

# **MINUTES OF PROCEEDINGS AT MEETING OF THE MUNICIPAL DISTRICT OF NEWCASTLE WEST HELD IN ÁRAS WILLIAM SMITH OBRIEN, NEWCASTLE WEST, CO. LIMERICK, ON WEDNESDAY, 10<sup>TH</sup> JANUARY, 2018, AT 10AM.**

**PRESENT IN THE CHAIR:** Councillor M. Collins, Cathaoirleach.

## **MEMBERS PRESENT:**

Councillors Browne, Foley, Scanlan, Sheahan and Galvin.

## **OFFICIALS IN ATTENDANCE:**

Director, Service Operations (Mr. G. Daly), Senior Executive Engineer, West Division (Mr. B. Noonan), Meetings Administrator, Newcastle West (Ms. M. Corbett), Executive Engineer, Roads (Mr. P. Vallely), Director, Physical Development Directorate (Mr. K. Lehane), Senior Engineer, Physical Development Directorate (Mr. V. Murray), Administrative Officer, Planning and Environmental Services (Ms. K. White), Senior Executive Officer, (Mr. C. O'Connor), Corporate Services. Clerical Officer, Newcastle West (Ms. A. Lenihan). Also in attendance Mr. G. Reidy, Solicitor, Leahy Reidy Consortium.

At the outset of the Meeting, the Cathaoirleach welcomed everyone to the first Newcastle West Municipal District Meeting for 2018 and wished all a Happy New Year.

## **1. Adoption of Minutes**

Circulated, copy of draft Minutes of Meeting of Municipal District of Newcastle West held on 13<sup>th</sup> December, 2017.

Proposed by: Councillor Galvin

Seconded by: Councillor Foley

And Resolved:

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

## **2. Deputation**

The Cathaoirleach welcomed representatives from the Board of Management Scoil Mhuire agus Íde, Newcastle West. The Deputation consisted of Ms. Sheila O'Mahony Kennedy, Principal, Sean Lane, Deputy Principal, Derek Herevin, Chairperson, Board of Management.

Ms. O'Mahony Kennedy addressed the Meeting and welcomed the opportunity to outline to the Members the current situation with regard to traffic issues in the vicinity of the school. She stated that there are currently 635 students with 50 staff at the school.

She raised her concerns to the Council with regard to the density of traffic around the school particularly between the times of 8.25 a.m. - 8.50 a.m. A recent traffic count undertaken by the school during this period indicated that a total of 423 vehicles passed the school. She also noted that traffic volumes at the school was raised previously with the Council.

The Deputy Principal, Mr. Sean Lane, also stated that there would be an increase in students for the next academic school year and Mr. Denis Heverin, Board of Management, mentioned that traffic congestion in the area is getting worse.

The Members thanked the delegation and acknowledged the traffic issues along Boherbui at peak times. It was also noted that many other schools are also experiencing difficulties with traffic congestion and the Department of Education should assist with measures to address these issues.

The Director stated that the Council are aware of the traffic issues at Boherbui and surveys have been completed on traffic flows. A holistic approach to traffic movements within Newcastle West is required and the Senior Executive Engineer advised that a Transport Study for the town is to be progressed. He also stated that he would make further contact with the schools representatives.

### **3. Planning & Environmental Services**

#### **To discuss fly tipping within the Municipal District of Newcastle West**

The Administrative Officer, Planning and Environmental Services, gave details on the number of cases of fly tipping within the District during 2017. Discussion also took place on CCTV, resident associations partaking in litter picking and the importance of logging calls where there are incidents of illegal dumping.

The Cathaoirleach and Members acknowledged the work of the Planning & Environmental Services Department and thanked the Administrative Officer for her attendance. The Members also referred to the enforcement of the Presentation of Waste Bye Laws and waste collection licences being issued by a National Waste Collection Permit office rather than by the local Council. The issue of illegal dumping on private lands and the schedule for the emptying of bottle banks within the District was also discussed.

The ongoing issue with refuse being left at the bottle banks at the Recycling Centre in Newcastle West was noted and the proposal to have the banks moved inside the centre gates from 31<sup>st</sup> January. The Members stated that this deadline should be deferred as it would impact on those using the banks correctly.

#### **4. General Municipal Allocation (GMA)**

This item was noted.

#### **5. Operations and Maintenance Services**

##### **To receive update on the provision of new graveyard in Abbeyfeale**

The Senior Executive Engineer, stated that additional tests have been carried out on the Clash Road site with the HSE in attendance. He also noted that the report on trial holes tests at the three other sites is awaited. The results of the GPR survey on St. Mary's and the Church of Ireland cemeteries show that there is potential for additional plots within these cemeteries but the exact number will need to be determined.

The Members raised concerns regarding the Clash Road site and the additional site works such the provision of carparking and public lighting, which would add to the cost of developing this site.

#### **6. Corporate Services**

##### **To discuss conflict of interest**

The Senior Executive Officer, Corporate Services, distributed an extract from the Councillors Code of Conduct booklet and made particular reference to the Conflict of Personal and Public Interest section. He referred to the advice for a connected person with pecuniary or other beneficial interest and the requirement for Members to disclose at a meeting of the local authority or its committees any pecuniary or beneficial interest as noted in the guidelines.

Discussion took place on the matters raised along with the membership of Councillors on various Boards including the LCDC and delegations attending Municipal District meetings. It was agreed that the matters raised would be discussed at the Party Leaders meeting.

### **QUESTIONS**

#### **7. Question submitted by Councillor L. Galvin**

*I will ask at the next Meeting; (a) what state agencies are responsible for the River Feale flowing at the back of New Street, Abbeyfeale? (b) who is responsible for dredging that river at the same location? (c) who completed and paid for the repair works at Dan Murphy's property (RIP) near the bridge on the Allaghaun river Abbeyfeale approximately four years ago and at what cost? (d) what state agencies are responsible for the Allaghaun river at that location? (e) why/how was the Roche property granted planning permission*

*without a condition of planning that a properly designed/engineered wall be put in place along the river bank? (f) can the recent report and design of works carried out at the affected properties on New Street be made available to the Councillors? (g) can the River Feale be dredged immediately along the affected properties on New Street?*

**REPLY:**     **A. What state agencies are responsible for the River Feale flowing at the back of New St., Abbeyfeale?**

In terms of the erosion that is occurring at this location, the Office of Public Works has advised the Council that no state agency has legal responsibility for this part of the river.

**B. Who is responsible for dredging that river at the same location?**

The responsibility for the condition of the channel and riverbanks typically rests with the riparian owner.

**C. Who completed and paid for the repair works at Dan Murphy's property (RIP) near the bridge on the Allaghaun River, Abbeyfeale approximately four years ago and at what cost?**

I have been informed that the works on the bridge in Abbeyfeale on the Allaghaun River were carried out in 2010 and follow up works were carried out in 2011.

The works were repair works to the bridge and in-stream works to prevent the bridge supports from being undercut. In addition the traffic flow system over the bridge was modified in the interest of safety.

The works were carried out as part of the Roads Work Programme and I have requested that relevant files be examined to determine the cost of the works.

**D. What state agencies are responsible for the Allaghaun River at that location?**

I understand that no state agency has legal responsibility for this part of the river.

**E. Why/how was the Roche property granted planning permission without a condition of planning that a properly designed/engineered wall be put in place along the river bank?**

I have referred the Question to our Planning and Environmental Services section who will reply directly on the matter.

**F. Can the recent report and design of works carried out at the affected properties on New St., be made available to the Councillors?**

I attach herewith, for your information and consideration, copy of the Engineering Report from Dennany Reidy Associates Consulting Civil & Structural Engineers.

**G. Can the River Feale be dredged immediately along the affected properties on New Street?**

Neither the Office of Public Works (OPW) nor Limerick City & County Council have a statutory responsibility in relation to the drainage/dredging of the River Feale at this location. The issue of drainage/dredging is a matter for the riparian land owner.

**8. Question submitted by Councillor L. Galvin**

*I will ask at the next Meeting if any state agencies had ownership at any time of the Roche site at New St., Abbeyfeale.*

**REPLY:** In 1970 land of approximately 1/10th of an acre (Folio numbers 26062 and 18970F) at New Street, Abbeyfeale was purchased by Limerick County Council.

On 25<sup>th</sup> January 1999 a S183 Disposal Notice was approved by Limerick County Council and the land in question was consequently disposed of to Nautic Building Company Ltd, completed in April 1999.

**9. Question submitted by Councillor L. Galvin**

*I will ask at the next Meeting for a second costing to be carried out to do the necessary works on the river bank at New St., Abbeyfeale.*

**REPLY:** The Engineering Report in relation to the property at 5 Riverbrook, New Street, Abbeyfeale, Co. Limerick, was carried out by Dennany Reidy Associates Consulting Civil & Structural Engineers.

This report costed the works required to safeguard this property at €454,861.10. In addition there will be the costs of professional fees incurred.

The Council is satisfied that this report and estimated cost of works offer a realistic appraisal of the likely cost of the works of repair.

The Council is also satisfied that commissioning a second report would not result in a situation whereby the final report from another appropriately qualified consultancy firm would significantly differ from the original Dennany Reidy Associates report.

Members must also have regard to the fact that commissioning a second report is likely to require expenditure in the region of €20,000. This financial resource has not been provided in the 2018 Budget and the Members would be required to identify a source of funding if they considered it necessary to commission a second report.

**10. Question submitted by Councillor J. Scanlan**

*I will ask at the next Meeting for an update on necessary traffic flow safety measures along Boherbui, Newcastle West between the Secondary School and Church entrances.*

**REPLY:** Funding has been allocated from the Development Fund to appoint consultants to conduct a Transport Study for Newcastle West. The Boherbui area will form part of this study.

**11. Question submitted by Councillor J. Scanlan**

*I will ask at the next Meeting when safety bollards will be put in place at (a) Lynch's Corner with The Square, and (b) opposite Dick Darby's at Church Street, Newcastle West.*

**REPLY:** (a) The request for the installation of bollards at Lynch's corner is being reviewed at present.

(b) A bollard will be erected adjacent to the pedestrian crossing opposite Dick Darby's at Church St., Newcastle West.

**12. Question submitted by Councillor J. Scanlan**

*I will ask at the next Meeting when footpath renewal works are likely to be carried out between the Village Store and the Bar at Castlemahon.*

**REPLY:** Footpath renewal works at this location will be considered under the GMA Roads Allocation 2018.

**NOTICES OF MOTION**

**13. Notice of Motion submitted by Councillor J. Scanlan**

*I will move at the next Meeting that our Council review its scheme of Local Authority Housing Rental charges for this Municipality so as to bring local charges in line with rental levels that apply in the Metropolitan area and that this change apply with immediate effect from January 2018.*

In proposing the Motion, Councillor Scanlan stated weekly rents within the metro area were lower than in some rural areas and there should be parity between the two areas.

The Motion was seconded by Councillor Sheahan.

**REPLY:** The rent of local authority tenants in Ireland is calculated in accordance with the provisions of what is known as a Differential Rents Scheme. Each local authority adopts, by executive order, its own such Scheme, but they all share similar characteristics. The rent is calculated as a proportion of the assessable income of the principal earner, together with a contribution from any subsidiary earners in the household. The significant advantage that this confers on local authority tenants over their counterparts in the private sector is that the rent is based solely on the income of the household and is not linked to prevailing market forces. The amount payable will vary up or down in line with income changes of the occupants. At the moment, the average rent payable by tenants across the entire administrative area of Limerick City & County Council is just over €50 per week.

While all Differential Rent Schemes are broadly similar in terms of the general principles outlined above, each local authority would have customised its Scheme to best suit its circumstances and needs. When the new local authority was created for Limerick in June 2014, the Schemes for both Limerick City Council and Limerick County Council were carried forward and continued to apply. It would clearly have been desirable to design and adopt one uniform Scheme for the entire administrative area. However, it was decided not to proceed with this on the basis that the Department was clearly indicating that the Minister intended to roll out a Scheme which would apply nationally and would replace any existing local Schemes. Despite such indications continuing, there are still no concrete proposals emerging for such a step. Having regard to this, and the need to remove any anomalies in the existing Scheme in this Authority, it is proposed to consider looking at the possibility of designing the uniform Scheme referred to above in the current year. Members will, of course, be consulted in relation to same.

#### **14. Notice of Motion submitted by Councillor L. Galvin**

*I will move at the next Meeting that this Council repair the river bank erosion at the affected properties along New St., Abbeyfeale since the Department of the OPW have refused to do so.*

In proposing the Motion, Councillor Galvin also referred to his questions on New St. Abbeyfeale. He stated that responses were required with regard to the works near the Alaughan Bridge, and the funding of same. He referred to the question on planning permission at the Roche site, previous Council ownership of the site and the wall built by the Developer along the riverbank. He asked if the Roche family could be relocated and highlighted the effects of river erosion at other properties along New St. Abbeyfeale. He

proposed that the OPW take ownership of the section of the Rivers Feale and Alaughan which flow through Abbeyfeale and that the Minister of State with responsibility for the OPW be written to in this regard.

*The Members referred the prohibition on the removal of gravel from the River Feale and that river erosion issues require a National solution similar to flooding issues.*

*The Director, Physical Development Directorate, stated the responsibility for flooding issues is vested in the OPW and he referred to the OPW Minor Works Scheme, under which the Council had made an application with regard to New St. Abbeyfeale. It was noted that the application was deemed ineligible as the issues at New St. Abbeyfeale relate to river erosion and not flooding. He stated that further requests for funding had also been denied. He referred to the assistance the Council had given within the resources available and to riparian ownership responsibilities.*

The Director, Service Operations, stated that planning permission was granted in 1999 for the site at New St. Abbeyfeale. He noted from the planning file there was no commentary on erosion issues at this location and therefore it appeared erosion was not a known or anticipated issue at the time.

The Members disagreed with some of the responses but concurred that the Roche family be relocated. It was *proposed by Cllr. Sheahan and seconded by Cllr. Collins, that the Council's Chief Executive make contact with the OPW and request a derogation under the OPW's Relocation Scheme for the purchase of a house. The Director, Physical Development Directorate agreed to follow up on this request.*

The Executive Engineer stated works with regard to issues with surface water have been carried out at Templeglantine National School and the location will be monitored to ensure that these works have resolved the surface water drainage issue.

The Director stated that a plan for the overall management of graveyards within the district is being developed and community graveyard proposals would be considered as part of this review.

The issue of fencing at the Waste Water Treatment Plant, Tournafulla, was also raised and this matter will be forwarded to the Water Services Section for response.

It was agreed to hold the February Meeting of the District on Wednesday, 7<sup>th</sup> February, 2018, at 10.00 a.m., at Áras William Smith OBrien.

This concluded the Meeting.

Signed:

\_\_\_\_\_ **Cathaoirleach**

Dated: \_\_\_\_\_