

**Minutes of Meeting of the Killaloe Municipal District held on Wednesday, 9th March, 2016
at 3.00 p.m. in the offices of the Municipal District at Mountshannon Road, Scariff.**

In attendance: Cllr. Joe Cooney
Cllr. Pat Hayes
Cllr. Michael Begley
Cllr. Pat Burke
Cllr. Tony O'Brien
Cllr. Alan O'Callaghan

Officials: Ms. Carmel Greene, Senior Executive Officer.
Mr. Ger Dollard, Director of Services.
Mr. Tom Tiernan, Senior Engineer.
Mr. Pat Henchy, Executive Engineer.
Mr. Kieran O'Donnell, Administrative Officer.
Ms. Pauline Costelloe, Staff Officer.

Vote of sympathy.

A vote of sympathy was extended to Cllr. J. Cooney on the death of his aunt Bridget McNamara, Scariff and also to Kieran O'Callaghan, Executive Engineer, Housing on the death of his father Denis O'Callaghan, Feakle.

Item 1 Minutes of Killaloe Municipal District Meeting held on 21st January, 2016.

The minutes of the Killaloe Municipal District Meeting held on 21st January, 2016 were adopted having been proposed by Cllr. J. Cooney and seconded by Cllr. A. O'Callaghan.

Item 2 Date for next meeting.

It was agreed that the next meeting will take place on the 18th May, 2016 at 3.00 p.m.

Item 3 Funding from Limerick Hinterland Study.

The members noted the decision of Clare County Council on Monday, 7th March to make a submission to the Department of Environment, Community and Local Government on the following basis:

- Provision of playground facilities in the Westbury/Parteen area - €185,000
- Provision of playground and footpath in Meelick area - €105,000
- Development of amenity and recreation spaces in Limerick Environs area - €85,000
- Implementation of elements of the Shannon Green Infrastructure Plan - €85,000
- Provision of Cycleways, Smart Travel Initiatives in Ennis and at Gillogue/Garraun - €185,000
- Provision of a car park in Killaloe - €35,000
- Development of a park at Tobermurragh/Bane's Field Killaloe - €35,000
- Extension of walking routes between Killaloe and Ogonnelloe - €85,000

Ger Dollard advised the members that Clare County Council had, at their meeting, agreed to amend the original proposal to include the provision of €105,000 towards a playground and footpath in the Meelick area by reducing the proposed allocation to each of the other seven areas by €15,000.

Item 4 Establishing of Town Teams – Discussion document.

Ger Dollard advised the members that at the July 2015 meeting of the Council, a motion was adopted asking that the Council would examine the feasibility of Town Teams in each Municipal District to stimulate town and village renewal. The CEDRA Working Group has now agreed that a discussion document would be forwarded to each Municipal District for consideration.

The concept of Town Teams was to create an informal partnership between the public, private, voluntary & community sector that would put the focus back into the development of our towns. The members agreed with the concept of Town Teams so long as they did not undermine their role as local representatives. However, they were concerned that any Town Teams that were established would need to be properly resourced and that adequate funding would need to be set aside to ensure that these Town Teams could make a meaningful contribution.

Ger Dollard agreed to take the views of the meeting back to the CEDRA sub-committee and they will consider same before deciding whether to make a further proposal to the full Council.

Item 5 Draft Clare County Council Local Economic & Community Plan.

Brian McCarthy, Senior Planner had circulated a detailed report with the agenda on the consistency of the LECP with the core strategy and the objectives of the development plan of the Council. The members considered the report submitted and the following resolution was proposed by Cllr. J. Cooney, seconded by Cllr. A. O'Callaghan and agreed by the members.

“Pursuant to the provisions of Sections 66C (2)(b)(i) and 66C (3)(b)(i) of the Local Government Act 2001 as amended by the Local Government Reform Act 2014, the members of the Killaloe Municipal District Committee hereby consider that the economic and community elements of the Draft Clare County Council Local Economic and Community Plan (LECP) are consistent with the core strategy and objectives contained within the Clare County Development Plan 2011-2017, the Ennis & Environs Development Plan 2008-2014, the Kilrush Town & Environs Development Plan 2014-2020, the Draft Clare County Development Plan 2017-2023 and the Regional Planning Guidelines and further that both elements (economic and community) are

consistent with each other and hereby adopts the Draft Clare County Council Local Economic and Community Plan.

The Committee further recommends that the Draft Clare County Council Local Economic and Community Plan be considered by the Economic Development & Enterprise Strategic Policy Committee, the Local Community Development Committee and Clare County Council.”

Item 6 Funding for roads damaged by recent flooding.

The members noted the details of the Flood Damage Remediation Programme 2016 for the Killaloe Municipal District which had been circulated prior to the meeting. In total, funding in the sum of €796,860 was being made available. The members welcomed the funding but expressed their concern about the damage caused to the road network in the Municipal District by the recent wet weather and the deterioration of many roads. The members outlined a number of areas that had not been included in the programme including

- Ballynakillew, Whitegate
- Ruan
- Ballycar
- New Quay.

Tom Tiernan, Senior Engineer in response noted the concern of the members. He outlined that the total allocation received by the Council was €2.8 million, which was in response to a submission which had requested €3.7 million. As a result of this reduction in funding, the programme had been reduced with priority being given to damaged roads. He advised the members that the Circular received had advised that there would be a second tranche of funding available at a later stage. The 29th of April will be the deadline for submission of our second request for funding which is intended to augment funding already received for some works and also to provide funding for new works. The members agreed to consider works that they felt should be included in this submission and forward these to Hugh McGrath and Tom Tiernan.

Item 7 Consideration of Schedule of Municipal District Works.

A detailed Schedule of Municipal District Works for 2016 had been circulated with the agenda. This document outlined the proposed expenditure in 2016 in Roads and Ancillary Services and in Housing and other services. The members welcomed the report but felt that there was inadequate funding on our roads network which was leading to a deterioration in the condition of the roads. The members identified a number of roads that were not in the schedule including

- Fahy Road
- Doon R466
- Kilmurry to Sixmilebridge cattle mart

Pat Henchy, Executive Engineer advised the members that 2016 was the first year of a three year plan and that some of the roads being identified in the discussion were included in year 2 and year 3 of the plan. The members requested details of the roads included in year 2 and year 3 of the plan and Pat Henchy, Executive Engineer advised that he would refer this request to Hugh McGrath, Senior Executive Engineer.

Item 8 Notice of Motion submitted by Cllr. T. O'Brien.

“That the council actively seek a site and funding for a car park in Killaloe.”

Proposed by: Cllr. T. O'Brien

Seconded by: Cllr. A. O'Callaghan

Hugh McGrath, Senior Executive Engineer replied as follows:

“Further to the Limerick Hinterland Study an application for funding is proposed to be submitted to the Department of the Environment as recommended to the elected members. This application includes an element to advance the construction of a car park in Killaloe in accordance with the Part 8 previously approved at the Millstream site.

In the event that such funding is secured advancement of this project will proceed subject to lands being successfully made available.”

Item 9 Notice of Motion submitted by Cllr. T. O'Brien.

“That bins for collecting dog excrement be placed in strategic places around Killaloe.”

Proposed by: Cllr. T. O'Brien

Seconded by: Cllr. J. Cooney

David Leahy, Executive Engineer replied as follows:

“The Environment Section will commence an awareness campaign in the coming months to raise awareness and to encourage dog owners to be more responsible in cleaning up after their dogs. It is intended that the campaign will involve all media – press, radio and social media.

Promotional material will be made available and on-site awareness campaigns will be carried out as part of the Green Schools and Blue Flag Beaches awareness programme activities.

Environment Section currently makes “scoop the poop” bags available free of charge at municipal district offices for use by dog owners and they are also made available free of charge to Community Groups or Tidy Towns Groups on request. Dog owners are currently encouraged to take the dog waste home with them and dispose of it in their domestic waste bin, however, this will be kept under review as the promotional campaign gets underway.”

Item 10 Notice of Motion submitted by Cllr. T. O'Brien.

“That the Council provide funding to extend the footpaths from Ballycuggeran to Ogonnelloe.”

Proposed by: Cllr. T. O'Brien

Seconded by: Cllr. J. Cooney

Hugh McGrath, Senior Executive Engineer replied as follows:

“Further to the Limerick Hinterland Study an application for funding is to be submitted to the Department of the Environment subject to consideration by the elected members of Clare County Council. A part of this proposal includes an application to facilitate further construction of the Killaloe to Ballycuggeran footpath completed over recent years.

In the event that such funding is secured advancement of this project will proceed.”

Item 11 Notice of Motion submitted by Cllr. J. Cooney.

“That Clare County Council outline its 3 year road programme for the Killaloe Municipal District and is there funds to maintain and upgrade all roads as some are in very bad condition after the very severe weather.”

Proposed by: Cllr. J. Cooney

Seconded by: Cllr. T. O'Brien

Hugh McGrath, Senior Executive Engineer replied as follows:

“Works proposed for 2016 are to be presented to the Municipal District elected members for adoption.

An indicative 3 year programme (2016-2018) has been prepared for the Restorative Maintenance section only. However, only the 2016 works are proposed for adoption. Works that are to be formally proposed for 2017 & 2018 Schedule of Municipal District Works will be reviewed in advance of these years to ensure the most up to date assessment is considered for inclusion, having regard for the budget available at the time.”

Item 12 Notice of Motion submitted by Cllr. J. Cooney.

“That Clare County Council give an update report on the junction at Kilkishen/Kilbane and Clonlara.”

Proposed by: Cllr. J. Cooney
Seconded by: Cllr. P. Hayes

Hugh McGrath, Senior Executive Engineer replied as follows:

“Following consultation with representatives of the community in Kilbane, and in particular thanks to the good will of a local landowner, we expect to progress an improvement scheme at this location subject to adequate funding being available. It is accepted that safety concerns at this location need to be addressed within the limitations of what can be done having regard to the cost of any scheme and adequate lands being made available. We expect to be able to commence the scheme in 2016.

Regarding Clonlara, we are still awaiting confirmation regarding the availability of a small portion of land that would assist in addressing the matter in the best means possible in regard to impacting the community.”

Item 13 Notice of Motion submitted by Cllr. J. Cooney.

“That Clare County Council outline what footpath works they hope to carry out in 2016 in the Killaloe Municipal District.”

Proposed by: Cllr. J. Cooney
Seconded by: Cllr. P. Hayes

Hugh McGrath, Senior Executive Engineer replied as follows:

“While provision has been identified under the Discretionary Maintenance section of the Schedule of Municipal District Works for footpaths, this provision is subject to change in the event that more urgent discretionary works arise during 2016. Consideration is also being given by Clare County Council to allocating a specific grant to be allocated to the Municipal District to fund particular strategic footpath construction, in the event that such a grant is not secured from national schemes or such schemes are inadequate.”

Item 14 Notice of Motion submitted by Cllr. A. O’Callaghan.

“Now that the work has been done by Pat Hannon, Truagh at his gate on the R472, ask Clare County Council to finish out works on the drainage that was agreed.”

Proposed by: Cllr. A. O’Callaghan
Seconded by: Cllr. M. Begley

Hugh McGrath, Senior Executive Engineer replied as follows:

“While it is appreciated that some improvements have been carried out at this location, we will need to meet with the landowner to review and agree the extent of works required to ensure the matter is addressed to all parties’ satisfaction.”

Item 15 Notice of Motion submitted by Cllr. A. O’Callaghan.

“Request Clare County Council to take over Ballymulcashel Estate and sewerage system, as the builder is in receivership for the last 4 years and no maintenance has been carried out.”

Proposed by: Cllr. A. O’Callaghan

Seconded by: Cllr. J. Cooney

Bernadette Haugh, Administrative Officer, Planning & Enterprise Development replied as follows:

“The developers of Ballymulcashel estate are in Receivership and the Planning Authority has been advised by the Receivers who were appointed over specific assets of Kilkishen Homes that this development does not form part of their appointment. A Section 180 request from the majority of the home owners was received on 26th August 2014. There is no bond in place in relation to Ballymulcashel estate and it is serviced by a Waste Water Treatment Plant. The Planning Authority has undertaken a detailed inspection of the development and has identified significant works in the region of €10k.

In relation to maintenance, I should advise that the development has not been taken in charge, however in the interests of Health and Safety of the residents, the Planning Authority arranged for repairs to be carried out to the public lighting on a once off basis, in November 2014, and negotiated with the energy provider in postponing immediate disconnection of the supply. The Planning Authority also understands that emergency maintenance works were carried out to the Waste Water Treatment Plant in early 2014 by Water Services.

This estate has been included in our current work programme to identify the priority works required within this estate as it is intended to progress the taking in charge of this development in 2016.”

Item 16 Notice of Motion submitted by Cllr. A. O’Callaghan.

“A lot of tree felling has been done over the last few months on side of road ways. I request Clare County Council to keep chasing road hedge owners who have not complied with the law in this matter.”

Proposed by: Cllr. A. O’Callaghan

Seconded by: Cllr. J. Cooney

Hugh McGrath, Senior Executive Engineer replied as follows:

“Clare County Council are continuing to pursue landowners and\occupiers with regard to their statutory obligations under the Roads Act 1993, Section 70. An information booklet is available from the public offices providing advice on such obligations for landowners\occupiers. There are also restrictions relating to the Wildlife Act & Habitats Directive in terms of the timing of works that can be planned in this regard. However, where matters of safety have to be addressed at any stage we will endeavour to pursue such issues as appropriate.”

Item 17 Notice of Motion submitted by Cllr. M. Begley.

“That works be carried out to prevent storm water from the public road (L-3050) flooding driveway and garage of the Gillis (O'Connell) property at Cottage, Doonass.”

Proposed by: Cllr. M. Begley
Seconded by: Cllr. J. Cooney

Hugh McGrath, Senior Executive Engineer replied as follows:

“Once we are satisfied that all landowner and\or occupier responsibilities are fulfilled under Section 76 of the Roads Act 1993 at this location, Clare County Council will review the requirement for improvement works to be carried out and where resources allow we will consider programming remedial works.”

Item 18 Notice of Motion submitted by Cllr. M. Begley.

“That repairs to sections of the L-7038 (Ballybrack to Ardataggle) be included in the 2016 roads programme.”

Proposed by: Cllr. M. Begley
Seconded by: Cllr. J. Cooney

Hugh McGrath, Senior Executive Engineer replied as follows:

“Repairs have been carried out on this road in recent weeks. The road and drainage issues at this location are such that the road needs regular repair. In particular, we will need to ensure that all reasonable actions have been taken by landowners and\or occupiers to ensure their responsibilities are fulfilled under Section 76 of the Roads Act 1993. Once this requirement is met we can review the long term consideration for inclusion for upgrading this section, in any future programme or maintenance schedule.”

Item 19 Notice of Motion submitted by Cllr. M. Begley.

“That the Council take steps to correct the issues related to and caused by the Exterior Media Billboard in Crusheen.”

Proposed by: Cllr. M. Begley
Seconded by: Cllr. A. O'Callaghan

James Barry, Senior Staff Officer, Waste Enforcement Unit replied as follows:

“Clare County Council has received numerous complaints in relation to litter caused by signage at Crusheen. In all cases the Waste Enforcement Unit investigates the complaint with a view to collecting evidence identifying the cause of the littering.

Action is then taken appropriate to the offence caused in all cases. The Litter Pollution Act, 1997, as amended and the Waste Management Act, 1996, as amended, are the pieces of legislation used by the Council in these situations.”

Item 20 Notice of Motion submitted by Cllr. P. Burke.

“Calling on Clare County Council to provide a new footpath at Drewsborough, Tuamgraney between Scarriff Community College and Gala filling station.”

Proposed by: Cllr. P. Burke
Seconded by: Cllr. P. Hayes

Hugh McGrath, Senior Executive Engineer replied as follows:

“I can confirm that a contract is now in place for these works and we expect to complete the repair of this footpath in the coming weeks.”

Item 21 Notice of Motion submitted by Cllr. P. Burke.

“Calling on Clare County Council to repair the footpath and surrounding area that got severely damaged during the storms before Christmas at the harbour in Mountshannon.”

Proposed by: Cllr. P. Burke
Seconded by: Cllr. P. Hayes

Hugh McGrath, Senior Executive Engineer replied as follows:

“At the next opportunity we will arrange to have this repair work carried out.”

Item 22 Notice of Motion submitted by Cllr. P. Burke.

“Calling on Clare County Council to include the L 8050 at Poulagower, Scariff in this year's roadworks programme as it is in very poor condition.”

Proposed by: Cllr. P. Burke
Seconded by: Cllr. J. Cooney

Hugh McGrath, Senior Executive Engineer replied as follows:

“A section of this road is proposed for inclusion in the 2016 Restorative Maintenance Programme (Surface Dressing). However, there is also a significantly damaged section of this road that needs to be addressed once landowners have fulfilled their obligations under Section 70 & 76 of the Roads Act 1993. Despite several meetings and communications to local landowners in this regard, the areas of damage and the poor maintenance and usage practices are continuing to cause damage to this road and have not been addressed. In considering any road for proposals for public grant funding we are unable to process such an application where negligence is continuing and maintenance of a new road would not be viable.”

Item 23 Notice of Motion submitted by Cllr. P. Hayes.

“Calling on Clare County Council to outline their plans for the roads damaged by recent flooding in the Killaloe Municipal District and when and where will this funding be distributed.”

Proposed by: Cllr. P. Hayes
Seconded by: Cllr. J. Cooney

Hugh McGrath, Senior Executive Engineer replied as follows:

“Details of the proposed Flood Damage Remediation Programme 2016 for the Killaloe Municipal District were circulated to the Members on the 8th March, 2016.”

Item 24 Notice of Motion submitted by Cllr. P. Hayes.

“I propose that a review of traffic management at the junctions near the new school in Tulla be completed and detailed proposals be put in place for the long term management of this area.”

Proposed by: Cllr. P. Hayes
Seconded by: Cllr. J. Cooney

Hugh McGrath, Senior Executive Engineer replied as follows:

“The traffic management relating to the new school in Tulla has been considered and reviewed as part of the planning process. Once complete the applicant will need to carry out a Safety Audit of the finalised scheme at which stage any concerns can be addressed.

Any further suggestions beyond the scope of the school project can also be considered by Clare County Council once the project is complete.”

Item 25 Notice of Motion submitted by Cllr. P. Hayes

“I propose that a protocol be put in place in the forestry sector for the opening of new entrances onto public roads.”

Proposed by: Cllr. P. Hayes

Seconded by: Cllr. A. O’Callaghan

Hugh McGrath, Senior Executive Engineer replied as follows:

“It is accepted that a protocol would be beneficial to address this matter. We will continue to liaise with the Forestry Section in this regard within the complexities that exist in regard to applications that typically are advanced through the Planning Authority, or equally can be based on notification to the Planning Authority, and subsequent referral to the District Engineers.”

Item 26 Any Other Business

- a. Cllr. Tony O’Brien expressed concern about the water pressure in “The Green”, Killaloe and requested that the Meetings Administrator write to Irish Water outlining the unsatisfactory nature of the service at this location.
- b. Kieran O’Donnell advised the members that the Draft Amended Beach Bye-Laws 2016 were going on public display on Friday, 11th May and submissions were invited.
- c. The members were reminded that Local Enterprise Week was taking place between the 7th & 13th March and that events were ongoing throughout the county.

The meeting then concluded.

Kieran O’Donnell
Meetings Administrator

10th March, 2016.