

**Minutes of the Carrick on Shannon Municipal District Meeting held Via MS Teams on
Monday, 18 January 2021 at 10.00 am**

Members Present: Councillor Paddy Farrell (Cathaoirleach)
Councillor Finola Armstrong McGuire
Councillor Des Guckian
Councillor Sean McGowan
Councillor Thomas Mulligan
Councillor Enda Stenson

Officials Present: Joseph Gilhooly, Director of Services, Economic Development,
Planning and Infrastructural Services
Mairead Shanley, Meetings Administrator Carrick-on-Shannon
Municipal District
Darragh O'Boyle, Senior Executive Engineer
Kieran Brett, Meetings Administrator
Kathleen Ellis, Assistant Staff Officer
Shay O'Connor, Senior Engineer
Vivienne Egan, Senior Executive Planner
Bernard Greene, Senior Planner

At the outset of the meeting Mr Joseph Gilhooly, informed the members that Mr Kieran Brett, would be replacing Ms Mairead Shanley, as Meeting Administrator for the Carrick-on-Shannon Municipal District and Ms Kathleen McGovern Ellis, Assistant Staff Officer would be replacing Ms Pamela Moran, Clerical Officer in providing administrative support. Mr Joseph Gilhooly, paid tribute to Ms Mairead Shanley and Ms Pamela Moran for all their help and support to the Carrick-on-Shannon Municipal District over the years and wished them both well for the future. The Members paid tribute to Ms Mairead Shanley and Ms Pamela Moran for all their help and support over the last few years and wished them both well.

CMD.1.21 Adoption of Minutes 14th December 2020

Councillor Thomas Mulligan proposed that the following amendment be made to the above minutes:

4. That the step out at Fitzpatrick's (Business Premises) be omitted and two car park spaces be introduced starting at end of existing double yellow line.

On the **PROPOSAL** of Cllr. Enda Stenson
SECONDED by Cllr. Thomas Mulligan

It was **AGREED** to adopt the minutes of Meeting of 16th December 2020.

Councillor Des Guckian opposed the adoption of the minutes. He considered the notice given of the proposed amendments to the Mohill Public Realm Part VIII proposal by Councillor Thomas Mulligan as totally inadequate and he said that his rights were denied. Councillor Guckian said the Part 8 for the Public Realm Improvement Scheme for Mohill was rushed through by the coalition.

CMD.2.21 Meeting Correspondence

The Meetings Administrator stated that there was no meeting correspondence.

CMD.3.21 Motion from Councillor Des Guckian: Public Realm Improvement Scheme in Mohill

"That the illegal and wrong procedure at our 14 December 2020 Meeting RE Item 2 on the Agenda (CEO 's Report To Undertake a Public Realm Improvement Scheme in Mohill and To Modify the curtilage/ front boundary of St Mary's Church Wall), be revisited by us today and all relevant facts be revealed about the true extent of this Scheme and that we be given an undertaking as to whether, or not, it conforms to all Planning Laws , both National and European."

Report by Director of Services for Economic Development, Planning, Environment and Transportation.

"The procedure carried out at the December Municipal District meeting was neither illegal nor wrong and any statement to that effect is wholly incorrect and without foundation.

As was clarified at the meeting, the relevant legislation (Section 179 of the Planning and Development Act 2000 as amended) provides for modifications to the proposed development by resolution of the Members subsequent to the issuing of the Chief Executives Report as follows:

The proposed development may be carried out as recommended in the chief executive's report, unless the local authority, by resolution, decides to vary or modify the development, otherwise than as recommended in the chief executive's report, or decides not to proceed with the development.

It was in the context of this legislative provision that the amendments or modifications were put forward by Cllr Mulligan which were subsequently seconded and resolved by the Municipal District as there was no other counter proposal seconded. The amendments as adopted at the meeting are recorded in the relevant minutes of the meeting which are scheduled to be dealt with before consideration of

the submitted Notice of Motion.

Section 5 of the Chief Executives report already deals in detail with the assessment of the works in regard to all relevant legislation and regulations such as the County Development Plan, environmental and habitat regulations, etc. and the works are therein confirmed to comply fully with all such relevant matters. As part of the Appropriate Assessment process, the proposed works were screened by qualified external ecologists who recommended that the project did not require a Stage II Appropriate Assessment. External consultants also prepared a report demonstrating that the works did not require an Environmental Impact Assessment to be undertaken. Both recommendations were accepted by the Planning Authority as the 'competent authority'. Furthermore, relevant elements of the works were also subject to examination and report from a conservation architect along with review by the Development Applications Unit of the Department of Housing, Local Government and Heritage and their requirements in regard to the undertaking of an archaeological assessment of the project during construction is fully provided for within the Chief Executives report.

Specifically, with regard to the works proposed to the curtilage / front boundary wall of St. Mary's Church, these works were specified in the description of the proposed development as advertised and as considered by the conservation architect in their report. The Part 8 was referred to the Development Applications Unit who deal with archaeology, built and natural heritage. No comments were made in the submission received in relation to the works to St. Mary's Church. The further works to undertake repairs to the pillar and gate as approved by the Municipal District are considered repairs which of themselves are not required to be brought through a Part 8 consultation process. The works are subject to funding being obtained and the advice of a conservation architect to specify the methodology to be employed in undertaking such repair works.

As outlined above this project has been the subject of a rigorous assessment process which has been reported in detail to the Municipal District and clearly confirms to all statutory requirements."

Councillor Des Guckian expressed his disappointment in the way the Public Realm Improvement Scheme in Mohill was dealt with at the Carrick-on-Shannon Municipal District meeting on 18th December 2020. Councillor Des Guckian said this was illegal, wrong and it was rushed, and no significant study was undertaken. Councillor Des Guckian urged Planners and Officials to undertake training in National and European Planning laws.

Councillor Thomas Mulligan queried if he was correct in proposing amendments on the day and he believed this course of action was available to all Members in relation to Part VIII planning matters.

Councillor Enda Stenson said Cllr Mulligan was within his rights to propose

amendments to the proposal. The proper democratic decision was made at that meeting and he will stand by it. Councillor Stenson said this is only wasting time, people who have concerns on this issue should fight their legal battles on their own and what is being raised now is nothing but bullying.

Councillor Sean McGowan supported the comments of Councillor Mulligan and Councillor Stenson and said the amendments proposed on the date were fair and accepted by the Executive and he did not have an issue with how the matter was dealt with.

Councillor Finola Armstrong McGuire concurred with the Councillor Stenson and said that procedures at the last meeting were correct and the amendments proposed were from the “heart of Mohill”.

Mr Joseph Gilhooly advised that the modifications made to the Part 8 are in accordance with legislation. Members had the option to accept or reject them at the meeting when dealt with. This is similar to the procedures at other meetings giving example of adjustments on the day of a budget meeting.

Mr Joseph Gilhooly said that the Part VIII Public Realm Improvement Scheme for Mohill was quite clear and over 50 submissions were received during the public consultation phase. Mr Gilhooly said such engagement and debate in the community gives a clear indication that people who read and examined the documentation, clearly understood its contents. The objective of the proposal is to improve the streetscape of Mohill. No private developers are involved in public Realm works such as those proposed.

Mr Joseph Gilhooly stated that he took exception to the comments that officials are not familiar with planning law. The Planning officials are competent, professional people who interpret the planning laws and the comments directed towards them are unfounded and unwarranted.

Mr Joseph Gilhooly outlined the relevant legislation (Section 179 of the Planning and Development Act 2000 as amended) provides for modifications to the proposed development by resolution of the Members subsequent to the issuing of the Chief Executives Report as follows:

The proposed development may be carried out as recommended in the chief executive’s report, unless the local authority, by resolution, decides to vary or modify the development, otherwise than as recommended in the chief executive’s report, or decides not to proceed with the development.

It was in the context of this legislative provision that the modifications were dealt with and there was no other counter proposal seconded. The item in hand has been dealt with in accordance with legislation.

Cllr Guckian stated that no one is better at bullying than this coalition that exists in

Leitrim County Council.

CLlr Guckian's motion was not seconded.

CMD.4.21 Motion from Councillor Des Guckian: Private Laneway from Flynn's Field to Bridge Street

"That District Engineer, Darragh O'Boyle, be asked to explain the following. This refers to the erection of signs directing the public along the alleyway from Flynn's Field car park, in Carrick-on-Shannon, to an exit point between Ivan Keaney's shop and Frank Heslin's shop on Bridge St. These signs state "ACCESS TO BRIDGE ST". The status of this alley was a private residential alley, with a gate that was locked at night. Under whose authority was this status changed, without due procedure or CPO? Residents in the Archway Apartments, and in properties very close by, do not seem to have been consulted. It is of great concern to them that the lighting for the alley is not fixed and just not working. Will the Co Council take responsibility for all the dangers arising?"

Report by Director of Services for Economic Development, Planning, Environment and Transportation.

"Leitrim County Council were approached by the businesses on Bridge Street about directing people from the new car park to Bridge St. We are aware that this is a private laneway. We discussed this with the Archway Apartments property management company. They agreed we could direct people through this lane for a temporary period subject to Leitrim County Council including the laneway in our public liability insurance policy. This was carried out. Any permanent change to the status of this laneway can only happen with the agreement of all parties concerned."

Councillor Des Guckian said the Council have taken control of this private laneway and he expressed his concerns that people's rights have been taken away without due process.

Mr Shay O'Connor, Senior Engineer said Leitrim County Council were approached by the businesses and residents on Bridge Street about directing people from the new car park to Bridge Street. Leitrim County Council sought and were granted permission from Archway Apartments property management company and about giving access to Bridge St. via this laneway, on a temporary basis and subject to Leitrim County Council including in their Public Liability Insurance Policy. Leitrim County Council acknowledge this is a private laneway and there is no proposal to CPO or take in charge this private laneway. Should it come to pass that Leitrim County Council require control of this laneway, at that point in time, due process will be followed. Mr O'Connor reiterated that this was only a temporary measure taken prior to Christmas.

Councillor Des Guckian said the Archway Apartments property Management

Company are not the only ones involved and in terms of lighting, this has been completely ignored. A temporary measure is not good enough and he asked that an apology be given to the people of the area.

Councillor Sean McGowan said that this was a temporary measure which was put in place for the Christmas period at the request by businesses to facilitate people who were out shopping for the Christmas period.

Mr Joseph Gilhooly said the use of this laneway has been properly managed to facilitate public access to Bridge Street on the agreement of the landowners and all parties who have control of the property.

CMD.5.21 Motion from Councillor Sean McGowan: L-5623-0

"I ask Mr Darragh O Boyle, Area Engineer to immediately carry out surface repairs to the Cornagillagh (Wood) Road No. L-5623-0. The surface is ravelling in certain areas, and to include the road in this year's roadwork's programme."

Report by Roads - General

"The L-5623 local road has no restoration grant in 2021. We can put this road forward for surface dressing grants later this year for elected member approval. In the meantime, we can dispatch our maintenance crew to this location after level 5 restrictions are lifted."

Councillor Sean McGowan welcomed the response regarding the dispatch of the maintenance crew. As the road is in poor condition, he proposed that this route be included in next year's roadwork's programme.

Councillor Des Guckian seconded this motion.

Mr Darragh O'Boyle advised that a Restoration Improvement Grant is needed on this road and acknowledged that surface dressing is not enough. Mr O'Boyle outlined that the 3-year Restoration Improvement Grant is coming to an end this year and this road will be included in the next Restoration Improvement Grant programme.

CMD.6.21 Motion from Councillor Sean McGowan: Ophthalmic Service

"I ask the Director has there been any update from the HSE regarding the provision of an Ophthalmic service in the new Medical Centre which is due to open shortly in Carrick on Shannon. This service was previously in Carrick before it was moved to Sligo University Hospital."

Report by Director of Services for Economic Development, Planning, Environment and Transportation.

"Following a resolution on this matter by the elected members at the plenary council meeting of June 26th last, a letter was issued to the HSE in Sligo on July 14th 2020, requesting this service to be provided in the new medical centre in Carrick-on-Shannon. No reply or acknowledgement has been received from the HSE to date."

Councillor Sean McGowan expressed his disappointment that no reply has been received from the HSE on foot of a Resolution passed by Leitrim County Council last June. He asked that Leitrim County Council follow up with the HSE in this regard.

All members supported this motion.

The Meetings Administrator agreed to follow up on this correspondence.

CMD.7.21 Motion from Councillor Finola Armstrong McGuire; New Car Park, Carrick-on-Shannon

"I ask that the new Car Park, currently free to park in Carrick Centre, remains free to public until such time as street works are completely finished in Main St. and St. Georges Terrace areas and that when considered for charges it would give 2 hours free parking at all times."

Report by Director of Services for Economic Development, Planning, Environment and Transportation.

"The car park will remain free to the public until such time as works are completed in the town centre. The current bye laws give 30 minutes free in the new car park. This has been agreed following public consultation and approved by the municipal district."

Councillor Finola Armstrong Maguire referred to the Byelaws that have been adopted previously which allowed for 30 minutes free parking. She stated that charging for parking after 30 minutes cannot be accepted now given the changes that COVID-19 has brought to the business sector.

Councillor Enda Stenson, Councillor Sean McGowan and Councillor Paddy Farrell supported this.

In supporting the motion Councillor Des Guckian said that no parking charges should be put on the new car park.

Mr Joseph advised the members that there are Byelaws currently in place which give 30 minutes free parking in the new car park. He noted the views of the members, as discussed, and outlined further consideration can be given to this matter when the time arrives to implement the charging system.

CMD.8.21 Motion from Councillor Finola Armstrong McGuire; Salting of pathways/roads

"I ask that the issue of safety in walking from outlying residential areas of our towns is reassessed immediately and that salting is conducted on pathways as well as roads as soon as possible"

Report by Roads - General

"Our critical winter maintenance works are to provide salt to priority roads. We do not provide footpath salting in towns. If there are long periods of heavy snowfall, we can reassess the situation where all resources will be assigned to dealing with this weather event."

Councillor Finola Armstrong McGuire gave the background to her motion and proposed that that money should be sourced from Healthy Ireland to make more sand boxes available in communities and this sand to be put out by Leitrim County Council staff. Councillor Finola Armstrong McGuire highlighted the importance for everyone to get out of their houses and it needs to be safe for the elderly to do so.

Mr Darragh O'Boyle, Senior Executive Engineer said large yellow salt bins are provided in large towns and are also provided to Estates and Community Groups at a cost of €150.00.

Mr O'Boyle said it will not be possible to salt every footpath outside people's houses. During the severe weather of 2010 all available resources were used up due to weather conditions at that time. Significant clean-up costs are associated with extensive and prolonged gritting/salting. Where there are long periods of heavy snowfall, Leitrim County Council will reassess the situation and all available resources will be assigned to dealing with the weather event.

CMD.9.21 Motion from Councillor Paddy Farrell: Traffic Calming

"I ask district engineer Darragh O Boyle to look at ways of calming traffic coming from Carrick on Shannon to Leitrim village. The speed of traffic approaching the hill of Tullylannon is very dangerous especially heavy goods vehicles. Residents in the nearby housing estates of Cois Abhainne and Holly Park have expressed serious concerns for the safety of both pedestrians and drivers in the area because of the speed at which vehicles approach the village."

Report by Roads - General

"As all the pedestrian crossings are now complete in Leitrim Village, we can reposition the existing driver feedback sign on the Keadue road to a new position on Tullylannon Hill approaching the village. This will advise all motorists of their current speed at this location.

Continued illegal speeds at this location should be reported to the Gardai through

the JPC process."

Councillor Paddy Farrell stated that 20-30 tonne lorries drive down the hill at excessive speed and proposed measures should be implemented to slow the traffic down.

Councillor Sean McGowan, Councillor Armstrong McGuire, Councillor Enda Stenson and Councillor Des Guckian supported the motion.

Mr Darragh O'Boyle, Senior Executive Engineer said the pedestrian crossing is now complete and the flashing Driver Feedback sign will be moved back up to this location. The speed is 50 kph at this location.

Councillor Paddy Farrell said that a speed of 50kmph is too high for a lorry at this location.

Mr Darragh O'Boyle said that the driver of a vehicle should know what the safe speed for the vehicle they are driving is. Mr O'Boyle advised that this issue should be raised at the Joint Policing Committee to alert the Gardaí to the matter.

CMD.10.21 Motion from Councillor Paddy Farrell: Grit Boxes at hill of Kiltoghert Graveyard

"I would like Leitrim County Council to provide grit boxes at the hill of Kiltoghert graveyard and the hill beside it at Fahey more."

Report by Roads - General

"The Kiltoghert Graveyard committee and all local communities and housing estates are welcome to apply for the salt bins from Leitrim County Council. Associated costs and grants are explained on the LCC website. Regarding road users, we can deposit small mounds of salt at strategic locations along the public road."

Councillor Paddy Farrell said people couldn't get down the hill at Kiltoghert a few weeks ago due to treacherous conditions as a result of frost.

Mr Darragh O'Boyle, Senior Executive Engineer said a deposit of salt will be left at this location.

Councillor Enda Stenson and Cllr Paddy Farrell thanked Mr Darragh O'Boyle for the provision of salt at various locations during the recent spell of frosty weather.

CMD.11.21 Motion from Councillor Enda Stenson: Lis Cara

"What is the update position on Lis Cara, any progress on the eventual Taking in Charge here?"

Report by Director of Services for Economic Development, Planning, Environment and Transportation.

"The Lis Cara housing development area is one of a number of estates for which the Council is hoping to finalise the taking in charge process over the course of the year. Due to the scale, complexity and problems known to exist in the underground services, it is anticipated that agreement on the apportionment of the Bond monies between Irish Water and the Council should be concluded to allow the estate to be considered for taking in charge in the last quarter of 2021."

Councillor Enda Stenson gave the background to his motion and said he hoped that a schedule of works to be completed could be made available for residents so that they would have an indication of the progress being made in taking their estate in charge. Cllr Stenson stressed that works need to be completed and he acknowledged that complex issues exist in this development.

Councillor Des Guckian highlighted the developers lack responsibilities in this regard and sought details of the developers involved.

Councillor Finola Armstrong McGuire and Councillor Paddy Farrell supported the motion.

Mr Joseph Gilhooly acknowledged that there are two elements in this regard. The Taking in Charge works is being negotiated with Irish Water and is on a programme of works for completion in 2021. Mr Gilhooly acknowledged that some of the properties in the estate are in better condition than others. The state of repair or condition of some of the privately owned properties in the estate is a matter for the property owners. Leitrim County Council will monitor the situation with regard to vacant properties.

CMD.12.21 Motion from Councillor Enda Stenson: Hedge Cutting Season

"There is six weeks remaining to the end of the hedge cutting season. Could areas where landowners are no longer able to work holdings, be trimmed back. Most Landowners have excellent work done. There are a few dangerous areas which should be done before March 1st."

Report by Roads - General

"Hedge cutting and tree cutting can be carried out up to end of February. If the hedges or trees cause a risk to the road user, then this restriction does not apply if the landowner has been informed by the local authority to carry out the work. Leitrim County Council does not cut hedges or trees (except at regional road junctions). If a landowner is unable to carry out these works, there are many contractors who will do the work for them. There is also a grant provided by the local authority to encourage good agricultural practice to maintain the boundaries of their

property."

Councillor Enda Stenson referred to elderly farmers who are in hospital/nursing homes and who are not able to, or have no one to, do work on their farm holdings. Councillor Stenson pointed out that there are a few areas where roadside hedges are falling into neglect and he asked if the Council could trim them back.

Councillor Paddy Farrell supported the motion and asked if there is much of an update on the hedge cutting grant scheme.

Mr Darragh O'Boyle confirmed that approximately 5 applications have been received so far this year from the Carrick -on-Shannon Municipal District under the Hedge Cutting Grant scheme. Leitrim County Council carry out hedge cutting under Road Safety at Regional Road junctions. Approximately 400 hedge cutting notices are issued each year.

Councillor Sean McGowan queried when is the last day for hedge cutting.

Mr O'Boyle, Senior Executive Engineer said hedge and tree cutting can be carried out up to end of the February. If the hedges or trees are a hazard to road users, this restriction does not apply where the landowner has been issued with a notice by the Local Authority to carry out the work.

CMD.13.21 Any Other Business

Outdoor Recreational Infrastructure Scheme

Councillor Thomas Mulligan welcomed the funding announced today by Minister Humphreys under the Outdoor Recreation Infrastructure Scheme for the Lough Rynn Trail and the Castlecarra Trail Extension

Councillor Enda Stenson paid tribute to Leitrim County Council on the superb walkways in Leitrim and that it is great to see people using them.

Winter Maintenance - Lough Rynn

Councillor Thomas Mulligan proposed that gritting/spreading of gravel would be carried out on the road from the Lough Rynn Caravan Park to Foxes pub in the event of snow.

Mr Darragh O'Boyle, Senior Executive Engineer said this route is not included in the Winter Maintenance Plan.

Date for February Meeting

Mr Joseph Gilhooly suggested that the next Carrick-on-Shannon Municipal District Meeting could be deferred to 15th February 2021 to facilitate the inclusion of the Roadworks Programme, in the hope that notification of programme will have been received from the Department by that time.

Councillor Enda Stenson proposed that the next meeting of Carrick-on-Shannon Municipal District meeting take place on Monday, 15th February 2021. Councillor Des Guckian supported this.

This concluded the business of the meeting at 11.17 am

SIGNED: _____
Councillor Paddy Farrell
Cathaoirleach, Carrick on
Shannon Municipal District

SIGNED: _____
Kieran Brett
Meetings Administrator

Date: Monday, 15 February 2021