



## **Minutes of Rathkeale Area Committee Meeting Held in County Hall, Dooradoyle, on 24<sup>th</sup> October, 2005 – 10.30.a.m.**

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

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

**Officials Present :** B. Martin SEE., G. Liston, E.E., T. Breen, S.O., T. Tarpey, S.E., J. Guinane, A.O., J. Kennedy, S.E.E., D. Troy, Snr. Exec. Planner, P. McDonagh, Environment Awareness Officer.

### **Adoption of the Minutes of the Special Area Committee Meeting and Area Committee Meeting of the 13<sup>th</sup> September, 2005 :**

The Minutes of the Area Committee Meeting held on the 13<sup>th</sup> September, 2005 were adopted. Proposed by Councillor K. Sheahan, and seconded by Councillor J. Griffin.

Councillor K. Sheahan proposed the sympathies of the Rathkeale Electoral Area Committee be extended to B. Martin, S.E.E. and family, following the recent bereavement of his father. Councillor T. Neville, with all Councillors present agreed seconded the proposal.

### **Appointment of Chairperson to the Gortadroma Monitoring Committee.**

Councillor D. Naughton proposed that the election to the Chair of the Gortadroma Monitoring Committee be considered annually by Members, at the June Area Committee Meeting. The proposal was seconded by Councillor T. Neville, and supported by Councillors J. Griffin and K. Sheahan.

Councillor J. Griffin proposed Councillor K. Sheahan as Chairperson of the Monitoring Committee, with the proposal seconded by Councillor T. Neville.

### **Allocation of Local Environmental Improvement Grants 2005.**

P. McDonagh, Environmental Awareness Officer, outlined to Members details of the eight submissions in the Rathkeale Electoral Area, considered for grant funding in 2005.

Councillor K. Sheahan stated the Local Environmental Improvement Grant programme had been introduced initially as a pilot project, and was now an established programme for communities to fund environmental works locally to the benefit of all. He recommended that proposals under the programme, would in future be included as an Agenda item, to be considered by the elected Members of the Electoral Area Committees. Councillor Sheahan requested Members be informed/briefed on the 2006 Grant Scheme when prepared, and recommended the minimum grant payable to approved project be €1,000.

Councillor T. Neville questioned the exclusion of Cappagh Community Council from the scheme, this being the only submission received in the Rathkeale Electoral Area not approved for grant funding, and requested that contact be made with the Community Council, and the application reviewed/re-considered.

Councillor J. Griffin stated his agreement with the views expressed by Councillor Neville in relation to the Cappagh Community application, and was aware of the proposed improvement works at Cappagh.

Councillor Griffin requested that Officials keep in mind that submissions by Community Groupings were not prepared by professionals, but by persons operating on a voluntary/goodwill basis to improve their locality, with the Council/county benefiting from major improvements to amenities and environment at a local level, with small funding expended.

Councillor D. Naughton was supportive of the sentiments expressed by the elected Members, and stressed the importance for Members to be fully briefed by Officials at Area Committee level on any such grant scheme. Councillor Naughton confirmed his support of the other Rathkeale Area Members, that Cappagh Community Council not be excluded from grant funding on their submission/application.

P. McDonagh, Environmental Awareness Officer, informed Members the Cappagh application had failed to detail the improvement works in the clean-up of a stream in the locality, but the application would be re-visited/reconsidered for funding as requested by the elected Members.

Councillor J. Griffin proposed formal agreement of Members to the Local Environmental Improvement Grants 2005, subject to the Cappagh Community Council submission being provided for favorably. Councillor K. Sheahan with Councillors Naughton, Neville, and J. Sheahan supporting seconded the proposal.

Councillor K. Sheahan spoke of littering/deposited waste at the Re-cycling facility in Askeaton, and the daily clean-up of the facility undertaken by the local FAS Scheme – works which the Scheme are not obliged to undertake. Councillor Sheahan requested the Environmental Awareness Officer explore an avenue to acknowledge these works by way of a token gesture over the Christmas period.

#### **To consider the proposed variation of the Rathkeale Local Area Plan.**

D. Troy, Senior Executive Planner informed Members the prescribed statutory bodies had been consulted, this process to be followed by public display of the proposed Area Plan variation for one month. If no submissions are received Members were agreed that the proposed variation to the Rathkeale Area Plan should proceed to the next full Council Meeting for adoption.

Councillor J. Griffin proposed the variation to the Rathkeale Local Area Plan, as recommended, be adopted, and advanced as a matter of urgency. Councillor T. Neville seconded the proposal.

#### **Intoxicating Liquor Bye-Laws.**

J. Guinane, A.O., outlined details to Members from the Chief Garda Superintendent's report, and the necessity for the Bye-laws to enable the Garda Síochána to deal with consumption of intoxicating liquor in open spaces. Mr. Guinane stated the community in the Castleconnell Electoral Area were anxious the bye-laws be brought into being, to deal with alcohol related anti-social behavior – the elected Members from Bruff/Castleconnell, Kilmallock and the Newcastle West Electoral Areas had agreed at Committee level to the introduction of the proposed Bye-laws.

Councillor K. Sheahan voiced his opposition to the introduction of the Intoxicating Liquor Bye-laws in County Limerick, and spoke of pending legislation – Intoxicating Liquor Bill - currently being considered by the Oireachtas, that would render the proposed bye-laws obsolete when enacted. Councillor Sheahan opined that the report from the Chief Superintendent should have forwarded as a Garda Síochána submission to the Oireachtas Committee for consideration. He requested that Members be advised on the number of successful prosecutions in Limerick City under the bye-laws over the past four years, and was of the view that adequate powers were available to the Gardai under the Summary Jurisdiction Act, 1947.

Councillor J. Griffin briefly outlined to Members, a summary/extracts from the proposed Intoxicating Liquor Bill, focusing on the elements in the Bill that related to alcohol consumption, and questioned why time was being wasted in considering the introduction of Bye-laws that would be redundant within six months. He stated adequate powers of prosecution for anti-social behavioral offences were available to

the Garda Siochana, under the Public Order Act, 2003. Councillor Griffin resented attempts at the Council being used/implicated by outside agencies in the operation of the criminal justice system and would oppose any Council involvement. He suggested the Council's legal team be consulted, and written confirmation furnished to the elected Members, that An Garda Siochana did not have sufficient powers of arrest etc., under the mentioned Acts, prior to any further discussions.

Councillor D. Naughton stated his support of the views expressed by both Councillors Griffin and K. Sheahan, and would resist any attempted introduction of the Intoxicating Liquor Bye-laws - agreement to the proposals from the Rathkeale elected representatives would not be forthcoming.

Members were agreed that correspondence on the proposals should issue to all elected Members from the Council's legal agent, detailing the powers available to An Garda Siochana under the different Acts, and the item would also be referred by Members to Party Meetings for discussion.

### **Policy for Installation of School Warning Lights.**

B. Martin, S.E.E., informed Members it was necessary to defer this item to the November Committee Meeting, at which the Senior Roads Engineer, would outline proposed roads policy in relation to public lighting, traffic calming and pedestrian crossings.

Councillor J. Griffin spoke on proposals for traffic calming measures at Croagh, and referred to traffic calming/speed limit reductions at Boher, Daly's Cross, and Abbeyfeale that had been introduced without objections from the public. He requested an official response to Members for similar type safety improvements at Croagh.

Councillor K. Sheahan referred to a perceived "allergy" in the Council to the introduction of traffic calming measures through the years, with no traffic calming measures of any significance in the Rathkeale Electoral Area. He stated a positive attitude was required towards traffic calming, and should be funded under a separate budget. Councillor Sheahan felt there was a strong case to be made for traffic calming measures to improve safety in housing estate roadways throughout the county. It was necessary that the Finance Strategic Policy Committee Chairperson meet with Management to ensure proper funding under the 2006 Estimate.

### **To consider Extinguishment of Public Right of Way over Road Number L12481 - roadway to rear of Roches Road.**

B. Martin, S.E.E., outlined to Members the ongoing problems of dumping and illegal parking of caravans on the roadway to the rear of Roches Road, with ongoing complaints being received in the Rathkeale Office from Roches Road residents. The proposed closure/extinguishment of the public right of way, and erection of barriers, would be an attempt to resolve these issues.

Councillor J. Griffin expressed his reservations on the proposed extinguishment of the public right of way/placement of barriers on the roadway, stating the problem to be a failure of policing and environmental control. He informed Members that Rathkeale Town had Bye-laws for control of temporary dwellings, but had never been invoked. Councillor Griffin recommended the roadway be left as a public road, monitored with C.C.T.V., as had been done in other areas of the County, and prosecute any offending parties.

Councillor T. Neville was not in favor of the the proposed extinguishment of the public right of way, and agreed there was a necessity to remedy the problems through greater enforcement and policing.

Councillor J. Sheahan considered the condition/littering of the roadway to be an "environmental black-spot" in the County, that could only be resolved through greater levels of enforcement by the Environment Section.

Councillor D. Naughton proposed that Environmental Officials be invited to the November Area Committee Meeting, outlining proposals to address the issues raised by Members. All Members present agreed to Councillor Naughton's proposal.

### **Flooding in Foynes.**

J. Kennedy, S.E.E., informed Members Notice had been served on the landowners under the Public Health Ireland Act, 1878, and it was the Council's intention to proceed with the proposed drainage works on the 14<sup>th</sup> November. He stated it was still the Council's preference to proceed with the works through agreement rather than legislative means. In response to Councillor D. Naughton, Mr. Kennedy stated it would not be possible to give a time-frame for completion of the works, if the Notice served under the Act was contested.

Councillor D. Naughton stated he had received queries regarding the angle of the existing drainage grates, and also requests for a programme for regular maintenance/cleaning of the sumps and drains in Foynes.

G. Liston, E.E., informed Members some drains were overgrown and need of cleaning, and subject to agreement of landowners, maintenance of these drains would be considered.

### **Service connections to Group Water Supply Schemes.**

B. Martin, S.E.E., informed Members the Council had obliged/assisted a small number of Group Water Supply Schemes in giving connections through the years. This practice was to discontinue, with immediate effect, due to insurance implications and pressure of other essential works.

### **Proposed Upgrading of Public Lighting in Shanagolden Village, and Enniscoush, Rathkeale – S.E.E., Rathkeale.**

B. Martin, S.E.E., stated the improvements to public lighting at Enniscoush and Shanagolden were being financed from the Development Fund, with some of this funding also to be used for upgrading of footpaths at Holycross and Rathkeale Town.

G. Liston, E.E., informed Members that existing public lighting at Shanagolden was considered poor. Consideration had been given to using 2 metre extension brackets to the existing lighting, but would require removal of the trees on the existing streetscape – removal of these trees would meet with local resistance. It was now proposed to utilise the opposite side of the main street, and install a complete new lighting system, this proposal being recommended by the E.S.B.

Councillor J. Sheahan requested Officials to proceed with placement of the official order with the E.S.B. and deliver the new Public Lighting System as a priority. All Members present supported Councillor Sheahan.

### **Gortadroma Landfill.**

T. Tarpey, S.E., informed Members there were no operational problems at the landfill site during the previous month, with 1,000 tons of landfill material received in September, and tenders had been recently received for the gas electricity generation plant

Councillor J. Griffin and D. Naughton questioned what appeared to be a change in the format of dealing with tenders, with Members receiving little or no information. Members requested the Environmental

Senior Engineer meet with Corporate Services Section, and revert to the previous methodology in dealing with tenders, to keep the elected Members fully briefed.

Councillor Griffin queried the wisdom in abandoning the Refuse Service because it was showing an internal “paper loss”, the knock-on effect now apparent in reduced tonnages and income at Gortadroma.

Councillor D. Naughton questioned what the projected life-span of the landfill facility based on current tonnage’s being received, and queried if there was any truth to rumours circulating that the Council was considering privatisation of the landfill facility, as the landfill facility could not operate economically receiving just 1,000 tons per month. He requested that the Environment Senior Engineer provide Members with a month by month profit and loss account for 2005 for operation of the Gortadroma Landfill Facility, at the November Area Committee Meeting.

T. Tarpey, S.E., informed Members the remaining capacity of the current cell being utilised was approximately one year – 35 to 40, 000 tons on fill material – and was unaware of any discussions for privatisation of the landfill facility. It was estimated that Limerick County generated between 50,000 and 70,000 tons of landfill material annually.

**Notice of Motion submitted by Councillor J. Sheahan :**

*I will move at the next Rathkeale Area Committee Meeting that funding is provided under the 2006 Council Estimates for safety improvement works at Killeery Pier.*

Councillor J. Sheahan stated the proposed safety improvement works at Killeery Pier had been discussed at Committee level time and again with no progress, despite general agreement there was a need for the safety measures. Councillor Sheahan requested the support of the Area Committee for the cost of the proposed works to be incorporated as part of the 2006 Estimates.

B. Martin, S.E.E., informed Members that no response had been received from the Department of Marine to date, despite several letters issued – the most recent being an application for grant funding towards the project. It was not possible to progress the improvement works without specific funding.

Councillor J. Griffin proposed a Parliamentary Question be submitted from the Rathkeale Electoral Area Members, through the West Limerick Oireachteas Members to pressurise the Department of Marine to formulate a response on the issue. Councillor J. Sheahan, supported by Councillors D. Naughton and T. Neville seconded the proposal.

**Notice of Motion submitted by Councillor T. Neville :**

*I will move at the next Rathkeale Area Committee Meeting that flashing amber lights be erected outside the primary school in Ballingarry using funds under the development contribution scheme already allocated to Ballingarry.*

Councillor T. Neville spoke on the necessity for the provision of flashing amber lights/traffic calming measures at Ballingarry Primary School. It was Councillor Neville’s understanding the cost of such lighting would not exceed €6,000, and could be funded from the Development Fund Contribution Scheme in 2005, by re-allocating monies approved for works at the Square, Ballingarry. He requested the support of all the Rathkeale Area Committee Members.

B. Martin, S.E.E., informed Councillor Neville the Senior Engineer, Roads was not in favour of funding the suggested works from Development Fund monies, and had requested the item be deferred to the November Meeting.

Councillor D. Naughton queried if the ownership issues of the Squares in Rathkeale and Ballingarry had been clarified, as he was of the understanding that improvement works to the Square in Ballingarry had commenced.

B. Martin, S.E.E., informed Councillor Naughton that the current improvement works to the Square, Ballingarry, were being undertaken by the Council's Housing Section. The Council's Law Agents had been requested to undertake a Land Registry search of both Squares, as had been recommended by the elected Members, copies of which, when received, would be circulated as correspondence for the November Committee Meeting.

Councillor K. Sheahan considered the proposed framework for Infrastructural Development Fund spending to be too rigid, that pedestrian safety improvement works could not be excluded, and would be supporting Councillor Neville's Notice of Motion.

Councillor D. Naughton proposed that Officials be requested to proceed with provision of the amber flashing lights/pedestrian crossing at the Primary School, Ballingarry. Councillor J. Griffin seconded the proposal with Councillors K. Sheahan, J. Sheahan, and T. Neville supporting.

#### **A.O.B.**

In response to Councillor D. Naughton, G. Liston, E.E., confirmed the Ballysteen road would be re-surfaced from the Tertiary Roads allocation. Other roads to be considered for re-surfacing under this funding included Mulcahy's Passage and the Tallyhoe road.

Rathkeale Area Committee Meeting Dates :

Members agreed the next Area Committee Meeting would be held on Monday, 28<sup>th</sup> November, 2005, in County Hall, Dooradoyle, commencing at 10.30.a.m. This Meeting to be followed by a Special Electoral Area Committee Meeting at 11.45.a.m., to deal with Policy for Installation of School Warning Lights/Public Lighting.

That concluded the business of the meeting.

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

Dated this **28<sup>th</sup>** day of **NOVEMBER, 2005**.

\_\_\_\_\_ Secretary.