

# COMHAIRLE CHONTAE UÍBH FHAILÍ

## MINUTES OF FEBRUARY MONTHLY MEETING OF OFFALY COUNTY COUNCIL HELD IN ARAS AN CHONTAE, TULLAMORE ON MONDAY, 18<sup>TH</sup> FEBRUARY 2008 AT 2.00P.M.

### PRESENT:

Cllr.'s. E. Dooley (Presiding), N. Bourke, J. Butterfield, J. Carroll, P. Clendennen, M. Corcoran-Kennedy, B. Cowen, D. Dolan, T. Feighery, E. Fitzpatrick, M. Fox, G. Killally, C. Hanniffy, F. McDonnell, T. McKeigue, T. McLoughlin, S. Moylan Ryan, P. Ormond, D. Owens.

### IN ATTENDANCE:

Mr. Pat Gallagher, County Manager, Mr. Michael Roche, D.O.S., Mr. Declan Kirrane, D.O.S., Mr. Sean Murray D.O.S., Ms. Frank Heslin, D.O.S., Mr. A. O'Gorman, S.E.O., Ms. Ann Dillon, Acting S.E.O., (Meetings Administrator) & Ms. Natasha Troy, C.O..

### APOLOGIES:

Cllr.'s M. Buckley, Cllr. J. Foran.

### VOTES OF SYMPATHY:

The members extended Votes of sympathy to families of the following: -

Peter Scully, c/o Golden Vale Mart, Arden Road, Tullamore on the death of his wife, Eileen.

Mrs. Nora McLoughlin, Morough, Rahan, Tullamore on the death of her husband, Richard.

Fr. Joe and Fr. Eugene McLoughlin on the death of their father, Richard.

Tom Moran, Kileeran, Portarlinton, Co Offaly on the death of his sister, Veronica.

James O'Reilly, 13 St. Broughans, Bracknagh, Rathangan, Co Offaly on the death of his wife, Peg.

Eileen Jones, Garryhinch, Portarlinton on the death of her sister, Nuala Doyle.

Stephen Ryan, Black Lyon, Blueball, Tullamore on the death of his wife, Bernadette.

Pat Corcoran, Killina, Rahan on the death of his brother, Camillus.

The Murray Family, Belmont, Birr on the death of Sean.

Tommy Higgins, Emmet Street, Birr on the death of his mother, Kathleen.

**VOTES OF  
SYMPATHY(CONT'D):**

Lawson Burriss, Mountain View, Cloughjordan on the death of his mother, Ann.

The Blake Family, Pidgeonstown, Cadamstown, Birr on the death of Margaret.

Sadie Campbell, Moorpark Street, Birr on the death of her sister, Mary Feehan.

Betty Mulrooney, Belhill, Clareen, Birr on the death of her father, Tim Tynan.

Margaret Kealey, Newtown, Ballybritt, Roscrea, Co Tipperary on the death of her niece, Sharon.

Stephen Ryan, Lougamarla, Mountbolus, Tullamore on the death of his wife, Bernadette.

James & Gene Connolly, Greenwood Park, Edenderry on the death of their father, James.

Barney Killally, Rathgreedan, Edenderry on the death of his friend, Joe Finlay.

Eamon Ryan, Derryholmes, Belmont on the death of his mother, Maisie.

Donie Crowe, Monasteroris, Edenderry on the death of his brother, Myles.

Tommie Higgins, Cloneen, Fivealley, Birr on the death of his mother, Kathleen.

Celie Hart, 1 Compton Row, Birr on the death of her husband, Gerry.

Joe Conroy, Woodfield, Birr on the death of his sister, Maggie.

The County Manager on his own behalf and on behalf of the staff of the Council joined with the members in these votes of sympathy.

**CONFIRMATION OF MINUTES:**

On the proposal of Cllr. N. Bourke, seconded by Cllr. John Carroll the minutes of Special Meeting of Offaly County Council held 10th December Áras an Chontae on Thursday, 10th December at 2.00 p.m. were confirmed and signed.

On the proposal of Cllr. D. Owens, seconded by Cllr. E. Fitzpatrick the minutes of Special Meeting of Offaly County Council to consider Draft County Development Plan held in Áras an Chontae on Thursday, 13th December at 2.00 p.m. were confirmed and signed.

On the proposal of Cllr. T. Feighery, seconded by Cllr. J. Carroll the minutes of Special Meeting of Offaly County Council held in Áras an Chontae on Thursday, 20th December 2007 at 10.30 a.m. (deferred from 17th December 2007) were confirmed and signed.

The minutes of the monthly Meeting of Offaly County Council held in Áras an Chontae on Monday, 21st January at 2.00 p.m. were proposed by Cllr. J. Butterfield and seconded by Cllr. N. Bourke

In proposing the above minutes Cllr. J. Butterfield, requested that an amendment be made regarding motion “b” which he was at the January Meeting. He stated that his motion was very specific in requesting Offaly County Council to organise a workshop to facilitate a debate on a range of options for the utilisation of cutaway bogs in the generation of energy. Mr. D. Kirrane, DOS, advised that following discussions it was considered not appropriate or within the remit of Offaly County Council to hold conference considering lands were not in our control. He advised that the Draft County Development Plan is currently on Public Display and submissions can be made regarding Lough Boora if so desired. Cllr. Butterfield expressed his disappointment that the terms of the motion were not being implemented.

The minutes were confirmed and signed.

**NOTING OF MINUTES:**

The minutes of the following meeting were noted: -

- (a) Transportation & Infrastructure Strategic Policy Committee Meeting held on Friday 7<sup>th</sup> December 2007

**PRESENTATION ON  
LOCAL ANTI POVERTY  
STRATEGY – PAT  
LEOGUE, CHAIRMAN,  
SOCIAL INCLUSION  
MEASURES COMMITTEE:**

Mr. Pat Leogue, Chairman of the Social Inclusion Measures subgroup of Offaly County Development Board gave a presentation on the Offaly Local Anti-Poverty Strategy to be launched on February 22<sup>nd</sup>. The Strategy sets out interagency objectives to tackle local poverty over the period 2008-2013. He outlined the actions to be led by Offaly County Council in 2008 relating to Housing, Planning and Transport. The Social Inclusion Measures group has been charged with monitoring progress on the strategy actions. In discussion the members complimented the group on the production of the strategy and raised questions. In responding Mr. Leogue stressed the importance of interagency co-operation and asked that each organisation would encourage their staff to work closely with others to maximise effectiveness in tackling issues of poverty. He also thanked Ms. Jackie Finney, A.O., Community & Enterprise, for facilitating the S.I.M. group and the development of the strategy.

The County Manager stated Offaly County Council's commitment to implementation of its actions and looked forward to measuring the impact of the strategy overall.

**PRESENTATION ON  
MIDLANDS ENERGY  
AGENCY – MARK  
MCCAULEY, LAOIS  
COUNTY COUNCIL:**

Mr. Mark McCauley, Laois County Council, gave a presentation to the members on the Midlands Energy Agency, which is co-funded by Laois, Offaly, Westmeath and Longford County Councils with Laois as the Lead Authority. The membership of The Regional Management Committee includes the Environment Director of each Council and one Councillor from each Council. The presentation also included the following points:

Objectives

- Reduce energy consumption
- Coordinate implementation of projects
- Assist in the rollout of the Building Energy Rating Scheme for all existing and local Authority Buildings and housing
- Develop long term energy policies through all departments
- Raise awareness
- Report on all achievements and savings realised

Mr. Pat Gallagher, County Manager, thanked Mr. McCauley for his presentation and Laois County Council for making the information available. He advised that the project was still in the early stages and that this was an initial introduction.

**S.P.C. & C.D.B. DRAFT  
WORK  
PROGRAMMES 2008:**

Mr. D. Kirrane, D.O.S., directed the member's attention to the S.P.C. & C.D.B. Draft Work Programmes 2008 which had been circulated with the Agenda for their information. It is intended that the C.P.G. will monitor progress on these plans throughout the year.

**ELECTORAL AREA  
BOUNDARY  
COMMITTEE:**

Mr. D. Kirrane, D.O.S. advised that the Minister for Environment, Heritage & Local Government had established a committee to examine Electoral Area Boundaries. He summarised the terms of reference of the Committee and advised that reasonable representation must be in place which reflects the population in each area. Submissions must be made to the Boundary Committee by 14<sup>th</sup> March and a report to be submitted to the Minister by the Committee by 14<sup>th</sup> June. Any new Boundaries should be in place by 2009.

It was agreed that Cllr. T. Feighery, Cllr. T. McKeigue and Cllr. J. Butterfield would co-ordinate discussions in relation to a submission and revert back to the members.

**CONSIDERATION OF THE  
COUNTY MANAGER'S  
REPORT ON THE DRAFT  
DEVELOPMENT  
CONTRIBUTION SCHEME  
2008-2014:**

Mr. P. Gallagher, County Manger directed the members' attention to his report on the Draft Development Contribution Scheme 2008-2014, which had been previously circulated with the Agenda for consideration by the members. He advised that five submissions/observations had been received and a summary of these submissions along with his response and recommendations in relation to same were contained within the report. He advised that to implement the projects which have been adopted by the members, Offaly County Council need to raise funds. The options available are Loans, Charges or Rates. He advised of the financial demands on Offaly County Council and that comparisons had been made with neighbouring counties when drafting the report. The proposed changes would be in keeping with the surrounding areas.

The changes as proposed by the executive are as follows:

**Table 1 – Level of Contribution – Residential &  
Industrial/Commercial Development**

Class of Infrastructure:

A = open spaces, cultural, recreational and community facilities, playgrounds, libraries, arts, amenities and landscaping works, town and village improvement, sports facilities – including land acquisition.

B = roads, infrastructure including public lighting, footpaths, cycle and pedestrian facilities, car parking, traffic calming measures and land acquisition, drainage broadband and traffic management.

C = Wastewater treatment facilities, sewers and drains – including land acquisition.

D = Water treatment facilities & water mains – including land acquisition.

**CONSIDERATION OF THE COUNTY MANAGER'S REPORT ON THE DRAFT DEVELOPMENT CONTRIBUTION SCHEME 2008-2014 (cont'd):**

Class	€per residential unit	€per m <sup>2</sup> of floor area industrial/commercial
A	2,000	18.30
B	1,250	13.80
C	2,500	08.78
D	3,250	12.12
Total	9,000	53.00

**Table 2 – Level of contribution – other categories of development**

Category:

A = Shortfall in provision of car-parking space:  
(i) Urban (ii) Rural

B = Shortfall in provision of open space  
(i) Urban (ii) Rural

C = Agricultural Development

D = Initial afforestation/replacement of broad-leaf high forest by conifer species/peat extraction

E = Land Use for: (a) the winning and working of minerals  
(b) deposit of refuse or waste

F = Storage and warehousing (not for retailing)

G = Communications masts

H = Landfilling/raising of sites (inert material)

I = Windfarm developments

Category	Contribution
A (i)	€8,410 per space
A (ii)	€4,220 per space
B (i)	Special Contribution
B (ii)	Special Contribution
C	< 500m <sup>2</sup> = nil 500m <sup>2</sup> - 1000m <sup>2</sup> = €5.00 per m <sup>2</sup> >1000m <sup>2</sup> = €10.00 per m <sup>2</sup>
D	€1,060 per hectare of site area, only where planning permission is required.
E	€1,900 per 0.1 hectare of site area subject to a minimum charge of €19,000
F	€30 per m <sup>2</sup>
G	€10,000 per mast
H	€1.00 per m <sup>2</sup>
I	€3,000 per MW of capacity

**CONSIDERATION OF THE COUNTY MANAGER'S REPORT ON THE DRAFT DEVELOPMENT CONTRIBUTION SCHEME 2008-2014 (cont'd):**

In answering queries raised the County Manager advised the following:

1. "Environs" is as defined in the County Development Plan.
2. Clara is defined as a medium town and he confirmed that the wording would be amended to make clearer the importance of its role. He clarified that shortfall in provision of car parking spaces for Clara would be based on rural charges.
3. Portarlinton – same as Edenderry/Birr – paying urban prices.
4. Onus is on developers to provide car parking.
5. Charge falls due on commencement of building unless an arrangement has been reached prior to commencement of works.
6. With regard to arrears he advised that some people/developers don't always pay their charges and we have to try to retrieve them by way of enforcement and failing this legal action.

Mr. D. Kirrane, DOS, advised that the size of the house is not relevant to the charges which apply; if you are availing of the services you must pay the fee. There would only be a reduction in fees if the applicant was only availing of specific services.

Cllr. D. Owens stated that it is important to provide the facilities/amenities which the county requires and after some consideration the Planning SPC agreed to be proactive in raising the money to provide these facilities and had taken a lot of time to make these recommendations.

Cllr. D. Owens proposed the following amendments (highlighted in bold) to the proposed fees which had been previously circulated; these proposals were seconded by Cllr. D. Dolan and agreed.

**Table 1 – Level of Contribution – Residential & Industrial/Commercial Development**

Class	€per residential unit	€per m <sup>2</sup> of floor area industrial/commercial
A	<b>1,250</b>	8.28
B	1,250	8.28
C	2,500	16.56
D	<b>3,000</b>	19.88
Total	8,000	53.00

**CONSIDERATION OF THE  
COUNTY MANAGER'S  
REPORT ON THE DRAFT  
DEVELOPMENT  
CONTRIBUTION SCHEME  
2008-2014 (cont'd):**

**Table 2 – Level of contribution – other categories of development**

<b>Category</b>	<b>Contribution</b>
A (i)	€6,000 per space
A (ii)	€3,000 per space
B (i)	Special Contribution
B (ii)	Special Contribution
C	< 500m <sup>2</sup> = nil 500m <sup>2</sup> - 1000m <sup>2</sup> = €4.00 per m <sup>2</sup> >1000m <sup>2</sup> = €8.85 per m <sup>2</sup>
D	€885 per hectare of site area, only where planning permission is required.
E	€1,900 per 0.1 hectare of site area subject to a minimum charge of €19,000
F	€26.70 per m <sup>2</sup>
G	€20,000 per mast
H	€0.65 per m <sup>2</sup>
I	€3,000 per MW of capacity

In responding the County Managers advised that it was the responsibility of the Town Councils to adopt Development Contributions within their functional areas. He confirmed that footpaths are included in Category B. He also advised the following:

1. Agricultural Development of less than 500m<sup>2</sup> is exempt from Development Contribution.
2. Amenities are now expected to be provided for at a reasonable level and are no longer considered a luxury but essential.
3. If funding is not raised through development contributions it will have to be raised by other means.
4. He would prepare a report on car-parking charges and the application of development charges for the April meeting.
5. O.C.C. are not in a position to meet the car-parking shortfall.
6. Note B: standard government policy.
7. Capital cost – to be raised by way of development contributions or capital element of meter charge.
8. Review of development contributions will be in 2014 or members can review at any stage if so required.
9. With regard to water/wastewater, we are implementing EU Policy.
10. Birr Area contributions will be a joint proposal between Birr TC and OCC

The Cathairleach, Cllr. E. Dooley thanked the members and the executive.



## NOTICES OF MOTION:

The following motion was proposed by Cllr. E. Fitzpatrick, seconded by Cllr. N. Bourke and agreed:

*“That Offaly County Council in conjunction with Laois County Council establish a joint cross county group involving councillors from the Edenderry and Emo electoral areas and to include the relevant officials from both local authorities in order to facilitate co-operation and co-ordination for the town of Portarlinton”.*

Cllr. Fitzpatrick informed the meeting that a group has been established i.e. the Portarlinton Forum, which consisted of members from the Edenderry Electoral Area, the Emo Electoral Area and the business sector of Portarlinton to discuss issues pertaining to the town. Two meetings have been held to date and it is proposed to hold meetings every quarter. It was decided at the last meeting that the above motion would be sent to Offaly and Laois County Council in an attempt to get both councils working together with regard to Portarlinton.

The County Manager confirmed that he would contact Laois County Council in this regard.

On the proposal of Cllr. T. McKeigue, seconded by Cllr. M. Corcoran-Kennedy, the members approved of the following motion:

*“That Offaly County Council calls on the Minister for Health to amend the income ceiling for Medical Cards to reflect inflation and cost of living increases over the past five years. And those Diabetics on Insulin Injections be granted Medical Cards regardless of income.”*

Cllr. T. McKeigue proposed the following motion:

*“That Offaly County Council calls on the Minister for the Environment to provide additional funding for both the Local Improvement Scheme and the Community Involvement in Road Works Schemes to reflect the large number of applications that have accumulated over the past few years”.*

In seconding the motion Cllr. C. Hanniffy requested that it be widened to reflect the additional construction traffic which has been travelling on the roads during the construction of the N6.

A discussion ensued and the members expressed their disappointment over the decrease in the allocation of funding given for the above scheme.

**NOTICES OF MOTION  
(cont'd):**

In responding, Mr. M. Roche, DOS accepted that funding was not at the level that was required, especially given the impact of roads on a peat foundation. He advised that Prof. Farrell of Trinity College Dublin has been working with the Roads Section on a report regarding this. He stated that although the allocation for L.I.S. is small, there is an increase on last year in roads funding. He confirmed that some work has been done on roads damaged by construction traffic.

**COMHDHÁLACHA:**

On the proposal of Cllr. F. McDonnell, seconded by Cllr. C. Hanniffy, the Council approved of the members attendance at conferences as follows:

LAMA – Annual Spring Seminar 2008  
27<sup>th</sup> & 28<sup>th</sup> March 08 – Knightsbrook Hotel, Trim, Co. Meath  
It was agreed to send Cllr. Eddie Fitzpatrick, Cllr. Johnny Butterfield, Cllr. Molly Buckley, Cllr. Connie Hanniffy, Cllr. Michael Fox, Cllr. Tommy McKeigue and Cllr. Sinead Moylan-Ryan

Annual Conference of the Assoc. of County and City Councils  
6<sup>th</sup>, 7<sup>th</sup> & 8<sup>th</sup> March – Roganstown County Club, Swords, Co. Dublin  
It was agreed to send Cllr. Connie Hanniffy, Cllr. Tommy McKeigue, Cllr. Eamon Dooley

**ANY OTHER BUSINESS:**

**Tullamore By-Pass**

Cathaoirleach, Cllr. E. Dooley, advised that a successful tender had been accepted for the Tullamore Bypass. Graham Projects Ltd. and P.T. McWilliams Ltd. were appointed as the joint contractors for the project. Contracts will be signed shortly and work will commence in the coming weeks.

The official Sod Turning Ceremony for the Tullamore Bypass will be carried out by the Mr Brian Cowen, TD, Tánaiste and Minister for Finance on Monday 3<sup>rd</sup> March at 10.00 a.m.

**Point of Order:**

In responding to a question raised, Cathaoirleach, Cllr. E. Dooley suggested that all requests to make presentations to the Council go through the Corporate Policy Group for approval. This was agreed by the members.

**ANY OTHER BUSINESS:**

**Mobility Grant/Disabled Persons Grants**

In relation to the above, Cllr. T. McKeigue enquired as to whether the Department had issued any guidelines or given any indication with regard to how the schemes would be funded, staffed etc. Mr. P. Gallagher, County Manager to seek clarification.

**Progress Report on Clara Water Services**

Cllr. D. Dolan, enquired regarding the progress report on Clara Water Services. Michael Roche, DOS, advised that it would be available for the March Monthly Meeting.

**March/April Monthly Meetings**

The Cathaoirleach, Cllr. E. Dooley brought to the attention of the members, as a reminder, that the date of the March Monthly meeting had previously been rescheduled for the 31<sup>st</sup> March and also, there has been a change of venue for the April Meeting which will now be held at the Birr Theatre & Arts Centre, Birr.

This concluded the business of the meeting.

**MINUTES CONFIRMED: -**

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**CATHAOIRLEACH**

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**MEETINGS ADMINISTATOR**

**31<sup>ST</sup> MARCH 2008**