



Miontuairiscí / Meeting Minutes

Ordinary Meeting 4th April 2011, Council Chamber

An Cathaoirleach, Councillor Ann Dillon-Gallagher presided.

Members Present:

Councillors Joseph Bonner, William Carey, Eugene Cassidy, Jimmy Cudden, Francis Deane, John V Farrelly, Jimmy Fegan, Brian Fitzgerald, Joe Fox, Oliver Fox, Wayne Harding, Jim Holloway, Eoin Holmes, Suzanne Jamal, Nick Killian, Noel Leonard, Tracy McElhinney, Niamh McGowan, Jenny McHugh, Maria Murphy, Gerry O'Connor, Seamus O'Neill, Bryan Reilly, Tommy Reilly, Joe Reilly, Catherine Yore.

Apologies: Sirena Campbell, Shane Cassells,

Officials in Attendance:

County Manager Tom Dowling

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

Meetings Administrator Martin Rogers

Senior Executive Officers: Larry Whelan, Michael Griffin, Ger Murphy (Acting)

Planning Staff: Pat Gallagher, Deirdre Fallon.

Administrative Officer: Olive Falsey

Standing Orders were suspended on the proposal of **Councillor Jimmy Fegan** seconded by **Councillor Tommy Reilly**, to allow discussion concerning the large numbers of people attending at the Motor Tax Department since Friday 1st April. The Co. Manager referred the matter to Fiona Lawless, Head of Finance who indicated that the Council was aware of the issue. She advised that the start and end of each month were very busy periods but historically April seemed to be extra so. She explained that this year the situation was exacerbated due to the issue with provisional driving licences. She added that the Council had printed leaflets to promote the methods that can be used to renew motor tax without attending at the office such as on-line and by post. She further advised that there is no leave granted to motor tax staff on these days and the office is open 5 days a week. She explained that Meath is the fourth highest in the country for motor tax applications and if people choose to come on days at the beginning and end of the months they should expect delays. Some Councillors noted that the removal of the motor tax facility from the area offices may have had an effect on the situation.

1.0 Confirmation of Minutes

- 1.1 Confirmation of minutes of monthly meeting held on 7th March 2011.
The minutes of the monthly meeting held on 7th March 2011 were confirmed on the proposal of **Councillor Tommy Reilly** and seconded by **Councillor John V. Farrelly**.
- 1.2 Confirmation of minutes of special meeting held on 14th March 2011.



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The minutes of special meeting held on 14th March 2011 were confirmed on the proposal of **Councillor J. V. Farrelly** and seconded by **Councillor Tommy Reilly**.

2.0 Matters arising from the Minutes

No matters arising.

3.0 Expressions of Sympathy and Congratulations

Sympathy was extended to

- 3.1 Councillor Eugene Cassidy on the death of his father.
- 3.2 Councillor Phil Brennan, Mayor of Navan Town on the death of his brother.
- 3.3 Minister of State Shane McEntee T.D. and Larry McEntee former employee on the death of their father.
- 3.4 Teresa Carley, Ashbourne Library on the death of her mother.
- 3.5 The family of PSNI Officer Ronan Kerr.

Congratulations were extended to:

- 3.6 Councillors Fox and O' Connor on their co-option to the Council and the Cathaoirleach welcomed them to the Chamber for their first full Council Meeting.
- 3.7 Councillor Cassells on the birth of his son.
- 3.8 Scouting Ireland who held their National Conference in Trim.
- 3.9 Meath County Council Civil Defence for their assistance at a recent athletic event in Dunboyne, and the organisers, as over 1,000 people took part.

The Cathaoirleach congratulated Eugene Cummins, Director of Services on his appointment as Director of Services with Galway Co. Council and wished him well in his new position.

The Co. Manager paid tribute to Eugene and outlined that during his six years with Meath Co. Council he brought a new level of excellence to Infrastructure, created new efficiencies and executed a number of major projects with minimum fuss. The Co. Manager thanked him for his work and achievements and said that he would be remembered positively in Co. Meath.

The Councillors added to the tributes and commended Eugene for his commitment to Meath Co. Council, his professionalism and his straightforward approach to his work. They thanked him and wished him well in his new role and in the future.

Eugene Cummins responded and thanked everyone for their comments and good wishes. He thanked the Co. Manager, the Management Team, the staff in the various departments, and the Councillors for their support during his time in Meath Co. Council.

4.0 To receive update on Darlington Properties Ltd v Meath County Council.

The Co. Manager provided and circulated an update to the Councillors. He informed them that the matter is now before the Supreme Court. He referred to the Briefing on the 11th March and informed them that he had taken into consideration the valuable comments made on the day. He informed the meeting of his decision to initiate an independent review into all the circumstances which led to the Council being in this position and that two eminent people with suitable expertise had been invited to lead this review. The terms of reference were outlined and the Co. Manager informed that the Review Team would report to the



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Chairman of the Audit Committee. The report of the Review Team will be presented to the Councillors when completed. It was noted that all County Councillors will be afforded the opportunity to engage with the Review Team. A copy of the Notice of Appeal as well as the Terms of Reference was circulated.

It was agreed to take the Notice of Motion 10.1 and the Motion was proposed by **Councillor Brian Fitzgerald** and seconded by **Councillor Catherine Yore**. The Meetings' Administrator read a report in response to the Motion referring to the legal advice from Pat Butler, Senior Counsel which set out the documents that could be released and made available to the Councillors. This report as well as the legal advice was circulated to the Council.

There followed a lengthy discussion and the main issues raised were:

- Concern in relation to damage to the image of Meath Co. Council as a result of negative publicity.
- Queries as to why Councillors were not informed in advance of the judgement.
- Concern about the adverse comments in the Judgment.
- Review welcomed but concern was raised regarding the terms of reference – should include the Naus Development files.
- Concern about no specific timeframe for the completion of the Review and the intention for the Review Team to report to the Chair of the Audit Committee.
- The independence of the legal advice given and what could or could not be discussed/released.
- A request that independent legal advice would be procured for the Councillors.
- Concern of Ashbourne Chamber of Commerce on the implications of the case on development works in the town.
- Questions asked regarding what information was sought by the purchaser and what information was given by Meath Co. Council. Were there adequate searches at the time?
- Why was it decided to defend the case?

The Co. Manager responded as follows:

- Section 153 of the Local Government Act 2011 provides that the Co. Manager shall act for and on behalf of the Local Authority in every action or legal proceedings.
- Funds have been allocated for works in Ashbourne and these works will not be affected by the case.
- Chair of Audit Committee is independent of the Management and the Councillors and the process respects the principles of good corporate governance incorporating absolute transparency and the highest principles of probity. The Manager clarified that this is a report to the Council and would be presented to the Cathaoirleach as soon as it is complete.
- Independent legal advice not necessary. On this matter Kevin Stewart, Director of Services, emphasised that the Law Agent is the legal advisor to the Corporate body and that includes the Councillors as well as the executive.
- Point 1 of the Terms of Reference provides for an examination of “*all aspects of High Court proceedings....*” including any matters that gave rise to these proceedings”.
- The Manager is accountable for the activities of the organisation.
- With regard to staff, Brendan McGrath Director of Services, HR, stated that the Council has a duty of care to staff and HR policies are in place to address any issues that may arise.



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Councillor Fitzgerald requested an adjournment for 10 minutes to reflect on the discussion. This was granted by the Cathaoirleach.

On the resumption of the meeting Cllr. Fitzgerald agreed to defer the motion subject to the making available of the information to Councillors at Co. Hall, as set out in the legal advice from Pat Butler, Senior Counsel, and to include the Naus planning files and the Section 183 disposal documents.

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

6.0 Statutory Business

6.1 Planning

6.1.1 To approve grant assistance to community groups under the Carranstown Environmental projects grant scheme as recommended by the Slane Electoral area committee.
Approved on the proposal of **Councillor Jimmy Cudden** and seconded by **Councillor Wayne Harding**.

6.1.2 Following consideration of the Manager's Report on submissions and observations received in respect of the Draft Navan Local Area Plan 1 2001-2017, if thought fit in accordance with Section 20 (3) (d) of the Planning & Development Act 2000 – 2010, as amended, to resolve to accept the Manager's report, or to resolve to make or revoke the plan, or to resolve to amend the Local Area Plan otherwise than as recommended in the Manager's Report.

12 submissions were received: Submission 5 concerns lands within Navan Town Council

Submission 1 - Johnstown Woods Residents' Association

Copy of pre draft submission. Addresses number of issues including community facilities, public open space, leisure/recreational activities, residential use, movement and access networks and urban form.

Manager's Recommendation - Amend section 4.8.1 to include an additional sentence at end of paragraph 2 to state:

“Any proposed development in LAP1 that would give rise to additional traffic will only be considered acceptable if an additional access point is provided from either the Kentstown Road or the county road L-5050.”

Navan Area Committee - Accepted Manager's recommendation
Agreed as recommended by County Manager on the proposal of **Councillor Tommy Reilly and seconded by Councillor Francis Deane**.

Submission 2 - Niamh Cleary

Opposes the use of road south of Birch Lawn to access proposed school. Considers that the proposed school is too big.

Manager's Recommendation - Amend section 4.8.1 to include an additional sentence at end of paragraph 2 to state:



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“Any proposed development in LAP1 that would give rise to additional traffic will only be considered acceptable if an additional access point is provided from either the Kentstown Road or the county road L-5050.”

Navan Area Committee - Accepted Manager’s Recommendation
Agreed as recommended by County Manager on the proposal of
Councillor Jenny McHugh and seconded by Councillor Francis Deane.

Submission 3 - Dublin Airport Authority

Authority has no observations to make on the draft Local Area Plan at this time.

Manager’s Recommendation - No change recommended.

Navan Area Committee - Accepted Manager’s Recommendation
Agreed as recommended by County Manager on the proposal of
Councillor Tommy Reilly and seconded by Councillor Francis Deane.

Submission 4 - National Roads Authority

The authority has no comment on the draft LAP.

Manager’s Recommendation - No change recommended.

Navan Area Committee - Accepted Manager’s Recommendation
Agreed as recommended by County Manager on the proposal of
Councillor Francis Deane and seconded by Councillor Tommy Reilly.

Submission 6 - Johnstown Woods Residents’ Association

Queries the proposed zoning change associated with the application for a school made under Ref. NT/100032.

Expresses concern regarding traffic management particularly for the proposed school.

Highlights a typographical error in the name of the Association’s representative.

Manager’s Recommendation – (i)Omit the second and third paragraphs of section 4.2 and replace them with the following text:

“An application for a school (application ref. NT/100032) was made on a site which was zoned for a mix of A4 use (residential and ancillary use) and F1 use (open space) in the Navan Development Plan 2009. A decision to grant permission was made by Navan Town Council following the enactment of the material contravention process. At the time of writing, this decision has been appealed to An Bord Pleanála. Navan Town Council and Meath County Council are committed to facilitating the delivery of educational facilities required in the town. It is acknowledged in the Navan Development Plan that the present facilities for St. Stephen’s School are unacceptable in the long term and that permanent facilities are required. In light of the decision made by Navan Town Council and in order to deliver at a strategic level the aims of the Navan Development Plan to support delivery of social infrastructure and educational facilities, the site which is the subject of this application is zoned for G1 use in this local area plan.”

(ii)Amend Section 4.8.1 (page 27) to include an additional sentence at the end of the second paragraph to state:

“Any proposed development in LAP1 that would give rise to additional traffic will only be considered acceptable if an additional access point is provided from either the Kentstown Road or the county road L-5050.”

(iii)It is recommended to amend the typographical error in the spelling of the name of the representative for Johnstown Wood Residents Association in Appendix 3 to ‘Thérèse Hogan’.



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Navan Area Committee - Accepted Manager's Recommendation
Agreed as recommended by County Manager on the proposal of
Councillor Tommy Reilly and seconded by Councillor Jenny McHugh.

Submission 7 - Department of Education and Skills

The Department are currently engaged in the acquisition of sites for 4 schools in Navan & addressing anticipated future requirements.
The Department has requested Meath County Council to acquire by CPO a 25 acre site in Johnstown to locate 3 schools – 32 classroom school for St. Stephen's National School, St. Mary's Special School and a 1,000 pupil post primary school.

The Department are also in negotiations to acquire a 5.89 acre site at Dufflands with a view to accommodating Navan Educate Together National School.

Manager's Recommendation - No change recommended.

Navan Area Committee - Accepted Manager's Recommendation
Agreed as recommended by County Manager on the proposal of
Councillor Jenny McHugh and seconded by Councillor Francis Deane.

Submission 8 - Department of Communications, Energy and Natural Resources

The Department have no comment on the draft plan.

Manager's Recommendation - No change recommended.

Navan Area Committee - Accepted Manager's Recommendation
Agreed as recommended by County Manager on the proposal of
Councillor Francis Deane and seconded by Councillor Tommy Reilly.

Submission 9 - Declan Brassil & Co. Ltd. on behalf of the Estate of the late Mrs. Kathleen Bourke

Estate owns lands in the LAP area zoned A1 (existing residential) and G1 (community use).

Requests that part of the G1 lands along the Johnstown Road and a portion of land at the southern end of the LAP are dezoned.

Manager's Recommendation - No change recommended

Navan Area Committee - Accepted Manager's Recommendation
Agreed as recommended by County Manager on the proposal of
Councillor Jenny McHugh and seconded by Councillor Francis Deane.

Submission 10 - Stephen Little & Associates on behalf of Granbrind Athlumney Ltd.

Relates to size of school site for primary school and special school specified in draft LAP.

Requests that site size should be 5 acres rather than 11 acres.

Manager's Recommendation - No change recommended.

Navan Area Committee - Majority accept Manager's recommendation
Agreed as recommended by County Manager on the proposal of
Councillor Jenny McHugh and seconded by Councillor Francis Deane.

Submission 11 - Environmental Protection Agency

Provides guidance to the Planning Authority in meeting its environmental obligations in the land use planning sector.



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Manager's Recommendation - No change recommended.

Navan Area Committee - Accepted Manager's Recommendation
Agreed as recommended by County Manager on the proposal of
Councillor Tommy Reilly and seconded by Councillor Jenny McHugh.

Submission 12 - Board of Management, Navan Educate Together National School

Outlines history of school and current accommodation arrangements.
Believe the school should be accommodated first on the LAP1 lands which are subject to the CPO for the Department of Education.
Failing that, they wish to be placed on the site owned by Granbrind Development.

Manager's Recommendation - No change recommended.

Navan Area Committee - Accepted Manager's Recommendation
Agreed as recommended by County Manager on the proposal of
Councillor Tommy Reilly and seconded by Councillor Jenny McHugh.

It was agreed on the proposal of **Councillor Tommy Reilly** seconded by **Councillor Francis Deane** to put the amendments on public display for a period of four weeks.

6.2 Transport

- 6.2.1 To adopt 2011 Roadworks Programme.
Eugene Cummins, Director of Services presented information on the programme and outlined that there would be €10,000 made available per area to support and assist clean-up work done on a voluntary basis. It was noted that the Programme was agreed at Area level.
The Programme was adopted on the proposal of **Councillor John V. Farrelly** and seconded by **Councillor Noel Leonard.**

6.3 Environment

- 6.3.1 To consider the Manager's Report in accordance with Part VIII of the Planning & Development Act 2000 – 2010 as amended, and the Planning & Development Regulations 2001 – 2009 as amended for the proposed burial ground at Derrockstown, Dunshaughlin.
Report considered and noted on the proposal of **Councillor Maria Murphy** and seconded by **Councillor Noel Leonard.**
- 6.3.2 To receive a briefing report on submission by Meath County Council on behalf of the North East Region Waste Management Steering Committee to An Bórd Pleanála in relation to a Strategic Infrastructure Development application for an 'Integrated Recycling Facility at the site of the existing Corranure Landfill, Co Cavan (ref. PL02 PA0020)'.
The Report was received and Brendan McGrath, Director of Services, provided summary information and outlined that the Council had no major objection in principle to the facility.

6.4 Housing, Social Community & Cultural

- 6.4.1 Meath County Council Bursaries & Awards 2011 Recommendations for consideration and approval.



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Approved on the proposal of **Councillor Jim Holloway** and seconded by **Councillor Wayne Harding**.

- 6.4.2 To receive a report on a new fixed term tenant purchase scheme for long standing tenants of Local Authority houses and to resolve if thought fit to adopt the new scheme as required under the Housing (Sale of Houses to Long Standing Tenants) Regulations 2011.
Larry Whelan, Senior Executive Officer, Housing, informed the meeting that this item was discussed at the Housing SPC meeting and recommended for adoption. Councillors' issues relating to communication with Tenants, budget and system for loans, and dealing with arrears were clarified.
The Scheme was adopted on the proposal of **Councillor John V. Farrelly** and seconded by **Councillor Willie Carey**.

6.5 Corporate Services

- 6.5.1 To appoint one Member to the Meath County Enterprise Board
Councillor Joe Fox was appointed on the proposal of **Councillor John V. Farrelly** and seconded by **Councillor Suzanne Jamal**.
- 6.5.2 To appoint one Member to the County Meath VEC
Councillor Joe Fox was appointed on the proposal of **Councillor John V. Farrelly** and seconded by **Councillor Suzanne Jamal**.
- 6.5.3 To appoint one Member to the Meath Arts Forum
Councillor Joe Fox was appointed on the proposal of **Councillor John V. Farrelly** and seconded by **Councillor Willie Carey**.
- 6.5.4 To appoint one Member to the East Border Region Members Forum.
Councillor Gerry O' Connor was appointed on the proposal of **Councillor John V. Farrelly** and seconded by **Councillor Willie Carey**.
- 6.5.5 To appoint one Member to the Environment & Emergency Services SPC
Councillor Joe Fox was appointed on the proposal of **Councillor John V. Farrelly** and seconded by **Councillor Suzanne Jamal**.
- 6.5.6 To appoint one Member to the Infrastructure Development SPC
Councillor Gerry O' Connor was appointed on the proposal of **Councillor John V. Farrelly** and seconded by **Councillor Willie Carey**.
- 6.5.7 To appoint two Members to the Meath Joint Policing Committee
Councillor Joe Fox and **Councillor Gerry O' Connor** were appointed on the proposal of **Councillor John V. Farrelly** and seconded by **Councillor Willie Carey**.

7.0 Report from Protocol Committee

The Meetings' Administrator advised of requests from David Norris and Anthony Rowe who are seeking nominations to contest the forthcoming Presidential Election. The Protocol Committee recommended that they should be invited to address the Council at the next meeting. This was agreed by the Council on the proposal of **Councillor John V. Farrelly** seconded by **Councillor Willie Carey**.



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Councillor Yore requested that the reports of the St. Patrick's Day trips abroad would be circulated.

8.0 Correspondence

- 8.1 Correspondence from Fáilte Ireland re Tourism Capital Investment Programme 2007-2013.
Allocation welcomed.
- 8.2 NRA Circular No. 3/2011 – Wildlife Acts 1976 and 2000: Restrictions on the Destruction of Hedgerows and the Destruction of Vegetation on Uncultivated land.
Noted.

9.0 Notice of Question

- 9.1 Submitted by Councillor Francis Deane

“A survey is being carried out by the Irish Equine Centre in a bid to determine the extent of the unwanted horse population of Ireland. This survey, which will cover the 32 counties, and include data from the past five years, will provide for the first time, a comprehensive fact-based chain of evidence on this issue.

May I please ask that Meath County Council make available any relevant information which could assist the Irish Equine Centre with regard to this serious matter?”

The above was agreed.

- 9.1 Submitted by Councillor Jim Holloway

“I hereby request that Meath County Manager outline Council policy in relation to Business and Commercial Advertising/Signage along public roads and motorways and the placing of such advertising structures in fields adjacent to roads and motorways and provide clarification in respect of legislation and regulations which informs this policy”.

A written report was provided to Cllr. Holloway.

10.0 Notice of Motion

- 10.1 Submitted by Councillor Brian Fitzgerald

“This meeting of Meath County Council, under Section 136 of the Local Government Act 2001, requests the Manager to afford to the Members all the information that is in his possession, with regard to the legal file held in respect of High Court Case Darlington Properties Ltd v Meath County Council. Details to include all documents including:

Statement of Claim

All documents pertaining to Meath County Council Defence

Planning files

All emails

Internal memos of meetings of Meath County Council officials



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*All documents pertaining to sale of site to Darlington Properties Ltd, including Section 183 Notice
All legal advices obtained during these legal proceedings.*

See above at Item 4.

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

13.0 Any Other Business

Brendan McGrath Director of Services informed the meeting that the Council is currently the subject of an investigation by An Coimisinéir Teanga regarding an alleged breach of the Official Languages Act 2003 in relation to the installation in the county of water meter posts in English only. The Council has responded to the Commissioner's office that in the current climate it could not justify increased expenditure of over €100,000 to replace all the marker posts but that the posts in the Gaeltacht Areas would be replaced within six months. The information was noted by the Councillors.