

MINUTES OF PROCEEDINGS AT MEETING OF THE MUNICIPAL DISTRICT OF NEWCASTLE WEST HELD IN ÁRAS WILLIAM SMITH OBRIEN, NEWCASTLE WEST, CO. LIMERICK, ON WEDNESDAY, 9TH SEPTEMBER, 2020, AT 10AM.

PRESENT IN THE CHAIR:

Councillor F. Foley, Cathaoirleach.

MEMBERS PRESENT:

Councillors Collins, Galvin, Ruddle, Scanlan and Sheahan.

OFFICIALS IN ATTENDANCE:

Director, Community Development Directorate (Mr. G. Daly), Senior Executive Engineer, West Division (Mr. G. O'Connor), Executive Engineer, Roads (Mr. P. Vallely), Acting Executive Engineer, Housing (Mr. D. Toomey), Meetings Administrator, Newcastle West (Ms. M. Corbett), Clerical Officer, Newcastle West (Ms. A. Lenihan).

At the outset of the Meeting, Councillor Foley welcomed everyone in attendance to the September Meeting of the District. He stated that the September Meeting had been adjourned and a Vote of Sympathy was taken as a mark of respect to Councillor Galvin on the recent passing of his father Mr. Jim Galvin. In replying, Councillor Galvin expressed his appreciation to the Cathaoirleach, Members and staff of the District for the adjournment of the Meeting.

1. Adoption of Minutes

- (a) Circulated, copy of draft Minutes of Meeting of Municipal District of Newcastle West, held on 1st July, 2020.

Proposed by: Councillor Sheahan

Seconded by: Councillor Scanlan

And Resolved:

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

2. Service Operations Directorate

To consider and approve Draft Road Traffic (30 kilometers per hour Special Speed Limit) Bye-Laws 2020.

Circulated, report of Senior Executive Engineer, Operations and Maintenance Services, dated 20th August, 2020.

The Senior Executive Engineer, West Division, referred to the report and the Draft Road Traffic (30 kilometers per hour Special Speed Limit) Bye-Laws 2020. He stated that Limerick City and County Council is proposing the installation of 30kph speed limit bye-laws in the following estates in the Newcastle West Municipal District:

- The Bracken, Newcastle West
- Arra View, Newcastle West
- Cois Teampail, Newcastle West
- Evergreen Court, Newcastle West
- Carrig Desmond, Newcastle West
- Glebe, Monagea
- Maple Grove, Templeglantine
- Church View, Castlemahon
- Fr. Casey Close, Abbeyfeale

He stated that the proposed bye-laws were put on display from the 3rd July, 2020 to the 3rd August, 2020 and no submissions were received. He stated that the approval of the Members was now sought to progress the matter to the Full Council Meeting.

The installation of 30kph speed limit at The Paddocks, Newcastle West was also referred to and the Executive Engineer, Roads, agreed to follow up on this matter.

Following brief discussion, the Members agreed to approve the above bye-laws which was proposed by Councillor Galvin and seconded by Councillor Scanlan.

3. Physical Development Directorate

To receive update on the Newcastle West Public Realm and Traffic Movement Plan.

The Senior Executive Engineer, West Division, gave an update to the Members on the Draft Newcastle West Public Realm and Traffic Movement Plan.

He referred to Phase 1 and Phase 2 which have now been completed and stated that Phase 3 Full Public Consultation, which had been delayed due to Covid19, is the next phase in the process.

A discussion took place with the Members on the public consultation process. The Members referred to the distribution of leaflets as part of the public consultation process but that consideration should also be given to using social media.

Following discussion, it was agreed that a workshop for the Councillors with the Consultants would be arranged prior to the Draft Plan going on public display.

4. General Municipal Allocation (GMA)

On the proposal of Councillor Scanlan, seconded by Councillor Galvin, it was agreed to allocate €1,100 to Raheenagh/Ashford Tidy Towns.

On the proposal of Councillor Scanlan, seconded by Councillor Galvin, it was agreed to allocate €600 to Castlemahon Development Association.

On the proposal of Councillor Sheahan, seconded by Councillor Galvin, it was agreed to allocate €350 to Newcastle West Scouts.

On the proposal of Councillor Collins, seconded by Councillor Scanlan, it was agreed to allocate €1,000 to Newcastle West Tidy Towns.

On the proposal of Councillor Ruddle, seconded by Councillor Galvin, it was agreed to allocate €1,000 to Monagea GAA for new astroturf pitch.

QUESTIONS

5. 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.

Councillor Galvin stated that the Limerick and Clare Education Training Board building at the old Convent of Mercy, Abbeyfeale had fallen into disrepair and asked that this Local Authority call on the Minister for Health and Minister for Children, to take ownership of this building with a view to converting it into a residential care facility. Councillor Galvin asked that this building should no longer be considered as a listed property, that the designation order be taken off the building and that the Council engage with the LCETB regarding the dereliction of the building.

A discussion followed and Councillor Galvin along with the other Members noted the need for residential care facilities for disabled children in order to give their families respite.

6. 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:** (a) to (d) There is no history of forestry being granted planning permission in this area.
- (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 right of way up to the Cross.

Councillor Galvin referred to the history surrounding the Mass Rock and asked that the public right of way and the area around the Cross be kept clear. In replying, the Senior Executive Engineer stated that he was not aware of any public right of way at this location. A brief discussion took place on this matter and on other historical sites and forestry lands in the District.

7. Question submitted by Councillor L. Galvin

I will ask at the next Municipal Meeting that this Council paints 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.

Councillor Galvin and other Members asked that the Council liaise with the residents of Fr. Casey's Close, Abbeyfeale, with regard to painting the entrance and surrounding areas to the estate. It was also noted that the Abbeyfeale Tidy Towns group may be able to assist.

8. Question submitted by Councillor F. Foley

I will ask at the next Meeting for a copy of the planning permission and a copy of the Environmental Impact Statement from Irish Water with regard to the works which they carried out on the River Feale, Abbeyfeale at McCarthy's bend with regard to diverting water to the Abbeyfeale Water Treatment Plant.

REPLY: No response from Irish Water.

9. Question submitted by Councillor T. 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.

Councillor Ruddle stated that a major safety issue had arisen in relation to cycling and motorised scooters on footpaths which are highly dangerous for young and old pedestrians. He asked that signage be put in place on footpaths to make people aware that this is not acceptable.

10. 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.

11. 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.

12. 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.

13. Question submitted by Councillor J. Scanlan

I will ask at the next Meeting that the internal junction next House 58 in Killeline be lined with a stop sign put in place in the interest of general safety.

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

14. 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.

Councillor Collins stated that dog fouling is an issue around Newcastle West town and asked if signage on dog fouling could be installed along the N21. In replying, the Senior Executive Engineer stated that the Council in conjunction with Newcastle West Tidy Towns are utilising anti-dog fouling stencils at a number of locations throughout the town which can also be placed along South Quay.

NOTICES OF MOTION

15. Notice of Motion submitted by Councillor L. Galvin

I will move at the next Meeting that this Council uses its new powers under the Derelict Sites Act against the Limerick and Clare Education Training Board regarding the maintenance of the Convent of Mercy, Abbeyfeale.

The Motion was seconded by Councillor Foley.

REPLY: Limerick City and County Council will arrange to carry out an inspection on the site at the Convent of Mercy, Abbeyfeale, Co. Limerick and an update will be provided to the Elected Members as soon as possible.

16. Notice of Motion submitted by Councillor L. Galvin

I will move at the next Meeting that this Council call on Irish Water to rectify the serious problem it caused when the River Feale was interfered with at the Town Park, Abbeyfeale to divert water to the treatment plant.

The Motion was seconded by Councillor Foley.

REPLY: No response received from Irish Water.

Councillor Galvin referred to river erosion and child safety at the town park and requested a copy of the Environmental Impact Statement with regard to the works which were carried out at this location. He stated that over 30 metres of riverbank had been eroded close to the town park in Abbeyfeale.

The Meetings Administrator confirmed that contact had been made with Irish Water by the Council's Water Services Department on a number of occasions but no response had been received to date.

Councillor Foley referred to the seriousness of river erosion close to the town park and to the works carried out on the River Feale by Irish Water for the Abbeyfeale Water Treatment Plant.

A lengthy discussion followed and the Members referred to the erosion of the river banks and noted that landowners in the area are being affected. It was also noted that silt is not being removed from the river which is causing the river to flow at a faster rate and contributing to additional erosion of the river banks. The Members stated that the erosion issued needed to be addressed as a matter of urgency

The Members also referred to the taking in charge of the River Feale and River Allaughaun by the Office of Public Works where these rivers flow through Abbeyfeale. It was noted that a section of these rivers flow through Kerry which is already in the charge of the OPW.

It was proposed by Councillor Sheahan and seconded by Councillor Foley that Minister O'Donovan be written to with regard to the taking in charge of the Rivers Feale and Allaughaun as he now has responsibility for the OPW.

It was also proposed by Councillor Scanlan and seconded by Councillor Galvin that Irish Water be requested to attend the October Meeting of the District to discuss the above matters.

17. Notice of Motion submitted by Councillor T. Ruddle

I will move at the next Newcastle West Municipal District Meeting that the Council would initiate plans for a permanent memorial structure in honour of Sophie Pierce a pioneering global aviator to be erected in the town of Newcastle West where she was brought up. This is in recognition of her leadership in promoting the role of women in society, her contribution to modern aviation and her place as a Limerick woman who achieved global recognition over several generations.

The Motion was seconded by Councillor Scanlan.

REPLY: I wish to advise that this matter has been referred to the Protocol Committee of Limerick City and County Council.

A brief discussion followed with the Members on the erection of Memorials in the District.

18. Notice of Motion submitted by Councillor J. Scanlan

I will move at the next Meeting that our Municipal area launch a safety campaign aimed at discouraging cyclists and users of silent motorised scooters from travelling on footpaths within our towns.

The Motion was seconded by Councillor Ruddle.

REPLY: The Road Safety Authority is the body at national level with responsibility for the promotion of road safety awareness and road safety education.

The work of the Road Safety Authority is supported at a local level by local authorities through the Cycle Right campaign - <http://www.cycleright.ie/about> – which is offered to primary schools at a subvented rate via the Councils Road Safety Officers.

For further information on the Cycle Right campaign please contact the Council's Road Safety Officers:

Karen Butler karen.butler@limerick.ie (Limerick County)

Rory McDermott rory.mcdermott@limerick.ie (Limerick City)

19. Notice of Motion submitted by Councillor J. Scanlan

I will move at the next Municipal District Meeting that a full review of the qualifying parameters for our local improvement scheme be undertaken.

The Motion was seconded by Councillor Sheahan.

REPLY: Qualifying criteria under the Local Improvement Scheme grants are set out by

the Department of Rural and Community Development.

Limerick City & County Council is currently reviewing the administration of the Local Improvement Scheme to ensure that the scheme is being managed in accordance with the Department's requirements to the best interests of those applicants who meet such criteria.

A discussion followed and Members noted that a memo was received by the Council from the Department of Rural and Community Development in February with regard to the criteria for the scheme.

Following discussion, it was proposed by Councillor Sheahan and seconded by Councillor Foley that those people who were on the list and approved for the LIS Scheme prior to February 2020, remain on the approved list and their scheme/works be progressed. The Members also noted that people had already qualified for the scheme prior to February 2020 and their approval should not be changed due to the new criteria. It was also noted that the memo received may need to be placed on the Full Council Agenda for discussion by all the Members. The Meetings Administrator agreed to forward these proposals to the Central Services Department.

20. Notice of Motion submitted by Councillor M. Collins

I will move at the next Meeting that Limerick City and County Council engage with Bus Éireann to provide two bus shelters at South Quay, Newcastle West, one serving Passengers travelling South West and the other serving passengers going North East.

The Motion was seconded by Councillor Scanlan.

REPLY: Limerick City and County Council will include the request for bus shelters both north and south bound on the South Quay, Newcastle West with the National Transport Authority for consideration in 2021.

However, from an initial survey a number of difficulties exist, such as, a lack of adequate footpath space available to accommodate a full bus shelter with shelter ends, potential loss of car parking on the southbound stop, possible relocation of the quay wall on the northbound stop. A full site survey will be required to determine the suitability of each location.

At this point in the Meeting the Cathaoirleach, proposed a fifteen minute time extension to complete the business on the Agenda. This was seconded by Councillor Collins.

21. Notice of Motion submitted by Councillor J. Scanlan

I will move at the next Meeting that Limerick City and County Council look at the cleaning and Security of Newcastle West Playground. In recent times the playground has become an area for littering and anti social behaviour.

The Motion was seconded by Councillor Ruddle.

REPLY: The Council has arranged for daily maintenance of the playground and other play facilities in Newcastle West in order to address the litter problem. The Council will monitor the playground to see if this addresses the concerns.

A brief discussion followed and the Members requested that consideration also be given to expanding the existing playground due to demand. In replying, the Director stated that work has commenced with regard to this.

The following items were also raised.

An update was sought on the proposed works at Wards Cross and Devon Road Cross on the N21.

The restoration of the open park area at O'Connor Park, Ardagh, was also raised.

An update on Abbeyfeale Traffic Management Plan was also requested.

An update on a safety audit to be carried out on the derelict plant at Castlemahon was sought. In replying, the Director stated that an inspection has been carried out and this matter is being followed up on by the relevant Directorate.

An audit of the utilities infrastructure within Newcastle West was referred to and in replying, the Executive Engineer stated that this survey has now been completed.

The issue of the Local Authority not disclosing to Members who Local Authority houses have been allocated to under GDPR Regulations was also raised.

A request for speed ramps to be installed at Gortboy Lane, Gortboy to slow down traffic in the interest of safety was referred to and a plebiscite was given to the Meetings Administrator by Councillor Collins. The Senior Executive Engineer stated that a source of funding needs to be identified for these works.

The issue of overgrown hedges in the District was also raised. A brief discussion followed on the process involved and in replying, the Executive Engineer stated that hedge cutting letters had been sent to the relevant landowners in the District.

The Senior Executive Engineer outlined the funding received for various projects within the District. A total of €420,000 was allocated under a number of different measures as part of the Government's Stimulus Package, €250,000 was allocated towards footpaths in Churchtown and €60,000 towards footpaths in Dromcollogher as part of the Active Travel allocation. Under Climate Action allocation, €60,000 was allocated towards drainage design works at The Hill, Abbeyfeale and the Grove, Abbeyfeale. He also referred to the design of proposed cycle lanes at Lacey's Cross on the N21 to junction of St. Ita's towards Churchtown, Newcastle West.

It was agreed to hold the October Meeting of the District on Wednesday, 7th October, 2020, at 10.00 a.m., at Áras William Smith OBrien.

It was also agreed to hold a Meeting of the Joint Policing Committee (JPC) Sub Committee on Wednesday, 7th October, 2020, at 12 noon at Áras William Smith OBrien.

It was agreed to hold the Draft Budgetary Meeting on Wednesday, 21st October, 2020, Time to be Confirmed.

This concluded the Meeting.

Signed:

Cathaoirleach

Dated:
