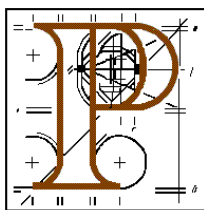


## An Bord Pleanála



## Inspector's Report

<b>Case Ref.:</b>	03.PC0215
<b>Prospective Applicant:</b>	TIGL Ireland Enterprise Limited
<b>Planning Authority:</b>	Clare County Council
<b>Issue:</b>	SID Pre-application – whether a project is or is not strategic infrastructure development
<b>Nature of Development:</b>	Development comprising coastal erosion management works including the provision of armourstone and all ancillary works at Carrowmore Bay, Doonbeg County Clare.
<b>Inspector:</b>	Karla Mc Bride

## **1.0 INTRODUCTION**

- 1.1 TIGL Ireland Enterprise Ltd. is seeking to carry out development comprising coastal erosion management works which will include the provision of a new berm structure and use of armourstone and all ancillary works at Carrowmore Dunes, Doonbeg, Doughmore Bay in County Clare.
- 1.2 TIGL Ireland Enterprise Ltd. submitted a planning application to Clare County Council under P16/124 for the proposed development on 23<sup>rd</sup> February 2016. The planning authority had regard to Section 37B of the Planning and Development Act 2000 (as amended) and considered that the proposed development comprised Seventh Schedule works by reason of its nature and extent. The planning authority had regard to Section 37B (1) of the Act and advised the applicant to submit an application to the Board to ascertain whether or not the proposed development constitutes strategic infrastructure for the purposes of the 2000 Act as amended by the Planning and Development (Strategic Infrastructure) Act, 2006.
- 1.3 The prospective applicant submitted the aforementioned request to the Board on 9th May 2016. The agent did not provide an opinion as to whether or not the proposed development would constitute strategic infrastructure and was requested to provide a statement to this effect, having regard to the criteria under (a) to(c) set out under Section 37A (2) of the Act. Further correspondence was submitted by the agent on 24<sup>th</sup> March 2016 in relation to this matter.
- 1.4 The Board is requested to make a determination as to whether or not the proposed development constitutes strategic infrastructure under Section 37A (2) of the Act.

## **2.0 SITE AND CONTEXT**

- 2.1 The site is located at Doonbeg in west county Clare. The site occupies a coastal location to the S of Spanish Point and N of Kilkee and it is located to the W of the Doonbeg Golf Resort. The site is located along White Strand at Doughmore Bay and comprises a c.2.8km sand dune embankment that separates the beach from the golf course. The submitted plans indicate that the prospective applicant owns the golf resort, associated buildings, the sand dune complex and the beach as far west as the High Water Mark.

- 2.2 The site is bound to the N by the townland of Carrowmore North, to the S by the Skivileen River, and to the E by the golf course with agricultural land beyond. The seaward side of the dune embankment is characterised by a sandy crescent shaped beach with cobble backing and rocky outcrops to the N and S. Vehicular access to the golf resort is off the R484 road from Kilrush to the S or the N67 from Miltown Malbay to the N. There are three pedestrian access points onto the beach via the dune embankment.
- 2.3 The site is subject to the ongoing natural coastal processes of erosion and accretion, with the dunes eroding at an estimated rate of 0.7m per year.

### **3.0 THE PROPOSED DEVELOPMENT**

- 3.1 The proposed coastal erosion management works at and adjacent to Carrowmore Dunes would comprise the provision of a new berm structure to the W of the dunes. The construction would comprise the use of armourstone, and cobbles and sand from the beach which would be mixed and transferred into the area behind the armourstone crest to the toe of the dune base, in order to facilitate natural dune development over time.
- 3.2 The proposed works would comprise:
- The c.2.5m long toe berm will run along a N-S axis.
  - The berm will be c.15-20m seaward of the general dune face.
  - The 2 to 4 ton armourstone units will be placed in a 2m deep layer.
  - The crest of the berm will be between 5.5m and 6.5m OD.
  - A sheet pile backstop will be used at the S end to protect the dune for an extra 350m in front of the 18<sup>th</sup> fairway and green (supported by a small core of armourstone and the sand face will be reinstated and seeded)
  - All enabling and ancillary works including a construction compound, public car park and maintained public access to the beach.
- 3.3 The request was accompanied by the following documents:
- Environmental Impact Statement
  - Natura Impact Statement

## **4.0 PLANNING POLICY CONTEXT**

### **4.1 Clare County Development Plan, 2011-2017**

The site is located within an area covered by the Clare County Development Plan 2011-2017 and it is located within a Heritage Landscape. The site also forms part of Carrowmore Dunes SAC, Mid Clare Coast SPA and the White Strand-Carrowmore Marsh pNHA.

#### ***Chapter 15: Marine and Coastal zone management***

*Objective 15.5* seeks to protect, enhance and conserve all beaches in the County and to prohibit maritime development on sites either on or adjacent to popular beach areas, where such developments would ..... cause damage or degradation of the beaches or sand dunes system.

*Objective 15.11 (coastal erosion and flooding)* seeks:

- (a) To continue to monitor coastal erosion and risk of inundation;
- (b) To access funding to carry out any required coastal defence works;
- (c) To permit developments only where they will not be at risk from coastal erosion or inundation in the future;
- (d) To permit developments only where they may not result in an increase in coastal erosion or increase the risk of inundation.

## **5.0 PROSPECTIVE APPLICANT'S CASE – IS OR IS NOT STRATEGIC INFRASTRUCTURE**

- 5.1 The prospective applicant is proposing to carry out a development comprising coastal erosion management works at Carrowmore Dunes at White Strand and the details of the proposed works are summarized in section 3.0 above.
- 5.2 The prospective applicant submits that the works are required in order to facilitate the protection of the existing golf resort and the sand dunes from excessive erosion. The golf resort forms part of the Trump International Golf Links and Hotel. These dunes form part of the Carrowmore Dunes SAC and according to the prospective applicant they have suffered greatly since 2012 due to unprecedented storm damage. The prospective applicant submits that the proposed coastal erosion management works will assist the protection of the remaining dunes and ensure further erosion of this habitat does not occur.

5.3 The prospective applicant analysed the proposed development in relation to the three criteria for strategic infrastructure as set out under Section 37(2) of the Act:

(a) Strategic economic importance to the State:

The proposed development will have an indirect economic impact as it will protect the existing golf course and adjacent farm land from coastal inundation, thereby ensuring the continued protection of local jobs and regional tourism assets (Wild Atlantic Way, hotel and golf course). The proposed development could be considered to be of regional economic importance within the meaning of S.27A (2) (i).

(b) Contributes substantially to fulfilment of objectives of NSS or RPG:

Doonbeg is not an identified as a gateway of hub in the NSS which highlights the importance of tourism to rural areas; however the golf resort is an existing attraction which the proposed works will protect but not add further to tourism. The proposed development does not come within the meaning of S.37A (2) (ii).

(c) Effect on more than one local authority area:

The proposed works are localised to Doughmore Bay which is located in the centre of the County Clare coastline and will not have an effect on any other local authority area.

5.4 The prospective applicant concluded that the proposed development may or may not be considered as strategic infrastructure given the interpretation of one particular provision of S.37A (2) (i.e. S.27A (2) (a)), and while in the main, the provisions of S.37A (2) would suggest that the proposal may not be strategic infrastructure, the Board may also form the opinion under S.37A (2) (a) that the proposal is strategic infrastructure.

5.5 The Board is requested to make a determination as to whether or not the proposed development constitutes strategic infrastructure under Section 37A (2) of the Act.

## 6.0 STRATEGIC INFRASTRUCTURE – LEGAL PROVISIONS

6.1 The Board is asked to decide if the proposal is or is not Strategic Infrastructure Development as defined by Section 37A of the Planning and Development Planning Act 2000 as amended by Section 5 of the Planning and Development (Strategic Infrastructure) Act 2006 and by Section 78 of the Planning and Development (Amendment) Act 2010.

6.2 Strategic Infrastructure is defined in the Seventh Schedule of the 2006 Act and “coastal protection works” are described as follows:

Any coastal works to combat erosion or maritime works capable of altering the coast through the construction, for example of dikes, moles, jetties and other sea defence works, where in each case the length of the coastline on which the works take place would exceed 1km, but excluding the maintenance or reconstruction of such works or works required for emergency purposes.

6.3 Section 37A(1), states that an application for permission for any development specified in the Seventh Schedule shall, if the following condition is satisfied, be made to the Board under section 37E and not to a planning authority. Section 37A (2) (as amended most recently by the Local Government Reform Act 2014), states

That condition is that, following consultation under section 37B, the Board serves on the prospective applicant a notice in writing that, in the opinion of the Board, the proposed development would, if carried out, fall within one or more of the following paragraphs, namely –

- (a) the development would be of strategic economic or social importance to the State or the region in which it would be situate,
- (b) the development would contribute substantially to the fulfilment of any of the objectives in the National Spatial Strategy or in any regional spatial and economic strategy in force in respect of the area or areas in which it would be situate,
- (c) the development would have a significant effect on the area of more than one planning authority.

## 7.0 PLANNING HISTORY

### 7.1 Relevant Board decisions

#### ***PL03.109516:***

Permission granted by the Board in 1999 for an 18 hole links course, hotel, 80 holiday homes, leisure centre and ancillary services at Cloonmore, Carrowmore North, Doonbeg, Co. Clare. Permission granted following a number of Third party appeals subject to 14 Conditions.

***Condition no.6*** required the submission of a management plan to include measures to be taken to ensure protection of:

- (a) The entire area of the proposed candidate SAC,
- (b) The habitat of the priority Annex 1 species, *Angustior vertigo*.
- (c) Crowd control measures during tournaments.
- (d) Measures to be taken during the construction phase for the protection of the proposed candidate SAC wetlands, and areas of archaeological interest.

Several subsequent permissions granted by the Board for the retention and completion of development comprising revisions to the development permitted under PL.03.109516.

#### ***PL03 .238097:***

Permission granted for development comprising coastal erosion management works and ancillary golf course alterations at three locations within Doonbeg Golf Course following a number of Third Party appeals. The works consisted of the re-profiling of sand dune slopes, installation of concrete 'seabee' units buried within the re-profiled dune sections, marram planting, sand trap fencing and ancillary golf course alterations. EIS submitted. Permission granted subject to 9 conditions.

#### ***PL03.236818:***

Permission granted by the Board to retain gravel path from Caherfeenick Road across section of golf course and to refuse permission for a dry stone retaining wall along section of boundary between course and neighbouring property and alteration of ground levels (Split decision).

***PL03 .211963:***

Permission refused for coastal protection works comprising the augmentation of existing storm beach at three locations along White Strand following a number of Third Party appeals. The storm beach augmentation to involve the placement of cobble and rock (maximum size of rock 1,200 millimetres) along the upper beach and in front of the existing sand dune face at three locations, a 1.5 metre wide concrete pedestrian path across the central area of storm beach augmentation to continue an existing pedestrian path to the beach, and marram planting along the unprotected dune face above the level of augmentation works. EIS submitted but considered inadequate by the Board.

**7.2 Relevant referrals**

***PL03.RL2167:***

The closure/obstruction of an established public right of way between the end of Caherfeenick Road L61041 and Doughmore Beach is development and is not exempted development. A Judicial Review of this decision was withdrawn.

Several other referrals related to the Doonbeg Golf resort and/or Carrowmore dune system were either dismissed or declared invalid by the Board.



## 8.0 ASSESSMENT

- 8.1 The prospective applicant is proposing to carry out a development comprising coastal erosion management works at Carrowmore Dunes at White Strand in Doughmore Bay, Doonbeg, County Clare. The proposed works would include the provision of a new berm structure and use of armourstone along a c.2.8km stretch of beach and all ancillary site works. The full details of the proposed works are summarized in section 3.1 above.
- 8.2 The prospective applicant's justification for the proposed development is summarised in section 5.2 above and the issues raised are noted.
- 8.3 The proposed development would fall within the Seventh Schedule description of "coastal works to combat erosion" as the proposed berm structure and armourstone would be c.2.8km in length which exceeds the stipulated 1km threshold.
- 8.4 The three criteria for deciding whether or not a proposed development constitutes strategic infrastructure under S.37A (2) are set out in section 6.3 above and I note that:
- The proposed development would comprise the installation of coastal erosion management works along a 2.8km stretch of coast. The aim of the proposed works is to directly protect an existing tourist and recreational facility which is a valuable economic asset to County Clare in terms of seasonal employment and tourism revenues. The works could also serve to protect the adjacent farmland from future coastal inundation which would in turn protect local farm livelihoods and incomes. It is noted that the golf resort is located along the Wild Atlantic Way however it is a private facility which does not attract passing tourist trade on any sort of regional scale. Although the proposed development seeks to protect existing local economic resources in the area, the proposed new berm structure and armourstone in its own right would not be of strategic economic or social importance to the State or the region in which it would be situated. Therefore the test set by Section 37A (2) (a) has not been met.
  - The National Spatial Strategy (NSS) and Regional Planning Guidelines (RPGs) set out a regional spatial and economic strategy for the Mid West Region. The site is not located within a designated Gateway or Hub in the NSS and neither document contains any specific provisions for this part of

County Clare. Section 4.5 of the NSS refers to the success of established tourism areas, such as those along the west coast of Clare, which “can be sustained through effective management and the sustainable development of assets such as the natural and cultural heritage.” However, this reference on its own could not be considered a determining factor for strategic infrastructure as the proposed development would not contribute substantially to the fulfilment of any of the NSS or RPG objectives in respect of any regional spatial and economic strategy for the region. Therefore the test set by Section 37A (2) (b) has not been met.

- The proposed development would be entirely located within County Clare and would not have a significant effect on the area of more than one planning authority. Therefore the test set by Section 37A (2) (c) has not been met.

The proposed development would not constitute strategic development.

## **9.0 RECOMMENDATION**

I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 37(B) (4) Planning and Development Act 2000, as amended, stating that the proposed development consisting of coastal management works including the provision of a new berm structure and use of armourstone and all ancillary works at Carrowmore Dunes, White Strand, Doughmore Bay, Doonbeg, County Clare falls within the 7<sup>th</sup> Schedule, as it is development which comprises coastal works to combat erosion capable of altering the coast through the construction of sea defence works which would exceed 1km in length. However, having regard to the nature, scale and location of the proposed development, such development does not meet the criteria set out in section 37A (2) (a) to (c) for strategic infrastructure development. A planning application should therefore be made in the first instance to Clare County Council.

Karla Mc Bride  
Senior Planning Inspector  
11<sup>th</sup> April 2016