



Miontuairiscí / Meeting Minutes

Ashbourne Municipal District

Ordinary Meeting

9:30 a.m., 12th December 2016, Ashbourne Civic Offices

An Cathaoirleach, **Councillor Alan Tobin**, presided.

Councillors Present: Claire O'Driscoll, Suzanne Jamal, Darren O'Rourke, Seán Smith.

Apologies: Councillor Joe Bonner

Officials in Attendance:

Head of Finance: Fiona Lawless

Meetings Administrator: Claire King

Executive Engineer: Janet Murphy

Staff Officer: Triona Keating

1 Confirmation of Minutes

1.1 Confirmation of minutes of Ordinary Meeting held on 14th November 2016.

The Minutes of the Ordinary Meeting held on 14th November 2016 were adopted on the proposal of **Councillor Seán Smith** and seconded by **Councillor Alan Tobin**.

2 Matters arising from the Minutes

There were no matters arising.

3 Expressions of Sympathy and Congratulations

Congratulations were extended to:

- Dunmoe/Ashbourne Under 21s on winning the County Championship and to Skryne for reaching the final;



Miontuairiscí / Meeting Minutes

- Meath County Council on winning the Excellence in Local Government Award – Enhancing the Urban Environment for the Ashbourne Main Street Refurbishment Scheme.

4 Statutory Business

4.1 Planning

- 4.1.1 To discuss issues relating to Rights of Way in Ashbourne Municipal District.

Fergal O’Bric, Executive Planner attended the meeting and referred to the opportunity to make submissions regarding designated Rights of Way as part of the review of the County Development Plan, which is due to commence shortly. A short discussion followed, with Councillors referring to a number of established Rights of Way in the Municipal District that are possibly under threat and/or are not designated Rights of Way. It was suggested that submissions be made as part of the County Development Plan review but that engagement first take place with affected landowners to avoid later challenges.

- 4.1.2 To receive an update on the Local Area Plan and the Public Realm Plan.

Fergal O’Bric, Executive Planner confirmed that the preparation of the Public Realm Plan, which will be undertaken first and will inform the development of the Local Area Plan, will commence in January and that Wendy Bagnall, Senior Executive Planner, would attend the January meeting to provide an update on both projects.

A short discussion followed on the nature of consultation that would be undertaken as part of the Public Realm Plan and it was agreed that Councillors should submit contact information for relevant groups, representatives of which could attend the January meeting, and also issues that should be addressed as part of the plan. One of the key issues was identified as being connectivity between the two main streets and it was agreed that this should be included, with engagement with the relevant stakeholders. The possible funding sources for elements of the plan were broadly discussed. The ongoing need for additional open space was also referred to.



Miontuairiscí / Meeting Minutes

4.1.3 Matters Arising

Councillor Claire O'Driscoll referred to Item 6.5 - Notice of Motion and the need for guidelines for solar farm developments.

4.2 Corporate Services

4.2.1 To discuss the Arts, Festivals, Festive Decoration & MD Renewal Budgets.

Dara McGowan, Senior Executive Officer, Corporate Services attended the meeting and confirmed that a balance of €7,000 remained in this budget and could be allocated or deferred to 2017. After a short discussion on possible projects to which this budget could be allocated, it was unanimously agreed to defer this balance to 2017.

Dara also confirmed that the screening of the Battle of Ashbourne documentary would take place in Solstice Arts Centre on 19th December at 7.30pm.

4.2.2 To note Municipal District Allocations submitted by Councillors on behalf of Ashbourne Municipal District.

The list of allocations, circulated in advance, was noted.

4.3 Transportation

4.3.1 To receive a Progress Report on works undertaken/planned for Ashbourne Municipal District.

The report had been circulated in advance and matters raised by Councillors included:

- The need for additional outdoor staff in the Municipal District;
- The commencement of works by the OPW at Rath Lodge – it was confirmed that works would commence in January;
- Sign cleaning – Councillors were asked to submit locations;



Miontuairiscí / Meeting Minutes

- The footpath to the school at Gormanston – it was pointed out that this would be considered as part of the 2017 Schedule of Municipal District Works;
- The works needed in Stamullen village to the crossroads – it was agreed to check this with Transportation Planning & Design.

Councillors acknowledged the volume of work undertaken by Janet Murphy and her team throughout the year.

4.4 Community

4.4.1 To receive an update on the Ashbourne Linear Park.

An update had been circulated with the agenda and matters raised by Councillors included:

- The need for a feasibility study in relation to Zone 7 – it was pointed out that such a study would only be undertaken if required and would not cause an undue delay;
- The possibility of including the riparian strips for zones 1 & 2 in any feasibility study being undertaken – it was agreed to check if this would be required;
- The expectation that all zones would be progressed simultaneously – the progress in respect of each zone had been outlined and it was pointed out that further funding allocations would be required and reference was made to the new capital programme;
- The request by residents in Broadmeadow Castle on receiving a report from the Council on the benefits of the estate being taken in charge prior to a plebiscite being agreed – it was agreed to refer this request to the Planning and Community Departments;



Miontuairiscí / Meeting Minutes

- The need to present the drawings currently on display in the Chamber in order and labelled and either in the Toradh Gallery or in the library to facilitate the public in viewing and understanding same.

5 Notice of Question

5.1 Submitted by Councillor Darren O'Rourke

“Can I ask for the up-to-date position of the Ashbourne Municipal District housing list following the 2016 review?”

Response:

The gross housing need currently recorded for the Ashbourne Municipal District is 409.

The response was noted.

5.2 Submitted by Councillor Seán Smith

“What is the enforcement procedure for demolishing buildings following the rejection of Planning Applications for Retention and how many have been demolished in Meath in the last five years?”

Response:

A Planning Authority may, following a decision to refuse planning permission, initiate enforcement action requiring the discontinuation of the use of a structure and or the removal of that structure. This involves invoking the standard enforcement protocol, which provides for the issue of a warning letter and the subsequent issue of an enforcement notice.

In certain circumstances, an injunction pursuant to S160 of the Planning Acts may be sought seeking the court to issue a direction to the landowner / operator to cease an activity and or remove a structure. S160 proceedings are generally only issued where there has been a significant breach or an urgent order of the court is required to stop an unauthorised activity.



Miontuairiscí / Meeting Minutes

In the event of non compliance with an enforcement notice, the Council may bring a complaint to the courts seeking compliance with the actions listed in the enforcement notice. The power to determine whether a structure or activity constitutes unauthorised development rests solely with the court. The Court may, at its discretion, order compliance with one or more actions set out in an enforcement notice.

The following advices are offered on the broader question of planning status .

A structure or use may not have the benefit of planning permission but may be immune from enforcement action where it has been in situ for a period in excess of 7 years. An applicant may seek to regularise a use or structure by lodging a planning application to retain the development. This happens regularly where a sale is pending and planning searches have identified non compliances with the planning code. It follows that the planning authority may grant retention or it may refuse such an application. Where a refusal issues, it does not automatically follow that the planning authority may seek the removal of the structure in question, because such structures may be unauthorised but immune from enforcement action.

In practice the courts are generally reticent to order the removal of a structure, especially where it constitutes a family home. The Courts are bound by the principle of proportionality in considering such matters.

In summary, only a Court can determine whether a structure or use is unauthorised and the courts retain the discretion on whether or not to order its removal.

There are 14 sites in Meath where structures have been removed over the past 5 years.

The response was noted.

5.3 Submitted by Councillor Alan Tobin

“Can I ask for the following information on all properties on both sides of the roadside on the R135 south of the 9 mile stone roundabout to the Dublin border and north of the roundabout to Rathfeigh Cross:

- How many planning applications have been refused?
- How many retentions have been refused and what action has been taken?



Miontuairiscí / Meeting Minutes

- Can we be provided with a map detailing what properties are currently paying commercial rates?”

Response:

The scope of information sought in the first two parts of this Notice of Question is voluminous and Planning currently do not have the resources to furnish this level of detail for the December Municipal District meeting. It is confirmed that the Planning Enforcement team is liaising with An Garda Síochána in respect of a number of sites on the N2. There is a diverse range of planning non compliances along this road, many of which relate to lands in the ownership of long established residents of the area. While the assistance of An Garda Síochána is required in respect of some sites, the Council is also pursuing other unauthorised developments on the N2.

The Planning department will make staff available at the January Municipal District meeting to discuss these matters, if required. It is suggested that this item be discussed “in committee”. Should the Members enquiries relate to particular sites, the Planning Authority will be available to offer advices in the interim.

With regard to the third part in this Notice of Question, Members are asked to note that there is no correlation between the payment of commercial rates and the planning status of any particular site or business thereon.

Meath County Council cannot give out information on what properties are currently paying rates; this is commercially sensitive information and to do so would have serious data protection implications.

However, it is in the public domain to view what properties are rated in the whole country. The can be viewed via an interactive map on the website of the Valuations office. Here you can zoom in on any particular area (or road) and rated properties are signified by a green dot. If you click on the dot information on that property is displayed. Please paste the following into a web browser (do not use Internet Explorer) <https://maps.valoff.ie/maps/VO.html>, this will bring you to the part of the website that the map is contained.

The response was noted. **Councillor Alan Tobin** proposed that, as per the response, staff from the Planning Department attend the January meeting to discuss, “in committee”, relevant issues and this was seconded by **Councillor Suzanne Jamal**.



Miontuairiscí / Meeting Minutes

6 Notice of Motion

6.1 Submitted by Councillor Darren O'Rourke

"That Primatestown Junction be a standing item on the agenda for Ashbourne Municipal District meetings until such time as deemed unnecessary."

The motion was proposed by **Councillor Darren O'Rourke** and seconded by **Councillor Claire O'Driscoll**.

A short discussion followed and it was acknowledged that recent traffic light upgrades had resulted in significant improvements. A further discussion took place around the impact of the heavy traffic on the N2 associated with Knockharley landfill, including road maintenance and litter. It was agreed that the Council's submission on the current SID submission should include reference to these issues.

The motion was adopted.

6.2 Submitted by Councillor Alan Tobin

"That two ramps be installed adjacent to the parking area outside the playground gate on Castle Street."

Supporting information subject to the motion being proposed, seconded and considered:

As part of a planning application opposite this site, Meath County Council will be erecting pedestrian lights and raised crossing at this location next year. This is subject to a special contribution on the developer.

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

The motion was adopted.

6.3 Submitted by Councillor Alan Tobin



Miontuairiscí / Meeting Minutes

“That proper pedestrian crossing facilities be provided at the Thomas Ashe roundabout, Castle Street.”

Supporting information subject to the motion being proposed, seconded and considered:

There are currently no proposals to upgrade the pedestrian crossing facilities at the Thomas Ashe roundabout.

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

The motion was adopted.

6.4 Submitted by Councillor Claire O’Driscoll

“That Ashbourne Municipal District writes to the NTA outlining the case for the train station at Gormanston to be included in the short hop zone so that commuters may benefit from using the leap card at this station.”

The motion was proposed by **Councillor Claire O’Driscoll** and seconded by **Councillor Darren O’Rourke**.

The motion was adopted.

6.5 Submitted by Councillor Claire O’Driscoll

“In light of the granting of planning permission for solar farms in Stamullen and the current applications to Meath County Council for solar farms in this district, that Ashbourne Municipal District calls for national guidelines in respect of this emerging industry.”

Supporting information subject to the motion being proposed, seconded and considered:

The Planning Authority is bound by current development plan policies, together with Government policy on renewable energy. I can confirm that the scope of matters



Miontuairiscí / Meeting Minutes

considered by the Planning Authority in respect of Solar Farm planning applications is as set out in the attached planning report.

The review of the County Development plan, due to commence on 14th December, shall consider policy formulation in this area. Members are invited to make submissions to that statutory process.

The Planning Authority notes the Municipal District Member's call for the development of national policy in this area. Such requests should be directed to the Department of Communications, Climate Action and Environment.

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

The motion was adopted.

6.6 Submitted by Councillor Seán Smith

"That a letter is written from Ashbourne Municipal District Councillors to the National Transport Authority to request funding for the completion of the upgrade of the approach roads to Ashbourne, from the Pillo Roundabout to the Nine Mile Stone Roundabout."

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

The motion was adopted.

7 Correspondence

- 7.1 Correspondence received from TII in response to the Notice of Item 8.3 – Notice of Motion as adopted at November monthly meeting re the Nine Mile Stone roundabout.

The correspondence was noted. It was agreed that a response would issue acknowledging the correspondence received and requesting that the schedule be reviewed to ensure the contract is carried out as intended.



Miontuairiscí / Meeting Minutes

7.2 Correspondence received from Ashbourne Chamber of Commerce.

The correspondence was noted.

8 Any Other Business

8.1 Councillor Alan Tobin raised the following issues:

8.1.1 The meeting arranged with Irish Water to discuss the water treatment plant, fencing, etc.

8.1.2 The proposed public meeting provisionally scheduled for 31st January to discuss relevant issues, such as biodiversity, etc. to feed into the plans for the Linear Park.

This concluded the business of the meeting.

Signed:

Cathaoirleach