

Minutes of the May Monthly Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on Monday, 14th May, 2018 at 3:45 p.m.

Present:

Councillors J. Breen, J. Flynn, P. Daly, A. Norton, T. McNamara, M. Howard, P. Murphy, C. Colleran Molloy, J. Cooney, P. Hayes, M. Begley, T. O'Brien, P. Burke, C. 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. Ann Reynolds, Meetings Administrator.
- Ms. Loretta McNamara, Staff Officer.
- Ms. Anne Haugh, Director of Social Development.
- Mr. Liam Conneally, Director of Economic Development.
- Mr. Leonard Cleary, Director of Rural Development.
- Ms. Carmel Kirby, Director of Physical Development.
- Ms. Noeleen Fitzgerald, A/Head of Finance.
- Mr. Tom Tiernan, Senior Engineer.
- Mr. John Leahy, Senior Engineer.
- Mr. C. Feeney, Senior Executive Engineer

The Cathaoirleach, Cllr. Tom McNamara presided.

Vote of Sympathy

- The Clune family Barefield on the death of Patrick Clune.
- The O'Halloran family, Sixmilebridge on the death of Seamus O'Halloran.
- The Reidy family Ennis on the death of Michael Reidy.
- The Doolin family, Kilnaboy on the death of Tommy Doolin.
- The Conlon family, Sixmilebridge on the death of Bridget Conlon.
- The McNamara family, Lisdoonvarna on the death of Simon McNamara.
- The Brody family, Kilnamona on the death of John Brody.

Item 1: Minutes of Council Meetings.

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

“That the Minutes of the April Meeting of Clare County Council held on 9th April, 2018 be adopted and signed.”

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

“That the Minutes of the adjourned April Meeting of Clare County Council held on 16th April, 2018 be adopted and signed subject to the following amendment.”

It was proposed by Cllr. P.J. Kelly, seconded by Cllr. J. Flynn and agreed by the members present that Item No. 24, adjourned April meeting, be amended as follows: after the words “current legislation” insert “The motion was agreed without division”

Item 2: Matters Arising.

Cllr. T. O’Brien referred to Item 14: Proposal for South Clare Strategic Development Zone (S.D.Z.) from the Council Meeting of 9th April 2018 and the necessity to seek endorsement and issue submission to the Department as soon as possible. This was seconded by Cllr. P. Hayes. Cllr. B. Slattery advised that this proposal had been discussed at the Southern Regional Assembly.

Mr. L. Conneally, Director of Economic Development confirmed that the endorsement from the April meeting had given the go-ahead to proceed with the work which was going at pace but it was vital to get the application right before submission of same.

Item 3: Minutes of Municipal District Meetings.

a. Ar moladh Cllr. P. Daly
Cuidithe ag Cllr. C. Colleran Molloy agus glacadh leis

“That the Minutes of the Ennis Municipal District Meeting held on the 13th March, 2018 be noted.”

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

“That the Minutes of the Shannon Municipal District Meeting held on the 20th March, 2018 be noted.”

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

“That the Minutes of the Ennis Municipal District Meeting held on the 10th April, 2018 be noted.”

Item 4: 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 S.P.C. meeting held on 8th January, 2018 be noted”.

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

“That the minutes of the Rural Development S.P.C. meeting held on 29th January, 2018 be noted”.

Item 5: Minutes of the Corporate Policy Group Meetings.

The members noted the minutes of the meeting held on 29th March, 2018 as presented.

Item 6: Monthly Management Report.

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

Cllr. C. Curtin requested an update on the appointment of Rural Development Officers. Cllr. G. Flynn expressed his disappointment that while Shannon is on the list of 118 flood relief schemes it is not included in the initial phase and sought comment from the Chief Executive in relation to Shannon Embankments. Cllr. J. Flynn took the opportunity to congratulate all those involved with Kilmaley Voluntary Housing Association which was named one of the overall winners at the National Age Friendly Recognition and Achievement Awards 2018. He also wished to know was the Ennis 2040 Economic and Spatial Plan on schedule.

The Chief Executive responded to the issues raised. The recruitment process has now been completed in relation to the Rural Development Officers and it is hoped that the successful applicants will be in a position to commence work in June 2018. This is a co-funded initiative with the Department. He concurred with Cllr. G. Flynn sentiments and advised that the geo-technological report is not fully completed. He further advised that he had met with the Minister last week and would be meeting him again before the end of the month where he would be putting a solution before him and would be seeking funding. The Chief Executive thanked all those involved in this project including Tom Tiernan. It is expected that the Ennis 2040 Strategy will be well advanced by the end of the year and the Chief Executive will be meeting with the consultants within the coming weeks.

Item 7: Fix date for 2018 Annual General Meeting.

It was proposed by Cllr. J. Cooney, seconded by Cllr. G. Keating and agreed by all present that the Annual General Meeting will take place at 3:00 p.m. on Friday, 22nd June, 2017.

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 coastal protection works at Cloghauninchy, Quilty, Co. Clare.

Report dated 9th May, 2018 from Steve Lahiffe, A/Senior Executive Engineer, Transportation Department was circulated with the agenda together with report from A/Senior Executive Planner. The report states that it is proposed to develop two new flood embankments at Cloughaninchy, Tromracastle, Seafield, Quilty, Co. Clare. The proposed works include strengthening of the existing rock revetment, local re-grading of land, installation of three non-return valves and reconstruction of existing culvert including placement of rock armour and protection of existing dune system using fencing with access points.

Ar moladh Cllr. B. Slattery
Cuidithe ag Cllr. C. Curtin 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 coastal protection works at Cloghauninchy, Tromracastle, Seafield, Quilty, Co. Clare.”

Item 9: 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 provision of 8 dwelling houses at Roslevan, Ennis, Co. Clare.

Report dated 2nd May, 2018 from Anne Haugh, Director of Social Development was circulated with the agenda together with report from A/Senior Executive Planner. The report states that the proposed housing development at Newpark Road, Roslevan, Ennis, Co. Clare consists of 8 No. dwelling houses with access road, public lighting and associated ancillary site development works.

Ar moladh Cllr. J. Flynn
Cuidithe ag Cllr. P. Daly 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 8 No. dwelling houses with access road, public lighting and associated ancillary site development works at Newpark Road, Roslevan, Ennis, Co. Clare.”

Item 10: 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 provision of 18 No. residential units at Seaview Park, Quilty, Co. Clare.

Report dated 2nd May, 2018 from Anne Haugh, Director of Social Development was circulated with the agenda together with report from A/Senior Executive Planner. The report states that the proposed housing development at Seaview Park, Quilty, Co. Clare consists of 18 No. residential units, hard landscaping, including provision of shared surface area, adjustments to existing footpaths and installation of street lighting and street furniture, soft landscaping including planting and trees, new boundary treatments to adjacent lands, upgrading and re-routing of foul sewers and surface water drainage and all associated site works.

Ar moladh Cllr. C. Curtin

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 18 No. residential units, hard landscaping including provision of shared surface area, adjustments to existing footpaths and installation of street lighting and street furniture, soft landscaping including planting and trees, new boundary treatments to adjacent lands, upgrading and re-routing of foul sewers and surface water drainage and all associated site works at Seaview Park, Quilty, Co. Clare.”

Item 11: Disposal of property at Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000. Proposed disposal of property at Willbrook, Corofin, Co. Clare.

Report dated 4th May, 2018 from Anne Haugh, Director of Social Development was circulated with the agenda together with map. The report states that it is proposed to dispose of property at Willbrook, Corofin, Co. Clare subject to the conditions as set out in the notice served on the members dated 4th May, 2018.

Ar moladh Cllr. R. Nagle

Cuidithe ag Cllr. B. Chambers 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 Willbrook, Corofin, Co. Clare subject to the conditions as set out in the notice served on the members dated 4th May, 2018.”

Item 12: Local Festivals and Participative Events Funding Programme 2018.

Report dated 4th May, 2018 from Monica Meehan, Senior Executive Officer, Rural Development Directorate was circulated with the agenda. The report states that the Local Festival and Participative Events Funding Programme for County Clare 2018 (previously administered by Fáilte Ireland) aims to support festivals and participative

events that will drive domestic tourism, stimulate local economic activity and help to improve the visitor experience in Clare.

15 applications were received and the total fund available is €43,000. The applications were assessed based on the evaluation criteria, the application details and the level of funding available and were approved at a meeting of the Working Group for the Action Plan for Rural Ireland which took place on Monday, 16th April, 2018.

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

“That under the Local Festivals and Participative Events Funding Programme 2018, the Council approves of the following payments:

Festival Name	Description	Grant Amount (€)
Lisdoonvarna Matchmaking Festival	Matchmaking festival with international appeal in its 162nd year.	6,000
Fleadh Cheoil na Mumhan	The Munster Fleadh aims to build on the success of the two recent All Ireland Fleadhanna. A nine day event of music, dancing and singing.	6,000
Willie Clancy Summer School	A week long summer school and festival of Irish traditional music, song and dance.	5,000
Taste the Burren Food Trail	A series of festival and events commencing on the 11th May and concluding on the 29th October 2018 (Burren Slow Food Festival, Burren Food Trail, Burren Food Fayre).	5,000
Feakle International Traditional Music Festival	A six day event of Irish traditional music performances and workshops.	3,000
Shannonside Winter Music Festival	Promotes live music entertainment in 15 venues in Sixmilebridge and Bunratty. Music classes are also provided.	3,000
Feile Brian Boru	A five day festival to commemorate Ireland’s greatest High King.	3,000
Scariff Harbour Festival	A festival to promote the leisure potential of Lough Derg – an open-air street based event offering a varied programme of activities (arts, music and entertainment).	2,000
Consairtin	Concertina classes and workshops, recitals, concerts, lectures, instrument exhibition, repair tutorials, informal	2,000

	sessions.	
Tour de Burren	A cycling event commencing in Ballyvaughan and covering all of North Clare.	2,000
Ennis Street Arts Festival	A festival celebrating arts and culture.	2,000
Clarecastle Regatta	A family festival including boat rides, canoe usage, stand up paddle boarding, food experience and Battle of the Bands event.	1,000
Che Do Bheatha	A celebration of Latin American and Irish culture which includes a series of events held locally.	1,000
Clare Burren Marathon Challenge	A walking, jogging, running event with a mix of three courses; full, half and 10k marathons both on road and off road.	1,000
Burren Peaks Walking Festival	Guided hill and lowland walks varying in distance and grade catering for all walkers.	1,000
Total		43,000

Item 13: Approval for a Civic Reception to honour the Clare Senior Hurling Team and Management that won the two National League Titles in 1977 & 1978, as agreed at the April C.P.G. meeting. Civic Reception to be held on 11th June, following the Council Meeting.

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

Cllr. G. Flynn welcomed this request and confirmed the role of the C.P.G. in the awarding of a civic reception which is the highest honour that can be bestowed. Cllr. P.J. Ryan wished to know what criteria is used by the C.P.G. The Cathaoirleach confirmed that the C.P.G. considers requests in accordance with Standing Orders, i.e. civic receptions are awarded in recognition of major or significant achievements and each request is considered upon its merits and then a proposal is brought before the full Council.

Item 14: Presentation by Ian Lumley, Built Environment and Heritage Officer, An Taisce – The National Trust for Ireland at 3:00 p.m.

During Mr. I. Lumley presentation he advised that Ireland's overall ranking in the Sustainable Progress Index was 11th out of 15 countries analysed (EU-15). Ireland's

performance on the UN's Sustainable Development Goals (S.D.G.s) is worst on Environment, Gender Equality, Responsible Consumption and Production, Climate Action, Affordable Clean Energy, Reducing Inequality and International Partnership on S.D.G.s. An Taisce is affiliated to Stop Climate Chaos, among the other agencies involved are Concern and Trocaire. He referred to Irish Co2 emissions and international action on aviation emissions. Specifically in relation to Clare Mr. I. Lumley referred to ESB's Moneypoint power station, seeking of expressions in relation to Data Centres, Blake's Corner traffic plan and the BurrenLIFE project.

While thanking Mr. I. Lumley for his presentation during the discussions that followed a number of issues arose. These related to difficulties in relation to delays in large infrastructure projects, one-off housing, protection of dunes, water extraction from the Shannon, farming methods and traffic management within the Burren, Cllr. J. Breen felt that the questions raised in his notice of motion had not been adequately addressed and these related to the role of An Taisce and how the executive are appointed.

Mr. I. Lumley responded to the queries raised. In relation to membership to An Taisce he advised that it was voluntary, a board was elected and there was a small professional staff.

Upon the request of Cllr. J. Flynn Item No. 26 was brought forward.

Item 26. Clare Technology Park.

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

“In light of recent significant investment in the construction of the access road into the Clare Technology Park (formerly Information Age Park (I.A.P.) Ennis) Clare County Council request that a working group made up of Shannon Group (Shannon Commercial Properties), Clare County Council Executive and Business interests be set up to evaluate various options, including partnership, to promote and realise job creation, development opportunities for the 26 acres of development land of which 10 acres is serviced. The development of a marketing document to attract both indigenous and Foreign Direct Investment (F.D.I.) companies might be the first stage in this process”.

Liam Conneally, Director of Economic Development replied as follows:

(A) The Clare Economic Forum has been set up to promote activities such as proposed and includes the stakeholders listed in the motion. I agree that a collaborative approach is necessary to evaluate all options in respect of potential Strategic Economic Development sites for Ennis Town.

(B) The procurement of economic consultants to prepare the Ennis 2040 Spatial & Economic Strategy is currently underway and it is hoped that an appointment can be made by the end of May (following the statutory cooling off period). Over the next 8 months the preparation of the Ennis 2040 Strategy will involve significant stakeholder

consultation and the resultant strategy will identify strategic economic development sites in the town and also include a marketing strategy for the town. “

Cllr. J. Flynn reiterated the importance of marketing this site following the large investment that has taken place.

Mr. L. Conneally, Director of Economic Development advised that talks have already commenced with Shannon Group.

Item 15. Planning contributions.

Ar moladh Cllr. P.J. Kelly

“That the discount system applied to full payment of Section 48 planning contributions be amended to enable the same level of contributions paid by both urban and rural planning beneficiaries.”

In the absence of a seconder this notice of motion did not proceed.

Item 16. Misuse of disabled parking spaces.

Ar moladh Cllr. A. Norton

Cuidithe ag Cllr. C. Colleran Molloy agus glacadh leis

“That Clare County Council's Parking Control and Traffic Sections, agree to pilot a 'Report Misuse' Scheme of misuse of disabled parking spaces for six months, within the main urban areas of the county, similar to what they have done in Dun Laoghaire.”

Tom Tiernan, Senior Engineer, Roads & Transportation Department replied as follows:

“In Dun Laoghaire town centre 4 disabled parking bays have been selected to facilitate the pilot. Each of the 4 bays has been given an identification number and signage is erected in each case inviting members of the public to “report mis-use” – which can be done via text to a mobile number which is detailed on the signage. Dun Laoghaire Rathdown’s parking enforcement contractor then investigates whatever reports are submitted. The reason for this approach by DLR County Council is to endeavour to find a means of counteracting persistent mis-use of disabled parking bays by able bodied persons. The pilot got underway on 1st May so there is very little feedback to date regarding its success or otherwise.

If such a pilot were to be implemented in Clare, it would be important that specific records would be collated in respect of whatever spaces would be used for the pilot for a period in advance of commencement of the scheme so that “before” and “after” comparisons could be made regarding the success or otherwise of the pilot. Also, the question arises re whether there is a problem to be resolved – we have no current indication that there is a significant problem around mis-use or that disabled persons are having problems in this regard. We will carry out an assessment of the situation

and if it is established that there is problem to be resolved I would, in principle, have no objection to implementation of a pilot.”

Cllr. A. Norton thanked Mr. T. Tiernan for his reply and felt that the traffic wardens were doing a good job. Mr. T. Tiernan advised that the situation would be kept under review.

Item 17. Irish Cement.

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

“That Clare County Council -

(i) Redouble their efforts, vis-a-vis the Environmental Protection Agency, to stop Irish Cement from burning used tyres and other hazardous waste materials at their Limerick plant.

(ii) Purchase and install air-quality monitoring devices at key locations throughout County Clare.”

Carmel Kirby, Director of Physical Development replied as follows:

“(i) Clare County Council made a comprehensive submission in relation to the potential air emissions from Irish Cement’s processes on the 14th July 2017 and the date for submissions is now closed. Clare County Council’s only role in this process is as a stakeholder. The E.P.A. will make their decision considering all relevant facts and submissions made as part of the process.

(ii) At present, Ireland has an established network of air quality stations to monitor air quality, configured to meet the requirements of the European Union C.A.F.E. (Clean Air For Europe) Directive. The Environmental Protection Agency is the designated competent authority for the implementation of all Irish and EU ambient air quality legislation. The E.P.A. is also the specified monitoring and reporting body under this legislation.

The E.P.A. manages and co-ordinates current ambient air monitoring activities in Ireland in co-operation with local authorities and other state bodies, complying with strict sampling and reporting requirements. Currently there are 2 No. C.A.F.E. Air Monitoring Sites in County Clare situated in Ennis and the Shannon Estuary. The Ennis site is situated in the old Ennis Town Council office/yard complex in Drumbiggle.

The new E.P.A. National Ambient Air Quality Monitoring Programme (A.A.M.P.) 2017-2022 will involve a greatly expanded national monitoring network providing enhanced real-time information to the public. The network will be supported and augmented by increased modelling and forecasting capability, with the aim of providing an ongoing air quality forecast to the public. Supporting both of these elements will be citizen engagement and citizen science initiatives to encourage greater understanding and involvement of the public in air quality issues.

A new national monitoring network will be established which will provide improved spatial coverage across rural and urban centres. The siting of the stations is based on the criteria of population size, vulnerability to air quality issues and spatial

distribution. The network of sites will monitor a range of important air quality parameters including particulates, heavy metals, inorganic and organic gases. Under the National Ambient Air Quality Monitoring Programme (A.A.M.P.) 2017-2022 it is proposed to also include Limerick City as a monitoring site.

The participation and contribution of Local Authorities is critical to the success of the A.A.M.P. The continuation of the valuable role currently played by some local authorities in the support of local monitoring stations will be essential to the A.A.M.P., and it is an ambition that this will be extended to include the expanded network where appropriate. The E.P.A. will work with the Local Authorities in establishing monitoring sites and providing air quality monitoring data for their local authority area to the national network.

Clare County Council will continue to work with the E.P.A. to achieve the objectives of the National Ambient Air Quality Monitoring Programme (A.A.M.P.) 2017-2022.”

Cllr. C. Crowe outlined the location of this site, the items it is intended will be burnt at the site and the planning process that has been gone through. He advised that the closing date for receipt of submissions to the E.P.A. has been extended. A number of elected members spoke in favor of this notice of motion and the necessity for additional monitoring stations.

Ms. C. Kirby, Director of Physical Development confirmed that the Council will work with the E.P.A., to bring forward the members concerns and to enhance the air quality the monitoring across the county.

Item 18. Policy in relation to overhanging trees and shrubbery.

Ar moladh Cllr. G. Flynn

Cuidithe ag Cllr. J. Breen agus glacadh leis

“I am calling on Clare County Council to review their policy in relation to overhanging trees and shrubbery growing from private property causing obstruction and health and safety concerns for members of the public trying to negotiate public roads and footpaths affected by this serious issue. What I’m requesting is a proactive approach by the Council in how this particular problem is dealt with throughout the county and especially public safety concerns.”

Tom Tiernan, Senior Engineer, Roads and Transportation Department replied as follows:

“Approximately 5 years ago, Clare County Council was the first county in the country to develop and implement a “Community Hedgecutting Scheme” initiative to encourage private property owners and communities to appropriately manage their responsibilities under Section 70 of the 1993 Roads Act which makes them responsible to ensure that hedges, shrubberies, trees etc. growing from their properties should not in any way compromise the functionality or safety of an adjacent public road. Since its introduction, the Council has been paying out approximately €10,000 per annum in grants to communities which have taken on this responsibility. It has been a “carrot” rather than a “stick” approach which has to a very significant degree

delivered a realisation among landowners that they rather than the Council, are responsible in law for this issue. The Council had, in effect, been carrying out work which was and remains the responsibility of the private property owners from whose land the overhanging trees and shrubbery referred to in this notice of motion emanate. As I understand it, other counties have followed Clare's lead in terms of introduction of such a scheme.

Given the foregoing, I think that it would be a retrograde step to change the current policy. The Council's current hedgecutting policy facilitates National and Regional Roads, the approaches to towns and villages and some local roads which have a strategic significance – the policy was reconfigured in this context in 2011 to reflect the significantly reduced funding which the Council was confined to allocating in this area following the demise of the celtic tiger era.

While it is acknowledged that situations arise where overhanging trees and shrubbery are found, from time to time, to be in need of attention in the interests of safe use of the public road, the position is that Area Engineers are conscious of this and depending on the nature of the difficulty, appropriate measures are taken which can involve a direct approach to relevant property owners, service of notices under the Act or where it is considered that appropriate action won't be taken by the landowner, the Council deals with the matter directly on the ground. This notice of motion is appropriate and timely and it will be used to remind Area Engineers to increase their vigilance in this area."

Item 19. Local Improvement Scheme.

Ar moladh Cllr. M. Hillery

"That management of Clare County Council would provide the following information on the Local Improvement Scheme;

1. Total number of applications received in County Clare?
2. The numbers of applications received in each Municipal District?
3. The criteria used in deciding what roads will be tarred in 2018?
4. Has the Council applied for extra funding in 2018 to enable more roads to be undertaken under the scheme?
5. Under the present level of funding how many years would it take to complete the present number of applications received?"

Tom Tiernan, Senior Engineer, Roads and Transportation Department replied as follows:

"Due to the fact that the previously existing list of applications in respect of Local Improvement Schemes was several years in existence and was found, in many cases, not to reflect current realities, it was decided earlier this year to re-advertise the scheme and to develop an up-to-date list of expressions of interest. The closing date for receipt of applications was set for 29th March. I will deal with each of the 5 questions above in similar order as follows:

1. The total no. of valid applications submitted was 280.
2. The total no. of applications submitted from each of the 4 Municipal Districts was as follows:
 - Ennis Municipal District: 26
 - Killaloe Municipal District: 48
 - Shannon Municipal District: 5
 - West Clare Municipal District: 201
3. When the Department of Rural & Community Development issued its circular in relation to Local Improvement Schemes on 27th February last, Clare County Council had already invited applications and had set a closing date of 29th March in respect of same. Under the aforementioned Department circular, the Council was asked to submit its proposals by 28th March – this deadline was later extended by 1 week. Given the foregoing, it was not going to be possible to define and apply criteria appropriately in respect of 280 applications in the time allocated. In the circumstances, a no. of schemes stood out as being strong contenders for prioritisation based on a variety of criteria including road length, no. of landholdings, no. of residents, community benefit, special circumstances, technical issues and so on. The approaches taken varied to some degree from one Municipal District to the next. The criteria to be used in future will be finalised and the schemes which have not yet been submitted to the Department for funding purposes will be prioritised later this year in accordance with the finalised criteria.
4. The Department circular of 27th February requested that supplementary proposals be submitted so that further funding could be allocated later in 2018 if funding became available. In this context, the Council has applied for further grant funding of €91,137 to facilitate 22 projects – in addition to the 13 projects for which grant funding of €482,000 has already been approved. It isn't clear at this stage when an announcement may emerge regarding additional L.I.S. funding for 2018.
5. Based on the fact that 13 projects have already been funded in 2018 and if one were to assume that a similar no. would be facilitated annually, it would take approximately 21 years to respond fully to all of the applications which we have at present. However, if one were to make assumptions based on approval to the aforementioned 22 supplementary applications (bringing the total for 2018 to 35) it would be feasible to implement all 280 projects within an 8 year time-span. Notwithstanding the foregoing, it would probably be more appropriate to respond to this question based on annual funding levels rather than the no. of schemes which might be implemented each year but it won't be possible to deal with the question in this context until such time as the costs of each of the 280 applications have been estimated – this is an onerous task and will be carried out in due course.”

Cllr. M. Hillery thanked Mr. T. Tiernan for his comprehensive reply but stated that his main concern related to funding.

Mr. T. Tiernan advised that funding of L.I.S. is in its infancy and while Clare County Council has received almost half a million thus far this year it would be hoped that further funding would be received this year. Going forward he could not state how funding will develop.

Item 20. Salting programme.

Ar moladh Cllr. J. Cooney
Cuidithe ag Cllr. C. Curtin agus glacadh leis

“That Clare County Council include all regional roads in priority 1 plan a route of the salting programme in severe weather conditions in the interest of road safety.”

Tom Tiernan, Senior Engineer, Roads & Transportation Department replied as follows:

“Councillors will be aware that, as promised earlier this year, a review of Winter Maintenance route schedules and associated policy is underway. All Councillors have been invited to make submissions no later than 1st June regarding any issues they may wish to raise or propose in this regard. In general terms, it would be difficult to incorporate all Regional Roads in the Winter Maintenance Schedule on the basis that the resources presently being made available would not cover the cost of same. In the event that resourcing of Winter Maintenance programmes is enhanced in future, it may be possible to consider what this notice of motion suggests.”

The elected members discussed a number of area where problems arose, particularly where a road that was salted diverges into two separate roads and one is salted and the other is not or where salting finishes and drivers are not aware of this. Reference was made to the R352 (Ennis to Portumna Road) where on the Clare side salting stops a mile short of the border unless severe weather conditions occur. Also, a number of elected members referred to previous notice of motions in relation to salting of roads in the proximity of national schools.

Mr. T. Tiernan responded to the queries raised, referring to the suggested imbalance in the salting programme he advised that a significant proportion of the roads in West Clare are national roads, while there are no national roads in East Clare. While agreeing that the R352 should be done he reminded the elected members of the review currently taking place and the closing date for receipt of submissions (1st June 2018).

Item 21. Roadsweeping of cycle lanes and hard shoulders.

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

“That Clare County Council adopts a policy of regular roadsweeping of all cycle lanes and hard shoulders across the county. This would provide safe passage for thousands of leisure cyclists from both within and outside of Clare, make it possible for motorists to adhere to the 1.5 metre legislation and most importantly, decrease the likelihood of motorists becoming impatient towards cyclists who are "clogging up" roads across the county and beyond”.

Tom Tiernan, Senior Engineer, Roads & Transportation Department replied as follows:

“At present cycle lanes and hard shoulders which have become an attraction for cyclists are swept periodically – approximately every 2 months in a rural context and more frequently in an urban context (twice monthly or monthly). We hope to be able to increase resources in this area going forward.

I would agree that it is most desirable that cycle lanes and hard shoulders would be maintained to a standard which would encourage cycling to an enhanced degree in the county – for the benefit of the health and enjoyment of both residents and visitors alike. A review of the maintenance regime currently in place will be carried out with a view to enhancement of the Council’s performance in this regard.”

Cllr. P. Murphy thanked Mr. T. Tiernan for his reply and he understood that it was a resource issue.

Item 22. Untreated Agglomeration Study.

Ar moladh Cllr. G. Keating

“That Clare County Council / Irish Water provide a programme update on the Clare UTAS (Untreated Agglomeration Study) for the 5 coastal towns covered by this study namely Kilrush, Kilkee, Liscannor, Ballyvaughan and Clarecastle and when will these projects be successfully completed.”

Carmel Kirby, Director of Physical Development replied as follows:

“The UTAS (*Untreated Agglomeration Study*) project was established by Irish Water, working in partnership with Clare County Council and consulting engineering firm RPS.

The five sites are at different stages of progression ranging from feasibility study to site investigation and detailed design stage.

Public Information Sessions have also been arranged which will better inform the local communities about the project.

The following provisional dates have been arranged for the information sessions:

- Clarecastle 16th May 2018
- Kilrush 22nd May 2018
- Kilkee 23rd May (provisional) 2018
- Ballyvaughan 13th June (provisional) 2018
- Liscannor 14th June (provisional) 2018

Irish Water will be further publicising these information sessions via local media as the date of each session approaches.

This project forms part of Irish Water’s current €5.5b investment plan which runs to 2021.

The current estimated overall completion date for the Clare UTAS project is 2021.”

Item 23. General Data Protection Regulation.

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

“That this Council continues to perform a progressive policy oversight role in view of the general Data Protection Regulation (G.D.P.R.) coming into effect on 25th May, 2018.”

Valerie Lyons, Administrative Officer, Corporate Services replied as follows;

“The councils G.D.P.R. implementation strategy includes the objective to review existing Data Protection policies and procedures and create new ones as necessary under the G.D.P.R.

There is co-operation on data protection matters at a regional level between the councils in the counties of Clare, Limerick and Tipperary and consultants have been appointed to assist the three local authorities in creating a comprehensive policy, procedure and process environment which will help to maximise compliance with the G.D.P.R.

The Data Protection Commissioners Office has indicated that they will issue guidance to the Local Authority sector on a number of matters to include elected members.

It is also anticipated that guidance will issue from the Department of Housing, Planning and Local Government. It is intended to hold a workshop session with councillors on the G.D.P.R. at that stage.”

Cllr. C. Curtin thanked Ms. V. Lyons for her reply. Reference was made to previous correspondence from the Data Commissioner where it was advised that guidelines would issue and difficulties that elected members face in carrying out their role if they do not have access to the information they require. A number of elected members referred to incidents where they had attempted to make enquiries on behalf of a constituent to Irish Water and the Department and was told that the individual would have to make direct contact or give written consent.

In responding to the issues raised the Chief Executive advised that all agencies will be impacted by the new legislation coming into effect at the end of the month. It is not intended to undermine democracy but is being introduced to protect personal data and we need to work within the framework. He advised that if a staff member was refusing to provide information that an elected member required to carry out their duties they should inform him directly.

It was agreed that a workshop for Councillors will be organised following advice from the Data Commissioner.

Item 24. Legislation on rates.

Ar moladh Cllr. P.J. Ryan

“That this Council would clarify the position regarding upcoming legislation on rates for commercial properties, also unoccupied properties that the owner is not in a position to pay the rates i.e. will these properties have to be demolished.”

Noeleen Fitzgerald, A/Head of Finance replied as follows:

1. the position regarding upcoming legislation on rates for commercial properties:

The legislative basis for the levying of rates dates back to the Poor Relief (Ireland) Act 1838 and subsequent commercial rates provisions spread over twenty separate enactments. Many of the provisions are outdated and not suitable for business trends in the modern era and require unnecessary and inefficient administrative obligations for local authorities. The need to modernise and consolidate rates legislation was acknowledged and the Government approved the drafting of a Rates Bill in April 2017, the drafting of the legislation is being undertaken at present which will result in a single consolidated Rates Bill with the repeal of the majority of existing provisions. It is difficult to confirm when this will be enacted; indications are that this may be in place for 2019.

Some of the measures being addressed in the general scheme of the Bill are:

- Provisions for greater enforcement powers for local authorities in the collection of commercial rates to include the use of the Revenue Sheriff, the introduction of a rates compliance certificate for businesses that require a licence as part of its operations, the use of attachment orders where a customer has the facility to pay but is refusing to engage with the Local Authority and the application of interest on overdue payments.
- Valuation matters to address the loss of income arising from the time period between occupation and valuation which is estimated to be costing a minimum of €25m per annum to the Sector. The proposal in the bill is for local authorities to levy rates based on a preliminary valuation.
- Addressing areas to improve operation of legislation including obligations on owners and occupiers to provide information to local authority, removal of moieties and also updating the provisions around vacant properties.

Clare County Councils collection percentage for rates for 2017 stands at 86%, There were circa 3,750 active customer accounts in 2017, approximately 7% or 250 accounts explain over 62% (€ 6.7m) of the amount outstanding at year end. The enforcement provisions proposed in the legislation will support the local authority in addressing this 7% of customers who are not engaging. The enforcement will enable more consistency across customers where we have a significant element of our customers compliant with payment of commercial rates.

2. the position regarding unoccupied properties that the owner is not in a position to pay the rates

Under the present system, the occupier of a commercial property is entitled to claim a 100% vacancy credit for commercial rates paid if the property has been vacant for the preceding year. The property must be vacant on the date the rate is struck and be vacant for one of the following two reasons:

- 1) An inability to obtain a suitable tenant. The onus is on the occupier to provide evidence, usually a letter from the agent and/or copy of brochure/advertising material.
- 2) The property is subject to significant redevelopment works. Again the occupier must provide evidence of same.

The provisions of the new legislation propose to address provisions around vacancy refunds. Some of the proposals are that future applications be prospective, the introduction of maximum refund <100% to be determined by the Minister and the provision for elected members to set lower refund with additional income added to their General Municipal Allocation.

While the new legislation is only proposed at this stage and not finalised, the present policy in Clare County Council remains where by an owner provides evidence of vacancy, the local authority credits the commercial rates liability.

The attached table provides an extract from the budgeted vacant properties in the county for 2018. The first category is 600 properties with a commercial rates liability of between €100 and €5000. The average rates liability is approximately €1,750, so the average impact of 10% is €175.

Customer count	Total		10% impact
	Commercial Rates	Property Numbers	
601	985,705	601	Avg. €175
1	699,666	116	69,967
1	371,407	12	37,141
1	255,813	6	25,581
1	232,228	5	23,223
1	149,192	2	14,919
1	129,922	3	12,992
1	116,492	13	11,649
1	99,936	21	9,994
1	98,537	2	9,854
1	96,128	1	9,613
1	69,195	6	6,919
1	69,046	2	6,905
1	67,386	9	6,739
1	66,510	39	6,651
1	58,665	1	5,866

It is important for property owners to engage with the council in relation to the property, If the property is derelict or has been converted to domestic use, we can have this delisted automatically from the valuation listing and therefore no charge will apply.”

Cllr. P.J. Ryan thanked N. Fitzgerald for her reply. He felt that Clare County Council should do more to publicise what facilities are available to assist those who have difficulties in making payments. He also sought clarification in relation to derelict building and where property owner cannot find suitable tenants and, therefore, not in a position to pay rates.

In responding to the queries raised N. Fitzgerald informed members that while the Minister will advise the Local Authority of the percentage refund, the Local Authority can decide to accept or change it. If a building is derelict it can be delisted and then no rates will be due. The Chief Executive advised that the new legislation should

force owners of buildings to use them and by and large it should have a positive impact.

Item 25. Council Meeting.

Ar moladh Cllr. J. Breen
Cuidithe ag Cllr. P. McMahon

“That this Council honour the commitment given in 2016 to hold one meeting of the Council at Ailwee Cave.”

Ann Reynolds, A/Senior Executive Officer, Corporate Services replied as follows:

“It was agreed at the October Council Meeting 2016 to hold a meeting at the Ailwee Cave, however the planned meeting did not go ahead due to other planned events.

Subsequent to this, the Standing orders were revised in May 2017 and Section 5 states:

“In so far as practicable the place for holding meetings of the Council shall be the Council Chamber, Áras Contae an Chláir, New Road, Ennis and meetings shall normally be held there, provided that the Council may from time to time by resolution appoint an alternative location for a particular meeting of strategic importance provided that at least $\frac{3}{4}$ of the total number of members are in favour of the proposal.

The address of the principal offices for the purposes of these Standing Orders is Áras Contae an Chláir, New Road Offices, Ennis, Co. Clare”.

Should the members now wish to hold a meeting at a venue considered to be of strategic importance, it is required that at least $\frac{3}{4}$ of the total number of members vote in favour of the proposal.”

Cllr. G. Flynn advised that he was not in favour of this notice of motion. Following a show of hands (In Favour:- 5, Against:- 7, Abstain:- 3) the notice of motion was not carried. Cllr. J. Breen expressed his disappointment.

Item 27. Organisation of National Ex-Service Personnel.

Ar moladh Cllr. T. McNamara
Cuidithe ag Cllr. A. Norton agus glacadh leis

“I request that Ollie O’Connor, Chief Executive Officer, Organisation of National Ex-Service Personnel address this Council regarding their future plans to assist homeless and in need former members of the Defence Forces.”

Item 28. Clare Branch of the Irish Red Cross.

Ar moladh Cllr. M. Howard in the absence of Cllrs. J. Crowe agus A. O'Callaghan
Cuidithe ag Cllr. M. Begley agus glacadh leis

“We request that Mr. Jim Lafferty of the Clare Branch of the Irish Red Cross be invited in to Clare County Council to make a presentation to the Councillors prior to a monthly meeting.”

Cllr. M. Howard outlined the services they provide.

Item 29. Clare Leader Forum.

Ar moladh Cllr. A. Norton
Cuidithe ag Cllrs. M. McKee, C. Colleran Molloy agus P. Murphy agus glacadh leis

“That Clare Council host a delegation from Clare Leader Forum to inform us about the work they do and the support they need from Clare County Council”.

It was agreed to take Notice of Motions 30 and 31 together.

Item 30. Southern Regional Assembly.

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

“In light of the Directors report on submissions to pre-Draft RSES Consultation to Southern Regional Assembly, Clare County Council invite the Director to attend a full Council meeting to respond to submissions from Clare County Council, Councillors and Committees.”

Item 31. Southern Regional Assembly.

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

“At the Southern Assembly Mid-West Strategic Planning Area Meeting held in Limerick on the 22nd March, Cllr. Pat Mc Mahon and myself requested that the CEO of the Southern Regional Assembly, Mr. Stephen Blair and his officials would attend a meeting of Clare County Council to brief the members on the (RSES) Regional Spatial and Economic Strategy and the N.P.F. and we are now proposing that Clare County Council issue a formal invitation.”

A number of elected members complemented the work being done by both Cllrs. B. Slattery and P. McMahon on the Southern Regional Assembly (S.R.A.). The Assembly is made up of 33 members, with Clare having 2. The deadline for receipt of submissions to the pre-Draft Regional Spatial and Economic Strategy was the 8th

January 2018 but great disappointment was expressed than none of Clare County Council's submissions were included. The draft is due to be printed on the 22nd June 2018. Cllr. P. McMahon advised that they have informed senior officials of the outcome of their meetings at the S.R.A. He expressed the view that Cork, Limerick and Waterford cities dominate the region and Clare is not being fairly represented, he gave the example of Shannon Airport which is rarely mentioned. He has been told that the deadline of 22nd June is not going to be extended. Cllr. B. Slattery advised that they had issued an invite to Mr. Stephen Blair, C.E.O., Southern Regional Assembly to attend a meeting of Clare County Council but have now been informed that he is retiring. The view was expressed that the support of the Oireachtas Members was needed.

Mr. L. Conneally, Director of Economic Development also acknowledged the efforts of both Cllrs. B. Slattery and P. McMahon. He advised that it would be a number of months before the vacancy left by Mr. Blair's retirement would be filled. In relation to the deadline of 22nd June, he did not think this was reasonable but every effort had been made to emphasis what was important from Clare's point of view. He advised that a number of Technical Working Group Meetings would be taking place between now and the June deadline. One of these meetings would be taking place in Ennis on the 1st June, and both he and Mr. B. McCarthy, Senior Planner would be attending. He agreed with the elected members that the support of our Oireachtas Members was important.

The Chief Executive in his summing up outlined the importance of the Regional Spatial and Economic Strategy and the importance of everyone working together to achieve the best possible outcome for Clare. He advised that he would convene a meeting with the Oireachtas Members if this was agreeable to the elected members. This was agreed by all.

Item 32. Versatis patches.

Ar moladh Cllr. M. McKee
Cuidithe ag Cllr. A. Norton agus glacadh leis

“That Clare County Council call on the Minister for Health, Simon Harris, to reverse the decision to take VERSATIS patches from over 25,000 Irish citizens suffering from chronic pain. If this motion is passed, I request that it be circulated to all local authorities seeking their support.”

It was agreed to write to the Minister for Health, Simon Harris and circulate this notice of motion to all local authorities.

Item 33. Shannon Airport.

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

“In view of the additional transatlantic flights planned from Shannon that this Council would urge the Shannon Group to promote UK and European Regional routes to link with them and enhance the hub status of the airport.”

The elected members spoke about the importance of developing new routes into and out of Shannon Airport and supporting existing routes. It was felt by some that Aer Lingus was not doing enough to support Shannon and it was difficult for Shannon to compete against Dublin. A number of elected members brought up the issue of non-representation on the Board of Shannon Airport.

The Chief Executive confirmed Clare County Council's commitment to Shannon Airport and its desire to work in partnership with Shannon Group. He advised that Clare County Council had written to the Minister in relation to representation on the Board. Once this is approved by the Minister it then goes to the Public Appointment Commission to fill the position.

It was agreed to write to the Minister for Transport, Tourism and Sport.

It was agreed to extend the meeting by 10 minutes in order to complete all matters listed.

Item 34. Comhfhreagras. Correspondence.

Correspondence.

The following correspondence was circulated with the agenda:

1. Correspondence dated 18th April, 2018 from the Southern Regional Assembly in relation to ongoing collaboration in the Regional Spatial and Economic Strategy (RSES) process.
2. Correspondence dated 3rd May, 2018 from the Department of Health concerning the current level of services at Mid Western Regional Hospital, Ennis.
3. Correspondence dated 26th April, 2018 from the Department of Justice, Equality and Law Reform regarding the "digital age of consent".
4. Correspondence dated 26th April, 2018 from the Office of the Minister for Training, Skills, Innovation and Research and Development regarding financial incentives to companies who are prepared to employ apprentices.
5. Correspondence dated 26th April, 2018 from the Office of the Minister for Education and Skills in relation to incentives to companies who are prepared to employ apprentices.
6. Correspondence dated 19th April, 2018 from the Office of the Minister for Justice and Equality in relation to illegal parking of caravans and camper vans.
7. Correspondence dated 19th April, 2018 from the Office of the Minister for Employment Affairs and Social Protection regarding the provision of leave for workers who are taking care of elderly parents.
8. Correspondence dated 30th April, 2018 from the Department of Public Expenditure and Reform regarding the provision of leave for workers who are taking care of elderly parents.

9. Correspondence dated 3rd May, 2018 from the Department of Justice and Equality regarding the provision of leave for workers who are taking care of elderly parents.
10. Information notice – Strategic Policy Committees, Advisory Groups and the Regulation of Lobbying.
11. Response from Senator Martin Conway in relation to notice of motion circulated concerning redress scheme to provide financial support to purchasers of houses and apartments who now find that their property was not properly constructed, and is non compliant with Building and Fire Regulations.
12. Resolution circulated by Donegal County Council in relation to Community Employment Schemes.
13. Correspondence received from Dublin City Council regarding publicly funded higher education.
14. Correspondence received from Dublin City Council regarding non compliance with Building and Fire Regulations.
15. Correspondence received from Dublin City Council regarding the introduction of financial incentives to companies who are prepared to employ apprentices.
16. Correspondence received from Dublin City Council regarding study findings by NUIG.
17. Resolution circulated by Leitrim County Council in relation to designating large areas as SACs and NHAs, etc.
18. Resolution circulated by Carlow County Council in relation to agricultural payments.
19. Resolution circulated by Kerry County Council in relation to the restriction of the use of Versatis pain relief patches to patients in chronic pain outside those experiencing post herpetic neuralgia.
20. Preliminary notice for module 2 of the 2018 for AILG “In Service” elected members training taking place in May 2018.

Conferences.

Reports on Seminars/Conferences attended.

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

AILG training entitled “Councillors and Community Safety” taking place in Westport, Co. Mayo on 19th May, 2018.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €305.51 including conference fee of €55.

It was agreed that Cllrs. C. Curtin, M. Hillery, B. Chambers, P.J. Kelly, P. Daly, P.J. Ryan and P. McMahan attend this Conference.

Any Other Business

- The Cathaoirleach on behalf of the elected members took the opportunity to thank Mr. T. Tiernan, Senior Engineer for all work over the years and wished him all the best in his retirement. The Chief Executive on behalf of the staff of Clare County Council thanked him for his commitment and work over the years and wished him a long and happy retirement.
- Cllr. G. Flynn asked the Meeting Administrator to follow up on the following:-
 - a. Mr. Eoghan Murphy, Minister for housing, Environment and Local Government and Mr. Paschal Donohoe, Minister for Finance, and Public Expenditure and Reform in relation to putting in place a redress scheme for purchasers of houses and apartments who now find that their properties were not properly constructed.
 - b. Ms. Regina Doherty, Minister for Employment Affairs and Social Protection in relation to contributory pension entitlements.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____