

MINUTES OF PROCEEDINGS AT MEETING OF THE MUNICIPAL DISTRICT OF ADARE-RATHKEALE HELD AT ÁRAS SEÁN FINN, NEW LINE ROAD, RATHKEALE, CO. LIMERICK ON WEDNESDAY, 1ST JUNE, 2016, AT THE CONCLUSION OF THE ANNUAL MEETING

PRESENT IN THE CHAIR: Councillor A. Teskey, An Cathaoirleach.

MEMBERS PRESENT:

Councillors Keary, McMahon, O'Brien, O'Donoghue and Sheahan.

OFFICIALS IN ATTENDANCE:

Director, Regional Services (Ms. C. Curley), Meetings Administrator (Mr. T. O'Callaghan), Regional Waste Plan Co-ordinator (Ms. P. King), Senior Executive Officer (Mr. P. Foley), Chief Officer, Limerick Local Community Development Committee (Mr. S. O'Connor), Senior Executive Planner (Mr. K. Reeves), Research Assistant, Social Development (Ms. E. Humphreys), Acting Senior Planner (Mr. S. Duclot), Senior Engineer, Mid West Road Design Office (Mr. T. Fitzgerald), Senior Executive Engineer (Mr. G. Carey), Executive Engineer (Mr. S. Linehan), Executive Planner (Ms. B. Collins Cassidy), Staff Officer (Ms. K. Butler), Assistant Staff Officer (Ms. S. Carroll).

It was noted, at the outset, that the staff attending in connection with item 4 on the agenda had also to attend at the District Meeting in Newcastle West and agreed that this item would be taken first.

On the proposal of Councillor Sheahan, seconded by Councillor McMahon, it was agreed that times should be allocated to items on the agenda that required the attendance of deputations, outside agencies or staff that did not usually attend at the District Meeting.

4. To consider the adoption of a Statement of Consistency on the Draft Local Economic and Community Plan (LECP) 2016-2021.

Circulated, Report of the Chief Officer, Limerick Local Community Development Committee dated 25th May, 2016, setting out the background to the item and what was required of the Members; Report of the Director of Economic Development dated 25th May, 2016 which stated that the Director was satisfied that the draft Limerick Local Economic and Community Plan was consistent with the Limerick City Development Plan 2010, the Limerick County Development Plan 2010 and the relevant Local Area Plans and that both economic and community elements of the plan were consistent; and draft Local Economic and Community Plan (LECP) 2016-2021 dated 18th May, 2016.

Ms. Humphreys gave a powerpoint presentation on the Draft LECP plan which included the following :-

- The origins and purpose of the LECP.
- The evidence base for the LECP including socio-economic analysis, consultation process and who would deliver the plan.
- The 9 high level goals of the LECP and the action areas under the three pillars of economic, social and physical / environment.
- The presentation and implementation of the plan and the timeframe for its adoption.

Members noted that issues relevant to the District such as, traveller supports, village renewal, flooding, water and sewerage, road safety at schools and vacant / derelict housing were not addressed in the plan.

Members noted that the following issues were relevant in any discussions on the LECP :-

- The need for vacant / derelict houses in the towns and villages in the District to be redeveloped and made available for letting.
- That childcare facilities in the District were overprescribed and many rural schools had no before or after school childcare facilities and that funding be provided to Community Halls to facilitate the provision of these services.
- That the District had no representative on the LCDC.
- That many small villages had low footfall and no access to services such as broadband but this was not reflected in the rateable valuation of the commercial premises at these locations.
- The review of the City and County Development Plans had been postponed until 2018 and this may give rise to inconsistency with the LECP.

In response to issues raised by Members, Ms. Humphreys noted the following :-

- The LECP was not an operational plan but represented a framework for groups of agencies to work together in a co-ordinated fashion.
- A number of traveller support programmes were in place.
- Issues relating to road safety would be addressed in the Joint Policing Committee Strategy that was currently being developed.
- Three sources of funding for village renewal were in place through Rural Enterprise Development Zones, a national €30m programme under the Department and Leader.

Mr. O'Connor noted that the election of Members to the LCDC had been a matter for the full Council. He pointed out that the issues raised by the Members would be addressed in the LECP where possible but that the input of other agencies might be relevant to same.

The Director noted that the issue of the rateable valuation of property was a matter for the valuation office and that an appeals process was in place for those who were in disagreement with the valuation of their property.

It was agreed that this item would be brought to the July Meeting of the District.

2. Disposal of Land

To note proposals for the disposal of land at the Courthouse, Adare, Co. Limerick.

Circulated, Report of the Director, Services Operations dated 26th May, 2016, setting out proposals to bring a Section 183 Disposal Notice to the full Council in connection with the disposal of the Courthouse, Adare.

Members welcomed the proposed disposal and asked that the proceeds of the sale be applied to the Adare-Rathkeale District.

The Senior Executive Officer, Property noted the Members request and undertook to bring same to the attention of the Head of Finance.

The Director, Regional Services noted that ultimately, approval for the disposal was a matter for the full Council and it would set a dangerous precedent for the proceeds of any particular disposal to be applied to the District in which the property was located.

3. Part 8 – Proposed N21 Adare Western Approach Improvement Scheme

Circulated, Report of the Deputy Chief Executive dated 26th May, 2016 in relation to the proposed N21 Adare Western Approach Improvement Scheme that had been prepared in accordance with Section 179 of the Planning and Development Acts 2000-2015 and Part 8 of the Planning and Development Regulations 2001-2015. It was proposed to proceed in accordance with the Deputy Chief Executive's Report.

Members raised concerns in relation to the safety of road users on alternative routes around Adare and in particular the condition of overgrown hedges on the road from Newcastle West to Rourkes Cross and the condition of the road surface between Anahid Cross and Lees Cross.

The Director, Regional Services stated that the Council would continue to pursue landowners regarding overgrown hedging and issues in relation to road surface would have to be addressed from the 2017 Roads Programme.

Councillor Sheahan noted that the Director of Transportation, having examined the route between Adare and Adare GAA Grounds, acknowledged the concerns that had been raised in relation to same and suggested the extension of the speed limit and the installation of flashing lights at this location. He had also highlighted the need to engage with local landowners along the route in order to acquire land to facilitate the provision of a footpath. Members noted that any commitments in this regard should have been brought to the attention of all the Members in the District at the same time.

Members noted that it had been suggested at the previous meeting that the Social Development Directorate attend for this item to discuss the servicing of lands opposite the school and behind the car park to be built as part of the proposed development. The Director, Regional Services, noted that a representative of Social Development was unable to attend but she had received a letter from same in this regard which indicated they were advancing proposals for a social housing scheme at Deerpark, Adare and confirmed that coordination meetings had taken place between representatives of the Social Development Directorate, Design & Delivery, Service Operations Directorate and the Mid West National Road Design Office, Regional Services Directorate, in relation to the interfaces between the two projects above. These discussions had related primarily to service provision, attenuation of surface water, car parking and related items. The coordination process would continue as the N21 scheme proceeded from the Part 8 stage, if successful, to the production of tender documentation and the social housing scheme proceeded to Part 8 planning submission, as appropriate for this design stage. This process would take account of any planning conditions related to the N21 scheme that may arise which influence design development and the ongoing design process with the social housing scheme.

In response to an enquiry from Members, the Senior Engineer, Mid West Road Design Office noted that, while the attenuation tank to be placed under the car park was designed to cater for surface

water from the adjacent N21, the outfall from same would have the capacity to cater also for drainage from the lands behind the car park. In relation to the provision of any sewer pipe along the route of the proposed works, he noted that it was attractive for any potential developer to come on board at that point, rather than later, and while his team would continue to pursue this option, ultimately a work order would have to come from Irish Water in this regard. He noted that a developer was awaiting the approval of the Part 8 but that the works, if approved, would go ahead if the developer did not engage.

Following discussion the Meetings Administrator clarified that a resolution of the District was required to vary or modify the development, otherwise then as recommended in the Deputy Chief Executive's Report or to decide not to proceed with the development. No resolution to this effect was agreed and on the proposal of Councillor O'Brien, seconded by Councillor Sheahan, it was agreed that the Part 8 should proceed.

5. Heritage Plan

Ms. Collins informed the Members that the Council had commenced the process of writing a new Heritage Plan for the City and County. She highlighted the benefits of having a co-ordinated approach to heritage to facilitate the drawdown of funding and noted that written submissions were invited from the public to be received by 28th July, 2016.

6(a). Update on Derelict Sites in Rathkeale

The Senior Executive Planner informed the Meeting that there were 13 properties in Rathkeale on the Derelict Sites Register, mostly located on the Main Street, and that no complaints had been received in relation to derelict sites in Rathkeale during the period commencing January 2015, to date. He noted that the application of a derelict site levy had been used primarily in the City rather than the County and pointed out that, where the Council acquire a derelict site, funds had to be in place to develop the site or ongoing maintenance costs would be incurred. Members noted that sites such as the Mart and the Peoples Bakery Site were effectively derelict sites and that many of the houses in Rathkeale had metal grills covering the windows and were not lived in and it was queried as to whether these were considered derelict under the legislation.

The following issues were also raised by Members during discussion of this item :-

- Main Street, Rathkeale was a special architectural area yet granite facing stone was being inserted around the doors and windows of some property there with no apparent involvement of the Conservation Officer.
- A building in the District, with one side derelict, one side unroofed and the remaining used was being rated based on the entire building.
- The Love Your Street Initiative had not been rolled out in Rathkeale.
- An update was sought on progress in acquiring Harte's thatched cottage in Askeaton for restoration by and use of the local Mens Shed group.

The Senior Executive Planner informed the Members that Rathkeale would be included in his plan of action for 2016 and he would revert to Members in November 2016 with a progress update. He also undertook to circulate Members with a map showing the existing sites in Rathkeale on the Derelict Sites Register.

(b) Update on the Taking in Charge of Ballyvareen Estate

The Meetings Administrator informed Members that the estimated cost for the completion of Ballyvareen Estate was €282,300 and the bond was in the amount of €160,000, leaving a shortfall of €122,300. The Water Services and Roads Engineers would now have to prioritise the works required for the development in line with the available budget from the bond. From a Water Services viewpoint, there was a need to provide a new inlet works which would involve a design and contractor which it was hoped to carry out in 2016. The upgrade works to the mechanical and electrical equipment would need to be monitored during 2016 with any upgrades during 2017. The plant was being maintained and operated by Water Services so any issues with the plant or foul sewer network should be reported to Water Services.

Members noted the update and pointed out that the sewage for houses 1 to 16 at the estate was blocking up at a bend in the sewer pipe at house 16 and asked that this be brought to the attention of Water Services.

(c) Update on the Taking in Charge of An Curran Estate, Pallaskenry

Circulated, Report from the Staff Officer, Planning and Environmental Services dated 27th May, 2016 which was noted by Members.

7. Update on Clonshire Cemetery

Circulated, Report of the Director, Regional Services dated 11th May, 2016. At the outset the Director noted that the church at Clonshire Cemetery was a national monument and that the funding required to repair same was not available in the current budget. She requested that the Members pass a resolution requesting that funds be made available in 2017 to carry out works to the church.

Members expressed disappointment that the report had made no reference to finding and restoring any headstones damaged by the collapsed gable or accessing the associated graves. Members also referred to a collapsed boundary wall at Askeaton Abbey where repair works had stopped due to lack of funding and the adjacent landowner did not have full use of his land as stones from the wall were laid out on the land. It was noted that this boundary wall had been built in 1911 to protect the adjacent site and did not merit the same standards of conservation that would apply to the Abbey.

The Director pointed out that the Council's Archaeologist did her best with limited resources and noted that, in the case of Clonshire, €37,000 had been estimated as the cost of completing Phase 1 of the proposed works.

On the proposal of Councillor Sheahan, seconded by Councillor O'Donoghue, it was agreed that the District requested that provision be made in the 2017 budget to allow Phase 1 of this project to advance.

8. Sewerage Treatment Plant in Askeaton

Circulated, series of emails, with the latest dated 24th May, 2016, from Irish Water giving updated position on the proposed upgrading of the Askeaton Sewerage Scheme. Members welcomed the update and that designers had been engaged to progress the upgrade.

1. Adoption of Minutes

Circulated, draft Minutes of Meeting of the Municipal District of Adare-Rathkeale held on 11th May, 2016.

Proposed by Councillor O'Donoghue;

Seconded by Councillor Keary;

And Resolved:

"That the draft Minutes, as circulated, be taken as read, adopted and signed".

ADJOURNED NOTICE OF MOTION

9. Notice of Motion submitted by Councillor R. O'Donoghue

I will move at the next Meeting that all works carried out under tender for the Council are judged on workmanship, experience and references rather than just price. The lowest tender does not mean the best work.

The motion was proposed by Councillor O'Donoghue and seconded by Councillor Keary.

In proposing the motion Councillor O'Donoghue noted that contractors opening roads were obliged to maintain the reinstatement for 2 years, but, in certain instances, the Council was having to carry out these works. He suggested that the Council should supervise reinstatement work while it was being carried out or alternatively that the Council should be contracted to maintain these reinstatements instead, with any costs to be recovered from the contractor.

In seconding the motion Councillor Keary pointed out that bonds should be in place for such contracts. He noted that in some instances sub-contractors were experiencing difficulties getting paid by main contractors and recommended that separate bank accounts operate in such instances.

REPLY: Supplygov.ie is an online tendering process used for purchases with an aggregated value less than €25,000 and €50,000 in the case of works and related Consultancy services. The lowest tender is awarded the contract based on the successful tender having their insurances in date, safety statement in date, certificates for plant and machinery all in order. If the lowest tender doesn't have all documentation in place then the 2nd lowest tender with correct documents in place is awarded the contract.

For capital works above €50,000.00, these are usually procured on etenders.ie and where applicable, the European Journal (if the works may exceed approx €5,000,000.) These tenders are evaluated against specification and award criteria,

not just price. The initial assessment is a pass/fail based on their financial, economic and technical ability. If they pass this stage, then they progress to scoring based on the quality/price ratio, where quality marks will be awarded based on their submissions on, for example, health & safety, Quality Control, references from past works, etc.

The Meetings Administrator noted that the reply to the motion had been framed in terms of the original motion, as submitted, and without reference to the additional issues raised at the Meeting.

The Director noted that the area of procurement had many legal implications and proof of inadequate work standards would have to be in place were a contractor to be rejected on such grounds.

QUESTIONS

10. Question submitted by Councillor E. O'Brien

I will ask at the next Meeting for an update and progress report from Limerick City and County Council and the TII with respect to Kilcornan Traffic calming, as passed by a Motion of this Municipal District.

REPLY: The Council has recently met with the Regional Safety Engineer from Transport Infrastructure Ireland (TII) at the above location who reports as follows.

‘Our discussions centred on the immediate area around Kilcornan School and the Community Centre. There is very little collision history recorded here, but I can see that there is a possible case for giving the area around school and playing field an “urban” treatment with footpaths and street lighting. This may highlight to drivers that the area is a centre of activity where slower speeds are appropriate.

However in order for this treatment to be effective it would need to go hand in hand with a rationalisation of the speed limit in Kilcornan, restricting the speed limited length to the location around the school where there is the most pedestrian activity, and where the proposed treatment would reinforce for drivers the urban feel and sense of place.’

11. Question submitted by Councillor S. Keary

I will ask at the next Meeting for an extract of Limerick City and County Council's Policy document that permits roadside trading and associated signage at numerous locations along the National Primary and other roads.

REPLY: The principal piece of casual trading legislation is the Casual Trading Act 1995. Casual Trading means the selling of goods at a place (including a public road) to which the public have access as of right or at any other place that is a casual trading area. The Casual Trading Act 1995 was amended by SI 191 of 2004 to grant an exemption from a casual trading licence to a grower or any person acting on behalf of a grower selling berries and new potatoes on the side of the road between May and September inclusive. (Section 2(3)) Regulations 2004 - Casual Trading Act 1995

exempt from the provision of the Casual Trading Act 1995 the selling between the 01st May and the 30th September in any year of (i) strawberries, raspberries, blueberries, gooseberries, blackberries, loganberries, tayberries and currants, and (ii) potatoes having loose skins and which have been harvested prior to maturity. There is no provision in the Exempt Development Regulations for signage, however one would have to accept that some sort of signage would be associated with this type of trading. If the trader is deemed to be causing a traffic hazard there is a provision in the Roads Act 1993 to serve notice to cease the activity.

Councillor Keary noted the reply and highlighted that there was a lack of consistency in the treatment of roadside traders compared to those who traded in similar products, but paid commercial rates.

NOTICES OF MOTION

As items 12 and 13 were similar, it was agreed that they would be taken together.

12. Notice of Motion submitted by Councillor E. O'Brien

I will move at the next Meeting, as an elected representative for the immediate area of Kilcornan, to extend an invite on the imprimatur of Kilcornan Community Council, for the Municipal District of Adare-Rathkeale to attend and hold a Municipal Meeting in Kilcornan Community Centre in October 2016. I will further move that an update and progress report from Limerick City and County Council and the TII with respect to Kilcornan Traffic calming remain on the agenda as I feel it is not getting any, or any adequate, attention.

13. Notice of Motion submitted by Councillor K. Sheahan

I will move at the next Meeting that, if a request has been received from Kilcornan Community Council to hold a District Meeting in Kilcornan Community Centre, the November District Meeting be held at that location.

The motions were proposed by Councillor Sheahan and it was agreed that the November Meeting of the District would be held in Kilcornan with the issues to be raised by the Kilcornan group to be established in advance and communicated to the Members.

14. Correspondence

The Director informed the Members that correspondence had been received from the Adare Heritage Trust inviting the District to hold a future District Meeting in Adare with a view to discussing Adare Heritage Trust's plans for the future. It was agreed that the October Meeting of the District would be held in Adare.

The following issues were raised at the conclusion of the agenda :-

Councillor Sheahan noted that two tarmacadam footpaths exiting the east of Askeaton were in poor condition and should be replaced with concrete.

Councillor Sheahan noted that he had previously sought a report on the resurfacing of Main Street, Askeaton. The Meetings Administrator noted that a reply to same had been circulated in the table of ongoing issues raised by Members which indicated that the estimated cost to plane out and resurface 950m x 7m of the R518, put in place a mesh layer and new overlay was in the region of €332,500 and did not include for any side roads.

This concluded the Meeting.

Signed:

Cathaoirleach

Dated:
