

Report of the Limerick City Council Boundary Committee

To

John Gormley T.D.
Minister for the Environment, Heritage and Local
Government

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1. Introduction

Mr John Gormley T.D., Minister for the Environment, Heritage and Local Government, established a Boundary Committee to prepare a report under Part V of the Local Government Act 1991 in relation to the administrative boundary of Limerick City Council. The role of a Boundary Committee, under section 33 of the 1991 Act, is to:

- (i) Review the boundary to which the request relates;
- (ii) Have regard to such considerations as may be required by the Minister;
- (iii) Make such recommendations with respect to the boundary that it considers to be necessary in the interests of effective and convenient local government; and,
- (iv) Prepare and furnish to the Minister a report in writing of that review and its recommendations, which the Minister is obliged to publish.

A Boundary Committee is independent in the performance of its functions.

The Boundary Committee, in preparing its report, has been required by the Minister to have regard to a report by Mr John Fitzgerald, former Dublin City Manager, addressing social exclusion, crime and disorder issues, and regeneration in certain areas of Limerick City, which was accepted by Cabinet in April 2007, and to the need for the prompt implementation of Mr Fitzgerald's recommendations. The Boundary Committee's work has been without prejudice to the wider issue of Limerick City Council's boundary application, made in 2005 to the Minister.

The Boundary Committee has been chaired by Mr Seamus Dooley, former Wexford County Manager, and also includes Mr Donal Connolly, former Waterford County Manager, and Mr Eoin Corrigan, of the Department of the Environment, Heritage and Local Government.

During the course of its work the Boundary Committee met formally on 7 occasions; 3 of the committee's meetings took place in Limerick. The committee reviewed all aspects of a boundary alteration including relevant precedent and studied the Fitzgerald report and maps of the area. Accompanied by local authority staff, the Committee also physically visited and inspected the entire area the subject of the recommended alteration. The Committee also consulted with the relevant local authorities, Limerick City Council and Limerick County Council, and considered all submissions received.

The Boundary Committee would like to thank the officials of Limerick City Council and Limerick County Council for the assistance given to the Boundary Committee. The Boundary Committee would also like to thank those individuals and organisations which supplied submissions. The collective response greatly informed the work of the committee.

2. Report by Mr John Fitzgerald

Mr John Fitzgerald, former Dublin City Manager, was asked in November 2006 to prepare a report to address social exclusion, crime and disorder issues, and regeneration in certain areas of Limerick city, and to report back to the Cabinet Committee on Social Inclusion. Mr Fitzgerald's report was accepted by Government in April 2007, including the proposal for a limited extension of Limerick City Council's boundary up to the Clare County Council boundary in the northern part of the city. The purpose of such a boundary extension, as stated in Mr Fitzgerald's report, would be to facilitate intensive development and regeneration in the Northside of Limerick.

Mr Fitzgerald's report states that the boundary alteration should be achieved by agreement between the local authorities, without prejudicing any other boundary issues.

A boundary extension, according to the report, would further reinforce the momentum which has already been established toward delivering regeneration in areas of Limerick city. Regeneration Agencies for each of the Northside and Southside of the city have been established to lead the development of comprehensive measures to address issues of social exclusion and disadvantage and to drive forward regeneration. The regeneration of these communities will naturally benefit the city, and region, as a whole. Regeneration will also underpin Limerick city's role as the driving force in developing the Limerick-Shannon Gateway area, and the Mid West region as a whole.

This limited boundary alteration recommended by Mr Fitzgerald involves the transfer to Limerick City Council of territory currently within the boundary of Limerick County Council, and would have no impact on the boundary of Clare County Council. The area proposed to be transferred is the Limerick North Rural Electoral Division, centred on Caherdavin, which has a population of 7,251.¹ This area is the wedge-shaped part of

¹ Census 2006, Volume 1, Table 6, pg 94.

Limerick County Council which is west of the city and north of the Shannon, including the suburbs of Caherdavin, Moyross and outlying agricultural land and settlements.

There are 9 townlands in this area: Ballygrennan, Caherdavin, Clonconane, Clondrinagh, Clonmacken, Coonagh East, Coonagh West, Knock and Shannabooly. The area is traversed by the Ennis and Cratloe roads, and is approximately bounded to the south by the river Shannon, to the west by Meelick Creek, and to the north by the railway. Due to development, there is no clear geographical demarcation of the eastern boundary of this area.

3. Consultation with the Relevant Local Authorities

As required by section 33(4) of the Local Government Act 1991 the Boundary Committee consulted with the local authorities concerned, i.e. Limerick City Council and Limerick County Council, over the course of several meetings. Limerick City Council, having discussed the issue during its meeting of 26th November, gave its full support to the recommended boundary alteration. Limerick County Council, at its meeting held on 26th November, also unanimously approved of the alteration of Limerick City Council's boundary to give effect to Mr Fitzgerald's report. The Boundary Committee understands that the elected members of both authorities intend to continue to work together in a positive and proactive way to advance the development of the city and environs.

4. Submissions

In compliance with section 33(4) of the Local Government Act 1991, the Boundary Committee published a notice stating that a report was being prepared and invited submissions in relation to the recommended boundary alteration. The notice was published in the Limerick Leader on Saturday 20th October. As per the relevant regulations, submissions were requested by close of business on Monday 19th November, i.e. a calendar month after the publication of the public notice.

As referred to in the public notice, maps were put on display in the offices of Limerick City Council at City Hall, at the Watchhouse Cross Community Library, and at the offices of Limerick County Council at County Hall in Dooradoyle. A document describing the proposed boundary alteration and containing other relevant information was also made available to the public at the same locations, as were copies of the Fitzgerald report.

As required by the relevant regulations² the Boundary Committee sent copies of the public notice to:

- Limerick City Council;
- Limerick County Council;
- All Government Ministers;
- The Mid West Regional Authority; and,
- The Commissioner of Valuation.

The Boundary Committee received 12 submissions. With one exception all of the submissions received support a boundary alteration, although some submissions suggest that the current proposal does not go far enough.

² S.I. 217 of 1996, article 12.

Submissions were received from:

- Ms B Collins Cassidy;
- Mr G O'Rourke, CEO and MD of Chieftain Group;
- Mr F Prendergast;
- Ms J O'Sullivan T.D.;
- Aughinish Alumina;
- Limerick Chamber of Commerce;
- Limerick Civic Trust;
- Limerick City Business Association;
- Moyross Community Enterprise Centre Ltd;
- Northside Regeneration;
- Shannon Development;
- Sinn Féin.

The following points give the general tenor of the submissions:

- It is imperative that any regenerative body remains multi-disciplinary and that there is strong representation of the planning profession;
- The recommended alteration should be achieved, if possible, by agreement between the authorities and with the support of the people living in the area concerned and their public representatives;
- Area Plans which have been agreed must be fully taken on for implementation;
- It is imperative that there is adequate and proportionate representation for the approximately 7,000 people affected by the recommended alteration;
- In the interests of attracting Foreign Direct Investment and knowledge driven enterprise to the city and region, Limerick city must be in a position to demonstrate that the city and its suburbs is a well managed and cohesive entity;
- To properly tackle the problems of social exclusion, Limerick city needs a strong, well funded and committed authority;

- The area in Caherdavin/Coonagh has been isolated from the rest of County Limerick and more naturally is an adjunct of the city. This is particularly the case as regards that part of Moyross that was built by the City Council in the County Council area;
- The area has suffered from significant underdevelopment in recent years which has been particularly felt in the marginalised areas such as the large local authority housing estates;
- The boundary alteration will lead to greater consensus and coordination and reduce delays in decision making;
- The economic development of the city has, in recent years, been imbalanced in that it has predominantly occurred on Limerick's Southside; and,
- The alteration of the boundary will provide a much needed stimulus to the long term economic development of the Northern part of the city.

Many of the submissions also call for a wider boundary alteration. Prior to the publication of the public notice inviting submissions, the Committee received correspondence from the Friends of Limerick Club which strongly favour a more expansive boundary alteration in preference to that recommended by Mr Fitzgerald. However, the Boundary Committee's considerations have been purely in respect of the alteration recommended by Mr Fitzgerald, i.e. without prejudice to wider boundary issues.

One of the submissions received by the Boundary Committee, which states that "we support in principle the boundary extension", expresses dissatisfaction with the adequacy of information provided by the Boundary Committee and raises concerns in relation to planning matters and the perceived delay in the review of the Mid West regional retail strategy. Because of these concerns this submission objected to the recommended boundary alteration. The same submission also highlights the economic imbalance of development in the Northside of Limerick city. This is the sole submission received by the Boundary Committee which opposes the boundary alteration. In the interests of

transparency the Boundary Committee met with the party which provided the submission to clarify the Committee's role and actions, to explain its statutory remit and to advise that the committee has no legal function in relation to planning permissions, retail strategies etc. The Boundary Committee is satisfied that it has acted in compliance with the statutory framework, and has responded to written questions from the said party's legal representatives confirming same.

Enquiries were also received by the Boundary Committee, relating to issues such as service continuity, particularly in relation to ongoing planning matters.

5. Precedent

County and city boundary alterations are a somewhat rare event. The present boundary of Limerick City Council was set in 1950, following a boundary alteration. There has been no boundary alteration of a city or county boundary under the current governing legislation, i.e. Part V of the Local Government Act 1991. The most recent alterations of county / city boundaries came about as a consequence of the 1986 creation of Galway City Council and the 1994 reorganisation of the Dublin local authorities, which replaced Dublin County Council and Dun Laoghaire Borough Corporation with South Dublin County Council, Fingal County Council and Dun Laoghaire-Rathdown County Council.

Prior to the establishment of Galway City Council, the most recent county boundary alteration which did not involve major reorganisation was the 1980 alteration of the boundary of Waterford City Council (then Waterford County Borough), to encompass 7,544 acres of land previously a part of Waterford County Council. In 1976 County Louth's boundary was extended by 718 acres to include land which had previously formed part of County Meath. Both alterations were made in order to meet future development needs. The alteration of Drogheda Borough Council's boundary resulted in the incorporation of 200 local authority houses, built by the Borough Council in County Meath, within the Borough Council's boundary.

The Supplementary Order which accompanied the Order giving effect to the establishment of Galway City Council (then Galway County Borough Council) stated that *“the Corporation and the County Council shall make an appropriate financial adjustment in respect of any loss of revenue, actual or prospective, and in respect of any savings in expenditure which may arise by virtue of the establishment of the county borough”*. An Order providing for the reorganisation of the Dublin local authorities adopted a similar approach, as did the Order giving effect to the Waterford and Drogheda boundary alterations, i.e. the details of the financial adjustments were decided by local negotiation and agreement, rather than central determination. Only if agreement could not

be reached would a person appointed by the Minister, or the Minister make required adjustments in relation to property, debts and liabilities.

Although there have been no adjustments to county / city boundaries under the 1991 Act, several town boundaries have been adjusted; in all cases the boundary alterations came about on local authority initiative and with agreement between the relevant town and county authorities. Again, provision was made for agreement between the local authorities concerned regarding property and finances, e.g. the Athlone Town Boundary Alteration (Supplementary) Order.

Matters of precedent are also referred to in relation to rates on pages 14 – 15.

6. Impact of a Boundary Alteration

(A) General

Should the recommended boundary alteration occur, the principal impact would be the inclusion of the townlands of Ballygrennan, Caherdavin, Clonconane, Clondrinagh, Clonmacken, Coonagh East, Coonagh West, Knock and Shannabooly within the boundary of Limerick City Council. Over 7,000 people, who currently live within the boundary of Limerick County Council, would be included within Limerick City Council's boundary. In the event of an alteration of the City Council's boundary, both authorities have indicated that they will work together to ensure a smooth transition. Given the significant level of existing service integration between Limerick City Council and Limerick County Council, e.g. in area such as water treatment and the fire service, it is considered that residents in the area will experience no disruption in services.

(B) Financial Matters

The proposed boundary alteration, if granted, would have an effect on the finances of Limerick City Council and Limerick County. The Limerick local authorities have worked together to ensure a common understanding of the financial impact and to negotiate an equitable arrangement should the recommended boundary alteration proceed. The agreement addresses several areas, the principal points being:

Outstanding Debts and Rates – Any debts which arose in the area recommended to be transferred and remain due to Limerick County Council at the time of the boundary alteration will be pursued and will be payable to Limerick County Council.

Development Levies – All Development Levies which arose in the area recommended to be transferred and due to the County Council at the time of the boundary alteration will fall to be paid to Limerick County Council. Development levies on permissions where work is not commenced by the operative date will be the responsibility of Limerick City Council.

Financial Adjustments – An annual contribution of €200,000 will be made by the City Council to the County Council in each of the 6 years following the alteration of the City Council's boundary, totalling €1.2 million, representing the net financial loss to Limerick County Council due to the recommended transfer.

Property – All operational assets owned by Limerick County Council in the area will be transferred from Limerick County Council to Limerick City Council. Non-operational assets owned by Limerick County Council, including land and buildings, will remain the property of Limerick County Council.

(C) Rates Differential

In 2007, Limerick County Council's Rateable Valuation Multiplier (RVM) is 60.2204. The City Council's RVM is 74.5615, 23.8% higher. Although the area is primarily residential, there are a significant number of ratepayers in the area.³ The impact of this differential on existing ratepayers in the area recommended to be transferred needs to be cushioned over a number of years.

Previous boundary alteration Supplementary Orders have provided for a staggered increase over a number of years.⁴ Following the extension of Drogheda Borough Council's boundary which resulted in the transfer of land from County Meath to County Louth, ratepayers in the extended area were cushioned against increases in their rate bills using phasing arrangements over a 15 year period; a 3 year period of equalisation applied in respect of the Waterford City boundary alteration. A rate differential of 10% was equalised over a 5 year period following the reorganisation of local government in Dublin.⁵ An equalisation scheme over 10 years was applied in respect of the Galway City

³ The Boundary Committee understands that approximately 120 properties were valued in the area by Limerick County Council as of 2007.

⁴ E.g. Athlone, S.I. 705 of 2003.

⁵ The Dun Laoghaire Borough rate was £33.93, a difference of £3.69, or 10.8%, with the County rate. See the Local Government (Dublin) Act 1993.

Council rate in 1986 to the area added to the City Council from Galway County Council.⁶ The rates differential in Galway was of a similar order to that which exists in Limerick.

The Boundary Committee is of the view that a similar staggered equalisation of rates to that which applied in Galway should apply in Limerick, in accordance with the following table:

Years in which limitation applies	Reduced to the proportion of value (expressed in hundredths)
2008	81%
2009	83%
2010	85%
2011	87%
2012	89%
2013	91%
2014	93%
2015	95%
2016	97%
2017	99%

Should this approach be taken, the question arises whether new ratepayers in the area recommended to be transferred would pay 100% of Limerick City Council's rate. Many previous boundary alterations have cushioned existing ratepayers at the time of the boundary alteration, but have not cushioned new ratepayers. This issue may need to be given further consideration in the context of incentivising regeneration and development.

(D) Operational Matters

As stated previously, the operational performance of the two local authorities are closely integrated in a number of areas. The management teams of the City and County Councils have examined the operational matters and have agreed the following arrangements.

⁶ See S.I 410 of 1985.

Service Continuity – Responsibility for the delivery of services such as housing, roads, water services, environmental protection etc. in the area transferred will transfer from Limerick County Council to Limerick City Council. These organisational matters have been discussed in detail by officials of both authorities.

Staffing – Implications for staffing arrangements are expected to be minimal. Staff affected by the alteration will be fully consulted and facilitated to the greatest extent possible.

Planning – Limerick City Council will assume responsibility as the Planning Authority for the area. Transitional arrangements will be put in place for applications on hand with the County Council before the effective date of the alteration of the boundary, including outstanding planning applications and enforcement issues.

(E) Franchise

Limerick City Council has 17 elected members, Limerick County Council has 28. Should the recommended alteration proceed, the legal Orders should provide that all councillors currently holding office in the City and County Councils should be deemed to continue to hold office in the local authority he or she was elected to.

The local electoral areas will need to be revised in advance of the 2009 elections. The Boundary Committee understands that the Minister for the Environment, Heritage and Local Government is currently considering a review of electoral areas.

Should the recommended boundary alteration proceed, the City Council should give consideration to establishing a practical arrangement to ensure that the 7,000 people living in this area have an avenue to raise issues with the City Council in the period from the alteration of the boundary to the 2009 local elections, and takes measures such as leaflet drops, public notices etc. to ensure that all residents in the transferred area are well informed of how to contact elected members and of the relevant contact points in

different programme areas (housing, waste collection etc.) Responsibility for the maintenance of the Register of Electors for the area recommended to be transferred will transfer to Limerick City Council. An enlargement of Limerick City Council area would have no impact on the existing Limerick West Dáil constituency boundary or on the boundary of the Limerick City constituency recommended in the Constituency Commission's 2007 report.

(F) The Caherdavin Local Area Plan 2005-2011

The Local Area Plan for Caherdavin, which is coterminous with the area the subject of the recommended alteration, is a public statement of planning policies providing a framework for the development of the Caherdavin area. Planning applications for the Caherdavin area are measured against the contents of the Plan.

The Plan was produced in 2005 by Limerick County Council. The overall strategy for the Caherdavin area is to *“facilitate and stimulate growth and expansion, whilst at the same time, improvement of the built and natural environment to promote new development in a planned and sustainable manner, encouraging more permeability through the area in the form of footpath/cycleways to create vitality and viability, while ensuring that the residential, educational, amenity and employment needs of its current and future population are met.”*

The Caherdavin Local Area Plan, in so far as it had effect immediately before the commencement of this Order, should continue to have effect pending the making of a new development plan, or the variation of the current development plan, by Limerick City Council, in accordance with the Planning and Development Acts 2000 to 2002. Doing so would be in keeping with previous boundary alterations, e.g. the Galway,⁷ Drogheda⁸ and Athlone⁹ Supplementary Orders each made reference to the continuance of the development plans.

⁷ Schedule, S.I No. 410 of 1985.

⁸ Article 14, County Of Louth and Borough of Drogheda (Boundaries) Provisional Order, 1976.

⁹ Article 10, S.I. No. 705/2003.

7. Considerations and Conclusions of the Boundary Committee

The recommended alteration enjoys the unanimous support of Limerick City Council and Limerick County Council, the two institutions of local democracy which will be most impacted by a change to their common boundary. The Boundary Committee is of the view that this agreement is indicative of genuine collaboration and cooperation at all levels, political and executive, which can only be regarded as extremely welcome. Also supportive are local organisations such as the Northside Regeneration Agency and Shannon Development; the recommendation also received broad support in other submissions received by the Boundary Committee.

Mr Fitzgerald's report stated that "intensive police intervention, the economic and infrastructural regeneration of the areas under discussion, and a co-ordinated response to social and educational disadvantage, are all critical to achieving progress." Currently, as Mr Fitzgerald noted, the "boundary issue creates difficulties in making effective use of public and private lands to support regeneration and investment"; further, an alteration of the City Council's northwest boundary "is critical in facilitating the intensive development and regeneration of the North city area."

The Boundary Committee concurs that in order to bring about the regeneration envisaged by Mr Fitzgerald, including the development of residential and commercial use adjacent to the target areas, the recommended boundary alteration is a necessary prerequisite to secure more rapid development in the Northside of the city, which is in the long-term interests of the region as a whole.

Mr Fitzgerald's report states that "there is a clear need for the development of regional strategies, particularly for housing and retail shopping." The Boundary Committee notes

that the 4 Mid West local authorities¹⁰ have agreed in principle to the need for a review of the regional retail strategy, and a consultant's brief is currently being prepared.

The Boundary Committee has deliberated and extensively examined the current boundary and the area recommended to be transferred.

Having regard to:

- Mr Fitzgerald's recommendation;
- the views of Limerick City Council and Limerick County Council;
- the submissions received arising from the public notice; and,
- all of the relevant circumstances;

The Boundary Committee is of the view that the recommended alteration will serve the interests of effective and convenient local government, for a number of reasons.

These reasons include that;

- it will transfer to Limerick City Council an area of Limerick County Council which is geographically isolated from the remainder of the County;
- a single authority will benefit the economic and efficient delivery of services;
- it will assist with the planning of economic development and infrastructural requirements in a manner more cohesive with plans for the remainder of the city;
- the City Council will be democratically accountable to the 7,000 residents of the area, including the residents of the local authority housing estates which straddle the current boundary;
- it will bring more land under the control of Limerick City Council which will facilitate potential economic incentive packages to encourage development in the area;

¹⁰ I.e. Clare County Council Limerick City Council, Limerick County Council and North Tipperary County Council.

- it will aid the Northside Regeneration Agency in delivering its objective as an engine for regeneration and as a coordinator;
- it will support the integrated and coherent development of community and voluntary organisations within a single local authority;
- it will reduce any confusion which may exist as to which local authority represents the residents; and,
- it will permit the coherent management of the area with the remainder of Limerick City, including the development of a cohesive planning approach between the area the subject of the recommended boundary alteration and the remainder of the city.

8. Recommendation to the Minister

In the interests of convenient and effective local government, in order to address the geographical divorcement of the area concerned from Limerick County Council, and to assist the implementation of the Fitzgerald report, the Boundary Committee recommends that the Minister proceeds with a boundary alteration, to include the townlands of Ballygrennan, Caherdavin, Clonconane, Clondrinagh, Clonmacken, Coonagh East, Coonagh West, Knock and Shannabooly within Limerick City Council's boundary.

Mr Seamus Dooley
Chair

Mr Donal Connolly

Mr Eoin Corrigan