

Minutes of Meeting of Monaghan County Council held in Clones Business Park, Clones, Co. Monaghan on Tuesday 6th June 2006, at 10 a.m.

Chair: Cllr P Treanor, Mayor

Present: *Cllrs Bannigan, Carthy, Carville, Conlon, Coyle, Crowe, Gallagher, Humphreys, Keelan, Keenan, Kieran, Martin, Maxwell, McAnespie, McElvaney, P. McKenna, B. McKenna and McNally.*

Mr. D. Nelson, Co. Manager, Mr P. Clifford, Mr D. Fallon, Mr A. King, Directors of Service, Mr J. Murray, Head of Finance, Mr Drew Hurley, Senior Executive Planner, Ms C. Thornton, Meetings Administrator, Ms. P. O'Brien, Staff Officer.

At the outset of the meeting the Mayor welcomed everybody to the new Clones Business Park and thanked the Members for agreeing to hold the meeting in Clones. He referred to a number of developments planned for Clones eg new fire station, library headquarters and a number of new businesses in the town. He also referred to the Ulster Canal project, which could be a catalyst for further development in the town and surrounding area. He thanked Mr. P. Clifford, Town Manager, the Town Council and the Town Engineer John McKernan for their contribution and hard work towards the development of the town.

Mr. John McEntegart, CEO Monaghan County Enterprise Board and Mr. Brian Morgan, Clones also welcomed the Council to the new Business Centre.

County Development Plan:

The Mayor asked the media to highlight the fact that the consultation period for the County Development Plan would close on 15th June and it was important that the Council received any submissions before that date.

Cllr Bannigan referred to the editorial in a recent edition of the Northern Standard in relation to the Draft County Development Plan on the issue of the Councillors refusing to discuss zoning in public. He stated that the Fine Gael members had proposed that the zoning of land be discussed in public but other members decided not to do so. He requested that the Northern Standard would publish an amendment clarifying the stance that the Fine Gael Members had taken in this matter.

Mr P. Clifford, Director of Services advised that the draft Development Plan was a five hundred-page document and was on display for consideration and discussion. The draft which was prepared following 18 sub-committee meetings (approx. 90 hours) covered all issues relating to planning and development in the county and it was unfair to focus on one issue ie. Zoning. All political groupings on the Council were represented on the sub-committee that prepared the Draft Development Plan and in the interests of transparency and openness; additional submissions for land use zoning would only be accepted in writing during the consultation period for the plan. During the debate which ensued, Cllr Carthy made a comment that the reason the re-zoning issue had not been debated in public at the planning meeting was because the Council would be dealing with certain landowners only, some of whom were "friends

of Fine Gael”. He also stated that a Fine Gael member had endeavoured, at the sub Committee meeting, to have land zoned which was outside his electoral area.

Cllr David Maxwell took issue with the comments made by Cllr Carthy and demanded that Cllr Carthy withdraw them or he would leave the meeting. The Fine Gael members supported Cllr Maxwell and demanded that Cllr Carthy withdraw the comment. Cllr Carthy refused to withdraw his comment. During a heated exchange, which followed the Mayor, indicated that he was adjourning for five minutes to allow for calm to be restored.

On resumption, the Fine Gael Members again called on Cllr Carthy to withdraw the comment made. Cllr McElvaney stated that if Cllr Carthy was not prepared to withdraw the comment then he should substantiate it.

Cllr Carthy refused again to withdraw the comment and stated that it was his opinion and he was standing over it and that he was entitled to his opinion.

Cllr Bannigan requested clarification from Mr. P. Clifford as to whether any elected member proposed the withdrawal of land from the initial maps presented to the sub-Committee. Mr. Clifford stated that he was not in a position to answer without referring to the minutes of these meetings.

At this point the Mayor advised that he was taking a break for tea and would resume in ten minutes. He again appealed for calm on resumption.

When the meeting resumed, the Fine Gael members again requested Cllr Carthy to withdraw the comment but he refused. Cllr McElvaney requested a compromise - that Cllr Carthy would withdraw the part of his statements that “Fine Gael wanted zoning discussed in public to allow their friends to have land re-zoned”. Cllr Carthy refused the compromise offer.

At this point all of the Fine Gael Members walked out of the meeting in protest.

Cllr Martin stated that he was reluctant to stay at the meeting and wanted it recorded that he was doing so in protest – he was in favour of the Fine Gael proposal to discuss the zoning of land in public.

The Mayor indicated that he was moving on with the business of the meeting.

The Mayor referred to him being refused entry into Canada en route to Prince Edward Island to participate in the Annual Settlers Day celebrations. He read a letter, which had issued from the Canadian Ambassador to Ireland and thanked all those who had been in contact with him offering their support.

The Members agreed it was disappointing that the Canadian Authorities had refused entry to Canada to the County’s first citizen, particularly in view of the fact that he had been to Canada twice in the last year.

1. Confirmation of Minutes:

- (a) *On the proposal of Cllr McNally, seconded by Cllr B McKenna, it was agreed that the Minutes of Adjourned Council meeting held on Tuesday, 18th April, 2006, be confirmed.*
- (b) *On the proposal of Cllr B McKenna, seconded by Cllr O'Brien, it was agreed that the Minutes of Council meeting held on Tuesday, 2nd May 2006, be confirmed.*

2. Correspondence

- Letter from Shane Kennedy & Company in relation to the Castleblayney by-pass.
- Letter from Mr. Dick Roche, T.D., Minister for the Environment, Heritage and Local Government office to acknowledge receipt of correspondence in relation to waste farm plastic.
- Letter from Mr. Dick Roche, Minister for the Environment, Heritage and Local Government office to acknowledge receipt of a letter in connection with waste management plan.
- Letter from Mr. Dick Roche, T.D, Minister for the Environment, Heritage and Local Government office to acknowledge receipt of a letter in connection with derelict houses.
- Letter from the Department of Health and Children regarding the Avian Flu.
- Letter from the office of Mr. Martin Cullen, TD, Minister for Transport acknowledging receipt of a letter in relation to the Rural Transport Initiative.
- Letter from the office of the Minister for Agriculture Mary Coughlan, TD concerning the Nitrates Directive.
- Letter from the office of the Minister for Agriculture and Food Mary Coughlan concerning a resolution passed by the Members in relation to removing ring fencing from Milk Quota's.
- Letter from the Minister for Communications, Marine and Natural Resources, Noel Dempsey's office acknowledging receipt of a resolution from Monaghan County Council in relation to the Irish Postmaster's Union.
- Letter from the Minister for Justice, Equality and Law Reform, Michael McDowell's private secretary acknowledging receipt of a letter regarding Garda resources
- Letter from the Garda Chief Superintendents Office in relation to additional Garda resources in Co. Monaghan.
- Letter from C.M Rooney, Chief Superintendents Office in relation to a resolution passed by the Members regarding illegal dumping of diesel wash.
- Letter from Canada's Irish Festival, Miramichi, inviting a delegation from County Monaghan to attend their festival.
- Letter from Khadiga Hassouna, Regional Administrator for

- Special Olympics Ireland thanking the Council for their contribution.
- Letter of acknowledgement from Minister for Justice, Equality and Law Reform re visit to St Patrick's College.
- Letter of resolution from Longford Town Council re the electoral register.

Legal Opinion

The members referred to legal opinion received from Shane Kennedy & Company, Solicitors relating to the date of service of the Notice to Treat as part of the CPO process. Land values are to be determined as at the date of the Notice to Treat. Some members expressed their disappointment at the outcome.

Cllr Martin stated that the landowners in the Castleblayney area were grateful that the public representatives had sought this legal opinion.

In response, Mr. D. Fallon stated that he was not surprised at the legal opinion. The Council had acted within the law at all times. In relation to the issue of the CPO line not being correct he stated that the maps given to the contractor by the Council's consultants had not been correct. Where too much land had been taken it will be given back and there would be no change where not enough land had been taken. He acknowledged that traffic flow in Castleblayney would be critical over the next twelve months. The contractor can source stone from any licensed source and the Council cannot direct him to start the project anywhere else. Penalty clauses are in place for every day that the contract is late.

The County Manager stated that the legal opinion received merely confirmed what he maintained all along. He stated that the message should go out once and for all that the Council acted correctly and that it has been vindicated. The Council has been trying to get as many landowners to settle as possible – the delays are not on the Council's side. He noted that there had been a significant increase in the number of settlements since the statement was made that no further negotiations would take place.

Miramichi Twinning Visit:

On the proposal of Cllr B McKenna, seconded by Cllr Kieran, it was agreed to accept the invitation received from Mayor John McKay inviting a delegation to visit the twenty-third anniversary of Canada's Irish Festival on the Miramichi.

Civic Reception:

The County Manager advised the members he had received a request to host a civic reception in honour of Cecilia MacKenna, Chilean Ambassador to Switzerland and present Chieftain of the Clan MacKenna. The purpose of the visit was to present a sword to the Monaghan County Museum. The members

agreed to host the civic reception on Friday 30th June 2006 at 6 p.m. in the Museum Gallery, Monaghan.

3. Section 183 – Disposal of lands:

(i) Drumass, Inniskeen

On the proposal of Cllr McNally, seconded by Cllr Keelan, it was agreed to approve the disposal of 0.088 acres at Drumass, Inniskeen in accordance with notice dated 9th May 2006 under Section 183 of the Local Government Act, 2001.

(ii) Cul Beanachair, Glaslough

On the proposal of Cllr B McKenna, seconded by Cllr McAnespie, it was agreed to approve the disposal of 0.0321 acres at Cul Beanachair, Glaslough in accordance with notice dated 9th May 2006 under Section 183 of the Local Government Act, 2001.

4. Part VIII - Local Government (Planning and Development) Regulations 2001

06/8004 - *On the proposal of Cllr O'Brien, seconded by Cllr McAnespie, it was agreed to approve the proposed development as per Directors report 8th May, 2006 - Application for permission to construct a Bring-Bank facility incorporating receptacles for the collection of recyclable materials and associated signage at Cornamucklaglass, Ballybay, Co Monaghan.*

5. To consider proposed variation to County Development Plan:

It was agreed on the request of Cllr Martin to change the word "development" to "zoning" in the second last paragraph of each of Mr. Clifford's reports in items (i) –(v).

(i) Mullaghmatt, Monaghan

On the proposal of Cllr B McKenna, seconded by Cllr Kieran it was agreed to approve the proposed variation to the County Development Plan 1999 as per report circulated to deal with re-zoning at Mullaghmatt, Monaghan.

(ii) Kilmactrasna, Carrickmacross

On the proposal of Cllr Carthy seconded by Cllr McNally it was agreed that this item be deferred for the present.

The Director of Planning advised the members that if An Bord Pleanala were to grant permission for this development that the Part V provision would not apply.

(iii) Cloughvalley Lower, Carrickmacross – McNally & Coyle

On the proposal of Cllr McNally, seconded by Cllr Coyle, it was agreed to approve the proposed variation to the County Development Plan 1999 as per report circulated to deal with re-zoning at Cloughvalley Lower, Carrickmacross, Co. Monaghan.

(iv) Lisdarragh, Newbliss

On the proposal of Cllr Kieran, seconded by Cllr Coyle, it was agreed to approve the proposed variation to the County Development Plan 1999 as per report circulated to deal with re-zoning at Lisdarragh, Newbliss, Co. Monaghan.

(v) Cornamucklaglass and Knocknamaddy, Ballybay

On the proposal of Cllr O'Brien, seconded by Cllr Crowe, it was agreed to approve the proposed variation to the County Development Plan 1999 as per report circulated to deal with re-zoning at Cornamucklaglass Td and Knocknamaddy Td, Ballybay, Co. Monaghan.

6. To approve the raising of a loan for Castleblayney courthouse:

On the proposal of Cllr Coyle, seconded by Cllr O'Brien, it was agreed to approve the raising of a loan for Castleblayney Courthouse in an amount €2,500,000.

The County Manager advised this money would be used to make the building waterproof and prevent any further deterioration. He stated that it would be a very costly exercise but that the Courthouse was a listed building and they did not have a choice in the matter. It would cost approx. €84,000 per annum to service the loan over the next 20 years. He suggested that in the long term the Council could consider re-locating the Council yard in Castleblayney and selling the site for a housing development. The offices may be relocated in the Courthouse together with the Town Council offices. The Town Council Offices were in a poor condition and it might be possible to use the Courthouse (pending refurbishment) as a Civic Centre in Castleblayney, comprising new Council offices, library and Courthouse.

7. Blackwater Regional Partnership - Presentation of Socio-Economic study of the Ulster Canal

The Members were circulated with an Executive Summary of a Socio Economic Study of the Ulster Canal.

Mr. Adge King, Director of Services made a presentation to the Members during which he outlined the following:

- Proposed restoration of the Ulster Canal
- Specific requirements of study
- Current economic profile of the area
- Views of the local community, local businesses and other stakeholders.
- Summary of economic benefits of Ulster Canal
- Ulster Canal possible development sites

The Mayor commended Mr. King on his presentation.

On the proposal of Cllr Treanor, seconded by Cllr Conlon, it was agreed to write to Minister Eamon O’Cuiv, Minister for Community Rural & Gaeltacht Affairs, Minister David Hansen, Minister for Culture, Arts and Leisure and the CEO of Waterways Ireland, Mr John Martin requesting for an immediate and positive response to the re-opening of the Ulster Canal.”

On the proposal of Cllr B McKenna, seconded by Cllr Conlon, it was agreed to write to the Members of the British Irish Inter Parliamentary Body requesting for the issue of the re-opening of the Ulster Canal to be raised, each time the Body meets.

8. Speed Limit Byelaws 2006

On the proposal of Cllr McNally, seconded by Cllr O’Brien, it was agreed to adopt the Road Traffic (Speed Limits) (County Monaghan) Draft Bye-Laws, 2006 as per report circulated dated 30th May 2006.

9. Report on Carrickmacross Bypass re land at Lisanisk

Mr. David Fallon, Director of Services, referred to his report dated 23rd May 2006 in which he outlined that Monaghan County Council initially intended to dispose of this land to Michael and Mildred McEvoy following a draft agreement dated 8th May 2005. The Council Members did not sanction the disposal of the land under Section 183 of the Local Government Act 2001 at the Council meeting of September 2005. The Council’s Valuers, GVA O’Buachalla, were obliged to re-negotiate with Mr & Mrs McEvoy and reached a new agreement in March 2006 which involved the Council retaining the land in question. As a consequence, the land is not available for disposal and is not subject to Section 183 procedure.

Cllr Mc Nally proposed, seconded by Cllr Carthy that the land in question is disposed of immediately to the original owner (McConnon). The Members supported the motion and expressed their disappointment as they thought this matter had been dealt with.

Mr Fallon told the Council that an agreement had already been made with the Council’s Valuers and Mr McEvoy. The County Manager advised that the motion may be “ultra vires”.

Cllr McNally also raised the issue of land being sold back to original owners at a higher price than originally bought for. Mr Fallon responded that the Council are obliged to obtain best value for land and if the value of the land has increased so will the price.

Cllr McNally stated if he did not receive a satisfactory resolution of the matter by the end of the week he would be calling directly on the Minister for the Environment to initiate a public enquiry.

10. Recommendations from Corporate Policy Group

On the proposal of Cllr B McKenna, seconded by Cllr Conlon it was agreed to approve recommendations from Corporate Policy Group meeting held on 8th May 2006.

1. *Professional Artist Grants 2006*
2. *Christmas Lights – Ballybay Town*

11. Reports from Standing Orders and Procedures Committee

On the proposal of Cllr B McKenna, seconded by Cllr Crowe, it was agreed to adopt report from Standing Orders and Procedures Committee meeting held on Thursday, 18th May 2006.

19. Presentation from the Irish Rural Dwellers Association (IRDA)

The Mayor welcomed the following Members from the Irish Rural Dwellers Association Mr Seamus Caulfield, Archaeologist, Mr James Doyle, Chair IRDA, Mr Jim Connolly, Chairman, Rural Resettlement Ireland, Mr Sean Sweeney & Mrs Kathleen Connolly.

Representatives from the Irish Rural Dwellers Association advised the Council that it was the issue of planning for houses in rural areas that had brought them together and the association was formed in Kerry in May 2002. The IRDA support the efforts of County Councillors in their statutory duty of formulating planning policies, which reflect the concerns and constitutional rights of all citizens. The role of professional planners is to implement policies not to dictate them. Rural dwellers will not be forced into urban areas. In making their presentation they highlighted the following - An Bord Pleanala, Third Party Appeals, Urbanisation, Qualifications and Power of Planners, Housing Standards, Settlement Patterns, An Taisce, Discrimination and Water Quality/Septic Tanks. Statistics on percentage distribution of population census 2002 and travel times to work for those working outside home were also circulated.

Some members of the Council disagreed and felt it was wrong to suggest that problems with water pollution were as a result of rural housing or farming.

The IRDA called on the members to form support groups in the county and to be aware and take good care when adopting the County Development Plan.

The Mayor thanked the Members of the IRDA for taking time to attend the meeting that it was the most suitable time to receive the presentation as the Development Plan was at the draft stage.

20. Questions:

(a) Cllr Seamus Coyle asked:

“With the increased traffic, particularly H.G.V.’s passing through Oram Village, what traffic calming and safety measures can Monaghan County Council put in place, as there is currently great concern locally for the safety of pedestrians, especially children, in the area?”

Reply *There is a proposal to improve safety with the extension of the existing footpath to the local shop. In relation to traffic calming measures, none are proposed currently but the County Council will examine options and submit as a Low Cost Accident Reduction Measure for funding in 2007.*

(b) “What schools in the Castleblayney Electoral Area will Monaghan County Council be proposing for the installation of flashing amber lights with the funding available for this safety measure under the recently extended Clar areas?”

Reply *Monaghan County Council enquired from the Department about the new procedure for applying for extra funding for school flashing lights for the extended CLÁR area, and whether all schools in the extended area will be eligible for the same funding as the old CLÁR area. Their response was:*

There will be a new scheme for the expanded CLÁR areas in 2006 - it has yet to be advertised so you'll be notified straight after the allocations are granted. (19/05/06)

Until this is advertised it is not clear what guidelines/limitations will be placed on new applications.

(c) Cllr Vincent P Martin asked:

“How many persons over the age of 65 years have applied for housing and are currently on the waiting list for any of the various forms of local government housing in:

- (i) Carrickmacross town
- (ii) the South Monaghan Electoral Ward

Reply

(i)	Carrickmacross town	7 applicants
(ii)	South Monaghan Electoral Ward	
	Iniskeen	3 applicants
	Broomfield	1 applicant
	Lisdoonan	1 applicants
	Magheraclone	0 applicants

(d) Cllr Sean Conlon asked:

“What extent of works are proposed, or have been carried out to date, in relation to the Peace II Task Force grant allocation of €140,000, announced 18 months ago, towards enhancement measures at Rossmore Park ”

Reply *The project is substantially advanced and is due for completion by the end of June*

(e) Cllr Noel Keelan asked:

“Will Monaghan County Council consider putting in place a pedestrian crossing in Inniskeen village in the interest of safety?”

Reply *Yes, Monaghan Co. Council will consider provision of a pedestrian crossing within the village as part of an overall traffic management scheme.*

(f) Cllr Carthy asked:

In relation to the play-park at Cloughvalley, Carrickmacross:

- (i) Will Monaghan County Council erect a fence around the park for the safety of users and also as a measure to prevent anti-social behaviour at the site at night?
- (ii) Are there any plans to provide a new slide and/ or equipment for younger children such as baby swings, which have been broken for a number of years?
- (iii) Does the council envisage providing any play equipment to cater for the need of children with disabilities at this park?
- (iv) What is the proposed timeframe for any planned works?

Reply *Monaghan County Council has obtained quotations for the erection of fencing at the playground. In addition, the Council are arranging costings for additional equipment including play equipment to cater for the need of children with disabilities. Monaghan County Council has allocated €15,000 to date and before the works can commence, the balance of the funding will have to be secured. A costing for the entire project will be brought before the area members of the Council in the coming months.*

- (g) What plans does the Council have to ensure that all waste collection operators in this county offer a pay-by-weight system to customers?

Reply. *The requirement from the DOELG is that a 'pay per use' system must be in place. However, this allows different size bins to be used instead of 'pay per weight', along with 'tag a bag' systems etc. As a group, the North East Region propose to examine the use of the waste collection permitting system to promote the use of 'pay per weight'. However, the recommendation from the Department on 'pay per use', is making it more difficult to move collectors towards 'pay per weight', particularly as some operate outside of the region.*

22. Conferences

On the proposal of Cllr McNally, seconded by Cllr Keelan, it was agreed that the Council be represented at the following conferences by those listed.

Promoting Authority	Subject/Theme	Venue	Dates	Approx. cost Per member	Members Selected
Chambers Ireland – In Business For Business	2 nd Annual Regional Policy Forum	Mullingar Park Hotel, Mullingar, Co. Westmeath	23 rd June 2006	€400	J O'Brien S Coyle V P Martin P Mc Kenna
Confederation of European Councillors	Local Government and the Planning System, North & South	Ferrycarrig Hotel, Wexford, Co Wexford	23 rd June 2006	€600	P Mc Nally B Kieran R Gallagher J Crowe D Maxwell G Carville J Keenan O Bannigan H Mc Elvaney

20. Votes of Sympathy / Congratulations

The Members agreed to extend a vote of congratulations to

- Mr John Murray on his appointment as Head of Finance, Monaghan County Council.
- Monaghan U-12 hurling team on winning the Ulster B Hurling Championship.
- Monaghan Rugby Club on winning the U-16 Fleming Cup Ulster final.
- Tommy Bowe and the Ulster Rugby team on winning the Celtic League.
- Cillian McCarron on winning the All-Ireland Schools 200m track and field final.

The Members agreed to extend a vote of sympathy to

- John Murphy on the death of his brother Eamon Murphy.
- Dympna Kerr on the death of her brother Joseph Caldwell.
- Peadar McMahan on the death of his mother

The meeting then concluded.

Signed: _____
Meara **Meetings Administrator**

Date: _____