

**Minutes of the April Monthly Meeting of Clare County Council held in the
Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on
Monday, 10th April, 2017 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, 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.
- Ms. Carmel Greene, Meetings Administrator.
- Ms. Karen Stackpoole, Staff Officer.
- Mr. Gerard Dollard, Director of Service.
- Mr. Liam Conneally, Director of Service.
- Mr. Tom Tiernan, A/Director of Service.
- Mr. Leonard Cleary, A/Director of Service.
- Mr. Jason Murphy, Senior Executive Officer.
- Caroline O’Connor, Management Accountant.
- Mark Dunphy, Communications Officer.
- Brain McCarthy, Senior Planner.
- Siobhan O’Reilly, Senior Staff Officer.

The Cathaoirleach, Cllr. Bill Chambers presided.

At the outset of the meeting the Cathaoirleach congratulated Cllr. P. Daly, Chairman of A.I.L.G. (Association of Irish Local Government) on the successful holding of their annual two day conference at Treacy’s West County in Ennis. The Minister for Housing and Local Government Simon Coveney was in attendance and addressed the 328 delegates at the event’s closing dinner. Many of the discussions at this event focused on rural Ireland, and how it is faring in comparison with the rest of the country. All of the members were associated with the message of appreciation.

A vote of sympathy was extended to Dan Danaher, Clare Champion on the passing of his father James Danaher, Foynes, Limerick R.I.P.

Item 1: Minutes of Council Meetings.

a. Ar moladh Cllr. J. Cooney
Cuidithe ag Cllr. J. Crowe agus glacadh leis

“That the Minutes of the March Meeting of Clare County Council held on 27th March, 2017 be adopted and signed.”

b. “That the Minutes of the adjourned March Meeting of Clare County Council held on 31st March, 2017 be adopted and signed.”

Cllr. J. Breen objected to the adoption of the minutes and raised queries regarding the adherence to Standing Orders at the above meeting. He requested that a legal adviser be engaged to adjudicate on the matter. He was supported by Cllr. C. Curtin.

It was then proposed by Cllr. J. Cooney and seconded by Cllr. G. Keating to defer this item for discussion to the end of the meeting. This was agreed by all present.

Item 2: Minutes of Municipal District Meetings.

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

“That the Minutes of the Shannon Municipal District Meeting held on the 10th January, 2017 be noted.”

b. Ar moladh Cllr. B. Slattery
Cuidithe ag Cllr. G. Keating agus glacadh leis

“That the Minutes of the West Clare Municipal District Meeting held on the 23rd January, 2017 be noted.”

c. Ar moladh Cllr. J. Cooney
Cuidithe ag Cllr. A. O’Callaghan agus glacadh leis

“That the Minutes of the Killaloe Municipal District held on the 1st February, 2017 be noted.”

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

a. Ar moladh Cllr. R. Nagle
Cuidithe ag Cllr. P. McMahon agus glacadh leis

“That the minutes of the Economic Development & Enterprise S.P.C. meeting held on 9th January, 2017 be noted.”

Item 4: Minutes of the Corporate Policy Group Meetings.

The members noted the minutes of the meeting held on 21st March, 2017, 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 members congratulated the Chief Executive on the high quality of information contained in the newly formatted Monthly Management Report.

The members flagged the time lag in awaiting a response from the Department of Housing, Planning, Community & Local Government on when Clare County Council can make submissions for the 2017 Rural Water Programme allocation. It was noted that there is still no update or other information available on when submissions can be made and this will have a knock on effect on the delivery of the Rural Water Programme for 2017.

Item 6: 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 the proposed development of Coach Park reception building at Cliffs of Moher.

Report dated 3rd April, 2017 from Carmel Greene, Senior Executive Officer, Corporate Services together with the planning report was circulated with the agenda. The report outlines details of the proposed development of Coach Park reception building at Cliffs of Moher.

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

“That pursuant to Part XI, Section 179 of the Planning and Development Act, 2000 (as amended) and Part VIII, Article 80 and 81 of the Planning and Development Regulations 2001 – 2010, Clare County Council proceed with the proposed development of Coach Park Reception building at Cliffs of Moher, Co. Clare.”

The members noted that there were no submissions or observations received on this application and queried the extent of the public awareness campaign. The members

also raised concerns regarding the terminology used in the report to describe disabled drivers displaying disabled blue badges on their cars, as they were referred to in the report as “blue badge holders”. The Senior Planner confirmed that this was a generic phrasing known extensively throughout Europe. It was however, acknowledged by the members that the purpose of this application is to upgrade facilities at the Cliffs of Moher by developing a new coach park reception building. This will allow better management of the coaches arriving to the visitor experience and will also provide additional toilets on the site. The proposed works will allow the site to be better managed to ensure going forward the Cliffs of Moher continues to receive the accolades it deserves.

Item 7. 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 the proposed redevelopment of Shannon Town Park along with Rineanna Park to deliver a new flagship Shannon Town Park, Shannon.

Report dated 7th April, 2017 from Gareth Ruane, A/Senior Executive Planner together with the planning report was circulated with the agenda. The report outlines details of the proposed redevelopment of Shannon Town Park along Rineanna Park to deliver a new flagship Shannon Town Park, Shannon.

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

“That pursuant to Part XI, Section 179 of the Planning and Development Act, 2000 (as amended) and Part VIII, Article 80 and 81 of the Planning and Development Regulations 2001 – 2010, Clare County Council proceed with the proposed redevelopment of Shannon Town Park along with Rineanna Park to deliver a new flagship Shannon Town Park, Shannon, Co. Clare.”

The members asked that the officials in the Shannon Municipal District Office be acknowledged for the role they played in organising the workshops for this project.

Item 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 the proposed erection of signage and waymarker posts for a Geopark walking trail in Doolin, Co. Clare.

Report dated 31st March, 2017 from Carol Gleeson, Manager, Burren and Cliffs of Moher UNESCO Global Geopark together with the planning report was circulated with the agenda. The report outlines details of the proposed erection of signage and waymarker posts for a Geopark walking trail in Doolin, Co. Clare.

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

“That pursuant to Part XI, Section 179 of the Planning and Development Act, 2000 (as amended) and Part VIII, Article 80 and 81 of the Planning and Development Regulations 2001 – 2010, Clare County Council proceed with the proposed erection of two visitor information signs and waymarker posts for a Geopark walking trail in Doolin, Co. Clare.”

Item 9. Draft Development Contribution Scheme 2017-2023 and associated Chief Executive's Report on submissions received.

Following matters raised by some Councillors, the members discussed this item at length. It was felt by them that this item should be deferred until a more equitable proposal is produced which would ensure the funds are more evenly distributed between the four municipal districts. They were emphatic in their view that streetscapes should be included in the scheme. By way of clarification, the Director of Service for Economic Development advised the members that this Draft Scheme includes a spread of projects including streetscapes in towns and villages. He also advised that the scheme can be amended using the statutory process at any time in the future. This is Statutory Scheme that has already been on public display for six weeks. He emphasised to the members that there are statutory timelines within which this scheme must be adopted. Under Section 48 (8)(a) of the Planning and Development Act 2000 a resolution by the members must be passed not later than 6 weeks after receipt of the manager's report, which will be the 27th April, 2017. He also advised that expenditure proposals can only come to fruition if the money is collected.

It was proposed by Cllr. G. Flynn and seconded by Cllr. R. Nagle that the scheme be adopted.

Following further discussion the following proposal was handed to the Meetings Administrator and proposed by Cllr. P.J. Kelly and seconded by Cllr. J. Flynn:-

“Adjourn consideration of Item No. 9 until such time as a more equitable proposal is produced which would not benefit the few at the expense of the many”.

The Cathaoirleach called a vote, which resulted as follows:

In favour: Cllrs. J. Flynn, M. Howard, P. Murphy, C. Colleran Molloy, J. Cooney, M. Begley, P. Burke, A. O'Callaghan, C. Crowe, P.J. Ryan, C. Curtin, B. Slattery, I. Lynch, M. Hillery and P. J. Kelly (15).

Against: Cllrs. J. Breen, P. Daly, T. McNamara, G. Flynn, P. McMahon, R. Nagle, B. Chambers and G. Keating (8).

Abstentions: Cllr. P. Hayes (1)

This proposal was deemed to have been carried by 15 votes to 8.

It was proposed by Cllr. J. Cooney and seconded by Cllr. G. Keating and agreed by all present to hold a Special Meeting to further discuss Item No. 9, with a workshop to be held before hand. The 24th April, 2017 was the date agreed for this special meeting.

Item 10. Irish Language Grants Scheme 2017 – Grant recommendations.

Report dated 4th April, 2017 from Carmel Greene, Senior Executive Officer, Corporate Services was circulated with the agenda. The report states that thirteen

applications were received for Scéim Deontais na Gaeilge this year and all of them were successful. The applications were assessed by a Committee consisting of the Chair of the Strategic Policy Committee, the County Librarian and the Meetings Administrator.

Ar moladh Cllr. G. Keating
Cuidithe ag Cllr. A. O’Callaghan agus glacadh leis

“Pursuant to Section 66 of the Local Government Act, 2001 Clare County Council approves the payment of the following grants for organisations hosting an event which would in the opinion of the Council stimulate public interest in the Irish Language, provide a knowledge, appreciation and practice of the language or improve the standard of the language.

Coiste Forbartha Gaeltachta an Chláir, Cill Mhicíl	€1,000
Comhaltas Ceoltóirí Eireann, Cill Rúis	€ 500
Cumann Luthleas Gael an Chláir	€ 400
Craobh Conradh Na Gaeilge Cill Chaoi	€1,075
Eoin O Ceallaigh	€ 300
Gaelscoil Uí Choimín i gCill Rois	€ 900
Cnoc Na Gaoithe Cultural Centre	€ 700
An Clár as Gaeilge	€1,000
Eilís Bn. Uí Chrádaigh, Cill Chisín	€ 500
ICA	€ 500
Scoil Samhraidh Merriman	€ 500
Ciorcal Cainte Cill Rúis	€ 500
Comhaltas Ceoltóirí Eireann, Inis	€ 600

The members thanked Carmel Greene, her staff and the committee and for their work on the Scéim Deontais na Gaeilge for 2017.

Item 11. Status Report on Limerick Northern Distributor Road Project.

Report from Tom Tiernan, A/Director of Physical Development was circulated with the agenda. The report states that the project has, for some time, been identified as a strategic need for the region in various reports over the past 10 – 15 years including the Limerick Planning Land Use and Transportation Study, the Mid-West Area Strategic Plan and Development Plans in both Clare and Limerick.

Scheme Objectives

The objectives of the proposed Limerick Northern Distributor Road include:

- Provision of a distributor road facility across the northern fringes of Limerick City to facilitate improvement of accessibility to the city from Co. Clare and relieve pressure on the existing river crossings in the city centre area.
- Provision of significant improvement and connectivity between the various sectoral zones (residential, industrial, educational, retail and so on) which should complement each other and to facilitate enhanced progression and development of these sectors in the future.
- Promotion of balanced regional development in Limerick County and South Clare, encouragement of economic development and attraction of enhanced investment to the area as a result of improved access.

Fundamentally, therefore, the over-riding objective of the scheme is to provide a transport link between the eastern and western fringes of Limerick City to incorporate robust linkage with South County Clare to facilitate economic development of the region.

Cllr. M. Begley circulated a map and report to all present and outlined the necessity for a major road improvement in South East Clare. He spoke of the strategic vision of the President of University of Limerick and the need to alleviate the congestion in the Corbally Road. County Clare must benefit to the maximum from this new road linkage. He also felt it was necessary to consider the Killaloe River crossing and how it will impact on the proposed L.N.D.R. The members discussed this item at length whilst acknowledging the status report provided by Tom Tiernan the A/Director of Physical Development, however, they felt that they needed to re-visit this entire project again in a similar way to their counterparts in Limerick.

Following further discussion the following proposal was handed to the Meetings Administrator and proposed by Cllr. M. Begley and seconded by Cllr. C. Crowe and A. O’Callaghan

“That a Special Meeting of this Council be held to debate fully Item 11 regarding LNDR and Cllr. M. Begley’s submission same.”

It was agreed by all present to hold a Special Meeting to further discuss Item No.11 to be held on the afternoon of 24th April, 2017, at a time to be agreed.

Item 12. Draft Annual Report 2016.

The Draft Annual Report for 2016 was circulated with the agenda and was noted and approved by the members present.

Ar moladh Cllr. J. Flynn
Cuidithe ag Cllr. P. Daly agus glacadh leis

“That the Draft Annual Report 2016 as circulated to the members be adopted.”

The members congratulated council staff on the very detailed report. They felt that this Report could be used as an information tool to keep the public updated on the activities of Clare County Council under the different directorates. Cllr. I. Lynch asked that the members of the Active Kilrush Sports Complex be included under

“Representation of Elected Members on Committees” at the end of the Report. They also agreed that more information should be provided under the heading Municipal District of Shannon in order to inform the public of the positive activities undertaken during 2016 in that district, in particular the green infrastructure plan.

Item 13. Presentation by Carol Gleeson on the Burren and Cliffs of Moher Geopark at 2:30 p.m.

Gerard Dollard, Deputy Chief Executive introduced Carol Gleeson, Project Manager for the Burren and Cliffs of Moher Geopark . She outlined in her presentation the origins of the project, the various agencies involved including the Burren eco-tourism network and the funding mechanisms in place. The overall objective is sustainable visitor management. The management of the UNESCO Global Geopark is a Clare County Council function and sustainability of vibrant communities is the basis for the network of geoparks around the world. A five year management plan has now been prepared in partnership with the relevant agencies and communities.

Ms. Gleeson replied to the questions raised by the Members and thanked them for their continued support.

Item 14. Briefing by representatives of SIPTU at 3:00 p.m. on “Big Start Campaign for Early Years”.

The Cathaoirleach introduced Clare Casey and Edel O’Callaghan to give a briefing in conjunction with SIPTU’s Strategic Planning Department on the recently launched “Big Start Campaign for Early Years”. They advised the members that there are 25,000 people working in the sector nationally and in Clare there are 135 service providers. They outlined the need for additional financial support from Government for the sector, in particular, for the elements that are not currently being funded.

The members supported the campaign being put in place and complimented the representatives of the sector on their presentation.

The following resolution was then accepted by the Cathaoirleach and proposed by Cllr. M. McKee, seconded by Cllrs. C. Curtin, M. Begley and J. Flynn and agreed by the members present.

“Members of Clare County Council are calling on the Minister for Children and Youth Affairs, Minister Katherine Zappone and the Minister for Education and Skills, Minister Richard Bruton to invest in Early Childhood Care and Education to ensure that children have access to quality, sustainable and affordable childcare with decent pay and conditions for professionals in the sector.

Early Years Professionals are hugely dedicated professionals who care for and educate children during the most crucial years of their development. It is vital that children receive high quality care and education. However, a lack of investment means that qualified professionals are struggling to make ends meet and providers are struggling to stay open. We call on Minister Zappone and Minister Bruton to put children first and invest in quality childcare.”

Item 1: Minutes of Council Meetings.

b. “That the Minutes of the adjourned March Meeting of Clare County Council held on 31st March, 2017 be adopted and signed.”

At this point the Cathaoirleach requested that the members revisit the deferred item number 1(b) from earlier in the meeting in order that this can be discussed further.

Again, Cllr. J. Breen re-iterated that Standing Orders had been breached during the adjourned March Monthly Meeting held on 31st March. He is insistent that these minutes should not be signed as to do so would be acting in an unlawful manner. It is his view that a legal adviser be engaged to adjudicate on this. Some of the members were in support of this course of action.

The Chief Executive responded by asking the members to defer the adoption of the minutes of the meeting of 31st March until the Special Meeting of 24th April, 2017 at which time he will have had an opportunity to examine in detail a written statement which he requested from Cllr. J. Breen on how non-compliance with Standing Orders had occurred. This was proposed by Cllr. J. Flynn and seconded by Cllr. C. Colleran Molloy and agreed by the majority present. However, Cllr. J. Breen advised that he would not be putting in writing the issues that he had already raised.

Item 15. Management Plan in the Burren Region.

Ar moladh Cllr. P. Hayes
Cuidithe ag Cllr. M. Hillery agus glacadh leis

“I propose that Clare County Council put in place a long term management plan in the Burren region to deal with the ongoing difficulties with traffic and parking in these local areas and in particular the effect on the local farming community. While recognising the importance of tourism to this area there also needs to be long term solution to resolve this continuous problem.”

Gerard Dollard, Director of Economic Development replied as follows:

“The issue of increased traffic and unregulated parking in the Burren area has been the focus of attention by the Council and other agencies.

There are a number of processes currently underway regarding visitor management in the Burren – a Visitor & Traffic Management Plan is being prepared by Consultants on behalf of the National Parks & Wildlife Service and also, separately, a Visitor Experience Plan is being prepared by Consultants engaged by Fáilte Ireland.

I would expect that the plans currently being developed, together with other plans such as the Doolin Masterplan being prepared by Clare County Council, should make a significant contribution towards addressing some of the problems that are being experienced.”

The members thanked the Director of Economic Development for his reply. They are anxious that a solution needs to be found immediately particularly for the residents living in the area. They are of the view that unfortunately, the residents are the victims of the success and popularity amongst tourists of the Burren area. However, it was felt that it was predominately commercial operators parking their busses illegally and causing obstruction that contributed greatly to the disruption of the residents as they go about their daily lives.

The Director in response acknowledged that this was a contentious issue. Rising visitor numbers and satellite navigation issues have contributed to these problems. He reminded the members of Carol Gleeson’s presentation earlier in the day the focus of which was traffic management issues in the Burren and the proposal of a one-way system. He did however, stress that there would have to be a radical change in consumer behaviour in order to have effective management of traffic.

Item 16. Staff retirements and appointments.

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

“That the Director of Services, Human Resources inform the Council of staff retirements and appointments (with category of posts) in 2015 and 2016 and going forward report on staff changes as they occur.”

Jason Murphy, Senior Executive Officer, Human Resources replied as follows:

“With regard to the specific queries in respect of staffing levels please see the appendices attached:

1. Number of retirees and category of posts: APPENDIX 1
2. Number of new appointments and category of posts (this includes 62 posts which have been regularised): APPENDIX 2

The staff newsletter, ‘The Banner Bulletin’, was launched in September 2016 and since been published monthly. This publication circulates to all staff and Elected Members (via Post Box) at the beginning of each month.

‘The Banner Bulletin’ contains a page dedicated to matters relating to Staffing in the organisation. Information provided includes details of the following:

1. All ‘Open’ and ‘Confined’ competitions being run.
2. New staff commencements/arrivals.
3. Staff Re-assignments in the organisation and to other agencies.
4. Retirements
5. Obituaries

APPENDIX 1:

Number of retirees and category of posts:

Environment, Transportation, Water	
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	2	Retained Fire Fighter
	2	Fitness Instructor
	7	Burial Ground Caretakers
	1	Fitter/Plumber
	18	General Operative
	4	Driver Class 1
	1	Driver Class 2
	1	Carpenter
	1	Waterworks Caretaker 5
	1	General Services Supervisor
	1	Waste Water Inspector
	2	Water Services Supervisor
	1	Administrative Officer
	1	Chief Technician
	1	Executive Technician
Corporate Services		
	1	Facilities Attendant
	1	Senior Executive Officer
	1	Chief Executive
	1	Print Room Attendant
Finance		
	1	Branch Librarian
	2	Executive Librarian
	1	Senior Executive Librarian

	1	Library Attendant
	1	Senior Executive Officer
Housing and Planning		
	1	Senior Executive Technician
	1	Executive Planner
	3	Clerical Officer
	4	Staff

63

APPENDIX 2: Appointments

Housing and Planning (Directorate)		
	1	Assistant Staff Officer
	1	Business Advisor LEO
	1	Senior Planner
	1	Supervisor (Traveller Accom.)
	1	Executive Technician
	2	Clerks of Works (Building Inspectors)
	1	Lifeguard
	1	Administrative Officer
	7	Clerical Officer
	4	Staff Officer
	3	Executive Engineer
	1	Social Worker
	2	Technician Grade 1
	2	Assistant Planner

	1	Env. Assessment Officer
	2	Graduate
	1	Head of Enterprise
	1	Geologist
Environment, Transportation, Water (Directorate)		
	1	Administrative Officer
	2	Community Wardens
	4	Retained Driver Mechanics
	1	Retained Station Officer
	1	Staff Officer
	3	Assistant Staff Officer
	1	Senior Staff Officer
	1	Executive Technician
	11	Foremen
	9	SGSS
	1	Waste Water Inspector
	1	Environmental Awareness Officer
	1	Ganger
	1	Fitness Instructor
	2	Burial Ground Caretakers
	1	Foreman
	20	General Operative
	3	Executive Engineer
	1	Senior Engineer
	5	Clerical Officer

	11	Retained Fire-fighter
	1	Heavy Vehicle Mechanic
	2	Assistant Engineer
	1	Harbour Controller
	3	Technician Grade 1
	1	Technician Grade 2
	5	Fitter Plumber
	1	Traffic/Litter Warden
Corporate Service		
	1	Facilities Management Attendant
	1	Communications Officer
	1	H&S Officer
	1	Technician Grade 1
	1	Technician Grade 2
Finance (Directorate)		
	1	Senior Staff Officer
	5	Assistant Staff Officer
	5	Staff Officer
	4	Clerical Officers
	1	Library Attendant
	1	Executive Librarian
	2	Facilities Management Attendant
Management Team		
	1	Chief Executive
	1	Director of Service

The members acknowledged the report provided by the Senior Executive Officer, Human Resources. They asked if an inventory of staff changes, those who start or retire, could be incorporated in to the Monthly Management Report for that month. The Chief Executive in response advised the members that he is currently re-visiting the Workforce Plan with department officials and that he will keep the members updated as this progresses.

Item 17. Litter fines.

Ar moladh Cllr. P. Murphy

“I ask the Director of Physical Development to provide a report on the number of litter fines issued in 2015 and 2016, the number of those fines that were paid and the number on which prosecutions for non-payment were initiated.”

John Leahy, Senior Engineer, Environment Section replied as follows:

“81 litter fines were issued by Clare County Council in 2015. Of these 24 were paid, 13 were appealed and 2 cases were prepared for prosecution. 134 fines were issued in 2016. Of these 50 were paid, 54 were appealed and 6 cases were prepared for prosecution.

The reasons that not all issued fines are paid are that, under the Litter Pollution Act, the fined person may appeal the fine. If, on a case-by-case basis, the appeal is considered to be genuine and reasonable and based on sound principles then it may be allowed and the fine struck out – the fine then would simply serve as a warning for potential future offences. Furthermore, if a fined person acts to remedy the offence (e.g. by cleaning up the litter/waste) and undertakes, in writing, to not repeat the offence then the fine may be struck out. Major offences, e.g. large scale or repeated illegal dumping of waste, would not be considered for such consideration or appeal. It is also possible that fined persons may not live at their recorded address or, in some cases, it may not be possible to definitively and legally establish their actual address. In such cases the fine may have to be abandoned.

Notwithstanding the above provisos, it is the policy of Clare County Council to issue fines when appropriate and to prosecute through the courts where feasible and appropriate.”

Cllr. P. Murphy thanked the Senior Engineer for his response but queried if the 6 cases prepared for prosecution were successful as he is of the view that the legislation is inadequate.

A discussion ensued and the following proposal was handed to the Meetings Administrator by Cllr. P. Murphy, seconded by Cllrs. J. Flynn, J. Crowe, M. Howard and B. Slattery and agreed by the members present.

“Clare County Council is calling on the Minister for Social Protection to re-enact the Court Fines Act in order to have payment of fines taken at source.”

Item 18. Car parking arrangements at Cliffs of Moher.

Ar moladh Cllr. G. Flynn
Cuidithe ag Cllr. I. Lynch agus glacadh leis

“That in view of the long standing Public Right Of Way to access to the Cliffs of Moher, that Clare County Council initiate a review of the present car parking arrangements of charging €6 euro per person and consider a charge per vehicle.”

Gerard Dollard, Director of Economic Development replied as follows:

“The Cliffs of Moher are an outstanding natural attraction and an icon of Irish tourism in the national and international market place. Clare County Council owns the site and has responsibility for the management and presentation of this world class attraction and also has an obligation to ensure that the area and general facilities are managed and maintained to the highest possible standards.

The Council has made a very significant investment in the Cliffs of Moher with an initial €31.5 million investment in the main project together with further and ongoing investment in improvements and other initiatives at the site. Currently the Council has three main capital projects under consideration including the provision of a coach park reception building, major improvement and upgrade of the main car park at the site and the complete refurbishment of O’Brien’s Tower. This will involve a further investment of up to €3 million.

The charges levied are needed to cover the cost of the initial investment and the daily operational costs involved in providing a world class visitor experience. The charges are at the lower level when compared with other visitor attractions. Failure to generate sufficient revenue at the site to cover all operational and capital costs inevitably means that such costs will fall on the Council to be met from existing available resources (including rates) which will impact on the funding available for other Council programmes.

A public right of way exists at the Cliffs of Moher which can be availed of by persons who do not wish to utilise any of the facilities provided by the Council, at significant expense at the site.

As with all areas of activity, the Council periodically reviews charging structures and regimes. This is also the case in relation to the Cliffs of Moher Visitor Experience.”

There were differing views amongst the members. Some felt that the high charges were hindering public right of access and that these charges needed reviewing. Others agreed with the sentiments of the Directors response. The facilities at the Cliffs of Moher are state of the art and in order to maintain these facilities and in order to re-invest at the facility then these charges must remain. The Director in response noted the members differing views and advised them that he had no difficulty in reviewing charges and would certainly take their comments on board. He did, however, emphasise that all infrastructure had to be paid for, whether from its own revenue base or from general council resources.

Item 19. Public representation on planning files.

Ar moladh Cllr. M. Howard

“I request clarification from the Planning Authority that when an elected member of that authority requests to be updated on the progress of a planning application by making a public representation on the file, what is the agreed custom and practice of this planning authority on keeping the elected member updated?”

Gerard Dollard, Director of Economic Development replied as follows:

“The processing by the Planning Authority of a planning application is governed by the 2000 Planning and Development Act (as amended) and the Planning and Development Regulations 2001 (as amended). Article 29 of the Regulations sets out the procedure with submissions or observations in relation to the planning application.

The Development Management – Guidelines for Planning Authorities (2007) states that it should be noted that a public representative does not have to pay a fee when making an enquiry with a planning authority as to the position regarding an application or simply supporting or objecting to the application in general terms without elaborating on the grounds of the application.

The practice is that if an Elected Member makes a representation, it is done in writing or by email. The processing of written reps from the Elected Members is dealt with by a designated staff member, who formally acknowledges the representation. Both the representation and acknowledgement are scanned to the planning application file and the “Representation” tab on iPlan is populated. The representation is available on-line. In the event of a decision, the Elected Member is notified.”

Item 20. Limerick Institute of Technology.

Ar moladh Cllr. J. Flynn

Cuidithe ag Cllrs. C. Curtin, I. Lynch agus P.J. Kelly agus glacadh leis

“That Clare County Council invite the new President and Senior Policy Director of Limerick Institute of Technology (L.I.T.) to make a presentation to the full Council of L.I.T.’s strategies to progress third, fourth and fifth level education delivery in Clare, to meet the needs of a wide cohort of potential students throughout the county.”

The Chief Executive updated the members on recent meetings held with L.I.T. with the objective of improving the capacity for third level in Ennis, in the long term.

The members agreed that Professor Vincent Cunnane be invited to the June Monthly Meeting.

It was also agreed by the members to write to the outgoing President of the University of Limerick, Professor Don Barry to wish him well in his retirement.

Item 21. An Post.

Ar moladh Cllr. M. Hillery
Cuidithe ag Cllr. P. Daly agus glacadh leis

"That Clare County Council call on the Government to support the retention of AN POST present network because of the importance of the post office in local communities."

The members were unanimous in their support for this motion as the Post Office lies at the heart of the community and the demise of the Post Office network will bring with it the demise of rural communities.

Item 22. Car tax.

Ar moladh Cllr. P.J. Kelly

"That the Government be requested to introduce a zero rate of car tax for P.A.Y.E. workers who have to travel 25 miles or more to place of work."

The members discussed this motion. It was felt that if the wording was changed that it would be fully supported by all present. As a result it was proposed by Cllr. J. Flynn, seconded by Cllr. J. Cooney and agreed by the members present that "or tax credit" be added to this motion as follows:-

"That the Government be requested to introduce a zero rate of car tax or tax credit for P.A.Y.E. workers who have to travel 25 miles or more to place of work."

Item 23. Brexit.

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

"That Clare County Council call on the Minister for Jobs and the I.D.A. to promote Shannon and the Limerick and Galway areas for firms wishing to relocate from the U.K. to Ireland in the context of Brexit."

The members discussed this motion. It was felt that if the wording was changed that it would be fully supported by all present. As a result it was proposed by Cllr. J. Flynn, seconded by Cllr. J. Cooney and agreed by the members present that "Ennis" be added to this motion.

"That Clare County Council call on the Minister for Jobs and the I.D.A. to promote Shannon, Ennis and the Limerick and Galway areas for firms wishing to relocate from the U.K. to Ireland in the context of Brexit."

Cllr. C. Colleran Molloy reminded the members of the motion passed in June 2016 whereby it was agreed that Clare County Council would host a joint assembly of Clare, Limerick and Galway local authorities to discuss transportation links and regional growth in the West of Ireland. She asked that this be followed up on.

The Chief Executive in response advised the members that there is a huge focus on the promotion of the Mid-West Region and that there are regular meetings held in this regard with the relevant local authorities.

Item 24. Protected Structures.

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

"That Clare County Council calls on the members of the Joint Committee on Housing, Planning, Community & Local Government to consider amending the Planning & Development Act 2000 (Section 51) so that battle sites that don't necessarily include a built or ruined structure are also afforded protected status. And that all planned works at such sites be subject to rigorous archaeological scrutiny."

Cllr. C. Crowe gave a detailed presentation on how he feels the individual battle sites identified in the County should be preserved. He used the Kilmichael battle site in Co. Cork as an illustrative example.

Item 25. Medicinal Cannabis.

Ar moladh Cllr. C. Colleran Molloy
Cuidithe ag Cllr. A. Norton agus glacadh leis

"That Clare County Council ask the Minister for Health Simon Harris to prioritize legislation legalising the prescribing of Medicinal Cannabis in Ireland, where those suffering and in need, as highlighted by the recent walk of Vera Twomey across the country, will have their lives hugely improved."

The majority of the members were in agreement with this motion however, Cllr. G. Flynn expressed his dissent in relation to the above item and asked that it be recorded.

Item 26. Group/Public Sewerage Schemes.

Ar moladh Cllr. J. Cooney
Cuidithe ag Cllr. G. Keating agus glacadh leis

"That Clare County Council request Irish Water and the Government to outline their plans to fund the provision of Group/Public Sewerage Schemes in rural towns and villages in light of the suspension of domestic water charges given that revenue from

these charges was used to maintain and improve the water and waste water systems.”

Cllr. J. Cooney advised the members that there are currently 51 small towns and villages with no sewerage schemes and rural Ireland will not undergo revival if the infrastructure is not in place. He asked for detail so how the Rural Water Allocation for 2016 was spent.

Cllr. G. Keating reminded the members that Carrigaholt is waiting 35 years for a sewerage scheme. He explained that it needs €450,000 to get this project off the ground, if it is successful in receiving funding from the Government.

All members agreed that the lack of funding for such waste water services should be a key issue identified in the Rural Strategy for County Clare.

Item 27. Bus operators.

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

“That this Council would request that bus operators operating out of Galway would consider incorporating Shannon Airport to their route.”

Cllr. G. Flynn reminded the members of their recent support to the N.B.R.U. and the public transport system and expressed the need to be clear on what the impact of that motion would be. These reservations were echoed by Cllr. Crowe but he also supports this motion. In response Cllr. P.J. Ryan stated that he did not wish to cast any aspersions on Bus Éireann. He was referring to the large number of private bus operators that travel in this area and he also supports the Bus Éireann workers.

Any Other Business

- Cllr. C. Curtin asked the Acting Director of Rural Development, Leonard Cleary for an update on the Rural Development Strategy. Leonard updated the members on the progression of the Strategy. He advised them that the Draft Strategy should be completed by the end of April with an expected launch date by the Minister for Rural Affairs, Heather Humphreys in the summer.
- It was proposed by Cllr. C. Crowe and seconded by Cllr. B. Chambers to write to Mr. Rassie Erasmus, Director of Muster Rugby Club to convey the Council’s best wishes to the Muster Rugby Team in their upcoming Champions Cup semi final against Saracens.

Item 28. Comhfhreagras. Correspondence.

Item No. 3, Civil Liability (Amendment) Bill 2017

Cllr. C. Colleran Molloy noted the response of Niall Cogan, Private Secretary to the Tánaiste regarding the enactment of this legislation. She did, however, stress the urgent need to bring this legislation into operation as soon as possible.

The following correspondence was circulated at the meeting.

- Amended report from Tom Tiernan, A/Director of Physical Development in relation to Limerick Northern Distributor Road Phase 2.
- Part VIII Report in relation to the proposed redevelopment of Shannon Town Park & Rineanna Park, Bóthar Linne, Tullyglass, Shannon, Co. Clare.

The following correspondence was circulated with the agenda.

1. Report from Cathaoirleach on visit to New York for St. Patrick's Day, March 2017.
2. Correspondence dated 4th April, 2017 from Deputy Pat Breen, T.D., regarding UN Convention on the rights of persons with disabilities.
3. Correspondence dated 3rd April, 2017 from the Office of the Minister for Justice and Equality regarding periodic payment orders.
4. Correspondence dated 30th March, 2017 from the Department of Health concerning public access to defibrillators.
5. Correspondence dated 24th March, 2017 from the Department of Communications, Climate Action & Environment in relation to telecommunication infrastructure in Co. Clare.
6. Correspondence dated 23rd March, 2017 from the Residential Tenancies Board regarding non-compliance with the Registration requirements under Section 144 of the Residential Tenancies Act 2004 to 2016.
7. Correspondence dated 21st March, 2017 from the Department of Social Protection regarding the free travel scheme.
8. Conference entitled "Draining the Shannon – Flood Mitigation" being held in Douglas Hyde Lecture Theatre, Athlone on 10th April, 2017.
9. I.W.T.A. Annual Conference entitled "Sustainable On-site Wastewater Treatment in Ireland" taking place at the Heritage Killenard, Killenard, Co. Laois on 27th April, 2017.
10. L.A.M.A. Spring Training Seminar entitled "Councillors Renumeration & Conditions" taking place in City North Hotel, Gormanston, Co. Meath on 28th & 29th April, 2017.
11. 2 Day Microsoft Excel Advanced Training for Councillors taking place in Clonakilty Hotel, Clonakilty, Co. Cork on 17th & 18th May, 2017.
12. Conference entitled "The Fair Deal Scheme" taking place in the Clonakilty Hotel, Clonakilty, Co. Cork on 19th – 21st May, 2017.
13. 2017 G.A.A. Museum Summer School taking place in Croke Park, Dublin on 29th June, 2017 – 1st July, 2017.

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.

National Tidy Towns Conference taking place in the Town Hall Theatre, Westport, Co. Mayo on 25th March, 2017.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €316.85 including conference fee of €30.

It was agreed that Cllr. G. Keating 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, 24th April, 2017 at 3:00 p.m.**

Present:

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

Apologies:

Councillors P. Daly and A. O'Callaghan

- Mr. Pat Dowling, Chief Executive.
- Ms. Carmel Greene, Meetings Administrator.
- Ms. Karen Stackpoole, Staff Officer.
- Mr. Gerard Dollard, Director of Service.
- Mr. Liam Conneally, Director of Service.
- Mr. Niall Barrett, Head of Finance.
- Mr. Leonard Cleary, A/Director of Service.
- Mr. Tom Tiernan, A/Director of Service.
- Mr. Brian McCarthy, Senior Planner.
- Ms. Siobhán O'Reilly, Senior Staff Officer.
- Mr. Mark Dunphy, Communications Officer.

The Cathaoirleach, Cllr. B. Chambers presided and he outlined that this special meeting had been called specifically to deal with the three items on the Agenda.

Item 1. Adoption of minutes of adjourned March meeting held on 31st March, 2017.

The Cathaoirleach stated that at the April meeting of Clare County Council the minutes of the March meeting held on 31st March were not adopted as a question was raised regarding the application of Standing Orders.

He stated that the Chief Executive had requested Councillor J. Breen to put his specific query in writing in order that the matter could be considered. No written submission has been received.

According to Standing Order No. 11, the minutes of the previous meeting shall be submitted for confirmation as an accurate record and he asked the members to consider if the minutes of the March meeting are an accurate record.

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

“That the minutes of the adjourned March meeting held on 31st March, 2017 be adopted”.

Item 2. Draft Development Contribution Scheme 2017 – 2023 and associated Chief Executive’s report on submissions received.

Gerard Dollard, Director of Service outlined the process carried out to date and the amendments now proposed to ensure a county-wide spread of projects to be included in the Development Contribution Scheme. He clarified the following:-

- a) Water services projects cannot be included in the scheme and the Local Authority cannot levy contributions for water services projects;
- b) Only capital works or improvement works projects can be considered;
- c) Only projects not currently funded from other funding sources can be included.

Brian McCarthy, Senior Planner advised that following the issues raised at the recent workshop that a number of amendments to the draft scheme were proposed which he outlined.

Ar moladh Cllr. T. McNamara
Cuidithe ag Cllr. J. Flynn agus glacadh leis

“Following consideration by the Elected Members of:

- a) The Draft County Clare General Development Contribution Scheme 2017-2023
- b) The Chief Executives’s Report to Elected Members on submissions received on the Clare County Council Draft Development Contribution Scheme 2017-2023 dated 13th March 2017
- c) The Department of the Environment, Community and Local Government guidelines The Development Contributions –Guidelines for Planning Authorities, January 2013;

in accordance with the provisions of Section 48 (8)(a) of the Planning and Development Act, 2000 (as amended), this Council hereby resolves to make the County Clare General Development Contribution Scheme 2017-2023 subject to the recommendations in the Chief Executives’s Report dated the 13th March 2017, except for the following amendments:

In Appendix A – Capital Projects on page 14, include the following under the heading Roads:

Proposed roads projects as set out in Table 8.2 of the Clare County Development Plan 2017-2023 including the M18 interchange with Quin Road (R469).

In Appendix A – Capital Projects on page 14, under the heading Amenities & Community Facilities, replace:

Improvements to streetscape and amenity areas in 6 towns associated with Development Plan objective

With

Improvements to streetscape and amenity areas in the 4 Municipal Districts

In Appendix A – Capital Projects on page 14, under the heading Roads, replace:

Streetscape improvement works – Ennis, Ennistymon, Shannon, Kilkee and Killaloe

With

Streetscape improvement works and pedestrian linkages in the 4 Municipal Districts.

In Appendix A – Capital Projects on page 14, under the heading Roads, replace

Development of on and off road cycling facilities; Ennis to Ennistymon; Active Travel agenda in urban centres; west Clare; national cycle network

With

Development of on and off road cycling facilities; Ennis to Ennistymon; Active Travel agenda in urban and village centres; national cycle network.”

The Cathaoirleach then advised that he had received a further proposal in writing signed by Cllrs. P.J. Kelly, C. Curtin, G. Flynn and J. Cooney which was read out by the Meetings Administrator.

“That a figure of 30% of Section 48 Contributions be reserved for community initiated projects and/or joint projects between Council and community in the areas of infrastructure, amenities and roads in both urban and rural areas throughout the County and throughout the period 2017 – 2023 and that this figure be attained by re-adjustment of existing figures and savings in Appendix 2”.

This was proposed by Cllr. P.J. Kelly and seconded by Cllr. C. Curtin. In doing so the members acknowledged the work of the Senior Planner and the planning staff in the preparation of the Development Contribution Scheme but felt that the amendment would greatly benefit community based projects.

Gerard Dollard, Director of Service, advised the members that this motion is separate to the Development Contribution Scheme as under the scheme, the Council cannot give direct funding to communities. He directed the members to Table A on Page 15 of the scheme. He further explained that if the members increased the community percentage from 17% to 30% then this would mean a reduction in the percentage allocated to either the roads or flood relief/defence area.

The Chief Executive, Pat Dowling at this point reminded the members of the already inadequate funding available from Central Government for roads projects and any decision to further reduce funding in this area would result in some projects being shelved or delayed. He also reminded the members that the new Rural Development Strategy will include community enhancement projects and it is hoped that funding will be made available by the Department for projects that will fall under this remit.

It was proposed by Cllr. J. Cooney and seconded by Cllr. J. Flynn and agreed by all Members present to adjourn the meeting for 10 minutes in order for the members to take on board the comments of the executive in the context of the proposal.

Following resumption of the meeting Cllr. P.J. Kelly outlined that the four signatories to the proposal have deliberated further and have now put an addendum to this proposal in writing.

The following addendum to the proposal was proposed by Cllrs. P.J. Kelly, C. Curtin, J. Flynn and J. Cooney and seconded by Cllr. T. McNamara and agreed by all present.

“That a figure of 30% of Section 48 Contributions be reserved for community initiated projects and/or joint projects between Council and community in the areas of infrastructure, amenities and roads in both urban and rural areas throughout the county and throughout the period 2017 – 2023 and that this figure be attained by re-adjustment of existing figures and savings in Appendix 2 and that the figure of 30% be achieved as follows: 17% from Development Levies and that at least 13% comes from the funding source for Rural Development Strategy”.

The Chief Executive in response advised the members that every effort will be made to ensure that the funding of 13% will be sourced through initiatives under the new Rural Development Strategy.

In addition, Gerard Dollard informed the members that the Government has announced a mid-term review of National Capital Plan with a date for submissions of the 30th April. The members were disappointed that the timeframe was very short within which to make a substantial submission and they sought a workshop on same. Given the short timeframe the Director of Service asked if the members could instead email in their proposals. The Chief Executive advised that he will seek to defer this deadline. The Members thanked Cllr. B. Slattery for bringing this matter to the attention of the Council.

Item No. 3 Report on Limerick Northern Distributor Road Phase 2

The Chief Executive introduced this item and emphasised the importance of this infrastructure for the future economic development of the county. He stressed that he was aware of the concerns of the members, however, he asked the members to think strategically. He pointed out that the detailed design process will also address issues or concerns during the process. He also advised the members that Limerick City and County intend to deal with this matter on the 29th May, 2017.

Tom Tiernan, A/Director of Service presented his report in detail to the members. The objectives of the proposed Limerick Northern Distributor Road will facilitate improvement of accessibility to Limerick city from Co. Clare, will provide significant improvement and connectivity between the various sectoral zones and will also promote balanced regional development in Limerick County and South Clare. He added that the over-riding objective of the scheme is to provide a transport link between the eastern and western fringes of Limerick City to incorporate robust linkage with south County Clare to facilitate economic, educational and residential development of the region and the need for it has been well established.

He referred to the submission made by Cllr. M. Begley and the need for the scheme to meet current and future requirements in terms of traffic, development and connectivity in that area and these have all been considered by him in his report to the members. If approved, the route corridor for Phase 2 of the Limerick Northern Distributor Road, as proposed in 2015, will be reflected in both the Limerick and Clare Development Plans.

Cllr. M. Begley thanked the A/Director of Service for his detailed report. He did, however, acknowledge that there were a lot of frustrations during the process as some of the submissions by the larger stakeholders eg. ESB and Shannon Properties Ltd had not been published; therefore, there is no knowledge of the content of same. He again stressed the need to alleviate the congestion in the Corbally Road in order that County Clare benefit to the maximum from this new road linkage. He also felt it was necessary to consider the Killaloe River crossing and how it will impact on the proposed LNDR. He summed up by acknowledging that the dilemma for the members is that they do not know what the decision of the Limerick City and County members will be. He respects Clare County Council's previous decision but feels that the debate should be re-opened after the Limerick decision on the 29th May and he is seeking the members support to defer this matter until after the 29th May.

Cllr. C. Crowe thanked the A/Director of Service, Tom Tiernan for his report and Cllr. M. Begley for his work in trying to advance a solution to the impasse. He advised that Parteen as a community feel they are a community facing division. Phase 1 goes through Meelick, south of the village. The Parteen situation is very divisive. He reminded the members that in July 2015 the former Chief Executive, Tom Coughlan and former Senior Planner, Gordon Daly informed the Members that there was only one option to get this project progressed and it was only on that basis that this project was voted through. He believes Councillors were not given the full facts and that Limerick City and County are now only dealing with this matter, 22 months later. He outlined particular issues in relation to lands near the headrace on which planning permission P09-497 was granted and queried how that happened.

In response to the discussion, the Chief Executive advised that the purpose of this meeting is to discuss the proposed route in the context of our Development Plan. This route also needs to form part of the Limerick City and County Development Plan. The outcome of Limerick's decision will impact on the progress of this project.

In response to Cllr. C. Crowe's comments in relation to planning reference P09-497, Director of Service, Gerard Dollard advised the members that he was not familiar with the planning application. He did, however, explain that lands may have been zoned for development in a previous plan but may not have been zoned in this plan as zoning can change from plan to plan. He concluded that this proposed road is a major piece of economic infrastructure and offers a positive impact for overall economic development in South East Clare.

Cllr. J. Cooney seconded Cllr. M. Begley's proposal to defer any further discussions on this matter until after Limerick City and County Council's decision on 29th May.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____