**Minutes of the February 2021**

**Meeting of the Municipal District of Ennis Committee,**

**held at 10.30am on Tuesday 2nd February 2021,**

**online via Microsoft teams**

**Online:**

**Councillors:** P. Murphy, M. Nestor, C. Colleran-Molloy, M. Howard, P. Daly, J. Flynn, A. Norton.

**Officials:** Carmel Kirby,Director of Services, Leonore O’Neill, Senior Executive Officer, Niamh O Connor, Administrative Officer & Meetings Administrator, Eamon O’Dea, Senior Executive Engineer, Lily McInerney, Staff Officer.

**Item No. 1. Minutes of the January 2021 Meeting of Municipal District of Ennis Committee held on 19th January 2021 at 10.30am**

*This item was proposed by Cllr. P. Daly, seconded by Cllr. A. Norton and agreed by all members.*

**Item No. 2. Matters Arising**

Condolences were extended by Cllr. A. Norton to the family of the late Bridie Frawley (R.I.P.), Lahinch Road, whose son Colum works for Clare County Council. Bridie played an important role in her community for forty years, involved with her Parish and Tidy Towns. May she rest in peace. Cllr. Norton also acknowledged family bereavements experienced by other Council staff since the beginning of the pandemic.

Condolences were extended by Cllr. P. Murphy to the Gallery family, Rockmount, following the death of Mary Gallery. Mary will be remembered for her involvement in coursing, with many successes in Clonmel. May she rest in peace.

The issue of “Home Savers” out-of-town trading at Ballymaley Business Park was raised by Cllr. J. Flynn who requested this be included on the agenda for County Council Meeting on 8th February. The Mayor and Director of Services informed the meeting that there is an open file on this case with the Planning Authority and that the Executive could not comment at this time.

**Item No. 3. Section 38 Road Traffic Act 1994: Proposed Traffic Calming Measures: Pedestrian “Zebra” Crossing at Kilnamona, Ennis, Co. Clare.**

*This Item was proposed by Cllr. J. Flynn, seconded by Cllr. A. Norton and agreed by all members.*

Eamon O’Dea, Senior Engineer, informed the meeting that a number of submissions had been received, further to which, the proposed location of the pedestrian crossing was moved. The crossing will deliver safer access to Kilnamona N.S.

**Item No. 4. Clare Tourism Advisory Forum**

The nomination of Cllr Paul Murphy to represent Ennis MD on the Clare Tourism Advisory Forum was proposed by Cllr. J. Flynn, seconded by Cllr. A. Norton and agreed by all members.

**Item No. 5 Notice of Motions**

**No. 1 Notice of Motion submitted by Cllr. A. Norton**

As we see so many people walking now as COVID has restricted people from going outside 5km I’m asking Ennis MD to make sure that footpaths are safe and maintained and with cold icy weather that footpaths are salted where possible to prevent accidents.

***Eamon O’Dea, Senior Engineer, responded as follows:***

*As cold spells in Ireland are normally of short duration it is difficult to structure a maintenance schedule for footpath salting or gritting. Where cold weather conditions prevail the key access point within the town and steeper sloped footpaths around the town are salted or gritted. It would be very difficult to make sure that footpaths were safe as there are finite resources available and the larger gritting trucks would be on a strict rotation for scheduled gritting under the Council’s Winter Maintenance Programme.*

*Seconded by Cllr. J. Flynn and agreed by all Members.*

Eamon O’Dea’s response was acknowledged and Cllr. Norton added that the motion was inspired by the increased numbers of walkers generally.

**No. 2 Notice of Motion submitted by Cllr. M. Howard**

I request that Ennis MD include the "Back Road" in Barefield Village (From Considine's Pub to Trinaderry) for footpath extension and landscaping with the funding allocated under the recent "Town & Village Renewal Scheme"

***Eamon O’Dea, Senior Engineer, responded as follows:***

*The funding under the Town and Village Renewal Scheme relates to the provision of a combined walkway-cycleway from the R458 Roundabout on the Ennis side of the village to the R458 at Clare Crusader’s Clinic. The funding provided will only cover the works proposed and following the implementation of this phase further applications can be made for expansion of the scheme in Barefield by means of the T&VRS or Active Travel Funds.*

*Seconded by Cllr A. Norton and agreed by all Members.*

Eamon O’Dea outlined that the longer term road realignment is awaited, currently only the walkway-cycleway is included in funding approved under the Town and Village renewal scheme. Further extensions can be applied for in future applications. Cllr. M. Howard emphasised the benefits to local residents of having the footpaths in question upgraded under the ‘Active Travel’ or ‘Town and Village Renewal’ schemes.

**No. 3 Notice of Motion submitted by Cllr. J. Flynn**

I call for Ennis Municipal District Office to carry out works to include road safety improvements in 2021 roads budget to deal with Cappahard Lane in light of increased speed, traffic, lack of sections of road markings, sections of footpaths, sections without public lighting, etc.

***Eamon O’Dea, Senior Engineer, responded as follows:***

*The Ennis MD intend to seek funding under the Active Travel Fund for the provision of footpaths on Cappahard Lane.*

*Seconded by Cllr. C. Norton and agreed by all Members.*

Cllr. Flynn described how this wide roadway, which also links into Cappahard housing estates for which development contributions would have been made, has no road markings or lighting, and that even temporary solar lighting would be beneficial. Eamon O’Dea explained that the funding would be sought under the ‘Active Travel’ funding scheme as there is no national funding available for same at present.

**No. 4 Notice of Motion submitted by Cllr. M. Nestor**

This motion is requesting Clare County Council to temporarily install cameras in certain areas of Cloughleigh with the view of tackling illegal dumping taking place in the area.

***Cyril Feeney, Senior Engineer, responded as follows:***

*The Data Protection Commissioner has carried out a number of audits of Local Authorities in recent years. One of the main findings to date outlined by the Commissioner is her concern regarding the use of CCTV under the Litter Pollution and Waste Management Acts.*

*There does not appear to be in her opinion a sound legal basis to prosecute offences utilising CCTV under these Acts.*

*We have also sought legal advice on the matter and out of an abundance of caution have determined that the more prudent approach would be to utilise Section 38 of the Garda Siochana Act.*

*At the Joint Policing Committee (JPC) meeting held in October 2020 a resolution was passed supporting Clare County Council to seek the permission of the Garda Commissioner to allow the Council operate CCTV under Section 38 of the Garda Siochana Act for the prevention and detection of illegal dumping.*

*We are currently awaiting a reply from the Commissioner and therefore it is premature to install CCTV in this area for the purpose outlined in the notice of motion.*

*Seconded by Cllr A. Norton and agreed by all Members.*

Cllr. M. Nestor acknowledged the response but voiced disappointment at restrictions on the use of CCTV, and how data protection legislation has resulted in more focus on protecting the identity of those carrying out the acts. He welcomed the latter half of the response and sought an update on the Council being granted the authorisation referred to under Section 38.

Discussion ensued and all Members showed strong support for this motion, noting how widespread and prevalent dumping has become and how those responsible continue to evade prosecution. Cllr. Nestor informed the meeting of an email received from Senator Malcom Byrne stating that he is bringing a bill through the Oireachtas to deal with this issue.

It was agreed that the Executive would follow up with JPC to determine if the Garda Commissioner responded on the authorisation to use S38 for prosecution under illegal dumping.

It was agreed that the Executive would request a report from the Environment Section on the implementation of household waste disposal byelaws.

**No. 5 Notice of Motion submitted by Cllr. C. Colleran-Molloy**

That the lanes in Ballybeg Woods be examined for new gravel as some areas are quite mucky.

***Eamon O’Dea, Senior Engineer, responded as follows:***

*The Ennis MD will examine the paths in Ballybeg Woods and carry out required maintenance. An application may be considered under the lower level ORIS funding for repair of specific pathways in the Wood.*

*Seconded by Cllr. M. Howard and approved by all Members.*

The response from Eamon O’Dea was acknowledged and Cllr. Colleran-Molloy stressed that the area in question is so popular for families that maintenance of the paths was recommended. Cllr. Howard supported the motion and requested that Lees Road be included for consideration. Members voiced support for this motion and many comments were made on the importance of maintaining and enhancing these highly valued recreational routes.

Discussion ensued regarding protection of natural amenities including trails. It was highlighted that the Rocky Road landowner is still interested in talking to the Council. The members asked that the Executive consider this request.

**No. 6 Notice of Motion submitted by Cllr. J. Flynn**

Cllr Flynn amended his original notice of motion at the meeting removing the reference to Knockaneen school.

*Original Notice of Motion*

I call for Ennis Municipal District Office to provide funding in 2021 Ennis MD Roads budget to carry out works, including a statutory public consultation process, for upgrade of the existing public link between Tulla Road, Knockaneen road and onwards to/from Knockaneen school for cycling & pedestrian usage.

*Revised Notice of Motion*

I call for Ennis Municipal District Office to provide funding in 2021 Ennis MD Roads budget to carry out works, including a statutory public consultation process, for upgrade of the existing public link between Tulla Road, Knockaneen road.

***Eamon O’Dea, Senior Engineer, responded as follows:***

*Attached is an extract from the conclusions of the Ennis MD Planning Report on the Knockanean School Planning Permission and the priorities of the Ennis MD would be to join up the existing pedestrian networks in the vicinity of Ennis and improve active travel connectivity in Ennis MD:*

*“The Ennis MD Office has to identify the roads infrastructure and transport needs in regard to the proposed application. It is the opinion of the Ennis MD Office that if this application is given by the Planning Authority that immediate demands will come from the parents & guardians of the pupils and the local residents for road improvement works to undertaken on the L4106. We have a number of Notice of Motions from the Ennis MD Councillors on this matter.*

*As outlined in our previous report that these works may not meet the required warrants for means of land acquisition (it is likely that a CPO would be required) and a means of funding the project. It is and would not be an immediate priority for funding within the Ennis MD and the overall Clare County Council list of priorities for roadworks funding.*

*At present there is Transportation funding required to join up the existing pedestrian network in the vicinity of Ennis and to provide necessary improvements to the Regional and Local road networks and it would be very difficult to identify the L4106 as priority over these works.*

*The Ennis MD Office notes that the present capacity of the school is in the order of 300 pupils and previous planning permissions have permitted the conversion of long term temporary accommodations to fixed structures and that the proposed works is a qualitative improvement to the school buildings and to the delivery and collection of pupils by car or bus from the existing system on the L4106. The process for delivery and collection of the pupils has to be carried out as detailed in the FI response in the proposed set down area within the school grounds.  It is unlikely that substantial road improvements will be carried out on the L4106 adjacent to the school for reasons outlined above therefore the primary means of access to the school will be by car or bus”. There will be a need to provide improved road surfacing in the immediate frontage of the school to permit appropriate line marking, requiring a special contribution of €40,000 and two advance school VMS Signs requiring a special contribution of €10,000 (The Ennis MD Office would consent to a waiver or refund of these contributions were the works to be carried out by the school contractor under a road opening licence from the Council).*

*Seconded by Cllr. P. Murphy and agreed by all Members.*

Cllr. Flynn outlined how a large part of the road is overgrown but that as long as it doesn’t impede on boundary homes, and had restricted vehicular access, that it showed potential for a safe cycle-way and short-cut to the school. A discussion ensued on the viability at a future time of having the upgrade considered and Cllr. Colleran-Molloy also voiced support. Eamon O’Dea clarified that the road is a link between Tulla Road and the town side of the old N18, that it is an old public road, and that this designation as a public road was never formally removed. He reminded Members that commitment would be required by them at consultation stage when objections are typically received.

**No. 7 Notice of Motion submitted by Cllr. P. Murphy**

I refer to the improvements to the flood defences along the River Fergus, particularly in Ennis town and down as far as Clareabbey which form part of the Ennis South Flood Relief Scheme (March 2019 - August 2021).

I am now requesting that Ennis MD and Clare County Council in collaboration with the following and any other relevant stakeholders Ennis Chamber of Commerce, Ennis Traders Group, Retail Excellence Ireland prepare a document which will detail the improvements to the flood defence system and document how the risk of flooding has been minimised as a result of the work completed.  It will be important to ensure that the information provided will meet the requirements of Insurance companies from a risk management perspective.  The document to be made freely available to any homeowners and business across the Ennis MD to allow them obtain or retain insurance against flooding.  I am also requesting that CFRAMS reports be updated accordingly and in a timely fashion going forward.

***Eamon O’Dea, Senior Engineer, responded as follows:***

*The Ennis MD Office have forwarded the Notice of Motion to the OPW Flood Scheme Project Office and to the persons working on the CFRAMS project in the Council for response. A more detailed response will be provided when the replies come from the OPW and the CFRAMs project person.*

*Seconded by Cllr. A. Norton and agreed by all Members.*

Members voiced support for this motion. It was noted that home and business owners are doubly burdened with the cost of original flooding damage and the ensuing flood risk premiums.

Eamon O’Dea clarified that the OPW carried out some of the flood defence works while Clare County Council carried out others. He advised that the OPW has a Memorandum of Understanding with Insurance Ireland, the representative body of the insurance industry. Insurance Ireland members have committed to take into account all information provided by OPW when assessing exposure to flood risk within these protected areas. However, the decision on whether to offer insurance, the level of premiums charged and the policy terms applied, are matters for individual insurers.

A full response will be provided once a reply is received from the OPW.

**No. 8 Notice of Motion submitted by Cllr. M. Nestor**

This motion is requesting Clare County Council to explore the possibility of installing public lighting on the Golf Links road.

***Eamon O’Dea, Senior Engineer, responded as follows:***

*The Ennis MD recommended planning conditions on developments at Ballymacaulla, Beechpark for a special contribution to cover the cost of the provision of public lighting on Circular Road from Golf Links Road to Drumbiggle Rd. Junction. The Woodhaven Development’s scheme is under construction and an Bord Pleanala approved the Abadair scheme in December 2020 and the Ennis MD Office will inquire from the Planning Section regarding the special contributions for the provision of public lighting on Circular Road.*

*Seconded by Cllr C Colleran-Molloy and approved by Members.*

This Motion was supported by many members and the issue of public lighting comes up regularly for residents as a safety issue and the fact that specific funding appears to be difficult to obtain. Eamon O’Dea clarified that the housing estates referred to in the motion have only recently received planning permission and that contributions to public lighting form part of the conditions.

**No. 9 Notice of Motion submitted by Cllr. P. Daly**

In view of the considerable benefits for Tourism & Economic Development, that Ennis Municipal District advance Ennis Town’s claim for city status.

*Seconded by Cllr P. Murphy and agreed by all Members.*

Cllr P. Daly highlighted the many distinguishable characteristics of Ennis which support its feasibility to gain ‘City’ status. He stressed that city status attracts higher quality funding, making reference to Kilkenny and Sligo.

This motion was strongly supported by Members and Cllr. Daly was commended for his research on same.

The Director highlighted that Ennis has been designated by the Southern Regional Assembly a key town in the Regional Spatial and Economic Strategy~~.~~

It was agreed that the Executive would meet with Planning Department regarding this item.

**No. 10 Notice of Motion submitted by Cllr. C. Colleran-Molloy**

That sections of footpath on the Kilrush Road at the Gallows Hill entrance be examined for resurfacing as there are serious gaps and holes that could pose a health & safety risk.

***Eamon O’Dea, Senior Executive Engineer, responded as follows***:

*The footpaths will be inspected and included for consideration in the Roadworks Programme 2021.*

*Seconded by Cllr. M. Nestor and agreed by all Members.*

Cllr. Colleran-Molloy thanked Eamon O’Dea for this response.

**No. 11 Notice of Motion submitted by Cllr. P Murphy**

CLAREABBEY ROUNDABOUT

I am requesting an update from the roads department on progress on the three draft proposals that were submitted to Transport Infrastructure Ireland regarding improving safety for pedestrians and cyclists at Clareabbey Roundabout, thereby potentially providing much needed freedom of movement and improved mobility. Also, an update on the proposed Sustainable Biodiversity Project that was proposed by Notice of Motion in November 2019, and the Artistic Proposal that was referenced in response.

***John Gannon, Senior Executive Engineer, responded as follows:***

*The Road Design Office has received approval in principle from the TII for the preferred design option submitted. The next steps required by the TII are to carry out baseline traffic speed and traffic volume counts including pedestrian and bicycle counts, to carry out a safety audit of the preferred design and to update the feasibility report with cost projections for the various design options submitted. In advance of any statutory process commencing a preliminary design report focusing on the preferred option is required to be submitted to TII before final approval is granted.*

***Siobhan Mulcahy, Clare County Arts Officer, responded as follows:***

*Sustainable Biodiversity Project.*

*A commission brief for the Artwork is currently being developed and preparations are underway to launch a call for proposals in the coming weeks.*

*Seconded by Cllr. A. Norton and agreed by all Members.*

Cllr. P. Murphy acknowledged the response reiterating his dissatisfaction with the TII’s timeframe for the upgrade. He also welcomed the response from Siobhan Mulcahy on the biodiversity aspect due to the bland appearance of the roundabout. Cllr. Norton supported this motion recommending that the safety concerns at the roundabout be highlighted to the TII.

**No. 12 Notice of Motion submitted by Cllr. M. Howard**

I request Ennis MD to provide a fence at the back of the goal posts at the open pitches in Lee's Road- John O'Sullivan Park.

***Tim Forde, Manager of Sports & Recreation, responded as follows:***

*The installation of catch netting or fencing has not been provided for in the 2021 budget for Sports & Recreation nor is it in the Works Plan.*

*We will however, investigate costings for same and make an application under any relevant funding streams that become available.*

*Seconded by Cllr A. Norton and agreed by Members.*

Cllr. M. Howard acknowledged the response adding that a small positive action here would bring a result and make life easier for people.

**No. 13 Notice of Motion by Cllr. P Daly**

I ask Ennis Municipal District to consider putting down a footpath between Lissane Cross and Green Lawn, Clarecastle as it is a very popular area for walkers.

***Eamon O’Dea, Senior Engineer, responded as follows:***

*Ennis MD has a number of locations within the urban and suburban areas of Ennis and Clarecastle where provision of footpaths are required. It is unlikely that funding would be available for the extension of footpaths into the more rural areas at this time.*

*Seconded by Cllr. P. Murphy and agreed by all Members.*

Cllr. P. Daly acknowledged the response from Eamon O’Dea, adding that he hopes the works can be carried out at a future point. This motion was supported by Cllr. P. Murphy who added that this work would bring significant benefit to this popular walking route.

**No. 14 Notice of Motion by Cllr. A. Norton**

Can Ennis MD look at tidying walls where branches and hedging are growing out of them. Example the area between the Skoda garage and the footpath down to Ballyallia Lake

***Eamon O’Dea, Senior Engineer, responded as follows:***

*The Ennis MD will bring to the notice of householder and landowners their responsibilities in regard to keeping roadside hedgerows from obstructing the public road or footpaths. Where necessary the Council shall carryout hedge cutting and verge trimming. If Councillors are aware of specific locations where footpaths are obstructed can they please forward the locations to the Ennis MD Office****.***

*Seconded by Cllr. J. Flynn and agreed by all Members.*

Cllr A. Norton acknowledged the response and thanked Eamon O’Dea.

**Item No. 6 Correspondence**

Cllr P. Murphy, at the request of the correspondents, read out an email sent to Ennis Municipal District Councillors on 5 January 2021, from a Mary Collins and Cary Languirand. These individuals wished to make it officially known to Ennis Municipal District that they were not happy with, nor had they agreed with being quoted as endorsers of, a complaint to Ennis Municipal District in August 2020, describing the “disgraceful appearance of Buttermarket in the centre of Ennis”. They wished to ensure that this explanation reached all members of Ennis Municipal District and added that permission had never been sought or given to use their names. They also thanked Ennis Municipal District for the service provided.

**Item No. 7 Any Other Business**

* Girroga Heights / Ashfield Park – Cllr. J. Flynn requested that the looped footpaths be included in Schedule of Municipal District Works, as these estates house many families and elderly residents.
* It was agreed that €10,000 remaining in 2020 GMA be used to assist ‘Promote Ennis’ for the ‘Niche Destination Plan’.
* Cllr. M. Nestor requested that An Garda Siochana be officially requested to monitor ‘boy-racer’ activity on the Gort Road which was causing a disturbance to residents in the area. Leonore O’Neill SEO reminded Members that this type of request should fall under Notices of Motion and have the benefit of proposer and seconder, but committed to discussing the issue with An Garda Siochana.

Chair Cllr P. Murphy thanked everybody present and closed the meeting at 13:00.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor of Ennis

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Meetings Administrator

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