

COMHAIRLE CHONTAE UÍBH FHAILÍ

MINUTES OF JUNE MONTHLY MEETING OF OFFALY COUNTY COUNCIL HELD IN ÁRAS AN CHONTAE, TULLAMORE ON MONDAY, 16TH JUNE 2008 AT 2.00P.M.

PRESENT:

Cllr's. E. Dooley (Presiding), N. Bourke, M. Buckley, J. Butterfield, J. Carroll, P. Clendennen, M. Corcoran-Kennedy, B. Cowen, D. Dolan, T. Feighery, E. Fitzpatrick, J. Foran, M. Fox, C. Hanniffy, G. Killally, 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., Ms. M. Hanlon, A/H.O.F., Mr. G. Daly, S.P., Mr. C. McCarthy, S.E., Ms. R. McKenna, S.E.A., Mr. A. Murray, S.E.P., Mr. J. Coleman, S.E.E., Ms. L. McKenna, A/H.O., Ms. P. Hughes, A.O., Ms. Ann Dillon, A/S.E.O., (Meetings Administrator), Mr. J. Daly, C.O.W., Ms. C. Maloney, E.T. & Ms. Natasha Troy, C.O.

APOLOGIES:

VOTES OF SYMPATHY:

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

Robert Sheppard & Family, 19 Ballincur, New Houses, Kinnitty, Birr, Co Offaly on the death of his wife, Muriel.

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.

The Cathaoirleach welcomed visiting pupils from Lumcloon National School and their teacher, Eileen Keirn (principal), Judy O'Connell and Thomas Flaherty.

CONFIRMATION OF MINUTES:

On the proposal of Cllr. T. Feighery, seconded by Cllr. S. Moylan-Ryan the minutes of Offaly County Council's May monthly meeting held on 19th May 2008 were confirmed and signed.

Cllr. F. McDonnell requested further clarification on an item he raised at the May meeting, relating to the procedure followed by the emergency services in the case of an accident. He read a letter from the H.S.E. which he felt conflicted with the reply given by the Director of Services the previous month.

CONFIRMATION OF MINUTES (cont'd):

The County Manager in responding advised that the policy has not changed and that the Chief Fire Officer wrote to the H.S.E. on behalf of Offaly County Council and advised the Ambulance Services that if a person is trapped or suspected to be trapped the Fire Services must be notified.

The Cathaoirleach, Cllr. E. Dooley instructed Cllr. McDonnell to raise the issue as an item on the next council agenda. He also requested that the Chief Fire Officer submit a written response for the next meeting.

NOTING OF MINUTES:

The following minutes were noted:

- Tullamore Area Committee meeting held 26th February 2008
- Housing, Social & Cultural SPC meeting held on 4th March 2008
- Edenderry Area Committee meeting held 10th March 2008.
- Birr Area Committee meeting held 10th March 2008
- Ferbane Area Committee meeting held 10th March 2008
- Planning & Economic Development meeting SPC held 24th April 2008

TULLAMORE FLOOD RISK AND MANAGEMENT REPORT – PRESENTATION BY OFFICE OF PUBLIC WORKS:

It was agreed by the meeting to bring this item forward.

The County Manager, P. Gallagher, advised that Offaly County Council and the Office of Public Works (O.P.W.) were working in collaboration with each other with regard to flood risk in Tullamore & Portarlinton. He wished to acknowledge the high level of co-operation between the agencies and thanked Andrew Murray for his input.

Mr. D. Kirrane, DOS, stated that the study identifies risks for flooding in Tullamore and makes a number of recommendations. He confirmed that O.C.C. accepts the findings in the report and realises decisions need to be made as a consequence and in conjunction with the Tullamore Town Plan. He welcomed the O.P.W. to the meeting to make their presentation.

Mr. Mark Adamson, O.P.W., with the assistance of Tom Sherlock, Michel Kayden, and Conor Galvin carried out the Tullamore Flood Risk Assessment and Management Study and gave a very informative presentation to the members on the study, and advised that the study was based on a 1/100 year risk and included the following points:

**TULLAMORE FLOOD
RISK AND
MANAGEMENT
REPORT –
PRESENTATION BY
OFFICE OF PUBLIC
WORKS (cont'd):**

- The background to the study: the existing Flood Risk, development pressure in the floodplain, National Flood Risk Policy Review.
- Study process: Data collection, survey (channel cross section, digital terrain model), hydrology, hydraulic modelling, flood mapping.
- Flood Risk Management Options.
- Environmental Assessment
- Economic Assessment
- Multi-Criteria Assessment

Mr. Adamson advised the findings of the study in relation to the existing risks, as follows:

- Tullamore Town Centre: (River) had no significant risk and that it was not economically viable to protect the Industrial Area (upstream) and that it may be protected from risk by infill development
- Flood protection was recommended for Whitehall Estate/New Developments (wall/embankment), as it is economically viable and preferred.
- The O.P.W. generally opposes development in floodplains.

Potential Future Risk:

- Development/encroachment in floodplains
- There may be wider planning considerations
- Planning decision
- If a decision is taken to develop in floodplains, then flood risk must be managed.

Actions to Mitigate Risk:

- Avoid creating risk
- Restrict encroachment/loss of floodplain
- Raise land/protect the development area
- Create Flood Berms along the river

The members thanked the O.P.W. for their presentation.

TULLAMORE FLOOD RISK AND MANAGEMENT REPORT – PRESENTATION BY OFFICE OF PUBLIC WORKS (cont'd):

In responding to queries, Mr. Adamson advised the following:

- A working weir would not reduce the risk of flooding.
- Water quality was not considered in the study.
- There is a maintenance plan for the river and he confirmed that he would convey the members' concerns to the appropriate people in O.P.W.
- He recommend minimum encroachment on the floodplain.
- A Feasibility Study would be the next step with a focus on protecting Whitehall.
- Tullamore West – definitely flood risk
- Berms would be required in advance of any development.
- O.P.W. will fund and manage works at where risk already exists. As a general rule those creating the flood risk cover the cost of flood relief works.

The County Manager expressed thanks to the O.P.W. for their efforts and advised that he would be briefing Tullamore Town Council later that day also.

TAKING IN CHARGE OF PRIVATE HOUSING ESTATE AT CONWAY COURT, CASTLETOWN, KINNITTY:

On the proposal of Cllr. P. Clendennen, seconded by Cllr. S. Moylan-Ryan the council approved of the taking in charge of private housing estate at Conway Court, Castletown, Kinnitty.

TAKING IN CHARGE OF PRIVATE HOUSING ESTATE AT THE MANOR, EDENDERRY:

On the proposal of Cllr. F. McDonnell, seconded by Cllr. E. Fitzpatrick the council approved of the taking in charge of private housing estate at The Manon, Edenderry.

PARKING BYE LAWS: FERBANE, KILCORMAC & BANAGHER:

On the proposal of Cllr. S. Moylan-Ryan, seconded by Cllr. C. Hanniffy the members adopted the Parking Byelaws for Ferbane, Kilcormac & Banagher as circulated.

SECTION 183 OF LOCAL GOVERNMENT ACT 2001 – DISPOSAL OF LANDS AT:- SITE C, LEAMONAGHAN

It was agreed that the Bye Laws would be reviewed next year. On the proposal of Cllr. C. Hanniffy, seconded by Cllr. B. Cowen the council approved of the disposal of lands at Site C, Leamonaghan in accordance with the terms of the Section 183 notice dated 20th May 2008.

SECTION 183 OF LOCAL GOVERNMENT ACT 2001 – DISPOSAL OF LANDS AT:- KILMALOGUE

On the proposal of Cllr. E. Fitzpatrick, seconded by Cllr. F. McDonnell the council approved of the disposal of lands at Kilmalogue, Portarlinton in accordance with the terms of the Section 183 notice dated 30th May 2008.

SECTION 183 OF LOCAL GOVERNMENT ACT 2001 – DISPOSAL OF LANDS AT:- SITE NO 4, BRACKNAGH, RATHANGAN:

On the proposal of Cllr. F. McDonnell, seconded by Cllr. J. Foran the council approved of the disposal of lands at Site No. 4, Bracknagh, Rathangan in accordance with the terms of the Section 183 notice dated 26th May 2008.

**LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACT 2000
PLANNING & DEVELOPMENT REGULATIONS 2001 - 2006 - PART VIII
FOOTBRIDGE OVER RIVER BROSNA IN THE TOWNLANDS OF FERBANE & GALLEN:**

On the proposal of Cllr. M. Corcoran-Kennedy, seconded by Cllr. C. Hanniffy it was agreed to proceed with the proposed works at Footbridge over the River Brosna in the town of Ferbane & Gallen, in accordance with Local Government (Planning & Development) Regulations 2001 (Part VIII).

ADOPTION OF ANNUAL REPORT 2007:

Mr. S. Murray, DOS, directed the members attention to the Offaly Local Authorities Annual Report 2007, which had been circulated and advised that under the terms of Section 22 (1) A of the Local Government Act 2001 we are required to adopt our Annual Report by the 30th June.

On the proposal of Cllr. T. Feighery, seconded by Cllr. M. Buckley the members adopted the Offaly Local Authorities Annual Report for 2007 as circulated.

FIXING OF DATE FOR JULY MEETING/SPECIAL MEETING:

Mr. S. Murray, DOS, advised the members that Offaly County Council intends to grant permission to PL/07/1459 an application for a development in the name of McGill Construction. This development, if granted, would require a Material Contravention to proceed. In order to facilitate the planning process of this application, Offaly County Council are required to make the final decision on or before 16th July 2008 thus it is necessary to either bring forward the date of the July Council Meeting to 14th July or call a special meeting.

It was agreed to bring forward the July meeting to the 14th July.

**HERITAGE
WORKPLAN 2008:**

Ms. Labhaoise McKenna, A/Heritage Officer, outlined to the members the Heritage Office Work Programme 2008 as circulated with the agenda. She advised that The Heritage Council has given €65,894 for the projects set out below:

1. Birr Public Realm Plan (Funding: €10,000)

The contract has been awarded to Paul Hogarth Company. It is hoped that the plan will be incorporated into the Birr Town and Environs Development Plan 2010-2016.

2. Offaly Carved Stone Project (Funding: €18,750)

The field work component of this project has been carried out by ArcTron 3D and post-processing is underway. This project should be finished by the end of June 2008.

3. Workhouses and a context for Birr Workhouse (Funding: €15,000)

The contract has been awarded to Howley Hayes Architects. They will look at workhouse generally and focus on Birr Workhouse

4. Flora Recording and Management Proposals for the Grand Canal (Funding: €12,000)

This project will look at the habitats and species along the canal and will provide Waterways Ireland with management proposals to maintain these sites.

5. Discovering Wildlife Workshops 2008 (Funding: €5,644)

Full programme of events is underway in association with Laois and Kildare County Councils.

6. Eco Walk at Lough Boora Parklands and Portarlinton Bog (Funding: €4,500)

This project aims to bring together information about the built and natural heritage on the suit of walks developed by Bord na Mona, OCC and the local communities in 2007.

**HERITAGE
WORKPLAN 2008
(cont'd):**

She also advised of the following Heritage Grants:

- Launch of Rahan Conservation Plan
- Offaly Naturalists Field Club Programme 2008
- Heritage Council Wildlife Grants Scheme
- Heritage Council Publication Grants
- Heritage Council Grants to Groups in Offaly
- Civic Structures Grants

In responding to members queries, she advised as follows:

- Information Panels on the Grand Canal would be funded by Fáilte Ireland.
- The Birr Public Realm Study will feed into the Town Plan.
- The Workhouse project will not have any planning implications.
- There is a list of approved conservation architects regarding conservation grants.
- Durrow Abbey is due to open next year
- The Carved Stone Project will consist of interactive 3D models of Offaly's historical and monastic sites, which will be posted on our website for the public to view.
- Queries with regard to the movement of stones etc should be directed to the Heritage Officer if not a national monument.

The members complimented Ms McKenna on the ongoing work of the Heritage Office and the work programme presented.

**BALLYCUMBER AREA
COMMUNITY ACTION
PLAN 2008-2012:**

Members congratulated the Ballycumber Community Action Group on the launch of the Action Plan and complimented West Offaly Partnership on the support given to the community there. It was agreed to circulate the plan to all members

**DRAFT WIND
STRATEGY:**

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This item was postponed.

**DRAFT OFFALY
RETAIL STRATEGY –
PRESENTATION
ROGER TYM AND
PARTNERS:**

This item was postponed.

**EXTRA AGENDA ITEM
LOCAL DEVELOPMENT
COHESION PROCESS IN
COUNTY OFFALY:**

The Cathaoirleach stated that this issues had been brought to the attention of the Corporate Policy Group who agreed to bring it to the full Council for information.

**LOCAL DEVELOPMENT
COHESION PROCESS IN
COUNTY OFFALY (cont'd):**

The County Manager, P. Gallagher, in referring to the Cohesion Process which consists of a single local development agency comprising of representatives from Offaly County Council, Offaly Leader, Oak Partnership, West Offaly Partnership and Tullamore Wider Options, confirmed that the last update was in November and advised that the process was not yet concluded. He informed the members that the deadline for receipt of applications for Leader Funding is the 4th July and stated that a strong application should be submitted. He advised that that concerns had been raised with regard to the submission, as the nominations for First Directors to the new integrated company from Offaly Leader had not yet been received. It had been agreed at a meeting on 11.06.08 that Offaly Leader would make there nominations on the morning of 12.06.08. Noting this, Offaly Leader were then written to on 13.06.08 confirming the agreement and noting that they had not nominated First Directors as agreed, and advising them to do so by noon 16.06.08. The County Manager advised that the nominations had not yet been received.

He expressed his concerns, that the situation for funding in Offaly is now extremely grave. Funding applications must be processed through the new integrated companies. He confirmed that if Offaly Leader remain outside the new integrated company in Offaly (while the other local development agencies and the Council are on board since Dec. 07) it was difficult to see how an application from Offaly for future Leader funding will succeed. He advised that under the circumstances, should Offaly Leader not nominate First Directors by noon today, he was giving notification of his intention to refer the matter formally to Minister O'Cuiv, Dept. of Community, Rural & Gaeltacht Affairs.

NOTICES OF MOTION:

The following motion was proposed by Cllr. N. Bourke, seconded by Cllr. J. Foran and agreed.

“That in view of the recent job losses in Edenderry, Offaly County Council make contact with the state job creation agencies in order that Edenderry be treated as priority for the establishment of new business”.

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

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

“That Offaly County Council call on the Minister for Justice, Equality and Law Reform to disseminate the text of the UN Convention on the Rights of People with Disability and request the speedy ratification of the Convention and the optional protocols”.

It was agreed to circulate this motion to other Local Authorities.

The following motion was proposed by Cllr. M. Buckley, seconded by Cllr. T. McKeigue and approved by the Council.

“That Offaly County Council request the Consumer Agency to investigate the price of Home heating oil, which is the most expensive in the EU”.

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

“That Offaly County Council calls on the Government to continue with its biannual finance to County Councils to allow the village and urban Improvement works schemes to continue as in previous years”.

The following motion was proposed by Cllr. T. McKeigue, seconded by Cllr. M. Buckley and agreed:

“That this Council calls on the Minister to increase the subvention payment for people in private nursing homes to reflect the current costs of patient care”.

It was agreed to circulate this motion to other councils

COMHDHÁLACHA:

On the proposal of Cllr. N. Bourke, seconded by Cllr. B. Cowan the Council approved of the members attendance at conferences as follows:

BIOENERGY 2008

Thursday 19th June 2008, Teagasc Mellows Centre, Athenry, Galway

It was agreed to send Cllr. E. Fitzpatrick and Cllr. J. Butterfield

**COMHDHÁLACHA
(cont'd):**

JFK Symposium
Saturday 28th June 2008 – St.Michael's Theatre, New Ross
It was agreed to send Cllr. Molly Buckley

Willam Carleton Summer School
Corick Hs. Hotel, Clogher, Tyrone – 4th to 8th August
It was agreed to send Cllr. C. Hanniffy, Cllr. M. Buckley and Cllr.
M. Corcoran-Kennedy

Carlow through the waters of time, 6th National Tourism
Conference
Ramada Hotel, Killerig, Co Carlow – 18th to 20th June
It was agreed to send Cllr. M. Corcoran-Kennedy

Local Government Planning Service "Baltimore Training Seminar
for Councillors"
West Cork Hotel, Skibbereen, West Cork – Fri 4th – Sun 6th July
2008
It was agreed to send Cllr. Percy Clendennen

COMHFHREAGRAS:

Cllr. M. Buckley directed the members attention to
correspondence received from Dublin City Council requested
that Offaly County Council investigate the possibility of
running an event for the next International Women's Day. It
was agreed.

ANY OTHER BUSINESS:

Pedestrian Crossing, Daingean School

Cllr. J. Foran enquired as to whether the study on Pedestrian
Crossings was completed and if so would we be proceeding
with a crossing at Daingean School.

The Cathaoirleach, E. Dooley requested it be listed as an item
on next months Agenda for the Edenderry Area Meeting.

It was also suggested that the S.P.C report on this issue be
brought to the next Council Meeting.

This concluded the business of the meeting.

MINUTES CONFIRMED: -

CATHAOIRLEACH

MEETINGS ADMINISTATOR

14TH JULY 2008