

COMHAIRLE CHONTAE UÍBH FHAILÍ

MINUTES OF MARCH MONTHLY MEETING OF OFFALY COUNTY COUNCIL HELD IN ARAS AN CHONTAE, TULLAMORE ON MONDAY, 31ST MARCH 2008 AT 2.00P.M.

PRESENT: Cllr.'s. E. Dooley (Presiding), N. Bourke, M. Buckley, J. Butterfield, J. Carroll, P. Clendennen, M. Corcoran-Kennedy, D. Dolan, T. Feighery, E. Fitzpatrick, Cllr. J. Foran, M. Fox, 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. G. Daly, S.P., Mr. A. O'Gorman, S.E.O., Ms. Mary Griffin, S.S.O., (Meetings Administrator) & Ms. Natasha Troy, C.O..

APOLOGIES: Cllr.'s B. Cowen, G. Killally.

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

Mr. Ray Carroll, SEO, on the death of his sister-in-law, Mary Reilly.

Mr. Sean McCarthy, former County Manager on the death of his brother.

O'Boyle Family on the death of Philip.

The family of Darren Egan, Shannonbridge who died tragically.

Mr. Maureen Wrafter, New Road, Tullamore, Co Offaly on the death of her husband wife, John.

Mr. Ger Hensey, Convent View, Tullamore, Co Offaly on the death of his mother, Sue.

Mr. & Mrs. George Todd & Family, Castletown, Kinnitty, Birr, Co Offaly on the death of their son, Kevin.

Mr. Ronan & Patricia McGuckin, Harbour Road, Banagher, Co Offaly on the death of their son, David.

Mrs. Ann Dempsey, Cumber, Kinnitty, Birr, Co Offaly on the death of her mother, Patricia.

VOTES OF SYMPATHY (CONT'D):

Mrs. Kathleen Egan & Family, Rachra Park, Shannonbridge, Co Offaly on the death of her son, Darren.

Mrs. Greene & Family, Blackwater, Shannonbridge, Co Offaly on the death her husband, Gerry.

Mr. Thomas Higgins, Cloneen House, Derrinlough, Co Offaly on the death his mother, Kathleen.

Mr. William Milne, Main Street, Crinkle, Co Offaly on the death of his sister, Anne Sullivan.

Mr. Philip Stapleton, 28 New Road, Birr, Co Offaly on the death of his mother, Margaret.

Mr. Francis Cox, Newbridge Street, Birr, Co Offaly on the death of his mother, Bridget Reynolds.

Mr. Liam Bergin, Emmett Street, Birr, Co Offaly on the death of his wife, Geraldine.

Mrs. Anne Delaney, Burkes Hill, Birr, Co Offaly on the death of her husband, Michael.

Mr. John Guinan, Ballinaguilsha, Fivealley, Co Offaly on the death of his brother, Patrick.

Mrs. Agnes Lawless, Kishavanna, Carbury, Co Kildare on the death of her husband, Ernie.

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:

The minutes of Offaly County Council's monthly meeting held on 19th February 2008 were proposed by Cllr. D. Dolan, seconded by Cllr. E. Fitzpatrick

In proposing the above minutes Cllr. D. Dolan queried the figures in Column 3, (industrial/commercial) Table 1, page 7 of the minutes stating that that breakdown in the figures were not calculated in pro-rata to the figures in Column 2 (residential). Mr. Dolan also stated that with regard to the same item Clara should have been designated as a rural town with regard to parking charges.

Mr. D. Kirrane, DOS, in responding, confirmed that the minutes would be amended accordingly.

The minutes were confirmed and signed.

NOTING OF MINUTES:

The minutes of the following meeting were noted: -

- Minutes of the Ferbane Area Committee meeting held on 5th November 2007
- Minutes of the Birr Area Committee meeting held on 5th November 2007
- Minutes of Edenderry Area Committee meeting held on Monday 7th January 2007
- Housing, Social & Cultural SPC held on 8th January 2008

**LOCAL GOVERNMENT
SECTION 179 (3)
PLANNING &
DEVELOPMENT
REGULATIONS 2001
(PART VIII) –
SHANNONHARBOUR:**

Mr. Michael Roche, DOS, directed the members attention to the report under Part VIII which had been circulated detailing the following tourism proposals for West Offaly:

Shannon Harbour, Clonony Beg:

Erection of an Amenity Building (inc. exhibition space/public toilets/lockers/shower room); a courtyard area; play area; lighting; seating; litter bins; picnic tables; ancillary road works and associated drainage; ancillary landscaping and site works. The development of these facilities represents Phase 1 of a proposed re-development of Shannon Harbour village.

He advised that notices were published in local papers inviting members of the public to make submissions until 20th March 2008 and the relative documents were available for Public Consultation from the period of 21st January to 5th March. One submission was received.

On the proposal of Cllr. Marcella Corcoran-Kennedy, seconded by Cllr. Tom Feighery the members approved of the proposals to proceed with the above works.

**VARIATION OF COUNTY
DEVELOPMENT PLAN -
HOUSING STRATEGY
2008-2015, MANAGERS
REPORT:**

Mr. Declan Kirrane, DOS, referred the member's attention to the report on the Draft Housing Strategy 2008-2015 which the members approved to proceed to Public Consultation at their November meeting. He advised that it was on public display for a period of 5 weeks, from 3rd January to 7th February, during which 2 submissions were received and the responses and recommendation relating to same were contained within the Manager's Report. He stated that the Draft Housing Strategy is required to be adopted in all the Local Authorities in Offaly and has already been adopted in Tullamore on 6th March and Birr on 10th March. He also advised that if adopted the Housing Strategy 2008-2015 will be incorporated into the existing Development Plan and the proposed Draft County Development Plan 2009-2015 by way of variation.

**VARIATION OF COUNTY
DEVELOPMENT PLAN -
HOUSING STRATEGY
2008-2015, MANAGERS
REPORT:**

In responding to a query, Mr. Kirrane advised that the proposed Housing Strategy 2008-2015 is consistent with the Draft County Development Plan 2009-2015 and the Midland Regional Guidelines. He advised that the Strategy predicts that the projected growth in population will rise to 85,000 during the life of the plan and that 9,000 new houses will be required. He confirmed that the settlement strategy in the Development Plan will address the issue of where the houses should be located. He stated that Clara's role in the settlement hierarchy is being examined by the Planning & Economic SPC.

On the proposal of Cllr. C. Hanniffy, seconded by Cllr. John Foran the members approved of the Variation to the County Development Plan 2003-2009 which pertains to Offaly Local Authorities Housing Strategy 2008-2015 as set out in the Manager's Report which was circulated with the Agenda.

**DESIGN GUIDELINES
FOR RURAL HOUSES:**

Mr. D. Kirrane, DOS, in referring to the Draft Guidelines for Rural Houses stated that at the November meeting it was agreed by the members to proceed to Public Consultation, During this time 10 submissions were received. He advised that as it was not a statutory document it required no formal approval but that he would like the member's support.

Following on, Mr. Gordan Daly, Senior Planner, gave a brief presentation to members on the Guidelines. He began by welcoming the submissions received and expressed his thanks to those who made them. He stated that the main issues raised were in relation to enforcement and requesting more detail. He made an assurance that the guidelines were produced with the intention of assisting applicants in making applications and are not intended to be prescriptive. He advised that the purpose of the guidelines was also to raise awareness of the benefits of good design and also to encourage high standards in the location, siting and design of houses in rural Offaly. They were prepared "in house" but final graphic design and print will be done externally to ensure a document of the highest standard. He noted that the guidelines would not solve all the problems, that they are not a pattern book of house plans to choose from and they will not replace the need to get a good designer. He reiterated that it is not a statutory document and can be updated and changed over time and will replace any existing guidelines or standards. He stated that it will be approximately 24 pages, A4 format in full colour with high quality photographs, with a minimum amount of text written in clear, concise and easy to read language and will be available free of charge from the Planning Department, Area Offices, Libraries and in PDF format suitable for emailing and downloading from the Councils Website. He advised that it is expected that the final version, following consultation, will be brought before the the Planning & Economic Development SPC at their April meeting and will be published and launched in May 2008.

**LOCAL GOVERNMENT
(PLANNING &
DEVELOPMENT)
REGULATIONS 2001
PART VIII – STAGE 1
SOCIAL HOUSING
DEVELOPMENT,
KYLEBEG, BANAGER:**

Mr. S. Murray, DOS, directed the member to the report under Part VIII which had been circulated detailing the following proposals for Stage 1 of Social Housing Development at Kylebeg, Banagher.

Kylebeg, Banagher

Phase 1 Housing scheme construction of 26 units with Ancillary Site Works. The development forms part of Offaly County Council's 3 year programme for Social & Affordable housing in Co. Offaly 2008-2010.

Mr. Murray advised that one submission had been received. Consideration had been given to the submission and the findings and recommendation to same are contained within the report.

On the proposal of Cllr. S. Moylan-Ryan, seconded by Cllr. Percy Clendennen the members approved of the proposals to proceed with the above works.

**DRAFT REPLACEMENT
LITTER MANAGEMENT
PLAN:**

Mr. M. Roche, DOS, referred the members to the Draft Replacement Litter Management Plan, which had been previously circulated with the Agenda. He advised that each local authority is obliged to prepare a litter management plan. This plan sets out a local authority's objectives to prevent and control litter as well as measures to encourage public awareness of litter and also sets out the measures and arrangement by which the authority intends to achieve these objectives. The plan is required to be in place for 3 years. The review process of the current plan was initiated last year.

Mr. Roche in responding to queries raised advised the following:

- it is hoped the Birr Civic Amenity Centre will be operational by the end of April.
- that the Litter Plan did not impact on the area of agricultural pollution.
- that we have various inspectors/teams in place to deal with waste management, protection of water sources etc. OCC are required to carry out inspections and enforce legislation. Full co-operation with IFA on effluent visits.
- use education and enforcement to tackle litter.
- with regard to figures in the plan, he didn't feel they were entirely accurate, currently keeping an eye on, have reduced since 2006. Total Population = 70,868
- will consider "Name & Shame" approach.

On the proposal of Cllr. T. Feighery, seconded by Cllr. S. Moylan-Ryan the members adopted the Draft Replacement Litter Management Plan as circulated with the Agenda.

**DISPOSAL OF LAND,
SECTION 183 OF THE
LOCAL GOVERNMENT
ACT 2001 –
BELLSWELL,
DAINGEAN AND
GREENWOOD PARK,
EDENDERRY:**

On the proposal of Cllr. N. Bourke, seconded by Cllr. F. McDonnell, the Council approved of the discharge of leasehold interest, in accordance with the terms of the Section 183 notice dated 4th March 2008 in property at:-

- 2 Bellswell, Daingean
- 143 Greenwood Park

**DISPOSAL OF LAND,
SECTION 183 OF THE
LOCAL GOVERNMENT
ACT 2001 – ST.
FRANCIS STREET,
EDENDERRY:**

On the proposal of Cllr. F. McDonnell, seconded by Cllr. N. Bourke, the Council approved of the disposal of freehold interest, in accordance with the terms of the Section 183 notice dated 4th March 2008 in property at:-

- St. Francis Street, Edenderry

**DISPOSAL OF LAND,
SECTION 183 OF THE
LOCAL GOVERNMENT
ACT 2001 –
KNOCKAULIN DRIVE,
FERBANE:**

On the proposal of Cllr. M. Corcoran-Kennedy, seconded by Cllr. T. Feighery, the Council approved of the disposal of lands, in accordance with the terms of the Section 183 notice dated 7th March 2008 in property at:-

- Site No 12, Knockaulin Drive, Ferbane

**DISPOSAL OF LAND,
SECTION 183 OF THE
LOCAL GOVERNMENT
ACT 2001 – CLUNY,
GALLEN, FERBANE:**

On the proposal of Cllr. M. Corcoran-Kennedy, seconded by Cllr. C. Hanniffy, the Council approved of the disposal of lands, in accordance with the terms of the Section 183 notice dated 7th March 2008 in property at:-

- Site No. 2, “Cluny”, Gallen, Ferbane, Co Offaly
- Site No. 3, “Cluny”, Gallen, Ferbane, Co Offaly
- Site No. 4, “Cluny”, Gallen, Ferbane, Co Offaly
- Site No. 5, “Cluny”, Gallen, Ferbane, Co Offaly
- Site No. 6, “Cluny”, Gallen, Ferbane, Co Offaly
- Site No. 7, “Cluny”, Gallen, Ferbane, Co Offaly
- Site No. 24, “Cluny”, Gallen, Ferbane, Co Offaly

**AUDIT COMMITTEE
CHARTER:**

Mr. S. Murray, DOS, directed the members attention to Audit Committee Charter, which had been circulated with the Agenda. He advised that this would effectively serve as terms of reference for the Audit Committee members, setting out range of duties etc. In answering a query Mr. Murray advised that there are various ways of analysing value for money i.e. best practice – basis of comparison.

Mr. P. Gallagher, County Manager, in responding to a query raised by Cllr. Dolan advised that committee may well decide to carry out ongoing monitoring. In this regard he informed the members that the committee was independent in its exercise of functions and it shall report to the Council.

On the proposal of Cllr. T. Feighery, seconded by Cllr. F. McDonnell the member approved the Audit Committee Charter as circulated.

**ROAD WORKS
PROGRAMME 2008:**

On the proposal of Cllr. D. Dolan, seconded by Cllr. E. Fitzpatrick the member adopted the Road Works Programme 2008 as circulated.

**OFFALY FILM
COMMISSION
PRESENTATION:**

Ms. Sinead O'Reilly, Arts Officer, briefed the members by way of a presentation. She advised when OCC adopted the 5 year Arts Plan last year it was agreed to investigate the potential for a Film Commission. At the March 2006 meeting, a notice of motion was put forward by Cllr. M. Corcoran-Kennedy "*that Offaly County Council move to set up a Film Commission to further promote the county as a location for film making*". The motion was referred to the Housing, Social & Cultural SPC who recommended that a subcommittee investigate the advantage of Offaly being promoted as a film location. The purpose of the presentation today was to convey the recommendations made by the steering group (included in the report which was previously circulated).

She advised that Offaly has some of the most beautiful and diverse locations in the country, it has important infrastructure placed between the N4 and N7 and on the Dublin Galway rail route and has the sophisticated local services to accommodate large scale film productions. She informed the members that we have had some success here recently, with productions like Becoming Jane, Garage, Eden, Pure Mule and the Tudors and Offaly had a very heavy presence at the Irish Film & Television Awards this year.

She advised that Film Commissions can make significant contributions to the revitalisation of local economy and when film productions come to an area there is a direct impact on the local economy. Cast and crew need accommodation and food, they use local taxis, they rent short term office and storage space, they eat out, they go to the pub and so on. For Pure Mule this was estimated as being worth €1m to Banagher, while Eden was in production this is estimated by the production company as being worth €1.8m to Tullamore. There is also the possibility of an indirect benefit in tourism spend if we get the success of a major international production and community regeneration potential as well as community can come together to rally around a production in their town. She noted that there are five other local authority commissions in Ireland, Wicklow, Meath, Kerry, Louth and Wexford.

She said that we can sit back and wait to see if another production will come to Offaly or we can actively work to ensure that we are at the forefront of developing this potential.

**OFFALY FILM
COMMISSION
PRESENTATION (cont'd):**

The first step would be to set up a new Film Commission committee, comprising of members of the Council, the film industry and herself who would meet about four times a year and decide on a work programme and marketing strategy for the Commission. She stated that the main tool would be a website, which would be a one-stop-shop for the film industry, with location photographs, civic contacts, community and corporate contacts. We would be linked to the Irish Film Board as a regional office and our website would be linked to theirs. She advised that the main body of work will be about devising a clever marketing strategy and ensuring the Film Commission stays alive.

On the proposal of Cllr. M. Corcoran-Kennedy, seconded by Cllr. D. Dolan the members approved of the setting up of an Offaly Film Commission.

**NOMINATION OF
MEMBERS TO OFFALY
FILM COMMISSION (3
ELECTED MEMBERS):**

On the proposal of Cllr. C. Hanniffy, seconded by Cllr. M. Buckley the following members were nominated to the Offaly Film Commission:

1. Cllr. M. Corcoran-Kennedy
2. Cllr. S. Moylan-Ryan
3. Cllr. F. McDonnell

**OFFALY ARTS GRANTS
2008:**

Mr. S. Murray, DOS, referred to the report which had been circulated with the Agenda. He advised that there were 77 applicants, 5 of which were referred to other funding schemes and 4 of which were ineligible bringing the total number of applicants to 68, giving an average award of €300.00 per applicant.

On the proposal of Cllr. D. Dolan, seconded by Cllr. M. Corcoran-Kennedy the members approved the Arts Grants 2008 as circulated.

**CHANGE TO
PRIORITISED
PLAYGROUND SITE
SELECTION POLICY:**

Mr. S. Murray, DOS, directed the member's attention to the report which had been previously circulated, advising that the proposed change to Prioritised Playground Site Selection Policy had been agreed by the Housing, Social & Cultural SPC on January 8th 2008 and the Corporate Policy Group on February 18th 2008. The proposed change consists of the inclusion of a policy on "Prioritisation" which will endeavour to ensure a geographical spread of playgrounds around the county which ensures reasonable access to the greatest number of young people taking into account the considerations as outlined in the policy adopted by the S.P.C. which include demographics and areas of disadvantage.

On the proposal of Cllr. S. Moylan-Ryan, seconded by Cllr. T. Feighery the members approved of the proposed changes as set out in the report.

REPORT ON CLARA SEWERAGE SCHEME:

Mr. M. Roche, DOS, in opening referred the members to the report on Clara Sewerage Scheme which had been circulated with the Agenda, the purpose of which is to report the various actions taken since the December. He informed them that improvement works on Clara Sewerage Scheme were completed in 2005 and comprised of an upgrading of the Sewerage Network and construction of a new 4,500 P.E. Waste Water Treatment Works the design for which was approved in 1998 and had a design life of 20 years. However, as highlighted at a recent Council meeting the load on Clara Waste Water Treatment Works is approaching 4,500 P.E. and as a result it has been necessary to advise prospective developers that sewerage capacity is not currently available. It was intended to progress with Phase 2: upgrade the capacity of the Waste Waster Treatment Works to 9,000 P.E. in 2012 but due to issues raised by the members in December it has been necessary to examine ways of advancing the scheme.

He informed the members that he had written to the Department of Environment requesting this but that in its letter of the 7th February the Department advised that this option is not feasible and suggested the possibility of Service Land Initiative Scheme be investigated. The threshold for this scheme is €5million and the current estimate for Phase 11 is €4.7m and so falls within the threshold. He informed them that an application for such funding was submitted to the Department in February 2008 and if successful Offaly County Council will receive 40% funding from the Department of the Environment and the remaining 60% will be funded from our own resources. He advised that we are currently awaiting the response to our application.

He advised that Offaly County Council advertised for Consultants in February, a number of applications were received and we will be drawing up a list of pre-qualified Consulting Engineers for works of this nature in April.

He outlined the programme for the remaining steps in the procurement of Clara Sewerage Scheme Phase 2 and advised that the two options for funding currently available are a) Combination of service land initiative and supplementary development levy or b) Supplementary development levy if our SLI application is unsuccessful. In the case of Option (a) the supplementary levy contribution will be €60 per P.E. or €2,000 per house if the SLI is unsuccessful and Option (b) pertains that the supplementary levy will be €100 per P.E. and €3,300 per house. In either event a supplementary development contribution scheme will need to be adopted to all the scheme to progress.

Mr. Roche in responding to queries raised advised that we would not be doubling contributions as the supplementary development contributions would have regard to the normal development contributions and advised that it was not

**REPORT ON CLARA
SEWERAGE SCHEME
(cont'd):**

Possible at this time to be specific with dates etc as we have to see if the SLI is successful.

Mr. P. Gallagher advised that there are a number of dimensions and we are assessing in-house at the moment with a view to report to the S.P.C.

On the proposal of Cllr. D. Dolan, seconded by Cllr. J. Butterfield the members approved of a special levy in accordance with the report.

NOTICES OF MOTION:

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

"That Offaly County Council contacts the Minister for Health regarding the situation which exists with Carers due to cutbacks".

The Cathaoirleach, Cllr. E. Dooley, in connection with this suggested writing to John Bulfin requesting a report on the recent meeting with Offaly County Councillors and the HSE for circulation to the members. The members felt this would be of great benefit and it was agreed.

In proposing the motion, Cllr. M. Buckley suggested amending to exclude driving lessons as this may not be feasible due to costs.

"That Offaly County Council contact the Minister for Education with a proposal that transition year students take driving lessons, to include car maintenance and safety measures, as part of their course".

The motion was seconded by Cllr. M. Corcoran-Kennedy and passed by the council. It was agreed to circulate to other Councils.

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

"That Offaly County Council calls on the Minister for Education and Science to proceed to tender and announce a date to start construction of Ballinagar National School".

Cllr. D. Owens informed the members that since the issue was raised the Planning & Economic Development S.P.C. have made representations to the Department. He advised that planning permission has been secured but there are some temporary delays.

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

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

“That Offaly County Council calls on the Minister for Justice and Law Reform to greatly reduce the time from when people who are accused of committing crime are finally tried before the Courts”.

COMHDHÁLACHA:

On the proposal of Cllr. D. Owens, seconded by Cllr. T. Feighery the Council approved of the members attendance at conferences as follows:

ANY OTHER BUSINESS:

April Council Meeting

Cllr. E. Dooley brought to the members attention that, as previously agreed, the April Monthly Meeting would be held in the Birr Theatre and Arts Centre.

Draft County Development Plan

In responding to a query Mr. D. Kirrane, DOS, advised that it wouldn't be normal practice for the Council to meet with community groups to discuss any proposed Sraids which are included in the draft County Development Plan 2008-2015 but he stated that he did take note of the point being made and would examine the request.

This concluded the business of the meeting.

MINUTES CONFIRMED: -

CATHAOIRLEACH

MEETINGS ADMINISTATOR

21ST APRIL 2008