

LIMERICK CITY AND COUNTY COUNCIL

MUNICIPAL DISTRICT OF ADARE-RATHKEALE

MEETING TO BE HELD ON TUESDAY,

8TH SEPTEMBER, 2020

Notice of Motion submitted by Councillor John O'Donoghue

I will move at the next Meeting in light of the recent storm damage that hedge-cutting and tree trimming on all main roads and secondary roads in the Adare-Rathkeale District is carried out without delay in the critical interest of public safety.

REPLY:

The trees on the N21 were all cut back last year and consequently there were minimal issues on this route (note these trees were on lands under the control of the Local Authority).

While the ability of the Authority to limit damage or injury from any future storms is restricted there are a number of significant measures that we can promote, support and administer particularly if such measures relate to private lands and boundaries. Specifically there are legal obligations on Land owners or occupiers to take certain measures under Section 70 of the Roads Act 1993 (in respect of roadside trees\hedges etc.)

Roads Act 1993 Sect 70.—(1) (a) *The owner or occupier of any structure (e.g. Tree) and the owner or occupier of any land on which a structure is situated shall take reasonable steps to ensure that the structure or the use of the structure is not a hazard or potential hazard to persons using a public road and that it does not obstruct or interfere with the safe use of a public road or the maintenance of a public road.*

While the Wildlife Act 1976 (updated in 2019) applies some seasonal restrictions (March to August) on verge\hedge & tree maintenance ended on 31st August we would ask that all Land owners and occupiers take the measures necessary to mitigate against such dangers from overhanging trees or overgrown hedges.

It should be noted that there is no such seasonal limitations apply where such measures are deemed necessary by the Roads Authority to prevent a hazard or potential hazard to persons using a public road.

Furthermore , where the Roads Authority (District Engineer) has safety concerns there are provisions to address inaction under Section 70 of the Road Act 1993.

To this end, we ask that Names and Addresses of the landowners of any potentially unsafe areas be provided to us and we will write to them and remind them of their obligations.

Regards,

Aidan Finn
Senior Executive Engineer
Adare-Rathkeale Municipal District