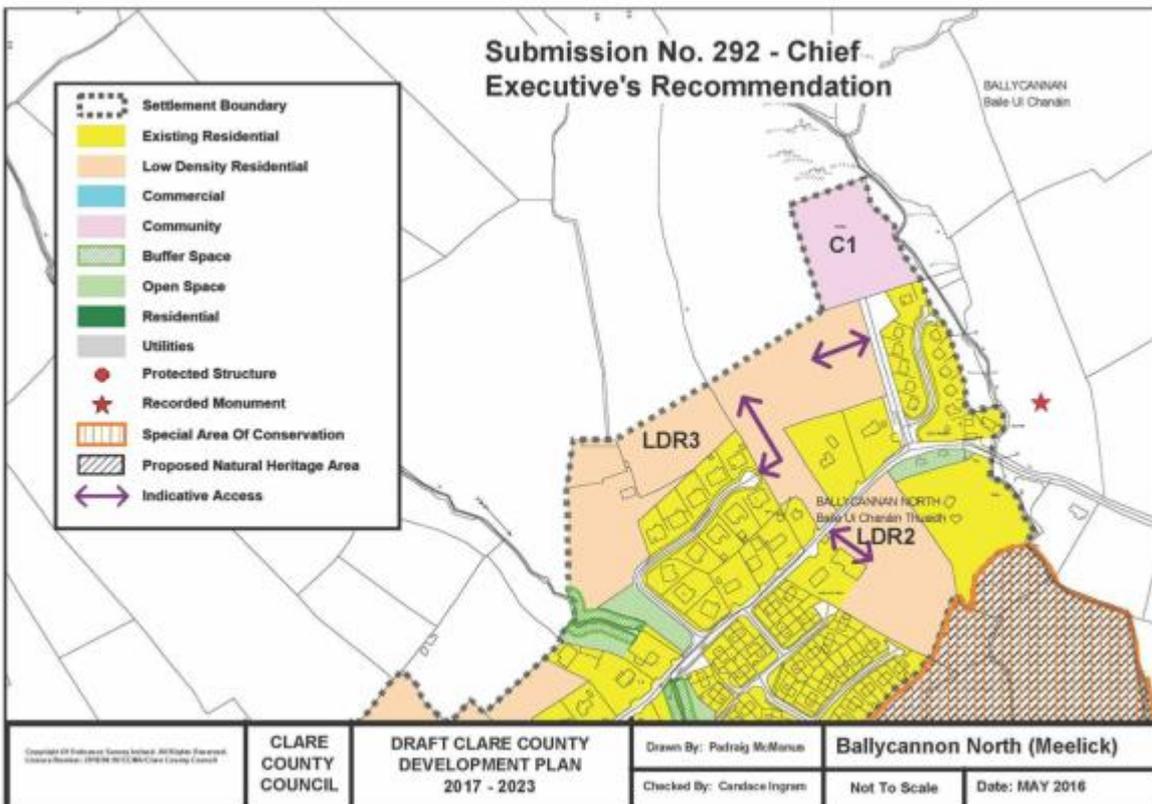
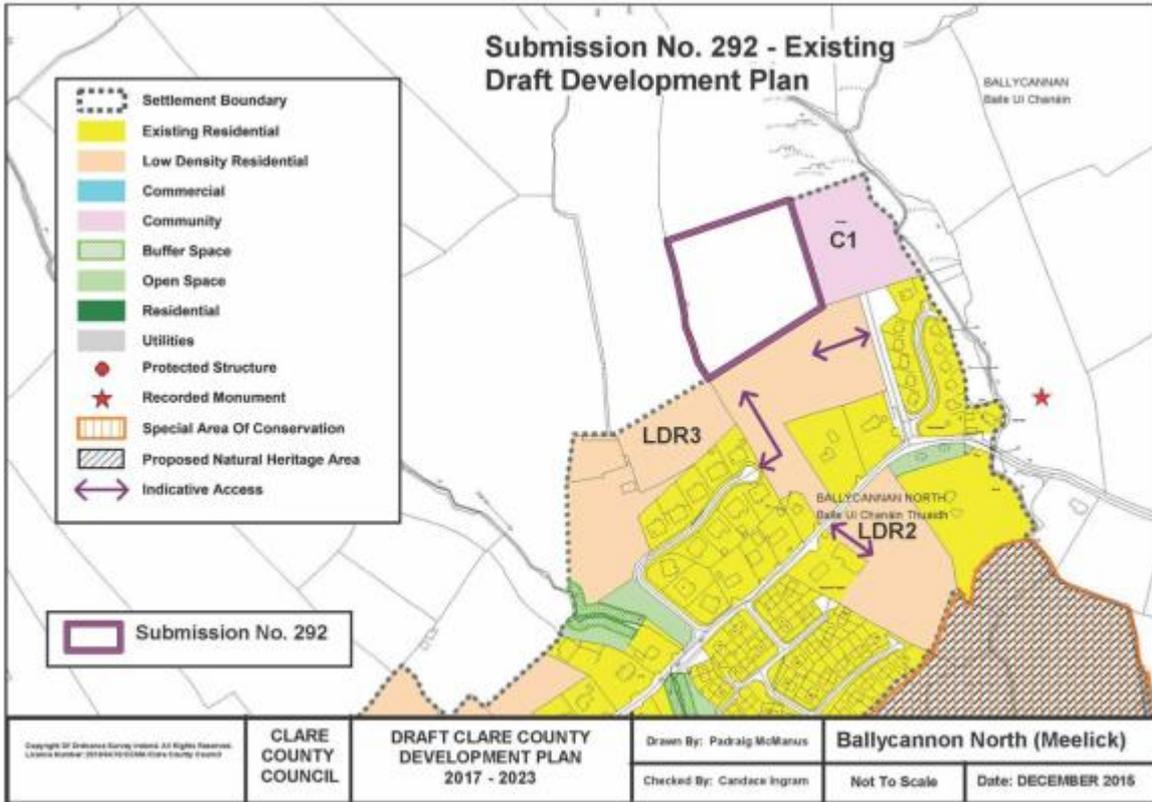
The subject site is located outside the boundary of Ballycannon North to the southwest of the settlement. While the village is well-placed in relation to Limerick and Shannon, there are four parcels of undeveloped land zoned for Low Density Residential with the current boundary of the settlement. This quantum of land is in line with Core Strategy requirements. Constraints in the waste water treatment infrastructure serving the village will need to be resolved prior to development of these zoned lands.

I have further concerns in relation to the location of the subject lands on the periphery of the settlement. I consider it preferable to develop lands close to the core of the village 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 on this submission.



Ref. 293 Mary Nugent on behalf of Wind Aware Clare

Key Words: Policy, Wind Energy, Renewable Energy, Physical Infrastructure

Summary of the Issues Raised in the Submission

This submission relates to Clare Wind Energy Strategy 2011-2017 and to the authors' concerns that they are prohibited from public consultation of same in the draft Plan due to the application of Circular 20-13 issued by the DoECLG in December 2013. It is submitted that the refusal to allow concerned citizens to engage in the planning consultation process on a matter of such importance is a denial of a fundamental democratic right, as inscribed in the Planning and Development Act, 2000.

It is submitted that Circular PL20-13 is not a Directive and the stance adopted by the Council to use Circular PL 20-13 to prevent an open and transparent review of the Wind Energy Strategy is insincere, deliberate and runs counter to the ethos and practice of the democratic planning process. Their submission does not relate to noise, shadow flicker or distance from dwelling and therefore Circular PL20-13 should not apply.

The submission:

- Calls for a comprehensive review of the Wind Energy Strategy and the Renewable Energy Strategy and the integration of both policies into a revised Clare Renewable Energy Strategy
- Requests that the CDP address the designation of important nature conservation areas in West Clare as 'strategic' and 'acceptable in principle' for wind energy development. Cumulative effects of loss of habitat must also be taken into account.
- Indicates that changes to SAC and SPA boundaries and new knowledge of the habitats and protected species must be taken into account and an Appropriate Assessment must be carried out for any plan or programme that is likely to have a significant effect on the conservation of Natura 2000 sites.
- States that a full scoping of the extent of existing and proposed wind energy development in the West Clare area needs to be undertaken, with full public consultation, to address the emerging issue of over-concentration of wind energy facilities in the area.
- Calls to the Wind Energy Strategy to set an upper tolerable limit to the number of turbines that will be allowed in an area.
- Purports that there is inadequate planning for wind development at strategic level, in a fully scoped manner, which would enable the public and the planning authorities to fully and transparently assess the extent of existing and future customer connections to the national grid.
- States that there is a lack of public information on the strategic role of the proposed ESB 110kV underground cable installation from the Slieve Callan windfarm to the Ennis (Tulla Road) 110kV substation and that the exemption from planning permission granted to the 110kV cable, connecting the Slieve Callan wind farm to the national grid was an error in the planning process, where no level of public consultation was enabled.
- States that the number of proposed and constructed wind farms is significant in terms of their area and concentration and is liable to give rise to damage to both priority habitats and species. It is submitted that it is incumbent on the planning authorities to undertake an exercise of examination of developments granted permission, similar to that undertaken with quarries in 2012 under Section 261A.

In conclusion Ms. Nugent submits that they are residents with a united and strong love of their particular place in County Clare. They are invested in the sustainable future of their townlands and county and they wish to engage in process of planning for this future. They are deeply concerned that their democratic right to this process is under threat. They request Council officials and Councillors to fulfil their role as public servants and representatives by protecting their right as citizens to full and free access to the planning process. They remain confident of their right to participate fully in the development of the most important policy document in the county.

Chief Executive's Response

I thank Ms. Nugent for making this detailed submission on behalf of Wind Aware Clare and I am very conscious of the importance of the issues that have been raised and I respond to them as follows:

In relation to Circular PL20-13, the Council was precluded from reviewing the adopted Wind Energy Strategy as part of the preparation of the Draft Clare County Development Plan 2017-2023 and 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 updated strategy will be prepared when the new national-level guidelines are available to the Council. 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 am satisfied that the Council is precluded from reviewing the Wind Energy Strategy at this time and as such do not consider the need for legal advice in this regard.

Upon the review of the Wind Energy Strategy it will involve consultation with all stakeholders including communities across the county and will be subject to full Appropriate Assessment and Strategic Environmental Assessment, both of which will examine cumulative effects, and will take into consideration any changes to SAC and SPA boundaries and new environmental information that have become available since the current Strategy was prepared.

With regard to changes to nature designations and/or protected habitats and species these can occur during the lifetime of the Development Plan and the Wind Energy Strategy. Development Management has responded quickly to such constant changes in designations and the Council's record in responding to updated changes in designations through the requirement for Appropriate Assessment and the appropriate decision on planning applications is clear.

In this regard you will note the Council's decision to refuse permission for a wind energy development at Moneypoint (Pl. Ref. 12/74), specifically due to the fact that the SPA site area (Site Code 004077) increased and there was not sufficient details in the NIS to overcome concern in relation to it. Shragh Wind Farm (Strategic Infrastructure application PI03.PA0025) was refused by An Bord Pleanala due in part to the impact on protected species. West Clare Renewable Energy Ltd's application for a wind farm at Slieve Callan (Pl. Ref 10/09) was permitted by Clare County Council and modified by An Bord Pleanala who in their Direction made specific reference to the Wind Energy Strategy. For this reason coupled with the fact that the Wind Energy Strategy (Vol. 5), the Renewable Energy Strategy (Vol. 6) and Volume 1 Written Statement of the Clare County Development Plan should be read in conjunction and taken together with the objectives and mitigation measures identified in all three volumes.

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. 294 Máire Ruttledge and Mark Kennedy

Keywords: Clarecastle

Summary of the Issues Raised in the Submission

This submission refers to a site currently zoned "Agricultural" on the Kildysart Road, Clarecastle and it is proposed to rezone it "Light Industrial - L1" in the draft Plan.

The submission requests the planning authority to reclassify the zoning back to "Agriculture" or provide a buffer zone of 100 metres between the individual houses and the development.

The authors' have grave concerns regarding increased traffic volumes which will arise from development of the site for light industry and request that consideration also be given to the issue of flooding in the area which arose in December 2015.

Chief Executive's Response

I wish to thank Máire Ruttledge and Mark Kennedy 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.

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 is amended to include for same.

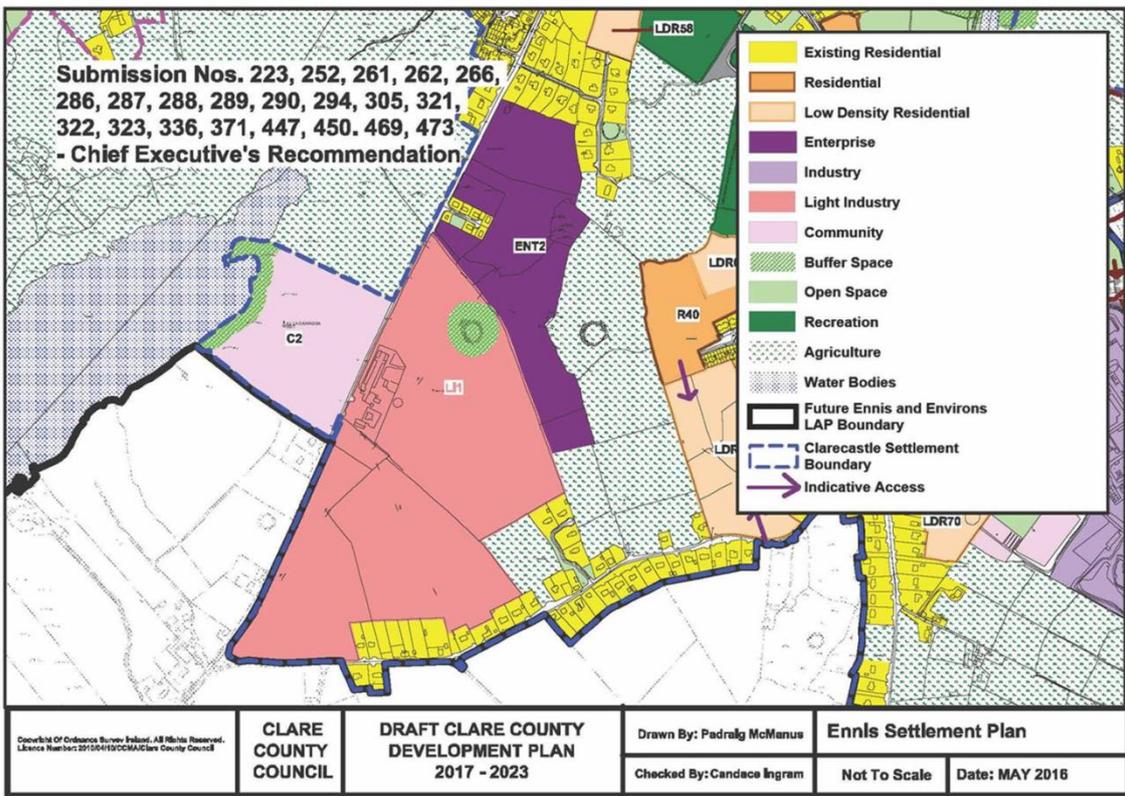
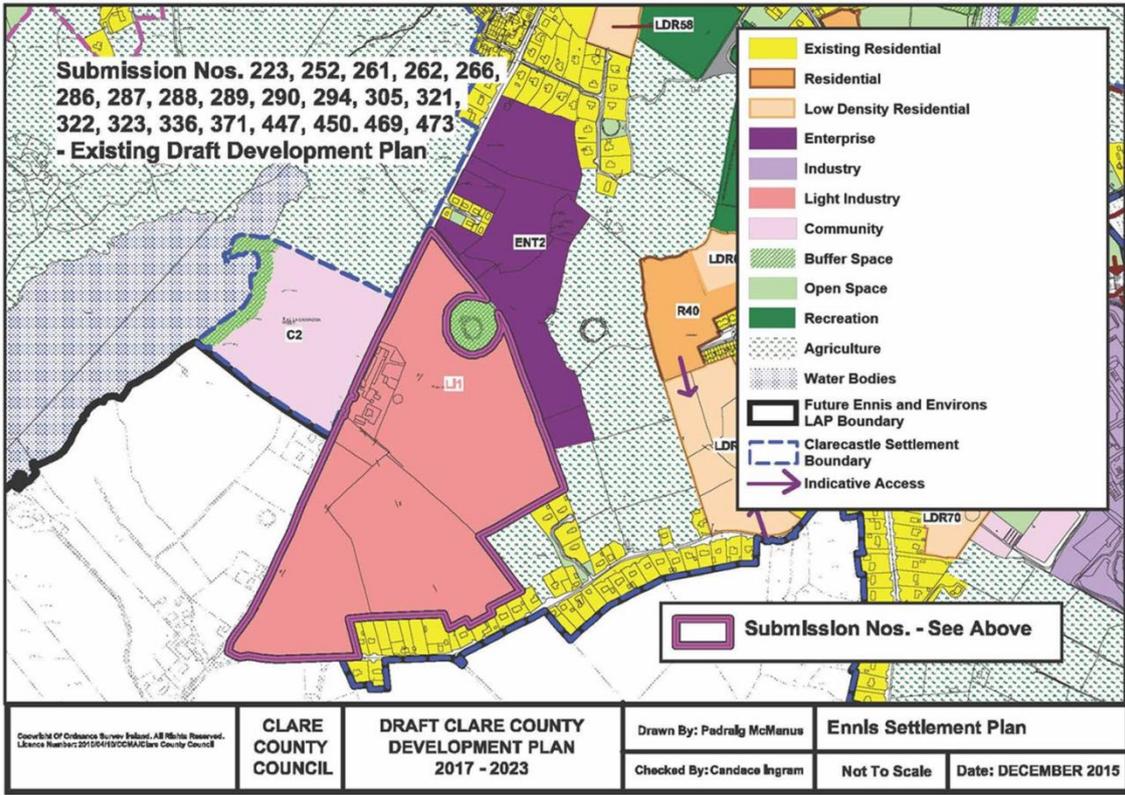
Chief Executive's Recommendation

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, Clarecastle 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
- A drainage impact assessment;
- Archaeological assessment;
- Light spill modelling study;
- Flood risk assessment



Ref. 295 Connellan & Associates on behalf of Aidan Sweeney

Key Words: Ennis

Summary of the Issues Raised in the Submission

The submission relates to land owned by the above at Drumcliffe, Ennis identified on an accompanying map. The site is proposed to be zoned "Agriculture" in the draft Plan.

The submission requests that the planning authority to amend the zoning to reflect the established and permitted use on the land for commercial purposes.

Chief Executive's Response

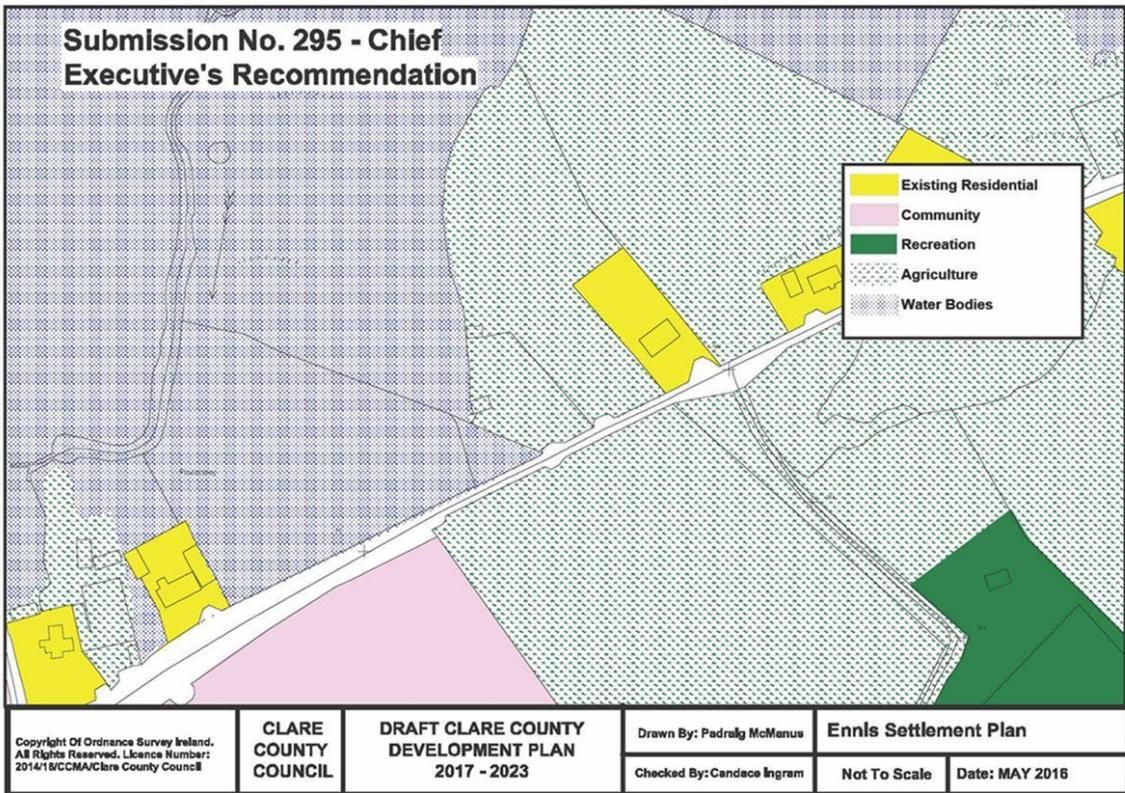
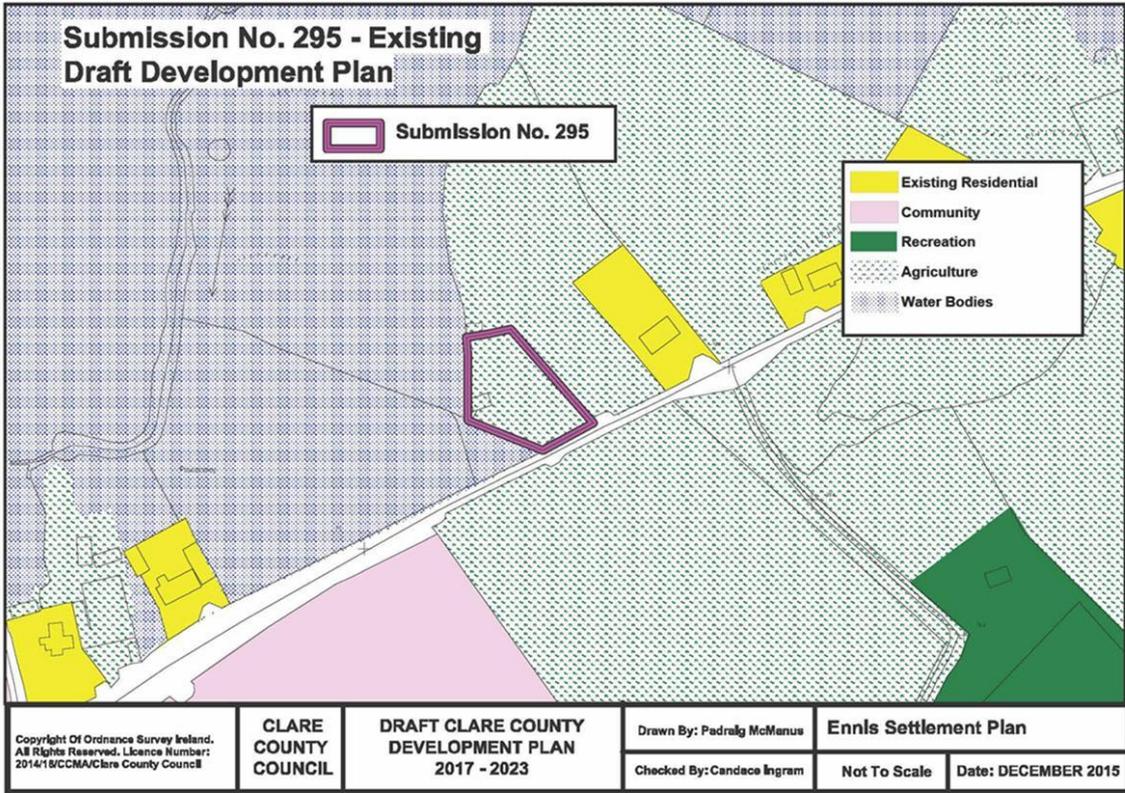
I thank Mr. Sweeney for his submission and I would like to respond as follows:

The area in question is primarily rural in nature. The existing uses that are zoned in the surrounding area reflect Existing Residential properties. To zone this site for commercial uses would give the misleading impression that the site is suitable for intensification of use and is consequently suitable for the range of uses normally 'open for consideration' or normally 'acceptable in principal' as per the zoning matrix for commercial lands. The site is less than 100m from the Ballyallia SAC and is not suitable for the uses that are normally associated with a Commercial zoning.

The current zoning on the site, as per the Draft County Development Plan, does not impact upon the extant permission on the site and I note that the Draft Plan, in Section 9.5.5, makes provision for 'non-confirming uses' and allows for the expansion and improvement of premises where such a situation arises.

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. 296 Azucena Mendez

Key Words: Quin

Summary of the Issues Raised in the Submission

This submission relates to the zoning of land in Quin settlement for Enterprise use. The objection is based on the following points:

- Enterprise use is incompatible with the Economic Development objective: *To continue to promote tourism and tourist activity within the village whilst being sensitive to its existing character and environment.*
- Enterprise use is incompatible with the text in Housing and Sustainable Communities: *In addition, future challenges centre on infrastructural limitations, access problems, traffic congestion along Main Street, road safety and ensuring that the traditional character of the village continues to be retained.*
- High speed broadband is not available.
- The wastewater treatment plant is at capacity and cannot sustain a development of this nature
- Existing roads are incapable of carrying heavy traffic

Chief Executive's Response

I acknowledge the issues raised in this submission and I wish to respond as follows:

The subject site was zoned for enterprise use with a view to providing space for small-scale business and enterprise development such as incubator units, craft centres/workshops, small-scale manufacturing, local digital/technology businesses and other such developments that could provide employment opportunities for local residents. It was also considered appropriate to zone lands for Enterprise use in more rural towns and villages such as Quin to support the objectives of the CEDRA Report and to assist with Clare Local Enterprise Offices' ambition to develop a network of digital hubs across the county, with two digital hubs in each Municipal District.

However, I note that widespread local opposition has been voiced to this zoning, with this submission forming one of many in relation to the site. Planning is an inherently democratic process and I consider it appropriate, given the level of opposition, to change the zoning on this site to Residential. I note that the draft CFRAM mapping shows, as integrated into Volume 10(c) Strategic Flood Risk Assessment of the Draft Plan, shows the entirety of the site to be within Flood Zone C. However there is evidence of pluvial flooding in this area. Therefore, a Stage 3 detailed Flood Risk Assessment will be required for any development proposals coming forward on these lands.

Chief Executive's Recommendation

I refer to my recommendation in relation to Submission ref. 065 to 083 (inclusive) which also refer to this site in Quin village.

Ref. 297 Kostas Wootis

Keywords: Ennis

Summary of the Issues Raised in the Submission

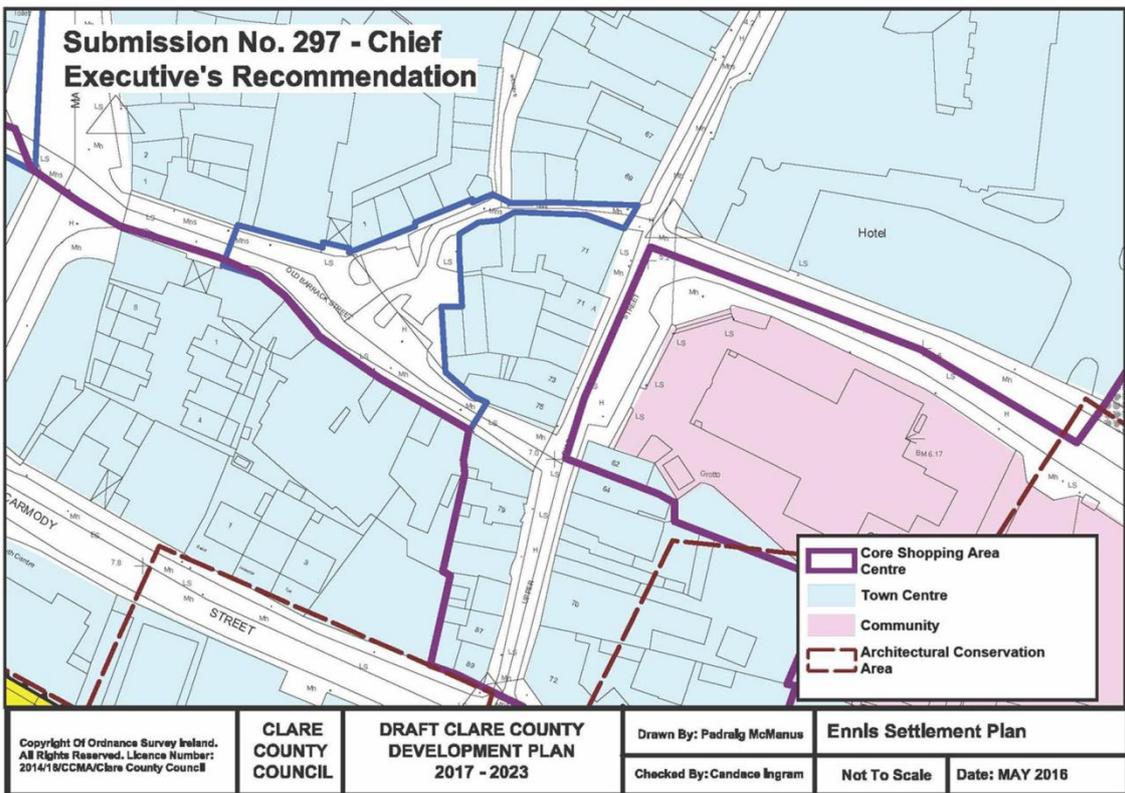
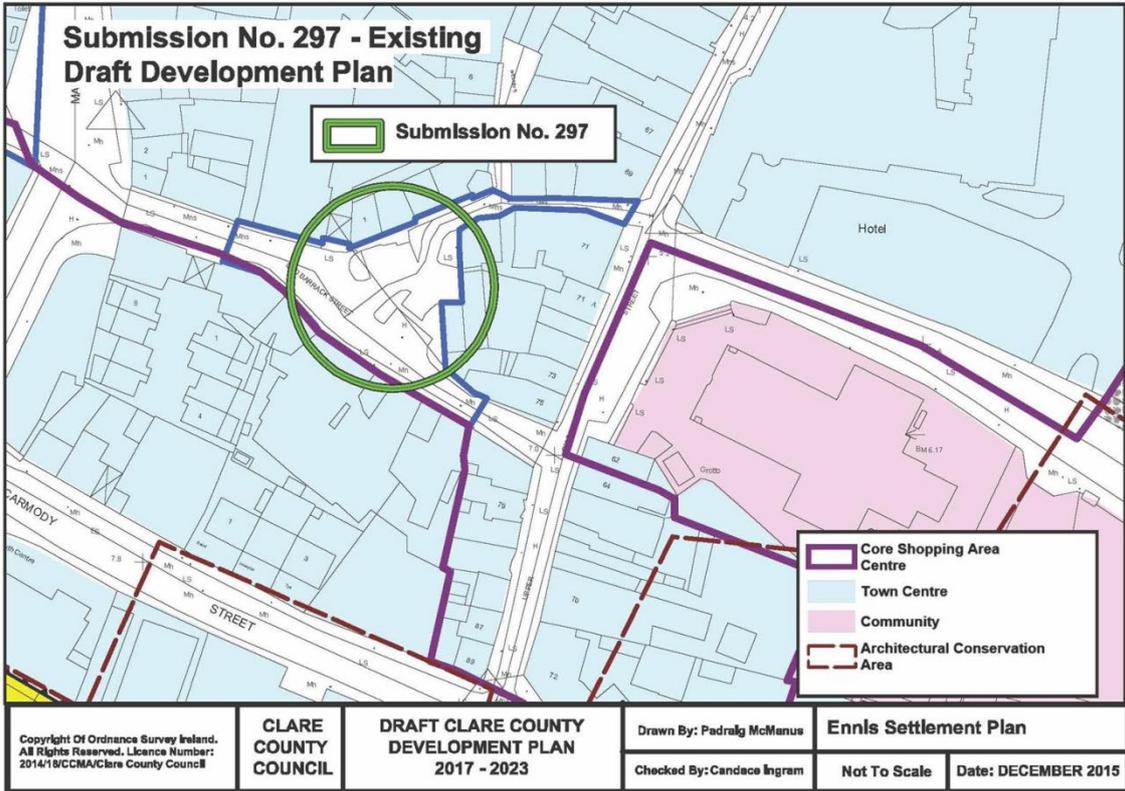
The submission consists of an indicative plan in support of a suggestion to include the triangular open area along Old Barrack Street, Ennis, in the list of town centre improvements, which the submission considers with proper planning could become an attractive place to sit and relax for both local people and tourists.

Chief Executive's Response

I wish to thank Mr. Wootis for his submission which relates to a design detail pertaining to Barrack Street which is welcomed. While this has no bearing on zoning, the Barrack Street area forms part of an opportunity site (OP3). I acknowledge that the outdoor seating areas associated with the existing cafes in Barrack Street are currently restricted by the layout and extent of carparking and the number of vehicles passing through the square. Any proposals to enhance this area will be subject to the provisions of Part XI of the Planning and Development Act 2000, as amended and Part 8 of the Planning and Development Regulations 2001, as amended which will include detailed design and public consultation.

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. 298 Mairead Fahy

Key Words: Quin

Summary of the Issues Raised in the Submission

The submission relates to land owned by the above at Quin Gardens, Quin. Her land within the Quin settlement plan is currently zoned residential in the South Clare Local Area Plan 2012-2018 and it forms part of the proposed "Enterprise ENT1" zoning in the draft Plan.

The submission requests that the planning authority change the zoning on part of the site from Enterprise to Residential and also consider zoning additional lands for Residential use.

The author submits that her land is not suitable for Enterprise as the surrounding area is residential and outside the village centre. She states that 50% of the existing commercial properties in Quin Village are either for sale, to let or vacant at present.

The author would be in favour of encouraging further residential development for the village in order to support the current commercial operators and potentially get more businesses into the aforementioned empty commercial units.

Chief Executive's Response

I thank Ms. Fahy for her submission and I acknowledge the requests contained therein.

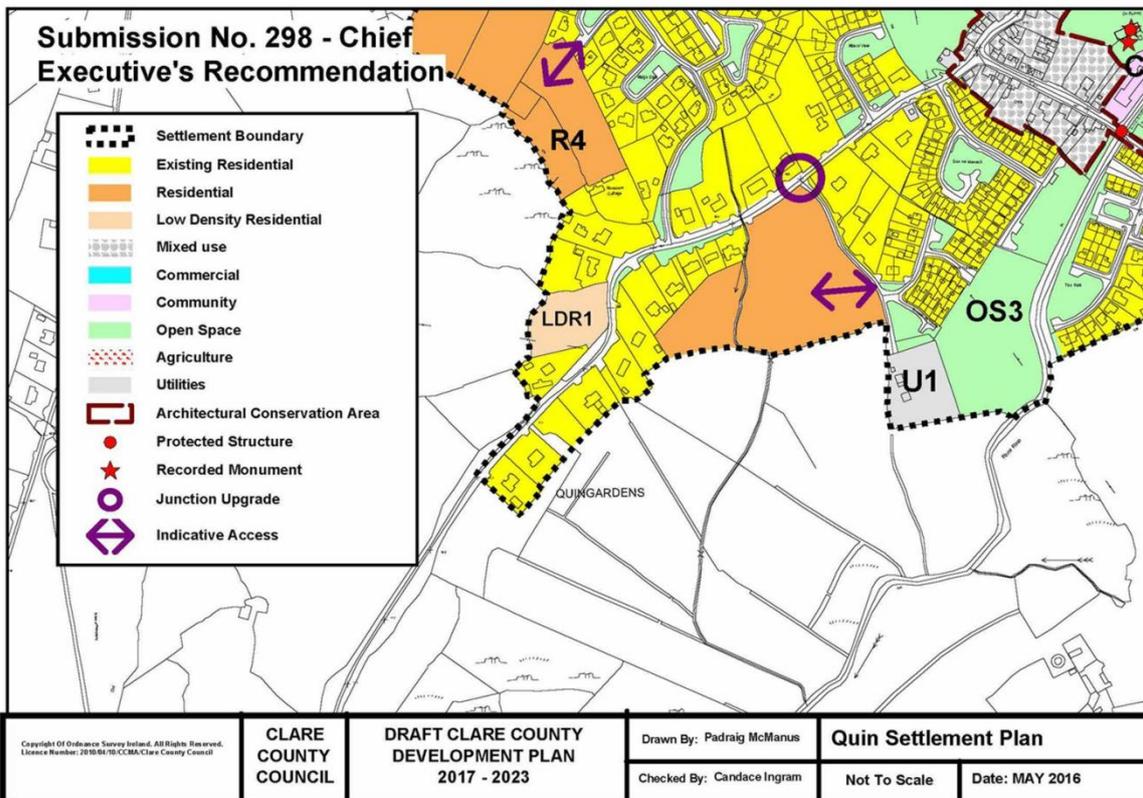
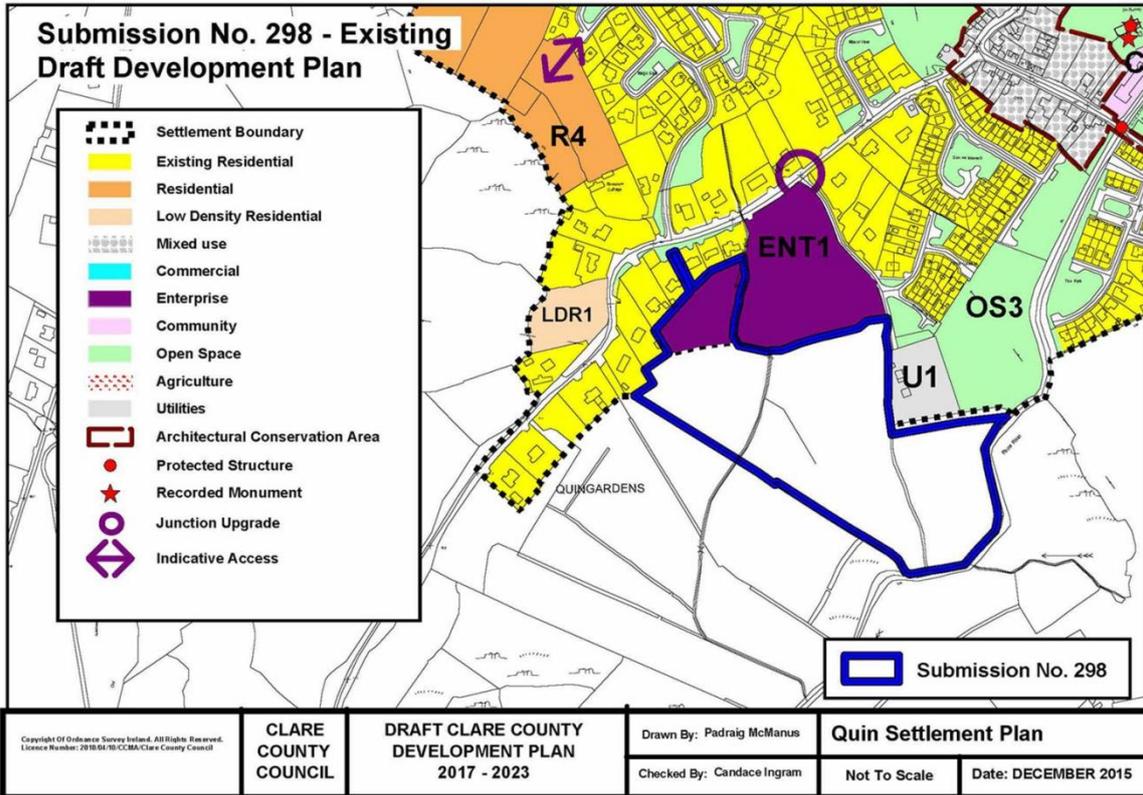
The subject site was zoned for enterprise use with a view to providing space for small-scale business and enterprise development such as incubator units, craft centres/workshops, small-scale manufacturing, local digital/technology businesses and other such developments that could provide employment opportunities for local residents. It was also considered appropriate to zone lands for Enterprise use in more rural towns and villages such as Quin, to support the objectives of the CEDRA Report and to assist with Local Enterprise Office Clare's ambition to develop a network of digital hubs across the county, with two digital hubs in each Municipal District.

However, I note that widespread local opposition has been voiced to this zoning, with this submission forming one of many in relation to the site. Planning is an inherently democratic process and I consider it appropriate, given the level of opposition, to change the zoning on this site to Residential. I note that the draft CFRAM mapping shows, as integrated into Volume 10(c) Strategic Flood Risk Assessment of the Draft Plan, shows the entirety of the site to be within Flood Zone C. However there is evidence of pluvial flooding in this area. Therefore, a Stage 3 detailed Flood Risk Assessment will be required for any development proposals coming forward on these lands.

In relation to the request to zone further lands for Residential use, I note that large parts of the area outlined on the accompanying map are within Flood Zone A and therefore are not suitable for vulnerable uses such as Residential development. I do not consider it appropriate to zone these lands for residential use.

Chief Executive's Recommendation

In relation to the lands currently zoned Enterprise, I refer to my recommendation in relation to Submissions 65-83 (inclusive), which also relates to the subject lands.



Ref. 299 Fergal and Róisín Stynes

Keywords: Quin

Summary of the Issues Raised in the Submission

This submission refers to lands surrounding the Maigh Dara residential housing estate at Madara, Quin, Ennis. The lands are currently zoned for residential development in the South Clare Local Area Plan 2012-2018 and it is proposed to retain residential zoning in the draft Plan.

This submission makes the following observations:

Land zoned "R2"

The author has concerns in relation to any development of this land which could increase the flood risk to Maigh Dara estate as the subject lands have flooded in recent years.

Land zoned "R3"

The author requests that this land be zoned "Low Density Residential" in keeping with the existing character of the estate and surrounding area.

Land zoned "R4"

The authors submit that the land contained within "R4" is largely limestone, and therefore any potential development will require rock breaking which would cause disturbance and discomfort to all residents.

The authors' also request that an alternative access would be used for all the subject lands in the event of development as it is their opinion that the existing road through the estate will not be adequate to cater for both existing residential and construction traffic.

Chief Executive's Response

I acknowledge the issues that have been raised in this submission and I would like to respond as follows:

In relation to Site R2 in Quin, I note that the Strategic Flood Risk Assessment (Volume 10(c) of the Draft Plan), states 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. In this regard I refer to my recommendation in relation to Submission 361, which also relates to this site.

In relation to Site R3, I acknowledge the request contained in this submission and, having regard to the pattern of existing development in the area, and the requirement to access this site via an existing residential development, I consider it appropriate to change the zoning on Site R3 to Low Density Residential.

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. Having regard to that recommendation, I

consider it appropriate to remove the 'Indicative Access' arrow between site R4 and the Madara estate.

Chief Executive's Recommendation

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

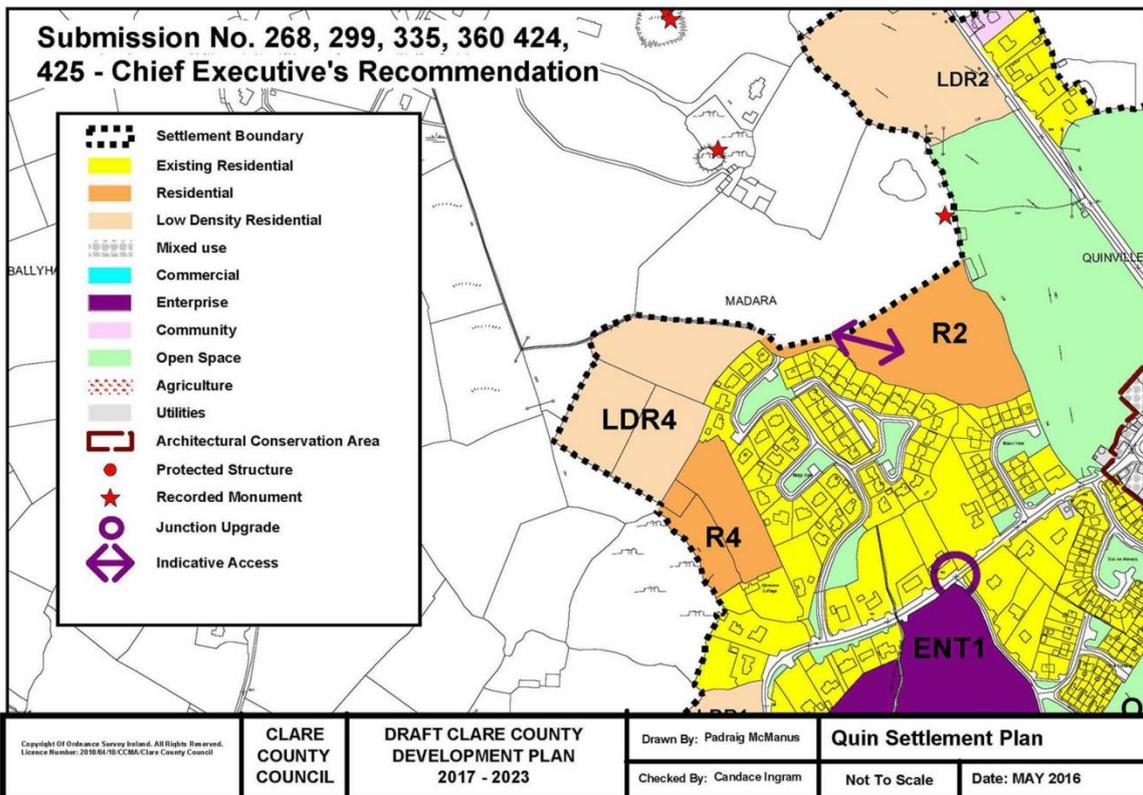
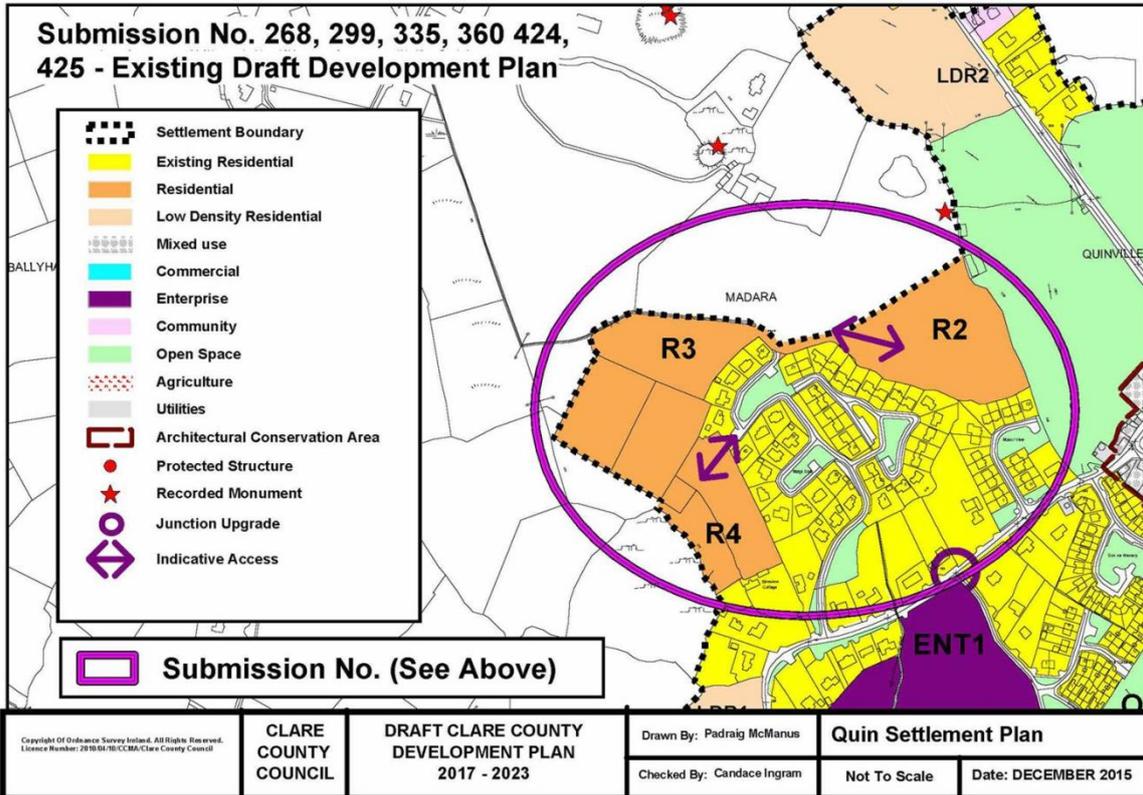
Volume 3(a), Quin Settlement Plan – amend zoning map as follows:

- Change zoning on Site R3 from Residential to Low Density Residential
- Remove 'Indicative Access' arrow between R4 and Madara

Volume 3(a), Quin Settlement Plan – amend text to read:

~~R3 North of Madara~~ LDR4 Northwest of Madara

This site is located ~~Backland-site~~ behind the existing Madara housing development and ~~In the event that the permitted development expires, This site~~ is considered appropriate for a low density residential scheme, accessed via the existing Madara estate. Proposals for development shall ensure that the residential amenities of existing dwellings at the ~~southern~~ eastern boundary are protected. Proposals for development on this site shall include a detailed assessment of the capacity of the existing entrance in the Madara estate to accommodate additional traffic movements and proposals for upgrade to the entrance, if deemed necessary.



Ref. 300 Sean McNamara & Tim Ryan, Castlequarter

Keywords: Castlequarter

Summary of the Issues Raised in the Submission

The submission relates to land owned by the above in Castlequarter in the Killaloe Municipal District Area. The submission requests that the planning authority to include the subject land within the Castlequarter Cluster settlement.

The submission set out the history of the site, indicating that outline planning permission was granted on this site in August 1980 and that the land was previously included in the Castlequarter Cluster in the South Clare Local Area Plan 2009-2015.

Chief Executive's Response

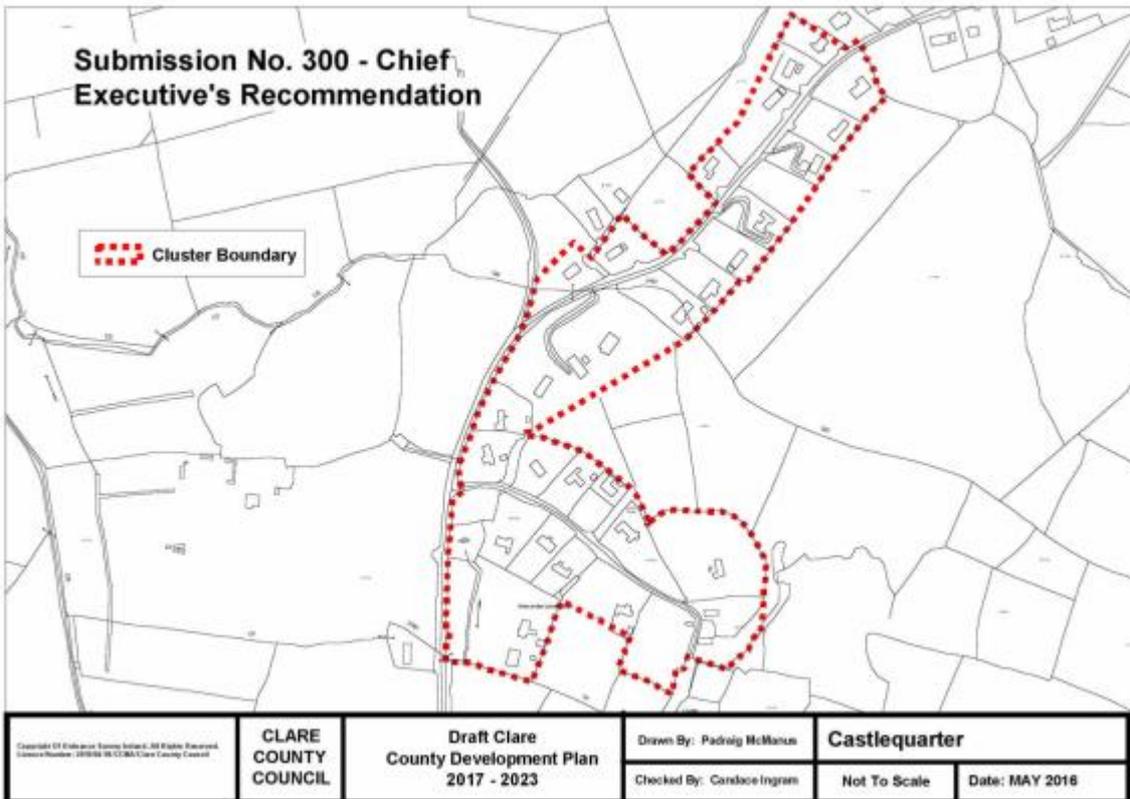
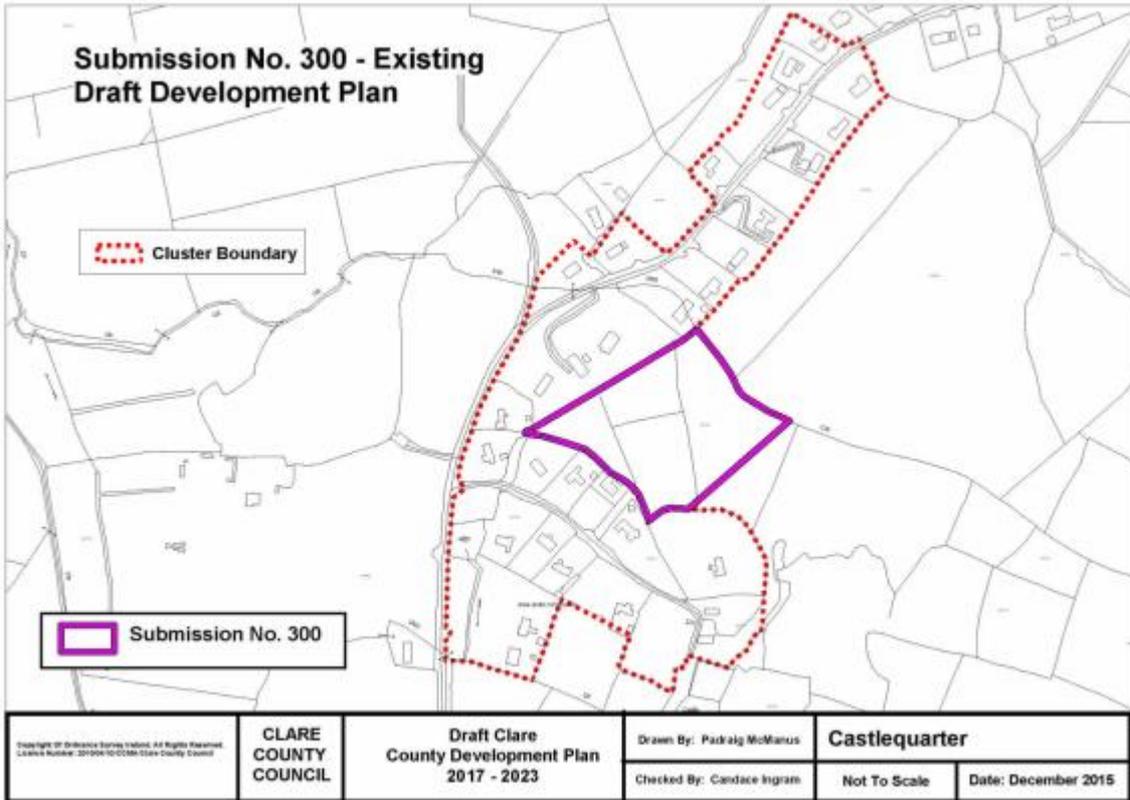
I thank Mr. McNamara and Mr. Ryan for this submission. I wish to respond to the request made therein as follows:

As with many Clusters, Castlequarter is an unserviced settlement relying on individual waste water treatment systems. Intensifying development in such an area presents difficulties due to the extreme groundwater vulnerability in this cluster given the bedrock is at or near the surface. This categorisation of the groundwater places it at a high risk of pollution. The lands are also in an area designated as a Rural Area Under Strong Urban Pressure and the road passing through the cluster is a Scenic Route.

To provide for additional residential development through the extension of this 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.



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