

CORRESPONDENCE

**MEETING OF THE MUNICIPAL DISTRICT OF
ADARE-RATHKEALE**

12TH OCTOBER, 2021

- Letter dated 22nd September, 2021 from Leahy Reidy Solicitors in reply to Notice of Motion from Members requesting Limerick City and County Council issue legal proceedings against Irish Water and the Environmental Protection agency for failure to provide an adequate sewerage facility and also to address the water quality issues in Askeaton.
- Email received on 4th October, 2021 from Mike Cantwell, Head of Enterprise, Limerick City and County Council, in reply to Councillor Teskey and Councillor Sheehan's request that the Council look to purchase the Bank of Ireland buildings in Askeaton and Rathkeale which are due to close in October this year.
- Report received on 6th October, 2021 from Gerard O'Connor, Senior Executive Engineer, Adare-Rathkeale Municipal District in reply to Councillor Teskey's request for speed ramps be installed in all Council housing estates in the District.
- Email received on 7th October, 2021 from Sonja Reidy, Senior Executive Officer, Limerick City and County Council with a further reply to Notice of Motion from Councillor O'Donoghue at the September Municipal District Meeting regarding issues around the supply of water in Croom, Banogue, Fedamore and all other areas of the Adare-Rathkeale District that have problems with both supply and quality.

LEAHY REIDY

SOLICITORS LLP

Park Manor
Upper Mallow St.
Limerick
V94 CPR8

Tel 061 221800
Fax 061 518304
Email reception@leahyreidy.ie
DX 3065 Limerick
Web www.leahyreidy.ie

Laura Flannery,
Senior Executive Officer,
Limerick City & County Council,
Merchants Quay
LIMERICK

date

22nd September, 2021

your ref

our ref

WJL/COC

Re: Notice of Motion

Dear Madam,

I refer to the above to your recent email outlining a proposed Notice of Motion before the next meeting of the elected members.

The motion proposed is as follows :

We will move at the next Meeting that Limerick City and County Council issue legal proceedings against Irish Water and the Environmental Protection Agency for failure to provide an adequate sewerage facility and also to address the water quality issues in Askeaton.

It is unclear from the wording as to what sort of proceedings are proposed to be issued. There are a number of different types of proceedings – these can be both civil and criminal proceedings.

If there has been a pollution incident, or if Irish Water are in breach of a directive from the Council, then the appropriate form of proceeding is a prosecution under the Water Acts. Proceedings against the EPA are a different prospect entirely as they are a Regulatory Body themselves and I am uncertain as to what sort of proceedings are being proposed.

I am aware that there was an initial agreement between the Council and Irish Water for the transfer of assets. I am unsure as to whether or not there is any reference to ongoing monitoring issues contained in that agreement and the Council's Water Section might be able to guide you in that regard.

Alternatively, an injunction in the High Court under either the Water Acts or the Waste Management Act are the most appropriate course of action to be considered should the Council wish either body to carry out certain works. These are civil proceedings and have a different standard of proof required i.e. *balance of probabilities* as opposed to *beyond reasonable doubt*.



Gerard K Reidy - David S. Leahy - William J. Leahy - Lena M. Barry
Helen Harnett - Sinead Baggott - Edward Leahy - Pat McHugh - Mary Lee
William E. Leahy (Chairman) - Jacqui Breen (Legal Executive)

LEAHY REIDY

SOLICITORS LLP

Park Manor
Upper Mallow St.
Limerick
V94 CPR8

Tel 061 221800
Fax 061 518304
Email reception@leahyreidy.ie
DX 3065 Limerick
Web www.leahyreidy.ie

date

your ref


our ref

The commencement of any form of legal proceedings, either civil or criminal, is an Executive Function for the Chief Executive and his power to do so emanates from Section 153 of the Local Government Act, 2001. I would be of the opinion that the elected members do not have the legal authority to simply direct the C.E. to institute legal proceedings. The members would, however, have the authority to make a complaint to the Enforcement Section in relation to a specific incident of pollution in Askeaton. The Enforcement Section could then carry out an investigation with regards to the complaint and make the appropriate recommendation to the C.E. who would then be in a position to issue the relevant proceedings.

Alternatively, if the members wish to ask the Enforcement Section to carry out water sampling or report on the state of the waters in Askeaton, then this too would be an appropriate request.

If anything further occurs then please don't hesitate to contact me.

Yours faithfully,



WILLIAM J. LEAHY
LEAHY REIDY
Email: wjl@leahyreidy.ie



Gerard K. Reidy - David S. Leahy - William J. Leahy - Lena M. Barry
Helen Harnett - Sinead Baggott - Edward Leahy - Pat McHugh - Mary Lee
William E. Leahy (Chairman) - Jacqui Breen (Legal Executive)

From: Cantwell, Mike <mike.cantwell@limerick.ie>

Sent: Monday 4 October 2021 14:28

To: Butler, Karen <karen.butler@limerick.ie>

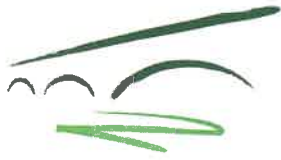
Subject: FW: Purchase request Municipal District Adare Rathkeale

Dear all,

Bank of Ireland came back to us three weeks ago stating with a ball park asking price for their branches at Bruff, Askeaton, Rathkeale and Abbeyfeale. They will be putting all of the branches on the open market early next year but they have indicated that they are prepared to deal with us directly on acquiring these branches.

Regards

Mike



Comhairle Cathrach
& Contae **Luimnigh**

Limerick City
& County Council

Ceantar Bardasach Áth Dara-Ráth Caola,
Comhairle Cathrach agus Contae Luimnigh,
Áras Séan Finn,
Líne Nua,
Ráth Caola,
Co. Luimnigh.

Adare-Rathkeale Municipal District,
Limerick City and County Council,
Áras Séan Finn,
New Line,
Rathkeale,
Co. Limerick.

EIRCODE V94 HK1V

t: +353 (0) 69 64047

f: +353 (0) 69 63188

Dear Councillors,

Traffic Calming in Housing Estates

Numerous requests are received for Traffic Calming . The initial approach has been to introduce bye-laws to lower the speed limit within Estates to 30km/hr.

In 2018, Limerick City & County Council adapted a Traffic Calming Policy for Urban Areas. This requires any requests for Traffic Calming to be accompanied by a Plebiscite of residents in which 2/3 of the residents on the streets affected are in favour of traffic calming.

In addition, speed surveys are required to justify any interventions.

Currently, traffic calming requests are considered on a case by case basis. There are 27 Council Housing Estates within the Adare Rathkeale Municipal District. Installation of traffic calming in some or all of these would involve significant expenditure.

At present, there is no specific source for funding the retrofitting of traffic calming in existing estates.

However, a Municipal District may assign some of its discretionary funding towards implementing traffic calming on a priority basis.

Gerard O'Connor
Senior Executive Engineer,
Adare-Rathkeale Municipal District.

6th October, 2021.

From: Reidy, Sonja <sonja.reidy@limerick.ie>

Sent: Thursday 7 October 2021 09:38

To: Butler, Karen <karen.butler@limerick.ie>

Cc: Harnett, Letitia <letitia.harnett@limerick.ie>; Boyle, Neal <neal.boyle@limerick.ie>; Peters, Anne <anne.peters@limerick.ie>; Lehane, Kieran <kieran.lehane@limerick.ie>

Subject: FW: Questions and Notices of Motion - September Monthly Meeting of the Municipal District of Adare-Rathkeale

Good morning Karen,

While the Notice of Motion has been addressed at the September meeting, Irish Water have now provided the following additional commentary;

"The National Water Resources Plan is Irish Water's 25 Year Strategy to ensure a safe, secure, sustainable and reliable drinking water supply for all users of public water schemes, whilst safeguarding the natural environment. The plan allows Irish Water to account for key European and National policies and also ensures that solutions are developed in a consistent manner across the country. The consultation launch for the first regional plan (Eastern Midlands which includes Limerick City and Environs) is planned for December 2021 and will run until mid March 2022. The remaining 3 plans will be published for consultation over 2022.

The status of the water supplies queried is as follows:

Croom: Attempts have been made in recent years to improve the existing, groundwater fed, supply on the Croom Public Water Supply, with limited success. The decision has recently been made to supply Croom from Limerick and Irish Water is progressing a project to lay a new watermain to connect the Limerick City and Environs Public Water Supply to the Croom Public Water Supply.

Banogue: Water supply to Banogue is fed from the Croom Public Water Supply. The works proposed at Croom will result in a more resilient supply to the Banogue area.

Fedamore: In late 2019, the existing source borehole for the Fedamore Public Water Supply, failed. In 2020, Irish Water drilled a new production borehole. Issues arose with the water quality in the new borehole and so in 2021, further treatment improvements were made with a view to removing the Boil Water Notice and the EPA's Remedial Action List. While the works undertaken to date have been successful, an EPA audit report (dated 04/10/2021) identified minor additional works requirements. These will be progressed without delay with a view to removal of the Boil Water Notice as soon as possible.

Adare: Irish Water is currently assessing options for the improvement of this supply.

Rathkeale: Irish Water is currently progressing a project to develop a new borehole on the Rathkeale Public Water Supply."

Regards,
Sonja