

COMHAIRLE CHONTAE UÍBH FHAILÍ

**MINUTES OF JULY MONTHLY MEETING
OF OFFALY COUNTY COUNCIL**

**HELD IN ÁRAS AN CHONTAE, TULLAMORE
ON MONDAY, 18TH JULY 2011 AT 2.00 P.M.**

PRESENT:

Cllr. D. Owens (Presiding), Cllrs. N. Bourke, M. Buckley, J. Butterfield, J. Carroll, P. Clendennen, D. Dolan, E. Dooley, S. Dooley, E. Fitzpatrick, J. Foley, C. Hanniffy, N. Hogan, T. McKeigue, T. McLoughlin, J. Leahy, S. Moylan-Ryan, P. Ormond, G. Plunkett, L. Quinn and P. Rowland.

IN ATTENDANCE:

Mr. P. Gallagher, County Manager, Mr. D. Kirrane, D.O.S., Mr. D. Conlon, H.O.F., Mr. E. O’Ceilleachair, A/D.O.S., Mr. D. Mahon, A/D.O.S., Mr. G. Bruton, A/Meetings Administrator, Mr. D. Hogan, S.E., Mr. A. Murray, S.P., Ms. P. Hughes, A.O., Ms. A. Hayden, S.O., Ms. L. Fennelly, C.O. and Ms. N. Troy, C.O.

**CIVIC RECEPTION
FOR OFFALY
SPECIAL OLYMPIANS**

On the proposal of the Cathaoirleach and seconded by Cllr M. Buckley, the members agreed to host a Civic Reception for the Offaly participants in the Special Olympics in the near future. The Cathaoirleach and the members extended their congratulations to the participants and all those involved with Special Olympics on their successes at the games.

**VOTES OF
SYMPATHY:**

Votes of sympathy were unanimously extended to the following:-

Ray Bell and his Family, staff member of Offaly County Council on the death of his father, Patrick

Mr & Mrs Bigler, Mill Road, Eanaghan, Walsh Island on the death of their son, Jason.

Kathleen Kelly, 21 Pound St, Birr on the death of her husband, Christy.

Mary Ahern, Ballybritt, Roscrea on the death of her mother, Mary.

Sr. Xavier & Sr. Frances, Convent of Mercy, Tullamore on the death of their nephew, John.

Jacinta Keating, Ballyealan, Blueball on the death of her partner, William.

Nicky Lee, Ballydownan, Geashill on the death of her husband, Barry.

VOTES OF SYMPATHY (cont'd):

Noel & Nell Lee, Ballydownan, Geashill on the death of their son, Barry.

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. S. Dooley, seconded by Cllr. N. Bourke, the minutes of Offaly County Council's Information Briefing held on 13th June 2011 were agreed and adopted.

On the proposal of Cllr. L. Quinn seconded by Cllr. P. Clendennen, the minutes of Offaly County Council's Monthly Meeting held on 20th June 2011 were agreed and adopted.

On the proposal of Cllr. J. Leahy, seconded by Cllr. T. McKeigue, the minutes of Offaly County Council's Annual Meeting held on 20th June 2011 were agreed and adopted.

MINUTES FOR NOTING:

The following minutes were noted:

- Tullamore Area Committee Meeting held 7th March, 2011
- Birr Area Committee Meeting held 9th March, 2011
- Ferbane Area Committee Meeting held 9th March, 2011
- Minutes of Corporate Policy Group held 16th May, 2011

AGHABOY, FERBANE BUSINESS AND TECHNOLOGY PARK. TRANSFER OF WAYLEAVE (0.023 ACRES) TO ESB:

On the proposal of Cllr. E. Dooley, seconded by Cllr. C. Hanniffy the Council approved of the disposal of freehold interest in lands at Aghaboy, Ferbane Business & Technology Park in accordance with the terms of the notice dated 1st July 2011.

TAKEOVER OF GROUP WATER SCHEMES AS FOLLOWS:

Mr. D. Mahon, A/D.O.S. stated that under Section 95 of the Water Services Act, 2007 a number of group water schemes had requested to be taken over by the Council. He advised that the schemes had been examined by the Council and any remedial works would be carried out by the relevant Area Office.

- **BALLYNEENA GWS (BANAGHER PWS)**
- **PARK GWS (BANAGHER PWS)**
- **KILCOLGAN GWS (FERBANE PWS)**
- **NOGGUSBOY GWS (FERBANE PWS)**

On the proposal of Cllr. S. Moylan-Ryan, seconded by Cllr. C. Hanniffy, the council approved of the take-over of the following group water schemes:

- Ballyneena GWS (Banagher PWS)
- Park GWS (Banagher PWS)
- Kilcolgan GWS (Ferbane PWS)
- Noggusboy GWS (Ferbane PWS)

**PART 8 OF THE
PLANNING &
DEVELOPMENT ACT
2000 - MONEYGALL
WASTEWATER
TREATMENT WORKS
UPGRADE:**

Mr. D. Mahon, A/D.O.S. directed the member's attention to the report which had been circulated with the Agenda. He noted that no submissions had been received. He proposed proceeding with the works as outlined in the report.

On the proposal of Cllr. P. Ormond, seconded by Cllr. J. Carroll, the Council approved the proposal to upgrade Moneygall Wastewater Treatment Works.

**SECTION 183 OF THE
LOCAL GOVERNMENT
ACT 2001 - TRANSFER OF
3.6 HA AT MILITARY
DRILL FIELD CRINKLE
TO GRANT
ENGINEERING LTD:**

On the proposal of Cllr. J. Carroll, seconded by Cllr. T. McLoughlin the members approved of the disposal of freehold interest in lands at Military Drill Field, Crinkle, Birr in accordance with the terms of the notice dated 1st July 2011.

**SECTION 183 OF THE
LOCAL GOVERNMENT
ACT 2001 - TRANSFER OF
1.216 HA AT
KYLEBOHER
KILCORMAC TO
HOUSING &
SUSTAINABLE
COMMUNITIES LTD:**

On the proposal of Cllr. J. Leahy, seconded by Cllr. C. Hanniffy the members approved of the disposal of freehold interest in lands at Kyleboher, Kilcormac in accordance with the terms of the notice dated 1st July 2011.

**SECTION 183 OF THE
LOCAL GOVERNMENT
ACT 2001 - TRANSFER OF
0.203 HA AT
KYLEBOHER
KILCORMAC TO
KILCORMAC PARISH
COMMITTEE:**

On the proposal of Cllr. J. Leahy, seconded by Cllr. C. Hanniffy the members approved of the disposal of freehold interest in lands at Kyleboher, Kilcormac in accordance with the terms of the notice dated 1st July 2011.

**TAKING IN CHARGE OF
PRIVATE HOUSING
ESTATES AT GLENN NA
CARRAIGE & CARRICK
AOIBHINN, CARRICK
ROAD EDENDERRY:**

Mr. E. O'Ceilleachair, A/D.O.S. recommended that in accordance with Section 11 of the Roads Act, 1993 & Section 180 of the Planning and Development Act, 2000 as amended, the Council take in charge all of the services at Glenn na Carraige and Carrick Aoibhinn, Edenderry. He advised that the developer has made a financial contribution to towards the cost of upgrading the estate.

On the proposal of Cllr. N. Bourke, seconded by Cllr. J. Foley the Council approved the taking in charge of the private housing estates at Glenn na Carraige & Carrick Aoibhinn, Carrick Road, Edenderry.

**LAUNCH OF PLANNING
ONLINE ENQUIRY
SYSTEM:**

Mr. D. Kirrane, D.O.S., reported that the Planning Section had developed an on-line Planning Enquiry System. He advised the members that Ms. L. Fennelly, C.O., would give the members a live demonstration of the System working. He noted that a significant amount of work had been undertaken by the staff in Planning in preparation for the development of the system. He noted that the new

**LAUNCH OF PLANNING
ONLINE ENQUIRY
SYSTEM (cont'd):**

system allowed for the electronic transfer of files to other Sections in the organisation, i.e., Roads, Heritage, etc. He advised the members that Offaly Local Authorities were taking part in a pilot in relation to eReferrals of Planning Applications to other agencies.

Ms. L. Fennelly demonstrated the Online System to the members. She noted that at the start up screen users were required to accept the terms and conditions of using the system including accepting copyright agreements. She outlined for the members how end users would access and search for planning applications.

The members thanked Ms Fennelly for her presentation and noted that they had a number of queries on the system and planning applications in general.

Cllr. P. Ormond noted that the new system should be advertised widely, he commented that personal data on the system should be protected. He also noted that the search facility on the system could be improved.

Cllr. T. McKeigue enquired if an applicant was still required to submit the same number of copies of documents with their Planning Application.

Cllr. L. Quinn enquired if submissions made in relation to applications would be available to view online.

Cllr. S. Dooley enquired if the system protected the copyright of the documents submitted.

Mr. Kirrane, responded to the members queries. He advised that the Planning Act 2000 determined the number of copies of documents to be submitted for a Planning Application. In relation to personal data the system did not show phone numbers or email addresses and special medical proposals were dealt with in a sensitive manner. He advised that the Act required certain portions of a Planning file to be made available for public viewing and the new system following these regulations, in effect any part of the a Planning Application which was available to view at the Public Counter would be available to view on the online system. He reminded the members that the end-user had to accept the terms and conditions of the use of the system and this included protection of copyright.

**REPORT ON FARM
INSPECTIONS:**

The County Manager reminded the members that at their June meeting they had raised a number of concerns in relation to this issue.

The Management Team had considered their requests and agreed to arrange for a presentation to be made to the members on the policies and procedures adopted by the Council in relation to Farm Inspections. He advised that Mr. D. Hogan, SE Environment and Mr. J. Connelly, SEE Environment would make the presentation.

**REPORT ON FARM
INSPECTIONS (cont'd):**

He also noted that the members had requested the executive to write to the Department of Agriculture, Fisheries and Food (DAFF) and the Department of Environment, Community and Local Government (DoECLG). He advised the members that copies of both letters had been included with their agenda.

Mr Hogan addressed the meeting. He outlined for the members the focus of Offaly County Council inspections practices; he noted that the members had long recognised the importance for good quality water for the health and safety of the people of Offaly and the need to protect the groundwater and surface water resources of the County. He also noted the health and economic cost of water pollution. He outlined for the members the protection measures and plans that they had adopted in the past to ensure good water quality in the County. The most important of these measures were

- Groundwater Protection Plans (1996)
- Council managed site assessments for OSWWTS (2000)
- Water Pollution (Agricultural) bye-laws (2001)
- River Basin District Management Plans (2010)

He noted that there had been no significant public health issues relating to drinking water in the County and this was due in no small part to the measures adopted by the members.

He briefed the members on the risk based methodology used by the Council staff in relation to Water Quality Inspections. He advised that when staff identified a polluted water body, they worked upstream to locate the source of the pollution. He outlined for the members the responsibilities placed on the local authorities under the Water Pollution Act and the European Communities (Good Agricultural Practice for Protection of Waters) Regulations [GAP]. He noted that the DAFF inspected 1% of farms for cross-compliance and a further 1% on behalf of local authorities under the Nitrates Directive. Of these, a proportion was on a risk basis and the remainder on a random basis. He advised that the perception of “double inspection” was not borne out by the facts, duplication of inspections were avoided. Mr. Connelly briefed the members on some of the statistics available in relation to inspections. A briefing document was circulated to members, which included sample letters issued to the offenders and copies of the relevant documents directing the local authority to carry out inspections.

In the discussion that followed, a number of members noted that the presentation had served to clarify this issue for them. They noted that the Council was following a reasonable approach and that the cost of pollution to all members of the community was considerable. However, the members noted that the effective communication was the

**REPORT ON FARM
INSPECTIONS (cont'd):**

key to addressing and allaying public concerns with the Farm Inspections and they requested that they would be kept advised of impending inspections. Cllr. J. Carroll stated that the presentation failed to address the issues he had raised at the June meeting. He queried if the Council were obliged to carry out the inspections even if they were authorised to do so. He noted that in light of the reduction in the number of staff in the local authority and government organisation it was not efficient to have duplication in inspections carried out, he also queried the training that inspection staff had received for this work.

A number of the members queried the position in relation to the Offaly Local Authorities Waste Water Treatment Plants. Some members noted that there was an impending change in the legislation due shortly and queried the position that the Council had adopted in relation to the replacement of problem septic tanks. The members suggested that a grant scheme be provided to assist householders replace or upgrade their treatment systems. Some members noted that some of the river bodies in Offaly were being polluted by sources outside the County boundaries.

Mr. Hogan addressed the member's queries. He noted that there was no duplication on inspections, Council staff co-ordinate their inspections with the DAFF. He noted that the primary purpose of the inspections was to improve water quality. In relation to problem systems he noted that recent research had suggested that treatment systems were not always the most effective solutions to effluent treatment, and that septic tanks could work better under some conditions. He advised that the Council was fully conscious of the potential cost to homeowners and have therefore reduced the cost of a percolation test by half in these cases.

He advised the members that the Council would take no action on pollution cases in advance of the new legislation due in the Autumn, where the landowners engaged with the Council in addressing the issue. He noted that the Council adopted a collaborative approach with landowners and were flexible with any reasonable timeframes proposed to resolve problems. In relation to local authority's Waste Water Treatment Plants, he advised that issues identified were being addressed, however the organisation was dependant on central government funding to carry out the required improvement works. He noted that all the river bodies in the county were inspected and pollution issues addressed.

Mr. Hogan noted that Offaly County Council were obliged by law to carry out inspections and stated that following the observations of the elected members, the Environment Section would commence a system of issuing public notices advising of the areas to be inspected. He stated that the members would be informed of the inspection schedule also.

**HIGHER EDUCATION
GRANT SCHEME
2011/2012:**

Mr. D. Mahon, A/D.O.S. advised that the Higher Education Grant Scheme 2011/2012 had been circulated for the member's attention only. He outlined some of the changes to this year's scheme.

The members expressed their serious concerns with some of the changes, in particular, the 45km distance cap for adjacent students which would have a severe affect a high number of applicants in the midlands.

Mr. Mahon in responding to a query confirmed that any applicants whose income had changed on a permanent basis since 1st January 2011 could apply to have their application reviewed under the "change of circumstances" clause.

NOTICES OF MOTION:

Cllr. T. McKeigue, proposed the following motion which was seconded by Cllr. M. Buckley:

"That Offaly County Council review the County Development Plan to include more flexibility towards small rural enterprises, some existing and others trying to get established, this approach would help to boost employment in the county".

In responding, Mr. D. Kirrane, D.O.S., advised that the Development Plan included comprehensive policy statements in relation to supporting local enterprises. He advised that the Planning Department took a positive view towards applications of this nature. He noted also that the members had agreed to reduce the planning fee for commercial applications and that the commercial rate had remained unchanged for a number of years.

Cllr McKeigue stated that he was encouraged by Mr. Kirrane's report and agreed to monitor the situation.

On the proposal of Cllr. T. McKeigue and seconded by Cllr. M. Buckley, the following motion was agreed:

"That this Council seeks a meeting with the appropriate Minister to advance the Durrow High Cross project".

Mr D. Kirrane, D.O.S., noted that a Planning Application in relation to this site was granted in August 2006 and was due to expire in three weeks time. The application included works to the House, gate lodge, and the entrance at the N52.

In responding the County Manager advised that the members had passed a motion on this issue in 2010 and on foot of this motion the Council had met with personnel from the OPW. The OPW had advised that cost of the works to the N52 were not viable, it was agreed that they would review the layout and the costs in conjunction with the staff of the Roads Section of Offaly County Council. The Council wrote to the OPW twice in 2010 seeking the

**NOTICE OF MOTIONS
(cont'd):**

relevant details. While the letters were acknowledged, no further details had been received.

Following discussion it was agreed to write to the Minister responsible and seek an early meeting with the Council on this issue with a view to progressing the project.

Cllr. M. Buckley proposed the following motion which was seconded by Cllr. L. Quinn:

“That Offaly County Council write to the Restaurant Association of Ireland to ask them to review the price of food in order to attract tourists”

Cllr. Buckley agreed to amend the motion to request that the reduction in VAT be passed on to the consumer.

On the proposal of Cllr. M. Buckley, seconded by Cllr. L. Quinn, the following motion was agreed:

“That Offaly County Council write to the HSE regarding the situation that carers find themselves in due to cutbacks”

Cllr. J. Leahy requested the deferral of the following motion:

“That Offaly County Council do hereby nominate Seán Gallagher, Entrepreneur to contest the upcoming Presidential Election, subject to the formal ratification process being completed following the making of the Presidential Election Order.”

Cllr. J. Carroll advised that in regard to the motion concerning rates listed on the agenda as being deferred from last month's meeting, he had not intended to be included for this meeting.

Cllr. P. Ormond proposed the following motion, which was seconded by Cllr. T. McKeigue and agreed:

“In light of the publication of the Electoral Amendment Bill, that Offaly County Council make a submission to the Constituency Commission to reverse the decision of 2007 to move parts of South Offaly to the Constituency of North Tipperary”.

**NOTICE OF MOTIONS
(cont'd):**

The County Manager advised that no statutory order was signed yet establishing the Boundary Review Commission. He advised that when the Commission is established the executive would prepare a submission to the group for the approval of the Council. He noted that the preliminary results of the recent Census had indicated an increase in the population of Counties Laois and Offaly.

COMHDHÁLACHA:

The following conferences were proposed by Cllr. M. Buckley, seconded by Cllr. E. Fitzpatrick, and agreed by the members:

The Councillor & The Local Government Environmental Service

*Hylands Hotel, Ballyvaughan, Co. Clare
22nd /23rd July 2011.*

It was agreed that Cllr E. Dooley, Cllr N. Hogan, and Cllr L. Quinn would attend.

The Local Government Planning Service

*West Cork Hotel, Skibbereen, Co. Cork.
12th /13th August 2011.*

No members expressed an interest in attending

Legislation for the reform of Local Government

*Westport Plaza Hotel, Westport.
12th /14th August 2011.*

It was agreed that Cllr C. Hanniffy would attend.

2011 Parnell Summer School - Equality Then & Now

*Avondale House, Rathdrum, Co. Wicklow.
14th /19th August 2011.*

It was agreed that Cllr C. Hanniffy would attend.

The Local Government Arts Service

*Radisson Blu Hotel Farnham Estate, Cavan
19th /20th August 2011.*

No members expressed an interest in attending

AMAI – 98th Annual Conference

*Knightsbrook Hotel, Trim, Co. Meath.
8th /10th September 2011.*

It was agreed that Cllr M. Buckley, Cllr P. Clendennen and Cllr E. Fitzpatrick would attend.

19th Benedict Kiely Literary Weekend.

*Strule Arts Centre, Omagh.
8th /11th September 2011.*

No members expressed an interest in attending

Local Government promoting Renewable Energy -The Advantage of Solar Power

*Manor West Hotel, Tralee, Co. Kerry.
19th /21st August 2011.*

It was agreed that Cllr J. Butterfield, Cllr L. Quinn, and Cllr N. Hogan would attend.

COMHDHÁLACHA
(cont'd):

LAMA -Autumn Seminar 2011

“The Role of Tourism in Economic Recovery.
23rd /24th September 2011.

It was agreed that Cllr L. Quinn, Cllr M. Buckley, Cllr P. Clendennen, Cllr T. McKeigue and Cllr E. Fitzpatrick would attend.

Retrospective approval to be sought for Cllr. L. Quinn to attend the following conference:

A Briefing for Local Authority Members - Current issues in Education.- The Kingsvalley Hotel, Galway

COMHFREAGRAS:

Cllr N. Burke referred to correspondence received from the HSE in relation to the Ambulance Service in Edenderry and Tullamore. He noted that the service in Edenderry was only a daytime service and he called on the Council to seek restoration of a 24-hour service in the town. He advised the meeting that the accommodation for ambulance staff in Edenderry was very poor and should be addressed as a matter of urgency. He noted that the HSE had agreed to meet with the Council and proposed that this meeting would be scheduled for the near future. He noted that there were 20 beds out of use in Ofalia House, Edenderry and he requested that this issue be included on the agenda for the meeting also.

Cllr Buckley supported the call to meet with the HSE on this issue and proposed that the issue of support for carers be included on the agenda for the meeting. She noted her concerns that the Ambulance Service in Tullamore was reduced, with only one ambulance available on three week nights.

Cllr McKeigue supported his colleagues and advised that he had raised some of these issues at the recent meeting of the Regional Health Forum. He noted that the HSE had made an excellent presentation on the Ambulance Service, at that meeting and suggested that this presentation be given to the elected members at a future meeting.

The County Manager responded that the executive would facilitate the HSE request for a meeting. He noted that the issue of staff accommodation for ambulance service staff was a matter for the HSE.

The members agreed to support the following motions by Clare County Council and South Tipperary County Council as follows:

“That the Litter Act be amended to state that where there is a reasonable doubt that landowners are not penalised for illegal dumping.” [Clare County Council]

**COMHFREAGRAS
(cont'd):**

“That South Tipperary County Council asks the Department of Environment, Community and Local Government to advise this Council as to what Draft Directives which may affect the operation of Local Authorities are currently before the EU” [South Tipperary County Council]

Cllr S. Moylan-Ryan noted the effectiveness of the use of CCTV cameras in preventing litter pollution at Bring Bank sites.

ANY OTHER BUSINESS:

Cllr S. Moylan-Ryan noted that she had raised an issue earlier in the year in relation to the cemetery in Clonmacnoise. She noted that she had requested additional information on the Council’s proposals on this site.

The County Manager responded that the Environment section would revert to Cllr Moylan-Ryan in due course.

Cllr L. Quinn noted that the NRA had taken on the role of purchasing salt for all local authorities during the Winter of 2010 / 2011. He noted that this practise had lead to difficulties for some local authorities in managing their contingency plans to deal with the freezing weather. He requested an update on the Council’s contingency plan for the coming winter season to be delivered at the September meeting.

The County Manager advised that the Winter Maintenance Management Plan for 2011-2012 was being considered, and would be brought to Council as soon as possible.

This concluded the business of the meeting.

MINUTES CONFIRMED:

CATHAOIRLEACH

RUNAÍ

19th SEPTEMBER 2011