

# STRATEGIC ENVIRONMENTAL ASSESSMENT ENVIRONMENTAL STATEMENT TO VARIATION NO. 2

**ENNIS & ENVIRONS  
DEVELOPMENT PLAN  
2008-2014  
(AS AMENDED)**

**NOVEMBER 2011**

CLARE COUNTY COUNCIL



ENNIS TOWN COUNCIL





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## Section 1: Introduction

### 1.1 Ennis & Environs Plan Area

The Ennis and Environs Development Plan 2008-2014 adopted 8<sup>th</sup> December 2008 was prepared by Ennis Town Council and Clare County Council under the provisions of the Planning and Development Act, 2000 (as amended). The area covered by the Plan extends to approximately 14,700ha and includes the district electoral divisions of Clareabbey, Doora, Spancilhill, Kilraghtis and Templemaley, while Ennis settlement boundary area is 3,050ha.

Ennis is a designated Hub Town in the National Spatial Strategy 2002-2020. Within the Mid West Region, Ennis is located in Zone 1, which consists of Limerick/Ennis/Shannon. It is designated as the core area of the Midwest region, which has a high level of population growth, accessibility and supporting services.

The Ennis & Environs Development Plan 2008-2014 is the guiding statutory document for the proper planning and sustainable development of the Plan area for a period of six years from the date of adoption. During the plan preparation process the adopted Plan underwent environmental assessment in accordance with the SEA Directive (2001/42/EEC), Planning and Development (SEA) Regulations 2004 (as amended) and the Habitat Assessment Directive (92/43/EEC). The Development Plan contains a range of policies and objectives designed to achieve the stated core aims including specific policies in relation to housing, infrastructure, economic development and the environment. Thus, the Plan provides a framework for the development of Ennis and its Environs over the period 2008-2014, incorporating the relevant strategic legislation, policies and objectives at a National and regional level.

Since its adoption the Ennis & Environs Development Plan 2008-2014 has been amended (Variation No. 1) under Section 13 of the Planning and Development Act 2000(as amended). This Variation related to the quantum of land zoned for residential purposes, compliance with the Habitats Directive (92/43/EEC) and the appropriateness of policies in the Plan relating to housing in the countryside. Consequently, the Plan was varied through specific policy changes, amendments to existing zoned lands and by implementing a phasing schedule to the development of zoned lands within the Plan area.

This Variation, the subject of this Environmental Statement is Variation No.2 consists of inter alia;

- Part A relates to the inclusion of a Core Strategy with associated new policies and the phasing of required 88ha of residential lands in Phase 1;
- Part B relates to the incorporation of the *Retail Strategy for the Mid-West Region 2010-2016*, and thus the need to include new policies and amend a number of the existing policies regarding retail in the Ennis and Environs Plan area;
- Part C relates to the incorporation of the *Joint Clare-Limerick Housing Strategy 2011-2017* and the necessary amendments to three associated policies;
- Part D proposes the introduction of new landscape protection policies;
- Part E proposes the inclusion of new policies and the amendment or deletion of others relating to water and waste-water management, and
- Part F relates to the incorporation of new transport policies and the deletion or amendment of a number of existing policies.

Following the adoption of Variation No.2, the format of the Ennis & Environs Development Plan 2008-2014 will comprise of the following;

**Ennis & Environs Development Plan 2008-2014 – Variation NO.2 – Environmental Statement**

Volume 1 - Written Statement

Volume 2 - Maps

Volume 3 - Strategic Environmental Report & Habitat Directive Assessment

Volume 4 - Record of Protected Structures

Volume 5 - Retail Strategy for the Mid West Region, 2010-2016

Volume 6 - Joint Housing Strategy for Clare Local Authorities and Limerick City & County Councils, 2011-2017

## 1.2 Terms of Reference

The following document is the SEA Statement (also known as 'Information of Decision') prepared as part of the Strategic Environmental Assessment (SEA) to Variation No. 2 of the Ennis & Environs Development Plan 2008-2014 (herein referred to as 'the Plan'). The purpose of this SEA Statement is to summarise how environmental considerations were integrated into the Plan; how the Environmental Report and the outcome of consultations were taken into account and responded to; the reasons for choosing the Plan as adopted, having regard to the alternatives considered; and the measures decided upon to monitor the significant environmental effects of implementation of the Plan. This Report has been prepared by Clare County Council Planning, Landuse and Transportation Department. It should be noted, that the scope of the SEA Environmental Report and associated SEA Statement was restricted by reason of Section 13(6)(aa) of the Planning & Development Act 2010 (as amended). **The Act states that, only an assessment 'as respects one or more than one proposed modification' is required.** It is therefore noted that to fully incorporate the resolutions, cognisance must be taken of the SEA accompanying the original Ennis & Environs Development Plan 2008-2014.

## 1.3: SEA Definition

Strategic Environmental Assessment (SEA) is the formal, systematic evaluation of the likely significant<sup>1</sup> environmental effects of implementing a plan or programme before a decision is made to adopt the plan or programme. SEA is an important mechanism in promoting sustainable development and in raising awareness of significant environmental issues and in ensuring that such issues are addressed within the capacity of the planning system. It seeks to inform the decision-making process before a decision is made to adopt the plan. The overall aim of SEA is to:

- Provide a high level of protection to the environment;
- To integrate environmental considerations into the preparation and adoption of Plans and Programmes;
- To promote sustainable development; and
- To increase public participation in environmental decision-making.

## 1.4 Legislative Context

The European Community issued the Strategic Environmental Assessment (SEA) Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment. This introduced the requirement that SEA be carried out on plans and programmes, including those of land use planning. Article 1 of the SEA Directive states:

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<sup>1</sup> "Significant Effects" – These effects include secondary, cumulative, synergistic, short, medium and long term, permanent and temporary, positive and negative effects.

*'The objective of this directive is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment'.*

The SEA Directive was transposed into Irish Law in 2004 becoming operational on the 21<sup>st</sup> July 2004, through the following Regulations:

- European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004, S.I. No. 435 of 2004, and the
- Planning and Development (Strategic Environmental Assessment) Regulations 2004, S.I. No. 436 of 2004.

DoCELG SEA Circular PSSP/6 2011 gave notice that these were amended by:

- European Communities (Environmental Assessment of Certain Plans and Programmes)(Amendment) Regulations, 2011, S.I. No. 200 of 2011; and
- European Communities (Strategic Environmental Assessment) Regulations, 2001, S.I. No. 201 of 2011.

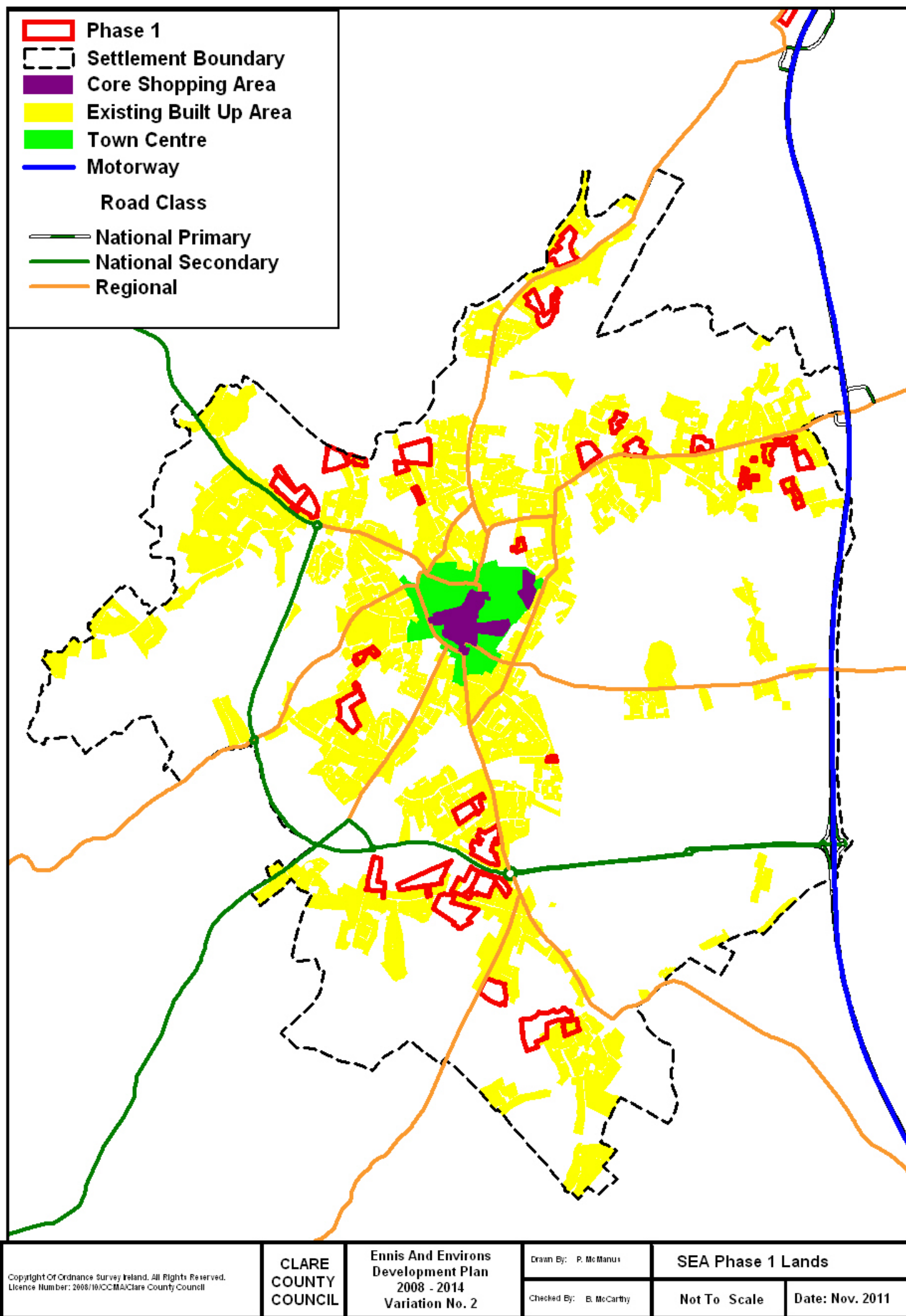
On adoption of Variation No. 2 of the Ennis & Environs Development Plan 2008-2014 the Planning Authority is required under Section 13A(4) of the Planning and Development (SEA) Regulations 2004 (as amended) to make the SEA Statement available to the competent Environmental Authorities, the public, and, where relevant, neighbouring authorities.

### **1.5: SEA Statement**

With the adoption of Variation No. 2 of the Ennis & Environs Development Plan 2008-2014 on 7<sup>th</sup> November and 14<sup>th</sup> November 2011, this Environmental Statement was prepared in accordance with Section 13Q of the Planning and Development (SEA) Regulations 2004 (as amended) to;

- identify how environmental considerations were integrated into the Variation,
- making reference to submissions/observations received by the planning authority or details of consultations,
- outline the reasons for choosing the Plan in light of other reasonable alternatives,
- and giving details of proposed monitoring procedures of the significant environmental effects of implementing the Plan.

In addition to providing the above information, this SEA Statement will provide a summary of the overall SEA process and also a background to the SEA.





## Section 2: Methodology

### 2.1: Introduction

The methodology used to carry out the SEA on Variation No.2 to the Ennis & Environs Development Plan 2008-2014 reflects the requirements of the SEA Directive, Regulations and other SEA guidance documentation. Consultation and advice was also received from the EPA.

### 2.2 SEA Chronology

#### Screening

Pursuant to Article 13K of the SEA Regulations 2004(as amended) there is a requirement on Clare County Council/Ennis Town Council (CCC/ETC) to notify Environmental Authorities of the intention to prepare or amend a Development Plan and associated Environmental Report.

In accordance with Article 13A (4) of the Planning and Development (SEA) Regulations 2004 (S.I No. 436 of 2004) (as amended) the Statutory Environmental Authorities include;

- the Environmental Protection Agency,
- Minister for Environment, Community and Local Government
- Minister for Agriculture, Marine and Food
- Minister for Communications, Energy and Natural Resources, and
- Minister for Arts, Heritage and the Gaeltacht,
- Any adjoining planning authority whose area is contiguous to the area of a planning authority which prepared the proposed variation.

However, noting that Circular PSSP/6 2011 (26<sup>th</sup> July 2011) was issued after the date of correspondence with the Statutory Environmental Authorities (15<sup>th</sup> March 2011), cognisance was taken at the time to the existing 2004 SEA Regulations and notice given to;

- Environmental Protection Agency,
- Department of Environment, Heritage & Local Government,
- Dept of Communications, Marine & Natural Resources,

By determination of the Screening Report it was concluded that Variation No. 2 as proposed in 11<sup>th</sup> April 2011 did not pose any likely significant environmental effects and thus **a full SEA was not required.**

Following public consultation on the Proposed Variation, in July 2011 the elected members of Ennis Town Council and Clare County Council proposed modifications to the proposed variation. These modifications to Variation No.2 were material alterations, and as such Section 13(6) (aa) of The Planning & Development Act 2010 states that *'the Planning Authority shall determine if a Strategic Environmental Assessment or an Appropriate Assessment or both such assessments, as the case may be, is or are required to be carried out as respects one or more than one proposed modification that would, if made, be a material alteration of the variation of the development plan.'* In this regard the Proposed Modifications were considered to be material alterations, and on 22<sup>nd</sup> July 2011 the Manager determined that they would be subject to SEA in accordance with Section 13(6) (aa) of the Planning and Development Act 2010 and the Planning and Development (Strategic Environmental

Assessment Regulations) 2004 (as amended). **Therefore an environmental report was required to be carried out to assess these modifications only**, in respect of the likely significant effects on the environment.

### Scoping

The scoping exercise was undertaken in the immediate period prior to developing the Environmental Report for the Proposed Modifications to the Proposed Variation No.2 on the E&E Development Plan 2008-2014.

### 2.3: SEA Timeframe & Review Process

Table 2.1 outlines the general timetable for the stages of the Review Process undertaken in the preparation of Variation No. 2 of the Ennis & Environs Development Plan 2008-2014.

**Table 2.1: Timeframe for the preparation and adoption of Variation No. 2 of the E&E Development Plan 2008-2014, SEA and HDA**

<b>Variation No. 2 of the E&amp;E Development Plan, 2008-2014</b>	<b>SEA (&amp; HDA)</b>
Notice to Environmental Authorities and consultation period for submissions from Environmental Auths. requesting observations on whether Variation No.2 would be likely to have significant environmental effects (SEA Draft Screening Report)	
<b>15th March 2011 – 5th April 2011</b> (Both dates inclusive)	
Notice in Newspaper advertising intention to prepare Proposed Variation No.2 to Ennis & Environs Development Plan 2008-2014	
<b>8th April 2011</b>	
Notice to Environmental Authorities of the intention to amend E&E Development Plan 2008-2014 and make Variation No.2 E&E Development Plan 2008-2014 <b>11th April 2011</b>	SEA/HDA Screening Report to Environmental Bodies – determination under the terms of the provisions of Article 13k of SEA regulations (as amended) that the Proposed Variation would <b>not</b> be likely to have significant environmental effects <b>11th April 2011</b>
Public Consultation on Proposed Variation No. 2 E&E Development Plan 2008-2014 <b>8th April 2011- 9th May 2011</b> (Both dates inclusive)	
Consideration of submissions and preparation of Manager's Report <b>9th May – 3rd June 2011</b>	
Manager's Report on Submissions received on the Proposed Variation No. 2 (submitted to Elected Members) <b>3rd June 2011</b>	
Special Meeting of Clare County Council & Ennis Town Council on Manager's Report Members resolve to make modifications to the Proposed Variation No.2 <b>11th July 2011</b>	SEA and HDA requirement as per Section 13(6)(aa) of the Planning & Development Act 2010 <b>11th July 2011</b>
	Determination that SEA and HDA on Proposed Modifications to Proposed Variation No. 2 is required prior to 19th August 2011 <b>22nd July 2011</b>

## Section 2: Methodology

Public Display of Proposed Modifications to Variation No.2 and consultation period <b>12<sup>th</sup> August 2011 – 9<sup>th</sup> Sept 2012</b> (Both dates inclusive)	Public Display of Proposed Environmental Report & HDA and consultation period <b>12<sup>th</sup> August 2011 – 9<sup>th</sup> Sept 2012</b>
Consideration of submissions and preparation of Manager's Report <b>9<sup>th</sup> September – 7<sup>th</sup> October 2011</b>	
Submission of Manager's Report to Members on submissions on the Modification to Proposed Variation No.2, ER & HDA <b>7<sup>th</sup> October 2011</b>	
Variation No. 2, SEA and HDA brought before Ennis Town Council and adopted with some of the proposed modifications <b>7<sup>th</sup> November 2011</b>	
Variation No. 2, SEA and HDA adopted with some of the proposed modifications at Clare County Council Meeting <b>14<sup>th</sup> November 2011</b>	
Variation No. 2 to Ennis & Environs Development Plan 2008-2014 Plan, SEA (ER & Statement) & HDA comes into effect on day of adoption <b>14<sup>th</sup> November 2011</b>	
Notice of determination advertised in newspaper and sent to prescribed Environmental Auths. <b>24<sup>th</sup> November 2011</b>	
Public display of adopted Variation No.2 to E&E Development Plan 2008-2014, SEA (ER, NTS and ES) & HDA <b>24<sup>th</sup> November 2011</b>	

## Section 3: Submissions, Observations and Consultation

### 3.1 Introduction

Clare County Council/Ennis Town Council (herein referred to as 'the Planning Authority') consulted with the prescribed Environmental Authorities prior to and during the preparation of the Environmental Report on the proposed modification to proposed Variation No. 2. The Planning Authority complied with the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2004 (as amended) in relation to informing the prescribed bodies for the purposes of preparing and making a Variation to the Development Plan.

In addition, internal consultation was carried out and included themed meetings with and between the Planning, Land Use and Transportation Department and other Council Departments including Water Services, Roads and Environment. These meetings were on-going and central to the preparation of the Variation No. 2 of the E&E Development Plan 2008-2014 and Environmental Report.

### 3.2 Consultation during the SEA Process

Consultation in regard to the potential significant environmental effects of implementing Variation No.2 was undertaken at the outset of the plan process and submissions from the prescribed environmental authorities were considered in the SEA Screening Report.

Variation No.2 was subject to two stages of public consultation; all submissions received during this time were considered by the Manager and addressed in;

- Manager's Report to the Elected Members on submissions received on Variation No. 2 of the E&E Development Plan 2008-2014 (3rd June 2011); and the,
- Manager's Report to the Elected Members on submissions received on the Proposed Modifications to Proposed Variation No. 2 of the E&E Development Plan 2008-2014 (7th October 2011)

#### 3.2.1 SEA Screening Consultation

As part of the consultation process notice was given to the prescribed Environmental Authorities requesting observations on whether Variation No.2 would be likely to have significant environmental effects (Draft SEA Screening Report). Submissions received between the 15th March 2011 – 5th April 2011 (both dates inclusive) are outlined in Table 3.1.

In response to the consultation with prescribed authorities it was determined under the terms of the provisions of Article 13k of SEA regulations (as amended) that the Proposed Variation as of April 2011 would **not** be likely to have significant environmental effects and thus an environmental report would **not** be required. A Screening report acknowledging same was sent to the prescribed environmental bodies, and included as Appendix A to this Statement as reference.

**Table 3.1: Screening Submissions on whether Variation No.2 as per details of April 2011 would be likely to have significant environmental effects  
(rec. 15<sup>th</sup> March – 5<sup>th</sup> April)**

Sub./Ref.	Person/Organisation	Location/Summary of Submission (Screening Stage)	SEA Comment
001	EPA	<p>Clare County Council's position with regard to the need for SEA is noted. The inclusion of new Objectives and Policies for the protection of water quality, provision of appropriate and adequate wastewater treatment infrastructure and protection of Bats and other Annex I species are acknowledged and welcomed.</p> <p>There are, however, a number of issues (included as bullet points below) which should be taken into consideration in the making of the proposed Variation. In addition to the specific comments made below, the integration of environmental considerations into the Plan should take into account the information contained within Appendix 1 as appropriate and relevant.</p> <p><u>Specific Comments in relation to the proposed Variation</u></p> <p><b>1.</b> The proposed reduction of development lands from 365 ha to c. 70 ha during Phase 1 of the Development Plan is acknowledged. It is noted however, in Section 3.5 <i>Settlement Hierarchy &amp; Strategy</i> that 88 ha are required for Ennis from 2014 to the end of the Plan period. Consideration should be given to clarifying whether the development of the remaining lands is proposed for a later phase of development</p> <p><b>2.</b> There would be merits in requiring Visual Impact Assessment be carried out in relation to the development of rural/single houses in the countryside, as referred to in Section 4.5.1 to ensure areas of significant landscape quality areas are not adversely affected.</p> <p><b>3.</b> There would be merits in clarifying to what extent has this screening exercise taken into account environmental vulnerabilities associated with the lands zoned e.g. Phase 1, Phase 2 etc particularly in the context of environmental risk including flood risk, impact on Natura 2000 sites.</p> <p><b>4. Future Amendments to the Draft Plan</b></p>	<p><u>1. Response:</u> It should be noted that a total of 88ha is to be allocated to Phase 1 development in Ennis from now until end of Plan period which is 2014. This is integrated into the proposed Variation No. 2 to The Ennis &amp; Environs Development Plan 2008-2014</p> <p><u>2. Response:</u> In response the Planning Authority refer to Section 4.4.4 - Site Suitability which states that: It is important to note that the policy considerations outlined in Section 4.4 represent only one element in the assessment of an application for dwelling(s) in the countryside. Other considerations relating to siting, design, environment, heritage, amenity and traffic considerations are also of paramount importance in the consideration of any development. It is the intention of the Council to attempt to facilitate, where necessary, the resolution of these issues through supplementary guidance and pre-planning application discussions.</p> <p><u>3. Response:</u> The screening process has undertaken a full environmental assessment of all zoned lands to include but not exclusively; flood risk, impact on Natura 2000 sites, accessibility, water and wastewater services, and transport.</p> <p><u>4. Response:</u> Yes, the SEA Directive &amp;</p>

### Section 3: Submissions, Observations and Consultation

		<p>You are reminded that it is a matter for Clare County Council to determine whether or not any future proposed Amendments/Variations would be likely to have significant effects on the environment. This assessment should take account of the SEA Regulations Schedule 2A Criteria (S.I. No. 436 of 2004) and should be subject to the same method of assessment as undertaken in the "environmental assessment" of the Draft Plan.</p> <p><b>5. Infrastructure Planning</b> In proposing the Variation, and any related amendments, variations etc. of the Variation and in implementing the Variation, adequate and appropriate infrastructure should be in place, or required to be put in place, to service any development proposed and authorised during the lifetime of the particular Variation.</p> <p><b>6. Appropriate Assessment</b> You are referred to the requirements of Article 6 of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, the Habitats Directive. Appropriate Assessment, in accordance with the Directive, is required for: <i>"Any plan or project not directly connected with or necessary to the management of the site (Natura 2000 sites) but likely to have significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the site in view of the sites conservation Objectives..."</i> You should consult with the National Parks and Wildlife Service (NPWS) with regard to screening of the Variation for Appropriate Assessment. Where Appropriate Assessment is required, any findings or recommendations should be incorporated into the SEA and Varied Plan, as appropriate.</p> <p><b>7. Obligations with respect to National Plans and Policies and EU Environmental Legislation</b> You are referred to your responsibilities and obligations in accordance with all national and EU environmental legislation. It is a matter for Clare County Council to ensure that, when undertaking and fulfilling their statutory responsibilities; they are at all times compliant with the requirements of national and EU environmental legislation.</p> <p><b>8. Environmental Authorities</b> You are reminded of the requirement, where appropriate under the SEA Regulations, to give notice to the following: The Minister for the Environment, Heritage &amp; Local Government where it appears to the Planning Authority that the proposed Variation might have significant effects in relation to architectural or archaeological heritage or to nature conservation, and The Minister for Communications, Energy and Natural Resource (formerly Communications, Marine and Natural Resource), where it appears to the Planning Authority that the proposed Variation might have significant effects on fisheries or the marine environment.</p> <p><b>9.</b> You are further reminded that a copy of your decision regarding the determination should be made available for public inspection at your offices and should also be notified to any Environmental Authorities already consulted</p>	<p>Regs will be adhered to</p> <p><b>5. Response:</b> The above points are integrated into the Proposed Variation No. 2 to the Ennis Development Plan 2008-2014 through the SEA and HDA processes</p> <p><b>6. Response:</b> The Habitats Directive will be adhered to and the NPWS consulted with regard to screening of the Variation for Appropriate Assessment and thus integrated into the Proposed Variation No. 2 to the Ennis Development Plan 2008-2014 through the SEA and HDA processes.</p> <p><b>7. Response:</b> It is noted and acknowledged that all National and EU environmental legislation will be consulted.</p> <p><b>8. Response:</b> Proposed Variation No. 2 to the Ennis Development Plan 2008 – 2014 was submitted to the above mentioned statutory bodies on 15<sup>th</sup> March 2011, as per the requirement of Article 13K of the Planning and Development SEA Regulations 2004. Submissions were received from the EPA, the DCMNR, and the DAU, DoEHLG.</p> <p><b>9. Response:</b> A copy of the decision has been available since 11<sup>th</sup> April 2011 as part of the variation process. A copy of the decision regarding the determination is available for public inspection at Clare County Council offices and issued to the Environmental Authorities already consulted.</p>
2	DoEHLG - Development Application Unit	<p><b>1. General</b> The Development Applications Unit (DAU) outlined the architectural heritage and archaeological observations of the Department of the Environment, Heritage and Local Government (DoEHLG) regarding the SEA report for proposed Variation No.2 and architectural heritage observations regarding the Core Strategy.</p>	

### Section 3: Submissions, Observations and Consultation

		<p><b>2. Core Strategy- Architectural Heritage</b> The DAU noted that the contents of the Core Strategy constituting the variation to the Ennis and Environs Development Plan 2008-2014 will not, in accordance with proper planning and sustainable development of the area, have a significant negative effect on the architectural heritage of the locality, and furthermore noted that any impacts should be either benign or positive.</p> <p><b>3. Archaeological Heritage</b> The DAU noted that the SEA is not considered likely to have significant environmental (archaeological) impacts.</p> <p><b>4. Other Comments</b> It was requested that any further information received; or in the event of a decision being made a copy of same should be forwarded to the Development Applications Unit, Department of Environment, Heritage and Local Government as soon as it arises.</p>	<p><b>2. Response:</b> This is acknowledged. For further information see the SEA Screening Table which includes an Architectural Heritage objective.</p> <p><b>3. Response:</b> This is acknowledged. For further information refer to the SEA Screening Table which includes an Architectural Heritage objective.</p> <p><b>4. Response:</b> A copy of the decision has been available since 11<sup>th</sup> April 2011 as part of the variation process. A copy of the decision regarding the determination is available for public inspection at Clare County Council offices and issued to the Environmental Authorities already consulted.</p>
<b>3</b>	<b>DCENR – Coordination Unit</b>	No Comments/Observations to make at this time	

#### 3.2.2 Pre-Draft Consultation

In conjunction with the SEA/HDA Screening Report to Environmental Bodies (11<sup>th</sup> April 2011) – determination under the terms of the provisions of Article 13k of SEA regulations (as amended) that the Proposed Variation would **not** be likely to have significant environmental effects - a letter of intention to vary the E&E Development Plan 2008-2014 was sent to prescribed bodies and other interested parties (11<sup>th</sup> April 2011) inviting submissions. Notification was also advertised in local press (8th April 2011). Submissions received on the plan between the 8th April 2011 and 9th May 2011 (both dates inclusive) are outlined in Table 3.2. These submissions were not subject to SEA consideration.

**Table 3.2: Pre Draft Submissions on Variation No. 2 of the E&E Development Plan 2008-2014**  
(rec. 8<sup>th</sup> April – 9<sup>th</sup> May)

Sub./ Ref.	Person/Organisation	Location/Summary of Submission
001a	DoECLG - Spatial Policy	Policies within Dev Plan need to clearly strengthen the role of Ennis.
001(b)	Dept of Tourism, Culture & Sport - Development Applications Unit - Archaeological & Architectural Heritage (Built Heritage)	Archaeological, architectural, heritage and natural heritage observations & recommendations
2	Midwest Regional Authority	RPG's, Land Use Zonings, etc - General
3	Dept of Education & Skills	Amendments population projects for the Ennis area have been proposed and this could have implications for education provision.
4	DAA	DAA welcomes Var. Policy's aim to increase connectivity between Ennis area & Shannon are welcomed. Development of Ennis to SNN rail & bus link is also welcomed. Policy TR4 Dev of Ennis/SNN Dev Corridor.
5	NRA	Core Strategy, chp 8 , chp 14, general, etc
6	Brendan McGrath on behalf of Finn Properties	Inc additional Res area in Phase 1, Rezone from Res (phase 1) to Commercial 3 at Roslevan, Consider revising the Road network, etc
7	Cyril O'Reilly Design Ltd on behalf of the Greene Family	Proposal in E&E Plan to omit Clusters & requests that Reaskaun & Ballymaquiggan remain as a Cluster in the Plan
8	Michael Lynch Ltd Building Contractors	Requests that lands at Abbeycourt & Abbeyville (formerly zoned OSL) be included in Phase 1
9	Leahy Conway Architects on behalf of Therese McCarthy	Requests lands at Ballybeg remain in Phase 1 & not Phase 2 as proposed in Variation
10	Co-Ordination Unit, Dept of Communications, Energy & Natural Resources	No Comments to make
11	Spain Courtney Doyle Engineers on behalf of Shane Flanagan	Zoning of lands at Killow Interchange, Ennis.
12	Spain Courtney Doyle, Engineers on behalf of Shane Flanagan	Zoning of lands at Rockmount, Ennis.
13	Larry Brennan Building Services on behalf of Fitzgibbon, Flynn & Talty,	Provision of Medical Centre/Private Hospital in Ennis.
14	Elliott Designs on behalf of Dennis Kenny	Zoning, Flood Risk, Ground Water issues.
15	Suzanne McClure on behalf of Luxury Homes (Galway) Ltd	That CCC reconsiders the allocation of residential development in the phasing strategy for E&E.
16	Michael Keating on behalf of Paddy and Mary O'Donoghue	Request that lands be retained as residential.
17	Sean Howard	Give Barefield correct description. Include a site within settlement location in phase 1 zoning.
18	James Malone Construction	Incl. additional land in current Phase 1
19	James Malone Construction	Retain Phase 1 zoning
20	Leahy Conway Architects on behalf o McCarthy Bros.	Retain Phase 1 zoning
21	Gerard Dollard on behalf of Cllr B Meaney & Cllr. J. Breen	Remove proposed traveller accommodation sites in current Plan
22	McCarthy Keville O'Sullivan on behalf of John Galvin	Lands at Claireen.
23	Patrick O'Donoghue on behalf of Mary & Paddy O'Donoghue	Incorrect information depicted on map ee04(a) re flooding.
24	Eko Integrated Services on behalf of Keco Construction Co. Ltd	Amend phasing on the Ballycorey lands. Allow Phase 1 zoning on Ballycorey lands.
25	McCarthy Keville O'Sullivan on behalf of a client	Retain Phase 1 zoning



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26	Sean Minniter, Frontline Asset Management Ltd on behalf of Clareabbey Developments Ltd, St. Flannan's View, Limerick Road, Ennis,	Lands at Clareabbey, Clarecastle.
27	DPP LLC on behalf of Tesco Ireland Ltd.	Recommendation re retail
28	HRA Planning on behalf of John Galvin	Submission Withdrawn by Email 20/05/11. Lands at Lees Rd. Retain Residential zoning
29	Cunnane Stratton Reynolds on behalf of Drumquin Construction, Roslevan	Lands at Knockanean - Include subject site in first phase of the Phasing programme
30	M. Fitzgibbon (Builders) Ltd.	Include subject site in first phase of the Phasing programme
31	Cunnane Stratton Reynolds on behalf of Aidan Bohanon	Lands at Roslevan -Include subject site in Phase 1

### 3.2.3 Consultation on the Proposed Modifications

Following the pre-draft stage of public consultation on the Proposed Variation, and taking into account all submissions received, the elected members of Ennis Town Council and Clare County Council proposed modifications to the proposed variation in July 2011.

It was then appropriate to assess these modifications only, in respect of the likely significant effects on the environment. Section 13(6)(aa) of The Planning & Development Act 2010 states that 'the Planning Authority shall determine if a Strategic Environmental Assessment or an Appropriate Assessment or both such assessments, as the case may be, is or are required to be carried out as respects one or more than one proposed modification that would, if made, be a material alteration of the variation of the development plan'. In this regard the Proposed Modifications were considered to be material alterations, and on 22<sup>nd</sup> July 2011 the Manager determined that they would be subject to SEA in accordance with Section 13(6)(aa) of the Planning and Development Act 2010 and the Planning and Development (Strategic Environmental Assessment Regulations) 2004 (as amended). **Therefore an environmental report was required to be carried out to assess these modifications only**, in respect of the likely significant effects on the environment.

The Proposed Modifications to Proposed Variation No. 2 of the E&E Development Plan 2008-2014 and associated SEA and HDA was put on public display on the 12th August for a period of 4 weeks. Submissions were invited on the proposed modifications and Environmental Report between the 12th August 2011 – 9th Sept 2012 both dates inclusive) and are outlined in Table 3.3.

**Table 3.3: Submissions on Proposed Modifications to Proposed Variation No. 2 of the E&E Development Plan 2008-2014 and associated SEA Environmental Report (rec. 12th August – 9th Sept 2011)**

Sub Ref.	Person/ Organisation	Summary of Submission (Draft Stage)	SEA Comment
001(a)	DoECLG - Spatial Policy & Planning	1. Recommends the HDA 3 identified areas (modifications No.s 8,9, and 11) which if developed would have unacceptable environmental impacts on Natura 2000 sites be excluded from phase 1 lands. In the case of proposed modification no. 12 it would be necessary to insert in to the variation the text contained in the HDA.	<p>1. The SEA has previously highlighted the likely significant negative environmental effects on the receiving environment in regard to Modification No. 8. However, the smaller site area outlined in Submission no. 19 will not have adverse impact on the Natura 2000 site (Lough Girroga) and it is considered that with adequate and appropriate mitigation measures and having regard to the proposed policies in the Ennis &amp; Environs Development Plan, any potential conflict with the Strategic Environmental Objectives (SEOs) contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset as a result of development on the smaller sect of land. It is noted however that there are more appropriate sites zoned which are located closer to the town centre, public transport, schools and amenities, and which would be better located in Phase 1.</p> <p>The SEA has previously highlighted the likely significant negative environmental effects on the receiving environment in regard to Modification No. 9. Upon further analysis and based, inter alia, on the details as presented in the submissions, it is now considered, taking full account of the important zone of influence which includes the Gaurus floodplain and the Lower Shannon SAC, that with appropriate mitigation measures the impact on the Natura 2000 sites can be mitigated against and on taking this site on an individual and site specific assessment, it is envisaged that with adequate and appropriate mitigation measures including those related to groundwater protection, wastewater treatment, water supply, flooding and pedestrian access, any potential conflict with the Strategic Environmental Objectives (SEOs) contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset. It is noted however that there are more appropriate sites zoned which are located closer to the town centre, public transport, schools and amenities, and which would be better located in Phase 1.</p> <p>In relation to Modification No.11, the SEA notes the extensive flood management control measures issued as part of PP 05/152. This planning application took into account the adjoining area of open space which the zoned lands within Modification No.11 did not. Upon further analysis and based, inter alia, on the details as presented in the submissions, it is now considered, taking full account of the important zone of influence which includes the Gaurus floodplain and the Lower Shannon SAC, that with appropriate mitigation measures the impact on the Natura 2000 sites can be mitigated against and on taking this site on an individual and site specific assessment, it is envisaged that with adequate and appropriate mitigation measures including those related to groundwater protection, wastewater treatment, water supply and flooding, any potential conflict with the Strategic Environmental Objectives (SEOs) contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset.</p>

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		<p><b>2.</b> It will be necessary for the Planning Authority to confirm that there is adequate capacity in the existing Clareabbey sewerage system to cater for development of the additional identified areas, while meeting the EPA waste water licence requirements.</p> <p><b>3.</b> In the case of Phase 1 areas, development within the catchment of the current Clonroadmore waste water disposal system would need to be conditional on upgrading the system.</p>	<p><b>2.</b> There is no capacity at the existing Clareabbey Treatment plant to cater for the development of phase 1 land in the vicinity. The SEA recommends that any development is subject to adequate and appropriate services including wastewater treatment and water infrastructure.</p> <p><b>3.</b> The SEA recommends that any development is subject to adequate and appropriate services including wastewater treatment and water infrastructure.</p>
001(b)	DoAHGA - (DAU) Development Applications Unit -	<p><b>Architectural Heritage –</b> The Dept supports the objective to find appropriate reuses for the complex of buildings at PS3</p> <p><b>Nature Conservation –</b> The Dept refers to the HDA recommendation that the 3 identified areas (modifications No.s 8,9, and 11) are not adopted as part of the proposed Variation No.2. It is suggested that in the avoidance of doubt, the Councils should note that these specific modifications may not be adopted in view of the assessment which establishes there are risks of adverse effects on the integrity of Natura 2000 sites.</p>	<p><b>Architectural Heritage –</b> The SEA encourages the general reuse of existing buildings and development of brownfield sites, (Note SEO in E&amp;E Development Plan 2008-2014 – 'to ensure that the soil/geology environment is not unduly impacted upon through contamination and that preference is given to the development of brownfield sites')</p> <p><b>Nature Conservation –</b> See response to 001(a)</p>
002	Mid-West Regional Authority	<p><b>Chapter 1 Introduction</b> Recommends that the proposed amendments are in line with the legal requirement of the EU, HDA and Council Directive 92/ 43.</p> <p><b>Chapter 3 Core Strategy</b> Section 3.6 'Retail Planning' - the proposed amendment should be consistent with the policies outlined in Chapter 4 of the MWRA Guidelines 2011-2022 which state 'in this context there may be a requirement for the development of a district centre in Ennis and Shannon in order to more appropriately cater for the family shopping market'.(p66)</p> <p><b>Chapter 4 Settlement Policy</b> Re. SS1 and SS12. Recommendation that the Planning Authority attention be drawn to NRA guidelines re access on to national routes.</p> <p><b>Chapter 5 Proposal sites</b> PS3 - Proposal to include hospital/ medical centre as an appropriate use for the site is consistent with site history and would be beneficial to the County</p> <p>PS7 - Recommendation that the Planning Authority take into consideration the recommendation and policies of Chapter 6 of the Retail Strategy for the Midwest Region 2010-2016. (i.e. proposed volume 6 of proposed variation no.2) Such policies inform the methodology to be used to assess need for a district centre. The Planning Authority should also take into account the planning history and assess potential impact on the town centre.</p>	<p><b>Chapter 1 Introduction</b> noted</p> <p><b>Chapter 3 Core Strategy</b> noted</p> <p><b>Chapter 4 Settlement Policy</b> Noted</p> <p><b>Chapter 5 Proposal sites</b> Noted</p>

	<p><b>Chapter 7 Housing</b> Re. H17 (2) Extant permission. This policy will be considered in conjunction with phased programme for residential development in the plan area.</p> <p><b>Chapter 8 Economic Development, Retail and Tourism.</b> RT4 'Ennis Town Centre and Retail Offer' provides for additional policy to reflect the Retail Strategy for the Mid West Region 2010-2016. RT7 'Out of Centre Retail Development' has included a wording change to emphasise that the sequential approach to the assessment of out of town centre must be followed. The proposed amendments are in keeping with the Regional Authority's recommendations.</p> <p><b>SEA</b> The MWRA notes that the SEA has determined that proposed modification 1-7 and 10-15 with mitigation measures will not on a site specific basis have a significant impact on the plan area or be in conflict with strategic environmental objectives. It is noted however that proposed modification no.8. (Luxury Homes (Galway) Ltd, Ballycorey Gort Road) and proposed modification no.9 (Drumquin Construction, Roslevan) would have significant environmental impact and would be in conflict with the strategic environmental objectives. It is noted that the location and distribution of the proposed modifications are contrary to the aims and objectives of the core strategy which encourages sequential development from the centre outwards. The MWRA recommends that the requirements of the SEA should inform the plan variation process</p> <p><b>HDA</b> Recommendation that the Planning Authority have regard to the recommendations of the HDA which requires the exclusion of proposed modification no. 8 (Luxury Homes (Galway), Ballycorey), no.11 (Drumquin Construction, Roslevan,) and no. 9 (Aidan Bohanan, Knockanean), and amendment to no. 12 ( O'Donoghue, Ballymaley) to incorporate text 'a Habitat Directive Assessment will be required for any proposed development which should provide for measures to protect water quality'.</p>	<p><b>Chapter 7 Housing</b> Noted</p> <p><b>Chapter 8 Economic Development, Retail and Tourism.</b> Noted</p> <p><b>SEA</b> The SEA considers that lands proposed to be included in Phase 1 as per Proposed Variation No.2 (April 2011) represents the optimum and preferred strategy for the development of the plan area (for the remainder of the plan period) taking into account the cumulative environmental issues such as flood risk assessment, availability of services, sequential test, planning history, and consolidation of the urban form. The SEA further recommends that any development within Phase 1 is subject to adequate and appropriate services including wastewater treatment and water infrastructure.</p> <p><b>HDA</b> See response to 001(a)</p>
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		<p><b>General</b></p> <ul style="list-style-type: none"> <li>Concern re. the proposed re-designation of phase 1 lands compared to those originally proposed in April 2011. The removal of lands at Roslevan where substantial infrastructural investment has taken place through the SLI is noted. Roslevan is well placed to benefit from any future upgrade of the Clonroadmore Waste water treatment plant and as such should be included as part of phase 1.</li> <li>The MWRA is of the opinion that the alternative sites now proposed do not comply with the sequential test or the plan led approach to development. The alternative sites are at peripheral locations where there is no waste water treatment anticipated. The MWRA considers that these lands would be better placed in a later phase of development.</li> <li>The material amendments proposed in respect of the provision of a district centre in section 3.6 and policy RT4 'Ennis Town Centre and Retail Offer' and RT7 'Out of Centre Retail Development' are consistent with section 4.3.1. of the RPG's. Any such development should take cognisance of sequential approach and potential impact on the town centre.</li> <li>The MWRA recommends that policy re access on to National Roads Chapter 14 'Transport' comply with NRA policy.</li> </ul> <p>The MWRA recommends the inclusion of material amendments for the incorporation of environmental modifications to a number of policies and objectives as a result of the recommendations of the SEA and HDA in order to comply with legislation and Ministerial guidelines</p>	<p><b>General</b></p> <ul style="list-style-type: none"> <li>The SEA considers that lands proposed to be included in Phase 1 as per Proposed Variation No.2 (April 2011) represents the optimum and preferred strategy for the development of the plan area (for the remainder of the plan period) taking into account the cumulative environmental issues such as flood risk assessment, availability of services, sequential test, planning history, and consolidation of the urban form.</li> <li>The SEA recommends that any development within Phase 1 is subject to adequate and appropriate services including wastewater treatment and water infrastructure.</li> </ul>
003	Yvonne Rannelow	Planning should be in the town's best interest, i.e. sustaining the viability of the existing town centre. Out of town developments have resulted in the decimation of town centres elsewhere. It is not in the best interest of the town that such development take place	The SEA notes the concerns of the submission. It is also noted however that the Ennis and Environs Development Plan 2008- 2014, The Retail Strategy for the Mid West Region 2010-16, and the Mid West Regional Planning guidelines 2010-2022 all contain policies and strategies to support the vitality and viability of the town centre of Ennis. It is considered that policy relating to retail development adequately protects the town centre. Also, any development of significant nature will be assessed for potential significant environment effects under the remit of EIA and/or HDA.
4	Little Piggys – Shoes for KIDs	Same as Ref.003	See response to 003
5	Noirin Furey, Secretary, Market St Traders Association	Same as Ref.003	See response to 003
6	Noirin Furey, Food Heaven	Same as Ref.003	See response to 003
7	N. Twomey Walsh, Secretary, Parnell St. Traders Association	Same as Ref.003	See response to 003

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8	Dept of Education & Skills	The proposal has been examined and the proposed alterations have no impact on school provision , the Dept therefore has no comments to make at this stage	Noted
9	CLlr Brian Meaney	- amendment to wording of objectives at PS7 - sentence to be incorporated under Chapter 3 Core Strategy, 3.6 Retail Planning	Noted
10	DAA	no specific comments to make at this time	Noted
11	Thomas Mulhern	Objection to the proposed modification No. 8 i.e. proposal to include lands of circa 3.33. ha at Ballycorey in Phase 1. It would be better to de-zone these lands. High density development is contrary to the character of Ballycorey area and the conservation of is environment.	The SEA has previously highlighted the likely significant negative environmental effects on the receiving environment in regard to Modification No. 8. However, the smaller site area outlined in Submission no. 19 will not have adverse impact on the Natura 2000 site (Lough Girroga) and it is considered that with adequate and appropriate mitigation measures and having regard to the proposed policies in the Ennis & Environs Development Plan, any potential conflict with the Strategic Environmental Objectives (SEOs) contained in the SEA of the E&E Development Plan 2008-2014 are likely to be offset as a result of development on the smaller sect of land. It is noted however that there are more appropriate sites zoned which are located closer to the town centre, public transport, schools and amenities, and which would be better located in Phase 1.
12	Ennis Educate Together	The Board of Management welcomes the commitment of Clare Co. Council in facilitating appropriate uses at PS3 Our Lady's Hospital which includes education.	Noted
13	DCENR - Co-ordination Unit	The Dept has no comments or observations to make at this time	Noted
14	Chris & Michelle Kenny	Objection to proposed modification no.8 (addition of 3.33 ha of land to Ballycorey) on the grounds that high density building is not compatible with existing surrounding estates. It is adding to an area very close to a special area of conservation.	See response to 011
15	David Honan	The submission states that the lands relating to Modification No.8 should not be included in phase 1 having regard to previous reasons for refusal of permission under pl. ref. 08/ 30. The reasons for refusal are still valid. The site is adjacent to Lough Girroga SAC and drains to the lake. The site includes high and extreme ground water vulnerability. The HDA has also recommended that this site be excluded from phase 1 zoned lands. The proposed modification should be omitted from phase 1.	See response to 011

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16	Ennis Development Forum	<ul style="list-style-type: none"> <li>• Objection to the proposed modifications, proposed in August 2011 re PS7 to include a district centre as it is considered that the inclusion of such a centre at this location would be likely to cause very significant detriment to the retail vitality of the town centre. It is stated that a new district centre is not justified when there is under trading in the town. This proposal contradicts previous policy i.e. the development of R.D.A.s each with their own neighbourhood shopping centre. There are more suitable sites closer to the town centre.</li> <li>• There is further concern regarding policy RT4 which appears to dispense with the necessity of carrying out a sequential test to prove the suitability of a site before its being granted planning permission.</li> <li>• The submission states the proposed change for site PS7 to enable traffic to access directly onto the Limerick Road would give significant strategic advantage to the site and lead to significant loss of trading. The proposed modifications to site PS7 are in contradiction of established planning guidelines including the Mid West Regional Strategy and the Retail Planning Guidelines.</li> </ul>	<p>Noted</p> <ul style="list-style-type: none"> <li>• The SEA recommends ease of accessibility and road safety in all areas, (Note SEO in E&amp;E Development Plan 2008-2014 – 'To promote sustainable modes of transport and provide for ease of movement for all road users and to promote development patterns that protect and enhance road safety')</li> </ul>
17	T. Sheils & Co Ltd	<p>The submission states a medical centre has been provided on his site on Gort Rd. in accordance with the objectives for the site set out in the Ennis and Environs Development Plan 2003. This created a legitimate expectation that the Council would not facilitate a further medical centre nearby which would threaten the viability of the medical centre on site until a clear market demand for an additional centre was evident. The site where Elm medical centre is located was identified by the Council as an edge of centre site and within reasonable walking distance of the town centre. When a sequential test is carried out for the subject site it will show that the Elm centre is much closer to town. Proposed medical use at Our Lady's will threaten viability of Elm centre</p>	<p>Noted</p>



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18	Barry Lynch	<ul style="list-style-type: none"> <li>Objection to the changes proposed re PS7 to include a district centre as it is considered that the inclusion of such a centre at this location would be likely to cause very significant detriment to the retail vitality of the town centre. A new district centre is not justified when there is under trading in the town. This proposal contradicts previous policy i.e. the development of R.D.A.s each with their own neighbourhood shopping centre. There are more suitable sites closer to the town centre.</li> <li>There is further concern regarding policy RT4 which appears to dispense with the necessity of carrying out a sequential test to prove the suitability of a site before its being granted planning permission.</li> <li>The submission states the proposed change for site PS7 to enable traffic to access directly onto the limerick road would give significant strategic advantage to the site and lead to significant loss of trading. The proposed modifications to site PS7 are in contradiction of established planning guidelines including the Mid West Regional Strategy and the Retail Planning Guidelines.</li> </ul>	See Response to 016
19	Luxury Homes (Galway) Ltd	<p>The submission states that their original submission only requested 2.2ha of the over all lands at Ballycorey to be included in phase 1. They request the Council to rectify this and include the relevant portion of the lands in phase 1. A map is attached to show the 2.2 ha area they are seeking to have included in phase 1. The submission is accompanied by a Natura Impact Statement which concludes that 2.2 ha may be included in phase 1 without detrimental impact on the sensitive environment. The HDA accompanying the proposed variation which concludes that this site cannot be included in phase 1 is based on a much larger site (3.3ha) than the area being requested (2.2ha). The smaller area is sufficiently removed from the Natura 2000 site. As this is 'plan stage' only it cannot be conclusively stated that there will or will not be predicted adverse impacts to the Natura 2000 site. It is recommended at this stage, there is no reason under the requirement of Article 6 (3) of the EU Habitats Directive to exclude these lands from phase 1. Environmental issues can be comprehensively addressed at planning application stage.</p>	<p>The SEA has previously highlighted the likely significant negative environmental effects on the receiving environment in regard to Modification No. 8. However, the smaller site area outlined in Submission no. 19 will not have adverse impact on the Natura 2000 site (Lough Girroga) and it is considered that with adequate and appropriate mitigation measures and having regard to the proposed policies in the Ennis &amp; Environs Development Plan, any potential conflict with the Strategic Environmental Objectives (SEOs) contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset as a result of development on the smaller sect of land. It is noted however that there are more appropriate sites zoned which are located closer to the town centre, public transport, schools and amenities, and which would be better located in Phase 1.</p>
20	Leahy Conway Architects on behalf of Ennis Chamber of Commerce	<ul style="list-style-type: none"> <li><b>Proposal to incorporate a district centre at PS7</b></li> </ul> <p>The introduction of a district centre at PS7 will have a number of effects on the 3 no. Neighbourhoods centres. It is likely to mean proposed neighbourhood centre in Clarecastle will no longer be feasible. A lot of investment has taken place in the 3 no. RDA's which are now threatened by the proposal to have a district centre at PS7.</p>	Noted

		<ul style="list-style-type: none"> <li>• <b>Proposal to allow direct access on to Limerick Rd from PS7.</b> The submission is not in favour of allowing direct access on to Limerick Rd.</li> <li>• <b>Proposal to delete requirement for sequential test at policy RT4.</b> The new policy in RT4 (g) 'Ennis Town Centre and Retail Offer' indicates that the sequential test will no longer be necessary provided the proposal is part of an appropriately scaled and located district centre. Where has reference to over trading in policy RT4 (g) come from? Why has 'core retail area' been deleted and replaced by 'core shopping area' in policy RT7 'Out of Centre Retail Development? Reference is made to sequential test in PS7 no longer makes sense when it is proposed to change RT4.</li> <li>• <b>The SEA accompanying the Ennis and Environs Plan 2008</b> The SEA accompanying the Ennis and Environs Plan 2008-2014 states that PS7 has extreme ground water vulnerability and is adjacent to the lands that flood. (Flood zone A). Would it not have made sense to have detailed engineers assessment carried out before proposing to change zoning?</li> <li>• <b>The meaning of district centre</b> The meaning of district centre is not clear. It has different meanings in different contexts. This submission refers to the classification system in the MWRS whereby district centre is assumed to be at a higher level than neighbourhood centre. It is assumed that what is proposed for PS7 is of an order of magnitude similar to the town centre or such towns as Ennistymon or Kilrush. The definition of a district centre as per Retail Planning Guidelines allows for 10,000 sq.m. (This is approx one third of the size of retail floor space in Ennis). The Planning Authority should be more specific about the meaning of district centre.</li> <li>• <b>Vacancy Rates in Ennis</b> Vacancy rates in Ennis are 15.3 %.The MWRS was carried out before the current recession was felt. The Retail Strategy for the Mid West Region 2010-2016 states there is over provision of retail floor space. A recurring theme of the Strategy is protection of town centres.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>The SEA accompanying the Ennis and Environs Plan 2008</b> The SEA is an advisory document which informs decision makers about the environmental and sustainability consequences of their proposed strategic actions. It is not the remit of the SEA to carry out or instigate specialised engineering measures on a site by site basis. The SEA has previously recommended that with adequate and appropriate mitigation measures including those related to groundwater protection and flooding, any potential conflict with the Strategic Environmental Objectives contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset.</li> </ul>
		<ul style="list-style-type: none"> <li>• <b>Historic buildings</b> Historic buildings need an economic basis of their survival is to be secured. That is why it is important to protect town centre.</li> </ul>	

		<ul style="list-style-type: none"> <li>• <b>Apparent contradictions within the Development Plan.</b> The Retail Strategy for the Mid West Region 2010- 2016 places emphasis on protection of the town centre and places importance on the sequential test. The proposed modification proposes to dispense with the sequential test and will have a detrimental impact on the town centre. Modifications will introduce a significant element of contradictions into the plan which may well call its validity in to question.</li> </ul>	
21	O'Connell St Traders Assoc,	Same as Ref. 016	See Response to Ref.016
22	Gerard Connellan	Same as Ref. 016	See Response to Ref.016
23	Tommy O'Donnell	Same as Ref. 016	See Response to Ref.016
24	Tony Honan	Same as Ref. 016	See Response to Ref.016
25	Michael Dennehy	Same as Ref. 016	See Response to Ref.016
26	Jim McAnespie	Same as Ref. 016	See Response to Ref.016
27	Murty O'Connell	Same as Ref. 016	See Response to Ref.016
28	M Keane	Same as Ref. 016	See Response to Ref.016
29	Brendan McGrath Assoc on behalf of Finn Properties Ltd	<ul style="list-style-type: none"> <li>• <b>Non sequential approach</b> The proposed modifications are contrary to best practice in relation to bringing lands forward for development. Development Plan Guidelines 2007 look for a logical sequential approach to be taken to the zoning of land. Rather than concentrate phase 1 lands in a centrally located RDA with the most developed local infrastructure it is proposed to locate phase 1 lands in the R.D.A. with the greatest infrastructural deficit (proposed modifications 2,3,4,5,6 and 7).</li> <li>• <b>Identifying sites that are not serviced and will not be in the foreseeable future.</b> The SEA advises that Clareabbey treatment plant is at capacity and there are no immediate plans for an upgrade. It is illogical and irresponsible to include lands in phase 1 whose development potential is dependent on upgrade of this treatment plant.</li> <li>• <b>Incoherent plan making.</b> The proposed modifications would introduce several inconsistencies to the plan as adopted. Policies for residential development areas - The core strategy diagrammatic map does not reflect the proposed dispersed nature of phase 1 lands, nor the core strategy statement amended to exclude reference to the sequential test. Section 6.15.1 of the plan which contains a description of the eastern RDA has not been revised to reflect the reduction in phase 1 lands now proposed.</li> </ul>	<ul style="list-style-type: none"> <li>• The SEA considers that lands proposed to be included in Phase 1 as per Proposed Variation No.2 (April 2011) represents the optimum and preferred strategy for the development of the plan area (for the remainder of the plan period) taking into account the cumulative environmental issues such as flood risk assessment, availability of services, sequential test, planning history, and consolidation of the urban form.</li> <li>• The SEA reiterates its recommendation that all development, even if allocated Phase 1 status is reliant on delivery of the upgrade of wastewater infrastructure.</li> <li>• Noted</li> </ul>

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		<ul style="list-style-type: none"> <li>• <b>Revised Road infrastructure objectives Policy TR14.</b> There is no prospect of the road plan for the eastern RDA being developed if the lands are not included in phase 1. There is extant permission to construct 57 no. houses and 400m of distributor road 07/ 13 there is also a more recent permission 09/ 28 to construct another section of the distributor road. It is intended to seek to extend these applications. Commercially zoned land adjacent will be land locked if adjacent lands owned by clients are not phased for development.</li> <li>• <b>Legal status of modifications.</b> The opinion expressed in this submission is that the Council would be acting ultra vires if they adopted the modifications as proposed. The members have stated in the reason for the proposed modification that they have taken account of the Habitat Directive and SEA Regulations but the submission queries whether such a statement will suffice when they have received well grounded advice not to proceed with the modifications as proposed.</li> <li>• <b>Compliance with European Environmental Legislation</b> Proposed Modifications no.s 2, 3, 4, 5, 6, and 7 which would pose serious drainage issues if they led to development would be challengeable in the context of the Water Framework Directive and other water and waste water Directives and that modification no.8 would be challengeable in respect of the Habitats Directive.</li> <li>• <b>Compliance with the Planning procedure of the Planning Act</b> The Act expressly states that a further modification to a variation 'may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site (S13 ( 6 ) ( c)(i ) ).</li> </ul>	<ul style="list-style-type: none"> <li>• A cumulative approach to decision making is recommended by the SEA process taking into consideration all environmental parameters, not solely road access.</li> <li>• The SEA is an advisory document which informs decision makers about the environmental and sustainability consequences of their proposed strategic actions. It is not within the remit of the SEA to instruct Members to comply. However, under Article 6(3) of the Habitats Directive (92/43/EEC), the Competent Authority (Clare County Council &amp; Ennis Town Council in this instance) cannot adopt a plan unless it determines that the provisions of the plan are not likely to have a significant effect on any Natura 2000 site.</li> <li>• The SEA has previously stated the likely significant negative environmental effects relating to Proposed Modifications No's 2,3,4,5,6 and 7 specifically noting the water quality and wastewater treatment deficiencies. However, it also stated that with appropriate and adequate mitigation measures any potential conflict with the Strategic Environmental Objectives contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset. It was also noted that Clare County Council and Ennis Town Council will be obliged to ensure the objectives identified in the Shannon River Basin Management Plan are achieved. The main actions identified include ensuring adherence to all relevant water legislation currently in force, control of development to avoid/reduce pollution as far as possible, enforce compliance with waste water treatment licence conditions, and control water pollution through prosecution of polluters.</li> </ul> <p>Also, upon further analysis and based, inter alia, on the details as presented in the submissions, it is now considered, that with appropriate mitigation measures the impact on the Natura 2000 sites can be addressed in respect of proposed modification no. 11 (Drumquin Construction Roslevan) and proposed modification no. 9 (Bohanan, Knockanean). In respect of proposed modification no. 8 (Luxury Homes, Ballycorey) I note that the inclusion of a smaller site area will not have adverse impact on the Natura 2000 site Lough Girroga.</p> <ul style="list-style-type: none"> <li>• Noted</li> </ul>
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30	David & Carole Frawley	This submission objects to the proposed modification no. 8 addition of circa 3.3ha of land at Ballycorey Gort Road. The submission states that no modification to the existing plan is required because the land is zoned other settlement land and is adjacent to and SAC and should be protected from high density development. There is no short or medium terms projected shortage of housing development lands in the plan area. Due to ongoing drainage issues and the existing business climate there is very unlikely to be any development in this period.	See response to 011
31	Michael & Carmel Clancy, Sherwood Inn	Same as Ref. 016	See Response to Ref.016
32	Paul & Kay Ryan, Ryan's Centra	Same as Ref. 016	See Response to Ref.016
33	Mayleen Van Der Merwe, Specsavers	Same as Ref. 016	See Response to Ref.016
34	Nora Johnston	Same as Ref. 016	See Response to Ref.016
35	Padraig Howard, Drumquin Construction Ltd	<p>This submission is accompanied by 3 reports;</p> <ul style="list-style-type: none"> <li>- a Natura Impact Statement,</li> <li>- a Hydrological Review Report, and</li> <li>- a report setting out existing site infrastructure.</li> </ul> <p><b>NIS</b> Concludes that given the extent of ground works the land is only of low ecological interest.</p>	<p>The extensive environmental assessment is welcomed, however it is noted that the NIS accompanying this submission refers to the north eastern section of the site only, it does not appear to refer to the overall site area. By contrast the HDA prepared by the Council refers to the overall site.</p> <p>However, upon further specialised consultation, it is now considered, taking full account of the important zone of influence which includes the Gaurus floodplain and the Lower Shannon SAC, that with appropriate mitigation measures the impact on the Natura 2000 sites can be mitigated against and on taking this site on an individual and site specific assessment, it is envisaged that with adequate and appropriate mitigation measures including those related to groundwater protection, wastewater treatment, water supply and flooding, any potential conflict with the Strategic Environmental Objectives (SEOs) contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset</p>

		<b>Hydrological Review Report</b>  Reviews the current status of the proposal site in respect of the hydrology and new Flood Risk Management Guidelines ( DoEHLG) 2009. It finds that lands are suitable for residential development in accordance with these guidelines. The report states that any future works on site are highly unlikely to raise significant water quality issues in the adjoining river or downstream in the cSAC as the majority of earth works are completed. The assessment identifies a positive impact on water quality by the completion of the permitted mains sewer link which will allow for the decommissioning of up to 30 septic tanks in the adjoining area. However, it also states that the trapezoidal flood relief channel has not been constructed which is a necessary mitigation measure for the infill of the site to eliminate flood impact. Works on the lake have not been completed. Flood impact- The entire flood relief works including the flood relief channel need to be completed as set out in the planning permission granted by ABP to mitigate flood risk to adjoining properties. Once completed the impact on flood levels would be eliminated. Water quality- The site has already been raised and therefore soiled runoff associated with the earthworks phase of construction will be minor	
36	Joe Deasy, Centra Clarecastle	Same as Ref. 016	See Response to Ref.016
37	Merchants Square Traders, Ennis	Same as Ref. 016	See Response to Ref.016
38	DPP LLP on behalf of Michael Lynch Ltd	<ul style="list-style-type: none"> <li>1. Potential for PS7 to deter SMEs</li> </ul> There is no basis in the SEA for the assertion that SMEs will be deterred from investing in Ennis as a result of this modification. This statement should be removed from the variation.  <ul style="list-style-type: none"> <li>2. Requirement for Retail Impact Assessment to accompany proposals for PS7.</li> </ul> The following sentence should be removed from page 50 of Vol III of the SEA 'which should include assessment of secondary, cumulative, synergistic, medium and long term, permanent and temporary positive and negative environmental social and economic effects' and replaced by a sentence which requires retail impact assessments to be carried out in line with Annex 4 of the Retail Planning Guidelines for Planning Authorities.	The SEA welcomes the comment raised and recommends that all policy objectives in the E&E Development Plan 2008-2014 are taken into consideration in any potential planning application.
		<ul style="list-style-type: none"> <li>3. Potential for increased level of vehicles in the area and associated air pollution.</li> </ul> The statement 'consideration must also be given to the increased level of vehicles in the area which may give rise to increased levels of air pollution and implications on the quality of life of nearby residents' should be removed from the SEA.	

		<ul style="list-style-type: none"> <li>• 4. Provision of appropriately scaled and located D.C. The SEA provides that the location of a District centre should have regard to the sequential approach to retail development. This is not guidance provided under the Retail Planning Guidelines- which does not reference the sequential approach in relation to its locational policy for district centres. No reference is made in National policy in respect of district centres. The RPGs state that development plans themselves 'should address the locational requirement of district centres'. Reference to sequential approach should be removed. (p51 SEA)</li> <li>• 5. Requirement for additional environmental testing for District centre in the core strategy. The following text on page 47 of Vol III of the SEA should be amended to read: 'any associated development must not be at the detriment of the environment and must (Delete-'consider the secondary, cumulative, synergistic, short, medium and long term, permanent and temporary positive and negative environmental effects of such development with an area') and insert 'have regard to the requirement for appropriate environmental assessment under the Planning and Development Act and regulations and in accordance with proper planning and sustainable development'.</li> </ul>	
39	Edward Michael, Centra Kildysart	Same as Ref. 016	See Response to Ref.016
40	Abbey Street Traders Association	Same as Ref. 016	See Response to Ref.016
41	McCarthy, Keville O'Sullivan on behalf of Aidan Bohannon	<p>This submission is accompanied by 3 reports;</p> <ul style="list-style-type: none"> <li>- a Natura Impact Statement,</li> <li>- a Hydrological Review Report, and</li> <li>- a report setting out existing site infrastructure in place.</li> </ul> <p><b>NIS</b> Notes that the lands have been infilled and disturbed and are of low significance in terms of flora and fauna.</p>	

### Section 3: Submissions, Observations and Consultation

		<p><b>Hydrological Review Report</b> Confirms that as a result of raising levels in accordance with extant permission (ref.06/19) which remains extant, the site is located within Zone C which is a low flood risk designation and is therefore suitable for residential development. The review also noted that any further development works are unlikely to result in significant water quality issues as ground works are completed. The low density housing permitted offers greater choice of housing.</p> <p>Flood impact - The development would have a minor impact on flood risk provided the development foot print avoided effective conveying floor plain area and suitable culverting of drainage provided. The layout ensures that the Gaurus flood plain conveyance zone was avoided and site drainage details conditioned so as not to impede local drainage reaching the Gaurus.</p> <p>Water quality - The site has already been raised and therefore soiled runoff associated with earthworks phase will be minor.</p> <p><b>Existing Site Infrastructure Report</b> - Details the schedule of works completed on the site to date.</p>	<p>The SEA has previously highlighted the likely significant negative environmental effects on the receiving environment in regard to Modification No. 9. However, upon further specialised consultation, it is now considered, taking full account of the important zone of influence which includes the Gaurus floodplain and the Lower Shannon SAC, that with appropriate mitigation measures the impact on the Natura 2000 sites can be mitigated against and on taking this site on an individual and site specific assessment, it is envisaged that with adequate and appropriate mitigation measures including those related to groundwater protection, wastewater treatment, water supply, flooding and pedestrian access, any potential conflict with the Strategic Environmental Objectives (SEOs) contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset. It is noted however that there are more appropriate sites zoned which are located closer to the town centre, public transport, schools and amenities, and which would be better located in Phase 1.</p>
42	Cllr Johnny Flynn	<ul style="list-style-type: none"> <li>• Compensation.</li> <li>• Assumptions of Retail strategy</li> <li>• Objection to proposed modification to policy RT4</li> <li>• Objection to proposed modifications of section 3.6 Retail Planning</li> </ul>	Noted
43	Gerard Donnellan	Same as Ref. 016	See Response to Ref.016
44	EPA	<p><b>1.</b> It is noted that a number of the proposed modifications (no.8, 9 and 11) would appear to conflict with the SEA and AA recommendations are unlikely to be adequately mitigated against. The recommendation of the SEA and AA should be fully reflected in the proposed modifications to be adopted.</p>	<p><b>1.</b> Upon further analysis and based, inter alia, on the details as presented in the submissions, it is now considered, that with appropriate mitigation measures the impact on the Natura 2000 sites can be addressed in respect of proposed modification no. 9 and no. 11. In respect of proposed modification no. 8 the SEA notes that the inclusion of a smaller site area will not have adverse impact on the Natura 2000 site Lough Girroga.</p>
		<p><b>2.</b> Considerations should be given to dezoning or rezoing the relevant lands to more appropriate land uses which reflect the environmental sensitivities of the sites.</p>	<p><b>2.</b> The Variation does not propose the dezoning of lands; it is proposed to manage the development of lands through a phasing programme</p>
		<p><b>3.</b> It should also be ensured that the development of phase 1 is linked to the provision and commissioning in advance of critical service infrastructure.</p>	<p><b>3.</b> The SEA reiterates its recommendation that all development, even if allocated Phase 1 status is reliant on delivery of the upgrade of wastewater infrastructure</p>
		<p><b>4.</b> Re Chapter 8 policy RT4 should take in to account existing traffic management and seasonal traffic to ensure provision of sustainable retail development and promote utilisation of public transport.</p>	<p><b>4.</b>Noted</p>
		<p><b>5.</b> In relation to Section 3.4 information gaps of the SEA Environment report, consideration should be given to incorporate provisional census 2011 population data as relevant and available</p>	<p><b>5.</b> Noted</p>



## **Section 4: Integration of Environmental Considerations in Variation No. 2 of the E&E Development Plan 2008-2014**

### **4.1: Introduction**

The information and recommendations integrated into the SEA Environmental Report on Variation No. 2 of the Ennis & Environs Development Plan 2008-2014 were in accordance with the Strategic Environmental Objectives (SEOs) of the E&E Development Plan 2008-2014, the Habitats Directive Assessment and all relevant and appropriate guidance available at the time. The significant environmental implications of each modification, individually and cumulatively and their integration with the information in the Environmental Report has been assessed and outlined in detail in the Environmental Report (August 2011).

Due to proposed modifications being made to the proposed amendments (July 2011) to Variation No.2, it was determined that in accordance with 13(6)(aa) of the Planning and Development Act 2010 and the Planning and Development (Strategic Environmental Assessment Regulations) 2004 (as amended), an environmental report was required to be carried out to assess these modifications only, in respect of the likely significant effects on the environment.

This process has highlighted the significance and importance of SEA in the plan making process and the integration of environmental considerations as a significant addition to the elected members in their decision making capacity.

### **4.2: Resolutions**

Variation No. 2 of the Ennis & Environs Development Plan 2008-2014 was adopted at the November monthly meeting of Ennis Town Council on Monday 7<sup>th</sup> November and Clare County Council held on Monday, 14<sup>th</sup> November 2011.

The following were considered by the Members prior to adoption:

- The National Spatial Strategy 2002-2020;
- The Mid West Regional Planning Guidelines 2010-2022;
- Manager's Report on Submissions received on the Proposed Variation No. 2 (June 2011);
- Manager's Report on submissions on the Modification to Proposed Variation No.2, (October 2011);
- The associated SEA Screening Statement (April 2011) and Strategic Environmental Assessment (Draft Environmental Report) (August 2011);
- The associated HDA Stage 1 Screening (April 2011) and Habitats Directive Assessment (August 2011);
- The policies and objectives of the Minister contained in the Guidelines prepared under Section 28 of the Planning & Development Act (as amended);
- The policies and objectives of Development Plans in adjoining Planning Authorities, in particular the Clare County Development plan 2011-2017;
- The proper planning & sustainable development of the area to which the Development Plan relates, the statutory obligations of any local authority in the area and any relevant policies or objectives for the time being of the Government or any Minister in Government;

In accordance with the provisions of Section 13(6) of the 2000 Planning and Development Act (as amended), the Elected Members resolved to make the Variation No.2 to the Ennis & Environs Development plan 2008-2014 in accordance with:

- a) The details of the proposed Variation No.2 as per April 2011 subject to the modification details set out below (Table 4.1).
- b) The following proposed modifications relating to lands to be included/excluded from Phase 1 with reference to details of August 2011.
- c) The following proposed modifications relating to textual modifications.
- d) The following proposed modifications relating to general retail policy.
- e) The following proposed Modifications relating to PS7

Table 4.1 outlines all proposed material alterations (resolutions) to Proposed Variation No. 2 of the E&E Development Plan 2008-2014 made on the 14<sup>th</sup> November 2011 and assesses them under SEA criteria. A number of resolutions are contrary to the Manager's Report and SEA & HDA recommendations and as such are noted.

**Table 4.1: Resolutions to Proposed Modifications to Proposed Variation No. 2 of the Ennis & Environs Development Plan 2008-2014**

Resolution No.	Resolution	SEA Comment
	<b>a) Details of proposed variation as per April 2011, subject to modifications set out below in b), c), d) and e).</b>	
	<b>b) Phasing</b>	
<b>1</b>	<b>Include</b> Proposed modification No.1 circa 0.28 ha of land at Tobartascain, Clonroad More	It is envisaged that with adequate and appropriate mitigation measures including those related to groundwater protection, wastewater treatment, water supply, accessibility and the possible requirement for a FRA, any potential conflict with the Strategic Environmental Objectives (SEOs) contained in the SEA of the E&E Development Plan 2008-2014 are likely to be offset.
<b>2</b>	<p><b>Include</b> Proposed modification No.2 circa 2.51 ha of land at Cahercalla Beg, Ballybeg</p> <p>Reason for proposed modifications no's 2, 3,4,5,6, and 7: <i>Whilst the contents of the Manager's recommendation are noted, we have considered the contents of the submission made, taking account of the EU Habitats Directive and SEA Regulations, the proper planning and development of the plan area, our statutory obligation for the area and any relevant Government Guidelines, policies and objectives. We have concerns with regard to the quantum of land zoned with the Eastern Residential Development Area/Serviced Land Initiative Area (SLI). We proposed to introduce a more balanced zoning in order to optimise land use into the overall plan area. In doing so we have reviewed the level of, and adequacy with regard to the road network, public services such as schools, transport, community &amp; sporting facilities, etc within the plan area. It is important to the implementation of this plan and to generate a sufficient population base in these areas to justify the upgrading of the Clarecastle Treatment Plan and other community facilities along with road networks that residential development is promoted in these areas in a balanced way".</i></p>	<p>This resolution is against the recommendation of the Manager's Report (October 2011)</p> <p>The Elected Members rationale for inclusion of this proposal site advocates the importance in generating 'a sufficient population base to justify the upgrading of the Clarecastle Treatment Plan and other community facilities along with road networks'. This must not be at the detriment of the environment and consideration must be given to the cumulative environmental effects of development on a number of lands zoned within a distinct area in Phase 1 (ER August 2011).</p> <p>The location of the site is detached from the urban centre of Clarecastle and thus, it is noted that there are more appropriate sites included within Phase 1 as per Proposed Modifications (April 2011) which are located closer to the town centre, public transport, schools and amenities. However, notwithstanding this, on taking this site on an individual and site specific assessment, it is envisaged that with adequate and appropriate mitigation measures including those related to groundwater protection, wastewater treatment, water supply, accessibility and biodiversity, any potential conflict with the Strategic Environmental Objectives (SEOs) contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset.</p>
<b>3</b>	<p>Include Proposed modification no.3 circa 3.22 ha of land at Ballaghafadda West Td. Kildysert Rd.</p> <p>Elected Members reason for proposed modifications no.s 2,3,4,5,6, and 7: <i>Whilst the contents of the Managers recommendation are noted, we have considered the contents of the submission made, taking account of the EU Habitats Directive and SEA Regulations, the proper planning and development of the plan area, our statutory obligation for the area and any relevant Government Guidelines, policies and objectives. We have concerns with regard to</i></p>	<p>This resolution is against the recommendation of the Manager's Report (October 2011)</p> <p>The Elected Members rationale for inclusion of this proposal site advocates the importance in generating 'a sufficient population base to justify the upgrading of the Clarecastle Treatment Plan and other community facilities along with road networks'. This must not be at the detriment of the environment and consideration must be given to the cumulative environmental effects of development on a number of lands zoned within a distinct area in Phase 1 (ER August 2011).</p> <p>It is noted that there are more appropriate sites included within Phase 1 as per Proposed Modifications (April 2011) which are located closer to the centre of Clarecastle, public transport, schools and amenities. However, notwithstanding this, on taking this site on an individual and</p>

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	<p><i>the quantum of land zoned with the Eastern Residential Development Area/ Serviced Land Initiative Area (SLI). We proposed to introduce a more balanced zoning in order to optimise land use into the overall plan area. In doing so we have reviewed the level of, and adequacy with regard to the road network, public services such as schools, transport, community &amp; sporting facilities, etc within the plan area. It is important to the implementation of this plan and to generate a sufficient population base in these areas to justify the upgrading of the Clarecastle Treatment Plan and other community facilities along with road networks that residential development is promoted in these areas in a balanced way”.</i></p>	<p>site specific assessment, it is envisaged that with adequate and appropriate mitigation measures including those related to groundwater protection, wastewater treatment, water supply, landscape and biodiversity, any potential conflict with the Strategic Environmental Objectives (SEOs) contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset.</p>
<b>4</b>	<p><b>Include</b> Proposed modification no.4 circa 2.84 ha of land at Ballybeg.</p> <p>Elected Members reason for proposed modifications no.s 2,3,4,5,6, and 7: <i>Whilst the contents of the Managers recommendation are noted, we have considered the contents of the submission made, taking account of the EU Habitats Directive and SEA Regulations, the proper planning and development of the plan area, our statutory obligation for the area and any relevant Government Guidelines, policies and objectives. We have concerns with regard to the quantum of land zoned with the Eastern Residential Development Area/ Serviced Land Initiative Area (SLI). We proposed to introduce a more balanced zoning in order to optimise land use into the overall plan area. In doing so we have reviewed the level of, and adequacy with regard to the road network, public services such as schools, transport, community &amp; sporting facilities, etc within the plan area. It is important to the implementation of this plan and to generate a sufficient population base in these areas to justify the upgrading of the Clarecastle Treatment Plan and other community facilities along with road networks that residential development is promoted in these areas in a balanced way”.</i></p>	<p>This resolution is against the recommendation of the Manager’s Report (October 2011):</p> <p>The Elected Members rationale for inclusion of this proposal site advocates the importance in generating ‘a sufficient population base to justify the upgrading of the Clarecastle Treatment Plant and other community facilities along with road networks’. This must not be at the detriment of the environment and consideration must be given to the cumulative environmental effects of development on a number of lands zoned within a distinct area in Phase 1 (ER August 2011).</p> <p>Adequate buffering would be required between the development and the N85 Western Relief Road to alleviate any potential negative environmental effects on the quality of life of potential residents and issues of air quality. The location of the site is detached from the urban centre of Clarecastle and thus, it is noted that there are more appropriate sites included within Phase 1 as per Proposed Modifications (April 2011) which are located closer to the town centre, public transport, schools and amenities. However, notwithstanding this, on taking this site on an individual and site specific assessment, it is envisaged that with adequate and appropriate mitigation measures including those related to groundwater protection, wastewater treatment, water supply, landscape and biodiversity, any potential conflict with the Strategic Environmental Objectives (SEOs) contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset.</p>
<b>5</b>	<p><b>Include</b> Proposed modification no. 5 circa 3.48 ha of land at Ballybeg</p> <p>Elected Members reason for proposed modifications no.s 2,3,4,5,6, and 7: <i>Whilst the contents of the Managers recommendation are noted, we have considered the contents of the submission made, taking account of the EU Habitats Directive and SEA Regulations, the proper planning</i></p>	<p>This resolution is against the recommendation of the Manager’s Report (October 2011)</p> <p>The Elected Members rationale for inclusion of this proposal site advocates the importance in generating ‘a sufficient population base to justify the upgrading of the Clarecastle Treatment Plan and other community facilities along with road networks’. This must not be at the detriment of the environment and consideration must be given to the cumulative environmental effects of development on a number of lands zoned within a distinct area in Phase 1 (ER August 2011).</p> <p>It is recommended that an adequate buffer zone between the development and the N85 Western</p>

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	<p>and development of the plan area, our statutory obligation for the area and any relevant Government Guidelines, policies and objectives. We have concerns with regard to the quantum of land zoned with the Eastern Residential Development Area/Serviced Land Initiative Area (SLI). We proposed to introduce a more balanced zoning in order to optimise land use into the overall plan area. In doing so we have reviewed the level of, and adequacy with regard to the road network, public services such as schools, transport, community &amp; sporting facilities, etc within the plan area. It is important to the implementation of this plan and to generate a sufficient population base in these areas to justify the upgrading of the Clarecastle Treatment Plan and other community facilities along with road networks that residential development is promoted in these areas in a balanced way".</p>	<p>Relief Road be incorporated into any plan which may alleviate any significant environmental effects associated with human health, quality of life, air quality and climatic factors.</p> <p>The location of the site is detached from the urban centre of Clarecastle and thus, it is noted that there are more appropriate sites included within Phase 1 as per Proposed Modifications (April 2011) which are located closer to the centre of Clarecastle, public transport, schools and amenities. However, notwithstanding this, on taking this site on an individual and site specific assessment, it is envisaged that with adequate and appropriate mitigation measures including those related to groundwater protection, wastewater treatment and water supply, any potential conflict with the Strategic Environmental Objectives (SEOs) contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset.</p>
6	<p><b>Include</b> Proposed modification no. 6 circa 4.20 ha of land at Ballybeg, Clonroad More Td.</p> <p>Elected Members reason for proposed modifications no.s 2,3,4,5,6, and 7: <i>Whilst the contents of the Managers recommendation are noted, we have considered the contents of the submission made, taking account of the EU Habitats Directive and SEA Regulations, the proper planning and development of the plan area, our statutory obligation for the area and any relevant Government Guidelines, policies and objectives. We have concerns with regard to the quantum of land zoned with the Eastern Residential Development Area/Serviced Land Initiative Area (SLI). We proposed to introduce a more balanced zoning in order to optimise land use into the overall plan area. In doing so we have reviewed the level of, and adequacy with regard to the road network, public services such as schools, transport, community &amp; sporting facilities, etc within the plan area. It is important to the implementation of this plan and to generate a sufficient population base in these areas to justify the upgrading of the Clarecastle Treatment Plan and other community facilities along with road networks that residential development is promoted in these areas in a balanced way".</i></p>	<p>This resolution is against the recommendation of the Manager's Report (October 2011).</p> <p>The Elected Members rationale for inclusion of this proposal site advocates the importance in generating 'a sufficient population base to justify the upgrading of the Clarecastle Treatment Plan and other community facilities along with road networks'. This must not be at the detriment of the environment and consideration must be given to the cumulative environmental effects of development on a number of lands zoned within a distinct area in Phase 1(ER August 2011).</p> <p>The location of the site is detached from the urban centre of Clarecastle and thus, it is noted that there are more appropriate sites included within Phase 1 as per Proposed Modifications (April 2011) which are located closer to the town centre, public transport, schools and amenities. However, notwithstanding this, on taking this site on an individual and site specific assessment, it is envisaged that with adequate and appropriate mitigation measures including those related to groundwater protection, wastewater treatment and water supply, any potential conflict with the Strategic Environmental Objectives (SEOs) contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset.</p>
7	<p><b>Include</b> Proposed modification no. 7 circa 5.10 ha of land at Ballybeg.</p>	<p>This resolution is against the recommendation of the Manager's Report (October 2011):</p> <p>The Elected Members rationale for inclusion of this proposal site advocates the importance in generating 'a sufficient population base to justify the upgrading of the Clarecastle Treatment</p>

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	<p>Elected Members reason for proposed modifications no.s 2,3,4,5,6, and 7: <i>Whilst the contents of the Managers recommendation are noted, we have considered the contents of the submission made, taking account of the EU Habitats Directive and SEA Regulations, the proper planning and development of the plan area, our statutory obligation for the area and any relevant Government Guidelines, policies and objectives. We have concerns with regard to the quantum of land zoned with the Eastern Residential Development Area/ Serviced Land Initiative Area (SLI). We proposed to introduce a more balanced zoning in order to optimise land use into the overall plan area. In doing so we have reviewed the level of, and adequacy with regard to the road network, public services such as schools, transport, community &amp; sporting facilities, etc within the plan area. It is important to the implementation of this plan and to generate a sufficient population base in these areas to justify the upgrading of the Clarecastle Treatment Plan and other community facilities along with road networks that residential development is promoted in these areas in a balanced way".</i></p>	<p>Plan and other community facilities along with road networks'. This must not be at the detriment of the environment and consideration must be given to the cumulative environmental effects of development on a number of lands zoned within a distinct area in Phase 1(ER August 2011).</p> <p>The location of the site is detached from the urban centre of Clarecastle and thus, it is noted that there are more appropriate sites included within Phase 1 as per Proposed Modifications (April 2011) which are located closer to the town centre, public transport, schools and amenities. However, notwithstanding this, on taking this site on an individual and site specific assessment, it is envisaged that with adequate and appropriate mitigation measures including those related to groundwater protection, wastewater treatment, water supply, landscape, soil &amp; geology, any potential conflict with the Strategic Environmental Objectives (SEOs) contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset.</p>
<b>8</b>	<p><b>Include</b> Proposed modification no. 8 circa 1.65 ha of land at Ballycorey Td. Gort Rd.(Having regard to SEA and HDA and subject to the following amended phasing as per attached map).</p> <p>Elected Members reason for proposed modification no.s 8 and no. 12: <i>While the contents of the Managers recommendation are noted, we have considered the contents of the submission made, taking account of the EU Habitats Directive and SEA Regulations, the proper planning and development of the plan area, our statutory obligation for the area and any relevant Government Guidelines, policies and objectives. We have concerns with regard to the quantum of land zoned within one Residential Development Area/ Serviced Land Initiative Area (SLI). We proposed to introduce a more balanced zoning in order to optimise land use into the overall plan area. In doing so we have reviewed the level of, and adequacy with regard to the road network, public services such as schools, transport, community &amp; sporting facilities, etc within the plan area.</i></p>	<p>This resolution is against the recommendation of the Manager's Report (October 2011)</p> <p>The SEA has previously highlighted the likely significant negative environmental effects on the receiving environment in regard to Modification No. 8. However, the smaller site area outlined in Submission no. 19 to Manager's Report (October 2011) and to which this resolution relates will not have adverse impact on the Natura 2000 site (Lough Girrorga) and it is considered that with adequate and appropriate mitigation measures and having regard to the proposed policies in the Ennis &amp; Environs Development Plan, any potential conflict with the Strategic Environmental Objectives (SEOs) contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset as a result of development on the smaller sect of land. It is noted however that there are more appropriate sites zoned within Phase 1 which are located closer to the town centre, public transport, schools and amenities.</p>
<b>9</b>	<p><b>Include</b> Proposed modification no. 9 circa 1.60 ha of land</p>	<p>This resolution is against the recommendation of the Manager's Report (October 2011):</p>

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	<p>at Knockanean Td.</p> <p>Elected Members reason for proposed modification no.9: <i>Whilst the contents of the Managers recommendation are noted, we have considered the contents of the submission made, taking account of the EU Habitats Directive and SEA Regulations, the proper planning and development of the plan area, our statutory obligation for the area and any relevant Government Guidelines, policies and objectives. The site has an existing planning permission which is due to expire 18<sup>th</sup> February 2012. Having been satisfied that the site has been fully reviewed previously with regard to planning requirement and having sufficient road frontage, and being of low density, which offers a much needed alternative accommodation to those seeking same. In the spirit of fairness lands to be included.</i></p>	<p>The SEA has previously highlighted the likely significant negative environmental effects on the receiving environment in regard to Modification No. 9. However upon further specialised consultation, it is now considered, taking full account of the important zone of influence which includes the Gaurus floodplain and the Lower Shannon SAC, that with appropriate mitigation measures the impact on the Natura 2000 sites can be mitigated against and on taking this site on an individual and site specific assessment, it is envisaged that with adequate and appropriate mitigation measures including those related to groundwater protection, wastewater treatment, water supply, flooding and pedestrian access, any potential conflict with the Strategic Environmental Objectives (SEOs) contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset. It is noted also that there are more appropriate sites zoned within Phase 1 which are located closer to the town centre, public transport, schools and amenities.</p>
<b>10</b>	<p><b>Include</b> Proposed modification no. 10 circa 2.56 ha of land at Claureen Td.</p> <p>Elected Members reason for proposed modification no.10: <i>Whilst the contents of the Managers recommendation are noted, we have considered the contents of the submission made, taking account of the EU Habitats Directive and SEA Regulations, the proper planning and development of the plan area, our statutory obligation for the area and any relevant Government Guidelines, policies and objectives. We have concerns with regard to the quantum of land zoned within one Residential Development Area/ Serviced Land Initiative Area (SLI). We proposed to introduce a more balanced zoning in order to optimise land use into the overall plan area. In doing so we have reviewed the level of, and adequacy with regard to the road network, public services such as schools, transport, community &amp; sporting facilities, etc within the plan area. A primary infrastructure corridor runs through the subject lands to provide for the extension of the western relief road between the Lahinch Road and the Gort Road. The inclusion of the subject site in phase 1 would bring forward the development of a section of key road infrastructure for the western side of Ennis.</i></p>	<p>This resolution is against the recommendation of the Manager's Report (October 2011):</p> <p>Notwithstanding the site location within the Drumcliffe Inner Protection Zone, it is considered that having regard to the availability of the public sewer network in the area, it is envisaged that with adequate and appropriate mitigation measures and having regard to the proposed policies in the Ennis &amp; Environs Development Plan, any potential conflict with the Strategic Environmental Objectives (SEOs) contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset.</p> <p>On balance the inclusion of the site within Phase 1 will not potentially cause any significant likely environmental effects if the groundwater resource is protected in line with International, National and local policy objectives.</p>
<b>11</b>	<p><b>Include</b> Proposed modification no. 11 circa 3.40 ha of land at knockanean and Roslevan Tds. ( In the interest of clarity</p>	<p>This Resolution is against the recommendation of the Manager's Report (October 2011):</p> <p>On taking this site on an individual and site specific assessment, it is envisaged that with adequate and appropriate mitigation measures including those related to groundwater protection, wastewater treatment, water supply and flooding, any potential conflict with the</p>

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	<p>this includes the total site area) as per attached map</p> <p>Elected Members reason for proposed modification no.11: <i>Whilst the contents of the Managers recommendation are noted, we have considered the contents of the submission made, taking account of the EU Habitats Directive and SEA Regulations, the proper planning and development of the plan area, our statutory obligation for the area and any relevant Government Guidelines, policies and objectives. As the submitted site is part of a larger site linked and with substantial development having taken place to date the proposed phased 1 zoning will facility an opportunity to the complete the overall estate in an orderly fashion. It is thus considered appropriate to merge the two.</i></p>	<p>Strategic Environmental Objectives (SEOs) contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset.</p>
<b>12</b>	<p><b>Include</b> Proposed modifications no. 12 circa 3.97 ha of land at Ballymaley Td, Barefield, (and having regard to the HDA subject to the following text 'A Habitat Directive Assessment will be required for any proposed development which shall provide for measures to protect water quality').</p> <p>Elected Members reason for proposed modification no.s 8 and no. 12: <i>While the contents of the Managers recommendation are noted, we have considered the contents of the submission made, taking account of the EU Habitats Directive and SEA Regulations, the proper planning and development of the plan area, our statutory obligation for the area and any relevant Government Guidelines, policies and objectives. We have concerns with regard to the quantum of land zoned within one Residential Development Area/Service Land Initiative Area (SLI). We proposed to introduce a more balanced zoning in order to optimise land use into the overall plan area. In doing so we have reviewed the level of, and adequacy with regard to the road network, public services such as schools, transport, community &amp; sporting facilities, etc within the plan area.</i></p>	<p>This Resolution is against the recommendation of the Manager's Report (October 2011):</p> <p>It is considered that the inclusion of these lands in Variation No. 2 will not result in likely significant disturbance on the wildfowl species for which the SPA is designated, nor is it likely that the inclusion of these lands will result in likely significant impacts on the general environment of the area. However, water quality of the Lower River Shannon SAC and Ballyallia Lake SAC is of utmost importance and a Habitats Directive Assessment is required for any proposed development which should provide for measures to protect water quality.</p> <p>It is noted that there are more appropriate sites included within Phase 1 as per the original variation (April 2011) which are located closer to the town centre, public transport, schools and amenities. However, notwithstanding this, on taking this site on an individual and site specific assessment, it is envisaged that with adequate and appropriate mitigation measures including those related to groundwater protection, wastewater treatment, water supply, flooding and biodiversity, any potential conflict with the Strategic Environmental Objectives (SEOs) contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset</p>
<b>13</b>	<p><b>Include</b> Proposed modification no. 13 circa 0.85 ha of land at Claureen Td, Lahinch Rd.</p>	<p>It is noted that the inclusion of this recommendation in Proposed Modifications to Proposed Variation No. 2(July 2011) was in response to a mapping error in the Managers Report. Notwithstanding the site location within the Drumcliffe Inner Protection Zone, it is considered that having regard to the availability of the public sewer network in the area, it is envisaged that with adequate and appropriate mitigation measures and having regard to the proposed policies in the Ennis &amp; Environs Development Plan, any potential conflict with the Strategic Environmental Objectives (SEOs) contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset.</p>



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		On balance the inclusion of the site within Phase 1 will not potentially cause any significant likely environmental effects if the groundwater resource is protected in line with International, National and local policy objectives.
<b>14</b>	<p><b>Exclude</b> Proposed modification no. 14 circa 39.9 ha of land at Knockaderry Td., Roslevan from phase 1.</p> <p>Elected Members reason for proposed modification no.14: <i>Whilst the contents of the Managers recommendation are noted, we have considered the contents of the submission made, taking account of the EU Habitats Directive and SEA Regulations, the proper planning and development of the plan area, our statutory obligation for the area and any relevant Government Guidelines, policies and objectives. We have concerns with regard to the quantum of land zoned with the Eastern Residential Development Area/Service Land Initiative Area (SLI). We proposed to introduce a more balanced zoning in order to optimise land use into the overall plan area. In doing so we have reviewed the level of, and adequacy with regard to the road network, public services such as schools, transport, community &amp; sporting facilities, etc within the plan area.</i></p>	<p>This resolution is against the recommendation of the Manager's Report (October 2011)</p> <p>This parcel of land was part of the original land proposed by the Manager in April 2011 to be included in Phase 1. Accordingly, it was screened out of the SEA process as it was considered not have a significant negative impact on the receiving environment.</p> <p>Having regard to the individual and site specific assessment, the removal of these lands from Phase 1, with the expectant implication that they will not be developed within the lifetime of the Plan will not have a significant negative impact on the receiving environment. (ER August 2011)</p>
<b>15</b>	<p><b>Include</b> Proposed modification no. 15 circa 1.42 at Drumquin Td. Barefield which is to include these lands in phase 1</p> <p>Elected Members reason for proposed modification no.15: <i>Whilst the contents of the Managers recommendation are noted, we have considered the contents of the submission made, taking account of the EU Habitats Directive and SEA Regulations, the proper planning and development of the plan area, our statutory obligation for the area and any relevant Government Guidelines, policies and objectives. We have concerns with regard to the quantum of land under phase 1 zoned within Barefield village being in the one ownership. We proposed to introduce a more balanced zoning in order to optimise land use into the overall plan area. In doing so we have reviewed the level of, and adequacy with regard to the road network, public services such as schools, transport, community &amp; sporting facilities, etc within the Barefield area. It is important to the implementation of this plan and to generate a sufficient population base in the Barefield area in order to justify the long term viability of Barefield school and the provision of community facilities.</i></p>	<p>On taking this site on an individual and site specific assessment, it is envisaged that with adequate and appropriate mitigation measures including those related to groundwater protection, wastewater treatment, water supply, biodiversity and flooding, any potential conflict with the Strategic Environmental Objectives (SEOs) contained in the SEA of the E&amp;E Development Plan 2008-2014 are likely to be offset</p>

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<b>16</b>	<b>Exclude</b> Proposed modification no. 16 circa 1.42 ha of land at Drumquin Td.,	<p>This parcel of land was part of the original land proposed by the Manager in April 2011 to be included in Phase 1. Accordingly, it was screened out of the SEA process as it was considered not have a significant negative impact on the receiving environment.</p> <p>Having regard to the individual and site specific assessment, the removal of these lands from Phase 1, with the expectant implication that they will not be developed within the lifetime of the Plan will not have a significant negative impact on the receiving environment (ER August 2011).</p>
	<b>c) Textual Modifications</b> In accordance with the Manager's Report October 2011 and the proposed modifications of August 2011 <b>to agree to adopt</b> the following proposed modifications to the text/policy wording of the Ennis and Environs Development Plan 2008 -2014.	
<b>17</b>	<b>Adopt</b> Proposed modifications to Chapter 1 'Introduction' to be adopted.	It is determined that no significant environment effects will occur as a result of this change.
<b>18</b>	<b>Adopt</b> Proposed modifications to Chapter 3 'Core Strategy' to omit first sentence of para. 3.6 Retail Planning.	It is considered that the retail viability of Ennis & Environs is sufficiently addressed in the Retail Strategy for the Mid-West Region as Volume 5 of Variation No.2 and having regard to DoEHLG Retail Guidance; all development must take cognisance of these and any relevant objectives in the Ennis & Environs Development Plan 2008-2014.
<b>19</b>	<b>Adopt</b> Proposed modifications to Chapter 4 'Settlement Strategy' which include the addition of footnotes to policy SS11' New Single Houses on Infill Sites in the Countryside' and Policy SS12' Replacement of substandard Houses in the Countryside'.	This textual change is in accordance with the Clare County Development Plan 2011-2017 which has had a full SEA undertaken on it, thus it is determined that no significant environment effects will occur as a result of this change. It must be noted however, that compliance to all objectives within the Ennis & Environs Development Plan 2008-2014 must be adhered to.
<b>20</b>	<b>Adopt</b> Proposed modifications to Chapter 5 'Proposal Sites' PS3 Our Lady's Hospital, Appropriate uses.	Considering the array of appropriate uses set out and the previous use of the site as a hospital, the inclusion of 'medical centre/hospital use' is not considered to have a greater environmental effect on the environment than that of the previous uses. It must be noted however than any potential development must comply will all objectives within the Ennis & Environs Development Plan 2008-2014.
<b>21</b>	<b>Adopt</b> Proposed modifications to Chapter 7 'Housing' Policy H17 (a) 'Extant Permissions' be adopted.	It is determined that the insertion of the subject text is a positive influence on the plan and further strengthens the effect of the core strategy.
<b>22</b>	<b>Adopt</b> Proposed modifications to Chapter 8 'Economic, Retail and Tourism Development' Policy ED1 'Promoting the Hub Status' and Policy RT7 'Out of Centre Retail Development' be adopted.	<p>ED1 - The addition of the subject text is considered to be merely a modification of terminology rather than an effective change in plan policy, therefore it is considered that no significant environmental effects will occur as a result.</p> <p>RT7 - The addition of the subject text 'Shopping Centre Area' is considered to be merely a modification of terminology in line with the Mid-West Regional Planning Guidelines 2010-2022 rather than an effective change in plan policy, therefore it is considered that no significant environmental effects will occur as a result</p> <p>The addition of the subject text 'having regard to the sequential approach is considered to be a positive aspect of the plan whereby brownfield sites will be utilised in a more effective manner.</p>
<b>23</b>	<b>Adopt</b> Proposed modification to Chapter 9 'The Natural Environment' para 9.3.2 Natura 2000 sites and Policy En4 'Protection of Bats' and Policy Env4 (a) Protection of Habitats and Species' be adopted.	<p>It is determined that the deletion of the subject text will not cause any significant environmental effects , however, it must be noted that other relevant environmental assessments may also be required as appropriate by the Planning Authority.</p> <p>EN4 - It is determined that the addition of the subject text is a positive change in plan policy.</p>

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		<p>En4(a) - It is determined that the addition of the subject text is a positive change in plan policy. It can be noted however, that the SEA recommended in the Environmental Report of August 2011 that the text is further amended to include the following:</p> <p>c) Inland aquatic environment d) Conservation of Wetlands and their use and resources.</p> <p>This has <u>not</u> been incorporated into the Variation and it is acknowledged that no policy objective on the inland aquatic environment or the conservation of wetlands for habitats and species is evident in the Ennis &amp; Environs Development Plan 2008-2014 (as amended). It is preferable that mitigation measures for protecting such habitats and species is catered for within specific policy in the Development Plan, however in this instance it will be the remit of development management process and relevant international and national guidelines.</p> <p>There is reference given to wetlands in Policy W2 Protection of Water Resources Policy W7 Flood Risk Management However, none are specifically attributing to the conservation and preservation of wetlands, their use and resources.</p>
24	<b>Adopt</b> Proposed modifications to text at Chapter 14 Transport, para. 14.1.4 Access onto Main Roads, and proposed modification to Policy TR15 'Direct Access onto National Routes' be adopted.	<p>This textual change is in accordance with the Clare County Development Plan 2011-2017 which has had a full SEA undertaken on it, thus it is determined that no significant environment effects will occur as a result of this change.</p> <p>TR15- This textual changes within Policy TR15 are in accordance with the Clare County Development Plan 2011-2017 which has had a full SEA undertaken on it, thus it is determined that no significant environment effects will occur as a result of this change.</p>
25	<b>Adopt</b> Proposed modification to text Chapter 5 'Proposal Sites' PS7, Objectives, to omit the specific prohibition of direct access from PS7 site on to Limerick Rd be adopted.	The SEA recommends ease of accessibility and road safety in all areas, (Note SEO in E&E Development Plan 2008-2014 – 'To promote sustainable modes of transport and provide for ease of movement for all road users and to promote development patterns that protect and enhance road safety')
	<p><b><u>d) General Retail Policy</u></b> In accordance with the recommendations of the Managers Report October 2011 <b>to agree not to include</b> the following proposed modifications to the text/policy wording of the Ennis and Environs Development Plan 2008 -2014</p>	
26	<b>Not to Include</b> (i)Proposed modifications to Chapter 3 Core Strategy, para 3.6 Retail Planning - last sentence which states 'Ennis is a NSS Hub Town providing strategic support to the linked gateway of Shannon Limerick. The town has not realised its retail potential and must expand to cater for the needs of its population. In line with the recommendation of the Mid West Regional Planning Guidelines, there may be a requirement for the development of a district centre in Ennis in order to more appropriately cater for the family shopping market'.	It is considered that the retail viability of Ennis & Environs is sufficiently addressed in the Retail Strategy for the Mid-West Region as Volume 5 of Variation No.2 and having regard to DoEHLG Retail Guidance; all development must take cognisance of these and any relevant objectives in the Ennis & Environs Development Plan 2008-2014.
27	<b>Not to include</b> (ii)Proposed modification to Chapter 8 Economic Retail and Tourism Development, Policy RT4 Ennis Town Centre and Retail Offer, to include the following sentence 'In line with the provision of the Mid West Retail Strategy, it is the policy of the Development plan to support new retail development in Ennis. This recognises significant	It is considered that the retail viability of Ennis & Environs is sufficiently addressed in the Retail Strategy for the Mid-West Region as Volume 5 of Variation No.2 and having regard to DoEHLG Retail Guidance; all development must take cognisance of these and any relevant objectives in the Ennis & Environs Development Plan 2008-2014.

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	over trading in the town. Proposals for retail development will either have regard to the sequential approach to retail location as prescribed by the Retail Planning Guidelines or be provided as part of an appropriately scaled and located district centre'.	
	<p><b><u>(e)P.S.7 Site on Limerick Rd/Clare Rd, Clonroadmore.</u></b></p> <p>In accordance with the recommendations of the Manager's Report October 2011 <b>to agree not to include</b> the following proposed modifications to the text/policy wording of the Ennis and Environs Development Plan 2008 -2014.</p>	
<b>28</b>	<p><b>Not to Include</b> (i)Proposed modifications to Chapter 5 'Proposal Sites' PS7 Site on Limerick Road and Clonroadmore, objective which state 'It is the policy of the Council that, that subject to assessment of retail impact , PS7 would be a suitable location for a district centre scheme or a new large food store'.</p>	<p>It is considered that the retail viability of Ennis &amp; Environs is sufficiently addressed in the Retail Strategy for the Mid-West Region as Volume 5 of Variation No.2 and having regard to DoEHLG Retail Guidance; all development must take cognisance of these and any relevant objectives in the Ennis &amp; Environs Development Plan 2008-2014.</p>

### **4.3: Conclusion**

The Strategic Environmental Objectives (SEOs) of the original Ennis & Environs Development Plan 2008-2014 provided the standards against which Variation No.2 to the E&E Development Plan was assessed in terms of its environmental sustainability. Further to this, the modifications to Variation No.2 as adopted on the 7<sup>th</sup> & 14<sup>th</sup> November 2011 were also assessed against the SEO's of the original Ennis & Environs Development Plan 2008-2014 so that aspects of Variation No.2 with the potential for significant adverse environmental impacts are highlighted. This is tabulated In Appendix B.

## Section 5: Reasons for Choosing the Variation No. 2 of the Ennis & Environs Development Plan 2008-2014, as adopted, in the light of other reasonable alternatives considered

### 5.1: Introduction

Article 5 of the SEA Directive specifies that the Environmental Report should consider 'reasonable alternatives taking into account the objectives and geographical scope of the plan or programme'. The guidelines state that the significant environmental effects of the alternatives selected also need to be considered.

The issue of alternatives is a critical function of the SEA process and is necessary to evaluate the likely environmental consequences of a range of alternative development strategies for the Plan area within the constraints imposed by environmental conditions. This section explains the reasons for adopting the final form of the Variation and the reasons for adopting it in its final form. It will briefly outline the main alternatives considered, including how they were assessed and why the preferred option was selected.

Variation No. 2 is a necessary requirement pursuant to departmental guidelines on Core Strategy (et alia) and by reason of Section 13 of the Planning Act 2010, only the **proposed Modifications were assessed, not the overall development plan approach**. However, this noted, it was considered that there were various options available to the Elected Members in regard to alternative approaches which could be pursued, and it is these alternatives which were analysed in line with the requirements of the SEA Directive & Regulations.

A 'Do Nothing' approach was not considered a reasonable and realistic approach as Clare County Council/Ennis Town Council determined a Strategic Environmental Assessment was required to be carried out in respect of the proposed modifications which would, if made, be a material alteration to the development plan.

In accordance with the Planning Act 2010, the options available to the Elected Members, that were realistic and capable of implementation, include;

1. Adopt as per Proposed Modifications to Proposed Variation No. 2 (August 2011)
2. Adopt as per Proposed Modifications to Proposed Variation No. 2 (August 2011) with further Modifications<sup>2</sup>
3. Adopt as per Proposed Variation No. 2 (April 2011)
4. Adopt as per Proposed Variation No. 2 (April 2011) with further Modifications

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<sup>2</sup> A further modification to the Variation is stated in Section 13(6)(c) in the Planning & Development Act 2010—

“(i) may be made where it is minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site,

(ii) shall not be made where it refers to—














































(I) an increase in the area of land zoned for any purpose, or  
(II) an addition to or deletion from the record of protected structures.”,







## **5.2 Alternative Options available to Elected Members**

1. Adopt as per Proposed Modifications to Proposed Variation No. 2 (August 2011)	<p>Option 1 was to adopt the Proposed Modifications to Proposed Variation No.2, and associated SEA &amp; HDA. The lands incorporated into Phase 1 of the Proposed Modifications to Proposed Variation No.2 were recommended by the Elected Members taking into consideration, among others, the need to generate a sufficient population base to justify the upgrading of Wastewater Treatment Plants and other community facilities along with road networks. <b>An environmental-led approach was not central to the decision making process and as a result lands incorporated are likely to cause significant environmental effects.</b> To adopt the Variation as per Proposed Modifications to Proposed Variation No. 2 (August 2011) would contravene compliance with proper planning and sustainable development and it is envisaged that development would occur in an ad-hoc and unrestrictive manner;</p> <ul style="list-style-type: none"> <li>• without regard to the current available levels of infrastructure and utilities,</li> <li>• without regard for environmental and ecological designations, sensitivities and constraints,</li> <li>• without regard for the likely significant impacts on water resources.</li> </ul>
2. Adopt as per Proposed Modifications to Proposed Variation No. 2 (August 2011) with further Modifications	<p>Option 2 was to adopt the Proposed Modifications to Proposed Variation No.2, and associated SEA &amp; HDA with further modifications. The overall approach to incorporating lands into Phase 1 of the Proposed Modifications to Proposed Variation No.2 was <b>not an environmental-led approach and environmental criteria were not exclusive to the decision making process.</b></p> <p>The overall impact of this alternative on the receiving environment cannot be fully assessed at this stage as the 'Minor Amendments' are a future consideration. It can be noted, however, that as a principal proposal, the lands incorporated into Phase 1 as per Proposed Modifications to Proposed Variation No. 2 (August 2011) are not in compliance with proper planning and sustainable development and it is envisaged that development would occur in an ad-hoc and unrestrictive manner without regard for environmental designations, sensitivities and constraints.</p>
3. Adopt as per Proposed Variation No. 2 (April 2011)	<p>Option 3 was to adopt the Proposed Modifications to Proposed Variation No.2 (August 2011), and associated SEA &amp; HDA and revert back to the Proposed Variation No. 2 (April 2011). The lands incorporated into Phase 1 of the Proposed Variation No.2 were recommended by the Planning Authority who sought to consolidate the urban footprint by including lands proximate to town and neighbourhood centres, infill sites, vacant sites in established neighbourhoods and sites that would assist completion of new estates. To ensure a sustainable approach, the aim of the core strategy was to facilitate development to occur sequentially from the centre outwards. Lands subject to flooding were generally not included in phase 1 and the legal requirement to protect water resources and protect Natura 2000 sites also restricted the areas suitable for inclusion in Phase 1.</p>
4. Adopt as per Proposed Variation No. 2 (April 2011) with further Modifications	<p>Option 4 was to adopt the Proposed Modifications to Proposed Variation No.2 (August 2011), and associated SEA &amp; HDA and revert back to the Proposed Variation No. 2 (April 2011) with further modifications. The overall impact of this alternative on the receiving environment cannot be fully assessed at this stage as the further Amendments are a future consideration. It can be noted, however, that as a principal proposal, the lands incorporated into Phase 1 as per Proposed Variation No. 2 (August 2011) are in compliance with proper planning and sustainable development with an overarching environmental-led approach.</p> <p>To adopt the Proposed Variation No.2 (August 2011), and associated SEA &amp; HDA with further modifications would exceed the 88ha of land required to facilitate the population of Ennis and Environs until the end of the 2008-2014 plan period</p>

## 5.3 Assessment of Alternatives

**Table 5.1 - Environmental Assessment of the Alternatives against SEOs**

Environmental Assessment of the Alternatives									
									
Option 1 – 'Adopt as per Proposed Modifications to Proposed Variation No. 2 (August 2011)									
This is the least desirable option as the likely significant environmental effects on the receiving environment and the zone of influence surrounding the plan area conflict with the status of the SEOs in the SEA of the E&E Development Plan 2008-2014 which are unlikely to be mitigated. This option envisages inappropriate lands zoned for development without taking into consideration the overall environmental considerations. Consequently development would occur in un-serviced or in insufficiently serviced areas. This strategy would put unnecessary undue pressure on the existing infrastructural provision prior to upgrade, and it would cause undue negative impacts on all aspects of the environment. By adopting such a Non-Environmental Planned approach, development of all areas would occur in a non-overall integrated manner; it would present environmental effects and would be contrary to the principles of sustainable development. This option would not allow for the orderly and sustainable development of the plan area.									
Option 2 – Adopt as per Proposed Modifications to Proposed Variation No. 2 (August 2011) with Minor Modifications									
It is unclear what the likely significant environmental effects on the environment will be as a result of the modifications. It can only be noted that the principal Proposed Modifications to Proposed Variation No. 2 (August 2011) without further modification would present environmental effects and would be contrary to the principles of sustainable development.									
Option 3 – Adopt as per Proposed Variation No. 2 (April 2011)									
This option allows for planned development and represents a sustainable environmental-led approach to planning in the E&E Plan area. Development will be focused in areas with the capacity to accommodate development without causing significant environment effects. Significant restrictions will be put in place to development in areas designated for environmental purposes such as NHA, SAC and SPA as well as areas of significant importance or where threats to natural resources prevail, such as ground and surface waters. This scenario is based on the principles of sustainable development which means that the Variation is promoted in accordance with International, National, Regional and County guidelines and the entire Plan area is also covered by the objectives and policies of the E&E Development Plan 2008-2014 and the mitigation measures proposed in such. In conclusion, this environmental-led planned approach to development of the area incorporating the principles of sustainable development is the option best suited to Ennis & Environs.									
Option 4 - Adopt as per Proposed Variation No. 2 (April 2011) with Minor Modifications									
It is unclear what the likely significant environmental effects on the environment will be as a result of the modifications. It can only be noted that the principal Proposed Variation No. 2 (April 2011) without amendments represents the optimum strategy for the development of the plan area (for the remainder of the plan period) taking in to account the requirement to zone sufficient quantum of land to meet population growth targets and taking in to account the requirement to have a balance between diverse social, economic, and physical criteria. The choice of lands incorporated into phase 1 as per proposals of April 2011 reflect the consideration of issues such as flood risk assessment, availability of services, sequential test, planning history, and consolidation of the urban form.									

Likely to Improve status of SEOs -		Probable Conflict with status of SEOs unlikely to be Mitigated -	
Potential Conflict with status of SEOs likely to be mitigated by measures		Uncertain interaction with status of SEOs	
Neutral Interaction with status of SEOs		No Likely interaction with status of SEOs	



## **5.4 Conclusion**

In accordance with SEA guidelines the alternatives put forward were realistic and capable of implementation. The preferred scenario chosen by the elected members was that of Option 2 – Adopt as per Proposed Modifications to Proposed Variation No. 2 (August 2011) with Further Modifications.

While the option chosen provides for a total amount of land in Phase 1 which is within the Core Strategy requirements, the location and distribution of these lands as per the resolutions (Nov 2011) are opposing to the aims of the core strategy which encourages sequential development from the centre out. This option has the potential to cause environmental effects including development in an ad-hoc and unconsolidated manner. It is the purpose of the SEA to encourage and maximise development where there is adequate and appropriate services, wastewater treatment, water, minimal environmental restrictions and a capacity to accommodate public infrastructure. In this regard, the SEA process has identified that to facilitate Phase 1 lands as per Proposed Modifications to Variation No. 2 would result in a segregated and haphazard approach to sequential planning, and result in significant increases in the pressures on existing infrastructure and overall significant adverse environmental effects.

Mitigation measures which attempt to prevent, reduce, and as fully as possible, offset any significant adverse effects on the environment are set out in the Environmental Report of the Ennis & Environs Development Plan 2008-2014. Any proposals in relation to the development of Phase 1 lands would also have to demonstrate compliance with relevant policies of the Ennis & Environs Development Plan 2008-2014 2015 and satisfy normal planning provisions.

It can also be noted that the elected members also chose to adopt original proposals set out in April by the Manager that were not the subject of proposed modifications. Accordingly, these were screened out of the SEA process as they were considered not have a significant negative impact on the receiving environment.

## **Section 6: Measures decided upon to monitor the significant environmental effects of implementing Variation No. 2 of the Ennis & Environs Development Plan 2008-2014**

Monitoring of the Plan and its implications on the environment is paramount to ensuring that the environment of the Plan area is not adversely affected through the Plan's implementation.

Under Article 10 of the SEA Directive monitoring must be carried out of the significant environmental effects directly related to the implementation of the Plan *"in order to, inter alia, to identify at an early stage unforeseen adverse effects and to be able to undertake appropriate remedial action."* The Department of the Environment, Heritage and Local Government Guidelines on SEA notes that monitoring does not require new research activity; existing sources of information can be used and the task of data collection can be shared.

This section of the SEA is restricted by Section 13 of the Planning & Development Act which concentrates on 'Modifications' only, not the overall development plan approach. In this regard, the monitoring programme will follow that already set out in the Ennis & Environs Development Plan 2008-2014 (see Table 6.1). The monitoring table was designed to be flexible to take account of various stages of the Plan and developed to accommodate for specific environmental issues as they arise.

However, it can also be noted that individual planning permission may require specific monitoring measures outside of the Monitoring Measures set out in the Ennis & Environs Development Plan 2008-2014. It is recommended that a specific monitoring plan, if required, is developed and implemented in agreement with NPWS.

**Table 6.1: Schedule of Monitoring - Ennis & Environs Development Plan 2008-2014)**

Environmental Category	Selected Indicators	Sub level indicators	Targets	Data sources and additional monitoring by:
<b>Flora and Fauna (Biodiversity)</b>	Land cover	Habitat Loss	No loss of important habitats	Local Authority/NPWS
	Protected areas	Habitat Deterioration	No deterioration in the quality of protected areas	NPWS
	Protected Species	Decline in Biodiversity	No loss of protected species	NPWS
	Birds of Conservation concern		No loss of protected species	NPWS/Birdwatch Ireland
	Fish Kills		No Fish Kills during the lifetime of the plan	NPWS/Fisheries Board
<b>Population</b>	Population Growth		In line with the proposed Development Plan	Local Authority and CSO
<b>Soil</b>	Incidents of Soil Contamination	Number/severity of recorded incidences of pollution	No incidence of soil contamination	Local Authority/EPA
	Urbanisation	Loss of protective agricultural land	Limited and controlled development of greenfield sites	Local Authority
	Excessive landfilling of quality soil	Quantity and quality of soil being landfilled	Re-use of soil from redeveloped sites where necessary	Local Authority/EPA
<b>Water</b>	River Water Quality		Improvement in Q rating (biological indices) Achieve 'good' quality status in line with WFD	Local Authority/EPA
	Lake Water Quality		Improvement in Q rating (biological indices) Achieve 'good' quality status in line with WFD	Local Authority/EPA
	Bathing Water Quality		Improvement in bathing water quality	Local Authority/EPA
	Groundwater Quality		Marked and sustained improvement in the quality of groundwater	Local Authority/EPA
	Flood Risk		No loss of floodplain	Local Authority/OPW
<b>Air Quality</b>	Air Quality – black smoke		Improvement in the concentrations of this parameter	EPA
	Air Quality –Particulate matter		Improvement in the concentrations of this parameter	EPA
	Air Quality – Sulphur Dioxide		Improvement in the concentrations of this parameter	EPA
	Air Quality –Nitrogen Oxides		Improvement in the concentrations of this parameter	EPA
<b>Climate Change</b>	Greenhouse Gas Emissions	Energy Use	Reduction in energy demand per capita Increase in the roll out of renewable energy techniques	ESB and Bord Gáis Sustainable Energy Association Ireland
		Transport	Increase in public transport use	Bus Éireann/Irish Rail
<b>Material Assets</b>	Transport	Traffic congestion	Reduction in car usage Increase in modal split	Local Authority/National Roads Authority Local Authority/National Roads Authority/Bus Éireann/Irish Rail

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		Car Alternatives	Increases facilities for pedestrians and cyclists and usage	Local Authority
	Wastewater Treatment	Surface and ground water pollution	Improved treatment at established wastewater treatment facilities Limit potential pollution sources in vulnerable areas	Local Authority/EPA Local Authority
	Water Supplies	Network Losses	Reduction in water losses	Local Authority
		Quality	Improvement in water quality	Local Authority/EPA
	Waste	Waste minimisation	Reduced level of waster generation	Local Authority/EPA
		Recycling	Increased recycling of waste	Local Authority
<b>Cultural Heritage</b>	Site and Monuments		No loss of features of architectural or archaeological importance	Local Authority/ DoEHLG
	Architectural Conservation Areas		No deterioration in the quality of architectural conservation areas	Local Authority/ DoEHLG
	Protected Structures		No loss of features of architectural or archaeological importance	Local Authority/DoEHLG
<b>Landscape</b>	Landscape character		No diminution in the quality of important landscapes	Local Authority
	Views/Vistas			Local Authority

## Appendix A - EPA Checklist on Information on the Decision (SEA Statement)

	Question	Yes, No, Comment	Statutory basis
12.1	Has an SEA Statement, providing information on the decision, been made available, alongside the adopted P/P, to the designated authorities and the public?	<b>Yes</b> , notice was advertised on the 24 <sup>th</sup> November 2011 that the adopted Variation No. 2 and associated environmental reports (ER, NTS, ES) & HDA would be on public display from 24 <sup>th</sup> November 2011 and distributed to the prescribed environmental authorities and interested parties.	SEA Directive Article 9 (1)
12.2	Where transboundary consultations took place, has the SEA statement been sent to the relevant statutory environmental authorities and the relevant Member States?	<b>No</b> , transboundary issues were present.	SEA Directive Article 9 (1)
12.3	Does the SEA Statement summarise: (a) How environmental considerations (including environmental objectives) have been integrated into the P/P?  (b) How the ER & outcome of consultations have been taken into account in the P/P?  (c) The reason for choosing the P/P as adopted in the light of other reasonable alternatives considered?  (d) The measures put in place to monitor (and mitigate) the significant environmental impacts of implementing the P/P?	(a) <b>Yes</b> , Section 4  (b) <b>Yes</b> , Section 3  (c) <b>Yes</b> , Section 5  (d) <b>Yes</b> , the monitoring of Variation No.2 is as set out in the Monitoring Programme of the E&E Development Plan 2008-2014	SEA Directive Article 9 (1)(b) DoEHLG Guidelines S. 6.5

## Appendix B – Assessment of Resolutions

The following table is an assessment of the Resolutions from the November Council Meeting against the Strategic Environmental Objectives of the Ennis & Environs Development Plan 2008-2014.

The results of the assessment are tabulated and the following broad scale rating system is used to indicate environmental impacts.

	direct	indirect
<b>Positive Impact</b> - A change which improves the quality of the environment.	↑	↑↑
<b>Negative impact</b> - A change which reduces or lessens the quality of the environment.	↓	↓↓
<b>Uncertain</b> – The scale and nature of the impact, either positive or negative cannot be determined at this stage.	?	
No Effect	~	
Short term	s	
Medium Term	m	
Long Term	l	

When the assessment is 'blank' a finding of a 'Neutral Impact' (i.e. a change which does not affect the quality of the environment) is assumed.

