

**MINUTES OF PROCEEDINGS OF MONTHLY MEETING OF THE MUNICIPAL DISTRICT OF CAPPAMORE KILMALLOCK HELD ON THURSDAY 24<sup>TH</sup> MARCH 2022 AT 3:00PM IN THE COUNCIL CHAMBER, DOORADOYLE AND ONLINE**

**PRESENT IN THE CHAIR:**

Councillor Michael Donegan deputised for Councillor M. Ryan

**MEMBERS PRESENT:**

Councillors Carey, Mitchell, E Ryan, M. Ryan, Teefy

**APOLOGIES:**

Cllr. Egan.

**OFFICIALS IN ATTENDANCE:**

Director of Services Transportation and Mobility (Mr. Brian Kennedy), Meetings Administrator (Ms. K Butler), Senior Executive Engineer (Mr. T McKechnie), Director of Community Tourism & Culture (Mr. Gordan Daly), Administrative Officer (Ms. Audrey Crowe), Director of Services Housing (Ms. Caroline Curley), Senior Executive Architect (Mr. Cathal O'Boyle) on-line, Senior Engineer (Conor Culloo) on-line, Executive Archaeologist (Ms. Sarah McCutcheon), Assistant Staff Officer (Ms. May Fitzgerald).

**MINUTES:**

Circulated copy of draft Minutes of Monthly Meeting of the Municipal District of Cappamore –Kilmallock held on the 20<sup>th</sup> January and 17<sup>th</sup> February 2022.

Meeting held on the 20<sup>th</sup> January 2022

**Proposed: Councillor Mitchell**

**Seconded: Councillor E. Ryan and agreed**

Meeting held on the 17<sup>th</sup> February 2022

**Proposed: Councillor Mitchell**

**Seconded: Councillor Teefy and agreed**

### **3. DEPUTATION**

It was proposed that the Deputation by the Gotoon /Ballingaddy Residents Group be deferred to the April Meeting.

**Proposed: Councillor R. Ryan**

**Seconded: Councillor Mitchell and agreed**

### **4. PRESENTATION FROM COMMUNITY, TOURISM & CULTURE DIRECTORATE**

Mr. Gordan Daly delivered a presentation to the elected Members on the Dereliction and Vacancy Initiative, explaining the key inputs and outcomes for the Cappamore-Kilmallock Municipal District from January 2019-February 2021 as follows:

- 601** Site Inspections carried out by authorised officers
- 170** Notices served under the Derelict Sites Act 1990
- 48** Properties added to the Derelict Sites Register
- 28** Properties proposed for Compulsory Acquisition
- 16** Properties vested in the ownership of the Council
- 3** Properties sold on the open market
- 12** Properties on the market / being prepared for sale
- 2** Properties with ABP awaiting decision
- 7** Properties currently at Section 15 stage

The Members thanked Mr. Daly for the presentation and commended staff on their work to date tackling dereliction in the City and County.

The Chair proceeded to open the floor to questions.

In response to questions, Mr. Daly added the following -

- There are safeguards in place for property owners in terms of the right of appeal mechanism.
- Process is completed in a fair and balanced manner (The Council pays the fee to An Bord Pleánaí following refusal of planning permission- all communication is documented).
- In relation to sufficient time being given to owners of derelict sites, he explained that sites become derelict over a long period, which owners are aware of.
- The Council will work and engage with owners
- Sites are dealt with in a case by case basis and carefully considered.
- Owners can submit a bond in lieu of paying a levy.

Mr. Daly confirmed that the presentation would be circulated to all Members following the meeting.

## **9. Notice of Motion submitted by Councillor G. Mitchell**

The Chairman in agreement with Members to take Item 9 (Notice of Motion Submitted by Councillor G. Mitchell at this point of the meeting

I will move at next meeting of the Cappamore Kilmallock Municipal District that due diligence, care, consideration, respect and proper timeframe for owners legal rights in relation to the registration of derelict sites act, imposition of levy, CPO and any other measures related to same taking into account individuals circumstances in a balanced and fair manner. Questions have been asked in relation to the execution of the act and need to be answered. We need transparency and accountability in dealing with the said serious matter now and going forward.

### **Reply:**

“Limerick City and County Council has a strong focus on bringing derelict and vacant property in its administrative area back into productive use with a particular emphasis on areas of high housing demand in the town and village centres of the county and in the city of Limerick.

This work is guided by key legislation as set out in the Derelict Sites Act 1990, the Housing Act 1966, and the Urban Regeneration and Housing Act, 2015, and implementation is underpinned by robust processes and operating procedures.

The initiative run by LCCC is informed by proactive dereliction and vacancy surveys completed by staff throughout the administrative area, representations received from public representatives, and complaints received from the community. Derelict and vacant properties may also be reported by the public through [www.vacanthomes.ie](http://www.vacanthomes.ie) .

The Derelict Sites Act, 1990 (as amended), states that it is the duty of every owner and occupier of land to take all reasonable steps to ensure that the land does not become or does not continue to be a derelict site. The Act also states that it shall be the duty of a local authority to take all reasonable steps (including the exercise of any appropriate statutory powers) to ensure that any land situate in their functional area does not become or continue to be a derelict site.

The Dereliction, Vacancy & Re-use Team in the Property & Community Facilities Department engages property owners to advise on remedial measures, providing advice and guidance on schemes and other supports available to bring vacant and derelict homes back into productive use.

Limerick City and County Council is required to maintain a statutory Register of Derelict Sites. Properties entered in it are levied an annual charge payable by the property owners. However, where properties continue to remain in a derelict state

and all reasonable alternatives have been exhausted with the owners, the option to acquire the property compulsorily through statutory powers will be considered.

Unless the initial engagement immediately begins to resolve the issue, the Owner of the property is served a notice under Section 8(2) the Derelict Sites Act 1990 of the intention of LCCC to enter property details in to the Derelict Sites Register. Any representation from the Owner/Occupier received with regard to this Notice within a specified period (four weeks) is considered.

Generally, unless the dereliction issue has been addressed within the four weeks, a Notice under section 8(7) of the Act is served on the Owner/Occupier stating that the particulars of the land have been entered in the Derelict Sites Register. The experience has been that many owners do not take the matter seriously until property is in the Register.

Limerick City and County Council are required to have a market value determined under section 22 of the Act for properties entered in the Derelict Sites Register (and at least once every five years), and is completed by Council-appointed professional auctioneer/valuer. In accordance with the relevant provision of the Act, the Owner may appeal the market value determined to The Valuation Tribunal within 28 days from the date on which the Notice under Section 22 of the Act is received by them.

Since 2020, the Derelict Site Levy is charged at 7% of market value determined. Under section 23 of the Act, the derelict sites levy shall be paid by the owner of land to the local authority in whose functional area the said land is situated and for which a market value has been determined and the particulars of that land are entered on the Derelict Sites Register on the first day of January of that local financial year. The levy shall be payable by the Owner/Occupier on demand being made by the local authority. The legislation also states that, in default of payment, shall be recoverable as a simple contract debt in any court of competent jurisdiction.

Any properties entered on the Derelict Site Register may be considered for compulsory acquisition under the Derelict Site Act, 1990. Section 14 of the Act provides that a local authority may acquire by agreement or compulsorily any derelict site within their functional area.

When a notice of intention to acquire a derelict site compulsorily under section 15 of the Act is served on an Owner/ Occupier of such land, they have the opportunity to object to this within one month of date of service. Where an objection is received, the Council must first seek consent from An Bord Pleanála and the case application is referred to the Board within one month after expiry of time for objection. The approximate timeframe for determination decision (to grant or to refuse consent to the compulsory acquisition) between date of application lodged by I-CCC to Board decision is approximately up to 6 months (though may be extended by the Board).

Where no objection is received to the Notice of intention to Acquire Compulsorily, an objection is withdrawn, or consent is granted by the Board following objection, the

property may be vested in the Council by Order and Notice under Section 17/18 of the Act. The Vesting Order has the effect of making the site "free from encumbrance and all estate, rights, title and interests of whatsoever kind".

Section 19(1) of the Act provides that any person who has an estate or interest in or right in respect of a derelict site may apply to the local authority not later than twelve months after the making of the vesting order for compensation for an amount equal to the value (if any) of the estate, interest or right. Once confirmed by the Council's legal advisor that the right to claim is established by a former owner/occupier, any amount owed on an unpaid Derelict Site Levy can be deducted from compensation.

Section 20 of the Act provides that any derelict site acquired by a Local Authority may be used for any purpose connected with their function.

Limerick City and County Council continues to seek funding through central Government to support this work from schemes such as the Urban and Rural Regeneration and Development Funds, the Town and Village Renewal Scheme, Built Heritage Investment Scheme, as well as advising owners of dedicated housing grants such as Repair and Lease Scheme, Living City Tax Initiative, and energy and retrofit grants from the Sustainable Energy Authority of Ireland".

**Proposed: Councillor Mitchell**

**Seconded: Councillor E. Ryan and agreed.**

## **5. HOUSING DIRECTORATE**

### **Part 8 Procedure – Radharc Cillín, Kilfinane, County Limerick**

To consider the Chief Executive's Report pursuant to Section 179 3(a) of the Planning and Development Act 2000-2015, and Part 8 of the Planning and Development Regulations, 2001-2005, in relation to the construction of 10 no. housing units in Radharc Cillín, Kilfinane, County Limerick.

Mr. Cathal O'Boyle and Mr. Conor Culloo delivered a presentation on the proposed construction of 10 no. housing units in Radharc Cillín, Kilfinane, County Limerick and presented detail drawings of development.

The Members thanked Mr. O'Boyle and Mr. Culloo for the presentation

**Proposed: Councillor E. Ryan**

**Seconded: Councillor Mitchell and agreed.**

## **6. SCHEDULE OF MUNICIPAL DISTRICT WORKS**

The Senior Executive Engineer briefed the Members on the schedule of works and gave a summary of the allocation breakdown for 2022.

The Members thanked Mr. McKechnie and welcomed the investment in projects.

In response to questions on the GMA, Mr. McKechnie advised the Members that the decision to go with a one or two year programme was at Members discretion and advised that a two year programme helps plan ahead for works to be carried out.

Mr. Brian Kennedy, Director (Transport and Mobility) also added the following –

- N/M20 - The public consultation of the N/M20 will be launched on Wednesday, 30<sup>th</sup> March and all Members were invited to attend.
- Beary's Cross - €3m allocated to Beary's Cross scheme – design completed and it is anticipated contractors will be on site by year end.
- Substantial investment provided for road infrastructure in the District.
- Over 66km of roads in the District will be upgraded as part of the Schedule

**Proposed: Councillor Teefy**

**Seconded: Councillor E. Ryan and agreed**

## **7. Notice of Motion submitted by Councillor M Ryan**

I will move at the next meeting of the Cappamore Kilmallock Municipal District for Limerick City and County Council and Ballyhoura Development Ltd to assess and plan the Slieve Felim lands, Grageen, Clare Glens for outdoor recreation/pursuits and also assess the potential for green energy production.

**Reply:**

**Grageen Bog**

"The Council wishes to raise a number of ecological concerns in relation to any proposals for Grageen Bog. There are two designations in place for Grageen Bog and Fen, contained within Slieve Felim. The first is the Special Protection Area for the Hen Harrier where a male and female bird nests on or very close to the eastern portion of the site. These birds would be very vulnerable to the erection of wind turbines or human disturbance on site, which would mean that the use of the area for energy purposes would be detrimental to the bird. The site is also used by grouse, a bird also vulnerable to human disturbance. It relies heavily on heather, both for nesting and food in its adult stages and ranges all over this land parcel. The Grouse bird is also of conservation concern.

Grageen Bog is also one of four Natural Heritage Area's (NHA) in Limerick designated for bog/peat habitats, but is additionally important because of the presence of the Fen, fed by local ground water. The peat habitats would be vulnerable to any form of construction. The

area is acknowledged as being botanically diverse and is important from a regional level. It would be important to ensure that open undisturbed uplands are kept that way to address the huge decline of species such as curlew in Ireland, which faces extinction as a breeding bird. Grageen Bog is very suitable habitat for this bird.

### **Clare Glens**

In relation to Clare Glens, there are two designations in place. The first is the Clare Glens Special Area of Conservation site (SAC), the second is the Lower River Shannon SAC site. The Clare Glens SAC site is for the protection of sessile oak woods and the Killarney Fern. The Fern population is located close to the river and any disturbance to the river if hydro is to be considered could be detrimental as it depends heavily on shaded and moist conditions to grow. Similarly, any disturbance to the tree cover to facilitate construction would have the potential to affect shade and humidity which would affect the plant. It would also have the potential to affect the oak wood part and its ground level flora. The possibility of using the river for hydro would also involve creating structures to house the turbine and also to ensure a head of water to power the turbines. This would modify the river and lead to tree clearance to facilitate construction. This would not be desirable from the point of view of conservation of the woodland.

In this regard, the Council considers that Clare Glens and Grageen Bog are unsuitable for renewable energy development. In terms of recreational pursuits, Grageen Bog and Clare Glens would need to be considered as part of an overall strategy for outdoor recreational pursuits, where the possibility of connectivity to other walks in this area would need to be considered in light of the above ecological concerns. It is important to note that Grageen Bog and Clare Glens are in Local Authority ownership, connectivity and the possibility of connecting to other routes in conjunction with Coillte would need to be established”.

Following discussion by the Members, Councillor Ryan requested this motion be forwarded to be included on the Agenda of the next Climate Change and Biodiversity SPC in relation to Recreational pursuits for further discussion.

**Proposed: Councillor - M.Ryan**

**Seconded: Councillor - E. Ryan and agreed**

## **8. Notice of Motion submitted by Councillor PJ Carey**

I will move at the next meeting of the Cappamore/Kilmallock Municipal District that an update on works at the Stone Mansion/Merchants House, Kilmallock be given. And if possible, an approximate starting date for commencement of works might also be given.

### **Reply:**

“Since Limerick City and County Council’s application to Fáilte Ireland was turned down in 2017 Limerick City and County Council (LCCC) has addressed the identified action in Fáilte Ireland’s response by engaging with the appropriate Departments to develop the full footprint of the amenity as a single shared project. The National Monuments Service of the Department of Housing, Local Government & Heritage (DHLGH) are the owners of the site and the National Monuments Section of the Office of Public Works (OPW) under the Department of Finance maintain and manage the monuments in State ownership or guardianship on behalf of the Minister. Under this partnership, there is a separate stream of Fáilte Ireland funding available to State organisations, which will be accessed for the project. The State will retain ownership and develop the 16<sup>th</sup> century structure at the street frontage, while the Local Authority will simultaneously develop the rear building and its attendant courtyard buildings and will ultimately manage the facility in partnership with Kilmallock Tourism Development Ltd.

In 2016-2017 the Office of Public Works carried out large scale works to the entire structure, replacing most of the roof and consolidating the southern gable.

In 2018 a revised Feasibility Study was commissioned by LCCC using T&V funding to reflect the addition of the Victorian (middle) house to the Local Authority. This addition was the outcome of joint meetings between all parties.

In 2018 a Local Authority budget was identified as match funding for the project.

In 2019 archaeological test excavations were carried out on behalf of the OPW within the 16<sup>th</sup> century building which identified original floor levels and resolved elements of future design. During 2019 further meetings were held between the parties and a draft joint vision statement for the overall project was devised and work on the lease agreement between DHLGH & LC&CC was progressed.

Since the advent of Covid 19 resources were stretched and diverted away from the project. Since the beginning of 2022, however, there have been renewed communications regarding the lease arrangement. This is a complex project but the preliminary design remains feasible and there is a solid business case and capital appraisal in place.

From the Local Authority side the next steps are:

- Appoint a QS to prepare procurement documents for a design team to bring the LCCC element of the project to detailed design stage.
- Finalise the lease.
- Carry out archaeological investigations within the remainder of the building and within the adjoining plot to the south.

- Work with the State partners to prepare for resubmission of the application under the Fáilte Ireland Large Capital Grant Scheme.
- Start the Part 8 procedure.
- Based on the Revised Feasibility Study carry out an overall Interpretation Study.
- Work on the design of the Medieval Garden and the open air space.

It is likely to take 2 years before construction would commence”.

Councillor Carey accepted the reply and recommended that the Members visit the site.

**Proposed: Councillor - PJ Carey**

**Seconded: Councillor – M. Donegan and agreed.**

Ms. McCutcheon briefed the Members on the history and background of the Stone Mansion/Merchants House, Kilmallock town.

Councillor M. Donegan as Chair of meeting and as Chair of the Kilmallock Tourism Group Limited thanked Ms. Ms. McCutcheon for the update.

#### **10. Notice of Motion submitted by Councillor Donegan**

I will move at the next meeting of the Cappamore/Kilmallock Municipal District calling on Limerick City and County Council to complete a pedestrian footpath and review traffic calming measures from Elton Close housing estate to Elton village.

**Reply:**

“The Cappamore-Kilmallock MD have secured funding through the NTA Active Travel Programme to construct a new footpath that will connect Elton Close to the crossroads in the village. The provision of the footpath should act as a traffic calming measure in addition to being a facility for pedestrians. It should be noted that there is minor land acquisition required and the scheme will require the normal planning approvals”.

**Proposed: Councillor Donegan**

**Seconded: Councillor M. Ryan and Agreed**

## **11. Question submitted by Councillor G. Mitchell**

I will ask at the next meeting of the Cappamore Kilmallock Municipal District that footpaths installed in Cappamore/Kilmallock district be of rich cement base to avoid weeds and for safety purposes and unnecessary work for tidy town volunteers and community workers.

**Reply:**

“All footpaths in the Cappamore-Kilmallock Municipal District are constructed using high quality concrete as set out in National Standards, TII Specification for Roadworks Series 1100 and concrete specification standard IS EN 206-1: 2013”.

## **12. Question submitted by Councillor Donegan**

I will ask at the next meeting of the Cappamore/Kilmallock Municipal District if Limerick City & County Council plan to install public car park signage In the vicinity of Emmett Street and Charleville road, Kilmallock.

**Reply:**

“Limerick City and County Council are currently looking at suitable locations to erect signage for all public car parks in Kilmallock”.

**The Questions were taken as read.**

## **Any other Business**

### **Expressions of Sympathy**

Councillor Gerard Mitchell proposed a vote of sympathy be extended to the families of:

- John Cagney, Hospital, who passed away on the 22<sup>nd</sup> March 2022.
- Pat Dunne, Bruff, and late of Fedamore, who passed away on 20<sup>th</sup> March 2022.

Councillor M. Donegan proposed a vote of sympathy be extended to

- The family of former Garda Denis Moore, Kilmallock who passed away on the 21<sup>st</sup> January 2022
- The family of Detective Garda Ben O’Sullivan, who passed away on the 25<sup>th</sup> February 2022.

### **Expression of Congratulation**

The Chair, Councillor Donegan wished to acknowledge and congratulate Ms. Betty McElholm on the recent celebration of her 105<sup>th</sup> birthday.

All Members wished to be associated with these sentiments.

Councillor B.Teefy congratulated all the groups in the District who organised St Patricks Day parades and thanked all who took part.

Councillor G. Mitchell thanked all who took part and attended the St Patricks Day parade in Bruff on the 17<sup>th</sup> of March and added that it was an outstanding day for communities enjoyed by all and there had been very positive feedback on the day.

### **Any Other Business**

Councillors E Ryan and PJ Carey extended an invitation to all the Elected Members for the Group water scheme clinics (for Group Water Schemes to discuss the Multi Annual Rural Water Programme with Water Services staff) to be held in

Kilmallock Area Office 5<sup>th</sup> April – 11am – 1pm

Cappamore – 6<sup>th</sup> April – 11am-1pm

Councillor M. Donegan asked the record show that the Broadband speeds for Kilmallock Business Park are 70 mg fibre contrary to the lesser speeds reported in the media.

### **Next Meeting**

**The next Monthly Meeting of the Cappamore Kilmallock Municipal District will be held on Thursday 21<sup>st</sup> April 2022 at 3pm in Dooradoyle Council Chambers as a blended/online meeting.**