

Miontuairiscí / Meeting Minutes

Ordinary Meeting

Ashbourne Municipal District

10.15 a.m. 7th November 2023 Ashbourne Civic Offices

Cathaoirleach, Councillor Alan Tobin presided.

Councillors Present: Joe Bonner, Suzanne Jamal, Amanda Smith, Helen Meyer, Conor Tormey

Apologies/ Absent: n/a

Councillors Present via Zoom: none.

Officials in Attendance:

Director of Service: Barry Lynch

Executive Engineer: Mel Cronin

Meetings Administrator: Áine Bird

Staff Officer: Ann Monaghan

1 Confirmation of Minutes

1.1 Confirmation of minutes of Ordinary meeting held on 3rd October 2023

The minutes of the meeting held on the 3rd of October 2023 were confirmed on the proposal of **Councillor Conor Tormey** and seconded by **Councillor Amanda Smith**.

2 Matters arising from the Minutes.

- Enquired about the tree pruning tender as tree pruning is currently being carried out- advised that direct labour is being used for small jobs and larger jobs tendered out.
- Referred to the pedestrian crossing and public lighting on the Milltown Road and when will they be energised – advised that application has been made to the ESB to energise.

3 Expressions of Sympathy and Congratulations

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Sympathy was extended to:

- The family of the late Eddie Fennelly, Ashbourne, recently retired water services caretaker.
- Ken Reilly, IT section on the sudden passing of his brother Ivan Reilly.
- Sheila Harkin, Acting Head of Finance, on the death of her niece Alana Harkin who was killed in a road fatality in Donegal.

Congratulations extended to all the winners in the Ashbourne Pride of Place awards and to the Community section in organising this successful event.

4 Disposal of Land

There was none.

5 Statutory Business

5.1 Community

5.1.1 To receive an update on the Digital Strategy and National Broadband Plan progress report.

Simon McCabe, Head of IT and Cormac McCann, Broadband Officer gave an update on progress of the current Meath Digital Strategy. They advised overall that good progress has been made despite encountering several challenges which included the pandemic thus switching to remote working and moving to digital services, staff changes and a small number of actions which could not be progressed. They said that the next steps are to review and update the strategy accordingly.

Members raised the following:

- Some areas are not serviced yet – advised that the NBP is broken into deployment areas with works progressing at different stages.
- What is the Council's function in relation to the NBP - The council is responsible for issuing licenses to contractors for the laying of infrastructure on public roads and footpaths. The Broadband Officer liaises with the contractors when issues arise.
- Referred to the 200 persons connecting to the public Wifi and are they locals or visitors – under GDPR The Council doesn't have details but can get stats on times it was used.

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- Can we see live data on the air quality of the 9 towns- Climate Action team are monitoring this where live stats are available on the webpage with Ashbourne one of the towns.
- Can the Wifi4EU be advertised – The council cannot advertise but can promote on the website.
- Enquired if there is a map identifying gaps in service – Can view a map on NB website.
- Referred to a survey carried out in 2019 identifying the demands, can this be completed again- advised it will be carried out in 2024.

5.2 Planning

5.2.1 To receive an update on County Meath Heritage Strategy 2023-2030

Loreto Guinan, Heritage Officer, gave an update on the new proposed Strategy and the seven themes agreed. She advised that the next steps are to carry out an Environmental Assessment and finalise the plan to present to the Full Council for approval.

The members raised the following:

- Members commended all the work done.
- Welcomed Ben Malone as the newly appointed Biodiversity officer.
- Referred to the old graveyards and how can groups get involved – advised that the groups can benefit from grants available, and that the heritage section advise the groups on works that can be carried out.
- How does an old building and/or private building obtain a preservation order – if it's dates pre 1700 it comes under the order and it includes private buildings.

5.3 Housing

5.3.1 To receive details on the process to be followed for social housing developments carried out under the Planning and Development (Section 179A) Regulations 2023, and the Planning and Development and Foreshore (Amendment) Act 2022.

Corrina Elder SE, Housing updated the members on the amendments to planning legislation that came into effect on 8th March 2023 which provides a temporary exemption for local authorities from the 'Part 8' "own development" approval process to construct housing developments on both local authority and designated State-owned lands which are zoned residential use.

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She stated that the process is mandatory for local authorities and outlined some of the criteria set down.

- the land is owned by the local authority,
- the land is zoned for residential development and that the proposed development is for residential housing,
- the proposed development is not required to undergo environmental impact assessment.
- the development works in question are commenced, no later than 31 December 2024.

She said that the section 179A notification process will therefore be as follows:

- Notification of proposed development to Elected Members
- Publication of newspaper notice and erection of site notice to inform public.
- When the 8-week minimum notification period has passed, construction can start.

5.3.2 To receive a report in accordance with the Planning and Development (Section 179A) Regulations 2023, and the Planning and Development and Foreshore (Amendment) Act 2022, giving notice of Meath County Council's intention to construct a social housing development on local authority owned land at **Archers Glen, Ashwood, Ashbourne, Co. Meath.**

Corrina Elder SE, Housing gave an update on the proposed development at Archers Glen. She outlined the design which is at concept stage and advised that the development will consist of 79 units with rear gardens and public open space. Access is through the original estate.

The members raised several queries:

- Enquired why there is no affordable houses included – advised that the Department is only providing funding towards a social housing development at this location. The Council's experience with affordable purchase schemes elsewhere in the county was outlined in particular the small number of applicants with sufficient purchasing power to buy the units advertised.
- Breaching of government guidelines more than 50 houses- The Department was aware of the number of proposed units when they approved the Capital appraisal for the scheme and funded the site for social housing.
- A playground and creche is required here – advised that the department does not fund playgrounds and our advice is that a creche is not required.

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- Referred to the increase in traffic through the estate – advised that any road safety issues can be reviewed, speeding is a matter for An Garda Síochána.
- Referred to residents that may need support services – advised that the housing section can assist with support services and refer to the HSE services as required.
- Can the development be judicially reviewed – advised that the process can be reviewed.
- Is this process quicker than a Part 8 process – advised that this process is fast tracking the provision of social housing by 3-4 months.
- Referred to the green area and said it should be elsewhere – advised that the design was prepared in consultation with the transport, planning and environment sections of the Council.
- Enquired if the hedgerows will remain – advised that hedgerows on western, eastern and northern boundaries will be retained. A topographical survey has been carried out and is currently under review. This will determine if the hedgerow on the southern boundary can be removed. A wall will be erected in place of the hedgerow, or as close as possible to it.

Members agreed to an extension to the meeting of 15 minutes on the proposal of **Councillor Suzanne Jamal** and seconded by **Councillor Joe Bonner**.

5.4 Transport

- 5.4.1 To receive a Progress Report on works undertaken/planned for Ashbourne Municipal District

The report circulated in advance of the meeting was noted.

5.5 Corporate Affairs and Governance

- 5.5.1 To note the Municipal District Allocations submitted by Councillors on behalf of Ashbourne Municipal District.

The allocations were noted.

6 Notice of Question

- 6.1 **Submitted by Councillor Conor Tormey**

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To ask Meath County council for a full report on the road works north of Ashbourne to include the following:

Date contract signed, Costings agreed as per contract, Date work commenced, time period of works as per contract, Completion date of works as per contract, Description of works as per contract, An explanation as to why the works have taken so long and how it could not be done more efficiently and effectively, An acknowledgement regarding the incredible daily disruption to the general public, An explanation regarding the design of the works and how it is supposed to be an improvement, An expected completion date and why it is taking so long, An explanation on the full costs of the project and does the council feel it is value for money.

A detailed report of all relevant facts pertaining to the above and how the disruption can be brought to an end at the earliest possible date to allow the general public and the town community to return to some normality.

RESPONSE

The submission received from Cllr. Tormey contains twelve separate questions. We have presented our response in the form of an individual discussion on each of the points raised by Cllr. Tormey for ease of reference.

1. Date contract signed.

24 February 2022

2. Costings agreed as per contract.

€6,132,716.43 Excluding Vat

3. Date work commenced.

May 2022

4. Time period of works as per contract.

65 weeks

5. Completion date of works as per contract.

August 2023

6. Description of works as per contract.

The proposed road improvement scheme is circa 2km in length located to the north of Ashbourne centre from Dunnes Stores to the Pillo Hotel roundabout.

Traffic signal installations are required at Ballybin junction, Castle Street and St John's Wood. There are also two toucan crossings proposed to the north and south ends of the proposed works.

Works include the following:

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1. Site clearance and enabling works.
2. Full depth road, parking, cycleway and footway construction.
3. Installation of bus stops and associated infrastructure.
4. Upgrading of existing drainage and construction of new drainage.
5. Utility diversions and associated works.
6. Installation of traffic signals including provision of pedestrian and cyclist crossing facilities.
7. Road regulating and resurfacing works.
8. Installation of new signage and road markings along the route.
9. Installation of new public lighting
10. Installation of Fibre Optic Cabling.
11. Landscaping works.

7. An explanation as to why the works have taken so long and how it could not be done more efficiently and effectively.

Urban work is difficult, particularly in relation to existing ground conditions and services. The start of the scheme was also affected by external events which created uncertainty and affected construction inflation and supply chains. The Office of Government Procurement have issued advice to local authorities on how this should be dealt with.

The works have been delayed for a range of reasons all of which are currently being dealt with in accordance with the Public Works Contract, which is explained in greater detail in Point 11 below. Both the Council and the Contractor are following the proper procedure in relation to delay incidents and are not at liberty to disclose specific details in relation to delay events while this procedure is being implemented.

Projects of this type include a close out process which looks at 'lessons learned' which can be applied to future schemes.

8. An acknowledgement regarding the incredible daily disruption to the general public:

Works of this nature are disruptive to traffic in the town, and this has consequences for those who live and conduct their business there. Meath County Council acknowledge that the works have been significantly longer and more disruptive than originally anticipated.

9. An explanation regarding the design of the works and how it is supposed to be an improvement:

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The scheme has been designed in accordance with the Design Manual for Urban Roads and Streets (DMURS), which is the standard **which must be applied** to the design of all urban roads and streets (with a speed limit of 60 km/h or less).

DMURS encourages more sustainable travel patterns and safer streets, designers must place pedestrians at the top of the user hierarchy. Walking is the most sustainable form of transport. Furthermore, all journeys begin and end on foot. By prioritising design for pedestrians first, the number of short journeys taken by car can be reduced and public transport made more accessible. The need for more walkable communities is also an issue of social equity as it is the poorest and most vulnerable in society, including children, the elderly and the disabled for whom car travel is less of an option.

10. An expected completion date and why it is taking so long.

The section between Castle Street and the Rath Lodge junction has now been substantially completed and a new works area created between Ballybin Road junction and Rath Lodge. The contractor is currently finalising the completion programme for this section of works and the completion date will be furnished to the Ashbourne MD members in due course.

11. An explanation on the full costs of the project and does the council feel it is value for money.

The works are being managed in accordance with the Public Works Contracts, the main objectives of which are:

- Cost certainty at tender award stage,
- better value for money, and
- more efficient delivery of public works projects.

These contracts set out the rules, processes and procedures for management of the works, including how to deal with additional costs and penalties.

In general, under the Public Works Contracts, the contractor has an entitlement to an extension of time where a legitimate delay event occurs which delays the overall completion date. On the other hand, there is also an entitlement for the Employer (i.e. MCC in this case) to apply liquidated damages for any delays beyond the contractual completion date for which the contractor is responsible.

The contract emphasises that both the Employer (subject to any restraints on it as a public authority) and the Contractor have to support what is called 'reciprocal co-operation' for the purposes of the contract, including co-operation with and between Contractor's Personnel and Employer's Personnel. This requirement promotes a collaborative approach between the parties to work together to overcome the challenges that commonly arise on construction projects. While some of the delays that have been experienced to date have

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been agreed, some are disputed. In cases where there is a dispute the contract sets out a process as to how the parties should proceed. This is not uncommon on construction contracts of this type. Both the Council and the Contractor are following the proper procedure where disputes have arisen to seek a resolution or else follow the process for the matters to be determined by a third party by way of a formal conciliation/arbitration. This is a time consuming and complex process which is currently ongoing.

Ultimately the final costs will be determined in accordance with the contract having considered all relevant issues.

12. A detailed report of all relevant facts pertaining to the above and how the disruption can be brought to an end at the earliest possible date to allow the general public and the town community to return to some normality.

Meath County Council's contracts with its service providers and main contractor will be implemented in accordance with the existing signed agreements. The Council will continue to work with the main contractor to overcome the challenges on the project and explore options to minimise disruption and the time required to complete the remaining works.

The response was noted, and members requested the contract dates be clarified.

The contract signing date has been amended accordingly.

6.2 Submitted by Councillor Amanda Smith

Can the Council please outline what progress has been made for traffic measures to be introduced at Cushenstown which has now been designated a rural Node.

RESPONSE

'While Cushenstown is listed as a Rural Node in the Meath County Development Plan 2021 - 2027, there are no specific objectives prescribed for the implementation of traffic measures. Cushenstown is located within the preferred option corridor for the N2 Rath to Kilmoon Cross Scheme. Transport Infrastructure Ireland (TII) published its Grant Allocations to Local Authorities for National Roads, Active Travel and Greenways in February 2023. This included funding in 2023 to meet current project commitments for the proposed N2 Rath Roundabout to Kilmoon Cross scheme and has allowed the consultants to continue with preliminary design work to refine the preferred option corridor for the scheme at the tie in junction locations. The project team are currently awaiting TII approval and further funding to proceed to the next phase of the scheme development process – Phase 3 Design and Environmental Evaluation.'

The response was noted.

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6.3 Submitted by Councillor Helen Meyer

Could I get an update with regard to the timeline on the Essential River works (Broadmeadow flood prevention) at Brookville, Ashbourne.

RESPONSE

The Ashbourne Flood Alleviation Scheme is essentially completed and is operating as designed to provide flood protection. There are outstanding landscaping works in gardens and snag items which will take until the end of November to complete.

The response was noted.

6.4 Submitted by Councillor Alan Tobin

Can I get a full report on the completed OPW flood relief scheme including flood modelling which conforms a reduced flood threat along C1/7

RESPONSE:

A report will issue to the Ashbourne MD when the scheme is fully completed and all relevant documentation including as-built drawings etc is submitted by the Consultants for the Project to Meath County Council. It is expected that this documentation will be available early in Q1 2024 and a report will issue to the local MD as soon as possible thereafter.

The response was noted.

7 Notice of Motion

7.1 Submitted by Councillor Conor Tormey

“To ask Meath County Council to give serious consideration to the dangers for pedestrians on the Dublin side of the town of Ashbourne. Pedestrians crossing from the Briars estate and surrounding areas to get to the shop at Baldara Stores, the community Centre, the schools and the bus stop opposite Hickeys Lane are all in grave danger and a pedestrian crossing has become an absolute necessity at this location and to further ask the council to outline the steps to be taken to ensure that this crossing becomes a reality at the earliest possible date.

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Supporting information subject to the motion being proposed, seconded and considered:

The R135 Ashbourne South Upgrade Scheme is currently at design stage. The proposed upgrade will include new footways and cycleways with appropriate pedestrian crossing facilities incorporated into the design. The exact type and position of these facilities has yet to be determined but they are typically Zebra or Pelican/Toucan traffic signal crossings. In the interim, there is a pedestrian crossing facility at Deerpark Junction which can be used by pedestrians.

On the proposal of **Councillor Conor Tormey** and seconded by **Councillor Alan Tobin** the motion and response were agreed.

7.2 Submitted by Councillor Helen Meyer

Given that there has been no progress to date on the purchase of land for the development of a community park for Ashbourne, that MCC would prepare an Options Paper detailing how it plans to deliver a community park of regional scale in Ashbourne in accordance with the County Development Plan, that this paper would consider site identification, site acquisition, design, planning, development, and funding, and that this paper would be presented to councillors by the end of February 2024

Supporting information subject to the motion being proposed, seconded and considered:

- The County Development Plan has identified the lands to the Southwest of Ashbourne for the provision of Park and these lands are zoned F1. The preparation of the Masterplan for this area (MP21) is prepared by the landowners and then submitted to Planning Authority, however, to date the landowners have yet to make any submission on the masterplan. Throughout the county there are 38 Master Plans in progress. The Council has provided an allocation for the purchase of land in the Capital Budget and the Council Assets Section will continue in its endeavours to source suitable land for a park. Once suitable land has been acquired, proposals for a park can then be developed.

On the proposal of **Councillor Helen Meyer** and seconded by **Councillor Alan Tobin** the motion and response were agreed.

7.3 Submitted by Councillor Alan Tobin

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I call on Meath County Council to invite Drogheda Port and Ronan Group Real Estate to a future MD meeting to present their plans and answer queries and concerns from local elected representatives regarding the proposed Bremore Ireland Port

Supporting information subject to the motion being proposed, seconded and considered:

Meath County Council on behalf of Ashbourne Municipal District can extend an invite to Drogheda Port and Ronan Group Real Estate to attend a future Municipal District Meeting.

On the proposal of **Councillor Alan Tobin** and seconded by **Councillor Suzanne Jamal** the motion and response were agreed.

8 Strategic Policy Committee & Corporate Policy Group Reports – For Information Purposes

8.1 To note the Corporate Policy Group Meeting Minutes of 29th September 2023.

The minutes were noted.

8.2 To note the Protocol Committee Meeting Minutes of 1st September 2023.

The minutes were noted.

8.3 To note the Draft Minutes from the Planning, Economic Development, Enterprise and European Affairs SPC 20th October 2023.

The draft minutes were noted.

8.4 To note the Draft Minutes of the Transportation SPC 28th September 2023

The draft minutes were noted.

9 Correspondence

Correspondence from Bus Eireann advising that they are available to attend the January MD meeting.

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10 Any Other Business

The members raised the following:

- Flooding issue at the GAA grounds, Donaghmore – engineer said that the road level is same as the river level when it rises and floods and a study might need to be carried out to determine on works.
- Referred to the grass areas along the cycleways and will this be maintained – advised that the council do maintain these verges.
- Enquired if more bins can be put into more areas- advised to submit locations into the engineer.
- Update on Ned’s Cottage – advised that the property needs to be refurbished and can give an update at a later date.
- Enquired if the part 8 for the Greenogue bus stops will be brought to the December meeting – advised will follow up with transportation section.
- Asked if gritting routes can be added – advised that no new routes are being added, routes are normally agreed at an SPC meeting prior to gritting season.
- Suggested the Council follow up on the land that is available beside St Declan’s Cemetery – to follow up with the Environment section.

The meeting concluded at 12.30pm

Signed:

Cathaoirleach