

COMHAIRLE CHONTAE UÍBH FHAILÍ

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

**HELD IN ÁRAS AN CHONTAE, CHARLEVILLE ROAD, TULLAMORE
ON MONDAY, 24TH APRIL 2017 AT 2.00 P.M.**

PRESENT:	Cllr. E. Fitzpatrick, Cathaoirleach (Presiding), Cllrs. N. Bourke, J. Carroll, J. Clendennen, D. Dolan, S. Dooley, J. Foley, D. Harvey, , J. Leahy, S. Maher, F. Moran, T. McKeigue, M. O'Reilly, P. Ormond, D. Owens and L. Quinn.
APOLOGIES:	Cllrs. N. Cribbin, E. Dooley, B. Killeavy
IN ATTENDANCE:	Ms. A. Delaney, Chief Executive; Mr. D. Conlon, H.O.F.; Mr. F. Heslin, D.O.S; Mr. D. Kirrane, D.O.S; Mr. S. Murray, D.O.S; Ms M. Cleary, Meetings Administrator; Mr. T. Shanahan, S.E.; Ms. C. Maloney, E.T.; Mr. D. Grennan, S.E.E.; Ms. A. Dillon, S.E.O.; Mr. A. Murray, S.P.; Mr. T. Mawe, Financial/Management Accountant Mr. M. Mahon, S.E.E.; Ms. B. Maher, E.P.; Mr. D. Meehan; E.P.; Ms. F. Flaherty, C.O, Ms. L. Carbury, C.O.
VOTES OF SYMPATHY:	<p>Votes of sympathy were unanimously extended to the following:-</p> <p>Mrs. Nuala Hogan, 128 The Green, Clara on the death of her husband, Mr. Tom Hogan;</p> <p>Mrs. Catherine Hough, 13 Bengal Lodge, Newbridge Street, Birr on the death of her husband, Mr. Michael Hough;</p> <p>Ms. Majella Hart, The Green, Birr on the death of her mother, Mrs. Celia Hart;</p> <p>The Crosbie Family, Ardbash, Edenderry on the death of Mr. John Crosbie;</p> <p>Mr. Oliver Scully, Killkeeran, Portarlinton on the death of his uncle, Mr. Charlie Scully;</p> <p>Ms. Rose Byrne, Cloneyhurke, Portarlinton on the death of her mother Mrs. Kathleen (Kitty) Brophy;</p> <p>Mr. Michael Dunne, Avondale Estate, Gracefield, Portarlinton on the death of his wife Mrs. Ellen (Nellie) Dunne.</p> <p>The Chief Executive, on her own behalf and on behalf of the staff of the Council joined with the members in these votes of sympathy.</p>

CONFIRMATION OF MINUTES:	On the proposal of Cllr. L. Quinn, seconded by Cllr. J. Leahy, the members resolved to adopt the minutes of the March meeting of Offaly County Council held in Áras an Chontae, Charleville Road, Tullamore on 27 th March 2017.
MINUTES FOR NOTING:	The minutes of the Corporate Policy Group Meeting held in Áras an Chontae, Charleville Road, Tullamore, Co. Offaly on 20 th March 2017 were noted by the members.
S183 LOCAL GOVERNMENT ACT 2001, AS AMENDED – SALE OF 0.1574 ACRES AT SITE NO. 8 KYLEBEG, BANAGHER, CO. OFFALY:	Cllr. E. Fitzpatrick, Cathaoirleach informed the meeting that this item was removed from the agenda.
S183 LOCAL GOVERNMENT ACT 2001, AS AMENDED – SALE OF 0.1104 ACRES AT SITE NO. 48 CLUAIN FIA, CLARA, CO. OFFALY:	On the proposal of Cllr. D. Dolan seconded by Cllr. T. McKeigue, the members resolved to the sale of 0.1104 acres at Site No. 48 Cluain Fia, Clara, Co. Offaly in accordance with the terms of the S.183 notice dated 11 th April 2017, which had previously circulated.
S183 LOCAL GOVERNMENT ACT 2001, AS AMENDED – SALE OF 0.1268 ACRES AT SITE NO. 53 CLUAIN FIA, CLARA, CO. OFFALY:	On the proposal of Cllr. D. Dolan seconded by Cllr. T. McKeigue, the members resolved to the sale of 0.1268 acres at Site No. 53 Cluain Fia, Clara, Co. Offaly in accordance with the terms of the S.183 notice dated 11 th April 2017, which had previously circulated.
S183 LOCAL GOVERNMENT ACT 2001, AS AMENDED – SALE OF 0.3264 ACRES/0.1321HA AT BLUNDELL WOOD, EDENDERRY:	Cllr. E. Fitzpatrick, Cathaoirleach informed the meeting that this item was removed from the agenda.
DRAFT ANNUAL FINANCIAL STATEMENT 2016 / OVEREXPENDITURE:	<p>Mr. D. Conlon, H.O.F., drew the members’ attention to the reports which had circulated with the agenda. He advised that the Council had an overall surplus of €542,438 at the end of 2016. He advised that in 2016 the gross excess expenditure over budget was €13,005,577 which was counterbalanced by contra income, additional unbudgeted income and cost savings to give the net surplus of €542,438.</p> <p>The Head of Finance advised that the Council had paid €2.091m from the accumulated deficit over the previous four years and that the Council’s deficit was now €3.6m.</p> <p>On the proposal of Cllr. L. Quinn, seconded by Cllr. J. Leahy, the members’ resolved to approve and adopt the excess expenditure.</p>

<p>ROAD TRAFFIC (SPECIAL SPEED LIMITS) (COUNTY OF OFFALY) BYE- LAWS 2017:</p>	<p>Mr. F. Heslin, D.O.S., advised that consultation on the <i>Road Traffic (Special Speed Limits) (County Of Offaly) Bye- Laws 2017</i> had taken place and that the Bye-Laws were considered at the recent Municipal District meetings. He drew the members' attention to the submissions received. On the proposal of Cllr. D. Owens, seconded by Cllr. F. Moran, the members resolved to adopt the Bye Laws, as circulated.</p>
<p>TAKING IN CHARGE OF PRIVATE HOUSING ESTATE AT GARRAÍ ARD, BANAGHER:</p>	<p>Mr. D. Kirrane, D.O.S., informed the meeting that the estate at Garraí Ard, Banagher complies with the conditions of its planning permission. On the proposal of Cllr. J. Leahy, seconded by Cllr. J. Clendennen, the members resolved to the Taking In Charge of the private housing estate at Garraí Ard, Banagher.</p> <p>In responding to a question raised, Mr. D. Kirrane, D.O.S., outlined the process involved in Taking in Charge of an estate. He agreed to review the process to ascertain if any improvements could be made.</p>
<p>DRAFT ANNUAL REPORT 2016:</p>	<p>Mr. F. Heslin, D.O.S., drew the members' attention to the <i>Draft Annual Report 2016</i>. He informed the meeting that the 2016 Performance Indicators were included in the report.</p> <p>The members acknowledged that it was a comprehensive report and agreed to forward any comments that they may have in the coming weeks. They noted that it would be tabled for their consideration and adoption at the June Council meeting.</p>
<p>CIVIC AMENITIES:</p>	<p>Mr. Mark Mahon, S.E.E. Environment Section provided a presentation giving a high level overview on Civic Amenities in Offaly. He noted the changes that had taken place in this sector in recent times. He recommended that the Council review the Civic Amenities in Quarter 3, 2017, noting that there should be clarity on the legislative position with regard to 'pay by weight' and that Poolbeg would be fully operational at that time. This approach was accepted.</p> <p>The Cathaoirleach on behalf of the members thanked Mr. M. Mahon, S.E.E. for his informative presentation.</p>
<p>HOUSING REPORT:</p>	<p>Ms. A. Dillon, S.E.O. and Mr. D. Greenan, S. E. E. Housing provided a detailed presentation outlining the multifaceted approach being adopted by the Housing Section to provide accommodation in accordance with Government policy and in particular <i>Rebuilding Ireland – Action Plan for Housing and Homelessness</i>.</p> <p>During the ensuing discussion the members acknowledged that the Council's programme was ambitious. They noted that the delivery of housing units was slow, noting in particular that Chancery Lane, Tullamore and Blundell Wood, Edenderry were approved by the members two years earlier. The members advised that the lack of private sector units available to rent was exasperating the housing situation.</p>

**HOUSING REPORT:
(contd)**

In responding to questions raised Ms. A. Dillon, S.E.O., advised that: Part V houses remain excluded from the Tenant Purchase Scheme; that the criteria for VOID funding had not changed in 2017 and that the Department indicates a scaling back of VOID funding in future years; Councils are expected to provide an adequate budget for pre-let repairs for their stock; the 51 Council units on target to start construction in 2017 are 33 units in Blundell Wood, Edenderry and 18 units in Chancery Lane, Tullamore following recent approvals received from the Department to move to next stage for both projects; activity regarding inspections has increased for Private Rented, HAP and the Council's own stock; a further Scheme for derelict properties, *Purchase and Renew*, is expected to be announced and that Housing and Planning staff are working together to identify derelict buildings that could be considered suitable for this scheme; the 2017 Housing Needs Assessment will not be as extensive as the 2016 assessment process but is required by the Department; the Council is competing in the open market with regard to house acquisitions but is limited by the availability of funding and ceilings set by the Department; the Department is considering a PPP for Collins Lane, Tullamore for the delivery of mixed tenure housing. It was agreed to re-circulate the Frequently Asked Questions Document to members regarding the recently commenced *Repair and Lease* Scheme for vacant properties.

The members agreed to take Cllr. D. Dolan's notice of motion at this time. Cllr. D. Dolan proposed that:

"While welcoming proposals to develop housing on the council owned lands at Raheen in Clara and while recognising the urgent need for housing in Clara and throughout Offaly, I propose that Offaly County Council develop and manage the proposed housing development in Clara and do not proceed with proposals for an Approved Housing Agency to develop and manage the proposed housing development on these council owned lands.

I further propose that this Council give first priority to Offaly County Council developing and managing all housing developments in Offaly on Council owned lands before consideration is given to transferring council owned lands to an Approved Housing Agency or any other outside body for development".

Cllr. D. Owens advised that he was seconding the later part, more general aspect of the motion but that he did not wish to delay the Raheen, Clara development.

Cllr. D. Dolan sought clarification on the cost to the Council for the purchase of the lands at Raheen, Clara and enquired if these funds would be recouped from the Department. He proposed that the Council develop these lands themselves suggesting that this approach would be more cost effective. He also noted that tenants of an Approved Housing Body

**HOUSING REPORT:
(contd)**

(AHB) are not entitled, at any time, to purchase their house. Cllr. D. Dolan proposed that it was appropriate to consider the Council's position at this time, as the site in Raheen, Clara is currently at the feasibility stage and noting that it will be referred to the members at a later stage for their approval to dispose of the lands. Cllr. D. Dolan further stated that the allocation of housing provision to AHB was an erosion of the Council's responsibility for the provision of housing.

Cllr. J. Leahy advised that he was not in a position to support the motion acknowledging that the AHB had the resources to build houses and that these units were urgently required. He suggested that the Council were not in a position to build houses as cost effectively or as fast as the AHB and accordingly the Council needs to work with the AHBs.

Cllr. F. Moran, noting that 171 applicants had listed Clara as a preference, advised that he could not support any delay in the development and in the transfer of lands to the AHB.

Cllr. T. McKeigue urged caution stating that the AHB were agreed by the Department and any perceived difficulties in this approach to the development of housing could be problematic for future developments in Offaly.

Mr. S. Murray, D.O.S., advised that government policy requires Local Authorities to work with AHB and that he had briefed the members on numerous occasions on the multifaceted developments being progressed by the Housing Section, including the development at Raheen, Clara. He drew the members' attention to the presentation which advised that over 50% of construction projects in progress were being developed directly by the Council. He advised that the housing development was critical for the Council to achieve its housing targets within the approved timeframe. Ms. A. Dillon, S.E.O. noted that the cost to the Government of funding capital units delivered by Local Authority construction is far in excess of the costs to the state of providing units through leasing arrangements, including units leased from AHBs when constructed on Council lands.

Cllr. D. Dolan clarified that he did not wish to stop the Raheen, Clara development but rather that he wished the Council to adopt a policy of self-build in preference to leasing from AHBs. He noted that Minister English, TD had stated during his meeting with the members that he wished to see Councils retain responsibility for the provision of housing.

Cllr. J. Carroll stated that the Council's record in providing good accommodation was acknowledged and that this approach should be continued into the future.

Ms. A. Delaney, Chief Executive, advised that additional resources had been deployed to the Housing Section and that the Council will be directly delivering a number of houses. However, the Council had a responsibility to work with AHB to ensure that housing units could be delivered in a timely

<p>HOUSING REPORT: (contd)</p>	<p>fashion and in accordance with government policy.</p> <p>Cllr. D. Dolan, in bringing the discussion to a conclusion, reiterated that his preferred option was that the Council lead the direct provision of houses. He advised that he accepted the consensus of the members and that the AHB would develop the units in Raheen, Clara. However, he stressed that the executive need to promote and focus on developing their own lands.</p>
<p>COUNTY DEVELOPMENT PLAN CHAPTER 3 – ENERGY STRATEGY PRESENTATION:</p>	<p>Mr. A. Murray, S.P., gave a detailed presentation on the Energy Strategy Statement, included in the County Development Plan (CDP), and in particular how the Wind Energy Strategy had been developed in 2009 and noted the changes that were implemented in 2014. He advised that Offaly has always adopted a positive approach to energy and this policy is linked to the county’s economic development options. He proposed that the guidelines were providing for a reasonable, balanced approach to development and that, in his opinion, the county was not ‘carpeted’ with wind turbines but that the cumulative effect will become a very dominant factor in assessing future applications. Mr. A. Murray, S.P., informed the meeting that the planners would also welcome the publication of the national guidelines. He advised that some developers are currently implementing the conditions contained in the draft guidelines.</p> <p>Cllr. E. Fitzpatrick, Cathaoirleach thanked Mr. A. Murray for his detailed presentation and commented that 91 turbines being considered in the North Offaly region was a serious concern.</p> <p>Mr. D. Kirrane, D.O.S., in responding suggested that members examine the planning maps and not engage in premature speculation.</p> <p>Cllr. M. O’Reilly suggested that the approach being adopted by Laois and Westmeath County Councils may encourage a higher proportion of wind farm developments in Offaly and that some feared that the County Development Plan does not provide adequate protection.</p> <p>Cllr. L. Quinn requested that consideration be given to the Cathaoirleach of the Municipal District being on the Community Gain team, stating that this would make the allocation of these funds more transparent. He further suggested that the cumulative impact should consider infrastructure as well as visual impact and that significant resources should be provided for the improvement of the roads in the area.</p> <p>In responding to questions raised Mr. D. Kirrane, D.O.S., advised that: he was not in a position to advise how much had been paid in development contributions by wind farm developers; significant funds, in excess of €2m, had been provided for roads; Planning could not dictate the composition of the Community Gain teams but that the inclusion of the</p>

<p>COUNTY DEVELOPMENT PLAN CHAPTER 3 – ENERGY STRATEGY PRESENTATION: (contd)</p>	<p>Municipal District Cathaoirleach could be suggested to the developer.</p> <p>Mr. A. Murray, S.P., informed the meeting that the current guidelines provide for the consideration of cumulative effect when assessing planning applications and accordingly the approaches being adopted in surrounding authorities should not impact on Offaly. He advised that legal advice in relation to setback distances had been sought when the current guidelines were being developed. Mr. A. Murray, S.P., outlined the timeframes for the review of the current CDP and adoption of the next CDP, i.e., current CDP expires in October 2020, accordingly the formal period to review the CDP and commence the drafting of the next CDP will commence in October 2018. However, he advised that position papers and background preparations on various elements of the next CDP will commence in January 2018.</p>
<p>MONTHLY MANAGEMENT REPORT:</p>	<p>Ms. A. Delaney, Chief Executive drew the members’ attention to the monthly management report which had circulated with the agenda.</p> <p>Cllr. J. Leahy noted that the funding criteria for OLDC funding had changed and proposed that Mr. B. O’Loughlin, CEO OLDC be invited to make a presentation to the members.</p>
<p>CORPORATE POLICY GROUP REPORT:</p>	<p>Cllr. E. Fitzpatrick, Cathaoirleach advised that the Corporate Policy Group met earlier that day to consider the Monthly Council Agenda and to approve the list of conferences and training courses for circulation.</p> <p>He invited the members and proposed that the May monthly meeting be held in St. Bridget’s Social Club, Garryhinch. He advised that Bord na Móna will give a presentation to the members.</p>
<p>NOTICES OF MOTION:</p>	<p>(i) It was agreed to refer the notice of motion, proposed by Cllr. F. Moran, for consideration at a special meeting of the Economic Development, Enterprise and Planning SPC.</p> <p><i>“I call on Offaly County Council to make a variation to the Offaly County Development Plan 2014-2020 in relation to SSP-19 – Rural Housing Policy for Areas of Special Control to make amendments as follows;</i></p> <ul style="list-style-type: none"> • <i>Delete the words “all of” in the first paragraph to read”in Areas of Special Control where the following can be demonstrated:”</i> • <i>Part 2 – Change to “Applicant is an immediate family member of the established landowner who owns the site on which they wish to build”</i> • <i>Part 3 – Change to “Measures to protect drinking water sources from any deleterious effects of the development in source protection zones shall be to the satisfaction of the environment section of Offaly</i>

<p>NOTICES OF MOTION: (contd)</p>	<p><i>County Council</i></p> <ul style="list-style-type: none"> • <i>Part 4 – Change to “No alternative suitable site is available outside the areas of special control”</i> • <i>Part 5 – Delete as this is a repeat from Policy SSP-18</i> <p><i>I would further like to have the following meanings inserted into the policy;</i></p> <ul style="list-style-type: none"> • <i>Immediate Family Members are identified as: Son, Daughter, Father, Mother, Brother, Sister, Next-of-kin”</i> • <i>Alternative Suitable site means: a site that does not create additional excessive financial burdens on the applicant(s) to develop.</i> <p>It was agreed that the SPC should also consider how the development of Sráids could be promoted.</p> <p>(ii) Cllr. F. Moran, proposed on behalf of Cllr. P. Ormond, the motion which was seconded by Cllr. D. Owens and agreed:</p> <p><i>“To call on the Irish government to ratify, as soon as possible, The Convention against Trafficking in Human Organs which was adopted by the Council of Europe on 9 July 2014 in order to criminalise illegal organ transplantations. The Irish Government has already signed this convention, but is yet to ratify it.”</i></p>
<p>COMHDHÁLACHA:</p>	<p>On the proposal of Cllr. L. Quinn, seconded by Cllr. J. Clendennen, the members noted and approved the conferences and training seminars as follows:</p> <p><u>CONFERENCES:</u></p> <p>Galway Wind Park – SSE & Coillte Galway Chamber Energy Conference 2017 Friday 5th May 2017 Galway Bay Hotel, Salthill, Galway <i>It was agreed Cllr. E. Fitzpatrick would attend.</i></p> <p>ACE Management & Training “2 Day Microsoft Excel Advanced Training for Councillors” Clonakilty Hotel, Clonakilty, Co. Cork 17th -18th May 2017 <i>It was agreed no Councillor would attend.</i></p> <p>The Dundalk Windows Group (with the support of Cllr. Emma Coffey) “Mna na hEireann 2017 – A Conference on the Theme of Women in Modern Ireland” 19th – 20th May 2017 An Grianan, The ICA Headquarters, Termonfeckin, Co. Louth <i>It was agreed no Councillor would attend.</i></p>

