



Miontuairiscí / Meeting Minutes

Ordinary Meeting 14th June 2010, Council Chamber

An Cathaoirleach, Councillor William Carey presided.

Members Present:

Councillors Joseph Bonner, Ray Butler, Sirena Campbell, Shane Cassells, Eugene Cassidy, Francis Deane, Anne Dillon Gallagher, Regina Doherty, Jimmy Cudden, John V Farrelly, Jimmy Fegan, Brian Fitzgerald, Oliver Fox, Wayne Harding, Jim Holloway, Suzanne Jamal, Nick Killian, Noel Leonard, Tracy McElhinney, Niamh McGowan, Jenny McHugh, Maria Murphy, Seamus O'Neill, Bryan Reilly, Joe Reilly, Tommy Reilly, Catherine Yore.

Officials in Attendance:

County Manager Tom Dowling

Directors of Service: Tadhg McDonnell, Fiona Lawless, Kevin Stewart, Eugene Cummins, Brendan McGrath, Liam Henry, Michael Killeen.

Meetings Administrator Olive Falsey

Planners: Pat Gallagher, Wendy Bagnall, Deirdre Fallon.

Senior Executive Officers: Martin Rogers, Larry Whelan, Michael Griffin

Administrative Officer: Ger Murphy

Apologies: Councillor Eoin Holmes

1.0 Confirmation of Minutes

- 1.1 Confirmation of Minutes of monthly meeting held on 10th May 2010.
The Minutes of monthly meeting held on 10th May 2010 were confirmed on the proposal of **Councillor John V. Farrelly** and seconded by **Councillor Tommy Reilly**.
- 1.2 Confirmation of Minutes of Special Infrastructure meeting held on 4th May 2010.
The Minutes of the Special Infrastructure meeting held on 4th May 2010 were confirmed on the proposal of **Councillor Nick Killian** and seconded by **Councillor Shane Cassells**

2.0 Matters arising from the minutes

3.0 Expressions of Sympathy and Congratulations

Expressions of sympathy were extended to:



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- 3.1 Sean & Noel Fleming Environment and Duleek Area Office, on the death of their sister, Anne O' Callaghan.
- 3.2 Philip Trappe, Housing Department, on the death of his mother, Teresa Trappe.
- 3.3 Alison Ryan, Planning Department, on the death of her mother Jane Ryan.
- 3.4 Mary Calt, Motor Tax Office, on the death of her mother Philomena Crowe.

Congratulations were extended to:

- 3.5 All those involved in the M3 project and all agreed that it was a great day for Co. Meath to see the opening of this piece of road infrastructure. The Co. Manager thanked everyone involved in the project and reiterated his comments that the County is open for business.
- 3.6 Michael Killeen and Liam Henry, Directors of Services, on their forthcoming retirement at the end of June. The Co. Manager commended them on their commitment to public service and their excellent work as part of the Management Team. He thanked them for their dedication, honesty and loyalty to Meath County Council and acknowledged their wide experience and knowledge of Local Government. The Members also acknowledged their work in the organisation and thanked both Directors for their service to the elected members.

Michael and Liam thanked the Co. Manager and the Members for their comments and acknowledged the members of staff whom they worked with in the various Departments.

The Co. Manager informed the Members of the new Senior Management structure as follows:

- Tadhg McDonnell – Director of Planning, Community and Enterprise and Trim Town Manager.
- Kevin Stewart – Director of Economic Development and Innovation, Corporate Services and Kells Town Manager.
- Eugene Cummins – Director of Transportation, Housing and Navan Town Manager.
- Brendan McGrath – Director of Environment, Water Services, Human Resources and Dunshaughlin Area Manager.
- Fiona Lawless – Head of Finance and Slane Area Manager

4.0 Correspondence

- 4.1 Correspondence from DoEHLG re 2010 Funding Allocation for the Community and Voluntary Fora.
- 4.2 Correspondence from the NRA re Leinster Orbital Route
It was agreed on the proposal of **Councillor J.V. Farrelly** seconded by **Councillor Ann Dillon-Gallagher** that a letter would issue to the Department of Transport outlining the difficulties and requesting the Department to invest more money and make a decision on a definite route. Eugene Cummins advised the Members that, with the feasibility study now complete, the scheme can be activated by direction of the Government.



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- 4.3 Correspondence from DOEHLG re Circular Ship 2010/2013 – Capital Assistance Scheme.
The issue of the Townspark contract was raised and the Council was informed that a letter of acceptance was issued to the contractor with a timeframe of 21 days to have certain things in place.
- 4.4 Correspondence from Revenue Commissioners re VAT on Public Bodies.
- 4.5 Correspondence from NRA re Local Roads Damaged during M3 Construction.
Eugene Cummins, DOS, outlined that a contribution of €3m. has been provided and will be allocated as follows: 66% to Navan, 22% to Kells and 11% to Dunshaughlin.

5.0 E.U. Correspondence

- 5.1 EU News Bulletin – Number 70 – April 2010.

6.0 Report from Protocol Committee

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

8.0 Other Statutory Business

8.1 Planning

- 8.1.1 To receive a presentation on the “Indaver Environmental Projects Grant Scheme” and to consider and if thought fit to adopt the scheme.
(Presentation to follow).

Michael Griffin, SEO, Planning made a presentation and the Scheme was adopted on the proposal of **Councillor Ann Dillon-Gallagher** and seconded by **Councillor Jimmy Cudden**.

- 8.1.2 To consider taking in charge of the following estate as recommended by the Kells Area Members at the May Monthly Committee meeting on Monday 24th May 2010.

Estate	Location
Curragh Wood	Carlanstown, Kells, Co Meath.

Approved on the proposal of **Councillor Bryan Reilly** and seconded by **Councillor Eugene Cassidy**.

- 8.1.3 Variation 10, Meath County Development Plan 2007-2013, Rural House Design Guide

To receive the Manager’s report on submissions and observations received regarding Variation No. 10 of the Meath County Development Plan 2007 – 2013 in accordance with Section 13 (4) of the Planning and Development Act 2000 (Report to follow).

Report Received.



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8.1.4 Variation 9, Meath County Development Plan 2007-2013, Seveso Sites

Having considered the proposed variation and the Manager's Report on submissions received in respect of the proposed variation, to resolve to make the variation with or without modifications or to resolve not to make it in accordance with Section 13(6)(a) of the Planning & Development Act 2000.

Wendy Bagnall made a presentation on the submissions received as follows:

7 submissions received.

Submission 1 - Dept of Communications, Energy & Nat Resources

Summary: No comments

Manager's Recommendation – No Change required

Submission 2 - Dept of Education & Science

Summary: No Comment on proposed variation

Manager's Recommendation – No Change required

Submission 3 - National Roads Authority

Summary: No Comments

Manager's Recommendation – No Change required

Submission 4 - Dept of Communications, Energy & Nat Resources

Summary: Repeat submission

Manager's Recommendation – No Change required

Submission 5 - Dept of Environment, Heritage, Local Government

Summary: DoEHLG fully support the changes proposed, changes represent an improvement to the current plan

Manager's Recommendation – No Change required

Submission 6 - Stephen Ward, Planning Consultants on behalf of Shannon Homes (Slane) Ltd

Summary: Submission refers to c. 15ha of land to the north-east of Slane Village to the south of the existing Grasslands facility.

The lands are subject to the following development objective under the Slane Local Area Plan 2009-2015: 'To develop leisure, community and social facilities in conjunction with industrial zoned lands within this location'. Framework Plan required.

A risk assessment carried out on behalf of Shannon Homes, concluded that the actual land use planning zones, as determined by an assessment conducted with site specific information and in consultation with the HSA would result in reduced risk based zones with a lesser impact on surrounding lands.

The identification of a Seveso site at the northern limits of the village boundary, highlights the need for a Framework Plan in accordance with the site specific objective attached to the lands under the Slane LAP.

Response: The issues raised in the submission with respect to determining the types and intensity of uses within consultations zones are outside the remit of the Planning Authority and are a matter for the HSA.

The request for the preparation of the Framework Plan is outside the remit of the proposed Variation.



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Manager's Recommendation – No change recommended.

Submission 7 - Health and Safety Authority

Summary: Outlines that the requirement to consult with the HSA in relation to Development Plans under section 11-13 & 24 of the Act Refers to the approach of the Authority to Land Use Planning as set out in the policy document 'Policy and approach of the Health and Safety Authority to COMAH risk-based land-use Planning'.

Sets out guidance with respect to major accident hazard sites, the consultation distances, policies on the site of new major hazard establishments and the requirement to refer to notified sites.

Lists the currently notified Seveso sites located in Co. Meath and/or those whose consultation zones may lie within the County's jurisdiction.

Response: The existing CDP policy and the proposed variation fully adheres to the HSA requirements. The proposed variation refers to all sites which are located in the county and those where their consultation zones lies within the county's jurisdiction.

It should be noted that MCC engaged in consultation with the HSA in the preparation of the proposed variation. The HSA is the relevant authority with statutory jurisdiction in these matters.

Manager's Recommendation – No Change required

Variation 9, Meath County Development Plan 2007-2013, Seveso Sites was made following the result a roll call vote which was proposed by **Councillor J.V. Farrelly** and seconded by **Councillor Noel Leonard**.

Councillor	Vote
Cllr. Joseph Bonner	For
Cllr Ray Butler	For
Cllr. Sirena Campbell	Absent
Cllr. William Carey	For
Cllr. Shane Cassells	For
Cllr. Eugene Cassidy	For
Cllr. Jimmy Cudden	For
Cllr. Francis Deane	For
Cllr. Anne Dillon-Gallagher	For
Cllr. Regina Doherty	For
Cllr. John Farrelly	For
Cllr. Jimmy Fegan	For
Cllr. Brian Fitzgerald	For
Cllr. Oliver Fox	For
Cllr. Wayne Harding	For
Cllr. James Holloway	Absent
Cllr. Eoin Holmes	Absent
Cllr. Suzanne Jamal	For
Cllr. Nick Killian	For
Cllr. Noel Leonard	For



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Cllr. Tracy McElhinney	For
Cllr. Niamh McGowan	For
Cllr. Jenny McHugh	For
Cllr. Maria Murphy	For
Cllr. Seamus O' Neill	For
Cllr. Joe Reilly	Absent
Cllr. Bryan Reilly	For
Cllr. Tommy Reilly	Absent
Cllr. Catherine Yore	For

Result: 24 For and 5 Absent

8.1.5 Variation 11, Meath County Development Plan 2007-2013, Rural Occupancy Clause.

Having considered the proposed variation and the Manager's Report on submissions received in respect of the proposed variation, to resolve to make the variation with or without modifications or to resolve not to make it in accordance with Section 13(6)(a) of the Planning & Development Act 2000.

Wendy Bagnall made a presentation on the submissions received as follows:

5 submissions received.

Submission 1 - Cllr Wayne Harding

Summary: The submission considers the proposed change to be unnecessary and discriminates against rural people. It is acknowledged in the submission that those who qualify for local need are not intending to sell their house for profit. However, the submission considers that if difficulties arise persons should have a right to sell their home.

Response: The variation is necessary to ensure compliance with the following:

- The Guidelines for Sustainable Rural Housing published by the Department of Environment, Heritage and Local Government.
- Circular SP 5/08 Rural Housing Policies and Local Need Criteria in Development Plans with regard to rural occupancy.

Manager's Recommendation – No Change

Submission 2 - Dept of Education & Science

Summary: No Comment on proposed variation

Manager's Recommendation – No Change required

Submission 3 - National Roads Authority

Summary: No comments

Manager's Recommendation – No Change required

Submission 4 - Dept of Communications, Energy & Nat Resources

Summary: No comments

Manager's Recommendation – No Change required

Submission 5 - Dept of Environment, Heritage, Local Government



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Summary: DoEHLG fully supports the change proposed; change represents an improvement to the current plan which is welcomed.

Manager’s Recommendation – No Change required

Following the presentation there was a full and lengthy debate with Members expressing concern regarding the proposed extension of the occupancy clause.

Liam Henry advised the Members that the proposed Variation would only apply to future planning permissions and that the Planning Department will deal with hardship cases as they arise.

Variation 11, Meath County Development Plan 2007-2013, Rural Occupancy Clause was not made following the result of a Roll Call vote which was proposed by **Councillor J.V. Farrelly** and seconded by **Councillor Noel Leonard** .:

Councillor	Vote
Cllr. Joseph Bonner	Against
Cllr Ray Butler	Against
Cllr. Sirena Campbell	Absent
Cllr. William Carey	Against
Cllr. Shane Cassells	Against
Cllr. Eugene Cassidy	Against
Cllr. Jimmy Cudden	Against
Cllr. Francis Deane	Against
Cllr. Anne Dillon-Gallagher	Against
Cllr. Regina Doherty	Against
Cllr. John Farrelly	Against
Cllr. Jimmy Fegan	Against
Cllr. Brian Fitzgerald	Against
Cllr. Oliver Fox	Against
Cllr. Wayne Harding	Against
Cllr. James Holloway	Against
Cllr. Eoin Holmes	Absent
Cllr. Suzanne Jamal	Against
Cllr. Nick Killian	Against
Cllr. Noel Leonard	Against
Cllr. Tracy McElhinney	Against
Cllr. Niamh McGowan	Absent
Cllr. Jenny McHugh	Against
Cllr. Maria Murphy	Against
Cllr. Seamus O’ Neill	Against
Cllr. Joe Reilly	Against
Cllr. Bryan Reilly	Against
Cllr. Tommy Reilly	Absent



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Cllr. Catherine Yore	Absent
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Result: 24 Against and 5 Absent

- 8.1.6 To consider the making of a declaration in accordance with Section 11 Roads Act 1993 and the Planning & Development Act 2000-2009 that the roads within (a) Clady Meadows, Robinstown, Co Meath, (b) Balbradagh, Robinstown, Co Meath and (c) Hollybrook, Robinstown, Co Meath are declared to be public roads and are taken in the charge of Meath County Council.

Approved on the proposal of **Councillor Jim Holloway** and seconded by **Councillor Francis Deane**.

- 8.1.7 To consider the making of a declaration in accordance with Section 11 Roads Act 1993 and the Planning & Development Act 2000-2009 that the roads within Glasheen Estate, Kentstown, Co Meath are declared to be public roads and are taken in the charge of Meath County Council.

Approved on the proposal of **Councillor Suzanne Jamal** and seconded by **Councillor Jim Holloway**.

8.2 Environment

- 8.2.1 To consider and approve the Amenity and Lawnmower Grants 2010 as agreed by the Navan, Slane, Kells, Dunshaughlin and Trim electoral area members.

Approved on the proposal of **Councillor John V. Farrelly** and seconded by **Councillor Wayne Harding**.

8.3 Corporate Services

- 8.3.1 To adopt the Higher Education Grant Scheme 2010/2011.

Approved on the proposal of **Councillor Nick Killian** and seconded by **Councillor John V. Farrelly**.

8.4 Housing, Social Community & Cultural

- 8.4.1 To approve nomination for the Going Solo Award 2010.

Approved on the proposal of **Councillor Maria Murphy** and seconded by **Councillor Jim Holloway**.

- 8.4.2 To receive in accordance with Section 40 of the Housing (Miscellaneous Provisions) Act 2009 copy of the draft Mid East Homelessness Action Plan 2010-2013 and to consider resolutions submitted by the Housing, Community & Cultural Development SPC in respect of this matter.

Councillor Ann Dillon-Gallagher presented a resolution submitted by the Housing, Community & Cultural Development SPC in respect of this matter:



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That the Council calls on the Minister for Environment, Heritage & Local Government to increase the number of Elected Members on the Mid East Homeless Forum to three and providing for representation for each of the constituent Counties of Meath, Kildare and Wicklow.

Received on the proposal of **Councillor John V. Farrelly** and seconded by **Councillor Shane Cassells**.

9.0 Notice of Question

9.1 Submitted by Councillor Regina Doherty:

“To ask the County Manager what responsibility MCC bears in a situation where a builder/developer of an estate becomes illiquid and is not in a position to finance works required to take the estate in charge and that the builder/developer’s bank refuses to honour the bond put in place to ensure that monies were available to carry out said works. What rights and expectations can we give the residents from Meath County Council?”

Response issued as follows:

Planning Authorities may, when granting planning permission, attach conditions putting in place security for the satisfactory completion of a development. The Council subsequently liaises with financial sureties in respect of individual bonds and compliance with the relevant planning condition.

In a situation where a developer is in liquidation and a bond is not available to offset the costs of improvement works to complete an estate, local authorities will pursue any existing enforcement action with the liquidator.

The Authority may be asked at any time to initiate the taking in charge process and in the course of those deliberations it must consider:

- submissions to the statutory consultation process,
- the condition of the estate, and
- the cost of remedial works, unless the statutory timeframe for enforcement action has passed.

As Sanitary Authorities County Councils have responsibilities to respond to public health risks generally and also retain discretionary powers under Local Government Legislation to act in the best interests of the County from within their resources.

Where Management Companies exist, the maintenance obligations for defined areas may continue to be vested in the management company.

It is not envisaged that Local Authorities would undertake works to complete dwellings or structures within an estate. It is this Authorities understanding that the challenge presented by unfinished residential estates is being examined at national level and that statutory instruments are being prepared to address this issue.

10.0 Notice of Motion

10.1 Submitted by Councillor Jenny McHugh:

“The Navan and Johnstown Schools Development Group call on Meath County Council to demand that The Department of Education and Skills and Minister Mary



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Coughlan review the schools provision in the Navan and Johnstown areas and fulfil its commitments to the existing schools first before considering any proposed new primary school. Commitments already made to the Navan and Johnstown schools include:

2 new sites (Educate Together and St. Stephen's)

116 classrooms and in excess of 30 ancillary rooms

2 schools for children with special needs

We also call on Minister Mary Coughlan to address the urgent need for a new second level school in the Johnstown area”.

The Motion, proposed by **Councillor McHugh** and seconded by **Councillor Shane Cassells** was debated and it was agreed to revise the wording and put forward an amended motion.

The amended motion:

“The Members of Meath County Council call on the Department of Education and Skills and Minister Mary Coughlan to review the schools provision in the Navan and Johnstown areas and fulfil its commitments to the existing schools. Commitments already made to the Navan and Johnstown schools include:

2 new sites (Educate Together and St. Stephen's)

116 classrooms and in excess of 30 ancillary rooms.

2 schools for children with special needs.

We also call on Minister Mary Coughlan to address the urgent need for a new second level school in the Johnstown area”

was adopted on the proposal of **Councillor Jenny McHugh** and seconded by **Councillor Maria Murphy**.

- 10.2 Submitted by Councillors John V Farrelly, Regina Doherty, Maria Murphy, Sirena Campbell, Willie Carey, Jim Holloway, Eugene Cassidy, Ray Butler, Catherine Yore, Ann Dillon-Gallagher, Suzanne Jamal:

“We, the Members of Meath County Council immediately seek a meeting with Mr. Batt O’Keeffe Minister for Enterprise, Trade and Innovation, in order for us to outline to him the serious disadvantage that Co. Meath has in relation to grant aid for job creation. We require at the meeting to be given the same status as the BMW region taking into account that Meath has in excess of 18000 people on the live unemployment register”.

An amended motion

“We, the Members of Meath County Council immediately seek a meeting with Mr. Batt O’Keeffe Minister for Enterprise, Trade and Innovation, in order for us to outline to him the serious disadvantage that Co. Meath has in relation to grant aid for job creation, taking into account that Meath has in excess of 18000 people on the live unemployment register”

proposed by **Councillor John V. Farrelly** and seconded by **Councillor Brian Fitzgerald** was adopted and it was agreed to that a letter would issue to the Minister for Enterprise, Trade and Innovation...

- 10.3 Submitted by Councillors Sirena Campbell and Catherine Yore:

“That the Executive provides the Members with the complete book of tenders, both applied for and awarded throughout the past year of 2009”.

The Motion was noted by the Members. The tendering process and procedures were briefly outlined, for information, and Councillors Campbell and Yore were advised



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that they could seek a meeting with Eugene Cummins Director of Services, should they require further clarification on the tendering process.

10.4 Submitted by Councillor Noel Leonard:

“That this council unequivocally condemns the Israeli government and its military for their actions against humanitarian efforts to deliver aid to Gaza. Further, that this council calls on the Israeli government to lift its siege on Gaza with immediate effect”.
The Motion, proposed by **Councillor Noel Leonard** and seconded by **Councillor Nick Killian**, was noted.

10.5 Submitted by Kells Area Members:

“This council requests the Minister of the Environment, Heritage & Local Government to meet with a delegation from Meath County Council to discuss the imbalance of staffing numbers in Meath Local Authorities compared to other Local Authorities”.
The Motion, proposed by **Councillor Eugene Cassidy** and seconded by **Councillor Bryan Reilly** was adopted.

11.0 Schedule of Manager’s Orders (For Information Only)

- 11.1 Schedule of Manager’s Orders - Infrastructure
- 11.2 Schedule of Manager’s Orders - Environment
- 11.3 Schedule of Manager’s Orders – Housing Construction
- 11.4 Schedule of Manager’s Orders – Community & Enterprise

Noted

12.0 Presentations from Other Bodies

13.0 Any Other Business

This concluded the business of the meeting.