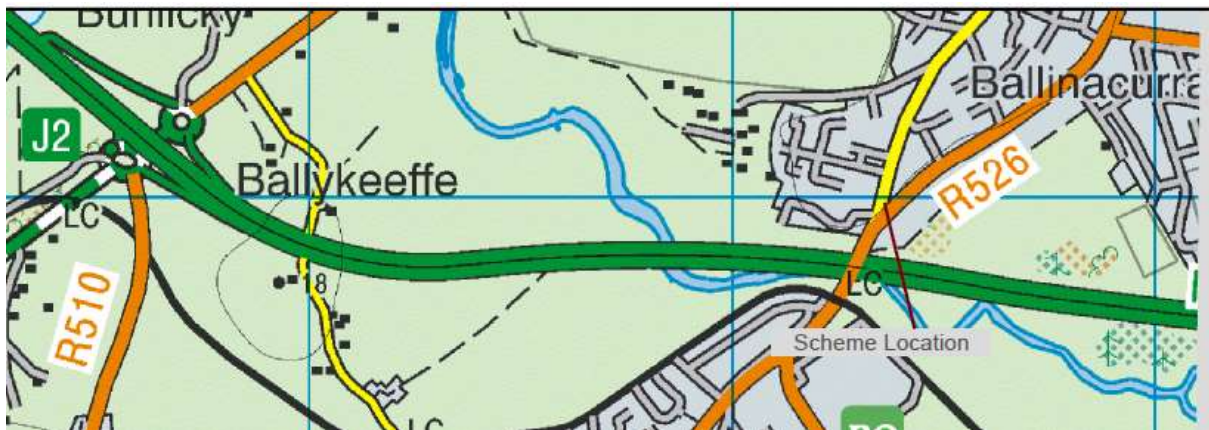


**TRAFFIC AND TRANSPORTATION REPORT IN
ACCORDANCE WITH SECTION 38 OF THE ROAD TRAFFIC
ACT, 1994, AS AMENDED BY SECTION 46 OF THE PUBLIC
TRANSPORTATION REGULATION ACT 2009**

**Re: PROPOSED UPGRADE OF EXISTING FOOTPATHS ON
OUTBOUND SIDE OF SOUTH CIRCULAR ROAD OPPOSITE
ENTRANCE TO GREENPARK CLOSE**



Mike Richardson

Mike Richardson
Senior Executive Engineer

Trevor McKechnie

Trevor McKechnie
Senior Engineer

**Pursuant to SECTION 38 OF THE ROAD TRAFFIC ACT, 1994, AS AMENDED
BY SECTION 46 OF THE PUBLIC TRANSPORTATION REGULATION ACT
2009 this report is submitted to the members of Limerick City & County Council.
In accordance with Section 38 of the above Act, it is proposed to proceed as
indicated in Section 5 of this report.**

Brian Kennedy

Brian Kennedy
Director of Services
Transport and Mobility Directorate
Limerick City & County Council

Date: 13/06/2023

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1.0 Foreword

This report has been prepared pursuant to provisions of Section 38 of the Road Traffic Act, 1994, as amended by Section 46 of the Public Transportation Regulation Act 2009, Limerick City and County Council hereby gives notice of its intention to upgrade of existing footpaths on outbound side of South Circular Road opposite entrance to Greenpark Close.

2.0 Description of the nature and extent of the proposed development

The proposed upgrade footpath works will be completed on the L-10441 at the crossroads on outbound side of South Circular Road opposite entrance to Greenpark Close in Limerick City West. The existing footpaths forms rear entrances to existing properties along this stretch of South Circular Road. The residents of these properties have claimed that these footpaths are in the ownership of the residents, however the property portfolio states this not to be the case and that the footpaths in question are actually under Limerick City and County charge. The upgrade of these footpaths, which are currently in disrepair, will also form a defined road edge in the same location and will also act as a traffic calming measure.

Refer to Figures 2.1 to 2.3 of this report.

The plans and particulars went on public display from Friday 29th of July to Friday the 26th of August 2022. Submissions and observations had to be submitted by 4pm on the 26th of August 2022.

Location:

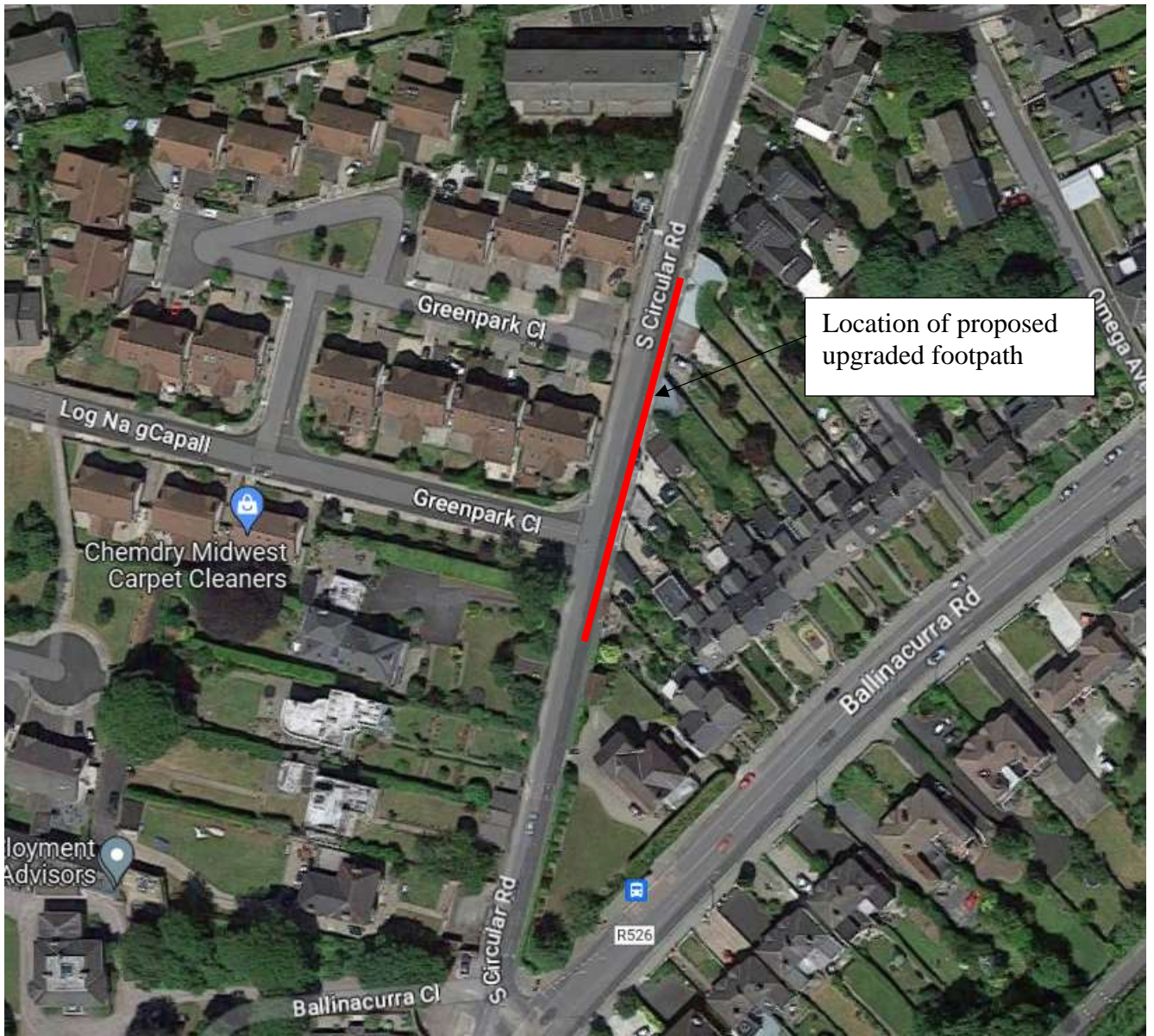


Figure 2.1: Site Location

Site Layout:

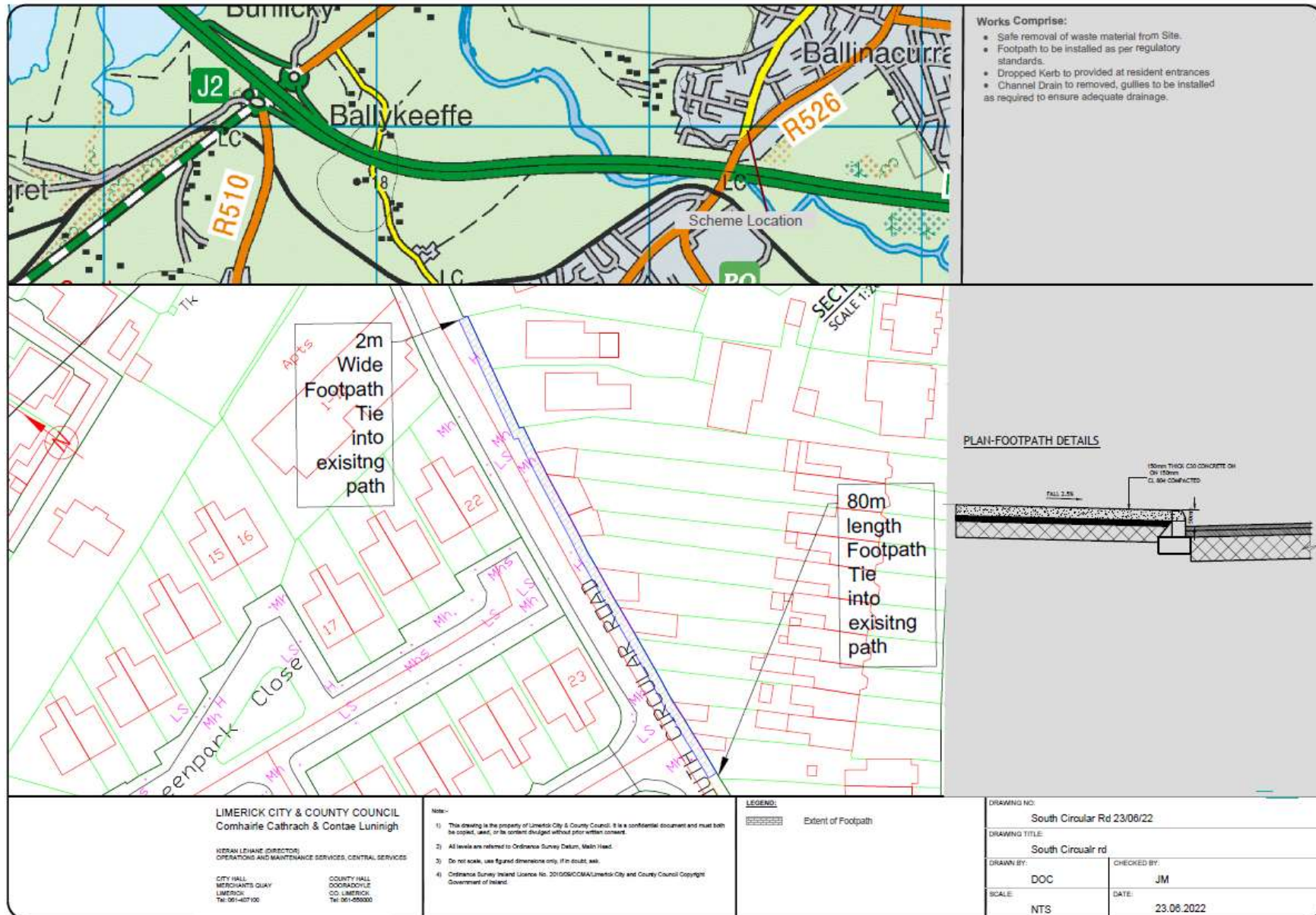


Figure 2.2: Site Layout

Property folio:



Figure 2.3: Property portfolio map (Land Direct)

3.0 Likely implications, if any, with respect to the proper planning and sustainable development of the area

This project does not have any likely implications, with respect to the proper planning and sustainable development of the area. No significant road infrastructure amendments will be made as part of this scheme that could have any further planning implications in the area.

4.0 Submissions with respect to the proposed development

Submission Ref	Submitted by
1	Anne Bourke
2	David Keary
3	Niall & Ailin Looney
4	Tony Howlett
5	Richard Coyne
6	Ballinacurra Residents

4.1 Submissions:

SUB 1

Submission Summary:

Theme: General

Title: Objection letter to the Proposed Upgrade of Existing Footpaths on the outbound side of the South Circular Road opposite the entrance to Greenpark Close.

Documents Attached: Letter (see below)

Boundaries Captured on Map: No

Observations:

Dear Sir/Madam,

I am writing to you as the resident of 2, Rose Villa, Ballinacurra whose property extends to the South Circular Road where the proposed works are to be carried out.

I wish to lodge an objection to the proposed work on the South Circular Road on the following grounds:

Limerick City and Council notice refers to the upgrade of existing footpaths.

1. There has never been a footpath on this side of the South Circular Road.

The area in question which extends from the back wall to the start of the drain channel is private property and this section is included in the deeds of my house. Limerick City and County Council has never carried out repairs or maintained this section and I engaged and paid a builder to cement this section on my behalf a few years ago.

2. My family took up residence in 1958 and the path from Ballinacurra Road finished just at the turn to the South Circular Road. The land registry map shows this.

3. There are 13 garage doors and a few access doors in the 80 metres section mentioned in your proposals and this stretch is used by residents to park outside their properties and for entry and exit to their garages. This area has always been used by residents for parking and for deliveries of fuel and other goods and by workmen carrying out repairs etc.

4. My garage doors open outwards on to my property and this has always been the position. The doors extend outwards on my property to the back wall and towards the garage next door.

Health and Safety

There is a serious health and safety issue if a footpath is placed on this section as it will be extremely dangerous if pedestrians, joggers, people on Escooters and young children are passing as residents are exiting their properties. Lives will be put at risk.

There is a footpath on the other side of the South Circular Road which has always been used by pedestrians and it is imperative that this is continued and is the safer option for everyone.

Ballinacurra Road

As a result of the bus lane on the main Ballinacurra Road the availability of parking spaces is very limited and the road is not long enough to accommodate the number of cars granted Parking Permits by Limerick City and County Council.

It was argued by Limerick City Council during negotiations in 2010/2011 regarding the provision of a bus lane that the impact of the bus lane was offset by the availability of parking on the South Circular Road.

The provision of the bus lane on Ballinacurra Road has made it extremely hazardous to get in or out of our cars when there is a bus or taxi using the lane so the parking at our properties on the South Circular Road is essential.

It is very unlikely that a parking space will be available on Ballinacurra Road if a resident is returning late at night and it is unsafe particularly for the elderly to have to walk the long distance to their properties.

South Circular Road One Way System

I understand that a proposal to make the South Circular Road a one way system is also being considered. Limerick City and County Council has not provided any information or had discussions with residents who will be adversely effected by this change.

It would be appreciated if Limerick City and County Council engaged with residents to discuss their concerns and well founded objections to the proposal.

It will be very unsafe for everyone exiting their properties if pedestrians are allowed to walk along the 80 metres section mentioned in your proposal and I trust that the serious concerns of all residents will be taken on board.

Transport and Mobility comments:

1. LCCC roads have checked and the property portfolio (See 2.3 above) which shows that the resident's property ceases at their northern boundary wall facing the South Circular road therefore any area outside this line including the proposed new footpath area is deemed as public property and is in Council charge.
2. As part of this new scheme, residents will have a newly improved residential vehicular access to continue to access and egress their properties. A ditched footpath would continue the full length of this

proposed section of footpath where the residents can easily access their properties through vehicular means.

3. This new footpath is required to make a safe pedestrian route for pedestrians who regularly use this area. As this area is in council charge LCCC roads are obliged to provide a suitable permeability access along this side of the South Circular road.
4. In relation to the concern raised about the interaction with vehicles leaving properties and pedestrians accessing this footpath, it is common practice in an urban setting for the Council to provide footpaths outside property entrances on a public through road like there is currently on South Circular Road. There is a duty of care of all road uses to take due care when accessing or using public footpaths and roads when required which includes exiting or entering properties from a public road.
5. In relation to the parking query above, residents will still be able to access and park inside their properties at any time. We cannot guarantee non-parking enforcement on the South Circular road as parking on footpaths is enforceable.
6. The upgrade of this footpath is independent of the previously completed Ballinacurra Road bus lane scheme where parking was also made available on the Ballinacurra road. LCCC Roads are not aware of any previous agreement to provide parking to residents on the South Circular road.
7. LCCC Roads would not have any issues in principle of residents using off street parking within their property portfolios and access from the rear of their properties if they so wished
8. The South Circular Active Travel road scheme proposal will still provide a shared two-way cycle route with vehicular local access available for residents between the Ballinacurra road and Lifford Gardens. The proposal, which was passed by Council in February 2023, is being managed by the Active Travel department with further design and details to be confirmed at a later stage. The new footpath works opposite Greenpark Close will be independent of this scheme.

SUB 2

Submission Summary :

Theme: General

Title: SCRd Section 38 Footpath

Documents Attached: Letter (see below)

Boundaries Captured on Map: No

I am writing to you as a resident of Ballinacurra Road, Limerick .

Limerick City and County Council are proposing to install a footpath on the South Circular Road to the rear of my property, under Section 38 of the Road Traffic Act 1994.

There are a number of issues which concern me and my family greatly if this is to proceed .

Here are some of my points of objection to the proposal:

- The Notice refers to the '*upgrade of existing footpaths*'. We do not accept that there is an existing footpath along the eastern side of South Circular Road in the area in question. Rather there is an area for residents with entries to their properties off SCR to park and access their properties. We are concerned that the proposals now being made will ultimately remove the parking areas and accesses which have been in use for decades.

- The residents have always used the area/strip to the rear of their properties for parking, unloading, delivery of goods ie: Delivery of Fuel, construction vehicle's in cases of works to homes , shopping etc . This has been custom and practice for generations on the road and any change to remove this right will have a negative impact on our day to day living.
- In our own personal situation, we have a relative who is completely wheelchair bound with profound special needs. He visits our home frequently and the only practical point of access is to the rear of our house on the SCRd.This procedure can take some time to carry out in a safe manner .

There has been no information provided to the residents with regards to the mooted proposal to make the South Circular Road a one way system with a bicycle lane . This has to be discussed to us in a transparent and honest manner as to the intentions of LCC re same. This plan would greatly affect and dictate the "Footpath" proposal in so far as greater consequences would arise from it.

3-There is a safety issue here also. Since some houses have rear vehicle access , the exiting out of a home directly onto the "Footpath" could cause injury to a pedestrian.

Already, the front Ballinacurra Road can be treacherous when alighting from the driver's side if there is a bus on the lane

4- As a result of the bus lane on the main Ballinacurra Road the availability of parking space has been greatly reduced. Removing the parking on the proposed footpath will increase demand on the main road furthering a problem that already exists. During negotiations in 2010/2011 regarding the provision of a bus lane along Ballinacurra Road it was argued by Limerick City Council at that time that the impact of the bus lane on parking along Ballinacurra Road was offset by the availability of parking on SCR.

5- There are some questionable anomalies of fact on the Councils behalf to its claim of proceeding under a Section 38:

The Notice is given under Section 38 of the Roads Traffic Act 1994. Paragraph 1 of Section 38 states:

'A road authority may, in the interest of the safety and convenience of road users, provide such traffic calming measures as they consider desirable in respect of public roads in their charge.'

Furthermore, the Section defines traffic calming measures as follows:

"traffic calming measures" means measures which restrict or control the speed or movement of, or which prevent, restrict or control access to a public road or roads by, mechanically propelled vehicles (whether generally or of a particular class) and measures which facilitate the safe use of public roads by different classes of traffic (including pedestrians and cyclists) and includes the provision of traffic signs, road markings, bollards, posts, poles, chicanes, rumble areas, raised, lowered or modified road surfaces, ramps, speed cushions, speed tables or other similar works or devices, islands or central reservations, roundabouts, modified junctions, works to reduce or modify the width of the roadway and landscaping, planting or other similar works

We do not understand how the proposal to construct a 2m wide footpath along the eastern side of South Circular Road falls under the heading of traffic calming measures as defined in the Roads Traffic Act unless this is part of a greater scheme to provide traffic calming along SCR. If this is the case, then it is incumbent upon Limerick City and County Council to provide full details of the long term proposals. Of particular concern to us would be any proposals that result in the removal of residential parking, and/or access to our properties off SCR.

We would appreciate a sincere and meaningful engagement with the relative person from the Roads Department from Limerick City Council to discuss the residents concerns and well founded objections to the proposal.

We do not wish to be railroaded into another local infrastructure decision, heedless of citizens, as was the case so callously displayed during the Ballinacurra Bus Lane construction.

Observations:

Transport and Mobility comments:

1. As part of this new scheme, residents will have a newly improved residential vehicular access to continue to access and egress their properties. A dished footpath would continue the full length of this proposed section of footpath where the residents can continue to access their properties through vehicular means and for goods/services deliveries. Suitable access for vulnerable users will also be available.
2. In relation to the concern raised about the interaction with vehicles leaving properties and pedestrians accessing this footpath, it is common practice in an urban setting for the Council to provide footpaths outside property entrances on a public through road like there is currently on South Circular Road. There is a duty of care of all road users to take due care when accessing or using public footpaths and roads when required which includes exiting or entering properties from a public road.
3. The upgrade of this footpath is independent of the previously completed Ballinacurra Road bus lane scheme where parking was also made available on the Ballinacurra road. LCCC Roads are not aware of any previous agreement to provide parking to residents on the South Circular road. LCCC Roads would

not have any issues in principle of residents using off street parking within their property portfolios and access from the rear of their properties if they so wished

4. The South Circular Active Travel road scheme proposal will still provide a shared two-way cycle route with vehicular local access available for residents between the Ballinacurra road and Lifford Gardens. The proposal, which was passed by Council in February 2023, is being managed by the Active Travel department with further design and details to be confirmed at a later stage. The new footpath works opposite Greenpark Close will be independent of this scheme.
5. In relation to the query regarding Section 38 traffic calming the upgrade of these footpaths, which are currently in disrepair, will also form a defined road edge in the same location, which in turn acts as a traffic calming measure.
6. Limerick Metropolitan West councillors have previously pursued for this section of footpath upgrade to be completed. We have previously met the residents on site with Deputy Willie O' Dea and have outlined our plans to proceed with this scheme to Mr David Keary the resident's representative.

SUB 3

Submission Summary

Theme: General

Title: Objection letter to the Proposed Upgrade of Existing Footpaths on the Outbound Side of The South Circular Road opposite the entrance to Greenpark Close.

Documents Attached: Yes (letter below)

Boundaries Captured on Map: No

Observations:

I am writing to you as a resident of [redacted] Road, Limerick. Limerick City and County Council are proposing to install a footpath on the South Circular Road to the rear of my property, under Section 38 of the Road Traffic Act 1994. There are a number of issues which concern me and my family should this proceed and we are objecting to this proposal.

Here are some of my points of objection to the proposal:

- The Notice refers to the '*upgrade of existing footpaths*'. We do not accept that there is an existing footpath along the eastern side of South Circular Road in the area in question. Rather there is an area for residents with entries to their properties off SCR to park and access their properties. We are concerned that the proposals now being made will ultimately remove the parking areas and accesses which have been in use for decades.
 - The residents have always used the area/strip to the rear of their properties for parking, unloading, delivery of goods ie: Delivery of Fuel, construction vehicle's in cases of works to homes , shopping etc . This has been custom and practice for generations on the road and any change to remove this right will have a negative impact on our day to day living.
-
- The only parking available is to the front of the house on the Ballinacurra Road and at the rear of the house on the South Circular Road. We do not have off street parking available to us at present. As the Ballinacurra road is often congested, we park at the rear entrance on the South Circular road.

- As a result of the bus lane on the main Ballinacurra Road the availability of parking space has been greatly reduced. Removing the parking on the proposed footpath will increase demand on the main road furthering a problem that already exists. During negotiations in 2010 / 2011 regarding the provision of a bus lane along Ballinacurra Road it was argued by Limerick City Council at that time that the impact of the bus lane on parking along Ballinacurra Road was offset by the availability of parking on SCR.
- There has been no information provided to the residents with regards to the mooted proposal to make the South Circular Road a one way system with a bicycle lane . This has to be discussed with us in a transparent and honest manner as to the intentions of LCC re same. This plan would greatly affect and dictate the "Footpath" proposal in so far as greater consequences would arise from it.
- There is a safety issue to consider here also. Adding a footpath to the Eastern side of the road on this section is a risk to pedestrians as the cars going in and out of the rear entrances would be crossing a footpath from a blind exit. The fact that there is no footpath there at present means that pedestrians generally walk on the footpath on the other side of the road. Already, the front Ballinacurra Road can be treacherous when alighting from the road side if there is a bus in the bus lane.
- There are some questionable anomalies of fact on the Councils behalf to its claim of proceeding under a Section 38:
 - The Notice is given under Section 38 of the Roads Traffic Act 1994. Paragraph 1 of Section 38 states:
 - *'A road authority may, in the interest of the safety and convenience of road users, provide such traffic calming measures as they consider desirable in respect of public roads in their charge.'*
 - Furthermore, the Section defines traffic calming measures as follows:
 - *"traffic calming measures" means measures which restrict or control the speed or movement of, or which prevent, restrict or control access to a public road or roads by, mechanically propelled vehicles (whether generally or of a particular class) and measures which facilitate the safe use of public roads by different classes of traffic (including pedestrians and cyclists) and includes the provision of traffic signs, road markings, bollards, posts, poles, chicanes, rumble areas, raised, lowered or modified road surfaces, ramps, speed cushions, speed tables or other similar works or devices, islands or central reservations, roundabouts, modified junctions, works to reduce or modify the width of the roadway and landscaping, planting or other similar works*
 - We do not understand how the proposal to construct a 2m wide footpath along the eastern side of South Circular Road falls under the heading of traffic calming measures as defined in the Roads Traffic Act unless this is part of a greater scheme to provide traffic calming along SCR. If this is the case, then it is incumbent upon Limerick City and County Council to provide full details of the long term proposals. Of particular concern to us would be any proposals that result in the removal of residential parking, and/or access to our properties off SCR.

We would appreciate a sincere and meaningful engagement with the relative person from the Roads Department from Limerick City Council to discuss ours and other resident's concerns and objections to this proposal.

Transport and Mobility comments:

1. LCCC roads have checked and the property portfolio (See 2.3 above) shows the resident's property ceases at their northern boundary wall facing the South Circular road therefore any area outside this line including the proposed new footpath area is deemed as public property, in Council charge and an existing footpath.
2. As part of this new scheme, residents will have a newly improved residential vehicular access to continue to access and egress their properties. A dished footpath would continue the full length of this proposed section of footpath where the residents can continue to access their properties through vehicular means and for goods/services deliveries.
3. The upgrade of this footpath is independent of the previously completed Ballinacurra Road bus lane scheme where parking was also made available on the Ballinacurra road. LCCC Roads are not aware of any previous agreement to provide parking to residents on the South Circular road. LCCC Roads would not have any issues in principle of residents using off street parking within their property portfolios and access from the rear of their properties if they so wished
4. The South Circular Active Travel road scheme proposal will still provide a shared two-way cycle route with vehicular local access available for residents between the Ballinacurra road and Lifford Gardens. The proposal, which was passed by Council in February 2023, is being managed by the Active Travel department with further design and details to be confirmed at a later stage. The new footpath works opposite Greenpark Close will be independent of this scheme.
5. In relation to the concern raised about the interaction with vehicles leaving properties and pedestrians accessing this footpath, it is common practice in an urban setting for the Council to provide footpaths outside property entrances on a public through road like there is currently on South Circular Road. There is a duty of care of all road users to take due care when accessing or using public footpaths and roads when required which includes exiting or entering properties from a public road.
6. This new footpath is required to make a safe pedestrian route for pedestrians who regularly use this area. As this area is in council charge LCCC roads are obliged to provide a suitable permeability access along this side of the South Circular road.
7. In relation to the query regarding Section 38 traffic calming the upgrade of these footpaths, which are currently in disrepair, will also form a defined road edge in the same location, which in turn acts as a traffic calming measure.
8. Limerick Metropolitan West councillors have previously pursued for this section of footpath upgrade to be completed. We have previously met the residents on site with Deputy Willie O' Dea and have outlined our plans to proceed with this scheme to Mr David Keary the resident's representative and Deputy O' Dea with as minimal impact as possible to residents.

SUB 4

Submission Summary

Theme: General

Title: proposed upgrade of existing footpaths on outbound side of the SCR opposite entrance to Greenpark Close

Documents Attached: Yes (letter below)

Boundaries Captured on Map: No

Observations:

I have reviewed the proposal to the upgrade of existing footpaths on outbound side of the South Circular Road opposite entrance to Greenpark Close and hereby object to the proposal for the reasons stated below,

Reasons

- **Due to the reduction of parking spaces on the main Ballinacurra Road caused by the Bus Lane, parking is needed and critical for the residents. The construction of the footpath will remove the badly needed parking spaces.**
- **Drivers of cars that are exiting the garage on the South Circular Road are of danger to the pedestrian and the driver. This is because the pedestrian will not be visible to the driver.**
- **If parking is not allowed, and deliveries are required at the rear, this will it impossible to manage.**
- **Residents are using parking on the south Circular Road for generations it is become part of their life and part of the management of their household. Parking is now a basic right of residents.**
- **Constructing the foot paths will promote vandalism and graffiti, which is the case on the main Ballinacurra Road**

Transport and Mobility comments:

1. LCCC Roads would have not issues in principle of residents providing their own off street parking within their property portfolios and access from the rear if they so wished
2. This new footpath is required to make a safe pedestrian route for pedestrians who regularly use this area. As this area is in council charge LCCC roads are obliged to provide a suitable permeability access along this side of the South Circular road. It is common practice in an urban setting of the council providing footpaths outside property entrances and public through road like there is currently on South Circular Road. There is a duty of care of both the motorist and the pedestrian to take due care when accessing or using public footpaths and roads
3. In relation to the concern raised about the interaction with vehicles leaving properties and pedestrians accessing this footpath, it is common practice in an urban setting for the Council to provide footpaths outside property entrances on a public through road like there is currently on South Circular Road. There is a duty of care of all road uses to take due care when accessing or using public footpaths and roads when required which includes exiting or entering properties from a public road.
4. As part of this new scheme, residents will have a newly improved residential vehicular access to continue to access and egress their properties. A dishd footpath would continue the full length of this proposed section of footpath where the residents can continue to access their properties through vehicular means and for goods/services delivers.
5. LCCC roads have checked and the property portfolio (See 2.3 above) shows the resident's property ceases at their northern boundary wall facing the South Circular road therefore any area outside this line including the proposed new footpath area is deemed as public property, in Council charge and an existing footpath.
6. LCCC Roads cannot guaranteed non-parking enforcement on the South Circular road as parking on footpaths is enforceable but would have not issues in principle of residents using off street parking within their property portfolios and access for the rear if they so wished. There is also parking currently still available on Ballinacurra road.
7. We do envisage that the installation of an upgraded footpath in this area would promote further vandalism and graffiti to the area.

SUB 5

Submission Summary

Theme: General

Title: Objection to proposed Footpath on out bound side of South Circular Road opposite Greenpark Close

Documents Attached: Yes (letter below)

Boundaries Captured on Map: No

Observations:

I am writing to you as a resident of
Road, Limerick.

Ballinacurra

Limerick City and County Council are proposing to install a footpath on the South Circular Road to the rear of my property, under Section 38 of the Road Traffic Act 1994.

There are a number of issues which concern me and my family greatly if this is to proceed.

Here are some of my points of objection to the proposal:

The Notice refers to the '*upgrade of existing footpaths*'. I do not accept that there is an existing footpath along the eastern side of South Circular Road in the area in question.

As a resident of Lisarue, Brookville terrace since 1967 with access from SCR the ~~area has and always has been part of the property boundary. I can recall~~ concrete kerbing separating each property from rear wall to edge of south circular road gully where houses had a rear access gate and area for parking within each dividing kerbing.

This area has always been maintained by the residents and not by Limerick City Council

This is an area for residents with entries to their properties off SCR to park and access their properties. We are concerned that the proposals now being made will ultimately remove the parking areas and accesses which have been in use since the properties were built.

An attempt to dig up this area and install a footpath outside our gates was preciously undertaken without any consultation with the residents and was only stopped following objections by the residents. This area was never a footpath and there was never a footpath running outbound from area to Ballinacurra road junction.

The residents have always used this area for parking, unloading, delivery of goods ie: Delivery of Fuel, construction vehicle's in cases of works to homes, shopping etc. Any change to remove this right will have a negative impact on our day to day living.

There has been no information provided to the residents with regards to the mooted proposal to make the South Circular Road a one way system with a bicycle lane . This has to be discussed with residents in a transparent and honest manner as to the intentions of LCC re same. This plan would greatly affect and dictate the "Footpath" proposal in so far as greater consequences would arise from it.

There is a safety issue here also. Since some houses have rear vehicle access, the exiting out of a home directly onto the "Footpath" could cause injury to a pedestrian. Already, the front Ballinacurra Road can be treacherous when alighting from the driver's side if there is a bus/taxi/bike on the lane. It is only a matter of time before someone is seriously injured or killed on this bus lane.

As a result of the bus lane on the main Ballinacurra Road the availability of parking space has been greatly reduced. Removing the parking on the proposed footpath will increase demand on the main road furthering a problem that already exists. During negotiations in 2010/2011 regarding the provision of a bus lane along Ballinacurra Road it was argued by Limerick City Council at that time that the impact of the bus lane on parking along Ballinacurra Road was offset by the availability of parking on SCR to the rear of Brookville Terrace.

There are some questionable anomalies of fact on the Councils behalf to its claim of proceeding under a Section 38:

The Notice is given under Section 38 of the Roads Traffic Act 1994. Paragraph 1 of Section 38 states:

'A road authority may, in the interest of the safety and convenience of road users, provide such traffic calming measures as they consider desirable in respect of public roads in their charge.'

Furthermore, the Section defines traffic calming measures as follows:

"traffic calming measures" means measures which restrict or control the speed or movement of, or which prevent, restrict or control access to a public road or roads by, mechanically propelled vehicles (whether generally or of a particular class) and measures which facilitate the safe use of public roads by different classes of traffic (including pedestrians and cyclists) and includes the provision of traffic signs, road markings, bollards, posts, poles, chicanes, rumble areas, raised, lowered or modified road surfaces, ramps, speed cushions, speed tables or other similar works or devices, islands or central reservations, roundabouts, modified junctions, works to reduce or modify the width of the roadway and landscaping, planting or other similar works

I do not understand how the proposal to construct a 2m wide footpath along the eastern side of South Circular Road falls under the heading of traffic calming measures as defined in the Roads Traffic Act unless this is part of a greater scheme to provide traffic calming along SCR. If this is the case, then it is incumbent upon Limerick City and County Council to provide full details of the long term proposals. Of particular concern to the residents would be any proposals that result in the removal of residential parking, and/or access to our properties off SCR.

As a resident I would appreciate a sincere and meaningful engagement with the relative person from the Roads Department from Limerick City Council to discuss the residents' concerns and well-founded objections to the proposal.

We as residents do not wish to be railroaded into another local infrastructure decision, without due consultation, as was the case so callously displayed during the Ballinacurra Bus Lane construction .

Transport and Mobility comments:

1. LCCC roads have checked and the property portfolio (See 2.3 above) shows the resident's property ceases at their northern boundary wall facing the South Circular road therefore any area outside this line including the proposed new footpath area is deemed as public property, in Council charge and an existing footpath.
2. As part of this new scheme, residents will have a newly improved residential vehicular access to continue to access and egress their properties. A dished footpath would continue the full length of this proposed section of footpath where the residents can continue to access their properties through vehicular means and for goods/services deliveries.
3. The upgrade of this footpath is independent of the previously completed Ballinacurra Road bus lane scheme where parking was also made available on the Ballinacurra road. LCCC Roads are not aware of any previous agreement to provide parking to residents on the South Circular road. LCCC Roads would not have any issues in principle of residents using off street parking within their property portfolios and access from the rear of their properties if they so wished
4. The South Circular Active Travel road scheme proposal will still provide a shared two-way cycle route with vehicular local access available for residents between the Ballinacurra road and Lifford Gardens. The proposal, which was passed by Council in February 2023, is being managed by the Active Travel department with further design and details to be confirmed at a later stage. The new footpath works opposite Greenpark Close will be independent of this scheme.
5. In relation to the concern raised about the interaction with vehicles leaving properties and pedestrians accessing this footpath, it is common practice in an urban setting for the Council to provide footpaths outside property entrances on a public through road like there is currently on South Circular Road. There is a duty of care of all road users to take due care when accessing or using public footpaths and roads when required which includes exiting or entering properties from a public road.
6. This new footpath is required to make a safe pedestrian route for pedestrians who regularly use this area. As this area is in council charge LCCC roads are obliged to provide a suitable permeability access along this side of the South Circular road.
7. In relation to the query regarding Section 38 traffic calming the upgrade of these footpaths, which are currently in disrepair, will also form a defined road edge in the same location, which in turn acts as a traffic calming measure.
8. Limerick Metropolitan West councillors have previously pursued for this section of footpath upgrade to be completed. We have previously met the residents on site with Deputy Willie O' Dea and have outlined our plans to proceed with this scheme to Mr David Keary the resident's representative and Deputy O' Dea with as minimal impact as possible to residents.

SUB 6

Submission Summary

Theme: General

Title: Proposed upgrade of existing footpaths on outbound side of the SCR opposite entrance to Greenpark Close.

Documents Attached: Yes (letter below)

Boundaries Captured on Map: No

Observations:

RE: PROPOSED UPGRADE OF EXISTING FOOTPATHS ON OUTBOUND SIDE OF THE SOUTH CIRCULAR ROAD OPPOSITE ENTRANCE TO GREENPARK CLOSE.

The Ballinacurra residents have reviewed the proposal to the upgrade of existing footpaths on outbound side of the South Circular Road opposite entrance to Greenpark Close and hereby object to the proposal for the reasons stated below.

Reasons

- Part of the Bus Lane consultation. The parking survey carried out included parking on the South Circular Road.
- If footpaths are constructed this will narrow the existing road for two lane traffic and forcing a one-way system that will increase the flow of traffic on the Lifford Avenue and the Ballinacurra Road. Turning right from Lifford Avenue onto the main Ballinacurra road is dangerous, more traffic increases the risk of Danger.
- Residents have been actively parking their cars for generations on the South Circular Road. This is now **custom and practice** and any change will cause a **negative impact** on their day-to-day living.
- As a result of the construction of the Bus Lane on the main Ballinacurra Road, the **availability** of parking spaces on this road has been reduced. Removing the parking on the proposed footpath will increase the demand on the main road adding to a problem that already exists.
- Having footpaths at the rear will reduce the security and safety of the affected properties. Unfortunately, there will be some members of the general public, who will cause damage or litter.
- The width of the proposed footpath 2m is too wide. **existing path on the opposite side of the road is 1.24 meters. Remove red text on this line**

We refer to the notice given under Section 38 of the Roads Traffic Act 1994 relating to the proposed upgrade of existing footpaths along the South Circular Road, opposite the entrance to Greenpark Close. We are deeply concerned by the proposals and submit the

following observations regarding to the proposed scheme. Replace observation with issues/problems

- The Notice refers to the '*upgrade of existing footpaths*. We do not accept that there is an existing footpath along the eastern side of South Circular Road in the area in question. Rather there is an area for residents with entries to their properties off SCR to park and access their properties. We are concerned that the proposals now being made will ultimately remove the parking areas and accesses which have been in use for decades.
- The Notice is given under Section 38 of the Roads Traffic Act 1994. Paragraph 1 of Section 38 states:

'A road authority may, in the interest of the safety and convenience of road users, provide such traffic calming measures as they consider desirable in respect of public roads in their charge.'

Furthermore, the Section defines traffic calming measures as follows:

"traffic calming measures" means measures which restrict or control the speed or movement of, or which prevent, restrict or control access to a public road or roads by, mechanically propelled vehicles (whether generally or of a particular class) and measures which facilitate the safe use of public roads by different classes of traffic (including pedestrians and cyclists) and includes the provision of traffic signs, road markings, bollards, posts, poles, chicanes, rumble areas, raised, lowered or modified road surfaces, ramps, speed cushions, speed tables or other similar works or devices, islands or central reservations, roundabouts, modified junctions, works to reduce or modify the width of the roadway and landscaping, planting or other similar works

We do not understand how the proposal to construct a 2m wide footpath along the eastern side of South Circular Road falls under the heading of traffic calming measures as defined in the Roads Traffic Act, unless this is part of a greater scheme to provide traffic calming along SCR. If this is the case, then it is incumbent upon Limerick City and County Council to provide full details of the long-term proposals. Of particular concern to us would be any proposals that result in the removal of residential parking, and/or access to our properties off SCR.

Transport and Mobility comments:

1. The upgrade of this footpath is independent of the previously completed Ballincurra Road bus lane scheme where parking was also made available on the Ballincurra road. LCCC Roads are not aware of any previous agreement to provide parking to residents on the South Circular road.
2. The existing road width will not be narrowed as part of this scheme.
3. As part of this new scheme, residents will have a newly improved residential vehicular access to continue to access and egress their properties. A dished footpath would continue the full length of this proposed section of footpath where the residents can continue to access their properties through vehicular means and for goods/services deliveries. LCCC Roads cannot guarantee non-parking enforcement on the South Circular road as parking on footpaths is enforceable but would have no issues in principle of residents using off street parking within their property portfolios and access for the rear if they so wished
4. We do not envisage that the amendment of these footpaths causing any additional security risk to properties. Any public littering will be addressed by the Cleansing department if required.

5. Existing footpath width of 2m needs to be maintained in this area.
6. LCCC roads have checked and the property portfolio (See 2.3 above) shows the resident's property ceases at their northern boundary wall facing the South Circular road therefore any area outside this line including the proposed new footpath area is deemed as public property, in Council charge and an existing footpath. LCCC Roads would have no issues in principle of residents using off street parking within their property portfolios and access for the rear if they so wished. This new footpath is required to make a safe pedestrian route for pedestrians who regularly use this area. As this area is in council charge LCCC roads are obliged to provide a suitable permeability access along this side of the South Circular road.
7. In relation to the query regarding Section 38 traffic calming the upgrade of these footpaths, which are currently in disrepair, will also form a defined road edge in the same location, which in turn acts as a traffic calming measure.

Operations & Maintenance Services (Roads), Limerick City & County Council

Transport and Mobility comments:

Further to the resident's claims, Limerick City and County Council Roads have checked and the property portfolio (See 2.3 above) which shows the resident's property ceases at their northern boundary wall facing the South Circular road. Therefore, any area outside this line including the proposed new and existing footpath area is deemed as public property and in Council charge.

This new footpath is required to make a safe pedestrian route for pedestrians who regularly use this area. As this area is in council charge LCCC roads are obliged to provide a suitable permeability access along this side of the South Circular road.

As part of this new scheme, residents will have a newly improved residential vehicular access to continue to access and egress their properties. A dished footpath would continue the full length of this proposed section of footpath where the residents can continue to access their properties through vehicular means and for goods/services deliveries.

Regarding any parking agreements LCCC Roads cannot guarantee non-parking enforcement on the South Circular road as parking on footpaths is enforceable but would have no issues in principle of residents using off street parking within their property portfolios and access from the rear if they so wished.

In relation to the concern raised about the interaction with vehicles leaving properties and pedestrians accessing this footpath, it is common practice in an urban setting of the council providing footpaths outside property entrances on a public through road like there is currently on South Circular Road. There is a duty of care of both the motorist and the pedestrian to take due care when accessing or using public footpaths and roads when required.

The South Circular Active Travel road scheme proposal will still provide a shared two-way cycle route with vehicular local access available for residents between the Ballinacurra road and Lifford Gardens. The proposal, which was passed by Council in February 2023, is being managed by the Active Travel department with further design and details to be confirmed at a later stage. The new footpath works opposite Greenpark Close will be independent of this scheme.

Limerick Metropolitan West councillors have previously pursued for this section of footpath upgrade to be completed. We have previously met the residents on site with Deputy Willie O' Dea and have outlined our plans to proceed with this scheme to Mr David Keary the resident's representative and Deputy O' Dea with as minimal impact as possible to residents.

5.0 Conclusion

The Limerick City and County Council Roads department currently intend to proceed with this scheme. All comments issued on submissions have been reviewed and scheme will proceed based on Transport and Mobility comments given above.

6.0 Action taken by Local Authority

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, on the 29th of July 2022. This project does not require planning as it does not meet the planning thresholds as laid out in the Planning & Development Regulations, 2001-2021.