

MINUTES OF PROCEEDINGS AT SPECIAL MEETING OF LIMERICK CITY AND COUNTY COUNCIL HELD IN THE COUNCIL CHAMBER, DOORADOYLE, LIMERICK, ON MONDAY, 6TH NOVEMBER, 2017, AT THE CONCLUSION OF THE SPECIAL MEETING ON WARD'S CROSS AND OTHER JUNCTIONS ON THE N21.

PRESENT IN THE CHAIR:

Councillor S. Keary, Mayor.

MEMBERS PRESENT:

Councillors Browne, Butler, Collins (J), Collins (M), Costelloe, Crowley, Donegan, Foley, Galvin, Gilligan, Gleeson, Hogan, Hourigan, Hurley, Keller, Leddin, Loftus, Lynch, McCreech, McMahan, Mitchell, O'Brien, Cmhr. Ó Ceallaigh, O'Dea, O'Donnell, O'Donoghue, O'Hanlon, Pond, Prendiville, Ryan, Scanlan, Sheahan (J), Sheahan (K), Sheahan (M), Sheehy, Teefy, Teskey.

Apologies for their inability to attend the Meeting were received from Councillors Daly and Secas.

OFFICIALS IN ATTENDANCE:

Chief Executive (Mr. C. Murray), Deputy Chief Executive and Director, Economic Development (Mr. P. Daly), Director, Physical Development (Mr. K. Lehane), Director, Regional Services (Ms. C. Curley), A/Director, Social Development (Ms. C. Kirby), A/Director, Support Services – Finance, Corporate, Human Resources and ICT (Mr. S. Coughlan), A/Senior Planner, A/Director, Service Operations and Business Improvement (Mr. J. Delaney), Economic Development (Ms. M. Woods), Administrative Officer, Corporate Services (Ms. T. Knox), Meetings Administrator (Mr. C. O'Connor).

1. Economic Development Directorate

- (i) Proposed Variation to Limerick County Development Plan 2016 (as extended).
- (ii) Proposed Variation to Southern Environs Local Area Plan 2011-2017 (extended to 2021).

The Mayor stated that the Special Meeting had been convened to discuss the issue as set out in Requisition received on 26th September, 2017, and signed by a number of Members as follows:

“We request a Special Meeting of Limerick City and County Council as follows: (i) Proposed variation to Limerick County Development Plan 2016 (as extended); (ii) Proposed Variation to Southern Environs Local Area Plan 2011-2017 (extended to 2021).”

Signed: Councillors J. Collins, E. Ryan, K. Sheahan, K. O’Hanlon, S. Lynch, J. O’Dea, M. Donegan, F. Foley, V. Crowley, J. Pond.

Proposed Variations to Limerick County Development Plan 2016 (as extended) and Southern Environs Local Area Plan 2011-2017 (extended to 2021).

Proposal

It is proposed to vary the above Plans having regard to the context of the objectives and strategies of the Limerick 2030 Economic and Spatial Plan, now incorporated into the Limerick City and County Development Plans.

Purpose of the Proposed Variation

In the absence of reference to clear hazardous waste incineration processing guidelines in the existing Local Area and County Development Plan, the variations intended to copper fasten the exclusion of hazardous waste incineration for the lifetime of these plans.

The purpose of the proposed variations is to protect and safeguard Limerick citizens as set out in the vision statements of the aforementioned development plans from risks associated with hazardous waste incineration.

Environmental Assessments

The proposed variations take cognisance of and are consistent with all recently drafted Strategic Environmental Assessments, Appropriate Assessments and Strategic Flood Assessments in respect of previous variations and amendments to the Plan.

Variation to the Limerick County Development Plan 2016 (as extended)

The written statement in respect of the Transport and Infrastructure Chapter to be varied (Chapter 8 Objective 042) such that the following sentence be included as the final sentence in this objective “This excludes the incineration of hazardous waste.”

Variation to the Southern Environs Local Area Plan 2011-2017 (extended to 2021)

The written statement in respect of the Southern Environs Local Area Plan Development Strategy (Chapter 2.2) such that the following sentence be included after the vision statement “Having regard to the above, the incineration of hazardous waste shall be excluded from consideration within the boundaries of this Local Area Plan for the duration of this plan.”

The following documents had been circulated with the agenda:

- (a) Copy of Requisition and background detail, as outlined above.
- (b) Copy of Legal Opinion received by Dún Laoghaire-Rathdown County Council dated 28th June, 2017, which was of relevance to the item.
- (c) Copy of second Independent Legal Opinion, received as the request of the Members of the Dún Laoghaire-Rathdown County Council, and circulated at Meeting of Dún Laoghaire-Rathdown County Council on 11th September, 2017, which was also of relevance to the item.

Councillor Collins (J), in opening the Meeting, stated that Limerick people were against incineration. He would be calling on the Members of the Council to pass a Motion that they were opposed to the incineration of hazardous and non-hazardous waste. This would send a strong message to both industry and the broader community in relation to Limerick. He expressed his concern at the threat to the food chain and referred to comments by the Head of the Environmental Protection Agency recently that air pollution was responsible for 1,500 deaths, that there were no safe levels of pollutants and that the level of pollutants was already above World Health Organisation Guidelines. He referred to the proposed development of new houses in the Mungret area and at Greenpark, all of which were close to the Irish Cement Ltd plant. He now wanted to amend both the County Development Plan and the Southern Environs Local Area to prohibit incineration.

Councillor Collins (J) referred to the two sets of legal advice which had been circulated which effectively meant that Members could not initiate the process to amend the plans in place, even though they had been informed when the plans were being made that they could revisit them at any stage. This, he felt, was not in accordance with the sentiments set out in "Putting People First" and he expressed his disappointment that it was now a matter for the Chief Executive to initiate the process and all Members could do was to ask him to vary the plans. Members could adopt the plan but could not initiate the process to change it. They could only vote on the plan / amendments if initiated by the Executive.

He then referred to the process for the preparation and approval of the Regional Waste Management Plan which was an Executive Function. He pointed out that this plan sat parallel to the Development Plan in the planning hierarchy but that the Waste Management Plan has precedence over the Development Plan. He was therefore calling on the Members to support five motions which he was putting forward as follows: -

1. That Limerick City and County Council is opposed to the incineration of hazardous and non-hazardous waste in Limerick.
2. Call on the Chief Executive to initiate the process to amend the County Development Plan and the Southern Environs Local Area Plan to -
 - (i) amend the Limerick County Development Plan 2016 (as extended) as follows: **The written statement in respect of the Transport and Infrastructure Chapter to be varied (Chapter 8 Objective 042) such that the following sentence be included as the final sentence in this objective -“This excludes the incineration of hazardous and non-hazardous waste;” and**
 - (ii) amend the Southern Environs Local Area Plan 2011-2017 (extended to 2021) as follows: **The written statement in respect of the Southern Environs Local Area Plan Development Strategy (Chapter 2.2) such that the following sentence be included after the vision statement - “Having regard to the above, the incineration of hazardous and non-hazardous waste shall be excluded from consideration within the boundaries of this Local Area Plan for the duration of this plan.”**

If this is deemed illegal / ultra vires by the Chief Executive, call on the Chief Executive to place a report of his legal advice before the Council detailing the reasons why.
3. Request the Chief Executive to immediately commence the preparation of the new combined City and County Development Plan.
4. Ask the Minister for Housing, Planning and Local Government to amend the Southern Regional Waste Management Plan so as not to permit any further incineration of hazardous and non-hazardous waste in cement kilns.
5. Ask the Minister for Housing, Planning and Local Government to review the Local Government (Reform) Act 2014 to allow Councillors to initiate an amendment to a Development Plan and/or a Local Area Plan.

Councillor Lynch formally seconded the Motions as put forward.

Councillor Prendiville expressed the view that the Motions should be supported. He referred to a Motion put forward by him at the recent Economic Development, Enterprise and Planning Strategic Policy Committee Meeting held on 9th October, 2017, dealing with this issue, and referred to the need for action to be taken to prevent future similar planning applications.

A number of other Members spoke in support of the Motions referring to the dangers associated with incineration given the possible dangers to both human health and animal health and for the food chain, and to the fact that incineration was in use in University Hospital Limerick and in a number of other industries already.

Councillor Sheahan (K) made a proposal that the Council would introduce a policy of significant taxation which would be imposed on all users of incineration, so that this State and its people would be fully and adequately compensated for the entire damage that would be caused to the environment. This proposal was seconded by Councillor Teskey.

Councillor Teskey referred to the recent proposals from the Citizens' Assembly to tackle climate change and expressed his concerns at possible additional taxes on the farming community as a result of such proposal. He proposed that Limerick City and County Council write to the Minister for Agriculture and the Minister for Communications, Climate Action and the Environment that the Council opposed any taxation that could be put in place in relation to the emission of gases from farm animals. This was seconded by Councillor Sheahan (K).

Councillor Crowley proposed that the Council take the environmental impact of harmful activities, such as, but not limited to, incineration and gasification into account when considering to vary the rates. As a direct consequence of the negative impact on the environment, it is the view of this Council that these industries pay a higher level of rates.

In response to a query from the Members, the Chief Executive pointed out that the Council was operating in accordance with the National policy as set out by Government. He pointed out that while he did not wish to be acting in opposition to the wishes of the Members on the matter, the legal position was that he had to act in accordance with national policy. He would, however, work with the Council in relation to the issues raised and guide them in relation to the legal issues. In relation to the reference to comments made by the Head of the Environmental Protection Agency, he pointed out that he had heard some of the comments on a radio interview and that the comments were not in relation to incineration alone but also referenced pollution from cars and smoky coal amongst other matters and should not be taken out of context.

In relation to the various Motions put forward by Councillor Collins (J), he advised as follows: -

Motion 1 This was a matter for the Council. However, he pointed out that this Motion, if approved, could have wider impacts and should be considered carefully accordingly.

- Motion 2** In relation to this Motion, he pointed out that in accordance with the legal advice as circulated, the initiation of the variation process was a matter for the Chief Executive and while, in the main, he would always work with the Council on issues arising, the position in this case was that the Regional Waste Plan held precedence over the County Development Plan which meant he was not in a position to move on the request. He stated that he would therefore seek legal advice on the matter as per the request and bring back a report to the Council.
- Motion 3** In relation to the request for the commencement of the new Development Plan process, he pointed out that he was anxious to move forward on this matter and committed to the research element commencing in Quarter 1 2018 following completion of the National Planning Framework by the end of this year.
- Motion 4** He pointed out that this was again a matter for the Members to consider.
- Motion 5** This was also a matter for the Members and this was an area where further guidance would be welcomed.

In relation to the other Motions brought forward, these were areas which required further detailed consideration by the Members and should be referred to the appropriate Strategic Policy Committee for full consideration as they had significant broader implications.

Following concerns raised in relation to the wording of Motion put forward by Councillor Sheahan (K), Councillor Sheahan (K) pointed out that he wished to amend his Motion to include "if incineration is permitted" after the words "introduce a policy of significant taxation which would be imposed on all users of incineration." This was seconded by Councillor Teskey.

In conclusion, the Chief Executive stated that he would arrange to seek the legal advice as requested and would bring a report on the matter back to the Members for consideration, and again clarified that the legal advice being sought was "if the request to initiate the process to amend the County Development Plan and the Southern Environs Local Area Plan was deemed illegal/ultra vires by the Chief Executive, to place a report before the Council setting out in detail the reasons why." He also indicated that he would be happy to consider any other legal advice that Elected Members might have and asked if there was any particular Counsel that they wished to use in this instance.

NOTICE OF MOTION

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

I will move at the Special Meeting that Limerick City and County Council call upon An Post and/or the Minister for Communications to withdraw from circulation the An Post Che Guevara stamp.

With the permission of the Meeting, this Motion was withdrawn by Councillor O'Brien.

This concluded the Meeting.

Signed:

Mayor

Dated:
