

**Meeting of the Climate Action, Biodiversity and Environment Strategic Policy  
Committee to be held on Tuesday 13<sup>th</sup> April 2021**

**Notice of Motion referred from the Metropolitan District Meeting held on Monday 15<sup>th</sup>  
February, 2021**

**(submitted by Councillor S. Hartigan)**

“I will move at the next Meeting of the Metropolitan District of Limerick that Limerick City and County Council investigate the possibility of introducing a bye law, requiring any landowners in the Metropolitan area who permits grazing horses on their lands, to apply for a holding licence. Licence holders would be required to keep a record of horse owners using their land and associated microchip numbers. Failure to have a holding licence would permit the Council to enter lands, seize horses and recover the costs from the landowner.”

**Reply:**

Section 199 of the Local Government Act 2001, as amended, confers the power on local authorities to make bye-laws for or in relation to the use, operation, protection, regulation or management of any land, services or other such matter provided by or under the control or management of the local authority. However, the Council does not have the power to regulate the use of private land via bye-laws.

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Brian Kennedy  
Director of Services  
Physical Development Directorate  
8<sup>th</sup> April, 2021

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February, 2021**

**(submitted by Councillor E. Secas)**

“I will move at the next Meeting of the Metropolitan District of Limerick that Limerick City and County Council establishes and provides a tree planting grant for community and voluntary groups similar to the Maintenance of Open Spaces Grant.”

**REPLY:**

Limerick City and County Council currently supports community groups to undertake planting of native trees. During National Tree Week the Parks Section provides in the region of 250 native trees per annum to community groups. In addition, the Parks Section would provide a similar number of trees to communities outside of the National Tree Week period, in particular working with Tidy Towns groups. The benefit of this approach is that the trees are sourced by the Parks Section from certified native tree nurseries and the Section can offer advice and support on the correct siting, planting and maintenance of the trees to the host communities.

We are currently in the process of developing a Tree Management Strategy for Limerick City and County. It is intended that the Strategy would include guidance on tree planting in new/existing developments, and consideration on the most suitable trees to plant in a particular location. This concept is something we can explore further in the context of the development of our Tree Management Strategy and may be considered for future years budgets.

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Director of Services  
Physical Development Directorate  
8<sup>th</sup> April, 2021

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**Notice of Motion referred from the Metropolitan District Meeting held on Friday 19<sup>th</sup> March,  
2021**

**(submitted by Councillor S. Hartigan)**

“I will move at the next Meeting of the Metropolitan District of Limerick that Limerick City and County Council install on-street compost bins for people to dispose of compostable cups and green waste.”

**Reply:**

Limerick City and County Council completed the replacement of all street bins in the City and its Environs in 2020. At present, there is no facility for segregating materials in the litter bins. As this would require changes to the street bins and to the vehicle fleet that collects the rubbish, there are currently no plans to further upgrade the bins as outlined above.

Limerick City and County Council are exploring future recycling possibilities to include composting.

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Director of Services  
Physical Development Directorate  
8<sup>th</sup> April, 2021

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**Notice of Motion referred from the Full Council Meeting of 22 March, 2021 (submitted by the Municipal District of Adare-Rathkeale - Councillors J. O'Donoghue (Proposer), B. Collins, S. Keary, E. O'Brien, K. Sheahan, A. Teskey)**

"We will move at the next Meeting that Limerick City and County Council immediately address the safe passage of people on our local, regional and national roads by way of ensuring that all roads have a clear margin of at least 1m to a height of 4m all year round, so that our school buses, pedestrians, cyclists and all other forms of transport can use our roads safely."

**REPLY:**

There are a number of pieces of legislation which govern the management and maintenance of roadside hedgerows, which require a balance to be struck between the preservation of biodiversity and safe passage for road users.

Section 40 of the Wildlife Act 1976 as amended by the Wildlife (Amendment) Act 2000 and the Heritage Act 2018 provides that *"It shall be an offence for a person to cut, grub, burn or otherwise destroy during the period beginning on the 1st day of March and ending on the 31st day of August in any year, any vegetation growing on any land not then cultivated."* and that *"(b) It shall be an offence for a person to cut, grub, burn or otherwise destroy any vegetation growing in any hedge or ditch during the period mentioned in paragraph (a) of this subsection."*

The Act provides a number of exemptions to Section 40 including the felling, cutting, lopping, trimming or removal of a tree, shrub, hedge or other vegetation pursuant to Section 70 of the Roads Act 1993.

Section 70 of the Roads Act 1993 places the responsibility on *“the owner or occupier of land”* to *“take all reasonable steps to ensure that a tree, shrub, hedge or other vegetation on the land 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.”*

It goes on to state that *“Where a tree, shrub, hedge or other vegetation is a hazard or potential hazard to persons using a public road or where it obstructs or interferes with the safe use of a public road or with the maintenance of a public road, a road authority may serve a notice in writing on the owner or occupier of the land on which such tree, shrub, hedge or other vegetation is situated requiring the preservation, felling, cutting, lopping, trimming or removal of such tree, shrub, hedge or other vegetation within the period stated in the notice”*.

LCCC places advertisements in the local press every year to alert landowners to their obligations under the above acts. In addition, where a breach of section 70 of the roads act comes to the attention of an area office, a notice is served on the landowner or owners requiring them to take appropriate action.

There are approximately 4000k of public road in Limerick, equating to approximately 8,000k of verges. It would be beyond the resources of the council to engage in routine maintenance on this entire network. However, Limerick City and County Council - Service Operations Directorate carries out maintenance of road verges and junctions on national and regional roads during the period specified in the Wildlife Act 1976, but this maintenance is dependent on the level of vegetation growth and its impact on the safety of road users.

The Council has signed up to the All-Ireland Pollinator Plan, which commits us to preserving biodiversity and supporting pollinators, where this does not create a threat to public safety.

A recent ministerial letter signed by Ministers Darragh O’Brien, Malcolm Noonan and Peter Burke asking local authorities to delay grass cutting and hedge to so that dandelions, willow and blackthorn can bloom and provide important early food for pollinators. A copy of this letter will be circulated.

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Director of Services  
Physical Development Directorate  
8th April, 2021

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**Notice of Motion submitted by Ms M Hayes**

“I will move at the next meeting of the Climate Action, Biodiversity and Environment SPC that the Committee recommends that the Annacotty Weir be removed because of its negative impact on biodiversity and critically endangered species.”

**Reply:**

Inland Fisheries Ireland, in their role in the protection, management and conservation of the inland fisheries resource, are, in conjunction with OPW, reviewing the feasibility of removal of some or all of the weir. The implications of removing the Weir will have to be carefully considered.

Annacotty (to a point just South of the M7) is within the Study area for the Limerick City & Environs FRS. As part of the Scheme, LCCC appointed consultants who will be undertaking hydraulic modelling of the river to include effects of any existing structures within the rivers. As part of the Options Development, the removal of existing structures will be assessed, in terms of flood risk.

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**Notice of Motion submitted by Councillor Sean Hartigan**

“I will move at the next Meeting of the Climate Action, Biodiversity and Environment SPC meeting that Limerick City and County Council utilize Capital Asset Valuation of Amenity Trees (CAVAT) as a method for managing trees as public assets rather than liabilities.”

See <https://www.ltoa.org.uk/resources/cavat>

**REPLY:**

Limerick City and County Council fully supports the idea of ascribing a value to amenity trees that reflects the benefits they confer on the public, including the ecosystem services they provide.

As part of the preparation of the Limerick City and County Tree Strategy, a number of methods of valuing amenity trees will be examined to see which is the most appropriate in the Limerick context. One of the methods looked at will be the CAVAT method.

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Brian Kennedy  
Director of Services  
Physical Development Directorate  
8<sup>th</sup> April, 2021