

**Minutes of Special Meeting of Clare County Council held via MS Teams on
Wednesday, 28th July, 2021 at 3:45 p.m.**

Present via MS Teams:

Present:

Councillors P.J. Ryan, 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. McMahon, G. Flynn, D. McGettigan, P. O’Gorman, S. Talty, J. Killeen, P.J. Kelly, B. Chambers, G. Keating, C. Murphy, I Lynch,

Apologies:

Councillors M. Howard, J. Garrihy, S. Crawford and M. Nestor

- Mr. Pat Dowling, Chief Executive.
- Ms. Ann Reynolds, Meetings Administrator.
- Ms. Sinead Armstrong Lynch, Assistant Staff Officer.
- Ms. Anne Haugh, Director of Social Development.
- Mr. Liam Conneally, Director of Economic Development.
- Ms. Bernadette Haugh, A/Senior Executive Officer, Rural Development.
- Ms. Carmel Kirby, Director of Physical Development.
- Ms. Noeleen Fitzgerald, Director of Finance and Support Services.
- Ms. Helen Quinn, Economic Development.

The Cathaoirleach, Cllr P.J. Ryan presided and welcomed Councillors, Council Executive, and media to the meeting.

A vote of sympathy was also extended to the following:

- The O’Hara family, Tuamgraney on the death of Ann O’Hara.
- The O’Neill family, Ballyea on the death of Susan O’Neill.
- The O’Looney family, Ennistymon on the death of Margaret O’Looney.
- The McCarthy family, Quin on the death of Peggy McCarthy.

The elected members and the Chief Executive acknowledged the resignation of Cllr. S. Crawford, noting that Cllr. S. Crawford has represented and given a voice to a cohort of the population that may have been overlooked previously. The members further expressed it was with deep regret that her well informed, researched and balanced contributions on Notice of Motions and other topics would be missed following the brave decision by Cllr. S. Crawford to step down.

Item 17. County Development Plan process.

Ar moladh Cllr. C. Murphy

Cuidithe ag Cllr. P. Hayes P. Hayes, J. Cooney, G. Flynn, A. Norton, J. Crowe, P.J. Kelly, A. O'Callaghan, C. Collieran Molloy, P. O'Gorman agus T. O'Brien:-

“In response to the disruptions caused by Covid-19 restrictions, and in light of imminent new Rural Housing Strategy and the Wind Energy Strategy, we call on Clare County Council to utilise the new reserved function available to the elected members through the Planning and Development (Amendment) (No.3) Bill 2021, whereby the Local Authority, through a proposal from the elected members and a simple majority, can extend the time for completion of the County Development Plan process by up to twelve months to give the elected members, and the public, the time needed to engage more fully in the process and ensure the plan represents the best interests and ambitions of the people of Clare.”

Cllr C. Murphy submitted an amendment to the Notice of Motion which was read to the meeting by the Meetings Administrator, A Reynolds:

Amendment to Notice of Motion Item 17:

Ar moladh Cllr. C. Murphy

Cuidithe ag Cllr J. Cooney agus glacadh leis

“I call on Clare County Council to utilize the reserved function available to the elected members through the Planning and Development (Amendment) Act 2021, whereby the Local Authority, through a proposal from the elected members and a simple majority, can initiate the process to extend the time period by up to twelve months to review the development plan and to prepare and make a new development plan and to initiate the process to extend the duration of the existing Clare County Development Plan 2017-2023.

The seeking of this additional period is in response to disruptions caused by COVID-19 restrictions to the capacity of the executive, the public and elected members of Clare County to engage fully on the County Development Plan 2022-2028 plan making process. This additional time period will facilitate engagement in the plan making process and will ensure the plan represents the best interests and ambitions of the people of Clare.”

The Cathaoirleach, Cllr P.J. Ryan informed the meeting that in advance of the elected members consideration of this motion today, that should they be of a mind to avail of the additional timescales associated with the County Development Plan review and plan making process as set out in the Planning and Development (Amendment) Act 2021 and where they are of a mind to make a decision here today to initiate the process to seek an extended timescale. Cllr. Ryan advised that the decision can only have regard to the disruption caused by Covid-19 restrictions to the Plan making process. No other considerations aside from the disruption caused by restrictions introduced in response to the Covid-19 pandemic can be cited or considered by the members. Cllr. Ryan also noted that the meeting was not to discuss potential content of the development plan, nor any issues that the members may have with service providers, stakeholders or other issues relating to the plan making process.

Members were asked to restrict their contributions to the single matter for consideration on the agenda, that is whether to utilize the reserve function available under the Planning and Development (Amendment) Act 2021.

Cllr. Ryan further informed the members that should they decide to initiate the extension of the development plan review and plan making period this will start a process set out in legislation, which requires the planning authority to examine the impact of the consequential extension of duration of the existing development plan with regard to potential environment effects which also involves a period of public consultation. It will only be at the end of this process that the Members will be in a position to make a decision as to whether or not they wish to extend the duration of the existing County Development plan and also the time period for the development plan review and new plan making.

Cllr. Ryan welcomed discussion from the elected members. It was regarded by the elected members that Covid-19 crisis impacted every element of life, and the making of the County Development Plan was no exception. There was a concern that there was real danger the plan could disenfranchise the vulnerable in our communities. This has also been driven by elected members all over Ireland. With circumstances outside of the elected members and the council executive control a proposal was made to allow for an extension of up to 7 months to allow the public and elected members time to consider the plan fully.

While some concerns were expressed that an extension may delay other local area plans, strategy documents and potential developments including housing, there was overall consensus among the members to support a 7-month extension. The members agreed it was not too long but practical and it is very important in the interests of democracy that representatives can continue to engage with the public. The members also agreed that the County Development Plan is too important to our constituents, and it is their job to make sure it is fit for purpose to suit both rural and urban areas within the county.

Chief Executive, Pat Dowling, thanked the members for their contributions and acknowledged their concerns and the issues raised. The Chief Executive explained that the proposal to initiate the extension of the development plan review and plan making period will start a process set out in legislation. He advised a resolution has been drafted in consultation with the party representatives to give legal effect to the proposal. Meetings Administrator, Ann Reynolds read the resolution as follows:

“That in accordance with the Planning and Development (Amendment) Act 2021, the Elected Members by consensus, hereby resolve to initiate the process to extend the period to review the development plan and to prepare and make a new development plan and to initiate the process to extend the duration of the existing Clare County Development Plan 2017-2023.

In response to disruptions caused by COVID-19 restrictions to the capacity of the public and elected members of County Clare to engage fully on the County Development Plan 2022-2028, we call on Clare County Council to utilise the reserved function available to the elected members in the Planning and Development (Amendment) Act 2021, to extend the time for the completion of this county development plan making process by up to a period of 7 months to give the elected

members and the public the time needed to engage in the new plan making process and to ensure that the new plan will represent the best interests and ambitions for the County.

It is considered reasonable and necessary that an extension to the review of the development plan and the preparation of a new development plan for a further period of up to 7 months be facilitated. This additional period is considered necessary and appropriate in response to the disruption caused by restrictions introduced in response to the COVID-19 pandemic. The reasons for seeking this additional time period resulting from the disruption experienced to the plan making process include the following:

Reasons:

- The disruption caused by restrictions introduced in response to the Covid-19 pandemic to the preparation process for the making of a new development plan since the commencement of the process in September 2020.
- The anticipated further disruption to the process due to the possible impacts associated with existing and future COVID-19 variants, the impacts of which may be compounded with the flu virus season during the coming autumn/winter months. It is a particular concern that this period overlaps with the planned public consultation of the draft plan and the elected members' consideration of the resulting Chief Executives Report on submissions made on the Draft Plan.

The additional time is to be allocated where it best serves the interests of the public and the elected members in the plan making process, and this has been considered as follows:

An extended period for the Elected Members to participate in the plan making process

Reasons:

- To allow for full and effective engagement with the public and the Council's Executive in the plan preparation process which has been inhibited to date by a lack of face-to-face engagement as well as through virtual meetings and events.
- To date virtual engagement with the Council's Executive did not allow for the normal level of consideration, discussion and debate throughout the pre-draft stages of the development plan.

An extended period of public consultation for the Draft Plan

Reasons:

- To date due to the Covid-19 pandemic the opportunity for comprehensive engagement with citizens and communities across the county through the holding of in-person consultation events at locations throughout the County has not been possible in the plan making process.

- The uncertainty of the potential impact on future public consultation on the draft development plan, scheduled for the coming autumn/winter months (September 2021 – March 2022), due to the risk to public health associated with existing and future Covid-19 variants cases and further variants of Covid-19.
- IT accessibility and/or proficiency was required to avail of virtual consultation held to date which meant a certain demographic of citizens could not engage in the process as public buildings and libraries were not open to the public for viewing development plan consultation documents.

An extended period of time for the Executive for the plan making process

Reasons:

- Baseline information gathering including site work was curtailed due to Covid-19 restrictions. This is an integral element of the plan making process which should now be supplemented.
- There may be impacts on staff availability in the coming months associated with the existing and future Covid-19 variants. This may have a negative impact on practical, technical, interactive and hands-on elements of work with stakeholders, consultants and colleagues.

Discretion will be utilised in how the 7 month additional period is most effectively allocated to the various stages in the plan making process”.

Ar moladh Cllr. C. Murphy

Cuidithe ag Cllr A. Norton agus glacadh leis

The resolution as read was adopted by the members.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____