

COMHAIRLE CHONTAE UÍBH FHAILÍ

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

**HELD IN ÁRAS AN CHONTAE, CHARLEVILLE ROAD, TULLAMORE
ON MONDAY, 17TH FEBRUARY 2014 AT 2.00 P.M.**

PRESENT:	Cllr. S. Moylan-Ryan, Cathaoirleach (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 J. Leahy, T. McKeigue, T. McLoughlin, P. Ormond, D. Owens, G. Plunkett, L. Quinn and P. Rowland.
IN ATTENDANCE:	Mr. S. Murray, County Manager, Mr. D. Conlon, H.O.F, Mr. D. Kirrane, D.O.S, Mr. E. O’Ceilleachair, A/D.O.S., Ms. M. Cleary, Meetings Administrator, Mr. A. Murray, S.P., Mr. E. Lynch, A/E.P., Mr. D. Meehan, E.P., Mr. D. Mahon, S.E.O., Ms. Catriona Hillard, A.O. and Ms. V. Francis A.S.O.
VOTES OF SYMPATHY:	<p>Votes of sympathy were unanimously extended to the following:-</p> <p>Frank Condron Jnr., Marian Place, Tullamore on the death of his mother, Rosie;</p> <p>Mrs. Bessie Fleury, Fortal, Birr on the death of her son, Thomas;</p> <p>Mick Montgomery, Rooske, Edenderry on the death of his brother, Pat;</p> <p>James Ryan, Spollanstown, Tullamore on the death of his wife, Margaret;</p> <p>Kieran Cox, Backwood, Cloneygowan on the death of his brother, Christy;</p> <p>Dr. John Taffe, Charleville Road, Tullamore on the death of his brother, James;</p> <p>Margaret & James Lambe, 171 Arden View, Tullamore on the death of their son, Kevin;</p> <p>Vera Gleeson, Rahan Road, Tullamore on the death of her sister, Carmel Caulfield;</p> <p>Mrs. Bracken, Newgate Cross, Mountbolus on the death of her son-in-law, Michael Scully;</p> <p>Betty Grehan, Shandra, Portarlinton on the death of her husband, Jim.</p> <p>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.</p>

<p>CONFIRMATION OF MINUTES:</p>	<p>On the proposal of Cllr. L. Quinn, seconded by Cllr. G. Plunkett, the minutes of the January monthly meeting held in Áras An Chontae, Charleville Road, Tullamore, Co. Offaly on 27th January 2014 were agreed and adopted.</p>
<p>MINUTES FOR NOTING:</p>	<p>The minutes of the following meetings were noted:</p> <ul style="list-style-type: none"> - Corporate Policy Group Meeting held on 16th December 2013; - Housing, Social & Cultural Strategic Policy Committee meeting held on 28th November 2013.
<p>NOMINATION TO:</p> <p>(A) ROADS TRANSPORTATION & EMERGENCY SERVICES STRATEGIC POLICY COMMITTEE</p> <p>(B) COUNTY OFFALY JOINT POLICING COMMITTEE</p>	<p>Ms. M. Cleary, Meetings Administrator informed the meeting that Offaly County Executive, IFA had nominated Mr. Thomas Woulfe, Ballydermot, Clonbullogue to represent Offaly IFA on the Roads, Transportation and Emergency Services SPC. On the proposal of Cllr. E. Fitzpatrick, seconded by Cllr. G. Plunkett, Mr. Thomas Wood was appointed to the SPC.</p> <p>Ms. M. Cleary, Meetings Administrator informed the meeting that Offaly Community Forum had nominated Mr. Tom Finnerty, Tullabeg, Rahan to represent them on Offaly Joint Policing Committee (JPC). On the proposal of Cllr. J. Leahy, seconded by Cllr. S. Dooley, Mr. Tom Finnerty was appointed to the Offaly JPC.</p>
<p>COUNTY MANAGER REPORT: DRAFT DEVELOPMENT CONTRIBUTION SCHEME 2014-2020:</p>	<p>Mr. D. Kirrane, D. O.S. drew the meetings' attention to the Manager's Report on submissions received relating to the <i>Draft Development Contribution Scheme 2014-2020</i> which issued with the agenda and to the <i>Draft Development Contribution Scheme 2014-2020</i> which was circulated at the meeting. He advised that a key aim of the Scheme is to promote sustainable development patterns, secure investment in capital infrastructure and encourage economic activity. He further advised that it had regard to the changed economic circumstances and is in compliance with the Ministerial Guidelines which issued in January 2013.</p> <p>Mr. D. Kirrane, D.O.S. advised that following the establishment of Irish Water Offaly County Council no longer has a remit to provide for water and wastewater facilities. Accordingly, he pointed out that all references to water infrastructure is removed from the <i>Draft Development Contribution Scheme 2014-2020</i> and advised that the rate of contributions were amended to take account of this situation. (He advised that Irish Water will be required to levy for this separately.)</p> <p>Mr. D. Kirrane, D.O.S. advised and provided the members with a brief outline of each of the nine submissions received. He stated that the SPC had reviewed the Scheme.</p> <p>Mr. D. Kirrane, D.O.S. advised of the following revised proposals:</p> <ul style="list-style-type: none"> - 100% exemption in respect of any extension where it does not exceed the total area of the Protected Structure; - 20% reduction for Category D, i.e., €1,526 per 0.1 hectare

	<p>of site area subject to a minimum charge of €10,000;</p> <ul style="list-style-type: none"> - The wording in relation to Derelict Sites reverts back largely to that of the existing Scheme, i.e., 2010-2014. <p>In concluding his comments Mr. D. Kirrane advised that the proposed level of contribution per residential unit is €3,010 and €14 per m² of floor area for industrial/commercial development. He stressed that the charges proposed will not finance the development programme outlined in the Scheme.</p> <p>Cllr. S. Moylan-Ryan, Cathaoirleach thanked Mr. D. Kirrane, D.O.S. for his comprehensive overview of the Scheme.</p> <p>A discussion ensued during which the members welcomed the significant reductions to the levels of contributions citing that the Scheme supported economic development, was pro-business and should encourage development in town centres.</p> <p>Cllr. G. Plunkett recommended that consideration be given to entering sites in unfinished housing estates onto the Derelict Sites Register. The subsequent waiver of development contributions, he proposed, would encourage development. Mr. D. Kirrane, D.O.S. agreed to consider this proposal further.</p> <p>Cllr. J. Carroll proposed that the agriculture development be reduced as follow: first 1000m² to be free and thereafter a rate of €1.80 per m² would apply. As the motion was not seconded it fell.</p> <p>On the proposal of Cllr. S. Dooley, seconded by Cllr. L. Quinn, the members resolved to adopt the <i>Development Contribution Scheme 2014-2020</i>, as circulated at the meeting.</p>
<p>STRATEGIC INFRASTRUCTURE DEVELOPMENT ACT 2009 YELLOW RIVER WIND DEVELOPMENT PROJECT</p>	<p>Cllr. D. Owens declared that he had no association with the Yellow River Wind Development Project. However, he stated that as he is currently employed by a Wind Energy Company operating in County Offaly that he would withdraw from the meeting for so long as the Strategic Infrastructure Development Act 2009 Yellow River Wind Development Project was being considered.</p> <p>Cllr. P. Rowland declared that he is an employee of Bord na Mona. As such, he advised, that he would withdraw from the meeting for so long as Strategic Infrastructure Development Act 2009 Yellow River Wind Development Project was being considered.</p> <p>Mr. D. Kirrane, D.O.S. informed the meeting that the proposed development of the Yellow River Wind farm north of Rhode is, in accordance with the <i>Planning and Development (Strategic Infrastructure) Act 2006</i>, a Strategic Infrastructure Development and accordingly will be determined by An Bord Pleanála. He advised that the Executive had, as required, prepared a submission which will be forwarded to An Bord Pleanála. He advised that a concise</p>

and brief summary of the views expressed by the members at the meeting and recorded by the Meetings Administrator will be submitted to An Bord Pleanála. He also advised that members' written submissions shall be incorporated into the Meetings Administrator's record and shall accompany the Manager's Report to An Bord Pleanála.

Mr. A. Murray, S. P. drew the members' attention to the report, which had circulated to the members with the meeting's agenda. He advised that the report detailed the Planning Authority's views on the effects of the proposed development on the environment and on the proper planning and sustainable development of the area of the authority having particular regard to those areas required by the legislation. He provided an outline of the site location; a description of the proposed development; relevant planning history; and noted the national, regional and local policies and guidelines that apply to the proposed development. Mr. A. Murray, S.P. drew the members' attention to the reports of the relevant Local Authority departments drawing their attention to the significant further information that was being requested by both the Planning Department and the other relevant Departments.

Mr. A. Murray, S.P. drew the meetings attention to the Planning Authority's overall considered view and recommendation included in the report which stated as follows:

"The development is located in an area open to consideration for such development. It is an objective (O08-03) of the Council to achieve a reasonable balance between responding to government policy on renewable energy and in enabling the wind energy resources of the county to be harnessed in an environmentally sustainable manner. The principle of the proposed development is therefore acceptable. In order to safeguard the amenities of the residents of the area, general landscape amenities and the implications on species protected under EU and National Legislation it is considered that the development should be subject to a request for further information.....[and] this further information is required in order to facilitate a final recommendation."

The Cathaoirleach thanked the Executive for their introduction and presentation and invited the members to make their comments and observations.

Cllr. N. Bourke thanked Mr. A. Murray, S.P. for his presentation and for the detailed submission. He advised that he wished to highlight three areas and requested that these be recorded. Namely,

- 1) The Wind Energy Guidelines are currently being revised by the DECLG and draft amendments are on public display. The scale and density of developments, such as the one currently being

considered, were not envisaged when the 2006 Wind Energy Guidelines were issued by the DECLG, nor when the members adopted a Wind Energy strategy in 2009. Cllr. N. Bourke stated that the finalised revised Guidelines will be more stringent than those on display and proposed that the Strategic Infrastructure Development application be considered against the Draft Guidelines. Cllr. N. Bourke also stated that the appropriate setback distance of a wind turbine from a property is dependent on the turbine's size.

- 2) Cllr. N. Bourke advised that he had attended a number of public meetings where local GPs had outlined their concerns with regard to proposed wind farm developments and highlighted the adverse medical effects these may have on people in the area. Accordingly, he proposed that due consideration be given to the medical concerns when considering the application.
- 3) The adverse effect the proposed development may have on property and homes was a concern for people and Cllr. N. Bourke requested that these be given serious consideration by An Bord Pleanála.

The members resolved to adopt Cllr. N. Bourke's proposals, which had been seconded by Cllr. P. Ormond.

Cllr. E. Fitzpatrick stated that the Managers Report indicated that significant further information was required. He noted that the 2006 DECLG Guidelines, when adopted did not envisage developments of the scale proposed in the Yellow River Wind Project. Cllr. E. Fitzpatrick advised that he understood that no agreement with regard to access to the proposed development was agreed with the local quarry landowner. Cllr. Fitzpatrick stated that the presence of the Whooper Swan on the Derryarkin site was important.

Cllr. L. Quinn advised that this would be the third significant development in the local area, noting the Mount Lucas wind farm development and the proposed Biotricity plant adjacent to Rhode Business Park. He proposed that the cumulative noise effect in the area be examined and considered. He suggested that a co-ordinated approach towards the development of waste water treatment facilities be considered in the Rhode Business Park (i.e. where the proposed substation is located). He reiterated that the consideration of the development should be cognisant of the Draft Guidelines, in particular with regard to noise and shadow flicker. Cllr. L. Quinn made reference to many of the issues raised in the Manager's Report and stressed that the issues raised by the relevant Local Authority departments need to be fully considered when the further information requested is received. Cllr. L. Quinn noted from the Manager's Report that a portion of the proposed internal road network outlined in the application was in a flood plain and this was an issue that should be addressed. He also noted that the R400 road is not in good condition, that Croghan Hill is an important local feature, that houses nearby to the windfarm should have lower electricity costs and that the

community gain condition needs to be definitive. He also stated that where a length of road is proposed for strengthening / upgrading by the developer, the full length of the road should be treated the same way. Cllr. L. Quinn summarized his comments noting that he supported the Planning Authority's report and its conclusion, stressing that the further information being sought was significant and is required in order to facilitate a final determination on the matter.

Cllr. J. Butterfield advised that he differed from the Planning Authority's conclusions and did not support the application. He suggested that developments of this scale, were not envisaged when the 2006 DECLG Guidelines were issued, and should be located off-shore. He stated that the Council did not have the resources to challenge the wind energy companies' PR campaigns, noting in particular the photomontages presented in the application from the various aspects. He raised concerns that the turbines, if constructed, can be sold on and asked if subsequent owners are bound by planning conditions. He noted that the differing medical opinions were a cause of concern and need to be addressed. Cllr. J. Butterfield reiterated his opposition to the development of wind energy developments in County Offaly. Cllr. J. Butterfield's proposal that the members visit the development in Mount Lucas was seconded by Cllr. M. Buckley and agreed.

Cllr. E. Dooley acknowledged that the application will be determined by An Bord Pleanála. He suggested that the language in the Planning Authority's report be strengthened and recommended that in page 20, second paragraph's text the word '*may give rise to*' be changed to '*is very likely to give rise to*'. He also proposed that the third paragraph be strengthened and the wording should change from '*...the Council has concerns in relation to the scale...*' to '*...the Council has serious concerns in relation to the scale...*'. Cllr. E. Dooley noted that Section 5.1 of the County Development Plan and the Midland Regional Planning Guidelines provide for the development of wind energy.

Cllr. J. Foley acknowledged that the Planning Authority's report was comprehensive. In responding to his comment that the members did not have adequate time to consider it Mr. S. Murray, County Manager advised that the application has been in the public domain since mid-November.

Cllr. T. McKeigue commented that the wind energy application could not be taken in isolation from other unknown factors at this time including the feasibility of exporting and/or connecting with the local grid. On the proposal of Cllr. T. McKeigue, seconded by Cllr. M. Buckley, the members agreed that the local community should have the benefit of reduced electricity costs. This, he suggested, would attract business to locate in the area and thereby increase local employment.

Cllr. G. Plunkett observed that in his opinion the proposed development was fragmented, situated over a vast area and that the view to Croghan Hill would be significantly impaired and therefore was contrary to the County Development Plan.

Cllr. D. Dolan read a written submission into the record.

Yellow River Wind Farm Proposal

I propose that the Yellow River Wind Farm proposal for the area north of Rhode (Ref: 19.PA0032) be refused planning permission on the grounds that the development is not in accordance with proper planning and sustainable development for the area for the following reasons:

1. Effect on people and their homes in the area close to the proposed development

The area is, in parts, relatively densely populated for a rural area, with 243 dwellings stated to be within a 1.2km zone around the proposed turbines and 194 of those dwellings within 1km of a Wind Turbine. The close proximity of so many houses to a Wind Turbine brings greater significance to the effects noise and shadow flicker from this proposed development can have on people in the surrounding area.

- **Noise**

The draft revised Wind Energy Development Guidelines dealing with noise, proximity and shadow flicker are currently out for public consideration.

In relation to the proposed development, the noise limit of 40db in the draft guidelines would be exceeded in over 30 locations according to the applicant (Greenwind Energy). 19 houses would have a noise level very close to the proposed draft limit (i.e. between 39-40db) and 31 houses would have predicted noise levels above the new draft limit of 40db,

The Manager's report also raises the query as to why the applicants EIS show most of these 31 houses to be within the new draft limit of 40db while predicted noise levels for these houses is between 40 and 43 db.

Potential exposure to noise levels close to or exceeding the limits in the new draft guidelines are not acceptable.

- **Shadow Flicker**

The draft revised Wind Energy Development Guidelines recommend that there will be no shadow flicker at any existing dwelling or other existing affected property, within 10 rotar diameters of any Wind Turbine. The EIS notes that 194 houses are within a distance of 10 rotar diameters from a Wind Turbine. While some of these houses are located south of the turbines and will not be affected by shadow flicker, the Manager’s report states that 116 houses would experience shadow flicker of more than 30 hours per annum and 85 houses will experience shadow flicker for more than 30 minutes per day.

Potential exposure to these levels of shadow flicker for homeowners in the area contravenes the draft guidelines regarding shadow flicker.

There are many studies which document the adverse health effects caused to people living close to Wind Turbine developments arising from the effects of Noise and Shadow Flicker.

On the basis that this proposal may expose people living in the area close to this development to noise and shadow flicker in excess of proposed limits and the potential health effects as a result of same, this planning application should be refused.

- **Property Value**

The Managers report makes no reference to the effect Wind Turbine developments such as the Yellow River Development have on property values. A number of studies have found that properties located within 2km of a Wind Farm development can reduce in values ranging from between 35% and 80%.

2. Cutaway Boglands and the Cumulative Impact

The National Spatial Strategy states that “the Midlands area has potential for....wind energy developments on worked out bogs”.

The Midland Regional Planning Guidelines 2010 – 2022 states that “worked out peatland areas offer potential for renewable energy installations including Wind Energy”.

The existing County Development Plan (2009 – 2015) and the draft County Development Plan (2014 – 2020) and the attaching Wind Strategies could be said to indicate a preference for Wind Energy development on cutaway bogs. One of the reasons the area north of Rhode is considered suitable for Wind Energy Development is because

of the presence of cutaway bog in the area.

However, this proposed Wind Turbine development proposes only 3 of the 32 Wind Turbines to be located on cutaway bog. Therefore, the development is not in accordance with the foregoing policies and strategies.

Furthermore, energy Policy (EP-03) of the draft County Development Plan (2014-2020) states “The cumulative impact of Wind Energy development will be a material consideration in the assessment of any planning application for Wind Energy development”.

No consideration has been given to the cumulative effect of this proposed development and other potential Wind Turbine developments for the area north of Rhode or for other areas designated as suitable for Wind Energy development in Offaly.

Therefore, this planning application must be considered premature until the cumulative effects of all Wind Turbine developments are considered.

3. Negative Impact on Croghan Hill

Due to the elevated nature of Croghan Hill and the flat surrounding landscape on which the Yellow River development is proposed the Wind Turbine development as proposed will have a detrimental effect on the scenic quality and recreational value and amenity of Croghan Hill.

The Manager’s report sets out policies and objectives in the County Development Plan (2009-2015) which protect areas of high amenity including Croghan Hill. The Manager’s report also considers the applicants EIS does not adequately consider the local historical and geological significance of Croghan Hill.

Furthermore, the draft County Development Plan (2014-2020) states “that Wind Turbines will not be permitted on... Croghan Hill”.

There can be no doubt that Croghan Hill is a unique cultural and historical site in the north Offaly area and has National and potentially international significance as a historical site with undeveloped tourism potential.

The realistic buffer zone that should be applied around Croghan Hill should be significantly greater than 2km and therefore no Wind Turbine developments should take place until a proper conservation assessment is completed for Croghan

Hill and the surrounding areas.

Conclusion

An Bord Pleanála has received approx. 100 further submissions on this proposed development which have yet to be provided to the Council. The Manager's report recommends numerous requests for further information from the applicant which in my opinion indicates a significant level of concern regarding this planning application.

In conclusion, based on the foregoing matters, this planning application is not considered acceptable in principle by the members of Offaly County Council.

- Cllr. Dervill Dolan (Proposed) 17th February
- Cllr. John Carroll (Seconded)

Cllr. D. Dolan's submission was seconded by Cllr. J. Foley. Cllr. S. Dooley associated herself with the comments expressed by Cllr. D. Dolan stressing again that the level of Further Information required was too significant at this time for the application to be considered, stating that had it been submitted to Offaly County Council that it would have been rejected for this reason. The members resolved on a show of hands to adopt Cllr. D. Dolan's proposal.

In responding to a question raised Mr. A. Murray, S.P. advised that the Planning Authority's report had raised numerous significant issues that required further information to allow the Council to make a final recommendation on the application. He advised that An Bord Pleanála was likely to hold an Oral Hearing on the matter.

**COUNTY MANAGER
REPORT: DRAFT
TRAVELLER
ACCOMMODATION
PROGRAMME 2014-2018**

Mr. D. Conlon, H.O.F. informed the meeting that the *Draft Traveller Accommodation Programme for County Offaly 2014-2018* circulated with the Agenda had, as requested at the January Council meeting, removed all references to the provision of a proposed additional halting site in the Tullamore Municipal District and that the figures in *Table 6.1.1 Targets under Traveller Accommodation Programme 2014-2018* and *Table 6.1.2 Targets under Traveller Accommodation Programme 2014-2018* had been amended to reflect this change.

Mr. D. Conlon, H.O.F. advised that the Programme had been considered at length at a recent SPC, Local Traveller Accommodation Consultative Committee and Tullamore Area meeting. He drew the members' attention to the following:

- That a number of families will only accept halting site accommodation and will not wish to be considered for group housing schemes/standard houses;
- The temporary and unofficial halting site at Kilcruttin,

	<p>Tullamore are being regularised;</p> <ul style="list-style-type: none"> - Following the recent High Court Judicial Review in relation to the Kilmucklin case the Circuit Court proceedings will now resume; and - Failure by the Council to make provisions for an additional halting site in the <i>Traveller Accommodation Programme for County Offaly 2014-2018</i> may result in a protracted and costly legal case for the Council. <p>Cllr. J. Leahy advised that, having regard to the further information, that he was formally withdrawing his second proposal and that he was re-proposing his initial proposal, i.e., the adoption of the initial <i>Draft Traveller Accommodation Programme for County Offaly 2014-2018</i> circulated to the members with the January Council Agenda.</p> <p>Cllr. M. Buckley advised that she is currently Chairperson of the Local Traveller Accommodation Consultative Committee (LTACC). She advised that the LTACC had asked her to inform the meeting of their objection to the removal of proposed additional halting site accommodation in Tullamore Municipal District and that this should be noted. Cllr. M. Buckley seconded Cllr. J. Leahy's proposal.</p> <p>Cllr. D. Dolan advised that the issues had been considered at length during the previous Council meeting and at an earlier Tullamore Area Committee meeting. He proposed that the <i>Draft Traveller Accommodation Programme for County Offaly 2014-2018</i> circulated with the February Council's Agenda be adopted. Cllr. T. McKeigue formally seconded the proposal.</p> <p>Cllr. S. Moylan-Ryan, Cathaoirleach requested that a roll-call be held on Cllr. D. Dolan's proposal, seconded by Cllr. T. McKeigue, that the <i>Draft Traveller Accommodation Programme for County Offaly 2014-2018</i> circulated with the February Council Meeting Agenda be adopted:</p> <p>For: Cllrs. N. Bourke, D. Dolan, E. Dooley, S. Dooley, J. Foley, T. McKeigue, T. McLoughlin, P. Ormond, D. Owens, G. Plunkett, L. Quinn and P. Rowland.</p> <p>Against: Cllrs. J. Carroll, N. Hogan, J. Leahy and S. Moylan-Ryan.</p> <p>Abstain: Cllrs. M. Buckley, J. Butterfield and P. Clendennen.</p> <p>Absent: Cllrs. E. Fitzpatrick and C. Hanniffy.</p> <p>The Cathaoirleach declared the motion carried and the <i>Traveller Accommodation Programme for County Offaly 2014-2018</i> circulated with the February Council Meeting Agenda adopted.</p>
<p>LOCAL GOVERNMENT REFORM ACT 2014</p>	<p>The members agreed to take Item 7: <i>Local Government Reform Act 2014</i> and Item 8: <i>Local Community Development Committees</i> together.</p>

<p>&</p> <p>LOCAL COMMUNITY DEVELOPMENT COMMITTEES</p>	<p>Mr. D. Kirrane, D.O.S. advised that the <i>Local Government Reform Act 2014</i> was signed into law on 27th January 2014 and gave a legal basis to many of the reform initiatives outlined in the Government's 2012 policy document <i>Putting People First</i>. He advised that the Act provides for:</p> <ul style="list-style-type: none"> - The establishment of the Municipal Districts of Birr, Edenderry and Tullamore, noting that the Statutory Instrument establishing them had issued; - The abolition of the Town Councils and County Development Board; - The establishment of the Local Community Development Committees; - The transfer of Town Council assets and liabilities from 1st June 2014; - Preparation and adoption of a single Budget for the county from 2015 onwards; - New provisions on governance, noting that the Act provided for the appointment of CEO's in the place of County Manager; - Revised financial and audit procedures; and - Schedule 3 provides a list of statutory functions for the Municipal Districts. <p>Mr. D. Kirrane, D.O.S. advised that the local Municipal District Project Team are finalising the services that will be provided at Municipal District level. These functions, he advised, will inform the staff structures assigned to the Municipal District offices.</p> <p>Mr. D. Kirrane, D.O.S. informed the meeting that the Section relating to the Local Community Development Committees (LCDC) was enacted. He advised that it was proposed to commence the process of seeking nominations to the LCDC from the prescribed bodies and agencies at this time. The Act, he advised, provided for the appointment of three (3) elected members to the LCDC. Mr. D. Kirrane, D.O.S. advised that the establishment of the LCDC was a reserved function and advised that a formal proposal will be placed on the March Council meeting agenda. Mr. D. Kirrane, D.O.S. advised that the LCDC will have responsibility for delivering the Local Development Programme, currently administered by LEADER, and will be the lead agency for seeking the next Local Development funding.</p> <p>The members thanked Mr. D. Kirrane, D.O.S. for his report.</p>
<p>CONSIDERATION OF THE DRAFT AMENDMENTS TO THE WIND ENERGY GUIDELINES 2006</p>	<p>Cllr. D. Owens declared that as he is currently employed by a Wind Energy Company operating in Offaly that he would withdraw from the meeting for the consideration of the Draft Amendments to the <i>Wind Energy Guidelines 2006</i>.</p> <p>Cllr. P. Rowland declared that he is an employee of Bord na Mona. As such, he advised, that he would withdraw from the meeting for the consideration of the Draft Amendments to the <i>Wind Energy Guidelines 2006</i>.</p>

Mr. D. Kirrane, D.O.S. informed the meeting that the Department of Environment, Community and Local Government are currently conducting a targeted review of its Wind Energy Development Guidelines in relation to noise, proximity and shadow flicker. He advised that the period of public consultation concludes on 21st February 2014. He informed the members that they may make individual submissions directly to the Department of Environment, Community and Local Government and an extract of the minutes of today's meeting recording the members discussion on the matter would be forwarded to the Department.

Mr. E. Lynch, A/E.P. informed the meeting that the Department's review of the Wind Energy Development Guidelines is targeted in relation to noise, proximity and shadow flicker. He compared and contrasted the current and draft Guidelines. Mr. E. Lynch, A/E.P. advised that the Sustainable Energy Authority of Ireland (SEAI), as part of this review commissioned Marshall Day Acoustics, following a procurement competition, to carry out a study on wind farm noise. The objective of the study was to obtain evidence upon which to evaluate the appropriateness of the existing Wind Energy Development Guidelines in relation to noise impacts.

Cllr. S. Moylan-Ryan, Cathaoirleach thanked Mr. E. Lynch, A/E.P. for his informative presentation and invited the members to comment.

Cllr. J. Leahy stressed the importance of the review and advised that he was making an individual submission. He detailed the contents of his submission and stated that, in his opinion, the review was too restrictive and did not have regard to a further sixty five aspects in relation to wind farm developments. He alluded to a recent Prime Time debate which suggested that wind development had not resulted in the projected outcomes and that wind energy did not necessarily equate to green energy and recommended that Ireland learn from other European countries. He advised that all guidelines should be transparent and have regard to a cost benefit analysis based on independent researched reports. Cllr. J. Leahy noted that the proposed proximity of turbines to dwelling houses was one of the lowest in Europe and did not take account of the changed scale of turbines. He also proposed that the permitted noise limit should have regard to the fact that noise from turbines is constant. Cllr. J. Leahy stated that infrasound was not addressed in the proposed review. He questioned why impacts on health are not addressed in the guidelines adding that the Guidelines should have regard to medical reports. He added that the process was a considerable source of stress for people within the community. Cllr. J. Leahy stated that a set-back of 500m from residential dwellings was not enough and that the lack of mandatory conditions relating to Shadow Flicker was not satisfactory.

	<p>Cllr. J. Butterfield seconded Cllr. J. Leahy’s proposals.</p> <p>A number of other issues were raised by the members including the relationship between the height of the turbines and the increase in issues relating to Shadow Flicker. Cllr. G. Plunkett questioned how the increase in noise levels where there is a cluster of turbines would be assessed. Cllr. G. Plunkett stated that the turbine setback be ten (10) times the height of the turbine or at least six (6) times the height of the turbine.</p> <p>The Members concluded by requesting that the concerns raised at the Meeting be included in a submission on the draft review.</p> <p>In responding to questions raised Mr. D. Kirrane, D.O.S. advised that the Executive will be making a submission but that it was not finalised at this time. He advised that they would have regard to the comments made by the members.</p>
<p>BUILDING CONTROL REGULATIONS</p>	<p>Mr. E. O’Ceilleachair, A/D.O.S. provided a detailed PowerPoint presentation to the members detailing the provisions of the Building Control Regulations that come into effect from 1st March 2014.</p> <p>A lengthy discussion ensued. In responding to questions raised Mr. E. O’Ceilleachair, A/D.O.S. advised that commencement notices were automated and there will be a national register of authorised professionals. He advised that the Council will be required to perform a minimum number of inspections each involving four (4) inspection visits throughout the lifetime of the build. He confirmed that 40% of buildings were inspected by Offaly County Council during 2013 and he expected to maintain this inspection rate in the foreseeable future. Mr. S. Murray, County Manager, noted that it was still a self-certification system and should not result in significant extra costs for home builders.</p> <p>The members thanked Mr. E. O’Ceilleachair, A/D.O.S for his presentation and it was agreed that the presentation would be circulated to all members.</p>
<p>CORPORATE POLICY GROUP REPORT:</p>	<p>Cllr. S. Moylan-Ryan, Cathaoirleach reported on the Corporate Policy Group meeting. She advised that the Corporate Policy Group had considered the Council Agenda and approved the conference list.</p> <p>Cllr. S. Moylan-Ryan, Cathaoirleach advised that the CPG had agreed that the Secondary Schools would be invited to participate in a Transition Year project to recognise the 100 year celebrations of Cumann na mBan.</p>
<p>NOTICES OF MOTION:</p>	<p>(i) The following motion was proposed by Cllr. M. Buckley, seconded by Cllr. G. Plunkett and agreed by the members:</p> <p><i>“That Offaly County Council contact the HSE regarding</i></p>

	<p><i>The Connacht Hotel, Old Dublin Road, Galway 7th – 8th March 2014 It was agreed no member would attend.</i></p> <p><i>Training Seminar – Pylons & Windfarms – What’s the law? Clanree Hotel, Letterkenny, Co. Donegal 7th – 9th March 2014 It was agreed no member would attend.</i></p> <p><i>Training Seminar – Alternative Energy & Local Government Falls Hotel, Ennistymon, Co. Clare 6th - 8th March 2014 It was agreed no member would attend.</i></p> <p><i>Taking Care of Business – One Stop Shop Strand Hotel Limerick 11th March 2014 It was agreed no member would attend.</i></p> <p><i>Training Seminar – Rural Development Programme (RDP) 2014-2020 Westport Plaza Hotel, Westport, Co. Mayo 14th – 15th March 2014 It was agreed no member would attend.</i></p> <p><i>Training Seminar – Judicial Review of the Decision Making Process Manor West Hotel, Tralee, Co. Kerry 28th – 29th March 2014 It was agreed no member would attend.</i></p> <p><i>Retirement Planning for Councillors The Fairways Hotel, Dublin Road, Dundalk, Co. Louth 4th – 5th April 2014 It was agreed no member would attend.</i></p> <p><i>Retrospective Approval for Training Seminar by Ace Management & Training Local Authority Employment Law, Practice & Procedure Held in Clonmel, Co. Tipperary 6th – 8th December 2013 Cllr. D. Owens attendance was approved.</i></p>
COMHFHREAGRAS:	The correspondences circulated with the Agenda were noted.
ANY OTHER BUSINESS:	<p>Inclement Weather Conditions: Cllr. D. Owens acknowledged the effective approach of the area based staff and engineers in addressing issues that arose during the recent inclement weather. In responding to a question raised by Cllr. D. Owens Mr. E. O’Ceilleachair, A/D.O.S. advised that significant weather related damage, in particular with the county road network, culverts, bridges and fallen trees had occurred. He informed the meeting that a submission for €400,000 grant aid was submitted to the Department.</p> <p>Provision of Gael Scoil in Birr: Mr. J. Carroll advised that no progress had been made with regard to the provision of a Gael Scoil in Birr. Cllr. P. Clendennen seconded his proposal that the Council write to the Minister for Education seeking confirmation as to when</p>

	the school will be provided.
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Ms. Margaret Darcy Incarceration:

Cllr. J. Carroll proposed that the Council write to the Department of Justice seeking that Mrs. Margaret Darcy be released from jail. The proposal was not seconded and so fell.

This concluded the business of the meeting.

MINUTES CONFIRMED:

CATHAOIRLEACH

RUNAÍ

24th March 2014