



Miontuairiscí / Meeting Minutes

Ordinary Meeting 1st July 2013, 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, Eoin Holmes, Suzanne Jamal, Nick Killian, Noel Leonard, Tracy McElhinney, Niamh McGowan, Jenny McHugh, Maria Murphy, Gerry O'Connor, Bryan Reilly, Joe Reilly, Tommy Reilly, Catherine Yore.

Apologies: Arian Keogan

Officials in Attendance:

County Manager: Jackie Maguire

Directors of Service: Tadhg McDonnell, Kevin Stewart, Fiona Lawless, Des Foley.

Meetings Administrator: Olive Falsey

Senior Executive Officers: Larry Whelan, Michael Griffin

Planning Staff: Bernard Greene, Senior Executive Planner

Transportation: Nicholas Whyatt, Senior Engineer

1.0 Confirmation of Minutes

- 1.1 Confirmation of minutes of Ordinary meeting held on 10th June, 2013.
The minutes of Ordinary meeting held on 10th June, 2013 were confirmed on the proposal of **Councillor Nick Killian** and seconded by **Councillor Willie Carey**.

2.0 Matters arising from the Minutes

None

3.0 Expressions of Sympathy and Congratulations

Sympathy was extended to:

- Maura McCormack, Transport Section and Karen Lawlor, Housing Section on the death of their sister/aunt Sheila Lynch, former employee.
- Joe and Eileen Maxwell, Motor Tax Section & Corporate Services on the death of their mother/mother-in-law Gretta Maxwell.
- The family of the late Jim Reilly, Dunboyne, member of the Meath All-Ireland winning team in 1954.

Congratulations were extended to:

- Navan Town Council on hosting the Spiegel tent festival.



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- Councillor Jimmy Fegan on the official launch of his book.
- Kells town and all concerned with the organisation of the Hay festival.
- Dr. Geraldine Stout on successfully bringing the colour photographs of the Boyne Valley from the Albert Khan collection to the Drogheda Arts Centre.
- The U-14 teams that participated in the Féile na nÓg festival recently held in Derry.

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 Planning

5.1.1 To receive the Manager's Report in accordance with Part 8 of the Planning & Development Act 2000-2011 and the Planning & Development Regulations 2001 - 2012 on the provision of 21kms of a shared pedestrian and cycle greenway facility along the towpath and lands adjacent to the Royal Canal from the Kildare border at McLoughlin Bridge in the Townland of Ferrans to the Westmeath border in the townland of Croby.
Approved on the proposal of **Councillor Joe Fox** and seconded by **Councillor Noel Leonard**.

5.1.2 To consider taking in charge of the following estates 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 the Planning & Development Act 2000-2011, as recommended by the Kells Area Members at the monthly committee meeting on Monday 24th June 2013:

Cherry Hill Road, Kells
Cherry Hill Grove, Kells
Cherry Hill Avenue, Kells

Approved on the proposal of **Councillor Bryan Reilly** and seconded by **Councillor Shane Cassells**.

5.1.3 To consider the Draft Kells Development Plan 2013 - 2019 and the Manager's Report in response to submissions following the public display period of the draft plan, 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 and or to further amend the draft plan other than as recommended in the Manager's Report pursuant to the recommendations of the Kells



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Electoral Area Members, in accordance with Section 12 of the Planning & Development Acts 2000-2011.

Bernard Green, Senior Executive Planner, made the presentation, which included:

- The stages in the Development Plan review
- An overview of the submissions and the main amendments suggested by the Managers in their report were outlined.
- The proposed amendments suggested by the Kells Area Committee were presented.
- The Kells Town Council suggested amendments were also presented for information purposes.
- Outcomes of workshops held for Town and Area Councillors on 13th & 20th June was to jointly bring forward recommended amendments to the respective July Council meetings for decision.

Councillors were informed of the next steps in the process i.e.

- Material amendments to be placed on public display for a period of 4 weeks.
- Planning Authority has to determine if SEA / AA are required to be carried out regarding amendments suggested by Councillors.
- Outcome of this assessment may not be prepared in time to accompany display of variation and may indicate negative findings.
- A further Manager's report will be prepared summarising any submissions received during this last public display period.
- Only minor modifications to the alterations (amendments on display) may be made and shall not be likely to have a significant effect on a Natura 2000 site and shall not relate to an increase in the area of land zoned for any purpose or seek to add to or delete from the RPS.
- The meeting was also informed of a correction made to the Land Use Zoning Objectives Map No. 1 with respect to a parcel of land on the Rockfield Road. The Planning Authority inadvertently identified a site with an A2 "New Residential" land use zoning objective in the land use zoning objectives map which formed part of the draft Kells Development Plan. This was a mapping error which was not detected prior to the draft having been placed on public display. The clear intention of the Planning Authority as outlined in the text of the plan was not to zone these lands and this is



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now corrected as part of the material alterations which are now being placed on public display.

5.2 Transportation

5.2.1 To note an update of the review of the County Meath Draft Noise Action Plan (report to be circulated on day of meeting).

Nicholas Whyatt, Senior Engineer, presented an overview of the updated Plan, which was noted on the proposal of **Councillor Willie Carey** and seconded by **Councillor Noel Leonard**.

6.0 Report from Protocol Committee

The Meetings' Administrator informed that correspondence regarding a request from the Retailers Against Smuggling Group to make a presentation to the Council had been considered. The committee proposed that the full council would receive a presentation from the RAS group at the September meeting. Agreed on the proposal of **Councillor John V. Farrelly** and seconded by **Councillor Wayne Harding**.

7.0 Correspondence

7.1 Correspondence from Irish Water (*In response to Notice of Motion passed at the May monthly meeting*).

Correspondence was noted. Councillor Cassells expressed disappointment with the response from Irish Water.

7.2 Correspondence from Department of Public Expenditure and Reform (*In response to Notice of Motion passed at the May Monthly Meeting*).

Noted

7.3 Correspondence from C.I.E. Navan to Kingscourt Greenway Project.

Noted

7.4 Correspondence from Department of Transport Tourism & Sport – Additional Funding under the Restoration Improvement Programme.

The funding was welcomed and a list of the areas identified for improvement works was circulated.

7.5 Correspondence from Kevin Stewart, Director of Services, Planning and Community, re Review of Local Area Plans

A lengthy debate took place on the work programme with concerns raised, and questions asked, regarding the matter of land zoning etc.



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Kevin Stewart, Director of Services, responded and advised the Councillors regarding the legal advice received by the Council, the Core Strategy and the processes involved in the development of local area plans.

- 7.6 Notice of Motion adopted at June Monthly meeting of Navan Town Council
Noted

8.0 Notice of Question

- 8.1 Submitted by Councillor Francis Deane

"What are the current criteria used to qualify as a landlord under the Rental Accommodation Scheme?"

A response to the question was provided by Brendan Fulham, Administrative Officer, Housing, together with the RAS information document provided to landlords who may wish to participate in the RAS scheme.

9.0 Notice of Motion

- 9.1 Submitted by Councillor Willie Carey

"In the interest of public health and to keep our paths and green areas clean, Meath County Council introduce measures (e.g. Bye-Laws) preventing the serious and increasing problem of dog fouling in public places which is prevalent around the County."

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

A response to the motion was provided by Larry Whelan, S.E.O. Environment and Water Services, as follows:

The issue of dog fouling in public places is something that the Environment Department of the Council receive quite a number of complaints about every year. While the primary legislation in relation to the control of dogs is the Control of Dogs Act 1986 as amended, offences in relation to dog fouling are contained in the Litter Pollution Acts 1997- 2003 and specifically under Section 22 which makes it an offence to allow a dog under your control to foul a public place. This means the owner/person in charge of the dog is required to remove dog faeces and dispose of them in a suitable, sanitary manner and failing which an on the spot fine of €150 may be imposed or a €3000 maximum fine if not paid and a conviction is secured in the District Court. Any person can make a complaint to the District Court under the litter laws against an owner or someone in charge of a dog who allows that dog to foul public places and who fails to act responsibly.

It is submitted therefore that the legislation is already in place in respect of dog fouling and what is required is enforcement of same and including members



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of the Public being prepared to give evidence where they witness irresponsible behaviour on the part of dog owners.

In recent times there has been a major emphasis placed on the need to educate people in relation to the public health issues associated with dog fouling, as serious infections can spread from dogs to humans via infected faeces and with young children being particularly at risk through contact with contaminated ground while playing and putting their hands in their mouths.

Meath County Council in recent weeks has signed up to the Green Dog Walkers Programme (GWD) with Fingal, South Dublin, Dun Laoghaire Rathdown and Wicklow County Council. The GWD is a community based scheme adopted and promoted by local community volunteers and aiming to change attitudes towards the issue of dog fouling while looking at non-confrontational and friendly ways of raising awareness and the importance of picking up after your dog. Volunteers wear a Green Dog Walkers armband which signifies that they have taken the pledge to always clean up after the dog, carry extra dog waste bags and be a friendly reminder to other dog walkers to clean up after their dogs.

An Cathairleach of Meath County Council Councillor Niamh McGowan recently launched the GWD programme in Ashbourne and further launches and awareness campaigns are planned for some of the larger population centres in the County. The Council as part of engagement with local Communities in tackling this problem provide on an ongoing basis "Clean up after your Dog" signs to Residents Associations, Community Groups etc as well as distributing appropriate dog litter bags at strategic locations.

It is pointed out that this matter was the subject of recent discussion at the Environment SPC and further discussions are planned including feedback on participation in the above mentioned Green Dog Walkers Programme.

An amendment to the Motion was proposed by **Councillor Niamh McGowan** and seconded by **Councillor Eoin Holmes** i.e. to remove the wording "e.g. Bye Laws"

The amended motion:

"In the interest of public health and to keep our paths and green areas clean, Meath County Council introduce measures preventing the serious and increasing problem of dog fouling in public places which is prevalent around the County." was unanimously adopted.

9.2 Submitted by Councillor Tracy McElhinney

"That Meath County Council proceed with taking in charge an additional length of L62107-0 as a matter of priority."

The motion was proposed by **Councillor McElhinney** and seconded by **Councillor Eoin Holmes**.

A response to the motion was provided by Nicholas Whyatt, Senior Engineer, Transportation, as follows:

This Motion relates to an additional 150m length of an existing private lane which serves 3 private houses and is used to access other farm lands. The lane is located

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in the townland of Dangan, south of Trim, and connects to the L-62107, which itself is a 810m. long local tertiary cul-de-sac.

Where a Road Authority proposes to declare a road to be a public road, under section 11 of the Roads Act it shall;

- *Satisfy itself that the road is of general public utility.*
- *Consider the financial implications for the Authority of the proposed declaration.*
- *Consider any objections or representations made by the public.*

Public notice must be given of the proposed declaration in at least one local newspaper with a period of one month for inspection of the proposal and a further two weeks for the making of objections or representations. The making of the order declaring a road to be a public road and the consideration of objections or representations on such a proposal are functions reserved to the elected members of the road authority.

Inevitably, making a declaration of any new public road will place additional demands on the Council's obligations and resources. The Area Engineer estimates that the cost to upgrade this 150m section of private lane to the standard of the adjoining L-62107 and provide drainage, would be €20,000. In addition, public liability claims are a mounting concern to the Council. We are already in the situation where the funding and resources available to the Council are insufficient to maintain the road network that we have. Therefore, it is difficult to justify Meath County Council adding more rural roads to the public road network, particularly those with limited public utility.

The motion was noted.

The Cathaoirleach proposed, writing to the Department of Transport requesting the reinstatement of funding under the Local Improvement Scheme, to provide for repair of private roads and improve access for people in isolated and depopulated areas. This proposal was seconded by **Councillor by Willie Carey**.

It was agreed to extend the meeting by fifteen minutes on the proposal of the **Cathaoirleach** and seconded by **Councillor Wayne Harding**.

9.3 Submitted by Councillor John V. Farrelly

“When welcoming the Department of Education allocation of funds to progress the building of a new eureka girls’ school in Kells can I ask the Council that an immediate meeting be held with representatives of Meath County Council and Kells Town Council with the Department of Education, in order to have a proper assessment of suitability or otherwise of both sites which are available and zoned in the Kells Development Plan.”

The motion was proposed by **Councillor John V. Farrelly** and seconded by **Councillor Willie Carey**

A response to the Motion was provided by Kevin Stewart, Director of Services, Planning, community & Enterprise, as follows:

This motion refers to two potential school sites in Kells which for the purposes of this report will be referred to as Site 1 and Site 2.



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Site 1 is situated adjacent to the existing schools campus just off the Navan road and is zoned G1 “Community Infrastructure” in the current Kells Development Plan. The zoning would allow for the development of education facilities. The site is in private ownership. The G1 zoning is retained in the draft Kells Development Plan 2013-2019.

Site 2 is a site of approximately 10 acres situated on the Cavan road. The site is zoned “retail warehousing” in the current development plan. The site is in the ownership of the Department of Education & Skills and the Department requested that the site would be rezoned to G1 to allow for the development of a replacement Eureka Secondary school at that location. The draft development plan proposes to rezone the site as requested by the Department. No submissions were received following the display of the draft plan seeking to alter the proposed zoning of the site.

In discussing the matter at pre draft stage, Kells Councillors were of the view that while the development of the school on Site 1 was more desirable in planning terms having regard to its location adjacent to other schools, the request to zone Site 2 should be accommodated in order to allow flexibility for the Department in delivering the new school.

Funding for the development of the school on the Cavan road site was announced in early May.

The motion proposes a meeting between Meath County Council, Kells Town Council and the Department in order to have a “proper assessment of the suitability or otherwise of both sites”. A similar motion is included on the agenda for the next meeting of Kells Town Council.

Following a short debate, the motion was unanimously adopted.

It was agreed to extend the meeting by ten minutes on the proposal of the **Cathaoirleach** and seconded by **Councillor Wayne Harding**.

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

11.0 Presentations by other Bodies/Statutory Agencies

(None)



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12.0 Any Other Business