

Minutes of the Ordinary Meeting of Council January 2015

Minutes of Ordinary Meeting of Louth County Council held in County Hall, Dundalk at 10.00am on Monday 19th January 2015

In attendance:

Cathaoirleach: Cllr. Oliver Tully

Members: Councillors: P. Bell, D. Breathnach, M. Butler, T. Byrne, K. Callan, A. Cassidy, E. Corrigan, R. Culhane, T. Cunningham, M. Dearey, M. Doyle, K. Flood, F. Godfrey, J. Green, C. Keelan, J. Loughran, C. Markey, J. McGahon, P. McGeough, K. Meenan, D. Minogue, I. Munster, L. Reilly, P. Savage, T. Sharkey, P. Smith, J. Tenanty, M. Yore

Officials
J. Martin, Chief Executive
F. Pentony, Director of Services
B. Woods, Head of Finance
J. McGuinness, Director of Services
M. T. Daly, A/Director of Services
D. Storey, Senior Executive Officer
P. Finn, Senior Engineer
P. Donnelly, A/DoS, Meetings Administrator

Minute No. 01/15

Confirmation of Minutes

Proposed by Cllr. F. Godfrey

Seconded by Cllr. L. Reilly

And resolved:-

That the minutes of the ordinary meeting of Council held on 15th December 2014 be confirmed.

Minute No. 02/15

Suspension of Standing Orders

Proposed by Cllr. D. Breathnach

Seconded by Cllr. F. Godfrey

And resolved:-

That standing order's be suspended for the purposes of discussing weekend newspaper reports detailing the dumping of residue from diesel laundering activities into Lough Muckno and the river Fane, both of which are the sources of raw water for the Cavan Hill treatment plant that serves Dundalk and surrounding areas.

The Cathaoirleach affirmed that the matter would be discussed for thirty minutes following the statutory business of the meeting.

Minute No. 03/15

Minutes for Information

The members noted the following minutes

- CPG 05/12/14
- Borough District of Drogheda 01/12/14
- Municipal District of Dundalk 02/12/14
- Municipal District of Ardee 04/12/14

Minute No. 04/15

Committee Reports

Corporate Policy Group

The Cathaoirleach Cllr. Oliver Tully presented a report on the Corporate Policy Group meeting held on Friday 9th January 2015.

Planning and Environment SPC

Cllr Richie Culhane Chair of the Planning & Environment SPC presented a report of the inaugural meeting of the SPC held on 9th December 2014

Economic & Enterprise SPC

Cllr Mark Dearey Chair of the Economic & Enterprise SPC presented a report of the inaugural meeting of the SPC held on 15th December 2014

Infrastructure Cross Border & Sustainable Energy SPC

Cllr Declan Breathnach Chair of the Infrastructure Cross Border & Sustainable Energy SPC presented a report of the inaugural meeting of the SPC held on 19th December 2014.

Minute No. 05/15

Chief Executives Report

The Chief Executives report dated 6th January 2015 was noted by the members.

Proposed by Cllr. Corrigan and seconded by Cllr. Sharkey that the Council write to the Department of Environment and Local Government expressing the disappointment that the counties of Northern Ireland were not referenced in the correspondence LG 26/2014 in the matter of Regional Assemblies and Sub-Regional Strategic Planning Areas.

Minute No. 06/15

Section 183 Notice – Land at Whiteriver, Dunleer

**Proposed by Cllr. L. Reilly
Seconded by Cllr. J. Tenanty
And resolved:-**

Having considered the matter as per the notice dated 12th December 2014 to confirm the sale of 14.0 M2 of land at Whiteriver, Dunleer to the Electricity Supply Board for a consideration of €1.00

Minute No. 07/15

Section 183 Notice – Farndreg, Dundalk

**Proposed by Cllr. M. Butler
Seconded by Cllr. L. Reilly
And resolved:-**

Having considered the matter as per the notice dated 8th January 2015 to confirm the sale of 5.91 M2 of land at Clann Chullain, Farndreg, Dundalk to the Electricity Supply Board for a consideration of €1.00

Minute No. 08/15

Suspension of Standing Orders

As agreed at the commencement of the meeting Standing Orders were suspended in accordance with Standing Order number 18 (Urgent Business) to facilitate a debate on reports of the dumping of residue from diesel laundering activities into Lough Muckno and the river Fane which are the sources of raw water for the Cavan Hill treatment plant that serves Dundalk and surrounding areas.

There followed a debate on the matter during which the Director of Services Mr. Frank Pentony assured the members that the water supply in Dundalk was safe. He also advised the members that the matter would be investigated and when complete he would revert to the members.

Following the debate the following motion was moved by Cllr. John McGahon and seconded by Cllr. Maria Doyle.

“That Louth County Council condemns the action of IRA fuel launders and all fuel launders operating along the border and polluting the water courses.”

An amendment to the motion was moved by Cllr. Corrigan and Seconded by Cllr. Flood.

“That this Council condemns all fuel launders and those dumping toxic sludge in this county and throughout the Country.”

There followed a roll call vote:

Amendment:

For: Cllrs. Bell, Cassidy, Corrigan, Cunningham, Flood, Green, Loughran, McGeough, Meenan, Munster, Sharkey and Yore. **(12) Twelve**

Against: Cllrs. Breathnach, Butler, Byrne, Callan, Culhane, Dearey, Doyle, Godfrey, Keelan, McGahon, Minogue, Reilly, Savage, Smith, Tenanty and Tully **(16) Sixteen**

Absent: Cllr. Markey **(1) One**

The Amendment falls.

Motion:

For: Cllrs. Bell, Breathnach, Butler, Byrne, Callan, Culhane, Dearey, Doyle, Godfrey, McGahon, Minogue, Reilly, Savage, Smith and Tully **(15) Fifteen**

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Against: Cllrs. Cassidy, Corrigan, Cunningham, Flood, Green, Loughran, McGeough, Meenan, Munster and Sharkey **(10) Ten**

Abstain: Cllrs. Keelan, Tenanty and Yore **(3) Three**

Absent: Cllr. Markey **(1) One**

The Cathaoirleach declared the motion carried.

Minute No. 09/15

Further action on the reports of water contamination

Proposed by: Cllr. D. Breathnach

Seconded by: Cllr. F. Godfrey

That the Director of Services engage with Irish Water, The Environmental Protection Agency, Monaghan County Council and the Authorities north of the border and report to the members on the matter.

The Chief Executive Ms. Joan Martin advised the members that subject to the outcome of the Directors enquiries in the matter she would revert to the members in the manner that was most appropriate.

Minute No. 10/15

Votes of Sympathy

Votes of sympathy were recorded to the families of:-

- Mr. Noel Grimes former Senior Executive Planner
- Ms. Elizabeth McCarthy former clerical officer

A vote of sympathy was also recorded to the people of Paris on the killing of their citizens in recent shootings at Charlie Hebdo and other locations.

Minute No. 11/15

Vote of Congratulations

Congratulations were recorded and extended to Cllr. Kenneth Flood

and his wife Jennifer on their recent marriage.

Congratulations were also recorded to Gerard Collier, Clogherhead on his recent success as Young Fish monger of the year.

Minute No. 12/15

Place and Time of meeting

Proposed by: Cathaoirleach Cllr. O. Tully

Seconded by: Cllr. F. Godfrey

And resolved:-

That in accordance with Standing Order number 1 (i) that the ordinary meeting of Council schedule for 16th February be hosted in Baltray Golf Club. And further in accordance with Standing Order number 2. that the date of the Ordinary meeting of Council schedule for 16th March now be held in the Council Chamber of Monday 23rd March and conclude no later than 1.00pm

Minute No. 13/15

Annual Financial Statement

The head of Finance Ms. Bernadette Woods submitted for the member's attention the Audited 2013 Annual Financial Statement. This was noted by the members.

The members also noted from the Audit Committee, a report Pursuant to Section 121 of the Local Government Act as amended by Section 60 of the Local Government Act 201

Minute No. 14/15

Audit Committee Business

(a) Audit Committee Charter

Proposed by: Cllr. R. Culhane

Seconded by: Cllr. P. Savage

And resolved:

That having considered the draft Charter for the Audit Committee as required by the Local Government (Audit Committee) Regulations 2014 to confirm same without amendment.

(b) Audit Committee Work Programme

Proposed by: Cllr. L. Reilly
Seconded by: Cllr. T. Byrne
And resolved:

That having considered the Draft Work Programme of the Audit Committee as required by Article 9 of the Local Government (Audit Committee) Regulations 2014 to confirm same without amendment.

Minute No. 15/15

Housing Monthly Progress Report

The Members noted the Housing Progress Report dated 12th January 2015 and the Members queries were addressed by the Director of Services and Senior Executive Officer.

Cllr. Munster proposed, and Cllr. Godfrey seconded that we correspond again with Minister Kelly seeking a meeting to determine how he proposes to deal specifically with the housing issues in County Louth.

Minute No. 16/15

Planning & Environmental Progress Reports

The Members noted the suite of reports circulated with the agenda in respect of Environmental Compliance 9th January, Forward Planning 8th January, Planning Enforcement 5th January and Planning progress report 6th January.

Cllr Loughran Proposed and Cllr. Corrigan seconded that the Authority write to the Forestry Service requesting that they maintain the drains on their property in the Ravensdale area.

Minute No. 17/15

Members Community Grants

Proposed by: Cllr. P. Bell
Seconded by: Cllr. P. Smith
And resolved:

To approve the two Members Community Grants circulated with the agenda.

Minute No. 18/15

Conference and Events

There were no Conference and Events for approval.

Minute No. 19/15

Suspension of Standing Orders

Proposed by Cllr. D. Breathnach

Seconded by Cllr. R. Culhane

And resolved:-

That standing orders be suspended as per Standing Order number 24 to permit the business of the meeting continue until 2.00 pm.

Minute No. 20/15

Notice of Motion

Proposed by Cllr. J. Loughran

Seconded by Cllr. E. Corrigan

“That Louth County Council calls on the Government to repeal the Health (Fluoridation of Water supplies) Act 1960 and to make it an offence for anyone to add fluoride or any derivatives to the public water supply”

The Cathaoirleach called for a show of hands on the matter.

For: (10) Ten Against: (13) Thirteen Abstain: (2) Two Absent: (4) Four

The motion was defeated.

Minute No. 21/15

Notice of Motion

Proposed by Cllr. T. Sharkey

Seconded by Cllr. E. Corrigan

"Louth County Council notes that previous applications have been made to central government to carry out a comprehensive Drainage Scheme in the South

Western area of Dundalk but have not been granted to date. This Council supports management in resubmitting additional proposals and calls on the government to make financial provision for this much needed work to be carried out."

Noted by the Members

Minute No. 22/15

Notice of Motion

Proposed by Cllr. D. Breathnach

Seconded by Cllr. P. Bell

That this council calls on the Minister for Environment to introduce effective legislation to support the efforts of local authorities to ensure that failure of those walking their dogs, to collect and dispose properly of their dog litter will be discouraged by prosecution".

REPLY:

Louth County Council, through our litter wardens, implement Section 22 of the Litter Pollution Act 1997, subsection (1) of which requires that:

- "Where faeces has been deposited by a dog in any place to which this subsection applies, the person in charge of the dog shall immediately remove the faeces and shall ensure that it is properly disposed of in a suitably sanitary manner".
- Subsection (4) states that "a person who contravenes subsection (1) shall be guilty of an offence."

Penalties prescribed for offences under Section 22 of the Litter Pollution Act 1997 are as follows:

- Subsection 28 (1) provides for the issuance of a fixed penalty notice (currently set by regulation at €50) by a dog warden or a member of the Garda Síochána if they have "reasonable grounds for believing that a person is committing or has committed an offence under Section 22", and that a person will avoid prosecution "if the payment specified in the notice during... the period specified in the notice"
- Section 24 (1) provides for the imposition of a fine not exceeding €500 on summary conviction of a person guilty of an offence under the Act.

· In addition, under Section 25(4) the court "shall... order the person to pay to the local authority the costs and expenses measured by the court, incurred by the local authority" in the investigation and resolution of the case.

Louth County Council will investigate all cases of dog fouling within 48 hours of receiving the report, and have issued a number of Fixed Penalty Notices in this regard.

The main problem experienced by local authorities in bringing prosecutions is the shortage of witnesses. With standard litter cases, evidence can often be gleaned from documents contained in the litter as to the identity of the person responsible. This avenue of investigation is not open to us in the case of dog litter; accordingly we rely on willing witnesses to the offence."

The litter wardens are authorised to act as dog wardens within the meaning of the Control of Dogs Act 1986, which they would require in order to issue fixed penalty notices under Section 28 (1) of the Litter Pollution Act 1997 while enforcing Section 22 of the same Act.

Response was noted by the members

Minute No. 23/14

Notice of Motion

Proposed by Cllr. F. Godfrey

Seconded by Cllr. M. Yore

That Louth County Council take into consideration that many people do not want their homes made a Protected Structure. They do not want restrictions which bureaucracy and the limitations of a Protected Structure which it places on them. They question what they are being protected from when they can be legally forced to carry out works, at a very high cost, to the specification of Louth County Council in what is effectively their own home. They also have to pay considerably higher insurance premiums. This is sometimes double the amount they pay before being made a protected structure. There are many people with homes which are Protected Structures who want them delisted and procedures should be put in place to facilitate this".

Reply

The Draft Development Plan 2015 – 2021 is currently out on public display and members of the public have until the 17th December 2014 to make a submission. The relevant legislation under the Planning and Development Acts with regards to the record of Protected Structures is as follows.

Section 51. Requires all Local Authorities to include a Record of Protected Structures in its Development Plan:

(1) For the purpose of protecting structures, or parts of structures, which form part of the architectural heritage and which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, every development plan shall include **a record of protected structures, (RPS)** and shall include in that record every structure which is, in the opinion of the planning authority, of such interest within its functional area.

Minister's Recommendations:

Section 53.—(1) The Minister for Arts, Heritage, Gaeltacht and the Islands may, in writing, make recommendations to a planning authority concerning the inclusion in its record of protected structures of any or all of the following—

- (a) particular structures;
- (b) specific parts of particular structures;
- (c) specific features within the attendant grounds of particular structures.

(2) A planning authority shall have regard to any recommendations made to it under this section.

(3) A planning authority which, after considering a recommendation made to it under this section, decides not to comply with the recommendation, shall inform the Minister for Arts, Heritage, Gaeltacht and the Islands in writing of the reason for its decision.

Section 54.—(1) A planning authority may add to or delete from its record of protected structures a structure, a specified part of a

structure or a specified feature of the attendant grounds of a structure, where—

(a) the authority considers that—

(i) in the case of an addition, the addition is necessary or desirable in order to protect a structure, or part of a structure, of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, whether or not a recommendation has been made under *section 53*, or

(ii) in the case of a deletion, the protection of the structure or part is no longer warranted,

and

(b) the addition or deletion is made when making a development plan under *Part II* or in accordance with *section 55*.

(2) The making of an addition to, or a deletion from, a record of protected structures shall be a reserved function.

Response was noted by the members

Minute No. 24/15

Notice of Motion

Proposed by Cllr. P. Bell

Seconded by Cllr. P. Smith

That this Council install seating on the Boyne Trail walkway at Oldbridge and seek the support of Meath County Council if required, to achieve this initiative

REPLY: There is no provision within the Council budget for these works but the Council alongside Meath County Council will pursue any funding opportunities which become available

Response was noted by the members

Minute No. 25/15

Notice of Motion

Proposed by Cllr. D. Minogue

Seconded by Cllr M. Doyle

"That this Council allocate an emergency fund for estates not taken in charge to ensure a minimum of safety and service in those estates including lighting and roads"

Reply:

There is no provision in the Budget to address this.

Response was noted by the members

Minute No. 26/15

Notice of Question

From Cllr. I. Munster

Have the management of St Ita's School in Drogheda had discussions with council management in relation to identifying a site for a new school, and if so what progress if any has been made?

Reply:

There have been exploratory discussions which are at an early stage with the School Management.

Response was noted by the members

Notice of Question

From Cllr. F. Godfrey

What action has Louth County Council / Irish Water taken with regards to the raw sewerage leak on the Marsh Road / Mornington Road on Sunday 2nd November and what is being done about the foul odour coming from the treatment plant on a regular basis. This is a Health and Safety concern for residents of the area and also depending on the prevailing winds it affects many other areas. When can we expect a report that these serious ongoing issues are being addressed?

REPLY:

The plant operator carried out an incident investigation report and a report has been submitted to the EPA by Irish Water. It was found that the primary desludge pump no 2 which is a split stator type had blocked partially and causes a vibration to the housing of the split stator which in effect loosened the bolts gradually and allowed the leakage. The pump would have carried on pumping as there was no signal from the PTF level indicator and the time cycle for the duty pump continued to initiate desludging from each of the three Primary Sludge Tanks

Mitigation measures

To use the existing sump level alarm, which is alarmed to SCADA, to also be an alarm, transferred via SCADA as a GSM call out alarm, to the on call operator. This has now been implemented.

Check all three pumps (which are different style pumps) to ensure fixings and fittings are secure.

Put in a weekly programme to inspect the fixings and fittings and review as required.

Contractor is investigating methods of intercepting any future run off from a similar event from escaping the plant site and storing in a self sealed lagoon / retention pond / Drain located near the gate entrance so as to minimise any risk of flooding onto the Marsh Road in future. This could be achieved by intercepting road drains / gullies along the site roadway which is in effect acting as a channel for the escaped liquid to flow. Another alternative that is being investigated is the flood retention doors at the primary desludge pumping station.

Irish Water intend to undertake a post incident review in conjunction with Louth County Council on 16th December to assess and review management and reporting of the incident.

The malodour complaints have been occurring intermittently over the last number of years mainly in the Whetaon Hall/Dublin Road area of Drogheda. The initial objective of dealing with any malodour complaint would be to identify its source. The source of the odour could be from the waste water treatment plant , industry or agriculture. This would be done by carrying out odour checks in the area. Water Services Section has developed a protocol for its staff for dealing with any malodour complaints received in this area. The protocol includes;

- Target response time to any complaint (being at the location within 1 hour). There is also an on call arrangement developed by Water services for any complaints received out of hours. This will be reviewed in 3 months.
- Require EPS to carry out malodour checks at the boundary of the Waste Water Treatment Plant
- Water Services outdoor staff member is to be contracted during normal working hours (on call overseer for out of hours). He will visit the person who has made the complaint and arrange for the manholes at the Spar shop in Wheaton Hall to be lifted to establish if there is a problem with the industrial discharges. He will carry out malodour spot checks at the entrance to the waste water treatment plant on the Marsh road and Newtown Lodge, McGraths lane between the Wheaton Hall and the railway line and the treatment plant. Any malodour detected will be reported to back to the relevant Water Services Engineer - who will follow up as follows
- Waste water treatment plant - Report required from waste water treatment plant operator EPS ,
- Industrial discharges cause of odours - report to Environmental Compliance section.
- Should malodour or any other breaches of licence conditions of an Integrated Pollution Control licensed facility come to the attention of the council then the EPA will be notified.

Response was noted by the members

Minute No. 27/15

Motions from Other Councils

Notice of Motion from other Authorities were noted including

- Tipperary County Council 19/12/14
- Donegal County Council 05/12/14
- Carlow County Council 05/1/2015

Minute No. 28/15

Correspondence

The Members noted the following correspondence

- Irish Wheelchair Association 22/12/14
- Dept Transport Tourism & Sport 22/12/14 & 23/12/14
- RSA - Road Safety Authority 08/01/2015 x 2

Minute No. 29/15

Chief Executives Register

The register was available for the members' inspection.

Minute No. 30/15

The time being 2.00pm the Cathaoirleach concluded the business of the meeting.

The Minutes were confirmed at a meeting of Council held on:-

Date: _____

Cathaoirleach: _____

Meetings Administrator: _____