

**Minutes of the Municipal District of Shannon meeting held on Tuesday, 15th July 2014 at 9.45 am at the Offices of the Municipal District at the Civic Offices, Town Hall, Shannon, Co. Clare.**

**Present:** Councillors Cathal Crowe (Cathaoirleach), Pat McMahon, PJ Ryan, Gerard Flynn, Mike McKee & John Crowe

Ms Caroline O' Connor, Management Accountant, Finance, Mr Eugene O'Shea, Senior Executive Engineer, Shannon Municipal District, Seamus Halpin, Meetings Administrator, Shannon Municipal District & Pádraig Malone, SO, Shannon Municipal District.

**1. Minutes of Meeting held on 12<sup>th</sup> June 2014**

The minutes of the last meeting held on 12<sup>th</sup> June 2014 were proposed by G Flynn, seconded by Cllr P J Ryan and agreed. There were no matters arising.

**2. Local Area Hackney Licence**

Mr. S Halpin gave a brief summary of the new licensing system. Cllr PJ Ryan & Cllr J Crowe welcomed the initiative. Cllr C Crowe felt Shannon Municipal District was well covered by existing services. Cllr G Flynn expressed concern of how the new licences would affect existing areas that already have hackney services. S Halpin clarified, as outlined in the documents circulated at the meeting that licences may only be issued where there is a deficit or no hackney services provided.

**3. Disposal of Site, Way leave & Right of Way to the E.S.B. for substation No.109090 for Shannon Town Sewerage Scheme – Pump Station No.12 at Tullyvarraga, Shannon**

The above item was proposed by Cllr G Flynn, seconded by Cllr J Crowe and agreed.

**4. Transfer of a plot of land adjacent to 16 Carraig Lia, Shannon, Co. Clare**

The above item was proposed by Cllr McKee, seconded by Cllr PJ Ryan and agreed.

**5. Notice of Motion submitted by Cllr G Flynn**

**Ar moladh Cllr G Flynn**

**Cuidithe ag Cllr M McKee agus glacadh leis:**

That Clare County Councils Environment Department begin a public awareness campaign concerning the dumping of green waste. This practice is causing unsightly areas and in some cases an increase in vermin around built up areas. It is also costing the Council considerable amounts of public money to have these sites cleaned. The public should be encouraged to use green waste facilities at the Council Recycling Centres.

**John O'Malley, Executive Engineer, Environment Section replied as follows:**

A composting demonstration area in Shannon Recycling Centre is currently being developed. This will also increase public awareness of how to manage green waste in an appropriate manner. An open day is planned for September to which community groups and the business sector will be invited. Information sheets will be distributed.

Funding has continually been cut for education and awareness, so it is increasingly difficult to roll out comprehensive public awareness campaigns. It should be noted that the dumping of green waste is an offence under the Waste Management Act 1996 as amended and that there are facilities for disposing of green waste in 4 of Clare County Council's Recycling Facilities in Shannon, Ennis, Inagh and Lisdeen. The public can also purchase home composters from Clare County Council facilities as well as from numerous hardware stores throughout the county.

A general discussion took place on the issue and Cllr G Flynn was satisfied with the reply given.

**6. Notice of Motion submitted by Cllr G Flynn**

**Ar moladh Cllr G Flynn**

**Cuidithe ag Cllr P McMahon agus glacadh leis:**

That Clare County Council contact those responsible for the Derelict site on the Stonewall Road opposite the aerospace development. This site was purchased by Aer Rianta some time ago but is now in a state of dereliction and blight on the landscape and should be renovated or removed.

**Monica Meehan, Senior Executive Officer replied as follows:**

This site at Stonehall, Newmarket-on-Fergus was inspected recently and a report is awaited. Contact will be made with the owner with a view to addressing any issues on the site.

Cllr G Flynn expressed concern about anti social behaviour at the location and requested a solution be found by either the renovating or the removal of the structure. All present were in agreement.

**7. Notice of Motion submitted by Cllr G Flynn**

**Ar moladh Cllr G Flynn**

**Cuidithe ag Cllr P McMahon agus glacadh leis:**

That Clare County Council install a roundabout at Monument Cross Newmarket. This junction was previously approved for funding under the low cost safety measures but unfortunately no progress has been achieved concerning this very dangerous junction.

**Eugene O' Shea, Senior Executive Engineer, Shannon Municipal District, replied as follows:**

Funding for junction improvement works at Monument Cross on the R472 regional road was provided by the NRA in 2011 under the Low Cost Safety Scheme. In considering the most appropriate junction treatment a number of options were considered at the time by the Road Design Office including the construction of a roundabout. However following consultation with the NRA's Regional Road Safety Engineer this option was not progressed due to

- a) Land-take requirements
- b) Difficulties for HGV's in negotiating the proposed roundabout
- c) A roundabout was considered to be out of character on a road of this nature
- d) Cost

While some minor improvements were made at the junction in 2011 it was not possible to undertake the preferred T-junction treatment at the time due to local access issues.

Cllr G Flynn stated that there are safety concerns for families living in the area and a solution needs to be found. Cllr P McMahon suggested that a preferred solution would be a roundabout but stated there was no simple solution to the issue. E O'Shea stated that roundabouts are more suitable for towns but not a solution for rural areas. He indicated that the preferred solution is a T junction at the location. Cllr Flynn requested that contact be made with the Department of Transport, Tourism and Sport to reapply for funding. Cllr C Crowe indicated he would facilitate a local meeting if requested to do so.

**8. Notice of Motion submitted by Cllr P McMahon**

**Ar moladh Cllr P McMahon**

**Cuidithe ag Cllr G Flynn agus glacadh leis:**

To re erect new fencing at Glen Cragga Newmarket on Fergus that was damaged in the storms earlier this year.

**Eugene O' Shea, Senior Executive Engineer, Shannon Municipal District, replied as follows:**

This wooden fencing, approx 75 metres in length, forms the boundary of a well-kept green open space fronting the Glencragga Estate and appears to have been in place for some considerable time. However due to the onset of rot in some of the supporting posts and the impact of the winter storms much of the fence has collapsed. Subject to available resources consideration will be given to re-erecting this fence or alternatively to planting of suitable screen hedging in its place.

Cllr P McMahon was satisfied with the reply stated that the local residents required some assistance to continue to maintain the area in question. Cllr McMahon complimented the residents on maintaining the area to a high standard.

**9. Notice of Motion submitted by Cllr P McMahon**

**Ar moladh Cllr P McMahon**

**Cuidithe ag Cllr G Flynn agus glacadh leis:**

That Clare County Council provide safety signs for children & traffic calming measures at Ballycar Rd, Newmarket on Fergus (in the vicinity of and near the entrance to the new playground).

**Eugene O' Shea, Senior Executive Engineer, Shannon Municipal District, replied as follows:**

Given that the success of the new playground in Newmarket on Fergus has resulted in increasing numbers of children using the Ballycar Road access, consideration will, subject to

available resources, be given to installation of appropriate advance warning measures on this road.

Cllr P McMahon stated that there is an increase in traffic to the area as a result of the new playground and that traffic calming measures would assist in improving safety.

*10. Notice of Motion submitted by Cllr P McMahon*

**Ar moladh Cllr P McMahon**

**Cuidithe ag Cllr G Flynn agus glacadh leis:**

That Clare County Council delist the footpath to and from Kilnasoolagh Church and churchyard, Kilnasoolagh Townland.

**Eugene O' Shea, Senior Executive Engineer, Shannon Municipal District, replied as follows:**

This footpath is listed in the Clare County Development Plan 2011-2017 Record of Protected Structures as RPS No. 641 and described as "18th Century limestone kerbed footpath from Kilnasoolagh Church to Newmarket on Fergus". Because of this status the limestone kerbs forming the edge of the footpath cannot be removed without ministerial order. As an alternative to removing the limestone kerbs it may be possible under a Section 57 Declaration to undertake works that would not materially affect the character of the kerbs while simultaneously addressing the deficiencies in the condition and functionality of the footpath.

I will arrange to meet the Council's Conservation Officer on site at the earliest opportunity in order to explore available options that may facilitate such a course of action.

Cllr McMahon expressed concern for pedestrians using the footpath as it unsafe to use in its current state. Cllr G Flynn suggested that, if possible, remedial works could be taken to resolve the issue.

*11. Notice of Motion submitted by Cllr PJ Ryan*

**Ar moladh Cllr PJ Ryan**

**Cuidithe ag Cllr J Crowe agus glacadh leis:**

That this municipal authority would carry out repairs on the Limerick/Cratloe road: R462 as there are parts of this road subsiding which also causes flooding and damage to local property.

**Eugene O' Shea, Senior Executive Engineer, Shannon Municipal District, replied as follows:**

Short sections of this road approaching the Wood Cross that are showing signs of rutting and cracking will be monitored for further deterioration and repaired as necessary. Consideration will also be given to inclusion of this road in next year's Roadworks Programme.

Cllr Ryan expressed his satisfaction with the reply given.

*12. Notice of Motion submitted by Cllr PJ Ryan*

**Ar moladh Cllr PJ Ryan**

**Cuidithe ag Cllr J Crowe agus glacadh leis:**

That this municipal authority would erect a pedestrian operated pedestrian crossing at Cratloe cross on the R462, as this is urgently required to facilitate school children and adults making their way to bus stops and the local GAA field.

**Ann Cronin, Senior Executive Engineer, Road Design Office replied as follows:**

This pedestrian crossing issue will be included by the Road Design Office with the request for footpath facilities along the R462 (NOM 13) and one scheme design will be generated to cater for general pedestrian facilities at this location. Following speed checks consideration will also be given to incorporating some traffic calming scheme if required. A source of funding will also have to be identified for any works that will be subsequently undertaken.

Cllr PJ Ryan expressed his satisfaction with the reply given.

*13. Notice of Motion submitted by Cllr PJ Ryan*

**Ar moladh Cllr PJ Ryan**

**Cuidithe ag Cllr J Crowe agus glacadh leis:**

That this municipal authority would give an update on the provision of footpath facilities from the Gallow's hill road, Cratloe to the local graveyard, as this project has been with road design for a considerable time.

**Eugene O' Shea, Senior Executive Engineer, Shannon Municipal District, replied as follows:**

"The Road Design Office (RDO) has a list of projects requiring design input covering all Municipal Districts and priority has to be given to the work for which funding is likely to become available or has been made available. Schemes in the Shannon MD that have had significant recent RDO input include

- Overlay of the Ballycar Road, Newmarket on Fergus (included in the current 4 year Restoration Improvement Grant programme, subject to rehabilitation works on the watermain by Irish Water).
- Sixmilebridge Low Cost Safety Scheme and
- L7150 Road Realignment at Ballycar Townland. Design work on the Ballycar scheme was assigned in May and the scheme has to be completed before the end of November.

RDO work on the Cratloe project will commence as soon as possible after the funded schemes are completed."

Cllr Ryan expressed his frustration over the continuing issue with regard to the lack of funding. Eugene O Shea outlined some of the criteria required in assessing the priority of particular projects and stated that the availability of funding at a particular time of the year is an important factor for the Design Office in prioritising projects. Cllr Flynn requested that a list of projects currently in the Road Design Office be furnished.

*14. Notice of Motion submitted by Cllr John Crowe*

**Ar moladh Cllr J Crowe**

**Cuidithe ag Cllr PJ Ryan agus glacadh leis:**

Would it be possible to reopen the file on the provision of a foot bridge over the river Garney in Sixmilebridge, as the volume of traffic is ever increasing and it is dangerous for pedestrians and families with buggies, cyclists etc.

**Eugene O' Shea, Senior Executive Engineer, Shannon Municipal District, replied as follows:**

A project for the provision of a footbridge at this location was progressed to planning stage in 2007 with funding sought under the UVR scheme. This project was subsequently suspended pending other large-scale developments in Sixmilebridge.

The only possible funding sources for projects of this nature at present are by way of Special allocation from the Department of Transport or by means of Development Contributions. It is unlikely that funding will be available from either source in the near future.

Cllr Crowe stated he had safety concerns for pedestrians and requested that funding be sought from the Department. Cllr G Flynn suggested that contact be made with Oireachtas members for their support for a special allocation from the Department of Transport, Tourism and Sport. Cllr C Crowe, in supporting the motion, stated that there should be a separate bridge for pedestrians and vehicles.

It was agreed to take Notice of Motions 15 and 16 together.

*15 & 16 Notice of Motion submitted by Cllr J Crowe*

***Ar moladh Cllr J Crowe***

***Cuidithe ag Cllr PJ Ryan agus glacadh leis:***

15. Cappa/Rossmagner Group water scheme. I request that the Cappa/Rossmagner group water scheme be taken over by Irish water asap with the assistance and guidance of Clare County Council.

**Carmel Greene, Senior Executive Officer, Water Services replied as follows:**

I understand that as far back as 2006, there was interest by the Cappa Rosmanagher GWS in being taken in charge and a reply was given to the Area Meeting at that time of the requirements that the scheme be up to the required standard and that 100% of the Members of the scheme agree to it being taken in charge.

On a number of occasions since then, the Council has sought information from the Group Scheme about the Membership and contact details for the Committee and also a full listing of all of the Members of the scheme and the nature / type of their connections. Bulk Meter readings and a comment on the condition of the scheme were also requested from the Group. To date none of this information has been submitted to the Council.

In order to advance any proposals to take the scheme in charge, the information requested to date should be submitted to the Council. In addition, the Committee should be aware of the subsidy that is available in order to defray some of the operational costs that they incur.

At present, the legislation is not yet in place for Irish Water to take Group Schemes in charge. However, it is important that the Committee commence working now in order to be ready for making an application for upgrading works, should that be necessary in order to be considered for taking in charge when the legislation is in place.

16. I request that Castlecrine group water scheme be taken over by Irish water with the help and guidance of Clare County Council asap.

**Carmel Greene, Senior Executive Officer, Water Services replied as follows:**

In April 2013, an engineering assessment was carried out which identified that upgrading works were necessary in advance of taking the scheme in charge.

During 2013, works were carried out by a Contractor to upgrade this Scheme in order to bring the water supply network up to the specifications required by the Local Authority. These works were funded in part by the Department of Environment under the Group Water Schemes Programme.

On 16th January 2014, the Council wrote to the Secretary of the Scheme setting out what items were outstanding and needed to be done in order to advance the Taking in Charge process. To date, these items, which included some documentation, have not yet been received.

At that time, the Scheme was also notified of the fact that that Irish Water is now the Water Services Authority since 1st January 2014. To date, Irish Water has not issued any guidance on taking in charge of Group Water Schemes. It is understood that the taking in charge of Group schemes will be dealt with in the next phase of the legislation proposed for the Water Sector Reform Programme.

As soon as this legislation is enacted, I will ensure that Members are notified.

Cllr J Crowe felt the reply was unsatisfactory and that the onus should not rest entirely with the committee members to resolve the issue. He requested that the issue be resolved by IW and Clare County Council and suggested an increase in water pressure may resolve the issue in Cappa/Rossmannagher. Cllr PJ Ryan also had concerns and expressed the same view as Cllr J Crowe.

**At this point following a proposal by Cllr. P McMahan and seconded by Cllr G Flynn and agreed the meeting was extended to 11:15 to allow for completion of business.**

*17. Notice of Motion submitted by Cllr C Crowe*

***Ar moladh Cllr C Crowe***

***Cuidithe ag Cllr PJ Ryan agus glacadh leis:***

That Clare County Council and Irish Water devise a plan to improve water pressure to the Wood Road in Cratloe.

**Michael Healy, Executive Engineer, Shannon Municipal District, replied as follows:**

Clare County Council will prepare and submit to Irish Water an asset needs brief to undertake a survey and analysis of pressures and flows on the water main from Bunratty to

Cratloemoyle and possibly recommend the installation of an in line booster pump if required .

Cllr C Crowe suggested a solution in this case might be through booster pumps along the water main and that it would be subject to funding. On a general note Cllr C Crowe informed the meeting that he has written to the Minister & Irish Water requesting a waiver for uses affected by low water pressure. He stated that he was not satisfied with the service provided by IW to issues raised locally, in particular during periods outside of normal working hours such as weekends.

*18. Notice of Motion submitted by Cllr C Crowe*

**Ar moladh Cllr C Crowe**

**Cuidithe ag Cllr G Flynn agus glacadh leis:**

That Clare County Council provide a footpath on the upper part of the School Road in Parteen.

**Eugene O' Shea, Senior Executive Engineer, Shannon Municipal District, replied as follows:**

While the provision of this footpath will be an important pedestrian link between Parteen village and the recently realigned section of the L3060 School Road a source of funding will first have to be identified in order to progress it.

Cllr C Crowe welcomed the reply and said it was a busy road with schools and factories nearby.

*19. Notice of Motion submitted by Cllr C Crowe*

**Ar moladh Cllr C Crowe**

**Cuidithe ag Cllr PJ Ryan agus glacadh leis:**

That Clare County Council urgently cut overgrown ditches in Meelick.

**Eugene O' Shea, Senior Executive Engineer, Shannon Municipal District, replied as follows:**

Under Section 70 of the Roads Act 1993 landowners are responsible for trees, hedgerows etc. on or inside their boundaries adjacent to public roads. The Act obliges landowners and occupiers to take all reasonable care to ensure that such trees, hedges and other vegetation are not or could not become a danger to people using or working on a public road".

Effectively the Council's policy is structured around the concept that all growth emanating from any part of the roadside boundary structure or from within the land protected by same is the responsibility of the landowner. When funding was available to a greater degree a no. of years ago, the Council was in a position to take a relatively lenient stance on this but because of the current economic difficulties in the country, the same level of funding is no longer available and thus the Council's policy regarding what it can cater for is significantly curtailed.

At present the policy is based on the concept of allocating available resources to deal with the more strategic and heavily trafficked routes on the road network – National Roads, Regional Roads, Strategic Roads linking villages with National and Regional Roads, approaches to towns and villages and, where funding is available school bus and Clare



Accessible Transport routes. Notwithstanding the fact that the requirements of the Wildlife Act curtail hedge cutting activities during the Summer months, the main strategic routes are generally in reasonable condition from a hedge control point of view.

Hedge cutting on local roads is being carried out at various locations throughout the county by the landowners who have responsibility for same. There is a need for a culture change to reflect legal and moral responsibility and to reflect the fact that public resources are no longer available to the extent that they have been in the past. Any assistance that Councillors can give in influencing this required culture change would be hugely beneficial and would, to a significant degree, negate the need for the Council to pursue landowners through legal channels – such an approach is best avoided if possible.

Cllr C Crowe welcomed the comprehensive reply given by E. O’Shea and stated that the issue was county wide. Cllr PJ Ryan requested that a distinction be made between grass and hedge cutting and that grass cutting along the margins would help reduce the risk for road users.

*20. Notice of Motion submitted by Cllr M McKee*

***Ar moladh Cllr M McKee***

***Cuidithe ag Cllr G Flynn agus glacadh leis:***

That the Shannon Municipal District receive an update and timescale for remedial work to take place at the forest on Tullyglass Hill.

**Eugene O’ Shea, Senior Executive Engineer, Shannon Municipal District, replied as follows:**

I wish to reply as follows:

As previously reported the storm that occurred on Wednesday 12th February last caused extensive damage to trees in Shannon Town and surrounding areas (including Tullyglass Hill) with upwards of 1,000 trees either uprooted or badly damaged by Hurricane Darwin. The remedial work required at Tullyglass Hill, is in the main, along the boundaries where trees blew over and split. The tree species to be used for re-planting will consist of native broadleaf hardwoods mixed in species with mainly Oak, Birch and Lime trees. The species will generally be divided in relation to ground condition, fertility, soil, buildings, roadways and underground infrastructure. As no funding has as yet been allocated to deal with this issue it is not possible to put a timescale on when re-planting can be undertaken.

A somewhat bigger issue at Tullyglass Hill is that the tree plantation has reached maturity and that a tree harvesting and re-planting programme is needed in the short to medium term.

Cllr McKee was satisfied with the reply given and hoped the works could proceed in a timely manner.

*21. Notice of Motion submitted by Cllr McKee*

***Ar moladh Cllr M McKee***

***Cuidithe ag Cllr G Flynn agus glacadh leis:***

That the Shannon Municipal District request that, when sufficient funds become available for footpath repairs, preference will be given to estates which house elderly citizens.

**Eugene O' Shea, Senior Executive Engineer, Shannon Municipal District, replied as follows:**

While consideration for footpath repairs can be given to estates with a high proportion of elderly residents such repairs are generally prioritised on the basis of the condition of the footpaths, the volume of pedestrian traffic, history of Public Liability Claims, complaint history etc.

Cllr McKee stated that there is duty of care to the elderly and requested that the Council have regard to this while prioritising repairs.

**22. Notice of Motion submitted by Cllr McKee**

***Ar moladh Cllr G Flynn***

***Cuidithe ag Cllr G Flynn agus glacadh leis:***

That the Shannon Municipal District request that the current landscaping contractors, be instructed to include those estates which have not yet been taken in charge, in the cutting of grass in their respective green areas.

**Eugene O' Shea, Senior Executive Engineer, Shannon Municipal District, replied as follows:**

While every effort will be made to maintain the same level of service for grass-cutting as in previous years it may be necessary in due course to scale back on the areas being cut unless additional funding can be provided. It is highly unlikely however that additional areas can be included in the current contract whether or not they are in charge.

The reply was noted.

**23. AOB**

In the October 2011 meeting of Clare County Council Cllr. Sean McLoughlin was appointed as the Councils nominee on the Board of Shannon Swimming and Leisure Centre Ltd.

The Corporate Policy Group has agreed that Municipal District Members should select nominees for any organisations in their area and it was not necessary for such nominations to come before the full Council.

The Members were asked to consider nominations for the Councils nominee on the Board of Shannon Swimming and Leisure Centre Ltd. Cllr M McKee was proposed by Cllr G Flynn to replace former Cllr. Sean McLoughlin on the Board and this was seconded by Cllr PJ Ryan and agreed.

The provision of a new Chain of Office for Shannon Municipal District was proposed by Cllr G Flynn and seconded by Cllr PJ Ryan. It was agreed that the old Shannon Town Council chain be put on display in the Town Hall.

Cllr. PJ Ryan proposed that replies to Notice of Motions be rotated in meetings going forward. This was seconded by John Crowe and agreed.

*Date of Next Meeting*

It was noted that the next meeting of the Shannon Electoral Area will be Tuesday, 16<sup>th</sup> September 2014.

This concluded the business of the meeting.

Signed:

\_\_\_\_\_  
Cllr Cathal Crowe  
Cathaoirleach

Signed:

\_\_\_\_\_  
Seamus Halpin  
Meeting Administrator

Date:

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