

**Minutes of the June Monthly Meeting of Clare County Council held in the Council Chamber, Áras Contae an Chláir, New Road, Ennis, Co. Clare on Monday, 12<sup>th</sup> June, 2017 at 3:45 p.m.**

**Present:**

Councillors J. Breen, P. Daly, A. Norton, T. McNamara, M. Howard, P. Murphy, C. Colleran Molloy, J. Cooney, P. Hayes, M. Begley, T. O'Brien, P. Burke, A. O'Callaghan, C. Crowe, J. Crowe, G. Flynn, P.J. Ryan, P. McMahon, M. McKee, C. Curtin, R. Nagle, B. Slattery, I. Lynch, M. Hillery, P.J. Kelly, B. Chambers, G. Keating.

- Mr. Pat Dowling, Chief Executive.
- Ms. Carmel Greene, Meetings Administrator.
- Ms. Karen Stackpoole, Staff Officer.
- Mr. Gerard Dollard, Director of Service.
- Ms. Anne Haugh, Director of Service.
- Mr. Liam Conneally, Director of Service.
- Mr. Niall Barrett, Head of Finance.
- Mr. Leonard Cleary, A/Director of Service.
- Mr. Tom Tiernan, Senior Engineer.
- Ms. Ruth Hurley, Senior Executive Architect.

The Cathaoirleach, Cllr. Bill Chambers presided.

**Item 1: Minutes of Council Meetings.**

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

“That the Minutes of the May Meeting of Clare County Council held on 8<sup>th</sup> May, 2017 be adopted and signed.”

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

“That the Minutes of the adjourned May Meeting of Clare County Council held on 15<sup>th</sup> May, 2017 be adopted and signed.”

**Item 2: Matters arising on actions agreed at May 2017 Meeting.**

There were no matters raised by the members.

**Item 3: Minutes of Municipal District Meetings.**

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

“That the Minutes of the Shannon Municipal District Meeting held on the 23<sup>rd</sup> March, 2017 be noted.”

b. Ar moladh Cllr. J. Cooney  
Cuidithe ag Cllr. P. Burke agus glacadh leis

“That the Minutes of the Killaloe Municipal District Meeting held on the 29<sup>th</sup> March, 2017 be noted.”

c. Ar moladh Cllr. P. Murphy  
Cuidithe ag Cllr. T. McNamara agus glacadh leis

“That the Minutes of the Ennis Municipal District held on the 10<sup>th</sup> April, 2017 be noted.”

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

a. Ar moladh Cllr. G. Keating  
Cuidithe ag Cllr. J. Crowe agus glacadh leis

“That the minutes of the Physical Development S.P.C. meeting held on 27<sup>th</sup> February, 2017 be noted”.

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

“That the minutes of the Economic Development S.P.C. meeting held on 27<sup>th</sup> March, 2017 be noted”.

**Item 5: Minutes of the Corporate Policy Group Meetings.**

The members noted the minutes of the meeting held on 2<sup>nd</sup> May, 2017 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.

**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 rehabilitation of Latoon Creek Bridge, Newmarket on Fergus, Co. Clare.**

Report dated 2<sup>nd</sup> June, 2017 from Ann Cronin, Senior Executive Engineer, Road Design Office was circulated with the agenda together with report from Senior Planner. The report states that it is proposed to carry out rehabilitation works on Latoon Creek Bridge, Newmarket on Fergus, Co. Clare.

Ar moladh Cllr. P. Murphy  
Cuidithe ag Cllr. B. Slattery 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 repairs and deck replacement at Latoon Creek Bridge, Newmarket on Fergus, Co. Clare.”

**Item 8. Report of Working Group for the Action Plan for Rural Ireland.**

Report dated 29<sup>th</sup> May, 2017 from Leonard Cleary, Director of Rural Development was circulated with the agenda. The report states that at a recent Council CEDRA Committee meeting it was agreed that the name would be changed to Working Group for the Action Plan for Rural Ireland. This had previously been approved at the full Council Meeting. The following reports of the meetings were also circulated.

- Report on CLÁR Scheme
- Report on Town & Village Renewal Scheme
- Report on Outdoor Recreation Infrastructure Scheme
- Report on Public Area Enhancement Grant
- Pride of Place Expression of Interest.

Cllr. R. Nagle queried whether responses had yet been received from the further information requests issued to the 8 community groups following their expression of interest applications. It was proposed by Cllr. R. Nagle and seconded by Cllr. B.

Slattery that in the event of responses not being received that funding be made available instead for a social enterprise office to be located in Ennistymon.

In response Leonard Cleary, A/Director of Service advised that this application can be brought back to the CEDRA Committee for approval.

**Item 9. Update from Chief Executive on Limerick Northern Distributor Road.**

The Chief Executive updated the members on the recent approval by Limerick City and County Council for this project. He outlined the option to work with our counterparts in Limerick City and County Council to establish a cross party working group which would include a mix of executive and County Councillors from each local authority in order to resolve issues during the detailed design phase. He was emphatic in his view that Clare County Council needs to honour the initial proposals adopted by the council, while allowing scope within the detailed design phase to look at alternatives.

Cllr. M. Begley queried if Clare County Council would be prepared to consider an alternative design and route bearing in mind that Limerick have altered their design, including taking a spur over the Mulcair River. He informed the members that the proposed route does not serve the Burlington development or U.L. directly or the areas identified in the County Development Plan. He also questioned if the second crossing of the river is indeed necessary.

In response the Chief Executive clarified that Clare County Council was open to looking at aspects of the design at the detailed design stage, and where agreement could be reached, then the authority would look at this.

**Item 10. Proposal for Civic Reception for John Burke, Spanish Point on the historical occasion of him being the first Clare man to reach the summit of Mount Everest in aid of his charity “Elevate: Raising The Banner For Youth Wellness.”**

On the proposal of Cllr. B. Chambers and seconded by Cllr. P. Murphy it was agreed to hold a Civic Reception for John Burke on Monday 12<sup>th</sup> June, 2017 at 6:45 p.m.

The Civic Reception, is to honour the first Clare man to reach the summit of Mount Everest in aid of his charity “Elevate: Raising The Banner For Youth Wellness”, took place at 6:45 p.m. following the Council meeting.

The Cathaoirleach paid tribute to the first Clare person to stand on top of the world. He added that John Burke not only achieved something that very few have achieved but he also demonstrated a steely determination that will no doubt inspire others. The Cathaoirleach also lauded the foundation of Elevate, a charity that will work with young people and he hopes that the immense physical and mental toughness that John has showcased will be instilled in those who will benefit from the wellness workshops provided through the Elevate programmes.

The Chief Executive also supported the sentiments expressed saying that a civic reception was a fitting tribute to the first Clareman to conquer Everest.

- Item 11. (a) Consider the proposal to defer the review of the Shannon Town and Environs Local Area Plan 2012-2018 and the “Chief Executive’s Opinion in accordance with the requirements of Section 19(1)(e)(ii) of the Planning and Development Act, 2000 (as amended)”**
- (b) Following consideration of (a) above, to defer the review of the Shannon Town and Environs Local Area Plan 2012-2018.**

Report dated 10<sup>th</sup> May, 2017 from Pat Dowling, Chief Executive was circulated with the agenda. The report states that on 24<sup>th</sup> April, 2017 the Chief Executive received notification pursuant to Section 19 of the Planning and Development Act 2000 (as amended) of the decision of the elected members to defer the sending and publishing of notices relating to the making of a new Shannon Town and Environs Local Area Plan under Section 20 (3)(a) of the Planning Act, 2000.

A detailed assessment of the Shannon Town and Environs Local Area Plan 2012-2018 has been undertaken and a report attached sets out the Chief Executive’s opinion in accordance with Section 19(1)(e)(ii) of the Planning and Development Act, 2000 (as amended).

In summary, it is recommended that the making of a new Shannon Local Area Plan be deferred for 5 years and that this matter be considered by the Council.

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

“The Elected Members of Clare County Council have had regard to:

- a) The Shannon Town and Environs Local Area Plan 2012-2018;
- b) The provisions of the Planning and Development Act, 2000 (as amended);
- c) The opinion of the Chief Executive of Clare County Council that the Shannon Town and Environs Local Area Plan 2012-2018 remains consistent with the objectives and the core strategy of the Clare County Development Plan 2017-2023;
- d) The opinion of the Chief Executive of Clare County Council that the objectives of the Shannon Town and Environs Local Area Plan 2012-2018 have not been substantially secured;
- e) The continued commitment of the Elected Members to the vision and objectives of the existing Local Area Plan; and
- f) Confirmation received from the Chief Executive of Clare County Council that the sending and publishing of notices in relation to the making of a new local area plan for Shannon town and its environs may be deferred.

It is also noted that we, the Elected Members, have fulfilled the statutory requirements set out under Section 19(1)(e) of the Planning and Development Act, 2000 (as amended). Therefore in accordance with the provisions of Section 19(1)(d) of that Act, the Elected Members of Clare County Council hereby resolve to defer the sending of a notice under Section 20(3)(a)(i) and the publishing of a notice under Section 20(3)(a)(ii) of the Act. The sending and publishing of notices has been deferred for a period not exceeding 5 years i.e. up to September 2022.”

**Item 12. Presentation by Prof. Vincent Cunnane, Limerick Institute of Technology at 2:30 p.m.**

The Cathaoirleach welcomed Professor Cunnane and thanked him for accepting the invitation to give a presentation to the elected Council.

Professor Cunnane, in his address, spoke of his regional role and how Clare fits into the future plans for the Limerick Institute of Technology. He outlined the various courses provided by L.I.T. at the different levels of award in the three disciplines including the Limerick College of Art and Design. He further advised the members that there are currently 6,500 students across the various programmes. He spoke of the number of locations in which L.I.T. has a presence including operations in Clonmel, Thurles, Moylish and Limerick City.

Since 2009 L.I.T. has had a presence in County Clare and this was expanded in 2016 when the full time courses in Social Care work commenced in Ennis. This year a CAO Social Care programme will be offered from Ennis with second year of the entry level programme. He stated the intention to expand this in the coming years. There are part-time courses available in Shannon and there are proposals to commence full-time programmes in specialist activities there also from 2018. He spoke of the feasibility studies which have been undertaken on the holding of other courses in other parts of County Clare and he will ensure that L.I.T. continues to explore options for technology assisted learning and new models of learning, to support rural and community development. Through working with the Council and the Limerick/Clare Education and Training board, the concept of doing much more in Clare can be progressed.

He announced that a scoping study is underway with a view to looking at a co-located development and L.I.T. are also in the process of preparing a new strategic plan.

The members complimented Professor Cunnane on the work and innovation done to date in the aviation related industry for Shannon. Specific queries were raised by the members in relation to courses in childcare and rural development and training for chefs and the culinary arts.

The members and the Chief Executive wished Professor Cunnane well and thanked him for his commitment to County Clare, which would increase the participation in third level education in Clare and contribute to economic development in the County. They assured him of the support of the elected Council in his endeavours.

**Item 13. Presentation from Mary Kennedy, Suicide Resource Officer, Health Service Executive Mid West on mental health issues and suicide prevention at 3:00 p.m.**

The Cathaoirleach introduced Ms. Mary Kennedy, of the H.S.E. Mid West and thanked her for attending to give a presentation to the elected Council on the important issue of suicide prevention.

Ms. Kennedy spoke of the ongoing work to co-ordinate and integrate suicide prevention service delivery and mental health promotion. The vision in the National Strategy “Connecting for Life” was outlined with the objectives of the reduction of the suicide rate by 10% and the presentations of self harm by 10%, which has 7 strategic goals. They have launched the Local Action Plan 2017 to 2020 for the Mid-West, which included consultation with 2,000 people over 50 sectors and

organisations. The risk factors and the protective factors were highlighted. There were 486 deaths by suicide in 2017, of which 82% were men. From 2007 to 2012, there was an increase in the rate of suicide and this has now leveled off to some degree.

The Members and the Chief Executive thanked Ms. Kennedy for her presentation and highlighted the need to bring back hope to the people who are feeling despair.

#### **Item 14. Engagement of Consultants.**

Ar moladh Cllr. P.J. Kelly

“That the following information be made available:

- (1) No. of consultants employed on advisory work on proposed capital works
- (2) Cost of each consultant to date on each project
- (3) Projected cost of each consultant
- (4) Proposed appointments and proposed projects
- (5) Source(s) of funding for consultants services
- (6) Amount of cost eligible for recoupment
- (7) Amounts not eligible for recoupment
- (8) Proposals to limit costs of consultants.”

#### **Niall Barrett, Head of Finance and Support Services replied as follows:**

“Set out below is a table which collates the responses from each directorate in relation to the information requested.

With regard to Item 8, I wish to advise that the decision to appoint consultants is based on the specific requirements of the each project and whether or not the specialist resource is available within the Council’s workforce. This assessment is done on a Project by Project basis. Once appointed, the Project Team or Project Lead manages the consultancy contract.

Cllr. P.J. Kelly in response queried if the Council is getting value for money in the engagement of consultants. He also queried how long the council must carry the burden of the costs of the consultants before monies are re-couped. He stressed the need to make proper use of the skills of council’s own staff before entering into an arrangement with a consultant. He stated his opinion that there must be a clear policy on the use of consultants and that the information requested should be readily available on request.

**SOCIAL DEVELOPMENT DIRECTORATE**

<i>Proposed Project</i>	<i>Consultant appointed (name or N/A if not)</i>	<i>Total projected cost (including cost to date)</i>	<i>Cost incurred to date for Consultants</i>	<i>Status – Appointed or Proposed</i>	<i>Source(s) of Funding for Consultancy Services</i>	<i>Of total cost, what is recoupable</i>	<i>Of total cost, how much is not recoupable</i>
County Library	Multi Disciplinary Team led by KWA Architects, London	€874,302 incl VAT included - consultant fees over the lifetime of the project	Claim to Dept Dec 2016 of €43,042.62 (consultant fees)  Grant aid received 75% €32,281.96	Appointed	Dept of Environment  €3m grant aid – fees recoupable up to 75%	75%	25%
Clonlara Housing Scheme	Multi-disciplinary team led by Hassett, Leyden & Associates, Architects and Consulting Engineers with Tom McNamara & Partners, Quantity Surveyors and Mat O’Mahony & Associates Ltd, Mechanical & Electrical Engineers	€136,300 (incl. of VAT)	€20,445	Appointed	Dept. of Housing, Planning, Community and Local Government funding under Rebuilding Ireland Programme	100%	0%
Feakle Housing	Multi-disciplinary team led by Reddy Architects with P Coleman & Assoc., Consulting	€198,100 (incl. of VAT)	€19,810	Appointed	Dept. of Housing, Planning, Community and	100%	0%



Scheme	Engineers, Bermingham King, Quantity Surveyors and Don O'Malley & Partners, Mechanical & Electrical Engineers				Local Government funding under Rebuilding Ireland Programme		
Quilty Housing Scheme	Multi-disciplinary team led by Healy Partners Architects, with P Coleman & Associates Consulting Engineers, Moloney Fox Mechanical & Electrical Engineers and Tom McNamara & Partners Quantity Surveyors	€107,419 Ex VAT Or €132,125.87 Incl. VAT at 23%	€27,612.90 Ex VAT Or €33,963.87 Incl. VAT at 23%	Appointed	Dept. of Housing, Planning, Community and Local Government funding under Rebuilding Ireland Programme	100%	0%
Tullyglass, Shannon	Leyden Hassett & Assoc, Architects, Garland Ltd., Consulting Engineers, Moloney Fox, Mechanical & Electrical Engineers and Tom McNamara & Partners, Quantity Surveyors	€407,707	€153,024	Appointed	Dept. of Housing, Planning, Community and Local Government funding under Rebuilding Ireland Programme	100%	0%

**ECONOMIC DEVELOPMENT DIRECTORATE**

<i>Proposed Project</i>	<i>Consultant appointed (name or N/A if not)</i>	<i>Total projected cost (including cost to date)</i>	<i>Cost incurred to date for Consultants</i>	<i>Status – Appointed or Proposed</i>	<i>Source(s) of Funding for Consultancy Services</i>	<i>Of total cost, what is recoupable</i>	<i>Of total cost, how much is not recoupable</i>
Town and Village Renewal Scheme 2016 - Kilkee	Paddy Murray - Artist	30,000	12,000	Appointed	DAHRRG - 85% CCC - 15%	85%	15%
Town and Village Renewal Scheme 2016 - Scarriff	NCW Surveys – Topographical Survey  CSR Land Planning & Design – Landscape Architectural Services	3,444  6,119.25	3,444  1,845	Appointed	DAHRRG - 85% CCC - 15%	85%	15%
Town and Village Renewal Scheme 2016- Shannon	Janice Fuller – Ecological Consultant  Dúchas na Sionna – Heritage Consultants	2,100  2,000	0  0	Appointed  Appointed	DAHRRG - 85% CCC - 15%	85%	15%

<i>Proposed Project</i>	<i>Consultant appointed (name or N/A if not)</i>	<i>Total projected cost (including cost to date)</i>	<i>Cost incurred to date for Consultants</i>	<i>Status – Appointed or Proposed</i>	<i>Source(s) of Funding for Consultancy Services</i>	<i>Of total cost, what is recoupable</i>	<i>Of total cost, how much is not recoupable</i>
Shannon Town Park	Nic de Jong - Urban Design Consultant	85,740	10,000	Appointed	EU-SRA Funding 50% CCC – 50%	50%	50%
Shannon Green Infrastructure Corridor	Nic de Jong - Urban Design Consultant	85,000	0	Appointed	DECLG (Limerick Hinterland Study Funding) 50% CCC 50%	50%	50%
Killaloe Town Park – Tobermurragh and Bane Field	Urban Design	10,000	10,000	Appointed	DECLG (Limerick Hinterland Study Funding) 50% CCC 50%	50%	50%
Holy Island Management Plan	Solearth Architects	50,000	20,000	Appointed	Lough Derg Stimulus Fund	100%	
Doolin Master Plan and Visitor Services Building	Bucholtz McEvoy Architects	Design Team 450,000 is estimated cost	Nil	Appointed	Undetermined Part own resources	-	-

**PHYSICAL DEVELOPMENT DIRECTORATE**

<i>Proposed Project</i>	<i>Consultant appointed (name or N/A if not)</i>	<i>Total projected cost (including cost to date)</i>	<i>Cost incurred to date for Consultants</i>	<i>Status – Appointed or Proposed</i>	<i>Source(s) of Funding for Consultancy Services</i>	<i>Of total cost, what is recoupable</i>	<i>Of total cost, how much is not recoupable</i>
Kilkee Fire Station	Tómas McKenna, Consulting Engineers, Milltown Malbay, Co. Clare	€18,500 + VAT	€11,100 + VAT	Appointed	Department of Housing, Planning, Community & Local Government	100%	0%
	David McLoughlin, Quantity Surveyor,	6,000 + VAT	€2,400 + VAT	Appointed	Department of Housing, Planning, Community & Local Government	100%	0%
	AEGIS, Archeological Assessment	€700 + VAT	€ 0	Appointed	Department of Housing, Planning, Community & Local Government	100%	0%
Kilrush Fire Station Drill Tower & Roof Upgrades	Tómas McKenna, Consulting Engineers, Milltown Malbay, Co. Clare	€3,680 + VAT	€2,583 + VAT	Appointed	Department of Housing, Planning, Community & Local Government	100%	0%

<i>Proposed Project</i>	<i>Consultant appointed (name or N/A if not)</i>	<i>Total projected cost (including cost to date)</i>	<i>Cost incurred to date for Consultants</i>	<i>Status – Appointed or Proposed</i>	<i>Source(s) of Funding for Consultancy Services</i>	<i>Of total cost, what is recoupable</i>	<i>Of total cost, how much is not recoupable</i>
Ennis Fire Station Windows & Doors	Tómas McKenna, Consulting Engineers, Milltown Malbay, Co. Clare	3013.5 + VAT	€2,109.45 + VAT	Appointed	Department of Housing, Planning, Community & Local Government	100%	0%
Killaloe Bypass and Shannon Crossing	Roughan & O'Donovan (up to Planning Stage )	€1.7m	€1.7m	Roughan O Donovan appointed up to Planning Stage	Exchequer funded - TII	100%	0%
Blake's Corner , Ennistymon	Roughan & O'Donovan Consultant Engineers	€235k	€212k	Appointed	Exchequer funded - TII	100%	0%

<i>Current/Proposed Project</i>	<i>Consultant appointed (name or N/A if not)</i>	<i>Total projected cost (including cost to date)</i>	<i>Cost incurred to date for Consultants</i>	<i>Status – Appointed or Proposed</i>	<i>Source(s) of Funding for Consultancy Services</i>	<i>Of total cost, what is recoupable</i>	<i>Of total cost, how much is not recoupable</i>
Limerick Northern Distributor Road	Roughan & O'Donovan Consultant Engineers	€1.6m	€1.3m	Appointed	Exchequer funded - TII	100%	0%
Active Travel	AECOM Ireland Ltd	€29k	€29k	Appointed	Exchequer funded - DTTAS	100%	0%
Ennis South Flood Relief Scheme	Ryan Hanley Ltd	€300k	€250k	Appointed	Exchequer funded - OPW	100%	0%
Storm Feasibility New Quay/Aughinish	JBA Consulting	€58.7k	€34.4k	Appointed	Exchequer funded - OPW	90%	10%
Storm Feasibility Doolin	JBA Consulting	€49.3k	€4k	Appointed	Exchequer funded - OPW	90%	10%
Storm Feasibility Liscannor	RPS	€156k	€156k	Appointed	Exchequer funded - OPW	90%	10%

<i>Proposed Project</i>	<i>Consultant appointed (name or N/A if not)</i>	<i>Total projected cost (including cost to date)</i>	<i>Cost incurred to date for Consultants</i>	<i>Status – Appointed or Proposed</i>	<i>Source(s) of Funding for Consultancy Services</i>	<i>Of total cost, what is recoupable</i>	<i>Of total cost, how much is not recoupable</i>
Storm Feasibility Lahinch	Malachy Walsh & Partners	€80k	€16k	Appointed	Exchequer funded - OPW	90%	10%
Storm Feasibility Cloughaninchy	ARUP	€76k	€64k	Appointed	Exchequer funded - OPW	90%	10%
Storm Feasibility Quilty	Byrne Looby Partners	€58k	€29.6k	Appointed	Exchequer funded - OPW	90%	10%
Storm Feasibility Kilbaha	Malachy Walsh & Partners	€33k	€14k	Appointed	Exchequer funded - OPW	90%	10%
Western Relief Road, Claireen - LIHAF Project	Procurement of consultants to proceed shortly	€100k	€0	Proposed	Department of Community, Housing and Local Government	75%	25%
Killaloe Bypass and Shannon Crossing Tender & Construction	Procurement of consultants to proceed shortly	€1.25 m	€0	Proposed	Department of Transport, Tourism and Sport	100%	0%

<b><i>Current/Proposed Project</i></b>	<b><i>Consultant appointed (name or N/A if not)</i></b>	<b><i>Total projected cost (including cost to date)</i></b>	<b><i>Cost incurred to date for Consultants</i></b>	<b><i>Status – Appointed or Proposed</i></b>	<b><i>Source(s) of Funding for Consultancy Services</i></b>	<b><i>Of total cost, what is recoupable</i></b>	<b><i>Of total cost, how much is not recoupable</i></b>
Murtyclough Flood Relief Scheme	Malachy Walsh & Partners	€23k	€0	Appointed	OPW	90%	10%
Milltown Malbay Flood Relief Scheme	JBA Consulting	€26k	€0	Appointed	OPW	90%	10%
Gillogue Cycle and Pedestrian Way	P Coleman and Associates	€15k	€0	Appointed	Limerick Hinterland Fund	50%	50%
Kilkee Flood Relief Scheme	N/A	€20k	€0	Proposed	OPW	90%	10%
Ballyvaughan Flood Relief Scheme	N/A	€20k	€0	Proposed	OPW	90%	10%
Kilnamona N85 Road Realignment Scheme	Kilgallen and Partners	€74k	€18k	Appointed	TII	100%	0%
Atlantic Coastline Remediation/IFA	Fergal Coughlan and Associates	€40k	€32.3k	Appointed	OPW	100%	0%



<i>Proposed Project</i>	<i>Consultant appointed (name or N/A if not)</i>	<i>Total projected cost (including cost to date)</i>	<i>Cost incurred to date for Consultants</i>	<i>Status – Appointed or Proposed</i>	<i>Source(s) of Funding for Consultancy Services</i>	<i>Of total cost, what is recoupable</i>	<i>Of total cost, how much is not recoupable</i>
Estuary Coastline/IFA	RPS	€60k	€43k	Appointed	OPW	100%	0%
Shannon Embankments	N/A	Unknown - scope to be defined	€0	Proposed	OPW	100%	0%
Beach amenity developments at Lahinch, Spanish Point and Kilkee	Elliot Maguire Landers, Architect Hassett Leyden Flynn, Civil & Structural, Moloney Fox, Mechanical & Electrical, McCusker Environmental Rogerson Redden, Quantity Surveyors	€106 k	€31 k	Appointed	Development contributions and sale of old toilet block in Lahinch some years ago	0%	100%

<i>Proposed Project</i>	<i>Consultant appointed (name or N/A if not)</i>	<i>Total projected cost (including cost to date)</i>	<i>Cost incurred to date for Consultants</i>	<i>Status – Appointed or Proposed</i>	<i>Source(s) of Funding for Consultancy Services</i>	<i>Of total cost, what is recoupable</i>	<i>Of total cost, how much is not recoupable</i>
Spanish Point public toilets	McKenna Consulting, Civil & Structural Engineer	€20 k	€0 k	Appointed	Development contributions	0%	100%

**Item 15. Develop Tourist Loops off Wild Atlantic Way.**

Ar moladh Cllr. P. Murphy

“At the February 2015 meeting, item 15, the following amended/revised motion was adopted:

"I am proposing that Clare County Council, when engaging with Fáilte Ireland in relation to the Wild Atlantic Way initiative, suggest the development of the two following "loops",

i) A Shannon/Fergus estuary route to incorporate the natural coastlines of Counties Clare and Limerick and ii) a "Circle of Clare" to include towns, villages and attractions of Mid and East Clare, similar to the Ring of Kerry."

I welcome the time and effort that has gone into the first of these two suggestions and the "Burren Loop" and the unveiling of the exact routes is being anxiously awaited. I now wish to ask has consideration been given to a "Circle of Clare" initiative and if not should Clare County Council consider this proposal and promote it independently?"

**Gerard Dollard, Director of Economic Development replied as follows:**

“The Member will be aware of progress made in relation to the establishing of the Wild Atlantic Way, a key element of tourism product in the international market. Progress is also being made on the establishing of a Shannon Estuary Loop and also a Burren Loop to feed off the Wild Atlantic Way and spread the overall benefit of this initiative to a wider area. The Shannon Estuary Loop and Burren Loop have not yet been finalised and their development is being progressed by Fáilte Ireland.

I would suggest that the full delivery of initiatives emanating from the Wild Atlantic Way should be in place before consideration would be given to any further marketing initiative. It is important that all marketing initiatives for the county sit together, complement each other and do not cause confusion. It is also the case that for any marketing initiative to be successful, particularly in the international market, the level of financial resources to achieve the necessary scale and reach would be significant.

The idea of a “Circle of Clare” initiative can be kept under consideration as the above items develop.”

**Item 16. Brexit.**

Ar moladh Cllr. P. McMahon

Cuidithe ag Cllr. P. J. Ryan, C. Curtin agus glacadh leis

“That this Council formally consider the implications of “Brexit” for the people of County Clare, particularly in the areas of employment, agriculture, aviation, industry and other relevant areas with a view to having an input to national strategies.”

**Gerard Dollard, Director of Economic Development replied as follows:**

“The potential of “Brexit” represents a major policy challenge for Ireland. Depending on the particular approaches adopted as part of negotiations between the UK and the EU, positive and negative impacts may arise.

Brexit features in all discussions at a local and national level with relevant bodies and agencies. These agencies are participating in a number of national groups engaging on the issue. For example IDA Ireland is a member of several “Brexit” impact analysis, strategy and coordination groups across Government including the Department of Jobs Enterprise and Innovation Brexit Coordination Group and Enterprise Forum on “Brexit” and a Global Challenges and Financial Services Working Group in the Department of Finance.

Separately, Enterprise Ireland has organised a regional briefing for small and medium enterprises who may have an exposure to Brexit on the export or supply side or are concerned about competition in the market place.

The Local Government Sector is also engaged at National level through the City and County Management Association in terms of inputting on behalf of the various discussions and analysis that are at present under way.

The matter has also been the subject of discussions at the Council’s Strategic Policy Committee meeting for Economic Development and Enterprise following recent engagement with the enterprise agencies.

The Council will continue to monitor emerging developments and feedback comments and input from the elected members and Council as the overall negotiations with the EU progress.”

The following addendum was proposed by Cllr. P. McMahon, seconded by Cllr. P. J. Ryan and agreed by the members present.

“That Clare County Council would organize a seminar and invite key speakers from different sections of the economy serving County Clare to address us on the dangers posed to County Clare by Brexit.”

#### **Item 17. North Banks of the Shannon Estuary.**

Ar moladh Cllr. I. Lynch  
Cuidithe ag Cllr. C. Curtin agus glacadh leis

“That Clare County Council carry out a detailed feasibility study on the development of the North Banks of the Shannon estuary on the Clare coastline, the study should look at deepwater advantages and identify industry suitable for future development. The reports should also detail infrastructure works that may be required, outside of port development, in order not to hinder any such development, such as roads, telecommunications and energy sources.

Where Clare County Council is not in a position to finance such a report that a loan application be submitted to the Department of Finance for same.”

#### **Gerard Dollard, Director of Economic Development replied as follows:**

“The *Strategic Integrated Framework Plan (SIFP) for the Shannon Estuary* is a land and marine-based plan launched in late 2013 by a multi-agency steering group comprising Clare County Council and member organisations from throughout the wider region. During the preparation of the SIFP land-use, infrastructural, energy

areas of deep water and environmental considerations along the estuary were examined and resulted in the identification of lands at six sites across the estuary which have been zoned for marine-related industry in Regional and Local statutory development plans. These sites include the deep-water areas at Moneypoint and Innismurry / Cahercon in Co. Clare.

In 2010, the marine sector in Ireland accounted for €1.2 billion or 0.8% of GDP and employed approximately 16,300 people. The vision of the Government's Integrated Marine Plan for Ireland "*Harnessing our Ocean Wealth Strategy*" is to expand the Irish Ocean Economy to a value of 2.4% of GDP by 2030. Clare County Council considers the Northern Shores of the Shannon Estuary is strategically placed to exploit this potential with the SIFP providing it with a distinct advantage to other locations in Ireland and across Europe.

In supporting the principle of undertaking a feasibility study on the development of the Marine Related Industrially zoned lands in County Clare, the undertaking of any such feasibility study would have a wide range and scope of uses and is subject to resources and funding available.

Moreover the marine related industrial sector by its global nature is a specialised area and is likely would require an international firm of consultants to undertake.

Clare County Council has proactively sought funding under the recently announced "Regional Enterprise and Development Fund" operated by Enterprise Ireland for funding to undertake a limited and targeted feasibility study."

Cllr. I. Lynch was insistent in his view that the members needed to be brave in their approach to strategic infrastructure to help West Clare and deliver a future for the Shannon Estuary.

Cllr. C. Curtin queried how this fits in with the SIFP – Strategic Investment Framework Plan for which Clare is lead authority.

In response the Chief Executive stated that the next key stage in delivering elements of the plan is to source investment funding internationally and from Central Government.

### **Item 18. Nordic Shipping.**

Ar moladh Cllr. J. Crowe

"That Clare County Council report on their recent visit to Nordic Shipping and outline the efforts being made to promote opportunities for the development of the Shannon Estuary particularly in on the Northern Side and its potential as a Centre of Excellence for marine and port related activity."

#### **Gerard Dollard, Director of Economic Development replied as follows:**

"Following the launch late last year of marketing material and a dedicated website for the Strategic Framework Plan for the Shannon Estuary (SIFP), Clare County Council in conjunction with the Irish Marine Development Office (IMDO) and representatives of the SIFP Marketing & Promotion Steering Group, attended the "Nor Shipping" event in Oslo this May.

NOR shipping is a bi-annual international marine conference and event with over 1,000 exhibitors from 77 countries representing leaders of marine industry, trade organisations, port companies and government agencies from across the globe. This international marine event is a key opportunity to promote the Shannon Estuary and in particular our deep water Marine Related Industrial zoned sites in County Clare.

In 2010, the marine sector in Ireland accounted for €1.2 billion or 0.8% of GDP and employed approximately 16,300 people. The vision of the Government's Integrated Marine Plan for Ireland "*Harnessing our Ocean Wealth Strategy*" is to expand the Irish Ocean Economy to a value of 2.4% of GDP by 2030. Clare County Council considers the Shannon Estuary is strategically placed to exploit this potential with the SIFP providing it with a distinct advantage to other locations in Ireland and across Europe.

Nor Shipping was a 4 day event which involved the SIFP having a stand on the Ireland Pavilion. This was the first time that Ireland, and any of the Irish agencies, attended this event. The event was also attended by Minister Pat Breen on behalf of the Government. One representative from Clare County Council attended together with representatives from the SIFP Marketing & Promotion Steering Group including Shannon Group and Shannon Foynes Port Company. The other bodies that formed part of the Ireland Pavilion were;

- National Maritime College of Ireland
- SEFtec – Safety Training Simulators
- Liebherr
- Price Waterhouse Cooper
- Enterprise Ireland
- Irish Marine Development Office
- IDA
- Arklow Marine
- Technology from ideas

The SIFP achieved significant international exposure as a result of the Council's attendance at the event through contacts and meetings made via the Irish State Agencies of the IDA, Enterprise Ireland and the IMDO together with Minister for State Pat Breen and internationally through the Irish Embassy in Norway.

The prominent profile established at an International level will be explored and developed further through sustained follow up with the agency relationships established at Nor Shipping – all of which have resources present in many countries across the globe.

It is clear that the plan-led approach to the preparation of the SIFP, its incorporation as a key economic objective in the Clare County Development Plan 2017-2023 and our subsequent and sustained marketing and promotion of the estuary together with the drive and commitment shown by all stakeholders in County Clare to the Shannon Estuary has us ideally positioned to capitalise on any international investment opportunities for marine and port related industry in County Clare."

Cllr. J. Crowe stressed the importance of the estuary and the need to harness the deep sea port. He also emphasised the need to develop the estuary along the northern bank where there is great potential in light of the changes in international shipping trends. There is a need to secure investment for on-shore and off-shore investment activity.

**Item 19. Scheme of risk management works.**

Ar moladh Cllr. C. Colleran Molloy  
Cuidithe ag Cllrs. A. O'Callaghan agus T. McNamara agus glacadh leis

“That Clare County Council specifies the scheme of risk management works to be undertaken in County Clare further to receipt of the extraordinary distribution of €187m from IPB Insurance by all Councils in Ireland from 2017 to 2019.”

**Anne Haugh, Director of Physical Development replied as follows:**

“As part of the budget for 2017 the council provided for a dividend receipt from Irish Public Bodies (IPB). IPB have advised that they plan on making an overall distribution which will be €2.55m greater than the amount budgeted for the year. IPB have also indicated that this payment will be made in quarter 4 of this year.

IPB have recommended that the council consider investing some of this additional amount in claims risk management. The objective of this investment would be to reduce both the incidence and the ultimate cost of future claims and would be aimed at both a) improving risk management capabilities and b) tackling known claims hot spots.

Prior to developing a programme of physical works the council must first engage with IPB to review current practices for risk management and claims handling with a view to identifying any improvements in systems which may be required as well as identifying those claims hot spots which should be prioritized for attention.

This engagement will inform the development of a programme of actions which will include necessary infrastructural improvements on footpaths in towns and villages to address risks associated with slips, trips and falls but also will likely encompass other potential risks such as road conditions, lighting deficiencies, environmental or health and safety hazards etc. This programme of physical works, together with any recommended improvements to the systems for claims handling and risk management will be developed and prioritized within the funding envelope above following the engagement with IPB and the exact details of the programme will be advised to members when compiled. As funds will not be made available until Quarter 4, it is likely that a detailed programme will not be completed until later in the year with physical works likely to extend into 2018.”

Cllr. C. Colleran Molloy queried if the prioritization involved the Councillors and the C.P.G. She also emphasised the need to ensure that value for money is achieved in the expenditure of these monies.

The Chief Executive in response stated that IPB are the sector's insurers and he welcomed their decision to distribute retained earnings to fund priority works to high risk areas, particularly slips, trips and falls. It is a key measure to reduce risks and a programme of works will be developed in conjunction with IPB to identify the high risk areas and he will discuss same further with each of the four Municipal Districts.

Cllr. C. Curtin queried whether the programme of works will be based on claims made or potential for claims. The Chief Executive stated that both would be considered in consultation with IPB. The Head of Finance replied to specific queries in relation to the level of funding available from IPB.

**Item 20. Finance Sub-Committee.**

Ar moladh Cllr. P.J. Kelly

Cuidithe ag Cllrs. C. Curtin, J. Flynn, C. Crowe, G. Flynn agus M. Howard

“That in the interest of good governance, a Finance Sub-committee of the Council be put in place.”

**Niall Barrett, Head of Finance and Support Services replied as follows:**

“The council has already in place governance arrangements that are directly relevant to financial matters. These arrangements include the audit committee of the council. The departmental guidance issued in 2014 in relation to audit committees stated that “in a local government context, the audit committee’s role is to support the elected Council by providing an independent assessment of the activities of management in controlling the local authority and the quality of the risk management, financial reporting, financial management and internal audit.” The audit committee in this council has an independent chair as well as two other non council members, in addition to two councillor members. The audit committee members have significant combined experience in local government, financial accounting and reporting, banking, audit as well as other commercial areas. There is regular reporting to the audit committee on financial matters at its ongoing meetings throughout the year.

In addition the Corporate Policy Group (C.P.G.) is regularly briefed on financial issues. In particular, at budget time, there is extensive consultation with the C.P.G. over a number of months including presentations on relevant data.

The above existing committee arrangements are consistent with the governance arrangements that apply throughout most of the local authority sector.”

Cllr. P.J. Kelly acknowledged the existence of the audit committee and the C.P.G. but felt that they are tied by a confidentiality clause which means that the remaining 21 members do not get the same information. He is not creating suspicion but feels that the proposed Finance Sub-Committee would work as a team with “collective intelligence”. This would include an assessment of our loan portfolio, value for money and getting replies to questions raised over the years. He specifically questioned why a loan sanctioned for the Market Building in Ennis in October 2014 during the tenure of Ennis Town Council was subsequently drawn down by Clare County Council without the approval of the full Council.

Cllr. C. Curtin supported the need for greater transparency, accountability and value for money. As a member, he wants to be involved and fully informed in the budget process, as the budget totals do not give sufficient information to him. Once formed the proposed Finance Sub-Committee should have clear objectives set out from its inception.

Cllr. G. Flynn supports the motion in principle and suggested that the membership of same consist of two members from each of the municipal districts.

In response, the Chief Executive stated that it was at the request of the council to establish committees as appropriate. He cited NOAC as an established committee that is working well at national level. He is satisfied that the Audit Committee is effective in its role. He informed the members that additional input/discussions can



be facilitated during the budgetary process. He is satisfied that the Council is more than transparent and very thorough in its dealings.

The Head of Finance, Niall Barrett clarified that in relation to the loan for the Market building in Ennis that Section 18 of the Local Government Reform Act 2014 provides that decisions taken before dissolution by or on behalf of a town council shall continue to have effect after its dissolution.

Cllr. P. Hayes, as a member of the C.P.G. and the Audit Committee, stated that the input of the Audit Committee and the level of governance on it, ensures that it is wholly accountable and transparent. He also applauded the wonderful non-members who bring an infinite amount of expertise and knowledge to their role on the audit committee.

Cllr. R. Nagle stated that he has no specific objection if members decide to set up a Finance Committee. The Audit Committee is strong and independent and they forensically examine the finances of Clare County Council. He added that any Councillor requesting information can get it at any time and he fails to see what such a committee will achieve. Other members expressed the view that an additional finance committee was not required.

Following further discussion, the Cathaoirleach called a vote on the establishment of a Finance sub-committee which resulted as follows:

**In favour:** Cllrs. C. Colleran Molloy, C. Crowe, G. Flynn, C. Curtin, I. Lynch, P. J. Kelly. (6)

**Against:** Cllrs. J. Breen, P. Daly, A. Norton, T. McNamara, J. Cooney, P. Hayes, M. Begley, P. Burke, A. O’Callaghan, J. Crowe, P. J. Ryan, P. McMahon, R. Nagle, M. Hillery, B. Chambers, G. Keating. (16)

**Abstentions:** Cllrs. M. McKee. (1)

The Cathaoirleach declared the motion defeated.

## **Item 21. Housing.**

Ar moladh Cllr. G. Flynn

“That Clare County Council’s Housing Section provide a report outlining all the initiatives in place to address the housing need in the county.

1. Total number of properties rented to applicants from the Council’s own stock from 1<sup>st</sup> January 2016 to 31<sup>st</sup> May 2017.
2. Total number of applicants supported under various schemes from January 2016 to 31<sup>st</sup> May 2017: to include: Leasing, HAP, and any other measures supported by the Council.
3. Total number of loans approved from January 2016 to 31<sup>st</sup> May 2017.
4. Total number of residential property purchased to include acquisition cost and cost of bringing property to a habitable condition. (No requirement for

breakdown, just accumulated cost) and how many of these properties are now rented to applicants from January 2016 to 31<sup>st</sup> May 2017.”

**Liam Conneally, Director of Social Development replied as follows:**

“Clare County Council as the housing authority is committed to addressing the high demand for social housing throughout the county. This demand is continuing to be met by the construction, acquisitions, leasing and renting of suitable properties countywide. As well as advancing our supply of housing the Council is active in promoting national initiatives such as the **Buy & Renew** and the **Repair & Lease** schemes. The Council is also working closely with Approved Housing Bodies in different parts of the county to deliver housing units.

Also, our staff are assisting new applicants and existing tenants with mortgage information, loan applications and where applicable, tenant purchase options.

The numbers of housing units being delivered annually in the County by private builders is still very low resulting in small numbers being produced through the part V mechanism. Despite the numbers of house units being delivered directly/indirectly by local authorities the high housing demand needs private builders back in the market building houses.

**Item 1.**

208 house allocations made in the period between Jan 2016 and May 2017. The breakdown of these by Municipal District area is as follows:

- Ennis MD 85
- West Clare MD 73
- Shannon MD 32
- Killaloe MD 18

**Item 2**

In terms of Housing Assistance Payment(HAP) tenancies, Clare continues to be one of the leading housing authorities in the management of same with over 1100 tenancies in place since HAP was introduced on June 29<sup>th</sup> 2015. **886** no. HAP tenancies have been facilitated in the period Jan '16 to May'17. **45** no. RAS & Leasing tenancies exist in the Jan '16 – May '17 period. During the period Jan 2016 to May 2017 the Council entered into **83** no. lease agreements (34 short term leases, 19 long term leases and 30 leases arranged with Approved Housing Bodies).

**Item 3**

In regard to Loans, we have seen a marked increase in the number of Loan applications to the Council. For example, the number of annuity loan applications received in 2016 increased from 2 in 2015 to 56 in 2016. This was partly due to the Incremental Tenant Purchase Scheme and the Shared Ownership Restructuring Schemes, both of which were introduced in 2016. There were **18** no. loans approved from January 2016 to 31<sup>st</sup> May 2017 (6 new annuity loans, 5 tenant purchase loans and 7 shared ownership re-structured loans).

#### **Item 4**

House acquisitions are being made to maximise the number of houses available to applicants on the Council's housing list and while there is still value in the market. In the period January 2016 to 31<sup>st</sup> May 2017, agreement has been reached to purchase **135** no. houses. Of these, sales have closed for 76 dwellings to the end of May with an acquisition cost of €7,749,000. Forty of these dwellings have been refurbished to date costing a total of €963,000 with thirty-six allocated as of 31<sup>st</sup> May, 2017. The remaining number are currently being assessed for works required, at tender stage or near completion of refurbishment with a view to all being returned to occupancy as quickly as possible. Reduction in turnaround time for such properties is a priority.

The Housing Team within the Social Directorate are working to capacity in the delivery of homes for people in need of housing in a chaotic housing market.”

#### **Item 22. Control of litter.**

Ar moladh Cllr. M. Hillery

“What facilities have Clare County Council in place in the county towns, villages and sea side resorts for the control of litter?”

#### **Anne Haugh, Director of Physical Development replied as follows:**

“Clare County Council implements a range of measures in relation to litter control, from prevention and education initiatives, direct provision of waste management and recycling facilities, street bin provision and the provision of free bottle bank and bring bank stations in towns and villages across the county.

While adherence to the polluter pays principle underpins waste management policy, facilities such as bottle banks are provided throughout the county as a litter control measure and to encourage the principles of recycling. Clare County Council currently provides 55 bottle and textile banks throughout the county which people can use free of charge.

Environment Section staff, Community Wardens and Municipal District staff work in partnership with local communities in tackling littering and illegal dumping. Clare County Council provides free access to the waste transfer stations at the Central Waste Management Facility at Ballyduffbeg, Inagh; Scarriff and Lisdeen for voluntary and community groups to support their participation in voluntary clean ups in public areas during National Spring Clean programmes and throughout the year.

Clare County Council's Municipal District offices manage the provision and emptying of litter bins and street cleaning operations in towns, villages and amenity areas as resources allow. On a seasonal basis, temporary bins are provided at selected locations throughout the county, including Blue Flag Beaches.

The Waste Regulation and Enforcement Team within Clare County Council is a multi-disciplinary team of staff dedicated to the enforcement of waste management and litter legislation throughout the county. Community Wardens monitor the county, respond to and investigate all complaints received and work closely with members of the Council and local communities in their work to address illegal dumping and litter control issues.

Education and Awareness initiatives in relation to litter control are supported nationally by the provision of an Anti-Litter grant, through which environment section has initiated programmes such as the Green Dog Walkers, the provision of litter pickers, car bins and facilitated advertising campaigns and gum litter campaigns.

Clare County Council's Litter Management Plan 2015 - 2018 recognises that the problem of litter will not be eradicated unless a multi-dimensional approach is taken. Every sector must be involved in tackling litter control, the individual, businesses, voluntary and community sector and the local authority."

Cllr. M. Hillery queried the selection of the location of CCTV cameras and how it was determined where to locate them. In response, the Director of Service, Anne Haugh advised that if there were areas in town or villages in the County that are suitable for the positioning of the CCTV cameras then these suggested areas could be communicated to her department and she would arrange a site inspection as soon as possible.

**Item 23.        Unauthorized infilling of land.**

Ar moladh Cllr. A. Norton

"I am calling on Clare County Council to provide a written report on all the unauthorised infilling of land in the county, which have been the subject of complaints and or representations/correspondence from residents or residents' groups in the last 18 months.

I request a copy of the council's enforcement policy which outlines the steps the authority takes in relation to complaints about unauthorised infilling of land. I request a report outlining cases over the last 18 months where the council has requested land owners to restore a site, which has been illegally landfilled, to its original condition."

**Anne Haugh, Director of Physical Development and Gerard Dollard, Director of Economic Development replied as follows:**

"In relation to the query regarding a report on infilling of lands which comes within the remit of the Planning Acts and which are the subject of complaints and or representations or correspondence from residents or residents' groups in the last 18 months, the following is a list of complaints of alleged unauthorised infilling of land in the last 18 months:

UD16-028 – Liscannor Park & Ride Facility - Remove the fill and reduce the levels of the lands from the North West are of the site. Enforcement Notice issued 18/5/16.

UD16-057 – Lands at Knockanean, Ennis, Co. Clare – Raising levels of rear garden and treatment plant area with fill. Warning Letter issued 10/5/16.

UD16-072 – Lands at Cullnang, Quin, Co. Clare – Filling of lands with builders waste. Warning Letter issued 14/6/16.

UD16-091 – Re-leveling of car park at Abattoir, Tulla Road, Ennis, Co. Clare –

Carrying out ground works to rear of petrol station. Placing excavated material onto lands within lower River Shannon. Warning letter issued 31/8/16.

UD16-140 – Lands at Burlington Site, Gilogue, Clonlara, Co. Clare – The filling and raising of lands with imported waste material. Warning Letter issued on 15/12/16.

UD17-025 – Development at Tulla Road, Ennis, Co. Clare - Infilling of site – under investigation

UD17-036 – Development at Clonlohan, Newmarket-on-Fergus, Co. Clare – Filling in a around a lake – under investigation

Please note in relation to the above, all are - as requested - the subject to complaints of alleged unauthorised development. It should be noted that all of the above are at various stages of the planning enforcement process. Some of these may be at investigation stage, others may be resolved, or may deemed exempted development whilst others may proceed to legal action. In the interests of fairness and due process including potential legal action, it would not be appropriate to comment in more detail on specific cases.

In terms of enforcement policy under the Planning Acts, please note the following applies to all alleged unauthorised developments regardless of the nature: the Warning Letter, which must be served within six weeks of receiving the complaint, allows a developer up to four weeks to rectify the offence or to make a submission. Regard must be had to any submission received when deciding whether or not to serve an Enforcement Notice. An Enforcement Notice sets out the requirements of the Council to rectify the offence and also contains a timeframe within which the work must be completed. Non compliance with an Enforcement Notice is an offence. Should any person served with an Enforcement Notice fail to comply with its requirements, the Council may institute legal proceedings in the District Court. In urgent cases, the Council may alternatively apply to the Circuit or High Court for an Order directing that particular actions take place or cease, as the case may be. The making of a planning application for retention of an unauthorised development is no longer a reason to delay/suspend the taking of enforcement action by the council.

From an Environment Section perspective, correspondence under European Communities Access to Information on the Environment Regulations was received from a residents association in December 2016, in relation to a site on the Tulla Road in Ennis. This site is under investigation by Planning Section as referenced above.

Clare County Council is responsible under the Waste Management Act 1996 and the Waste Management (Facility Permit & Registration) Regulations 2007, as amended

for assessing, granting and monitoring legal authorisations for Certificates of Registration and Waste Facility Permits. Certificates of Registration relate to sites with inert (soil and stone) materials up to a maximum quantity of 25,000 tonnes; Waste Facility Permits relate to sites with inert (soil and stone) materials of a quantity from 25,000 to 100,000 tonnes. A copy of the relevant waste management Enforcement Policy is being provided.

The following complaints have been received by the Waste Regulation Enforcement Team since January 2016 regarding unauthorised infill sites in Co. Clare

**Feb 2016** – Unauthorised recovery/disposal of inert soil/stone & C&D (concrete) waste on farmland at Kilmihil. Notice pursuant to Section 55 of the Waste Management Act 1996, as amended, served on landowner, instructing immediate cessation of activity and removal of offending waste. Outcome: Landowner complied with Notice, removed offending waste and removed off site to authorised facility. Receipts provided to CCC as proof of correct disposal.

**April 2016** - Unauthorised recovery/disposal of inert soil/stone & C&D (concrete) waste on land at Quin. Notice pursuant to Section 55 of the Waste Management Act 1996, as amended, served on landowner, instructing immediate cessation of activity and removal of offending waste. Outcome: Landowner complied with Notice, removed offending waste and removed off site to authorised facility. Receipts provided to CCC as proof of correct disposal.

Environment Section's policy in relation to complaints received is outlined below. A complaints database (the CRM) is maintained for complaints in all sectors. The complaint is typically received by the administration staff and referred to the relevant staff member in waste, litter control, air pollution, oil pollution or water pollution control.

Complaints are received in numerous formats, mainly:

- Telephone
- Email
- Written correspondence
- Public representative making representations or raising matter at Council meeting
- General public in person
- EPA Referral
- Local Authority personnel who observe incidents and illegal or polluting activities

The complaints are investigated by an appropriate enforcement person who may be diverted from his/her planned duties, inspect the location of the complaint, and make a full enquiry into the nature of the incident including photographing and evidence collection. Resolution of complaints may require remediation work by a premises occupier, owner or land user. The extent of works required determines the resolution process for the complaint. If illegal dumping is identified or if environmental pollution is occurring the inspector will contact the Senior Executive Engineer or Senior Engineer (as appropriate) and advise them of the situation.

Where significant remediation works are involved, the investigating officer will seek support from other (usually senior) staff members, and the direction to be taken will involve a risk assessment. Remedial works will be required to reduce/remove the impact associated with the emission/deposition/discharge. Where works are required to be completed by a person who is deemed to be at risk of causing pollution to any environmental medium, a schedule of works required is provided to the person, with appropriate completion dates (normally agreed with the person taking account of the severity of the pollution risk and a reasonable time frame for undertaking the works). Return visits are required to ensure works are completed in accordance with the works schedule. In the event that the schedule of works is not progressed, or the risk of pollution is not abated, the matter is normally referred to the Local Authority solicitor. Serious complaints and incidents may require such a major concentration of resources that scheduled inspections may be delayed or their number reduced. In the event that legal proceedings are instigated the investigating Authorised Officer prepares the necessary photographs, documentation, reports, notices, Land Registry searches etc. and forwards them to the Local Authority solicitor. On successful completion of the case the file is closed out

When an assessment indicates the incident is deemed to be minor, it is usually appropriate to issue a warning letter directly to the offending party. The processing and referral of the complaint is addressed by the investigating officer, with reports and written follow up being dealt with by the administration staff.”

Cllr. A. Norton expressed the wish that she would like this treated as a motion rather than a question. This was not allowed and the Cathaoirleach ruled on the matter.

Cllr. A. Norton raised queries in relation to the removal of the material on the sites and the enforcement of same and all queries raised were responded to by Ger Dollard, Director of Economic Development. He also highlighted the complex nature of this via a vis planning permission or consent under environmental legislation and that some statutory bodies do have some exemptions. A request can be made to the Council under Section 5 of the Planning & Development Act, 2000 to determine whether or not planning permission is required.

The following addendum was proposed by Cllr. A. Norton, seconded by Cllr. G. Flynn and agreed by the members present.

“That Clare County Council take action on infill sites across the County”

**Item 24. Taking in charge of estates.**

“That Clare County Council liaise with Irish Water in relation to their responsibilities re 'estates not taken in charge', to resolve the anomaly which currently exists vis a vis repair work on the supply network.”

Cllr. M. McKee requested that this item be deferred to the July meeting.

**Item 25. Verge trimming on roads.**

Ar moladh Cllr. J. Cooney

Cuidithe ag Cllr. P. Hayes agus glacadh leis

“Given the increased volume of people using our roads networks, that Clare County Council seek funding from the Department of Transport, Tourism and Sport to carry out verge trimming at least once on all roads throughout the county during the summer months in the interest of safety.”

**Tom Tiernan, Senior Engineer replied as follows:**

“While a case can be collated to have verge trimming carried out on all roads during the summer months, the important thing is that such measures are taken where sightlines can be obstructed if the requisite action isn’t taken. Area Engineers and Supervisors in general are cognisant of the issue and they do prioritise in this regard.

There is no specific fund available within the grants structure to deal with this issue and it is most unlikely that specific funds would be made available in this regard. The expectation of the Department of Transport is that matters such as this would be facilitated through the Discretionary Grant if the Council is unable to do so through its own resources. Apart from the fact that I am re-emphasising to Area Engineers the importance of ensuring that appropriate verge trimming receives the requisite level of attention, the issue can be raised with the Department but I feel that it is unlikely that a positive response will be forthcoming – particularly given that one of the areas around which it is presently endeavouring to identify funding relates to the invasive species issue which many would see as a more critical matter.”

Cllr. J. Cooney acknowledged that a lot of work has been carried out on regional roads but that local and minor roads are in a dangerous way. He claimed that the sight lines onto them are often very poor with vegetation growing in the middle of the roads. If verge trimming were to be carried out at least once during the summer months then the roads will be safer.

The members agreed that more debate was needed on this topic around budget time in order that sufficient funds are in place to carry out this body of work.

**Item 26. Blood Bike Volunteers.**

Ar moladh Cllr. M. Howard

Cuidithe ag Cllr. A. Norton agus glacadh leis

“Following reports that the Blood Bike Volunteers are considering quitting over tolls on our motorways - as some blood bike groups find themselves having to circumvent toll bridges in an effort to minimise expenses to the detriment of travel time, I request that Clare County Council write to both the Minister for Health, Mr. Simon Harris and the Minister for Finance, Mr. Michael Noonan to find a permanent solution to this unfair situation.”

Cllr. M. Howard advised the members that the Blood Bike Volunteers not only transport blood but they also transport urgent scans, x-rays, breast milk etc. In



emergency situations they have saved countless lives. It is essential that a permanent solution is found to rectify this situation.

**Item 27. Local Improvement Scheme.**

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

“That the Government, as part of its Rural Renewal Scheme, re-introduce an adequately financed Local Improvement Scheme for minor rural roads.”

Cllr. P.J. Kelly stated that young people are no longer building houses on local roads. Infrastructure needs to be improved to attract new builds to rural Clare. The re-introduction of the Local Improvement Scheme will ensure that funding will be there for improvements to local roads which will assist in the revival of rural Clare.

**Item 28. Major Emergency Event.**

Ar moladh Cllr. C. Curtin  
Cuidithe ag Cllr. J. Breen agus glacadh leis

“That Clare County Council request the Taoiseach to co-ordinate an urgent whole of Government review of the State's Civil Protection preparedness and capacity to deal with a Major Emergency Event. In light of the recent tragic incident in Manchester this review should, among other things, focus on the ability of our hospital structures and capacity within the regions, particularly in the mid west region, to send suitably trained first responding medical trauma teams to deliver health care at the site of such an event whilst having the capacity to provide normal levels of 24 A& E (ED) care, hospital bed capacity and health services for its own region's population. In other words that the regions ED hospitals that receive the subsequent patients from the site do not become overwhelmed to such an extent that the health and safety of the region's civil population would be threatened.”

Due to the absence of Cllr. J. Flynn, Cllr. C. Curtin on his behalf, asked that this motion be moved without discussion.

**Item 29. Removal of Eircom/Electric Ireland Poles.**

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

“That this Council would request EIR and Electric Ireland to remove all poles which have become isolated from boundary fences due to development i.e. housing estates and once off houses as they are a major health and safety issue, not to mention unsightly.”

Cllr. P.J. Ryan cited this as a major health and safety issue. As a result of construction works poles become isolated from the boundary fences of housing estates and one off houses and need to be removed once construction has been completed.

Cllr. P. Hayes enquired as to who should take responsibility for the removal of these poles and queried if a committee should be set up to find the answers to these questions. The members acknowledged that the ESB have removed poles in the past but that EIR are slower to carry out this body of work. A recent incident occurred in Meelick whereby a car crashed into a pole and despite the Council's Engineer writing to EIR no response to same was received to-date.

### **Item 30. Child protection.**

Ar moladh Cllr. J. Breen

Cuidithe ag Cllr. C. Colleran Molloy agus glacadh leis

“That this Council call on the Taoiseach to immediately remove all personnel in the various agencies responsible for allowing the abuse of children to continue, this to include the Minister for Justice, Health and Children, who have failed to protect the welfare of vulnerable children in foster care as described in the recent RTE Primetime Programme.”

Cllr. J. Breen was critical of the fact that the media frequently expose such abuse when it should be the statutory agencies such as the gardai and social workers who have a responsibility in this area. He added that until such time as people lose their jobs then nothing will happen.

Cllr. C. Colleran Molloy described the motion as a very bold gesture and also criticized failures in the field of child protection.

### **Item 31. Rural Water Programme.**

Ar moladh Cllr. C. Curtin

Cuidithe ag Cllr. M. Hillery agus glacadh leis

“That Clare County Council arising from the delayed notification of allocation of funds for 2017 under the Rural Water Programme to facilitate much needed group water and sewerage scheme improvement works, request the Department of Housing, Planning, Community and Local Government to allow for the roll-over of the 2017 budget in addition to the 2018 sum.”

#### **Anne Haugh, Director of Physical Development replied as follows:**

“Following a similar Notice of Motion in 2016 we wrote to the Department of Housing, Planning, Community and Local Government (Rural Water Programme) requesting that they would give favourable consideration to our request to carry over the unspent grant into 2017 in the interest of ensuring that the Group Scheme Sector benefit from the full value of the allocation. We also outlined the unrealistic timeframes afforded for completion of the works in 2016 and requested to carry over the total unspent amount of €151,476 into 2017.

That request has not been granted to date and the only concession was a permitted carry-over of a total of €30,000 for 2 No. Group Schemes under job specific Measures.

On foot of this Notice of Motion we have written again to the Department of Housing, Planning, Community and Local Government requesting a carry-over of the 2017 budget in addition to the 2018 sum and are awaiting their reply.”

**Item 32. Home help services.**

Ar moladh Cllr. G. Keating  
Cuidithe ag Cllr. R. Nagle agus glacadh leis

“That Clare County Council engage with the HSE and the Department of Health with a view to exploring the options including the subsidisation of FETAC Level 5 Courses to address the shortage of staff for all agencies across the county which is having a knock on effect on the provision of home help services for people who have been approved for same.”

The members were emphatic in their view there is a huge shortage of carers throughout County Clare. They called on the H.S.E. and the Department of Health to give this their immediate attention as it is a lot cheaper to keep people in their own homes rather than long term stays in nursing homes. People are happier when they can remain at home.

**Item 33. Banni.**

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

“That this Council calls on the Minister for Foreign Affairs and the H.S.E. to examine all possible ways of bringing Banni, the young Belorussian man featured in a recent 'Reality Bites' RTE documentary (Produced by Colm Flynn from Ennis) to Ireland so that his care needs can be better met.”

Cllr. C. Crowe paid tribute to the documentary which recounted how Banni came to Ireland at the age of six. He was no bigger than a two year old as his development stymied by the fallout from the Chernobyl disaster. He added that the Flynn family wanted to adopt the child but that Banni was recalled to Belarus and the authorities then refused to allow the adoption to go ahead. He is now calling on the Minister for Foreign Affairs and the H.S.E. to liaise with the Burren Chernobyl Project to look at means of providing help for Banni.

It was agreed by all that this motion be amended and the Meetings Administrator read out the following amendment:

“That Clare County Council calls on the Minister for Foreign Affairs to liaise with the Burren Chernobyl Project and Colm Flynn (RTE broadcaster) to ascertain how best the care needs of Banni (the young Belorussian man featured in a recent 'Reality Bites' RTE documentary) can be met. Options to be considered should include:

1. The intervention of Irish Ambassadorial and consular services to ensure that Banni is transferred to a more suitable care providing institution, and
2. The possibility of bringing Banni to Ireland so that his care needs can be best met here.”

**Item 34. Comhfhreagras. Correspondence.**

**Correspondence.**

**The following correspondence was circulated with the agenda:**

1. Correspondence dated 29<sup>th</sup> May, 2017 from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs in relation to hedge cutting.
2. Correspondence dated 24<sup>th</sup> May, 2017 from IDA Ireland in relation to promoting Shannon, Ennis and the Limerick and Galway areas for firms wishing to relocate from the UK to Ireland in the context of Brexit.
3. Correspondence dated 25<sup>th</sup> May, 2017 from the Department of Health concerning the legalizing of Medicinal Cannabis in Ireland.
4. Correspondence dated 18<sup>th</sup> May, 2017 from the Department of Children and Youth Affairs in relation to childcare.
5. Correspondence dated 3<sup>rd</sup> May, 2017 from the ESB in relation to Ardnacrusha Generating Station.
6. Correspondence dated 10<sup>th</sup> May, 2017 from the Department of Communications, Climate Action and Environment regarding the Post Office Network.
7. Correspondence dated 6<sup>th</sup> May, 2017 from the Department of Health concerning the legalizing of Medicinal Cannabis in Ireland.
8. Correspondence dated 11<sup>th</sup> May, 2017 from the Public Accounts Committee in relation to the administration of justice attributable to prosecutions arising from non-intercept/safety camera detections on foot of challenges associated with proving service of Fixed Charge Notices.
9. Resolution from Dublin City Council in relation to re-instating the telephone allowance for the elderly.
10. Conference entitled “ODCE/Office of the Director of Corporate Enforcement” taking place in the Clonakilty Hotel, Clonakilty, Co. Cork on 7<sup>th</sup> – 9<sup>th</sup> July, 2017.
11. Conference entitled “Doing More with Less – Managing Time and Productivity” taking place in the Clonakilty Hotel, Clonakilty, Co. Cork on 21<sup>st</sup> – 23<sup>rd</sup> July, 2017.

## **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.

#### **Training Seminar entitled “Tackling Japanese Knotweed – Functions of Local Authorities and NRA” taking place in Clonakilty Hotel, Clonakilty, Co. Cork on 27<sup>th</sup> – 29<sup>th</sup> January, 2017.**

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €612.65 including conference fee of €150.

It was agreed that Cllrs. T. McNamara and T. O’Brien attend this Conference.

#### **AILG Training Seminar entitled “National Planning Framework Ireland 2040” taking place in Dooley’s Hotel, Waterford on 11<sup>th</sup> February, 2017.**

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €361.83 including conference fee of €50.

It was agreed that Cllrs. T. McNamara and T. O’Brien attend this Conference.

#### **LAMA Spring Training Seminar entitled “Councillors Renumeration & Conditions” taking place in City North Hotel, Gormanston, Co. Meath on 28<sup>th</sup> & 29<sup>th</sup> April, 2017.**

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €695.22 including conference fee of €160.

It was agreed that Cllrs. T. O’Brien and T. McNamara attend this Conference.

#### **Training Seminar entitled “Community Development Initiatives Urban & Rural” taking place in Castlecourt Hotel, Westport, Co. Mayo on 13<sup>th</sup> May, 2017.**

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €322.84 including conference fee of €50.

It was agreed that Cllrs. T. O’Brien and T. McNamara attend this Conference.

#### **AILG Training Seminar taking place in Killarney, Co. Kerry on 8<sup>th</sup> June, 2017.**

The Meetings Administrator informed the Members that the estimated average cost per Councillor attending this Conference was €338.20 including conference fee of €50.

It was agreed that Cllrs. P. Murphy, J. Breen, T. O’Brien, R. Nagle, G. Keating, J. Crowe, A. O’Callaghan, P. McMahon, P. Daly, T. McNamara, C. Colleran Molloy, B. Slattery, P. Burke, M. Begley, P.J. Kelly and J. Cooney attend this Conference.

The meeting then concluded.

**Signed:** \_\_\_\_\_  
**Riarthóir Cruinnithe**

**Signed:** \_\_\_\_\_  
**Cathaoirleach**

**Date:** \_\_\_\_\_