



Miontuairiscí / Meeting Minutes

Ordinary Meeting 4th November 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, 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: Arian Keogan

Officials in Attendance:

County Manager: Jackie Maguire

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

Meetings Administrator: Shane Donnelly

Senior Executive Officers: Larry Whelan, Michael Griffin

Planning Staff: Bernard Greene, Senior Executive Planner

1.0 Confirmation of Minutes

- 1.1 Confirmation of minutes of Ordinary meeting held on 7th October, 2013.
The minutes of Ordinary meeting held on 7th October, 2013 were confirmed on the proposal of **Councillor Tommy Reilly** and seconded by **Councillor Noel Leonard**.

2.0 Matters arising from the Minutes

No matters arising

3.0 Expressions of Sympathy and Congratulations

Sympathy was extended to:

- Breeda Kinsella, Health & Safety Section, on the death of her mother-in-law of Bridget Kinsella,
- Joan Cunningham, Finance Section on the death of her father Patrick (Paddy) Cunningham.
- Tommy Doherty (M&E Maintenance Unit) on the death of his mother Mary J. (Moyna) Doherty.
- The family of the late Patricia Hegarty, former Councillor.



Miontuairiscí / Meeting Minutes

Congratulations were extended to:

- Summerhill senior football team on winning the Meath SFC title.
- Navan Athletic Club on its 40th anniversary celebrations.
- Meath County Council Choir on the recent choral charity event at Solstice Arts Centre.
- Jimmy O' Brien, Slane Tidy Towns, on winning the Rehab Meath Person of the Year Award, and all the other award winners on the night.
- John Fanning, Ashbourne, on winning an individual award at the Pride of Place Awards.
- Carnaross village on its success, as a first time participant, in the Pride of Place competition.

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

5.1.1 To receive information on the recently published Local Government Bill

Des Foley, Director of Services, advised on the contents of the various sections of the Bill published on 17th Oct. It is expected legislation will be enacted by December, Orders in place by January all measures by June 2014 with a commencement date of 1st June.

The matter of the effect of boundary changes on residents in Ashbourne/Ratoath was raised and it was clarified that the independent electoral committee established the boundaries and that the Council could not make changes. It was also noted that the Polling Scheme would not be revised at this time as the priority is to compile the register of electors to reflect the boundary changes. It was also noted that in certain cases, if possible, arrangements will be made to accommodate the people affected so that they will be able to vote in their normal polling place.

Fiona Lawless, Head of Finance, advised that a submission had been made to the Department requesting additional funding under the local government fund.

5.1.2 To agree date for Special Meeting of the Council in relation to the following:

- Transportation (Roads)



Miontuairiscí / Meeting Minutes

- Proposed sub county / Municipal re-organisation

It was agreed on the proposal of **Councillor Willie Carey** and seconded by **Councillor Tommy Reilly** that the special meeting would take place on the **18th November at 10.00a.m.**

5.2 Planning

5.2.1 To consider the proposed variation and the Manager's Report received (7th October 2013) on the submissions and observations received following the publication of the proposed Variation no. 1 to the Meath County Development Plan 2013 - 2019 and if thought fit to resolve to make the variation with or without further modification in accordance with Section 13 of the Planning & Development Acts 2000-2013.

5.2.2 Bernard Greene made the presentation and outlined the proposed modification to the wording of the Variation arising from the consideration of the submissions received. The proposed modification was not considered to be material in nature and had no impact from an SEA / AA perspective. On the proposal of **Councillor Eoin Holmes** and seconded by **Councillor Jim Holloway**, the Variation was made, in accordance with Section 13 of the Planning & Development Acts 2000-2013, as recommended by the Manager and was unanimously agreed by the Councillors.

Cllr. Fitzgerald requested that the Council write to the Regional Planning Guidelines Office and seek clarification of their intention to review the population and household projections contained in the Regional Planning Guidelines as they apply to Meath following the publication of the 2011 Census of Population results. There was agreement amongst the other members to this request.

5.3 Finance

5.3.1 To agree dates for the holding of 2014 Budget Meetings.
It was agreed on the proposal of **Councillor Tommy Reilly** and seconded by **Councillor Willie Carey** that the preliminary budget meeting would take place on 9th December at 2.00p.m. and the Statutory Budget meeting would take place on the 16th December, at 3.00p.m.

5.3.2 To receive an update on Draft Capital Programme in accordance with Section 135 of the Local Government Act 2001.
It was resolved on the proposal of **Councillor Tommy Reilly** and seconded by **Councillor Willie Carey** to address this item at the January meeting of the Council.



Miontuairiscí / Meeting Minutes

5.4 Environment

5.4.1 To receive a presentation in respect of a draft Meath Local Authorities Energy Policy and if thought fit to approve same (As recommended by the Environment and Emergency Services SPC).

Lara Fagan, Energy Officer, made the presentation the main points of which ere:

- Conclusions of 5th Assessment Report on Climate Change (IPCC)
- Key findings in EPA Report, 2012
- Meath Local Authorities' energy consumption 2009-2011
- Meath Local Authorities' progress to 2020 Targets
- Meath Local Authorities' Policy, Mission statement, long and short term objectives.

The draft Meath Local Authorities Energy Policy was approved on the proposal of **Councillor Tommy Reilly** and seconded by **Councillor Oliver Fox**.

6.0 Report from Protocol Committee

The Meetings' Administrator advised of the following recommendations from the Protocol committee:

- To accept an invitation from the Mayor and Council of Guiyang in China to forge greater economic, tourism and cultural links between the two communities. It was noted that a small delegation comprising the Cathaoirleach, one Councillor and one official would visit Guiyang from the 25th November to the 1st December.
- That the meeting of the Council in April, 2014 would take place in the Community Hall, Moynalty in recognition of winning the title of Ireland's Tidiest Town, 2013.
- Support for the efforts of the Slane Community Forum in forging cross border links with Downpatrick.
- That there would be a 10 minute presentation on the work of Pieta House at the December meeting.

7.0 Correspondence

7.1 Briefing Note from Dublin City Council re. Eastern & Midlands Regional Waste Management Planning.

Noted

7.2 IPB Insurance re. Members' Dividend Payment, 2013.

Councillor Shane Cassells raised the issue of the dividend payment being used for community use and requested that should the money become



Miontuairiscí / Meeting Minutes

available in 2014 it would be used for community development rather than included as income in the annual budget.

- 7.3 Aarhus Convention: National Implementation Report.

Noted

- 7.4 Renewable Energy Export Policy and Development Framework – Public Consultation Stage 1 – Summary Document and Information Document. (Closing date 22nd November, 2013).

Noted

- 7.5 To note an update of the review of the County Meath Noise Action Plan following public consultation.

Noted

- 7.6 To note update on the Draft Register of Electors.

Noted – See 5.1.1

- 7.7 Circular Letter F. 10/13 - Amended legal requirements on political donations.

Noted

- 7.8 Communication from the Joint Committee on Transport and Communications (Wind Energy Guidelines).

Noted

8.0 Notice of Question

- 8.1 Submitted by Councillor Francis Deane

“Who is the statutory authority with responsibility for providing emergency access for boats along our rivers (in particular the River Boyne and Blackwater) and can the appropriate Department in Meath County Council liaise with them to ensure that adequate slip ways are provided to facilitate Emergency Services?”

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

The Government Task Force on Emergency Planning, chaired by the Minister of Defence, is the top-level structure, which provides policy and direction, and which coordinates and oversees the emergency management activities of all Government ministries and public authorities. The Principal Response Agencies (PRAs), i.e. An Garda Síochána, the Health Services Executive and the local authorities (including the fire service), are the agencies designated by the Government to respond to major emergencies. At local agency level, each PRA is responsible for undertaking the requirements and functions set out in the Framework for major Emergency Management. These requirements include risk assessment, developing plans, training and exercising, response and recovery. Ireland operates an "all hazards" approach to major emergencies, in which the common features of coordinated response and the management of common consequences are recognised, regardless of the origin of the emergency. With respect to an emergency involving rivers, canals or the coast, the Garda Síochána are usually the PRA, and are sometimes assisted by the Meath County Council Fire Service, or the Coast Guard, and/or Meath County Council Civil Defence, as appropriate. Emergency access for boats, in terms of responses by the statutory agencies, is usually undertaken at the



Miontuairiscí / Meeting Minutes

nearest suitable access point. In general, there is no automatic right to the access or use of inland waterways, and permission from the relevant riparian landowner should first be sought. A slipway/boat launch was constructed, following a grant of planning permission, and is accessed from Blackcastle Lane (off Flowerhill) by authorised personnel only (Meath County Council Fire Service & Meath River Rescue). As the slipway is secured by a locked gate, the authorised personnel have been provided with a key to the gate. Both OPW and Fisheries personnel were consulted by the developer at the time of construction. With respect to 'providing emergency access for boats along our rivers' the Garda Síochána, Meath County Council Fire Service, or the Coast Guard, may however, in the course of undertaking rescue operations, access private lands and stretches of water. The Rivers Boyne & Blackwater are rivers that were subject to schemes carried out by the Office of Public Works under the Arterial Drainage Acts 1945 & 1995. Where the Commissioners of Public Works have completed such a drainage scheme, there is a statutory requirement on them to maintain works undertaken (including maintenance of watercourses, embankments and other structures). The Environment Dept. of the Council will arrange to meet with the OPW to clarify that any such facilities are being maintained.

Tadhg McDonnell, Director of Services, provided further clarification regarding potential applications i.e. that the Council would examine such applications subject to funding.

8.2 Submitted by Councillor Tracy McElhinney

"How much money is owed to Meath County Council in development levies from builders who are now in NAMA. Is it possible to identify suitable properties constructed by these builders that could be used for social housing purposes?"

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

The notice of question submitted by Councillor McElhinney seeks a detailed statement on the scope of development contributions owed to Meath Co. Council by developers who are in NAMA.

The current loan status or the lending agency of individual developers is information that is not required under the planning consent process. Such information is commercially sensitive and is generally not in the public domain or readily available to Local Authorities. That said, Meath Co. Council is aware, through its compliance and enforcement function, of a limited number of developments which are now under the direct control of NAMA or whose loan portfolios are being overseen by NAMA. The information held by this Authority in respect of all NAMA developments is therefore incomplete. The 2012 Annual Financial Statement outlines that the total quantum of development contributions potentially due to Meath Co. Council at 31st December 2012 is €24,718,291, of which a provision of €14,384,670 is included for Bad or doubtful debts.

Development contributions fund the local contribution element of infrastructure provision in accordance with an adopted development contribution scheme. The discretion is not available to Meath Co. Council to accept housing units in lieu of development contributions.



Miontuairiscí / Meeting Minutes

A separate dedicated mechanism exists through the Part V process whereby a developer of residentially zoned land must submit a proposal to the Planning Authority to assist the Authority in the provision of social or affordable housing. Such arrangement can be made but are not limited to the payment of a financial contribution, the transfer of land or the transfer of housing units.

8.3 Submitted by Councillor Maria Murphy

“What is the Council’s position when a resident cuts down a tree which is situated on the public footpath outside their property, whether or not the road/footpath has been taken in charge? In one estate recently 3 healthy trees have been removed by the residents.”

A response was provided by Joe Fahy, A/Director of Services, Transportation & Housing, as follows:

Section 37 of the Forestry Act, 1946 states that it is illegal to uproot any tree over ten years old or to cut down any tree, unless notice of the intention to do so has been given in accordance with the Act. Notice of intention to fell or uproot trees must be given in writing on a form known as a Felling Notice which may be obtained from any Garda Station or directly from the Felling Section of the Forest Service at **Department of Agriculture, Fisheries and Food, Felling Section, Forest Service, Johnstown Castle Estate, Co. Wexford**. On receipt of a completed Felling Notice, an Order prohibiting the felling of the trees is issued. This protects the trees in question while consideration is given to the issuing of a felling licence.

The prohibition on the uprooting or cutting down of trees does not apply where:

- It is a hazel, apple, plum, damson, pear or cherry tree grown for the value of its fruit or any osier (Note - this refers to any one of several willow species especially where grown for their rods for basket-weaving etc.).
- The activity is covered by a limited or general felling licence and during the period during which such authority is exercisable.
- It is less than 100 feet from a dwelling other than a wall or temporary structure;
- It is standing in a County or other Borough or an urban district.
- The tree is standing on land held by the Minister for the purposes of this Act.
- Other exceptions apply in the case of road construction, road safety and Such as the case where a tree is uprooted or cut down by direction of the Minister for Posts and Telegraphs on the ground that it is a danger or obstruction to telegraph or telephone wires. Another case could be where the tree is certified by a local authority as dangerous to road traffic on account of age/condition or in connection with road widening or improvement schemes or, building or constructional work
- In the case of electricity supply operations the tree can be cut down under section 34 of the Local Government Act 1925 or section 98 of the Electricity Supply Act 1927.

However, Section 37 (5) specifically states that ‘Nothing in this section shall be construed as limiting the right of a district planning authority, under the Town and



Miontuairiscí / Meeting Minutes

Regional Planning Acts, 1934 and 1939, to prohibit under the said Acts the felling of trees in its planning district.'

Therefore, in Summary, it appears that the only recourse open to a Local Authority to protect trees in an estate is through the planning process (Tree Preservation Orders, or TPOs, being a prime example). In general, a tree, being on the public footpath, is an inherent part of the development that was granted the planning permission for reasons of enhancing residential amenity and therefore, the residents, collectively, have an obligation to uphold the conditions of the permission that relate to the public realm as the residential amenity is to be enjoyed by all residents.

The law is vague on the specific issue of responsibility but if the public space has been taken in charge, then it behoves any resident to contact the Council, at the very least, before deciding to cut down a tree.

Cooperation between Council and residents and among residents and appreciation of the amenity value of the trees is the best option in resolving such issues.

8.4 Submitted by Councillor Shane Cassells

"Following the Government's decision to reverse the plan of allocating 80% of the funds collected by the Local Property Tax to the Council of the county in which it was collected, can the Manager please inform us what percentage of the money collected in Meath will be received by Meath County Council in 2014?"

A response was provided by Fiona Lawless, Head of Finance, as follows:

The Local Authority has not been given any information yet in relation to the allocation of either the Local Property Tax or the Local Government Fund for 2014.

9.0 Notice of Motion

9.1 Submitted by Councillor Tracy McElhinney

"I request that Meath County Council and the Office of Public Works immediately carry out a survey of all bridges in the county so as to ensure that any danger areas are either sign posted, fenced off and/or that protection works are carried out so that any possibility of accidents is eliminated."

The motion was proposed by Councillor Tracy McElhinney and seconded by Councillor Maria Murphy.

General information was circulated as follows by Joe Fahy, A/Director of Services.

Meath County Council's Bridge Management Unit has been in operation since July 2010. Every bridge in the county is surveyed annually and



Miontuairiscí / Meeting Minutes

assigned a visual rating (1 – 5). On the basis of the rating, further investigation and/or works are prioritised and carried out. Since January 2011 a total of €1,684,099 has been spent to date on bridges in the county, excluding Maintenance and Minor Improvement Works carried out and funded separately by the NRA, Irish Rail and Waterways Ireland on National Road Bridges, Railway Bridges and Canal Bridges.

The motion was noted.

9.2 Submitted by Councillor Brian Fitzgerald

“That Meath County Council calls on the Government to introduce an identity card system that is transparent and fail safe, which may include finger printing and photographic information.”

The motion was proposed by **Councillor Brian Fitzgerald** and seconded by **Councillor Nick Killian** was adopted.

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

The Members noted that the Managers Orders in respect of the Community Section were circulated in the Members Packs.

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

- Councillor Killian raised the matter of Manager’s order 170/2013.

Noted

11.0 Presentations by other Bodies/Statutory Agencies

No presentations

12.0 Any Other Business

- Councillor Leonard raised the matter of water supply in the village of Clonee noting a number of complaints received. Tadhg McDonnell, Director of Services responded that the issue of water supply is related to the Ballymore works and that he would investigate the matter.
- Councillor Killian raised the matter of rent supplement and it was noted that a letter has issued to the Department of Social Protection



Miontuairiscí / Meeting Minutes

highlighting the anomaly that exists regarding rent supplement in South Meath. It was agreed that the Cathaoirleach would write to the Minister for Social Protection in respect of the matter.