

**West Clare Municipal District Meeting**  
**Minutes of West Clare Municipal District Meeting Tuesday 5<sup>th</sup> September 2023 at Ennistymon HUB**  
**Training Room & Online**

**Cathaoirleach**

Cllr. Ian Lynch

**I Lathair**

Cllr. Cillian Murphy

Cllr. Joe Garrihy

Cllr. Gabriel Keating

Cllr. Joe Killeen

Cllr. PJ Kelly

Cllr. Shane Talty

Cllr. Liam Grant

**Apologies**

Cllr. Bill Chambers

**Official Present**

Mr. Leonard Cleary, Director of Service, WCMD

Mr. John O'Malley, Senior Executive Officer, WCMD & Meetings Administrator

Mr. Enda MacNamara, Senior Executive Engineer, WCMD (Ennistymon)

Mr. Alan Kenneally, Senior Executive Engineer, WCMD (Kilrush) (online)

Mr. Steve Lahiffe, Senior Staff Office, WCMD

The meeting was convened by Cathaoirleach Cllr. Ian Lynch.

1. Minutes of the July Meeting held on the 4<sup>th</sup> July 2023 of the West Clare MD.  
The minutes were proposed by Cllr. Cillian Murphy and seconded by Cllr. Joe Garrihy.
2. Section 38 – Proposed Low-Cost Safety Scheme at Cooraclare.  
Proposed by Cllr. Ian Lynch and seconded by Cllr. Cillian Murphy.

**Rural Development, Planning & Economic Development, Social**

**3. Notice of Motion from Cllr. Cillian Murphy:**

That the safeguarded route for the ring road in Kilkee be assessed for its suitability to provide a walking and cycling link from the Greenway to the coast road and Cliff Walk.

The motion was seconded by Cllr. Ian Lynch.

**Reply from Alan Kennelly, Senior Executive Engineer, West Clare MD:**

A route for a ring road in Kilkee has been safeguarded. However, the route has not reached detailed design stage. I have forwarded this Notice of Motion to our colleagues in the PMO to see if the existing West Clare Greenway could be extended to include the safeguarded route as suggested. They will raise the request with the Greenway consulting engineers and with TII, the funding authority.

The safeguarded route is reasonably short, so I will also forward this Notice of Motion to our colleagues in the Roads Department (*for example, the suggested route might be a suitable Active Travel project*). Any pedestrian and / or cycling link agreed along the safeguarded route will have to be included in the detailed design for the ring road.

*Cllr. Murphy highlighted the suggested route could be funded by Active Travel. It was requested that the West Clare MD would write to the Minister to seek clarity on the Active Travel Funding.*

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*NOMs 4 & 5 were discussed together.*

*The Cathoirleach advised at the outset that the statutory process had started and it should be followed through. Cllr. Grant advised that the issue had seen him receive numerous responses from the public. Cllr. Kelly highlighted that the receipt of 352 submissions was a clear indication of the concern out there. A robust discussion was had in regards the proposed byelaws. Cllr. Kelly advised that he would withdraw his motion.*

#### **4. Notice of Motion from Cllr. Liam Grant:**

Call on Clare County Council to withdraw all plans to introduce additional paid parking at Fanore, Kilkee, Spanish Point, Doolin, Lahinch or White Strand. I've received more emails about the proposed paid parking in West Clare than any other issue. Locals and tourists alike are outraged at the proposed changes for many reasons. To highlight a few:

- Cost of living for workers in the area
- People want to be able to swim in the sea without paying for parking. It's great for people's physical and mental health and we should be encouraging it.
- Tourists will be discouraged from visiting So will hurt local businesses.
- It will encourage people to park on rural roads and residential streets where they shouldn't be parking to avoid paying.
- The cost for locals parking to do their daily shopping and the impact that will have on businesses.

I think it would be in the best interest of the council to pull back on any future plans to introduce more paid parking in these areas.

*The Motion was not seconded.*

#### **Reply from John Leahy, Senior Engineer, Roads Department:**

At the June Meeting of the West Clare Municipal District, it was agreed that draft parking bye laws for Kilkee, White Strand, Spanish Point, Lahinch, Doolin and Fanore would go to public consultation. The draft parking bye laws were published on July 7<sup>th</sup> and members of the public were invited to make submissions up until August 22<sup>nd</sup>. A total of 352 submissions have been received to date.

A report on the submissions received is being prepared at present and it is proposed that these submissions will be considered at a briefing session with the West Clare Municipal District councillors later this month.

#### **5. Notice of Motion from Councillor PJ Kelly:**

That the present proposals for charges at seaside resorts would be discontinued forthwith.

*Cllr. Kelly withdrew his motion.*

#### **Reply from John Leahy, Senior Engineer, Roads Department:**

At the June Meeting of the West Clare Municipal District, it was agreed that draft parking bye laws for Kilkee, White Strand, Spanish Point, Lahinch, Doolin and Fanore would go to public consultation. The draft parking bye laws were published on July 7<sup>th</sup> and members of the public were invited to make submissions up until August 22<sup>nd</sup>. A total of 352 submissions have been received to date.

A report on the submissions received is being prepared at present and it is proposed that these submissions will be considered at a briefing session with the West Clare Municipal District councillors later this month.

#### **6. Notice of Motion from Cllr. Liam Grant:**

Call on Clare County Council to no longer allow "day trip" buses visit the Cliffs of Moher Visitor Centre. Buses that leave Dublin in the early morning visit the Cliffs and return to Dublin on the same day without stopping at any other visitor attraction or town. These buses are a hindrance and a nuisance on our roads and they are not providing enough of a benefit to the North Clare community to continue allowing them operate.

Many people of North Clare have contacted me about how disruptive or damaging these buses can be. They can often be a danger on the roads and cause traffic jams. They can be a nuisance for farmers trying to work or local people going about their daily lives. At a recent public meeting in Ballyvaughan this point of view was expressed and well supported. We need to be more selective with our tourists to ensure that the benefits outweigh the costs.

*The Motion was not seconded.*

#### **Reply from Geraldine Enright General Manager Cliffs of Moher & Clare Tourism North West:**

In 2023 year to date 13% of visitors are arriving via route licence either commencing their tour in Dublin or Galway. 75% of route licence operators are stopping in another location in Co. Clare, delivering economic benefit to the areas and businesses at which they stop in.

Clare County Council has put a stop on new route licences since 2016, unless specific criteria is met to stop at another fee paying attraction, visit outside of peak times and offer an overnight package in Co. Clare. Two licences have been issued under the new criteria.

Other stops in Co. Clare on current route licences include Bunratty, Ennis, Liscannor, Doolin, the Burren and there are stops at other fee-paying attractions or experience in Co. Clare, mainly in the Burren and Cliffs of Moher UNESCO Geopark. Coach travel a one of the sustainable ways of travelling and experiencing a destination.

Group tour business including route licence activity is an important revenue contributor to the revenue funding model for Clare Tourism.

Under Failte Ireland's DEDP (Destination Experience Development Plan) for the Burren and Cliffs of Moher an online Ambassadors Module has been developed and is being rolled out to drivers, guides and businesses as an education tool for responsible travel in the destination.

The DEDP and the preliminary draft of the Cliffs of Moher Strategy 2040 recommends an integrated traffic and transport strategy for North Clare.

*Following Cllr. Grant's introduction of the motion. The DOS, Leonard Cleary stated the sentiment was understood. Cllr. Killeen advised that it should be part of the mobility plan. It was asked during the discussion how many route licenses are there and the DOS advised that he would ask Geraldine to present on the data. It was also noted in the discussion that local people notice the difference in traffic during the COVID pandemic and the culture has changed.*

#### **7. Notice of Motion from Cllr. Shane Talty and Cllr Joe Killeen.**

In the context of having experienced a very busy summer on the roads of North Clare, with congestion from Buses & Independent Travelers, as well as the tragic fatal road traffic accident in Ballyvaughan; following on from the commitment given at the May MD Meeting, can we please have an update on the progress over the past four months on the North Clare Traffic & Mobility Strategy? Or what other road safety measures are in train for North Clare.

#### **Reply from Leonard Cleary, Director of Service, Tourism Development & West Clare MD:**

Firstly, it is appropriate to extend the sympathy of all in Clare County Council to the wide circle of family and friends who have experienced the sad loss of bereavement following the recent road fatalities. Our thoughts are with the loved ones experiencing this loss. Ar dheis Dé go raibh a n-anamacha dílse.

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This motion asks a core question regarding a 'Transport and Traffic Management Plan' for North Clare.

The West Clare Municipal District (MD) will work closely to support the Roads Department, Physical Development Directorate, Clare County Council and the NTA (National Transport Authority) who have the national and local function to lead the preparation of a Transport and Traffic Management Plan for North Clare. Other cross-directorate stakeholders, such as Ennistymon MD Office, Tourism (*including Geopark and Cliffs of Moher*) will also need to contribute. This needs to occur together with community, farming and business inputs. In recent months, the approach to such a proposed plan was discussed on a cross-directorate basis at a senior management level in Clare County Council and the need agreed. The particular challenge relates to the timing of the commencement of such a plan. The immediate practical approach in North Clare is to progress definite projects and actions, that in time will be part of such a Transport and Traffic Management Plan, but in the immediate term could deliver early solutions for transport and traffic. This is the key point of this reply to the motion proposed. These projects and actions are outlined below. It is necessary at the outset to present the context of the transport function, and the background to same, prior to outlining a sample of practical projects and actions.

#### National Policy context.

It is noted that the NTA have been very positive and proactive in Clare and have a clear sequence outlined in terms of the transport planning process. The NTA has facilitated major Government investment in roads and transportation in Clare. On an ongoing basis, the NTA and Clare County Council continue to review the standards of all roads as per the regulations. In parallel, both organisations are involved in leading road improvements and ongoing road maintenance. This is what is meant by the roads function. Having explained same, this function needs collaborative support.

Currently, the NTA and the Roads Department of Clare County Council are working on a Transport Plan for Ennis Town. This is in line with National Transport Policy whereby the approach is that a transport plan is being prepared for each county town across the country in the first instance, after which rural transport plans would radiate or interlink. This is the National Policy context within which a North Clare Transport and Traffic Management Plan sits. At a moment in time at the end of the Global Pandemic,

when tourism and consequential visitor numbers were frozen, this logic may have been appropriate at some level as a National Policy that aims to be fair and even across all counties. It is acknowledged that there has been calls locally in North Clare that consideration be given to the data that the return of high visitor numbers to all tourism sites post-pandemic may present a unique case for an early Transport and Traffic Plan for North Clare.

The important point to note here is that the commencement date for the North Clare Transport and Traffic Management Plan does not prevent the immediate progression of projects and actions locally. This has to remain the key focus.

It is acknowledged that all towns and villages in North Clare need to be part of a transport and traffic plan to seek to address the concerns and experiences. It is not possible to give a detailed analysis on the issues in all of these settlements in North Clare, but rather examples of current projects may be beneficial as an insight. Some current projects and actions designed to deliver early solutions include:

#### Coastal Route – Wild Atlantic Way.

Fáilte Ireland works collaboratively with Clare County Council, and facilitates National Government investment, into a range of tourism initiatives and projects in Clare. Fáilte Ireland, supported by RRDF (Rural Regeneration and Development Funding), appointed specialist consultants to undertake a study on traffic improvements along the coastal roads of North Clare. Essentially, this researched the traffic and transport “pinch-points” on the Wild Atlantic Way. This included input from the NTA, Clare County Council’s Roads Department, the MD and other stakeholders. In instances where parking /passing bays /road widening were researched, there are some significant environmental and planning challenges at such specific locations. The Elected Members were briefed on these proposals and the environmental and planning complexities of same outlined. In colloquial terms, “there is no simple fix” here and all stakeholders, government agencies, landowners and the local authority would need to synchronise a way forward on a feasible and permissible technical intervention at these pinch-points. The data researched for this study will inform the new Transport and Traffic Management Plan for North Clare.

#### Burren

NPWS (National Parks and Wildlife Service) works closely with Clare County Council. In relation to the above motion, NPWS has engaged regarding parks and wildlife services as they interact with transport and traffic. NPWS has developed a successful pilot shuttle-bus to the Burren National Park (Mullaghmore). This seeks to reduce traffic congestion as vehicles are parked in the adjacent village of Corofin. It is acknowledged that there is a parking and traffic challenge at the Burren National Park. The NPWS are developing plans to improve facilities to service the wider Burren area. Again, there are environmental and planning challenges at such specific locations. These concerns need to be considered as part of a North Clare Traffic Management Plan and included as actions and projects in the plan. Where possible, projects need to be progressed in advance of the plan in line with regulations.

#### Enforcement of bus route licences.

It is acknowledged that the enforcement of bus route licences is a challenge for any inspectorate. This function is held by the NTA. There have been calls locally for the inspectorate to be further resourced in terms of enforcement of the adherence to bus route licences. Clare County Council works closely with the inspectorate.

Some queries have been received in relation to concerns about adherence to route licenses as well as risk and danger on the roads. The NTA are the appropriate authority for concerns regarding adherence to route licenses. An Garda Síochána are the authority to report allegations of dangerous incidents. Without reporting, there is no method to quantify such actual occurrences. This will afford fair and just procedure.

### Doolin

The Doolin experience, which includes natural amenities, culture and well-developed private sector tourism and hospitality businesses, attracts sizeable numbers of visitors. Clare County Council has developed a Master Plan for Doolin. This is being implemented on a phased basis subject to funding. Firstly, in the village area various improvements are being progressed each year. Secondly, there is a specific plan for a Visitor Centre (shelter, toilets, ticket office, visitor facilities) at Doolin Pier. This development includes additional parking adjacent to Doolin Pier and a wastewater infrastructure upgrade. Again, there are major environment and planning constraints here and the parking solution element has taken longer than envisaged. This plan is being led by the Project Management Office, Clare County Council. On a temporary basis for health & safety and emergency services reasons, a temporary overflow car park has been made available by Clare County Council and local landowners to relieve the traffic and parking pressure at Doolin pier.

### Cliffs of Moher

As part of the two-year public consultation for the draft Cliffs of Moher Strategy 2040, transport and traffic was one of the key items raised by stakeholders. Based on this listening process, this has been included as a priority of the draft Cliffs of Moher Strategy 2040. It is important that this transport and traffic priority in the Cliffs of Moher Strategy 2040 is adopted and supported by Elected Members in order to bring the full weight of that community public consultation and the tourism industry views behind the prioritisation of such a Transport and Traffic Plan. The adoption of such a priority in the Cliffs of Moher Strategy 2040 will engage multiple National state agencies who are also stakeholders in the Cliffs of Moher.

In the interim, while the draft Strategy is being finalised, Clare County Council /Cliffs of Moher is proposing to develop a 'Park n Ride' facility on Council-owned land in the adjacent area. This Park 'n' Ride facility will progress through the Planning Application process in autumn 2023. The advantage of a 'Park n Ride' facility near a local town/village is that FIT – Free Independent Travellers /hired cars will proceed directly to the 'Park n Ride' facility on the main route. On arrival, they will embark on a small local shuttle bus /hop on - hop off bus serving the Burren Geopark, Doolin, Cliffs of Moher and the Liscannor to Doolin Coastal Walk. This will reduce the number of individual car journeys in the high-pressure area of North Clare and benefit longer dwell time in the towns and villages.

The data on bus traffic to the Cliffs of Moher provides an important factual insight. In 2023 year-to-date, 13% of visitors are arriving via bus route licence. They are either commencing their tour in Dublin or Galway. The perception may be that this figure is higher than it actually is. It is important to note that 75% of bus route licence operators are stopping in another location in County Clare delivering an economic benefit to those areas and businesses at which they stop. Clare County Council has put a stop on any new bus route licences since 2016 subject to criteria. This means that unless specific criteria are met to stop at another fee-paying attraction, visit outside of peak times and offer an overnight package in County Clare, a license is not recommended. (*note the point on the accommodation deficit below*). Two licences have been issued under the new criteria. Again, the perception may be that this figure is higher than two. Other authorised bus stops in County Clare on current route licences include Bunratty, Ennis, Liscannor, Doolin and the Burren. There are stops at other fee-paying attractions or experiences in County Clare with these being mainly in the Burren and Cliffs of Moher UNESCO Geopark.

In contrast to independent cars /car hire, coach travel is viewed in National Government policy as one of the sustainable ways of travelling and experiencing a destination. At the Cliffs of Moher, every effort is being made to distribute the bus traffic across the full hours of each day with a particular emphasis on shifting some traffic to the periods between 8am to 11 am and 3pm to 9pm.

### Accommodation deficit.

At present there is a shortage of tourism accommodation in Clare. The humanitarian crisis has required National Government to contract available tourism accommodation to provide assistance to international recipients. This humanitarian need is recognised. It is acknowledged that it has rendered large tourism accommodation capacity unavailable to visitors to Clare. This is particularly the case with visitors that may prefer to stay in one location for a number of overnights and sample local hospitality as part of a secondary spend. This accommodation deficit has increased the number of day trips to Clare in contrast to previous patterns whereby visitors may have committed to overnight stays in the county. Consequently, it has reduced secondary spend pro-rata to the accommodation deficit.

### Blakes Corner.

The bridge at Blakes corner has become an infamous bottle neck for locals and visitor in North Clare. This project is progressing through the design and planning phase. In short, National Government investment is being committed and the delivery of the new bridge is on track to become a reality as quickly as possible in line with regulations.

### Public and Community Transport.

Many visitors do not utilise private coaches and instead utilise public and community Transport. Clare County Council is working closely with Bus Éireann, Clare Link and other transport providers to develop solutions. It is important that future park 'n' ride facilities and the shuttle bus to the Burren National Park integrate efforts.

There is a growing level of use of taxi and hackney services by visitors.

### Destination Experience Development Plan.

Under Failte Ireland's DEDP (Destination Experience Development Plan) for the Burren and Cliffs of Moher, an online Ambassadors Module has been developed. This is being rolled out to drivers, guides and businesses as an educational tool for responsible travel in the destination. The DEDP recommends an integrated traffic and transport plan for North Clare.

### Conclusion.

The popularity of the Burren and North Clare attracts large volumes of visitors. This is unlikely to change in the immediate term. It requires a comprehensive Transport and Traffic Management Plan as outlined above with contributions from a multiplicity of stakeholders.

It is important that the process for drafting a Traffic and Transport Management Plan for North Clare involves local communities, businesses and stakeholders together with statutory agencies /local authority. This listening process will aim to identify solutions as well as generate ownership of the need for all stakeholders to contribute to delivery of same. As this is specialist work requiring multi-disciplinary solutions, a specialist consultant will need to be appointed involving Clare County Council Roads Department and the NTA as lead. This will be supported by all directorates of Clare County Council. The Council is committed to working with all parties throughout this process and providing continual briefings to Elected Members. There will be no quick fix, but there is a commitment to introduce a number of actions, projects and measures. At the end of the process the Traffic and Transport Management Plan will need to be formally adopted by Clare County Council in order to carry the necessary weight.

In summary, the immediate practical approach in North Clare is to progress definite projects and actions. Those in time will become part of the Transport and Traffic Management Plan. The key point here is that in the immediate term these projects and actions could deliver early solutions for transport and traffic and remains the focus of Clare County Council.

*Cllr. Talty highlighted that it was not a co-ordinated strategy. Cllr. Killeen advised that the incessant traffic is no longer acceptable. There is a wish for fewer & smaller buses and speed limit reviews.*

*Cllr. Garrihy stated that we had talking about the Cliffs of Moher Strategy for the last four years. Something credible has to be done to show that it is a priority. Resources need to be applied.*

*Cllr. Murphy commented that following 1.6 million visitors to the Cliffs in 2019, local communities got use to the quietness during the pandemic.*

*Leonard Cleary Director of Service stated the reply was to give an indication of what would be there. The Cathoirleach asked where is the money for this coming from, that huge investment is needed and the Oireachtas members need to step up to secure the necessary funding.*

#### **8. Notice of Motion from Cllr. Gabriel Keating:**

That Clare County Council would investigate the provision of additional E charging points in light of the ever increasing number of electric cars on our roads, particularly in the tourist town of Kilkee.

*The motion was seconded by Cllr. PJ Kelly.*

#### **Reply from Anne O'Sullivan, Senior Executive Engineer, Roads Department:**

With the establishment of Zero Emissions Vehicles Ireland (ZEV) by the Department of Transport, Local Authorities (LA) have been asked by ZEV to develop Local EV Charging Infrastructure Strategies in order to plan for the roll-out of EV infrastructure in their jurisdictions. LAs have been encouraged to collaborate with neighbouring LAs so that the strategies for each county are co-ordinated. Clare County Council will work with Sligo County Council, Mayo County Council, Galway County Council and Donegal County Council in the development of a Regional Electric Vehicle Charging Infrastructure Strategy.

An implementation plan for the future provision of a network of EV chargers at locations such as Kilkee and across the county by the Local Authority will be developed in line with this strategy. The provision of this infrastructure supported by ZEV will be a targeted investment of public monies and based on a needs assessment and available/future power capacity at suitable locations.

*Notice of motions Number 9 & 10 were taken together*

#### **9. Notice of Motion from Cllr. Ian Lynch:**

To enable enhanced mobility and connectivity in rural towns and villages we request the Minister for Transport to apply the active travel scheme equally to urban and rural areas or open a new separate scheme, with equal financial support, for the sole purpose of rural towns and villages.

*The motion was seconded by Cllr. Garrihy.*

#### **Reply from Conor McDonagh, Executive Engineer, Active Travel Office:**

The Active Travel team within Clare County Council will reiterate the concerns raised with the National Transport Authority who, at their discretion, decide which proposed projects or schemes are provided with Active Travel grant funding.

**10. Notice of Motion from Cllr Joe Garrihy:**

In the interest of road safety and healthy mobility options in Rural Towns and Villages I call on the Minister for Transport and Environment Eamonn Ryan and the responsible Department to immediately restore Active Travel allocations to towns and villages / schools of the West Clare MD and to address the imbalance in the allocations Urban Centres of Ennis and Shannon which was evident in the allocations early 2023.

*The motion was seconded by Cllr. Lynch.*

**Reply from John O'Malley, Senior Executive Officer, West Clare MD:**

If agreed by the members the West Clare MD can write to the Minister and will also discuss with our colleagues in the Active Travel Office.

*The members during the discussion on motions 9 and 10, highlighted how valuable this funding was that the focus should be across the county. It is an excellent scheme helping to slow down traffic and it is unacceptable that funding was withdrawn, the Active Travel funding is needed in the West Clare MD. Number of councillors stated it was the most positive scheme that they had seen in the last four years. Is the Active Travel Office just for the Shannon and Ennis? The councillors requested that the ministers with input to Active Travel; Minister Jack Chambers, Minister Eamon Ryan and Minister Catherine Ryan would be written to.*

**11. Notice of Motion from Cllr. Joe Garrihy:**

I call on the West Clare MD to reiterate the commitment of the MD to community / leisure use at the old Doolin pier and to place this objective as a priority in overall master planning at the Pier.

*The motion was seconded by Cllr. Talty.*

**Reply from Leonard Cleary, Director of Service, Tourism Development & West Clare MD:**

The West Clare MD office will work closely with the Environment Section, Clare County Council in the support of all functions at Doolin Pier. There is currently a public consultation process being co-ordinated by Environment Section for all swimming areas. -A cross-directorate meeting was held recently to brief Elected Members on a range of issues pertaining to Doolin. There are a number of uses at the pier, which need to be considered and balanced within safety and pier/harbour regulations.

*Cllr. Garrihy welcomed the reply, engagement with the community is so important. Once the submissions have been received another workshop should be held as had previously been committed to.*

**12. Notice of Motion from Cllr Joe Garrihy:**

In the context of the recognised need for well serviced Aires and Camper Van facilities and locations across the West Clare MD and wider county I call on West Clare MD, Tourism and Rural directorates to support the development of a pilot site in Lisdoonvarna in partnership with the local community. The opportunity exists to develop a flagship multiservice Rural Social enterprise which should encapsulate a high level tourism site identified as necessary through recent studies.

*The motion was seconded by Cllr. Murphy.*

**Reply from Leonard Cleary, Director of Service, Tourism Development & West Clare MD:**

A study is underway into the need for camper van sites in Co Clare currently by the Tourism Development Directorate. The findings will be presented to Elected Members shortly. Clare County Council will work closely with local communities across the county in exploring the provision of such facilities. In this regard, it is not possible to commit to a specific pilot location, but all proposals will be considered.

*Cllr. Garrihy welcomed the success that Lisdoonvarna had following the enactment of overnight camper bylaws. Cllr. Murphy pointed out the situation with Cobh in successfully providing public camper sites for 10 years.*

**13. Notice of Motion from Cllr. Ian Lynch:**

That Clare County council included a prerequisite planning condition for all developments stating that taking in charge will not be undertaken until the contractor confirms the establishment of a resident committee for the management and maintenance of all common areas. The requirement for all owners to agree and partake in the resident committee must be included in all sale agreements.

*The motion was seconded by Cllr. Murphy.*

**Reply from Helen Quinn, A/Senior Planner, Planning Department:**

Section 180 of the Planning and Development Act, 2000, as amended, and Section 11 of the Roads Act, 1993 provide the main legal basis for the taking in charge of housing developments.

As it currently stands all housing developments, when permitted, are subject to a planning condition requiring that the development be carried out in accordance with the Councils Taking Charge Policy and the document, *Recommendations for Site Development Works for Housing Area (DoEHLG 1998)*. Under the Section 28 Development Management Guidelines, a planning condition must be necessary, relevant to the particular permission and must also be enforceable. Prior to attaching any conditions to a planning permission consideration of the legality, the ability to enforce and the relevance of the condition to the planning consent must be considered.

As part of any such conditions, the developer is required to agree with the Planning Authority procedures for inspection and monitoring of the entire development to ensure compliance with the aforementioned standards and shall thereafter comply with the agreed procedures during the construction of the development. Once complete, the development is required to be maintained by the developer in compliance with the above standards until taken in charge by the Planning Authority. The process for the taking in charge of a development is initiated by the developer or in certain cases the majority of residents. Once taken in charge, it should be noted that the Local Authority does not assume responsibility for the maintenance of common areas namely, public open space areas. However, all other infrastructure including the maintenance of the roads and lights becomes the responsibility of the Local Authority once same has been taken in charge.

It is also a matter for the developer to also consider the longer term management and maintenance of the development as part of the conditions of sale of units and in this regard it may be appropriate for developers to consider the benefit of establishing resident committees, however this is outside the scope of what the Planning Authority would have a remit over.

In light of this Notice of Motion I will review the taking in charge process to establish how best to engage with developers and residents going forward to put in place the optimum situation for the ongoing management and maintenance of estates.

## **Physical Development**

### **14. Notice of Motion from Cllr. Cillian Murphy:**

That the L2104-0 be considered for inclusion in the 2024 road works program and also considered if any extra roads restoration funding is made available in 2023.

*The motion was seconded by Cllr. Lynch.*

### **Reply from Alan Kennelly, Senior Executive Engineer, West Clare MD:**

The L-2104-0 will be considered for inclusion on the 2024 Roadworks Programme and on our draft 2025 – 2027 three-year plan. No additional money has been secured to date in 2023 for surface dressing additional roads in the West Clare MD (*Kilrush LEA*).

### **15. Notice of Motion from Cllr. Cillian Murphy:**

That a pedestrian crossing be put in as a matter of urgency on the R484 in Kilmihil to facilitate safe pedestrian access to the amenities at the People's Park.

*The motion was seconded by Cllr. Lynch.*

### **Reply from Alan Kennelly, Senior Executive Engineer, West Clare MD:**

The People's Park in Kilmihil is a fantastic community led initiative that has provided a wonderful green space where people can exercise and enjoy nature. The West Clare MD was in contact with Mr. John Carmody of the People's Park, and we have carried out requested improvements. We hope to move an ESB pole to improve footpath access to the Park shortly.

The installation of a pedestrian crossing requires a suitable safe location, justification by way of traffic counts etc, and a design prepared by our colleagues in the Road Design Office. I have forwarded this Notice of Motion to our colleagues in the Road Design Office for their attention.

### **16. Notice of Motion from Councillor PJ Kelly:**

That road L63501 at Crovraghan Kildysart be brought up to an acceptable state of repair.

*The motion was seconded by Cllr. Lynch.*

### **Reply from Alan Kennelly, Senior Executive Engineer, West Clare MD:**

I will ask that the velocity patcher to go to the L-63501 and carry out remedial works when it is next in the area.

### **17. Notice of Motion from Councillor PJ Kelly:**

That immediate repairs be carried out to road L2070 at the Six Crosses in route to Kilmurry McMahon.

*The motion was seconded by Cllr. Lynch.*

### **Reply from Alan Kennelly, Senior Executive Engineer, West Clare MD:**

I will ask that the velocity patcher to go to the L-2070 and carry out remedial works when it is next in the area.

### **18. Notice of Motion from Cllr. Gabriel Keating:**

That Clare County Council's Roads Operations and Maintenance Department engage once again with Transport Infrastructure Ireland in relation to the deteriorating condition of the N68 and address the provision of laybys to enhance the flow of traffic.

*The motion was seconded by Cllr. Kelly.*

**Reply from Anne O’Sullivan, Senior Executive Engineer, Roads Department:**

An application for additional funding to address defects on the N68 was made to TII on the TII Defects System. The request was followed up on and a response from TII is awaited. Pending this, this office will continue to pursue the provision of funding with TII for these necessary works.

In respect of the provision of laybys, **John Leahy, Senior Engineer, Roads** advises that it should be noted that this proposal would most likely require road realignment works (due to the vertical profile of this roadway) to comply with TII Standards as the funding and standards authority for national roads.

**19. Notice of Motion from Cllr. Gabriel Keating:**

That Clare County Council engage with the Office of Public Works to address the underpinning of the seawall at Doonmore Doonbeg at three localities on the L6078-0 and to include the L6078 up to the 50kmh speed limit when doing the overlay in the village this autumn.

*The motion was seconded by Cllr. Lynch.*

**Reply from Alan Kennelly, Senior Executive Engineer, West Clare MD:**

I have brought the requirement for repairs to the sea wall to the attention of the local roads SGSS. If the repairs required are small, we will undertake them ourselves. Otherwise, we will apply to the Department of the Marine for grant finding for the repairs.

I will forward this Notice of Motion to our colleagues in the Road Department regarding the resurfacing of the L-6078-0 up to the 50 km/h speed limit in the village. However, the upcoming overlay works are on the N67 National Secondary Road and are funded by TII. TII will not fund overlay works on a local secondary road. West Clare MD does not currently have funding to carry out road resurfacing works. The L-6078-0 will be considered for inclusion on the 2024 Schedule of Municipal District Works.

**20. Notice of Motion from Cllr. Ian Lynch:**

Due to the meandering nature, narrow road width and increased vehicular traffic volumes using the N67 we request the Transport Infrastructure Ireland/ Clare County Council to conduct a comprehensive road safety audit on the entire route from Killimer to Kinvara to identify safety risk for all users vehicular, cyclist and walkers. We also request that the Minister for transport prioritises the Kilrush to Kilkee greenway as an interim safety solution.

*The motion was seconded by Cllr. Keating.*

**Reply from John Leahy, Senior Engineer, Roads Department:**

Transport Infrastructure Ireland (TII) carry out Road Safety Inspections on the National Roads in County Clare, which includes the N67. Following this review, TII prioritises locations for intervention and provides funding to realise targeted safety improvements on the national secondary road network.

*The members asked that further information would be sought from John Leahy; has the work been done? Has the review been undertaken. This review needs to be the priority. John O’Malley advised that he would seek further information from John Leahy.*

**21. Notice of Motion from Cllr. Joe Killeen**

We call on Clare County Council to upgrade the section of road from Finns Cross to Rinamona Cross on the R L1112. We ask that the sign post at the intersection of the L1112 and the R 476 be replaced and the Kilnaboy Townland sign be replaced as well as the sign indicating that the speed in the vicinity of the school is 50 Km per hour.

*The motion was seconded by Cllr. Garrihy.*

**Reply from Enda MacNamara, Senior Executive Engineer, West Clare MD:**

This section of road will be reviewed as part of next year's roadworks programme. The signs referred to are ordered and should be installed in the coming weeks.

The speed limit appeal process for the L1112 at Kilnaboy and any proposed changes to the existing Speed Limit Bye Laws 2017 will need to be adopted by the Members at a Monthly Council Meeting. The local authority have one full year from the date of the decision to bring it before the members. Following the adoption of the changes, the new speed limit can be put in place. There will also be a full briefing for all councillors before it is formally adopted at the full council meeting. It is likely to be late 2023.

**22. Notice of Motion from Cllr. Joe Killeen:**

We call on Clare County Council to revisit the report on the safety measures on the Bridge crossing on the southern approach to Corofin village and consider traffic lights or a "yield right of way" sign in the interest of health and safety.

*The motion was seconded by Cllr. Murphy.*

**Reply from Enda MacNamara, Senior Executive Engineer, West Clare MD:**

The area office will work with the Road Design Office to review any historic reports completed on safety measures for the bridge crossing. Any proposed changes will have to be implemented in accordance with Section 38 of the Road Traffic Act 1994.

**23. Notice of Motion from Cllr. Shane Talty:**

Request that the remainder of the Beechlawn Housing Estate at Ennistymon Road, Lahinch be Taken in Charge. Phase 1 was previously taken in charge.

*The motion was seconded by Cllr. Killeen.*

**Reply from Thomas Hogan, Senior Staff Officer, Planning Department:**

Phase 1 of Beechlawn Housing Estate, Ennistymon Road, Lahinch was taken in January 2016. No subsequent application has been received by the Council for the taking in charge of the remainder of the estate by the developer. The Developer of the estate can make a formal Section 180 request to the Planning Authority to have the remainder of the Beechlawn Housing Estate, Ennistymon Road, Lahinch taken in charge.

**24. Notice of Motion from Cllr. Shane Talty:**

Request that a raised pedestrian crossing (akin to the new one in Inagh) be installed at the location of the existing pedestrian crossing in front of Miltown Malbay Primary School on the Mullagh Road, Miltown Malbay.

*The motion was seconded by Cllr. Garrihy.*

**Reply from Enda MacNamara, Senior Executive Engineer, West Clare MD:**

The area office will work with the Road Design Office to review any traffic calming measures that could be implemented at this location. Any proposed changes will have to be implemented in accordance with Section 38 of the Road Traffic Act 1994.

**25. Any Other Business**

The next Meeting to take place at 3pm in Kilrush Town Hall on Tuesday 7<sup>th</sup> November

**Signed :**

Cllr. Ian Lynch  
Cathaoirleach

John O'Malley  
Meetings Administrator

**Dated :** 14<sup>th</sup>, November 2023