

**Minutes of Leitrim County Council meeting held in the Island Theatre, Ballinamore on
Tuesday, 2 May 2023**

Members Present: Councillor Mary Bohan
Councillor Finola Armstrong McGuire
Councillor Enda McGloin
Councillor Sean McGowan
Councillor Brendan Barry
Councillor Frank Dolan
Councillor Gerry Dolan
Councillor Caillian Ellis
Councillor Pdraig Fallon
Councillor Paddy Farrell
Councillor Des Guckian
Councillor Felim Gurn
Councillor Thomas Mulligan
Councillor Paddy O'Rourke
Councillor Enda Stenson
Councillor Justin Warnock

Councillor Ita Reynolds Flynn (Cathaoirleach) presiding

Apologies: Councillor Sean McDermott (Leas Cathaoirleach)

Officials Present: Lar Power, Chief Executive
Joseph Gilhooly, Director of Services, Economic Development,
Planning and Infrastructural Services
Vincent Dwyer, Head of Finance, Water, Environment, Climate
Action and Emergency Services
Mary Quinn, Director of Services, Housing, Corporate Services,
Community and Cultural Services
Terry McGovern, Senior Engineer
Bernard Greene, Senior Planner
Gillian Tilson, A/Financial/Management Accountant
Kathryne Bohan, Administrative Officer
Kieran Brett, Meetings Administrator
Kathleen Ellis, Assistant Staff Officer

At the outset of the meeting the Cathaoirleach, Councillor Ita Reynolds Flynn welcomed everyone to the meeting in the Island Theatre, Ballinamore.

MM.56.23 Votes of Sympathy

The Members extended a vote of sympathy to the following:

- Patrick McHugh, Drumgowla, Kilnagross on the death of Mrs Annie McHugh, R.I.P.
- The Family of the late Oliver Heslin, Drumgownagh, Mohill, Co Leitrim.
- The Family of the Late Frank Foy, Wardhouse, Tullaghan, Co Leitrim
- Maebh Gethins Gallagher, Dromahaire, Co Leitrim on the death of Oran Gethins R.I.P.

MM.57.23 Adoption of Minutes 6th March 2023

On the **PROPOSAL** of Cllr. Enda Stenson
SECONDED by Cllr. Des Guckian

It was **AGREED** to adopt the Minutes of 6th March 2023.

Councillor Des Guckian proposed the following amendment be made to Minute No MM.40.23 to read as follows “Leitrim County Council is taking a lease on Cox’s Pharmacy building on Bridge St. Carrick-on-Shannon and Carrick Library will be moving to this location towards the end of March.”

The members agreed to this amendment.

MM.58.23 Disposals under Section 183(1) of the Local Government Act, 2001

MM.58.23a Notice of intention to dispose of land circa 0.06 acres (0.025 hectares) at Tullylannon, Leitrim Village

On the **PROPOSAL** of Cllr. Paddy Farrell
SECONDED by Cllr Enda Stenson

It was AGREED that Leitrim County Council consent to the disposal of land circa 0.061 acres (0.025 hectares) at Tullylannon, Leitrim Village (registered in the name of Leitrim County Council – Folio No LM 19158) pursuant to the provisions of Article 206 of the Planning & Development Regulations 2001, Section 211 of the Planning & Development Act 2000 (as amended) and Section 183 of the Local Government Act, 2001.

Particulars of the property to which County Council proposes to dispose:

The Property: Land circa 0.061 acres (0.025 hectares) at Tullylannon, Leitrim Village (registered in the name of Leitrim County Council – Folio No LM 19158)

The Consideration proposed in respect of the disposal:

The purchase price for the Disposal of the property is €1,000. Each party is responsible their own legal fees associated with the disposal of this plot. The Property being disposed of is

being disposed in its present condition and the disposal is not subject to Planning permission.

MM.58.23b Notice of Intention to dispose of Leitrim County Council's interest in the Townhall Building at Townparks, Bridge street, Carrick-On-Shannon, Co. Leitrim

On the **PROPOSAL** of Cllr. Finola Armstrong McGuire
SECONDED by Cllr Paddy Farrell

It was **AGREED** that Leitrim County Council would not dispose of the interest in the Townhall Building at Townparks, Bridge Street, Carrick-on-Shannon, Co Leitrim.

Ms Mary Quinn outlined the background to the proposal and noted the resolution passed by the Members not to the dispose of Leitrim County Council's interest in the Townhall Building at Townparks, Bridge Street, Carrick-on-Shannon, Co. Leitrim.

MM.59.23 Approve overdraft accommodation in the sum of €5 million for the period ending 31st December 2023.

On the **PROPOSAL** of Cllr. Caillian Ellis
SECONDED by Cllr. Padraig Fallon

It was **AGREED** to approve the overdraft accommodation in the sum of €5 million for the period ending 31st December 2023.

Councillor Des Guckian queried as to why this overdraft was necessary.

Mr Vincent Dwyer, Head of Finance advised that this was a contingency to have in place as a cash flow measure and will only be used if required.

MM.60.23 Consider the approval of additional expenditure incurred by Leitrim County Council in the performance of its function in 2022

On the **PROPOSAL** of Cllr. Enda Stenson
SECONDED by Cllr. Sean McGowan

It was **AGREED** to approve the additional expenditure incurred by Leitrim County Council in the performance of its functions in 2022 in accordance with the provisions of Section 108(4) of the Local Government Act, 2001.

MM.61.23 Consider the Annual Financial Statement for the year ending 31st December 2022

The Annual Financial Statement for Leitrim County Council for the year ended 31st December 2022 was circulated to the Members.

On the **PROPOSAL** of Cllr. Mary Bohan
SECONDED by Cllr. Padraig Fallon

It was **AGREED** to adopt the Annual Financial Statement for the Year ended 31st December 2022 in accordance with Section 108 of the Local Government Act, 2001.

MM.62.23 Consider the Draft Annual Report 2022

Ms Mary Quinn, Director of Services advised the Members that the Local Authority is legally required to publish an Annual Report by end of June each year, which reports on activities and services delivered in the previous year, for which the Local Authority has a statutory responsibility to provide.

On the **PROPOSAL** of Cllr. Enda McGloin
SECONDED by Cllr. Sean McGowan

It was **AGREED** to adopt Leitrim County Council's Annual Report, 2022.

MM.63.23 Management Reports - February 2023 & March 2023

The Monthly Management Reports for February and March 2023 as circulated, were noted by Members.

Councillor Des Guckian raised the following:

- Potholes on the N4 close to Duignan's need to be attended to.
- Will road L1601 be resurfaced this year?
- Requested an update on the Mohill Public Realm Works.
- Welcomed the Active Travel project at Annaduff.
- Complimented the Library Services on the service they deliver.

In reply, Mr Terry McGovern confirmed the following:

The potholes on the N4 close to Duignan's Mills will be addressed. With regard to road L1601 from Faulites to Dromod, there is currently not enough funding to do all this road this year, but Leitrim County Council will be working towards its completion.

Mr Joseph Gilhooly advised that precontract discussions are taking place with the contractor regarding the Public Realm Works in Mohill. It is anticipated that works will commence in the next 6-8 weeks.

Councillor Thomas Mulligan expressed his disappointment that the Mohill Public Realm Works are still a few months off, and he said every effort should be made to get this job started as soon as possible and he queried if there is any danger of finance being an issue.

Councillor Sean McGowan said he hoped that work would be under way on the streets in Mohill now and he asked that these works be progressed quickly.

Mr Joseph Gilhooly outlined that all civil resources are fully engaged at this time, however it is a priority to get this work done as soon as possible. Mr Gilhooly said there is no issue with finance and the Local Authority provide monthly updates to the Department on projects such as this.

MM.64.23 Note National & Local Service Indicator Reports

The National and Local Performance Indicators, 2022 reports as circulated was noted by the members.

MM.65.23 Receive update on Local Improvement Scheme

Mr Terry McGovern presented an update to the members on the Local Improvement Scheme. It was noted that 208 applications were received by the closing date of 27th January 2023, of those, 30 applications were ineligible, 178 applications are eligible – 53 applications related to the North of the County and 124 applications relate to the South of the county. An administrative check has been completed to ensure that applications comply with the guidelines issued from the Department to ensure applicants documentation is up to date. A priority list is currently being established. A funding allocation €304,000 for 2023 has been received towards LIS. There are 12 applicants remaining on the old scheme and the funding received will carry out road improvements for 8 of these applications.

Councillor Paddy O'Rourke sought clarification if a person's health deteriorates over the coming year will they be considered on the priority list. Councillor O'Rourke said people may be seriously ill today and who were in good health at the closing date for applications.

Councillor Paddy O'Rourke said the scheme will have to be reviewed in relation to the health conditions as it is impossible to predict the health condition of anyone.

Mr Terry McGovern said it would be unfair to drop someone from priority list or for another person to be placed higher on the priority list after it has been established.

Mr Joseph Gilhooly clarified that people on the priority list are those that were eligible at the closing date.

Councillor Mary Bohan noted that the amount of funding received puts the Council in a very

difficult situation. The current Councillors and previous Councillors have asked for greater allocations for the Local Improvement Scheme. Councillor Bohan queried, on the basis of the information provided by Mr McGovern, when is it expected that the scheme will re-open again.

Mr McGovern said it is difficult to say when the scheme will reopen as this depends on the number of the 178 applications that will remain eligible when they are checked in advance of the works being costed and considered for completion. He said it may be of the order of 7 to 8 years.

Councillor Mary Bohan proposed that the information that has been presented to the Members be sent to the Department and seek a special allocation to complete these 178 schemes on hand. Councillor Paddy Farrell supported the proposal.

Councillor Sean McGowan said from his calculations it is possibly 10 to 12 years before these applications will be progressed and he expressed his disappointment with the Department of Transport, and he called for them to provide match funding to that provided by the Department of Rural & Community Development.

Councillor Pdraig Fallon supported Councillor O'Rourke's comments and he understood that if anomalies arose the scheme would be revisited to make the scheme better for citizens. Councillor Fallon said he is aware of a few cases where applicants were unaware of the closing date.

Councillor Enda McGloin said he would be hopeful Leitrim County Council will get a further allocation this year. Councillor McGloin proposed that the Minister be invited to meet a delegation from Leitrim County Council on this matter when he visits Sligo in the coming weeks. Councillor McGloin said 8-16 years is a long time for an applicant to wait to have work completed on their road.

Councillor Brendan Barry said the situation regarding an applicant's medical conditions should be reviewed. Councillor Barry asked how much it would cost to get through the 178 schemes and he proposed that this case be put forward to the Department.

Councillor Enda Stenson & Councillor Felim Gurn outlined their support for the proposals put forward.

Councillor Des Guckian outlined that the people of rural areas are all forced to pay their LPT and there is no allowance for them, they don't get any benefit from the LIS and he asked that this be reviewed.

MM.66.23 Receive briefing on the temporary exemption for Local Authorities from having to undertake the formal 'Part 8' approval process to construct

housing developments on Local Authority owned lands zoned to include residential use.

Mr Bernard Greene, Senior Planner outlined that the Planning and Development, and Foreshore (Amendment) Act 2022 was commenced and came into effect on 8th March 2023. The supporting Planning and Development (Section 179A) Regulations 2023 were also signed by the Minister and came into effect on the same day. This relates to the temporary exemption for Local Authorities from having to undertake the formal 'Part 8' approval process to construct housing developments on Local Authority and designated State-owned lands zoned to include residential use. The Circular from the Department indicates that these provisions will assist Local Authorities to accelerate housing delivery. It includes all ancillary works to facilitate the construction of the proposed housing development.

This temporary provision removes the public participation process replacing it instead with a notification process of our intentions. It removes the Reserved Function of approving such developments from the Elected Members; in effect making it an Executive Function. The provisions extend to include social and affordable housing. The exemption will remain in place until 31 December 2024.

Main Provisions:

New **Section 179A** of the Planning & Development Act 2000, as amended, requires a Chief Executive to inform the Elected Members of a Local Authority of proposed housing developments which it is intended to progress under this exemption. It also outlines the prescribed manner of giving public notice and enable public inspection of the proposals (plans and particulars). This

new provision will be mandatory for Local Authorities in strictly defined circumstances where the following criteria are satisfied:

- the land is owned by the Local Authority or another specified state body,
- the land is zoned for residential development,
- the proposed development does not materially contravene the development plan or local area plan for the area,
- the proposed development is in accordance with the relevant Local Authority's Housing Strategy,
- the land is serviced or will be serviced with the necessary supporting infrastructure or facilities within the timeframe of the development,
- the proposed development is not required to undergo Environmental Impact Assessment (EIA) under the EIA Directive or appropriate assessment (AA) under the Habitats Directive,
- and the development works in question are commenced by no later than 31 December 2024.

New **Article 39A** of the Planning & Development Regulations 2001, as amended, requires Local Authorities to submit quarterly reports on the use of the exemption and enables the Minister to request information on the number of potential sites available for use under the

exemption within the functional area of a Local Authority.

New **Article 81A** of the Planning & Development Regulations 2001, as amended:

- requires the Chief Executive to formally notify Elected Members of a proposed housing development prior to issuing a site notice and newspaper notice. The notices must be issued at least 8 weeks prior to the commencement of works. The 8 week period is the standard,
- period allowed in the Act to seek leave to apply for judicial review,
- sets out the information and details that must be included in the site notice and newspaper notice and where a site notice must be located. This includes that a person may question the validity of any decision of the Planning Authority by way of an application for judicial review,
- requires Local Authorities to screen proposed developments for EIA and AA and that only where a proposed development is screened out from requiring the undertaking a full EIA or AA, the proposed development may proceed under the new exemption. Such determinations must be made available to the public.

New **Article 82A** of the Planning & Development Regulations 2001, as amended, requires the Local Authority to notify the relevant prescribed bodies of proposed developments with the list of prescribed bodies being the same list as that used under the Part 8 approval process.

Members raised the following:

Councillor Paddy O'Rourke welcomed the measures introduced last week in regard to the exemption from development contributions in respect of residential development.

Mr Bernard Greene outlined that the measure is only for a temporary time limited period, for 1 year to all permitted residential development, that commences on site between 25 April 2023 and 24 April 2024, and is completed not later than 31 December 2025.

Councillor Paddy O'Rourke sought clarification if commencement notices were submitted in advance of this date and did not start work due to the bad weather conditions would they be eligible.

Mr Greene outlined that developers are required to submit commencement notices or 7 day notice to the local authority in accordance with the Building Control Regulations prior to the commencement of works. The waiver arrangements will also apply to developments in respect of which commencement notices were submitted to the local authority within the 28 day period prior to 25 April 2023 i.e. on or after 28 March 2023; or 7 day notices were submitted to the local authority on or after 4 April 2023.

Councillor Des Guckian said he was quite concerned as this is one of the reserved functions and is it being abolished, and it will exist far beyond December 2024, and all this arises due to the failure of Government over the past 20 years who are now firefighting.

Councillor Pdraig Fallon queried if any circular has come down from the Department in regard to serving Notice to Quit on Tenants. Ms Mary Quinn said no circular has been received from the Department to date, but details will be circulated to Members once it is received. Ms Quinn confirmed that the Local Authority will engage with tenants in this regard.

Councillor Enda McGloin said a lot of housing schemes have been held up in many Local Authorities and he hopes this will only be a temporary measure. Councillor McGloin welcomed the waiver of development contributions and outlined that he hoped to see a kick start in building and development in Leitrim.

Councillor Sean McGowan said this is a significant charge to be waived for the year and he said he hoped to see an increase in housing throughout the country.

Councillor Caillian Ellis said the Local Authority should look at developing small sites for working people as there is no support for young people who want to build and work and live in their own house.

Mr Greene said an objective of the County Development Plan is to look at low density sites that may be suitable for these serviced sites and the Planning Authority are starting to engage with this.

Councillor Paddy Farrell asked if there will be a waiver for Group Water Schemes.

Mr Greene said there is no reference in the circular in this regard. Mr Gilhooly confirmed this will be queried with the Department.

MM.67.23 Commitments

There are no commitments to be noted.

MM.68.23 Note update to Membership of Local Traveller Accommodation Consultative Committee

Ms Mary Quinn advised members that following a meeting of the Local Traveller Accommodation Consultative Committee (LTACC) on 23rd March last, Mr Christopher Stokes was proposed as the Traveller representative on the committee.

On the **PROPOSAL** of Cllr. Paddy Farrell
SECONDED by Cllr. Enda Stenson

It was **AGREED** that Mr Christopher Stokes be appointed as a Traveller representative on the Local Traveller Accommodation Consultative Committee.

MM.69.23 **Note date and time of Annual Meeting**

The Members **AGREED** to hold the Annual Meeting of Leitrim County Council on Friday, 30th June 2023 at 12 noon in Council Chamber, Aras An Chontae, Carrick-on-Shannon and it was also agreed that the Annual Meetings of each Municipal District Meeting would take place in June 2023 on same date as monthly meeting.

MM.70.23 **Report from Corporate Policy Group**

Ms Mary Quinn, advised that the Corporate Policy Group had considered the following items at their online meeting held on the 28th April 2023:

- Updates from SPC's
- Items for Council meeting 2nd May 2023
- Change of membership on the Local Traveller Accommodation Consultative Committee
- Members training Programme 2023 to 2024
- Members attendance at upcoming conferences, training events and seminars.

This update was noted by the Members.

MM.71.23 **Attendance at conferences/training**

On the **PROPOSAL** of Cllr. Enda McGloin
SECONDED by Cllr. Finola Armstrong McGuire

It was **AGREED** that the attendance of Councillor Thomas Mulligan, Councillor Mary Bohan, Councillor Paddy Farrell and Councillor Paddy O'Rourke at the AILG Conference in the Kilkenny Court Hotel, Kilkenny on the 19th to 20th April 2023 be retrospectively approved.

On the **PROPOSAL** of Cllr. Enda Stenson
SECONDED by Cllr. Thomas Mulligan

It was **AGREED** that the attendance of Councillor Enda McGloin and Cllr Sean McGowan at the LAMA Awards in Clonmel on the 15th April 2023 to 16th April 2023 be retrospectively approved.

On the **PROPOSAL** of Cllr Enda McGloin

SECONDED by Cllr Enda Stenson

It was **AGREED** that the attendance of Cllr Enda McGloin, Cllr Paddy O'Rourke, Cllr Ita Reynolds Flynn, Cllr Sean McGowan, Cllr Thomas Mulligan, Cllr Enda Stenson, Cllr Mary Bohan, Cllr Paddy Farrell, Cllr Frank Dolan, Cllr Padraig Fallon, Cllr Brendan Barry, Cllr Felim Gurn, Cllr Sean McDermott and Cllr Justin Warnock on a field study trip to Kerry to study the development and construction of greenways, presentation of towns and villages, development of recreational walks and trails, and how the county council engages with the business sector to promote, develop and enhance the visitor experience and the offering to tourists from 10th May to 12th May 2022 be approved.

On the **PROPOSAL** of Cllr Finola Armstrong McGuire
SECONDED by Cllr Enda Stenson

It was **AGREED** that the attendance of Councillor Enda McGloin at the business event in New York to showcase Leitrim from 5th April to 10th April 2023 be retrospectively approved.

MM.72.23 Meeting Correspondence

1. Letter dated 28th February 2023 from the Department of Housing, Local Government and Heritage in relation to Resolution passed by Leitrim County Council calling on the Government to hold, without any further delay, the long-promised referendum on voting rights for Irish Citizens abroad.
2. Resolution dated 3rd March 2023 from Westmeath County Council calling on the Minister for Finance to design and implement a comprehensive regional public banking system that makes full use of the remaining financial services infrastructure in local towns and other areas in this county to deliver an essential local banking service to local communities and businesses that would augment the work of post offices and credit unions and give local people and business real finance and borrowing options and keep local towns thriving.
3. March 2023 Co Leitrim Society of New York Newsletter.
4. Resolution dated 14th March 2023 from Clare County Council calling on the Minister for Housing and Local Government requesting that the laudable Croi Conaithe scheme targeted to assist this objective is adjusted to allow owners of qualifying properties to access the scheme subject to conditions that the property is subsequently used for long term occupancy either through sale or long-term lease.
5. Email of the 15th March 2023 from the Office of the Minister for Health acknowledging receipt of Resolution passed by Leitrim County Council calling on the Minister for Health and the Government to consider abolishing the HSE and reinstating regional Health Boards to deliver the country's health services.

6. Resolution from Sligo County Council dated 16th March 2023 calling on the Minister for Health to make the CF medication Kaftrio available to all patients who require it within the state.
7. Email from Senator Victor Boyhan of the 21st March 2023 with Press Release on the official launch of new state agency, Tailte Eireann.
8. Email of the 22nd March 2023 from the Office of the Minister for Housing, Local Government and Heritage acknowledging receipt of Resolution passed by Leitrim County Council in regard to Septic Tanks.
9. Email of the 27th March 2023 from the Office of the Minister of State with responsibility for Local Government and Planning acknowledging receipt of Resolution passed by Leitrim County Council in regard to Residential Zoned Land Tax legislation.
10. Resolution dated 22nd March 2023 from Wexford County Council calling on the Minister to strengthen Section 29/b/sub section (1) and (2) of the planning and development to put an end to bogus submissions or objections.
11. Email of the 28th March 2023 from the Office of the Minister for Agriculture Food and Marine in relation to Resolution passed by Leitrim County Council in regard to the grant for land drainage.

Councillor Caillian Ellis referred to the reply received from the Minister of Agriculture, Food and Marine and expressed his disappointment that the Minister cannot make a decision on a small amount of money to enable farmers in the West of Ireland to drain and improve their land holdings and which will give farmers better quality fodder, especially with the Minister from the West of Ireland.

12. Letter dated 25th March 2023 from the HSE in regard to resolution passed by Leitrim County Council in regard to products labelled dangerous.
13. Letter from the HSE dated 25th March 2023 in response to Resolution passed by Leitrim County Council in regard to OT Reports.

Councillor Paddy O'Rourke expressed his disappointment with the reply received and said the reality is that we don't have Occupational Therapists for all those who want to access the service. Citizens are forced to use private OT's. The average waiting time for service users to have their assessment carried out and the Occupational Therapy report completed is between four and eight weeks which is not satisfactory. Councillor O'Rourke proposed that a letter issue to the HSE requesting if additional OT resources will be put in place or not.

Councillor Finola Armstrong McGuire advised members to connect with the Members that are representatives on the HSE Forum and provide them with the information on the particular issues they want raised.

14. Letter dated 30th March 2023 from the Office of the Taoiseach acknowledging receipt of Resolution passed by Leitrim County Council calling on the Government not to proceed with its plans to re-wet farmland on peat soils.
15. Acknowledgement from the Office of the Taoiseach dated 30th March 2023 in regard to Resolution passed by Leitrim County Council in regard to the HSE.
16. Resolution from Offaly County Council dated 3rd April 2023 in regard to extending the eviction ban for all.

Councillor Des Guckian supported this.

17. Letter from the HSE dated 3rd April 2023 in response of Resolution passed by Leitrim County Council in regard to products labelling dangerous.
18. Email of the 5th April 2023 from the Office of the Minister for Health on foot of Resolution passed by Leitrim County Council in regard to the waiting times being experienced by health and social care graduates seeking registration with CORU.
19. Letter dated 13th April 2023 from the HSE in response to Resolution passed by Leitrim County Council in regard to Occupational Therapy Reports.
20. Email of the 11th April 2023 from the Office of the Minister for Housing, Local Government and Heritage regarding resolution passed by Leitrim County Council in regard to the Residential Tenancies Board.
21. Email of the 17th April 2023 from the Office of the Minister for Agriculture, Food and Marine in response to Resolution passed by Leitrim County Council regarding meat exports.
22. Resolution passed by Wexford County Council dated 20th April 2023 in regard to the Able Disabled Campaign.

Matters raised under Meeting Correspondence

Councillor Des Guckian noted the failure of the Taoiseach's office not to insert the subject matter on acknowledgement letters when they are acknowledging Resolutions passed by Leitrim County Council that have been forwarded to the Taoiseach's Office for attention.

Councillor Brendan Barry said there is no substance in the replies being received and this is very disheartening and disappointing for Members who put a lot of work and effort into

motions.

Councillor Enda McGloin welcomed the allocation from Minister O'Brien of €573,000 for the Housing Adaption Grant - an increase of 2% on last year.

MM.73.23 Motion from Councillor Des Guckian - Unfinished Housing Estates

To consider the following Notice of Motion submitted by Councillor Des Guckian;

"That we Councillors instruct our Council officials not to entertain any further major development proposals from any development company that has already left a major mess behind them in the form of unfinished estates etc."

Report by Director of Services for Economic Development, Planning, Environment and Transportation.

"Section 35 of the Planning and Development Act 2000, as amended, deals with 'Refusal of planning permission for past failures to comply'. It provides that where the Planning Authority is satisfied that a person is not in compliance with a previous permission or with a condition to which the previous permission is subject, has carried out a substantial unauthorised development, or has been convicted of an offence under this Act, the authority may form the opinion:

- (i) that there is a real and substantial risk that the development in respect of which permission is sought would not be completed in accordance with such permission if granted or with a condition to which such permission if granted would be subject, and
- (ii) that accordingly planning permission should not be granted to the applicant concerned in respect of that development.

It specifies the manner in which notice under this section should be served on such a person and allows for the person to make submissions which the Planning Authority must take into account before making their decision. The Act also provides that the decision of the Planning Authority may be referred to the High Court for an annulment of this decision within specified parameters. This section applies to companies as well as individuals and partnerships.

The decision to apply the provisions of the Act in the making of a decision on a planning application is an Executive function under the Planning & Development Act 2001, as amended."

Councillor Des Guckian said he was not happy with the reply he received in this regard as it was very general.

Councillor Paddy O'Rourke said Members cannot put a blanket ban on developers. Councillor O'Rourke said these are the people who make things happen and have provided homes in the past. Councillor O'Rourke acknowledged that officials and Government have

learned from the mistakes of the past and some people should not be entertained again. The reality is that major development in this county is needed to provide homes for people to live in.

Cllr Des Guckian said, in his experience, small builders have a good reputation. He outlined that he was surprised Cllr O'Rourke was supporting rogue developers. Councillor Paddy O'Rourke rejected Cllr Des Guckian's comments.

MM.74.23 Motion from Councillor Sean McGowan - Transport for rural towns and villages to support night-time economy

To consider the following Notice of Motion submitted by Councillor Sean McGowan;

"I will seek the support of members in again calling on the Department of Transport & the Local Link office to look at the possibility of providing transport to our rural towns & villages to support the night-time economy, particularly at weekends."

Councillor Sean McGowan complimented Local Link for the current services they have in operation. Councillor McGowan proposed Ms Fiona O'Shea, Manager of Local Link be invited to attend a meeting of Leitrim County Council to hear the views of the members with regard to providing nighttime services.

On the **PROPOSAL** of Cllr. Sean McGowan
SECONDED by Cllr. Enda Stenson

It was **AGREED** Leitrim County Council call on the Department of Transport & the Local Link office to look at the possibility of providing transport to our rural towns & villages to support the night-time economy, particularly at weekends.

MM.75.23 Motion from Councillor Felim Gurn - Specialised Fire Training for EV fires

To consider the following Notice of Motion submitted by Councillor Felim Gurn;

"Regarding the transition from diesel / petrol cars to electric cars, has our Fire Service been trained in how to deal with electric cars & HGVs when these EV's are involved in collisions and when they go on fire? Is specialised training required in dealing with such events, and has our new fire tenders, which we are thankful for, got the necessary apparatus to get such EV fires under control?"

Report by Head of Finance & Water Services

"The Fire Service are very aware of the risks posed by EV cars and HGV's involved in either a fire or a collision. The Fire Service is being proactive in helping our firefighters to prepare for such incidents.

An Introductory EV Training / Workshop has been held for all Junior Officers. One Senior

Officers and an RTC instructor have attended a one-day Rescue Organisation Ireland EV Course in Sligo.

Specialised equipment (EV plugs) for each fire station and other equipment to deal with EVs in emergency situations is currently being procured.

In addition, discussions are underway with Dublin Fire Brigade to run a one-day EV course for every firefighter in each station in Leitrim shortly"

Councillor Felim Gurn gave the background to his motion, and outlined there has been an 26% increase in electric cars being purchased. Cllr Gurn welcomed the new Fire Station in Manorhamilton and he hoped further training is carried out for the Fire Service to deal with EV fires.

Councillor Des Guckian supported the motion.

MM.76.23 Motion from Councillor Finola Armstrong McGuire - Iarnrod Éireann Fares

To consider the following Notice of Motion submitted by Councillor Finola Armstrong-McGuire;

"That this Council calls on Iarnród Éireann asking that fares purchased at box offices or at ticket machines at train stations are priced in line with online purchases. There is an unfair charge on those who purchase at machines at train stations. Service users deserve fair treatment at every level."

Councillor Finola Armstrong McGuire called on Iarnród Éireann to examine fares purchased at box offices and ticket machines at train stations and to ensure they are priced similar to online purchases.

On the **PROPOSAL** of Cllr. Finola Armstrong McGuire
SECONDED by Cllr. Sean McGowan

It was **AGREED** Leitrim County Council call on Iarnród Éireann asking that fares purchased at box offices or at ticket machines at train stations are priced in line with online purchases. There is an unfair charge on those who purchase at machines at train stations. Service users deserve fair treatment at every level."

Councillor Pdraig Fallon supported the motion.

MM.77.23 Motion from Councillor Pdraig Fallon - Supporting indigenous businesses in Leitrim

To consider the following Notice of Motion submitted by Councillor Pdraig Fallon;

"I ask what is this Local Authority's policy with regard to supporting indigenous, small family run, rate paying businesses in County Leitrim."

Report by Head of Finance & Water Services

"The Council is actively involved in the Economic Development of the County through numerous initiatives. The Council is progressing through the implementation of a significant rolling capital investment programme much of which is focused on economic related projects, town regeneration or tourism development. All of this investment is contributing to the development of the County in a way that equips it to continue to increase its economic wellbeing. In addition to capital investment the Council has a very active Local Enterprise Office which offers a suite of supports to small and medium sized business across business mentoring, grant aid, training and development and support for specific initiatives such as online trading, export support etc. In addition, the resources of other departments such as preplanning are available to assist and advise any business on expansion or growth plans. In conclusion the Council also provides consider destination marketing and development for the County as a visitor destination which aids individual operators in this sector."

Councillor Pdraig Fallon said he wrote to the Finance Department about this issue a year ago and he hoped this can be reviewed. Councillor Fallon referred to a small family run business that supplied fuel to the Local Authority, but due to energy efficiency measures and the introduction of fuel cards, the Local Authority has ceased to purchase fuel from this local retailer. This was quite a significant expenditure by the Local Authority with this small family run business. Councillor Fallon said this is not environmentally or economically beneficial for the Local Authority to purchase fuel elsewhere using a fuel card, as they will have to travel 38kms to get this fuel and he asked if this decision is impacting on other small businesses in the county.

Councillor Mary Bohan said this is unintended and it does have a considerable impact on other small businesses in the county.

Councillor Des Guckian supported the motion.

MM.78.23 Motion from Councillor Paddy Farrell - Dentists

To consider the following Notice of Motion submitted by Councillor Paddy Farrell;

"I call on Leitrim County Council to contact the Minister for Health, Stephen Donnelly TD, to provide more dentists to deal with medical card patients in County Leitrim, as there is only one at present leading to long delays and patients having to travel long distances to get treatment."

On the **PROPOSAL** of Cllr. Paddy Farrell
SECONDED by Cllr. Mary Bohan

It was **AGREED** Leitrim County Council contact the Minister for Health, Stephen Donnelly TD, to provide more dentists to deal with medical card patients in County Leitrim, as there

is only one at present leading to long delays and patients having to travel long distances to get treatment.

Councillor Gerry Dolan, Councillor Des Guckian, Councillor Brendan Barry and Councillor Justin Warnock supported the motion.

MM.79.23 Motion from Councillor Justin Warnock - National Cancer Screening Test for every citizen over the age of 50

To consider the following Notice of Motion submitted by Councillor Justin Warnock;

"In the aftermath of COVID-19, we are seeing an alarming increase in deaths and serious illness due to cancer. Most can be attributed to lockdowns and the limited access to GP's and medical services. So therefore, I ask that we write to the Minister for Health, Stephen Donnelly TD, and to all party and group leaders in the Oireachtas to rollout a National Cancer Screening Test for every citizen over the age of 50 with the same enthusiasm and financial support as was committed for COVID testing and screening."

On the **PROPOSAL** of Cllr. Justin Warnock
SECONDED by Cllr. Paddy Farrell

It was **AGREED** Leitrim County Council write to the Minister for Health, Stephen Donnelly TD, and to all party and group leaders in the Oireachtas to rollout a National Cancer Screening Test for every citizen over the age of 50 with the same enthusiasm and financial support as was committed for COVID testing and screening. In the aftermath of COVID-19, we are seeing an alarming increase in deaths and serious illness due to cancer. Most can be attributed to lockdowns and the limited access to GP's and medical services.

Councillor Mary Bohan and Councillor Sean McGowan supported the motion.

MM.80.23 Motion from Councillor Enda McGloin - EV charging points in the County

To consider the following Notice of Motion submitted by Councillor Enda McGloin;

"I ask that Leitrim County Council consider the current number of available EV charging points in the county and the projected numbers of fast and standard EV charging points up to 2024 across Co Leitrim and consider if those numbers are sufficient from a business and tourism point of view."

Report by Director of Services for Economic Development, Planning, Environment and Transportation.

"The Government has published the Electric Vehicle Charging Infrastructure Strategy 2022-2025 which identifies collaborations including local authorities in the roll out of charging points. The Council has had an initial engagement with the relevant Department Officials in

this regard and will continue this engagement going forward through which it is expected that the charging infrastructure rollout will be achieved in due course."

Councillor Enda McGloin noted he did not get an answer as to how many EV charging points are in the county. Councillor McGloin said Carrick-on-Shannon is the only charging point and he said if we are going to attract visitors, we need to change this serious situation. According to the statistics more electric cars were bought this year than diesel cars.

Councillor O'Rourke said he raised this motion before and he was told there is one EV Charging point in both Carrick-on-Shannon and Manorhamilton and smaller towns would be considered.

Councillor Pdraig Fallon supported the motion and he said this was raised 4 years ago and it is an issue with the increase in Electric Vehicle sales.

Mr Joseph Gilhooly said he will send the details of the locations of the EV charging points to the member in question.

Councillor McGloin said the Minister needs to be talking to the ESB for this infrastructure to be put in place.

Councillor Felim Gurn supported the motion.

MM.81.23 Motion from Councillor Sean McDermott - Deer Population

To consider the following Notice of Motion submitted by Councillor Sean McDermott;

"An increase in the wild deer population appears to be a particular problem in Leitrim and the North West due to the high level of forestry. Increasingly, wild deer are causing road traffic hazards, and cause damage to young trees, gardens, fences and private property. Recently there has been near accidents on the Glenfarne/Kiltyclogher regional road. I ask the Council to write to the Minister for Agriculture to request the NPWS to carry out an analysis of all deer in Ireland to include, numbers, age, sex, species and genetic profiling, and a regulated cull of deer and to protect the true native Irish Red Deer whose population has been limited to only a few places in Ireland."

Councillor Frank Dolan moved this motion for Councillor Sean McDermott as he was absent from the meeting.

Councillor Brendan Barry supported the motion.

MM.82.23 Motion from Councillor Brendan Barry - Homelessness

To consider the following Notice of Motion submitted by Councillor Brendan Barry;

"I ask Leitrim County Council for an update on the housing situation in the county. How many people have presented as being homeless in County Leitrim or have valid notices of termination with termination dates that have passed but are still in the property or termination dates that will be in next 3 months and been offered or found a different home? How many people are in emergency accommodation? How many people were offered a sleeping bag?"

Report by Director of Services, Housing and Community, Corporate Services, Cultural and Emergency Services

"To date in 2023 there have been 11 homeless presentations to Leitrim County Council. There are currently 6 Individuals and 1 family (1 Adult & 2 Children) residing in Temporary Emergency Accommodation. In 2023 to date, Leitrim County Council has secured homes for 3 homeless individuals. Nobody presenting as homeless to Leitrim County Council has been offered a sleeping bag.

11 households have presented to the Council with valid notices of termination with effective dates up to the end of April 2023. A further 14 valid Notices of Termination have been served for the months of May, June and July. To date, the Council has secured alternative accommodation for 7 Individuals/Families in receipt of Notices of Termination."

Councillor Brendan Barry thanked the Executive for the response and he said the reply shows the number of people affected in a small county like Leitrim.

Mary Quinn advised the needs of 7 individuals/families have been addressed.

MM.83.23 Motion from Councillor Mary Bohan - ESB outages

To consider the following Notice of Motion submitted by Councillor Cllr Mary Bohan;

"I propose that Leitrim Co Council write to ESB regarding the recent supply outages in the Dromahair/Killargue areas. The length of the outages is totally unacceptable."

Councillor Mary Bohan referred to one particular area of Killamummery where there was an electricity outage for 9 hours. People were notified that this was due to upgrading of the network, but it was accommodating Coillte. Councillor Bohan said this should not have been allowed to have been taking place for a full day as this left people without power under false pretenses. Councillor Bohan proposed that a letter issue to the ESB stating that ESB outages of 8 hours is not acceptable and very unfair especially, when we are paying high prices for ESB. Councillor Bohan said that Coillte have confirmed they will be requesting more outages.

On the **PROPOSAL** of Cllr.Mary Bohan
SECONDED by Cllr. Brendan Barry

It was **AGREED** Leitrim Co Council write to ESB regarding the recent supply outages in the

Dromahair/Killargue areas. The length of the outages is totally unacceptable.

MM.84.23 Motion from Councillor Paddy O'Rourke - Rural Cottages

To consider the following Notice of Motion submitted by Councillor Paddy O'Rourke;

"I ask what exactly is Leitrim County Council's policy on the building of rural cottages for families who have applied in good faith and confirmed they have suitable sites which have passed the percolation test and are qualifying persons on the housing list? The application form asks the question would the applicant prefer a rural cottage, and could they provide a site which suggests we would build a house in order to meet their needs."

Report by Director of Services, Housing and Community, Corporate Services, Cultural and Emergency Services

"Where an applicant is approved for social housing and has indicated a preference for rural house, Leitrim County Council will in the first instance review to determine if the housing need can be met through the allocation of an existing property within its housing stock either directly or through Choice Based Letting. Alternatively, the Council may review options to purchase suitable existing property in the area. These delivery methods are the most expeditious means to provide a home to the applicant as the process to construct a single rural dwelling is a minimum 24 months once the decision to build a rural cottage is taken and approved for funding by the Department."

Councillor Paddy O'Rourke asked what is the position with the provision of rural cottages in this county.

Ms Mary Quinn said the process to construct a single rural dwelling is a minimum of 24 months once the decision is taken and funding approved by the Department. Ms Quinn acknowledged that Leitrim County Council have not had a rural house programme for a number of years.

Councillor Justin Warnock supported the motion, and he said it is difficult for farming families in Leitrim who want to live on farms, stating Leitrim County Council should support this.

Councillor Sean McGowan supported the motion and said Leitrim County Council have moved away from this model and he complimented Councillor O'Rourke for raising the motion.

Councillor Gerry Dolan, Councillor Mary Bohan and Councillor Felim Gurn supported the motion.

Any other Business

The Cathaoirleach on behalf of the Council made a presentation to Leonie Kiernan, Journalist with *'The Leitrim Observer'* on the occasion of this being her last assignment as a

reporter at a Leitrim County Council meeting. The Members thanked Ms. Kiernan for her fairness in reporting on Council meetings and events and relaying the news from the Elected Members to the public. The members and the Chief Executive wished her well in her future endeavors. Ms Leonie Kiernan thanked the members for their good wishes, and she said it was a pleasure to have worked with them.

The Cathaoirleach and members also extended good wishes to Fiona Heavey, Journalist who is also leaving the Leitrim Observer to embark on other endeavors.

This concluded the business of the meeting at 1.18 pm

Signed:

Councillor Ita Reynolds Flynn
Cathaoirleach

Kieran Brett
Meetings Administrator

Dated: **3rd July 2023**