

**Minutes of Meeting of Monaghan County Council held in the Mtek Building, Knockaconny, Monaghan on Monday 6<sup>th</sup> July, 2009 at 10.00 a.m.**

**Chair:** Cllr H. Humphreys, Mayor.

**Present:** Cllrs. Bannigan, Carthy, Carville, Conlon, Connolly, Coyle, Crowe, Keelan, Maxwell, McElvaney, S. McKenna, McNally, Murray, O'Brien, O'Hanlon, P. Treanor and S. Treanor.

Mr. D. Nelson, County Manager, Mr. M. Fitzpatrick, Mr. P. Clifford, Mr. A. King, Directors of Service, Mr. J. Murray, Head of Finance, Mr. A. Hughes, Senior Planner, Mr. J. McGrath, Senior Engineer, Mr. C. McCrossan, S.E.E., Ms. R. NicIarla, Asst. Engineer, Mr. J. McNally, Management Accountant, Mr. D. Hurley, S.E. Planner, Ms. S. Clerkin, Heritage Officer, Ms. D. Condra, Tourism Officer, Ms. C. Thornton, Meetings Administrator and Ms. L. Brannigan, A/Staff Officer

**Apology:** Cllr B. McKenna.

**1. Confirmation of Minutes:**

- (i) *On the proposal of Cllr Treanor, seconded by Cllr Carville it was agreed that the minutes of the Council meeting held on Tuesday 2<sup>nd</sup> June, 2009, be confirmed.*
- (ii) *On the proposal of Cllr Carville, seconded by Cllr Treanor it was agreed that the minutes of the first meeting of Monaghan County Council, following the local elections, held on 19<sup>th</sup> June, 2009 be confirmed*

In response to a query from Cllr McElvaney regarding coverage in the national media about alleged electoral irregularities, Mr. P. Clifford, Director of Services stated that he had referred a query in relation to the inclusion of applicants on the supplement to the Register of Electors 2009/10 to An Garda Siochana, to investigate whether offences were committed contrary to the Electoral Act, 1992 or Electoral Regulations, 1995. He will advise the Council of the outcome of the Garda investigation in due course.

**2. Correspondence.**

The following correspondence was circulated to Members:

- Letter of acknowledgement from Mr. M. Finneran, Minister for Housing & Local Services in relation to demolition of maisonettes at Bree.
- Letter from Minister Noel Dempsey in relation to funding for roads damaged as during the construction of the Castleblayney bypass.

- Letter from Minister Noel Dempsey in relation to the National Car Test notifications.
- Letters from the Department of Finance and the Minister for Enterprise, Trade and Employment in relation to the removal of the statutory audit requirement from companies limited by guarantee with an annual less than €50,000.
- Email from the National Roads Authority advising dates for a meeting with a deputation from the Council.
- Letter acknowledgement from the office of the Minister for Communications, Energy and Natural Resources in relation to the Council's request for a meeting with the Minister.

### **Proposals arising out of correspondence:**

*On the proposal of Cllr Bannigan, seconded by Cllr Carville it was agreed that the Council write again to Minister Dempsey outlining that his department has reduced the Council's road budget by almost €5m and therefore the Council has very little discretion in carrying out eligible improvement and maintenance works on local roads.*

*On the proposal of Cllr Crowe, seconded by Cllr O'Brien it was agreed that we write again to Minister Dempsey requesting that he honour the pledge made in relation to the allocation of €282,000 for repairs to roads damaged by work on the Castleblayney bypass and that this allocation be paid immediately and in full.*

*On the proposal of Cllr Bannigan, seconded by Cllr Carthy it was agreed that the "Proposed 440kv Eirgrid Interconnector" be a standing item on the agenda for the monthly Council meetings.*

*On the proposal of Cllr Bannigan, seconded by Cllr Crowe, it was agreed that the Council invite a representative from Eirgrid to attend the September Council meeting to give an update on the Eirgrid Interconnector project.*

*On the proposal of Cllr Conlon, seconded by Cllr Maxwell it was agreed that the Council accept the offer of a meeting with the National Roads Authority on 21<sup>st</sup> July, 2009 in relation to the N2 Emyvale bypass.*

It was agreed that the Council be represented at the meeting with the NRA by the Mayor and one from each political grouping, one non-party member and an official.

*On the proposal of Cllr Carville, seconded by Cllr O'Brien it was agreed that the Council use the forthcoming meeting with the National Roads Authority to raise the issue of damaged roads and streets in the Castleblayney town and rural areas as a result of the construction of the Castleblayney bypass and the failure of the NRA and the Government to provide adequate resources to deal with the situation.*

It was agreed that the upgrading and realignment of the N54 road would also be raised at this meeting,

*On the proposal of Cllr Carville, seconded by Cllr O'Brien it was agreed that the Council write to each Oireachtas member from this constituency in relation to the severe need for resources to restore damaged roads and streets in the Castleblayney area resulting from the construction of the Castleblayney bypass, asking them to lobby Government and the NRA on the issue.*

*On the proposal of Cllr Crowe, seconded by Cllr O'Brien it was agreed that the Council write again to the Minister for the Environment, Heritage and Local Government seeking funding for the demolition of the maisonettes in Bree, Castleblayney and that if this is not forthcoming that the Council use its own resources to demolish them.*

*On the proposal of Cllr Conlon, seconded by Cllr S. McKenna, it was agreed that the Council Members and the Oireachtas Members engage with the Monaghan Community Alliance at every opportunity in an effort to preserve services at Monaghan General Hospital.*

### **Urgent Business:**

The Mayor stated that she had received a notice of urgent business in the names of Cllrs Carville, Crowe, O'Brien and Bannigan, as follows:

*“ In view of the forthcoming major angling competitions at Lough Muckno that this Council put in place measures to ban jet skis from Lough Muckno, including the drafting of bye laws ”*

The Mayor put the proposal to deal with urgent business to the meeting. A vote by show of hands resulted in 5 for 11 against. The Mayor declared the proposal defeated as it had not achieved the consent of one half of the members of the Council. It was agreed that this would be an item on the agenda for the September Council meeting.

### **3. To consider proposed variations to the Monaghan County Development Plan 2007 – 2013 as follows:**

#### **(i) Variation No. 9 of the County Development Plan in respect of review of Policy NH1 – Location of Nursing Homes/Retirement Villages**

Mr. Adrian Hughes, Senior Planner referred to the Manager's Report, dated 26<sup>th</sup> June, 2009 on Variation No 9 which had been circulated with the agenda. The proposed variation was recommended by the Members of Monaghan County Council, as follows:

*For reasons of sustainability, accessibility, social inclusion and availability of services, nursing homes and nursing home/retirement villages should be located*

- *Within or adjacent to towns and villages or,*
- *Within a rural area where demand has been established.*

*Reasons for the variation:*

1. *To take account of the increased and increasing number of older members of our county community and the need for more choice in terms of affordable nursing home care both now and in the future, with due regard to the overall needs for sustainable planning in the county.*
2. *To enable older people to live in a secure community in a rural setting, with access to 24 hour medical care, community facilities and social networking that is provided in a nursing home/retirement village setting.*
3. *To create enhanced opportunities for the provision of nursing home care/retirement villages in County Monaghan.*
4. *To allow greater choice and opportunity to older people and their families through the provision of more options for nursing home care and retirement villages in a controlled manner which does not seek to promote the development of such facilities in all parts of the open countryside.*

Mr. Hughes outlined the legislative context, submissions and observations received during the public consultation period and consideration of the submissions and observations, together with the County Manager's assessment and recommendation. He stated that the Manager's recommendation is that the Members do not proceed with the proposed variation in its current state and would recommend the following wording in the proposed variation:-

*“For reasons of sustainability, accessibility, social inclusion and availability of services, nursing homes and nursing home/retirement villages should be located within or adjacent to towns and villages.”*

Mr. Hughes referred to the word “demand” in the proposed variation is problematic because it is open to interpretation and it was not possible to accommodate such a definition in planning policy. He pointed out that the County Council had already granted planning permission for two nursing home projects at **Tiragarvan** in Carrickmacross and Drumreask near Ballinodde village and there is no indication when these projects would commence. He believed that half the retirement village units that had been developed at Castleross had not been sold and were lying idle. He stated that the current policy in relation to nursing home provision had only been in place for two years and he did not think it could be described as preventing the provision of nursing homes in the county. He described the variation as unsustainable and said that it did not make use of the current infrastructure in place in the county's towns and villages. He said that there are 42 settlements in the county and when one considered the land inside and on the periphery of them there is potentially 10,000 acres of land available for such developments.

Cllr Carville stated that he had moved the original proposal before the Council on the basis of personal experience of trying to find a nursing home place for a relative and for constituents. Cllr Carville stated that the number of people over the age of 65 in the most recent census was 465,000 and this figure is expected to increase to 531,000 by 2011 and to 631,000 by 2016. He stated that just over 12% of the population of the county are over the age of 65. There are 169 public beds given over to long term stay in Co. Monaghan – all public residential beds are occupied and there is a waiting list for them. He believed there is a need for the Council to enable further nursing home provision to be made. Market forces will play a determining role and the Council

should facilitate this. People already in nursing homes are from a rural background and wish to remain in a rural setting for as long as they could. In response to concerns regarding unsustainability of the policy he stated that there were numerous other policies in the County Development Plan to regulate the development and determine its acceptability in other regards. He did not have any difficulty taking out the reference to ‘demand’ in the variation or they could put in a reference to the waiting lists confronting the HSE.

*Cllr Carville proposed that the words “where demand has been established” be deleted from the proposal and that the variation be adopted. Cllr Crowe seconded the proposal.*

In seconding the proposal Cllr Crowe stated that over the last 15 years as an elected representative he had received requests on a regular basis from constituents in relation to nursing home care. He stated that the only public nursing home in mid Monaghan is St. Mary’s and there is a big waiting list for people to gain access there. He acknowledged that half the units at the Castleross retirement village have not been sold but that it is nearly impossible to get into the nursing home there because of demand for places. People want to remain within their own area and if they are from a rural background they want to remain there. He referred to the screening report in respect to the Strategic Environmental Assessment of the proposed variation and stated that it concluded that there would be no significant impacts upon the environment. In respect to traffic generation he referred to the provision of transport by the nursing home.

Cllr Sean Conlon asked if there was a demand for nursing homes given that there were a number granted in the county. He requested a definition for adjoining lands and queried whether or not the permitted nursing homes at Mullanahinch and Tiragarvan would have received permission under the current policy.

Cllr Carthy stated that it is disappointing that the Council had to discuss this issue at all – it’s a travesty that they were relying on private provision of nursing home care. The current Government administration should be ashamed of themselves for pushing the privatisation of the care of the elderly forward. He referred to the nursing homes already located in rural areas and stated he had yet to hear of the dangers that had been caused by these applications being granted. He also referred to decisions to grant nursing homes in rural areas being upheld by An Bord Pleanala. We all have the right to live in a rural setting, despite Minister Gormley’s best efforts. Applications for permission as a result of this variation will still have to go through the planning process. He added that the map attached with the Manager’s Report could be interpreted in different ways given that roads do not run in a straight line.

Mr. Adrian Hughes responded that most villages had roads radiating directly out from them and that 4 miles from a village was not a significant distance in this regard. In response to Cllr Carthy’s referral to an area in Magheracloone that was not covered by the 4 mile radius on the attached map, Mr. Hughes stated that when a radius was taken from the edge of Carrickmacross settlement limits, this area was all within 4 miles of the settlement.

Cllr Carthy raised concerns that no consideration was given to those who had made submissions supporting the variation. He added that the variation was about choice and the alternative was to send the elderly to other counties. He referred to some family members having round trips of 80 miles to visit a relative.

Cllr Connolly stated that he didn't think the proposal was likely to have any significant impact on the environment based on the Strategic Environmental Assessment and the Appropriate Assessment screening reports. We currently see our elderly people in nursing homes outside the county – this would indicate that there is a demand for nursing home beds in the county. He added that the submissions supported this position. The service should be provided locally to avoid travel costs. He stated that if the issue of paying for nursing care is sorted then providers will come on board. He referred to nursing homes in the countryside as providing a peaceful and tranquil environment and that they would support villages. Older people generally want to be cared for in their own homes and that the care provided was more important than the location. He felt that 20% of beds in nursing home facilities should be kept for respite.

Cllr McNally referred to existing nursing homes in rural areas and said that he felt this was because at the time they were developed they could not compete with the land prices being paid by private housing developers. There was also an absence of zoned land and this forced them out to rural areas. He asked the members what was the point of spending weeks and months making the County Development Plan to zone areas for development, if they were now going to allow people to build well outside the development envelopes. He felt there is no demand in the private sector to build nursing homes because people cannot afford the cost of private nursing home care. He referred to the permission for the nursing home at Tiragarvan which had been granted 4-5 years ago and had not been developed even though it benefited from being in the countryside and on affordable land. He stated that the tax breaks that had encouraged the development of nursing homes had been removed and that there was a danger that any future permissions would not be developed. He added that proposals for industrial development had been previously refused because it was in the rural and not on zoned land. This variation if adopted would send out a conflicting message. The demand he experiences is constantly for public nursing home care. The HSE is actively taking people they are subsidising in private nursing homes and placing them in public facilities often times at the expense of someone who needs an urgent bed.

Cllr Bannigan stated that he favoured the variation, that he didn't see any logical argument against the variation and he proposed that the Council took it on board. He queried the difference between the periphery of settlements and the remaining rural areas. He believed the debate is not about health care but about whether it's right to allow a nursing home in a rural setting. He asked if the existing nursing homes have created any problems such as a traffic hazard and that he argue a case against all the points made in the Manager's report against the variation. He argued that the development policies should act as incentives for development in the county and that other counties did not have the same problems with this development.

Responding to the debate the Planning Officer Mr. Hughes stated that the adoption of the variation will mean that nursing homes could be located anywhere and that is not a policy. He stated that it is wrong to attribute planning policy to the lack of nursing

care in the county as the policy does not prevent the development of nursing homes in most of the county. He added that there were in excess of 227 nursing home places and 87 retirement village places with either the benefit of permission or having been currently applied for in the county. He stated that the removal of the word demand in the policy is problematic as it would allow nursing homes/retirement villages to be approved throughout the county. Furthermore the variation should explicitly define the criteria for occupants of retirement villages as they would become housing developments which would be unsustainable. He concluded that the comments made in the Manager's report were based on sound planning reasons.

The County Manager stated that he understood and empathised with the sentiments expressed by the members but the point that was being missed was that the provision of nursing homes in any part of the county would not solve the problems they had with the care of elderly people in this country, as supply of places in private nursing homes was currently greater than demand. Passing the variation will effectively lead to the establishment of new villages in a county where there are already 42 settlements. Such a policy where that kind of development was allowable in any part of the county ran totally against all national planning policy. Referring to the investment of €30m in a new sewerage system for Carrickmacross, he stated that there is a need to capitalise on such expenditure. The Council are trying to get development concentrated in the vicinity of existing towns and villages to utilise the existing infrastructure such as public lighting, footpaths and water services already in place. He raised issues in respect of public transport linkages to nursing homes/retirement villages in rural areas. He stated that the variation came about as a result of pre-planning for a particular land holding in the county by a number of developers. The Manager and the Senior Planner had met with a number of developers when the land was for sale to consider proposals for various developments on the site including a hotel. The potential buyers were advised it was highly unlikely permission would be granted for such developments given that the lands adjoined the N2 national primary road. The lands were subsequently sold and the new owner has since been in discussions with the planning office with a view to building a retirement village on the site. He stated that evidence had shown that where retirement villages had not proven viable in other counties, applications for planning permission were being considered to delete restrictive planning conditions and convert the projects to normal housing schemes. He thought the Council would be setting a dangerous precedent if it proceeded along these lines.

Cllr Carville thanked the members for their views and stated that he was still in favour of the variation proceeding – it makes sense, is reasonable and applications arising from it will be subject to the normal planning regulations. He acknowledged that the social and economic issues raised lay outside the remit of the County Council.

The Mayor put Cllr Carville's proposal to the meeting. A recorded vote was taken which resulted as follows:

**For:** Cllrs Bannigan, Carthy, Carville, Connolly, Coyle, Crowe, Keelan, McElvaney, S. McKenna, Murray, O'Brien, O'Hanlon and S. Treanor. **Total 13**

**Against:** Cllrs Maxwell and McNally. **Total 2**

**Abstentions:** Cllrs Conlon, Humphreys and P. Treanor

**Total 3**

The Mayor declared Cllr Carville's proposal carried.

**(ii) Variation No. 10 of the County Development Plan in respect of review of policy under Section 8.4 - Separation between residential units and agricultural buildings**

Mr. Adrian Hughes, Senior Planner referred to the Manager's Report, dated 26<sup>th</sup> June, 2009 on Variation No 10 which had been circulated with the agenda. The proposed variation was recommended by the Members of Monaghan County Council, as follows:

*"A residential unit(s) shall not be permitted within 100 metres of an agricultural building(s), except where the owner and occupier of the agricultural building(s) has provided written consent to the Planning Authority to the construction of the residential unit(s) within 100 metres of his/her agricultural building(s). In such cases the written consent shall be signed by both parties and witnessed by a solicitor or other similar person.*

*It should be noted, that where planning permission is granted for a residential unit within 100 metres of an agricultural building(s) under the above and is located outside the defined settlement limits, a condition restricting occupancy to the applicant, members of their immediate family and their heirs shall be attached to any grant of permission.*

*Where the agricultural use of the building(s) has been clearly abandoned, the above policy shall not apply. There will be a general presumption by the Planning Authority that the use of an agricultural building(s) has not been abandoned unless proven contrary. It should be noted that the onus to prove that the agricultural use has been abandoned shall rest with the applicant.*

Reasons for the variation:

- 1. To allow residential units within 100 metres of agricultural buildings where there is consent from the owner of the agricultural buildings.*
- 2. To allow for the sustainable development of our county.*

Mr. Hughes outlined the legislative context, the submissions and observations received during the public consultation period and consideration of the submissions and observations, together with the County Manager's assessment and recommendation. He accepted that the current policy has created issues for some applicants where a farmer is willing to give permission for the development but the policy will not allow him to do so. The Manager's report recommends that the policy requires the inclusion on any agreement of a footnote clearly highlighting the loss of exempt agricultural development rights as a result of residential development being granted within 100 metres of agricultural buildings.



*Cllr Bannigan proposed that the Council adopts the proposed variation No. 10 to the Monaghan County Development Plan 2007-2013 in relation to the separation distance between residential units and agricultural buildings as outlined in the County Manager's report dated 26<sup>th</sup> June, 2009. Cllr Crowe seconded the proposal.*

Cllrs Crowe and Coyle welcomed the proposed variation. Cllr Coyle stated that farming businesses need protection, and requested clarification in respect to the loss of exempt development rights and the use of occupancy conditions.

Cllr McNally stated that he has grave concerns about changing the existing policy which he felt would place the farming community in a difficult position and could lead to more incidents of friction between neighbours. He wished to see the current policy remaining in place.

Cllr S. Treanor concurred with the sentiments expressed by Cllr McNally.

Mr. Adrian Hughes in response to the issues raised stated that the policy would allow dwellings within 100 metres of farm buildings and as a result could prevent the further expansion of farm buildings due to the provisions of policy AGR4 in the County Development Plan. He clarified that an occupancy condition would still be attached to a permission for a dwelling within 100 metres of an agricultural building and outside the defined settlements. He stated that it would not be practical to impose such a condition in an urban context.

The Mayor then put Cllr Bannigan's proposal to the meeting. A recorded vote was taken which resulted as follows:

**For :** Cllrs Bannigan, Carville, Conlon, Connolly, Coyle, Crowe, Humphreys, Keelan, Maxwell, McElvaney, S. McKenna, Murray, O'Brien, O'Hanlon, and P. Treanor. **Total 15**

**Against:** Cllrs McNally and S. Treanor. **Total 2**

**Abstentions:** Nil

The Mayor declared the proposal carried.

**(iii) Variation No. 11 of the County Development Plan in respect of review of policy under Section 8.15 - Pedestrian Footpaths**

Mr. Adrian Hughes, Senior Planner referred to the Manager's Report, dated 26<sup>th</sup> June, 2009 in relation to Variation No 11 which had been circulated with the agenda. The proposed variation was recommended by the Members of Monaghan County Council, as follows:

*“Where a development is proposed within or adjacent to the defined limit of a town or village, the developer shall be required to provide a pedestrian footpath along the entire site frontage. In addition, where it is considered that the proposed development would result in significant pedestrian traffic movements (ie developments involving 5 or more dwellings or equivalent), it shall be a requirement of the developer to provide a pedestrian footpath and public lighting which links the development to the existing*

*footpath and public lighting which links the development to the existing footpath network or to the nearest community/social facility within the settlement as considered appropriate.*

*The detail and specification of the footpath and lighting shall be agreed with the Planning Authority but shall normally comply with the standards identified in the DMRB. The Planning Authority shall accept a reduced width of the footpath to be provided in circumstances where this would allow for the development and expansion of the settlement in accordance with Policy SP2 of this Plan.*

*The Planning Authority may accept a full financial contribution for the provision of this infrastructure where the authority considers that this is the appropriate mechanism.*

Reasons for the proposed variation:

- 1. To allow for the sustainable development of our towns/villages.*
- 2. To allow for a reduced width of footpath in exceptional circumstances as in Policy SP2 of the County Development Plan 2007-2013*
- 3. To encourage sustainable development in Co. Monaghan.*

Mr. Hughes outlined the legislative context, the submissions and observations received during the public consultation period and consideration of the submissions and observations, together with the County Manager's assessment and recommendation. He stated that this policy was discussed at length during the making of the County Development Plan. He further stated that the Council does not have the funds to CPO lands for footpaths and there is no reasonable prospect of acquiring lands through the CPO process for this purpose. He referred to the report of Mr. John McGrath, Senior Engineer who recommended that the variation is not adopted. It is evident, from the issues raised in the report, that the potential for reducing widths of footpaths is wholly unacceptable with regard to public safety and the proper planning and sustainable development of the county and may leave the local authority liable if an accident occurred as a result of a reduced width footpath being deemed acceptable. In the longer term the Council will be expected to upgrade a footpath of a reduced width to the minimum standard of 1.8 meters wide and this has significant implications in terms of expenditure. Furthermore the failure of the Council to follow best practice documents could leave the Council guilty of neglect of statutory duties. The Manager is recommending that the Members do not proceed with the variation as proposed. He concluded by stating the Members adopted the current policy at the same time as the land was zoned and that comments implying that the policy was adopted after the land was zoned was incorrect.

Cllr McNally agreed with the Planning Officer's comments – the Council cannot relax anything that impacts on public safety. Minimum requirements are necessary in terms of public safety and the responsibility for providing footpaths should rest with the developer. The developer must provide sight distances, why not footpaths. He stated that he had experience of hedgerows growing out over narrow footpaths and that he had received complains from people who couldn't use them. He added that some parents with buggies couldn't use narrow footpaths due to obstructions such as poles and bins. He stated that the Council has no significant powers greater than developer and that the Council couldn't be seen to be facilitating developers.

Cllr Bannigan stated that he would not be a party to anything that would put the public at risk and asked if 1.8 metres was a minimum acceptable width. He queried whether or not legal opinion had been sought regarding concerns on liability falling on the Council in accepting reduced width footpaths.

Cllr Keelan stated that pedestrian safety is paramount but referred to a situation where the Council had provided a footpath which did not meet the minimum standard.

Cllr McNally said he was aware of the location that Cllr Keelan was referring to and that the Council had facilitated the local football club by providing the footpath and that the situation on the ground did not allow the minimum standard to be complied with. He stated that it was disingenuous of Cllr Keelan to cite this example.

John McGrath referred to his report and the concerns raised within it. He added that the DMRB did not specify in what circumstances a reduced width of 1.3 metres would be acceptable, where it would be acceptable and for what distance. He stated that the acceptability of a reduced width footpath depended on the level of existing users and the number of dwellings proposed.

Cllr Connolly raised concerns that new information was emerging in the discussion that had not been given to members. However, it was responded that these items had now been discussed.

Cllr Bannigan stated that he found it difficult to accept that the Council would provide a reduced width footpath and then demand that a 1.8 metre wide footpath be provided by developers. He added that he thought that the footpath being cited in Inniskeen was wide enough.

*Cllr Bannigan proposed that the second sentence of the second paragraph of the original proposal be amended by the substitution of the word "shall" with the word "may". He agreed with the insertion of the words "in accordance with the DMRB" after the word footpath and proposed that the variation be amended accordingly. Cllr Conlon seconded the proposal which was agreed by the Council.*

The amended paragraph will read as follows:

*The detail and specification of the footpath and lighting shall be agreed with the Planning Authority but shall normally comply with the standards identified in the DMRB. The Planning Authority may accept a reduced width of the footpath, in accordance with the DMRB, to be provided in circumstances where this would allow for the development and expansion of the settlement in accordance with Policy SP2 of this Plan.*

Cllr McNally stated that there was no great demand to develop land and that reducing footpath widths would be dangerous. He asked if we should reduce visibility splays by the same token.

Cllr Maxwell asked that in changing the wording from shall to may would a reduced footpath width be acceptable. He recalled that discussions in Strategic Policy

Committee meetings had referred to a minimum width of 1.8 metres and queried where 1.3 metres had arisen. He also asked the Manager if he found the proposed variation as amended acceptable. The Manager responded that he would have to accept it if adopted by the members.

Cllr Crowe acknowledged that the safety of pedestrians was important and referred to the previous policy of the 1999 County Development Plan. He indicated that the proposed variation remains ambiguous and suggested that widths be defined. He stated that the 1.2 metre footpath referred to by Cllr Keelan looked adequate.

Mr. Adrian Hughes acknowledged the amendment of the policy but warned that difficulties could still arise when determining where a reduced width would be safe and acceptable. Cllr Bannigan indicated that this would be up to the discretion of the Area Engineer.

*Cllr Bannigan proposed, Cllr S. McKenna seconded that the proposed Variation No. 11 to the Monaghan County Development Plan 2007-2013 in relation to Section 8.15 pedestrian footpaths, be adopted, as amended.*

The Mayor put the proposal to the meeting. A recorded vote was taken which resulted as follows:

**For:** Cllrs Bannigan, Carthy, Conlon, Connolly, Keelan, S. McKenna, Murray, O’Hanlon, P. Treanor and S. Treanor. **Total 10**

**Against:** Cllrs Carville, Coyle, Crowe, Humphreys, Maxwell, McElvaney, McNally, O’Brien. **Total 8**

**Abstentions:** Nil.

The Mayor declared the proposal carried.

**(iv) Variation No. 12 of the County Development Plan in respect of review of Section 3.5 – Extent/delineation of Rural Areas Under Strong Urban Influence**

Mr. Adrian Hughes, Senior Planner referred to the Manager’s Report, dated 26<sup>th</sup> June, 2009 in relation to Variation No 12 which had been circulated with the agenda. The proposed variation was recommended by the Members of Monaghan County Council, as follows:

*“ The Area of Strong Urban Influence around Monaghan Town is defined by a 3km radius from the town centre and follows the nearest field boundary ”*

*“ The Area of Strong Urban Influence around Carrickmacross Town is defined by a 3km radius from the town centre and follows the nearest field boundary ”*

*“ The Area of Strong Urban Influence around Castleblayney Town is removed ”*

Reasons for the proposed variation:

*1. It is considered that these recommendations are a more accurate reflection of those areas experiencing urban development pressure and would follow on from a report made by Monaghan County Council in response to the Ministerial direction made on 22<sup>nd</sup> July, 2007.*

Mr. Hughes outlined the legislative context, the submissions and observations received during the public consultation period and consideration of the submissions and observations, together with the County Manager's assessment and recommendation. The County Manager recommended that the proposed variation would be contrary to the policies and objectives of the Government, is in contravention of a direction from the Minister for the Environment, Heritage and Local Government and would be clearly contrary to the comments of the Department of the Environment, Heritage and Local Government submitted in response to the proposed variation and that it should not be proceeded with.

Cllr Carthy stated that good planning or sustainable development had nothing to do with the Minister's direction, it was a Green Party stunt. The rural area under strong urban influence (RAUSUI) as directed by Minister Gormley has no semblance of reality; is causing undue hardship to landowners in some of these areas. He stated that to revert to the 3km radius around Carrickmacross and Monaghan and to remove the RAUSUI from Castleblayney, whilst correct, would be setting us up for a fall. He stated that to leave the current RAUSUI around the towns is unacceptable.

*Cllr Carthy proposed that the area of Strong Urban Influence around Carrickmacross is defined by a 5km radius from the town centre or to the Clár area boundary, whichever is the shortest distance.*

He gave the reasons for the proposal as follows:

1. To have regard to the submission from the DoEHLG
2. To ensure that the RAUSUI around Carrickmacross is based on empirical research which took into account population densities, population changes, planning application number, etc. based on this evidence the most appropriate boundary for the RAUSUI around Carrickmacross was considered to 5km from the town centre.
3. To ensure the County Development Plan is in accordance with the National Spatial Strategy.

*Cllr Murray seconded the proposal.*

Cllr Conlon supported Cllr Carthy's proposal and proposed the same for Monaghan Town.

The Mayor put the proposal to the meeting.

A recorded vote on the proposal resulted as follows –

**For:** Cllrs. Bannigan, Carthy, Carville, Conlon, Connolly, Crowe, Humphreys, Keelan, Maxwell, McElvaney, S. McKenna, Murray, P. Treanor and S. Treanor.

**Total 14**

**Against:** Cllrs Coyle, McNally, O'Brien and O'Hanlon

**Total 4**

The Mayor declared the proposal carried.

*Cllr Conlon proposed that the area of Strong Urban Influence around Monaghan is defined by a 5km radius from the town centre or to the Clár area boundary, whichever is the shortest distance. Cllr S. Treanor seconded the proposal.*

A recorded vote on the proposal resulted as follows –

**For:** Cllrs. Bannigan, Carthy, Carville, Conlon, Connolly, Coyle, Crowe, Humphreys, Keelan, Maxwell, McElvaney, S. McKenna, Murray, O'Brien, P. Treanor and S. Treanor.

**Total 16**

**Against:** Cllrs McNally and O'Hanlon

**Total 2**

**Abstentions:** Nil.

The Mayor declared the proposal carried.

Cllr McNally stated that he could not support Cllr Carthy's proposal and that the Clar area should not have been used in determining RAUSUI. In compromising with mixture of 5 km and Clar area designation, we are agreeing with the Minister and raising a white flag to Mr Gormley. He proposed that the 3km radii around Monaghan and Carrickmacross remained.

Cllr Bannigan stated that there was no need for RAUSUI around Castleblayney and that the current policy is unfair. He stated that the Minister was unlikely to concede to no RAUSUI around Castleblayney and therefore proposed a designation taking into account the 3km radius and the Clar boundary.

*Cllr Bannigan proposed that the area of Strong Urban Influence around Castleblayney is defined by a 3km radius from the town centre or to the Clár area boundary, whichever is the shortest distance. Cllr Carville seconded the proposal.*

*Cllr Crowe proposed, Cllr O'Brien seconded that a 1.5 km radius around the town of Castleblayney, from the town centre, be adopted.*

Cllr Crowe stated that he didn't see why the Council should go with the 3km radius around Castleblayney town – the town is coming out of a lengthy economic recession and 1.5 km radius is sufficient.

In seconding Cllr Crowe's proposal, Cllr O'Brien stated that he had knowledge of the housing sector in Castleblayney and the proposed revised limit would make sense. He added that a residential clause requiring people to live in the house for 7 years should be applied.

Cllr Carville stated that the Council is being forced into this situation by the Minister. The entire approach shows no respect for the local situation on the ground. Castleblayney is not under the same level of urban influence as other parts of the county. The Minister is using threatening tactics. Clár was created for a different purpose. The Minister's actions created a lot of problems and there will still be people who will be inconvenienced. He seconded Cllr Bannigan's proposal.

Cllr Bannigan stated that they had looked at the 5km, 3km and Clar Area boundary. The Council is combining what the Minister has said and what the Planners are recommending and that the Minister should accept the Council's recommendation.

Mr. Hughes said that he would caution the members as the empirical evidence didn't point to a combination of 5km/3km radii and Clar area boundaries. He stressed that there is a danger that the Minister will step in and the areas will revert back to the non Clar areas.

The County Manager stated that the Minister has clearly set out that the Council cannot contravene government policy. The only reasonable options open to the Council area the 5km limit for Carrickmacross; 5km for Monaghan and 3km for Castleblayney based on the empirical evidence to hand.

Cllr Crowe then withdrew his proposal in favour of Cllr Bannigan's proposal.

The Mayor then put Cllr Bannigan's proposal to the meeting. A recorded vote on Cllr Bannigan's proposal resulted as follows –

**For:** Cllrs. Bannigan, Carthy, Carville, Conlon, Connolly, Coyle, Crowe, Humphreys, Keelan, Maxwell, McElvaney, S. McKenna, Murray, O'Brien, P. Treanor and S. Treanor. **Total 16**

**Against:** Cllrs McNally and O'Hanlon **Total 2**

**Abstentions:** Nil.

The Mayor declared the proposal carried.

Cllr Maxwell stated that Fianna Fail, had failed to use their position in Government to influence the Minister to assist the people of Monaghan.

Cllr Carthy stated that to revert to 3km would not be acceptable, and that the 3km/5km proposals would bring people into RAUSUI previously not within them. He stated that this would not make the members popular with the public. He stated that the approach being proposed made use of the data presented by the executive and by not bringing in areas not previously within RAUSUI would be a step forward and be pragmatic and reasonable. Cllr Carthy asked that the executive use their influence to ensure that the Minister does not intervene.

**(v) Variation No. 13 of the County Development Plan in respect of review of Policies ENV15 and ENV16 – Development in vicinity of lakes**

Mr. Adrian Hughes, Senior Planner referred to the Manager's Report, dated 26<sup>th</sup> June, 2009 in relation to Variation No 13 which had been circulated with the agenda. The proposed variation was recommended by the Members of Monaghan County Council, as follows:

*“ Protect the scenic quality of lakes by prohibiting development which is located between a public road and a lake, where the development would interrupt a view of*



*the lake, or detrimentally impact on the setting of that lake. Development may be permitted between a road and a lakeshore where the development is screened from the lake by existing topography or vegetation.*

*An exception to this policy may include short term let holiday accommodation or recreational development where a specific need has been established. The design, scale and setting of development granted under this exception should reflect the site's sensitive location.*

*For the purpose of this policy a lake is considered to be a permanent (ie non seasonal) water feature in excess of 1 hectare.”*

Reasons for the proposed variation:

*To permit sustainable development in the vicinity of lakes where it can be demonstrated that the development will have no adverse impact on the visual amenity of these lakes and their environs.*

Mr. Hughes outlined the legislative context, the submissions and observations received during the public consultation period and consideration of the submissions and observations, together with the County Manager's assessment and recommendation. The Manager is recommending that the proposed variation would be in the interests of the proper planning and sustainable development of the county.

Cllr Humphreys acknowledged that the current policy was very strict and proposed the variation.

Cllr McNally questioned whether the inclusion of the one hectare threshold would affect many lakes in the county and asked how a lake would be determined and how the area would be ascertained. He seconded the motion in good faith.

Cllr Coyle supported the proposed variation and viewed it as a reasonable and more common sense approach.

Adrian Hughes indicated that one hectare threshold would relax the policy for numerous lakes in the county.

*On the proposal of Cllr Humphreys seconded by Cllr McNally it was unanimously agreed that Variation No 13 to the Monaghan County Development Plan 2007-2013 which introduces a new policy in relation to development in the vicinity of lakes to replace policies ENV15 and ENV16 is adopted.*

**4. To receive Draft Annual Financial Statement 2008 and approve over-expenditures and transfers to Capital Account and Capital Account debit balances**

The Members noted the Draft Annual Financial Statement 2008 which had been circulated with the agenda.

*On the proposal of Cllr McNally, seconded by Cllr Carville, it was agreed to approve the Draft Annual Financial Statement (AFS 2008) and to approve over-expenditures as per Note 17 AFS 2008, transfers to Capital Account per Note 15 AFS 2008 and Inter Capital Transfers as per schedules submitted to the Members, as follows:.*

### **Transfer to Capital Account**

**Loan Repayment Reserve** €1,142,136

#### **Provisions for Transfer to Capital**

(included in Budget 2008)

Co. Development Fund	€100,000
Landfill Sinking Fund	€275,000
Roads - Survey Equipment & Interreg	€35,000
Fire Service Gratuities Balance	€41,574
Libraries - Provision for Capital Balances	€36,084
Computing - Provision for Capital Balance	€30,000

### **Over - Expenditures:**

<b>Division</b>	<b>Expenditure</b>	<b>Income</b>	<b>Net</b>
	<b>(Over)/Under</b>	<b>Over/(Under)</b>	
	<b>Estimates</b>	<b>Estimates</b>	<b>2008</b>
	<b>2008</b>	<b>2008</b>	
Housing and Building	(€ 438,217)	€ 116,902	(€ 321,315)
Water Services	(€ 1,528,780)	€ 1,233,625	(€ 295,155)
Recreation and Amenity	(€ 130,184)	€ 17,589	(€ 112,595)
Agriculture, Education, Health and Welfare	(€ 175,564)	€ 145,088	(€ 30,476)
Miscellaneous Services	(€ 247,836)	€ 280,174	€ 32,338

### **CAPITAL ACCOUNT DEBIT** **BALANCES**

Details of the source and distribution of Capital Balances are as follows

#### **Sources of Credit Capital Balances**

Digital Mapping OS 5 Year Provision	€3,465.16
Development of Industrial Sites	€96,753.02
Camera Club Monaghan	€231.27
Convent Lands Industrial Zone	€509,981.66
Community Links Programme	€3,035.18
Stride And Interreg History	€11,909.63
New Offices Development	€3,030,973.45
Insurance Provision	€78,252.52
Site at Cornamucklaglass	€27,591.30
Sale of Site Emyvale	€17,957.00
	<b>€3,785,150.19</b>

### **Distribution of Credit Balances to Offset Debit Balances**

Envir Improv Plan - Ballybay	€14,475.01
Monaghan Town Urban Renewal	€33.00
Clones Town Renewal Scheme	€4,115.44
Castleblayney Town Renewal Scheme	€16,186.20
Ballybay Town Renewal Scheme	€14,154.71
Carrickmacross Town Renewal Scheme	€16,811.47
Conservation Grant (use 04180004)	€34,332.66
Lough Muckno Capital	€1,000,000.00
Border Project	€15,454.90
Digital Mapping OS 5 Year Provision	€48,911.87
Final Capping & Gas Extraction Cell 1	€700,000.00
Carrickmacross Civic Amenity Site	€500,000.00
GIS Mapping Project 2000	€12,488.01
Save II Energy Mgt. Programme	€1,904.60
Digital Mapping OS 5 Year Provision	€12,192.00
New Swimming Pool Monaghan	€509,981.66
Library Storytelling Project Peace II	€44.11
Museum Capital History	€49,381.99
Market House Purchase and Restoration	€483,109.28
Clones Courthouse Restoration	€150,000.00
Carrick Courthouse Restoration	€15,314.53
Computer Purchase Scheme	€10,344.76
Internet and Intranet Development	€42,673.62
Fermanagh St. Clones Urban Renewal 2002 DoE	€133,240.37
	<b>€3,785,150.19</b>

In response to a query from Cllr Conlon in relation to the implications of the Public Interest Act 2009 the County Manager stated that this legislation removed the guarantee of funding for local authorities from the Local Government Fund (LGF). The annual level of funding from the Fund is now at the discretion of the Minister for Environment, Heritage and Local Government in consultation with the Minister for Finance. The Council is facing major financial challenges between now and the end of the year. Cutbacks in exchequer funding and reductions in other sources of revenue, such as commercial rates, are having an adverse effect on our annual budgets. This trend will necessitate a re-evaluation of the nature and extent of the services provided by the Council. However, the Council will endeavour to maintain all essential services between now and the end of the year. The protection of full time jobs is a key priority.

The County Manager advised the Members that he intended to submit a financial statement to the Council at the September meeting.

**5. N2 Clontibret to Northern Ireland Border Road Scheme - Constraints Study - Presentation by Consultants**

The Mayor welcomed representatives from Grontmij Consulting Engineers the firm of consultants appointed, over a four year period, to progress the N2 Clontibret to the Northern Ireland Border project from the route selection stage through to the CPO stage. She invited them to update the Council in relation to the project.

On behalf of Grontmij Consultants, Mr. Demitrios Paraskevakis, thanked the Council Members for the opportunity to address them. He stated that the project is currently at a preliminary data gathering stage. He outlined the benefits of the scheme- improve road safety; reduce travel times; reduce congestion in Monaghan Town and Emyvale; improve links between Northern Ireland, Donegal and Dublin and improve access for businesses and amenities. They are seeking to identify possible environmental or archaeological constraints and any impediments that might arise from features of the local landscape or watercourses. Mr. Paraskevakis stressed the importance of the public getting involved in the public consultation process so that they could see what is being proposed and to make their views known. He stated that public meetings are being held on 14<sup>th</sup> and 15<sup>th</sup> July in Emyvale Leisure Centre and the Four Seasons Hotel and urged the public to attend.

*Cllr Conlon proposed, Cllr Maxwell seconded that the Council contact the IFA and the Monaghan Chamber of Commerce in relation to the public meetings. This was agreed.*

*It was further agreed that, if possible, Clontibret be added as a venue for the public meetings.*

*On the proposal of Cllr Maxwell, seconded by Cllr Connolly it was agreed that signs be erected along the N2 so as to advise users of that route of the public consultation meetings.*

**6. Adoption of Road Traffic (Special Speed Limit Draft Bye Laws) (No 1 of 2009)(County Monaghan)**

The Members considered the report dated 22<sup>nd</sup> June 2009 from the Senior Staff Officer, Roads Section in relation to Road Traffic (Special Speed Limit Draft Bye Laws) (No 1 of 2009) (County Monaghan).

*On the proposal of Cllr Conlon, seconded by Cllr Carville it was agreed that the proposals contained in the report dated 22<sup>nd</sup> June, 2009 and agreed at the December 2008 Speed Limit Committee meeting, be adopted.*

**7. To consider allocation of grants under the Community Development Grants Scheme 2009**

The Members considered the report dated 6<sup>th</sup> July, 2009 from Mr. Adge King Director of Community & Enterprise in relation to the Community Development Fund Allocations 2009. He stated that a total of 71 applications had been received under the 3 Measures i.e. Measure 1 Community Infrastructure Supports; Measure 2

Community Development Supports and Measure 3 Community Capital Supports. He was recommending that grants totalling €9,650 be allocated under Measure 1 and grants totalling €3,100 be allocated under Measure 2. He further recommended that the allocation of grants under Measure 3 be deferred until they are considered by the Corporate Policy Group at its next meeting.

*On the proposal of Cllr. S. McKenna, seconded by Cllr Maxwell it was agreed that the Council approve of the allocations under the Community Development Fund 2009 in accordance with the Directors Report dated 6<sup>th</sup> July, 2009.*

## **8. To consider allocation of grants under the Conservation Grant Scheme for Protected Structures**

The Members considered the report dated 6<sup>th</sup> July, 2009 that had been circulated by Ms. Shirley Clerkin, Heritage Officer. The Conservation Grant Scheme was established under section 39 of the Planning and Development Act 2000 to provide assistance to owners of protected historic buildings for the repair and conservation of their properties. €6,000 had been allocated by the Department of the Environment for 2009, which is a decrease of 30% on the 2008 allocation. 27 valid applications had been received Ms. Clerkin recommended that 10 applicants receive grant aid totalling €4,100 in accordance with the Council's scheme of priorities for the conservation of protected structures, as follows:

1.	Loughooney House, Tom Condell	€ 6,900
2.	St. Mollua's Church of Ireland Church, Drumsnatt	€ 8,800
3.	Hilton Park Stables	€ 8,000
4.	Rossmore Mausoleum	€ 7,400
5.	Lady Anne Dawson Temple	€10,400
6.	Dartrey Coach House	€ 3,900
7.	2, St. Joseph's Terrace	€ 2,900
8.	St. Dympna's Church, Ballinode	€ 1,900
9.	8, St. Joseph's Terrace	€ 2,900
10.	Carnaveagh House	€11,000

Cllr McNally expressed his disappointment at the fact that Billy Brennan's Barn at Inniskeen had not been recommended for a grant allocation. He stated that the project had been funded in previous years and is in urgent need of finance to carry out works to its roof and that he would be taking the matter up with the Department.

Ms. Clerkin stated that projects had been short-listed on the basis of the urgency of the works, how the works concerned would contribute to the structure and the importance of the structure itself.

*Cllr S. McKenna proposed, Cllr Carville seconded that the Council approve the allocation of grants under the Conservation Grants Scheme, in accordance with the recommendation of the Heritage Officer dated 6<sup>th</sup> July, 2009.*

A vote by show of hands on Cllr McKenna's proposal resulted in 10 for 4 against 2 abstentions. The Mayor declared the proposal carried.

**9. To elect representatives to the following Committees:**

**(i) Monaghan Leisure Complex Management Committee:**

*On the proposal of Cllr Conlon, seconded by Cllr Maxwell, it was agreed to increase the number of County Council members on this committee to four.*

*It was agreed that Cllrs Maxwell, Conlon, Connolly and Gallagher would be elected as members of the Monaghan Leisure Complex Management Committee.*

**(ii) Road Safety Committee**

*It was agreed that Cllr McElvaney would be elected as the Council's representative to the Road Safety Committee.*

**(iii) Standing Orders & Procedures Committee:**

*It was agreed that the following members would be elected to the Standing Orders & Procedures Committee – Cllrs Carville, Maxwell, B. McKenna, P. Treanor, Coyle, O'Hanlon and S. Treanor.*

**(iv) North Eastern Regional Drugs Task Force:**

*It was agreed that Cllr Carthy would be elected as the Council's representative to the North East Regional Drugs Task Force.*

**10. East Border Region Interreg IVA – Tourism Projects – recommendations for Monaghan County Council**

The Members considered the report dated 22<sup>nd</sup> June, 2009 from Ms. Dympna Condra, Tourism Officer. The report outlined that the East Border Region Tourism Partnership has applied for funding from Interreg IVA to cover tourism developments across the 10 participating Councils areas. 100% funding is available for the tourism projects so there is no match funding requirement. Following an assessment of the tourism development opportunities for Co. Monaghan for the 2007-2013 period the project recommendations for Monaghan County Council are as follows:

Barry McGuigan Park, Clones	€5,000
Dartrey Forest	€2,000
Creevy Lake	€35,000
Errigal Truagh Graveyard	€15,000
Ballybay Walking trails	€15,000

*On the proposal of Cllr P. Treanor, seconded by Cllr Humphreys it was agreed that the Barry McGuigan Park, Clones be submitted as a suitable project for funding from Interreg IVA*

*On the proposal of Cllr Humphreys, seconded by Cllr Coyle it was agreed that the Dartrey Forest project be submitted as a suitable project for funding from Interreg IVA.*

*On the proposal of Cllr Carthy, seconded by Cllr McNally, it was agreed that the Creevy Lake project be submitted as a suitable project for funding under Interreg IVA.*

*On the proposal of Cllr Conlon, seconded by Cllr Maxwell seconded, it was agreed that the Errigal Truagh Graveyard project be submitted as a suitable project for funding from Interreg IVA*

*On the proposal of Cllr Crowe, seconded by Cllr Carville, it was agreed that the Ballybay Walking trails project be submitted as a suitable project for funding from Interreg IVA*

#### **11. To approve the Higher Education Grant Scheme 2009**

The Meetings Administrator advised that the Higher Education Grant scheme 2009 had not yet been received from the Department of Education & Science and suggested that the Council might adopt the scheme, in principle, to allow the processing of applications.

*On the proposal of Cllr Carville, seconded by Cllr Maxwell it was agreed that the Council approve the Higher Education Grants Scheme 2009, in principle.*

It was further agreed that the Higher Education Grants Scheme 2009 would be an item on the September agenda to give the members an opportunity to discuss the scheme in more detail.

#### **12. To receive minutes of the following meetings:**

*On the proposal of Cllr Carville, seconded by Cllr Coyle it was agreed that the minutes of the following meetings be noted.*

- (i) *Minutes of An Coiste Gaeilge meeting held on 4<sup>th</sup> March 2009*
- (ii) *Minutes of An Coiste Gaeilge meeting held on 8<sup>th</sup> May 2009*

#### **13. To fix date for the following meetings/functions:**

- (i) **Road Area Meetings** - it was agreed that this item would be placed on the agenda for the September Council meeting.
- (ii) **Corporate Policy Group** – it was agreed that a meeting of the Corporate Policy Group would be held on 31<sup>st</sup> August, 2009 at 10.00 a.m. in the Conference Room, Council Offices, The Glen.

**14. To receive reports from Members attending Conferences:**

The Members noted the reports from Cllrs Bannigan, Gallagher, Humphreys, McElvaney and O'Brien in respect of their attendance at the following conferences:

Maximising Your Vote 2009 Elections – Red Cow Moran's Hotel, Dublin  
AMAI Spring Seminar, Letterkenny, Co. Donegal  
Colmcille Winter School, Gartan, Co. Donegal  
Environmental Recognition Conference – Ballybunion, Co. Kerry  
Kerry Cultural Conference, Listowel, Co. Kerry  
Agriculture/Climate Change, Dublin Castle, Dublin.  
Ireland at the Crossroads – Kingsley Hotel, Cork  
Rural Dwellers: A Threatened Species – Killarney, Co. Kerry  
Planning for a Sustainable Economic Future – Whites Hotel, Wexford  
LAMA Annual Conference – Heritage Hotel, Portlaoise

**15. Business submitted by County Manager**

There was no business submitted by the County Manager.

**16. Matters arising out of Council meeting held on 2<sup>nd</sup> June 2009**

Matters raised were responded to by the relevant official.

**17. Questions:**

**Cllr A. Murray asked:**

1. What is the up to date position on payment of Housing Adaptation Grants for people with disabilities?

**Reply:** *Monaghan County Council received a capital allocation of €2,177,500 from the DoEHLG towards Disabled Persons Grant, Essential Repair Grant and Housing Adaptation Grant Schemes for 2009. The Council has issued 90 grants totalling €924,595.55 to date. A further 124 grant applications totalling €1,189,067 have been approved. Grants are approved in accordance with the Council's Scheme of Priorities. Whilst it is not proposed to suspend applications in the second half of the year, funding will only be available to the highest priority cases, due to the Council's inability to provide matched funding under the Schemes.*

**Cllr P. Treanor asked:**

2.
  - a. What plans have Monaghan County Council in place to alleviate the dangers for children and other residents of Cluain Daragh and Lisdaragh, Newbliss, created by cars rallying through the estates?
  - b. When will these works be carried out?
  - c. Will the Council Engineers consult with the Residents Association?



**Reply: (a), (b) & (c) The County Council has no plans at present to install additional traffic calming measures in Cluain Daragh or Lisdaragh estates, Newbliss as speed ramps were installed in 2007 and 2008.**

**Area office staff will meet with the local residents association in the coming weeks to discuss the situation and determine if there are any additional measures the Council can take to restrict vehicle speeds within the estates further.**

3. What safety measures will the Council implement to reduce the serious traffic dangers at Cornasoo Cross on the Threemilehouse to Newbliss Road? When will this work begin?

**Reply: The County Council installed road markings and warning signs on the R189 at Cornasoo Cross in 2008 to warn traffic of the hazards associated with the junction. The Council has been involved in unsuccessful negotiations with adjoining land owners for the purchase of land to allow for the realignment of the junction to improve its sightlines. The area office will reexamine the junction to determine if any additional low cost measures are appropriate.**

4. What is the current policy in relation to providing a ground level bedroom and toilet/shower under the Housing Adaptation Grant Scheme? How many applicants have been unable to take the scheme because of these restrictions?

**Reply: Monaghan County Council has adopted a Scheme of Priorities to ensure that grant aid is targeted at essential works only to get optimum benefit from the available resources and assist the maximum number of applicants under the Scheme. Monaghan County Council's Scheme of Priorities, devised by the Housing Strategic Policy Committee in 2008, has been identified by the DoEHLG as best practice. The DoEHLG has issued a Circular (HGS 1/09, 7 May 2009) to every authority making the Monaghan Scheme of Priorities a mandatory requirement of the Housing Adaptation Grant Scheme.**

**Whilst two-room extensions (ground-floor bedroom and bathroom) under the adopted Scheme of Priorities are permissible to those qualifying under Priority 1 medical need, the Council does require applicants, to examine alternatives to extensive house extensions, such as the conversion of a living room to a ground-floor bedroom. In such cases the Council would normally grant-aid the provision of a bathroom extension (subject to maximum of €12,000). Applicants are permitted to carry out additional works in excess of what is deemed essential to meet their needs. This policy enables the Council to assist applicants, who qualify under Priority 2 and 3 medical needs, who would not normally be funded.**

**Cllr S. Conlon asked:**

5. The recently installed footpath at Corlat along the Castleblayney Road leading to the Collegiate School is in a state of disrepair with chunks of concrete coming loose. A similar situation occurred some years ago along The Plantation opposite the Garda Station but never repaired. What are the Council's plans to have repairs undertaken on this new footpath?

**Reply: The matter is currently being investigated by Monaghan County Council.**

**Cllr G. Carville asked:**

6. Will the Council address the issues raised at a recent meeting with Clontibret Development Association concerning the safety issues at the junction of the N2 at St. Mary's Church, Clontibret and the completion of car parking area in front of the church?

**Reply:** *Monaghan County Council are aware there safety concerns regarding traffic movements at this junction and we are currently investigating if there any improvements to the junction layout which would alleviate these concerns.*

7. Will the Council carry out a safety audit on the roads through the village of Oram in view of the number of children living and playing in the village area and the noticeable speed with which numerous cars drive through the village?

**Reply:** *The Council will monitor traffic through the village and subject to the findings will examine possible options.*

8. Will the Council consider a reed-bed system as a replacement for the existing sewerage works in Castleblayney, which are due for upgrade, in view of the fact that such a system is more cost effective and environmentally friendly?

**Reply:** *A Preliminary Report prepared by consultants Nicholas O'Dwyer recommends relatively minor upgrade works (plant refurbishment, storm tank and sludge facilities) under Phase 1 of the proposed Castleblayney STW. An Integrated Constructed Wetland system (similar to Glaslough) to serve a Phase 1, population equivalent (pe) of 14,000 would require a land-take (footprint) area of some 140 acres. This, allied to the residual value of the existing treatment facility, makes the 'wetland' system economically unviable.*

9. Is this Council still responsible for the old Castleblayney Waterworks at Annaglave and is it aware of the deterioration of the site and the need for remedial and safety works?

**Reply:** *The former water works are still the responsibility of the Council. This site is now obsolete from a water treatment viewpoint. The Council are aware of breaches in fencing and these will be made good immediately.*

**Cllr S. McKenna asked:**

10. Does the Council propose to remedy the ongoing problem, i.e. hardness of water public supply in the Scotstown and Ballinode areas - major problems are being encountered with household appliances and heating systems also local hairdressing salons and public houses?

**Reply:** *The hardness of the drinking water in Scotstown and Ballinode is mid table hardness at about 300mg/l, which is not uncommon in a significant percentage of Ireland. There is no set limit on hardness under the Drinking Water Regulations. It does not have any negative health benefits and its taste is*

*generally superior to soft water supplies. A Hardness report, undertaken by PJ Tobin, was commissioned in 2005 by the Council and its recommendation was to maintain the status quo as to install softening equipment for this degree of hardness was unjustified in terms of beneficial gain and monetary expense. Over the counter water softening products such as Calgon is recommended in such cases for individual hardness reduction.*

**Cllr S. McKenna asked:**

11. Will the Council carry out remedial works on the local roads in the following areas:
- Lennaght
  - Kilmore Knockatallon area,
  - Urbleshanny Church to Scotstown village?

**Reply:** *Pothole repairs have been carried out at Lennaght Kilmore and Knockatallon areas. Pothole repairs will be carried out in the Scotstown area as soon as resources are available.*

**Cllr S. Treanor asked:**

12. How are business people to estimate their future waste requirements over the coming three years as required under the Waste Management (Packaging) Regulations 2007, in the current economic climate?

**Reply:** *The regulations offer two options to producers of packing waste. One is to register with Repak and the other is to become what is known as a “self complier”. If a business person opts to become a “self complier” he/she is required, inter alia, to prepare three year plans if they supply in excess of 10 tonnes of packaging in a year and the turnover is in excess of one million euro.*

*If the business falls below the above criteria they are designated ‘producers’ and there is no obligation to prepare 3 year plans.*

*Currently there are seventy businesses registered with Repak and six self compliers in County Monaghan.*

13. Will the Council contact the NRA regarding the provision of a junction box at the turn for Ardagh at Castleshane Hill?

**Reply:** *The provision of a junction box at this location on the National Primary N2 would have no beneficial effect with regards to traffic movements.*

14. Will the Council use the money set aside for the new County Council Offices to do much needed repairs to our roads, in particular Tyholland – Middletown Road?

**Reply:** *These funds have not been allocated to the roads programme in the agreed 2009 Monaghan County Council Budget adopted in December 2008.*

**Cllr S. Treanor asked:**

15. Will the Council cut briars and grass verges at Mullaghdund and Pipers Bridge, Tyholland?

**Reply:** *The Council has commenced cutting grass / hedges at junctions on National and Regional roads Junctions to improve road safety.*

*In general land owners are responsible for cutting road side hedges and this should be completed, except where required to improve road safety, outside the bird nesting season.*

**Cllr. S. Coyle asked:**

16. Will Monaghan County Council place on its list for public lighting works, the erection of public lighting at Christ Church of Ireland, Aughnamullen, and could the Council immediately carry out a survey of the numbers of lights required, costing, etc. and forward to the road area for consideration?

**Reply:** *The Council will contact the ESB for a design and costing for this scheme for consideration at the next road area meetings.*

17. What works do Monaghan County Council propose to carry out under the Low Cost Safety Improvement Grant Scheme at the junction of the R190 – LP03000, known locally as McKenna's shop junction, the Cootehill – Ballybay Road to Veldin's Cross Road, Latton, and when is it proposed to have these works completed?

**Reply:** *Additional warning signage and road markings will be provided on each approach. These works are planned for August.*

**Cllr. N. Keelan asked:**

18. In relation to the very poor condition of some of the approach roads to Carrickmacross town as a result of the ongoing upgrading of the towns sewerage collection network, what plans have Monaghan County Council in conjunction with (P & S) the contractor to have these roads upgraded to an acceptable standard as soon as possible?

**Reply:** *It is intended that permanent reinstatement of all roads affected by the ongoing sewage network collection works will be reinstated back to their original condition when such works have been completed.*

19. What actions have Monaghan County Council taken to ensure that the diversion route through the Inniskeen area is maintained to a high standard as currently the diversion route has fallen into what can only be described as a dangerous condition.

**Reply:** *Louth County Council's contractor, Gibson Brothers are responsible for the maintenance of the diversion routes. The Council monitors the diversion routes on ongoing basis. Diversionary roads maintenance issues are passed on to Louth County Council for their contractor to attend to.*

**Cllr O. Bannigan asked:**

20. When will the lights be switched on at the pedestrian crossings in Ballybay?

**Reply:** *The ESB have to complete installation works before the lights can be switched on.*

21. When will the two hour car parking be implemented in Ballybay town?

**Reply:** *It is expected that the remaining signage works and the traffic warden will be in place by the end of July.*

22. When will the road areas be changed to correspond with the recent changes in the Electoral areas?

**Reply:** *It is intended to discuss this matter at the next Road Area Meetings.*

**Cllr P. McNally asked:**

23. Will Monaghan County Council consider taking over Magheross Highfield Estate should the residents make an application as distinct from the developer?

**Reply:** *This estate was constructed over 25 years ago. During this time the County Council have cleaned and unblocked sewers as they arose, and attended to the water main maintenance.*

*The planning legislation relating to taking in charge of estates is contained within Article 180 of the Planning and Development Act 2000 as amended.*

*If application for adoption was made, it would be considered in the normal manner.*

24. Will this Council examine the possibility of putting in place a speed limit at the Coolreagh Cottages, Killanny, Carrickmacross?

**Reply:** *The provision of a speed limit at this location will be placed on the agenda for the next Speed Limit Committee Meeting. The Area Engineer will prepare a report for consideration at that meeting*

**Cllr. J. O'Brien asked:**

25. What is the up to date position on the sewerage system on the Castleblayney Road out of Ballybay?

**Reply:** *There is no funding to further extend the sewerage network on the Castleblayney Road.*

26. What is the up to date position in relation to the smell that is affecting the residents of Drumillard, Castleblayney?

**Reply:** *The odour dosing kit was installed in April 2009 and commenced dosing on 21st April 2009. Initially a small dose was trialled but this has increased over the past month. The situation is being closely monitored to determine effectiveness and the optimum dose rate is to be calculated over the coming weeks.*

**Cllr. J. O'Brien asked:**

27. Can the Council put in place signage for the village of Doohamlet at the Ballybay junction from Castleblayney (at Huena Kitchens) and continue to push the NRA for signage for Doohamlet off the bypass as it is the only village off the N2 bypass which is not signposted.

**Reply:** *As part of the Regional Road Signposting Grant from the Department of Transport signs on the old N2 north of Castleblayney are to be refurbished. The Council intends to include a directional sign as part of this scheme for Doohamlet at Huena Kitchens.*

*The Council will examine the feasibility of putting additional directional signage for Doohamlet at the bottom of the ramps coming off the N2 Castleblayney Bypass at the Ballybay Junction.*

**19. Conferences:**

*On the proposal of Cllr Maxwell, seconded by Cllr Coyle it was agreed that the Council would be represented at the following conferences by the Members listed.*

<b>Promoting Authority</b>	<b>Subject/Theme</b>	<b>Venue</b>	<b>Dates</b>	<b>Cost</b>	<b>Members</b>
<b>MacGill Summer School</b>	<b>The Irish Economy – What went wrong? How will we fix it?</b>	<b>Glenties, Co. Donegal</b>	<b>19<sup>th</sup> – 24<sup>th</sup> July, 2009</b>	<b>€719</b>	Heather Humphreys David Maxwell Owen Bannigan Hugh McElvaney Padraig McNally Seamus Coyle
<b>John Hewitt Society</b>	<b>International Summer School</b>	<b>Arts Centre, Armagh</b>	<b>27<sup>th</sup> – 31<sup>st</sup> July, 2009</b>	<b>€779</b>	Owen Bannigan Gary Carville Hugh McElvaney Robbie Gallagher P. J. O'Hanlon
<b>Killymaddy Tourist Info. Centre</b>	<b>William Carleton Summer School</b>	<b>Corick House Hotel, Clogher Co. Tyrone</b>	<b>3<sup>rd</sup> - 7<sup>th</sup> August, 2009</b>	<b>€696</b>	Gary Carville Aidan Murray Hugh McElvaney Heather Humphreys John O'Brien Seamus Coyle
<b>Humbert Summer School</b>	<b>Summer School 2009</b>	<b>Ballina, Lacken &amp; Kilcummin,</b>	<b>20<sup>th</sup>-23<sup>rd</sup> – August 2009</b>	<b>€797</b>	Gary Carville Aidan Murray David Maxwell Paudge Connolly

		<b>Co. Mayo</b>			P. J.O'Hanlon Padraig McNally
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The Mayor wished all present an enjoyable break over the months of July and August.

The meeting then concluded.

Signed: \_\_\_\_\_  
Meara Meetings Administrator

Date: \_\_\_\_\_