



Miontuairiscí / Meeting Minutes

Ashbourne Municipal District

Ordinary Meeting

11:00am, 8th December 2014, Ashbourne Civic Offices

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

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

Officials in Attendance:

A/Director of Service: Joe Fahy

Meetings Administrator: Claire King

Administrative Officer: Paul Monahan

Senior Executive Engineer: Adrian Hobbs

Assistant Staff Officer: Rose McManus

Clerical Officer: Fiona Casserly

Apologies: Janet Murphy, District Engineer

1 Confirmation of Minutes

1.1 Confirmation of minutes of Ordinary meeting held on 10th November 2014.

The Minutes of the Ordinary Meeting held on 10th November 2014 were adopted on the proposal of **Councillor Claire O'Driscoll** and seconded by **Councillor Seán Smith**.

2 Matters arising from the Minutes

In response to a query from Councillor Seán Smith, Joe Fahy confirmed that 4 additional outdoor staff was being recruited for Ashbourne Municipal District as part of the new operational structure for the six Municipal Districts. John McGrath, Senior Engineer, will be overseeing this operational structure and will attend the January meeting of Ashbourne Municipal District to outline the new approach. Three Senior Executive Engineers will oversee the six District Engineers operating at Municipal District level.



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Councillor Claire O'Driscoll queried as to whether the funding allocated to a previous Cathaoirleach for the provision of a skate park in Ashbourne was still available. Paul Monahan confirmed that there was never any specific funding allocated for previous Cathaoirleach. Furthermore, the skate park project did not proceed.

3 Expressions of Sympathy and Congratulations

There were no expressions of sympathy or congratulations.

4 Statutory Business

4.1 Finance

- 4.1.1 To agree the allocation of the Festive Lighting fund for Ashbourne Municipal District.

It was agreed on the proposal of **Councillor Alan Tobin** and seconded by **Councillor Joe Bonner** to allocate the €1,000 Festive Lighting Fund to Ashbourne Chamber of Commerce to contribute towards the costs of the Christmas lighting in Ashbourne and to request that the contribution be acknowledged.

It was agreed that this matter would be included on the Agenda for the March meeting to discuss how it should be allocated in 2015.

4.2 Transportation

- 4.2.1 To receive an update on the works at Main Street, Ashbourne.

Jonathon Ryan, Senior Resident Engineer, attended the meeting and provided an update on the works taking place on Main Street, Ashbourne. It was pointed out that the project was 40% complete and was on track for completion in July 2015. The works planned for December and January were outlined.

Councillors commended the works that had taken place to date, with minimum disruption and inconvenience. Issues raised included:



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- Confirmation that there was no need to seal the pavement for slip resistance and that the finish would meet the necessary standards;
- A sophisticated traffic light system will be installed that will integrate all junctions and that will respond to traffic volumes;
- The need to provide a footpath on Milltown Road – it was confirmed that whilst this was not included in Phase I, that the need for a footpath at this location had been identified and that this could be included in a future phase subject to available funding;
- The need to provide a walkway between Frederick Street and Killegland Street – AIB had already indicated that they were not agreeable to this but it would be pursued;
- ‘No Parking’ signage to be installed at the entrance to the parish hall;
- The installation and six week trial of 8 new litter bins on Main Street, to replace the existing bins. These solar powered bins provide 8 times the capacity of normal bins and also have a capability (but not installed in the trial bins) for a number of additional functionalities such as wifi and electronic signage.
- The need for local businesses to be encouraged to support the improvements taking place and taking responsibility for the areas outside their premises. It was agreed that the Environment Section would be requested to contact businesses and request their assistance with regard to litter management and remind them of their obligations under the Litter Management Act.

It was proposed by **Councillor Joe Bonner** and seconded by **Councillor Alan Tobin** that a funding allocation be made to ensure that the street was cleaned 2-3 times per year to protect the investment being made.

5 Notice of Question

5.1 Submitted by Councillor Alan Tobin



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“Can the executive please provide an update on progress made thus far with the traffic management situation around the proposed new school campus as the delays in this project are causing severe hardship for families trying to find school places and school resources are stretched to the maximum now in Educate Together, Gaelscoil Na Mí and Ashbourne Community School?”

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

This is a live planning application (AA140734). The Council accordingly is very restricted in what it can say and can only provide the following information. Further Information was sought on 10th October 2014 and a response is due by 18 April 2015, unless a request is made to extend the further information period. To date no response has been received.

The response was noted. Joe Fahy confirmed that traffic management must be properly addressed in the consideration of the planning decision and before planning permission would be granted.

5.2 Submitted by Councillor Seán Smith

“Can the executive please provide an update on the status of land at Hunters Lane being made available for the purpose of a Scouts Den, the nature of an agreement and what terms and conditions are placed on the group?”

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

Scouting Ireland 6th Meath (Ashbourne Scout Group) wrote to the Council in April 2013 requesting use of Council owned lands adjacent to Hunters Lane, Ashbourne to provide a purpose built scouts den. The matter was discussed at the April 2013 Dunshaughlin Area meeting, where the members were informed that the Council would be agreeable to disposing of the land to the Scouts Group by way of a lease and that the group would need to discuss the proposal with the Planning Department. The Area members welcomed and supported the project.

Subsequent to this the Scouts Group had several meetings with Council officials, whereby it was agreed that the Council would issue a letter of consent to the Group to enable them to apply for planning permission to carry out works on the lands at Hunters Lane, Ashbourne. The Group had a further meeting with a Planning official in November 2013 and the letter of consent issued in December 2013.



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The Group can as it stands lodge a planning application to develop the lands. If this is granted then the Group will have to comply with whatever conditions are set out in the permission. If the land is disposed of to the group by way of lease then again they will have to comply with the conditions contained therein.

The response was noted. Councillor Seán Smith asked who the scouts should contact to seek information on the terms and conditions regarding building regulations, design and planning conditions. Joe Fahy pointed out the best approach is to seek a pre-planning meeting to address these issues and suggested that Paul Monahan could assist with this.

5.3 Submitted by Councillor Claire O'Driscoll

“Can the executive please provide details of plans to seek funding from the NTA, or other authorities, for the provision of a footpath with street lighting from the national school in Kentstown to the soccer pitch, a distance of approximately 250-300 metres, in order to improve pedestrian linkages in the village?”

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

Meath County Council receives many requests for similar footpath schemes and the Transportation Section keeps a list of these (and others for pedestrian and cycling facilities) for consideration when making applications for funding from the National Transport Authority. The estimated cost of the schemes already on the list are already far in excess of the monies that are likely to be available from the NTA, and the Transportation Section consult with MD staff to help decide which schemes are the greatest priority. The NTA funded a pedestrian crossing in Kentstown in 2013, however, they have since indicated that their priorities for investment are focused on the main population centres within the County which is likely to be problematic when seeking funding for footpaths in smaller settlements and rural areas.

Footpaths can also be considered from other headings in the roadworks programme. However, recent experience is that this funding is concentrated largely on road pavements and maintenance rather than footpaths.

The response was noted.

5.4 Submitted by Councillor Darren O'Rourke



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“Can the executive please confirm if Meath County Council has been requested to compile a list of Local Authority dwellings, and the details of tenants who live at those addresses, and to submit this information to Irish Water and, if so, has Meath County Council handed over these details to Irish Water yet or is it their intention to comply with the request in the future and is it intended to inform their tenants that they intend to pass on/have passed on their personal details to a third party?”

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

Correspondence was issued by Irish Water on the 9th October 2014 to all Local Authorities, requesting that they prepare a list of all domestic properties in their ownership and associated tenant names, for provision to Irish Water. Further details and timing of this process are to be issued, and we currently await same. No information has been forwarded to Irish Water by Meath County Council at this time. The Council will revert with a further report to members when we have full details regarding the matter, and are in a position to make a response to the aforementioned request.

The response was noted.

6 Notice of Motion

6.1 Submitted by Councillor Alan Tobin

“To ask Meath County Council to immediately upgrade the Council works/yard adjacent to the waste water treatment area at Deerpark Ashbourne to facilitate emergency provisions for adverse weather to include sand, sand bags, grit, salt ,signage ,shovels etc., similar to Ratoath and Dunboyne.”

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

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

Following the recent exceptional rainfall event, contingency requirements in the Municipal Districts are being reviewed.

Councillor Tobin referred to a report he had prepared and circulated to Councillors. Councillors expressed their support for this motion and a lengthy discussion followed. It



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was agreed that a special meeting to discuss the flooding issues be held, with representatives from relevant bodies, including the OPW, in March 2015.

6.2 Submitted by Councillor Alan Tobin

“That Meath County Council evaluate/cost the provision of cycle lanes on the old N2 or R135 to encourage cycle tourism and commuting to work in safety, the cycle lanes to run in both directions from Ashbourne's Frederick St to the Meath / Dublin border.”

The motion was proposed by **Councillor Alan Tobin** and seconded by **Councillor Joe Bonner**.

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

The NTA undertook a study in 2013 to look at the provision of cycling infrastructure in the Greater Dublin Area. This led to the production of the Greater Dublin Area Cycle network plan which is available at the following link;

<http://www.nationaltransport.ie/publications/transport-planning/gda-cycle-network-plan> . The report includes the statement below in relation to the context of the study and why it was undertaken:

In order to ensure that investments are focused in an efficient manner towards reaching these ambitious targets, the NTA and the Local Authorities within the GDA need to know what bicycle facilities are currently available, where they are missing sections, what is their condition and what improvements are likely to be required. In addition, a strategic cycle network map of the GDA needs to be prepared which will help the NTA in allocating funding towards the implementation of strategically important schemes. Information outlined in this report will allow cycle infrastructure projects to be prioritised in terms of the importance to the strategic network and the likely cycle demand for such a scheme.

Meath County Council collaborated with the NTA and their consultants during the study. The final report includes the route described in the Notice of Motion along the R135 south of Ashbourne and identifies it as an Inter-Urban Route (M17/F9) as follows:

M17/F9 Ashbourne to Dublin along the R135 (old N2) on hard shoulders. Ashbourne to Swords: The direct route along the R125 is not suitable for cycling due to traffic conditions. Instead branch off Route M17 at Ward Cross and follow the proposed route F7b from Blanchardstown to Swords.



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The inclusion of this route in the GDA Cycle Network Plan will be a significant consideration for the NTA in future funding decisions in relation to the scheme.

6.3 Submitted by Councillor Seán Smith

“That funding is provided from the current Meath County Development Contribution Scheme for the design, landscaping and completion of a Linear Park along the Broadmeadow River and for completion of the Broadmeadow Riverwalk. This is in lieu of Planning Applications for Millbourne Phase 1 and 2 (DA/130728; DA/30422) and consistent with objectives of the Killegland/West Ashbourne Action Area Plan 2003”.

The motion was proposed by **Councillor Seán Smith** and seconded by **Councillor Joe Bonner**.

Supporting information was provided by the Planning Section, as follows:

There have been a number of notices of motion submitted to Meath County Council and the Ashbourne Municipal District meetings since the new Council was formed in relation to this issue and the wider provision of a park to serve Ashbourne. An assessment of open space provision in Ashbourne, and in particular the development of a riverside park in the Killegland area of Ashbourne, has been undertaken and is nearing completion by the Planning Department. This report will be presented to the Ashbourne Municipal District members for their consideration in the near future.

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. The parties to the agreement were:



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- *Kealahill Homes Limited*
- *Patricia and Cornelius Giltinane*
- *Ashbourne Developments Limited*
- *John Bourke & Michael Ryan T/A Rybo Partnership*

This joint venture agreement specified the works to be carried out by each party. The objectives of the joint venture agreement are as follows:

- *Obtaining planning permission for the development works;*
- *The funding of the development works;*
- *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, Killeglan Development Limited, was established by them for the purpose of implementing the objectives 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.

Their 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 has 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



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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 development, noting that only phase 1 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.

To accede to the proposed Notice of Motion would excuse the developers and landowners from honouring their commitment to the provision of this riverside park and at no expense to the Council. Meath County Council is committed to working with the developers and landowners with a view to advancing the provision of the riverside park and will engage with the relevant parties in that regard.

The Section 48 Development Contribution Scheme (DCS) adopted by Meath County Council in 2010 and subsequently amended in 2013, provides a mechanism for Meath County Council to generate the local funding requirement for major infrastructural projects and amenities. There is no provision in the DCS to allow specific development contributions generated by a particular development to be ring fenced to provide a local amenity as proposed in the Notice of Motion. The application of these locally generated funds is informed by the Council Capital Works Programme agreed with the members of the Authority on an annual basis.

The fiscal environment dictates that the Council must also reduce any unfunded balances on the Councils capital programmes. The Council is further constrained by Government Circular Fin 03/2009 "Control and monitoring of local Authority



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Contributions to the General Government Balance (GGB) “ which directed that Local Authorities do not undertake any expenditure that would result in a deterioration in the General Government Balance. As a consequence Local Authorities have limited the scope of amenity funding to a small number of amenity projects which serve as a County wide resource.

Councillor Smith noted the comprehensive response provided, agreed to withdraw the motion and asked that the report referred to in the response be presented at the January meeting of Ashbourne Municipal District.

The motion was withdrawn.

6.4 Submitted by Councillor Claire O’Driscoll

"That the executive of Meath County Council, in their monthly meeting with the NRA, highlight the inadequacy of the current traffic situation on the N2 and two further issues relating to the N2: (1) that the road between Ashbourne and Kilmoon Cross remained impassable for much of the day on the 13th November due to flooding and (2) that the road was closed due to a multi-vehicle crash after Kilmoon Cross on the 26th November 2014."

The motion was proposed by **Councillor Claire O’Driscoll** and seconded by **Councillor Alan Tobin**.

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

The NRA is fully aware of the issues on this stretch of the N2 and the Council will continue to bring to their attention to incidents that occur on this part of the network.

The motion was adopted.

6.5 Submitted by Councillor Claire O’Driscoll

“That the Members of Ashbourne Municipal District call on 'Public Health' providers in County Meath to make the BCG vaccination service available at least monthly in Ashbourne town.”



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The motion was proposed by **Councillor Claire O'Driscoll** and seconded by **Councillor Alan Tobin**.

The motion was adopted.

6.6 Submitted by Councillor Darren O'Rourke

"That Ashbourne Municipal District recognises the exceptional weather event of Thursday 13th November 2014 and the risk, distress and often financial loss this caused for many people in the Ashbourne Municipal District area and commits to carrying out a full analysis of those factors within our control which contributed to the associated flooding and to prepare a plan of preventive and corrective actions to be carried out, and a schedule for same."

The motion was proposed by **Councillor Darren O'Rourke** and seconded by **Councillor Alan Tobin**.

Supporting Information provided by Transportation

Following the recent exceptional rainfall event, contingency requirements in the Municipal Districts are being reviewed.

The motion was adopted.

6.7 Submitted by Councillor Darren O'Rourke

"That Ashbourne Municipal District recognises that the residents of the Grange housing estate in Stamullen, through no fault of their own, are waiting for an inordinate period of time to have their estate finished to an acceptable standard, and again this winter are in darkness due to lack of lighting; that the council commits to work with residents and other parties/stakeholders to ensure that by June 2015 the estate is up to a standard to be taken in charge by Meath County Council, and that public lighting in the estate will be treated as an immediate priority."

The motion was proposed by **Councillor Darren O'Rourke** and seconded by **Councillor Joe Bonner**.

Supporting Information provided by Planning



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Meath County Council has received a valid request for the Taking in Charge of The Grange Estate and this process has commenced. An initial inspection has been carried out and a snag List issued to the Developer in relation to the outstanding works to be completed prior to The Council taking in charge the estate.

The Planning Authority has also issued an Enforcement Notice to the Developer on the 29th October 2014 requiring the developer to carry out work in Compliance with condition Number 9. (Street lighting shall be provided and made operational and it shall be in accordance with the standards laid down in the current E.S.B. Publication Public Lighting in Residential Estates". Lanterns shall be of S.O.N. type). The time period specified in the Enforcement Notice for completion of the works is 8 weeks.

As a result of the issuing of the Enforcement Notice and snag list the developer has engaged with the Council to progress the completion of the works on site. The Planning Authority met with the Developer on Wednesday 26/11/2014 and at this meeting the majority of items listed on the snag list (including Public lighting) was agreed and the Developer indicated his intention to complete these works in the coming months.

The Planning Authority cannot give a time frame for the completion of the works, as it is the developer who is undertaking the works. However the Council will assist and give guidance to the developer to ensure that the works are carried out as efficiently as possible and to the standards required by Meath County Council.

The motion was adopted.

7 Correspondence

There was no correspondence.

8 Any Other Business

8.1.1 Request from Councillor Darren O'Rourke to invite Stamullen Community Alert to address a future meeting of Ashbourne Municipal District.

It was agreed on the proposal of **Councillor Darren O'Rourke** and seconded by **Councillor Joe Bonner** to invite representatives from Stamullen Community Alert to address a future meeting of Ashbourne Municipal District.



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8.1.2 Councillor Alan Tobin raised the following issues:

- The issue of sewerage entering the Broadmeadow river over the past two weeks – Adrian Hobbs agreed to look into this;
- The difficulties of homeowners in obtaining insurance at Rathlodge – it was pointed out that this was a private matter and the local authority cannot intervene.

8.1.3 Councillor Joe Bonner raised the following issues:

- The traffic lights on the N2 at Johnstown Wood need to be rectified;
- Clarity was needed around the status of the road between the GAA club at Milltown, which was intended to be a link road – it was pointed out that this issue would be looked at as part of the LAP review.

8.1.4 Joe Fahy informed the Councillors that:

- Michael Finnegan, Road Safety Officer, had been shortlisted for a national Road Safety Award, which is taking place on 10th December;
- This would be Adrian Hobbs's last meeting as he was to move to Procurement in January 2015. Councillors thanked Adrian and wished him well in his new role.

This concluded the business of the meeting. The Cathaoirleach thanked everyone for their input over the year and wished everyone a happy Christmas.

Signed:

Cathaoirleach