

Minutes of the March Monthly Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on Monday, 9th March, 2020 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, J. Crowe, M. Begley, P.J. Ryan, P. McMahon, G. Flynn, D. McGettigan, P. O’Gorman, 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. Colette Costelloe, A/Meetings Administrator.
- Ms. Margaret O’Rourke, Assistant Staff Officer.
- Mr. Liam Conneally, Director of Economic Development.
- Mr. Leonard Cleary, Director of Rural Development.
- Ms. Carmel Kirby, Director of Physical Development.
- Ms. Caroline O’Connor, Management Accountant.
- Ms. Siobhán McNulty, Senior Executive Officer, Social Development.
- Mr. John Leahy, Senior Engineer, Physical Development.
- Mr. Cyril Feeney, Senior Engineer, Physical Development.
- Mr. Seán Lenihan, Senior Engineer, Physical Development.
- Ms. Leonore O’Neill, Senior Executive Officer, Physical Development.
- Mr. Adrian Kelly, Chief Fire Officer.

The Cathaoirleach, Cllr. Clare Colleran Molloy presided.

Vote of Sympathy.

At the outset a vote of sympathy was extended to the following:

- The Clancy family, Lissycasey on the death of Anna Clancy.
- The Conroy family, Woodford, Galway on the death of Tom Conroy.
- The Casey family, Kilmaley on the death of Josie Casey.
- The Sheedy family, Newmarket on Fergus, on the death of Johnny Sheedy.
- The O’Connell family, New Quay on the death of Gerard O’Connell.

St. Patrick’s Day Parade in New York.

It was proposed by Cllr. T. O’Brien, seconded by Cllr. A. O’Callaghan and agreed by all members present that the Cathaoirleach and Chief Executive accept the kind invitation of the County Clare Patriotic, Benevolent and Social Association of New York City to attend the St. Patrick’s Day Parade in New York.

Suspend Standing Orders.

It was agreed by the members that Standing Orders be suspended to allow for discussion on the current situation in relation to the coronavirus. The elected members stated that it is important that as public representatives they make decisions in relation to this worldwide concern. They acknowledged the work already carried out by volunteers and community groups in preparing for the St. Patrick's Day Parade but in the interest of public health and the health of people it was felt that it would be prudent to cancel the Ennis St. Patrick's Day parade. This was agreed by the members present.

The elected members emphasised the necessity to increase vigilance in relation to hygiene, the importance of following H.S.E. guidelines and to remain informed from reliable sources. The financial pressure on families affected was discussed as well as the difficulty in sourcing masks and hand sanitiser.

It was re-iterated that the local health professional who tested positive for Covid19 during the week had sought and followed H.S.E. guidelines and the members stated that some of the public commentary towards the family in question was disgraceful. The elected members were unanimous in wishing the family well in their recovery.

P. Dowling, Chief Executive stated the Council can only make a decision in relation to the Ennis St. Patrick's Day Parade as it is the only parade the Council is directly involved in organising. He assured the members that the Council's Crisis Management Team will continue to meet on a daily basis.

Item 1: Minutes of Council Meetings.

a. Ar moladh Cllr. B. Chambers
Cuidithe ag Cllr. A. Norton agus glacadh leis

“That the Minutes of the February Meeting of Clare County Council held on 10th February, 2020 be adopted and signed.”

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

“That the Minutes of the adjourned February Meeting of Clare County Council held on 17th February, 2020 be adopted and signed.”

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

“That the Minutes of the Special Meeting of Clare County Council held on 17th February, 2020 be adopted and signed.”

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

“That the Minutes of the Special Meeting of Clare County Council held on 24th February, 2020 be adopted and signed.”

e. Ar moladh Cllr. A. O’Callaghan
Cuidithe ag Cllr. P.J. Ryan agus glacadh leis

“That the Minutes of the adjourned February Meeting of Clare County Council held on 24th February, 2020 be adopted and signed.”

Item 2: Matters Arising.

There were no matters arising.

Item 3: Minutes of Municipal District Meetings.

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

“That the Minutes of the Ennis Municipal District Meeting held on the 14th January, 2020 be noted.”

Item 4: Minutes of S.P.C. Meetings.

a. Ar moladh Cllr. B. Chambers
Cuidithe ag Cllr. I. Lynch agus glacadh leis

“That the minutes of the Physical Development S.P.C. meeting held on 18th December, 2019 be noted”.

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

“That the minutes of the Rural Development S.P.C. meeting held on 17th December, 2019 be noted”.

Item 5: Minutes of the Corporate Policy Group Meetings.

The members noted the minutes of the meeting held on 3rd February, 2020 as presented.

Item 6: Monthly Management Report.

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

Cllr. J. Flynn queried if housing figures can be included in the monthly management report going forward.

Cllr. J. Flynn sought an update on development at Watery Road, Ennis and stated that local residents have expressed concerns in relation to this area. S. McNulty, Senior Executive Officer, Social Development agreed to revert to Cllr. J. Flynn in relation to this.

Ms. McNulty undertook to include housing figures in future monthly management reports.

Cllr. G. Flynn noted the success of the housing workshops held recently and requested that these workshops be suspended due to the current health crisis.

P. Dowling, Chief Executive stated that all meetings, workshops, etc. will be reviewed in the coming days.

In relation to Watery Road, Ennis, Cllr. M. Howard stated that there had been a 30 year agreement with the Church and she requested that the Council engage with residents to clarify the situation.

Cllr. J. Killeen complimented Tom Mellett, Senior Executive Engineer, Killaloe Municipal District and his team for their work in dealing with flooding issues and protecting homes at Murtyclough. Cllr. Killeen queried the prospect of getting funding to alleviate this issue in the near future.

Cllr. C. Murphy welcomed progress on the Atlantic Economic Corridor and requested that other communities be included in this initiative.

Cllr. M. Begley thanked Clare County Council, Clare Civil Defence and the Fire Service for the work done during the recent flooding in Springfield, Clonlara. Cllr. Begley sought an update on this project in order to prevent this from happening in future. This was supported by the elected members and it was requested that extra resources be provided to assist the General Operatives in this area when they resume their road works duties.

P. Dowling, Chief Executive thanked the members for their comments and stated that every effort will be made to resolve this issue so that residents will not have to face another winter with this worry.

C. Kirby, Director of Physical Development informed the meeting that the Part VIII for Springfield will be submitted in April subject to O.P.W. approval.

In relation to Murtyclough, Ms. Kirby stated that she will raise the issue of funding with Transport Infrastructure Ireland at a meeting scheduled to take place in the coming weeks.

Cllr. P. Hayes enquired about the long term solution in relation to the railway track between Clare and Limerick which has to close at times due to flooding.

C. Kirby, Director of Physical Development informed the members that Clare County Council will chair a meeting of organisations consisting of O.P.W. and Irish Rail and that a draft solution is almost developed.

Item 7: Report in accordance with Part XI, Section 179 of the Planning and Development Act 2000, as amended, and Part VIII, Article 80 and 81 of the Planning & Development Regulations 2001-2013 for the proposed construction of 18 No. residential units at Newmarket on Fergus, Co. Clare.

Report dated 3rd March, 2020 from Anne Haugh, Director of Social Development was circulated with the agenda together with report from Garreth Ruane, A/Senior Executive Planner. The report outlines details of proposed construction of 18 No. residential units at Boheraroan, Newmarket on Fergus, Co. Clare.

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

“That pursuant to Part XI, Section 179 of the Planning and Development Act, 2000 (as amended) and Part VIII, Article 80 and 81 of the Planning and Development Regulations 2001 – 2010, Clare County Council proceed with the proposed development of 18 No. residential units at Boheraroan, Newmarket on Fergus, Co. Clare.”

Item 8: Report in accordance with Part XI, Section 179 of the Planning and Development Act 2000, as amended, and Part VIII, Article 80 and 81 of the Planning & Development Regulations 2001-2013 for the proposed construction of 25 No. residential units at Doonaun, Tulla, Co. Clare.

Cllr. P. Burke proposed that this item be deferred to the April Council meeting. This was seconded by Cllr. P. Hayes and agreed by the members present.

Item 9: Clare Local Community Development Committee Annual Report 2019.

The Clare Local Community Development Committee Annual Report 2019 was circulated with the agenda. The report highlights the main activities of the Clare LCDC during the year, which included delivery of actions from the Local Economic

and Community Plan, the implementation of the Social Inclusion and Community Activation Programme and the management of funding schemes including the Healthy Ireland Fund, the Community Enhancement Programme, Men's Shed funding and the Community Weekend fund.

The report as circulated was noted by the members having been proposed by Cllr. J. Flynn and seconded by Cllr. C. Murphy.

Item 10: Clare County Council Beach Bye Laws 2020.

Report dated 2nd March, 2020 from Clare McGrath, Staff Officer, Environment Section was circulated with the agenda together with revised edition of County Clare Beach Bye Laws 2020. The report states that there are no policy changes to same from the current version, but the following corrections and inclusions have been made:-

- Correction of townland names
- Correction of spelling and typing errors
- Updated, clearly defined and colour maps
- Inclusion of one new location – Quilty Beach
- Inclusion of current Beach Bye-law fixed payment notice
- Inclusion of current Beach Bye-law licence template

The report states that the Physical Development S.P.C. has been informed of these revisions and no issues were raised. The report concludes that it is the requirement that these bye-laws be adopted by the members of Clare County Council.

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

“Pursuant to the Local Government Act, 2001, Local Government Act, 2001 (Bye-Laws) Regulations, 2006, the Maritime Safety Act 2005, the Control of Dogs Act 1986, the Casual Trading Act 1995, the Control of Horses Act 1996, the Litter Pollution Act 1997 as amended, Local Government (Sanitary Services) Acts 1878-1964 Clare County Council hereby adopts the Beach Bye Laws 2020.”

Item 11: Presentation by Emeritus Professor John Sweeney, Department of Geography, Maynooth University on Irish Geography perspective.

Cathaoirleach, Cllr. C. Colleran Molloy welcomed Emeritus Professor John Sweeney from Maynooth University for this item. Emeritus Professor Sweeney gave a presentation on climate change in Co. Clare under the following headings:

- Flood risk zones and rainfall patterns
- Regional climate model: projected temperature changes and projected rainfall changes
- Coastal erosion
- Attribution of extreme events to climate change
- Threatened landscapes of Ireland

- Some vulnerable species in Ireland
- Climate Action Regional Offices - CARO
- Climate Action Plan 2019
- Flooding projects

The elected members thanked Emeritus Professor Sweeney for his very information presentation and acknowledged that climate change policy needs to be on our agenda going forward. The Councillors raised issues of concern which were responded to by Emeritus Professor Sweeney.

Item 12. Standing Orders.

Ar moladh Cllr. P.J. Kelly

Cuidithe ag Cllrs. A. O'Callaghan, B. Chambers, M. Nestor, S. Talty, P. Daly, P. McMahon, J. Killeen, P.J. Ryan agus P. O'Gorman agus glacadh leis

“That Standing Orders be amended with an objective of allowing free questions and comments on all items of public interest on the monthly agenda.”

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

“The Standing Orders of Clare County Council provide members with procedures for the regulation of the business and proceedings of Council meetings. They have been developed and revised over time by agreement of the members in an effort to streamline the proceedings at Council meetings and ensure efficiency. Standing Orders provide for questions/comments on the following items:

- Matters arising on the Minutes.
- Consideration of Reports and Recommendations (includes the monthly management report)
- Business prescribed by Statute, Standing Order or resolution of the Council for transaction at that Meeting.
- Business submitted by the Chief Executive.
- Notices of Motion
- Correspondence.

In addition to this there is also a provision to allow a motion may be proposed without notice for the purpose of dealing with urgent business related to a function of the local authority.

The current operation and deliberation at Council meetings, as governed by our Standing Orders, is operating very efficiently and effectively and allows ample opportunity for debate and engagement.

Any amendments to Standing Orders should in the first instance be considered by the Standing Orders Committee and give due consideration to the implementation and impacts of same.”

The following amendment was proposed by Cllr. P.J. Kelly, seconded by Cllr. A. O'Callaghan and agreed by the members present:

“That the Standing Orders Sub-Committee report at the May meeting on motion No. 12 of 9th March, 2020 as adopted.”

The elected members were unanimous in agreeing that this issue be referred to the Standing Orders Committee for review and report back to full Council.

Item 13. Visual impact.

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

“That, in the interest of legal compliance and the public interest, the members of the planning authority for County Clare be fully informed in writing of all aspects of considerations applied in the assessment of visual impact on the various landscapes and the complete and detailed “modus operandi” used in reaching a logical and clearly defined conclusion.”

Liam Conneally, Director of Economic Development replied as follows:

“In terms of legal compliance and the public interest, I wish to advise that all planning applications are validated, processed and assessed in accordance with the Planning Acts and Regulations. In addition all planning reports are available for inspection in the planning office or online on the Council’s website. These reports set out the planning issues as considered in the assessment of an application, including those of ‘visual impact’, when preparing a recommendation on a file.

With regard to the landscape characteristics, Chapter 13 of the Development Plan sets out the different landscape character areas of the County. This was informed by the detailed Landscape Character Assessment of County Clare, and identifies the following landscape types:

a. Settled Landscapes

These comprise the network of farmland, villages and towns that make up the majority of the County, and are landscapes where the majority of the population live and work. Such landscapes provide opportunities for agriculture, forestry, tourism, enterprise and leisure.

b. Working Landscapes

These landscapes contain the highest concentrations of population and employment and the strongest transport links and connectivity and include lands within 10km on either side of the N18/M18, except as excluded by Heritage Landscapes.

c. Shannon Estuary Working Landscape

This includes all shores and waters between Moneypoint to Ballynacragga Point, excluding Clonderlaw Bay.

d. Heritage Landscapes

These landscapes are areas of the county where sensitive environmental resources – scenic, ecological and historic – are located, and include both national and internationally recognised areas such as the Clare coastline, the Burren and Lough Derg. The role of these landscapes is to sustain natural and cultural heritage, and to allow these landscapes to evolve and to renew.

In addition to the above the County Development Plan, identifies a number of scenic routes within the County, which traverse the various landscape types and can include for some coastal areas which are also popular tourist routes. The designation of these routes is not intended to prohibit development but rather that any development on these routes does not hinder or obstruct scenic views.

The above landscape types are supported in the Development Plan by various policies and objectives. These objectives seek to permit development within the various landscapes whilst at the same time recognise the particular characteristics of each area. Furthermore each policy includes a common provision that developments demonstrate:

- That sites have been selected to avoid visually prominent locations
- That site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, public amenities and roads,
- That design for buildings and structures reduce visual impact through careful choice of form, finish and colours and that any site works seek to reduce visual impact of the development.

In assessing a planning application therefore the location of a site within the various landscape types is a key consideration. For example, some heritage landscapes are within coastal areas which are open and exposed and where traditional building forms consist of single storey, stone built houses linked with farm buildings. Alternatively, working landscapes are more robust and can support a high level of tree cover which can assist in the assimilation of a dwelling house/development.

The ‘visual impact’ of a proposed development will vary from site to site and is dependent on a number of factors as set out below. The planning report for each application sets out all the relevant issues pertaining to the application, including those regarding visual impact. As each site and application has specific characteristics and issues, each application is assessed on its individual merits on a case-by-case basis. As such a detailed step-by-step methodology for generic use is not appropriate. Nevertheless once the landscape type has been determined, the next consideration is the selection of the site on the landholding. At this point it is important that applicants start out at the pre-application stage and identify with the Area Planner as to the best location for a development on a landholding conscious that any potential constraints (e.g. archaeology, european sites, etc.) are eliminated.

Considerations in terms of site selection include:

- sites offering shelter, privacy and good orientation for passive solar gain.
- sites with roadside hedgerows, trees, and natural boundaries which can be retained and incorporated into the layout.
- Sites that provide shelter from prevailing winds and landscaping and which have a natural backdrop.
- Sites that allow for safe access without significant removal of roadside boundaries.

It is important to recognise that prominent or sensitive sites require careful consideration in terms of their siting and design and when done so can contribute to the character of the landscape and set a high design standard which respects the context of the site. The layout of the dwelling should have regard to the pattern of development in the area, including older traditional built forms and orientations.

Regard should also be had to the proximity to adjoining dwelling houses so as to avoid potential overlooking issues.

To assist rural house applicants the Planning Authority has prepared guidance in the form of the Clare Rural House Design Guide which is available on the Council's Website. This sets out in detail, the criteria to be used in selecting the most appropriate site location while also providing information on appropriate house types for rural areas.

In this regard the Planning Authority will continue to provide pre-planning advice for potential rural housing applicants when any potential siting and design issues can be addressed at an early stage.

As outlined above, and in previous notice of motions, the considerations applied in the assessment of planning applications vary as each site and application has specific characteristics and issues. In addition the Planning Authority is guided by the policies and objectives of the Development Plan and Ministerial Guidelines which inform the visual and other considerations of various development proposals. The planning application process is one of the most open, transparent and inclusive processes in government.

In light of the above information therefore it is not practical or possible to give full details of all considerations in the assessment of visual impact for all development application sites due to the variance in types and locations of developments throughout the county."

Cllr. P.J. Kelly stated that he felt development is being curtailed in west Clare and the public have a right to know why planning permissions have been refused. Cllr. Kelly stated that he will continue to raise this issue.

L. Conneally, Director of Economic Development informed the meeting that the planning system and the planning application process is the most open and transparent system in government. It allows third party submission, if not happy with decision there is a right to appeal to An Bord Pleanala and if not happy then there is a right to judicial review. Mr. Conneally continued that the Planning Authority is guided by the policies and objectives of the County Development Plan. Mr. Conneally stated that in order to assist rural house applicants, the Planning Authority has prepared guidance in the form of the Clare Rural House Design Guide which is available on the Council's website.

P. Dowling, Chief Executive acknowledged that this matter has been raised on a number of occasions and informed the members that officials have a lot of work to be doing in the context of planning.

Item 14. Illegal encampments.

Ar moladh Cllr. P. Murphy

"With reference to the many illegal encampments, both roadside and off-road that are dotted around County Clare, I am requesting the following information for the period 2015-2019, how many of these individuals/families were,

- i) found to have been on a local authority housing waiting list in Clare or any other county?
- ii) found to have been in possession of a council/housing agency tenancy?
- iii) found to have been in receipt of Housing Assistance Payment or any other form of rent allowance?
- iv) found to have been a property owner?

Please also provide the above information in relation to the illegal encampments that are currently in-situ and provide a list of the locations and population figures relating to these.”

Anne Haugh, Director of Social Development replied as follows:

“There is no database with this requested information as this Council had no legal basis to compile and maintain one; the individual Section 10 notices issued is attached.

Current illegal encampments in the County are as per the second attachment. What is relevant in relation to those occupying the sites in question is if they are approved housing applicants and this detail is provided.

We are working to provide housing solutions for those on our housing list in need of housing.”

Section 10 notices issued

Unauthorised Encampments	Date	Housing application	No of Caravans	Section 10 Notice	Result
Ballymacahill/ Ballyduff, Barefield	28/01/2016	Not with Clare Co Council	9 caravans	Yes	Moved on
Cahircallamore, Kilrush Road, lane to national school	16/02/2016	Yes	3 caravans	Yes	Moved to different location
Cahircallamore, Kilrush Road,	16/02/2016	Not with Clare Co Council	4 caravans	Yes	Moved on
Cahircalla Beg	25/08/2016	Yes	3 caravans	Yes	Housed & moved on
Skehanagh Roundabout N85	05/08/2017	N/A	7 Caravans	Yes	Moved on
Ballyduff Barefield L -41024-0	28/05/2018	Not with Clare Co Council	7 Caravans	Yes	Moved on
Cahircalla More	21/06/2018	Yes	2 caravans	Yes	High Court Action
Rosslevan	23/08/2018	New housing applicant.	1 caravan	Yes	Moved on

Kilbreckan	20/11/2018	Yes	Mobile Home & 2 caravans	Yes	Remains at location
Drumbiggle, Ennis	20/11/2018	New Applicant	1 Caravan	Yes	Moved on
Circular Road, Ennis	19/12/2018	Yes	1 Caravan	Yes	Moved into Homeless services
Kilbreckan, Quin Road	16/04/2019	Yes	1 caravan	Yes	Moved on
Skehanagh Roundabout N85	02/07/2019	not with Clare Co Council	20 Caravans & 20 vehicles	Yes	Moved on
Drumbiggle Road, Ennis	28/08/2019		1 Caravan	Yes	Moved on
Claureen, Lahinch Road	24/09/2019	New applicant	1 Caravan	Yes	Moved on
Cahircalla More, Kilrush Road, Ennis	19/02/2020	Yes	1 caravan	Yes	Moved to different location

Current unauthorised encampments

Unauthorised	Housing application	No of Caravans	Section 10
Kilbreckan, Doora	4 households with 2 open housing applicants	1 Mobile home and 3 caravans (occupied)	No
Kilbreckan Bog Road	2 households with open housing applications	2 mobile homes and 3 empty caravans	Yes
Clare Technology Park, Gort Road		1 mobile home, 2 caravans (1 empty)	Yes
Cahircalla More, Kilrush Road Ennis	4 household with open housing applications	4 mobile homes	Yes

Cllr. P. Murphy stated that a multi agency co-ordinated approach is required to respond to this situation and that Transport Infrastructure Ireland have a role to play in relation to the access roads in question. Cllr. Murphy raised health and safety concerns in relation to horses on the road at Ashline.

S. McNulty, Senior Executive Officer, Social Development stated that there is strong legislation available to deal with illegal encampments and the process needs time.

C. Kirby, Director of Physical Development undertook to address the issue raised in relation to the horses on the road at Ashline with the horse removal company engaged by the Council.

P. Dowling, Chief Executive addressed the meeting and stated that all local authorities have the same powers when dealing with illegal encampments. He accepted that the issues raised are complex and stated that the Council will deal with it legally and not put staff at risk.

Item 15. Workshops on the election/electoral process.

Ar moladh Cllr. D. McGettigan
Cuidithe ag Cllr. A. Norton agus glacadh leis

“I call on Clare County Council in association with Clare PPN to provide and implement a programme of workshops on the election/electoral process for all elections for the general public.

We also call on the Minister for Education to incorporate this life skill into the secondary school curriculum to enable those leaving school and becoming eligible to vote to be knowledgeable in the voting process.”

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

“Clare PPN organised workshops in advance of the last General Election and Local Election. These were very successful and informative workshops. The local authority has responsibility for the compilation of the Register of Electors and has partnered with the PPN & the Gardai in hosting one stop shop for voters’ registration for the inclusion in supplementary registers. While the Council will continue to actively support initiatives to facilitate voter registration, it is not feasible for the Council to implement a programme of workshops on the electoral process.

With regard to the request to incorporate this life skill into the secondary school curriculum, the Motion, if agreed will be sent to the Department of Education.”

The meeting noted that this topic is covered in the CSPE programme in secondary schools. The elected members supported the merits of the motion and requested that students be educated on the work of local representatives.

P. Dowling, Chief Executive informed the members that Clare County Council has invited schools to come into the Council Chamber and has briefed students on the broader role of the Councillors. He stated that this can continue as a pilot project in Clare.

Item 16. Alleviate flooding on local and regional roads.

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

“I am calling on Clare County Council to carry out a full survey of all infrastructure in Clare designed to alleviate flooding on local and regional roads. It is very noticeable at this time of the year that quite a number of water outlets and rivers running adjacent to many roads are in need of major attention. What I am hoping is that Clare County Council would try and co-ordinate this work with other bodies with a view to improve how surface water can be better managed and reduce the impact on the public during spells of heavy rainfall.”

John Leahy, Senior Engineer, Physical Development replied as follows:

“Clare County Council were allocated a Drainage Grant by the Department of Transport, Tourism and Sport of €879,864 for 2020. This fund is available to deal with remediation and improvement of defective drainage systems and the cleaning and opening of gulleys and water inlets. Intervention and investment in road drainage will help increase the longevity of the road surface integrity. Some of this funding will also be used to deal with off road drainage.

This grant funding, initially introduced in 2018 has been very beneficial in helping manage surface water on our road network and we successfully negotiated that the Department of Transport, Tourism and Sport double the grant allocation for 2019 and make a similar allocation available for 2020. We will continue to impress on the Department of Transport, Tourism and Sport the importance of this grant.

The Council also liaises with the O.P.W. regularly in relation to the need for and development of flood relief schemes and this programme has facilitated the delivery of several schemes successfully over the past number of years.”

Cllr. G. Flynn accepted the response and urged that a survey be carried out as it may be possible to mitigate against a certain amount of flooding.

It was agreed to take Items No. 17 and 18 together.

Item 17. Cleaning and dredging rivers.

Ar moladh Cllr. J. Cooney

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

“In light of the extreme weather conditions and subsequent flooding, I call on Clare County Council to collaborate with the Office of Public Works & relevant Department Sectors to seek funding for the cleaning and dredging of rivers and general improvement works to storm drainage throughout the county.”

Item 18.

Ar moladh Cllr. P.J. Ryan

Cuidithe ag Cllr. P. O’Gorman agus glacadh leis

“That this Council would request the Office of Public Works (O.P.W.) to carry out an assessment of all rivers and main drains in the county, and clean and dredge same where necessary.”

John Leahy, Senior Engineer, Physical Development replied as follows:

“In addition to the Ennis Town Central Flood Relief Schemes, which were constructed under the control of the O.P.W., the following drainage systems fall under the O.P.W. responsibility under the 1945 Arterial Drainage Act:

- The Cree river system in West Clare
- A series of mini catchments south of Ennis and to the west and east of the Fergus Estuary
- A series of mini catchments between Shannon and the fringes of Limerick City which outfall to the Shannon Estuary

This is only a small proportion of the waterways in Co. Clare.

We are proactively engaging with the O.P.W. and Department of Transport, Tourism and Sport (DTTAS) in relation to drainage and flooding issues.

The outcome of this engagement is that Clare County Council were allocated a Drainage Grant by the Department of Transport, Tourism and Sport of €879,864 for 2020. This fund is available to deal with remediation and improvement of defective drainage systems and the cleaning and opening of gulleys and water inlets. Intervention and investment in road drainage will help increase the longevity of the road surface integrity. Some of this funding will also be used to deal with off road drainage systems. Drainage works include – repairs to existing drains, cleaning and removal of vegetation from drains, cleaning and removal of trees and saplings from river beds and replacement of damaged drainage culverts.”

Cllr. J. Cooney and Cllr. P.J. Ryan stated that extra funding needs to be sourced for this work as the funding available is not sufficient to address the problems in the county. The elected members agreed that more action, more funding and local knowledge is needed to deal with this issue.

John Leahy, Senior Engineer addressed the meeting and stated that the three bodies responsible for drainage are Clare County Council, O.P.W. and farmers. He noted the funding available is not near the amount needed on the ground.

Item 19. Local Improvement Scheme.

Cllr. B. Chambers requested that this item be deferred to the April meeting and this was agreed by the members present.

Item 20. Sign language.

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

“Clare County Council is calling on the Department of Children and Youth Affairs and the Department of Education to introduce a new initiative for all schools to teach sign language 'to make world more inclusive'.

The elected members agreed that sign language should be taught in primary schools in a friendly environment as all children should be able to communicate with each other.

Item 21. University of Limerick Student Life.

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

“I call upon Clare County Council to support the University of Limerick Student Life in opposition to student rent increases for the incoming 20/21 Year.

University of Limerick Student Life (ULSL) actively resolves to resist the proposed changes to the management, terms and cost of on campus accommodation due to come into force at the start of the 2020/21 academic year.

The burden of cost increases falls on parents and students who already face the financial burden of college fees, food and living costs.

The proposed new twin rooms for 2nd and 3rd students are little more than prison cells. Student's basic rights for privacy are being violated. The proposed rooms were not designed to hold two students. While I am aware of the increasing demand for housing there must be a more suitable and cost effective way.

The University of Limerick has told students entering second and third year that they will only be able to apply for twin rooms, which have been converted from single rooms, for the 2020/2021 academic year."

During discussion it was noted that the rental conditions are not suitable for students due to lack of privacy and not enough space to work on assignments or study. The Councillors supported the students on this issue and expressed concern that these increased financial burdens are being put on families.

Item 22. Shannon Airport.

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

"That Clare County Council consult with relevant local and national bodies with a view to restoring Shannon Airports appeal to North American visitors."

Leonard Cleary, Director of Rural Development replied as follows:

"Clare County Council is currently working closely with the Head of Operations for Shannon Group and the Head of Marketing for Shannon Airport in order to promote Clare more throughout the Arrivals area of the Airport and in so doing, expecting to interrupt the travel plans of the fully independent travellers to stay in Clare longer."

The elected members agreed that there should be more active promotion of Shannon Airport at visitor attractions in the region.

L. Cleary, Director of Rural Development addressed the meeting and stated that there has been a formal submission by the Cliffs of Moher to Tourism Ireland to leverage the importance of Shannon Airport and Clare.

He also informed the members that a briefing on the Draft Clare Tourism Strategy will take place on the 8th April at 2:00 p.m. in the Council Chamber. This will address the topic of the marketing of Clare outside the county.

Item 23. Personal taxation policies.

Ar moladh Cllr. C. Murphy
Cuidithe ag Cllr. P. McMahon agus glacadh leis

"In the interests of addressing a more balanced regional development, rural regeneration and repopulation, that Clare County Council request the Department of Finance to investigate the feasibility of using figures from the C.S.O., and statutory tools such as the Pobal HP Deprivation Index, to create future personal taxation policies that will positively discriminate towards those choosing to live in on a permanent basis, the more marginal communities across Ireland, incentivising their repopulation and regeneration."

During discussion on this motion the elected members agreed that this would incentivise the flow of younger people back into rural communities.

Leonard Cleary, Director of Rural Development stated that the Directors in the west are working on a set of priorities to be submitted as part of a submission for the Programme of Government to be considered by the CCMA for approval and that this idea warrants inclusion.

Item 24. Off road greenway.

Ar moladh Cllr. C. Murphy

Cuidithe ag Cllrs. C. Collieran Molloy agus P. Hayes agus glacadh leis

"That Clare County Council request a meeting with Transport Infrastructure Ireland (T.I.I.) to

- a) determine the feasibility of using the existing land corridor on either side of the M18 between Shannon and Ennis to create an off road greenway connecting Shannon town and Airport with Ennis;
- b) to assess all legal, technical and environmental challenges that might prevent such project from taking place;
- c) We further request the council contact T.I.I. with regards to ensuring the addition of such an off road greenway be included in the design and land procurement phases for the new M20 connecting Limerick with Cork".

John Leahy, Senior Engineer, Physical Development replied as follows:

"The draft Limerick Shannon Metropolitan Area Transport Strategy (LSMATS) is currently being prepared by the National Transport Authority. This will go to public consultation over the coming months. Elected members will be given the opportunity to feed into this process. We will bring these issues to the attention of the National Transport Authority in advance of the LSMATS being finalised.

When the LSMATS is finalised we will meet with the various government bodies and relevant parties in order to progress and support proposed projects to be delivered under the Strategy."

Item 25. Applying slurry.

Ar moladh Cllr. P. Burke

Cuidithe ag Cllr. P. Hayes agus glacadh leis

"Calling on the Departments of Agriculture and the Department of Environment to amend the restrictions so that farmers can apply slurry when weather conditions allow, at any time of the year."

The elected members noted that farmers are environmentally conscious and agreed that farming should be carried out in accordance with weather conditions as farming by the calendar is not possible.

Item 26. Air B n B.

Ar moladh Cllr. R. Garvey
Cuidithe ag Cllr. J. Killeen agus glacadh leis

“That we as a Council, due the crisis in the lack of rentable accommodation around the county, call for a limit to air b n b short term rentals in rent pressure zones. This would also help with the crisis within the county of families being homeless and having to live in hotels and B and Bs.”

Cllr. R. Garvey submitted the following amendment to the motion.

“I call on the Chief Executive to write a letter to the Minister for Housing, revising the S.I. to designate part of the county if not all the county as being governed by the regulations around air BnB despite not being an RPZ.”

This was seconded by Cllr. A. O’Callaghan and agreed by the members present.

Item 27. Housing crisis.

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

“We call on our Oireachtas Members, Housing Agencies and the Minister responsible for housing to introduce constructive solutions to high rents and low levels of house ownership. We seek more ambitious targets for houses built or renovated in the state in the next 5 years. We call for more ambitious targets for houses constructed/renovated by all local authorities in the next 5 years to help alleviate the housing crisis.”

The elected members noted the low level of home ownership and the financial difficulties being experienced due to high rent costs.

P. Dowling, Chief Executive addressed the meeting and stated that the focus in social policy are affordability of homes for people employed or unemployed. He stated that the targets to the end of Rebuilding Ireland will be achieved with the elected members support. In relation to the speed at which houses can be delivered, Mr. Dowling stated that it is a bureaucratic process and whether it be in relation to acquisitions or direct build, the process is prepared locally and then repeated nationally.

Item 28. Legislation to deal with trolls and trolling.

Ar moladh Cllr. M. Howard
Cuidithe ag Cllr. J. Garrihy agus glacadh leis

“Considering recent events Clare County Council requests our Minister for Justice and Minister for Communications to seriously consider legislation to deal with trolls and trolling. The proposed legislation should be similar to the same oversight involved with setting up a bank account be introduced for those setting up social media accounts.”

The elected members were unanimous in supporting this motion and noted that personal attacks on social media are currently more prevalent particularly during the local election, the general election and most recently during the Covid 19 outbreak.

They felt that the potential damage is unquantifiable and has a huge personal and professional impact on personal and professional life. The elected members agreed that proof of identity should be mandatory when setting up social media accounts and that keyboard warriors need to be held accountable. Concern was expressed at the lack of legislation in this area and called for legislation to be enacted.

Item 29. County Clare Traveller Health Needs Assessment Report.

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

“That Clare County Council invite the HSE and its Clare Primary Health Care Project (PHCP) partner to give a presentation at the April Council meeting of the findings of the County Clare Traveller Health Needs Assessment report published by the H.S.E. in 2019.“

Item 30. Comhfhreagras/Correspondence.

Correspondence.

The following correspondence was circulated with the agenda:

1. Correspondence dated 25th February, 2020 from the Department of Transport, Tourism and Sport regarding Chinese lanterns and helium balloons.
2. Correspondence dated 10th February, 2020 from Irish Water in relation to water and wastewater infrastructure projects in County Clare.
3. Correspondence dated 26th February, 2020 from the Office of the Minister for Education and Skills regarding early years education.
4. Correspondence dated 27th February, 2020 from the Department of Children and Youth Affairs concerning early years funding.
5. Correspondence dated 26th February, 2020 from the Office of the Minister for Education and Skills in relation to swimming lessons in the primary and secondary level curriculums.
6. Correspondence dated 28th February, 2020 from the Department of Health concerning parental alienation.
7. Correspondence dated 2nd March, 2020 from the Department of Justice and Equality in relation to parental alienation.
8. Correspondence dated 26th February, 2020 from the Department of Housing, Planning and Local Government in connection with HAP assessment.
9. Invitation from County Clare P.B. & S. Association of New York City inviting Cathaoirleach Cllr. C. Colleran Molloy to attend the 259th Annual St. Patrick's Day Parade in New York City.
10. Resolution circulated by Kerry County Council in relation to planning objections.
11. RIAI Conference entitled “Resilience, Revival and Regeneration” taking place in Limerick on 6th March, 2020.

12. Cross Border Tourism Conference 2020 taking place in the Four Seasons Hotel, Carlingford, Co. Louth on 22nd April, 2020.

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.

Conference entitled “The Development Plan making process” taking place in the Hotel Kilmore, Cavan on 13th February, 2020.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €338.88 including conference fee of €55.

It was agreed that Cllr. G. Keating attend this Conference.

AILG Training entitled “The Development Plan making process” taking place in Dooley Hotel, Waterford on 15th February, 2020.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €338.88 including conference fee of €55.

It was agreed that Cllr. J. Crowe attend this Conference.

AILG Annual Conference taking place in Longford on 4th & 5th March, 2020.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €444.49.

It was agreed that Cllrs. M. Howard, A. Norton, P.J. Ryan, P. Burke, P. O’Gorman, P. McMahon, P. Daly, J. Crowe, P.J. Kelly, C. Colleran Molloy, G. Keating and J. Cooney attend this Conference.

LAMA Spring Seminar taking place in Sligo Park Hotel, Sligo on 12th – 13th March, 2020.

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €607.23 including conference fee of €180.

It was agreed that Cllrs. A. O’Callaghan, P. O’Gorman and T. O’Brien attend this Conference.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____