

**Minutes of the September Monthly Meeting of Clare County Council held in the
Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on
Monday, 9th September, 2019 at 3:45 p.m.**

Present:

Councillors M. Howard, M. Nestor, J. Flynn, C. Colleran Molloy, P. Murphy, A. Norton, P. Daly, J. Cooney, P. Hayes, P. Burke, A. O’Callaghan, T. O’Brien, C. Crowe, M. Begley, P.J. Ryan, P. McMahon, G. Flynn, S. Talty, J. Killeen, J. Garrihy, R. Garvey, P.J. Kelly, B. Chambers, G. Keating, C. Murphy, I. Lynch.

- Mr. Leonard Cleary, Deputy Chief Executive.
- Ms. Ann Reynolds, Meetings Administrator.
- Ms. Margaret O’Rourke, Assistant Staff Officer.
- Ms. Anne Haugh, Director of Social Development.
- Mr. Liam Conneally, Director of Economic Development.
- Ms. Carmel Kirby, Director of Physical Development.
- Ms. Noeleen Fitzgerald, A/Head of Finance.
- Mr. Cyril Feeney, Senior Engineer, Physical Development.
- Mr. John Leahy, Senior Engineer, Physical Development.
- Mr. Seán Lenihan, Senior Engineer, Project Management Office.
- Ms. Siobhán McNulty, Senior Executive Officer, Social Development.
- Mr. Brian McCarthy, Senior Planner.
- Mr. Jason Murphy, Senior Executive Officer, Human Resources.
- Ms. Leonore O’Neill, Senior Executive Officer, Physical Development.

Apologies: Cllrs. M. McKee and J. Crowe.

The Cathaoirleach, Cllr. Cathal Crowe presided.

At the outset Cllr. S. Talty proposed a 15 minute adjournment of the meeting in accordance with Standing Order No. 12 as a mark of respect to our friend and colleague William Freney, Senior Executive Engineer, Physical Development R.I.P. This was seconded by Cllr. A. Norton and agreed by all members present. The members extended their sympathy on behalf of the Council to William’s wife Catherine and their children, his family, his extended family and his work colleagues. Tributes were paid to William with the members noting his dedication to his job and his family.

A vote of sympathy was also extended to the following:

- The Haugh family, Ballyea on the death of Matthew Haugh.
- McInerney family, Ennis on the death of Mary McInerney.
- The Rochford family, Gort on the death of Paddy Joe Rochford.
- The Daly family, Cooraclare on the death of Paul.

- The O'Brien family Ennis on the death of Maureen O'Brien.
- The Concannon family, Kilkee on the death of Assumpta.
- The Harvey family, Querrin on the death of Loretto.
- Connie Baylon, Newmarket on Fergus on the death of her sister Anne Frawley, Newmarket on Fergus.

Prayers were then recited for the deceased and the meeting adjourned for 15 minutes.

Item 1: Minutes of Council Meetings.

a. Ar moladh Cllr. B. Chambers
Cuidithe ag Cllr. G. Flynn agus glacadh leis

“That the Minutes of the July Meeting of Clare County Council held on 8th July, 2019 be adopted and signed.”

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

“That the Minutes of Special Meeting of Clare County Council held on 15th July, 2019 be adopted and signed.”

Item 2: Matters Arising.

Item 3: Minutes of Municipal District Meetings.

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

“That the Minutes of the Ennis Municipal District Meeting held on the 14th May, 2019 be noted.”

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

“That the Minutes of the Ennis Municipal District Annual General Meeting held on the 11th June, 2019 be noted.”

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

“That the Minutes of the Killaloe Municipal District Meeting held on the 1st May, 2019 be noted.”

d. Ar moladh Cllr. A. O'Callaghan
Cuidithe ag Cllr. J. Cooney agus glacadh leis

“That the Minutes of the Killaloe Municipal District Annual General Meeting held on the 12th June, 2019 be noted.”

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

“That the Minutes of the Shannon Municipal District Meeting held on the 14th May, 2019 be noted.”

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

“That the Minutes of the Shannon Municipal District Annual General Meeting held on the 11th June, 2019 be noted.”

g. Ar moladh Cllr. B. Chambers
Cuidithe ag Cllr. G. Keating agus glacadh leis

“That the Minutes of the West Clare Municipal District Meeting held on the 10th May, 2019 be noted.”

h. Ar moladh Cllr. G. Keating
Cuidithe ag Cllr. S. Talty agus glacadh leis

“That the Minutes of the West Clare Municipal District Annual General Meeting held on the 12th June, 2019 be noted.”

Item 4: Minutes of the Corporate Policy Group Meetings.

The members noted the minutes of the meeting held on 1st July, 2019 as presented.

Item 5: Monthly Management Report.

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

Cllr. G. Flynn requested an update on the N19 embankments.

The elected members raised concerns in relation to traffic calming works on the L4506 Kilrush Road to Limerick Road.

Cllr. J. Flynn requested an update on works for upgrades to the water and wastewater network as part of the new public realm works to Parnell Street, Ennis and asked for a timeframe for the completion of the works.

Cllr. A. Norton complimented the staff in Rural Development Department and the Cliffs of Moher on the improved disability access facilities now available at the Cliffs of Moher Visitor Experience.

Cllr. M. Begley requested a timeframe in relation to works at Springfield, Clonlara.

Cllr. P. Burke sought an update on the Killaloe Bridge and By Pass project.

C. Kirby, Director of Physical Development thanked the elected members for their comments in relation to the traffic calming works on the L4506 and stated that the Council are working on providing cyclist and pedestrian facilities within the town.

Ms. Kirby informed the meeting that this item will be discussed at the Ennis Municipal District meeting scheduled for Tuesday, 10th September.

In relation to the Clonlara flood defences Sean Lenihan, Senior Engineer stated that there will be an outcome from the modeling works before the end of October.

Consultation will then take place with the O.P.W. and the consultants and if viable will proceed to Part VIII before the end of the year.

Responding to the query in relation to Shannon Town and Environs Flood Relief Scheme, S. Lenihan, Senior Engineer stated that tender documentation is being finalised for the appointment of consultants.

In relation to N19 embankments, S. Lenihan stated that Transport Infrastructure Ireland have given approval to appoint Fehily Timoney Consultants and the contract signing will take place in the next couple of weeks.

Referring to Killaloe Bridge and By-pass, S. Lenihan stated that RPS are working on the detailed design and when complete the tender documentation will be prepared and will go to tender before the end of the year.

Item 6: Disposal, by way of lease, of lands at Ballycaseymore, Shannon, Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.

Report dated 16th July, 2019 from Carmel Greene, Senior Executive Officer, Economic Development was circulated with the agenda together with map. The report states that it is proposed to dispose by way of lease of an area of lands measuring 1.34 ha at Ballycasey More, Shannon subject to conditions as set out in the notice served on the members dated 16th July, 2019.

Ar moladh Cllr. G. Flynn

Cuidithe ag Cllr. P. McMahan 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 disposal, by means of a lease, of lands measuring 1.34 ha at Ballycaseymore, Shannon, Co. Clare subject to conditions as set out in the notice served on the members dated 16th July, 2019.”

Item 7: Disposal of lands at Moyhill, Cratloe, Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.

Report dated 16th July, 2019 from Carmel Greene, Senior Executive Officer, Economic Development was circulated with the agenda together with map. The report states that it is proposed to dispose of an area of lands measuring 0.59 hectares at Moyhill, Cratloe, Co. Clare subject to the conditions as set out in the notice served on the members dated 16th July, 2019.

Ar moladh Cllr. P.J. Ryan
Cuidithe ag Cllr. G. Flynn 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, disposal of land measuring 0.59 hectares at Moyhill, Cratloe, Co. Clare subject to the conditions as set out in the notice served on the members dated 16th July, 2019.”

Item 8: Disposal of lands at Slaney Park, Shannon, Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.

Report dated 16th July, 2019 from Carmel Greene, Senior Executive Officer, Economic Development was circulated with the agenda together with map. The report states that it is proposed to dispose of an area of lands measuring 0.031 acres at Slaney Park, Shannon, Co. Clare subject to the conditions as set out in the notice served on the members dated 16th July, 2019.

Ar moladh Cllr. G. Flynn
Cuidithe ag Cllr. P. McMahon 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 disposal of lands measuring 0.031 acres at Slaney Park, Shannon, Co. Clare subject to the conditions as set out in the notice served on the members dated 16th July, 2019.”

Item 9: Disposal of property at Cluain Airne, Shannon, Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.

Report dated 27th August, 2019 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 an area of property at Cluain Airne, Shannon, Co. Clare subject to the conditions as set out in the notice served on the members dated 27th August, 2019.

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

“Notice having been served pursuant to Section 183 of the Local Government Act, 2001, Clare County Council approves pursuant to the powers vested on it at Section 211 of the Planning & Development Act, 2000 as amended, of disposal of property at Cluain Airne, Shannon, Co. Clare subject to the conditions as set out in the notice served on the members dated 27th August, 2019.”

Item 10: Disposal of property at Elton Court, Meelick, Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.

Report dated 27th August, 2019 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 Elton Court, Meelick, Co. Clare subject to the conditions as set out in the notice served on the members dated 27th August, 2019.

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

“Notice having been served pursuant to Section 183 of the Local Government Act, 2001, Clare County Council approves pursuant to the powers vested on it at Section 211 of the Planning & Development Act, 2000 as amended, of disposal of property at Elton Court, Meelick, Co. Clare subject to the conditions as set out in the notice served on the members dated 27th August, 2019.”

Item 11: Disposal of property at Elton Court, Meelick, Co. Clare pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.

Report dated 27th August, 2019 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 Elton Court, Meelick, Co. Clare subject to the conditions as set out in the notice served on the members dated 27th August, 2019.

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

“Notice having been served pursuant to Section 183 of the Local Government Act, 2001, Clare County Council approves pursuant to the powers vested on it at Section 211 of the Planning & Development Act, 2000 as amended, of disposal of property at Elton Court, Meelick, Co. Clare subject to the conditions as set out in the notice served on the members dated 27th August, 2019.”

Item 12: Nomination of Community Representatives to Clare Joint Policing Committee.

Report dated 30th July, 2019 from Annette Donnellan, Joint Policing Committee Meetings Administrator was circulated with the agenda. The report states that the

newly formed Joint Policing Committee met on 8th July, 2019 and requested the formal approval of the Community Representatives from the elected members.

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

“That the following be nominated as the Community Representatives for the Clare Joint Policing Committee:

Adrian Brooks, Irish Farmers Association
Dermot Hayes, Community activist in disability
Mary Mather Leahy, Clare Older People
Madeline McAleer, Public Participation Network
Brian McManus, Clare Youth Service
Bill Slattery, Lahinch Development Association.”

Item 13: Strategic Policy Committee Scheme.

Report dated 4th September, 2019 from Ann Reynolds, A/Senior Executive Officer, Corporate Services was circulated to the members. The report states that at the July Council meeting the members adopted a Draft Strategic Policy Committee Scheme. Submissions on the draft scheme were invited through the local media. Details of the ten submissions received were set out in a schedule attached to the report. The report outlined the recommendations made by the Corporate Policy Group at its meeting on the 1st September, 2019.

The report states that the draft scheme has been amended to incorporate the recommendations of the Corporate Policy Group and the following decisions are required to be made by the Council:

1. Adoption of the revised Draft S.P.C. Scheme
2. Confirmation of the Chairs of the individual S.P.C.s and approval of the payment of an allowance of €6,000 to each chair.
3. Allocation of each elected member to a particular S.P.C.

Once the scheme has been adopted nominations will be sought from the various sectors and a report outlining details of the nominees will be circulated to the members in due course.

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

“That the amended Draft S.P.C. Scheme as circulated with September agenda be adopted with the following additional amendments:

- The proposed representative from the Community /Voluntary Sector will be replaced by a representative from the Social Inclusion Sector on the Economic Development S.P.C.
- Include one additional representative from the Environment/Conservation Sector on the Physical Development S.P.C.

- Each S.P.C. Agenda will include a standing item for Climate Change and Biodiversity.

It was agreed that the Physical Development Directorate will lead the climate change agenda and co-ordinate across all S.P.C.s and the Economic Development Directorate will lead the Biodiversity agenda and co-ordinate across all S.P.C.s.”

Mayor, Cllr. C. Crowe informed the meeting that the S.P.C. vacancies will be filled at the October Council meeting.

Item 14: Interim Financial Report to 30th June, 2019.

Financial Report for half year to 30th June, 2019 was circulated with the agenda. The report set out a financial review of the Council’s income and expenditure account for the first six months of 2019, together with an overview of the activity on capital projects in the same period. The members noted the report as presented having been proposed by Cllr. G. Keating and seconded by Cllr. B. Chambers.

Item 15: Report to Council on the Traveller Accommodation Programme 2019-2024.

Cllr. J. Flynn proposed that this item be deferred to the October meeting to allow for additional time to consider the document and submissions. This was seconded by Cllr. A. Norton and agreed by the members present.

Item 16: Draft Climate Change Adaptation Strategy 2019-2024.

Report and recommendation on submissions received to the Draft Clare County Council Climate Change Adaptation Strategy 2019 – 2024 was circulated with the agenda. The report states that this local authority climate adaptation strategy forms part of Ireland’s national strategy for climate adaptation as set out in the National Adaptation Framework which was produced under the provisions of the Climate Action and Low Carbon Development Act 2015. It is tasked with mainstreaming climate change adaptation over time into all functions, operations and services of the local authority.

The draft strategy includes a range of actions across 6 No. high level goals including:

- Theme 1: Local Adaptation Governance and Business Operations
- Theme 2: Infrastructure and Built Environment
- Theme 3: Land use and Development
- Theme 4: Drainage and Flood Management
- Theme 5: Natural Resources and Cultural Infrastructure
- Theme 6: Community Health and Wellbeing

As part of the process of making this strategy a period of public consultation was undertaken and a total of 29 submissions were received within the timeframe specified. The report outlines details of the submissions received. The report concludes that based on the consideration of submissions, it is recommended that the draft Clare County Council Climate Change Adaptation Strategy 2019-2024 be adopted by the members as originally drafted.

Cllr. R. Garvey expressed disappointment in relation to consideration of the submissions received. Cllr. P. Hayes thanked the people who made submissions and

requested that a special meeting be convened to go through the submissions and find rationale behind answers. This was seconded by Cllr. J. Flynn and agreed by the members present.

C. Kirby, Director of Physical Development addressed the meeting and stated that in the preparation of the draft Climate Change Adaptation Strategy the Council is following a process that is set out by Government under the national adaptation framework and that the draft strategy is a high level strategy with high level goals and high level actions. The draft strategy was presented to the Council at the June meeting and it had undergone environmental assessment and screening which is a legal requirement. Ms. Kirby also stated that we are statutorily obliged by government to adopt the strategy by the 30th September.

Ms. Kirby advised that 29 submissions were received during the four week public consultation period. The submissions were detailed and varied and related to specific objectives for the council to focus on – it is not intended to include these individual objectives in the strategy at this stage but they will need to be teased out, to see how feasible they are and then individually subject them to environmental assessment and screening. It is not intended to get into this level of detail with the strategy but they will be taken on board in developing the detailed objectives.

Another group of submissions related to the objectives outside the control of the local authority so cannot be included. A further group of submissions related to mitigation measures rather than adaptation measures. Other objectives related to goals and objectives already incorporated in the draft strategy and more submissions related to interesting climate action services provided by organisations.

Ms. Kirby stated that the 29 submissions will provide valuable input into the next phase of detailed implementation of the goals and objectives of the strategy because of their specific detailed nature, and further engagement will take place with the various groups when those detailed implementation plans are being formulated.

It was agreed to schedule a special meeting to deal with this item.

Cllr. C. Crowe informed the meeting that during the 15 minute adjournment, he had been presented with a petition from a group called Extinction Revolution in relation to climate action and biodiversity in Clare.

Item 17: Make Way Day – delegation to address Council members at 3:00 p.m.

It was noted that the delegation have requested that this item be deferred to the October Council Meeting.

The elected members commended Clare County Councils participation in “Make Way Day” on 26th September and encouraged the general public to support the event and understand the challenges being encountered by people with disabilities.

Mayor Cllr. C. Crowe acknowledged the absence of representatives of the Clare People newspaper.

Mayor Cllr. C. Crowe congratulated Clare FM on celebrating 30 years of broadcasting recently.

Mayor Cllr. C. Crowe informed the meeting that he had to leave the meeting early due to illness and requested that Item No. 34 be discussed at this point. This was agreed by the members present.

Item 34. Avara Pharmaceutical.

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

“That Clare County Council

- i) support the workers at Avara Pharmaceutical in their campaign to achieve a fair redundancy package
- ii) request the previous owners of Avara Pharmaceutical, UCB, to honour their corporate social responsibility charter and pay its ex-workers redundancy.”

Cllr. C. Crowe welcomed the Avara employees to the public gallery and outlined their cause and campaign. The elected members expressed unanimous support for the workers in Avara pharmaceuticals and stated that the company should have a moral responsibility to give the workers their redundancy money. The environmental impact of the closure of Avara pharmaceuticals was also noted.

The elected members requested that this resolution be forwarded to the relevant liquidators, Mr. Pat Breen, Minister of State at the Department of Business, Enterprise and Innovation and the Department of Employment and Social Protection, Ms. Heather Humphreys, T.D., Minister for Business, Enterprise and Innovation and Ms. Regina Doherty, T.D., Minister for Employment Affairs and Social Protection. This was agreed by the members present.

As the Mayor had to leave the meeting Cllr. C. Colleran Molloy presided.

Item 18. Climate Change Emergency.

Cllr. J. Flynn requested that this item be deferred to the special meeting.

Item 19. Sustainable Energy Community.

Ar moladh Cllr. J. Garrihy
Cuidithe ag Cllrs. J. Flynn, R. Garvey agus J. Cooney agus glacadh leis

“That Clare County Council partner with Clare Local Development Company, key county wide agencies and representative organisations in leading a coalition of key stakeholders to resource and establish a county Clare wide Sustainable Energy Community (S.E.C.) under the leadership of Clare County Council supported by Clare Limerick Energy Agency or similar experienced and qualified organisation in this field with the objective of maximising the coherence of our County's response to the climate action plan and streamlining access to SEAI and other state supports/funding in this area. In tandem each LEA be resourced and supported to establish an S.E.C. specific to their area and projects / initiatives being carried out.

If agreed can a timeframe for action on above motion be given.”

Carmel Kirby, Director of Physical Development replied as follows:

“Clare County Council is committed to the transition toward a sustainable low carbon economy as evidenced by the objectives in the Draft Climate Change Adaptation Strategy, the County Development Plan (C.D.P.) and in particularly Section 5.1 of the C.D.P. “Sustainable Communities”. Clare is conscious of its important heritage in establishing Ireland’s first sustainable energy generation at Ardnacrusha to the present Clare Renewable Energy Strategy which clearly signals the county’s intention to be at the centre of Ireland’s low carbon transition. Clare County Council established the Limerick Clare Energy Agency in 2005. The Energy Agency and Clare County Council have continued to work in partnership with stakeholders on many different energy projects since 2005.

The Climate Action & Low Carbon Development Act of 2015 has established the statutory framework for all local authorities to address the important issues of Climate Adaptation and Mitigation. The Government is due to publish the Climate Action (Amendment) Bill at the end of this year which should outline the legislative framework and responsible bodies to implement the Climate Action Plan 2019. The Climate Action Plan 2019 has outlined under **Section 15.2 Engagement, Capacity Building and Local Action** the following objectives;

“We will engage and empower citizens and communities to take local action by linking to existing and new networks and clustering initiatives, using the N.D.C.A. (National Dialogue Climate Action) and Local Authority structures. The Climate Action Regional Offices (C.A.R.O.) will lead a step-up in climate action within Local Authorities.

- We will establish a Community Outreach programme, building on the success of other outreach initiatives and the Green Schools programme, and rooted in community and voluntary organisations and other civil society groups, that encourages local communities to drive change at a local level*

This approach will harness existing networks and help build new ones, supporting better communication, and more focused deliberation leading to effective action

- The S.E.A.I. support for the development of Sustainable Energy Communities (S.E.C.) shall expand from 256 now to 500 by 2020, and 1500 by 2030*

- The existing S.E.C. network will be leveraged through the Local Authority structures to ensure greater collaboration between the S.E.C.s and the N.D.C.A. (National Dialogue Climate Action)*

- A streamlined, one-stop-shop approach to project applications will be developed to significantly reduce the administrative burden associated with multiple funding channels*

- The design of policy tools, including the new Renewable Electricity Support Scheme, will explicitly seek to mobilise local and community involvement in micro-generation and in major Renewable Energy projects*

- The obligated energy suppliers will be required to promote a closer working with community and enterprise to ensure wider community gain and help to realise the new model of delivery being developed under this Plan”*

These objectives appear to align with the requirements of the Notice of Motion and therefore I believe that we should await the publication of the Amendment Bill to

better understand the proposed role for the local authority sector in delivering on the objectives of the Climate Action Plan 2019.”

The elected members requested that Council staff continue to support community groups by providing education and information.

C. Kirby, Director of Physical Development informed the meeting that a review of structures will take place after the Climate Bill is adopted.

Item 20. Ash Die Back Disease.

Ar moladh Cllr. M. Howard

“I request this council outline what measures (if any) are proposed to mitigate the effects of Ash Die Back Disease on ash trees on property in the control of Clare County Council.”

Carmel Kirby, Director of Physical Development replied as follows:

“Common ash (*Fraxinus excelsior*) is one of the most important native tree species on the island of Ireland and makes an important contribution to the island’s ecology, landscape and culture. However, it is threatened by the disease “Chalara Ash dieback” caused by a fungal pathogen identified as *Chalara fraxinea* and *Hymenoscyphus pseudoalbidus*.

The Control Strategy (*All-Ireland Chalara Control Strategy’ - July 2013*) for dealing with Ash dieback has been developed jointly by the Department of Agriculture and Rural Development (DARD) and The Department of Agriculture, Food and the Marine (DAFM) in conjunction with the Agri-Food and Biosciences Institute (AFBI). The authority for intervention under the Strategy is covered by legislation in “Statutory Instrument No. 431/2012 - Destructive Insects and Pests Acts 1958 and 1991 (*Chalara fraxinea*) (No. 2) Order 2012”. Clare County Council are not authorised persons under this legislation but abide by both the legislation and the Control Strategy.

I can confirm that to date the Environment Section has not encountered a case of Ash dieback at any of the locations that are maintained by the Gardening Section. The Gardening Section are aware of the symptoms to be vigilant for in suspected cases of Ash dieback and know that this must be reported to the Department of Agriculture, Food and Marine (DAFM). A number of years ago infected Ash trees were identified on the N85 and were removed by Clare County Council under direct supervision by a DAFM inspector.

In line with official advice from DAFM in order to mitigate against the spread of Ash dieback the Gardening Section does not purchase or plant Ash trees. This measure has been in place for a number of years.

As a replacement for Ash trees (*Fraxinus excelsior*), the Gardening Section plant other native tree species such as Rowan and Oak.”

Item 21. Overhanging roadside branches and trees.

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

“That this Council would carry out an assessment of all overhanging roadside branches and trees and where necessary put in place a program to cut/remove same.”

John Leahy, Senior Engineer, Transportation Department replied as follows:

“Clare County Council’s Hedge-cutting policy is set against the background that local authorities have an overseeing role and responsibility to ensure that public roads are free of obstruction and impediment including the requirement that overgrown trees and overhanging branches, verges, hedgerows etc. do not interfere in any way with the effective and safe operation of the public road network.

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 and General Service Supervisors are vigilant in relation to this. 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 Section 70 of the Roads Act 1993 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. The Gardai would also occasionally alert the Local Authority to overhanging trees that might need attention.

This notice of motion is appropriate and timely now that the period within which hedge-cutting is restricted has just finished and Municipal District Engineers will now be increasing their vigilance in this area.

Clare County Council are also presently inviting grant applications from applicants in respect of the Community Hedge-cutting Grant Scheme until the end of September to encourage landowners to cut hedges and overhanging trees on their properties adjacent to public roads.”

The elected members requested that the Council be stronger in dealing with non compliant landowners in relation to hedgecutting.

John Leahy, Senior Engineer informed the meeting that health and safety is paramount and takes precedence when it comes to hedge cutting and the Council has to comply with the Wildlife Act. He referred to the hedgecutting grant scheme that is available and stated that 30/40 landowners subscribe to this scheme per annum. He requested that contact be made with the Municipal District offices if there is a particular location that needs attention.

Item 22. Traffic calming measures.

Ar moladh Cllr. G. Flynn
Cuidithe ag Cllr. A. Norton agus glacadh leis

“I am calling on Clare County Council to carry out a full review on the policy concerning the installation of traffic calming measures and also the installation of cycle lanes throughout the county.”

John Leahy, Senior Engineer, Transportation Department replied as follows:

“In relation to the policy concerning the installation of traffic calming measures the current County Development Plan contains the following Priority in section 17.4.3 “To form transition areas on approach roads, both to calm traffic and enhance the arrival to the settlement.” Section 17.4.4 deals with traffic calming in towns and villages on the Wild Atlantic Way.

When the Road Design Office is notified that speeding may be an issue at a particular location we undertake to conduct a speed and volume survey. If the result shows that an issue exists we could recommend that the location is considered as a Low Cost Safety Scheme for funding in the following year. If a location has a treatable accident pattern then they would be given higher priority. An example of such a funded scheme is LCS 2019 R474 Kilmaley. Implementation of any recommended measures is dependent on the availability of funding.

Notification to the Gardai should also be undertaken if a speeding issue is suspected as enforcement of speed limits may be necessary.

In the assessment of planning applications the Road Design Office includes for application/inclusion of the road narrowing /traffic calming principles contained in the Design Manual for Urban Roads and Streets.

In relation to the installation of cycle lanes throughout the County - the current County Development Plan contains Objectives CDP 5.17, 8.12 and 8.13. If a review of these CDP Objectives is decided upon it would be undertaken as part of the next County Development Plan review. The Objectives deal with provision of cycle lanes serving schools, pursuing funding for Active Travel Towns and provision of cycle lanes.

Specifically CDP Objective 8.13 is “To support the development of cycle-lanes in urban areas, linking residential areas to town centres, employment centres and school locations”.

In 2016 the three Ennis Active Travel Town schemes funded by the DTTAS were constructed in Ennis. They provided improved facilities for cyclists and pedestrians on parts of the R469, R458 and a link from the R352 Tulla Road to the R458 Gort Road.

The Road Design Office can identify locations where cycle lanes would be feasible on existing roads and seeks funding for their implementation through the available Government funding streams.”

The elected members emphasised that consultation with members of the public needs to be enhanced as local residents need to be briefed on impacts to their area.

John Leahy, Senior Engineer informed the members that extensive consultation takes place prior to works schemes being developed. He stated that if there is a particular scheme that needs to be examined it will be referred to the Municipal District for review.

Item 23. Funding for new treatment sewerage plants.

Ar moladh Cllr. P. Hayes

Cuidithe ag Cllrs. B. Chambers agus T. O'Brien agus glacadh leis

“We propose that following the recent application for rural regeneration funding and its subsequent non approval for putting in place new treatment sewerage plants and associated works in Broadford and Cooraclare and future proposed works in other villages that Clare County Council now seek alternative sources of funding for these projects. We now propose that Clare County Council seek approval to raise a loan to for these projects.”

Carmel Kirby, Director of Physical Development replied as follows:

“Irish Water are the Water Services Authority for the country replacing the role previously undertaken by the 31 local authorities. The main functions and powers previously vested with local authorities under the Water Services Act 2007 are now vested solely with Irish Water.

The Irish Water Capital Investment Plan (C.I.P.) is currently with the Commission for Regulation of Utilities. The Commission for Regulation of Utilities (C.R.U.) is the independent economic regulator of Irish Water. This Investment Plan outlines Irish Water’s proposals for the development of water services infrastructure across many different programmes for the period 2020-2024. As part of that process the C.R.U. have engaged in a consultation process with key stakeholders including local authorities. The issue of an investment programme for un-sewered towns and villages has been raised with Irish Water during this consultation phase. The closing date for submission on this Investment Plan is September 11th 2019. Clare County Council will be making a submission through the County and City Management Association (C.C.M.A.) in relation to the provision of waste water infrastructure in un-sewered towns and villages.

We would recommend that we await the outcome of this process and the C.R.U.’s deliberations before deciding on an appropriate course of action.”

The elected members stated that the lack of services is prohibiting progress in many towns and villages and expressed frustration at the delay in providing these services.

C. Kirby, Director of Physical Development stated that this is a nationwide problem that is being dealt with by the C.C.M.A. She informed the meeting that Irish Water have the remit in relation to the provision of water services and stated that the gap in funding needs to be addressed.

Following a request from Cllr. P. Hayes, it was agreed that a copy of the submission on the Investment Plan be circulated to the elected members.

Fix date for special meeting.

It was noted that the 30th September is the final date for submissions to the Department in relation to the Climate Change Adaptation Strategy. The elected members agreed that the special meeting will take place on Monday, 16th September at 2:00 p.m. which will be followed by the adjourned Council meeting.

The meeting then adjourned.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____

Minutes of Special Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on Monday, 16th September, 2019 at 2:00 p.m.

Present:

Councillors M. Nestor, C. Colleran Molloy, P. Murphy, P. Daly, J. Cooney, P. Hayes, P. Burke, A. O’Callaghan, T. O’Brien, M. Begley, P.J. Ryan, M. McKee, G. Flynn, S. Talty, J. Killeen, J. Garrihy, R. Garvey, P.J. Kelly, B. Chambers, G. Keating, I. Lynch.

- Mr. Leonard Cleary, Deputy Chief Executive.
- Ms. Ann Reynolds, Meetings Administrator.
- Ms. Margaret O’Rourke, Assistant Staff Officer.
- Mr. Liam Conneally, Director of Economic Development.
- Ms. Carmel Kirby, Director of Physical Development.
- Mr. Noeleen Fitzgerald, A/Head of Finance.
- Mr. Cathal Brodie, A/Executive Environmental Scientist.
- Ms. Maura McNulty, Executive Scientist.
- Mr. Brian McCarthy, Senior Planner.
- Ms. Siobhán McNulty, Senior Executive Officer, Social Development.

Apologies: Cllrs. J. Crowe, C. Crowe and C. Murphy.

Absent: Cllrs. M. Howard, J. Flynn, A. Norton and P. McMahan.

The Leas Cathaoirleach, Cllr. C. Colleran Molloy presided and she outlined that this special meeting had been convened specifically to discuss Item No 16 in relation to the Draft Climate Change Adaptation Strategy 2019-2024. She welcomed Carmel Kirby, Director of Physical Development and invited Carmel to address the meeting.

C. Kirby, Director of Physical Development addressed the meeting and commended the Councillors for holding a special meeting to discuss the Draft Climate Change Adaptation Strategy 2019-2024. She conveyed apologies from Cyril Feeney, Senior Engineer who was unable to attend the meeting and introduced Cathal Brodie, A/Executive Environmental Scientist and stated that Cathal will provide an overview of the preparation of the Draft Climate Change Adaptation Strategy and Maura McNulty, Executive Scientist who will provide an outline of the many issues that were raised during the public consultation exercise. Ms. Kirby recommended that reference be made to the amended document which shows how each of the issues relate to the original document. Ms. Kirby acknowledged the work that went into the 29 submissions received and stated that climate change is uppermost on the Governments agenda and is a priority item for addressing by all local authorities.

Cathal Brodie, A/Executive Environmental Scientist addressed the meeting and gave a presentation on the Climate Adaptation Strategy under the headings:

1. Introduction to Climate Change and Adaptation
2. Climate Change Impacts
3. EU and National Policy
4. Adaptation Frameworks
5. Clare County Council Adaptation Strategy
6. Timelines for Strategy.

Maura McNulty, Executive Scientist addressed the meeting and again welcomed all the submissions received during the consultation process when preparing the Draft Climate Change Adaptation Strategy. Ms. McNulty stated that each submission has been dealt with individually and thoroughly and noted that in the updated report dated 11th September, 2019 each submission has a reference number linking it to the preliminary draft Climate Change Adaptation Strategy 2019-2024.

Leas Cathaoirleach, Cllr. C. Collieran Molloy then invited observations from the elected members.

The elected members thanked the executive for facilitating the special meeting to deal with submissions and stated that there is a need to have clear identifiable targets and to give credibility to submissions received. It was noted that there was difficulty in understanding the document and confusion in relation to what is to be achieved and delivered. It was noted that this plan has implications that cross every aspect of our lives and that engagement with communities is required in order to address the challenges. Queries were raised in relation to the possible implications if the timelines are not met. The need for the Council to acquire expert knowledge and train staff was emphasised. A query was also raised as to the reason biodiversity is under the remit of the economic development directorate and not in physical development directorate. Concern was raised at the lack of engagement between the E.P.A. and the O.P.W. with local authorities.

C. Kirby, Director of Physical Development addressed the meeting and stated that it is not the Council's intention to confuse people. She stated that the strategy is well laid out and identified the following six broad themes and a corresponding goal which cover the extensive range of services, policies and responsibilities of the local authority:

Theme 1: Local Adaptation Governance and Business Operations

Theme 2: Infrastructure and Built Environment

Theme 3: Landuse and development

Theme 4: Drainage and Flood Management

Theme 5: Natural Resources and Cultural Infrastructure

Theme 6: Community Health and Wellbeing

Ms. Kirby re-emphasised that the team had considered submissions and the revised report demonstrates where the submissions refer back and are addressed within the strategy. In relation to specific actions, it was noted that the Council will start by developing policies and that policies will be prioritised within S.P.C.'s. In terms of engagement, Ms. Kirby stated that there is full engagement with the E.P.A. and the O.P.W. and that the O.P.W. have to prepare their own strategy.

Ms. Kirby stated that sharing responsibility by management team is a very good decision as the team will be co-ordinating the actions and that the strategy will be implemented. Ms. Kirby advised that a Climate Adaptation Steering Group will be established which will feed back to SPC meetings and will be led by the Physical Development Directorate. Referring to staff training, Ms. Kirby stated that all staff across local authorities need to be trained in relation to climate change and this will be rolled out shortly and expertise will be brought in when it is needed.

Liam Conneally, Director of Economic Development addressed the meeting and stated that responsibility for the preparation of planning policy documents and the Clare Biodiversity Action Plan 2017-2023 is an economic function and therefore Biodiversity expertise lies within the Economic Development Directorate.

The elected members noted the very positive engagement with officials in the preparation of the Climate Change Adaptation Strategy and raised queries in relation to the timescale for implementing actions. The need for good quality training and financial provision for resources was also emphasised by the elected members.

C. Kirby, Director of Physical Development stated that there is an attempt in the strategy to set out the timelines and there is a need to start immediately. She also stated that training will be given by competent trainers.

L. Cleary, Deputy Chief Executive addressed the meeting and stated that five key points were discussed by Management Team in relation to the Climate Change Adaptation Strategy as follows:

- All S.P.C.'s will have a specific role in relation to input at policy level on climate change.
- Staff on the steering committee will represent the four directorates – staff will be involved in the actions and will be implementing the actions.
- Physical Development Directorate will lead and co-ordinate in drawing together the resources of the four directorates.
- Training and quality of training – the Council is fully committed to training.
- Budget process – elected members have a key input in the budget process.

Leas Cathaoirleach, Cllr. C. Colleran Molloy thanked the executive for clarifying the issues raised and requested a decision in relation to the adoption of the Draft Climate Change Adaptation Strategy 2019 – 2024.

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

“That the Draft Clare County Council Climate Change Adaptation Strategy 2019 – 2024 be adopted.”

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____

Minutes of the adjourned Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on Monday, 16th September, 2019 at 3:20 p.m.

Present:

Councillors M. Howard, M. Nestor, C. Colleran Molloy, P. Murphy, P. Daly, J. Cooney, P. Hayes, P. Burke, A. O’Callaghan, T. O’Brien, C. Crowe, M. Begley, P.J. Ryan, M. McKee, G. Flynn, S. Talty, J. Killeen, J. Garrihy, R. Garvey, P.J. Kelly, B. Chambers, G. Keating, I. Lynch.

- Mr. Leonard Cleary, Deputy Chief Executive.
- Ms. Ann Reynolds, Meetings Administrator.
- Ms. Margaret O’Rourke, Assistant Staff Officer.
- Mr. Liam Conneally, Director of Economic Development.
- Ms. Carmel Kirby, Director of Physical Development.
- Mr. Noeleen Fitzgerald, A/Head of Finance.
- Mr. Brian McCarthy, Senior Planner.

Apologies: Cllrs. J. Crowe and C. Murphy.

Absent: Cllrs. J. Flynn, A. Norton and P. McMahan.

The Leas Cathaoirleach, Cllr. Clare Colleran Molloy presided.

Vote of sympathy.

At the outset a vote of sympathy was expressed to the Tierney family, Cahercalla Road, Ennis on the death of Michael Tierney.

Revision on appointment to L.C.E.T.B. and Regional Assembly.

Cllr. T. O’Brien informed the meeting that there had been an anomaly in relation to filling of vacancies on the Limerick Clare Education and Training Board and stated that there is a legal requirement that at least 40% of members elected to the Board shall be women and at least 40% shall be men. Cllr. O’Brien stated that the party groupings had worked as a team in resolving this issue and that it was agreed that Cllr. Clare Colleran Molloy be appointed to the Limerick and Clare Education and Training Board. Cllr. Colleran Molloy will replace Cllr. P.J. Kelly on this Board for the lifetime of the full Council. It was also proposed that Cllr. P.J. Kelly will replace Cllr. C. Colleran Molloy on the Southern Regional Assembly. This was seconded by Cllr. S. Talty and agreed by the members present.

Item 24. Water quality.

Ar moladh Cllr. R. Garvey

“In light of getting constant complaints from residents in Clare in relation to poor water quality, in light of the most recent beach closures due to diffuse pollution from heavy rain and in light of raw open raw sewage issues, I would like to be informed as to what specific actions we as a Council can carry out to improve our water supply to homes and businesses. For example, would it help to have more staff dealing with enforcing the water pollution act? Can we set up a meeting with Irish Water to find out what their plans are in relation to upgrading the appallingly dismal waste water treatment plants in the contributing catchments? Do we need to go meet the Minister Richard Bruton requesting funding for these upgrades so we are not left with 3rd world country standards. I am happy to do all that is within my power to help make Clare water great again.”

Carmel Kirby, Director of Physical Development replied as follows:

“We forwarded this Notice of Motion to Irish Water as they are the Water Services Authority with responsibility in this area and they have replied as follows;

“Irish Water is responsible for the public water and wastewater network. Funding to develop and maintain these systems is allocated with the approval of Commission for Regulation of Utilities (C.R.U.). It’s important to note that Irish Water has no statutory role where there is currently no public network.

Irish Water submitted an Investment Plan to the C.R.U., our economic regulator in November 2018. Following detailed review of our submission, and a public consultation process, the C.R.U. will determine Irish Water’s allowed operational costs and capital investment for the third revenue control (RC3) period. The investment plan has a nationwide focus and mainly deals with compliance issues due to the years of under investment nationally.

Irish Water have several Projects underway in County Clare, and several National Programmes are also active in the County. Details of these can be viewed on the Irish Water website www.water.ie/projects “

Cllr. R. Garvey stated that she was not happy with the response and sought clarity in relation to who is responsible for the public water and wastewater network.

C. Kirby, Director of Physical Development stated that Clare County Council has a Service Level Agreement with Irish Water and that Irish Water are responsible for the maintenance and service of the public water and wastewater network. She informed the meeting that staff of Clare County Council are working under the Service Level Agreement with Irish Water. She advised Cllr. Garvey to contact Irish Water directly in relation to issues with the network.

Item 25. Strategic Project Development Unit.

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

“That future Rural Regeneration Infrastructure projects are focussed on the settlements of County Clare or collaborating parishes as identified in the Clare Rural

Regeneration Strategy & that the Rural Development Directorate lead a partnership with C.L.D.C., Clare Sports Partnership, Clare P.P.N. and other key agencies to establish a strategic project development unit to work with and support the communities, settlements and co-operating parishes to identify and build transformative regeneration projects within their areas to become shovel ready for delivery in line with schemes such as CLAR, Community Enhancement, RRDF, URDF, large scale sports capital, Tourism Ireland, SEAI and other support schemes for the next 5/10 years. I propose that elected members play a lead role on the ground in their specific areas to support the objective of delivering integrated, transformative and multifaceted projects in line with the Rural Regeneration and Development Strategy. If agreed can a timeframe action on the motion be given.”

Leonard Cleary, Director of Rural Development replied as follows;

“Clare County Council works in close partnership with CLDC, Clare Sports Partnership, Clare PPN and other key agencies to ensure support for communities and settlements. This partnership is rooted in the structures of the Clare Rural Development Forum and the LCDC (Local Community Development Committee). Strong relationships have been built between these partners. The Rural Development Directorate leads both the Rural Development Forum and the LCDC.

It is appropriate to also refer to the internal structures of Clare County Council that support the above external partnership. There is merit in undertaking a cross-directorate approach to funding opportunities including the RRDF (Rural Regeneration & Development Fund), URDF (Urban Regeneration & Development Fund), Large Scale Sports Capital programme, Disruptive Technologies Fund, Tourism Ireland /Fáilte Ireland, SEAI, LEADER and other grant aided support schemes over the next 5/10 years. There are also other relevant grant schemes such as Town & Village Renewal, Outdoor Recreation Infrastructure, CLÁR, L.I.S. (*Local Improvement Scheme*) with similar investment aims. To achieve the intended objective of this motion, the current approach includes a combination of existing and new structures as follows:

- The Council ‘Working Group for the Action Plan for Rural Development’ includes two Elected Representatives from each Municipal District. This Working Group reviews assessments undertaken by executive with inputs from all relevant Directorates and Departments. It recommends project priorities to the full Council for consideration, approval or submission for Department funding. This relates to small and medium scale projects.
- Large scale projects proposed under these funding streams are considered at both Municipal District Committee Meeting level and also at full Council Meetings. These proposals emerge from motions from Elected Members and also management proposals. It is intended that key strategic projects will be identified at each Municipal District level as priorities for the five-year term of this Council. Subsequent agendas at Municipal District Meetings will give an opportunity for discussion and review of progress on these motions and will ensure a more strategic focus.
- The strategic focus on projects in the areas of Economic, Social, Rural and Physical Development is coordinated through Management Team of Clare County Council. This facilitates the input of the Chief Executive, the four Directors of Service, the Acting Head of Finance and S.E.O.’s of Corporate and Human Resources support services. All large scale projects are considered at this fora.

Technical project appraisals are undertaken through cross-directorate engagement and review meetings. Briefings on projects are arranged with Elected Members at Municipal District level to ensure ongoing input into the project planning process. For example: the Economic Development Directorate co-ordinates U.R.D.F. project applications; the Social Development Directorate co-ordinates Sports Capital Project applications; the Rural Development Directorate co-ordinates R.R.D.F. applications. There are various other grant schemes also co-ordinated in similar ways.

- The Directorate structure is designed to work and engage with communities, business interests and agencies. Projects are delivered both directly by functional Departments and the P.M.O. (*Project Management Office*). All delivery occurs under the auspices of the four Directorates. Finance, Human Resources and Corporate Services Departments provide key strategic support services.
- A strengthening of senior management resources for the strategic and operational coordination of projects at Municipal Districts is currently occurring.”

Cllr. J. Garrihy stated that the establishment of the Rural Directorate was a very positive action taken by Clare County Council and requested that the Council assist community groups as communities do not have the resources required to research funding opportunities and work on challenges.

The elected members agreed with the sentiments of the notice of motion and emphasised the need to create employment for people living in rural areas. The elected members also supported the idea of a more comprehensive thought process and more co-ordination and agreement by local community groups for the benefit of their communities.

L. Cleary, Deputy Chief Executive stated that the Rural Development Officers have scheduled clinics and this will continue on a monthly basis in the Municipal District Offices. Mr. Cleary reassured the meeting that Clare County Council are continuing to work in partnership with CLDC, three Councillors are represented on CLDC and discussion continues with the executive to jointly bid for funding opportunities. Mr. Cleary referred to work ongoing on Clare Tourism Strategy, the Cliffs of Moher Strategy and the Tourism Unit in Clare County Council.

Cathaoirleach, Cllr. C. Crowe presided at this point.

Item 26. Planning permission.

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

“That, under the obligations of accountability and transparency, a comprehensive statement be published detailing all the factors considered and the step by step followed in reaching a conclusion where planning permission is refused because of “visual impact” and that separate evaluation processes under the above procedure be listed if different criteria of assessment apply to different types of “living landscapes” as defined in the County Development Plan.”

Brian McCarthy, Senior Planner replied as follows:

“This Notice of Motion follows a similar motion in February 2019 and I refer to the response to same, in addition to the letter from the Chief Executive to Cllr Kelly 25th July, 2019 – copy attached. With reference to accountability and transparency, you will be aware that the planning system and process as set out in the Planning Acts is one of the most accountable and transparent anywhere. In that regard a planning report is prepared with every planning application that is assessed by the Planning Authority and forms the basis of the consideration and determination of each planning decision based on the variety of planning issues, including visual amenities. In 2018 Clare County Council Planning Authority received almost 1,100 planning applications - a total of 44 applications were refused (not necessarily on the grounds of visual amenity).

Section 34 of the Planning Act sets out in detail the factors which a planning authority must take account of in the assessment of a planning application. The technical report on each and every planning application sets out, in a clear and logical manner, all the relevant factors and considerations when assessing an application and the conclusions reached on the basis of this assessment. A description of the nature and location of the site, the site history, internal technical reports, the relevant National, Regional and Local policy and Guidelines pertaining to the site and development; submissions or observations from 3rd Party's, Statutory authorities and Elected Members in addition to describing any environmental designations are all included. The report then sets out an assessment of all relevant issues in line with the nature, scope and location of development and the relevant provisions of the Development Plan (including landscape and design and built environment) to enable an informed and considered decision to be made. Having regard to *inter alia* the provisions of Government Policy and Guidelines, the provisions of the development plan and the issues raised and critiqued in the assessment, a planning decision is made.

In the interests of accountability and transparency, after a planning decision is made, all technical planning reports attached to the public planning file are available for viewing in the public office and electronically on the Council's website enabling applicants, 3rd party's, statutory authorities, and the public to view.”

Cllr. P.J. Kelly stated that he had concerns in relation to this reply and asked that the considerations be outlined as required by law, when refusing planning permission due to visual impact.

The elected members shared the concerns outlined by Cllr. P.J. Kelly.

B. McCarthy, Senior Planner stated that granting or refusing planning permission is based on a range of factors including the nature and scale of developments. He referred to the “County Clare Rural House Design Guide” prepared and published by Clare County Council which can be used as a guide for people planning, designing or building a house in rural County Clare. Mr. McCarthy advised that there is ongoing open and supportive dialogue when meeting with planning agents and architects in the county on a regular basis. Mr. McCarthy informed the members that it is intended to hold a planning workshop in the near future to deal with the concerns of the elected members.

Cllr. P.J. Kelly stated that considerations have to be shown and referred to when refusing planning permission due to visual impact and stated that he will issue correspondence directly to the Chief Executive in this regard.

Item 27. Flexible work policy for employees.

Due to the absence of Cllr. C. Murphy, it was agreed to defer this item to the October Council meeting.

Item 28. HPV jersey initiative.

Ar moladh Cllr. P. Murphy
Cuidithe ag Cllr. P. Daly agus glacadh leis

“I am proposing that Clare County Council supports the Brennan family's HPV jersey initiative by;

- i) Making space available in Áras Contae an Chláir and all area offices for a "jersey fitting" day to take place (I will co-ordinate these events myself).
- ii) Circulating an e-mail to all council staff and members making them aware of and encouraging them to take part in the initiative.

In the event of this notice being passed I am requesting that all other Irish local authorities are notified of Clare County Council's participation in the initiative.”

The following amendment was submitted by Cllr. P. Murphy, signed by Cllr. A. Norton and agreed by all present:

“I am proposing that Clare County Council supports the Brennan family's HPV vaccine jersey initiative by;

- i) Making space available in Áras Contae an Chláir and all area offices for a "jersey fitting" day to take place (I will co-ordinate these events myself).
- ii) Circulating an e-mail to all council staff and members making them aware of and encouraging them to take part in the initiative.
- iii) that the wider Clare public are also invited (through social and mainstream media) to take part, and
- iv) in the event of this notice of motion being passed I am requesting that all other Irish local authorities are notified of Clare County Council's participation in the initiative.”

In response to query raised, Cllr. P. Murphy stated that the jersey costs €17 and he will provide samples for fitting and will take orders for the jerseys.

Item 29. Medals for gallantry.

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

“That we write to the Minister for Defence also An Taoiseach asking that the long over due medals for gallantry and distinguished service specifically for the Irish soldiers of “A” Company who served at Jadotville in 1961 be awarded. These medals were promised by former Taoiseach Enda Kenny in his final days in Office and still they have not been received.”

Item 30. Atypical Working Scheme Permits.

Ar moladh Cllr. S. Talty
Cuidithe ag Cllr. C. Colleran Molloy agus glacadh leis

"Clare County Council shall request that the Minister for Justice conduct an urgent review of the terms of the Atypical Working Scheme Permits (issued by The Irish Naturalisation and Immigration Service on his behalf) under which Non EU Doctors are permitted to enter the country for employment. In particular the Minister should consider the difficulties experienced in maintaining GP out of hours services and take on board the views of the Co Operatives providing this vital service."

The elected members supported this notice of motion and expressed concern in relation to the shortage of doctors and the difficulty in retaining doctors which leads to lack of out of hours service being provided.

Item 31. Rental costs.

Ar moladh Cllr. P. Daly
Cuidithe ag Cllrs. P. McMahon, J. Killeen agus S. Talty agus glacadh leis

"We are calling on the Government to put in place legislation that will prevent the ever increasing rental costs of residential properties, throughout this state."

The elected members outlined difficulties being experienced by constituents trying to get on the property ladder and requested that the notice of motion be amended to read as follows:

"We are calling on the Government to put in place legislation that will prevent the ever increasing rental costs of residential properties, and request that Clare be designated as a rental pressure zone."

This was agreed by the members present.

It was agreed to discuss Item No. 32 and Item No. 33 together.

Item 32. Support farming organisations.

Due to the absence of Cllr. P. McMahon, this motion was proposed by Cllr. P.J. Ryan and seconded by Cllr. J. Killeen.

"That Clare County Council support the efforts of the farming organisations to obtain a far greater percentage of the price paid by consumers for their products."

Item 33. Secure the viability of farming in County Clare.

Ar moladh Cllr. J. Killeen
Cuidithe ag Cllr. P. Hayes agus glacadh leis

"We in Clare County Council call on our Oireachtas Members to insist that the Minister for Agriculture call meaningful round - table negotiations between all relevant parties to ensure adequate profit margins are available for producers and secure the viability of farming in County Clare and throughout the country."

The elected members welcomed the talks that have taken place to date and following discussion the following points were agreed by the members present:

- The offer needs to be explained to those in protest.
- Request the factory processors to declare what they will pay per kg
- Support our farming community by ensuring there is not an over supply of beef into the EU.

Item 18. Climate Change Emergency.

Due to the absence of Cllr. J. Flynn, this motion was proposed by Cllr. J. Cooney and seconded by Cllr. G. Keating

“Declaration of Climate Change Emergency.

In support of the call from the youth in Clare and in light of the existing threat of climate change to our environment, its species, and humans, I call on Clare County Council to declare a Climate Change Emergency for Clare - which is one of Ireland’s most vulnerable counties to the devastating impacts of climate change.”

Carmel Kirby, Director of Physical Development replied as follows:

“Changes in Ireland’s climate are in-line with and similar to relevant global trends. Successful implementation of the State’s policies and objectives requires a whole of government response incorporating input and collaboration of numerous agencies of State.

Ireland’s national strategy for climate adaptation is laid out in the National Adaptation Framework (N.A.F.) in line with the Climate Action and Low Carbon Development Act 2015. The N.A.F. requires that each local authority should make and adopt local climate change adaptation strategies, supported by Climate Adaptation Regional Offices which are funded by the Department of Communications, Climate Action and Environment.

This Notice of Motion was deferred from the June meeting pending the publication of Clare County Council’s Draft Climate Change Adaptation Strategy 2019-2024. The Draft strategy was subsequently put on public display for submissions from Friday 12th July to Friday 9th August 2019. In all 29 submissions were received and considered in relation to the Draft strategy. A report on the submissions has been sent to the Members for their consideration.

The Government is due to publish the Climate Action (Amendment) Bill at the end of this year which should outline the legislative framework and responsible bodies to implement the Climate Action Plan 2019.

Once the Climate Change Adaptation Strategy is adopted we will begin the process of implementing its goals and objectives.”

It was noted that Cllr. J. Flynn had submitted an amended motion which was read out by Ann Reynolds, Meetings Administrator.

“In support of the call from the youth in Clare and in light of the existing threat of climate change to our environment, its species, and humans, I call on Clare County Council to “actively support the recent Government declaration of a climate change and biodiversity emergency”.

The amended motion was seconded by Cllrs. J. Garrihy, M. Howard and J. Cooney and agreed by the members present.

Urgent Business

Cllr. A. O’Callaghan referred to Standing Order No. 42 for the purpose of dealing with urgent business and proposed the following motion which was signed by Cllrs. A. O’Callaghan, P. Murphy, P.J. Kelly, B. Chambers, G. Flynn, P.J. Ryan, M. Begley, M. Nestor, P. Burke and C. Crowe.

“We propose that we call on our Oireachtas Members to attend an urgent meeting of this Council to fight for the town of Ennis to be the Divisional Headquarters for the proposed new Garda Division.”

Cllr. A. O’Callaghan outlined the background to this proposal and stated that the number of Garda Divisions in the country is being reduced from 29 to 18. Cllr. O’Callaghan emphasised the need to retain the divisional headquarters in Ennis due to the proximity to important infrastructure such as the Cliffs of Moher, the Wild Atlantic Way, Shannon International Airport and the increase in international dignitaries visiting the county. He advised that this decision is due in the very near future and requested that the Clare Oireachtas Members be requested to seriously showcase why the Divisional Headquarters should be based in Ennis.

The elected members unanimously supported this proposal and it was agreed that representatives from the Association of Garda Sergeants and Inspectors as well as representatives from the Garda Representative Association be invited to attend.

It was then agreed that the Special Meeting will be held on Monday, 23rd September next at 5:00 p.m.

Item 35. Comhfhreagras. Correspondence.

- Cllr. G. Flynn welcomed the prompt and positive response received from the Department of Health concerning the policy on Medical Card Assessment.
- Cllr. P. Hayes expressed disappointment in relation to reply received from T.I.I. regarding the M18 at Tulla (junction 13) and Barefield (junction 14) and requested that further clarification be sought in the interest of road safety.
- Cllr. P. Hayes also expressed disappointment at the lack of correspondence from EIR.

Correspondence.

The following correspondence was circulated with the agenda:

1. Correspondence dated 3rd July, 2019 from the Department of Communications, Climate Action and Environment regarding the rollout of 5G technology.
2. Correspondence dated 3rd July, 2019 from the Department of Rural and Community Development with regards to a potential renovation grant scheme to adapt vacant rural houses for tourism rental.

3. Correspondence dated 10th July, 2019 from the Department of Rural and Community Development in relation to Local Improvement Scheme.
4. Correspondence dated 10th July, 2019 from An Garda Síochána in relation to Armed Support Units.
5. Correspondence dated 22nd July, 2019 from the Department of Health in relation to health services in the region.
6. Correspondence dated 2nd August, 2019 from UL Hospitals in relation to health services in the region.
7. Correspondence dated 31st July, 2019 from the Department of Health in relation to St. Joseph's Hospital in Ennis.
8. Correspondence dated 2nd August, 2019 from the Department of Health concerning the policy on Medical Card Assessment.
9. Correspondence dated 25th July, 2019 from the ESB in relation to ESB Renewable and Distributed Generation facilities.
10. Correspondence dated 14th August, 2019 from the Department of Housing, Planning and Local Government in relation to restrictions in planned population growth.
11. Correspondence dated 26th August, 2019 from Transport Infrastructure Ireland regarding junctions on the M18.
12. Correspondence dated 2nd July, 2019 from the Office of the Taoiseach in relation to representation on the Board of Shannon Airport.
13. Correspondence dated July, 2019 from the Department of Finance regarding VAT rate on sunscreen.
14. Resolution circulated by Kerry County Council in relation to presentation of medals for gallantry and distinguished service.
15. Resolution circulated by Kerry County Council in relation to the Equal Status legislation.
16. AILG Autumn Training Seminar 2019 entitled "Climate Change and Planning – New Challenges for Local Government" taking place in the Hillgrove Leisure & Spa Hotel, Monaghan on 11th and 12th September, 2019.
17. Centre for Cross Border Studies 20th Anniversary Conference entitled "The Good Friday/Belfast Agreement: reflecting on a 20 year journey of cross-border co-operation and plotting the path to a successful future" taking place in the Crowne Plaza, Dundalk, Co. Louth on 20th September, 2019.
18. Irish Planning Institute Autumn Planning Conference entitled "Plan Making: Best Practice and Emerging Trends" taking place in the Grand Hotel, Malahide on 4th October, 2019.
19. Conference entitled "Creating economic and business opportunities from Climate Change" taking place in the Tullamore Court Hotel, Tullamore, Co. Offaly on 9th October, 2019.
20. Conference entitled "A Practical Guide to Budget 2020" taking place in the Four Seasons Hotel, Carlingford, Co. Louth on 11th – 13th October, 2019.

21. Preliminary Notice – LAMA 2019 Autumn Training Seminar taking place in the Falls Hotel, Ennistymon on 17th – 19th October, 2019.
22. Conference entitled “Ireland and Plastic Waste” taking place in O’Donovan’s Hotel, Clonakilty, Co. Cork on 25th – 27th October, 2019.

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.

LAMA 2019 Spring Training Seminar taking place in the Bush Hotel, Carrick on Shannon, Co. Leitrim on 7th & 8th March, 2019.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €573.29 including conference fee of €180.

It was agreed that Cllr. B. Chambers attend this Conference.

AILG training taking place in Thurles, Co. Tipperary on 13th July, 2019.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €300.36 including conference fee of €55.

It was agreed that Cllr. P. Burke attend this Conference.

Parnell Summer School taking place in Rathdrum, Co. Wicklow on 12th & 13th August, 2019.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €32 including conference fee of €70.

It was agreed that Cllr. P.J. Kelly attend this Conference.

AILG autumn training seminar 2019 being held in Hillgrove Hotel, Old Armagh Road, Monaghan on 11th and 12th September, 2019.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €608.26 including conference fee of €140.

It was agreed that Cllrs. A. O’Callaghan, C. Murphy, B. Chambers, C. Colleran Molloy, P.J. Ryan, T. O’Brien, R. Garvey, P. Murphy, P. Daly, P. Burke, J. Cooney and P.J. Kelly attend this Conference.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____

Minutes of Special Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on Monday, 23rd September, 2019 at 5:15 p.m.

Present:

Councillors M. Howard, M. Nestor, C. Colleran Molloy, P. Murphy, A. Norton, P. Daly, J. Cooney, P. Hayes, P. Burke, A. O’Callaghan, T. O’Brien, C. Crowe, M. Begley, P.J. Ryan, G. Flynn, S. Talty, J. Killeen, J. Garrihy, R. Garvey, P.J. Kelly, B. Chambers, G. Keating, C. Murphy, I. Lynch.

- Mr. Pat Dowling, Chief Executive.
- Ms. Ann Reynolds, Meetings Administrator.
- Ms. Margaret O’Rourke, Assistant 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.

Also in attendance:

Minister Pat Breen
Deputy Timmy Dooley
Deputy Joe Carey
Garda Paul Crowley, Garda Representative Association.

Apologies: Deputy Michael Harty and Senator Martin Conway.

Absent: Cllrs. J. Flynn, J. Crowe, P. McMahon, M. McKee,

The Cathaoirleach, Cllr. Cathal Crowe presided and stated that at the adjourned September meeting the following motion was signed by Cllrs. A. O’Callaghan, P. Murphy, P.J. Kelly, B. Chambers, G. Flynn, P.J. Ryan, M. Begley, M. Nestor, P. Burke and C. Crowe and agreed by the members present:

“We propose that we call on our Oireachtas Members to attend an urgent meeting of this Council to fight for the town of Ennis to be the Divisional Headquarters for the proposed new Garda Division.”

Cllr. C. Crowe welcomed Minister Pat Breen, Deputy Timmy Dooley, Deputy Joe Carey and Garda Paul Crowley, G.R.A. to the meeting and invited Cllr. A. O’Callaghan to address the meeting.

Cllr. A. O’Callaghan thanked the Oireachtas members and Garda Paul Crowley for attending this special meeting. He outlined the background to this proposal and stated that the number of Garda Divisions in the country is being reduced from 29 to 18 resulting in Clare Garda Division joining Tipperary Garda Division. Cllr. O’Callaghan emphasised the need to retain the divisional headquarters in Ennis due to the proximity to important infrastructure such as the Cliffs of Moher, the Wild Atlantic Way, Shannon International Airport, Shannon Industrial Estate and the increase in

international dignitaries visiting the county. Cllr. O'Callaghan stated that there is already a huge garda presence in Templemore and asked that the Oireachtas Members appeal to the Minister for Justice to propose that the Garda Division Headquarters be kept in Clare.

Cathaoirleach, Cllr. C. Crowe then invited Garda Paul Crowley, Garda Representative Association representative for Clare to address the meeting. Garda Crowley thanked the elected members for inviting him to address the meeting and stated that this is a matter of great importance to the people of Clare and Tipperary. Garda Crowley stated that there are great concerns at the proposed amalgamation mainly due to the lack of consultation with the G.R.A. on the matter and the lack of detail on the proposal as it has been presented to date. He stated that the G.R.A. believe that consultation and engagement with stakeholders is the only way to ensure that a proper police service for the communities they serve can be achieved. He stated that the model being proposed is currently under pilot in four divisions throughout the country and the G.R.A. would urge that the proposed process would be stalled until such time as those pilots have been completed and they have been properly evaluated and their suitability determined for use. Garda Crowley informed the meeting that the main selling points for the merger include more frontline gardai and deployment of technical equipment and support but it was felt that the merger of the two divisions will not assist in any of these areas.

Minister Pat Breen addressed the meeting and thanked the elected members for inviting him to attend. Minister Breen stated that this model is new to Ireland, has been recommended by independent specialists and reflects best international practice. He stated that the Garda Commissioner is presently working on the finer details of the divisional structure and informed the members that the Garda Commissioner has committed to meet the members of Clare Joint Policing Committee in the very near future. Minister Breen stated that the location of the divisional headquarters is an operational matter for Garda Síochána management and it is an important decision that will be made for the benefit of the country and will take into account the issues raised by Cllr. O'Callaghan in relation to population profile, tourism profile and crime profile. Minister Breen stated that he will make representations to the Minister for Defence.

Deputy Joe Carey addressed the meeting and stated that he fully supported the motion and that he has written to An Garda Commissioner in this regard and requested that a copy of this correspondence be circulated to all members. Deputy Carey stated that the location of the Divisional Headquarters is an operational matter for An Garda Síochána and the Garda Commissioner. He stated that there is a need for change and reform in An Garda Síochána but in this instance Garda Representative Groups were not included within the reforms and consultation. He stated that the Garda Commissioner has committed to engage with Clare Joint Policing Committee.

Deputy Timmy Dooley then addressed the meeting and noted what the previous speakers had said. He stated that he supports the need for reform of An Garda Síochána as recent tribunals have been damaging to the moral of the force and that it is time to refresh the overall structure of An Garda Síochána. Deputy Dooley stated that a greater level of engagement with rank and file gardai was needed and that the dialogue process has been lacking. Deputy Dooley stated that the location of the Divisional Headquarters is an operational matter and is a decision for An Garda Commissioner. He noted that the local authority is setting out concerns regarding the positioning of the headquarters for the division and that it is the duty of the Oireachtas Members to convey these concerns upwards and assured the members that he will do his best endeavours to assist by outlining the concerns raised.

Cathaoirleach, Cllr. C. Crowe thanked the Oireachtas Members for their contributions and stated that he had received apologies from Senator Martin Conway. Cllr. C. Crowe read out correspondence received from Senator Martin Conway which thanked the elected members for the

invitation to attend the urgent meeting of Clare County Council to fight for the town of Ennis to be the Divisional Headquarters for the proposed new Garda Division.

Unfortunately Senator Conway is not in a position to attend this meeting as he is in Brussels representing the Joint Oireachtas Committee on Justice at the 5th meeting of the Joint Parliamentary scrutiny group on EUROPOL. This committee provides political oversight on the actions and operations of Europol.

As a member of the Justice committee and Government spokesperson on Justice in Seanad Eireann Senator Conway is fully aware of the significant change proposed by the Commission on the future of policing and the proposed changes outlined by Commissioner Harris recently. The Justice Committee had the opportunity to discuss these proposals with the Commissioner and Senator Conway took the opportunity to outline the concerns of the people of Clare and their elected representatives both on the configuration of the new division and the importance of having the headquarters based in Clare. The Commissioner assured the committee that no final decision has been made on the structure and he has also agreed to attend a meeting of the Clare Joint Policing Committee in early course to hear first hand the views of its members.

Cathaoirleach, Cllr. C. Crowe then invited the elected members to discuss this issue. The elected members thanked the Oireachtas members and Garda Crowley for being present at the meeting and outlined concerns that the amalgamation of the garda divisions is not for the benefit of the general public. They stated that they see this as a loss of services in the county and outlined their support for An Garda Síochána who provide a fantastic service to the county and who are very pro-active within their communities. The elected members stated that the public feel vulnerable and that the lack of community policing is very noticeable. They requested that the Oireachtas members take their concerns back to central government and do their best to retain services in County Clare.

Minister Breen again addressed the meeting and informed the members that there will be an opportunity for the Councillors on the Clare Joint Policing Committee to outline their concerns to An Garda Commissioner when he visits Clare. He advised the members to make a strong case for the retention of this service and to outline their concerns in relation to population profile, tourism profile and crime profile. He advised that the important day to day operations are run by the Gardai, Sergeants, Inspectors, Superintendents and Chief Superintendents and that the Garda Commissioner is working on implementing a proper police force to deal with the challenges facing the force. Minister Breen again emphasised that this decision will be made solely by An Garda Commissioner and his management team.

Deputy Dooley acknowledged the benefit of raising this issue of concern in a public forum as it helps engage with people. He stated that he will highlight these concerns and committed to engage with the elected members on future issues of concern.

Any other business.

- Cathaoirleach, Cllr. C. Crowe advised that the E.P.A. had granted an Industrial Emissions Licence to Irish Cement Ltd in relation to their operations at Castlemungret, Co. Limerick. Cllr. C. Crowe requested that the Council re-engage with the EPA appeals process in relation to this licence. This was seconded by Cllr. P. Hayes and supported by the members present.
- Ann Reynolds, Meetings Administrator advised the elected members that a GDPR information session has been arranged for Councillors in the Training Room on Tuesday, 24th September.

The meeting then concluded at 18:10 p.m.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____