

MINUTES OF PROCEEDINGS AT MEETING OF METROPOLITAN DISTRICT OF LIMERICK HELD IN THE COUNCIL CHAMBER, MERCHANT’S QUAY, LIMERICK, ON MONDAY, 21ST MAY, 2018.

PRESENT IN THE CHAIR: Councillor Seán Lynch, Mayor.

MEMBERS PRESENT:

Councillors Butler, Collins, Costelloe, Crowley, Daly, Gilligan, Hogan, Hourigan, Hurley, Keller, Leddin, Loftus, McCreesh, Ó Ceallaigh, O’Dea, O’Hanlon, Pond, Prendiville, Secas and Sheahan.

OFFICIALS IN ATTENDANCE:

Director, Physical Development (Mr. K. Lehane), Director, Economic Development (Mr. P. Daly), Senior Executive Officer, Design and Delivery Services (Mr. J. Delaney), Meetings Administrator (Mr. J. Clune), Executive Engineer, Operations and Maintenance Services (Mr. J. Moylan), Staff Officer, Corporate Services (Ms. C. Sheehy).

At the outset of the Meeting, the Mayor welcomed the Primary School Choir from Corpus Christi School, Moyross who performed a number of songs. The Members congratulated them on their outstanding achievements to date.

The Mayor and Members extended their condolences and sympathies to James Clune on the death of his father, Denis Tierney on the death of his mother and Tara Flanagan on the death of her mother. Members also extended their condolences to the family of J.J. Kenneally who had passed away recently.

The Members requested an update as to the proposed preferred solution for the pumping station at Ritaville, Old Cork Road. The Director, Physical Development explained that discussions were still ongoing with Irish Water. The Members expressed disappointment with the delay of the response as it was affecting residents of the estate. Following discussion, it was agreed that the Council would continue to maintain the sewerage pump and this would be communicated to residents by Water Services.

1. Adoption of Minutes

Circulated, copy of draft Minutes of Meeting of the Metropolitan District of Limerick held on 16th April, 2018.

Proposed by Councillor Hourigan;

Seconded by Councillor Collins;

And Resolved:

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

2. **Disposal of Land**

- (a) Circulated, report of the Acting Senior Executive Officer, Community Support Services dated 20th April, 2018 setting out proposals to dispose of the freehold interest in a dwelling house at Montpelier, O'Briens Bridge, Limerick and to bring a Section 183 Notice to Full Council in this regard, for approval.

The report, as circulated, was noted by Members.

- (b) Circulated, report of the Acting Senior Executive Officer, Community Support Services dated 30th April, 2018 setting out proposals to dispose of the freehold interest in a dwelling house at 20 East Singland Road, Garryowen, Limerick and to bring a Section 183 Notice to Full Council in this regard, for approval.

The report, as circulated, was noted by Members.

- (c) Circulated, report of the Head of Property Services dated 11th May, 2018 setting out proposals to dispose of land at Moneteen, Mount Mungret to Wayne Buckley and Vicki Grima and the intention to bring a Section 183 Notice in relation to same before the July Council Meeting.

The report, as circulated, was noted by Members.

With the permission of the Mayor it was agreed that Item 4 would be taken at this point.

4. **Presentation on Munster Rugby**

The Mayor welcomed Mr. Garrett Fitzgerald, Chief Executive Officer, Munster Rugby and Mr. John Cantwell, Stadium Director, Thomond Park Stadium to the Meeting.

The Chief Executive and the Stadium Director gave a Powerpoint presentation on Munster Rugby outlining the following key points:-

- Background of Munster Rugby
- Values and impacts for Limerick City and the Region
- Economic Impact
- Community and Social Impact
- Concerts and Major Events
- Objectives

The Members thanked the CEO and Stadium Director for their presentation and commended them on their achievements to date. The Members expressed disappointment that Limerick was not successful in securing concerts and welcomed the opportunity to work with Munster Rugby in securing major events. Members also praised the ongoing success of the Munster Rugby Team and the strength of the Munster Brand across the world.

In response, the Munster CEO welcomed the support from the Members and looked forward to working with them on creating a strategy and financial model that would benefit both Munster Rugby and Limerick City and County Council.

3. Service Operations Directorate

(a) Part 8 Procedure – Housing Development at the Junction of Blackboy Road (Mulgrave Street) and Greenhills Road, Limerick

Circulated, Report of Director of Service, Service Operations Directorate dated 16th May, 2018 enclosing the Chief Executives Report setting out details of Housing Development at the Junction of Blackboy Road (Mulgrave Street) and Greenhills Road, Limerick. The Chief Executive's Report had been prepared in accordance with Section 179(3)(a) of the Planning and Development Act 2000 (as amended) and Part 8 of the Planning and Development Regulations 2001 (as amended) and noted that it was proposed to proceed in accordance with Section 5 of the report.

Members welcomed the proposal but expressed concern at the level of consultation they had received in connection with this development and other recent Part 8 developments. In response, the Senior Executive Officer, Design and Delivery outlined the tight timeframes that are set out by the Department for capital developments.

Suspension of Standing Orders

The Mayor drew attention to the time, which was approaching 12.30pm and on the proposal of Councillor Hourigan, seconded by Councillor O'Hanlon, Standing Orders were suspended in order to complete the Agenda.

(b) Update on the O'Connell Street Project

The Senior Executive Officer, Design and Delivery gave a presentation updating the Members on the redevelopment scheme for O'Connell Street. He outlined the timeframe involved in the process and the five options following the Council's second public consultation phase. He informed the Members that the next step was to submit an Environmental Impact Assessment Report to An Bord Pleanála.

The Members welcomed the O'Connell Street project. However, they raised queries in relation to progress to date, the length of time the project would take to complete and the impact this would have on retailers. Members were also disappointed that as a result of the screening process the planning decision would now be made by An Bord Pleanála. In response, the Senior Executive Officer confirmed that following an assessment of the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 it was considered that the proposal has the potential to cause significant effects in terms of traffic, protected structures and socio economic impacts such as tourism and trade. This taken together with the cumulative impact of other developments it was necessary for an Environmental Impact Assessment Report instead of the Part 8 Planning process.

Following queries from the Members in relation to resurfacing works carried out to footpaths in the City Centre, the Executive Engineer, Operations and Maintenance Services circulated a report to the Members. He informed the Members that it was necessary to address the deterioration of sections of the footpath in the core city centre area in the most efficient manner possible. He stated that the product used was Ecoflex, which causes minimum disruption to the public, is environmentally friendly and is the most economical footpath repair.

(c) **Discussion on Horizon Mall Site**

The Director, Economic Development gave the Members an update on the Horizon Mall Site. He informed the Members that the site would be entered onto the derelict sites register and plans are currently in place to rezone the land under the Castletroy Local Area Plan from retail to employment and enterprise.

Following queries raised by the Members, the Director, Economic Development stated that it would be a decision for the promoters of the site whether the structure would be knocked but the developing of the site, within its existing structures, was also still under consideration.

The Members expressed frustration with the length of time the site has been vacant and the visual impact of the structure on the landscape and requested to be kept informed on progress.

QUESTIONS

5. **Question submitted by Cmhrl. S. Ó Ceallaigh**

I will ask at the next meeting if there are plans to develop the Guinness site on Carey's Road for the purpose of social housing, and if so what those plans are.

REPLY: A dedicated Public Land Activation Programme was established in early 2017 under the Social Development Directorate with the objective of piloting a number of viable and developable sites for mixed-tenure development in Limerick City and County. The Guinness site was identified as part of this process with the intention to bring forward the site for development, given its strategic location close to the city centre. A mix of uses is favoured to maximise the potential of the site, including social housing. Limerick City and County Council are in the process of regularising title constraints with a view to advancing proposals for this property.

6. **Question submitted by Cmhrl. S. Ó Ceallaigh**

I will ask at the next meeting what are the latest figures for those homeless in the Metropolitan District, how many people are currently residing in Hubs, and how many people are on the housing list to receive accommodation from the Local Authority in the District.

REPLY: The total number of families in receipt of emergency accommodation as of the end of April is 44 and the total number of individuals is 148.

These figures are updated in the Chief Executive's Report each month along with details of the types and location of the emergency accommodation provided, and is available on the Council Website.

The number of approved applicants for all categories, on the Housing Waiting List in the Metropolitan Area of Limerick for the same period is 2,640. This figure excludes HAP, RAS and Local Authority Tenant transfers.

7. Question submitted by Councillor M. McCreesh

I will ask at the next meeting of the Metropolitan District for details of the actual current homeless figures for Limerick City and County Council.

REPLY: The number of individuals in receipt of emergency accommodation as of the end of April 2018 is 148. The total number of families in receipt of emergency accommodation in the same period is 44.

These figures are updated in the Chief Executive's Report each month and are available on the Council Website.

8. Question submitted by Councillor J. Costelloe

I will ask at the next meeting if there are plans to develop the Cleeves Sites (sections on both sides of the North Circular Road / O'Callaghan Strand roads) for the purpose of social / affordable housing, and if so what those plans are.

REPLY: Currently Limerick Twenty Thirty DAC are looking at a high level massing use of the Cleeves site that is in ownership of Limerick City and County Council with a view to developing a tender for the overall master plan to the site. All aspects of the sites potential usage are being reviewed including, residential, commercial, cultural, leisure, hospitality, public realm and education at this time.

NOTICES OF MOTION

9. Notice of Motion submitted by Councillor J. Leddin

I will move at the next meeting that Limerick Metropolitan Council begin the variation process to the current City & County Development Plan in respect of a proposed rezoning of lands situated at Upper Careys Road, and commonly referred to as the Quarry area, from General Purpose to Open Space Recreational.

Councillor Leddin outlined the background to the Notice of Motion and concerns regarding the development of this site and the lack of communication with the Councillors on the proposal. The Motion was seconded by Councillor O'Hanlon. The Members also highlighted the difficulty in responding to queries and representations due to lack of communication. In particular Members expressed disappointment with the plans for the development of this site and stated that it should remain an open space for the community.

The Director, Physical Development informed the Members that the Council will shortly commence the review of the City and County Development Plan and in line with the Members wishes, he will request the Economic Development Directorate to review the existing zoning on this site.

The Members further requested that no development progress on this site until the zoning issues are resolved.

10. Notice of Motion submitted by Councillor D. Butler (to be referred to the Economic Development, Enterprise and Planning Strategic Policy Committee)

I call at the next meeting on Limerick City and County Council to develop a database of information on the reasons behind business closure in the city in order to inform the development of a more effective policy of supporting city centre business.

It was agreed that this Notice of Motion be referred to the Economic Development, Enterprise and Planning Strategic Policy Committee.

11. Notice of Motion submitted by Councillor J. Leddin (to be referred to the Travel and Transportation Strategic Policy Committee)

I will move at the next meeting that Limerick Metropolitan Council review the current use of the Rosbrien Road to Edward Street by Bus Eireann in view of the speed and frequency of buses and the growing danger to both elderly and young children living on this road.

It was agreed that this Notice of Motion be referred to the Travel and Transportation Strategic Policy Committee.

It was agreed to take the following Notices of Motion Nos. 12, 14 and 15 together :

12. Notice of Motion submitted by Councillor D. Butler

I call at the next meeting on Limerick City and County Council to work with the Metropolitan Councillors to make a submission to the Environmental Protection Agency that the application by Irish Cement should not be considered as it is not a change of use and reject the application or request they apply for a new licence and if possible this to be done in conjunction with Clare County Council.

14. Notice of Motion submitted by Councillor M. McCreesh

I will move at the next meeting that the Councillors of the Metropolitan District make a submission to the Environmental Protection Agency (EPA) with regard to the review of Irish Cement Licence Application P0029-06, stating that the application for review of this licence should be rejected on the grounds that the planned changes to the processing of waste materials is a complete change of use from the current process at the plant.

15. Notice of Motion submitted by Councillor J. Collins

I will propose that the Councillors of the Metropolitan District of Limerick make a submission (copy attached) to the EPA in relation to the License Application P0029-06 to allow CRH to begin industrial incineration in Limerick.

Councillor Collins read his submission to the meeting and it was agreed that this submission and all three Notices of Motion would be forwarded to the Environmental Protection Agency as a submission from the Members of the Metropolitan District of Limerick.

“The Irish Cement Plant in Mungret is currently before the courts due to poor environmental

performance and fugitive dust emissions. This prosecution was due to public pressure, and publicly funded lab tests, not through routine enforcement by the EPA. We believe this light touch approach to measurement and enforcement is unacceptable. Without a radical change by the EPA and a move away from toothless sanctions the EPA must not allow an increase in toxic emissions.

We are concerned that readily available options, including available natural gas are not being used to reduce Irish Cement's carbon emissions despite the reduced health risks and the recent construction of a new gas feeder to Mungret. This change puts public health at risk to protect private profits.

The EPA is over-reliant on self-monitoring by polluters. The EPA have shut down their Limerick Air Quality measuring facility at Park Road. It would be extremely foolish to assume that emissions restrictions will be adhered to without rigorous independent monitoring. A wide network of independent monitoring stations capable of monitoring particulate emissions, oxides of nitrogen and sulphur and heavy metal emissions is required.

The potential emission of highly toxic carcinogenic dioxins, should a malfunction occur while hazardous waste is being burned, is a serious concern. Irish Cement doesn't have the control systems, safety fail-safes and expert staff to maintain the consistently high temperatures and manage an incinerator of this scale without increased risk of contaminating nearby farms and residential areas especially in light of their poor track record of regular dust blowouts. Despite this the EPA does not have an action plan to measure dioxin emissions and depositions on agriculture and on the food-chain.

We are concerned that Industrial Incineration is proposed just three miles from the city centre and less than a mile from Limerick City and County's newest high-amenity area, new primary and secondary schools, the new Mungret public park and a large area zoned for new residential development. Recently measured spikes in particulate emissions exceeded the WHO daily Safe Limit value and the CAFE Directive limit by up to 8 times and the annual limit by up to 22 times. The elected members ask who is responsible for assessing the health risks of dangerous variability in emissions levels, as opposed to the averages that might mask real hazards? The elected members also ask who is responsible for determining risk thresholds and providing guidance and warnings (or reassurance if appropriate) to the public? If the pre-existing risks to public health are so poorly understood how can any of us, in good conscience, stand by while a light-touch EPA lets a private company significantly increase these risks for no other reason than to increase profits?

We are concerned that Industrial Incineration will become a large revenue stream to Irish Cement resulting in ever increasing importation of tyres and industrial waste undermining Ireland's commitment to recycling and to the circular economy. Irish Cement wants to turn its Cement Factories into lucrative industrial incinerators. They get paid to burn toxic waste and Cement becomes a low-cost by-product. This initiative is not being led by Cement Factory veterans. They've hired-in executives from the waste industry to drive huge increases in profits. Our health and the health of our kids isn't part of the equation.

We are concerned that the HSE, by its' own admission, does not have the expertise to assess the risk of industrial incineration on public health. It does not have the data or the resources to understand or investigate the clusters of cancer and pulmonary ailments that have been described in the vicinity of the plant over many decades. If there are significant unknown health risks with the existing process how can we allow that risk to be radically increased, by a firm just emerging

from the penalty box and currently facing prosecution, with an EPA that refuses to enforce and a local council that's deaf to public concerns?

We are concerned that CRH continues to scaremonger local residents with threats of job losses despite having a profitable operation, decades of available limestone and a lucrative source of carbon credits in Mungret, which can continue into the future without changing to industrial waste incineration.

We are concerned by CRH's lack of transparency and their refusal to meet in public, their refusal to acknowledge some level of increased risk. The offer to meet small groups on plant tours and their reluctance to acknowledge ANY level of risk only increased the lack of public trust.

CRH breached its licence for dust emissions in 2004, 2015 and as recently as April 2017. As recently as last year CRH denied responsibility for dust blowouts until Slí Na Manach residents had samples analysed at their own expense prompting the EPA to reluctantly prosecute and to put CRH in the sin bin. Although they're currently before the courts, the date keeps being pushed out. We are concerned that no enforcement would have occurred if the public had relied on CRH to self-regulate or the EPA to police their operation.

We are concerned with the reliability of CRH's operation. The cement kiln is 35 years old; it will undergo simple modifications to accept whole tyres and pre-processed industrial waste. The staff have no special expertise in dealing with waste incineration. They've had no special training to deal with industrial waste incineration. In contrast, Covanta, a specialist global company operating the brand-new facility in Poolbeg with brand new hardware, fully qualified staff, specialist training and the latest fail-safe hardware and software that, despite training, a number of employees required hospitalisation in its' first month of operation in 2017. How can anyone honestly say this is zero risk.

We are concerned that the risks from dioxins, furans and heavy metals caused by unfiltered low temperature fugitive emissions from apertures, preheater towers, during routine maintenance, and emergencies have not been acknowledged or assessed. These risks have not been addressed through increased monitoring or mitigation.

We are concerned that carcinogenic PCBs, dioxins and furans that are not thermally destroyed within the kiln may be encapsulated in the clinker and incorporated into the final cement product representing a risk during construction, occupation and demolition of buildings. There is also a risk from toxic dust emitted in the grinding process.

Dioxins are among the most toxic substances known. We are concerned that the EPA has not indicated how it plans to measure dioxin micro-particle deposition over a 30km radius of Mungret of the consequences of dioxins entering the food-chain.

Whole tyres, including the steel cords, will be burned in Mungret as opposed to the shredded tyres in burned in Drogheda, because they're easier to handle. We are concerned that this represents an additional risk from heavy metal emissions, meaning greater risks for public health and greater profits for CRH.

CRH's application identifies 114 categories of industrial waste, used both as fuel and as "alternative raw materials" for cement to be incinerated. We are concerned that no evidence has

been provided to show that these compilations of “fuels” and “raw materials” have been incinerated elsewhere without increases in toxicity and degradation of human health.

Experts hired by CRH claim that at steady-state, high temperatures there is no risk of dioxin or furan emissions from the kiln. However, blow-outs, dust incidents and particulate emission spikes are regular occurrences with the existing, far simpler process. We are concerned that fugitive carcinogenic emissions will be captured during the pre-heating process or be prevented as new alternative fuels and materials are experimented with, as cooling occurs during maintenance or as operational incidents continue to occur”.

The Elected Members again expressed extreme disappointment with the decision of An Bord Pleanála to grant planning for replacement of fossil fuels use at Irish Cements manufacturing facilities at Mungret. In particular the Members expressed disappointment that the views of the local community, as well as expert witnesses, in relation to the burning of hazardous waste in a facility, surrounded by housing, was ignored.

The Members in particular raised health concerns of local communities and residents and also expressed the wish that a joint submission be made by Clare County Council and Limerick City and County Council in relation to the licence application.

On the proposal of Councillor Collins, seconded by Councillor Butler, it was agreed that the submission as presented should be forwarded to the Environmental Protection Agency along with the submissions from Councillors Butler and McCreesh.

13. Notice of Motion submitted by Cmhrl. S. Ó Ceallaigh (to be referred to the Cultural Strategic Policy Committee)

I will move at the next meeting that the Metropolitan District calls on An Post to produce commemorative stamps to mark the centenary of the death of Robert Byrne and the Limerick Soviet.

It was agreed that this Notice of Motion be referred to the Cultural Strategic Policy Committee.

16. Notice of Motion submitted by Councillor J. Collins

I will move at the next meeting that Limerick City and County Council make space available on Nicholas Street for LCCR, Limerick City Community Radio, for a studio. Their landlords, LCETB, have informed them that they have to vacate their Presentation Court Studios by August 2018 as the lease will have expired.

The motion was proposed by Councillor Collins and seconded by Councillor O’Hanlon.

REPLY: Limerick City and County Council own five buildings and two sites on Nicholas Street. One of the properties is occupied, while a commitment is in place on two other buildings which are due to be occupied as a combined unit prior to year end. The remaining two properties require further pre-letting works following significant stabilisation works carried out in recent years. Therefore, these two buildings are not currently available for letting in the short-term.

On the proposal of Councillor Butler seconded by Councillor Hourigan, Standing Orders were suspended to allow a Representative of Limerick City Community Radio to address the meeting.

The Mayor welcomed Mr. Mike O'Connor and Mr. Donal Thurlow, Limerick City Community Radio to the meeting. Mr. Thurlow outlined the service provided by Limerick City Community Radio and the requirement for new accommodation when the lease on the current premises expired.

Members supported the proposal and highlighted the excellent service provided by the station and requested that the Council review its property portfolio and endeavour to assist with a solution to their accommodation requirements.

17. Correspondence

Correspondence was noted.

Any Other Business

General Municipal Allocation

It was agreed that €30,000 for community development and €150,000 for Special Projects would be divided equally between the three Electoral Areas. It was also agreed that the Members from each Electoral Area would meet to agree proposals for expenditure of the relevant amounts.

This concluded the Meeting.

Signed: _____
MAYOR

Dated: _____