

**Minutes of the Municipal District of Ennis Committee Meeting
held at 2.00pm on Tuesday June 7th, 2016, in the
Council Chamber, Áras Contae an Chláir,
Clare County Council,
New Road, Ennis, Co. Clare.**

Present:

Councillors: P. Daly, J. Flynn, C. Collieran Molloy, A. Norton, T. McNamara, J. Breen, P. Murphy and M. Howard.

Officials: Leonard Cleary, A/Director of Services, Eamon O'Dea, Senior Executive Engineer, Michael McNamara, A/Executive Engineer, Fiona Whelan Meetings Administrator & Deirdre Ryan, Staff Officer.

Apologies: None

Mayor of Ennis, Cllr. P. Daly opened the meeting and called for an adjournment of 15mins as a mark of respect and acknowledgement at the sad passing of Muhammad Ali.

Members paid tribute to Muhammad Ali and spoke of the pleasure it was for him to have visited to Ennis in September 2009 and expressed their sympathies to his family and friends. Muhammad Ali will be a great loss and members acknowledged his courage in taking a stand for human rights. He was a fantastic sports person and human rights activist. He was a legend that will transcend all generations. Members acknowledged the great pride that was felt in the Turnpike area of Ennis during his visit.

Cllr. A. Norton proposed the Council should send a representative to attend the funeral of Muhammad Ali and proposed that Cllr. P. Daly should be the representative, Cllr. M. Howard seconded this proposal.

Cllr. P. Daly spoke of the pride in Ennis in welcoming Muhammad Ali and members complimented the former Mayor of Ennis Frankie Neylon on his outstanding work at the time. The meeting was then suspended for 15 mins as a mark of respect.

Item No. 1. Minutes of the May 2016 monthly meeting held on the Tuesday 3rd May, 2016.

It was proposed by Cllr. J. Flynn and seconded by Cllr. P. Murphy that the Minutes of the monthly meeting, held on the 3rd of May, 2016, as circulated, be agreed and adopted.

Cllr. P. Murphy wanted it noted that he felt it was "heavy handed" to bring the Gardai in to monitor the 3.5tonne weight restriction at R458 Latoon Creek Bridge, Clarecastle.

E. O'Dea responded that new signage had been erected over the last two weeks advising of the weight restriction and that the Garda presence was requested as there were a

number of vehicles continuing to use the bridge that were over the permitted weight restriction.

Item No. 2. Section 38 Road Traffic Act - Traffic calming measures on N68 Kilrush Road (and more).

The Resolution to construct a pedestrian crossing and footpath/cycle path and associated works at the N68 Kilrush Road was proposed by Cllr. J. Flynn, seconded by Cllr. P. Daly and agreed by the members.

Item No. 3. Community and Arts Grants 2016.

L. Cleary outlined applications under the Festivals & Events Budget; Community & Arts Budget and Ennis Environs Budget for 2016 as follows:

Community & Arts Budget

€1,000.00 Demo Kitchen
€500.00 Clare Womens Network
€250 Clarecastle Tidy Towns

Festival's & Events Budget

€500 Polska Eire
€450 Clarecastle Regatta

Clarecastle Environs Budget (Cllr. Paul Murphy)

€1,520 Clarecastle Tidy Towns

Quin Environs (Cllr. Clare Colleran Molloy)

€520 Clarecastle Tidy Towns

This item was proposed by Cllr. P. Murphy, seconded by Cllr. J. Breen and agreed by members.

Item No. 4 Part VIII, R458 Cycle Route - Ennis (for noting).

Members recommended that the proposed Part VIII R458 Cycle Route - Ennis proceed and that the works at Gort Road roundabout be deferred pending an assessment of traffic flows following implementation of other elements of the proposals and an update on cycling uptake in Ennis. This assessment and update will be discussed at Ennis Municipal District meeting before proceeding with Gort Road roundabout.

This item was proposed by Cllr. M. Howard, seconded by Cllr. C. Colleran Molloy and agreed by members.

Item No. 5. Notices of Motion.

1. Notice of Motion submitted by Cllr C Colleran Molloy was seconded by Cllr. P. Murphy.

"That Walshe's Road Ballybeg, down from the Water Tower be scheduled for road surfacing because of the ongoing recurrence of pot holes".

Eamon O'Dea, S.E.E., Municipal District of Ennis, replied as follows:-

This road is not in this year's roadworks programme and is a local secondary road. The Municipal district Roads Office will examine the reason for the recurrence of potholes, which is most likely a drainage issue.

2. Notice of Motion submitted by Cllr J Flynn was seconded by Cllr. M. Howard.

"Strategy for pedestrian crossings in Ennis. I ask for a progress report on the strategy for pedestrian crossings in Ennis in terms of a) The construction timelines for approved & funded pedestrian crossings in Ennis such as those at Tesco/Aldi , Kilrush road roundabout, and b) Are there plans for pedestrian crossings at Ashfield Park/Gort road , Eire Og/Clonroadmore , Drumbiggle road/Carmody Street , Lifford Road/Tulla rd junction , Market Roundabout , Corrovorrin/Tulla road junction , etc "

Eamon O'Dea, S.E.E., Municipal District of Ennis, replied as follows:-

The Francis Street pedestrian crossing should be completed by mid June. The Gort Road at Ashfield Park and Carmody Street at Drumbiggle Road are the next on the list of Pedestrian Crossings. The Municipal District Roads Office has the design and public consultation drawings completed for the proposed Gort Road pedestrian crossing. The Road Design Section is inquiring from the Department of Transport (DOT) as to whether Low Cost Safety Funding proposed for work in Ennis Central can be used at this location.

If permission is given by the DOT the MD Roads Office will proceed with the public consultation and tendering of the works. The Drumbiggle Road Design and public consultation process will be advanced so as work can proceed subject to funding. Works at other locations will be examined with the Road Design Section and prioritised.

The members welcomed the response and acknowledged the work done by Clare County Council but advised that funding needs to be secured for the future planned pedestrian crossings. The members supported the motion as a matter of public safety.

Cllr. M. Howard referred to the petition signed by 120 residents from the Ashfield Park area on the Gort Road and has requested a report regarding funding for the next meeting in July. This was supported by the Members.

3. Notice of Motion submitted by Cllr J. Breen was seconded by Cllr. J. Flynn.

"That the Ballymacahill road be brought up to an acceptable standard and the speed limit be reduced from 80 to 50 km."

Eamon O'Dea, S.E.E., Municipal District of Ennis, replied as follows:-

The Ballymacahill Road is in reasonable condition and work has been carried out in recent years on different sections of the road. The present speed limit is at the old urban boundary therefore the speed limit is set for a built up area as per the Speed Limit Byelaws 2012. The Municipal District Office requested that this and similar local roads in the environs of Ennis should be set at a lower speed limit or cautionary speed sign provided at previous 80kph location.

4. Notice of Motion submitted by Cllr A. Norton.

"Can Clare County Council please inform me when the sand bags will be removed from Wood Grove Cloughleigh, and if works have been done to alleviate flooding in the future."

Eamon O'Dea, S.E.E., Municipal District of Ennis, replied as follows:-

The removal of the sandbags is listed for the works crew over the next two weeks and the work requires the availability of certain plant to load and transport the sandbags to the yard. Work on examination of a Flood Scheme has not proceeded as resources are not available at present in the Municipal district Office, however the Minor Works Flood Schemes will be forwarded to Transport Section for work to be advanced on the Scheme.

5. Notice of Motion submitted by Cllr P. Daly was seconded by Cllr. T. McNamara.

"I request an update on assistance being provided by Municipal District of Ennis to the property owners of Parnell St in a follow up to previous meetings"

Leonard Cleary A/Director of Service, Municipal District of Ennis, replied as follows:-

Ennis Streetscape Improvement Scheme was launched on 25th June 2016. A grant of 50% up to a maximum of €700.00 is available, subject to qualification, for external painting, repair/reinstate shop-fronts and rain-water goods. The buildings must be located in Ennis Town Centre. Closing date for receipt of applications is Friday 17th June 2016 by 5.00pm.

Following a meeting with traders in Parnell St progress is being made in relation to particular properties under Derelict Sites legislation in addition to ongoing remedial and maintenance work to be carried out by the Municipal District Roads department.

Section 8(2) notices (as per the Derelict Sites Act 1990) have issued to the owners of the properties at numbers 20, 22 and 24-26 Parnell Street. These notices issued on the 13th May with a statutory deadline of the 2nd June for receipt of any representations.

BDO are the appointed receivers for the property at 22 Parnell Street and they have indicated that they will undertake to arrange the painting and general clean up of the property. With regard to 24-26 Parnell Street, a meeting with the owner took place today, 2 June 2016 and he has advised that he will carry out the requested works. No contact has as yet been received from the owner of number 20. Number 47 Parnell Street has been inspected and works have been carried out to render it non derelict. In that regard, the file has been closed.

At present the Topographical Survey (Murphy Surveys) is complete except for minor omissions which are being gathered. The data on pedestrian counts and vehicular counts for the study area has been gathered and we expect to have the analysis on these next week. (Alan Lipscombe)

The designer (Nic de Jong) has all the latest information /data and has used it to inform his own analysis, feasibility and scoping of design options. He is awaiting the final pieces of the jigsaw. It is expected to have a preliminary presentation from the designer during the week-ending 17th June. Amendments may be required to the preliminary proposals but following feedback from various stakeholders as soon as possible. The Council is urgently seeking to finalise the scheme although, but has not received a definite date for completion. The extended road closures in town delayed the start of the traffic survey element as 'normal' conditions are required for such a survey. This which in turn has held up the overall project.

Members welcomed the response and fully supported the Streetscape Improvement Scheme and acknowledged the work done by Clare County Council.

6. Notice of Motion submitted by Cllr M. Howard was seconded by Cllr. J. Flynn.

"That Ennis Municipal District as a matter of urgency, connect the footpaths on the Watery Road in the interests of pedestrian safety"

Eamon O'Dea, S.E.E., Municipal District of Ennis, replied as follows:-

Footpaths are provided on both sides of the Drehidnagower Road from the Gort Road to Oak Park. The footpath on the Oak Park side of the road continues to

Watery Road. The provision of footpaths from Tobarkeel to the Watery Road Junction will be provided as part of any proposed development of the lands on the north side of Drehidnagower Road. The provision of footpaths on Drehidnagower Road from Watery Road Junction to Drumcliff Road is subject to a means of funding such work to be identified.

Members acknowledged the response and the ongoing works carried out by the Council.

7. Notice of Motion submitted by Cllr P. Murphy was seconded by Cllr. C. Colleran Molloy.

"That works are carried out to ensure that floodwater is diverted appropriately to the existing drain in order to alleviate the flooding that occurs on the property of Paddy and Margaret Mc Carthy, Moyriesk, Quin."

Eamon O'Dea, S.E.E., Municipal District of Ennis, replied as follows:-

The Municipal District Roads Engineer will examine the location and see what solutions are feasible at this location.

8. Notice of Motion submitted by Cllr. J. Flynn was seconded by Cllr. J. Breen.

"Regulation of Carwash facilities operated by sub-contractors at petrol stations in and around Ennis. I ask what powers in terms of Planning and Environmental legislation that can be used by Clare County Council to regulate the activities of busy Carwash facilities which might be operated by sub-contractors at petrol stations in and around Ennis. Public concerns have been raised to me in terms of the following ; noise levels of these operations causing nuisance to adjoining residents , environmental impacts of water and detergents used in these operations in relation to adjoining properties & effective use of petrol interceptors/drainage systems on & off site ; compliance with various codes of State company and employment legislation."

Etain McCooey, Administrative Office, Environment Section, replied as follows:-

"Under Section 16 of the Local Government (Water Pollution) 1977 (as amended), an individual or business may not discharge a trade effluent to the sewer except in accordance with a licence issued under this legislation.

An application for a licence must be made to Irish Water. The person responsible for the discharge can be advised of their obligations to apply for a discharge licence but the application must be made to Irish Water.

In relation to a carwash discharge, Irish Water are currently developing parameter limits which can be applied nationally so that there is consistency.

Where a development must comply with a specific condition relating to environmental noise, noise complaints can be investigated by carrying out monitoring to assess compliance with the relevant condition. This is the case for EPA-licensed premises (i.e. waste, IED or IPC licences). It is a good defence in law for a licensee to be able to demonstrate that they are compliant with their noise limits. To a lesser extent, this is also the case where a specific noise condition is included in a grant of planning (e.g. quarries, windfarms etc). For neighbourhood noise or noise from developments which don't have a specific noise condition attached to their licence (or Planning grant), noise nuisance is best addressed under Sections 107 and 108 of the Environmental Protection Agency Act, 1992.

Section 107 of the Act gives powers to the Local Authority to serve a notice on the person in charge of a premises to prevent or limit noise, specifying the measures to be undertaken and the timeframe within which works must be completed. (Where the facility is licensed by the EPA, the EPA may take such measures). Non-compliance with such a notice constitutes a criminal offence for which a person found guilty may be liable on summary conviction in the District Court to a fine and/or imprisonment for up to 12 months, or both.

Prior to serving such a notice, the Local Authority would have to assess or arrange for the assessment of the level of noise nuisance. This is difficult to do except in obvious cases of significant nuisance, as other activities in the vicinity will also contribute to the overall noise level-the measurement cannot be specific to the activity in question.

Where a noise nuisance is considered to exist (*i.e. the noise is so loud, continuous, repeated or of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any premises in the neighbourhood or lawfully using a public place*) Section 108 of the Act gives powers to the EPA, Local Authority and any person to make a complaint to the District Court. The Court may order the responsible person or body to take the measures necessary to reduce the noise to a specified level or to take specified measures for the prevention or limitation of the noise.

As outlined earlier, it is a defence for an operator to demonstrate that the noise is in accordance with an EPA licence. It is also a defence for the operator to prove that they took all reasonable care to prevent or limit the noise.

Complaints in relation to EPA licensed facilities are directed to the EPA. Complaints in relation to commercial operations with a specific noise limit attached to the grant of planning permission, can be followed up via either the environment section or planning enforcement. However, the majority of commercial operations don't have a noise limit attached to their grant of planning. For this type of operation, the Council would have to demonstrate, by monitoring, that the nuisance exists. In practice, this may be very difficult to demonstrate in urban areas, due to noise contribution from other sources."

Helen Quinn, Senior Executive Planner, replied as follows:-

"Commercial car-wash facilities in general require the benefit of planning permission. In cases where planning permission was required but has not been granted or where there are breaches in planning conditions attached to a grant of permission, Planning Enforcement may be initiated. Cllr Flynn is invited to contact the Planning Authority directly with any written complaints relating to specific sites so that a full investigation of their planning status can be carried out and follow up action taken as appropriate.

Clare Co Council has no role or responsibility in relation to compliance with various codes of State company and employment legislation".

9. Notice of Motion submitted by Cllr. J. Breen was seconded by Cllr. J. Flynn.

"That the Mill Road be immediately be repaired as there are three commercial premises that cannot be rented because of the poor state of the road with water and grit etc being splashed on to them continuously".

Eamon O'Dea, S.E.E., Municipal District of Ennis, replied as follows:-

"The Municipal District is intending to carry out surfacing works in the coming month and this location is intended to be carried out as part of the works. The exact date for carrying out the works is not confirmed as we have to co ordinate with other works and traffic restriction in this area".

10. Notice of Motion submitted by Cllr. A. Norton was seconded by Cllr. J. Breen.

"I can appreciate that works are been carried out to upgrade the water supply around Ennis, but I would ask Clare County Council to Speak to the contractor's involved to try have a better management structure in place to eliminate serious traffic jams on access roads into Ennis."

Sean Ward, S.E.E., Water Services replied as follows:-

"The Ennis Water Mains Rehabilitation Scheme is funded, and the contractor was appointed, by Irish Water. The contractor is required, as part of the contract, to apply to Clare County Council for approval for traffic management measures, and for works affecting the N85 near Clareabbey roundabout the contractor also applied to Transportation Infrastructure Ireland . The majority of work in Tulla Road, Carmody Street and Clare Road was done under road closures with alternative routes signposted, as this was considered to be the quickest means to get these mains completed and minimise disruption. A similar arrangement operated for works on the Watery Road. At peak times on some days there were delays on some of the alternative routes.

For works between Clareabbey roundabout and Clarecastle village, no viable alternative routes were available, thus the work was done with a single lane controlled by traffic signals. It is acknowledged that there were traffic delays and queues at times. Likewise for connections recently made at Pine Grove on the Gort Road, there were delays due to single lane signal-controlled operation. In summary, it is acknowledged that delays have occurred, but it is difficult to see how the works could have been done significantly differently than was the case. In the course of the project Clare County Council Water Services staff have frequent meetings with the contractor, the consulting engineer and the resident engineering staff, and uses these to discuss issues arising from the works including traffic management. Current work in Cloughleigh Road is being done under a restricted road closure, and the next site at Knockanean Road will be under a combination of road closure and single-lane operation. "

11. Notice of Motion submitted by Cllr. P. Daly was seconded by Cllr. M. Howard.

"I ask the Municipal District of Ennis to seek funding to develop additional parking areas in the town of Ennis and to consider parking charges to include a fee of €2 for a 3 hour stay."

John Corry, Administrative Officer, Roads Section replied as follows:-
"Car parking in Ennis was the subject of a parking workshop with the Elected Members and representatives of the business community in September 2015. Arising out of the workshop, the focus was primarily to identify existing parking capacity in Ennis and to maximise to the greatest extent the use of existing parking capacity (both public and private) before consideration would be given to developing additional parking areas. Elements of a revised parking strategy are being actively considered. Acquisition of areas for temporary and permanent car parking are also being pursued. Members will be briefed as soon as proposals are finalised."
Members supported the motion.

12. Notice of Motion submitted by Cllr. M. Howard was seconded by Cllr. A. Norton.

"Frustrated by the ongoing inaction by the Council after years of requests by the public and rational requests from various elected members this Municipal District Committee demands the provision of a pedestrian crossing at the Gort Road at Ashfield Park. There is considerable public outrage among vulnerable groups and other interested parties on the Gort Road that this crossing has not been provided. This pedestrian crossing cannot be kicked down the road any longer."

Eamon O'Dea, S.E.E., Municipal District of Ennis, replied as follows:-

"The Municipal District Roads Office has a full design and drawings prepared to proceed to public consultation process for this pedestrian crossing. There is no funding allocated under the Discretionary Maintenance Grant for this work in 2016. I have asked the Road Design Section to inquire if the Department of Transport will permit the use of Low Cost Safety Funding allocated to Ennis Central to be used for this crossing.

Given the financial constraint of own resource and grant allocations that the Transport Section of the Council have operated in over the past number of years it has not been possible to proceed with work that both the Councillors and the Executive of the Council want to complete. "

13. Notice of Motion submitted by Cllr. P. Murphy was seconded by Cllr. J. Breen.

"I am requesting that the Roads Section of EMD liaise with the Housing Section of Clare County Council to assist the Residents of Church Drive (house no.'s 41-52) and St. Joseph 's Terrace (house no.'s 37-50 and 29A,B and C), Clarecastle in their bid to thoroughly clean up the lanes to the rear of their homes. "

Eamon O'Dea, S.E.E., Municipal District of Ennis, replied as follows:-

"The Municipal District Office will assist the Environment Section, Resident Associations and Tidy Town Volunteers in clearing areas. The Residents Association should contact the Environment Section and Municipal District Office to confirm the proposed dates of the clean-up of the lanes is to be done so as they can co ordinate the required equipment to assist the Residents."

Correspondence was noted as follows:-

- a. Reply from National Transport Authority dated 17.05.2016
- b. Acknowledgement letter from Deputy Joe Carey dated 15.05.2016
- c. Correspondence from Minister Pat Breen dated 26.05.2016

Any Other Business.

- **Tourist Office:**

Members stated that it was crucial that the Ennis Tourist Office would be prepared for the upcoming Fleadh and should be fully equipped with information regarding the activities available in Ennis and County Clare.

- **Passing Bay on Lahinch Road at Kilnamona Cross:**

Members highlighted the condition of the Lahinch Road at the Kilnamona Cross and the need for passing bays on both sides of the road this was supported by Cllr. P. Murphy and Cllr. M. Howard. This is to be investigated by the Ennis area office.

- **Ennis Municipal District Representative on Corporate Policy Group (C.P.G.):**

It was proposed by Cllr C. Colleran Molloy and seconded by Cllr. T. McNamara that whom-ever holds the title of Mayor of the Municipal District of Ennis would be the Ennis Area representative on the C.P.G. for the remainder of the term.

The meeting then concluded.

Signed: _____
Mayor of Ennis

Signed: _____
Meetings Administrator

Date: _____