

**Minutes of the January Monthly Meeting of Clare County Council held in the
Viewing Area, Shannon Airport, Shannon, Co. Clare on
Monday, 9th January, 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, 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, B. Slattery, M. Hillery, P.J. Kelly, B. Chambers, G. Keating.

Apologies: Cllrs. P. Hayes, R. Nagle and I. Lynch.

- Mr. Pat Dowling, Chief Executive.
- Ms. Carmel Greene, Meetings Administrator.
- Ms. Karen Stackpoole, Staff Officer.
- Mr. Gerard Dollard, Director of Service.
- Ms. Anne Haugh, Director of Service.
- Mr. Niall Barrett, Head of Finance.
- Mr. Liam Conneally, Director of Service.
- Mr. Leonard Cleary, A./Director of Service.
- Mr. Tom Tiernan, Senior Engineer.
- Mr. John Corry, Administrative Officer.
- Mr. Mark Dunphy, Communications Officer.

The Cathaoirleach, Cllr. Bill Chambers presided.

Item 1: Minutes of Council Meetings.

a. Ar moladh Cllr. G. Flynn
Cuidithe ag Cllr. M. Howard agus glacadh leis

“That the Minutes of the December Monthly Meeting of Clare County Council held on 12th December, 2016 be adopted and signed.”

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

“That the Minutes of the Special Meeting Clare County Council held on 19th December, 2016 for the adoption of the Clare County Development Plan 2017-2023 be adopted and signed.”

Item 2: Address by Chairperson, Rose Hynes and C.E.O., Matthew Thomas.

The Cathaoirleach, Cllr. B. Chambers opened the meeting by thanking Rose Hynes, Chairperson and Matthew Thomas, C.E.O. along with their team for kindly hosting the January monthly Council meeting in Shannon Airport. In his address, the Cathaoirleach said he was honoured to chair the meeting in Shannon. “It is appropriate that the first Monthly Meeting since the adoption of the new County Development Plan be held here considering the airport and the surrounding Free Zone are central to the economic and social development of this county”. Cllr. B. Chambers reserved special praise for one of the county’s most influential businessman, the late Dr. Brendan O’Regan, stating “2017 also marks the hundredth anniversary of the birth of one of Clare’s finest and most ambitious entrepreneurs as well as somebody who helped drive the success of this airport down through the years. A proud Sixmilebridge and Clare man, Dr. Brendan O’Regan was an industrial visionary. I am delighted to confirm that Clare Museum in Ennis is planning a temporary exhibition formally marking the hundredth anniversary of Dr. O’Regan’s birth in Ennis this coming May. It is important that we celebrate his entrepreneurial spirit and his significant contribution to this region”.

In his address, Cllr. B. Chambers also referenced a 2009 Council proposal that the Airport, the Free Zone and the surrounding airport landbank be separated from the D.A.A. and placed under a single public management model. He advised that this Council will continue to support the upgrade of the N19 during the lifetime of the new County Development Plan. Public transport links to the airport are also important to ensure the ongoing growth in passenger numbers using the airport. He concluded by advising that Clare County Council will support the further integration of airport services with both public and private bus service operators in the future.

Ms. Rose Hynes, Chairperson then addressed the meeting and welcomed the Cathaoirleach, Elected Members and Council Executive to Shannon Airport for Clare County Council’s first meeting of 2017. She stated that the meeting gives them an opportunity to update the Council on their significant progress to-date and their plans for future. Separation was a game changer for Shannon and marked the beginning of a new era for the Airport and the wider region it serves. This would not have been achieved without the collaboration and support of a range of stakeholders, including the Clare County Council.

She continued “collaboration remains critical to help us realise shared goals in the future, one of which will be to position and develop our region from a balanced regional development perspective. Since the airport’s independence in 2013 we have fulfilled the first phase of our business objectives, reversing the decline in airport passenger numbers, establishing Shannon Group and integrating its businesses, growing visitor numbers at Shannon Heritage, and we are addressing the historic underinvestment inherited by us. As you know, Shannon Group was established in September 2014 -bringing together the Airport, Shannon Commercial Properties and Shannon Heritage with a clear commercial mandate. Since then the focus of the Board and senior management team has been on positioning the Group for future growth.

We have begun a programme of reinvestment across the Group. We have invested over €45 million on a range of activities to enhance our customer's experience and to address historic underinvestment. Our mission for Shannon Airport is to continue to drive the traffic numbers, increase connectivity, improve the financial performance - and support and develop Shannon's aviation industry cluster. We are working with all our airline partners to maximise potential for Shannon. For the first time in ten years we have secured four new airlines within the space of a year (Kuwait, SAS, Lufthansa and Norwegian) and we look forward to building on this capacity. We believe that there is capacity for further growth, not least through tourism, given Shannon's place as the gateway airport for the Wild Atlantic Way. Here at the Airport, the emphasis has also been on improving customer care and experience. We have completed a major upgrade of our terminal building, improving its look and feel, and offering new dining and duty free shopping experiences. We've introduced new facilities to make it easier for our passengers, with autism and special needs who require additional support to get through the airport. This is just the start and we have more enhancements planned.

As you know we have launched a major €21 million, first phase, investment programme at Shannon Free Zone and we have already made significant progress. This investment is crucial and our plans are ambitious. Our aim is to provide state-of-the-art business accommodation; the type of advanced facilities that IDA Ireland has told us -will assist them in attracting FDI to the region. We are also working with our stakeholders to attract more companies involved in aviation. There are already more than 50 aviation-related businesses at Shannon - the largest single cluster of aerospace industries in the country. Under our IASC brand, we are working independently, and with national agency partners, to market the cluster and the synergies available by bringing their businesses to Shannon. We are committed to fulfilling Shannon Group's role as a catalyst for economic growth and to attracting more tourists to the region. This required investment in our Shannon Heritage tourist products - to match the best across Europe and to allow us to continue to preserve and showcase Ireland's rich heritage.

For almost 55 years now Bunratty Castle and Folk Park has been a tremendous heritage asset and a magnet attraction, drawing visitors to spend time in the area and benefiting a range of service sector businesses. We have completed a major investment involving the development of a new retail store and online brand, a new café, named Mr. O'Regan's and new attractions around the Park. The development has resulted in an extra 30 staff being employed at the site.

The Folk Park's Mr. O'Regan's Café is a tribute to the late Dr. Brendan O'Regan, who was an intrinsic part of Shannon Group's history, both here at the Airport and at Shannon Heritage. In May, we plan to commemorate the 100th anniversary of the birth of Dr. O'Regan and we look forward to welcoming you back here to airport on that occasion. Shannon Group is a key economic driver for this region and although Group itself is only just over two years in existence -it is already a very influential entity in the wider region. I believe that the interests of the Council and Shannon Group -in terms of the growth and prosperity of this region are very much aligned and as we now move with ambition into the next phase of our development as a Group –

there is an even greater necessity for us to collaborate. Together we will achieve a much greater result.

Ms. Hynes concluded by introducing Matthew Thomas, Shannon Group C.E.O. Mr. Thomas also welcomed the Cathaoirleach, Elected Members and Council Executive to Shannon Airport. He began by outlining to the members that there are currently 2000 staff working in the airport and a further 700 directly employed by Shannon Group. He stressed the importance of Shannon Airport to the West of Ireland and the key roles it plays to those living and working on the West Coast making it a catalyst to economic growth for the region.

He further outlined the plans that the Shannon Group have for the Airport and that €15m has been spent in 2016 on the re-surfacing of the runway which was funded by the Groups own resources. The Group are keen to meet their ambitious target of being the Country's premier airport outside of Dublin. The Group have also been successful in getting new Airlines to use Shannon as a destination, thus ensuring that passenger numbers passing through the airport have increased. In addition the Group are focused in recent times on developing their commercial properties and becoming a leader in the operation of heritage facilities in Ireland by promoting Shannon as the gateway to the Wild Atlantic Way. A close relationship with the IDA is a priority to ensure that "Brexit" will create opportunities for Shannon and he is keen for Shannon to convert any opportunities that arise in their favour.

The Chief Executive of Clare County Council, Mr. Pat Dowling thanked both Rose Hynes and Matthew Thomas for their hospitality on hosting the January monthly meeting. He spoke about the new National Planning Framework which is currently being developed to succeed the National Spatial Strategy, which will provide a framework for national planning, bringing together relevant Government policies and investment on national and regional development. It will have a focus on economic development and investment in transport and communications infrastructure for the Country. He expressed confidence that the National Planning Framework will produce positive results in County Clare and at Shannon Airport thus allowing the airport to compete effectively into the future. He advised that Shannon Airport is a logical economic entity in the West of Ireland with Clare at its heart. Clare County Council and the Shannon Group are bound together for the common good of County Clare, with people working together with a common vision and a shared determination to succeed together thus ensuring positive results.

The Cathaoirleach then invited the elected members to address Ms. Hynes and Mr. Thomas with any questions they may have.

The members were unanimous in welcoming Mr. Thomas as the new C.E.O. of the Shannon Group. They thanked both Ms. Hynes and Mr. Thomas for the warm welcome extended to them at their meeting today. They complimented Ms. Hynes on her outstanding leadership role at Shannon Group. They were emphatic on the crucial role going forward that both the Chairman and C.E.O. will play in the future development of the Airport. The major queries and concerns of the members were then hi-lighted.

A request was made by the members for a representative of Shannon Group to attend the next meeting of the Shannon Municipal District on property related matters. Also the members, further to a notice of motion, have requested that an elected member be appointed to the board of the Shannon Group thus improving the democratic deficit. The members also shared their concerns regarding the embankments in Shannon and the results of the CFRAMS study where the O.P.W. have decided to deal with the Airport and the town as separate entities when it is more appropriate that they be dealt with together to ensure an appropriate level of protection for Shannon. The members were also concerned with a recently published article wherein it reported on the Government's National Transport Strategy which proposes making Dublin airport a hub for international flights and having Shannon and Cork as regional airports. They also queried why Shannon Airport does not make use of the international tag in the promotion of the Airport and if more could be done to promote the Airport in North America. Some members enquired as to the future development of the Information Age Park on the Gort Road in Ennis which has great capacity and potential.

The members also queried the value of Shannon Group's assets in the County in particular their disposable assets, and asked what their proposals were for any specific asset disposal programme which may be Brexit related. It was also felt that a theme park for the West of Ireland could be examined as a Public Private Partnership project. It was also felt amongst the members that the new Tuam Motorway will make a great difference to residents in Galway and Mayo and adjoining counties in making Shannon Airport more accessible to them. Tribute was also paid to the Shannon Group for the support given by them to community led projects and also the new disability facilities at the Airport. The members acknowledged that the Airport is a pivotal force for future growth in County Clare. Ennis is uniquely positioned between Galway and Limerick and is only 40 minutes from any of the third level institutions in these neighbouring counties. The members also asked for information regarding the proposals for Ballycasey House and the Design and Craft Centre and appealed to the Shannon Group not to sell it but rather consider it as a tourism opportunity.

The members finished by lauding the achievements of Dr. Brendan O'Regan who helped drive the success of this airport down through the years. The members also expressed sincere thanks to Neil Pakey former C.E.O. of the Shannon Airport. His 3-year tenure in turning around Shannon was regarded as a major success.

Rose Hynes and Matthew Thomas jointly responded to the queries raised by the members. They advised that the Commercial Property Team of the Shannon Group wish to be transparent in their dealings with the Council and they will be in a position to attend a meeting in the future. The members were also assured that Regional Development is a huge priority for the Shannon Group and competing with Cork and providing an alternative to Dublin is a key objective. The Commercial Property Team are currently considering options for the Information Age Park in Ennis. They are looking at their complete portfolio of properties with a view to prioritising actions. They further advised the members that it was a matter for the Minister to consider the issue of the appointment to the Board. Branding of the Airport is a key focus for the Management Team with the objective of maximising passenger numbers and working with the tour companies. Mr. Thomas was absolute in his praise for the new autism

sensory room at the Airport sighting it as one of the best initiatives he has seen in the many airports he has worked in. In relation to the “Brexit” related queries they advised that negotiations and discussions are ongoing in connection with their commercial properties in conjunction with the IDA and Enterprise Ireland. However, if the members had a specific query on a particular property within the portfolio then they would be happy to deal with the query.

Item 3: Minutes of the Corporate Policy Group Meetings.

The members noted the minutes of the C.P.G. meeting held on 5th December, 2016 as presented.

Item 4: 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 complimented the Chief Executive on the new design and format of the management report. Cllr. C. Curtin asked for an update on the Hydrological survey for Miltown Malbay, Ballyvaughan and Corofin. He also acknowledged that during 2016 there were 7 complaints in relation to customer service and asked if this area can be targeted in order to reduce this number in the coming months. He also queried if the Road Opening Licence procedure for Group Water Schemes could be reviewed. Cllr. M. Hillery requested an update on the White Strand/Quilty & Clohaninchy feasibility study. Cllr. P.J. Kelly felt that the Rural Development segment could be further expanded upon in the coming months. Cllr. J. Flynn acknowledged the huge efforts of the housing department in securing 100 suitable properties within the county for purchase as dwellings for those on the housing list. Cllr. G. Keating expressed his appreciation for all the work Steve Lahiffe, A/Senior Executive Engineer has undertaken in West Clare. Cllr. Crowe asked for a short briefing on the Limerick Northern Distributor Route for the next meeting. He also paid tribute to the work undertaken by the Cultural Services team i.e. library services staff and asked that this be passed onto them. Cllr. A. Norton concurred with this and paid tribute to the library staff on their new toy and sensory resource collection launched in December 2016. Cllr. G. Flynn asked for an update on the option to develop the Memorial Walls.

In response the Chief Executive thanked the members for their positive feedback. He advised them that management report will be further improved upon in the coming months. He also thanked Carmel Greene and Mark Dunphy for their assistance in the development of the new format.

Item 5: Disposal of property pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000. Proposed disposal of property at 24 Clonroadmore, Ennis, Co. Clare.

Report dated 14th December, 2016 from Carmel Greene was circulated with the agenda together with map. The report states that it is proposed to dispose of property at 24 Clonroadmore, Ennis subject to the conditions as set out in the notice served on the members dated 14th December, 2016.

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

“Notice having been served pursuant to Section 183 of the Local Government Act, 2001, Clare County Council approves pursuant to the powers vested on it at Section 211 of the Planning & Development Act, 2000 as amended, of the disposal of property at 24 Clonroadmore, Ennis, Co. Clare subject to the conditions as set out in the notice served on the members dated 14th December, 2016.”

Item 6: Draft Memorial Policy.

Ar moladh Cllr. T. O’Brien
Cuidithe ag Cllr. C. Crowe agus glacadh leis

“That the Draft Memorial Policy for Clare County Council be adopted.”

Cllr. C. Crowe requested that the 7 monuments erected to commemorate 1916 should have an incorporated maintenance plan in order to protect them from going into a state of disrepair.

Cllr. C. Curtin commended John Corry for the sensitivity, caution and respect shown by him in the preparation of this draft policy.

Cllr. G. Flynn proposed that the members of the Standing Orders Committee should form the membership of the new Memorial Committee, and this was agreed by the members.

Item 7: Report on new County Library Project.

Report dated 3rd January, 2017 from Liam Conneally, Director of Services, Social Development was circulated with the agenda. The report states that the vision for the New County Library is as follows:

‘The library building as a public facility should be designed to reflect an open and inviting animated front facade using innovative design and advanced technology where appropriate to achieve a first class new community hub and learning space. Careful consideration should be given to developing an architectural language that successfully addresses the crucial urban planning issues of identity, arrival and access to the site and proposed development. The design should seek to create a new landmark civic entrance to the combined cultural facilities’.

Design proposal

The construction of the Library on the Glór site allows for capacity to a) develop a new landmark identity for the library building, b) to improve connectivity with the streetscape and c) to capitalise on existing facilities that can be shared.

The current proposal is to construct a new library south of Glór (where the entrance road is) and relocate the access road to the north to provide the optimum use of the site. To date the design team have commissioned surveys, determined the feasibility

of the proposal and consulted with stakeholders such as the library and arts staff, Ennis Municipal District, IT, Building Control & Planning. The Design Team have completed Stage (i) preliminary design and are proceeding to Stage (ii) Sketch design.

Programme

The project is subject to ongoing cost reviews and stage approvals as per the Guidelines issued by the Department. Stage 2 is due to be submitted to the Department in late February 2017 to seek approval to proceed to submission of planning application in March/April (the date is subject to Department approval to proceed). A full cost breakdown and review will also be prepared at this time which will take into account current and predicted construction costs, abnormalities, inflation and any other factors arising as associated with the proposed development. Following this and subject to Department approval of stages 3 (pre- tender) & 4 (post tender), the main building development is scheduled to commence on site in 2018.

It is proposed to commence the public element of consultation following the February Council meeting”.

The members requested that that regular updates be given to them on this new County Library Project.

Item 21. Compensation package for the Grain Sector.

Due to the absence of Cllr. P. Hayes, Cllr. T. O’Brien moved this motion in his stead. Cllr. T. O’Brien also asked that this motion be sent to the Minister for Agriculture and all other local authorities.

Ar moladh Cllr. T. O’Brien
Cuidithe ag Cllr. G. Flynn agus glacadh leis

“I propose that Clare County Council seek a financial aid compensation package for the grain sector from the Government due to the huge financial losses incurred during the disastrous weather of the 2016 harvest. Growers were unable to salvage crops in time due to excessive rainfall. This in turn caused high moistures halting harvesting resulting in seed loss from the head. Eventually heads fell to the ground with the over ripening of the crop, before it could be harvested. Moisture readings ranged from 20 to 35%. Over 50% of the straw melted in the field causing even more loss of earnings. When the moisture is over 20% the grower is heavily penalised by the buyer.

This sector has been in serious trouble for the last 4 years due to poor prices (below the cost of production). Help is urgently required to help keep these growers in business”.

Item 8: Gritting process.

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

“That this Council would review their gritting process in frosty weather to include all roads adjacent to national schools in the County.”

Tom Tiernan, Senior Engineer, Transportation replied as follows:

“The last review of the winter maintenance schedule took place in advance of the 2015/16 winter season and in general terms has been taking place every three years approximately – which would imply that the next review would be due following the 2017/18 season.

Notwithstanding same, it isn't unreasonable to request consideration in relation to the point raised here given its county wide implications as distinct from the more localised issues which tend to be raised during the three yearly review.

While the Council does carry out salting of routes alongside quite a number of schools throughout the County by virtue of the fact that such schools are adjacent to scheduled salting routes there are many schools which aren't in such a situation and so don't benefit. To extend the service to include all roads adjacent to National Schools in the County would involve a very significant restructuring of existing schedules - the scheduled routes would have to become much longer than they already are, the quantities of salt required would be considerably greater than at present, the time involved in completing the road treatment work on the ground would be much greater than the requirements of the Working Time Act could reasonably facilitate and the cost would escalate very significantly above what current resources can accommodate. In addition such measure could by implication expose the Council to a liability which it doesn't have to carry at present.

In summary, the Council does not have the resources to be able to extend the winter maintenance service in the manner sought by this notice of motion. However, where once off particular difficulties arise we endeavour to provide whatever support is feasible in this regard if contacted in a timely manner.”

The members thanked Tom Tiernan for his comprehensive reply to this motion and were all unanimous in their support for this motion. However, some suggested that perhaps sand and grit could be deposited in containers outside of schools for use by the schools as school closures can result in huge disruption to families. Others felt that if the Council did this for one school it would have to roll it out to all. In response Tom Tiernan told the councillors that he would like to have a more positive response but resources are very much an issue. Schools need to be proactive on this matter and make their own decisions on whether to close their schools or not. He expressed confidence in the winter maintenance regime as it keeps the county and country moving at difficult times.

Item 9: Public car parking spaces.

Ar moladh Cllr. C. Crowe

Cuidithe ag Cllr. A. Norton agus glacadh leis

“That this Council undertake a review of public car parking spaces in the county with particular consideration given to:

- 1) Widening all new off-street parking spaces – that a requirement for wider spaces be stipulated in planning conditions to reflect the fact that newly built cars are wider than their precursors.
- 2) Providing more parent & child spaces.
- 3) Increasing the number of disabled parking spaces.
- 4) Erecting signage in proximity of disabled parking spaces advising who is entitled to use them.
- 5) Requiring all commercial planning applicants to detail how they will enforce proper use of disabled parking spaces.”

Tom Tiernan, Senior Engineer, Transportation replied as follows:

“In general terms the manner of provision of parking spaces is governed by standards set out in the County Development Plan, which in turn usually reflects National standards or guideline documents prepared to facilitate consistency of approach and good practice throughout the Country. In this context I can respond to all five sections of this Notice of Motion in similar order as follows:

The key national document used by Local Authorities in relation to the marking out of parking facilities is the “Department of Transport Traffic Signs Manual” which stipulates that standard parking spaces should be 2.4 m wide. Notwithstanding same, the recently adopted County Development Plan stipulates that all standard parking spaces should be 2.5 m wide and that disabled and parent and child spaces should be 3.6 m wide. I am of the view that the new Development Plan very much reflects the spirit of this point in relation to parking space width.

The new County Development Plan requires that 10% of car parking spaces should be set aside for parent and child parking. These are required to be as close as reasonably possible to the building entrance they are facilitating. I consider that the Development Plan is generous in terms of its facilitation of parking facilities for parent and child situations.

The Development Plan requires that 5% of parking spaces provided should be set aside for disabled drivers. As is the case with parent and child spaces, disabled spaces are required to be located as close as possible to the building entrance points they are facilitating. Where the Planning Authority considers that the percentage should be larger because of the nature of particular development proposals, a requirement is

incorporated in ancillary permissions to this effect. I consider that the Development Plan requirements are reasonable and that they facilitate a generous level of parking for disabled drivers. There has been growing consciousness of the importance of provision of adequate disabled parking facilities over the years and most public and private developments are now compliant in this regard. Where the law is not contravened in this regard, the general experience is that there are almost always parking facilities available for disabled drivers even in situations where parking facilities otherwise in an area are at 100% occupancy levels.

The Traffic Signs Manual stipulates that in addition to the standard disabled persons parking bay symbol which is applied to the parking bay, the parking bays themselves “may” be painted blue and a standard information sign depicting the standard white P on a blue background over the standard disabled symbol “may” also be provided. In the majority of situations in Clare, disabled parking spaces are painted blue and information signage is provided where it is considered that it would be of assistance. With regard to who is entitled to use such spaces I have no doubt that there is an acute awareness across the general public in this regard and anyone who contravenes regulations is well aware of what they are doing. From an enforcement point of view, the Council’s Traffic Wardens rigorously enforce the concept of protection of disabled parking spaces for those who are entitled to use them.

Planning requires that all commercial developments provide disabled parking facilities in accordance with Development Plan requirements. It is extremely difficult to enforce issues around management of disabled parking spaces in private property and so the key requirement from an enforcement point of view is that these facilities are provided as required. Our experience is that where adequate, disabled parking facilities are provided the vast majority of the general public are very respectful of the rational for them and availability for genuine users is usually not an issue.”

The members thanked Tom Tiernan for his response. They asked if Councils had any powers of enforcement on privately owned car parking areas. They also suggested that disabled spaces needed to be widened and lengthened to allow for ramps that may be used by some of the disabled drivers. Some disabled spaces are just too narrow to accommodate a ramp and wheelchair.

Tom Tiernan in response advised the members that he was not aware of any powers to enforce on private property and that the management of these spaces rests solely with the landowner.

Item 10. Planning contributions.

Ar moladh Cllr. P.J. Kelly

Cuidithe ag Cllr. C. Curtin agus glacadh leis

“That the sum of €1.2m being the amount of planning contributions for 2016, be divided equally between the four municipal areas and that each municipal area advise of the distribution within each.”

Gerard Dollard, Director of Economic Development replied as follows:

“The proposal set out in the motion is contrary to the statutory requirements governing development contributions and, as such, is outside the scope of the Members and executive to implement.

Planning contributions (or development levies) are levied in accordance with a statutory Development Contribution Scheme and must be administered and accounted for in accordance with that scheme and in accordance with the statutory provisions of the Planning & Development Acts as amended.”

Some of the members were in agreement with this motion. It was felt that it was a principle of equity and fairness and that rural towns in the county need a stimulus. Whilst they fully support the new Rural Development Directorate more needs to be done to develop projects in rural Clare.

In response Director of Services, Gerard Dollard re-iterated that whilst he understands the sentiments of the motion it was a Statutory Scheme and therefore, is outside the scope of the members and the executive to implement.

Item 11. Taking in charge of estates.

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

“That the County Manager provide an update on the taking in charge of estates within the County.”

Gerard Dollard, Deputy Chief Executive and Director of Economic Development replied as follows:

“23 residential estates were taken in charge by resolution of the members at meetings of the Municipal Districts in 2016.

Funding under the National Taking in Charge Initiative for 12 estates was received from the Department of Housing, Planning, Community & Local Government in two stages during 2016 following a submission to them by the Planning Authority early in 2016. The County Council are arranging for works to be undertaken on all 12 estates that were awarded NTICI funding. Works have been completed on 7 no. of the estates in 2016 and have commenced on the remaining 5.

6 of the 12 estates have been taken in charge and the statutory process has commenced for the taking in charge of the remaining 6.

It is the intention of the Planning Authority to continue to progress the taking in charge of residential developments to satisfactory completion in the interest of the residents concerned.”

Item 12. Wild Atlantic Way loops.

Ar moladh Cllr. C. Colleran Molloy
Cuidithe ag Cllr. T. O'Brien agus glacadh leis

“That Clare County Council provide an update on progress respecting developing Wild Atlantic Way loops such as an Estuary Loop and progress respecting Wild Atlantic Way signage on the motorway upon exiting Shannon Airport.”

Gerard Dollard, Director of Economic Development replied as follows:

“The Wild Atlantic Way has proven to be a major success in relation to the promotion of tourism and the growth of tourist activity along its route.

The original intent of the project had been to develop routes or loops off the main Wild Atlantic Way so as to encourage visitors to explore and visit locations not forming part of the main route. The Minister of State for Tourism and Sport recently announced a new pilot scheme from Fáilte Ireland involving the developing of two routes off the Wild Atlantic Way, namely the Shannon Estuary Drive and the Burren Loop. Both are at the early stages of implementation and it is hoped that the routes will be progressed and put in place during 2017.

The proposed routes explore some of the most scenic areas of the county and open up parts of the county not traditionally seen as tourist routes but areas which have huge potential and a huge amount to offer to visitors.

The issue of Wild Atlantic Way signage from Shannon Airport has previously been highlighted with Fáilte Ireland. A sign has been erected as one departs the Airport to indicate the Wild Atlantic Way to the North and to the South as one emerges from the Airport. It is hoped that the issue of signage can be further revisited as the implementation of the Shannon Estuary Loop in particular will require a further assessment to be undertaken on this particular issue.”

Item 13. Legal fees.

Ar moladh Cllr. C. Colleran Molloy
Cuidithe ag Cllrs. C. Curtin agus P.J. Kelly agus glacadh leis

“That the C.E.O. provide in tabular form the legal fees paid directly from the County's budget (not covered by insurance) in 2015 and 2016, to whom paid, with identification of the category of legal service provided by each, e.g. transaction costs such as conveyancing, leases, litigation costs (not covered by insurance), advices, opinions, etc. potential costs awaiting adjudication by the taxing master.”

Niall Barrett, Head of Finance and Director of Support Services replied as follows:

“The tables below sets out the legal fees paid directly from the County’s budget in the years 2015 and 2016, to whom paid, with an indication of the general nature of legal service provided by each for the major items of expenditure.

These figures are in all cases stated inclusive of VAT.

It should be noted that the total amounts include €322,000 for 2015 and €214,000 for 2016 in relation to legal costs incurred on capital job codes, which are funded in many cases by grants.

2015	Litigation & Opinion & Enforcement	Conveyancing	Leasing	Debt Collection	Other	Total 2015
-MICHAEL P HOULIHAN SOLICITORS	223,938	127,821	6,714	42,315	57,880	458,669
-DAVID SCOTT & CO SOLICITORS	161,616					161,616
-DERMOT FLANAGAN SC	52,733					52,733
-MARIAN PETTY T/A M PETTY & CO	31,508	778				32,286
-MICHAEL F COLLINS BL	18,819					18,819
-PAUL LYNCH & PARTNERS	15,000				1,845	16,845
-PATRICK G QUINN	15,480				0	15,480
-MCMAHON & WILLIAMS SOLICITOR	5,462	3,524			3,348	12,334
-A & L GOODBODY SOLICITORS					10,510	10,510
-PETER SHANLEY BL				7,503		7,503
-CMAHON MACCARTHY O DEA SOLICITORS		4,428			646	5,074
-PROPERTY REGISTRATION AUTHORITY		5,000				5,000
-GAVIN RALSTON				3,998		3,998
-P F MOLONY & CO SOLICITORS		3,566				3,566
-SEAN ORMONDE & CO SOLICITORS	3,500					3,500
-GWEN MALONE STENOGRAPHY	3,280					3,280
-JAMES CONNOLLY S.C.	2,490					2,490
-BEHAN & ASSOCIATES					2,362	2,362
-M.OSHEA & CO. SOLRS		2,231				2,231
-LAND REGISTRY OFFICE					2,185	2,185
-FIONA TWOMEY SOLICITORS	2,008					2,008
-BALANCE OF SMALLER AMOUNTS (20 NO	5,383	5,124	0	0	4,728	15,235
	541,218	152,472	6,714	53,815	83,503	837,722

In relation to 2016, it should be noted that the a number of cases which had been ongoing for some time were completed and the legal costs became due in one year for work done over a number of years.

2016	Litigation & Opinion & enforcement	Conveyancing	Leasing	Debt Collection	Other	Total 2016
-MICHAEL P HOULIHAN SOLICITORS	434,804	118,369	51,565	91,258	113,105	809,101
-SHEEHAN & COMPANY	64,597					64,597
-JAMES CONNOLLY S.C.	57,035					57,035
-DERMOT FLANAGAN SC	31,006					31,006
-PATRICK G QUINN	24,360				849	25,209
-O MARA GERAGHTY MCCOURT SOLICITO	20,855					20,855
-DAVID QUINN BL	20,621					20,621
-ALAN FLANAGAN	9,756					9,756
-JARLATH FITZSIMONS SENIOR COUNSEL	9,225					9,225
-SINEAD KELLY	5,900					5,900
-GAVIN RALSTON				3,875		3,875
-MARY CASHIN ASSOCIATES		3,629				3,629
-PETER SHANLEY BL				3,444		3,444
-PATRICK WHYMS BL	3,075					3,075
-BALANCE OF SMALLER AMOUNTS (12 NO.	1,855	3,874		1,200	5,270	12,199
	683,090	125,872	51,565	99,776	119,223	1,079,526

Cllr. C. Colleran Molloy thanked the Head of Finance for the reply provided. However, she felt that Clare County Council is out of line in spending 1% of our budget on legal costs when compared to other similar sized local authorities who are not spending as much as Clare. She feels that a further more detailed analysis is needed at this time. Others felt that the Council must be in control of its expenditure and highlighted the need to control legal expenses.

The members asked the Chief Executive to consider this matter further and examine the possibility of internalising some of the more regular conveyancing work.

Item 14. Tourism.

Ar moladh Cllr. P. McMahon

Cuidithe ag Cllr. P.J. Ryan agus glacadh leis

“In view of the importance of tourist related traffic to Shannon Airport, that this Council works with the Airport Authority to improve the quality of the product in Bunratty and surrounds and also the access road to the Cliffs of Moher, Doonbeg, Lough Derg and other potential growing destinations.”

Tom Tiernan, Senior Engineer, Transportation replied as follows:

“Firstly I refer to another Notice of Motion on the January agenda submitted by Cllr. John Crowe regarding the upgrade of the N19 to Shannon Airport. Noting my response to same it goes without saying that support of tourism in the region is a key factor in the Council’s pursuit of this particular upgrade and we are liaising with the Airport Authority in this regard. We are acutely aware of the importance of good quality access via road to the various iconic tourist facilities in the County. In the past, significant works have been carried out in this regard in addition to the development of the motorway network such as the upgrading of significant sections of the R352 towards East Clare and the implementation of large scale overlay works on

the National Secondary and Regional route networks. The Council is presently working with Transport Infrastructure Ireland in relation to required improvements in Ennistymon and on the N85 in Kilnamona as well as in relation to prospective improvements at a number of other locations. With regard to Non-National routes the element of the grant structure facilitated by the Department of Transport which, heretofore, has focused on improvements to facilitate the tourism industry, has been the Specific Improvement scheme of grants. Unfortunately, due to the downturn in the Economy this option was gradually phased out to a point where it was abandoned (temporally at least) at the end of 2013. I am hopeful that as roadwork funding begins to recover over the next few years that the Specific Improvement scheme (or equivalent) will be reactivated in which case the feasibility of schemes to benefit the tourism destinations mentioned in this notice of motion will be examined. In this regard, we would be happy to liaise with the Airport Authority or any other entity which has a focus on the enhancement of the tourist product in Clare.”

There was unanimous support for this motion. The members felt that as tourism is the second biggest industry in the county it therefore, needs to be prioritised. Tourists are being bussed from Dublin Airport to the Cliffs of Moher instead of flying directly into Shannon Airport. We need to encourage tourists to make Shannon their destination in the hopes that they stay and spend in the county.

Item 15. Progress report.

Ar moladh Cllr. C. Curtin

Cuidithe ag Cllr. P. J. Kelly agus glacadh leis

“That a progress report be presented to the Council on actions arising from the following Resolutions passed at Statutory Council Meetings in 2015 and 2016:-

- Motion 13 (March 2016) – Cllrs. P.J. Kelly, C. Curtin & J. Flynn – raising of loan for Local Road Reconstruction in Clare.
- Motion 15 (May 2015) – Cllrs. Curtin, G. Flynn & M. Begley – Extension of Insurance Indemnification.
- Motion 14 (July 2016) – Re-opening of in-house printing facilities in Áras Contae an Chláir.
- Motion 11 (October 2016) – Reporting mechanisms at Corporate and Municipal District levels.

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

- (a) Following the adoption of a resolution in March 2016, an application for loan approval to the value of €1.6m was submitted to the Department of Environment, Community and Local Government. A response from the Department sought further information specifically in relation to a) the term of the loan (b) the interest rate of the loan (c) the provision to repay the loan and (d) the sources of finance. The correspondence also specified that the Council must show a provision to repay the loan within the current year’s budget and future budgets or demonstrate a source of funding to be used to repay the loan.

As the 2016 Budget did not contain any such provision, a response issued to the Department which confirmed that the matter including the queries raised would receive further consideration in the course of the 2017 Budget discussions. As members are aware, the outcome of the 2017 Budget process introduced substantial additional G.M.A. funding to the value of €880,000 which is to be applied at Municipal District level towards an agreed programme of works including local roads improvement works. The total provision available for local roads can only be fully determined when the Road Grant Allocations for 2017 are announced later this month. The 2017 adopted Budget does not contain a specific provision to service the proposed loan of €1.6m.

- (b) Motion 15 on the Agenda for the May 2015 Council meeting sought information on the extension of Insurance Indemnification to community groups where they were undertaking projects with the Council. This has been researched and the insurance cover in place for Clare County Council does not extend to include local groups for any type of works, even if part funded by the Council. Local groups must have their own insurance to cover the proposed activities and they must provide an indemnity to the Council in respect of such activities, where required”
- (c) Motion No 14 on the Agenda for the July 2016 Council meeting sought a report on the current arrangements for the protocol in place for the maximum use of the in-house printing facilities to serve the reasonable needs of staff and elected members of the Council acting in the public interest. I wish to advise that recruitment of the two staff for the printing and design service has commenced and the closing date for applications is 20th January 2017. It is intended that when both staff are recruited, the services to be provided will be assessed in the context of ensuring an efficient and effective service to meet the needs of staff and elected members.
- (d) Motion No 11 on the Agenda for the October 2016 Council meeting sought that reporting mechanisms to the elected Members and general public on Council activities at Corporate and Municipal District level be reviewed and a report be presented on same. Since that meeting, work has been undertaken to improve the content of the Monthly Management report and the first Management report in the new format is enclosed with the January agenda. In line with the introduction of the new format for this report and the new Directorate Structure, this report is being put on our website from this month onwards. In addition, the Council has greatly increased its presence on various media in recent months, including social media, to inform the public of events, awards, new schemes and projects.”

Cllr. C. Curtin commended Carmel Greene and the Chief Executive regarding the recruitment of staff for the print room and hoped that same would be opened for business as soon as possible.

Item 16. Historic buildings in Kilrush.

Ar moladh Cllr. B. Chambers

On the request of Cllr. B. Chambers this item was deferred to the February Monthly Meeting.

“That the Director of Economic and Tourism Development explore the options for the development of a tourism/heritage project in one of the historic buildings in the town of Kilrush”.

Item 17. Lands in Shannon.

Ar moladh Cllr. P.J. Ryan

Cuidithe ag Cllr. T. O’Brien agus glacadh leis

“That this Council requests Shannon Airport Authority would make lands on the N19 at the entrance to Shannon Airport available for Commercial Enterprise”.

Item 18. Funding for Orkambi.

Ar moladh Cllr. I. Lynch

Due to the absence of Cllr. I. Lynch this motion was not moved and has been deferred to the February Monthly Meeting.

Item 19. National Bus and Rail Union.

Ar moladh Cllr. T. O’Brien

Cuidithe ag Cllr. J. Cooney agus glacadh leis

“That a delegation from the National Bus and Rail Union be invited to address the Council on the public transport policy being followed by the National Transport Authority (N.T.A.), with particular reference to the effects it will have on rural public transport”.

Item 20. Shannon Group.

Ar moladh Cllr. G. Flynn

Cuidithe ag Cllr. C. Curtin agus P.J. Ryan agus glacadh leis

“That in the interest of mutual co-operation and understanding, that Shannon Group PLC considers appointing a democratically mandated representative of Clare County Council to its Board of Directors and that this proposal gets serious consideration in view of the current democratic deficit that exists in the running of Shannon International Airport as a Gateway to the West of Ireland and employment opportunities”.

The members were emphatic in their view that a mandated public representative should be on the board of the Shannon Group in order to close the democratic deficit. The Shannon Group has civic responsibilities as they own a large property portfolio. They asked that this motion be copied to the Shannon Group board members and also to Deputy Shane Ross, Minister for Transport, Tourism and Sport.

Item 22. Funding for road upgrades.

Ar moladh Cllr. J. Crowe

Cuidithe ag Cllr. P.J. Ryan agus glacadh leis

“I am requesting that the T.I.I. will provide funding to extend and upgrade the roads in the county in particular to extend the N19 road to Shannon Airport. By extending this small section of road access to the Airport would be enhanced and would make easier access for traffic and pedestrians.”

Tom Tiernan, Senior Engineer, Transportation replied as follows:

“Over the past two to three years the section of road in question was in the first instance designated a public road and more recently in 2016 was re-designated as a National Road as, in effect, it is a natural extension of the N19 – the main strategic artery facilitating access to Shannon Airport. Once this road was designated as a National Route, Clare County Council immediately reaffirmed its view to TII that the section of the N19 from the end of the existing dual carriageway to the Knockbeg Point Roundabout, should be upgraded to dual carriageway status to facilitate the future prospects and prosperity of the airport and also to cater for the need to be in a position to appropriately respond to prospective emergency situations in the vicinity of the airport. The issue was again raised at the meeting of Councillors with TII in Dublin in November, and will continue to be emphasised as a priority for Clare County Council.”

The Chief Executive added that he will pursue the funding needed to a number of key roads projects in the county with the T.I.I. (Transport Infrastructure Ireland) including this road to Shannon Airport. He confirmed that there are ongoing discussions between Clare County Council and the T.I.I in relation to key critical projects of which this road is one. He stressed the importance of funding to extend and upgrade the N19 road to Shannon Airport.

Item 23. Comhfhreagras. Correspondence.

Responses from the Health Service Executive

The members queried if the Health Service Executive had responded as promised within their 15 day deadline regarding the home help hours.

Attendance of O.P.W. further to invite by the members

The members queried the response from the O.P.W. to their invitation to attend a meeting regarding the embankments in Shannon. The Chief Executive responded by advising the members that a request has already been sent today to the O.P.W. in order to arrange a time and date to discuss this matter further.

The following correspondence was circulated at the meeting:

- Correspondence dated 9th January, 2017 from Carmel Greene, Meetings Administrator regarding annual allowance for training.
- Correspondence dated 9th January, 2017 from Leonard Cleary, A/Director of Rural Development in relation to Commemorating walls in public graveyards.

The following correspondence was circulated with the agenda:

1. Correspondence dated 22nd December, 2016 from the O.P.W. in relation to the threat to County Clare's infrastructure due to Coastal Erosion and Flood Embankment Deficiencies.
2. Correspondence dated 16th December, 2016 from H.I.Q.A. regarding the National Ambulance Service.
3. Correspondence dated 19th December, 2016 from the Health Service Executive in relation to the National Ambulance Service.
4. Correspondence from Shannondoc in relation to Shannondoc services.
5. Correspondence dated 13th December, 2016 from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs in respect of the Post Office Network.
6. Correspondence dated 16th December, 2016 from I.N.T.O. in relation to the Teacher Exchange Scheme.
7. Correspondence dated 6th December, 2016 from the Department of Health in relation to Clarecare.
8. Correspondence dated 19th December, 2016 from Solas regarding the supply of apprenticeship provision.
9. Correspondence dated 15th December, 2016 from the Valuation Office in relation to the current structure of rate valuation on properties in County Clare.

10. Correspondence dated 15th December, 2016 from the Department of Communications, Climate Action & Environment in relation to salmon fishing in 2017.
11. Correspondence dated 15th December, 2016 from the Department of Housing, Planning, Community and Local Government in relation to initiating proceedings against landlords who fail to register with R.T.B. and who refuse H.A.P./Rent Supplement.
12. Correspondence dated 15th December, 2016 from Noel Bennett, Hon. Secretary, Clare Branch, I.S.R.S. in relation o Civic Reception held recently to honour the Clare & District Soccer Team who won the Oscar Traynor Trophy in 2016.
13. Resolution circulated by Sligo County Council in relation to the Coroners Bill.
14. Resolution circulated by Sligo County Council in relation to the introduction of legislation as is in force in other European Countries for the control of over grown trees in housing estates and built up areas.
15. Resolution circulated by Sligo County Council in relation to water charges.
16. Resolution circulated by Tipperary County Council calling for both increased awareness and increased funding for services in the areas of both Dyspraxia and Dyslexia.
17. Resolution circulated by Tipperary County Council in relation to the establishment of a new Agency to acquire and manage all domestic housing mortgage arrears accounts from the existing Lending Agencies within the state.
18. Resolution circulated by Tipperary County Council in relation to Brexit.
19. Training seminar entitled “The Housing Assistance Payment (H.A.P.)” taking place in the Radisson Blu Hotel, Letterkenny on 27th – 29th January, 2017.
20. Conference entitled “Rebuilding Ireland – Action Plan for Housing and Homelessness” taking place in the Four Seasons Hotel, Carlingford, Co. Louth on 10th – 12th February, 2017.
21. 28th Colmcille Winter School entitled “Ireland and the European Union post British Withdrawal” taking place in Colmcille Heritage Centre, Gartan, Church Hill, Letterkenny, Co. Donegal on 24th & 25th February, 2017.
22. Conference entitled “Constituents Tax Entitlements and Reliefs” taking place in the Clonakilty Hotel, Clonakilty, Co. Cork on 24th – 26th February, 2017.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____