# Minutes of the Shannon Municipal District Meeting held on Tuesday, 22<sup>nd</sup> January 2019 at 9.45am at the office of the Municipal District, Town Hall, Shannon, Co. Clare.

**Present:** Councillors Gerard Flynn (Cathaoirleach), Mike McKee, Cathal Crowe, John Crowe, Pat McMahon, P.J. Ryan.

Liam Conneally Director of Service, Aidan O'Rourke Senior Executive Engineer, Siobhán O'Reilly Meetings Administrator, Patricia O'Neill Staff Officer.

Apologies: None.

Cathaoirleach Gerard Flynn opened the meeting and welcomed all present to the first meeting of 2019.

## 1. Minutes of Shannon Municipal District Meeting held on Tuesday 20th November 2018.

The minutes of the Shannon Municipal District Meeting held on Tuesday 20<sup>th</sup> November, 2018 were proposed by Cllr. P.J. Ryan and seconded by Cllr. Cathal Crowe and agreed by all.

Cllr PJ Ryan proposed that his Notice of Motion (items 12 to 14) be heard after item 2 on the Agenda to facilitate his attendance at another meeting. This was seconded by Cllr Pat Mc Mahon and agreed by all.

#### 2. Presentation from Kay Murphy, President of Active Ireland

Cathaoirleach Gerard Flynn welcomed Kay Murphy, President of Active Retirement Ireland (ARI) and Bridget Kirby of Shannon Active Retirement Group and invited Kay Murphy to address the Members of the Shannon MD.

Kay Murphy thanked the Members for giving her this opportunity to address the meeting. Kay outlined that ARI has 25,0000 members and over 550 Active Retirement Associations across the country, giving a collective voice to the country's retired persons locally and nationally. She joined ARI in 1998 and has been involved at all levels and held all positions both at local and regional since. She became President in 2017 which is a 3 year term of office. She acknowledged the support Clare County Council has given to the local retirement group and requested that consideration be given to the provision of fitness equipment in the Shannon Town Park which is similar to what is provided in other such amenities for the benefit of all.

Bridget Kirby of Shannon Active Retirement Group and volunteer with St. Vincent De Paul addressed the meeting and outlined the work of both groups within the community.

The Members in turn commended the fantastic work of both Kay Murphy and Bridget Kirby in their respective roles in connecting with people within the community and their drive and determination in achieving their objectives for the betterment of the community.

Liam Conneally also echoed the sentiments of the Members stating it highlighted the selflessness of volunteering which is part of Irish Culture while also giving people a point of contact. He wished the group well in its future endeavours.

#### 12. Notice of Motion submitted by Cllr. P.J. Ryan.

Ar moladh Cllr. P.J. Ryan

**Cuidithe ag Cllr. Cathal Crowe agus glacadh leis:** 

That this MD would carry out repairs to the road known locally as the Farmers Road between Ballymorris Cross and Moyhill Cross, Cratloe as this road has been severely damaged in recent times by diverted traffic.

#### Aidan O'Rourke replied as follows:

It is intended that the remediation of this road surface will be carried out as part of the 2019 Road Works Programme subject to receipt of funding.

## 13. Notice of Motion submitted by Cllr. P.J. Ryan.

Ar moladh Cllr. P.J. Ryan

Cuidithe ag Cllr. John Crowe agus glacadh leis:

That this MD would improve the sight line for traffic emerging from the Shannon Road/Cappa Lodge housing estate to the R471.

## Aidan O'Rourke replied as follows:

An examination of this junction will be carried out at the earliest opportunity to determine what measures can be put in place to improve sight lines at this location.

### 14. Notice of Motion submitted by Cllr. P.J. Ryan.

Ar moladh Cllr. P.J. Ryan

Cuidithe ag Cllr. Gerard Flynn agus glacadh leis:

That this MD would carry out drainage and repair work to elevate flooding on the Ballymurtagh (Old Concrete Road) servicing the Shannon East Industrial Estate.

### Aidan O'Rourke replied as follows:

It is intended that improvement to the drainage and surfacing of this road will be included in the 2019 Roadworks Programme subject to receipt of funding.

## 3. Validation of GMA matters discussed at December workshop

The validation of GMA matters discussed at the December workshop was proposed by Cllr. P.J. Ryan and seconded by Cllr. John Crowe.

## 4. Community Grant Scheme 2019

Patricia O'Neill, Shannon MD highlighted the main points of this scheme, which has a total budget allocation of  $\leqslant$ 30,000 for 2019. This scheme will be advertised via the various media outlets within the coming week. The closing date for receipt of completed application forms is 4pm Friday 22<sup>nd</sup> February, 2019. Projects must be fully completed by 31<sup>st</sup> October, 2019 and approved funding must be drawn down by 15<sup>th</sup> November, 2019. This scheme was supported by all the Members.

Members acknowledged the work by Patricia O'Neill in relation to this Scheme.

## 5. Road Works Programme\Roads

Aidan O'Rourke informed the Members that it is anticipated that the funding for 2019 will be similar to 2018. Work is currently progressing on drawing up the Roads Works Programme for 2019. The direct labour projects are progressing well on time and in budget. Tender for footpaths will issue within the coming weeks. The Road Design Section has commenced preparation on the design of a pedestrian crossing at Cratloe Cross R462 and R458 Limerick Road, Newmarket on Fergus. Section 38 Notices on both schemes will be brought before the Members at the next Shannon MD Meeting.

Cllr. Cathal Crowe stated that in light of the weight restriction placed on Stonepark Bridge, Meelick due to structural defects that consideration should be taken on carrying inspections on other bridges. He also stated that Clare County Council should liaise with Andrew Dundas, Representative of the Clare IFA where these weight restrictions can impact on the farming community.

Cllr. P.J. Ryan also wished to point out that vehicles that weigh over the restricted weight are not covered by insurance if they use this bridge.

Cllr. Mike McKee requested that repair works be carried out to the pedestrian crossing at Aidan Park.

## 6. Notice of Motion submitted by Cllr. Gerard Flynn Ar moladh Cllr. Gerard Flynn Cuidithe ag Cllr. Mike McKee agus glacadh leis:

That Clare County Council provide information concerning a number of taking in charge processes in Shannon particularly: Dún na Rí, Cluain Alainn, Dún Áras, Cluainin, Radharc na Coille, and clarifications on the process covering time lines. The delays for property owners is creating a lot of difficulties as in most cases the builders

are gone out of business.

#### **Brian McCarthy replied as follows:**

<u>Dún na Rí</u> - A claim was made on the bond with the bondholders for this development in 2013. The outcome of our claim remains awaited despite our ongoing engagement with the bondholders. However, based on our most recent correspondence, it is expected that this matter will be resolved in the coming weeks. It is our intention that on receipt of the bond monies, they will be applied to undertake priority outstanding works in the estate prior to then formally commencing the Taking in Charge process.

<u>Cluain Alainn/Dún Áras</u> – Following our claims on the bonds for these developments in 2013 and our continued engagement with the bondholders and their agents, a settlement was reached in relation to the bonds and the bond monies were received at the end of November 2018. It is our intention to prepare tender documents during 2019 and to appoint contractors to complete the outstanding works in these estates, in consultation with Irish Water. We hope to initiate the Taking in Charge of these developments in advance of carrying out any works.

<u>Cluainin</u> - Following a claim on the bond for this development in 2016, the bondholders arranged for the works to be carried out in this estate during 2017/2018. The Statutory Process in relation to the Taking in Charge of this development commenced on  $1^{st}$  June 2018, it is our intention following receipt of surveys/drawings & maps from the bondholders, to then put a report before the Members at an upcoming Municipal District meeting.

Radharc na Coille - Following a claim on the bond for this development in 2013, the bondholders arranged for outstanding works to be carried out in this estate during 2018. It is our intention to commence the Statutory Process in relation to the Taking in Charge of this development on receipt of surveys/drawings & maps from the bondholders and confirmation that all outstanding works have been completed.

In each of the cases outlined above, it is evident that the negotiations with the Bondholders were complex and prolonged. The process of agreeing a Compromise Agreement/ Site Resolution Plan on each site was extremely slow but was resolved due to dedicated approach of the staff in the Planning Department, wider Local Authority and all parties involved. We would hope that further significant progress will be made on each of these developments during 2019.

On foot of queries raised by Cllr. Mike McKee in relation to bonds/bondholder, Liam Conneally outlined the complexities involved in this process and in drawing down a bond.

Cllr. Gerard Flynn made reference to the recent amendments to planning legislation where provision is made for the Planning Authority to have regard to previous developments by applicants which have not been satisfactorily completed. This will make it difficult for Developers to walk away from their responsibilities.

7. Notice of Motion submitted by Cllr. Gerard Flynn Ar moladh Cllr. Gerard Flynn Cuidithe ag Cllr. Mike McKee agus glacadh leis:

That Clare County Council prioritise a number of junction improvements in Shannon.

A/ The Junction at Bóthar na Rinne and Bóthar Droim and that the existing Pedestrian Traffic Lights be incorporated into the junction improvements. The current situation is creating serious difficulties for motorists and pedestrians as the entrance to Skycourt is also located at this location.

B/ The junction on Bóthar na Luachra and Tullyvarraga Road crossing to Slí an tSionnaig. This junction has been problematic for a number of years and especially during school times. What I'm requesting is for the Road Design Department of Clare County Council to come up with a design to improve traffic flow and safety at these 2 locations in Shannon and possibly put in a funding request to the TII under the Low Cost Safety Scheme if the Council cannot afford the cost.

#### Aidan O'Rourke replied as follows:

Improved control of traffic at these locations would likely require the installation of traffic signals the cost of which would be significant. An examination of the criteria under which such schemes advance, such as traffic speeds and volumes, pedestrian movements, accident history, reported near-miss incidents etc. will be undertaken at the earliest opportunity in order to ascertain whether the current facilities warrant improvement.

## 8. Notice of Motion submitted by Cllr. Gerard Flynn Ar moladh Cllr. Gerard Flynn Cuidithe ag Cllr. Mike McKee agus glacadh leis:

That Clare County Council carry out an urgent targeted approach to deal with the unsightly and dangerous state of some of the footpaths in Shannon in and around residential areas that are in a dangerous condition due to the growth of vegetation and that the removal of grass and weeds is carried out. The Tidy Towns volunteers are to be commended for their efforts but the Council and especially the County Gardening Section need to lend their support to bring Shannon to a higher level this season.

## Aidan O'Rourke replied as follows:

Footpath repair is prioritised primarily on the basis of condition of surface and frequency of usage. The works carried out by the Tidy Towns Volunteers are to be commended and this volunteerism adds huge value to the local community. The annual weed killing and spraying operations were carried out within the Municipal District in 2018 as per every year previously. Last year, due to the unseasonably hot weather experienced and a subsequent late season growth period we experienced additional unwanted vegetation growth. The mild weather over the Christmas period has assisted early growth. In consultation with the Councillors, a list of these areas will be drawn up and prioritised for remediation in conjunction with our footpath repair programme.

Cllr. Cathal Crowe stated that it would appear that the focus of the Gardening Section of Clare County Council is on Ennis town, whereas it should be a county wide service and questioned the equity of the budget being spread throughout the County when only one town benefits from this resource.

This was supported by all the Members.

## Notice of Motion submitted by Cllr. Mike McKee Ar moladh Cllr . Mike McKee. Cuidithe ag Cllr . Gerard Flynn agus glacadh leis:

That Shannon Councillors meet Senior Officials within the Planning Dept. and others, to agree a strategy to progress a potential "streetscape" within the town. This to be seen as a priority for all.

## Brian McCarthy replied as follows:

An allocation was made to Clare County Council on 26<sup>th</sup> November 2018 for funding under the Urban Regeneration and Development Fund in September 2018, for the "Development for a Strategic Masterplan for Shannon".

Clare County Council has requested a meeting with the relevant officials from the Department of Housing, Planning and Local Government to discuss the scope of any such Masterplan, noting the quantum of funding provided. Following on from that meeting, it is intended that a brief and scope for any such Shannon Strategic Masterplan will be drafted and at that stage, complementing and building on the objectives regarding placemaking and urban design in the existing *Shannon Town and Environs Local Area Plan*. I would envisage the Members of the Shannon MD would meet with relevant staff to input into this brief. The Masterplan will be undertaken, in line with resources, as a priority for the Economic Directorate and Clare County Council in 2019.

Cllr Mike McKee added that Shannon has not developed into a proper town due to the lack of a main street in the centre of the town. He stated that for Shannon to develop into a proper town, it needs a core or centre and at the heart of this is the street.

Cllr. Gerard Flynn stated that previous plans have not addressed this. He urged all stakeholders involved with the Venue Project to continue to work together to deliver this project with a view to transforming it from the "B" rating (which requires further development prior to being initiated) to an "A" rated project (projects which are ready to be initiated) under the URDF Scheme.

Liam Conneally stated that in relation to the URDF application that the comments from the Department were sparse and that he is awaiting a meeting with the officials of the Department on this. While Clare County Council has put a lot of time into the application which requires both a public and private partnership approach, a streetscape will require considerable funding and it is intended that the Venue would complement the streetscape. He further emphasised that it is paramount that all stakeholders are on board to deliver a successful project. The brief for the Strategic Master Plan is currently being prepared and this plan will be a starting point and will feed into a subsequent application to the Department for funding under the URDF. In the absence of such a plan, the Department was reluctant to fund a site without a context. The expectation is that a Cat A application will be submitted in the coming months.

## 10. Notice of Motion submitted by Cllr. Mike McKee Ar moladh Cllr. Mike McKee. Cuidithe ag Cllr. Gerard Flynn agus glacadh leis:

That Clare County Council reverse their decision on the grass cutting policy of estates about to be taken in charge and treat all estates equally.

## Aidan O'Rourke replied as follows:

We are fortunate in this country to have citizens who take pride and interest in the public spaces in their locality. Many of the public spaces in the county are maintained by community groups, tidy towns committees, social employment schemes and others. The grass cutting which is carried out by Clare County Council is being maintained for historical reasons. Policy changes in this regard began to evolve in the 1990s which resulted in public open spaces in new housing estates becoming the responsibility of the communities which benefit from them. This approach has yielded some benefits, namely:

- 1. Where maintenance of public open space demands the attention of communities, it can become a focus for the community and improve local community spirit.
- 2. Where communities take on the responsibility, they tend to be much more attentive to the issue than the local authority can be in many cases the result surpasses normal expectation in that flower beds and various other innovations emerge which are all for the benefit and well-being of the community.
- 3. Cost savings from the local authority perspective.

Funding for green area maintenance in the Shannon Municipal District has increased by 0.15% in the period 2015 to 2019 where the tendered cost of grass cutting increased by 15% following open competition. It is estimated that countywide, the level of funding for grass cutting would need to be increased from the current amount of  $\{0.15\%,0.00\}$  per annum to  $\{0.15\%,0.00\}$  in order to cut all areas within the county. Given the current pressures on budgets, and where funding remains at a critically low level since 2008, it is unlikely that the required amount will be forthcoming in the short to medium term.

Cllr. Gerard Flynn stated that there are inequities in how this service is delivered throughout the County. The Members further stated that householders paid the property tax on the assumption that services such as grass cutting would be carried out by the Local Authority.

It was agreed that this would be raised as a Motion at the full Council for budgetary consideration.

## 11. Notice of Motion submitted by Cllr. Mike McKee

Ar moladh Cllr . Mike McKee.

Cuidithe ag Cllr. Gerard Flynn agus glacadh leis:

That Clare County Council repair the footpath from Gleann na Smol to Inis Fail, Shannon.

## Aidan O'Rourke replied as follows:

This footpath is not on the list for remediation under current available funding. It will be added to the list of footpaths to be considered for funding under future footpath remediation allocations.

At this stage of the meeting it was proposed by Cllr. Gerard Flynn and seconded by Cllr. Cathal Crowe to suspend the standing orders in order to continue with the business of the meeting.

Items 12 to 14 - Notice of Motions from Cllr. P.J. Ryan were dealt with earlier in the meeting.

#### 15. Notice of Motion submitted by Cllr. Cathal Crowe.

Ar moladh Cllr . Cathal Crowe Cuidithe ag Cllr . John Crowe agus glacadh leis:

That Irish Water -

- (I) replace the section of old water mains piping between Westbury and Clancy's Shop, Parteen.
- (II) Take in charge the Quinpool Group Water Scheme.
- (III) Install a pressure booster pump in the townland of Newtown, Clonlara to provide a higher pressure of water to homes in the Churchfields estate.

It was agreed that the Shannon MD would write to Cyril Feeney, Senior Engineer, Water Services for his comments prior to referring to Irish Water.

#### 16. Notice of Motion submitted by Cllr. Cathal Crowe.

Ar moladh Cllr. Cathal Crowe

Cuidithe ag Cllr. Gerard Flynn agus glacadh leis:

That Clare County Council and Transport Infrastructure Ireland prioritise, in 2019, the provision of a widened carriageway, pedestrian footpath, cycleway and street lighting between the terminal point of 'Phase 1' of the Limerick Northern Distributor Road and Meelick village.

## Seán Lenihan replied as follows:

The Members will be aware that the Coonagh Knockalisheen proposal forms Phase 1 of the Limerick Northern Distributor Road (LNDR) project. It is currently being progressed by Limerick City & County Council and is hoped to go to Tender in the coming weeks with construction expected to commence in late Summer. Phase 1 was permitted by An Bord Pleanála following an Oral Hearing in 2012.

The scheme permission for Phase 1 does not include the works as described in this motion. However, as we progress Phase 2 of the project, we can appraise the need and consider any necessary infrastructural provision that may be identified as being required. The next meeting of the Project Steering Group is scheduled for January 23rd and I will ensure that the contents of this motion be noted and considered.

Cllr. Cathal Crowe raised concern about the safety of a dual carriageway exiting onto a minor rural road at Knockalisheen, Meelick. He further stated that he would be requesting John Leahy, Senior Engineer to make more funding available for this rural road under the Road Works Programme 2019.

#### 17. Notice of Motion submitted by Cllr. Cathal Crowe.

Ar moladh Cllr. Cathal Crowe Cuidithe ag Cllr. Gerard Flynn agus glacadh leis:

That Clare County Council, Limerick City & County Council, Irish Rail and Transport Infrastructure Ireland explore the possibility of providing 'park and ride' facilities in proximity to the old Long Pavement Station site in Parteen.

## Aidan O'Rourke replies as follows:

The provision of park and ride facilities for Limerick City is primarily a matter for Limerick city & council. A letter will issue to Limerick City and County Council advising them that this site is potentially suitable and that the location should be considered when planning for future park and ride facilities.

Liam Conneally informed the meeting that this has been identified under the Metropolitan Area Strategic Plan (MASP). The Draft RSES identified the need to prepare a Transport Plan which takes into account the area in question. Jacobs Engineering have been appointed and significant work is ongoing in this area which is part of an overall Transport Plan for the Metropolitan Area. C Kirby (Director of Physical Development) and Liam Conneally have attended workshops in relation to this and will identify Park & ride facilities as part of an overall transport plan for the metropolitan area.

## 18. Notice of Motion submitted by Cllr. Pat McMahon.

Ar moladh Cllr. Pat McMahon Cuidithe ag Cllr. John Crowe agus glacadh leis:

That Clare County Council consider reducing the speed limit in the general area of Clonmoney School, Newmarket-on-Fergus and the entrance to The Wells Church, Newmarket-on-Fergus, as some motorists use excessive speed in this area.

## Aidan O'Rourke replied as follows:

The main road in the vicinity of Clonmoney National School is the L-3177 and this is governed by a speed limit of 80 km/hr. Any changes to speed limits are considered in the context of the County-wide speed limit review and this proposal will be put forward for consideration at the next such review. If there are on-going concerns regarding speeding by some motorists then this may be an enforcement issue for the Gardai.

This Notice of Motion was supported by Cllr. John Crowe who raised concern about the volume of traffic on this busy roadway.

Cllr. Gerard Flynn also requested that Aidan O'Rourke make contact with the TII in relation to the new road layout at the Drumline Interchange which has now resulted in significant backlogs of traffic at this location during peak times.

## 19. Notice of Motion submitted by Cllr. Pat McMahon.

Ar moladh Cllr. Pat McMahon Cuidithe ag Cllr. John Crowe agus glacadh leis:

That Clare County Council take over the road leading to "Noonan's Residence", Mooghaun, Newmarket-on-Fergus, as there is an increase in the volume of traffic on this road.

## Aidan O'Rourke replied as follows:

A policy for consideration of the taking in charge of roads under section 11 of the Roads Act 1993 was approved in September 2015. Section 11 outlines the following requirements:

•A public right of way must exist over the area in question.

- •The road authority shall satisfy itself that it is of general public utility.
- •The road authority shall consider the financial implications for the authority.
- A public consultation process must be initiated and all representations/objections must be considered.

From a desktop study, this 800m long road in the townland of Ayleacotty, Newmarket on Fergus was first constructed between 1842 and 1888 and currently serves five houses as well as farmland access. Given its age, it has been maintained by parties unknown in the past.

Part 4.1 of the councils policy on this matter states that:

"The process can be initiated on foot of an application or proposal from a member of the general public or a Councillor. It is a matter for the Elected Members of the Municipal District in which the road in question is located to decide whether the process as outlined under Section 11 of the 1993 Roads Act should proceed" If the members agree, the process can progress to step 4.2 as outlined in the policy, Public Consultation.

## 20. Notice of Motion submitted by Cllr. Pat McMahon.

Ar moladh Cllr. Pat McMahon Cuidithe ag Cllr. John Crowe agus glacadh leis:

I am requesting Clare County Council to ask Shannon Group to seriously consider the purchase of the Shannon Shamrock Hotel, Bunratty, Co. Clare. To consider the creation of a historic theme park and also to alleviate car parking problems at certain times during the year.

It was agreed that the Shannon MD would write to Shannon Group in relation to this Motion.

### 21. Notice of Motion submitted by Cllr. John Crowe.

Ar moladh Cllr. John Crowe.

Cuidithe ag Cllr. Gerard Flynn agus glacadh leis:

That due to the large number of pedestrians using the bridge, I am looking for a feasibility study regarding a footbridge being erected over the O'Garney River for the safety of pedestrians and motorists alike.

## Aidan O'Rourke 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. Although a source of funding for this project is not available at present, a reexamination of the proposal which was formulated in 2007 will take place.

Cllr Gerard Flynn advised that Aidan O'Rouke might liaise with Leonard Cleary, Rural Development in relation to this as this was a project under the former UVR scheme.

## 22. Notice of Motion submitted by Cllr. John Crowe.

Ar moladh Cllr. John Crowe.

Cuidithe ag Cllr. Gerard Flynn agus glacadh leis:

With the 3 housings estates on the Rossmanagher Road, (Sycamore Close, Rowan View and Gort na nUll), and for the safety of the children from these estates using the road daily, I am looking for traffic calming measures on this road.

#### Aidan O'Rourke replied as follows:

A traffic count and examination of accident history will be carried out at the earliest opportunity to inform what measures might be warranted along this road.

#### 23. Notice of Motion submitted by Cllr. John Crowe.

Ar moladh Cllr. John Crowe. Cuidithe ag Cllr. Pat McMahon agus glacadh leis:

Due to roadworks that have been taking place over a period of years in Sixmilebridge, it has come to my attention that the roads and footpaths need to be resurfaced.

## Aidan O'Rourke replied as follows:

An upgrade to sections of the footpath running from the town centre to the Graveyard along the R462 is included in the footpath works proposals for 2019. Resurfacing of a section of roadway at Church view, Sixmilebridge is programmed to take place in 2019.

In consultation with the Councillors, a list of other areas will be prepared to be assessed for remediation in conjunction with future footpath & roadwork repair programmes.

#### 24. AOB

- Cllr Gerard Flynn requested that Aidan O'Rourke make contact with the TII in relation to Shannon Town Roundabout with a view to removing the shrubbery on this roundabout.
- Cllr. Mike McKee requested that the Shannon MD would write to the Department of Education to follow up in relation to the provision of an ASD Unit in Ballycar National School which was the subject of a previous Notice of Motion.
- Cllr. Cathal Crowe raised concern in relation to making bus stops user friendly for persons in wheelchairs and with physical disabilities and that financial provision should be made in relation to this.
- Cllr. Mike McKee proposed a vote of solidarity for the Nurses that are due to go on strike. This was seconded by Cllr. John Crowe.

It was agreed by all that the date for the next Shannon MD Meeting is Tuesday 19th March, 2019 at 9:45am.

This concluded the business of the Meeting.	
Signed: Cllr. Gerard Flynn Cathaoirleach.	
Signed: Meetings Administrator.	
Dated: March, 2019.	