



COMHAIRLE | CLARE  
CONTAE AN CHLÁIR | COUNTY COUNCIL

3 Samhain, 2021.

## DON CATHAOIRLEACH AGUS GACH BALL DEN CHOMHAIRLE

A Chomhairleoir, a chara,

Leis seo, iarraim ort, le do thoil, a bheith i láthair ag Cruinniú Míósúil na Comhairle a thionólfar ar **Dé Luain, an 8 Samhain, 2021, i SEOMRA NA COMHAIRLE, ÁRAS CONTAE AN CHLÁIR, INIS AR 3:45 i.n. agus via ardán MS Teams.** Thíos faoi seo, gheofar sonraí den ghnó a dhéanfar ag an gcruinniú.

Iarrtar ort a bheith i láthair.

Mise le meas,

*Ana Reynolds*

Riarthóir Cruinnithe

An Roinn Seirbhísí Corparáideach  
Stiúthóireacht Airgeadais agus Seirbhísí Tacaiochta  
Áras Contae an Chláir, Bóthar Nua, Inis, Co. an Chláir, V95 DXP2

Corporate Services Department  
Finance and Support Services Directorate  
Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2

## CLÁR OIBRE - AGENDA

### 1) **Miontuairiscí na Cruinnithe seo leanas den Chomhairle.**

#### 1) **Minutes of the following Council meeting.**

(a) Miontuairiscí Chruinniú mí Deireadh Fómhair, a tionóladh ar an 11 Deireadh Fómhair, 2021.

(a) Minutes of October monthly meeting held on 11 October, 2021.

2. Matters Arising.

2. Nithe ag éirí as.

### 3. Minutes of Municipal District Meetings.

Miontuairiscí cruinnithe Ceantar Bardasach

(a) Ennis Municipal District meeting held on 5 October, 2021.

(a) Cruinniú Ceantar Bardasach na hInse a tionóladh ar an 5 Deireadh Fómhair, 2021.

(b) Ennis Municipal District Special meeting held on 14 October, 2021.

(b) Cruinniú Speisialta Ceantar Bardasach na hInse a tionóladh ar an 14 Deireadh Fómhair, 2021.

4. Minutes of Corporate Policy Group meeting held on 4 October, 2021.

4. Cruinniú Grúpa Polasaí Corparáideach a tionóladh ar an 4 Deireadh Fómhair, 2021.

5. Monthly Management Report.

6. Disposal of property at Keelty, Beechpark, Ennis, Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.

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8. Report in accordance with Part XI, Section 179 of the Planning and Development Act 2000, as amended, and Part VIII, Article 80 and 81 of the Planning & Development Regulations 2001-2013 for proposed public realm works on O'Connell Street, Ennis, Co. Clare.

9. Clare PPN Replacement Nomination on Physical Development SPC.

10. Report in accordance with the Planning and Development (Amendment) Act 2021 and Section 11D of the Planning and Development Act 2000, as amended, to extend the duration of the existing Clare County Development Plan 2017-2023 (as varied).

**11. Curtha faoi bhráid na Comhairle ag Cllr. P.J. Kelly:-**

“That legal advice be provided on the legality/constitutionality of proposed population allocations in County Development Plans.”

**12. Curtha faoi bhráid na Comhairle ag Cllrs. C. Colleran Molloy, M. Begley agus M. Howard:-**

“That legal opinion be obtained to assist Members of Clare County Council in the formulation and adoption of the County Development Plan, specifically:-

- (i) Does the holding in McEvoy v. Meath County Council requiring local authorities “to have regard to” planning guidelines allow local authorities to depart from planning guidelines for *bona fide* reasons consistent with proper planning and sustainable development of the area for which the planning authority has planning responsibilities;
- (ii) Does this McEvoy case and any subsequent applicable case law provide sound legal basis to permit Members of Clare County Council to deviate from the guidelines for bona fide reasons consistent with proper planning and sustainable development, where such bona fide reasons may include, but not be limited to, the publication year of the guidelines and their obsolescence in application to current conditions, and discernible Covid19 pandemic population flow shifts from urban centres to counties such as County Clare;
- (iii) Given that the prescribed methodology contained in Section 4.3 page 51 of the “Development Plans Guidelines for Planning Authorities” states that “Accordingly, the development plan must set out a clear housing supply target for the relevant six-year (i.e. quarter to quarter) plan consistent with the prescribed methodology in the relevant issued guidelines”, was established pre Covid19 pandemic, can the Members of Clare County Council deviate in good faith and for bona fide reasons as are currently demonstrated by the urban to rural population flows post Covid19 Pandemic?”

**13. Curtha faoi bhráid na Comhairle ag Cllr. J. Garrihy:-**

“In context of the potential negative impact on rural areas, small towns and villages and settlements from RESS/NPF and directives from OPR as is currently evolving through the Clare County Development Plan 2022-2028 that a renewed focus and examination of strategies in the control of Clare County Council and its partners is carried out. I suggest the concentration should be to mitigate damage to sustainability and success of our Rural T&V, small business and the permanent and living communities and as stated in Our Rural Future "To discriminate favourably" towards our rural communities ensuring their success and sustainability into the future.”

**14. Curtha faoi bhráid na Comhairle ag Cllr. I. Lynch:-**

“In keeping with the council's excellent work providing inclusive services for all, I request that Clare County Council introduce banded times to the County Library services allocating times for users whom have additional sensory and communication needs, I would further request that a review is undertaken of other services provided by the council to see if allocated times can help improve user experience.”

**15. Curtha faoi bhráid na Comhairle ag Cllr. P. Murphy:-**

“As the country continues to open up and group activities, both indoors and outdoors are resuming, I am proposing that swimming classes for the public are re-opened, as a matter of urgency, in order to,

- i) conclude existing class terms that commenced already.

ii) promote swimming as an important form of exercise, for all age groups.

Support for this Notice of Motion will also provide much needed revenue for Clare County Council, but far more importantly it will continue to provide a steady stream of trained swimmers, many of whom qualify as lifeguards that subsequently go on to patrol our Blue flag beaches and lakes making them safer places for the wider public.”

**16. Curtha faoi bhráid na Comhairle ag Cllr. J. Flynn:-**

“In light of the ongoing Covid-19 situation that the Information Technology and Communications equipment in the Council Chamber be upgraded to enable a “new normal” or hybrid method of holding statutory, Municipal District and SPC committee meetings in the Chamber now and into the future.”

**17. Curtha faoi bhráid na Comhairle ag Cllr. G. Flynn:-**

“I am calling for a review of the Hedge Cutting Policy in view of the failure by some land owners to meet their obligations under Section 70 of the Roads Act. The public are entitled to use public roads that are properly maintained and are not a health and safety risk. The land owners that observe the regulations are to be commended but unfortunately a number of land owners show little regard to their obligations and I am calling on the local authority to strengthen the policy and their efforts in making sure all roads are safer for the public and properly maintained.”

**18. Curtha faoi bhráid na Comhairle ag Cllrs. L. Grant, J. Flynn, I. Lynch, C. Murphy, D. McGettigan, J. Garrihy agus S. Talty:-**

“Call on Clare County Council to urgently review and update the Clare County “Fire & Emergency Operations Plan 2014-2019” in accordance with S26 Fire Services Act. Many retained fire stations around the country are struggling to stay up and running. The council should put together a report as to what can be done internally to ensure all stations in County Clare remain operational. The council should include in this report a comparison of the retained fire service in County Cork and whether a similar strategy could be implemented here. The objective of the review and report would be to continue the important work of Clare Fire and Rescue Service (which is in place to protect life, property and respond to civic emergencies in Clare) in order that now and into the future Clare is not left with an understaffed and inexperienced fire service.”

**19. Curtha faoi bhráid na Comhairle ag Cllr. L. Grant:-**

“I wish to have a progress report on the greenway projects for Clare. What is the timeline for the Kilrush to Kilkee and Ennis to Ennistymon phases? When does the council envision actual construction on either phase to begin and what can I and other councillors do to assist?”

**20. Curtha faoi bhráid na Comhairle ag Cllr. D. McGettigan:-**

“That this Council will call on the Minister for Health to intervene and engage with dentists in Clare to prevent a total collapse of the Dental Treatment Services Scheme (DTSS) and to ensure funding is available to boost public dentistry in Clare in the coming year.

In Clare there has been a reduction of 46% investment in the DTSS between 2017 and 2021 according to the Irish Dentistry Association.

We are also seeing a reduction of dentists signed up to the DTSS scheme resulting in only 16 dentists enrolled in Clare, leaving many Clare patients unable to access dentist care within this County.

Lack of access to timely dental care and delaying necessary treatment is economically unviable as what begins as a routine procedure can lead to far more costly and complex intervention being required.

The people of Clare need to see this issue resolved.”

**21. Curtha faoi bhráid na Comhairle ag Cllr. P.J. Ryan:-**

“That this council requests the Transport Infrastructure Ireland (TII) would examine the possibility of installing opening gates on sections of the center median of the N18/M18 to facilitate a contraflow traffic system for when there is an accident or blockage on this road.”

**22. Curtha faoi bhráid na Comhairle ag Cllr. P. McMahon:-**

“That this Council call on the relevant Minister and Department to ease regulation regarding Hedgecutting to allow Council further discretion to cut hedges that pose a threat to public safety.”

**23. Comhfhreagras/Correspondence.**