



Miontuairiscí / Meeting Minutes

Ashbourne Municipal District

Ordinary Meeting

9.30 a.m., 9th March 2015, Ashbourne Civic Offices

An Cathaoirleach, **Councillor Suzanne Jamal**, presided.

Councillors Present: Claire O'Driscoll, Darren O'Rourke, Seán Smith, Alan Tobin.

Apologies: Councillor Joe Bonner

Officials in Attendance:

A/Director of Service: Joe Fahy

Meetings Administrator: Claire King

Senior Executive Engineer: Jim Colwell

Executive Engineer: Janet Murphy

Staff Officer: Triona Keating

Also in attendance: John McGrath, Senior Engineer.

1 Confirmation of Minutes

- 1.1 Confirmation of minutes of Ordinary meeting held on 9th February.

The Minutes of the Ordinary Meeting held on 9th February 2015 were adopted on the proposal of **Councillor Seán Smith** and seconded by **Councillor Alan Tobin**.

2 Matters arising from the Minutes

- 2.1 Councillor Seán Smith raised the issue of the redistribution of outdoor staff to Ashbourne Municipal District – Joe Fahy pointed out that three additional outdoor staff have been or are being recruited for Ashbourne Municipal District, that the new operational structure was designed to most effectively deliver services to each of the municipal districts and that all options will be considered to meet needs arising, including flexible resource allocation.



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- 2.2 Councillor Alan Tobin referred to the response provided by the Planning Department to Item 6.3 and the clarification subsequently provided – Joe Fahy outlined the process that will be undertaken in relation to Milltown Road and confirmed that the Transportation Department would provide an update at the April meeting.
- 2.3 Councillor Alan Tobin requested that the meeting agenda be published on the Council's website – it was confirmed that this was normally done.

3 Expressions of Sympathy and Congratulations

Sympathy was extended to:

- The family of the late Peter Woods, former Water Caretaker.

4 To receive an update from Adrian O'Loughlin, Services Manager, Bus Éireann

The Cathaoirleach welcomed Mr. Adrian O'Loughlin, Services Manager, Bus Éireann to the meeting. Mr. O'Loughlin thanked Councillors for the invitation and outlined his role with regard to commuter services in the Greater Dublin Area, the key local service routes and the role of the NTA. He also referred to the consultation process that is ongoing on the review of services.

The main points raised by Councillors, and responses received, were:

- Fee structures, capacity, reliability of services, use of technology, driver knowledge, use of motorways, signage – the role of the NTA in licensing and approving Bus Éireann operations was outlined as well as the variations in service that need to be considered when comparing operators. Councillors were urged to view the PSO contract on the NTA website, which outlines performance targets to be met and penalties for failing to achieve these;
- Services for Kentstown and Stamullen – the key considerations were outlined and it was agreed to check the Kentstown service with the Dundalk office;
- Customer service and the availability of a website with observations on the services – it was pointed out that all feedback is monitored, including that on social media, and that all complaints received are responded to and logged;



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- The misuse of the travel pass by some users – the introduction of the Public Service Card should by the Department of Social Protection mitigate against any misuse;
- The possible re-routing of services to facilitate access to Blanchardstown IT – the need to balance the needs of service users was highlighted;
- The possible provision of a park and ride facility at Ashbourne Retail Park.

Councillors agreed to submit individual queries and comments to Mr. O'Loughlin. The Cathaoirleach and Councillors thanked Mr. O'Loughlin for attending.

5 Statutory Business

5.1 To adopt the 2015 Schedule of Municipal District Works.

Joe Fahy referred to the decision to defer the adoption of the 2015 Schedule of Municipal District Works (SMDW) at the February meeting and the subsequent discussion that had taken place at the March meeting of the Corporate Policy Group.

John McGrath drew attention to the matters discussed by the CPG, including the four SMDWs that had been adopted and therefore cannot be revisited, the need to stay within the overall adopted budget, the acknowledgement that the overall funding available was insufficient to provide all services required and the agreement to try and secure additional funding where possible.

A lengthy discussion followed, with the following issues raised and responses provided:

- The need for equity across the six municipal districts – it was pointed out that the SMDW dealt only with repair and maintenance and excluded projects of a capital nature, for example the works taking place on Main Street, Ashbourne;
- The replacement of the block grant for the three former town councils with the Special Improvement Grant – it was pointed out that the roadworks programme to 2016 did not include the former town council areas and that this grant was taken from the increased allocation from the Department of Transport towards restoration and improvement;



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- The imbalance of funding across the county for the purposes of street sweeping – it was pointed out that this funding allocation was also for parks and open spaces;
- The one-off nature of the NPPR funding;
- The lack of information on what might be included in the capital programme and the need for early consultation with Councillors – it was pointed out that this would be discussed at the April meeting of Meath County Council;
- The need for a multi-annual approach – it was pointed out that the current roadworks programme is a 5 year plan, running to 2016, and that a list of schemes can be compiled and prioritised over a number of years;
- The trial of the litter bins in Ashbourne – a report is to be presented at the April or May meeting;
- The variation in commercial rates across the county – it was pointed out the rates are to be harmonised over the next few years;
- Several individual allocations were queried and responses provided;
- The process to be followed if the SMDW was not adopted at this meeting – the process had been outlined in Circular LG 27/2014, in that it will go before a meeting of Meath County Council after 31st March for adoption if it was not adopted at municipal district level and that only essential works, as determined by the Chief Executive, can be carried out until such time as it is adopted.

It was agreed to hold a roll call vote on the adoption of the 2015 Schedule of Municipal District Works, and the result was as follows:

Councillor	For	Against	Abstain	Absent
Cllr. Bonner, Joseph				ABSENT
Cllr. Jamal, Suzanne	FOR			
Cllr. O’Driscoll, Claire	FOR			
Cllr. O’Rourke, Darren		AGAINST		



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Cllr. Smith, Seán		AGAINST		
Cllr. Tobin, Alan		AGAINST		
RESULT	2	3	0	1

The 2015 Schedule of Municipal District Works for the Ashbourne Municipal District was therefore not adopted.

6 Notice of Question

6.1 Submitted by Councillor Claire O'Driscoll

“It appears to have been the policy of Meath County Council to restrict the period when people could apply for the housing adaptation grant. Is it a possibility that this policy has reduced applications and approvals and thus led to a lesser share of central funding whilst not servicing the housing adaptation needs of Meath residents with a disability? How does the housing section of MCC plan to operate it's opening times for applications this year and to gainfully assess the genuine funding requirement so as to influence next years central government allocation?”

A response was provided by the Housing Section, as follows:

During the period 2011-2013 inclusive, it had been necessary to close the Housing Adaptation Grant Scheme to applications in each respective year, due to the disparity between the funding allocation received from the Department of the Environment, Community & Local Government and the number of unapproved applications to hand. This period also witnessed a significant reduction in our funding allocation, from €1,464,096 in 2011, to €997,208 in 2012 and €596,970 in 2013.

In 2014, a total of €1,000,081 was paid out to 128 applicants. Forty eight applications have been carried forward into 2015, with a total monetary value of €605,397. The scheme has remained opened for applications since January 2014.

An initial allocation was provided of €572,776 in January 2014. Meath County Council has demonstrated its ability to expedite expenditure under this scheme, which resulted in an additional allocation from the Department of €302,068 in September 2014.

The response was noted.



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6.2 Submitted by Councillor Alan Tobin

“Can I ask for verification from the Finance Department if a contribution of €608,000 was paid towards infrastructure including the Linear park/ access road in Killegland and if there were payments made by the other landowners (at the time) in the area namely Brady's, Giltenan's and Gallagher's to the Linear Pk / access road?”

A response was provided by the Planning Department, as follows:

I refer to the notice of question submitted by Councillor Tobin and the earlier responses from this Council to Notices of Question submitted by Councillor Sean Smith. I append an extract from the response to Cllr Smiths question for your information.

“The Killegland area of Ashbourne was identified previously for the purpose of developing a park along the Broadmeadow and for the development of active playing pitches. The Killegland / West Ashbourne Action Area Plan 2003 was a non statutory plan which was prepared to guide development in this newly developing area of Ashbourne. This included a Masterplan for the development of new residential communities, the reservation of sites for national and second level schools, new playing pitches / facilities to be developed by the GAA, infrastructural and community infrastructure provision, etc. A specific objective of the Action Area Plan (S.O. 06 refers) seeks that “Linear parks are to be developed throughout the site as amenity areas incorporating the Broadmeadow River and associated waterways running through the site”. A further specific objective (S.O. 10) seeks “that existing river walks are to be provided within the site and there is to be the provision of more walks and cycle routes, with pedestrian walkways to be created throughout the overall development”.

A joint venture agreement was set up between the four landowners involved in the Killegland Action Area Plan in 2005 / 2006. This joint venture agreement specified the works to be carried out by each party. The objects of the joint venture agreement are as follows:

- *obtaining planning permission for the development works;*
- *the funding of the development works;*



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- *the carrying out of the development works in accordance with planning permission and the Action Area Plan 2003 and in compliance with the Building Regulations under the Building Control Act, 1990, and;*
- *the doing of such other acts, matters and things as may be consistent with necessary for or incidental to the attainment of any of the foregoing objects.*

A company was established by them for the purpose of implementing the objects of the joint venture agreement. The agreement has specific details in relation to the funding of the initial development works i.e. the distributor road, foul sewer, waste water treatment plant and pumping station, surface water sewer and water main. Development works expenditure was agreed taking into account the number of residential units within the combined landholdings which were identified in the planning applications made by the joint venturers and in the Action Area Plan or anticipated by the parties as being the number of residential units which each of the parties requires to avail of capacity within the treatment plant.

The joint venture agreement specifically deals with the provision of the public park (paragraph 3.3.1 and 3.3.2 of the agreement refer). The parties to the agreement committed to the creation and landscaping of a public park in accordance with the requirements of the Planning Authority and that the cost associated with the public park formed part of the development works the cost of which would be shared between the parties on a pro rata basis.

To date the consortium of developers in this area have provided the lands for the GAA club which have been successfully developed. However with the downturn in the economy over the past number of years and the obvious impact of same on residential development, the provision of any works in relation to the proposed park has yet to commence. In more recent applications seeking to extend the duration of existing planning permissions, it has been stated by the developers in their applications that the completion of the linear public park is dependent on the completion of their residential developments.

Whilst details of the legal agreement have been and continue to be submitted with planning applications, it does not appear to date that the provision of the public park is required to be provided in tandem with any particular phase of a development. No part of the park was to be provided within the Millbourne development whilst it does not appear to have been required to be provided within a specific phase of the Churchfields



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development noting that only phase I has been substantially completed to date. The majority of the park was to be provided within the former Ashbourne Development Ltd. site, the permission for which has now expired and the site transferred to public ownership. Furthermore, the Planning Authority is not party to the legal agreement which is between landowners and developers which may affect our ability to give effect to same. This is further compounded in more recent times as parties to the original agreement having been placed in receivership and lands within the Action Area Plan boundary having been sold e.g. the lands owned by Ashbourne Development Ltd. have been sold to the Department of Education and Skills. The Planning Department is in the process of establishing the obligation or otherwise on new landowners within these lands to be bound to the terms of the existing agreement. “

I would reiterate that the Council was not party to the commercial agreements entered into by the developers in this case, nor did it receive a contribution of €608,000 from a developer in respect of the roads and open spaces provision. The Council understands that a financial contribution was made to the construction costs of roads and water/wastewater infrastructure, most probably placing the joint venture vehicle in funds to that end.

The roads and water waste water capacity are in place and the delivery of open space in the form of a linear park will be delivered through the development management process. I would point out that the Department of Education and Skills lands will be the subject of a future planning application and the former Giltenane lands are the subject of a current planning application. Meath County Council has sought further information on the provision of a linear park within the first phase of the development under the applicants control and await their response.

The response was noted.

6.3 Submitted by Councillor Darren O'Rourke

“Can I ask for an outline of the process of getting street names assigned or changed in the Ashbourne area and the policy regarding the use of the Irish language?”

A response was provided by the Planning Department, as follows:

The Meath County Development Plan references the Council policy in respect of street and location naming protocols.



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The full text of section 11.2.2.8 of the plan is set out below:

“The names of residential developments and roads shall reflect local place names, particularly town lands or local names which reflect the landscape, its features, culture and/ or history within which the development is located, including names of historical persons who have some association with the area .

Meath County Council shall approve the names chosen prior to launching of any advertising campaign for a development. Name plates should be fixed to walls and buildings where they can be clearly seen. In order to assist the public and postal authorities, all houses within housing estates or in Comprehensive Street developments shall be provided with numbers and / or names which where feasible shall be visible from the adjoining roadway. Street nameplates should be erected on all estates roads at a location that is clearly visible to the motorist. Ideally, they should be placed at junctions to be of maximum assistance to the navigating motorist, cyclist or pedestrian.”

The Planning Authority requires proposals for place names to be submitted for agreement where they were not included in the schedule of the development proposed within a planning application. The approval of place names is an executive function of the Planning Authority under the Development Management process.

Other statutory protocols exist under the 1946 Local Government Act and the Official Languages act where it is proposed to change an existing place name such as that of a town, the most recent examples of which are the South Dublin County Council plebiscite Palmerstown /Palmerston and the County Kerry example of Dingle/ An Daingean UiChuis.

The Official Languages Act and the Place-names Order gave the Minister extra powers which allowed him to bypass the natural democratic protections that have been put in place over the years by local Government Acts. These being that a town name cannot be changed unless more than 50% of the county council agree to the change, public notices are published, submissions received, and a plebiscite of the local community affected is held. The name can only then be changed if over 50% of the people of that area vote for the name change. Under the current Local Government legislation, this must then be presented to Government and they decide if the town can change its name.

The response was noted.



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Councillor Darren O'Rourke sought clarification as to whether the process to be followed in respect of changing street names was the same as that referred to in the response regarding changing existing place names such as that of a town. He referred to possible proposals coinciding with the 1916 commemorative events.

7 Notice of Motion

7.1 Submitted by Councillor Suzanne Jamal

"I call on Ashbourne Municipal District Area council to carry out cleaning works to the river at Walterstown Church. There is a lot of overgrowth and residents in the vicinity are fearful of flooding which has occurred in the past."

Supporting information was provided by the Transportation Department, as follows:

The Ashbourne Municipal District intend to clean out the river as part of the annual maintenance works, with a view to further investigation into the reason for the flooding events.

The motion was proposed by **Councillor Suzanne Jamal** and seconded by **Councillor Alan Tobin**.

The motion was adopted.

7.2 Submitted by Councillor Claire O'Driscoll

"That the members of Ashbourne Municipal District call on the executive to engage with the members about its capital expenditure programme in the district for 2015 without delay so as to progress such projects as Ashbourne Skate park, Civic Amenity Centre in the district and development of open green spaces in Stamullen and Ashbourne."

Supporting information was provided by the Finance Department, as follows:

We are in the process of completing the AFS FOR 2014. The Capital element within this will provide the basis for the capital program. We will engage with councillors as soon as this information is available.



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The motion was proposed by **Councillor Claire O'Driscoll** and seconded by **Councillor Seán Smith**.

Councillor Claire O'Driscoll expressed her dissatisfaction at the timing of consultation with councillors and how adopted motions should be used to influence decisions. Councillor Seán Smith referred to a meeting taking place that afternoon with the Chief Executive with a view to presenting the case on behalf of Ashbourne Municipal District and based on discussions that had taken place at previous municipal district meetings. Joe Fahy urged Councillors to identify possible projects for inclusion.

The motion was adopted.

7.3 Submitted by Councillor Alan Tobin

“In light of flooding last November, can I ask Meath County Council to set up a mailing list of all land owners either agricultural or developmental so as an annual reminder / information can be sent out to those responsible for maintenance of hedgerows and drain.”

Supporting information was provided by the Transportation Department, as follows:

It is the legal responsibility of the owner or occupier of lands to take all reasonable steps to ensure that trees, hedges and other structures are not a hazard or potential hazard to persons using public roads. It is however Meath County Council's opinion that the setting up and maintenance of a mailing list of all landowners would be too onerous. Meath County Council does publish a notice twice a year in local newspapers advising landowners/occupiers of their responsibilities in relation to hedge cutting. The Council will also consider extending these notices to include a reference to the responsibility of landowners for maintenance of drainage.

The motion was proposed by **Councillor Alan Tobin** and seconded by **Councillor Seán Smith**.

Councillor Alan Tobin referred to the responsibility of landowners in preventing flooding and the related costs to homeowners. He emphasised the need for such a mailing list and he also urged that all local newspapers be used, covering all parts of the county.

The motion was adopted.



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7.4 Submitted by Councillor Darren O'Rourke

“Considering the level of existing and planned development in the area, including the possible opening of a link road to/through the proposed new school complex, that Meath County Council will carry out a full assessment of the Johnswood road in Ashbourne which runs through Johnswood, Westfield, Brindley Park and Millbourne estates, with a view to proposing traffic calming/control measures, given the large population in the area and the likely increase in traffic; same to consider the positioning/sequencing of traffic lights at the Johnswood/R135 junction.”

Supporting information was provided by the Transportation Department, as follows:

An appropriate signalised traffic light system has been designed for the junction of R135 and St. Johnswood Road and is an integral part of the proposed Phase 2 of the Ashbourne Main Street refurbishment Scheme.

Meath County Council is happy to design and implement an appropriate traffic management system on St. Johnswood road in accordance with the Road Traffic design manual. This provides for options such as speed tables, ramps and associated traffic control measures. The appropriate selected measure will be a factor of road function (e.g., distributor road, residential road, etc).

The provision of pedestrian crossings will be incorporated as per the traffic management system referred to above.

The motion was proposed by **Councillor Darren O'Rourke** and seconded by **Councillor Seán Smith**.

The motion was adopted.

7.5 Submitted by Councillor Darren O'Rourke

“That this council, recognising the need for safety for children at play in the housing estates in which they live, calls on the Minister for Transport to pass the Road Traffic Amendment Bill 2015 commonly known as Jake's Law, in memory of Jake Brennan, in order to introduce a new mandatory speed limit of 20km specifically for housing estates.”



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The motion was proposed by **Councillor Darren O'Rourke** and seconded by **Councillor Seán Smith**.

An amended motion was proposed by **Councillor Alan Tobin** and seconded by **Councillor Darren O'Rourke**, as follows:

"That this council, recognising the need for safety for children at play in the housing estates in which they live, calls on the Minister for Transport to pass the Road Traffic Amendment Bill 2015 commonly known as Jake's Law, in memory of Jake Brennan, in order to introduce a new mandatory speed limit of 30km specifically for housing estates."

Councillor Darren O'Rourke pointed out that the legislation had passed through the second stage in the Dáil and would need to be amended to 30km. Joe Fahy pointed out that guidelines had still not been published by the Department.

The amended motion was adopted.

8 Correspondence

8.1 Correspondence from Private Secretary to the Minister of States.

The correspondence was noted.

8.2 Correspondence from Private Secretary to the Minister of Justice and Equality.

The correspondence was noted.

9 Any Other Business

9.1 Councillor Alan Tobin expressed his dissatisfaction at recent correspondence with a member of the public.



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This concluded the business of the meeting.

Signed:

Cathaoirleach