

Minutes of the April Monthly Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on Monday, 6th April, 2020 at 3:45 p.m.

Present:

Councillors M. Nestor, J. Flynn, C. Colleran Molloy, A. Norton, P. Daly, J. Cooney, P. Hayes, P. Burke, A. O’Callaghan, T. O’Brien, J. Crowe, G. Flynn.

- 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.
- Ms. Carmel Kirby, Director of Physical Development.
- Ms. Noeleen Fitzgerald, Head of Finance.
- Mr. John Leahy, Senior Engineer, Physical Development.

The Cathaoirleach, Cllr. Clare Colleran Molloy presided.

At the outset Cathaoirleach, Cllr. C. Colleran Molloy read out the following resolution which was proposed by Cllr. M. Nestor, seconded by Cllr. J. Crowe and agreed by the members present.

“That the meeting of Clare County Council be held in committee, as provided for under Section 61 of Standing Orders. This decision is being made, having regard to the current advice from the H.S.E. on the spread of coronavirus, in relation to the gathering of people and in the interests of maximising physical distancing.”

P. Dowling, Chief Executive addressed the meeting and requested that the business of the meeting be expedited as efficiently as possible, being mindful of the current public health crisis.

Mr. Dowling informed the members that Noeleen Fitzgerald has formally been appointed to the position of Head of Finance on a permanent basis. He also informed the meeting that Ken Fitzsimons has commenced duty as Communications Officer with Clare County Council.

Mr. Dowling stated that he has arranged to communicate with members via conference calls and he will keep members fully up to date during this changing and volatile situation. He noted that every effort is being made to retain essential services that are required while protecting staff, many of whom are working from home.

Mr. Dowling outlined that the Council are engaging with external agencies including the HSE and the Gardai during this crisis.

Cathaoirleach, Cllr. C. Collieran Molloy extended congratulations to Noeleen Fitzgerald on her appointment as Head of Finance and welcomed Ken Fitzsimons as Communications Officer. Cllr. Collieran Molloy complimented the Chief Executive and the Crisis Management Team for the essential work being undertaken and for working in a very positive collaborative fashion with community groups which will be crucial in the weeks ahead.

Item 1: Minutes of Council Meetings.

a. Ar moladh Cllr. A. O’Callaghan
Cuidithe ag Cllr. J. Crowe agus glacadh leis

“That the Minutes of the March Meeting of Clare County Council held on 9th March, 2020 be adopted and signed.”

Item 2: Matters Arising.

Referring to the Minutes of the March meeting, Cllr. J. Flynn requested that his query in relation to the status of emergency accommodation at Westbrook House, Ennis be noted.

Cllr. J. Flynn stated that he proposed the adoption of the Beach Bye Laws 2020 at the March meeting subject to the map of Ballyalla beach being included and also subject to the exclusion of water craft use at Ballyalla.

In relation to Cllr. J. Flynn’s query concerning Westbrook House, A. Haugh, Director of Social Development stated that a detailed response has issued to the residents.

Cllr. G. Flynn complimented Clare County Council on the ongoing service being provided at recycling centres and requested that leverage be allowed in order to proceed with planned projects under GMA.

P. Dowling, Chief Executive stated that it is hoped to commence the works programme as soon as possible and acknowledged that there will be adjustments. Cllr. A. O’Callaghan noted that in previous occasions the GMA has been carried forward to the following year.

Item 3: Disposal of lands (by Lease Agreement) to Killaloe Ballina Tennis Club, pursuant to Section 183 of the Local Government Act, 2001 and Section 211 of the Planning & Development Act, 2000.

Report dated 20th March, 2020 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 by lease agreement subject to the conditions as set out in the notice served on the members dated 20th March, 2020.

Ar moladh Cllr. T. O’Brien
Cuidithe ag Cllr. A. Norton 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 at

Killaloe, Co. Clare by lease agreement subject to the conditions as set out in the notice served on the members dated 20th March, 2020.”

Item 4: 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 construction of 25 No. residential units at Doonaun, Tulla, Co. Clare.

Report dated 3rd March, 2020 from Anne Haugh, Director of Social Development was circulated with the March agenda together with report from Garreth Ruane, A/Senior Executive Planner. The report outlines details of proposed construction of 25 No. residential units at Doonaun, Tulla, Co. Clare.

Ar moladh Cllr. P. Burke
Cuidithe ag Cllr. T. O’Brien

“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 25 No. residential units at Doonaun, Tulla, Co. Clare.”

Cllr. P. Burke informed the meeting that this Part VIII process has been ongoing since July 2019 and there have been numerous discussions, public meetings and briefings during that time. Cllr. Burke noted that this item had been deferred at the March meeting and following further consultation he is now proposing that this project proceed.

Cllr. P. Hayes acknowledged that there is a need for social housing and voiced his opposition to this project due to a flooding issue that has not been resolved to his satisfaction and the ongoing inadequate water capacity in Tulla.

Cllr. J. Cooney acknowledged the concerns regarding flooding upstream of this project and stated that funding is in place to carry out works downstream. Cllr. J. Cooney requested the Council not to cause flooding upstream during the works if this project goes ahead.

P. Dowling, Chief Executive noted that there was no proposal not to adopt this resolution and undertook to give attention to flooding during the works in order to mitigate against the risks mentioned as much as possible.

Cllr. J. Flynn stated that he would support this Part VIII proposal subject to a condition being included to carry out a flood risk assessment of the site both upstream and downstream.

Cllr. T. O’Brien informed the meeting that there has been ongoing engagement with officials and that he is happy with the response received from both the planning and housing executive which address concerns raised.

Anne Haugh, Director of Social Development addressed the meeting and stated that the site in question is not in flood risk zone A or B and is not in CFRAMS. She also stated that the process has been overseen by An Bord Pleanála. Ms. Haugh informed the members that this housing scheme is behind on timeframe under the 2020 Rebuilding Ireland project and suggested that if agreed the exercise of carrying out a flood risk assessment run in parallel with the procurement process.

Liam Conneally, Director of Economic Development informed the members that there is an opportunity for the members to include a condition in the Planners Report once it is in accordance with proper planning and development contained in the County Development Plan and in the Local Area Plan.

The Part VIII resolution was carried having been proposed by Cllr. P. Burke, seconded by Cllr. T. O'Brien, and agreed by all with the exception of Cllr. P. Hayes and Cllr. J. Flynn who were opposed to the resolution.

Item 5: Section 85 Agreement with Cork County Council for Local Authority Public Lighting Energy Efficiency Project.

Report dated 26th March, 2020 from Carmel Kirby, Director of Physical Development was circulated with the agenda together with Section 85 Agreement. The report states that in 2018 the Roads Management Office (RMO) Public Lighting (PL) Unit, a local authority shared service based in Cork County Council delivered a business case which considered the financial and economic viability of undertaking a major retrofit of local authority public lighting in Ireland with high efficiency LED lanterns. By taking full advantage of technological developments, the retrofit project has the capacity to deliver significant energy efficiencies and cost savings to local authorities.

The project is deemed to be of strategic importance to local authorities to assist them in reaching their energy efficiency targets for 2030.

The project will be rolled out on a region by region basis, with Clare being included in the first phase of the rollout. Cork County Council will be the lead authority for the Southern Region.

The project will be progressed in Clare under a Section 85 (of the Local Government Act 2001) Agreement between Clare County Council and Cork County Council. This will entail Cork County Council managing the relevant statutory procedures, procuring the necessary design, and managing the carrying out of the construction works for the project.

Key programme milestones are as follows:

- Tender works contract for Region 1 (South West) in Q1 2020;
- Appoint a work contractor for Region 1 (South West) in Q3 2020;
- Works Contract 2 year retrofit programme + 2 years defects period.

Ar moladh Cllr. A. Norton

Cuidithe ag Cllr. G. Flynn agus glacadh leis

“Pursuant to Section 85 of the Local Government Act 2001 as amended Clare County Council hereby agrees to enter into an Agreement with Cork County Council whereby Cork County Council will carry out all of the functions of Clare County Council in respect of the Public Lighting Energy Efficiency Project – South West Region with the exception of obtaining any necessary planning approvals and undertaking public consultation procedures as required under the Planning and Development Acts and Regulations.

It is hereby resolved under Section 85 of the Local Government Act 2001 as amended to enter into this Agreement with Cork County Council for the provision of the services as outlined above.

The making of an agreement by a local authority under Section 85 of the Local Government Act 2001 (as amended) is a reserved function.”

In response to query raised, P. Dowling, Chief Executive stated that Cork County Council as the lead agency are competent to carry out the works involved.

Item 6: Raising of loan to fund public lighting energy efficiency project.

Report dated 26th March, 2020 from Carmel Kirby, Director of Physical Development was circulated with the agenda. The report states that Clare County Council currently has approximately 14,300 public lighting lanterns of which there are 3,405 LEDs and 10,895 less energy efficient non-LED lights.

Clare County Council has signed up to a public lighting retrofit programme, under the auspices of the national Road’s Management Office (RMO), which will replace the 10,895 non-LED lamps with more energy efficient LED lamps.

This replacement project will result in an estimated reduction in energy usage of 3.05 million kWh in electricity per annum and 1,367 tonnes in CO2 per annum. This will result in an estimated monetary saving per annum of €430,000 in energy costs. It is also estimated that by converting the bulbs to LEDs and installing new brackets etc. that annual maintenance savings of €300,000 would be generated.

The project will be rolled out on a regional basis with Clare being included in region one. It is anticipated that the procurement process will be completed in late 2020, with region one retrofit commencing in late 2020/early 2021.

The reduction in energy usage and carbon emissions resulting from the retrofit programme will support Clare County Council in achieving its 2030 energy and emission reduction targets set out in the Carbon Action Plan 2019.

The Council is therefore requested to consider approving for sanction from the Minister for Housing, Planning and Local Government, in accordance with Section 106 of the Local Government Act, 2001 as amended, a loan in the amount of €8,500,000 to complete a public lighting retrofit programme for public lanterns in the Council’s ownership. The loan facility will be financed through the Housing Finance Agency.

The report noted that provision has been made in the budget for 2020 for the interest charges to finance this loan.

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

“That in accordance with Section 106 of the Local Government Act 2001, the Council hereby approves the raising of a loan of €8.5m to fund a public lighting retrofit programme.”

Item 7: Schedule of Municipal District Works (SMDW) for 2020.

The Schedule of Municipal District Works as previously circulated was noted having been proposed by Cllr. J. Cooney and seconded by Cllr. A. O’Callaghan.

Cllr. P. Hayes on a point of clarity asked if the Schedule of Municipal District Works has been brought before the full Council in previous years.

John Leahy, Senior Engineer responded and stated that the Schedule of Municipal District Works is agreed at Municipal District level and is brought before the full Council for noting on an annual basis.

Item 8. Comhfhreagras/Correspondence.

P. Dowling, Chief Executive noted that this concluded the statutory business of the meeting and stated that matters will be kept under review. Mr. Dowling undertook to consult with C.P.G. going forward.

The elected members present extended congratulations to Noeleen Fitzgerald on her appointment as Head of Finance and they also welcomed Ken Fitzsimons to Clare County Council. Cllr. A. O’Callaghan requested that Ken’s contact details be circulated to the elected members.

Cllr. J. Flynn raised concern that people are being charged when they ring the Clare Covid 19 Community Response helpdesk that is responding to the needs of vulnerable members of the community during the ongoing public health emergency. P. Dowling, Chief Executive undertook to raise this issue with the Director of Rural Development.

Cllr. J. Flynn requested an update on progress on the Ennis 2040 Project.

Cllr. A. Norton complimented P. Dowling, Chief Executive and the staff in Clare County Council for the work being done during this public health emergency. Cllr. Norton stated that all staff are available and are carrying out their duties and she requested that staff be informed that the elected members are appreciative of the work being done.

Cllr. G. Flynn requested that all members be credited with attendance at this meeting as it is not possible that all members be present due to current restrictions. Cllr. G. Flynn complimented the work done by Mark Dunphy, former Communications Officer with Clare County Council.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____