



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Stiúrthóireacht na Forbartha Fisiciúil,
Comhairle Cathrach agus Contae Luimnigh,
Ceanncheathrú Chorporáideach,
Cé na gCeannaithe,
Luimneach

Physical Development Directorate,
Limerick City and County Council,
Corporate Headquarters,
Merchants Quay,
Limerick

EIRCODE V94 EH90

t: +353 (0) 61 556 000



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Limerick City
& County Council

10th May 2021

To the Mayor and Each Member of Limerick City and County Council

**Chairperson's Report of the Climate Action Biodiversity and Environment Strategic Policy
Committee Meeting of 13th April, 2021.**

The Chair, Cllr. Jerome Scanlan opened the meeting.

**Item 1: Adopt Minutes of Climate Action, Biodiversity and Environment Strategic Policy
Committee of the 9th February 2021:**

The minutes were proposed by Cllr. Galvin and, seconded by Cllr. Collins (B), and adopted.

Item 2: Director's Update:

Mr. Kennedy presented the Director's Report and referred to the correspondence issued to the Minister for Enterprise and Trade, Mr Leo Varadkar TD and Minister for the Environment, Climate and Communications, Mr Eamon Ryan TD, regarding the CETA Agreement between the European Union and Canada. A response is awaited.

On the issue raised by Cllr. Collins (B) on the cutting of willow on the river bank in Adare, Mr. Kennedy advised that representations were made by Limerick City and County Council that the future cutting of the willow should be undertaken in the Autumn rather than Spring and the OPW have indicated that this should be possible and they will raise the matter with the relevant maintenance staff/contractors.



Item 3: Update on the URBACT Health and Green Space Programme (Anne Goggin, Senior Executive Engineer)

Ms. Goggin gave an update on the URBACT Health and Green Space. The objective of the program is to support and enhance the provision of quality green infrastructure in larger urban areas. Ms Goggin spoke about the health benefits associated with contact with the natural environment and greenspace. The benefits include improved general mood and attitude, stress reduction, better mental functioning, improved mindfulness and creativity, positive impacts on anxiety and depression. The program seeks to develop areas for social interaction, such as community gardens, outdoor places for education and learning, facilitated activities within urban green space such as: – orienteering routes – geocaching trails – family days, – markets, – guided walks, it will develop facilities supporting physical activities in green spaces (running tracks, bike paths, outdoor gyms, playing fields) and the appointment of physical activity managers.

In reply to members questions, Ms Goggin stated that while the program is designed for the city, actions identified could be used as a template for other areas. She also assured the members that the Tree Policy being developed will ensure that tree planting will be site specific.

Item 4(a): Notice of Motion referred from the Metropolitan District Meeting held on Monday 15th 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.”

In proposing the motion Cllr. Hartigan said grazing horses provide a service to private landowners as they prevent the land turning to scrub land and that if the same land was later needed for development then the horses would be removed. The land owners should be required to apply for a holding licence.

Cllr. Secas seconded the motion.



Mr. Kennedy then read the reply to the Motion:

“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.”

**Item 4(b): Notice of Motion referred from the Metropolitan District Meeting held on
Monday 15th 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.”

In proposing the motion Cllr. Secas said her motion was timely in the context of Ms. Goggins presentation. Cllr. Secas is asking that the Council put a scheme in place to support community groups to enhance their areas. Wexford County Council has such a scheme in place and Limerick City and County Council could utilise that scheme as an example to develop sustainable planning for a greener future. Cllr. Collins (B) seconded the motion.

Mr. Kennedy then read the 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.”

It was agreed that the Motion would be submitted to Full Council as a recommendation from the SPC.

**Item 5: Notice of Motion referred from the Metropolitan District Meeting held on Friday
19th 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.”

In proposing the motion, Cllr. Hartigan acknowledged that keep cups are not being used during the Covid Pandemic and most disposable cups are compostable. He added that he has spoken to restaurant owners and they would like to see bins specific for compostable cups and are willing to sponsor and advertise the facility.

Cllr. Collins (B) seconded the Motion.

Mr. Kennedy then read the reply to the Motion:

“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. However, Limerick City and County Council are exploring future recycling possibilities to include composting.”

**Item 6: 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.”

In proposing the motion, Cllr. O Donoghue stated that verges and hedgerows will grow over the coming months and impede vision for motorists, cyclists and pedestrians and culverts will also be overgrown.

The Motion was not seconded/agreed.



Mr. Kennedy read the reply to the Motion:

“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. “



Item 7: 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.”

In proposing the Motion, Ms. Hayes that there are three main issues she wished to raise:

1. Height of the weir – creating barrier to fish migration
2. Flow of water
3. Speed of current

Cllr. Secas seconded the motion. There was no counter-motion.

Mr. Kennedy read the reply to the Motion:

“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.”

It was acknowledged that Inland Fisheries Ireland are reviewing the feasibility of removal of some or all of the weir but that Limerick City and County Council have a role with regard to the Weir in respect of the Limerick City and Environs Flood Relief Scheme.

It was agreed to bring a recommendation from the SPC that Annacotty Weir be removed because of its negative impact on biodiversity and critically endangered species.



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Item 8: Notice of Motion submitted by Councillor S. Hartigan

"I will move 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>"

In proposing the Motion, Cllr. Hartigan stated he would like if the Council could look into the matter as part of the Tree Strategy. Cllr. Collins (B) seconded the Motion and added that we should be monitoring our carbon credits and proposed that the Council finds the expertise to assist with that and Limerick could be the lead Authority in doing this.

Mr. Kennedy then read the reply to the Motion:

"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. "

This concluded the business of the meeting.

Recommendation 1:

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.

Recommendation 2:

The Climate Action, Biodiversity and Environment Strategic Policy Committee recommends the Annacotty Weir be removed because of its negative impact on biodiversity and critically endangered species.

Is mise le meas,

Jerome Scanlan

Chairperson of the Climate Action Biodiversity and Environment Strategic Policy Committee