

COMHAIRLE CHONTAE UÍBH FHAILÍ

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

**HELD IN ÁRAS AN CHONTAE, TULLAMORE
ON MONDAY, 21ST MARCH 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, J. Leahy, T. McLoughlin, 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. F. Heslin, D.O.S., Mr. S. Murray, D.O.S., Mr. D. Conlon, H.O.F., Mr. D. Mahon, S.E.O., Mr. C. McCarthy, S.E., Ms. A. Walsh, A/S.E.P., Mr. E. Lynch, A/E.P., Ms. M. Cleary, Meetings Administrator, and Ms. N. Troy, C.O.

**SUSPENSION OF
STANDING ORDERS**

On the proposal of Cllr. P. Ormond, seconded by Cllr. M. Buckley, the members agreed to suspend standing orders to address the following issues:

The members welcomed the news that the President of the United States of America may, on his proposed visit to Ireland in May, visit Offaly and the village of Moneygall. Cllr. P. Ormond acknowledged that the visit would provide an opportunity for economic development and enhance significantly the county's tourism profile. Mr. P. Gallagher, County Manager, also welcomed the fact that President Obama would be visiting Ireland. He advised the meeting that there are strict protocols associated with visits from heads of state, that the Department of the Taoiseach in consultation with the US Embassy would determine and co-ordinate the President's itinerary, and that the Council had not received the President's official itinerary.

Cllr. M. Buckley expressed her sympathy to the people of Japan on the devastation that the recent tsunami had caused. She advised that Tullamore Town Council had opened a book of condolences. The members agreed to write to the Japanese ambassador expressing their condolences.

Cllr. D. Owens commended the members who had put their names forward in the recent General Election. He congratulated former members Mr. Barry Cowen, T.D., and Ms. Marcella Corcoran-Kennedy, T.D., on their election to Dáil Éireann.

VOTES OF SYMPATHY:

Votes of sympathy were unanimously extended to the following:-

Robbie Ardill, Aghancon, Roscrea, Co. Tipperary on the death of his sister Frances Mitchell.

Vivienne Keenan, Rahan Road, Tullamore, Co. Offaly on the death of her father, Richard.

James Hogan, Lock Close, Killeigh, Co. Offaly on the death of his aunt, Vera Fenlon.

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. M. Buckley, seconded by Cllr. J. Leahy, the minutes of Offaly County Council's In Committee Budget Meeting of Offaly County Council held on Monday, 20th December 2011 were agreed and adopted.

On the proposal of Cllr. P. Clendennen, seconded by Cllr. J. Butterfield, the minutes of Offaly County Council's In Committee Budget Meeting of Offaly County Council held on Friday, 7th January 2010 were agreed and adopted.

On the proposal of Cllr. E. Dooley, seconded by Cllr. G. Plunkett, the minutes of Offaly County Council's Statutory Budget Meeting of Offaly County Council held in on Monday, 10th January 2011 were agreed and adopted.

On the proposal of Cllr. E. Fitzpatrick, seconded by Cllr. M. Buckley, the minutes of Offaly County Council's January Monthly Meeting held on 21st February 2011 were agreed and adopted.

MINUTES FOR NOTING:

The following minutes were noted:

- Minutes of Planning & Economic Development S.P.C. held 5th July 2010
- Minutes of Planning & Economic Development S.P.C. held 11th October 2010
- Minutes of Tullamore Area Meeting held 6th December 2010
- Minutes of Birr Area Meeting held Wednesday 15th December 2010
- Minutes of Ferbane Area Meeting held Wednesday 15th December 2010
- Minutes of Housing, Social & Cultural S.P.C. held 16th December 2010

**FILLING OF CASUAL
VACANCY:**

Ms. M. Cleary, Meetings Administrator, informed the meeting that following the election of Mr. B. Cowen, T.D., to Dáil Éireann that a casual vacancy had arisen in the membership of Offaly County Council. Ms. Cleary advised that the procedure for the filling of the casual vacancy was set out in the Local Government Act 2001 and in the Council's Standing Orders.

Ms. Cleary informed the meeting that a nomination had been received from the political party which had caused the casual vacancy to arise, i.e., Fianna Fáil. Ms. Cleary informed the meeting that Cllr. Paddy Rowland, Knockowen Road, Tullamore, Co. Offaly had been selected by Fianna Fáil to replace Mr. B. Cowen, T.D., on Offaly County Council. Ms. Cleary acknowledged that Cllr. Rowland had provided his written consent to the nomination.

Cllr. P. Ormond proposed that Cllr. P. Rowland be co-opted onto the Council. The proposal was seconded by Cllr. E. Dooley and agreed. The members welcomed Cllr. P. Rowland to the Council. Cllr. P. Rowland thanked the members for their good wishes and advised that he hoped to work with them in promoting the county during these difficult economic times.

**ELECTION OF
CATHAOIRLEACH:**

Ms. M. Cleary, Meetings Administrator, advised that as Mr. B. Cowen, T.D., had held the position of Cathaoirleach of the Council, a vacancy for the Cathaoirleach's office now existed. She advised that the person elected to fill a casual vacancy in the office of Cathaoirleach would hold that office for the remainder of the term of office of his or her immediate predecessor.

Ms. M. Cleary, Meetings Administrator, then invited nominations for the position of Cathaoirleach.

Cllr. D. Dolan proposed Cllr. J. Butterfield, seconded by Cllr. J. Carroll.

Cllr. P. Ormond proposed Cllr. D. Owens, seconded by Cllr. S. Dooley.

Cllr. C. Hanniffy proposed Cllr. T. McKeigue, seconded by Cllr. M. Buckley.

There being no other nominations a ballot ensued, result as follows:

For Cllr. J. Butterfield:

Cllrs. J. Butterfield, J. Carroll, D. Dolan, J. Foley, J. Leahy.

For Cllr. D. Owens:

Cllrs. N. Bourke, E. Dooley, S. Dooley, E. Fitzpatrick, T. McLoughlin, S. Moylan-Ryan, P. Ormond, D. Owens, G. Plunkett and P. Rowland.

**ELECTION OF
CATHAOIRLEACH
(cont'd):**

For Cllr. T. McKeigue:

Cllrs M. Buckley, P. Clendennen, C. Hanniffy, N. Hogan, T. McKeigue and L. Quinn.

As no member had received a majority of votes of the members present and in accordance with the legislation Cllr. J. Butterfield, having received the least number of votes, was excluded from the election.

A second poll then ensued, result as follows:

For Cllr. D. Owens:

Cllrs. N. Bourke, E. Dooley, S. Dooley, E. Fitzpatrick, J. Foley, J. Leahy, T. McLoughlin, S. Moylan-Ryan, P. Ormond, D. Owens, G. Plunkett and P. Rowland.

For Cllr. T. McKeigue:

Cllrs M. Buckley, P. Clendennen, C. Hanniffy, N. Hogan, T. McKeigue and L. Quinn.

Cllrs J. Butterfield, J. Carroll and D. Dolan abstained.

As Cllr. D. Owens had received a majority of votes of the members present and in accordance with the legislation he was declared elected as Cathaoirleach of Offaly County Council for the remainder of Mr. B. Cowen's term of office.

Cllr. D. Owens thanked his proposer and seconder and the members for his election. He informed the meeting that with the co-operation of the members, the management and staff over the coming months he would strive to promote the interests of the Council.

**OFFALY COUNTY
COUNCIL 2011
PURCHASE SCHEME
FOR LONG-STANDING
TENANTS:**

Mr. D. Mahon, SEO Housing, outlined the main components of the Policy. He informed the meeting that in accordance with the Scheme the latest date for receipt of applications from tenants was 31st December 2011.

On the proposal of Cllr. M. Buckley, seconded by Cllr. P. Ormond, the members adopted the Offaly County Council 2011 Purchase Scheme For Long-Standing Tenants.

**CIRCULAR SHIP 2011/06
ASSESSING ELIGIBILITY
AND NEED FOR SOCIAL
HOUSING:**

Mr. D. Mahon gave a detailed presentation outlining the main features of the Circular.

In responding to questions Mr. D. Mahon advised that applicants could only apply to one housing authority. He noted that the regulations would allow the Local Authorities to concentrate on those in greatest need and that the income limits outlined in the Scheme were net income.

Cllr. D. Owens, Cathaoirleach, thanked Mr. D. Mahon for his informative presentation and suggested that the observations made by the members be discussed at the Housing, Social and Cultural S.P.C.

**ROAD WORKS
PROGRAMME 2011:**

On the proposal of Cllr. E. Dooley, seconded by Cllr. T. McKeigue, the members approved the Road Works Programme for 2011 as circulated.

**CONSIDERATION OF
THE MANAGER'S
REPORT ON
SUBMISSIONS
RECEIVED ON THE
DRAFT EDENDERRY
LOCAL AREA PLAN 2011-
2017:**

Mr. D. Kirrane, DOS, informed the meeting that following the period of public consultation, fifteen (15) submissions were received on the Draft Edenderry Local Area Plan 2011-2017. He advised that the Plan was drafted to be consistent with the Midland Regional Planning Guidelines, which were adopted in July 2010.

Ms. A. Walsh, Acting Senior Executive Planner, drew the members' attention to Section 4 of the County Manager's report wherein the Manager outlined his response to the submissions received.

With regard to the County Manager's response in relation to:

- Draft Sub 11/01 re. the capacity of the Waste Water Treatment Plant – the members' agreed with the County Manager's recommendation;
- Draft Sub 11/02, 11/03, 11/04 re. Streetscape issues – On the proposal of Cllr. N. Bourke, seconded by Cllr. J. Foley, the members' agreed to change the wording of the objective to be included in Chapter 4 to *'Offaly County Council will undertake a Public Realm Study for Edenderry Town Centre in order to create a strategy for future improvement works, subject to the availability of resources'*.
- Draft Sub 11/05 – the members' agreed with the County Manager's recommendation;
- Draft Sub 11/07 – the members' noted the County Manager's recommendation;
- Draft Sub 11/08 – the members' noted the County Manager's recommendation;
- Draft Sub 11/10 - the members' noted the County Manager's response and agreed to the four recommendations included in Section 4 – Topic Based Submissions on page 10 of 12;
- Draft Sub 11/13 – the members' agreed with the County Manager's recommendation;

Ms. A. Walsh, Acting S.E.P., referred members to Section 5 which deals with the zoning submissions received. Referring to the preface of this section, Ms. Walsh reiterated the significant policy changes since the adoption of the Edenderry Local Area Plan in 2005, namely the Planning and Development (Amendment) Act 2010 and the Midland Regional Planning Guidelines 2010. She noted that the requirement for statutory plans to be consistent with

**CONSIDERATION OF
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LOCAL AREA PLAN 2011-
2017 (cont'd):**

national and regional objectives had resulted in the land use zoning map for Edenderry having to address the amount and type of zoning for the plan period 2011-2017. Ms. Walsh advised that six (6) submissions in relation to zoning were received, three (3) related to areas not previously zoned and three (3) related to areas that were previously zoned. She advised that in order to demonstrate consistency with the Midland Regional Planning Guidelines, it was proposed to zone less land for residential purposes than that zoned in the previous plan. She advised that this reduction in zoning was being implemented by removing and/or amending the previous zoning objectives. Ms. Walsh requested that the members' consider in their deliberations on the matter that the unprecedented growth previously experienced was not expected to be realised over the duration of the plan. In considering the zoning, Ms. Walsh advised that in drafting the plan for Edenderry, regard was had to a population growth rate of ten per cent (10%), the amount of currently undeveloped zoned land, flood risk and the desirable footprint for the development of the town. It was agreed to take each of the submissions individually.

- Draft Sub 11/06 - the members' noted and agreed with the County Manager's recommendation;
- Draft Sub 11/09 - the members' noted and agreed with the County Manager's recommendation;
- Draft Sub 11/11 – Ms. A. Walsh acknowledged that planning permission was granted on the site and advised that the proposed change in zoning does not impact on the status of the permissions on the site and these dwellings may be constructed as permitted within the appropriate period. The members' noted and agreed with the County Manager's recommendation;
- Draft Sub 11/12 - the members' noted and agreed with the County Manager's recommendation;

Draft Sub 11/14 – Ms. A. Walsh drew the members' attention to the strong planning advice included in the County Manager's report and reiterated the advice setting out why the lands are not considered suitable for zoning. Cllr. N. Bourke expressed disappointment with the County Manager's report and suggested that the development would be economically beneficial for Edenderry. Cllr. N. Bourke proposed that the site, c.48acres, be divided and that 18 acres for the research and development facilities be excluded from the rezoning application and that the remaining 30 acres be zoned to accommodate the development of a proposed retirement village and wellness centre. He suggested that this proposal addressed the County Manager's concerns in relation to the flooding and removes the concerns regarding elevation and dealing with the quarry. Cllr. N.

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2017 (cont'd):**

Hogan seconded the proposal. The County Manager reiterated that there was significant land zoned that would encourage economic development in the area. He advised that the proposed development may result in isolation and that retirement villages were proven to be more beneficial when located closer to other amenities. He advised that the flood risk would require further consideration and that the elevation of the site continued to be a concern. It was agreed to adjourn the meeting to allow the Executive to examine the map submitted by Cllr. N. Bourke's outlining his proposal. Cllr. N. Bourke's proposal was mapped and circulated to all present.

The meeting resumed at 6.10pm, at which time Cllr. N. Bourke's proposal to suspend Standing Orders to allow the meeting to continue beyond 6pm was seconded by Cllr. D. Dolan and agreed by the members.

Ms. A. Walsh, A/S.E.P., advised that having examined the proposal, the County Manager's advice still stood. She advised that the development, in her opinion, was piecemeal in nature, the location was unsuitable for a retirement village and that adequate land had been zoned elsewhere in the plan to accommodate development proposals of this nature. She informed the members that, should the proposal be adopted that a screening assessment for Strategic Environmental Assessment and Appropriate Assessment would be required and the legal implications would require further investigation. Following a lengthy discussion on the matter, the members agreed to vote on Cllr. N. Bourke's proposal, which was seconded by N. Hogan. A roll call was taken to amend the zoning objective to include the area indicated on the map supplied for public, community and educational use. The members voted as follows:

FOR: Cllrs. N. Bourke, S. Dooley, E. Fitzpatrick, J. Foley, N. Hogan, P. Ormond, D. Owens, G. Plunkett, L. Quinn, P. Rowland.

AGAINST: Cllrs. M. Buckley, J. Carroll, P. Clendennen, D. Dolan, E. Dooley, J. Leahy, T. McKeigue, T. McLoughlin

ABSENT: Cllrs. J. Butterfield, C. Hanniffy, S. Moylan-Ryan.

The proposal was carried by 2 votes. It was noted that the amendments to the draft Edenderry Local Area Plan 2011-2017 would be placed on public display within the next three (3) weeks for a four (4) week period. Submissions on the amendments to the plan will be accepted in the 4 week period.

**CONSIDERATION OF
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2017 (cont'd):**

- Draft Sub 11/15 - the members' noted and agreed with the County Manager's recommendation.

Ms. A. Walsh, A/S.E.P., drew the members' attention to Section 6 of the County Manager's Report addressing miscellaneous issues. The four proposed amendments were agreed by the members.

Cllr. N. Bourke requested that his opposition to linkages between one estate and another in the context of 'boyracers' be noted.

NOTICE OF MOTIONS:

(a) The following motion was proposed by Cllr. M. Buckley, seconded by Cllr. T. McKeigue and agreed by the members:

"That Offaly County Council write to the Co. Registrar to request a review of the selection and appointment of all the people involved in the polling booths and count centre"

Cllr. M. Buckley acknowledged the work done by staff in preparing the Register of Electors and in conducting the count. She suggested that the manner of appointing staff to the count and the administration of the count should be evaluated at this time. In seconding the motion Cllr. T. McKeigue suggested that the County Registrar be invited to meet with the members. The members agreed to circulate the motion to other Councils.

(b) Cllr. M. Buckley proposed the following motion, which was seconded by Cllr. T. McKeigue, and agreed:

"That Offaly County Council Environment Section would ensure that all the recycling facilities are emptied on a regular basis"

In responding to the motion, Mr. S. Murray, DOS, confirmed that Offaly County Council have recently upgraded their recycling facilities in the county. The works include replacing old wheelie bins with modern bottles banks; which have an increased capacity from 0.24 or 1.1 cubic meters (cu.m.) to 2.5cu.m, and also the provision of new and improved signage. He stated that the new banks require a different service frequency and advised that the Council are currently working with their service providers, to develop the optimum service possible. Mr. S. Murray advised that any outstanding issues will be resolved in the near future.

(c) Cllr. L. Quinn proposed the following motion, which was seconded by Cllr. T. McKeigue and agreed:

"That this Council write to Waterways Ireland and request a copy of their maintenance plan for the Grand Canal as the viability of this amenity is vital for tourism in County Offaly."

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

The members agreed to invite a representative from Waterways Ireland to give a presentation to the Council outlining their proposals for the Grand Canal. The County Manager noted the good working relationship between the Council and Waterways Ireland.

COMHDHÁLACHA:

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

National Seminar – Cork City Council
“Smarter Travel – Traffic & Travel Information
River Lee Hotel (Western Road, Cork)
23rd March 2011
No-one expressed an interest in this conference.

Kerry Literacy & Cultural Centre
Developing the Social Economy to stimulate Economic Growth
Listowel Arms Hotel
24th/25th March 2011
It was agreed that Cllr. S. Dooley would attend.

Celtic Conferences
“How to be an effective Chairperson
The Celtic Ross Hotel
Rosscarbery, Cork
1st/3rd April 2011
No-one expressed an interest in this conference.

Retrospective approval for the attendance of Cllrs. G. Plunkett and E. Dooley at the Rattoo Heritage Society 20th Annual Kerry Environmental Conference on 7th/10th April 2011.

COMHFREAGRAS:

On the proposal of Cllr. M. Buckley it was agreed by the members to support the motion by Monaghan Town Council.

ANY OTHER BUSINESS:

Regional Seminar, Athlone

The County Manager drew the members' attention to the Department's Regional Seminar on the Planning & Development (Amendment) Act, 2010 which was scheduled to be held in Athlone I.T. 15th April 2011.

Rainwater Harvesting

Cllr. L. Quinn drew the meetings attention to the difficulties arising due to the requirement of attaining planning permission when seeking to install rainwater harvesting methods. It was agreed to refer the matter to the Water Monitoring Committee for their consideration.

Rates on Farm Developments

In responding to a question from Cllr. T. McLoughlin Mr. D. Conlon, H.O.F., advised that the Valuation Office were responsible for assessing valuations on rateable properties.

This concluded the business of the meeting.

MINUTES CONFIRMED: _____
CATHAOIRLEACH **RUNAÍ**

18th APRIL 2011