

MINUTES OF PROCEEDINGS AT MEETING OF THE MUNICIPAL DISTRICT OF ADARE-RATHKEALE HELD AT ÁRAS SEÁN FINN, NEW LINE ROAD, RATHKEALE, CO. LIMERICK ON TUESDAY, 10TH MARCH, 2015, AT 9.00 A.M.

PRESENT IN THE CHAIR: Councillor T. Neville.

MEMBERS PRESENT:

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

OFFICIALS IN ATTENDANCE:

Head of Finance, Motor Tax and ICT (Mr. T. Gilligan), Operations Manager, South and West Division (Mr. B. Kennedy), Administrative Officer, Corporate Services (Mr. T. O'Callaghan), Senior Executive Engineer, Roads, West Division Operations (Mr. B. Noonan), Senior Planner (Mr. G. Sheeran), Senior Executive Planner (Ms. M. Woods), Heritage Officer (Mr. T. O'Neill), Administrative Officer, Economic Development (Ms. M. Hayes), Administrative Officer (Mr. M. Cantwell), Staff Officer (Ms. Karen Butler), Assistant Staff Officer (Ms. E. Buckley).

1. Adoption of Minutes

Circulated, copy of draft Minutes of Meeting of the Municipal District of Adare-Rathkeale held on 10th February, 2015.

Proposed by Councillor Keary;
Seconded by Councillor O'Donoghue;
And Resolved:

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

2. Economic Development and Planning

(a) Proposed Adare Local Area Plan 2015-2021

Circulated, report of the Director of Economic Development and Planning dated 29th January, 2015, enclosing copy of the Chief Executive's Report to Members dated 29th January, 2015, on the Proposed Adare Local Area Plan 2015-2021.

The Chief Executive's Report presented the submissions made following publication of the Proposed Adare Local Area Plan Material Alterations and set out the Chief Executive's responses to the issues raised and any proposed further modifications to the material alterations. It was noted that the Proposed Adare Local Area Plan Material Alterations were placed on public display from 13th December, 2014 to 21st January, 2015, inclusive and that a total of 5 written submissions were received within the statutory timeframe. It was recommended that the Adare Local Area Plan 2015-2021 be made in accordance with the Chief Executive's Report dated 29th January, 2015.

Members indicated that they had postponed a decision on the Proposed Adare Local Area Plan 2015-2021 at the February District Meeting as they could not make an informed decision on zoning in the absence of the CFRAM flood maps for Adare. Members indicated that they were extremely disappointed that the OPW had not responded to a request that the CFRAM flood maps for Adare be available for the March District Meeting and a number of Members indicated that they would not approve of the Proposed Plan in light of these circumstances.

Councillor Keary referred to Items 12 and 13 on the Agenda and indicated that a representative from the OPW had been requested to attend to brief Members on the reason for the construction of flood defence embankments adjacent to the river Maigue on the Northern side of the Adare Manor lands and whether the works could give rise to an increased potential risk of flooding of adjacent property and downstream on Station Road. The Members were advised that the OPW had responded and indicated that they were unable to attend the Meeting.

Discussion took place in relation to two sites referred to as Hogan's Lands and Fitzgerald's Lands on Submission Nos. 27-30 and Submission No. 31 respectively in the Chief Executives Report dated 4th November, 2014. The Senior Executive Planner pointed out to the Members that, as the Planning Authority, they had a duty to make or amend the Local Area Plan and a decision in relation to same would have to be taken at the current Meeting. She stressed that there would not be regulated planning for Adare if the Local Area Plan was not adopted.

The Senior Planner indicated that it was unprecedented not to adopt the Local Area Plan. He indicated that the Office of Public Works (OPW) was the lead agency for flood risk management and was responsible for protecting lands from flooding. He pointed out that the Office of Public Works (OPW), The Environment Protection Authority (EPA) and The Department of the Environment, Community and Local Government had recommended that the Hogan Lands and Fitzgerald Lands revert back to Open Space and Recreation as was set out in the draft plan and that the Chief Executive's Report had incorporated these recommendations as these lands are located in areas deemed to be at risk of flooding.

The Senior Executive Planner repeated her concerns in relation to potential risk of flooding of land referred to in Submission Nos. 27-30 and Submission No. 31 in the Chief Executive's Report dated 4th November, 2014. She stated that any changes proposed needed to be precise and it would be necessary for the Members to put forward the basis for departing from the Chief Executive's recommendations.

Proposed by Councillor Keary;
 Seconded by Councillor Sheahan;
 And Resolved:

"That, the Adare Local Area Plan 2015-2021 be made in accordance with the Chief Executive's recommendations dated 29th January, 2015, under Section 20(3)(n) of the Planning and Development Act 2000 (as amended), subject to the following two amendments –

(i) that Submission Nos. 27-30 be changed from Open Space and Recreation to 'Residential Phase 2' as agreed at the Municipal District Meeting on the 2nd December, 2014 as these lands had never flooded and the datum levels were significantly higher than the lands adjoining Station Road; there would be no impact on the core strategy as phase

one lands must be developed first and (ii) that Submission No. 31 be changed from Open Space and Recreation to 'Existing Residential' as agreed at the Municipal District Meeting on the 11th November, 2014 as these lands form the curtilage of the existing house; the lands were previously zoned residential in the 2009 LAP; any application on this site would require compliance with Objective IN5 Flood Risk Management of the proposed plan in relation to flood risk assessment."

The Senior Executive Planner advised the Members of the implications of deviating from the Chief Executive recommendations in that the Adare Local Area Plan may be reviewed by the Department of Environment, Community and Local Development.

With the permission of the Cathaoirleach it was agreed to take the following urgent item, which was not on the Agenda, at this point in the Meeting.

Former Andersen Building in Rathkeale

Circulated, copy of correspondence from Mr. Michael Cantwell, Head of Innovate Limerick dated 9th March, 2015 in which Mr. Michael Cantwell gave a description of the intended property for disposal, details of which would be going to the full Council for approval.

It was noted that Innovate Limerick Ltd., a wholly owned subsidiary of Limerick City and County Council, purchased the former Anderson Building in Rathkeale in 2014 after its closure earlier that year. It had been purchased from the Receivers PWC with the view to attracting businesses into smaller units within the 125,000 sq. ft building.

Mr. Cantwell pointed out that the Council's approval would be sought for the disposal of 25,000 sq. ft. of the plant to Mr. Paul Collins, Design Pro Ltd. who design and build high end robotic equipment. Design Pro Ltd., currently based in Ballinvullen Business Park, Newcastle West, had outgrown their existing facility and expect to increase their staff to 70 within the next two to three years. In addition, the Council's approval would be sought for the disposal of 3,000 sq. ft. and approximately 1 acre of the site to Fitzer and Long, Veterinary Practice. Local charity Butterfly Club were seeking approval for the leasing of 3,000 sq. ft. on a ten year lease.

Members commended Innovate Limerick on their success in attracting businesses to the former Anderson site and the employment opportunity it had created.

During the course of the discussion Members highlighted the importance of attracting small and medium sized indigenous enterprises to the County. Councillor Sheahan indicated that Shannon Development and the IDA had been unsuccessful in securing a major employer for the 240 acre site in Askeaton Industrial Estate and proposed that 40 acres of the 240 acres site be designated for small and medium sized indigenous industries that could facilitate the needs of Foynes Port. This was seconded by Councillor Tom Neville.

Mr. Cantwell indicated that, as part of the Action Plan for Jobs, the mid west is currently in the process of compiling its action plan under the guidance of Enterprise Ireland and that the development of smaller sites at Askeaton could be included as part of the Mid West Action Plan.

As the Garda representatives were available it was agreed to take item 4 on the agenda at this point.

4. An Garda Siochána

The Cathaoirleach welcomed Superintendent Thomas O'Connor and Sergeant Niall Flood from Newcastle West District Garda Station to the Meeting.

Members highlighted the importance of representatives from An Garda Siochána attending Municipal District Meetings and suggested that these Meetings occur on a regular basis. During the course of the discussion Members highlighted the benefits of the Public Information Meeting that had been held the previous evening in Askeaton where representatives from An Garda Siochána had met with members of the community.

The following issues were raised by Members during the course of the discussion:

- The benefit of increased visibility of An Garda Siochána.
- That the areas of Croom, Ballingarry and Manister need extra policing.
- That 'Text Alert' was invaluable to rural areas and should be encouraged as it helped to protect the elderly and vulnerable.
- That people need to be aware of their own personal security and take appropriate precautions.
- The benefits of re-establishment of Joint Policing Committee.
- That motorists were using Castleroberts and other areas as a short-cut to avoid Adare due to the traffic congestion in the village

In response to queries raised by Members the Superintendent pointed out that there was a high level of agricultural burglaries with the theft of diesel, oil, tools and machinery. It was believed that relatives of Limerick criminals, with local knowledge, were linked to these crimes.

He noted that the Newcastle West district covered 121 square kilometres, which was the same size as County Monaghan, and all areas of the district are patrolled. He added that the Garda fleet was in excellent condition and indicated that three retirements would occur in the next three years and he would be applying to Templemore for new recruits. Referring to the theft at Ballingarry creamery, Sergeant Niall Flood noted that a Garda crime prevention officer had visited the creamery and local businesses and given advice on improving security.

2. Economic Development and Planning

(b) Limerick City & County Council Business & Retail Incentive Scheme for Vacant Property in Limerick City Centre, Abbeyfeale, Kilmallock, Newcastle West and Rathkeale

Circulated report on the Limerick City and County Council Business and Retail Incentive Scheme for Vacant Property from the Director, Economic Development and Planning, dated 10th February, 2015 and associated application form and guidelines for Business and Retail Incentives Scheme for Vacant Properties Grant.

Ms. Mary Hayes, Administrative Officer, Economic Development and Planning presented proposal to extend the Business and Retail Incentive Scheme from 01/01/2015 to 31/12/2016.

She noted that the scheme offered incentives for the occupation of vacant retail and business units in city and town centres through the provision of grant aid in designated areas. These areas included Limerick City Centre, Abbeyfeale, Kilmallock, Newcastle West and Rathkeale. Under the scheme new businesses received grant relief over two years for occupation of vacant premises with higher order retail type uses and business uses. An example of higher order retail use types can include fashion outlets – both multiple and independent stores, 'lifestyle stores', flagship stores, niche and specialist retailers such as home furnishings, beauty products, jewellery and books. The grant relief provided for the certified fit-out costs of vacant premises up to the value of 50% of commercial rates payable in the first year of operation and 25% in the second year.

Members thanked Ms. Hayes for her presentation and raised the following issues in relation to same:-

Members indicated that the scheme should be extended as other towns deserved to be included. Councillor Sheahan proposed that towns of over 1,000 inhabitants be included and this was seconded by Councillor Keary. Councillor Sheahan further stated that Askeaton should be included in the current Business and Retail Incentive Scheme pointing out that Askeaton is home to the two biggest employers and rate payers in the region namely Wyeth and Aughinish. This proposal was seconded by Councillor Keary.

The Senior Planner stated that significant vacancy still remain in the defined core retail areas of city and town centres and stated that any extension of the scheme would dilute the potential impact of the scheme, which should be given an opportunity to achieve its objectives and then extended to other areas. He added that the scheme could be reviewed in six months time.

3. Environment and Water

Gortadroma Landfill

The Head of Finance indicated that a site visit to a gasification facility in France, to view a similar plant in operation to the one being proposed for Gortadroma Landfill, was organised for 11th and 12th March, 2015 for Members, Council Staff and local resident representatives.

The Head of Finance added that the proposed lease of lands at Gortadroma would go to the full Council for approval.

5. Request to Receive Deputation from Croom Parish Sporting and Educational Group

Members were informed that a request to receive a deputation had been received from Croom Parish Sporting and Education Group. On the proposal of Councillor Neville,

seconded by Councillor O'Donoghue it was agreed to receive this deputation at the next Meeting.

6. Request to Receive Deputation from Friends of the Great Southern Trail

Councillor Neville indicated that a request to receive a deputation had been received from Friends of the Great Southern Trail with regard to planning the connecting link between the Great Southern Trail and the cycleway from Patrickswell to Limerick adding the benefits this held. On the proposal of Councillor Neville, seconded by Councillor O'Donoghue it was agreed to receive this deputation at the next Meeting.

QUESTIONS

7. Question submitted by Councillor Tom Neville

I will ask at the next Meeting for an update on the representations made last November for the provision of a pedestrian crossing and associated safety works at Crecora National School.

REPLY: The cost of providing a pedestrian crossing will vary between €15,000 and €25,000, depending on the amount of civil works required in the form of footpath provision, alterations to existing footpath, buildouts, ducting, road markings etc. There will be associated electrical works for instance connection to the nearest ESB Networks pole, provision of mini-pillars, cabling and provision of flashing lights/ poles.

There are a number of requests for pedestrian facilities at schools throughout the county and at present there is no budget to carry out these works.

Until a budget is available it will not be possible to advance pedestrian crossing facilities at any of the schools for which requests have been received.

8. Question submitted by Councillor Tom Neville

I will ask at the next Meeting for a comprehensive update on upgrade works required for the Sewage System for Ballyvareen Estate in Kildimo. Have the Council claimed the Bond. If so what is the timeline to when works will be completed and the system be taken in charge by the Council.

REPLY: The Water Services section in Rathkeale has completed a survey and inspection of the Ballyvareen sewerage system. However, there are further investigations to be carried out on the sewer network. I confirm that the bond

has been claimed and we are currently in correspondence with the Bank in respect of this bond.

9. Question submitted by Councillor Tom Neville

I will ask at the next Meeting when the two street lights are to be erected at Kellehers Cross, Crecora as was committed to be done in 2014.

REPLY: I confirm that these lights will be in place by early May 2015.

Limerick City & County Council have engaged Airtricity Solutions Ltd to place 150w Sont Philips lanterns with photocell post top mounted using 1m vertical bracket and adaptor onto the existing steel poles.

Furthermore, Limerick City & County Council have written to ESB Networks requesting an ESB connection for the 2 steel poles.

10. Question submitted by Councillor Emmett O'Brien

I will ask at the next Meeting in light of the Motion as adopted at the February Municipal District Meeting what response, if any, was received from NRA regarding the provision of traffic route lighting in the vicinity of the Kilcornan primary school and entrance to the Ger McDonnell all-weather playing facility / Kilcornan Community Centre together with enhanced traffic calming/safety measures at this location and whether Limerick City and County Council Engineers have undertaken an assessment of these traffic requirements.

REPLY: A letter has been issued to the NRA in relation to the items raised in a Notice of Motion at the February meeting of the Adare-Rathkeale Municipal District and the Council is currently awaiting a response.

11. Question submitted by Councillor Emmett O'Brien

I will ask at the next Meeting for a timeline of when the uncompleted works at Kildimo graveyard (drainage and provision of paving and the building of the knocked wall) will be completed.

REPLY: There has been extensive works carried out in Kildimo burial ground. It is proposed to complete the required drainage and footpath works in the next 4-6 weeks. Quotations have been sought for repair of the stone boundary wall and works will commence in the next 4-6 weeks.

12. Question submitted by Councillor Stephen Keary

I will ask at the next Meeting that a representative from the Office of Public

Works give a presentation to the Elected Members at the March Meeting to explain the reason for the construction of flood defence embankments adjacent to the river Maigue on the Northern side of the Adare Manor lands.

REPLY: These works were carried out by the Office of Public Works. They have been requested to attend the March Meeting of the Adare-Rathkeale Municipal District Meeting but are unable to attend.

13. Question submitted by Councillor Stephen Keary

I will ask at the next Meeting, in relation to the construction of flood defence embankments adjacent to the river Maigue on the Northern side of the Adare Manor lands and as a result of the construction of this flood water containment basin, in the event of a repeat of the February 2014 flood levels, what effect is it possible to have on the following:

- (a) The effect it may impact on the structural integrity of the adjacent masonry bridge.***
- (b) The increased potential to flood the adjacent Church, School and Graveyard on the Northern side of the river***
- (c) The increased potential risk of flooding downstream on Station Road.***

REPLY: These works were carried out by the Office of Public Works. They have been requested to attend the March Meeting of the Adare-Rathkeale Municipal District Meeting but are unable to attend.

14. Question submitted by Councillor Stephen Keary

I will ask at the next Meeting if Limerick City and County Council would consider purchasing a 1.30 hectare plot of ground off Main Street, Adare, to accommodate much needed car parking in the Town Centre. This land can be accessed from the existing roundabout in the centre of the town. The proposed zoning for the said lands to be agreed at the March Meeting is to change it from "Town Centre Mixed Uses" to "Open Space and Recreation". Can the Executive please provide clarity on the above item.

REPLY: The land in question is located on lands identified as flood zone A, and it is for this reason that the Department of the Environment, the OPW and the EPA reported that the land is not suitable for residential zoning. Currently there is no direct access to these lands from the existing roundabout and the provision of an access would not be acceptable on capacity grounds, until such time that a bypass is provided for the town. Also, any access at this location would have to traverse the existing town park and the impact on the amenity of this would have to be assessed further.

NOTICES OF MOTION

15. Notice of Motion submitted by Councillor Emmett O'Brien

I will move at the next Meeting that Limerick City and County Council undertake an assessment of the level of fly tipping and illegal dumping in the Carnane, Fedamore area and address the Meeting how it proposes to arrest this dumping.

Councillor O'Brien, in proposing the Motion, stated that there was a high level of fly tipping in the Carnane, Fedamore area and throughout the County. He called for CCTV cameras to be installed in areas where there was pronounced levels of illegal dumping. The Motion was seconded by Councillor Neville. Councillor Sheahan stated that in many cases CCTV cameras have not resulted in prosecutions as the individuals involved could not be identified as they were wearing hoodies.

REPLY: The problem of fly tipping and illegal dumping in the Carnane, Fedamore area has declined in recent years. However, the Council continues to monitor illegal dumping in this area. The Council requires that householders have arrangements in place for the disposal of their refuse. In this regard, the Council has contacted householders in the area to establish if they have a refuse collection service in place. The Council continues to follow up with householders who have not responded to this request for information.

Illegal dumping signage has been erected. The Council will erect additional illegal dumping signage if specific areas are identified. The Council will also erect temporary cameras in a specific site, if same is identified.

The Council also encourages groups to participate in clean ups in their area and in Team Limerick Clean Up which will take place on the 3rd April next.

16. Notice of Motion submitted by Councillor Emmett O'Brien

I will move at the next Meeting that Limerick City and County Council will improve the junction of Plunkett Road and L1221 to allow safe access onto the road.

Councillor O'Brien proposed the Motion and the Motion was seconded by Councillor Neville.

REPLY: The roads engineer has inspected the junction and will carry out a detailed assessment to determine what remedial action may be required at the above location.

17. Notice of Motion submitted by Councillor Stephen Keary

I will move at the next Meeting that in light of the obvious abandonment of the "Rapid Project" for Rathkeale Town by this Authority that the Chief Executive of Limerick City and County Council will ask the Minister with responsibility for this process to directly appoint a co-ordinator to continue the process for the people of Rathkeale Town

Councillor Keary, in proposing the Motion, expressed his concern that there had not been a RAPID co-ordinator in the Rathkeale area for the past 16 months and that this created a lack of co-operation between agencies and the community. The Motion was seconded by Councillor O'Brien.

REPLY: The Council continues to support the RAPID Programme in the four Limerick RAPID areas within the context of the withdrawal of national funding for RAPID in 2013. The Council allocates programme funding to all RAPID areas and a Council staff member continues to work with agencies in those areas to advance the RAPID aims of improved service co-ordination and community engagement.

Members expressed disappointment with the reply. The Head of Finance indicated that he would speak with the Director of Community, Leisure and Emergency Services on this matter.

18. Notice of Motion submitted by Councillor Stephen Keary

I will move at the next meeting that any works to be carried out at Graigeen Cross on the R518 Rathkeale to Askeaton road will include re-alignment works to the adjacent railway level crossing immediately North of this cross.

Councillor Keary, in proposing the Motion, queried if funding was being made available for the project. The Motion was seconded by Councillor Sheahan

REPLY: On Tuesday the 23rd of February a contractor for Iarnrod Eireann (IE) carried out works on their crossing, XF054, which is on the R518, Rathkeale to Askeaton Road. The work involved the installation of a macadam surface over the railway crossing. This work resulted in a "ramp" type structure being placed on the R518 which had serious H&S implications. The work came to the attention of the Rathkeale office on the 24th of February and signage was put in place immediately to highlight the hazard. Contact was made with IE and a meeting was held on the 25th of February. IE agreed to remove the "ramp" and works were completed on the 26th of February.

In relation to realignment of the crossing it is proposed that the Rathkeale Roads Engineer will write to IE requesting a meeting to discuss the matter.

The following items were raised by Members at the completion of the Agenda.

Councillor O'Brien referred to a report in The Irish Examiner whereby some Local Authorities had not spend all their allocated funding on coastal repairs, resulting from last year devastating storms, and asked if this funding could be used for flood defences, other than coastal.

Councillor O'Donoghue requested an up-date on a landowner's offer of a strip of land at Croom to facilitate the completion of footpaths.

Councillor Sheahan referred to Notice of Motion previously submitted by him to the full Council in which he requested Limerick City and County Council to introduce a programme which would provide water supplies to Burial Ground which did not already have a supply and the reply to same which had indicated that the finance for such a project was not available. He noted that a water supply had been provided at Kilcornan Burial Ground and queried when, by whom and at what cost the connection had been provided and who would pay for the ongoing cost of the connection. Councillor Sheahan also queried if other burial grounds had been granted a water supply.

Signed:

Cathaoirleach

Dated:
