**Minutes of Meeting of Cavan County Council held in The Council Chamber, Courthouse, Cavan on Monday 12th September, 2022 at 2.00p.m.**

Councillor J.P. Feeley, Cathaoirleach presiding

Present; Councillors M. Argue, W. Bennett, P. Brady, C. Brady, A. Fitzpatrick,

B. Fay, C. Kelly, C. Lovett, P. McDonald, P. McVitty, S. O’Reilly,

S.P. O’Reilly, T.P. O’Reilly, S. Smith, T. Smith, V. Smith, P. Walsh.

In Attendance; T. Ryan, Chief Executive

B. Jennings, Director of Service

P. Connaughton, Director of Service

E. Doyle, Director of Service

M. McNally, A/Head of Finance

L. McGavigan, Senior Executive Officer

E. McGinn, Senior Staff Officer

Councillor J.P. Feeley welcomed all to the meeting.

1. **To confirm Minutes of Monthly Meeting held on 11th July 2022.**

**Miontuaririsci cruinnithe 11 Iúil a dhearbhu.**

It was

Proposed by Councillor C. Kelly

Seconded by Councillor P. McVitty

And

Resolved;

“that minutes of meeting of Cavan County Council held on 11 July 2022 be hereby approved”

1. **Disclosure of Interests** (Section 177 Local Government Act 2001).

Noted**.**

1. **To note Minutes of Corporate Policy Group meeting held on 9 June 2022**

Noted.

1. **Note Members’ Reports from Conferences / Training events**

To note members’ reports from conferences and training events *(Section 142 and Section 143 of the Local Government Act 2001; Local Government (Expenses of Local Authority Members) Regulations 2014 Part V Section 5 (1)).*

Noted.

**5. Correspondence**

**(i) To note reply from the Revenue Board Chairman’s Office regarding enforcement of carbon tax on coal, especially in the context of likely further restrictions on smoky coal fuel in the State.**

Noted.

**(ii) To note reply from John Kearney, Chief Executive Officer, National Council for Special Education.**

Noted.

**(iii) To note reply from the Office of Minister Josepha Madigan, T.D. regarding Autism.**

Noted.

**(iv) To note reply from Minister Catherine Martin, T.D., Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media regarding hotel prices and car rental costs in Ireland.**

Noted.

**Memorial Plaque to honour the late Inspector Samuel Donegan**

Councillor J.P. Feeley stated that the Cavan Branch of An Garda Siochana Retired Members Association expressed their thanks to Cavan County Council staff for their help and assistance in organising the memorial event to commemorate the 50th Anniversary of the late Inspector Samuel Donegan who died while on duty on a laneway north of Redhills Village.

**Civic Reception for Reverend David Nixon**

Councillor J.P. Feeley stated that Reverend David Nixon, Methodist President and native of Blacklion contacted him to convey his thanks and appreciation to Officials and Staff of Cavan County Council for organising a Civic Reception for him.

**Votes of Sympathy:**

* The McGovern Family, Corlough on the death of Packie McGovern, former Cavan County Council employee.
* Evan Scanlon employee of Cavan County Council on the death of his wife Mary McTague Scanlon, Corracanvy, Cavan.
* Joanne Hayes employee Cavan County Council on the death of her aunt Ms. Lucy Hayes.
* The Shannon Family, Bawnboy on the death of James, father of Cathal Shannon, employee Cavan County Council.
* The Ward Family, Cavan Association Luton on the death of their father Joe, formerly Bailieborough.
* The Royal Family on the death of Queen Elizabeth II

A minutes silence was held in memory of the deceased.

**Votes of Congratulations:**

* Crosserlough Group Water Scheme on winning the overall award for Community Engagement in the 2022 Group Water Scheme Excellence Awards.
* Roisin Smith, Cootehill on publishing her own book “Poems from the Heart” with all proceeds in aid of Embrace Farm.

1. **To approve attendance of members at the following:**

**Celtic Conferences “A Practical Guide to Budget 2023” in Carlingford, Co. Louth from 30th September to 2nd October 2022.**

It was

Proposed by Councillor S.P. O’Reilly

Seconded by Councillor T.P. O’Reilly

And

Resolved;

“that the attendance of Councillors A. Fitzpatrick, C. Kelly, P. Brady and B. Fay at Celtic Conferences “A Practical Guide to Budget 2023” in Carlingford, Co. Louth from 30th September to 2nd October 2022 be hereby approved”

1. **MEMBER’S QUESTION – COUNCILLOR SARAH O’REILLY**

Can the manager please advise on the following, regarding telecommunication structures, masts and monopoles within the County Cavan area?

(i) How many planning applications or such structures were received by Cavan

     County Council during the periods 2017 to 2021 inclusive?

(ii) How many of these applications were refused permission by this Council?

(iii)Of those which were refused by this Council, how many were appealed to

       An Bord Pleanala?

(iv) Of those appealed, how many of the Council's decisions were supported by

      the Board's inspector in his / her recommendation?

(v) How many of the inspectors' recommendations, supporting the Council's

      decisions were not accepted / overturned by the Bord?

A reply to the question posed by Councillor S. O’Reilly was circulated prior to the meeting.

**Business prescribed by Statute, Standing Orders or Resolutions of the Council.**

1. **To note Chief Executive’s monthly report (Section 51 Local Government Reform Act 2014).**

Noted.

1. **To approve disposal of plot of land containing 1.057 acres or 0.428 hectares at Drumsillagh, Butlersbridge, Co. Cavan to Mr. Andrew Connolly, 2 Scott Avenue, Chorlton-Cum-Hardy, Manchester, M21 9QW, England for a nominal sum and in lieu of Mr. Andrew Connolly agreeing to the simultaneous disposal of plot of land at Drumsillagh containing 0.134 acres and 0.054 hectares, pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Local Government (Planning & Development) Act 2000, and notices circulated.**

It was

Proposed by Councillor S. Smith

Seconded by Councillor P. McVitty

And

Resolved;

“that the disposal of plot of land containing 1.057 acres or 0.428 hectares at Drumsillagh, Butlersbridge, Co. Cavan to Mr. Andrew Connolly, 2 Scott Avenue, Chorlton-Cum-Hardy, Manchester, M21 9QW, England for a nominal sum and in lieu of Mr. Andrew Connolly agreeing to the simultaneous disposal of plot of land at Drumsillagh containing 0.134 acres and 0.054 hectares, pursuant to Section 183 of the Local Government Act 2001 and Section 211 of the Local Government (Planning & Development) Act 2000 be hereby approved”.

1. **Approval of nominees to Cavan Local Community and Development Committee under Section 128C (3)(b) of the Local Government Reform Act 2014:**

* Ms. Gesiere Maryam Temile, Women’s Issues replacing Ms. Ada Vance, Women’s Issues.
* Ms. Aisling Traynor, Youth Issues replacing Ms. Aisling Tobin, Youth Issues.

It was

Proposed by Councillor C. Kelly

Seconded by Councillor V. Smith

And

Resolved;

“that the approval of nominees Ms. Gesiere Maryam Temile, Women’s Issues and Ms. Aisling Traynor, Youth Issues to Cavan Local Community and Development Committee under Section 128C (3)(b) of the Local Government Reform Act 2014 be hereby approved”.

1. **To approve the Local Property Tax Rate Adjustment for 2023.**

It was

Proposed by Councillor C. Kelly

Seconded by Councillor T.P. O’Reilly

And

Resolved;

“that the Local Property Tax for 2023 be the same as that approved in 2022, for the lifetime of this Council.”

Ms. Margaret McNally, A/Head of Finance informed the members that in accordance with Section 20 of the Finance (Local Property) Tax Act 2012, as amended by Section 5 of the Finance (Local Property) Tax Act 2013, a Local Authority may as a reserved function resolve to vary the basic rate of the local property tax within its functional area by a maximum +/-15%. She stated that any decision by a Local Authority to vary the basic rate of Local Property Tax must be taken by 15th October 2022. She stated that Section 20 of the 2012 Act requires that, in varying the rate, a local authority must take account of its financial position. Ms. McNally stated that if Cavan County Council decides to maintain the current LPT rate for 2023, 100% of the resultant income will be retained for our own use and if we decide to reduce the basic rate of LPT in 2023, the resultant loss in LPT income will be reflected in reduced LPT funding. Ms. McNally stated that the impact of not maintaining the local adjustment factor in respect of Local Property Tax in 2023 would be significant and represents an immediate loss of income of €562,545 to Cavan County Council. She stated that given the situation with the NPPR and Landfill incomes respectively, the loss of the income would greatly impact negatively on Cavan County Council’s services. Ms. McNally recommended that the Local Property Tax for 2023 be the same as that approved in 2022, being a 15% increase in the property tax adjustment factor for the lifetime of this Council.

**To fix the date and time of the Budget 2023 Meeting (Section 103, Local**

**Government Act 2001).**

It was

Proposed by Councillor C. Kelly

Seconded by Councillor W. Bennett

And

Resolved;

“that the budget meeting be held on Friday 25th November 2023 at 10.30a.m at a venue to be decided.

**MEMBERS’ ITEMS SEPTEMBER MEETING**

**2. That Cavan County Council provide an update on the North South Interconnector.**

Councillor C. Kelly asked the executive of Cavan County Council if there had been any

recent updates on the North South Interconnector.

Mr. Brendan Jennings, Director of Service informed the members that there had been no

meetings with Eirgrid or ESB Networks since the last Council Meeting.

**7. To ask the Minister for the Environment to outline alternatives to oil and gas boilers which are being proposed to be phased out.**

Councillor T.P. O’Reilly proposed that Cavan County Council write to the Minister for the Environment asking that he outlines alternatives to oil and gas boilers, particularly to those living in rural areas, which are currently under the process of being phased out.

Councillor W. Bennett seconded Councillor T.P. O’Reilly’s proposal.

1. **That Cavan County Council call on the Minister for Education and Bus Eireann to**

**take urgent action to ensure that there are adequate spaces on school transport to accommodate everyone who previously had a place including those with discretionary tickets and that the criteria for school transport be urgently reviewed.**

Councillor J.P. Feeley stated that urgent action is needed to solve the ticketing chaos that has left hundreds of school-going children without bus seats following the Government’s decision to suspend fees for the 2022/2023 academic year. Councillor Feeley stated that the introduction of the free school bus now has brought extra people who would not have used the school bus previously and they are taking up the seats of those who would have had discretionary tickets last time. He stated that one solution to the problem is that Bus Eireann add more places for children by engaging with local bus companies who are ready willing and able but unfortunately this has not happened. Councillor Feeley proposed that Cavan County Council write to the Minister of Education and Bus Eireann asking them to take urgent action to ensure that there are adequate spaces on school transport to accommodate everyone who previously had a place including those with discretionary tickets and that the criteria for school transport be urgently reviewed.

**13. That we write to the Department of Transport, Minister Eamon Ryan and Bus Eireann to intervene to resolve the total chaos that is the school transport service.**

Councillor B. Fay stated that the current situation facing families of school-going children is in complete chaos and proposed that Cavan County Council write to the Minister for Transport, Minister Eamon Ryan T.D. and Bus Eireann to intervene to resolve the total chaos that is the school transport service. He stated that there are children abandoned on the side of the road due to what had happened with bus tickets. He stated that the Minister for Transport does not think about the gridlock that has caused the additional traffic on roads and parking outside schools. He stated that parents are also frustrated as they cannot get through to the Bus Eireann switchboard. He stated that there are some situations where children are on the bus and their siblings cannot travel on it.

Councillor C. Kelly supported the motion and noted that every year there is a panic when it comes to school bus tickets. He stated that in some cases parents have paid for tickets as far back as July and then got an email to say their child was not accepted before the school year began.

Councillors S. Smith, T.P. O’Reilly, P. McDonald, P. Walsh, T. Smith and P. Brady supported the motion.

**9. That Cavan County Council ask Inland Fisheries Ireland, the Minister for Natural Resources and Waterways Ireland to implement a programme to remove ‘Canadian Knotweed/Nuttalls Knotweed’ invasive weeds growing in Lough Oughter and other waterways.**

Councillor J.P. Feeley proposed that Cavan County Council write to Inland Fisheries Ireland, the Minister for Natural Resources and Waterways Ireland to implement a programme to remove “Canadian Knotweed/Nuttalls Waterweed” invasive weeds growing in Lough Oughter and other waterways. Councillor J.P. Feeley stated that the weed is visible from the lake and is negatively impacting on fishing in the area. Councillor Feeley stated that the issue was first raised towards the end of 2021 and since then several access points on the lake have become inaccessible. He noted that some works had been done through the Heritage Office in Cavan County Council but more needs to be done by Waterways Ireland.

Councillor B. Fay seconded Councillor J.P. Feeley’s proposal and stated that action is needed to prevent the weed, which can produce dense monocultures in some sites thus impacting species diversity.

Councillors W. Bennett and C. Kelly supported the motion.

Mr. Paddy Connaughton, Director of Service stated that the authority in charge of dealing with the matter is the National Parks and Wildlife Services. Mr. Connaughton noted that a working group has since being established, involving representatives from the Council’s own department of the environment and other departments to deal with the matter.

**10. Having regard to the current investigations by both An Garda Siochana and the Office of the Planning Regulator, into the issue of ‘conflict of interests’ within An Bord Pleanala and the possibility of flawed decision making, as a consequence, by members of An Bord Pleanala, this Council calls on the Minister for Planning to introduce legislation whereby those possibly flawed decisions may be brought to the High Court for judicial review, notwithstanding that such reviews would be normally outside the time scales for review, as currently set out in the Rules of the High Court.**

Councillor S. O’Reilly stated that in light of the current investigations, resignations and following further revelations if any improprieties were found, it would be only right and just that campaign groups and individuals who have dedicated so much time and energy to their cause, can request a judicial review of their case. She stated that the sole means by which planning board decisions can be overturned, is via the process of a judicial review action in the courts. Councillor S. O’Reilly proposed that Cavan County Council write to Minister Darragh O’Brien T.D. asking him to legislate to allow for judicial reviews in cases where alleged improprieties may be found. Councillor O’Reilly stated that judicial review proceedings should not be subjected to time constraints, as set out by the High Court, given the concerns that have emerged around a few local developments given the green light by An Bord Pleanála. Councillor O’Reilly stated that her focus was on telecommunication structures, masts and monopoles within County Cavan.

Councillor C. Kelly seconded Councillor S. O’Reilly’s proposal.

**11. That Cavan County Council supports the redrafting of the Work Life Balance Bill to include the words woman, female and mother, in the clauses that relate to maternity protections.**

Councillor S. O’Reilly proposed that Cavan County Council supports the redrafting of the Work Life Balance Bill to include the words woman, female and mother in the clauses that relate to maternity protections. Councillor O’Reilly stated that she believes transgender people or anyone struggling with gender related issues deserve full protection from discrimination and we, as a society must always be sensitive and respectful towards them. However, she stated that she shared her upset in the wake of a controversial RTE Liveline debate last June where mentions of women and mothers are being erased from new legal provisions concerning rights to maternity leave and breastfeeding. She stated that she does not wish to see words like woman, girl, mother, motherhood removed from legislation or indeed from communications from arms of the State, NGO’s and Society in general. She stated that her right to be called woman or be referred to as female is important to her. She stated that these words matter to women and help them define who they are and who they have become. She stated that Labour Party Leader Ivana Black has recently given her backing to keeping the word “woman” in the laws that cover maternity rights in Ireland and she welcomed this very much. Councillor O’Reilly stated that Ireland cannot allow a situation to develop where opportunistic predators who are not transgender but who take advantage of the law, could seek victims by having easy access to such safe spaces.

Councillor P. McDonald seconded Councillor S. O’Reilly’s proposal and pointed to the Proclamation of the Irish Republic which he said cherishes all the people of the nation equally irrespective of gender.

**12. That Cavan County Council call on the Minister for State for Transport and Logistics Hildegarde Naughton to increase finance supports for the haulage industry to help offset the impact of Brexit, fuel costs, the upgrading of fleets to greener technology and to abolish toll charges for green vehicles.**

Councillor S. O’Reilly proposed that Cavan County Council write to the Minister for State for Transport and Logistics, Ms. Hildegarde Naughton asking that she increase finance supports for the haulage industry to help offset the impact of Brexit, fuel costs, the upgrading of fleets to greener technology and to abolish toll charges for green vehicles. Councillor O’Reilly stated that the Government must support businesses as they try to cope with these challenges and face the real difficulties ahead. She stated that the licensed road haulage sector faces significant adjustments arising from the transition to a low carbon economy and it is a sector that retains an unavoidable dependence on fossil fuels to power the national fleet. She asked that the Government listen to the voice of the Irish Road Haulier Association and follow evidence-based analysis on future reliable technologies that will reduce emissions at less cost to the haulier rather than embracing extremely vocal lobby groups, vested interests, unproven theories and untested technologies. Councillor O’Reilly stated that it is essential that the Diesel Rebate Scheme is retained and increased. She noted that it is currently €0.07 cent per litre while in France it is €0.18 cent per litre. She stated that since Brexit the cost to hauliers who are not using the land bridge to Europe has increased by €310, she stated that hauliers need a Brexit Adjustment Reserve Advance. She stated that incentivised grants for trucks that have the Euro 6 truck emission standard that reduces harmful vehicle exhaust pollutant emissions are needed.

Councillor C. Kelly seconded Councillor S. O’Reilly’s proposal.

Councillor P. McVitty supported the motion noting that something needs to be done urgently to support the road haulage industry to keep them in business.

**14. That we ask the Ministers for Finance and the Minister for Energy, Environment and Climate Change to do something about the energy crisis in our country before SMEs, the agriculture sector and the elderly in our communities are not able to cope.**

Councillor B. Fay proposed that Cavan County Council write to the Ministers for Finance and the Minister for Energy, Environment and Climate Change to do something about the energy crisis in our Country before SMEs, the agriculture sector and the elderly in our communities are not able to cope. He stated that there needs to be a cap put on the unit price of electricity as the €200 credit to be given in Budget 2023 to households will not solve the problem. He stated that he knows of a businessman whose energy bill went from €4,000 to €11,000. He noted that electricity prices in Ireland have gone up by 200-300 percent over the last eighteen months while energy companies profit because of it. Councillor Fay stated that it is time for a pro-active approach on the matter because many people, across all sectors are at their wits end over the rising costs of energy.

Councillor S. O’Reilly seconded Councillor B. Fay’s motion.

Councillor P. McDonald supported the motion and noted that many people will suffer this winter due to rising energy costs.

Councillor S. Smith supported the motion and stated that the ESB should take away the standing charge on electricity.

Councillors T.P. O’Reilly, P. Walsh and S.P. O’Reilly supported the motion.

**15. That we ask the HSE to look at our Covid Vaccination Centres to try and make them more accessible and more centrally located.**

Councillor B. Fay proposed that Cavan County Council write to the HSE asking that Covid Vaccination Centres be more accessible and more centrally located particularly for older people. Councillor Fay suggested that when the HSE are deciding the location of vaccination venues that officials consider issues such as bus routes.

Councillor S.P. O’Reilly seconded Councillor B. Fay’s proposal.

**16. To ask Cavan County Council to conduct a survey to find out the location of defibrillators in the County and then have finger post signs erected so as to point people in the right direction when in an emergency.**

Councillor Aiden Fitzpatrick proposed that Cavan County Council conduct a survey to find out the location of defibrillators in County Cavan and have finger post signs erected so as to point people in the right direction in the case of an emergency. Councillor Fitzpatrick noted that he was in Connemara during the summer and noted signposts were erected identifying where the potentially life-saving devices were located.

Councillor C. Kelly supported the motion and stated that in Kingscourt local businesspeople made signs to show where defibrillators are located in the town.

Councillor S.P. O’Reilly supported the motion and stated that the local authority take this survey on board and arrange with communities funding with regards to finger post signs. Councillor O’Reilly noted that there are three defibrillators in Mullagh in insulated boxes with codes written on them.

Councillor C. Lovett supported the motion and asked the Council to work with local Communities in providing refresher courses on how to use a defibrillator.

Councillor T.P. O’Reilly supported the motion stating that a defibrillator is a vital piece of equipment in any community. He stated that defibrillator sites should be pin pointed on google maps.

Councillor P. Brady supported the motion and asked that the matter be taken up at the HSE forum by Council members asking that the HSE place locations on their HSE App.

Councillors B. Fay, S. Smith and P. Walsh supported the motion.

Mr. Brendan Jennings, Director of Service stated that the National Ambulance Service is currently carrying out a survey on defibrillator sites throughout the Country and will publish a report on it when finished.

**17. To ask Cavan County Council to write to the Minister for Energy, Environment and Climate Change and ask him what stage the introduction of reverse vending machines is at and also where possible that in the building of any future grocery or convenience stores that the installation of one of these machines would be part of planning regulations.**

Councillor A. Fitzpatrick proposed that Cavan County Council write to the Minister for Energy, Environment and Climate Change asking him what stage the introduction of reverse vending machines is at and where possible that in the building of any future grocery or convenience stores that the installation of one of these machines would be part of planning regulations. Councillor Fitzpatrick stated that this review was supposed to have happened in 2019 and to date there had been no report issued.

Councillor C. Brady seconded Councillor A. Fitzpatrick’s proposal. Councillor Brady stated that this is a very worthwhile project and if people know they can get a few cents from reverse vending machine they will use it.

Councillors W. Bennett, P. McDonald, B. Fay. J.P. Feeley and S. Smith supported the motion.

Mr. Paddy Connaughton, Director of Service stated that the Council will write to the Department looking for an update.

**18. That Coillte Teo, in light of the poor management of their property in Cavan Burren Park, hand the property over to Cavan County Council to protect it for future generations.**

Councillor J.P. Feeley proposed that considering the poor management of Coillte Teo’s property in Cavan Burren Park, that Coillte Teo hand over the property to Cavan County Council to protect it for future generations. Councillor Feeley stated that in the past decade trees had been felled in the area, particularly around several of the monuments. He stated that they had created sightlines to adjoining areas, providing a degree of context as to the significance of the monuments themselves. Councillor Feeley stated that the cleared areas had been replanted with non-native Sitka Spruce and these viewing areas were beginning to be lost within the growth of the trees. He stated that as each year passes views of Tullygobbin Hill and Tullygobbin lake are being diminished. Councillor Feeley noted that Cavan County Council is currently working on plans to deliver a tourism development at the Shannon Pot and Cavan Burren Park and stated that we must have proper control and management in place to ensure that future tree planting is suitable to the environment.

Councillor S. Smith seconded Councillor J.P. Feeley’s proposal. Councillor Smith stated that there is a collective responsibility to ensure such sites are managed properly, and the assets within protected sufficiently.

Councillor P. McVitty supported the motion.

Mr. Brendan Jennings, Director of Service noted that over the past decade and a half, interest in the Cavan Burren Park had grown significantly. He stated that Cavan County Council continues to have a good relationship with Coillte with regards to the location and noted the points being expressed by the members. Mr. Jennings stated that the Council would meet with Coillte on the matter.

**Any other business**

Councillor J.P. Feeley congratulated Councillor P. Walsh and her husband Patsy on celebrating their Golden Wedding Anniversary and wished them many more years of happiness together.

Councillor J.P. Feeley informed the meeting that the Programme of Events for Cavan Town Hall Theatre’s upcoming events had been circulated to all members.

Councillor J.P. Feeley stated that Saturday 24th September 2022 is Cavan Day and asked all members to publicise same on forms of social media.

Councillor B. Fay asked if something could be done to make the lights stronger when lighting up the Courthouse for an awareness day. Councillor S. O’Reilly asked if the Council would light the Courthouse blue to celebrate the upcoming National Baby Loss awareness week. Councillor Feeley noted that work is in progress with regards to the front of the Courthouse.

Councillor S.P. O’Reilly queried if the whole meaning of lights on the Courthouse are being lost due to the fact there are so many of them in recent times. Councillor J.P. Feeley stated that this happens more regularly than it did in the past due to local groups being involved and lighting the Courthouse is of huge importance to their organisations.

Item Nos. 1, 3,4,5 and 6 were deferred.

The meeting concluded at 3.40p.m.