

**Minutes of the December Monthly Meeting of Clare County Council held in the
Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on
Monday, 12th December, 2016 at 3:45 p.m.**

Present:

Councillors J. Breen, J. Flynn, P. Daly, A. Norton, T. McNamara, M. Howard, P. Murphy, C. Collieran Molloy, J. Cooney, P. Hayes, M. Begley, T. O'Brien, P. Burke, A. O'Callaghan, C. Crowe, J. Crowe, G. Flynn, P.J. Ryan, P. McMahon, M. McKee, C. Curtin, R. Nagle, B. Slattery, I. Lynch, M. Hillery, P.J. Kelly, B. Chambers, G. Keating.

- Mr. Ger Dollard, Deputy Chief Executive.
- Ms. Carmel Greene, Meetings Administrator.
- Ms. Karen Stackpoole, Staff Officer.
- Mr. Niall Barrett, Head of Finance.
- Mr. Liam Conneally, Director of Service.
- Mr. Leonard Cleary, A/Director of Service.
- Mr. Tom Tiernan, Senior Engineer.
- Mr. John Leahy, Senior Engineer.
- Mr. Tony McNamara, Senior Executive Engineer.
- Mr. Mark Dunphy, Communications Officer.

The Cathaoirleach, Cllr. Bill Chambers presided.

Item 1: Minutes of Council Meetings.

a. Ar moladh Cllr. R. Nagle
Cuidithe ag Cllr. J. Flynn agus glacadh leis

“That the Minutes of the Budget 2017 Meeting of Clare County Council held on 11th November, 2016 be adopted and signed.”

b. Ar moladh Cllr. P. Burke
Cuidithe ag Cllr. P. Murphy agus glacadh leis

“That the Minutes of the November monthly Meeting of Clare County Council held on 14th November, 2016 be adopted and signed.”

c. Ar moladh Cllr. J. Flynn
Cuidithe ag Cllr. B. Slattery agus glacadh leis

“That the Minutes of the adjourned November Meeting of Clare County Council held on 21st November, 2016 be adopted and signed.”

Item 2: Minutes of Municipal District Meetings.

a. Ar moladh Cllr. P. McMahon
Cuidithe ag Cllr. C. Crowe agus glacadh leis

“That the Minutes of the Shannon Municipal District Meeting held on the 20th September, 2016 be noted.”

b. Ar moladh Cllr. P. Burke
Cuidithe ag Cllr. T. O’Brien agus glacadh leis

“That the Minutes of the Killaloe Municipal District Meeting held on the 21st September, 2016 be noted.”

c. Ar moladh Cllr. M. Begley
Cuidithe ag Cllr. J. Cooney agus glacadh leis

“That the Minutes of the Killaloe Municipal District Budget Meeting held on the 24th October, 2016 be noted.”

d. Ar moladh Cllr. B. Slattery
Cuidithe ag Cllr. C. Curtin agus glacadh leis

“That the Minutes of the West Clare Municipal District Meeting held on the 6th September, 2016 be noted.”

e. Ar moladh Cllr. M. Hillery
Cuidithe ag Cllr. B. Slattery agus glacadh leis

“That the Minutes of the West Clare Municipal District Budget Meeting held on the 19th October, 2016 be noted.”

f. Ar moladh Cllr. B. Slattery
Cuidithe ag Cllr. R. Nagle agus glacadh leis

“That the Minutes of the West Clare Municipal District Special Meeting held on the 19th October, 2016 be noted.”

g. Ar moladh Cllr. P. Daly
Cuidithe ag Cllr. P. Murphy agus glacadh leis

“That the Minutes of the Ennis Municipal District Meeting held on the 4th November, 2016 be noted.”

Item 3: Minutes of S.P.C. Meetings.

a. Ar moladh Cllr. P. Daly
Cuidithe ag Cllr. P. Hayes agus glacadh leis

“That the minutes of the Cultural Services & Arts S.P.C. meeting held on 10th May, 2016 be noted”.

b. Ar moladh Cllr. P. Burke
Cuidithe ag Cllr. G. Flynn agus glacadh leis

“That the minutes of the Planning & Housing S.P.C. meeting held on 1st June, 2016 be noted”.

c. Ar moladh Cllr. T. McNamara
Cuidithe ag Cllr. P. Burke agus glacadh leis

“That the minutes of the Planning & Housing S.P.C. meeting held on 7th September, 2016 be noted”.

d. Ar moladh Cllr. G. Keating
Cuidithe ag Cllr. R. Nagle agus glacadh leis

“That the minutes of the Economic Development & Enterprise S.P.C. meeting held on 12th September, 2016 be noted”.

e. Ar moladh Cllr. B. Slattery
Cuidithe ag Cllr. M. Hillery agus glacadh leis

“That the minutes of the Environment & Transportation S.P.C. meeting held on 26th September, 2016 be noted”.

Item 4: Minutes of the Corporate Policy Group Meetings.

The members noted the minutes of the meetings held on 7th November, 2016 as presented.

Item 5: Monthly Management Report.

The monthly management report attached to the agenda included key activities in the principal service areas and was noted by the members.

Cllr. C. Curtin welcomed the new format of the Monthly Management Report and expressed his appreciation that the comments of the members were taken on board by the Council's executive. This was echoed by all of the members present.

G. Dollard responded by advising that the Management Report is a useful tool to update the elected members. It is anticipated that the layout of the report will be further improved in the coming months.

Cllr. Curtin in his role as Chairman of the Rural Water Committee also advised the members that notification of the grant allocations to Clare County Council were only received on 30th August, 2016. He felt that the spend target of December 2016 was completely unrealistic. He asked that a formal request be sent to the Department to establish if these allocations can be carried over to 2017.

G. Dollard agreed with Cllr. Curtin and acknowledged that notification of the grant allocations were coming later and later each year from the Department. He did, however, indicate that he would send a request to the Department to ensure the carry forward of these monies to 2017.

The members requested an update on the status on several remediation projects that are currently being progressed throughout the county including the Killaloe Bye-Pass and the Kilnamona N85 Project. Tom Tiernan responded to all queries raised by the members which also included the current situation regarding the Cloughaninchy, Kilcredaun, New Quay/Aughinish and Miltown Malbay projects.

Cllr. J. Flynn welcomed the finalisation of the inventory of public lighting throughout the entire county and which has now been submitted for incorporation to a National Database. This body of work will be the basis for a public lighting strategy with a view to achieving our 2020 targets. He also noted the completion of a significant conversion to LED lighting on the N85 from Claureen Roundabout to the Clareabbey Roundabout. He also requested an update on whether the rates incentive scheme was working well. Cllr. Flynn also queried the current position on Climate Change within Clare County Council. He is of the opinion that this issue should be given a high priority and requested that it be given a specific heading in the next Management Report.

G. Dollard responded to this request by advising the members that Clare County Council were awaiting further guidance from the Department on whether there would be an additional SPC specifically for Climate Change. On a positive note he also advised that the Rates incentive scheme was working quite well and that the adjustment to the rate payers account would happen at year end.

Cllr. J. Crowe complimented the Emergency Services in County Clare and especially the Fire Service. Over the weekend a fire broke out on his premises in Sixmilebridge and he wanted to express his deep gratitude to the Gardai and the fire service personnel for their attendance at the scene.

Item 6: Disposal of property pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000. Proposed disposal of site to the ESB for Substation No. 037 0264 for Fíor Uisce Flood Alleviation Scheme, Gort Road, Ennis, Co. Clare.

Report dated 5th December, 2016 from Seamus Halpin, Senior Staff Officer, Transportation was circulated with the agenda together with map. The report states that it is proposed to dispose of a plot of land at Gort Road, Ennis, Co. Clare.

Ar moladh Cllr. G. Keating
Cuidithe ag Cllr. P. Daly agus glacadh leis

“Notice having been served pursuant to Section 183 of the Local Government Act, 2001, Clare County Council approves pursuant to the powers vested on it at Section 211 of the Planning & Development Act, 2000 as amended, of the disposal of site at Gort Road, Ennis, Co. Clare subject to the conditions as set out in the notice served on the members dated 5th December, 2016.”

Item 7: Disposal of property pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000. Proposed disposal of property at Kilkee Dive Centre, Kilkee.

Report dated 21st November, 2016 from Carmel Greene, Senior Executive Officer, Corporate Services was circulated with the agenda. The report states that back in 2015, the Council approved the lease of the Kilkee Dive Centre. This party had operated the Dive Centre in 2014 during the summer months.

Since then, the company have changed name. They have had a short-term lease of the premises for the period of July to December 2016 providing the following facilities:

- Try dives, discover scuba and snorkeling courses.
- Dive gear storage.
- Showers and changing room facilities.
- Classroom facilities available for courses/classes.
- Providing air fills and air cylinders.
- Sandwiches, tea, coffee and other refreshments.

It is now proposed to lease the Kilkee Dive Centre subject to the conditions as set out in the notice served on the members dated 21st November, 2016.

Ar moladh Cllr. G. Keating
Cuidithe ag Cllr. R. Nagle agus glacadh leis

“Notice having been served pursuant to Section 183 of the Local Government Act, 2001, Clare County Council approves pursuant to the powers vested on it at Section 211 of the Planning & Development Act, 2000 as amended, of the disposal of property by means of a lease at Kilkee Dive Centre subject to the conditions as set out in the notice served on the members dated 21st November, 2016.”

Item 8: Overdraft facility for the twelve month period to 31st December, 2017.

Report dated 5th December, 2016 from Niall Barrett, Head of Finance was circulated with the agenda. The report states that the Council requires a new facility to be in place for the period of twelve months to 31st December, 2017. It is proposed to maintain the overdraft facility of €15 million.

Ar moladh Cllr. J. Flynn

Cuidithe ag Cllr. R. Nagle agus glacadh leis

“That pursuant to the provisions of Section 106 of the Local Government Act, 2001 the Council hereby approves of borrowing up to a maximum of €15 million by way of overdraft facility from the Council’s Treasurer for the year ending 31st December, 2017.”

Item 9. Deputation to discuss homelessness at 3:00 p.m. as agreed at September Meeting.

Cllr. M. McKee addressed the members and gave a brief synopsis of the issues surrounding homelessness in County Clare in the modern era. He introduced the attendees that formed part of the deputation. Both Breda McManus and Anne Rynne addressed the chamber on behalf of the deputation. Breda spoke on the work that they do for the people of Clare who are homeless. She advised the members that lack of shelter is the biggest problem. She appealed to the members to assist in securing extra homeless accommodation in Clare. She finished by reading out a daily diary from two homeless persons in Ennis. Anne outlined the provisions of the constitution for the citizens of society in Ireland. She also appealed to the members of Clare County Council to prioritise this matter and provide solutions to this serious problem.

L. Conneally, Director of Service thanked the deputation for attending. He responded by updating chamber on the actions undertaken by Clare County Council in tackling the issue of homelessness:-

- Dedicated Homeless Unit as part of the Housing Department of Clare County Council and staffed with a Homeless Social Worker
- New homelessness Action Team Office due to open in the first quarter of 2017
- Funding has been issued by Government through the Regional Homelessness Forum for new units at Laurel Lodge.

Cllr. M. McKee thanked L. Conneally for his response and appealed to the members again on behalf of the deputation to prioritise this matter in order to provide solutions to this serious and growing problem in County Clare.

Item 10. Civic Reception to honour the Clare & District League Soccer Team who won the Oscar Traynor Trophy in 2016 at 6:45 p.m.

The Civic Reception to celebrate and honour the players and management of the Clare & District League Soccer team who won the 2016 FAI Oscar Traynor Cup a national trophy that is competed for by all the Junior Leagues in Ireland was held at 6:45 p.m.

following the Council Meeting. The Cathaoirleach paid tribute to the team captain Pat Purcell and his players, as well as Donie Garrihy and his management team on making history as Clare ended a 12-year quest to reclaim the Oscar Traynor Trophy. He added, “A Civic Reception is the highest honour that this Council can bestow on any individual, group or organisation. In raising the profile of Clare soccer and representing the County with distinction, this team is thoroughly deserving of the honour.”

Item 11. Data Protection legislation.

Ar moladh Cllr. C. Curtin

Cuidithe ag Cllrs. J. Breen agus G. Flynn agus glacadh leis

“That the Chief Executive outline the circumstances under the relevant section of the Data Protection Acts 1988 and 2003 whereby restrictions on disclosure are lifted to allow elected members of the Council to access information on file in order to fully discharge their responsibilities as members of the corporate authority.”

Carmel Greene, Senior Executive Officer, Corporate Services replied as follows:

“Section 8 of the Data Protection Act, 1988 as amended (copy attached) allows for disclosure of personal data in certain cases. The principle is that under Data Protection legislation, personal data should only be disclosed if it is allowed by legislation or if the person consents. I have set out hereunder the most relevant parts of Section 8 that may be applied in the case of public representatives:

Section 8- Any restrictions in this Act on the disclosure of personal data do not apply if the processing is-

(e) required by or under any enactment or by a rule of law or order of a court or

(h) made at the request or with the consent of the data subject or a person acting on his behalf.

The Data Protection Commissioner issued a **Guidance Note for Data Controllers on the release of personal data to public representatives in 2007** and this is available on the Data Protection Commissioners website and a copy is attached for information purposes.

Specifically, in relation to a motion passed back in ~July 2015, the Data Protection Commissioner issued detailed correspondence to Clare County Council confirming that “the release of lists of applicants for housing and allocation decisions in regard to them to elected representatives constitutes further processing in a manner incompatible with the purposes for which it was collected and may represent a breach of the Data Protection Acts, 1988 and 2003.

It should also be noted that new Data Protection legislation has been passed by the EU. The **General Data Protection Regulation (GDPR)** (Regulation (EU) 2016/679) will replace the [data protection directive 95/46/EC](#) (transposed into Irish Law as the Data Protection Acts 1988 & 2003).

The new Regulation was adopted on 27 April 2016. It will apply from 25 May 2018 after a two-year transition period. In the new Regulation, the principles of data protection will be more prescriptive with some new obligations e.g. accountability (ability to demonstrate compliance), mandatory breach notifications and changes such as the treatment of 'consent' (a higher bar for relying on consent and Data subjects can withdraw their consent at any time, and it must be easy for them to do so).

It provides individuals with new and enhanced rights, including a right to data portability and provides supervisory authorities (Data Protection Commissioner) with wide-ranging powers to enforce compliance, including the power to impose significant fines.

Information and guidance is expected from central government during 2017 and I will bring this to your attention as soon as it becomes available."

**GUIDANCE NOTE FOR DATA CONTROLLERS ON THE RELEASE OF
PERSONAL DATA TO PUBLIC REPRESENTATIVES
Issued in 2007**

Introduction

This Office recognises that it is a normal and accepted function of an Irish public representative to represent individual constituents in their dealings with public and private organisations. Such representations typically relate to access to services or to information about those services.

The following guidance note has been prepared as an aid to organisations ("data controllers") that are in receipt of representations made on behalf of individuals ("data subjects") by public representatives (TDs, Senators, MEPs, Councillors). This note also sets out the obligations on public representatives under the [Data Protection Acts 1988 and 2003](#) in relation to the making of such representations for personal information and their responsibilities in relation to information which may come into their possession on foot of these representations.

Data Controllers

We advise that, where a public representative makes a written representation on behalf of a constituent, the organisation can generally assume that the constituent has given consent for the release of personal data necessary to respond to the representation.

As the organisation is accountable for personal data it has chosen to release, it should be satisfied that it is reasonable to assume that the individual whose personal data is being released would have no objection to such release through a public representative. In most cases, this is unlikely to be an issue. This would be true, for example, in relation to the many representations on behalf of individuals who simply wish to know when a particular service will be provided.

However, there will be cases where it would be appropriate for the organisation to check with the public representative, or the individual whose personal data is being released, that such release is not going to give rise to later complaints about breach of the Data Protection Acts.

This could arise, for example, where the constituent is making enquiries about the provision of services to a relative of the constituent where it is not clear that the relative supports, or is even aware of, the representation being made. Another example would be where access is being sought to information which would involve disclosure of personal data in relation to others (e.g. it would be wrong to release the names of the top ten individuals on a waiting list without their consent). Yet another example might be where the representation is being made in a context where the constituent is involved in a dispute with third parties. Particular care is needed where the information being released qualifies as "sensitive data" under the Data Protection Acts (e.g. information about the health of an individual).

Public Representatives

Public representatives should also be aware of their obligations under the Data Protection Acts. They need to be satisfied that they are acting with the consent of the individual where the response to a representation involves release of that individual's personal data. They should also understand the obligations on organisations to keep personal data confidential and that, in particular cases, this may involve a need to check that the individual concerned has consented to the release of their personal data. When information has been supplied in reply to such representations, the public representative must act in compliance with Section 2 of the Acts which requires data controllers (in this case, public representatives) to comply with certain provisions regarding personal data kept by them:

- the data should not be further processed in a manner incompatible with the purpose for which it was received
- the data should be kept safe and secure while in the possession of the public representative
- the data should not be kept for longer than is necessary

ENDS

Office of the Data Protection Commissioner
November 2007

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Data Protection Act, 1988 – Section 8

8. Disclosure of personal data in certain cases.

8. Any restrictions in this Act on the disclosure of personal data do not apply if the processing is

- (a) in the opinion of a member of the Garda Síochána not below the rank of chief

superintendent or an officer of the Permanent Defence Force who holds an army rank not below that of colonel and is designated by the Minister for Defence under this paragraph, required for the purpose of safeguarding the security of the State,

(b) required for the purpose of preventing, detecting or investigating offences, apprehending or prosecuting offenders or assessing or collecting any tax, duty or other moneys owed or payable to the State, a local authority or a health board, in any case in which the application of those restrictions would be likely to prejudice any of the matters aforesaid,

(c) required in the interests of protecting the international relations of the State,

(d) required urgently to prevent injury or other damage to the health of a person or serious loss of or damage to property,

(e) required by or under any enactment or by a rule of law or order of a court,

(f) required for the purposes of obtaining legal advice or for the purposes of, or in the course of, legal proceedings in which the person making the disclosure is a party or a witness,

~~(g) made to the data subject concerned or to a person acting on his behalf, or (removed by DP Act 2003)~~

(h) made at the request or with the consent of the data subject or a person acting on his behalf.”

Cllr. C. Curtin thanked C. Green for her response however, he indicated that it was imperative that the members are in receipt of all information that is available in order to make decisions for the people they represent. He added that the members have quasi judicial responsibilities. He does agree with the principle of protecting personal data but there should be no impediment put in the members way when seeking this information. He believes there is a democratic deficit as this information is solely needed for decision making purposes and no other.

G. Dollard in response advised the members that the response above clearly sets out the position with regard to Data Protection. He understands that while it is important for the members to have access to the relevant information he reminded them of a previous issue in another local authority where a complaint was lodged by a constituent to the Data Protection Office.

Cllr. G. Flynn informed the members that as A.I.L.G. and L.A.M.A. were seeking clarification on the Data Protection Act he was now submitting the following motion which was read out by G. Dollard:-

“In light of the Local Government Reform Act 2014 which envisaged increased participation by elected Councillors in the formulation and delivery of public services, that the A.I.L.G. and L.A.M.A. seek both ministerial and legal clarification on the operation of the Data Protection Acts whereby Councillors are inhibited from the proper discharge of their responsibility in accordance with their mandate.”

Proposed by Cllr. C. Curtin, seconded by Cllrs. G. Flynn, J. Breen and J. Flynn and agreed by all present.

Cllr. J. Breen asked that this motion be circulated to other local authorities.

Item 12. Planning contributions.

Ar moladh Cllr. P.J. Kelly

Cuidithe ag Cllr. C. Crowe agus glacadh leis

“That a report be made available on how the figure of €3.2 million planning contributions were spent in the years ending 2013, 2014, 2015 and 2016 to date under the headings

- (a) Total per year
- (b) Total under recreation per year
- (c) Total under community per year
- (d) Total under roads per year
- (e) Location and amount spent in each case under (b), (c), (d) in each item of expenditure.”

Gerard Dollard, Director of Economic Development replied as follows:

“Development Contributions are allocated in accordance with the statutory Development Contribution Scheme and provide funding for projects included under the scheme. Contributions collected are subject to the statutory requirements under the Planning & Development Acts and Local Government Acts.

The €3.2m. represents planning contributions collected in the period September 2013 to September 2016. In the corresponding years, development contributions were allocated against capital works in progress or completed as set out overleaf. Of the €3.2m. collected, €1.2m. relates to monies collected in 2016 and these contributions will be considered for allocation as part of the Annual Financial Statement 2016.

The sum of €1.95m. has been allocated as shown in the following Table and the detail for:

| Year | Recreation/Amenity | Roads | TOTAL |
|-------|--------------------|-----------|-----------|
| 2014 | - | 755,144 | 755,144 |
| 2015 | 137,306 | 189,984 | 327,290 |
| 2016 | 500,000 | 370,423 | 870,423 |
| TOTAL | 637,306 | 1,315,551 | 1,952,857 |

| | |
|---|-------------------|
| Allocated for spending in 2014 | |
| N18/N19 Ballycasey - Carrigoran Phase 2 | €250,000 |
| Kilkee L2008 & L6034 IMP 2008 | €126,104 |
| Special P05/2260 Footpaths in Mountievers, Sixmilebridge | €79,040 |
| Allocated for spending in 2015 | |
| Amenities | |
| Liscannor Pier Master Plan & Works 2008 | €4,030 |
| Lees Road Improvements | €130,923 |
| Amenity Improvement Upgrading at Tim Smythe Pk | €2,352 |
| | €137,305 |
| Roads | |
| Quin Road Pedestrian Cross & Footpath | €31,449 |
| Tulla Road & Quin Road Bridges | €107,985 |
| Public Lighting Improvements | €50,550 |
| | €189,984 |
| To be allocated for spending in 2016 | |
| Roads | |
| Quin Road Pedestrian Cross & Footpath | €90,423 |
| Oakleigh Wood Roundabout & Associated Work | €80,000 |
| Ennis Northern Relief Road (IAPE) | €200,000 |
| | €370,423 |
| Amenities | |
| Lahinch Promenade project, including public toilets | €200,000 |
| O'Sullivan Park Astro Turf facility | €300,000 |
| | €500,000 |
| TOTAL ALLOCATED | €1,952,856 |

Cllr. Kelly queried why the €1.2 m. was not detailed in the report. He feels that the members need to ensure fair play and need to support rural development. He asked that the reply to this motion be emailed to all members.

Item 13. Housing.

Ar moladh Cllr. P. McMahon

Cuidithe ag Cllr. A. O'Callaghan agus glacadh leis

“That Clare County Council report on what additional resources would be required to deal with the shocking accommodation crisis in the county.”

Liam Conneally, Director of Social Development replied as follows:

“Whilst it is accepted that more needs to be done to meet the significant need for housing in the County, significant progress has been made by the Council during 2015 and 2016 with over 1300 units being provided through leasing(RAS, HAP and Social Leasing), construction and house acquisitions . This figure includes the refurbishment of old housing stock and returning same to productive use.

In 2016 the Department has approved the construction of 47 units at various locations throughout the County with an estimated budget value of €10.8m. Following the design, planning and procurement processes involves for same, it is expected that construction will commence in Q4, 2017/Q1, 2018. In this regard this Council will continue to engage with the Government Departments to ensure that all funding opportunities at our disposal are availed of.

Lastly, Clare County Council's Social Directorate will continue to work closely with the various partner agencies and Approved Housing Bodies(AHBs) to deliver additional housing units.”

In moving this motion, Cllr. McMahon spoke of the investment in housing which has greatly reduced over the years. He is also an advocate for a more coordinated approach towards the accommodation crisis between local authorities and co-operatives.

Item 14. Traffic calming measures.

Ar moladh Cllr. P. Murphy

Cuidithe ag Cllr. J. Flynn agus glacadh leis

“Considering the regular requests (at area/municipal district meetings) to have speed ramps and other speed calming measures installed across the county and the apparent reluctance on Clare County Council's behalf to have these requests met I am asking exactly what requirements/parameters (i.e. volume of traffic, speed, cost of installation, population etc) have to be met in order to achieve same.” (Q)

Tom Tiernan, Senior Engineer, Transportation replied as follows:

“In general terms the Council has tended to adopt an approach to provision of traffic calming/speed ramp facilities centered around its policy in relation to the issue which

was prepared approximately 10 years ago. The policy requires consideration of the following:

- Where it is established that there is a speeding problem based on recorded vehicle speeds and where it is established that the 85 percentile dry weather spot speed exceeds the legal speed limit at the location in question.
- Where the road under consideration facilitates significant residential accommodation and where commuter rat-running is a feature.
- Where there is evidence or records of traffic accidents having occurred.
- Where the operation of emergency services and bus routes wouldn't be compromised and
- Where there wouldn't be a transfer of traffic problems as a result of installation of a traffic calming scheme in a particular area.

There are also other factors which influence whether particular traffic calming approaches should or shouldn't be adopted in particular circumstances including:

- Notwithstanding the requirements of the policy as outlined above, we tend to avoid constructing speed ramps, rumble strips and the like in residential estates because the physical impact of vehicles on them late at night tends to disrupt sleep.
- To adopt a policy of installing ramps in housing estates could lead to an outcry for provision of very large numbers of ramps throughout the county which, in turn, would result in a significant deterioration in residential amenity.
- There is a significant cost factor – particularly if one were to adopt schemes other than speed ramps such as speed cushions, chicanes and the so on.

Therefore, in general terms, the approach which is taken and which is supported by the aforementioned policy is based on whether there is a problem of some significance to be resolved in the first place and whether a particular proposed solution can sustainably resolve that problem.”

Item 15. Council services.

Ar moladh Cllr. M. Hillery
Cuidithe ag Cllr. A. O'Callaghan agus glacadh leis

"That the management of Clare Co. Co. would provide the amount of money owed to them for services provided and how they propose to collect same?"

Niall Barrett, Head of Finance replied as follows:

“Set out in the table hereunder are the amount of outstanding charges at 30th September 2016.

| Income Source | €'000 |
|---------------------------|--------------|
| Commercial Rates | 20,995 |
| Development Contributions | 8,252 |
| Housing Loans & Rents | 1,652 |
| Fire Charges | 629 |
| LEO Refundable Aid | 426 |
| Other Charges | 1,532 |

Commercial Rates

The council continues to address amounts outstanding in respect of Commercial Rates. In 2015, the council reduced the amount outstanding at the year end by €1.5m as compared to the year end of 2014. In 2016 the council is working to further reduce the amount outstanding. The amounts due are being actively pursued through engagement with customers in agreeing payment plans or through legal action, where necessary.

Development Contributions

The book value of amounts payable in relation to Development Contributions is €8.25 million. This sum does not take account of any bad debts provision made or development contributions deferred based on extension of time developments or based on agreed payment plans with customers. The Planning Authority continues to pursue the collection of all outstanding contributions via invoicing once a commencement notice has been submitted and through the enforcement process or legal action where payment is not made by developers per the condition of permission.

Fire Charges

The book value amount outstanding in relation to Fire Charges is €629k. The Fire Authority continues to actively pursue the outstanding charges through ongoing engagement with customers facilitating payment through a range of payment options. Where there is no positive engagement, legal proceedings are to be initiated.

Housing Loans and Rents

The Council continues to make every effort in dealing with Housing arrears cases, including regular meetings with customers, facilitating payment through a range of payment options, making agreements for the payment of arrears and the close monitoring of all accounts where difficulties with payments have arisen. The Housing Directorate are in communication with a number of loan customers where loans have become unsustainable and other options are being progressed with a view to reducing arrears such as the Mortgage Arrears Resolution Process, Voluntary Surrender/Mortgage to Rent.

The Council has dedicated resources in the various departments assigned to the ongoing engagement with customers to facilitate payment arrangements. Where there is no positive engagement, legal proceedings are initiated.”

Cllr. Hillery thanked N. Barrett for the information provided. He questioned whether local authorities need to increase their powers in order to ensure that all income due to them is collected.

Item 16. Branch library data.

Ar moladh Cllr. C. Curtin

Cuidithe ag Cllr. G. Flynn agus glacadh leis

“That the Director of Services inform the Council of the 2016 data for each Branch Library (and Headquarters) in the County in respect of:-

- (a) Number of registered readers
- (b) Number of book issues
- (c) Internet usage

and in the context of sustaining and enhancing the service as appropriate to this client base that existing vacancies within this division of the Council be filled”.

Liam Conneally, Director of Social Development replied as follows:

“The following Table gives the breakdown of membership, books issued and internet usage as requested per branch and is current up to the end of November 2016. Comparing the figures to last year, I am pleased to advise that membership is up by 12.5% while book issues and internet usage is more or less the same.

| Branch | Membership | Issues | Internet sessions |
|-----------------|------------|---------|-------------------|
| Ennis | 5,310 | 135,816 | 17,853 |
| Corofin | 138 | 6,788 | 92 |
| Tulla | 636 | 22,122 | 408 |
| Ennistymon | 1,298 | 42,055 | 4,174 |
| Milltown Malbay | 762 | 20,250 | 2,114 |
| Lisdoonvarna | 243 | 3,099 | 63 |
| Kilrush | 1,584 | 42,037 | 4,417 |
| Kilkee | 1,524 | 29,748 | 4,035 |
| Kilmihil | 198 | 5,069 | 102 |
| Kildysart | 339 | 8,999 | 313 |

| | | | |
|----------------------------|--------|---------|--------|
| Shannon | 2,555 | 52,663 | 10,495 |
| Sixmilebridge | 1,440 | 27,318 | 1,484 |
| Newmarket | 430 | 14,760 | 362 |
| Scariff | 1,338 | 45,567 | 4,313 |
| Killaloe | 1,137 | 27,974 | 2,461 |
| Headquarters/Local studies | 12 | 5,204 | 25 |
| Total | 18,944 | 489,469 | 52,711 |

In terms of the resources required to sustain and enhance the service, there are a number of vacancies existing at Branch Librarian level – namely, posts in Ennistymon, Lisdoonvarna, Corofin and Scariff Libraries. This has created increased demand from Library HQ staff to support opening hours in these branches on a regular and on-going basis. However, it is intended to advertise and interview for these posts in early 2017 and additionally to fill one Executive Librarian post which will greatly enhance the service to our membership and the public at large.”

Cllr. Curtin thanked L. Conneally for his detailed response. He reiterated that the Library is the focal point for rural communities and that is evidenced by the growing figures as set out in the reply. He further stressed that it was imperative that the members advocate the strength of Local Authorities to continue to maintain the Library Service. Cllr. Curtin finished by sympathising with the library service on the sudden loss of a valued member of staff Ms. Caitriona Lucas.

The members were unanimous in their support for this motion. It was agreed that the Library service was a great and vital asset in a declining rural economy and that it must be strongly protected. Some had concerns regarding the staffing of libraries in the event that opening hours are extended. Cllr. C. Crowe also queried the possibility that the old school roll books would be retained for research purposes at the branch libraries.

L. Conneally in response advised the members that it was not the intention to dilute the role of the library services and that staffing at branch libraries will be supported in consultation with Human Resources. He further advised that nationally the Unions are in discussions with the L.G.M.A. regarding the role out of Open Libraries and that the outcome to same is awaited. He finished by advising the members that the digitising of the old school roll books is a significant body of work and the costs of same would have to be analysed prior to any decision being made.

Item 17. Coastal Erosion and Flood Embankments

Ar moladh Cllr. G. Flynn

Cuidithe ag Cllr. J. Flynn agus glacadh leis

“In view of the serious threat to County Clare's infrastructure from Coastal Erosion and Flood Embankment Deficiencies, that Clare County Council summon the Office of Public Works (O.P.W.) to attend a meeting as a matter of urgency to discuss what measures they are planning to protect communities and vital infrastructure in vulnerable areas throughout Clare”.

Tom Tiernan, Senior Engineer, Transportation replied as follows:

“I fully agree with the emphasis articulated in this notice of motion in that there is reason for concern regarding significant and critically strategic sections of the Co. Clare coastline. The importance of this as an issue has come to the fore in recent years – primarily as a result of the following:

- (a) The coastal storms of early 2014 which inflicted very significant damage on coastal defences, coast roads, tourist amenities, resorts and other infrastructure at more than 40 locations around the coast resulting in damage with an approximate value of €40m. and
- (b) The output of the CFRAMS process which from a coastal point of view is primarily focused around Shannon town.

With regard to (a) above, approximately €16m. will have been spent by the Spring of 2017 on repair works and the Council continues to pursue a programme of strengthening works at a total of 9 sites which will ultimately be dependent on the output of a series of feasibility studies which are at various stages of development or in some cases have been completed and are the subject of liaison with the O.P.W. – as detailed in the December monthly Management Report.

With regard to (b) above, the Draft Flood Risk Management Plan pertaining to UoM 27/28 - Shannon Estuary North and Malbay (CFRAM Report) acknowledges the existence of the embankments which separate Shannon Town and Shannon Airport from the estuary but doesn't adopt a position regarding the integrity or otherwise of same. As I understand it, these embankments were never formally designed to meet particular standards and they have an inclination to settle and require topping up from time to time. The town section is the responsibility of the O.P.W. while the airport section is the responsibility of the Airport Authority.

The Council is very concerned regarding the fact that the CFRAM Report provides very little comfort regarding the integrity of these embankments or their capacity to defend the town and airport from coastal flooding in the event of further severe weather events occurring. Also it is a matter of concern that CFRAMS deals with the town and airport embankments as separate entities and appears to put inappropriate emphasis on individual responsibility for separate sections of embankment above the overall need to define what action is required to ensure an appropriate level of protection for Shannon (including the airport) into the future.

A further concern, arising from the lack of confidence in the structural capacity of the embankments to perform their intended function into the future, relates to the appropriateness or otherwise of facilitating development within areas which are potentially at risk of flooding. This is a matter of particular concern given that the economy is now in recovery mode, development pressures in Shannon are increasing and there are needs to be met such as the future provision of housing in the town.

The Council has clearly articulated its concerns in relation to the foregoing in response to the aforementioned Draft Flood Risk Management Plan pertaining to

UoM 27/28. An urgent strategic approach is required with a view to ensuring that the current structural status of the Shannon Embankments is defined as soon as possible so as to determine the extent of all necessary remediation/reconstruction works required to secure the future integrity and protection of the town, the industrial zones and the airport.”

The Members were unanimous in voicing their concerns regarding funding for the protection of the coastline in County Clare. It is their view that someone needs to take responsibility in this area. Funding has been provided for repair but there is a huge shortfall in funding for defence. Clare County Council needs to be more proactive in this area. They expressed huge relief in the confirmation that the OPW have now stated that the 2015 flooding information is being taken into account in their assessment of the CFRAMS study. They did, however, request that a letter be sent to the O.P.W. to invite them to attend at the next meeting in order that the Members can voice their concerns directly to them.

Item 18. H.A.P./Rent Supplement.

Ar moladh Cllr. M. McKee
Cuidithe ag Cllr. C. Crowe agus glacadh leis

“That Clare County Council call on the relevant Department to identify and initiate proceedings against landlords who fail to register with the PRTB and who continue to flaunt the law by refusing to accept H.A.P./Rent Supplement.”

Liam Conneally, Director of Social Development replied as follows:

“Non-compliance with the Registration Board requirements under Section 144 of the Residential Tenancies Act 2014 is enforced by the Residential Tenancies Board (R.T.B.) and can result in prosecution by the R.T.B. in the District Court. In this regard the R.T.B. investigates all reports of non-compliance with property registration requirements.

The Equality (Miscellaneous Provisions) Act 2015 is relevant to the second part of the motion and provides that persons seeking housing accommodation shall not be discriminated against on grounds that they are in receipt of rent supplement or other State assistance. Complaints in respect of this provision can be made to the Workplace Relations Commission at www.workplacerelations.ie.”

The majority of the members were in agreement with the above motion. They felt that landlords do not realise that it is mandatory to register with the PRTB and that failure to do so results in serious penalties. However, Cllr. G. Flynn stated his opposition to this motion. He outlined that private landlords are very important to meeting housing need in this county and many provide very good accommodation. In his view the word “initiate proceedings” is not necessary and he would accept a change to the wording of the motion if this term was removed.

Cllr. M. McKee advised that he would not be changing the wording of the motion.

Suspension of Standing Orders.

The following proposal was submitted in writing to the Meetings Administrator and signed by Cllr. I. Lynch

“I, the undersigned, wish to propose the suspension of standing orders for a period of five minutes in order to propose the following:

“That Clare Co. Co. request that the H.S.E. operations manager for the Mid West Pat Mooney and the Head of the national ambulance service attend a public meeting to address the on going issues regarding the lack of adequate ambulance cover in Clare, this council also request that HIQA carry out an independent inquiry into the adequacy of the ambulance cover for the county.”

The members discussed this issue. They were unanimous in voicing their concerns over the lack of ambulance cover for periods of times in County Clare including a recent incident in West Clare where the ambulance service did not work. It was proposed by Cllr. I. Lynch and seconded by Cllr. J. Flynn to write to the H.S.E. operations manager for the Mid West Pat Mooney and Head of the National Ambulance service to request them to attend the next meeting to address the on going issues regarding ambulance cover in Clare.

The order of business resumed at 5:27 p.m.

Item 19. Moneypoint powerstation and Water Supply Issues.

Ar moladh Cllr. I. Lynch

Cuidithe ag Cllr. J. Flynn agus glacadh leis

“That Clare County Council call on Irish Water and Management of Moneypoint to cease the current arrangements for water supply to the generation station until a suitable water management plan is put in place that will end the adverser effects the current arrangements are having on entire West Clare communities.”

Sean Ward, Senior Engineer, Water Services Department replied as follows:

“The flow to Moneypoint power station increases when the station’s reservoirs are being filled. Under the present regime this occurs approximately twice annually, and lasts typically for 3 days at a time, although this duration may be variable.

Queries have occasionally been received from an area north of Kilrush on and near the Cooraclare road – including Tullabrack, Breaghva and Durha – about reduced water pressure during these periods.

The Council will bring this issue to Irish Water’s attention. We will also arrange for mains pressure in the affected areas to be logged in periods both during and outside of filling of the power station reservoirs, in order to obtain information on variations occurring.”

Mr. T. McNamara, Senior Engineer attended the meeting on behalf of S. Ward. In response to queries raised by Cllr. I. Lynch he pointed out to the members that two sections of watermain have recently been upgraded in this area. He asked Cllr. Lynch for specific details of the houses where these issues are occurring and he will arrange for pressure testing. Cllr. Lynch advised that he would speak directly to T. McNamara and provide him with the requested information.

Item 20. Salmon fishing.

Ar moladh Cllr. G. Keating

Cuidithe ag Cllr. C. Colleran Molloy agus glacadh leis

“That Clare County Council request the Minister of State at the Department of Communications, Climate Change and Natural Resources with responsibility for Inland Fisheries to reopen our rivers to Salmon Fishing in 2017.”

Cllr. Keating reminded the Members that 103 rivers were closed to fishing a number of years ago in order to preserve salmon stock and many remain closed to this day despite stock levels having improved significantly. He is asking the members to fully support his motion today as he believes that if this request was successful it would stamp out illegal poaching of salmon in Irish rivers. He also thanked S. Lahiffe for his work in this area.

Item 21. Rate valuation on properties.

Ar moladh Cllr. P. Daly

Cuidithe ag Cllrs. J. Crowe agus P. McMahon agus glacadh leis

“We call on Clare County Council to contact the Department of Environment and the Valuation Office with a view to examining the current structure of rate valuation on properties in County Clare”.

Niall Barrett, Head of Finance replied as follows:

“The Valuation Office has in recent years been engaged in a process of Revaluation of properties across the country. A "Revaluation" is the production of an up-to-date Valuation List of non-domestic property, for Commercial Rates purposes, within a local authority area, by reference to property rental values at a specified valuation date. This requires the carrying out of a new valuation of every relevant property in a particular rating authority area. The process results in the publication of a Valuation List containing the new valuations of all relevant properties thereon and that List then becomes effective for Rates purposes subsequently. The purpose of the revaluation is to redistribute the commercial rates liability between ratepayers based on current annual rental values rather than to increase the total amount of rates.

To date, revaluations have been completed in Dublin City Council, Fingal, Dún Laoghaire-Rathdown, South Dublin, Limerick City and County and Waterford City and County rating authority areas. Revaluations are in progress in 10 other local authorities; Carlow, Kildare, Kilkenny, Leitrim, Longford, Offaly, Roscommon, Sligo, South Dublin and Westmeath County Councils. These revaluations are scheduled to become effective for 2018. It is expected that a decision will be made in 2017 as regards the next local authorities that will be selected for revaluation after the current revaluations in progress are completed. The council can request the Valuation Office to be included in the next round of revaluations.”

Cllr. P. Daly outlined the rationale behind his motion and the need to protect the small businesses in the County. The Members fully supported this motion but some were cautious that this re-valuation could result in some valuations going higher. The

members also requested that the Valuation Office be invited down to discuss this matter further.

Niall Barrett, Head of Finance responded to the queries raised by the members and outlined to them the principles of the re-valuation exercise. He also advised that the overall rateable valuation will not change as some properties will go up and some will go down.

Item 22. INTO.

Ar moladh Cllr. C. Crowe

Cuidithe ag Cllr. J. Flynn agus glacadh leis

“That this Council calls on the INTO General Secretary and the Teacher Conciliation Council to -

- I) account for their decision to not extend the Teacher Exchange Scheme when a review was undertaken earlier this year
- II) seek an urgent amendment of the rules embodied within the Department of Education's Circular 17/2015 so that, if two Boards of Management are in agreement, a teacher exchange can be facilitated on a permanent basis”.

The members unanimously supported this motion. It was agreed that where two boards of management were in agreement then the transfer of a staff member should be facilitated.

Item 23. Comhfhreagras. Correspondence.

The following correspondence was circulated with the agenda:

1. Report on attendance at the World Travel Market London 2016.
2. Correspondence dated 6th December, 2016 from the Department of Health concerning Shannondoc Services.
3. Correspondence dated 29th November, 2016 from the Health Service Executive in relation to allocation of funding to Clarecare.
4. Correspondence dated 8th November, 2016 from the Department of Transport, Tourism & Sport regarding a Task Force to deal with invasive plant species (Japanese Knotweed).
5. Correspondence dated 30th November, 2016 from the Department of Communications, Climate Action & Environment regarding preserving and expanding the services of rural post offices.
6. Correspondence dated 22nd November, 2016 from the Department of Arts, Heritage and the Gaeltacht in relation to Japanese knotweed.

7. Correspondence dated 28th November, 2016 from Senator Robbie Gallagher congratulating Clare County Council in winning the Supporting Tourism Award at the prestigious Chambers Ireland Excellence in Local Government Awards.
8. Correspondence dated 28th November, 2016 from the Department of Transport, Tourism and Sport in relation to Sat Nav companies.
9. Correspondence dated 28th November, 2016 from the Department of Finance in relation to the cost of motor insurance.
10. Correspondence dated 23rd November, 2016 from the Department of Communications, Climate Action & Environment regarding telecommunication infrastructure in Co. Clare.
11. Correspondence dated 23rd November, 2016 from the Office of the Tanaiste and Minister for Justice and Equality in relation to the Coroners Bill.
12. Correspondence dated 30th November, 2016 from the Office of the Tanaiste and Minister for Justice and Equality in relation to the introduction of Periodic Payment Orders.
13. Correspondence dated 29th November, 2016 from the Office of the Taoiseach regarding periodic payment orders for catastrophic injury awards.
14. E-mail dated 6th December, 2016 from Leonard Cleary, A/Director of Rural Development regarding CLÁR measure 1 funding.
15. E-mail dated 14th November, 2016 from Leonard Cleary, A/Director of Rural Development regarding Town and Village Renewal Scheme 2016.
16. Rural Revitalization Conference taking place at the University College Dublin on 26th May, 2017.
17. Training Seminar entitled “2 Day Microsoft Excel Training for Councillors” taking place on 14th & 15th December, 2016 in Clonakilty Hotel, Clonakilty, Co. Cork.
18. Training Seminar entitled “2 Day Microsoft Excel Training for Councillors” taking place on 17th & 18th December, 2016 in Clonakilty Hotel, Clonakilty, Co. Cork.
19. The Arts Council and Local Government are hosting a joint conference entitled “Places Matter: what happens when we invest in the arts?” taking place in Dublin Castle on 12th January, 2017.
20. Training Seminar entitled “The Finance Act 2016” taking place in the Four Seasons Hotel, Carlingford, Co. Louth on 13th – 15th January, 2017.
21. Training Seminar entitled “Tackling Japanese Knotweed – Functions of Local Authorities and NRA” taking place in the Clonakilty Hotel, Clonakilty, Co. Cork on 27th – 29th January, 2017.

24. Any other business

- Cllr. C. Crowe asked if the members could get clarecoco email addresses in order to separate their personnel life from the work of an elected member. The Meetings Administrator advised that she would contact the Head of I.T. on this matter.
- Cllr. I. Lynch asked if an update on the new structures can be given to the Members early in the New Year. The Meetings Administrator advised that this is being finalised at present and will be circulated to all members as soon as possible.
- Cllr. C. Curtin asked for an update on the re opening of the print room and the recruitment of a Print Room attendant. He was advised that the post had now been advertised.

Conferences.

Reports on Seminars/Conferences attended.

With regard to seminars/conferences attended, reports completed in accordance with Section 142 of the Local Government Act 2001 were made available at the meeting.

AILG Training taking place in Kilkenny on 27th October, 2016.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €365.37 including conference fee of €50.

It was agreed that Cllr. P. Hayes attend this Conference.

Conference entitled “A Practical Guide to Budget 2017” being held in the Clonakilty Hotel, Clonakilty, Co. Cork on 2nd – 4th December, 2016.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €562.65 including conference fee of €100.

It was agreed that Cllr. P. Murphy attend this Conference.

Training for elected members entitled “Regional Assemblies & their role with Local Authorities” taking place in Red Cow Moran’s Hotel, Dublin on 19th November, 2016.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €448.66 including conference fee of €50.

It was agreed that Cllr. B. Slattery attend this Conference.

Comhairle na nÓg National Showcase taking place in Croke Park, Dublin on 24th November, 2016.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €299.43.

It was agreed that Cllr. P. Hayes attend this Conference.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____

**Minutes of the Special Meeting of Clare County Council held in the Council Chamber,
Áras Contae an Chláir, New Road, Ennis, Co. Clare on Monday, 19th December, 2016
at 3:00 p.m.**

Present:

Councillors J. Breen, J. Flynn, P. Daly, A. Norton, T. McNamara, M. Howard, P. Murphy, C. Colleran Molloy, J. Cooney, P. Hayes, M. Begley, T. O'Brien, P. Burke, A. O'Callaghan, C. Crowe, J. Crowe, G. Flynn, P.J. Ryan, P. McMahon, M. McKee, C. Curtin, R. Nagle, B. Slattery, I. Lynch, M. Hillery, P.J. Kelly, B. Chambers, G. Keating.

- Mr. Pat Dowling, Chief Executive.
- Mr. Gerard Dollard, Director of Service.
- Ms. Carmel Greene, Meetings Administrator.
- Mr. Brian McCarthy, Senior Planner.
- Ms. Helen Quinn, Senior Executive Planner.
- Ms. Angela O'Sullivan, Staff Officer, Planning & Enterprise Development.

The Cathaoirleach, Cllr. B. Chambers presided and outlined the purpose of the meeting.

Vote of Sympathy

At the commencement of the meeting Cllr. B. Chambers proposed a vote of sympathy to the following:

- The Cronin family, Ennis on the death of Jimmy Cronin (father of Oonagh Cronin, Customer Service Desk).
- The Counihan family, Ennis on the death of Margaret Counihan (mother of JJ Counihan, Traffic Warden)
- The Leigh family, Ennistymon on the death of Brendan Leigh (brother of Vinny Leigh, Ennistymon Office).
- The Meehan family, Kilmaley on the death of Breda Meehan (mother of Mary Coote, I.T.).
- The McMahon family, Kilfenora on the death of Denis McMahon (mother of Urban McMahon, I.T.).
- The Punch family, Feakle on the death of John Punch. (father of Paddy Punch, Firefighter in Scariff).

All the members wished to be associated with the votes of sympathy.

At the outset Cllr. M. Begley stated that there had been extensive consultation on the overall Draft Clare County Development Plan 2017 – 2023 and he proposed that the discussion would be limited to three speakers, the proposer, the seconder and the Chief Executive, as a lot of preparatory work discussion and workshop had already taken place. This was seconded by Cllr. J. Cooney. Cllr. G. Flynn and Cllr. C. Curtin expressed their disagreement with this proposal and Cllr. M. Begley then withdrew his proposal.

At this point Cllr. J. Flynn declared his interest in a particular site and stated that he would outline that in due course and that he would leave the meeting for the discussion on that particular site.

The Cathaoirleach then called on Pat Dowling, Chief Executive to address the members. The Chief Executive spoke of the extensive consultation and consideration of the very large number of submissions on the Draft Clare County Development Plan which is a very progressive plan. He then asked Brian McCarthy, Senior Planner, to go through the process for the adoption of the plan.

Local Area Plans.

Mr. McCarthy advised that as the previous four Local Area Plans were now incorporated into the Draft Clare County Development Plan he advised members of the recommendation to revoke the four Local Area Plans as outlined in the Manager's Report.

It was proposed by Cllr. M. Hillery and seconded by Cllr. T. O'Brien that the North Clare Local Area Plan 2011-2017, the West Clare Local Area Plan 2012-2018, the South Clare Local Area Plan 2012-2018 and the East Clare Local Area Plan 2011-2017 be revoked.

- It was therefore resolved and agreed by all present that in accordance with the provisions of Section 20 (3) of the Planning and Development Act 2000, as amended, that the Council resolves to revoke the South Clare Area Plan 2012 – 2018.
- It was therefore resolved and agreed by all present that in accordance with the provisions of Section 20 (3) of the Planning and Development Act 2000, as amended, that the Council resolves to revoke the North Clare Area Plan 2011 – 2017.
- It was therefore resolved and agreed by all present that in accordance with the provisions of Section 20 (3) of the Planning and Development Act 2000, as amended, that the Council resolves to revoke the West Clare Area Plan 2012 – 2018.
- It was therefore resolved and agreed by all present that in accordance with the provisions of Section 20 (3) of the Planning and Development Act 2000, as amended, that the Council resolves to revoke the East Clare Area Plan 2011 – 2017.

Clare County Development Plan 2017-2023.

Brian McCarthy, Senior Planner advised that the purpose of the meeting was to consider the Draft Clare County Development Plan 2017 – 2023 which, together with the Chief Executive's Reports on the Plan and the submissions received had been issued to the members after having been on public display for the statutory public consultation period.

The Senior Planner referred to the report dated 8th November, 2016 from Pat Dowling, Chief Executive which was circulated with the agenda. It was noted that the Draft County Development Plan for 2017 – 2023 was already circulated to the members. The report states that the amendments to the Draft Clare County Development Plan 2017 – 2023 had gone on public display up to 12th October 2016 for the required public consultation period.

Eight submissions have been received in the most recent public consultation period. The Senior Planner outlined that the report forms the concluding part of the statutory procedure for the preparation of the new Clare County Development Plan 2017-2023. The report lists the persons or bodies who have made submissions or observations to the proposed

amendments to the Draft Plan and summarises the issues raised in those submissions. The report also outlines the next stage of the process which is for the elected members to consider this Chief Executive's Report and the proposed amendments to the Draft County Development Plan.

Cllr. J. Breen outlined his view that the Draft Plan is aspirational and that the zoning of a particular site does not guarantee a grant of planning and that each planning application will still have to be considered. The Senior Planner replied to the issue raised by Cllr. J. Breen.

Cllr. T. O'Brien stated that the Plan is a vision for County Clare, however he had many concerns as to what can or cannot go into the Plan. He felt that the cognisance of each of the EU Directives can prove difficult when an elected member does not necessarily agree with such a directive. He and the other elected members complimented Brian McCarthy, Senior Planner and his team for their work and positive engagement over the last 12 to 18 months during the plan process.

Cllr. T. McNamara paid tribute to the staff. He stated that he is disappointed that Circular Letter PL 20/13 which related to wind energy had not come into force. He asked that Planners in making decisions in relation to wind energy projects take into account dwellings within 1km of any proposed wind energy project until there is a National Wind Energy Strategy in place.

Other members joined in thanking all of the staff for their dedication to the process and the time spent on all the different workshops that had taken place in each of the Municipal Districts. Cllr. G. Flynn stated that there are consequences for zoning land that can have an effect on communities and this is a responsibility of the elected members. He stated his view that as this is a plan for the whole County there may be items that members have to vote against.

Cllr. C. Curtin complimented the staff on the partnership approach adopted during the plan making process. He raised two items (a) to assess what we have learned from the past, he felt that the monitoring committee needs to be in place to monitor the progress of the plan (2) he also referred to Circular PL 20/13, the status which has not been clarified by the Department and a Wind Strategy is urgently required.

Cllr. J. Flynn declared his interest on items 65, 66, 67 and 68 in the Ennis Municipal District Area and advised that he would be leaving the meeting if there were discussions on these particular sites. He said that the Plan is an excellent plan which will lead hopefully to a good future for employment and economic growth in the county.

After the general discussion it was agreed to proceed to the booklets No. 1-5 which had set out the proposed amendments and the issues arising.

Brian McCarthy advised that he intended to deal with the proposed amendments by order of the individual Municipal Districts.

The first one of these to be considered was **the West Clare Municipal District.**

Amendment No. W.1 was proposed by Cllr. M. Hillery and seconded by Cllr. B. Slattery.

Modify the proposed amendments to the Draft County Development Plan by the inclusion of the following:

"To retain the Residential zoning on lands at the Kilkee Road, Kilrush (Site R12), as per the proposed amendment to the Draft Clare County Development Plan 2017-2023".

In relation to Amendment No. W.1, Brian McCarthy, Senior Planner stated that it is the recommendation of the Chief Executive not to zone this site as residential and this is also the position set out in the submission from the Department of Housing, Planning and Local Government.

This amendment was unanimously agreed by the members on a show of hands.

Amendment No. W.2 was proposed by Cllr. B. Slattery and seconded by Cllr. R. Nagle.

Modify the proposed amendments to the Draft County Development Plan by the inclusion of the following:

“To change the location of the area zoned for residential development within the overall landholding and to include additional text in the plan to indicate that construction traffic must access the site via lands to the west of the existing housing development, but thereafter all access and egress to the site must be via the Rooska housing estate.”

In relation to Amendment No. W.2 Brian McCarthy, Senior Planner stated that he had no objection to this proposed amendment as there was adequate protection already afforded in the remaining objectives and existing legislation.

This amendment was unanimously agreed by the members on a show of hands.

The second area to be considered was **the Killaloe Municipal District.**

Amendment No. K1 was proposed by Cllr. J. Cooney and seconded by Cllr. P. Burke.

Modify the proposed amendments to the Draft County Development Plan by the inclusion of the following:

“To zone a small area to the south of Aistear Park in Mountshannon for tourism uses and to insert text into the plan as follows: This site has to be zoned solely to accommodate the provision of a Holy Island visitor information centre. Other tourism developments will not be permitted in this area. Future development proposals on this site should avoid impacting upon healthy significant mature trees in the area. A Flood Risk Assessment will be required with any future planning application.”

In relation to Amendment No. K.1 Brian McCarthy, Senior Planner stated that he had no objection to this proposed amendment as there was adequate protection already afforded in the remaining objectives and existing legislation.

This amendment was unanimously agreed by the members on a show of hands.

Amendment No. K2 was proposed by Cllr. J. Cooney and seconded by Cllr. P. Burke.

Modify the proposed amendments to the Draft County Development Plan by the inclusion of the following:

“To add new text to the Crusheen Settlement Plan as follows;

R1 Lands North of Crusheen GAA Pitch. This land is suitable for residential development. Development of these lands shall provide for future access to the adjacent LDR1 lands. Pedestrian access towards the school, the village centre (Main Street) and the playground

shall be provided for as an integrated element in the design and layout of any housing development which may come forward.”

This amendment was unanimously agreed by the members, by a show of hands.

Amendment No. K3 was proposed by Cllr. T. O’Brien and seconded by Cllrs. M. Begley, A. O’Callaghan, P. Hayes, J. Cooney and P. Burke.

Modify the proposed amendments to the Draft County Development Plan by the inclusion of the following:

“To zone lands at Ardcllooney for tourism development (Site TOU7), as per the proposed amendment to the Draft Clare County Development Plan 2017-2023.”

“The elected members of the Killaloe Municipal District having considered the Managers Report, the Departments submission, the Managers recommendation and the submission by Mr. James Whelan. We have also considered the appropriate assessment carried out by Fehily Timoney & Co. and the natura impact statement of the site and have decided to propose the retention of the existing zoning of integrated tourism of these lands at Ardcllooney. Other considerations taken into account by the Killaloe elected members were as follows:

- Only 13 acres of the total site (38 acres) is within the S.A.C.
- Planning permission has been granted on part of this site P16/114.
- P16/114 required an appropriate assessment in accordance with the Habitats Directive.
- As part of the planning application a master plan for the entire site was requested by the Clare County Council which was furnished. In addition a stage 2 Natura Impact Statement was furnished.

All of the points taken into consideration by the elected members listed above were in the public domain.”

Cllr. T. O’Brien stated that they have considered this in detail and want to propose retention of existing zoning, only part of which is in SAC and previous planning had been granted on the site. He stated that this has the support of all of the members in Killaloe Municipal District.

In relation to Amendment No. K.3 Brian McCarthy, Senior Planner stated that a submission had been received from the Department on this site and the recommendation from the Chief Executive is not to zone this site.

The Cathaoirleach called a vote on this proposed amendment which resulted as follows:

In favour of the amendment: Cllrs. J. Breen, P. Daly, T. McNamara, M. Howard, P. Murphy, C. Colleran Molloy, J. Cooney, P. Hayes, M. Begley, T. O’Brien, P. Burke, A. O’Callaghan, C. Crowe, J. Crowe, P.J. Ryan, P. McMahon, R. Nagle, B. Slattery, M. Hillery, P.J. Kelly, B. Chambers, G. Keating. (22)

Against the amendment: Cllrs. J. Flynn, A. Norton, G. Flynn, M. McKee (4)

Abstentions: Cllrs. C. Curtin, I. Lynch. (2)

The Cathaoirleach declared this amendment carried.

The third area to be considered was **the Ennis Municipal District**.

Amendment No. E1 was proposed by Cllr. C. Colleran Molloy and seconded by Cllr. T. McNamara.

Modify the proposed amendments to the Draft County Development Plan by the inclusion of the following:

“To zone lands at Ballybeg, Ennis for Low Density Residential development (Sites LDR 13 and LDR 14 and LDR lands) as per the proposed amendment to the Draft Clare County Development Plan 2017-2023.”

In relation to Amendment No. E1, Brian McCarthy, Senior Planner stated that a submission had been received from the Department on this site and the recommendation from the Chief Executive is not to zone this site.

This amendment was unanimously agreed by the members, by a show of hands.

Amendment No. E2 was proposed by Cllr. A. Norton and seconded by Cllr. P. Murphy.
Cllr. J. Flynn left the meeting at this point.

Modify the proposed amendments to the Draft County Development Plan by the inclusion of the following:

“To zone lands at Knockanean, Ennis for Low Density Residential Development (LDR5), as per the proposed amendment to the Draft Clare County Development Plan 2017-2023 and to insert new text to state:

Only water compatible uses (open space) shall be permitted on areas identified as Flood Zone B in Volume 10 of this Plan, as per ‘The Planning System and Flood Risk 2009’. Any application for this site shall be accompanied by a site specific flood risk assessment based on the most scientifically accurate information available.”

In relation to Amendment No. E2, Brian McCarthy, Senior Planner stated that a submission had been received from the Department on this site and the recommendation from the Chief Executive is not to zone this site.

This amendment was unanimously agreed by the members, by a show of hands.

Amendments No. E3 – E9 were proposed by Cllr. T. McNamara and seconded by Cllr. A. Norton.

Modify the proposed amendments to the Draft County Development Plan by the inclusion of the following:

E3 “To zone lands at Newpark, Roslevan for Low Density Residential Development (LDR12)”

E4 “To zone lands at Beechpark for Low Density Residential Development (LDR16)”

E5 “To extend the buffer zoning on the southeast boundary of Site LI1 along the rear boundary of houses at Claremont.”

E6 “To change the zoning on proposed Site COM3 back to that which appeared in the Draft Clare County Development Plan 2017-2023 (Community zoning).

E7 “To change the zoning on proposed Site COM8 back to that which appeared in the Draft Clare County Development Plan 2017-2023 (Open Space zoning).

E8 “To not include the ‘Proposed Pedestrian Route’ linking New Road to Francis Street on the Ennis Settlement Plan Map.

To include text in the Plan to support the creation of a pedestrian linkages in this area during the lifetime of the Plan. The new text shall relate to site OP13 and shall be an additional bullet point regarding the creation of improved linkages in the area:

The site offers excellent opportunities for the creation of new pedestrian linkages to the north across the River Fergus, and towards other areas in the town centre. Possible linkages include:

- Footbridge and pedestrian linkages between Francis Street and Community zoned lands on New Road, subject to the outcome of a feasibility study.
- To Club Bridge via the Friary/The Cloister.
- To Francis Street via the grounds of the Queen’s Hotel and/or via Stammer Park (protected structure).
- To the retail site to the east.”

E9 “To add text to the plan in relation to the Low Density Residential site on Clonroadmore as follows:

A vehicular access across the zoned buffer area on the perimeter of the site shall be permitted in order to allow access to future development on these lands.”

In relation to Amendments No. E3-E9 Brian McCarthy, Senior Planner stated that he had no objection to these proposed amendments as there was adequate protection already afforded in the remaining objectives and existing legislation.

These amendments were unanimously agreed by the members, by a show of hands.

Amendment No. E10 was proposed by Cllr. T. McNamara and seconded by Cllr. J. Breen.

Modify the proposed amendments to the Draft County Development Plan by the inclusion of the following:

“To zone lands at Loughville, Ennis for Low Density Residential Development (LDR6), as per the proposed amendment to the Draft Clare County Development Plan 2017-2023.”

In relation to this proposed amendment Brian McCarthy, Senior Planner stated that the recommendation from the Chief Executive is not to zone this land due to ground water pollution/vulnerability and it being located in an area of flood risk.

Cllr. J. Flynn asked why this site is not in Flood Risk Assessment maps report. Brian McCarthy, Senior Planner stated that an SEA and Flood Risk has been done – see Volume 10. He outlined the situation of the risks on this site.

The Cathaoirleach called a vote on this proposed amendment which resulted as follows:

In favour of the amendment: Cllrs. J. Breen, P. Daly, A. Norton, T. McNamara, M. Howard, P. Murphy, C. Colleran Molloy, J. Cooney, P. Hayes, M. Begley, T. O’Brien, A. O’Callaghan, P.J. Ryan, P. McMahon, P.J. Kelly, G. Keating. (16)

Against the amendment: Cllrs. G. Flynn, C. Curtin, I. Lynch (3)

Abstentions: Cllrs. J. Flynn, P. Burke, C. Crowe, M. McKee, R. Nagle, B. Slattery, M. Hillery, B. Chambers. (8)

The Cathaoirleach declared this amendment carried.

Cllr. T. McNamara asked for clarification on OP18, site on the Tulla Road, Ennis and if the area not in the flood plain could be developed, even if under a Material Contravention. This was supported by Cllr. P. Daly.

Cllr. J. Flynn stated that page 92 of flood risk assessment says that all of the site is in floodzone. The members are accepting the Chief Executives report.

G. Dollard, Director of Service stated that the front of the site is proposed to be zoned and there is no proposal to zone the rear of the site.

Cllr. G. Flynn stated his opposition to the zoning of this site. He also asked if the Council is taking action on the activity ongoing on the site.

The fourth area to be considered was **the Shannon Municipal District.**

Amendment Ref. S1 was proposed by Cllr. P.J. Ryan and seconded by Cllr. P. McMahon.

Modify the proposed amendments to the Draft County Development Plan by the inclusion of the following:

“To zone lands at Blackwater, Ardnacrusha for Low Density Residential Development (Site LDR5) as per the proposed amendments to the Draft Clare County Development Plan 2017-2023.”

Cllr. C. Crowe proposed that this amendment not be included and this was seconded by Cllr. G. Flynn.

In relation to this Amendment, Brian McCarthy, Senior Planner stated that a submission had been received from the Department on this and the recommendation from the Chief Executive is not to zone this area.

The Cathaoirleach called a vote on this proposed amendment which resulted as follows:

In favour of the amendment: Cllrs. J. Breen, P. Daly, J. Crowe, P.J. Ryan, P. McMahon, M. Hillery, P.J. Kelly (7)

Against the amendment: Cllrs. J. Flynn, A. Norton, T. McNamara, P. Murphy, C. Collieran Molloy, J. Cooney, P. Hayes, T. O’Brien, C. Crowe, G. Flynn, M. McKee, C. Curtin, R. Nagle, B. Slattery, I. Lynch, B. Chambers, G. Keating. (17)

Abstentions: Cllrs. M. Howard, M. Begley, P. Burke, A. O’Callaghan. (4)

The Cathaoirleach declared this amendment lost.

Amendment Ref. No. S2 had sought the modification of the Draft County Development Plan by the inclusion of the following:

“To zone lands at Drumline for Low Density Residential development as per the proposed amendment to the Draft Clare County Development Plan 2017-2023.”

Cllr. P.J. Ryan stated that he wished to withdraw his submission of 25th July, 2016.

Cllr. P. McMahon withdrew from the meeting at this point.

Cllr. G. Flynn stated that he there has been many meetings held on this over the period. The Senior Planner advised against the zoning of this site, repeated the Chief Executive recommendations and this was accepted by the members.

The following motion was then proposed by Cllr. B. Slattery and seconded by Cllr. J. Breen and agreed by all members present.

“That following consideration by the Elected Members of

- a. The proposed amendments to the Draft Clare County Development Plan 2017-2023 as set out in the Table below:

| Ref: | Section in Plan | Amendment |
|------|---------------------|---|
| G1 | Volume 1, Chapter 3 | <p>To amend Category A Local Rural Person, as follows:</p> <p>“A ‘Local Rural Person’ (applicant) is a person who was born within the local rural area, or who is living or has lived permanently in the local rural area for substantial periods of their lives at any stage(s) prior to making the planning application. It therefore includes returning emigrants seeking a permanent home in their local rural area who meet this definition. It also includes persons who were born or lived in a rural area for substantial periods of their lives but that area is now within a settlement boundary/zoned land.</p> <p>A ‘Local Rural Person’ can also include a person who has links to the rural area by virtue of being an established rural landowner. This is defined as a person and/or their son or daughter, or sibling, who has owned a landholding in a rural area prior to 1999 and who wishes to build on that land. It also provides for beneficiaries under the Succession Act.</p> <p>The ‘Local Rural Area’, for the purpose of this objective, is defined as the rural area generally within a 10km radius of where the applicant was born, living or has lived (for substantial periods of their lives as per ‘local rural person’). Where the proposed site is of a greater distance but the applicant can demonstrate ties with the area of the proposed site e.g. family, landownership or being within the same parish as the applicant is from, then these cases will each be considered on their individual merits.”</p> |
| G2 | Volume 1, | To amend Category C Local Rural Person (paragraph 2) as |

| | | |
|----|----------------------|--|
| | Chapter 3 | <p>follows:</p> <p>“In cases where an applicant requires to reside near elderly parents (who have been living in the local rural area for substantial periods of their lives so as to provide security, support and care, or where elderly parent(s) need to reside near an immediate family member (who have been living in the local rural area for substantial periods of their lives), favourable consideration will also be given.”</p> |
| G3 | Volume 1 | <p>To amend the Vision for County Clare, as set out in Section 1.5 of the Plan, to read as follows:</p> <p>“A county that has maximised its unique characteristics, strengths, location and connectivity to become Ireland’s centre of culture, tourism ,heritage and the preferred international destination for sustainable investment and innovation. A county in which citizens, visitors and all stakeholders are empowered and supported by public bodies under the leadership of a professional, responsive and progressive local government system.”</p> |
| G4 | Volume 1, Chapter 19 | <p>To amend the amend the definition of ‘Agriculture’ zoning as follows:</p> <p>“This zone is for the use of land for agricultural purposes and farming related activities. Individual dwellings for permanent occupancy of established landowners and their immediate family members will be open for consideration subject to the objectives set out in Chapter 3 of this plan and normal site suitability considerations.”</p> |

- b. The amendments adopted in relation to the individual Municipal District Areas
- c. The “Chief Executive’s Report to the Elected Members on submissions received on the proposed amendments to the Draft Clare County Development Plan 2017-2023” dated 8th November, 2016;
- d. The associated Strategic Environmental Assessment (Environmental Report); Appropriate Assessment (Natura Impact Report) and the Strategic Flood Risk Assessment;
- e. The Mid-West Regional Planning Guidelines 2010-2022;
- f. The policies and objectives of the Minister contained in the Guidelines prepared under Section 28 of the Planning and Development Act, 2000 (as amended); and
- g. The proper planning and sustainable development of the area to which the development plan relates and the statutory obligation of the local authority,

In accordance with the provisions of Section 12(10) of the Planning and Development Act, 2000 (as amended) this Council hereby resolves to make the Clare County Development Plan 2017-2023,

- 1) To include all recommendations in the Chief Executive's Report to Elected Members of 8th November, 2016 on submissions received to the proposed amendments to the Draft Clare County Development Plan 2017-2023 as set out above and amendments agreed at the Council meeting on the 19th December, 2016.
- 2) to amend the Draft Clare County Development Plan 2017-2023 to correct various identified errata;
 - (a) Generally formatting and spelling corrections where the amendments do not materially change the effect of the text or objectives.
 - (b) Updating the information, tables, mapping and site labels.

Cllr. P. Hayes wished to put on the record that he would welcome further debate in the future on the definition of a local rural person on item G1 in booklet No. 1. This was seconded by Cllr. P. McMahon and supported by Cllr. R. Nagle and Cllr. G. Keating.

The Cathaoirleach then declared the Clare County Development Plan 2017-2023 adopted. He thanked the S.P.C. members, the Chief Executive and the staff in the Planning Department led by Brian McCarthy, Senior Planner and Ger Dollard, Director of Service for the manner in which the process was conducted. The Chief Executive stated that the Plan is a vision for County Clare and will work in tandem with the Corporate Plan, with both the Executive and the Elected Members working for the betterment of the county as a whole.

The Senior Planner thanked all the members for their input to the process and the staff for their work over the last two years with almost 1,000 submissions from the public, statutory authorities, stakeholders, etc. and over 40 meetings held during the course of the plan making process.

All of the members joined together in thanking the staff for all their hard work which was an excellent example of working together for the benefit of the whole County.

This concluded the business of the meeting.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____

Booklet 1

Members Resolution

to make the Clare County Development Plan 2017-2023 in
accordance with Section 12(10) of the
Planning and Development Act 2000, as amended.



Members' Resolution in relation to:

The Making of the Clare County Development Plan 2017-2023

Following consideration by the Elected Members of:

- a) The Proposed Amendments to the Draft Clare County Development Plan 2017-2023;
- b) The "Chief Executive's Report to the Elected Members on submissions received on the Proposed Amendments to the Draft Clare County Development Plan 2017-2023" dated 8th November 2016;
- c) The associated Strategic Environmental Assessment (Environmental Report); Appropriate Assessment (Natura Impact Report) and the Strategic Flood Risk Assessment;
- d) The Mid-West Regional Planning Guidelines 2010-2022;
- e) The policies and objectives of the Minister contained in the Guidelines prepared under Section 28 of the Planning and Development Act, 2000 (as amended); and
- f) The proper planning and sustainable development of the area.

In accordance with the provisions of Section 12(10) of the Planning and Development Act, 2000 (as amended) this Council hereby resolves to make the Clare County Development Plan 2017-2023:

- 1) To include all recommendations in the Chief Executive's Report to Elected Members of 8th November 2016 on submissions received to the Proposed Amendments to the Draft Clare County Development Plan 2017-2023, except where altered or amended by resolutions set out in the attached resolution booklets:
 - a. Booklet 1 – General Resolutions
 - b. Booklet 2 – West M.D. Resolutions
 - c. Booklet 3 – Killaloe M.D. Resolutions
 - d. Booklet 4 – Ennis M.D. Resolutions
 - e. Booklet 5 – Shannon M.D. Resolutions
- 2) To amend the Draft Clare County Development Plan 2017-2023 to correct various identified errata:
 - a. Generally formatting and spelling corrections where the amendments do not materially change the effect of the text or objectives
 - b. Updating the information, tables, mapping and site labels

General Issues – Member’s Resolution

| Resolution Ref. | Submission Ref: | Settlement | Resolution | Members’ Reasons and Considerations |
|-----------------|-----------------|----------------------|---|---|
| G.1 | N/A | Volumes 1, Chapter 3 | <p>To amend Category A Local Rural Person, as follows:</p> <p>A ‘Local Rural Person’ (applicant) is a person who was born within the local rural area, or who is living or has lived permanently in the local rural area for minimum of 7 years substantial periods of their lives at any stage(s) prior to making the planning application. It therefore includes returning emigrants seeking a permanent home in their local rural area who meet this definition. It also includes persons who were born or lived in a rural area for 7 years substantial periods of their lives but that area is now within a settlement boundary/zoned land.</p> <p>A ‘Local Rural Person’ can also include a person who has links to the rural area by virtue of being an established rural landowner. This is defined as a person and/or their son or daughter, or sibling, who has owned a landholding in a rural area prior to 1999 and who wishes to build on that land. It also provides for beneficiaries under the Succession Act.</p> <p>The ‘Local Rural Area’, for the purpose of this objective, is defined as the rural area generally within a 10km radius of where the applicant was born, living or has lived (for period of 7 years substantial periods of their lives as per ‘local rural person’). Where the proposed site is of a greater distance but the applicant can demonstrate ties with the area of the proposed site e.g. family,</p> | To ensure consistency with national guidance and other local authority practices. |

| | | | | |
|-----|-----|----------------------|--|---|
| | | | landownership or being within the same parish as the applicant is from, then these cases will each be considered on their individual merits. | |
| G.2 | N/A | Volume 1, Chapter 3 | <p>To amend Category C Local Rural Person (paragraph 2) as follows:</p> <p>In cases where an applicant requires to reside near elderly parents (who have been living in the local rural area for minimum of 7 years substantial periods of their lives so as to provide security, support and care, or where elderly parent(s) need to reside near an immediate family member (who have been living in the local rural area for minimum of 7 years substantial periods of their lives), favourable consideration will also be given.</p> | To ensure consistency with national guidance and other local authority practices. |
| G.3 | N/A | Volume 1 | <p>To amend the Vision for County Clare, as set out in Section 1.5 of the Plan, to read as follows:</p> <p>A county that has maximised its unique characteristics, strengths, location and connectivity to become Ireland's centre of culture, tourism ,heritage and the preferred international destination for sustainable investment and innovation. A county in which citizens, visitors and all stakeholders are empowered and supported by public bodies under the leadership of a professional, responsive and progressive local government system.</p> | To reflect the new corporate structure of Clare County Council. |
| G.4 | N/A | Volume 1, Chapter 19 | To amend the amend the definition of 'Agriculture' zoning as follows: | To provide greater clarity of the nature of development that can be accommodated on |

| | | | | |
|--|--|--|---|----------------------------|
| | | | <p>This zone is for the use of land for agricultural purposes and farming related activities. Individual dwellings for permanent occupancy of established landowners and their immediate family members will be open for consideration subject to the objectives set out in Chapter 3 of this plan and normal site suitability considerations.</p> | <p>this zoning.</p> |
|--|--|--|---|----------------------------|

Booklet 2

Members Resolution

to make the Clare County Development Plan 2017-2023 in
accordance with Section 12(10) of the
Planning and Development Act 2000, as amended.

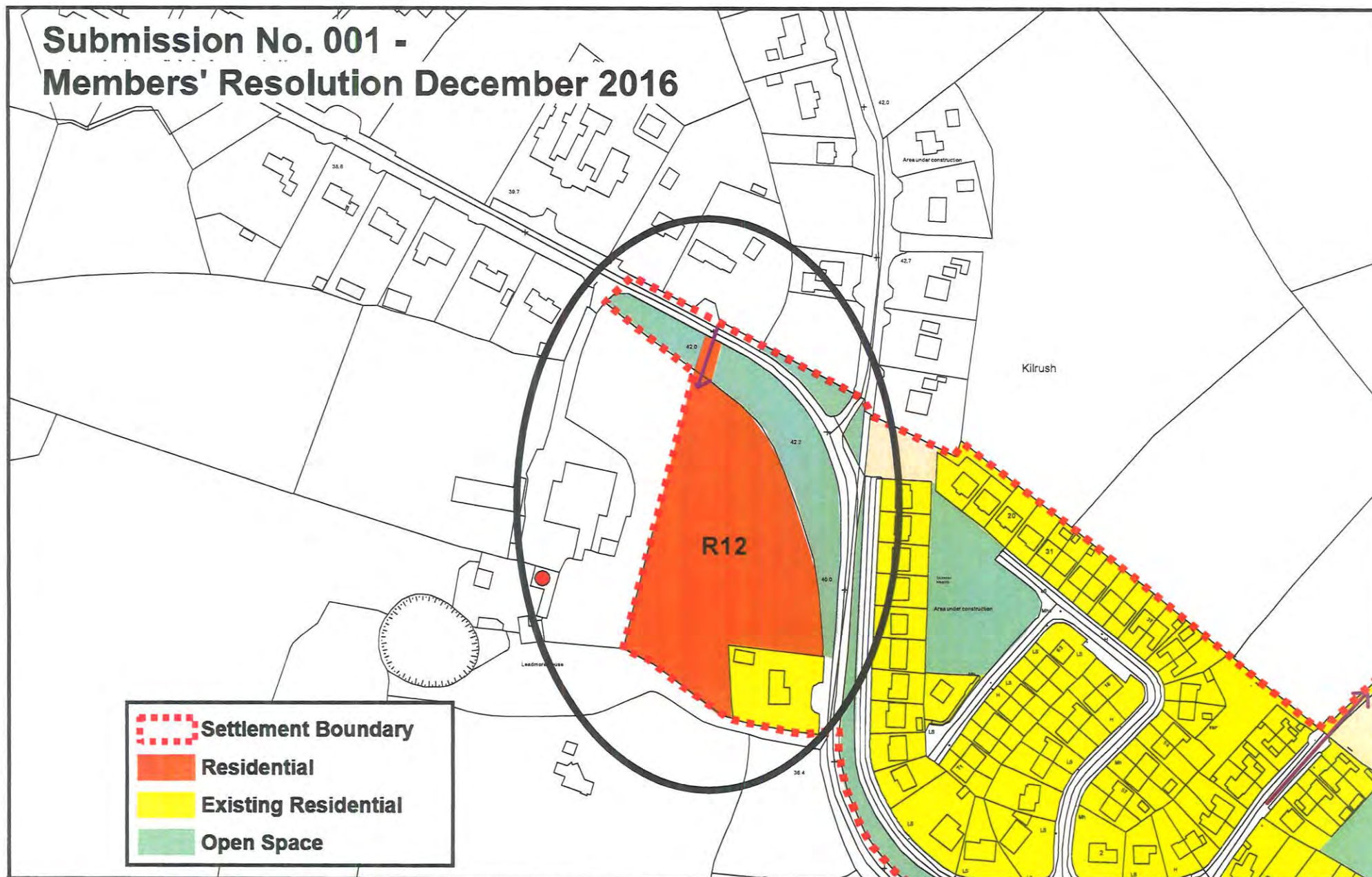
West Clare Municipal District
Written Statement and Maps



West Municipal District – Members’ Resolution

| Resolution Ref. | Submission Ref: | Settlement | Resolution | Members’ Reasons and Considerations |
|-----------------|-----------------|--------------|--|--|
| W.1 | 001 | Kilrush | To retain the Residential zoning on lands at the Kilkee Road, Kilrush (Site R12), as per the Proposed Amendment to the Draft Clare County Development Plan 2017-2023. | Kilrush is an identified Service Town and it can accommodate further population growth. The site is reasonably close to the town centre, there is a need for further housing in Kilrush and planning permission for residential development was previously granted on this site. |
| W.2 | 025 | Lisdoonvarna | To change the location of the area zoned for Residential development within the overall landholding and to include addition text in the plan to indicate that construction traffic must access the site via lands to the west of the existing housing development, but thereafter all access and egress to the site must be via the Rooska housing estate. | To ensure that residential development in the town progresses in a compact, coherent and sequential manner and to consolidate existing residential development in the Rooska area of Lisdoonvarna |

Submission No. 001 - Members' Resolution December 2016



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**CLARE
COUNTY
COUNCIL**

**DRAFT CLARE COUNTY
DEVELOPMENT PLAN
2017 - 2023**

Drawn By: Padraig McManus

Checked By: Helen Quinn

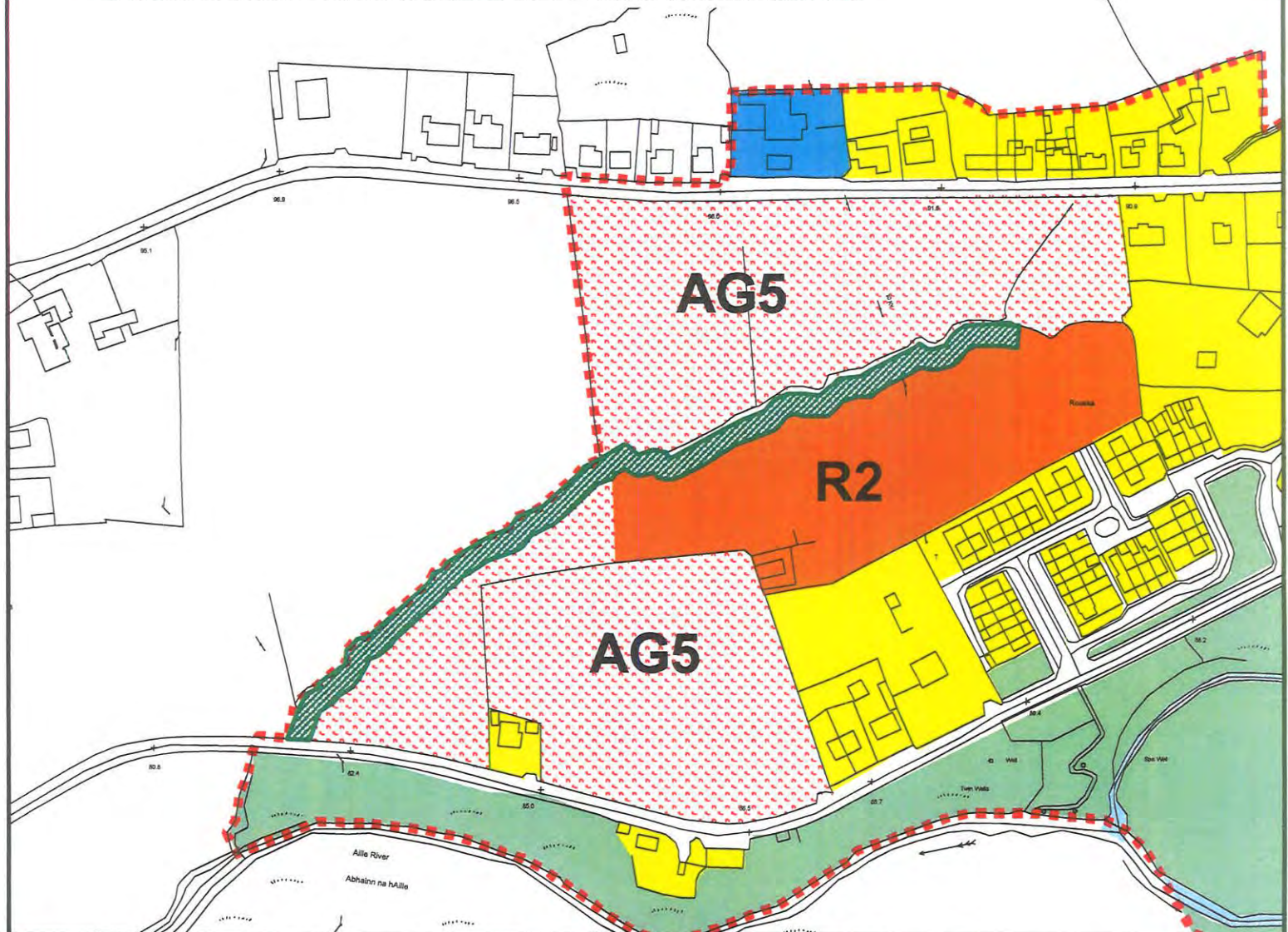
Kilrush Settlement Plan

Not To Scale

Date: DECEMBER 2016

-  Settlement Boundary
-  Town Centre
-  Existing Residential
-  Residential
-  Low Density Residential
-  Mixed Use
-  Commercial
-  Enterprise
-  Community
-  Buffer Space
-  Open Space
-  Recreation
-  Tourism
-  Agriculture
-  Utilities
-  Opportunity Site
-  Water Bodies
-  Architectural Conservation Area
-  Protected Structure
-  Recorded Monument
- Indicative Access**
- 

Submission No. 025 - Members' Resolution December 2016



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**CLARE
COUNTY
COUNCIL**

**DRAFT CLARE COUNTY
DEVELOPMENT PLAN
2017 - 2023**

Drawn By: Padraig McManus

Checked By: Helen Quinn

Lisdoonvarna Settlement Plan

Not To Scale

Date: DECEMBER 2016

Booklet 3

Members Resolution

**to make the Clare County Development Plan 2017-2023 in
accordance with Section 12(10) of the
Planning and Development Act 2000, as amended.**

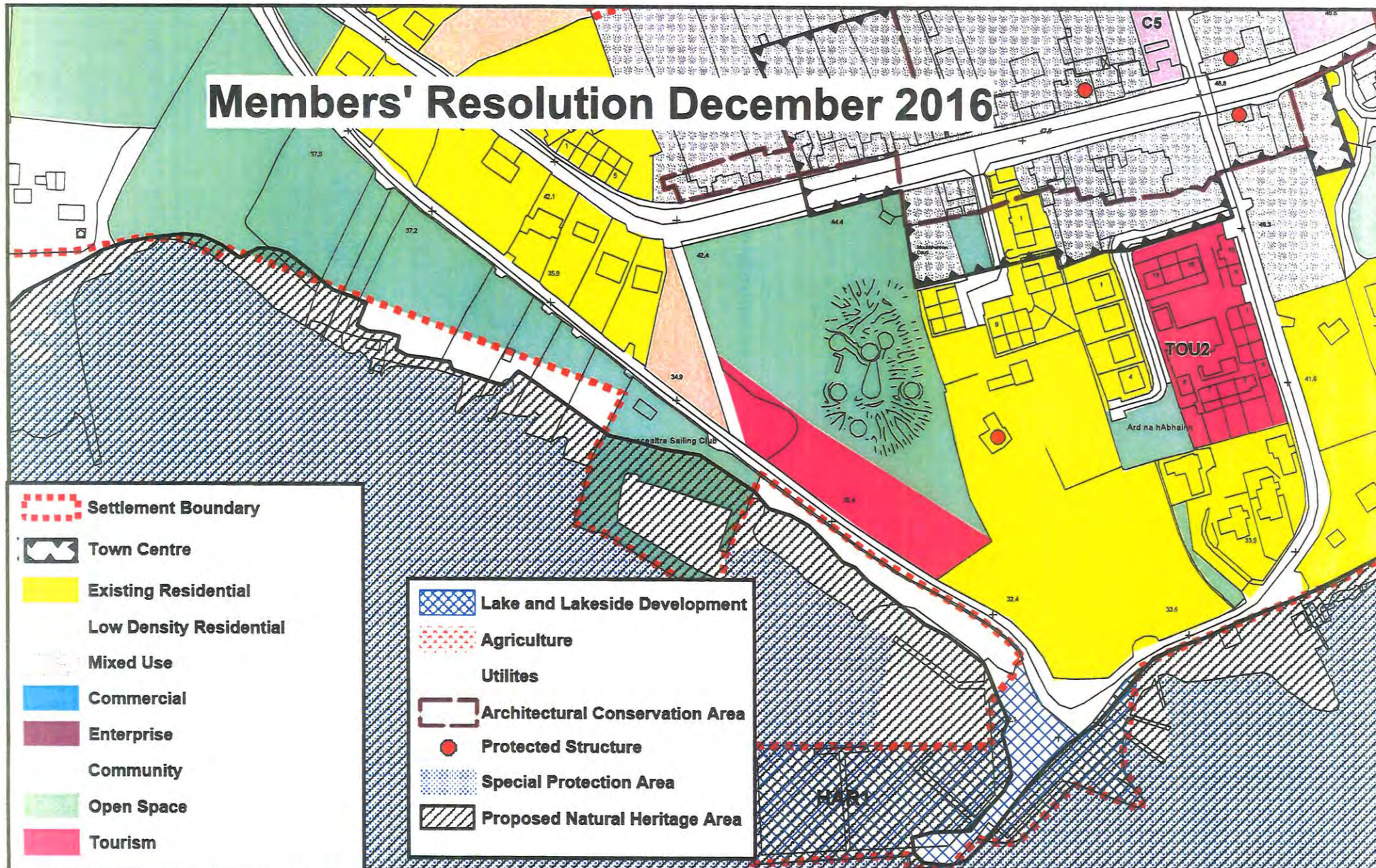
**Killaloe Municipal District
Written Statement and Maps**



Killaloe Municipal District –Members Resolution

| Resolution Ref. | Submission Ref: | Settlement | Members Resolution | Members Reasons and Considerations |
|-----------------|-----------------|--------------|--|---|
| K.1 | 001 | Mountshannon | <p>To zone a small area to the south of Aistear Park in Mountshannon for Tourism uses and to insert text into the plan as follows:</p> <p>This site has to been zoned solely to accommodate the provision of a Holy Island visitor information centre. Other tourism developments will not be permitted in this area. Future development proposals on this site should avoid impacting upon healthy significant mature trees in the area. A Flood Risk Assessment will be required with any future planning application.</p> | To facilitate the tourism associated with Holy Island and Lough Derg. |
| K2 | N/A | Crusheen | <p>To add new text to the Crusheen Settlement Plan as follows:</p> <p>R1 Lands North of Crusheen GAA Pitch</p> <p>This land is suitable for residential development. Development of these lands shall provide for future access to the adjacent LDR1 lands. Pedestrian access towards the school, the village centre (Main St) and the playground shall be provided for as an integrated element in the design and layout of any housing development which may come forward.</p> | To ensure access to future development lands in the village |

Members' Resolution December 2016



- Settlement Boundary
- Town Centre
- Existing Residential
- Low Density Residential
- Mixed Use
- Commercial
- Enterprise
- Community
- Open Space
- Tourism

- Lake and Lakeside Development
- Agriculture
- Utilities
- Architectural Conservation Area
- Protected Structure
- Special Protection Area
- Proposed Natural Heritage Area

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CLARE
COUNTY
COUNCIL

DRAFT CLARE COUNTY
DEVELOPMENT PLAN
2017 - 2023

Drawn By: Padraig McManus

Checked By: Helen Quinn

Mountshannon Settlement Plan

Not To Scale

Date: DECEMBER 2016

Elected Members Resolution: Submissions Ref 001 and 056

To zone lands at Ardcloney for Tourism development (Site T0U7), as per the Proposed Amendment to the Draft Clare County Development Plan 2017-2023.

Members' Reasons and Considerations

THE ELECTED MEMBERS OF THE KILLARNEY MUNICIPAL DISTRICT
HAVING CONSIDERED THE MANAGERS REPORT, THE DEPARTMENT'S SUBMISSION,
THE MANAGERS RECOMMENDATION AND THE SUBMISSION BY MR. ~~BRENDAN~~ WHELAN,
WE HAVE ALSO CONSIDERED THE APPROPRIATE ASSESSMENT CARRIED OUT BY
FEBILLY TIMONEY & COMPANY AND THE NATURA IMPACT STATEMENT OF
THE SITE AND HAVE DECIDED TO PROPOSE THE RETENTION OF THE
EXISTING ZONING OF INTEGRATED TOURISM OF THESE LANDS AT
ANDLOWEY. OTHER CONSIDERATIONS TAKEN INTO ACCOUNT BY THE
KILLARNEY ELECTED MEMBERS WERE AS FOLLOWS.

- (A) ONLY 13 ACRES OF THE TOTAL SITE (38 ACRES) IS WITHIN THE S.A.C.
- (B) PLANNING PERMISSION HAS BEEN GRANTED ON PART OF THIS SITE P16/114
- (C) P16/114 REQUIRED AN APPROPRIATE ASSESSMENT IN ACCORDANCE WITH THE
HABITATS DIRECTIVE.
- (D) AS PART OF THE PLANNING APPLICATION A MASTER PLAN FOR THE
ENTIRE SITE WAS REQUESTED BY THE CLARE COUNTY COUNCIL WHICH
WAS FURNISHED. IN ADDITION ~~TO~~ A STAGE 2 NATURA IMPACT
STATEMENT WAS FURNISHED.

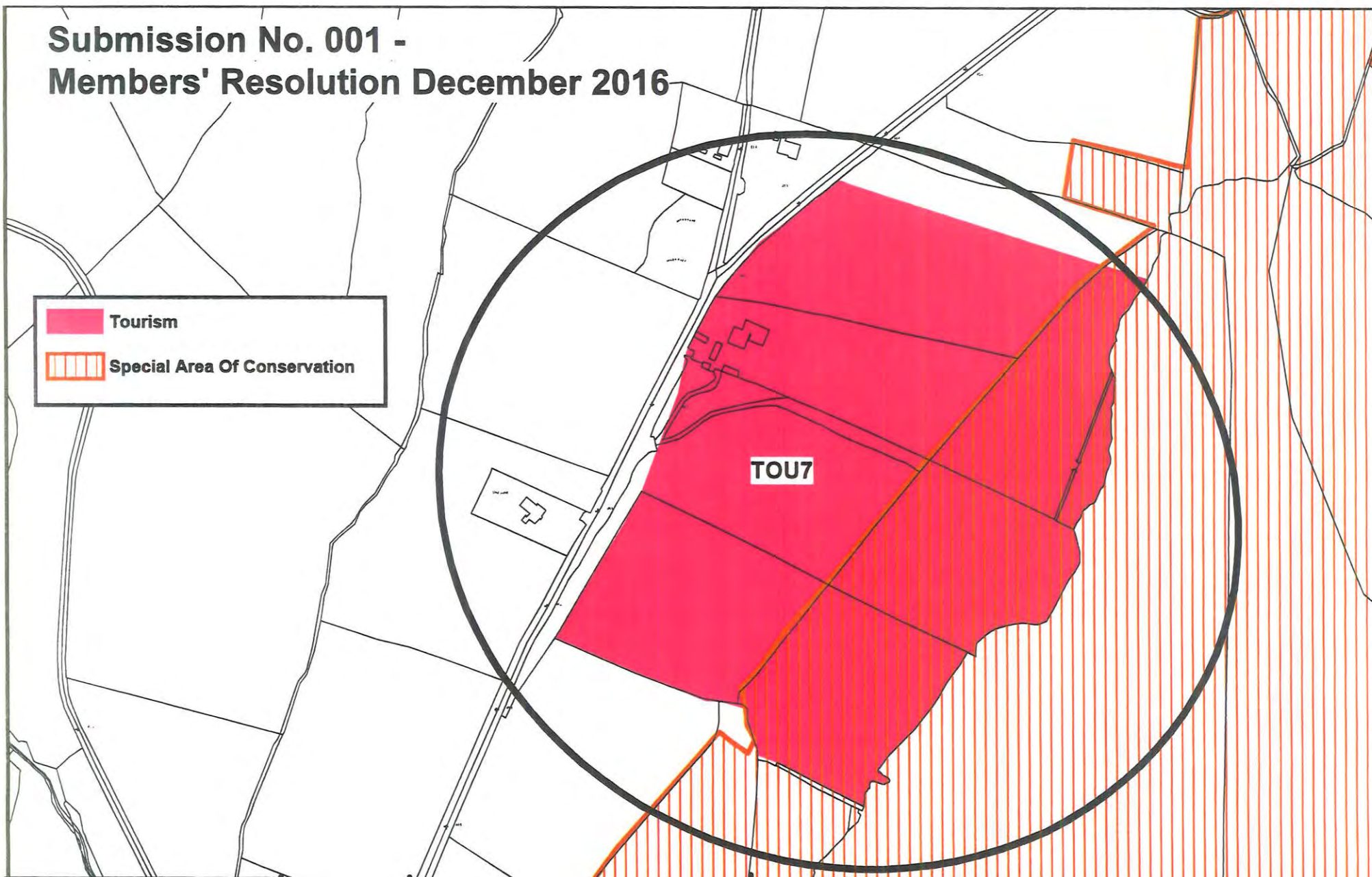
ALL OF THE POINTS TAKEN INTO CONSIDERATION BY THE ELECTED MEMBERS
LISTED ABOVE WERE IN THE PUBLIC DOMAIN.

PROPOSED BY TORY O' BRIEN

SECONDED BY MICHAEL BEELEY KENNEDY

PAT O'NEILL
JOE CONNERY
PAT BURKE

Submission No. 001 - Members' Resolution December 2016



Tourism

Special Area Of Conservation

TOU7

| | | | | | |
|--|----------------------------|---|---------------------------|--------------|---------------------|
| Copyright Of Ordnance Survey Ireland. All Rights Reserved. Licence Number: 2015/18/CCMA/Clare County Council | CLARE COUNTY COUNCIL | DRAFT CLARE COUNTY DEVELOPMENT PLAN 2017 - 2023 | Drawn By: Padraig McManus | Ardcloney | |
| | | | Checked By: Helen Quinn | Not To Scale | Date: DECEMBER 2016 |

Booklet 4

Members Resolution

to make the Clare County Development Plan 2017-2023 in
accordance with Section 12(10) of the
Planning and Development Act 2000, as amended.

Ennis Municipal District
Written Statement and Maps



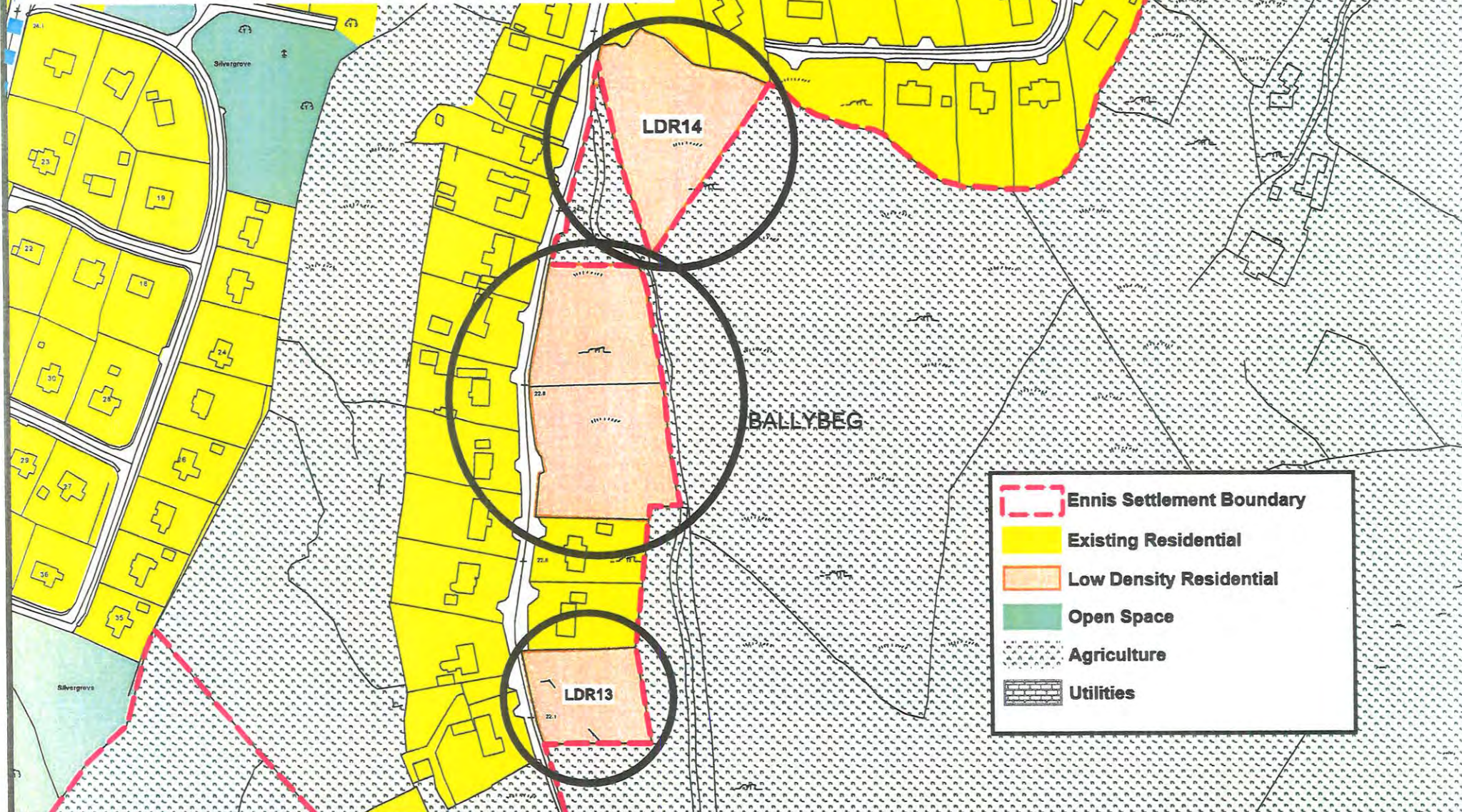
Ennis Municipal District – Members’ Resolution

| Resolution Ref. | Submission Ref: | Settlement | Members’ Resolution | Members’ Reasons and Considerations |
|------------------------|------------------------|-------------------|---|---|
| E.1 | 001 | Ennis | To zone lands at Ballybeg, Ennis for Low Density Residential development (Sites LDR13 and LDR14 and LDR lands), as per the Proposed Amendment to the Draft Clare County Development Plan 2017-2023. | The subject lands are ideal for one-off housing and there is potential for a group waste water treatment scheme in the area. |
| E.2 | 001 and 068 | Ennis | <p>To zone lands at Knockanean, Ennis for Low Density Residential development (LDR5), as per the Proposed Amendment to the Draft Clare County Development Plan 2017-2023 and to insert new text to state:</p> <p>Only water compatible uses (open space) shall be permitted on areas identified as Flood Zone B in Volume 10 of this Plan, as per ‘The Planning System and Flood Risk 2009’. Any application for this site shall be accompanied by a site specific flood risk assessment based on the most scientifically accurate information available.</p> | Having regard to the attractiveness of the site for residential development, proximity to the local school and to the motorway and the location of the site within a reasonable distance of +the town core. |
| E.3 | 010 | Ennis | To zone lands at Newpark, Roslevan for Low Density Residential Development (LDR12) | Having regard to the availability of services and proximity to Roslevan Neighbourhood Centre |
| E.4 | 016 | Ennis | To zone lands at Beechpark for Low Density Residential Development (LDR16) | To extend existing residential use in the area to facilitate services |

| Resolution Ref. | Submission Ref: | Settlement | Members' Resolution | Members' Reasons and Considerations |
|------------------------|------------------------|-------------------|---|---|
| E.5 | 031 and 078 | Clarecastle | To extend the buffer zoning on the southeast boundary of Site LI1 along the rear boundary of houses at Claremont | In the interest of residential amenity |
| E.6 | 039 | Ennis | To change the zoning on proposed Site COM3 back to that which appeared in the Draft Clare County Development Plan 2017-2023 (Community zoning) | In the interest of traffic safety |
| E.7 | 040 | Ennis | To change the zoning on proposed Site COM8 back to that which appeared in the Draft Clare County Development Plan 2017-2023 (Open Space zoning) | In the interest of traffic safety. |
| E.8 | 048 | Ennis | <p>To not include the 'Proposed Pedestrian Route' linking New Road to Francis Street on the Ennis Settlement Plan Map.</p> <p>To include text in the Plan to support the creation of a pedestrian linkages in this area during the lifetime of the Plan. The new text shall relate to site OP13 and shall be an additional bullet point regarding the creation of improved linkages in the area:</p> <p>The site offers excellent opportunities for the creation of new pedestrian linkages to the north across the River Fergus, and towards other areas in the town centre. Possible linkages include:</p> <ul style="list-style-type: none"> • Footbridge and pedestrian linkages between Francis Street and Community-zoned lands on New Road, subject to the outcome of a | In the interests of pedestrian movement between Francis Street and New Road, Ennis. |

| Resolution Ref. | Submission Ref: | Settlement | Members' Resolution | Members' Reasons and Considerations |
|-----------------|-----------------|------------|---|---|
| | | | <p>feasibility study.</p> <ul style="list-style-type: none"> • To Club Bridge via the Friary/The Cloister. • To Francis Street via the grounds of the Queen's Hotel and/or via Stammer Park (protected structure). • To the retail site to the east. | |
| E.9 | 069 | Ennis | <p>To add text to the plan in relation to the Low Density Residential site on Clonroadmore as follows:</p> <p>A vehicular access across the zoned Buffer area on the perimeter of the site shall be permitted in order to allow access to future development on these lands.</p> | To facilitate access to the lands to allow for development. |

Submission No. 001 (Ennis LDR14, LDR13) Members' Resolution December 2016



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**CLARE
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COUNCIL**

**DRAFT CLARE COUNTY
DEVELOPMENT PLAN
2017 - 2023**

Drawn By: Padraig McManus

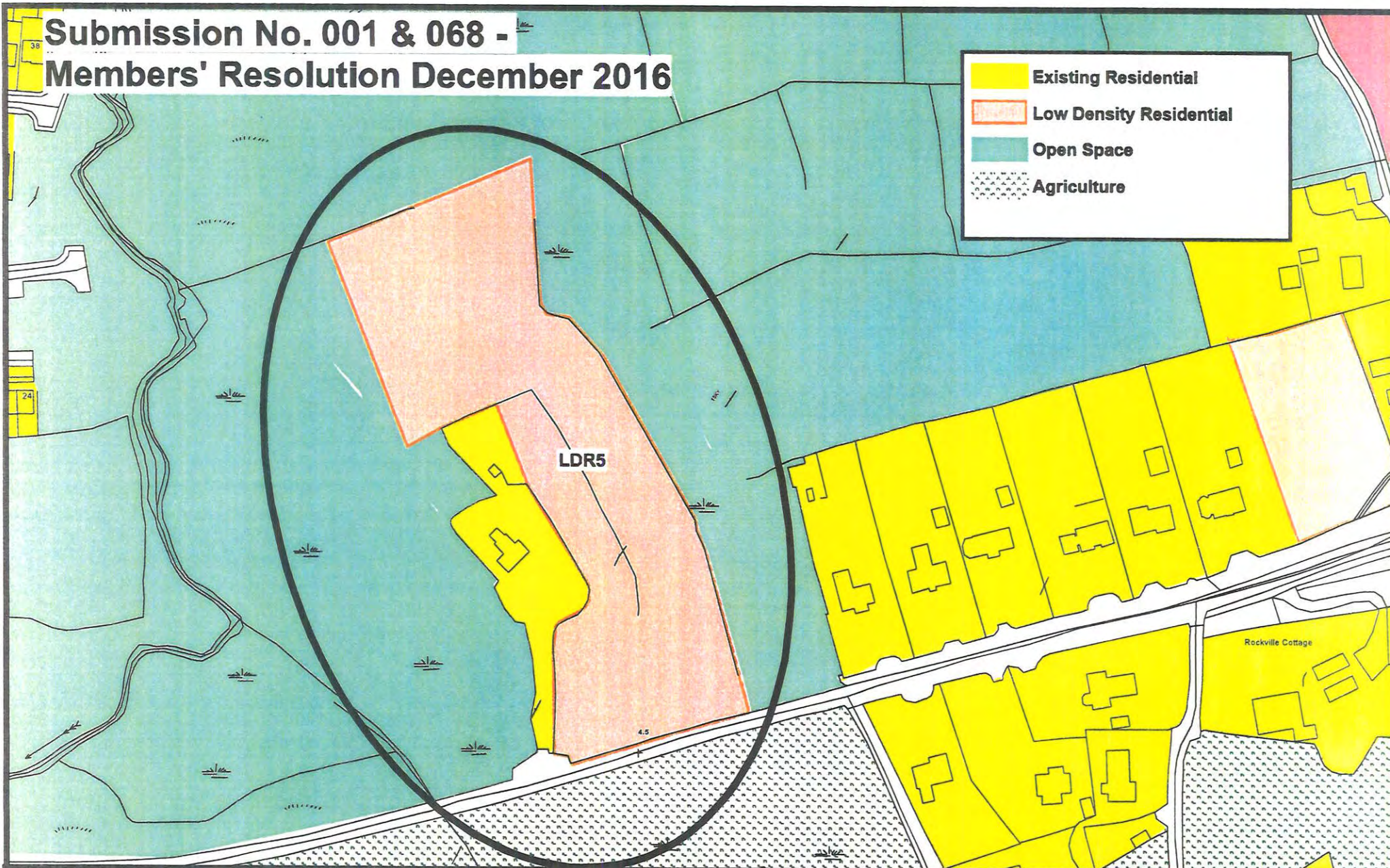
Checked By: Helen Quinn

Ennis Settlement Plan

Not To Scale

Date: DECEMBER 2016

**Submission No. 001 & 068 -
Members' Resolution December 2016**



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2017 - 2023**

Drawn By: Padraig McManus

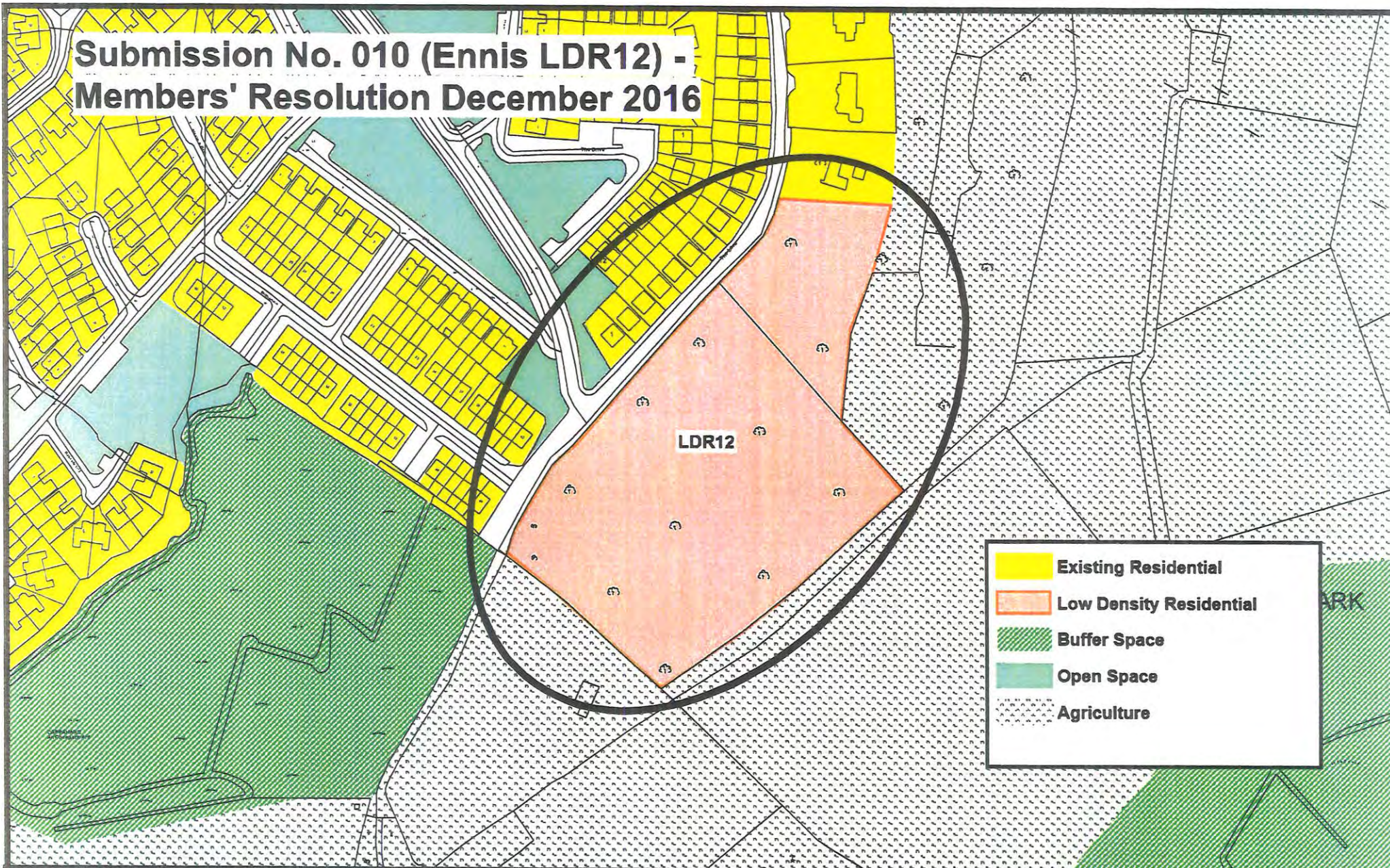
Checked By: Helen Quinn

Ennis Settlement Plan

Not To Scale

Date: DECEMBER 2016

**Submission No. 010 (Ennis LDR12) -
Members' Resolution December 2016**



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**DRAFT CLARE COUNTY
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2017 - 2023**

Drawn By: Padraig McManus

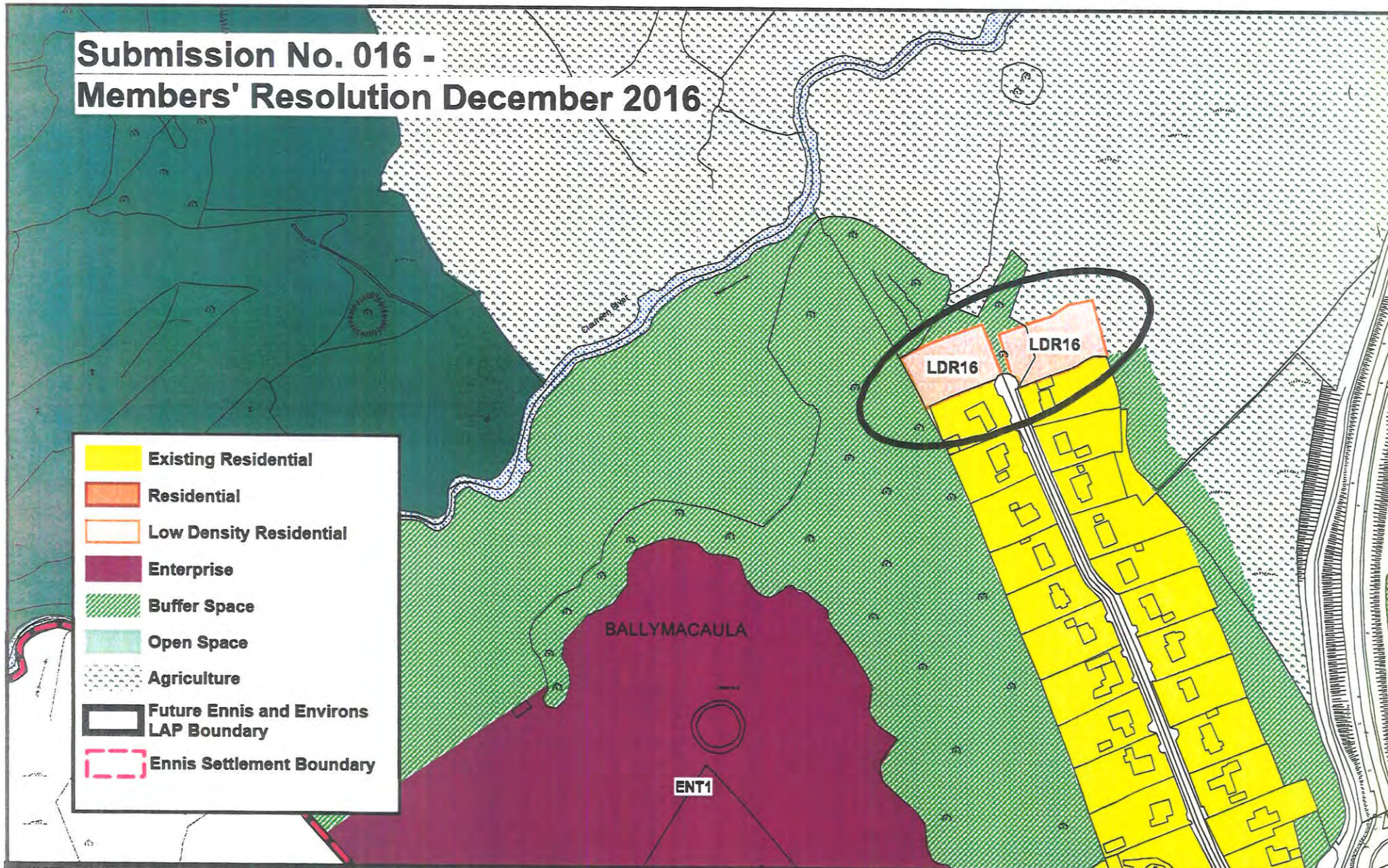
Checked By: Helen Quinn

Ennis Settlement Plan

Not To Scale

Date: DECEMBER 2016

Submission No. 016 - Members' Resolution December 2016



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**DRAFT CLARE COUNTY
DEVELOPMENT PLAN
2017 - 2023**


















Drawn By: Padraig McManus

Checked By: Helen Quinn

Ennis Settlement Plan

Not To Scale

Date: DECEMBER 2016

-  Future Ennis and Environs LAP Boundary
-  Clarecastle Settlement Boundary
-  Existing Residential
-  Residential
-  Low Density Residential
-  Enterprise
-  Light Industry
-  Community
-  Buffer Space
-  Open Space
-  Recreation
-  Tourism
-  Agriculture
-  Water Bodies
-  Public Right Of Way
-  Indicative Access
-  Architectural Conservation Area

Submission No. 031 & 078 - Members' Resolution December 2016

Phase 1

LI1

e 2

LDR61

R40

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**DRAFT CLARE COUNTY
DEVELOPMENT PLAN
2017 - 2023**

Drawn By: Padraig McManus

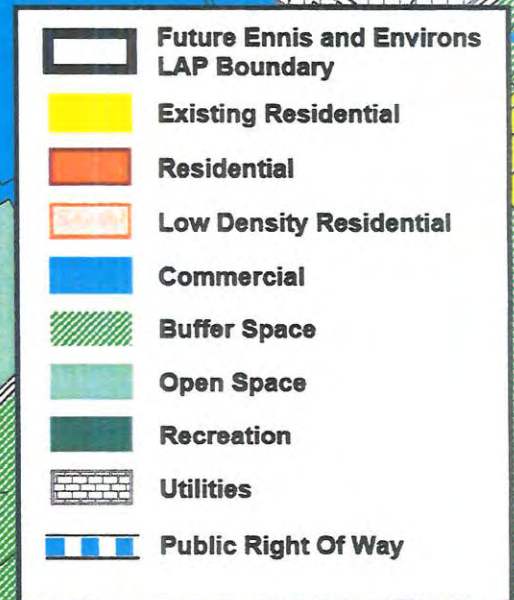
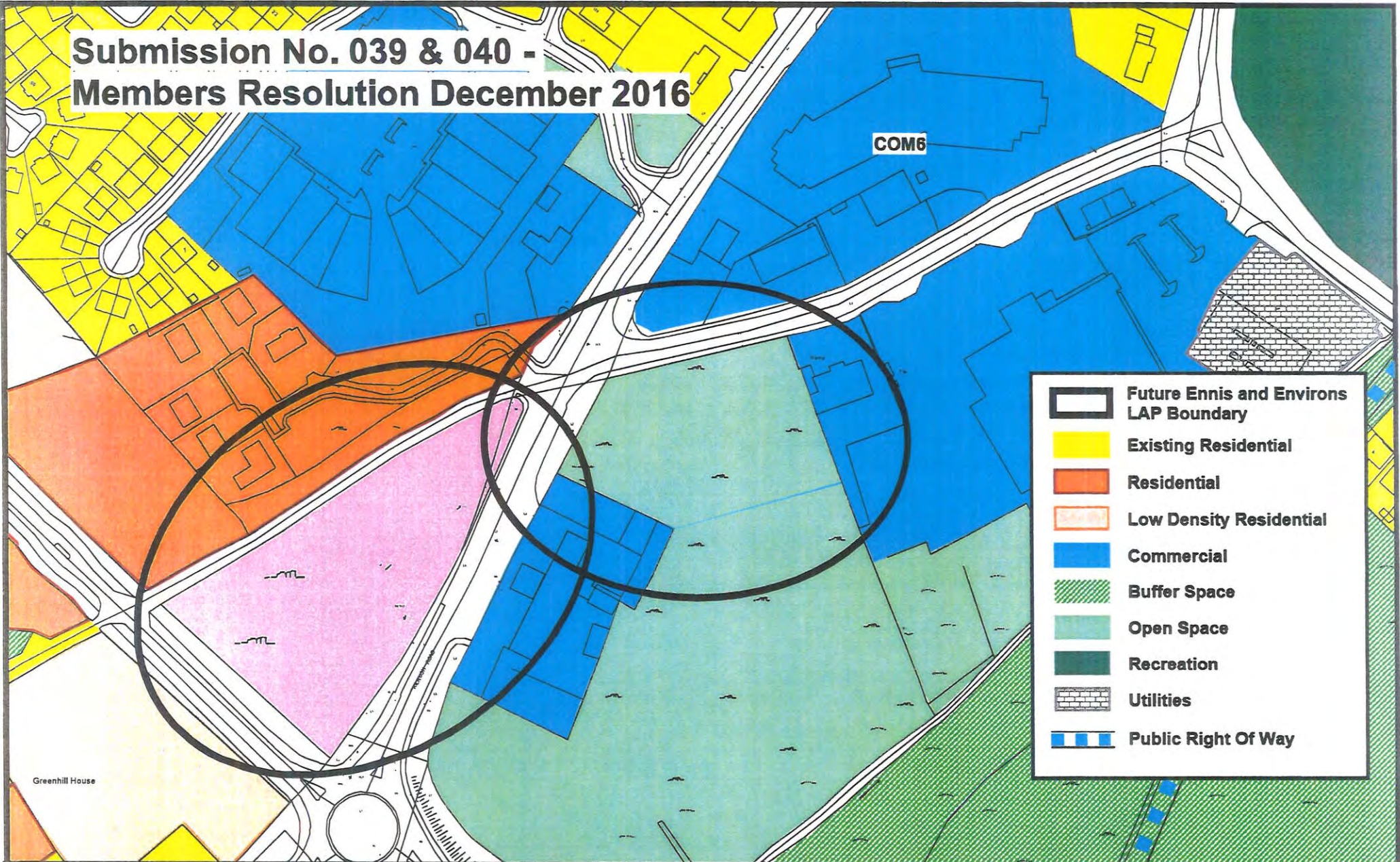
Checked By: Helen Quinn

Clarecastle Settlement Plan

Not To Scale

Date: DECEMBER 2016

**Submission No. 039 & 040 -
Members Resolution December 2016**



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DEVELOPMENT PLAN
2017 - 2023**

Drawn By: Padraig McManus

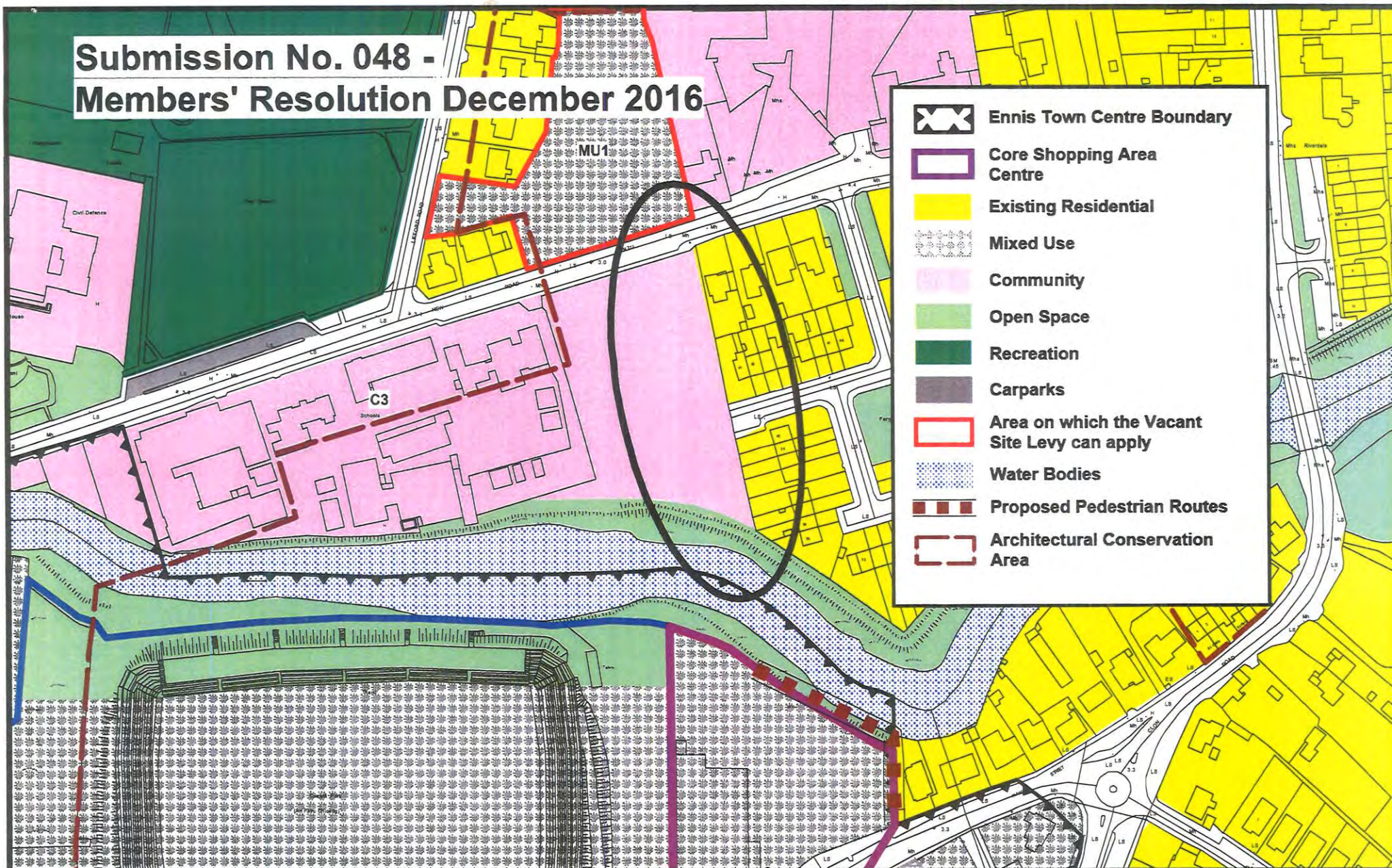
Checked By: Helen Quinn

Ennis Settlement Plan

Not To Scale

Date: December 2016

Submission No. 048 - Members' Resolution December 2016



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**DRAFT CLARE COUNTY
DEVELOPMENT PLAN
2017 - 2023**

Drawn By: Padraig McManus

Checked By: Helen Quinn

Ennis Settlement Plan

Not To Scale

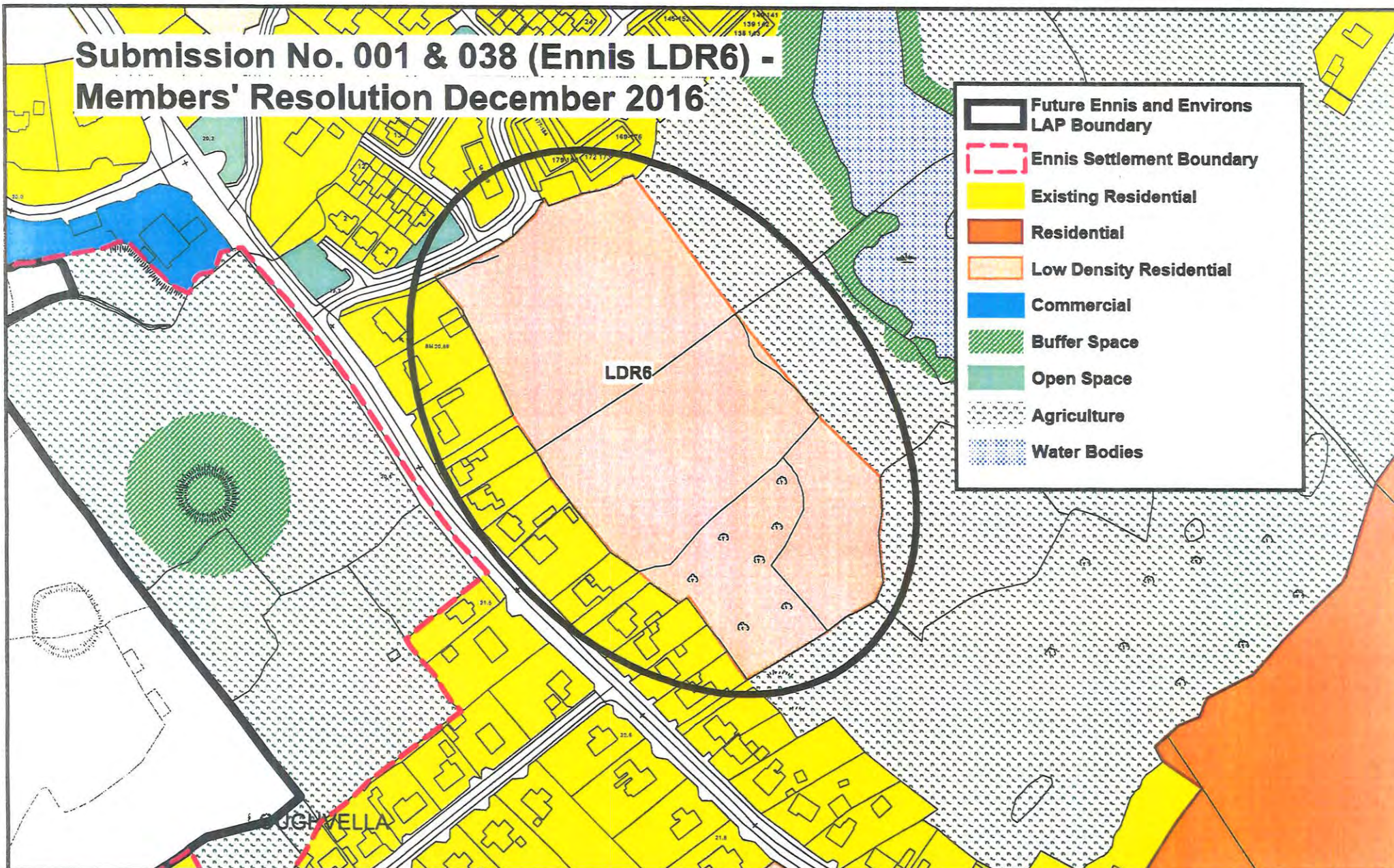
Date: DECEMBER 2016

Elected Members Resolution: Submissions Ref 001 and 038

To zone lands at Loughville, Ennis for Low Density Residential development (LDR6), as per the Proposed Amendment to the Draft Clare County Development Plan 2017-2023.

Members' Reasons and Considerations

Submission No. 001 & 038 (Ennis LDR6) - Members' Resolution December 2016



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**CLARE
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**DRAFT CLARE COUNTY
DEVELOPMENT PLAN
2017 - 2023**

Drawn By: Padraig McManus

Checked By: Helen Quinn

Ennis Settlement Plan

Not To Scale

Date: DECEMBER 2016

Booklet 5

Members Resolution

**to make the Clare County Development Plan 2017-2023 in
accordance with Section 12(10) of the
Planning and Development Act 2000, as amended.**

**Shannon Municipal District
Written Statement and Maps**

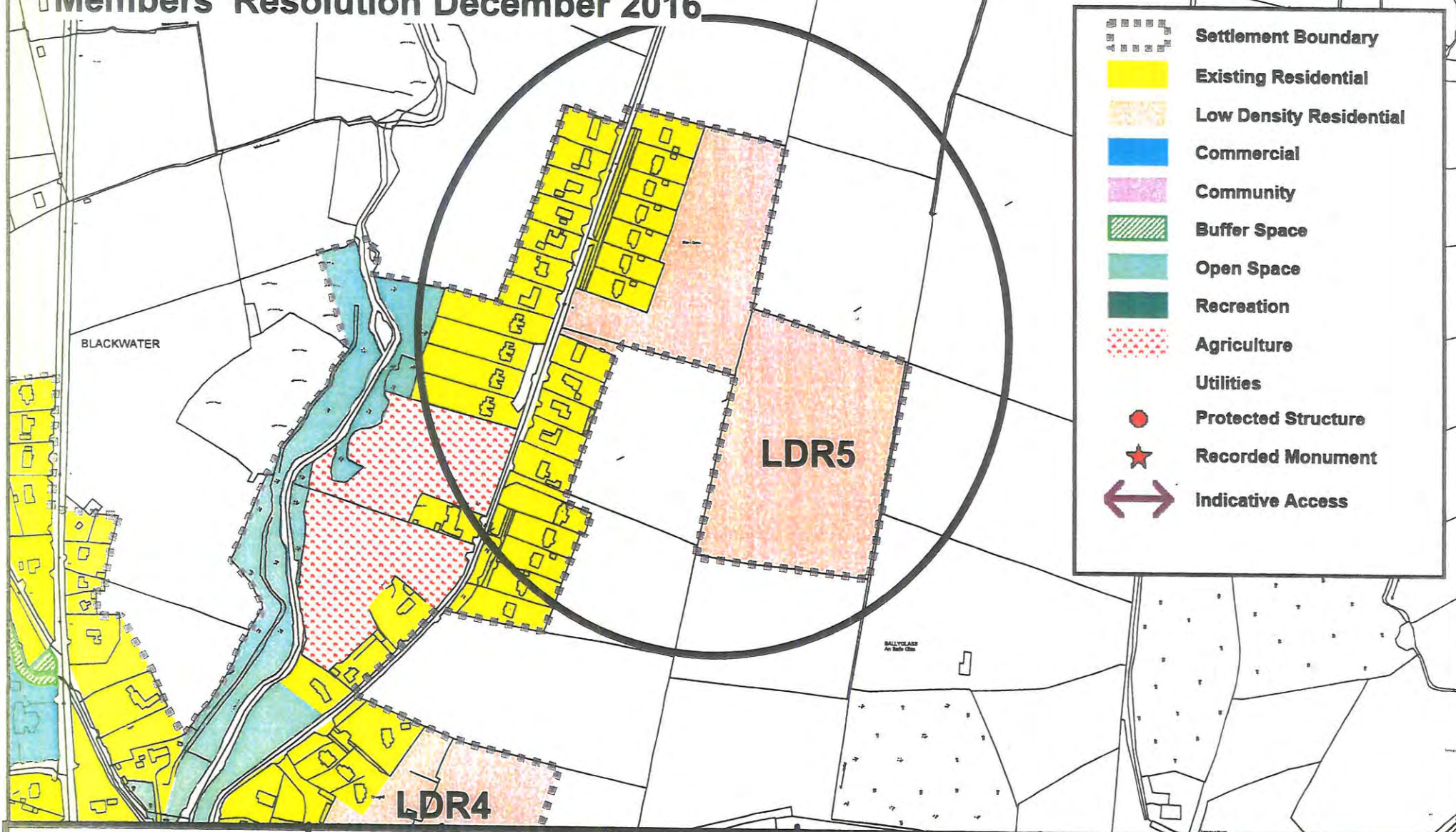


Elected Members Resolution: Submission Ref. 001

To zone lands at Drumline for Low Density Residential development, as per the Proposed Amendment to the Draft Clare County Development Plan 2017-2023.

Members' Reasons and Considerations

**Submission No. 001, 030 & 071 -
Members' Resolution December 2016**



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**CLARE
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**DRAFT CLARE COUNTY
DEVELOPMENT PLAN
2017 - 2023**

Drawn By: Padraig McManus

Checked By: Helen Quinn

Ardnacrusha Settlement Plan

Not To Scale

Date: DECEMBER 2016

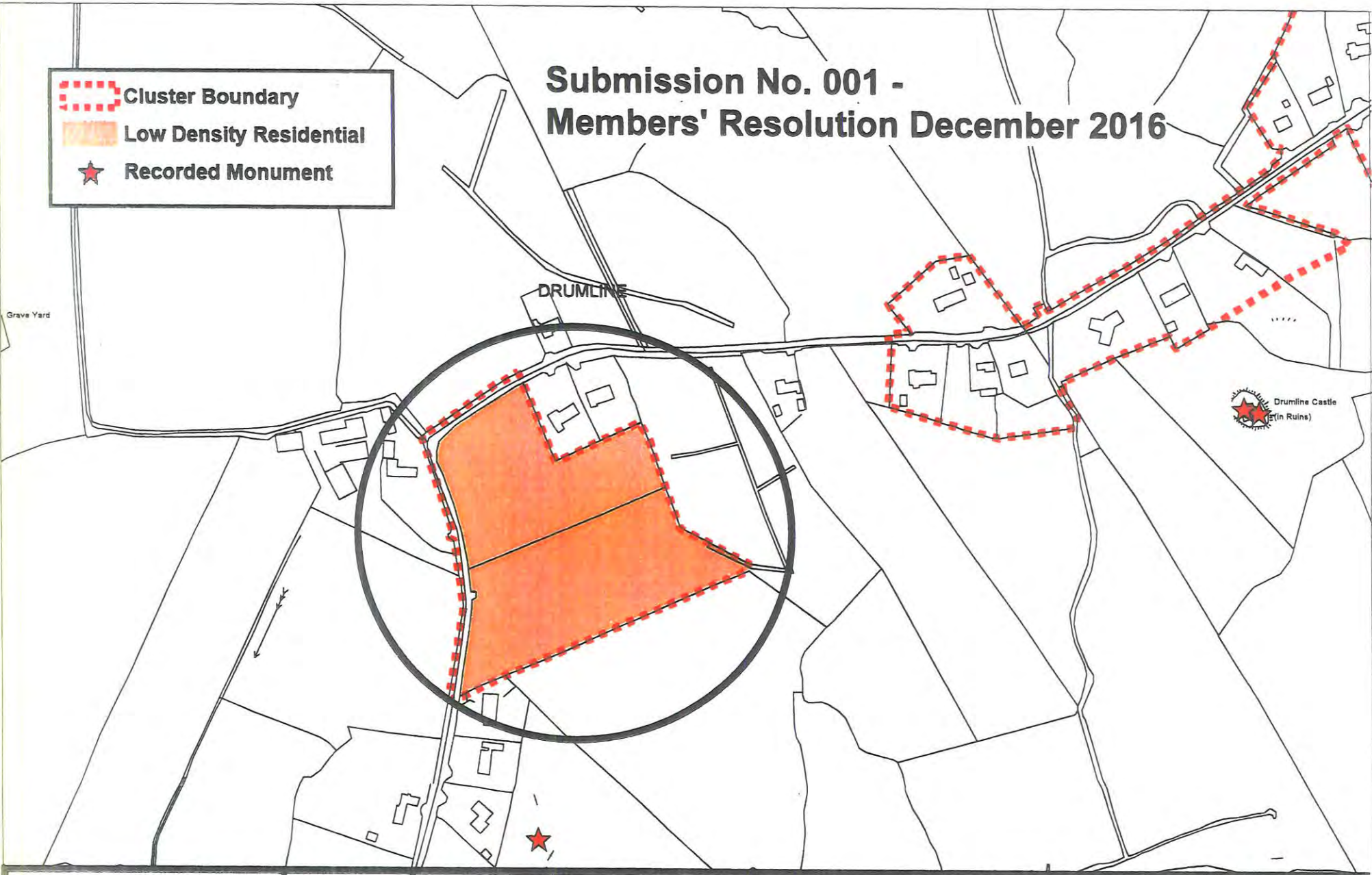
Cluster Boundary

Low Density Residential

Recorded Monument

Submission No. 001 -

Members' Resolution December 2016



| | | | | | |
|--|----------------------------|---|---------------------------|--------------|---------------------|
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| | | | Checked By: Helen Quinn | Not To Scale | Date: DECEMBER 2016 |

Elected Members' Resolution: Submissions Ref. 001, 030 and 071

To zone lands at Blackwater, Ardnacrusha for Low Density Residential development (Site LDR5) as per the proposed amendments to the Draft Clare County Development Plan 2017-2023.

Members' Reasons and Considerations

Ardnacrusha is identified as a large village and the zoning of residential land is necessary to accommodate the target population. There is a lack of land zoned for Residential development. The site is 6km from Limerick where there are numerous large employers and there is a serious need for further housing in this area