

Minutes of Special Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare and via MS Teams on Thursday, 9th March, 2023 at 3:00 p.m.

Present:

Councillors M. Howard, J. Flynn, C. Colleran Molloy, P. Murphy, T. O’Callaghan, J. Cooney, P. Hayes, A. O’Callaghan, T. O’Brien, J. Crowe, M. Begley, P.J. Ryan, P. McMahon, G. Flynn, J. Killeen, J. Garrihy, G. Keating.

- Mr. Pat Dowling, Chief Executive.
- Ms. Ann Reynolds, Meetings Administrator.
- Ms. Margaret O’Rourke, A/Staff Officer.
- Mr. Liam Conneally, Director of Economic Development.
- Ms. Anne Haugh, Director of Social Development.
- Mr. Leonard Cleary, Director of Rural Development.
- Dr. Carmel Kirby, Director of Physical Development.
- Ms. Noeleen Fitzgerald, Director of Finance and Support Services.
- Mr. Jason Murphy, A/Director of Service, Ukrainian Response Team.
- Ms. Helen Quinn, A/Senior Planner, Economic Development.

Present via MS Teams:

Cllrs. A. Norton, P. Daly, P. Burke, D. McGettigan, P. O’Gorman, S. Talty, L. Grant, P.J. Kelly, C. Murphy, I. Lynch.

Absent: Cllr. B. Chambers

The Cathaoirleach, Cllr. T. O’Brien presided and welcomed the members to this Special Meeting and outlined the statutory items to be dealt with at the meeting as follows:

1. “In Accordance with Section 12 (9) of the Planning and Development Act 2000 (as amended) the members are required to consider the amendments to the Draft Clare County Development Plan 2023-2029 and the Chief Executives’ Report to the Elected Members on submissions received on Proposed Amendments to the Draft Clare County Development Plan 2023-2029 dated 30th January 2023.”
2. “Make the Plan in accordance with Section 12 (10) of the Planning and Development Act 2000 (as amended).”

Cathaoirleach, Cllr. T. O'Brien acknowledged the extent of consideration that the elected members have given to this formal plan making process since it commenced on the 18th September, 2020. Cllr. O'Brien stated that today marks the conclusion for the members. Cllr. O'Brien continued that the role and commitment of the members must be acknowledged in the making of this Development Plan as over the last two and a half years, they have engaged in extensive reading, consultation and engagement with the forward planning staff, the public, stakeholders and colleagues and have attended many hours of meetings and workshops. Without this high level of engagement from the elected members it would not be possible to make the plan and he thanked his colleagues for the commitment they have given to this process.

The Cathaoirleach, Cllr. T. O'Brien invited Pat Dowling, Chief Executive to address the meeting.

P. Dowling, Chief Executive addressed the meeting and stated that the development plan is the principal planning strategy document for the development of the local authority area over the statutory period of the plan which is for the next 6 years.

The key role of the Development Plan is to set out the vision, policy, strategy and delivery mechanism for different forms of future development in order to drive better quality planning and development.

Mr. Dowling continued that the plan has had regard to a changing policy, an institutional and regulatory background, which has regard to Ministerial Guidelines, EU Directives, Strategic Environmental Assessment, Appropriate Assessment and Strategic Flood Risk Assessment to mention just a few factors which have to be adhered to in drafting this plan.

Mr. Dowling stated that the Development Plan, consisting of 10 volumes is underpinned by 19 goals relating to climate change, flood risk, local, regional and national sustainable growth while balancing the growth of urban and rural areas and at all times delivery on the principles of good design thereby ensuring a high quality of life for all those who live, work and visit our County.

A key focus of this plan has been the identification of lands which can accommodate growth for housing but also for employment and community uses at appropriate locations across our settlements.

The development plan supports tourism within the county recognising the important role that this industry plays.

Mr. Dowling continued that the importance of Shannon Estuary and our Atlantic coastline has also been a key consideration in this development plan making process as has the protection of our unique natural heritage, biodiversity and our blue and green infrastructure.

The Chief Executive stated that the Development Plan making process is a complex exercise, with important legislative and policy issues to be considered throughout. The legislative basis for the preparation, making and implementation of the plan is set

out in the Planning Act, which sets out the requirements and responsibilities for the Executive and the Elected Members when making the plan. Mr. Dowling acknowledged the role of the members throughout this process and thanked each of them for their contributions and for the manner in which they have all worked together in exercising their statutory function for the common good of all their constituents.

Mr. Dowling said that critical to the success of any development is stakeholder engagement. This plan has seen a huge willingness from the public, stakeholders and the members to engage in shaping the emerging plan. Schools have been involved across the county, information events have been held across all Municipal Districts and were very well attended and for the first-time social media has been a key player in how we engage with people. Videos, on-line portals, Zoom meetings, Facebook and Instagram have all been key to including people in this process for the first time. To this end we have received almost 1400 submissions in the three public consultation stages of the plan. Clearly the people of Clare are interested in what this plan contains.

Mr. Dowling acknowledged the work of the staff involved in particular the Forward Planning Team who have worked diligently, honestly and professionally at all times over the last two and a half years.

Liam Conneally, Director of Economic Development addressed the meeting and noted the statutory functions exercised by the elected members in the plan making function. Mr. Conneally stated that the formal plan making process commenced with the public notice on the 18th September, 2020, on foot of which 194 submission were received during the statutory consultation period.

The Draft Clare County Development Plan 2023-2029 was placed on public display on the 10th December, 2021. A total of 1,015 submissions were received within the statutory consultation stage.

The Chief Executives Report to the elected members on the submissions received on the draft plan was circulated to the members on the 10th July, 2022.

Mr. Conneally continued that the members by resolution on the 20th October, 2022 made proposed amendments to the draft plan and these were placed on display on the 28th November, 2022 until the 03rd January, 2023 in accordance with statutory requirements. A total of 170 submissions were received at this stage of the public consultation process.

The Chief Executives Report to the elected members on the submissions received on the proposed Amendments was circulated to the members on 30th January, 2023.

Mr. Conneally stated that the members are asked, in accordance with Section 12 (9) of the Planning and Development Act 2000 (as amended), to complete their consideration of the proposed amendments to the Draft Clare County Development Plan 2023-2029 and the Chief Executives' Report to the elected members on the submissions received on the proposed amendments, and which has been issued to the

members on the 30th January. The report lists the persons and bodies who have made submissions or observations on the proposed amendments to the Draft Plan and summarises the issues raised in each submission. The report also outlines the next stage of the process which includes the consideration of the report by the elected members.

Mr. Conneally continued that on foot of this completed consideration the members are also asked, by resolution, to make the Clare County Development Plan 2023-2029 with or without the proposed amendments, that would if made be a material alteration, except that where the members decide to accept the amendment they may do so subject to any modifications to the amendments as they consider appropriate, which may include the making of a further modification to the alteration. This further modification to the alteration can only be made where it is considered to be minor in nature and therefore not likely to have significant effects on the environment or adversely affect the integrity of a European site.

In making the development plan Mr. Conneally reminded the members that they are restricted to considering the proper planning and sustainable development of the area to which the development plan relates, the statutory obligations of the local authority, relevant policies and or objectives of the Government or any Minister, the obligation to be consistent with Project Ireland 2040: the National Planning Framework, the Regional Spatial and Economic Strategy of the Southern Assembly. The obligation to be consistent with the policies and objectives of the Minister contained in the Guidelines prepared under Section 28 of the Planning and Development Act, 2000 (as amended) and the obligation to be consistent with the National Marine Planning Framework. I would also ask the members to be cognizant of the associated Strategic Environmental Assessment (Environmental Report), the Appropriate Assessment (Natura Impact Report) and the Strategic Flood Risk Assessment that have been prepared as part of the Draft Clare County Development Plan 2023-2029.

Mr. Conneally concluded by acknowledging the role of each of the following in this plan making process.

1. Pat Dowling, Chief Executive, The Directors of Service and his colleagues on Management Team and Senior Team
2. The various staff around the organisation who have assisted the members consideration of the draft plan and the Chief Executive Reports
3. The Economic Development Directorate staff
4. The Planning Department
5. In particular the Forward Planning Team who have supported and assisted the executive and the members over the last 2 and a half years in this plan making process.
6. The elected members for their forbearance and referred to the amount of reading material and background studies that were carried out, considered and assessed which makes this a stronger Plan and this is testament to the elected members.

Cathaoirleach, Cllr. T. O'Brien then proceeded to

1. formally state that the members have completed their consideration of the proposed amendments to the Draft Clare County Development Plan 2023-2029 and the Chief Executives' Report to the Elected Members on submissions received on Proposed Amendments to the Draft Clare County Development Plan 2023-2029 dated 30th January 2023 in accordance with Section 12 (9) of the Planning and Development Act 2000 (as amended).

2. formally state that following consideration by the elected members of:

- a) The proposed Amendments to the Draft Clare County Development Plan 2023-2029;
- b) The Chief Executive's Report to the elected members on submissions received on the proposed amendments to the Draft Clare County Development Plan 2023-2029, dated 30th January 2023, (issued in accordance with the provision of Section 12(8) of the Planning and Development Act 2000, (as amended));
- c) The associated Strategic Environmental Assessment (Environmental Report); Appropriate Assessment (Natura Impact Report) and the Strategic Flood Risk Assessment;
- d) Project Ireland 2040: The National Planning Framework;
- e) The Regional Spatial and Economic Strategy of the Southern Assembly;
- f) The National Marine Planning Framework;
- g) The policies and objectives of the Minister contained in the Guidelines prepared under Section 28 of the Planning and Development Act, 2000 (as amended);
- h) The statutory obligations of the local authority in this area; and
- i) The proper planning and sustainable development of the area.

the Council hereby resolves, in accordance with the provisions of Section 12(10) of the Planning and Development Act, 2000 (as amended), to make the Clare County Development Plan 2023-2029 subject to the following:

- 1) To include all recommendations in the Chief Executive's Report to elected members of 30th January, 2023 on submissions received to the proposed amendments to the Draft Clare County Development Plan 2023-2029, except where altered or amended by resolutions set out in the attached resolution booklets:

Booklet No. 1 – General Resolutions.

Cathaoirleach, Cllr. T. O'Brien invited the members to consider the proposed amendments outlined in **Booklet No. 1 – General Resolutions.**

It was proposed by Cllr. J. Cooney and seconded by Cllr. P. Hayes that the amendments as outlined in the booklet be accepted.

Booklet No. 2 – Ennis Municipal District.

Cllr. J. Flynn declared a conflict of interest in relation to item E4 of booklet 2 Ennis Municipal District and items S3/139, S3/140, S3 142 of the Chief Executive Report dated 30th January, 2023 and excluded himself from the meeting for this item.

Cathaoirleach, Cllr. T. O'Brien invited the members to consider the proposed amendments outlined in **Booklet No. 2 – Ennis Municipal District.**

It was proposed by Cllr. C. Colleran Molloy and seconded by Cllr. P. Murphy that the amendments as outlined in the booklet be accepted.

Booklet No. 3 – Shannon Municipal District.

Cathaoirleach, Cllr. T. O'Brien invited the members to consider the proposed amendments outlined in **Booklet No. 3 – Shannon Municipal District.**

It was proposed by Cllr. M. Begley and seconded by Cllr. P.J. Ryan that the amendments as outlined in the booklet be accepted.

Booklet No. 4 – Killaloe Municipal District.

Cathaoirleach, Cllr. T. O'Brien invited the members to consider the proposed amendments outlined in **Booklet No. 4 – Killaloe Municipal District.**

It was proposed by Cllr. A. O'Callaghan and seconded by Cllr. J. Cooney that the amendments as outlined in the booklet be accepted.

Booklet No. 5 – West Clare Municipal District.

Cathaoirleach, Cllr. T. O'Brien invited the members to consider the proposed amendments outlined in **Booklet No. 5 – West Clare Municipal District.**

It was proposed by Cllr. I. Lynch and seconded by Cllr. S. Talty that the amendments as outlined in the booklet be accepted.

The elected members paid tribute to Helen Quinn, A/Senior Planner and the Forward Planning team for the high level of engagement, co-operation and friendliness shown during the plan making process and the time committed to meetings and workshops. The members congratulated the Cathaoirleach, Cllr. T. O'Brien on the direction and leadership shown which was vital in the process. Compliments were also paid to former Cathaoirleach, Cllr. P.J. Ryan for his support during his term as Cathaoirleach.

The elected members highlighted that external factors such as the Office of the Planning Regulator, and the Department of Housing, Local Government and Heritage make it challenging to develop a Plan for our county. The members expressed frustration at being corralled into accepting legislative provisions and to have their vision as Councillors curtailed by restrictive and out of date national policy.

The members welcomed the environmental and groundwater protection measures contained in the plan.

The members expressed hope that the County Development Plan will be accepted by the Office of the Planning Regulator and the Minister for Housing, Local Government and Heritage. The members expressed concern in relation to the population decline in

parts of rural Clare and expressed disappointment that there are still so many towns and villages in the county without proper infrastructure. The members agreed that there is a need to sustain rural communities all year round. Concerns were also raised in relation to the housing situation in Ennis.

The elected members expressed pride in the plan and stated that they were proud of their collective efforts which have resulted in a fair and ambitious document which will benefit the people of Clare.

No additional amendments were proposed by the Council at this meeting.

Liam Conneally, Director of Economic Development read out the following:

“Clare County Council (as the Competent Authority) has determined pursuant to Article 6(3) of the Habitats Directive and in accordance with Section 177V of the Planning and Development Act 2000 (as amended) that there is no risk of adverse effects on the integrity of any European Site as a result of the adoption of the Clare County Development Plan 2023-2029 subject to the implementation of the mitigation measures identified within the Natura Impact Report contained in Volume 10 (a) of the County Development Plan. In preparing this determination, the Council has considered the relevant matters specified under Part XAB of the Planning and Development Act 2000 (as amended).”

Ar moladh Cllr. M. Begley

Cuidithe ag Cllr. C. Colleran Molloy agus glacadh leis

“To amend the Draft Clare County Development Plan 2023-2029 to correct various identified errata:

- a. Generally formatting and spelling corrections where the amendments do not materially change the effect of the text or objectives
- b. Updating the information, tables, mapping and site labels.”

Ar moladh Cllr. P.J. Ryan

Cuidithe ag Cllr. P. Murphy agus glacadh leis

the Council hereby resolves, in accordance with the provisions of Section 12(10) of the Planning and Development Act, 2000 (as amended), to make the Clare County Development Plan 2023-2029.

The Cathaoirleach, Cllr. T. O’Brien thanked the members for their engagement and time in considering this County Development Plan and noted the benefit of power sharing during this arduous process whereby collaboration, dialogue and engagement were essential. The Cathaoirleach, once again thanked Liam Conneally, Director of Economic Development, Helen Quinn, A/Senior Planner and the Forward Planning team for the work and commitment during this time.

The meeting then concluded.

Signed: _____
Riarthóir Cruinnithe

Signed: _____
Cathaoirleach

Date: _____