

**Minutes of the February Monthly Meeting of Clare County Council held in the  
Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on  
Monday, 8<sup>th</sup> February, 2016 at 3:45 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. Tom Coughlan, Chief Executive.
- Mr. Michael McNamara, Meetings Administrator.
- Ms. Siobhan Garvey, Staff Officer.
- Mr. Ger Dollard, Director of Service.
- Ms. Anne Haugh, Director of Service.
- Mr. Niall Barrett, Head of Finance.
- Mr. Sean Ward, Senior Engineer.
- Mr. Tom Tiernan, Senior Engineer.
- Ms. Helen Walsh, County Librarian.
- Ms. Carmel Greene, Senior Executive Officer.

The Cathaoirleach, Cllr. James Breen presided.

At the outset Cllr. J. Cooney proposed that the Council approve the attendance of the Cathaoirleach to represent the County at the upcoming New York St. Patrick's Day Parade, this was seconded by Cllr. G. Keating and agreed by all present.

**Item 1: Minutes of Council Meetings.**

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

“That the Minutes of the January Meeting of Clare County Council held on 11<sup>th</sup> January, 2016 be adopted and signed.”

**Item 2: Minutes of Municipal District Meetings.**

a. Ar moladh Cllr. B. Chambers  
Cuidithe ag Cllr. P.J. Kelly agus glacadh leis

“That the Minutes of the West Clare Municipal District Meeting held on the 6<sup>th</sup> November, 2015 be noted.”

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

“That the Minutes of the Shannon Municipal District Meeting held on the 10<sup>th</sup> November, 2015 be noted.”

c. Ar moladh Cllr. B. Chambers  
Cuidithe ag Cllr. J. Breen agus glacadh leis

“That the Minutes of the West Clare Municipal District held on the 17<sup>th</sup> November, 2015 be noted.”

d. Ar moladh Cllr. J. Cooney  
Cuidithe ag Cllr. P. Burke agus glacadh leis

“That the Minutes of the Killaloe Municipal District held on the 25<sup>th</sup> November, 2015 be noted.”

e. Ar moladh Cllr. P. Murphy  
Cuidithe ag Cllr. A. Norton agus glacadh leis

“That the Minutes of the Ennis Municipal District held on the 5<sup>th</sup> January, 2016 be noted.”

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

a. Ar moladh Cllr. B. Chambers  
Cuidithe ag Cllr. J. Breen agus glacadh leis

“That the minutes of the Economic Development & Enterprise S.P.C. meeting held on 9<sup>th</sup> November, 2015 be noted”.

**Item 4: Minutes of the Corporate Policy Group Meeting.**

The members noted the minutes of the meeting held on 4<sup>th</sup> January, 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.

The work of the Local Enterprise Office was acknowledged in particular the visits made to the areas by the Head of Enterprise, Mr. Padraic McElwee. It was highlighted that the number of applications being made to the Local Enterprise Office

has been on the increase and the staff are linking well with members of the community.

**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 area of land between house No. 27 Tullyglass Crescent and house No. 22 Fearnóg, Shannon, Co. Clare.**

Report dated 20<sup>th</sup> January, 2016 from Michael McNamara, Senior Executive Officer, Corporate Services was circulated with the agenda together with map. The report states that it is proposed to dispose of an area of lands measuring c. 0.014 hectares of land between house No. 27 Tullyglass Crescent and house No. 22 Fearnóg, Shannon, Co. Clare.

Ar moladh Cllr. G. Flynn  
Cuidithe ag Cllr. P.J. Ryan 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 area of land measuring 0.014 hectares between house No. 27 Tullyglass Crescent and house No. 22 Fearnóg, Shannon subject to the conditions as set out in the notice served on the members dated 20<sup>th</sup> January, 2016.”

**Item 7: Fix date for March monthly meeting.**

It was agreed that the March monthly meeting will take place on Monday, 7<sup>th</sup> March, 2016.

**Item 8: Loan application for County Library Project.**

Report dated 3<sup>rd</sup> February, 2016 from Helen Walsh, County Librarian was circulated with the agenda. The report states that there have been two recent grant announcements in January which have allocated funding for the provision of a new county library in Clare.

The Department of the Environment, Community and Local Government (D.E.C.L.G.), in conjunction with the Southern Regional Assembly, and the Northern and Western Regional Assembly, have confirmed grant funding in the sum of €1m. for the library project, and this is provided on the basis that there will be matching funding from the council's own resources. The grant is available on the basis the works required will be completed by the end of 2018.

The Department of the Environment, Community and Local Government have also confirmed funding of €3m. grant aid for the project in the Library Capital Investment Programme 2016 – 2021. The project envisages locating the new library adjacent to Glor in Ennis. The project cost is currently estimated at €8.6m. with grant aid of €4m. available a balance of €4.6m. will have to be sourced from the Councils own resources and the report recommended that this be funded by the raising of a loan by the Council in the sum of €4.6m.

Cllr. P.J. Kelly and Cllr. C. Curtin raised queries and sought further details in relation to the proposal. In response to the queries raised the Chief Executive advised the meeting that the existing facilities at the County Library site were no longer suitable and he outlined the importance of the services being offered by the Library Service to

the citizens of Clare. With regard to the cost to Council of the raising of this loan, the Chief Executive reported this exact cost could not yet be determined until such time as the Council approved the raising of the loan and until financial institutions would be requested to provide their best offer in terms of interest rates etc. and of course the best terms would be obtained at that time.

He stated that he was recommending to the Council that they approve the raising of the loan in the context of the grant funding already approved.

Ar moladh Cllr. P. Hayes  
Cuidithe ag Cllr. J. Flynn

“In accordance with Section 106 of the Local Government Act 2001, the Council hereby approves the raising of a loan as follows:

€4.6m. in respect of funding for new County Library Project.”

Cllr. P.J. Kelly submitted the following proposal, seconded by Cllr. G. Flynn which was read out the meeting;

“That a decision on item 8 be deferred until such time as all implications of proposal are available”.

The Cathaoirleach called a vote on Cllr. P. Hayes proposal which resulted as follows:

**In favour:** Cllrs. J. Breen, J. Flynn, A. Norton, M. Howard, J. Cooney, P. Hayes, T. O’Brien, P. Burke, A. O’Callaghan, C. Crowe, J. Crowe, P. McMahon, M. McKee, C. Curtin, B. Slattery, I. Lynch, M. Hillery, B. Chambers, G. Keating (19)

**Against:** Cllrs. G. Flynn, Cllr. P. J. Kelly (2)

**Abstained:** Cllrs. C. Colleran Molloy, P.J. Ryan (2)

The Cathaoirleach declared the proposal to raise the loan carried.

**Item 9: Clare Local Community Development Committee Annual Report 2015.**

Report dated 26<sup>th</sup> January, 2016 from Gerard Dollard, Director of Services was circulated with the agenda together with the Draft L.C.D.C. Annual Report for 2015.

The report as circulated was noted by the members present. In response to a number of queries raised Ger Dollard, Director of Services advised the meeting that at present 2 expressions of interest for operating the LEADER Programme have been submitted to the Department who are still deliberating on both proposals. All are in agreement that one proposal needs to be selected to deliver the programme. It is expected that the process of selecting one proposal will be completed by the end of March.

At this point in the meeting Cllr. P. Daly took the opportunity to welcome Mr. Adrian Hogan to the public gallery. Mr. Hogan who is from Co. Limerick had attended a Council meeting at each county in the country.

**Item 10: Draft Doolin Harbour Bye-Laws 2016.**

Report dated 1<sup>st</sup> February, 2016 from John Corry, Administrative Officer, Transportation was circulated with the agenda. The report states that at a Special

Meeting of the West Clare Municipal District held on 26<sup>th</sup> January last it was agreed that the Draft Harbour Bye Laws for Doolin Pier would go on public display in accordance with Part 19 of the Local Government Act 2001 and Section 89 of the Harbours Act 1996 following the agreement of the full Council of Clare County Council. These draft Bye Laws will regulate and control the movement of vessels within Doolin Harbour.

The members approved the proposal to put these bye laws on public display. In response to queries raised Anne Haugh, Director of Services confirmed that the Bye laws will come back before the members for consideration and adoption in due course.

**Item 11. Housing offers.**

Ar moladh Cllr. M. Howard

Cuidithe ag Cllr. J. Breen agus glacadh leis

“For the year 2015, how many offers of housing were made to people on the housing list and how many of these 1<sup>st</sup> time offers were refused and how many of the 2<sup>nd</sup> offers were refused.”

**Gerard Dollard, Director of Service replied as follows:**

“The total number of offers of accommodation made in 2015 was 124. This includes Clare County Council housing stock and properties made available to the Council under the Social Housing Leasing Initiative for short and long term leases. Both are key components in the supply of social housing.

During the same period the total number of refusal of offers of dwelling allocations was 20. Of these 17 were refusals of offers of accommodation as a first offer. The other 3 refusals of offers of accommodation were as a second offer.

Data compiled on a national basis for year ended 30<sup>th</sup> September 2015 would suggest that the refusal rate in some local authority areas is as high as 49%. While Clare does not experience such refusal levels, there is consideration being given at national level to the introduction of a Choice Based Letting Scheme. Such a scheme already operates in some local authority areas and such authorities experience a refusal rate of the order of 5%.”

**Item 12: Financial providers of loans.**

Ar moladh Cllr. P.J. Kelly

“That the following details be made available

- Number of financial providers of loans to the Council
- The identity of each provider
- The amount of loans from each lender.”

**Niall Barrett, Head of Finance replied as follows:**

**Financial Providers of loans to the Council.**

**The following table outlines the name of the financial institutions that provide loans to the Council and also the amount of the loans.**

<b>Name of Financial Institution</b>	<b>Total Loans €m.</b>
Allied Irish Bank	€2.5
Bank of Ireland	€0.2
DEFPA Bank	€3.8
European Investment Bank	€0.9
Housing Finance Agency	€45.4
KBC Bank	€25.9
Danske Bank	€0.1
National Treasury Management Agency	€1.5
Office of Public Works	€0.1
Ulster Bank	€0.1
Total	€101.5

The above figures are based on the balance as at 30<sup>th</sup> September 2015.”

Cllr. P.J. Kelly expressed his dissatisfaction with the reply and requested further detail. The Cathaoirleach reminded Cllr. P.J. Kelly that he had received a reply to the details requested in the Notice of Motion submitted and that if he required further detail this should come by way of a further Notice of Motion at a future meeting.

This motion was not seconded.

**Item 13: Apprentices.**

Ar moladh Cllr. J. Flynn  
Cuidithe ag Cllr. J. Cooney agus glacadh leis

“That Clare County Council in order to address both reduction in number of outdoor staff and increased public demand on services immediately plan to recommence taking on apprentices in line with the Government target of 50,000 new apprenticeships and trainee places to be created over the next five years.”

**Leonard Cleary, Senior Executive Officer, Human Resources Department and Housing Department replied as follows:**

“Clare County Council is committed to delivery of high quality services to the public and would welcome a new scheme such as this.

The Council is awaiting detailed guidance from the Department of Environment Community & Local Government in relation to the referenced "Government target of 50,000 new apprenticeships and trainee places to be created over the next five years".

The Council will fully adhere to Department guidelines in this regard and would welcome any additional funding available to fund this additional cost. Such an initiative would be beneficial to the Council and would also positively contribute to job training and development of those pursuing a trade requiring an apprenticeship.”

**Item 14: Bi-annual newsletter.**

Ar moladh Cllr. C. Curtin  
Cuidithe ag Cllr. G. Keating agus glacadh leis

“That Clare County Council publish a bi-annual newsletter outlining Council activities for distribution to all citizens of County Clare.”

**Michael McNamara, Senior Executive Officer, Corporate Services replied as follows:**

“This motion requires the Council to publish a newsletter twice a year for distribution to all citizens of the county.

At the present time, the Council are obliged under the Local Government Act, 2001 to publish an annual report and same is presently being prepared for 2015 and will be before the Council in due course. The Annual Report includes particulars of the policies, programmes, services and other activities undertaken by the Council in the year in question. The Annual Report when finalised is made available throughout the county and is also available on the Councils website.

The Council is also required under the Local Government Acts to prepare a Corporate Plan and the most recent Plan for the period 2015-2019 was adopted by the Council last July. The Corporate Plan includes a statement of the principal activities of the local authority and the objectives and priorities for each of those activities. Also outlined in the Corporate Plan are the following:

- Our vision for County Clare
- Our mission statement
- Our core values
- Details of Service Level Agreements
- Details of the Councils Stakeholders
- Details of Implementation and monitoring

In the current year and going forward there is a further requirement to prepare Annual Service Delivery Plan. Preparation of same is in train for 2016 and will be coming before the elected members in the coming months for consideration and adoption. This will provide considerable detail in relation to the delivery of the principal services and activities of the Council.

The Annual Budget Report put before the members each year contains an amount of detail in relation to the Councils Plan for the delivery of services across all sections of the Council.

All of the above documents are available to the general public on the Council's website.

Clare County Councils Website [www.clarecoco.ie](http://www.clarecoco.ie) provides information on all aspects of Council services, activities and initiatives. It is updated daily to ensure that the information provided is timely and up to date. The website experiences an average of 28k hits per month. We also utilise the social media platforms of Facebook and twitter to provide the public with access to information and where necessary notify them of events and updates. A text alerting system is also available and members of the public are invited to subscribe online to the facility. Structures have been put in place across the Councils Departments to ensure all sections are utilising these platforms. The Council has established a substantial following on each of these platforms which is continuing to grow. Currently we have 1200 followers on Facebook, 1400 followers on twitter and 2410 persons have subscribed to our text alerting system.

Similar platforms and facilities have also been put in place and managed by Clare County Council for a number of associated services such as the Clare Tourism Forum (Clare.ie), Clare County Library (clarelibrary.ie) and the Clare Local Enterprise Office ([www.localenterprise.ie/clare](http://www.localenterprise.ie/clare)).

Having regard to all of the above information that is freely available at the present, it is difficult to know what further details can be included in the suggested twice yearly newsletter.”

Cllr. C. Curtin stated that what he had in mind was a fact sheet with details of Council activities and he requested the executive to consider the options outlined at the meeting.

**Item 15: Obesity in Ireland.**

Ar moladh Cllr. G. Flynn

Cuidithe ag Cllr. C. Curtin agus glacadh leis

“In view of the recent efforts by the medical profession to tackle the problem of obesity in Ireland, that Clare County Council be supportive of this campaign by putting in place a comprehensive policy in relation to the condition of footpaths throughout the county and also have all footpaths cleaned of dog fouling and put in place a campaign of awareness and responsibility for dog owners.”

This reply involves two elements in relation to Footpaths and Control of Dogs. These detailed responses are included below.

**Tom Tiernan, Senior Engineer, Roads Section replied as follows;**

**“Footpaths**

Clare County Council consistently adopts an approach across the County, in so far as resources accommodate, to facilitate maintenance and repair of pedestrian facilities to the greatest extent possible. This approach is implemented as follows;

- Regular cleaning of footpaths – including on a daily basis along the main thoroughfares of the more populated centres
- Footpath repair programmes are facilitated for the most part through the Annual Discretionary Grant
- Regular maintenance of pedestrian facilities through leisure and amenity parks which are under the Council’s control - such as Lees Road Sports and Amenity Park in Ennis and The Vandeleur Gardens, Kilrush
- Implementation of whatever other improvements in this regard are feasible and which are supportive of healthy living

Most of the funding which is used to facilitate the above agenda is drawn from the same source which is required to accommodate day to day ordinary road maintenance. The overall fund is neither adequate nor sustainable in terms of provision of an acceptable level of service whether in relation to basic carriageway or footpath maintenance and management. If the Council is to be in a position to make choices in terms of enhancement of footpath or road maintenance standards significantly more funding will have to be identified and allocated accordingly.”

**Paul Moroney, Senior Engineer, Environment Section replied as follows;**

**“Control of Dogs**

Clare County Council is conscious of the need for adequate control of dogs in public places. We are currently developing a comprehensive media and advertising campaign in relation to dog fouling in county Clare. This will be ready and launched in April/May of this year in time for the summer season.

The focus of the campaign is to highlight the negative effects of dog fouling with a campaign using social media, local newspaper and radio. Amongst the issues, which will be covered in the campaign, we would like to highlight the following at this stage

- Dog Owners are responsible for cleaning up any dog fouling created by their pets. They should always Bag it and Bin it.

- If you can't find a bin bring it home.
- They are also responsible for having a Dog licence and getting their pet micro-chipped. They should also have their pet wormed regularly
- Dog owners should never let their animals out alone and should have their dogs trained in obedience.

Clare County Council encourages its citizens to have a healthy lifestyle and walking is one of the best ways to become and stay healthy. We also encourage responsible pet ownership. Walking with a pet on a suitable lead is a great way to get out and take advantage of our lovely county. We also encourage all pet owners to be aware of and take responsibility for their pets so that everyone can enjoy the experience.

Where education and awareness does not work Clare County Council has a number of enforcement options available to regulate poor and unacceptable behaviour. Clare County Council will carry out enforcement where this is required."

**Item 16: Speed limits.**

Ar moladh Cllr. M. Hillery  
Cuidithe ag Cllr. J. Breen agus glacadh leis

"That the county engineer would present an update on the review of the speed limits within the county and the proposed completion date."

**Tom Tiernan, Senior Engineer, Transportation replied as follows:**

"The currently ongoing Speed Limit Review commenced in the third quarter of 2015. At that time submissions / proposals were invited from all Elected Members, Area Engineers and the Gardai. An extensive number of submissions were received and the work of collating same to facilitate orderly interpretation and assessment was considerable. This task was completed recently. The work of assessing the submissions will now get underway and will be undertaken by the Council executive in consultation with the Gardai. This in turn will facilitate development of a draft special speed limit scheme which will be brought to Municipal Districts before proceeding to a formal public consultation process. This will ultimately facilitate the development of a final draft for consideration and the ultimate approval of same by the full Council. The process is due to be completed in the Spring of 2017."

**Item 17: Quality of structures of bridges.**

Ar moladh Cllr. J. Crowe  
Cuidithe ag Cllr. J. Breen agus glacadh leis

"I call on Clare County Council to investigate the quality of structures of bridges throughout the County"

**Tom Tiernan, Senior Engineer, Transportation replied as follows:**

"It is estimated that there are between 1,400 and 1,500 bridges throughout the road network in County Clare. As one would expect, the priority in terms of monitoring

and maintenance of bridge structures leans towards the most heavily trafficked routes and those which are subject to the greatest stresses by virtue of the nature of the traffic using them.

Transport Infrastructure Ireland (T.I.I.) have responsibility for bridges supporting the National Route network. T.I.I. has a detailed database of all national road bridges on the Eirspan System which have been assessed in some detail structurally and which in recent years have had the benefit of a number of remediation contracts which were deemed to be necessary.

Regional and Local road bridges are the responsibility of the Council and within the past 3 years or so all regional road bridges with a span of 1.8m or more (206 in total) have been the subject of detailed inspections as have a total of 59 local road bridges where Area Engineers have raised concerns. A further 85 local road bridges have been inspected to a lesser degree of detail. The detailed inspections and preparation of ancillary reports were funded by the Department of Transport and to date a significant proportion of those which were identified as needing remediation attention have been restored and a programme is continuing in this regard – also funded by the Department of Transport.

With regard to local road bridges in general I have been informed that the Department of Transport is considering implementation of a strategy which would identify the locations, basic structural characteristics and condition of all such bridges. The Departments position on this will become clearer in due course.

Meanwhile we will continue to respond vigilantly to concerns regarding structural integrity of bridges brought to our attention – either as a result of storm damage or otherwise – and for the present our priorities will continue to be to achieve completion of our remediation programme for regional road bridges as soon as resources will facilitate same.”

**Item 18: Roads upgrade.**

Ar moladh Cllr. J. Cooney  
Cuidithe ag Cllr. J. Breen agus glacadh leis

“What plans has Clare County Council to upgrade local and minor roads throughout the county, badly damaged by the severe weather over the winter months.”

**Tom Tiernan, Senior Engineer, Transportation replied as follows:**

“Some repair works have already been carried out in respect of any roads which were seriously enough damaged by recent flooding to warrant immediate attention for public safety reasons – notwithstanding the fact that no funding has yet been allocated to cover the cost of same. Over the past few weeks examination of the entire road network in the County has been ongoing with a view to identification of;

- Roads which were damaged by recent weather events
- Bridges which were damaged as a result of surcharging of rivers and streams
- Drainage facilities which were compromised or which have been shown to be inadequate in severe wet weather situations

- Preventative measures which could be taken in situations where it became necessary to close roads for long periods
- Roads damaged as a result of heavier than normal traffic being diverted onto them as a result of closure of more major routes

Last week the Minister for Transport announced that a fund to the value of €106m. was being made available to facilitate repairs to public infrastructure damaged as a result of the recent severe weather. On foot of same Local Authorities were invited to make submissions setting out details of damage caused and also of any preventative measure which could be taken to defend, to some degree at least, against future flooding events. The information gathered over the past few weeks was collated in the manner prescribed by the Department and was submitted on Friday last. The value of the claim is approximately €3.7m.”

**Item 19: Community leisure facilities.**

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

“That Clare County Council undertake an assessment of community leisure facilities currently receiving financial support from the Council with a view to the Council taking these facilities in charge.”

**Gerard Dollard, Director of Service replied as follows:**

“The Council provides an annual subvention to three community leisure facilities in the county at Shannon, Lahinch and Kilkee. The Council is represented on each Board by an Elected Member and an Official and all facilities operate as private limited companies. The Council engages with the facilities on an ongoing basis in relation to financial performance and receives copies of the annual accounts of each company.

It is clear that all three facilities operate in a difficult operating environment and all have financial challenges to varying degrees. The nature of the business is that a break even scenario is the optimum that can be achieved and all three facilities would struggle in this regard, hence the necessity for an annual financial subvention from the Council. It is evident, in recent years, that the level of subvention is inadequate to meet all of the demands that are being placed on these facilities.

The three facilities all operate under a limited company structure and the employment arrangements and structures are entirely different to those applicable to a local authority. Apart from the significant financial liabilities that might fall on the local authority in the event of the facilities being taken in charge, there are also complex issues in the area of Transfer of Undertakings Directives and the general structures associated with limited companies.

For the Council to make any assessment in relation to the three community leisure facilities, a comprehensive due diligence process would be required. Such a process would enable the Council to establish the exact status of each company and the factors that will require to be addressed in any consideration of a change of ownership of these companies.

It should be clear that this would represent a very significant financial decision for the Council and, accordingly, the above process, if approved by the Council, should not in any way be taken as a decision by Council to take these facilities in charge.

The undertaking of any due diligence process would require the consent of the Boards of the companies involved.”

**Item 20: Southern Waste Management Plan.**

Ar moladh Cllr. M. Howard

Cuidithe ag Cllr. M. McKee agus J. Crowe agus glacadh leis

“That this Council request the current Southern Waste Management Plan be amended to allow for fair competition between different practices of collecting waste, taking account of best international practice and experience. Policy E22a of the current plan runs counter to the principals of fair competition limits the options available to citizens. We request that that this motion, if passed, be sent to other local authorities covered by the Southern Waste Management Plan.”

**Paul Moroney, Senior Engineer, Environment Section replied as follows:**

“The Southern Region Waste Management Plan 2015 – 2021 is in place and waste policy for County Clare and the Southern Region is covered by the Plan.

The Plan has a number of Policies and the Policy which is the subject of this Notice of Motion is one of the Key policies in the plan.

Policy E22a of the Southern Region Waste Management Plan 2015-2021(SR-Plan) supports the primacy of kerbside source segregated collection (as defined in the SR-Plan) as this is line with EU and National Policy. This should also be read in conjunction with Policy E22b of SR-Plan.

**Policies:**

E22a. The plan supports the primacy of kerbside source segregated collection of household and commercial waste as the best method to ensure the quality of waste presented.

E22b. The plan also supports the use of authorised civic amenity facilities and bring centres as part of the integrated collection system.

Source segregated kerbside collection is one of the key principles of Ireland’s sustainable waste management system and has been one of the primary drivers for our recycling rate growing to over 40% over the last waste management plan period. Source segregation, or separate collection of waste at the kerbside, also gives the best quality of recyclate ensuring better opportunities for reprocessing the waste into products.

Waste Management planning in Ireland adheres to the Waste Hierarchy and in doing so we are embracing the circular economy. As a result of the proposed EU Circular

Economy Package we are expected to meet higher recycling targets. The EU Commission has stated that *“separation and collection at source needs to become standard practice throughout Europe and the EU circular economy package will help to improve the quality of recyclable materials, and it will also ensure a steady increase in supply. And let's not forget that this is all in line with the EU's political commitment to accelerate the transition towards a future low-carbon economy.”*

All of these European Union principals which are enshrined in the Waste Framework directive have been enshrined in Irish Government Policy for a number of years. This Policy has been incorporated into the Southern Region Waste Management Plan. The Southern Region Waste Management Plan complies with EU and National legislation, National Waste Policy and International best practice for Waste Management. Clare County Council supports kerbside segregated waste collection as the best way to collect household waste and recyclable material.

In relation to fair competition Ireland's current waste collection system operates on an open market basis with side by side competition. This system has been maintained following a full Regulatory Impact Assessment in 2012. The system has operated with a number of competing Waste collection companies whilst new EU directive and new regional Waste Management Plans have been introduced. There has been a number of changes in the market over the past few years. There have been a number of new entrants to the market and all the major companies operate within a strictly regulated market.

The Competition Authority has been requested by the Government to maintain an on-going oversight role in the waste collection market.

For those members of the Public who do not avail of source segregated kerbside waste collection Clare County Council operates 3 Civic amenity Sites and 2 Recycling centres in Ennis, Ballyduff Beg, Lisdeen, Shannon and Scarriff where they can avail of services to allow them to deposit residual waste and recycle material.”

The following proposal was submitted to the meeting by Cllr. M. Howard and seconded by Cllrs. J. Crowe and M. McKee and read out to the meeting by the Meetings Administrator;

“ This Council requests that the Southern Waste Management Plan Policy E22b be amended as follows:

E22b This Plan also supports the use of authorised civic amenity facilities, bring centres and mixed waste compactors in towns and villages as part of the integrated collection system.

This council further requests that this motion be sent to the other local authorities in the Southern waste management area”.

This proposal was agreed by all present.

#### **Item 21: Limerick Northern Distributor Road.**

Ar moladh Cllr. C. Crowe  
Cuidithe ag Cllr. M. Begley

“That the members of Clare County Council, in light of the recent severe flooding in South-East Clare, revoke the decisions taken on 24th July 2015 to incorporate the preferred route line for Limerick Northern Distributor Road into the Clare County

Development Plan 2011-2017 and the South Clare Plan 2012-2018. This motion relates specifically to the following adopted resolutions:

“Following consideration by the Elected Members of:

- a. The proposed Variation no.3 to the Clare County Development Plan 2011- 2017, dated 24th April 2015;
- b. The associated Strategic Environmental Assessment (Environmental Report), Natura Impact Report and Flood Risk Assessment, dated 24th April 2015;
- c. The "Chief Executive’s Report to Elected Members on Submissions received to the Proposed Variation No.3 to the Clare County Development Plan 2011- 2017”, dated 19th June 2015;
- d. The Mid West Regional Planning Guidelines 2010-2022;
- e. The policies and objectives of the Clare County Development Plan 2011-2017;
- 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);
- g. Any relevant policies or objectives for the time being of the Government or Minister for Government;
- h. The statutory obligations of any local authority in the area;
- i. The proper planning and sustainable development of the area to which the plan relates; and
- j. Our determination, in accordance with Section 177V of the Planning and Development Act, 2000 (as amended), and taking into account all matters relevant, that the proposed variation , subject to the modifications recommended in the Chief Executive’s Report, is not likely to have any significant adverse effects on the integrity of any European site within, or adjacent to, the plan area therefore, in accordance with the provisions of Section 13 of the Planning and Development Act, 2000 (as amended) this Council hereby resolves to make the Variation no.3 to the Clare County Development Plan 2011-2017, subject to the following modification:

1. The design of the proposed Limerick Northern Distributor Road, as it intersects the R464 in Parteen, shall provide for safe and adequate means of pedestrian and 25 vehicular access and connectivity east and westwards within Parteen and across the route at this point.”

“Following consideration by the Elected Members of:

- a. The proposed Amendment no. 1 to the South Clare Local Area Plan 2012- 2018, dated 10th April 2015;
- b. The associated Strategic Environmental Assessment (Environmental Report), Natura Impact Report and Flood Risk Assessment, dated 10th April 2015;
- c. The "Chief Executive’s Report to Elected Members on Submissions received to the Proposed Amendment no. 1 to the South Clare Local Area Plan 2012- 26 2018”, dated 23rd June 2015;
- d. The Mid West Regional Planning Guidelines 2010-2022;
- e. The policies and objectives of the Clare County Development Plan 2011-2017;
- f. The making of Variation no.3 to the Clare County Development Plan 2011- 2017;
- g. The policies and objectives of the Minister contained in the Guidelines prepared under Section 28 of the Planning and Development Act, 2000 (as amended) ;
- h. Any relevant policies or objectives for the time being of the Government or Minister for Government;
- i. The statutory obligations of any local authority in the area;
- j. The proper planning and sustainable development of the area to which the plan

relates; and

k. Our determination, in accordance with Section 177V of the Planning and Development Act, 2000 (as amended), that the proposed amendment, subject to the modifications recommended in the Chief Executive's Report, is not likely to have any significant adverse effects on the integrity of any European site within, or adjacent to, the plan area therefore, in accordance with the provisions of Section 20 of the Planning and Development Act, 2000 (as amended) this Council hereby resolves to make the Amendment no. 1 to the South Clare Local Area Plan 2012-2018, subject to the following modification:

1. The design of the proposed Limerick Northern Distributor Road, as it intersects the R464 in Parteen, shall provide for safe and adequate means of pedestrian and vehicular access and connectivity east and westwards within Parteen and across the route at this point. “

**Tom Tiernan, Senior Engineer, Transportation replied as follows;**

“Notwithstanding the fact that it isn't legally feasible to revoke the decisions taken on July 24<sup>th</sup> 2015 in relation to the resolutions confirmed to vary the Clare County Development Plan and the South Clare Local Area Plan I would like to clarify the position in practical terms to deal with the inevitable concern which has evolved following recent flooding events in South East Clare. In this context the following points are relevant;

- The flood events which evolved were extensive intensive and prolonged and were to all intents and purposes similar to the events which evolved in November 2009 – in effect the most severe floods in the area on record.
- Prior to the initiation of formal Development Plan variation and the Local Area Plan amendment in 2015 extensive and detailed hydrological studies were carried out to establish flood regime details in the area and to model what the impact (if any) of the Limerick Northern Distributor Road river crossing would be on these flood regimes in extreme circumstances. In carrying out this work extensive records of the flood events of 2009 were utilised and survey work which was implemented to facilitate most effective use of previous records and model development was detailed and very considerable.
- Extensive checks were carried out through the course of recent flood events to ascertain whether evolving flood regimes / patterns were consistent with previous records and the predictive modelling tool developed to support the variation process. It was found that the flood regime developed as it did previously in 2009 and was consistent with the model as developed. In effect there were no surprises and the reliability of the hydrological studies carried out and the associated model development was reinforced as a result of the experience.
- Whilst Clare County Council is satisfied that the Flood Risk Assessment undertaken during the aforementioned variation and amendment was undertaken to the highest standards and all available data – a fact acknowledged by way of a receipt of formal submission from the O.P.W. - the variation and amendment process to the County and Local Area Plan framework outlined above, do not in themselves, permit or give consent to

the development of the L.N.D.R. The next stage of the process is the preparation of a project level - Environmental Impact Statement and subsequent submission to An Bord Pleanála - will present an opportunity for the public to comment on the developed design of the scheme. By virtue of this, the inclusion for the L.N.D.R. in current Plans is not a licence to construct the scheme. The rights and concerns of all affected parties are safeguarded under the future statutory process.

- As I have articulated on a number of occasions previously the Local Authority has a responsibility to ensure that any construction works to be carried out in or in the vicinity of the flood plain must be designed and implemented such that there will be no adverse impact from a flooding point of view on properties in the area as a result of the construction. Clare County Council as the lead Authority in relation to the L.N.D.R. Phase 2 Project takes this responsibility extremely seriously and has ensured that a very comprehensive approach has been taken in this context up to this point in the design and planning of the scheme. Ultimately in the event that the proposal is put before An Bord Pleanála I have no doubt that the project's sustainability in flood regime impact terms will be extensively scrutinised and challenged and I am confident that the preparation carried out to date in this regard will not be found wanting.”

Cllr. C. Crowe in moving the motion referred to the recent flooding in Clonlara and outlined his view that the proposed route needs to be re-examined. A number of other members spoke in favour of the proposal before the members and some members queried the effect of the motion if carried. Ger Dollard, Director of Services in reply stated that any proposed amendment to the County Development Plan was a complex process and it cannot be achieved through this motion. A statutory process has to be gone through for any amendment to the Plan. He confirmed that the next stage of the process for the project in question is the preparation of an Environmental Impact Statement and consideration of same by An Bord Pleanála. He further confirmed that the motion had no legal status if carried by the members.

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

**In favour:** Cllrs. C. Colleran Molloy, M. Begley, C. Crowe, G. Flynn, P.J. Ryan, M. McKee, I. Lynch (7).

**Against:** Cllrs. J. Breen, J. Flynn, P. Daly, A. Norton, T. McNamara, M. Howard, P. Murphy, P. Hayes, P. Burke, P. McMahon, C. Curtin, R. Nagle, B. Slattery, G. Keating (14).

**Abstained:** Nil.

The Cathaoirleach declared the motion lost.

It was agreed that Items No. 22, 23 and 24 would be discussed together.

**Item 22: Limerick/Ennis railway line.**

Ar moladh Cllr. P.J. Ryan

Cuidithe ag Cllr. M. McKee agus glacadh leis

“That this Council would arrange a meeting with Iarnród Éireann, the Office of Public Works and other interested parties with a view to addressing the severe flooding of the Limerick/Ennis railway line.”

**Item 23:**

Ar moladh Cllr. M. McKee

Cuidithe ag Cllr. P. McMahon agus glacadh leis

“That Clare County Council call on Iarnród Éireann to advise the Council as to their plans to alleviate potential future flooding of the rail lines between Limerick and Ennis, whether by raising the tracks or other measures, and also the cost of providing bus hire due to cancellation of the service.”

**Item 24:**

Ar moladh Cllr. P. Daly

Cuidithe ag Cllr. J. Breen agus P. Murphy agus glacadh leis

“We request Clare County Council to make immediate contact with Iarnród Éireann, Department of Transport and the O.P.W., with a view to them making a major investment to alleviate the serious flooding issue on the railway line at Ballycar, Newmarket on Fergus.”

**Tom Tiernan, Senior Engineer, Transportation replied as follows:**

“Towards the end of 2014 Clare County Council took the initiative of inviting Iarnród Éireann and The Office of Public Works to a meeting to facilitate exploring what the most appropriate solution might be to this problem and what the most appropriate approach would be in terms of achieving implementation of the solution. In the circumstances Clare County Council fulfilled the role as facilitator where both Iarnród Éireann and The Office of Public Works were invited as potential key stakeholders.

The Meeting was very constructive and the key outcome from same was that Iarnród Éireann agreed to re-engage consultants to update and amend its previously commissioned report which deals with the assessment of flood alleviation options pertaining to the Limerick / Ennis rail line at Ballycar Lough. Since then the report has been updated and amended as agreed with the key recommendation therein being that the most appropriate solution would be to raise the level of the railway line rather than any of the potential alternatives which would involve large scale drainage works with environmental and other consequences. The cost of the project would be in the region of €10m.

The O.P.W. has confirmed that it concurs in principal with the primary recommendation of the Iarnród Éireann report.

Iarnród Éireann has confirmed that it has submitted an application for funding to implement the aforementioned solution – in response to the announcement last week by the Minister for Transport of the availability of a fund of €106,000,000 to facilitate remediation of infrastructure adversely impacted by recent flooding events.”

At this point in the meeting, the time approached 6:30 p.m., the Cathaoirleach proposed that the meeting be extended by 20 minutes in order to deal with all items on the agenda. This proposal was agreed by all present.

**Item 25: Transatlantic, Trade and Investment Partnership (T.T.I.P.)**

Ar moladh Cllr. A. Norton  
Cuidithe ag Cllr. M. McKee

“That Clare County Council write to all our Irish M.E.P.’s and the Minister for Local Government and Environment raising the serious concerns about the impact of Transatlantic, Trade and Investment Partnership (T.T.I.P.) on our Country.”

The following amendment was proposed by Cllr. J. Flynn and seconded by Cllrs. M. McKee, A. Norton and P. Hayes and agreed by all present.

“We call on the Irish Government to

- Protect Irish interests in the ongoing T.T.I.P. negotiations between the EU and the U.S.
- Take all measures to remove investor –state dispute settlements (S.I.D.S.) from the Agreement
- Publish the findings of the Copenhagen Economics Study on T.T.I.P.’s potential impact on Ireland
- Take all measures to protect Irish agriculture in T.T.I.P. negotiations
- Take all measures to protect Clare’s environment, economy and food standards from unregulated trade imports.”

**Item 26: Protection barrier along the river in Galway City.**

Ar moladh Cllr. C. Colleran Molloy  
Cuidithe ag Cllr. J. Flynn agus glacadh leis

"That Clare County Council call on the government to fund Galway County Council immediately, for the erection of a protection barrier along the river in Galway City to avoid any future tragic and avoidable deaths as occurred recently to a student from Ennis."

**Item 27: 2015 Lobbying Act.**

Ar moladh Cllr. C. Curtin  
Cuidithe ag Cllrs. J. Flynn agus G. Flynn agus glacadh leis

“That Clare County Council as a priority invite the Standards in Public Office (S.I.P.O.) to send a representative to a Council meeting to advise on the implementation of the regulations associated with 2015 Lobbying Act and allied matters.”

**Item 28: Install Bladder Scanner in St. Joseph’s Nursing Home, Ennis.**

Ar moladh Cllr. J. Breen

Cuidithe ag Cllr. J. Flynn agus glacadh leis

“That this Council call on the H.S.E. and the Minister of Health to install a Bladder Scanner in St. Joseph Nursing Home, Ennis as a matter of urgency.”

**Item 29: Beef processors.**

Ar moladh Cllr. C. Colleran Molloy

Cuidithe ag Cllrs. P.J. Ryan, P. McMahon agus P. Hayes agus glacadh leis

“That Clare County Council urge the Minister for Agriculture, Forestry and Marine to take urgent action at E.U. level to force beef processors to accept Irish cattle in Northern Ireland and U.K. plants at the same price as is paid to N.I. and British producers in accordance with E.U. Free Trade principles.”

**Item 30: Wild Atlantic Way.**

Ar moladh Cllr. G. Keating

Cuidithe ag Cllr. J. Flynn agus glacadh leis

“That Clare County Council would request Failte Ireland to revitalise agri-tourism as an initiative to further supplement farm incomes in rural Ireland thereby attracting additional tourists on the Wild Atlantic Way.”

**Item 31: Comhfhreagras.**

- The Cathaoirleach took the opportunity to wish best of luck to each of the four Councillors who were competing in the General Election.

**The following correspondence was circulated with the agenda:**

1. Correspondence dated 25<sup>th</sup> January, 2016 from Shannon Heritage in relation to tourism information offices in the county.
2. Correspondence dated 25<sup>th</sup> January, 2016 from An Garda Síochána in relation to level of enforcement undertaken to ensure compliance with Road Traffic Laws.
3. Correspondence dated 14<sup>th</sup> January, 2016 from the Ambassador of France.
4. Correspondence dated 20<sup>th</sup> January, 2016 from the Department of Health in relation to screening age.
5. Correspondence from the Department of Social Protection regarding the Community Employment materials grant.

6. Correspondence dated 13<sup>th</sup> January, 2016 from the Competition and Consumer Protection Commission regarding the motor insurance industry.
7. Correspondence dated 19<sup>th</sup> January, 2016 from the Office of the Taoiseach in relation to Irish Fiscal Advisory Council.
8. Correspondence dated 20<sup>th</sup> January, 2016 from the Department of Environment, Community and Local Government in relation to flooding.
9. Correspondence dated 6<sup>th</sup> January, 2016 from the Department of Health concerning the mammogram breast check age.
10. Correspondence dated 6<sup>th</sup> January, 2016 from the Department of Health in relation to G.P. services in traditional centres.
11. Correspondence dated 22<sup>nd</sup> January, 2016 from the Department of Finance in relation to the commercial rates system and the Global Valuation of Utility Companies.
12. Correspondence from County Clare Patriotic, Benevolent and Social Association of New York City Inc. issuing an invitation to the Cathaoirleach of Clare County Council and the Chief Executive to attend the Annual St. Patrick's Day Parade in New York in March.
13. Notice of motion from Offaly County Council in relation to school curriculum for all primary children.
14. Details of A.I.L.G. Training Programme.
15. Elected members seminar entitled "Housing (Miscellaneous Provisions) Act 2014 Purchase of Local Authority Houses by Tenants" taking place in the Connacht Hotel, Dublin Road, Galway on 5<sup>th</sup> & 6<sup>th</sup> February, 2016.
16. Elected Members Seminar entitled "Integrated Roads and Planning Policy" taking place in the Connacht Hotel, Dublin Road, Galway on 12<sup>th</sup> & 13<sup>th</sup> February, 2016.
17. Conference entitled "Old Places, New Spaces – Unlocking the Built environment for Future Housing Need" taking place in U.C.C. on 12<sup>th</sup> February, 2016.
18. 2 Day Microsoft Excel Workshop for Councillors taking place in Clonakilty Hotel, Clonakilty, Co. Cork on 17<sup>th</sup> & 18<sup>th</sup> February, 2016.
19. Mental Health & Suicide Awareness Conference entitled "Supports & Developments in Mental Health Care" taking place in the Park Hotel, Dungarvan, Co. Waterford on 19<sup>th</sup> – 20<sup>th</sup> February, 2016.
20. Co-operation Ireland conference entitled "Local Authorities Building Stronger Communities - the Role of Philanthropy and Alternative Funding Initiatives" taking place in Dublin Castle on 25<sup>th</sup> February, 2016.
21. Conference entitled "Auditing and Governance in Local Government" taking place in the Four Seasons Hotel, Carlingford, Co. Louth on 26<sup>th</sup> – 28<sup>th</sup> February, 2016.
22. 27<sup>th</sup> Colmcille Winter School entitled "Democratic Government – and its survival?" taking place in the Colmcille Heritage Centre, Gartan, Church Hill, Co. Donegal on 26<sup>th</sup> & 27<sup>th</sup> February, 2016.
23. Conference entitled "The Finance Act 2015" taking place in the Clonakilty Hotel, Clonakilty, Co. Cork on 4<sup>th</sup> – 6<sup>th</sup> March, 2016.

24. "The 1916 Annual Conference" taking place in the Riverside Park Hotel, Enniscorthy, on 5<sup>th</sup> March, 2016.
25. Conference entitled "Housing Grants & Schemes" taking place in the Four Seasons Hotel, Carlingford, Co. Louth on 18<sup>th</sup> – 20<sup>th</sup> March, 2016.
26. L.A.M.A. Spring Training Seminar taking place in Sligo Park Hotel, Pearse Road, Sligo on 1<sup>st</sup> & 2<sup>nd</sup> April, 2016.

## **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.

#### **Conference entitled "Old Places, New Spaces – Unlocking the Built environment for Future Housing Need" taking place in U.C.C. on 12<sup>th</sup> February, 2016.**

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €276.39.

It was agreed that Cllr. M. Hillery attend this Conference.

#### **AILG "In Service" Training taking place in Dooley's Hotel, Waterford on 13<sup>th</sup> February, 2015.**

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €360.06 including conference fee of €50.

It was agreed that Cllrs. A. Norton, A. O'Callaghan, R. Nagle, M. Hillery, B. Chambers, T. McNamara, P. Daly, P.J. Ryan, P. McMahon, J. Crowe and T. O'Brien attend this Conference.

#### **Co-operation Ireland conference entitled "Local Authorities Building Stronger Communities - the Role of Philanthropy and Alternative Funding Initiatives" taking place in Dublin Castle on 25<sup>th</sup> February, 2016.**

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €398.66.

It was agreed that Cllr. M. Hillery attend this Conference.

#### **Seminar entitled "From Home Rule to the Easter Rising" taking place in Dáil Éireann, Dublin 2 on 21<sup>st</sup> January, 2016.**

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €37.67.

It was agreed that Cllr. J. Breen attend this Conference.

The meeting then concluded.

**Signed:** \_\_\_\_\_  
**Riarthóir Cruinnithe**

**Signed:** \_\_\_\_\_  
**Cathaoirleach**

**Date:** \_\_\_\_\_