

**LIMERICK CITY AND COUNTY COUNCIL**

**MUNICIPAL DISTRICT OF NEWCASTLE WEST**

**MEETING TO BE HELD ON WEDNESDAY 2<sup>nd</sup> SEPTEMBER, 2020**

**Question submitted by Councillor L. Galvin**

I will ask at the next Meeting that this Council calls on the new Minister for Health Stephen Donnelly and Minister Roderic O’Gorman Minister for Children, Disability, Equality and Integration to take ownership of the Limerick and Clare Education Training Board building, at the old Convent of Mercy Abbeyfeale, with a view to converting it into a residential care facility for individuals requiring 24 hour care.

**REPLY:**

Correspondence will be sent to Minister Donnelly and Minister O’Gorman on this matter as requested.

**Margaret Corbett,  
Meetings Administrator,  
Newcastle West Municipal District.  
24<sup>th</sup> August, 2020**

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**Question submitted by Councillor L. Galvin**

I will ask at the next Meeting for a detailed investigation to be carried out on the lands at Meenoline North/Doonakenna where the Holy Mass Rock is in Templeglantine as follows (a) was planning permission granted to plant forestry on these lands (b) who was responsible for granting planning (c) what are the planning conditions (d) were the conditions adhered to (e) is there a public right of way up to the Cross and if so who is responsible for its maintenance

**REPLY to parts (a) to (d):**

There is no history of forestry being granted planning permission in this area.

**Stephane Duclot,  
A/Senior Planner,  
Planning and Environmental Services.  
24<sup>th</sup> August, 2020**

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**Question submitted by Councillor L. Galvin**

I will ask at the next Meeting for a detailed investigation to be carried out on the lands at Meenoline North/Doonakenna where the Holy Mass Rock is in Templeglantine as follows (a) was planning permission grant to plant forestry on these lands (b) who was responsible for granting planning (c) what are the planning conditions (d) were the conditions adhered to (e) is there a public right of way up to the Cross and if so who is responsible for its maintenance

**REPLY to part (e):**

Investigations have been carried out on the Land Registry system to ascertain if there is a public right of way in this area and there is no evidence of a right of way up to the Cross.

**Gerard O'Connor,  
Senior Executive Engineer,  
Newcastle West Municipal District.  
24<sup>th</sup> August, 2020**

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**Question submitted by Councillor L. Galvin**

I will ask at the next Meeting that this Council paint the entrance and surrounding areas to Fr Casey's Close, Abbeyfeale.

**REPLY:**

The Community Sustainment Unit actively engages with the residents of council estates to assist them in enhancing the overall appearance of their estate.

If a specific project is identified, it would require the full participation of the residents in the estate to assist in carrying out works in conjunction with the support of the Community Sustainment Unit. All works are subject to budgetary constraints. If funding allows, we will certainly consider your request for painting works at Fr. Casey Close, Abbeyfeale, Co. Limerick.

**Aoife O'Brien Slater,  
Senior Community Sustainment Officer,  
Housing Support.  
24<sup>th</sup> August, 2020**

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**MEETING OF THE**  
**MUNICIPAL DISTRICT OF NEWCASTLE WEST**

**MEETING TO BE HELD ON WEDNESDAY 2<sup>nd</sup> SEPTEMBER, 2020**

**Question submitted by Councillor Ruddle**

I will ask at the next Meeting regarding a major safety issue which has arisen in relation to cycling on footpaths, and the latest gadget motorised small motorised type scooters which are highly dangerous for young and old pedestrians when used on footpaths in Newcastle West. Can the Council put signs, message on footpaths to make people aware it is not acceptable. I think the Council should also liaise with the Gardaí on this.

**Reply**

The regulation of traffic is a matter for the Traffic Authority – An Garda Síochána. Since 2015 the laws governing cycling have been regulated into specific fixed charge offences. Gardaí have the power to stop and fine a cyclist if they commit a fixed charge offence. Cycling on a footpath is not a fixed charge offence. However other laws do include it as an offence.

Article 11 of the Road Traffic (Traffic and Parking) (Amendment) (No. 2) Regulations 2012 prohibits you from cycling beyond a traffic sign that prohibits bicycles.

Article 13 of the 1997 Regulations makes it an offence to cycle on a footpath unless you are entering or exiting a property.

Article 45 of the 1997 Regulations (as amended by the Road Traffic (Traffic and Parking) (Amendment) Regulations 1998), you must not cycle in a pedestrianised street or area during the period indicated by the sign.

Although it is not a fixed charge offence to cycle on a footpath a cyclist could be fined for doing so if a Garda deemed their cycling to be without 'reasonable consideration'.

Since 2015 Gardaí have the power to stop cyclists and fine them for specific fixed charge cycling offences. Included in these offences are:

- Riding a bicycle without reasonable consideration
- Cycling in a pedestrianised street or area

The law in relation to eBikes and eScooters is somewhat less clear.

Under the Road Traffic Act 1961 at Section 3(1) (a) and (b) an MPV is defined as 'a vehicle intended or adapted for propulsion by mechanical means, including;

(a) a bicycle or tricycle with an attachment for propelling it by mechanical power, Whether or not the attachment is being used,

(b) a vehicle the means of propulsion of which is electrical or partly electrical and partly mechanical, but not including a tramcar or other vehicle running on permanent rails.'

The RSA website provides the following advice:

“Regardless of the type of bike, its speed or whether it requires a push start, the rules are as follows:

- If it can be powered by mechanical or electrical power alone (i.e. it can continue without you pedalling or scooting it) then it is considered to be a '*mechanically propelled vehicle*' (MPV).
- Under road traffic law if an MPV is used in a public place it is subject to all of the regulatory controls that apply to other vehicles i.e. it must be roadworthy, registered, taxed and insured.
- The driver of the vehicle must hold the appropriate driving licence and is obliged to wear a crash helmet.”

Penalties under road traffic laws for using such a vehicle include fixed charge notices, penalty points, fines and possible seizure of the vehicle.

Former Minister for Transport, Shane Ross TD, in 2019 requested the RSA to carry out research into how other EU member States regulate their use. Its key recommendations can be found at the following link -

<https://www.rsa.ie/en/Utility/News/2019/recommendations-following-the-review-of-current-practice-and-safety-implications-of-electric-mobility-devices/>.

Recommendations include, but are not limited to (i) that eBikes/eScooters should not be used on footpaths and (ii) that legislation will also need to be considered to give An Garda Síochána the necessary powers to enforce the safe and legal use of electric personal mobility devices.

The Council will discuss this matter with An Garda Síochána and will continue to engage with them on traffic issues through the various channels available to us.



**Brian Kennedy**  
**Director of Service**  
**Physical Development**  
**26 August, 2020.**

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**MEETING TO BE HELD ON WEDNESDAY 2<sup>nd</sup> SEPTEMBER, 2020**

**Question submitted by Councillor T. Ruddle**

I will ask at the next Meeting if the Council could consider having an assigned person to look after the general cleaning and maintenance of Newcastle West Playground, multi use play area, the skate park and the tennis courts together. These are in great use and would need regular cleaning and maintenance.

**REPLY:**

The Council have recently assigned a dedicated person to the maintenance of the play facilities in Newcastle West. This is currently underway and will continue with daily maintenance at these play facilities.

**Carmel Lynch,  
Senior Executive Engineer,  
Parks, Open Spaces, Cemeteries, Cleansing & Recycling.  
24<sup>th</sup> August, 2020**

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**Question submitted by Councillor J. Scanlan**

I will ask at the next Meeting when footpath renewal work is likely to be undertaken along the right hand Beechwood Ave., approach to Meadow Court Estate., as well as that fronting properties towards House No. 20 on the left hand side therein.

**REPLY:**

Footpath upgrades for the above can be considered under the 2021 Works Programme.

**Gerard O'Connor,  
Senior Executive Engineer,  
Newcastle West Municipal District.  
24<sup>th</sup> August, 2020**



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**Question submitted by Councillor J. Scanlan**

I will ask at the next Meeting that the accumulated waste evident at the Water Tower entrance to St. David's be removed.

**REPLY:**

This waste will be removed.

**Gerard O'Connor,  
Senior Executive Engineer,  
Newcastle West Municipal District.  
24<sup>th</sup> August, 2020**

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**Question submitted by Councillor J. Scanlan**

I will ask at the next Meeting that the internal junction next to House No. 58 in Killeline be lined with a stop sign in the interest of general safety.

**REPLY:**

The requested works will be carried out within the next week.

**Gerard O'Connor,  
Senior Executive Engineer,  
Newcastle West Municipal District.  
24<sup>th</sup> August, 2020**

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**Question submitted by Councillor M. Collins**

I will ask at the next Meeting if signage on dog fouling can be erected along the N21 at South Quay to remind people to pick up their dog litter.

**REPLY:**

The Council in conjunction with Newcastle West Tidy Towns Association are currently utilising anti-dog fouling stencils at a number of locations throughout the Town.

' BAG IT, BIN IT €150 FINE' have been placed at a number of locations.

These can also be placed along South Quay

**Gerard O'Connor,  
Senior Executive Engineer,  
Newcastle West Municipal District.  
24<sup>th</sup> August, 2020**