

COMHAIRLE CHONTAE UÍBH FHAILÍ

MINUTES OF JANUARY MONTHLY MEETING OF OFFALY COUNTY COUNCIL HELD IN ÁRAS AN CHONTAE, TULLAMORE ON MONDAY, 19TH JANUARY 2008 AT 3.00P.M.

PRESENT: Cllrs. B. Cowen, Cathoairleach (Presiding), N. Bourke, M. Buckley, J. Butterfield, J. Carroll, P. Clendennen, M. Corcoran-Kennedy, D. Dolan, E. Dooley, 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. P. Gallagher, County Manager, Mr. D. Kirrane, D.O.S., Mr. M. Roche, D.O.S., Mr. S. Murray, D.O.S., Mr. F. Heslin, D.O.S., Mr. D. Conlon, D.O.S., Mr. G. Daly, Senior Planner, Mr. A. O’Gorman, S.E.O., Ms. R. McNally, S.E.O., Ms. R. McKenna, County Architect, Ms. A. Dillon, S.E.O., (Meetings Administrator), Mr. A. Murray, Senior Executive Planner, Ms. L. O’Sullivan, Senior Executive Planner, Ms. A. Walsh, Executive Planner, Ms. B. Maher, Executive Planner, Mr. E. Lynch, Assistant Planner, Mr. Brian Pey, Housing Social and Community Co-ordinator & Ms. N. Troy, C.O.

APOLOGIES:

VOTES OF SYMPATHY:

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

David Hogan, S.E., Environment, Offaly County Council on the death of his sister, Aine Henderson.

Mary Griffin, S.S.O., Corporate Services, Offaly County Council on the death of her mother, Rita Larkin.

Maureen Whelan, Offaly County Council on the death of her mother, Maureen.

Mary Lawlor & Family, Annaghmore, Kinnitty, Birr, Co. Offaly on the death of her husband, Tom.

The Ryan Family, c/o Trish Ryan, Military Road, Crinkle, Birr, Co. Offaly on the death of Tom.

Dermot Cusack, Arden View, Tullamore, Co. Offaly on the death of his wife, Geraldine.

**VOTES OF
SYMPATHY:**

Terry O'Reilly, Arden Vale, Tullamore, Co. Offaly on the death of his brother, Oliver.

Mary F. Pereira, Cloncon, Tullamore, Co. Offaly on the death of her husband, John.

Pat Shea, Ballyduff, Ballinahowan, Co. Offaly on the death of Kieran.

John Shea, Ballyduff, Ballinahowan, Co. Offaly on the death of Kieran.

Mrs. Daly & Family, Cappagolan, Mountbolus, Tullamore, Co. Offaly on the death of her husband, Jim.

Mrs. Young & Family, Rathlihen, Mountbolus, Tullamore, Co. Offaly on the death of her husband, Richard.

Frankie McGuinness, Shean, Edenderry, Co. Offaly on the death of his mother, Hannah.

The Wolfe Family, Ballydermot, Clonbullogue, Co. Offaly on the death of James.

Nuala Hanley, Woodlawn, Clonbullogue, Co. Offaly on the death of her husband, Liam.

The Moore Family, Garr House, Garr, Rhode, Co. Offaly on the death of their uncle, Tom.

Paul Mangan, Fann, Drumcooley, Edenderry, Co. Offaly on the death of his mother, Margaret.

Frank Sullivan, Codd, Edenderry, Co. Offaly on the death of his father, Mick.

Nuala Hanley, 25 Woodlawn Drive, Clonbullogue, Co. Offaly on the death of her husband, Liam.

Francis Sullivan, Shean, Edenderry, Co. Offaly on the death of his father, Michael.

Mr. & Mrs. Michael Whelan, Gorteen, Roscrea, Co. Offaly on the death of his sister, Geraldine Cusack.

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.

**VOTE OF
CONGRATULATIONS:**

The members passed a vote of congratulations to Barrack Obama on his inauguration as President of the United States of America. He has a historic link with Ireland with his ancestors originating from Moneygall.

It was agreed to write to Mr. Obama, to congratulate and wish him every success in his new role and also to extend him an invitation to visit the County.

The members also requested that the Housing S.P.C. & Area Committee draft a proposal to full council to develop, in an appropriate manner, the lands which are understood to be linked to his family.

The County Manager on his own behalf and on behalf of Offaly County Council staff joined with the members in expressing this vote of congratulations.

He concurred with the sentiments of the members and agreed to the proposal to have the issue investigated by the Housing S.P.C. He confirmed that Offaly County Council are currently in discussions with Shannon Development with a view to rectifying the linkage to the lands and advised that he would report back on developments in due course.

**CONFIRMATION
OF MINUTES:**

On the proposal of Cllr. M. Buckley, seconded by Cllr. N. Bourke the minutes of Offaly County Council's December Monthly Meeting held in Áras an Chontae, Tullamore on Monday, 15th December 2008 at 3.30 p.m. were confirmed and signed.

**NOTING OF
MINUTES:**

The following minutes were noted:

- Transportation & Infrastructure S.P.C. held on 12th September 2008.
- Planning & Economic Development S.P.C. held on 14th October 2008.

**DRAFT COUNTY
DEVELOPMENT
PLAN 2009-2015:**

Cllr. B. Cowen, Cathaoirleach, advised the draft County Development Plan 2009-2015 had reached the end of its two year process. He stated that a very detailed analysis of the previous plan had been carried out in order to improve the proposed plan. He thanked the County Manager, staff of Offaly County Council and the members for their efforts adding that it was an onerous task for all involved. He specified the Ballinamere plan as an item which had to be decided on before the plan could be considered for adoption. He advised that a full and frank discussion had been held in relation to same with numerous proposals being put forward but that the members had postponed the decision to allow for legal advice to be obtained.

**DRAFT COUNTY
DEVELOPMENT
PLAN 2009-2015
(cont'd):**

Mr. D. Kirrane, D.O.S., read out the reply from Hoey & Denning Solicitors which had been circulated to the members which comprised of the following four points:

1. The County Manger's report which recommends that the "envelope" would not exceed provision for 34 houses and referred to the crucial issue of ground water protection is not strong or conclusive enough to indicate that an enlarged "envelope" would be a "fatal flaw".
2. The principal court case in relation to elected members disregarding official reports is Child –v– Wiclow County Council. This arose under the old Section 4 Procedure. There are subtle but important references between the old Section 4 Procedure and the making of a Sráid or a local plan under the Draft Development Plan.
3. Counsel does not believe that there is some ambiguity or leeway leaving scope for elected members to depart from or make modifications to the Manager's report provided these are:-
 - In accordance with law and;
 - Elected members can show that they gave due consideration ("they had regard to") the official report when coming to their decision
4. Notwithstanding this ambiguity and leeway for the elected members to so depart, such departure is not without legal risk that a Court (in event of subsequent legal proceeding) could possibly take the view that they had not exercised their powers in accordance with proper planning and sustainable development.

Mr. Kirrane advised that it was now a matter for the members to make a proposal.

A further discussion ensued with some of the members expressing their concerns in relation to groundwater protection. Suggestions were made to limit development by including a specific number of developments which would be allowed over the period of the plan.

Cllr. D. Dolan proposed that the Sráid envelope could accommodate 65-100 dwellings. However, not more than 35 dwellings to be developed over the plan period. This proposal was seconded by Cllr. M. Buckley.

Cllr. Johnny Butterfield, Chairman of the Area Committee proposed that the members revert back to the original proposal which was submitted at the meeting held on September 2008 which included a larger envelope and an amenities area.

(i)To make the amendment to the Ballinamere Sráid envelope as decided by the members in September 2008(and put on public display in October 2008).

**DRAFT COUNTY
DEVELOPMENT
PLAN 2009-2015
(cont'd):**

Cllr. Tommy Feighery requested to amend Cllr. Butterfield's proposal to include the following statement:

*(ii) To amend Section 4.1 of the Ballinamere Sráid Plan to read:
"The Sráid envelope shall be developed in accordance with Policy P04-02 of the County Development Plan"*

This proposal was seconded by Cllr. T. McKeigue.

In addressing the members, Cllr. B. Cowen, Cathaoirleach, emphasised that a larger envelope does not guarantee planning permission within that envelope. He urged the members to try to reach a compromise. He advised that the members could abstain from the decision if they so wish.

There being no other proposals a roll call vote ensued, resulting as follows:

For the proposal:

Cllr's N. Bourke, J. Butterfield, M. Corcoran-Kennedy, B. Cowen, E. Dooley, T. Feighery, E. Fitzpatrick, J. Foran, G. Killally, F. McDonnell, T. McKeigue, T. McLoughlin, S. Moylan-Ryan, P. Ormond and D. Owens.

Against the proposal:

Cllr's M. Buckley, J. Carroll, P. Clendennen, D. Dolan, M. Fox and C. Hanniffy.

Total: 15 for the proposal
 6 against the proposal

It was also agreed to amend the Speed Limit from 50km p/h to 80 km p/h as recommended by the Manager.

On the proposal of Cllr. D. Owens, seconded by Cllr. E. Dooley, it was agreed to adopt the Draft County Development Plan 2009-2015, as amended.

The members expressed their thanks to all the staff in the Planning Department and Council who were involved in the development plan process over the past two years. They extended their good wishes to Gordon Daly, Senior Planner in his new role in Clare County Council.

Mr. P. Gallagher, in responding to queries, advised that the plan would come into effect four weeks from today. He thanked Gordon Daly, Senior Planner for his service and wished him well for the future. He expressed his appreciation for all staff across the organisation and paid tribute to the elected members, who have always shown to have the best interest of the county at heart. He added that it was a long process, with hours spent on submissions alone and indicated that the work done at Area Committee level was a great contribution. He also thanked the members of the public who made submissions.

**DRAFT COUNTY
DEVELOPMENT
PLAN 2009-2015
(cont'd):**

He continued by stating that now that the plan is adopted, it must be implemented and he assured the members that the same level of commitment would be applied as was during the review process. He noted that a review of the plan would be carried out in two years and presented to the members. Following this in four years a further review would be carried out in preparation for the new plan.

It was agreed to adjourn the meeting for 15 minutes.

**ARRANGE DATE FOR
MEETING TO
DISCUSS REVIEW OF
BIRR TOWN &
ENVIRONS
DEVELOPMENT
PLAN 2010-2016:**

It was agreed to hold a meeting to discuss the review of the Birr Town & Environs Development Plan 2010-2016 on Monday 2nd March 2009 at 2.00 p.m.

**DRAFT TRAVELLER
ACCOMMODATION
PROGRAMME 2009-
2013:**

Cllr. B. Cowen, Cathaoirleach, advised the members that the draft Traveller Accommodation Programme 2009-2013 was at the second phase of public consultation and introduced Mr. Brian Pey, Housing Social and Community Co-ordinator.

Mr. Pey gave a presentation to the members on the Draft Traveller Accommodation Programme 2009-2013. His presentation included the following information:

- background of the programme
- programme elements
- breakdown of accommodation types
- progress under previous programmes
- draft programme timescales
- submissions received

In responding to issues raised by the members, Mr. Pey advised that in relation to the appearance of the site at Kilcruttin, a clean up has been planned. The Town Engineer is currently developing a proposal to go before the council. He confirmed that there are plans for the Birr Site and that discussions would be held with the relevant families before any work commences. He stated that the Council would have to use the legal process to deal with transient families.

Mr. Sean. Murray, D.O.S. in answering a query in relation to the illegal encampment at Kilmucklin, Clara advised that legal notices will be served by the end of the month. He also advised that there is an Anti-Social Behaviour Policy in place to deal with certain aspects of the general states of sites.

**ANNUAL
DECLARATION OF
INTERESTS:**

Cllr. B. Cowen, Cathaoirleach advised the members that the forms for the Annual Declaration of Interests & Political Donations had been previously circulated and are to be completed and returned to the Ethics Registrar by the 28th February 2009 and 31st January respectively..

Mr. S. Murray, D.O.S. emphasised that that the Declaration of Political Donations must be signed by a Peace Commissioner, in accordance with legislation and returned by the 31st January 2009.

**DRAFT SCHEDULE
OF MEETINGS:**

The members approved the draft schedule of meetings for 2008 as circulated with the Agenda.

The final draft would be circulated for the February Meeting.

On the proposal of Cllr. T. Mc.Keigue, seconded by Cllr. T. Feighery it was agreed to reschedule the March Monthly Meeting to the 23rd March 2008 due to its close proximity to St. Patrick's Day.

**PRESENTATION ON
THE CARVED STONE
RECORDING
PROJECT BY
AMANDA PEDLOW
HERITAGE OFFICER:**

Amanda Pedlow, Heritage Officer and Caimin O'Brien from the Archaeological Survey of Ireland, presented the Carved Stone recording project commissioned by the Offaly Heritage Forum in 2008. This is a two year project which is using laser technology to record in detail the high crosses, graveslabs and Romanesque carving in the county. A demonstration of the High Cross at Durrow was shown on screen. While this is an important recording project - the uses of the end product will have unlimited potential for the promotion of the county - giving out the message of Offaly as a user of technology with a high value on its heritage.

**PRESENTATION ON
LOCAL SPORTS
PARTNERSHIP INITI
ATIVES & 2009
PRIORITIES BY
EAMONN HENRY
L.S.P. CO-
ORDINATOR:**

This item was deferred until the February Monthly Meeting.

**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 writes to Mary Harney, Minister for Health and Children, regarding the establishment of a medi-centre, which would alleviate some of the pressure on the A&E unit at the Midland Regional Hospital in Tullamore.”

NOTICES OF MOTION:

The following motion was proposed by Cllr. M. Buckley, seconded by Cllr M. Corcoran-Kennedy and agreed.

“That Offaly County Council writes to Mary Hanafin, Minister for Social and Family Affairs, regarding the increase in the unemployment figures, and consequentially the increase in the workload of the staff of the local Social Welfare offices, as there is an urgent need for increased resources to deal with the situation.”

The following motion was proposed by Cllr. J. Butterfield, seconded by Cllr. T. McKeigue:

“That this Council engage in joint ventures to provide necessary services and employment”.

Mr. Kirrane’s response included a summary of the following:

- The strong policy objectives in the County Development Plan.
- The work of the Gateway Implementation Forum.
- The work of the County Development Board subgroups:
 - Enterprise – C.E.B.
 - Tourism
- Liaison with Shannon Development:
 - E town Initiative
 - Mid Shannon Incentive
- Liaison with IDA – 20 acres for development at Clonminch.

Cllr. T. McKeigue requested a briefing from the County Enterprise Board.

COMHDHÁLACHA:

On the proposal of Cllr. D. Owens, seconded by Cllr. T. McKeigue the Council approved of the members attendance at conferences.

Activities Tourism Conference

23rd – 24th January 2009

Cllr. Marcella Corcoran Kennedy was unable to attend

Cllr. Percy Clendennen to attend

Effective Communications for Councillors

30th January – 1st February 2009

Cllr. Molly Buckley to attend.

Information & Communication Technologies for Councillors

6th – 8th February 2009

Cllr. Eddie Fitzpatrick was unable to attend.

AMAI

13th – 14th February 2009

Cllr. John Carroll was unable to attend

Cllr. Marcella Corcoran Kennedy to attend

Cllr. Percy Clendennen to attend

Cllr. Molly Buckley to attend.

Cllr. Eddie Fitzpatrick to attend.

**COMHDHÁLACHA
(cont'd):**

**North South Confederation of Councillors
Training Seminar
20th – 21st February 2009
Cllr. Molly Buckley to attend.**

**20th Colmcille Winter School
27th February – 1st March 2009
Cllr. Marcella Corcoran Kennedy to attend
Cllr. Molly Buckley to attend.**

COMHFREAGRAS:

**ANY OTHER
BUSINESS:**

Clonmacnoise World Heritage Site bid

Cllr. M. Corcoran-Kennedy asked for an update on the status of the O.P.W. bid for Clonmacnoise World Heritage Site.

Mr. P. Gallagher, County Manager stated there was no update.

Carer's Allowance

Cllr. M. Buckley expressed her concerns regarding cuts to the Carer's Allowance.

This concluded the business of the meeting.

MINUTES CONFIRMED: -

CATHAOIRLEACH

MEETINGS ADMINISTATOR

16TH FEBARUARY 2009