



**Minutes of Rathkeale Area Committee Meeting  
Held in Meeting Room 2, Floor 3, County Hall,  
Dooradoyle Road, Dooradoyle  
on Monday 11<sup>th</sup> December, 2006 – 11.00.a.m.**

**Present In the Chair :** Councillor D. Naughton.

**Members Present :** Councillors J. Griffin, T. Neville, J. Sheahan, K. Sheahan.

**Officials Present :** B. Martin S.E.E., G. Liston, E.E., K. McMahon, E.E., T. Breen, S.O.,  
D. Brennan, S.E., T. Tarpey, S.E.

**Minutes of Special Area Committee Meetings held on Tuesday 5<sup>th</sup> September, 2006, and Monday 6<sup>th</sup> November, 2006, and Minutes of Area Committee Meetings held on Tuesday, 5<sup>th</sup> September, and Monday 6<sup>th</sup> November, 2006.**

The Minutes of Special Area Committee Meetings held on Tuesday 5<sup>th</sup> September, 2006, and Monday 6<sup>th</sup> November, 2006, and Minutes of Area Committee Meetings held on Tuesday, 5<sup>th</sup> September, and Monday 6<sup>th</sup> November, 2006 were adopted. Proposed by Councillor J. Griffin, and seconded by Councillor T. Neville.

*Matters Arising from Minutes :*

Councillor J. Griffin requested the Council's Planners limit themselves to the official legal boundaries defining the town of Rathkeale in their proposals, and refrain from re-drawing of the town boundaries, proposing that all legal town boundaries – from a planning perspective – be respected. Councillor Griffin spoke on the current sewage treatment facilities for Rathkeale Town, located at Castlematrix, and the failure of this plant to cater for the needs of the townland in which it is located, despite previous commitments from the Council to the contrary.

Councillor Griffin described Enniscoush being treated as a rural roadway, despite it being an integral part of Rathkeale Town. He spoke of the substantial investment by the Council in the provision/upgrading of a new Administrative Headquarters and Library Building in Rathkeale, describing Rathkeale Town as being the administrative capital of the Electoral Area. Councillor Griffin requested local Area Officials to inspect with a view to improving and enhancing the "Gateways" to Rathkeale Town, and that the Council's Horticultural Section be requested to provide proposals/plans to achieve this goal. An inspection to improve safety and sight distance on the old N21/Castlematrix road junction was also requested.

B. Martin, S.E.E., informed Members substantial road re-surfacing works had been carried out at Castlematrix, and the junction improvement works as detailed would be examined and considered for funding under the Road Safety Improvement Works Budget.

G. Liston, E.E., accepted sight distance to be limited at the old N21/Castlematrix junction and would be examined further. The Garda Siochana would also be consulted and a traffic count undertaken.

## **Report on trespass of Caravans onto Council Lands at Abbeylands :**

B. Martin, S.E.E., outlined the powers available to the Garda Siochana in dealing with trespass under the Criminal Justice (Public Order) Act, 1994, as amended by the Housing (Miscellaneous Provisions) Act, 2002. He then briefed Members on the Meetings between Rathkeale Area Officials, the Garda Superintendent, Askeaton, and Garda Sergeant, Rathkeale, following the trespass of persons and caravans onto the Council lands at Abbeylands, Rathkeale. Initially, the Garda Siochana indicated impounding facilities/resources were not available to address the trespass issue. Following discussions with Council Headquarter Officials, full funding and a contractor with impounding/storage facilities were put in place to assist the Garda Siochana. The District Garda Superintendent informed Area Officials that the Director of Public Prosecutions had advised against the Gardai utilising the powers available under the Criminal Justice (Public Order) Act, 1994, as amended, in dealing with the trespass of persons/vehicles/caravans onto the Council lands at Abbeylands. The written legal advice provided to the Council by it's legal representatives, and forwarded to the District Garda Superintendent, contradicted/was at total variance with the suggested advice given by the Director of Public Prosecutions. A written copy of the D.P.P.'s advice had been requested from the District Superintendent, but not received to date.

Councillor J. Griffin spoke of the upset caused to residents of Abbeycourt following the entry/trespass of individuals onto the Council lands at Abbeylands. Councillor Griffin informed Members, residents had formally protested to both Area Council Officials, and the local Garda Siochana. Residents had indicated that a requested meeting with the District Garda Superintendent had been refused. The trespassing individuals at Abbeycourt, moved to, and entered private lands at Ballywilliam, Rathkeale, again causing further problems and upset to local residents. Following visits by the Council's Planning Officials these individuals had moved to the public roadway to the rear of Roches Road, again causing upset to the local residents. Councillor Griffin questioned if the c.c.t.v. cameras had been commissioned at the rear of Roches Road, and if so, had Officials viewed the video footage ? He confirmed the individuals that had trespassed at the various locations in Rathkeale were not native to the town or locality.

Councillor D. Naughton requested that Members be fully briefed on all aspects of the law relating to trespass by persons onto both public and private lands, and the implications for the enforcement of these laws following the advice to the Garda Siochana by the Director of Public Prosecutions.

Councillor J. Griffin referred to the reliance of Officials and the Garda Siochana on "good/sound" law, in the performance of their duties, and expressed dismay that the powers available to the Gardai in dealing with trespass, under Criminal Justice (Public Order) Act, 1994 and recently amended by the Housing (Miscellaneous Provisions) Act, 2002, were now being called into question by the Director of Public Prosecutions. He suggested the Ministers for Justice, Equality and Law Reform, and Environment, Heritage and Local Government are made aware of the D.P.P.'s advice when received. Councillor Griffin proposed that the Area Committee Secretary correspond with the District Garda Superintendent, requesting a hard copy of the D.P.P.'s formal legal advice to the Garda Siochana in relation to the weaknesses of the of the Criminal Justice (Public Order) Act, 1994, as amended, in dealing with trespass by individuals onto public/private lands, following the recent experiences at Abbeylands, Rathkeale. The advice to be circulated to the elected Members when received. The proposal was seconded by Councillor D. Naughton, and supported by Councillors T. Neville, J. Sheahan, and K. Sheahan.

Councillor K. Sheahan queried if the Garda Siochana could use evidence sourced through closed circuit television footage in the Council's ownership, and if there were any issues arising from a liaison between the Council and the Garda Siochana on such matters .

## **Gortadroma Landfill :**

T. Tarpey, S.E., informed Members there had been a number of odor complaints received in early October, and following "capping" works these complaints had reduced significantly. Intake of landfill material to the facility for the year to date, was approximately 68,000 tons, with a limit of 3,000 tons per

month recently introduced. The capital deficit associated with the landfill site had reduced through increased income during the year. There were ongoing costs allied to cell “capping” and routine site maintenance.

Councillor D. Naughton queried if the landfill facility, with substantially increased tonnage’s received during 2006, was generating a profit, and if not, did the tonnage rate charge reflect the true economic costs of the landfill operation ?

Councillor J. Griffin questioned if a landfill “after-care fund” had been put in place by the Council to undertake routine maintenance of the Gortadroma Landfill Site at the end of it’s user life. Councillor Griffin requested Members be briefed on the sum contained in the reserve fund.

Councillors D. Naughton and K. Sheahan suggested a full report and financial breakdown of the landfill operations at Gortadroma, be available for the January/February 2007 Meeting of the Rathkeale Electoral Area Committee.

#### **To agree a date/s for an Electoral Area Committee Meeting with the National Roads Authority :**

The Committee Secretary was requested to liaise with the National Roads Authority and provisionally organise two/three Meeting dates – preference for Mondays - to be agreed by the Area Committee at the next Electoral Area Committee Meeting.

#### **Disposal of property at Church Street, Askeaton :**

The Disposal of the property at Church Street, Askeaton, was proposed by Councillor K. Sheahan, and seconded by Councillor John Griffin, with Councillors T. Neville and J. Sheahan supporting the proposal.

Councillor D. Naughton, voiced his concerns in regard to the disposal of the property at Church Street, Askeaton, and also had queries in relation to the legal advice given.

#### **Question submitted by Councillor K. Sheahan :**

*I will ask at the next ordinary Meeting of the Rathkeale Electoral Area Committee that the Senior Engineer, Water Services furnish to Members a detailed report on the extension of the Shannon Estuary Water Supply Scheme, and also brief Members on the up-to-date position of their dealings with the Bleach Lough Water Retention Committee.*

Councillor K. Sheahan spoke of the understanding entered into between the elected Members and County Hall Staff in 2002, whereby the Council would proceed with the extension to the Shannon Estuary Water Supply Scheme, and engage professional Public Relation experts to resolve any issues arising. Councillor Sheahan expressed concern at the harassment of both Council Staff and the Works Contractor by members of the Bleach Lough Water Retention Committee.

Councillor D. Naughton questioned if the seven day notice had been served on the Bleach Lough Water Retention Committee, and if so, why the Garda Siochana had not acted to restrain the protestors when attempts had been made to connect the pipelines.

Members expressed concern that neighboring Group Water Supply Schemes were being deprived of quality water supplies due to the actions of a limited number of protestors. Members spoke of the necessity to be fully briefed and updated on developments relating to the connection issue, and recommended the engagement of a professional Public Relations Consultant be considered.

D. Brennan, S.E., informed Members a Seven Day Notice had been served on the Bleach Lough Water Retention Committee through their Solicitor, and confirmed that the Garda Siochana would not intervene or restrain the protestors when attempts had been made to effect the pipeline connections. During the attempt to connect the pipelines one protestor had positioned himself under the “jib” of the digger, and refused to move despite requests to do so. Mr. Brennan stated commissioning works would take approximately one week, even if connections were made, and was hopeful these connections would be made in the short term.

**A.O.B.**

Councillors J. Griffin and T. Neville, indicated that funding had been secured in the Estimates to undertake improvement works at the St. Joseph’s Burial Ground, Rathkeale. It was recommended that the €120,000 sum required for the proposed improvement works, be funded through raising of a loan, repaid over a five to ten year time frame.

B. Martin, S.E.E. confirmed the drainage works in Foynes were completed – there had been a number of meetings with the landowner, who had been helpful and co-operative at all stages of the project, and included the overnight storage of plant and equipment in his yard.

Councillor K. Sheahan, complimented J. Kennedy, S.E.E., who had committed to the drainage works being completed through discussions with the landowner, and without recourse to the Courts system. Councillor Sheahan proposed a Vote of Gratitude be extended to J. Kennedy, from the Rathkeale Electoral Area Committee. Councillor J. Griffin seconded the proposal, with Councillors D. Naughton, T. Neville, and J. Sheahan supporting the proposal.

Members agreed to schedule the next Rathkeale Electoral Area Committee Meeting, for Monday, 26<sup>th</sup> February, 2007, in County Hall, Dooradoyle, at 10.30.a.m.

Councillor D. Naughton extended the best wishes of the Season to all Members and Officials.

That concluded the business of the Meeting.

Signed: \_\_\_\_\_ Chairman.

Dated this 26<sup>th</sup> day of FEBRUARY, 2007.

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Secretary.