

Minutes of the Online Meeting of Limerick City & County Council Climate Action, Biodiversity and Environment Strategic Policy Committee held on Tuesday 13th April 2021 at 4pm.

Members Present:

Cllr. Scanlan, (Chairperson), Cllr. Carey, Cllr. Collins (B), Cllr. Collins (M), Cllr. Hartigan, Cllr. Secas, Cllr. Sheahan (J), Cllr. Sheahan (M), Cllr. Talukder, Cllr. Benson, Cllr. Galvin, Cllr. O Donoghue, Ms. Gabbett (PPN), Ms. Hayes (PPN)

Officials Present:

Mr. B. Kennedy (Director of Service), Mr. P. Williams (A/Administrative Officer), Ms. A. Goggin (Senior Executive Engineer), Ms. M. Corrigan (Administrative Officer), Ms. M. Fitzgerald (Assistant Staff Officer), Mr. P. Stephens (Manager of the Limerick Clare Energy Agency), Mr. B. Kidney (Senior Executive Engineer) and Ms. A. Leahy (Clerical Officer).

Apologies:

Cllr. Sheahan (K)

The Chair opened the meeting and welcomed the members and introduced Mr. Peter Williams (A/Administrative Officer) as the new secretary of the SPC in place of Mr. Dara McGuigan.

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, seconded by Cllr. Collins (B), and adopted.

Item 2: Director's Report:

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 to the OPW 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 and the presentation will be circulated to the members on the request of Cllr. Collins (B).

Cllr. Galvin expressed his disappointment that the programme is for larger urban areas. Ms. Goggin, in reply stated that while the programme is designed for the larger urban areas, actions identified could be used as a template for other areas.

In reply to a query from Cllr. Collins(B), Ms. Goggin said funding streams are available to small community groups and Tidy Towns committees. There are smaller annual grants of €1000 for community enhancements.

Cllr. Scanlon asked if there are any plans to plant more trees as there is a scarcity in some areas. Ms. Goggin replied that she is currently acquiring data set from a company called Blue Sky. This data has mapped every tree in Limerick and there will be a good indication of areas scarce on trees. The Council is currently developing a tree policy and there will be scope for additional trees. As part of the public realm in the future, emphasis will be put on street trees and green infrastructure.

Cllr. Sheahan (J) agreed that public realm is the way to go and suggested finding suitable trees which will be suitable for use on footpaths.

Ms. Goggin assured him that the Tree Policy 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 the horses would be removed if the land being is needed for development. The land owners should be required to apply for a holding licence.

Cllr. Galvin agreed with the sentiments and added that existing legislation should be enforced. He further added that the cost of removing horses is despicable.

Cllr. Carey agreeing with Cllr. Galvin asked how much a holding licence would cost.

In reply to Cllr. Carey, Mr. Kennedy stated that LCCC is in a contract for the removal of horses and this charge is mostly recouped from the Department of Agriculture.

Cllr. Hartigan added that under the current situation, the Council attempts to locate the owner of the horses, which if unchipped, is near impossible. It is easier to identify the owners of the land. In the majority of cases the horses on private land are there with the knowledge of the landowner. In reply to Cllr. Hartigan, Mr. Kennedy stated that he would arrange for enquiries to be made with the Department of Agriculture, but that, notwithstanding, the Council does not have the power to regulate the use of private land via bye-laws.

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 that Limerick City and County Council could utilise that as an example to develop sustainable planning for a greener future.

Cllr. Collins (B) seconded the motion and asked that only native trees that are site specific should be planted. Cllr. Collins (B) also informed the meeting of the initiative discussed at Senate for Tidy Towns groups to build a garden, plant 7 trees in remembrance of the 7 signatories to the proclamation. The 7th of July is the dedicated date to make the gardens. Cllr. Hartigan also supported the motion and added that it would be good practice to plant a simple tree and take care of it into the future. He added that there are grants available from Teagasc for planning trees.

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.”

Cllr. Secas thanked Mr. Kennedy for the reply. It was agreed that the Motion would be submitted to Full Council as a recommendation.

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) supported and seconded the motion but added that many of these cups are only compostable in a commercial facility using the correct temperature. It would be good if composting stations could be rolled out.

Cllr. Hartigan agreed with Cllr. Collins (B) and added that the Mungret Recycling facility has the correct temperature of 70°.

Ms. Gabbett added her support to the Motion and echoed Cllr. Collins (B) comments. She added that composting and recycling can be confusing and education is crucial in this area. She recommended trialling it first to see how it evolves.

Cllr. Secas wished to add her support to the Motion and added that more bins are required on the streets.

The Chair then invited Cllr. Collins (B) and Cllr. Hartigan to amend the wording in the Motion.

Following discussion regarding the required temperature of 70° being available at the Mungret Recycling plant, it was agreed not to amend the Motion and start off on a small scale.

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.

Cllr. Hartigan asked if this was a motion to cut hedges during the summer and added that verges provide food for pollinators. Cllr. O’ Donoghue replied that it was not, he does not want hedges cut out of season, he wants to ensure verges are maintained and culverts are clear.

Ms. Gabbett echoed Cllr Hartigan’s sentiments and added that the Wildlife Acts provides exemptions for keeping road passageways safe. Verges and hedges are needed for wildlife.

Ms. Hayes suggested that it would be important to do an Environmental Impact Assessment rather than the recommendation going forward at this stage.

Mr. Kennedy then 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. “

With reference to culverts, Mr. Kennedy agreed that culverts can impact on flooding on roads and assured Cllr. O’Donoghue that the Council will make every effort to clear the culverts as best as possible with the resources available. Mr. Kennedy invited Cllr. O’Donoghue to highlight particular areas that he wished the Council to examine.

The Motion was not seconded.

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 and stated she has the same Motion submitted to the Metro Meeting and added that there is a petition signed by 5000 people requesting same. She asked that LCCC work with Inland Fisheries Ireland and OPW.

Cllr. Hartigan informed the meeting that he had discussions with Inland Fisheries, OPW, landowners, Oireachtas and Senate members and the Mulkear project. The consensus is that fish migration does need to be improved however, removal of the weir is probably not the best option. The weir may be holding back some of the silt coming from the Mulkear river. He added that the best solution is likely to have Inland Fisheries Ireland and OPW come on board to provide funding.

Ms. Gabbett supported Ms. Hayes sentiments but added any works would need consultation and full assessment of what the potential impacts would be. All of the planning process would have to be adhered to.

Mr. Kennedy then 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.”

Ms. Goggin added that Inland Fisheries Ireland (IFI) issued a press release recently saying they were looking at the possibility of putting in improved fish passage.

Ms. Hayes welcomed the response however she added that the Mulkear river project is an EU initiative and the Council is one of the parties to €1.7m of funding received from the EU commission. She asked if works can be done immediately to counteract the effects of the fish kills. She also enquired as to what is the flood relief scheme (FRS) that Mr. Kennedy referred to in his response.

Mr. Kennedy outlined that there are five FRS as follows; Castleconnell, Athea, Rathkeale, King’s Island & Adare. The city environs FRS includes Annacotty. Mr. Kennedy said he would

arrange for clarification by email to all Members within a few days. Cllr. Sheahan (M) wished to get clarification if Ms. Hayes's Motion is withdrawn in light of Mr. Kennedy's response and added he would be quite happy to wait for the overall assessment. Ms. Hayes confirmed that she is not withdrawing her Motion, the Motion was put forward and seconded and should be documented.

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.

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 meeting. The Chair thanked all the members for their contributions.

Jerome Scanlan

Chairperson of the Climate Action Biodiversity and Environment Strategic Policy Committee

