

COMHAIRLE CHONTAE UÍBH FHAILÍ

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

**HELD IN ÁRAS AN CHONTAE, CHARLEVILLE ROAD, TULLAMORE
ON MONDAY, 16TH JANUARY 2017 AT 2.00 P.M.**

PRESENT:	Cllr. E. Fitzpatrick, Cathaoirleach (Presiding), Cllrs. N. Bourke, J. Carroll, J. Clendennen, N. Cribbin, D. Dolan, E. Dooley, , J. Foley, D. Harvey, B. Killeavy, J. Leahy, S. Maher, T. McKeigue, M. O'Reilly, P. Ormond, D. Owens and L. Quinn.
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. J. Pollock, Project Director, NPHDB ; Ms. E. Hardiman, CEO, Children's Hospital Group; Ms. A. Pedlow, Heritage Officer; Mr. B. O' Brien, A.P.; Ms. B. Maher, E.P.; Mr. A. Murray, S.P.; Ms. L. Mitchell, S.E.P.; Mr. D. Meehan, E.P.; Ms. J. Finney, A.O.; Ms. F. Flaherty, C.O.
APOLOGIES:	Cllrs. S. Dooley and F. Moran
VOTES OF SYMPATHY:	<p>Votes of sympathy were unanimously extended to the following:-</p> <p>Ms. Patricia Kenny, Offaly County Council on the death of her mother, Mrs. Eileen Lennon;</p> <p>Ms. Shelagh Boland, Offaly County Council on the death of her mother, Mrs. Dolores Heffernan;</p> <p>Ms. Margaret Kelly, 22 St. Brochans, Bracknagh on the death of her husband, Mr. Peter Kelly;</p> <p>Mr. Christy Carey, Kilkeeran, Portarlinton on the death of his father, Mr. Tom Carey;</p> <p>Ms. Barbara Cronin, Ballyfore, Edenderry on the death of her mother, Mrs. Joan Cronin.</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>
SUSPENSION OF STANDING ORDERS:	On the proposal of Cllr. E. Fitzpatrick, seconded by Cllr. L. Quinn, it was agreed by the members to suspend Standing Orders to allow representatives from the Children's Hospital Group & National Paediatric Hospital Development Board (NPHDB) give a presentation to the members.

<p>NATIONAL PAEDIATRIC HOSPITAL DEVELOPMENT BOARD:</p>	<p>Ms. Eilish Hardiman, CEO, Children’s Hospital Group and Mr. John Pollock, Project Director, PHDB gave a comprehensive presentation on the factors that influenced the National Paediatric Hospitals’ location at St. James Hospital. They outlined the timeframe for construction, the services and facilities that will be available for patients and families. They noted Paediatric OPD and Urgent Care centres that will be developed in Connolly and Tallaght.</p> <p>The members acknowledged that there was an urgent need for the development of the Children’s Hospital and welcomed the commencement of the development. In responding to questions raised Ms. E. Hardiman advised that there will be 675 car parking facilities available and noted the public transport that services the hospital. She outlined how the ambulance retrieval service operates.</p> <p>The Cathaoirleach thanked Ms. Eilish Hardiman and Mr. John Pollock for their informative presentation.</p>
<p>CONFIRMATION OF MINUTES:</p>	<p>On the proposal of Cllr. T. McKeigue, seconded by Cllr. J. Carroll, the members resolved to adopt the minutes of the December meeting of Offaly County Council held in Áras an Chontae, Charleville Road, Tullamore on 12th December 2016.</p>
<p>MINUTES FOR NOTING:</p>	<p>The minutes of the following meetings were noted by the members:</p> <ul style="list-style-type: none"> - Minutes of Corporate Policy Group Meeting held in Áras an Chontae, Charleville Road, Tullamore, Co. Offaly on 21st November 2016; - Minutes of Housing Social & Cultural Strategic Policy Committee SPC Meeting held in Áras an Chontae, Charleville Road, Tullamore, Co. Offaly on 2nd March 2016; - Minutes of Housing Social & Cultural Strategic Policy Committee SPC Meeting held in Áras an Chontae, Charleville Road, Tullamore, Co. Offaly on 25th May 2016; - Minutes of Housing Social & Cultural Strategic Policy Committee SPC Meeting held in Áras an Chontae, Charleville Road, Tullamore, Co. Offaly on 27th September 2016; - Minutes of Housing Social & Cultural Strategic Policy Committee Special SPC Meeting held in Áras an Chontae, Charleville Road, Tullamore, Co. Offaly on 8th November 2016.
<p>DRAFT SCHEDULE OF MEETINGS 2017:</p>	<p>The members noted and agreed the Schedule of Meetings for 2017.</p> <p>Ms. M. Cleary advised that the Joint Policing Committee Meeting scheduled for 30th January 2017 would now take place on 6th February 2017, as agreed at the Corporate Policy Group Meeting held earlier that morning.</p>

<p>DRAFT HERITAGE PLAN 2017-2021:</p>	<p>Ms. A. Pedlow, Heritage Officer informed the members that this is the fourth Heritage Plan for County Offaly.</p> <p>Ms. A. Pedlow, Heritage Officer outlined the proposed eight actions areas for 2017-2021 and advised that these priorities were agreed by the Offaly Heritage Forum and the Economic Development, Enterprise and Planning SPC. She acknowledged that significant progress had been achieved to date in Offaly due to the on-going collaboration with individuals, groups and interested bodies, noting in particular the ongoing archiving and digitising of materials that is currently taking place. The Heritage Officer also acknowledged that a number of books had been published during the last Heritage Plan. She advised that Offaly falls within three Office of Public Work (OPW) jurisdictions but that the Council continues to work closely with the OPW to achieve common goals.</p> <p>The members thanked Ms. A. Pedlow for her presentation and acknowledged the volume work being done with limited resources. Ms. A. Delaney, Chief Executive advised that the Heritage Plan will be placed for public consultation and be placed for the members' adoption at a later stage.</p>
<p>REVIEW OF THE TRAVELLER ACCOMMODATION PROGRAMME 2014-2018:</p>	<p>Cllr. P. Ormond proposed that the <i>Review of the Traveller Accommodation Programme 2014-2018</i>, as previously circulated, be adopted without amendment and that the emphasis for the remaining period of the plan would be to deliver on the programmes objectives. This was seconded by Cllr. D. Harvey and agreed by the members.</p> <p>The members acknowledged that significant progress had been made to date, noting that sixty nine (69) units had been provided exceeding the target of sixty four (64) units, albeit not necessarily in accordance with the sub-headings provided for in the programme. On the proposal of Cllr. J. Leahy, seconded by Cllr. E. Fitzpatrick, the members agreed to arrange a meeting with the Local Traveller accommodation Consultative Committee.</p>
<p>REVIEW OF ESTATE MANAGEMENT POLICY:</p>	<p>Mr. S. Murray, D.O.S., informed the meeting that the Estate Management Policy was adopted in 2009, and, that the amendments proposed reflect the changes arising from the Local Government Act, 2014 and to changes in Housing Legislation.</p> <p>On the proposal of Cllr. P. Ormond, seconded by Cllr. J. Leahy, the members resolved to adopt the <i>Review of Estate Management Policy</i>, as previously circulated.</p>
<p>REVIEW OF THE SCHEME OF LETTING PRIORITIES FOR SOCIAL HOUSING ACCOMMODATION:</p>	<p>Mr. S. Murray, D.O.S., advised that the <i>Scheme Of Letting Priorities For Social Housing Accommodation</i> had been reviewed by the Housing, Social and Cultural SPC. The proposed amendments, he advised, will provide greater flexibility and also, for the first time, introduces negative points into the Scheme. The revision of the Scheme provides that an applicant may be awarded:</p>

<p>REVIEW OF THE SCHEME OF LETTING PRIORITIES FOR SOCIAL HOUSING ACCOMMODATION: (contd)</p>	<ul style="list-style-type: none"> - minus twenty points (-20) if there is a history of anti-social behaviour; - minus twenty points (-20) for extensive damage done to property by a former tenant; - minus ten points (-10) for minor damage done to property by a former tenant; and, - minus five points (-5) to a maximum of minus ten points (-10) for refusal of an offer of accommodation. <p>Cllr. P. Ormond proposed the revised <i>Scheme Of Letting Priorities For Social Housing Accommodation</i> for adoption which was seconded by Cllr. E. Dooley.</p> <p>During the discussion that followed members sought clarification on whether the Council can prohibit private landlords re-letting unfit accommodation and if discounting points could be applied should An Garda Síochána provide proof that a tenant had caused extensive damage to a private property. Mr. S. Murray, D.O.S. in responding advised that the PRTB have the responsibility to carry out inspections on private properties and determine if they are habitable, and that he is currently examining the legislation to ascertain if the Council can take into account damage done to private property when applying the Scheme of Letting Priorities.</p> <p>Cllr. D. Dolan proposed that the Council write to the Minister requesting that the application form be amended in order that applicants can list, in order of preference, the towns / villages where they want to live. This was seconded by Cllr. E. Dooley and agreed by the members.</p> <p>Cllr. B. Killeavy requested that the maximum points awarded to an applicant placed on the waiting list, i.e., six (6) points, be increased and that the allocation of two (2) points per year on the waiting list be extended beyond the three (3) years.</p> <p>On the proposal of Cllr. P. Ormond, seconded by Cllr. E. Dooley, it was agreed that the Housing SPC would review the Scheme further and that it could be placed for the consideration of the members at the April Council meeting.</p>
<p>CLONCREEN WINDFARM, SID:</p>	<p>Mr. D. Kirrane, D.O.S., drew the members' attention to the Chief Executive's Report in relation to the proposed Wind Farm at Cloncreen, Edenderry, Co. Offaly. He advised that An Bord Pleanála will determine the application as, in accordance with the relevant legislation, it is a strategic infrastructure development. He advised that the members may, by resolution in accordance with S. 37(e)(6) of the <i>Planning and Development Act, 2000 as amended</i>, arrange to attach recommendations to the Chief Executive's report and that these, together with a record of the meeting will accompany the Chief Executive's report to An Bord Pleanála.</p> <p>Mr. B. O'Brien, Executive Planner, provided a PowerPoint presentation detailing the various elements of the Chief Executive's Report. He noted that the Council received two (2) third party submissions from An Bord Pleanála on 12th</p>

**CLONCREEN WINDFARM,
SID: (contd)**

December and that these were detailed in the Chief Executive's Report. He advised that, following the circulation of the Chief Executive's Report, a further twenty nine (29) third party submissions were received from An Bord Pleanála on 11th and 16th January 2017.

Cllr. L. Quinn informed the meeting that he had submitted a written proposal to the Council earlier that day. He read the proposal into the record of the meeting:

“Introduction

This is the third planning application relating to a large scale wind farm in the Edenderry Municipal Authority in the last number of years. Having observed the development of the Mount Lucas wind farm from conception to construction and having recently dealt with the Yellow River wind farm planning report I would like to include the following points below which are issues that I believe are very relevant to this proposed development.

Current Planning Strategy

Today there exists valid planning permissions for 57 Turbines in North Offaly. Only 28 of these have been constructed to date at Mount Lucas. The remaining 29 are part of the Yellow River Windfarm. It is imperative that in accessing this application the board has regard to the cumulative impact of turbines, both those constructed and those with live planning approval. OCC have made no reference to Yellow Rivers 29 turbines in our paragraph on Cumulative Visual impact. If this development is allowed to proceed as planned then North Offaly could at some point in the future have 78 Turbines built in this part of County Offaly.

Roads

Offaly County Council have discussed the haulage routes that are planned to carry traffic to and from this site. Prior to construction the following issues need to be addressed on the following roads

- 1. The R402 needs additional signage and lighting on the approach road to Ballinagar Village*
- 2. The R402 should be resurfaced from Clonadd to Daingean (Junction with Derrygowley road)*
- 3. The L1003 should be upgraded from the junction with the R402 through to Clonbullogue Village. This is a bog road and the proposed upgrading of 360m is very inadequate. I would like all of this road included in any surveys requested by OCC also.*
- 4. The Ballyfore to Clonbullogue road (Ballykillian Hill) should be included in any road survey undertaken and resurfacing works carried out as necessary. This road will be the provide the best views for people wishing to view the development and will be subject to greater traffic loads from the general public*

**CLONCREEN WINDFARM,
SID:
(contd)**

Notes on Points 3 and 4 above

When the Mount Lucas wind farm was built no consideration was given to the small road linking Daingean to Walsh Island which ultimately had a large increase in traffic both from onlookers and people travelling to and working on the wind farm. This road has been surfaced dressed by OCC since 2014 but should have been included when considering roads issues pertaining to Mount Lucas. Similarly the L1003 links the village of Clonbullogue to the Main Tullamore road, overlooking the resurfacing of this road will result in a major cost to OCC in the short term, the same can be argued for the Clonbullogue to Ballyfore road

Community Gain

There has been a community gain scheme in operation as part of the Mount Lucas development for the past 3 years. I believe that community gain schemes should be more transparent in how funds are administered and should not be so closely controlled by the entity operating the windfarm. In relation to Community Gain Schemes

- 1. The current practice of €1,000 per megawatt has been established in the development at Mount Lucas, having regard to the fact the this development is located so closely to an existing windfarm this contribution should be increased to €1,500 per M/W per year to take into account the combined nature of the developments.*
- 2. The Cathaoirleach of the Municipal Authority should be invited onto the committee administering the funds of the scheme (This will alternate year on year as the Chair of the M.A. rotates)*
- 3. The scheme should be divided into two with a percentage of monies ring fenced for the immediate area but also with a portion available to other areas in North Offaly. (This precedent has already been set by the ESB funded North Offaly Development Board) Suggested 65% local projects 35% North Offaly General Fund*

Bonds

Given the scale of this development a bond should be placed with the council for the removal of these structures when the windfarm ceases to operate. The current practice of assuming the price of scrap metal will cover the cost of decommissioning in 30 years' time is unsatisfactory. A bond shall be placed with the council to ensure that monies for the removal of these structures is provided for when the time comes.

Development Contributions

We are only half way through the life time of our current development Contributions Scheme. This scheme should be review with regards to the fees payable in respect of renewable energy and amended as the council sees fit with an appropriate increase to reflect the level of development that has taken place in recent years."

**CLONCREEN WINDFARM,
SID:
(contd)**

Cllr. N. Bourke seconded the proposal. He informed the meeting that he fully endorsed Cllr. L. Quinn's remarks noting in particular the comments in relation to the road infrastructure and Community Gain. He advised that the proliferation of wind farms in the North Offaly area was a concern and proposed that other, more sustainable employment opportunities need to be developed on the cut-away bogs. The members' resolved to adopt Cllr. L. Quinn's proposal which Cllr. N. Bourke had seconded.

Cllr. J. Leahy drew the meetings attention to his written submission and read his submission into the record of the meeting:

Chapter 10 Noise and Vibration (page 33)

The EIS states "if the identified exceedance are realised on site, curtailment of turbine operation "can be" implemented for specific turbines in specific wind conditions in order to ensure predicted noise levels

Change: I am suggesting "can be" replaced by **will be**

14. Reports of the relevant Local Authority Department Shadow Flicker (page 41)

Point 3. Within 12 months of the operation of Wind Farm the Applicant shall carry out a Shadow Flicker assessment and submit findings to the Local Authority

Change: I am proposing the Shadow Flicker assessment be carried out every quarter for the first 2 years and once a year thereafter.

Property Values (page 46)

The EIS Section 4.6 concludes " Although there have been no empirical studies carried out in Ireland on the effects of wind farms on property prices, it is reasonable assumption based on the available international literature that the provision of a wind farm at the proposed location would not impact on the property values in the area.

Condition: A bond should be put in place in the event that a land / home owner wants to sell his / her property and if the valuation has a negative impact in comparison with a similar property in the electoral area due to the close proximity of the proposed Wind Farm. The bond should be activated to make up the potential value in loss. This would only apply to original land owner/home owner.

20. Bond (page 51)

I disagree with the DECLG Wind Energy Development Guidelines for Planning Authorities 2006 recommendation that Planning Authorities do not attach a bond for the decommissioning of the turbines, because the scrap value is likely to cover this cost.

**CLONCREEN WINDFARM,
SID:
(contd)**

Change proposal: A bond for the decommissioning of the turbines needs to be included at this stage.

Q. Is there a case iron legal opinion that all of the original planning conditions will be adhered to in the event of the Wind Farm being transferred to another company.

Cllr. N. Bourke seconded Cllr. J. Leahy's proposal and the members' resolved to adopt it.

Cllr. E. Dooley proposed that the Developer should be required to detail the Community Gain that would apply at the time of the application, and that the Developer should focus on the development of tourism opportunities. The members resolved to adopt Cllr E. Dooley's proposal which was seconded by Cllr. J. Leahy.

Cllr. N. Cribbin advised the meeting that he had made a submission to Minister Naughton and An Bord Pleanála objecting to the proposed development. He informed the meeting that the 2km distance between the proposed development at Cloncreen and the wind farm at Mountlucas was unacceptable. He had proposed in his submission that 25km should be the minimum distance between wind farm developments. Cllr. N. Cribbin's proposal was seconded by Cllr. J. Leahy and adopted by the members.

Cllr. M. O'Reilly noted the significant number of dwellings located in close proximity to the proposed development and expressed his concerns with regard to the set back distances. He advised that he had concerns that the proposed number of wind farms in the area will damage the integrity of Offaly and in particular North Offaly. He advised that he supported the Irish Parachute Club's submission.

Cllr. E. Fitzpatrick, Cathaoirleach, advised that the 2006 Wind Farm Planning Guidelines that apply are outdated. He expressed his disappointment that Bord na Móna had not upheld their stated position, where they had advised that they would not submit any further applications for the development of wind farms until the Revised National Guidelines were published. He endorsed the Irish Parachute Club's submission. He proposed that a Bond be established to protect homeowners should their property be devalued as a result of wind farm development. This proposal was seconded by Cllr. J. Leahy and the members resolved to adopt the motion.

Cllr. D. Dolan noted that twenty nine (29) third party submissions were received by the Council following the preparation of the Chief Executive's Report. He advised that this was unacceptable and that the tight timeframe did not afford the members the opportunity to examine these submissions and accordingly they, the additional twenty nine (29) third party submissions, did not have the opportunity to influence the members' comments. He proposed that Bord Na

<p>CLONCREEN WINDFARM, SID: (contd)</p>	<p>Móna be invited to give a presentation to the members on their proposals to develop both wind farms and wind masts in Offaly, This was seconded by Cllr. N. Cribbin and support by the members.</p> <p>Cllr. D. Dolan requested clarification from the Council’s planners if any planning permissions, in the proximity of the proposed wind farm, for dwellings were approved and not commenced.</p> <p>A number of members also expressed their dissatisfaction with the timelines and that they had not had the opportunity to examine the additional twenty nine (29) third party submissions.</p> <p>Mr. D. Kirrane, D.O.S., informed the members that their comments would be noted in the record of the meeting and that all third party submissions are available to view on the public planning file in the Planning Section of Offaly County Council.</p> <p>Cllr. L. Quinn requested that an engineer’s report be prepared listing all the works, post the construction phase, of the Mount Lucas wind farm (including the two minor roads) be surveyed and to ascertain if the development has resulted in additional traffic on these roads. He proposed that Bord Na Móna be requested to provide for the cost of the re-surfacing of these roads should this be the case.</p> <p>Cllr. E. Fitzpatrick, Cathaoirleach, thanked the member’s for their contributions. He advised that the extract of the Council’s meeting would accompany the Chief Executive’s Report when it is being submitted to An Bord Pleanála.</p>
<p>LOCAL COMMUNITY DEVELOPMENT COMMITTEE:</p>	<p>Mr. D. Kirrane, D.O.S. briefed the members on the Local Community Development Committee and proposed the following changes:</p> <ul style="list-style-type: none"> - To increase the membership of the LCDC from 17 members to 19 members; - To replace the Trade Union representative by a representative from the HSE; and - To appoint a member from Local Community Development Sector from the Edenderry Municipal District. <p>On the proposal of Cllr. D. Dolan, seconded by Cllr. L. Quinn, the members resolved to adopt the three recommendations.</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>The Chief Executive advised that the closing date for submissions in relation to the <i>Draft County Offaly Speed Limit Bye Laws</i> is the 27th January 2017. On the proposal of Cllr. E. Dooley, seconded by Cllr. J. Carroll, it was agreed to submit a</p>

<p>MONTHLY MANAGEMENT REPORT: (contd)</p>	<p>safety assessment and proposal for the N62 at Ballyvora, Ferbane for consideration for funding by Transport Infrastructure Ireland (TII). Cllr. D. Harvey requested that consideration be given to reducing the speed limit at Park Avenue, Tullamore from 50km to 30km.</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>The Cathaoirleach reminded the members' that their Annual Declaration of Interests should be completed and returned by 29th January 2016 and their Annual Declarations regarding declarable interests and compliance with the Code of Conduct should be completed and returned to the Ethics Registrar by 28th February 2017.</p>
<p>COMHDHÁLACHA:</p>	<p>On the proposal of Cllr. T. McKeigue , seconded by Cllr. D. Harvey, the members noted and approved the conferences and training seminars as follows:</p> <p><u>CONFERENCES:</u></p> <p>ACE Management & Training "2 Day Social Media Training for Councillors" 25th - 26th January 2017 The Clonakilty Hotel, Clonakilty, Co. Cork <i>It was agreed no Councillor would attend.</i></p> <p>CMG Events "Social Housing Summit 2017" Wednesday 8th February 2017 The Royal Marine Hotel, Dun Laoghaire, Co. Dublin <i>It was agreed no Councillor would attend.</i></p> <p>Celtic Conferences "Rebuilding Ireland – Action Plan for Housing & Homelessness" 10th -12th February 2017 The Four Seasons Hotel, Carlingford, Co. Louth <i>It was agreed no Councillor would attend.</i></p> <p>CMG Events "National Water Services & Flood Management Conference 2017" Thursday 16th February 2017 The Royal Marine Hotel, DunLaoghaire, Co. Dublin <i>It was agreed no Councillor would attend.</i></p> <p>28th Colmcille Winter School "Ireland and the European Union post British Withdrawal" 24th -25th February 2017 Colmcille Heritage Centre, Letterkenny <i>It was agreed no Councillor would attend.</i></p>

<p>COMHDHÁLACHA: (contd)</p>	<p>Celtic Conferences “Constituents” Tax Entitlements and Reliefs” 25th – 26th February 2017 The Clonakilty Hotel, Clonakilty, Co. Cork <i>It was agreed no Councillor would attend.</i></p> <p><u>TRAINING:</u> None</p>
<p>COMHFHREAGRAS:</p>	<p>The correspondences that issued with the Agenda were noted.</p>
<p>ANY OTHER BUSINESS:</p>	<p>Cllr. D. Harvey requested that Offaly County Council write to the IDA requesting that they highlight the various services and amenities available in Offaly and intensive their efforts to secure employment in Offaly.</p>

This concluded the business of the meeting.

MINUTES CONFIRMED:

CATHAOIRLEACH

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20th February 2017