



Ordinary Meeting

5th February 2018, Council Chamber

Presiding

Cathaoirleach, Councillor Gerry O' Connor

Councillors Present:

Councillors Joe Bonner, Eugene Cassidy, Francis Deane, Seán Drew, Eimear Ferguson, Brian Fitzgerald, Padraig Fitzsimons, Enda Flynn, Wayne Forde, Joe Fox, Noel French, Michael Gallagher, David Gilroy, Trevor Golden, Johnny Guirke, Wayne Harding, Jim Holloway, Suzanne Jamal, Tom Kelly, Sharon Keogan, Nick Killian, Caroline Lynch, Stephen McKee, Ronan McKenna, Paddy Meade, Maria Murphy, Claire O'Driscoll, Maria O' Kane, Damien O' Reilly, Darren O'Rourke, Joe Reilly, Sarah Reilly, Tommy Reilly, Seán Smith, Alan Tobin, Sharon Tolan, Gillian Toole.

Apologies: Cllrs. Sinead Burke, Bryan Reilly

Officials in attendance:

Chief Executive: Jackie Maguire

Directors of Service: Des Foley, Fiona Lawless, Barry Lynch, Kevin Stewart

Meetings' Administrator: Olive Falsey

Senior Executive Officers: Larry Whelan, Dara McGowan

Planning Staff: Wendy Bagnall, Senior Executive Planner, Seán Clarke, A/ SEO

1 **Confirmation of Minutes**

Confirmation of minutes of Ordinary meeting held on 8th January 2018. 1.1

The minutes of the Ordinary meeting held on 8th January 2018 were confirmed on the proposal of Councillor Tommy Reilly and seconded by Councillor Francis Deane.

2 Matters arising from the Minutes





No matters arising.

3 Expressions of Sympathy and Congratulations

Sympathy was extended to:

- David O'Reilly, Water Services, on the death of his sister Audrey O'Reilly.
- The family of the late Thomas (Tommy) Donnelly, retired GO Ashbourne MD.
- Wendy Byrne, Housing Department, on the death of her father Noel Byrne.
- Councillor Padraig Fitzsimons on the death of his aunt Breda Ryan.
- The family of the late Ciarán Coleman, former director of elections for Fine Gael.
- The family of the late Clare Mullen, former tour guide at Newgrange
- The family of the late Séamus Pattison, former Leas-Cheann Comhairle of Dáil Éireann (2002 to 2007).
- The family of the late Ross Hanlon, Athboy, who died tragically in Vienna.
- The family of the late Peter Casey, horse trainer, Stamullen.

Congratulations were extended to:

- All involved in the following events:
 - Trim Athletic Club recent road race
 - o Ashbourne Rugby Club recent sporting success
 - Tribute concert for Councillor Joe Reilly in Solstice Arts Centre
 - Kells Awakening initiative
 - Ratoath, Trim, Navan and Kells musical societies on their upcoming shows
- Trim Tourism Network and all the other projects shortlisted for the All Ireland Council Awards.

4 Disposal of Land in accordance with Statutory Notices circulated pursuant to the provisions of Section 183 of the Local Government Act, 2001

5 Statutory Business

- 5.1 Planning
 - 5.1.1 To receive the Member's views in respect of Meath County Council's submission on the Regional Spatial & Economic Strategy *"Initial Public & Stakeholder Consultation Issues Paper"* for the East Midlands Regional Authority and if thought fit, to resolve to attach recommendations to that report.





Wendy Bagnall, Senior Executive Planner, made a presentation, which included information on the function and structure of the RSES, and details of the submission made by Meath County Council in regard to people and places, economy and employment, environment and heritage, climate change and infrastructure.

A lengthy debate took place following the presentation and all comments made by the Councillors were noted. It was resolved to attach Councillors' recommendations to the report.

5.1.2 To receive an update on Circular FPS 01/2018 – Department of Housing, Planning and Local Government re. Water Services Guidelines 2018 – Public Consultation.

Seán Clarke, A/Senior Executive Officer, made a short presentation which noted that the draft guidelines had been published under Section 28 of the Planning and Development Acts 2000 (as amended). The purpose of the guidelines was outlined, together with an outline of the required actions by the Council to liaise with Irish Water in regard to the provision of water services when

- Preparing plans (Development, Local Area, Master and Framework plans)
- Prior to Strategic Development Zone designation
- when assessing SHD applications, planning applications, taking-incharge of estates, Part 8.

Following the presentation, responses were provided on any matters raised by the Councillors.

5.2 Corporate Services

5.2.1 To note the report on the 2017 Municipal District Allocation.

Noted by the Councillors.

5.2.2 To receive an update on Local Electoral Area Boundary Committee - Invitation for Submission.

Des Foley, Director of Services, provided a brief overview of the terms of reference of the committee and the potential Impact on the county in regard to the Local Elections 2019. The potential effect of the proposed urban focused





local electoral area on Navan was explained. It was noted that submissions had been invited and must be made by the 19th February

A lengthy debate took place and Des Foley provided responses and advised Councillors to make submissions and noted that that the Council would also be making a submission on the matter.

6 Reports

6.1 Chief Executive's Report

Councillors sought clarification on a number of matters in the Chief Executive's report. The main issues raised and discussed included:

Housing:

- clarification and update requested in regard to the Council's spend re the Traveller Accommodation Fund.
- further information requested on figures re housing provision and any proposals to purchase additional land for housing.
- update requested on progress re Alverno Court.

Transportation:

- update requested on Ratoath outer relief road and when it will be functional.
- allocation of funding from TII welcomed.

Community:

- update requested on any drawdown of Leader funding for community projects.
- update requested in regard to Broadband delivery.
- 6.2 Report from the Corporate Policy Group

The Meetings Administrator advised that the Corporate Policy Group reviewed the agenda for the full Council meeting and received information on the particulars of some items. The reports from the following SPC committee meetings were noted:

- Planning Economic Development & Enterprise held on the 23rd January.
- Housing, Community & Cultural Development held on the 23rd January.
- Transportation held on the 24th January It was noted that the CPG approved the recommendation of the Transportation SPC in regard to the Local Improvement Scheme 2018 and it was agreed that the scheme would be put before the Council for approval at the March meeting.





6.3 Report from the Protocol Committee

The Meetings Administrator advised the meeting of the recommendations arising as follows:

• The committee considered a request from the 3 Five Two Group to make a presentation to the full Council on the Cross Border Healthcare Directive.

Following a discussion, it was agreed that this information is already in the public domain and that a presentation on the matter would not be recommended by the committee.

- Correspondence was noted from the Meath Associations of New York and London in regard to invitations to the St. Patrick's Day celebrations.
- Reports on conferences submitted by Councillors were noted, and a list of conferences relevant to the business of the Council was approved.

7 Correspondence

7.1 Correspondence from the Office of the Minister for Education and Skills in response to Notice of Motion 9.3 adopted at the December 2017 meeting of the Full Council re. consideration of a compulsory training programme of occupational first aid training for all teachers and SNAs in both primary and secondary schools throughout Ireland.

Noted by the Councillors.

7.2 Correspondence from Transport Infrastructure Ireland re. 2018 National Road Grant allocations – N2 Rath Roundabout to Kilmoon Cross.

Noted by the Councillors.

7.3 Correspondence from Transport Infrastructure Ireland in response to Notice of Motion 9.4 adopted at the December 2017 meeting of the Full Council re. tolling arrangements at M3 Toll Plaza, Clonee/Dunboyne.

Noted by the Councillors.

7.4 Correspondence from Minister Eoghan Murphy, Department of Housing, Planning and Local Government re. Rebuilding Ireland.





Noted by the Councillors.

7.5 Circular WP 02.18 – Department of Communications, Climate Action & Environment re. Waste Management (Prohibition of Waste Disposal by Burning) (Amendment) Regulations 2017 (SI No. 599 of 2017).

Noted by the Councillors.

7.6 Department of Transport, Tourism and Sport - Regional and Local Road Grant Allocations - Comparison of the 2018/2017 allocations.

Noted by the Councillors.

7.7 Circular: Housing 8/2018 – Department Of Housing, Planning, Community and Local Government re. Improvements to the Repair and Leasing Scheme.

Noted by the Councillors.

7.8 Circular WP03.18 – Department of Communications, Climate Action & Environment re.
2018 Anti-Dumping Initiative – "Empowering People to Engage & Help the Environment"

Noted by the Councillors.

8 Notice of Question

8.1 Submitted by Councillor Wayne Harding

"Can I ask for an update on our plans as a county to fully benefit from a tourism and economic point of view from the holding of the 2018 Fleadh Cheoil na hÉireann in Drogheda?"

Response

Boyne Valley Tourism is working closely with Louth County Council and the Fleadh Executive Committee to support this important event. There is no doubt that the Fleadh will bring economic benefit to County Meath and Boyne Valley tourism is working closely with local business to ensure that they avail of any opportunities that arise. Customer service training focussed on the Fleadh has been organised in conjunction with Ireland's Ancient East and Fáilte Ireland. The associated public relations opportunities associated to highlight the Fleadh and the Boyne Valley





destination will be highlighted as part of a 6 month campaign to proactively target national and international press. Boyne Valley Tourism is already working with tourism, food and accommodation providers to develop Fleadh related packages. The region is organising and hosting a 3 day press visit from the UK to highlight the Fleadh and the tourism product in the Boyne Valley. Further initiatives will be developed in the run up to the event.

In the meantime anyone with ideas or a product, service or business they think would benefit from association with the event should contact the Fleadh Committee directly through Louth County Council or through the staff of Boyne Valley Tourism who are liaising closely with the event organisers.

Noted by the Councillors.

8.2 Submitted by Councillor Wayne Forde

"Can I ask for an update on the provision of 7 Slipways along the River Boyne and Blackwater?"

Response

As previously advised the proposal is for the development of 7 No Slipways on the Boyne and Blackwater, both of which are designated Special Areas of Conservation (SACs). Of these 5 are located on lands in public ownership and 2 are in lands which are in private ownership.

Following discussions with the relevant owners, all the necessary consents were obtained and the planning application, together with an accompanying Natura Impact Statement was recently submitted to An Bord Pleanála in respect of the development and the Council is awaiting approval.

Noted by the Councillors.

8.3 Submitted by Councillor Sharon Keogan

"Could the Chief Executive please confirm if she will act as Data Controller for future Community CCTV projects in this county?"

Response

Meath County Council is currently reviewing and revising the existing data protection policies, in order to comply with the General Data Protection Regulations, that will come into force in May 2018. As part of this review, CCTV schemes, where Meath County Council is currently data controller, will be assessed as part of a number of data





protection impact assessments carried out by the Council. While the benefits of a CCTV scheme from a policing point of view are well known, the role of Data Controller can be an onerous and costly burden on an organisation. Pending the completion of the data protection impact assessments, and the outcome of the review of Meath County Council's CCTV policy, Meath County Council is not in a position to accept the role of Data Controller on new Community based CCTV scheme(s).

Noted by the Councillors.

8.4 Submitted by Councillor Noel French

"Can Meath County Council provide figures for the number of litter fines issued during 2017, the number of fines paid, prosecutions taken, and a breakdown of these figures between individuals and businesses. What was the total amount spent by the Council in 2017 in litter control and prevention? How many dog fouling fines were issued and how many were paid?"

Response

The imposition of litter fines arises from a number of circumstances including CCTV footage at the Bottle Banks, /Civic Amenity Sites (CAC) or, from complaints or reports submitted by members of the public, or where persons were observed throwing litter, by the Litter Wardens.

In 2017, the Environment Department dealt with in excess of 1400 litter and illegal dumping cases the majority of which were dealt with under the Litter Management legislation, with the balance dealt with under the Waste Management Acts due to the nature and volumes of materials discovered on investigation.

In respect of cases where offenders could be identified, a total of 266 warning letters were issued and fines imposed in 125 cases of which 55 were paid. A further 9 cases were the subject of Court proceedings, from which 5 convictions and fines were imposed. Three dog fouling fines were issued in 2017 two of which were paid.

It is pointed out that sufficient evidence of littering is required in order to obtain a prosecution in the Courts. In many cases, while fines are issued based on information received from members of the public, getting the witness to subsequently attend Court to give evidence often proves very problematic. This is particularly so in the case of reported dog fouling incidences.

In all cases, consideration has to be given as to whether it is in the public interest to proceed to the courts based on the significant legal costs involved and the difficulties in securing payment of such costs, even where a conviction is obtained based on the circumstances of the offender.





In 2017, the Council initiated a wide range of Anti Litter Activities including the following:

- Anti Litter League (135 groups took part)
- Pride of Place
- Green Schools
- Really Rubbish Film Festival
- Clean up Navan Campaign
- 2 Minute Beach Clean
- Dog Litter Signage and Stencils
- Cinema Advertising Food Waste, Dog Fouling, Illegal Dumping
- Feature with Meath Chronicle in relation to Litter, Illegal Dumping, Recycling, Food Waste.

In addition to the above, the Council's Dog Wardens maintained a greater presence at a number of popular dog walking locations in 2016, including Blackwater Park Navan, the beach areas, the Porche Fields Trim and Oldbridge.

The total expenditure incurred in 2017 in respect of litter management control, prevention and street sweeping was in the order of $\notin 2m$.

Noted by the Councillors.

8.5 Submitted by Councillor Francis Deane

"With regard to trees on private properties growing out on public roads and presenting health and safety concerns for motorists and pedestrians, can property owners fell trees or do they need a permit from the local authority in order to do so?"

Response

Trees on private property growing out onto public roads and presenting a health and safety concern for motorists and pedestrians are exempt from the requirement to apply for a Tree Felling Licence under Section 19 of the Forestry Act, 2014. However, under Section 13 of the Roads Act 1993, a person carrying out an activity that obstructs or interferes with the safe use of a public road, must seek the consent of the road authority. The road authority would require evidence of a Safe System of Work being in place to include a traffic management plan, competent contractors with adequate insurance etc. Such consent should be sought from the relevant Municipal District Engineer.

Noted by the Councillors.





8.6 Submitted by Councillor Darren O'Rourke

"To ask the Chief Executive how many enquiries have been made to Meath County Council through the <u>www.vacanthomes.ie</u> website regarding identified vacant properties in Meath, since the website's launch last year; if the Council are satisfied that the general public in Co. Meath are aware of this website resource; and if they have any plans to publicise it / Ceist a chur ar an bPríomhfheidhmeannach an méid fiosrúchán a rinneadh do Comhairle Chontae na Mí tríd an suíomh idirlín <u>www.vacanthomes.ie</u> maidir le maoin folamh aitheanta sa Mhí ó bhunaíodh an suíomh idirlín anuraidh; an bhfuil an Comhairle sásta go bhfuil an pobail ginéarálta ar an eolas maidir leis an acmhainn idirlín seo; agus an bhfuil sé in intinn acu é a fhógrú?"

Response

Thirty four properties located in Co. Meath have been recorded by members of the public on the <u>www.vacanthomes.ie</u> website since its launch.

The Housing Department has examined the property records in relation to their potential for social housing. The majority of the units recorded were deemed either unavailable or unsuitable for a myriad of factors.

The Housing Department will continue to monitor activity on the website pertaining to Co. Meath, with a view to completing the necessary analysis on any suggested vacant units registered.

The website is promoted via Meath County Council's social media channels.

Noted by the Councillors.

8.7 Submitted by Councillor Trevor Golden

"For each year from 2012 to 2017 inclusive, per Municipal District, how many IDA lead site visits took place and at what sites?"

Response

Meath County Council does not hold any information relating to IDA company visits, nor would the Council have direct access to such information, most of which would be highly confidential.

The IDA periodically publishes summary information on a "per county" basis, and it is highly unlikely that this information would be analysed on an MD basis.

Meath County Council participates in such visits only when requested to do so by the IDA, and with the consent of the company concerned. In many cases, the Council would not even be aware of a visit, or it might be brought into the discussion on a second or later visit if necessary.





In relation to visits in which the Council has been involved, or are aware of, the Council is not in position to make such information public due to the confidential nature of such visits, which in some cases would be on a "no name" basis, or which would be subject to formal non-disclosure or confidentiality agreements.

Noted by the Councillors.

9 Notice of Motion

9.1 Submitted by Councillor Noel French

"Section 5 of the Planning & Development Act 2000 allows any person to make an application to the Planning Authority for a declaration as to whether or not a development is exempt from the requirement to obtain planning permission. The process outlined in the Act does not require the publication of a notice of intention to apply for such a declaration and these applications are not currently available on line. In the interests of ensuring greater transparency in this application process I call on the Chief Executive to put in place a procedure to periodically notify Councillors of any Section 5 applications received".

<u>Supporting Information subject to the motion being proposed, seconded and considered.</u>

Section 5 of the Planning & Development Act 2000 (as amended) allows any person to request from the Planning Authority a declaration as to whether or not a development is exempt from the requirement to obtain planning permission. The Council receives approximately 50 to 60 such applications each year, primarily in relation to matters arising during property sales. Declarations are also sometimes sought in the context of disputes concerning alleged unauthorised development.

It is a simple application process requiring the submission of a form and basic information, and the payment of an application fee (currently \in 80). There is no requirement in the legislation for publication of notice of intent to apply, as there is with a regular planning application. Under the provisions of the Act "any person" can apply therefore there is no requirement for the person applying to have a legal interest in the land or property concerned. However, the owner and occupier of the land must be notified of any declaration made (S5(2)(a)). There is no provision for public submissions, objections or observations as part of the process.

The declaration is, in effect, the opinion of the planning authority based on an assessment of the question asked against the relevant regulations. An Bord Pleanála is the final arbiter (other than the Courts) of whether or not a development requires planning permission.





The declaration of the planning authority must be given within 4 weeks of receipt of the application. The person applying, or any other person who has been notified under S5(2)(a), may then refer the declaration for review to An Bord Pleanála within 4 weeks of the date of issue of the declaration. There is also a provision that would allow the Planning Authority to directly refer a question to the Board.

The motion is correct in pointing out that there is no requirement to give public notice and also correct in saying that the applications are not currently available on-line (although we understand this will form part of the new national ePlanning system).

The Act requires that all <u>declarations</u>, when made, are entered on the planning register and must be available for public inspection and this is done. The Act further specifies that the register *"shall be kept at the offices of the planning authority and shall be available for inspection during office hours*". This register is in place and available. Note the requirement is to register declarations, there does not appear to be any statutory requirement to register new applications although the Council always has done so.

There is no difficulty in providing details of applications and/or declarations to Councillors. It is suggested that this could best be done by including, for information, a list of new applications received and declarations issued with the monthly MD agendas.

The motion was proposed by **Councillor Noel French** and seconded by **Councillor Enda Flynn.** Following a discussion on the matter and advice from Kevin Stewart, Director of Services, the motion was unanimously adopted.

9.2 Submitted by Councillor Caroline Lynch

"In view of the recent planning decision in relation to the proposed development in Ballivor Meath County Councillors call for greater transparency re large scale developments in the County where there is a change of use from original planning application / Súil caite ar an mbeart pleanála a rinneadh i leith an fhorbraíocht mholta i mBaile Íomhair le déanaí, éilíonn Comhairleoirí Chontae na Mí níos mó follasachta a fháil maidir le forbraíochtaí móra sa Chontae lena bhfuil athrú úsáide i gceist ón iarratas pleanála tosaigh."

See Notice of Motion 9.1 above.

The motion, proposed by **Councillor Caroline Lynch** and seconded by **Councillor Eimear Ferguson**, was unanimously adopted.

9.3 Submitted by Councillor Caroline Lynch





"Sinn Féin calls on Meath County Council to set up a housing task force without delay to work with all relevant stakeholders to accelerate the process of resolving the housing crisis in the County /Éilíonn Sinn Féin ar Chomhairle Chontae na Mí tascfhórsa tithíochta a bhunú gan mhoill chun comhoibriú a dhéanamh leis na leaspháirtithe ábhartha go léir le luas a chur leis an ngéarchéim tithíochta a réitiú sa Chontae."

<u>Supporting Information subject to the motion being proposed, seconded and considered.</u>

There is ongoing intensive engagement between Meath County Council's Housing Directorate and all key stakeholders in the acceleration of social housing provision in the County, including the Department of Housing, Planning, & Local Government, Approved Housing Bodies and the private sector.

Engagement with relevant stakeholders includes interaction through the current formal structures that are in place at local level pertaining to the delivery of social housing and related issues, which include the following; Departmental Quarterly Technical Meetings, Approved Housing Body Forum, Working Group for Housing People with a Disability, Local Traveller Accommodation Consultative Committee, Regional Homeless Forum/Management Committee and Pre-Planning Part V Meetings.

In addition, there is extensive discussion on the matter of housing at the bi-monthly meetings of the Housing, Community & Cultural Development Strategic Policy Committee, where Councillors and sectoral interest have an input, and are kept informed, of social housing delivery in the county.

The Chief Executive, Management Team and the Housing Directorate are fully committed to build on the social housing delivery programmes already advanced to date, and to work with all relevant stakeholders in achieving same. Given the legislative basis that's in place, it is not deemed necessary, and would not be an effective process, to establish another forum to address housing matters.

The motion was proposed by **Councillor Caroline Lynch** and seconded by **Councillor Darren O' Rourke.** Following a long discussion on the matter and advice from the Chief Executive, **Councillor David Gilroy** proposed an amendment seconded by **Councillor Maria Murphy** i.e. that the motion would be referred for review to a meeting of the Housing SPC, and that all Councillors and Oireachtas members would be invited to that meeting.

The amendment was adopted following a show of hands vote. For 23 – Against 6

9.4 Submitted by Councillor Noel French

"That Meath County Council Councillors oppose the development of a non-medically supervised drug rehabilitation facility at Ballivor by Narconon."





The motion was proposed by **Councillor Noel French** and seconded by **Councillor Ronan McKenna.**

Following a discussion on the matter, an amendment to the motion was proposed by **Councillor Ronan McKenna** to add the additional wording *'and write to the Minister for Health and the Oireachtas Members to introduce emergency legislation on the matter'*

The amended motion was unanimously adopted.

9.5 Submitted by Councillor Trevor Golden

"To further encourage recycling by standardising charges and accepted materials we call on the Minister for Communications, Climate Action and Environment to facilitate the recycling of other household waste goods that are not covered by the Waste Electrical and Electronic Equipment Directive."

The motion, proposed by **Councillor Trevor Golden** and seconded by **Councillor Alan Tobin**, was unanimously adopted.

9.6 Submitted by Councillor Damien O'Reilly

"I call on Meath County Council to write to the Minister of Transport, Sport and Tourism and the National Transport Authority requesting they add additional trains with commuter carriages to the Dunboyne and M3 Parkway service."

The motion was proposed by **Councillor Damien O' Reilly** and seconded by **Councillor Wayne Harding.**

Following a debate on the motion, an amendment was proposed by **Councillor Maria Murphy** i.e. to add the words 'as a matter of urgency'

The amended motion was unanimously adopted.

9.7 Submitted by Councillor Damien O'Reilly

"I call on Meath County Council to write to the Minister for Housing, Planning and Local Government requesting the increase of the gross income limit of joint applicants under the new Rebuilding Ireland Home Loan to €100,000."

The motion was proposed by **Councillor Damien O' Reilly** and seconded by **Councillor Wayne Harding.** A lengthy debate took place on the motion and following a show of hands vote the motion was adopted. Result: For 13; Against 10





9.8 Submitted by FG Councillors Eugene Cassidy, Enda Flynn, Joe Fox, Jim Holloway, Suzanne Jamal, Paddy Meade, Maria Murphy, Gerry O' Connor (Cathaoirleach), Sarah Reilly, Alan Tobin, Sharon Tolan, Gillian Toole

"Meath County Council warmly welcomes the Minister for Health's €8m. new funding allocation to facilitate the provision of 12 new respite care facilities. It asks the Minister to locate one of the proposed new dedicated respite homes in Meath."

The motion, proposed by Councillor Sarah Reilly and seconded by Councillor Sharon Tolan, was unanimously adopted.

9.9 Submitted by Councillor Sinéad Burke

"That Meath County Council:

- supports the establishment of an annual national "Make Way Day",
- will write to an Taoiseach, Leo Varadkar, TD, and to each individual Minister and • Minister of State, calling on them to support, establish, fund and resource an annual national "Make Way Day" which would be localised in each region,
- will annually support and promote a local #MakeWayMeath campaign as part • of the wider "Make Way Day"'

We further propose that Meath lead the way on this issue and contact the Chief Executives and Mayors in all local authorities all over Ireland asking them to join with us in supporting a national #MakeWayDay2018."

Motion deferred.

10 Schedule of Chief Executive & Approved Orders (For Information Only)

- 10.1 Schedule of Chief Executive's Orders Transportation
- 10.2 Schedule of Chief Executive's Orders Environment
- 10.3 Schedule of Chief Executive's Orders Housing
- 10.4 Schedule of Chief Executive's Orders Community & Enterprise

Noted by the Councillors

11 **Any Other Business**