



Miontuairiscí / Meeting Minutes

Ordinary Meeting 13th January, 2014, Council Chamber

An Cathaoirleach, **Councillor John V. Farrelly** presided.

Members Present:

Councillors Joe Bonner, Sirena Campbell, William Carey, Shane Cassells, Eugene Cassidy, Jimmy Cudden, Francis Deane, Ann Dillon-Gallagher, Jimmy Fegan, Brian Fitzgerald, Joe Fox, Oliver Fox, Wayne Harding, Jim Holloway, , Suzanne Jamal, Arian Keogan, Nick Killian, Noel Leonard, Tracy McElhinney, Niamh McGowan, Jenny McHugh, Maria Murphy, Gerry O'Connor, Bryan Reilly, Joe Reilly, Tommy Reilly, Catherine Yore.

Apologies: Cllr. Eoin Holmes

Officials in Attendance:

County Manager: Jackie Maguire

Directors of Service: Kevin Stewart, Fiona Lawless, Joe Fahy(A), Tadhg McDonnell, Des Foley

Meetings Administrator: Olive Falsey

Senior Executive Officers: Larry Whelan, Michael Griffin

Planning Staff: Pat Gallagher, Senior Planner, Fiona Redmond, Senior Executive Planner

1.0 Confirmation of Minutes

- 1.1 Confirmation of minutes of Ordinary meeting held on 2nd December, 2013.
The minutes of Ordinary meeting held on 2nd December, 2013 were confirmed on the proposal of **Councillor Tommy Reilly** and seconded by **Councillor Francis Deane**.
- 1.3 Confirmation of minutes of Preliminary Budget meeting held on 16th December, 2013.
The minutes of Preliminary Budget meeting held on 16th. December, 2013 were confirmed on the proposal of **Councillor Noel Leonard** and seconded by **Councillor Nicholas Killian**.
- 1.4 Confirmation of minutes of Statutory Budget meeting held on 16th December, 2013.
The minutes of Statutory Budget meeting held on 16th.December, 2013 were confirmed on the proposal of **Councillor Tommy Reilly** and seconded by **Councillor Maria Murphy**.

2.0 Matters arising from the Minutes

No matters arising



Miontuairiscí / Meeting Minutes

3.0 Expressions of Sympathy and Congratulations

Sympathy was extended to:

- David Barrett, Slane Area on the death of his mother, Bridget Barrett.
- Mary Duff, Economic Development and Innovation on the death of her mother Betty Duff.
- Teresa Murtagh, Environment & Water Services Section on the death of her mother Teresa Murtagh.
- Assumpta Hubble, Library Service on the death of her brother-in-law John Hubble.
- The family of the late Mary Sylver, former Councillor.
- The family of the late Annie (Nancy) Brady, former employee of Meath County Council.
- The family of the late Harry Dunlop, Councillor and Board member of the East Border Region.
- The family of Shane Donnelly, former employee of Meath County Council.

On behalf of the Council, the **Cathaoirleach, Councillor John V. Farrelly** expressed heartfelt sympathy to the family of the late Shane Donnelly, Meetings' Administrator, who died following a tragic accident in December. He led the tributes to Shane for his work and dedication in providing excellent public service in all areas of his work as Town Clerk of Navan and as Meetings' Administrator in Corporate Services. Tributes were also paid by Councillor Shane Cassells, Councillor Willie Carey, Councillor Niamh McGowan, Councillor Brian Fitzgerald and Councillor Joe Reilly.

The County Manager, on her own behalf, and on behalf of the staff, also expressed sympathy to Shane's family and thanked the Councillors for their support during this sad time. She described Shane as a most dedicated employee, a loyal friend, a public servant with a bright future and a colleague who will be greatly missed and fondly remembered.

As a mark of respect, the Council adjourned for 15 minutes on the proposal of the **Cathaoirleach, John V. Farrelly** and seconded by **Councillor Shane Cassells**.

On the resumption of the meeting, congratulations were extended to:

- Eddie Downey, newly elected President of the Irish Farmers' Association.

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

5.0 Statutory Business

5.1 Corporate Services

- 5.1.1 To receive an annual progress report on the Corporate Plan for Meath Local Authorities 2009-2014.



Miontuairiscí / Meeting Minutes

Des Foley, Director of Services, made a presentation, which focused on the main achievements in 2013 under the six objectives as set out in the Corporate Plan.

The annual progress report was noted on the proposal of **Councillor Noel Leonard** and seconded by **Councillor Willie Carey**.

- 5.1.2 To receive a report on the visit of delegation from Meath Co. Council to Guiyang City.

Des Foley, Director of Services, provided the report and the **Cathaoirleach** and **Councillor Noel Leonard** advised the meeting of the opportunities going forward for further development and engagement regarding the twinning programme. The report was noted on the proposal of **Councillor Nick Killian** and seconded by **Councillor Willie Carey**.

5.2 Planning

- 5.2.1 To consider taking in charge the following estate and the making of a declaration that the roads within the estate shall be public roads in accordance with Section 11 Roads Act 1993 and Section 180 of the Planning & Development Act 2000-2012 as recommended by the Dunshaughlin Area members at the December monthly committee meeting on Monday 9th December, 2013:

- Millfarm, Dunboyne
- Mill Tree Park, Ratoath
- Steeplechase, Ratoath

Approved on the proposal of **Councillor Niamh McGowan** and **Councillor Nicholas Killian**.

- 5.2.2 To consider taking in charge the following estate and the making of a declaration that the roads within the estate shall be public roads in accordance with Section 11 Roads Act 1993 and Section 180 of the Planning & Development Act 2000-2012 as recommended by the Slane Area members at the December monthly committee meeting on Wednesday 18th December 2013:

- Aney View, Julianstown

Approved on the proposal of **Councillor Wayne Harding** and seconded by **Councillor Sirena Campbell**.

- 5.2.3 To receive and consider the Manager's Report in accordance with Part 8 of the Planning & Development Act 2000-2013 and the Planning & Development Regulations 2001-2012 on Phase 2 of Ashbourne village and environs (R135) refurbishment works.

Noted on the proposal of **Councillor Joe Bonner** and seconded by **Councillor Gerry O' Connor**.

Miontuairiscí / Meeting Minutes

- 5.2.4 To consider the Draft Trim Development Plan 2014-2020 and the Manager's Report on submissions received following the public display period, together with the recommendations of the Trim Area Members and, if thought fit, to resolve to accept the Manager's Recommendations on the draft plan and to place the material amendments on public display or to further amend the draft plan other than as recommended in the Manager's Report pursuant to Section 12 of the Planning & Development Acts 2000-2013.

Fiona Redmond, Senior Executive Planner, made the presentation on the Manager's Report and noted that 59 submissions were received during the draft consultation phase.

She noted that the Manager's Report summarised submissions by theme, followed by a Manager's response / recommendation and that the Manager's Report was circulated to all the Members in December, 2013. It was noted that a joint workshop for Trim Area & Town Council Members was held on Tuesday 7th January, 2014 to consider the Manager's Report on the Submissions.

104 of the 107 no. of the Manager's Recommendations were accepted by the Members. 3 of the 107 no. of the Manager's Recommendations were rejected by the Members as follows:

4.2B.2 Request for change of land use zoning from industrial use to community use or tourism.

Submissions no. T2018

Manager's Response

The lands referred to are currently zoned E2 'General Enterprise and Employment', with a number of long established businesses in the area. It is anticipated the undeveloped E2 lands (part of which includes the subject lands) provides for the future, long term expansion of the existing industrial estate. A change of use proposal as proposed would impact on this. Given the existing and anticipated uses in the area, it is considered that tourist related uses may be more suitable on alternative zoned lands. The land use objectives set out in Section 2.4.6 of the Draft Plan gives guidance on the zoning objectives for sites where caravan parks would be open for consideration as a permitted use, i.e. in areas zoned A2 - new residential, or D1 – tourism which may offer alternative locations to consider caravan parks /tourism uses.

Manager's Recommendation: No change

Workshop Comments:

It was proposed by **Councillor Joe Fox** and seconded by **Councillor Ger Reilly** to reject the Manager's Recommendation and resolve to change the land use zoning objective from E2 to Objective D1 Tourism- to provide for appropriate and sustainable visitor and

Miontuairiscí / Meeting Minutes

tourist facilities and associated uses, with a specific objective to accommodate a caravan park.

Agreed as recommended by Trim Area & Town Council Members on the proposal of **Councillor Joe Fox** and seconded by **Councillor Willie Carey**.

4.2B.9. Request for change of land use zoning objective 'F1 Open Space' to 'A2 New Residential' as per previous Effernock LAP, on 1.13ha at Knightsbrook Trim.

Submission T2042

Manager's Response:

There is a statutory requirement for the quantum and distribution of housing lands to be consistent with regional planning policy. This has been done as part of the Meath County Development Plan, which sets out the housing and lands requirements for Trim. Consequently, an evidence based evaluation of residential lands was carried out taking into consideration issues such as proximity to town centre, availability of public transport, consideration of whether a site would be infill as opposed to extending the urban footprint, environmental constraints/sensitivities and availability of community and social infrastructure. Issues of water capacity were not deemed to significantly affect overall rankings. All residential zoned lands with extant permission were excluded from evaluation (having all been deemed to form part of lands identified for release during the life of the plan (as prescribed in CS OBJ6 (B) of Variation No 1 in the Meath County Development Plan 2013-19). As part of the evaluation process, and in order to be consistent with higher tier plans and statutory obligations, residentially zoned sites were ranked (as per table 3 of the Draft Trim Plan) to inform phasing as set out at table 5 of the Draft Trim Plan. The subject site was not included for development within the life of the Trim Development Plan consequent of the evaluation process.

Manager's Recommendation: No Change

Workshop Comments:

The Area Committee recommended on the proposal of **Councillor Willie Carey** seconded by **Councillor Joe Fox** that the Manager's Recommendation be rejected and that the site H in the residential evaluation contained within the Draft Plan be identified for release within Phase 1 of the Phasing Strategy of the Draft Plan and to change the zoning of the lands from F1 to A2 New Residential Objective.

Miontuairiscí / Meeting Minutes

Agreed as recommended by the Trim Area Committee on the proposal of **Councillor Joe Fox**, seconded by **Councillor Jimmy Fegan**.

4.2B.18. It is requested that lands zoned as D1 (Tourism) in the draft Trim Plan are revised to previous A5 zoning low density residential use). A revised ranking of the site is also proposed

Manager's Response:

As outlined in 4.2B.9 above.

Manager's Recommendation: No Change

Workshop Comments:

The Area Committee recommended on the proposal of **Councillor Jimmy Fegan** seconded by **Councillor Tracy McElhinney** that the Manager's recommendation be rejected and that the site G in the residential evaluation contained within the Draft Plan be identified for release within Phase 1 of the Phasing Strategy of the Draft Plan and to change the zoning of the lands from D1 Tourism to A2 New Residential Objective.

Agreed as recommended by Trim Area Committee on the proposal of **Councillor Jimmy Fegan** seconded by **Councillor Willie Carey**.

Councillor Niamh McGowan opposed the amendment of recommendation 4.2B.18.in the Manager's Report.

The Councillors resolved to accept the Manager's report subject to further amendments recommended by the Trim Area/ Trim Town Councillors at the workshop and agreed to place the material amendments on display on the proposal of **Councillor Willie Carey** and seconded by **Councillor Jimmy Fegan**.

5.3 Transportation

5.3.1 To receive and consider the Manager's Report under Section 38 of the Road Traffic Act 1994 & Section 46 of the Public Transport Regulation Act, 2009 on the preparation of a scheme to construct c. 21km of a shared pedestrian and cycle greenway facility along the towpath lands adjacent to the Royal Canal from the Kildare border at McLoghlin Bridge in the townland of Ferrans to the Westmeath border in the townland of Croboy (this has been amended to the Ferns Lock in the townland of Cloncurry) as recommended by Dunshaughlin Area members and Trim Area members.

Approved on the proposal of **Councillor Jimmy Fegan** and seconded by **Councillor Maria Murphy**.

5.4 Water Services

Miontuairiscí / Meeting Minutes

5.4.1 Update on Irish Water.

It was agreed that items 7.5 and 7.6 would be considered in conjunction with item 5.4.1

Tadhg McDonnell, Director of Services, briefed the Councillors and confirmed that Irish Water became the statutory body with responsibility for all water services on the 1st January. He informed that Meath County Council would continue to carry out works as an agent of Irish Water and that a budget for 2014 had been provided by Irish Water for this purpose. The meeting was also briefed on the establishment of a network of regional offices, with Mullingar being the point of contact for Meath.

The County Manager advised that the SLA between Irish Water and Meath County Council was signed on 30th December following a period of negotiation.

A lengthy discussion took place and the main issues raised by the Councillors were:

- Lack of information being provided by Irish Water.
- The issues currently in the media re the set up costs of Irish Water and the costs regarding the engagement of consultants by Irish Water.
- Issues regarding capital investment.
- Group Water Schemes.
- Funding re the Local Property Tax.

Tadhg McDonnell, Director of Services, provided clarification on the matters raised.

Councillor Shane Cassells proposed, seconded by **Councillor Wayne Harding**, that a letter would be issued to the DoECLG seeking clarification regarding the return of Local Property Tax funding to County Meath.

5.5 Finance

5.5.1 To receive a report on Draft Capital Programme 2014-2016 in accordance with Section 135 of the Local Government Act 2001. Paul Timoney, Financial Accountant, made the presentation, which covered funding of the Capital Programme 2014-2016 to include:

- Housing and Building €16.25m.
- Road Transport and Safety €22.5m.
- Planning, Tourism, Heritage, Economic Development €0.9m.
- Environment €18m.
- Service division F & H €11.97m.
- A summary of levy position and policy on all levies
- Total capital Investment during the life of the Council (2009-2014) €441m.

The presentation was noted by the Councillors.



Miontuairiscí / Meeting Minutes

6.0 Report from Protocol Committee

The Meetings' Administrator advised that the Protocol Committee had recommended the following:

- A proposal to change the date of the February meeting of the full Council to the 10th February.
- A proposal to organise a Memorial Mass for the late Shane Donnelly on Monday 10th February at 5.30p.m. at St. Mary's Church, Navan.

Agreed on the proposal of **Councillor Willie Carey** and seconded by **Councillor Shane Cassells**.

7.0 Correspondence

7.1 Planning Circular Letter PL 19/13 – Review of 2006 Wind Energy Development Guidelines.

Noted (see 9.2)

7.2 To note correspondence from Department of Education and Skills – re proposed new post primary school in Kells (**following meeting in Department offices in Tullamore and subsequent correspondence from the Cathaoirleach**).

Noted

7.3 To note correspondence from Office of the Minister for Education and Skills re class sizes in Co. Meath (**in response to Notice of Motion passed at the October Monthly Meeting**).

Noted. **Councillor Jenny McHugh** noted that the staffing schedule for schools is not decided until the year after the increase in student numbers.

7.4 To note correspondence from Office of the Minister for Justice and Equality re. Irish Sign Language (**in response to Notice of Motions passed at the December Monthly Meeting**).

Noted

7.5 Circular Letter PS 21/2013 – Transfer of water service functions to Irish Water:

See item 5.4.1

7.6 Correspondence from Irish Water re. Circular Letter PS 21/2013.

See item 5.4.1

7.7 National Roads Authority – 2014 National Road Grants.

Noted. **Councillor Wayne Harding** welcomed the provision of €80,000 for the Slane bypass. It was noted that some preliminary figures were available re the recent 'toll holiday' project but more detailed figures are awaited, which should be available shortly.

7.8 Circular: Housing 35/2013 re. Discontinuance of the Land Aggregation Scheme.

Councillor Niamh McGowan asked about the implications of this decision for Meath County Council.

The County Manager advised that there was no provision made in the revenue account and that Local Authorities had been advised to discuss the



Miontuairiscí / Meeting Minutes

matter with the Housing Finance Agency. It was noted that this is a national issue and that the sector would be making a case to the DoECLG and engaging in discussions with the HFA.

- 7.9 Circular: Housing 36/2013 – Unfinished Housing Development Special Resolution Fund.
Noted
- 7.10 Circular: Housing 37/2013 re. Housing (Sale of Houses) (Amendment) Regulations 2013.
Noted
- 7.11 Circular PL 20-13 – Review of Wind Energy and Renewable Energy Policies in Development Plans.
Noted
- 7.12 Irish Public Bodies Insurance re. Youth & Community Fund.
Noted

8.0 Notice of Question

8.1 Submitted by Councillor Francis Deane

“How many water meters have been installed at County Meath households up to the end of December, 2013?”

A response was provided by Tadhg McDonnell, Director of Services, Environment & Water Services, Fire & Emergency Services as follows:

Irish Water has advised that 10,719 meters have been installed in Co. Meath from 16th September to 31st December, 2013.

Councillor Deane requested that the Council would seek information from Irish Water on the expected date when all meters would be installed in County Meath.

9.0 Notice of Motion

9.1 Submitted by the Trim Area Members

“That Trim Area Council call on the speed limit review committee to meeting urgently to update speed limits in Longwood and Ballivor.”

The motion was proposed by **Councillor Joe Fox** and seconded by **Councillor Willie Carey**.

A response was provided by Jimmy Young, Senior Staff Officer, Transportation as follows:

Miontuairiscí / Meeting Minutes

The Department of Transport, Tourism & Sport issued the “2013 Speed Limit Review” in November 2013. (This document is available on the Department’s website if any member of the public wishes to review it). This document indicates that the Guidelines on Speed Limits are due to be updated by the Department in the first or second quarter of 2014. Generally Meath County Council do not intend to introduce new speed limit bye-laws until the revised Guidelines for the application of speed limits have been finalised by the Department.

The motion was noted.

9.2 Submitted by Councillor Bryan Reilly

“This Council calls on the County Manager to instruct officials to prepare a variation to the current Meath County Development Plan to make appropriate provision for the protection and preservation of residential amenity from the construction and operation of wind turbines with a draft variation to be presented to this Council not later than three months from the adoption of this motion.”

The motion was proposed by **Councillor Bryan Reilly** and seconded by **Councillor Catherine Yore**. Items of correspondence 7.1 and 7.11 were also considered under this item.

A response was provided by Michael Griffin, Senior Executive Officer, Planning, as follows:

The motion sponsored by Councillor Reilly calls for the preparation of a variation to the Meath County Development Plan 2013-2019 .

The Minister for Housing and Planning Jan O Sullivan has, on 11th December 2013, published a consultation paper to inform the review of the 2006 Wind Energy Guidelines. Submissions are invited before the 21st February 2014.

It is the stated intention of the Minister to review the current guidelines and she advises that the revisions proposed, include –

- *“the Setting of a more stringent absolute outdoor noise limit (day and Night) of 40 decibels (db) for future wind energy developments*
- *A mandatory setback of 500 metres between a wind turbine and the curtilage of the nearest dwelling for amenity considerations*
- *A condition be attached to all future planning permissions for wind farms to ensure that there will be no shadow flicker at any dwelling within 10 rotor diameters of a wind turbine. If shadow flicker does occur, the wind energy developer or operator should be required to take necessary measures, such as turbine shut down for the period necessary, to eliminate the shadow flicker.”*

Following consideration of the submissions, the Minister will publish revised Wind Energy Guidelines under section 28 of the Planning & Development Act 2000-2013. Planning Authorities shall have regard to those guidelines in exercising their function, as shall An Bord Pleanála in determining any subsequent appeal.

It is apparent that the revision strongly focuses on minimisation of potential effects of turbines on the residential amenity of householders resident in the area.



Miontuairiscí / Meeting Minutes

Furthermore the Minister has written to all Planning Authorities on 20th December and instructed as follows:

“as the preparation or variation of a local authority development plans must take account of all relevant and up to date national policy, it is therefore advised that until both of the above national policy review processes have concluded, local Authorities should defer amending their existing Development plan policies as part of either the cyclical review or variation process’s. They should instead operate their existing Development plan policies and objectives until completion of the processes and advised otherwise by this Department “, (Copy enclosed)

The County Manager advised that the contents of the Circular PL 20-13 was a very clear instruction to defer amending existing Development Plans until the completion of the national policy review processes. The County Manager also advised that she would not be in a position to act on the motion, should it be adopted.

Following a lengthy discussion an amendment to the motion was proposed by **Councillor Eugene Cassidy** and seconded by **Councillor Niamh McGowan i.e.**

“This Council calls on the County Manager to instruct officials to prepare a variation to the current Meath County Development Plan to make appropriate provision for the protection and preservation of residential amenity from the construction and operation of wind turbines with a draft variation to be presented to this council not later than three months from the adoption of the revised guidelines.”

The amended motion was defeated following a roll call vote as follows:

Councillor	Vote
Cllr. Joseph Bonner	For
Cllr. Sirena Campbell	For
Cllr. William Carey	For
Cllr. Shane Cassells	Against
Cllr. Eugene Cassidy	Against
Cllr. Jimmy Cudden	Absent
Cllr. Francis Deane	For
Cllr. Ann Dillon-Gallagher	For
Cllr. John V. Farrelly	Against
Cllr. Jimmy Fegan	Against
Cllr. Brian Fitzgerald	For
Cllr. Joe Fox	Against
Cllr. Oliver Fox	Against
Cllr. Wayne Harding	Against
Cllr. James Holloway	Absent

Miontuairiscí / Meeting Minutes

Cllr. Eoin Holmes	Absent
Cllr. Suzanne Jamal	For
Cllr. Arian Keogan	For
Cllr. Nick Killian	Against
Cllr. Noel Leonard	Against
Cllr. Tracy McElhinney	Against
Cllr. Niamh McGowan	For
Cllr. Jenny McHugh	Against
Cllr. Maria Murphy	For
Cllr. Gerry O' Connor	For
Cllr. Bryan Reilly	Against
Cllr. Joe Reilly	Absent
Cllr. Tommy Reilly	Against
Cllr. Catherine Yore	Against

Result: For: 11, Against: 14, Absent: 4

A roll call vote was taken on the original motion as follows:

Councillor	Vote
Cllr. Joseph Bonner	Abstain
Cllr. Sirena Campbell	For
Cllr. William Carey	Against
Cllr. Shane Cassells	For
Cllr. Eugene Cassidy	For
Cllr. Jimmy Cudden	Absent
Cllr. Francis Deane	Abstain
Cllr. Ann Dillon-Gallagher	Abstain
Cllr. John V. Farrelly	For
Cllr. Jimmy Fegan	For
Cllr. Brian Fitzgerald	Against
Cllr. Joe Fox	For
Cllr. Oliver Fox	For
Cllr. Wayne Harding	For
Cllr. James Holloway	Absent

Miontuairiscí / Meeting Minutes

Cllr. Eoin Holmes	Absent
Cllr. Suzanne Jamal	Against
Cllr. Arian Keogan	Abstain
Cllr. Nick Killian	For
Cllr. Noel Leonard	For
Cllr. Tracy McElhinney	For
Cllr. Niamh McGowan	Against
Cllr. Jenny McHugh	For
Cllr. Maria Murphy	Against
Cllr. Gerry O' Connor	Against
Cllr. Bryan Reilly	For
Cllr. Joe Reilly	Absent
Cllr. Tommy Reilly	For
Cllr. Catherine Yore	For

Result: For: 15, Against: 6, Abstain: 4, Absent: 4 - The motion was carried.

9.3 Submitted by Councillor Tracy McElhinney

“That this Council calls on the Minister for Education Ruairí Quinn, to ensure that funding will be allocated for footpaths and pedestrian crossings at the proposed entrance of the new primary school in Kildalkey.”

The motion was proposed by **Councillor Tracy McElhinney** and seconded by **Councillor Joe Fox**.

It was noted that the proposed new primary school in Kildalkey is currently the subject of a planning application. The motion was noted.

10.0 Schedule of Manager's & Approved Orders (For Information Only)

10.1 Schedule of Manager's Orders - Infrastructure

10.2 Schedule of Manager's Orders - Environment

10.3 Schedule of Manager's Orders – Housing Construction

10.4 Schedule of Manager's Orders – Community & Enterprise

Noted



Miontuairiscí / Meeting Minutes

11.0 Presentations by other Bodies/Statutory Agencies

(None)

12.0 Any Other Business