

CORRESPONDENCE

JULY 2015 COUNCIL MEETING

- Letter received on 22nd May, 2015, from Dublin City Council following resolution adopted by the Council calling on the Ministers for Agriculture and Finance to reinstate the Early Retirement Scheme and Installation Grant for Farming Communities, a copy of the resolution having been sent to All Local Authorities for support.
- E-Mail received on 25th May, 2015, from Corporate Support, Kerry County Council.
- Letter received on 2nd June, 2015, from the Office of the Minister for Justice and Equality in reply to resolution adopted by the Council condemning the current system of accommodating asylum seekers in Ireland, known as Direct Provision, and calling on the Minister to (i) immediately close Mount Trenchard Direct Provision Centre in Foynes and (ii) commit to abolishing the Direct Provision system by the end of 2015.
- E-Mail received on 3rd June, 2015, from the Office of the Meetings Administrator, Fingal County Council.
- Letter received on 10th June, 2015, from the Office of the Minister for Agriculture, Food and the Marine, in reply to resolution adopted by the Council calling on the Ministers for Agriculture and Finance to reinstate the Early Retirement Scheme and Installation Grant for Farming Communities.
- Letter received on 11th June, 2015, from the Meetings Administrator, Cork City Council.
- E-Mail received on 12th June, 2015, from Corporate Services, South Dublin County Council.
- Letter received on 12th June, 2015, from the Office of the Minister for the Environment, Community and Local Government in reply to resolution adopted by the Council requesting the Minister to establish an external independent investigation into the actions of Limerick County Council in relation to the proposed development at Ardagh, Co. Limerick (Planning Application Ref. Nos. 06/3641 and 08/1288).

- Letters (3) received on 17th June, 2015, from the Meetings Administrator, Donegal County Council in relation to
 - (i) Irish Sign Language;
 - (ii) Social Housing;
 - (iii) Dunnes Stores.

 - Letter received on 14th July, 2015, from the Meetings Administrator, Monaghan County Council.

 - Letter received on 14th July, 2015, from Sean O'Callaghan, Senior Executive Officer, Cork County Council.

 - Letter received on 14th July, 2015, from the Office of the Minister for Transport, Tourism and Sport in reply to resolution adopted by the Council calling on Fáilte Ireland to extend the "Wild Atlantic Way" tourism trail to Limerick, a copy of the resolution having been sent to the Minister.

 - Letter received on 15th July, 2015, from Ms. Fiona Monaghan, Head of the Wild Atlantic Way Programme, Fáilte Ireland, in reply to resolution adopted by the Council calling on Fáilte Ireland to extend the "Wild Atlantic Way" tourism trail to Limerick and also inviting Fáilte Ireland to address a Meeting of the Council in relation to the matter.
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Comhairle Cathrach
Baile Átha Cliath
Dublin City Council

Chief Executive's Office
Civic Offices, Wood Quay, Dublin 8.

Oifig an Phríomhfheidhmeannaigh
Oifigí na Cathrach, An Ché Adhmaid, Baile Átha Cliath 8
T. 01 222 3762 F. 01222 2097

Our Ref: CWVN1105

15th May 2015

Mr. Eugene Griffin
County Secretary
Corporate Services and Change
Management
Limerick City and County Council
Corporate Headquarters
Merchant's Quay
Limerick



Dear Mr. Griffin,

I wish to inform you that Dublin City Council at the Monthly Meeting held on 11th May 2015 noted the content of your letter dated 14th April 2015 conveying the terms of a motion agreed at your March meeting calling on the Ministers for Agriculture and Finance to reinstate the Early Retirement Scheme and Installation Grant for our Farming Communities.

Yours sincerely,

Vincent Norton
Executive Manager

Sent: 25 May 2015 14:09

To: Carlow County Council; Cavan County Council; Clare County Council; Cork City Council; Cork County Council; Donegal County Council; Dublin County Council; Dun Laoghaire-Rathdown; Fingal County Council; Galway City Council; Galway County Council; KCC; Kildare County Council; Kilkenny County Council; Laois County Council; Leitrim County Council; Customer Services; Longford County Council; Louth County Council; Mayo County Council; Meath County Council; Monaghan County Council; Offaly County Council; Roscommon County Council; Sligo County Council; South County Dublin; Tipperary County Council; Waterford County & City Council; Westmeath County Council; Wexford County Council; Wicklow County Council
Subject: Correspondence to be circulated to all local authorities

A Chara,

The members of Kerry County Council adopted the attached resolution at the May 2015 Ordinary Meeting of Kerry County Council and asked that it be forwarded to all Local Authorities.

Kind regards

Olive O'Shea,
Corporate Support,
Kerry County Council,

Seirbhísí Corparáideacha

Comhairle Contae Chiarraí,
Áras an Chontae,
Trá Lí, Co. Chiarraí.



COMHAIRLE CONTAE CHIARRAÍ KERRY COUNTY COUNCIL

Corporate Services

Kerry County Council,
County Buildings,
Tralee, Co. Kerry.

Guthán | Tel 066 7183514 Faics | Fax 066 7183848 Rphost | Email secretar@kerrycoco.ie Suíomh | Web www.kerrycoco.ie

18th May, 2015.

Please quote my Ref: BR/Apr. 15/NoM 29/10A on all correspondence

Mr. Michael Noonan T.D.,
Minister for Finance,
Department of Finance,
Government Buildings,
Upper Merrion Street,
Dublin 2.



A Chara,

I have been requested by the members of Kerry County Council to write to you and the Minister for Environment in relation to the levying of rates on private childcare providers. There are 126 childcare providers in Kerry but just 20 are paying rates and this is unfair and puts them at a disadvantage. Members asked that private childcare providers would not be levied with rates.

Please consider this request and let me have your response at your convenience. Your reply can be emailed to gobrien@kerrycoco.ie.

Mise, le meas,

Gerard O'Brien,
Meetings Administrator

Tel: 066 718 3834





OFFICE OF THE MINISTER FOR JUSTICE, EQUALITY AND LAW REFORM
OIFIG AN AIRE DLÍ AGUS CIRT, COMHIONANNAIS AGUS ATHCHÓIRITHE DLÍ

Mr. Eugene Griffin
Meetings Administrator
Limerick City and County Council
Merchants Quay
Limerick



Minister Reference: 0417009542

29 May, 2015

Dear Mr. Griffin,

I am directed by the Minister for Justice and Equality to refer to your letter dated 14 April 2015 regarding the system of direct provision for persons in the international protection process in Ireland.

As you may be aware, an Independent Working Group was established in October 2014 to recommend to the Government what improvements should be made to the protection process, including direct provision and supports to asylum seekers. One of the tasks of the Working Group is to identify improvements to existing arrangements for the processing of protection applications taking account of the Government's intention to legislate for a single application procedure.

The Group began its work in November last under the Chairmanship of retired High Court Judge, Bryan McMahon and its membership is drawn from a range of interests in the international protection area including UNHCR, non-governmental organisations, protection applicants, academia, and relevant Government Departments and Offices. The Working Group is due to report to Government with its recommendations in the coming weeks.

I would also like to advise that the Minister has committed to introducing legislative change in the Protection area to provide for a single application procedure with a view to reducing the length of time applicants spend in the protection process. On 25 March 2015 the Minister published the General Scheme of the International Protection Bill, which was approved by Government recently.

This is the first step in delivering the Government's undertaking in the Statement of Government Priorities 2014 - 2016 to legislate to reduce the length of time protection applicants spend in the system. The objective is to reform the current multi-layered and sequential system which can result in applicants being accommodated in the State's system of direct provision for indeterminate periods of time. The single procedure will identify at a much earlier stage those who are in need of international protection and should be granted status and those who have no entitlement to stay in the State and who can safely return to their country of origin. The aim is for the legislation to be enacted by the end of this year.

Yours sincerely,

A handwritten signature in black ink, appearing to read "P.P. Aidan Fitzpatrick".

Christopher Quattrocchi
Private Secretary to the
Minister for Justice and Equality

From: Barbara Hegarty <Barbara.Hegarty@fingal.ie>

Sent: 03 June 2015 11:01

To: Carlow County Council; Cavan County Council; Clare County Council; Cork County Council; Donegal County Council; Dublin City Council; Dun Laoghaire-Rathdown County Council; Galway City Council; Galway County Council; Kerry County Council; Kildare County Council; Kilkenny County Council; Laois County Council; Leitrim County Council; Customer Services; Longford County Council; Louth County Council; Mayo County Council; Meath County Council; Monaghan County Council; Offaly County Council; Roscommon County Council; Sligo County Council; South Dublin County Council; Tipperary County Council; Waterford City and County Council; Westmeath County Council; Wexford County Council; Wicklow County Council

A Chara,

The following motion was adopted and approved by Fingal County Council at its adjourned meeting held on 27th May 2015.

Is mise le meas,

Meetings Administrator,
Fingal County Council.



3rd June 2015.

Department of the Taoiseach,
Government Buildings,
Upper Merrion Street,
Dublin 2.

Dear Taoiseach,

The following motion was adopted and approved by Fingal County Council at its adjourned meeting held on 27th May 2015.

"Go dtacaíonn an Comhairle seo le deireadh a bheith curtha leis an maolú ar stádas na Gaeilge san Eoraip agus go scríobhfaidh an Comhairle chuig an Rialtas ag éileamh orthu scríobh chuig Comhairle na nAirí chun iarraidh orthu ligint don mhaolú ar stádas na Gaeilge san AE dul in éag ag deireadh 2016

That this Council supports the ending of the derogation on the status of the Irish language in the European Union and that this Council will write to the Government and call on them to write to the Council of Ministers requesting that the derogation on the status of Irish in the EU be allowed lapse at the end of 2016."

I would be obliged for your observations in due course.

Yours faithfully

Michael Kelly
Administrative Officer



5 June 2015

Office of the Minister for Agriculture, Food and the Marine, Dublin 2.

Oifig an Aire Talmhaíochta, Bia agus Mara, Baile Átha Cliath 2.

Mr. Eugene Griffin
Meetings Administrator
Corporate Services and Change Management
Limerick City and County Council
Merchant's Quay
Limerick



Our ref: 2015/52796N

Dear Mr. Griffin,

I refer to your letter of 14th April, 2015 concerning the resolution of Limerick City and County Council calling for the reinstatement of the Early Retirement Scheme and Installation Aid for farming communities.

The Farmers' Early Retirement Scheme was suspended in 2008 . It was reopened briefly in September, 2009, to accommodate farmers who had applications completed or close to completion at the time of suspension.

While the Minister has no plans to re-introduce the Farmers' Early Retirement Scheme or the Young Farmers Installation Scheme, it is important to note that there are positive developments for young farmers under the new Regional Development Plan .

In January 2014, a consultation paper in relation to Ireland's Rural Development Programme for 2014-2020 was published which set out a number of priorities for the new Programme, including an enhanced capital investment scheme for young farmers with a grant rate of 60% compared to the standard grant rate of 40% which will be generally available under other on-farm investment schemes.

The Minister launched this scheme on 14 May, 2015. The specific areas of investment include animal housing, slurry storage, dairy equipment, specialised slurry spreading equipment, animal welfare & farm safety, and specialised pig & poultry investments. In addition, young farmers will be able to avail of grant-aid for construction of new dairy buildings.

The total allocation for the various on farm investment schemes planned under TAMS II, including the Young Farmer Investment scheme, is €395m over the course of the programme. An indicative allocation of €120m is being made available to young farmers under the terms of the new Scheme over the full RDP period.

I hope this information is of assistance to you.

Yours sincerely,


Graham Lennox
Private Secretary

Comhairle Cathrach Chorcaí Cork City Council



Fón/Tel: 021- 4924000
Facs/Fax: 021- 4314238
Gréasán/Web: www.corkcity.ie Tag/Ref

Halla na Cathrach
Corcaigh

TO ALL LOCAL AUTHORITIES



10th June 2015.

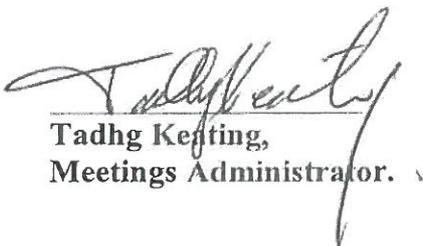
At a meeting of An Chomhairle held on 2nd June 2015, An Chomhairle requested to bring the following to your attention:-

As agreed by An Chomhairle at the beginning of the meeting, An Chomhairle agreed to Suspend Standing Orders to discuss communication from the DOECLG to the Chief Executive that all Local Authorities suspend the opening of any Social Housing Schemes without first checking the availability of the Minister to attend.

Following discussion An Chomhairle agreed the following:-

1. That the opening of the Social Housing Project at Phase II Glen Housing Development will proceed Friday 12th June 2016. Comhairleoir K. McCarthy requested that his objection to this matter be noted.
2. That the Minister would be written to advising him of the decision to proceed on Friday 12th June 2016, and also inviting him to visit the City Hall to meet with the Elected Members in the near future.
3. That correspondence issues to all other Local Authorities advising them of the decision of An Chomhairle.

Regards,


Tadhg Keating,
Meetings Administrator.

From: Mary Somers <msomers@SDUBLINCOCO.ie>

Sent: 12 June 2015 12:12

To: bcoughlan@westmeathcoco.ie; contact@waterfordcouncil.ie; corp@dlrcoco.ie; corporate.affairs@corkcoco.ie; corporateservices@leitrimcoco.ie; cosec@wicklowcoco.ie; Customer Care Counter; customercare@kildarecoco.ie; customerservice@galwaycity.ie; customerservices@dublincity.ie; customerservices@galwaycoco.ie; Customer Services; customerservices@tipperarycoco.ie; info@cavancoco.ie; info@clarecoco.ie; info@donegalcoco.ie; info@fingalcoco.ie; info@kerrycoco.ie; info@kilkennycoco.ie; info@longfordcoco.ie; info@louthcoco.ie; info@meathcoco.ie; info@monaghancoco.ie; info@roscommoncoco.ie; info@sligococo.ie; mcj@mayococo.ie; mmccorma@laoiscoco.ie; postmaster@wexfordcoco.ie; secretar@carlowcoco.ie; webmaster@offalycoco.ie

Subject: To all Local Authorities - Motion Agreed by South Dublin County Council

The following motion was **AGREED** by members of South Dublin County Council at Council meeting on the 8th June 2015:-

“This council will write to the Minister of Environment Alan Kelly stating that a BIN waiver should be introduced for people with health issues. Over 20,000 people in Ireland suffer from bowel disease and are fitted with a stoma. These people have to use their bin to dispose of these colostomy bag through no fault of their own, and with pay by weight been introduced this will be a big cost to them. There is also many other conditions that people have medical waste that has to be put in the bin.”

I would be obliged if you could bring it to the attention of your Meetings Administration for circulation to your Elected Members.

Thank you.

Regards

Mary Somers
Corporate Services
Corporate Performance & Change Management
South Dublin County Council, County Hall



Comhshaol, Pobal agus Rialtas Áitiúil
Environment, Community and Local Government



Oifig an Aire
Office of the Minister

Mr. Eugene Griffin,
Meetings Administrator,
Corporate Services and Change Management,
Limerick City and County Council,
Merchants Quay,
Limerick.



10th June, 2015.

RE: REP2253/AK/14

Dear Mr. Griffin,

I have been asked by Mr. Alan Kelly, T.D., Minister for the Environment, Community and Local Government to refer to your letter of 18 December 2014, regarding a resolution of the Council requesting the Minister to establish an external independent investigation into the actions of Limerick County Council in relation their handling of Planning Application Ref. Nos 06/3641 and 08/1288.

The Minister understands that the planning applicant in question complained about Limerick County Council's handling of these planning applications to the Ombudsman a number of years ago, and that the Ombudsman, while finding that there were some failings on the part of the Council, concluded that these did not constitute significant maladministration, and that there was no basis for Mr. O'Mahony's allegations that the losses he stated that he incurred arose as a result of maladministration by Limerick County Council.

It is understood that Mr. O'Mahony appealed this finding and that the outcome of the appeal, notified to him on 18 January 2012, was that the Ombudsman's Office upheld its previous decision.



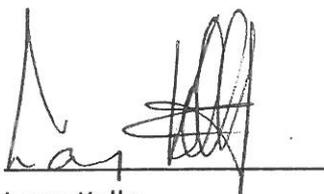
It is further understood that after notification of the outcome of his appeal Mr. O'Mahony contacted the Ombudsman's Office again and that following this, the then Ombudsman Ms. Emily O'Reilly decided as an exceptional measure (an appeal would normally be the conclusion of Ombudsman's Office's involvement with a case) to review how her Office handled this complaint and the appeal. Having done so, and having considered the more recent correspondence from Mr. O'Mahony, Ms. O'Reilly wrote to Mr. O'Mahony on 13 September 2012 stating she must uphold the previous decisions of her Office. She stated that having examined the file in depth, and spoken to the case workers, she was satisfied that the case was examined "to an appropriate and high standard and that sufficient evidence was obtained from Limerick County Council to enable the Office to reach a fair decision."

A copy of the Council's report to the Ombudsman is enclosed.

It is also understood that Mr. O'Mahony made further complaints in late 2013/early 2014 to the current Ombudsman Mr. Peter Tyndall, who personally reviewed the file, but subsequently informed Mr. O'Mahony that it would not be appropriate to re-open his file, as the information and representations he had provided would not have changed the finding.

Given that this matter has been extensively examined by Ombudsman's Office, which is the body charged with investigating maladministration in public bodies, and no significant maladministration was found by the Ombudsman, a further independent investigation of the matter is not considered necessary. It is of course open to the Council itself to commission an external independent review of the matter, should it wish to do so.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Larry Kelly', written over a horizontal line.

Larry Kelly

Private Secretary

Report on Query from the Office of the Ombudsman concerning Mr. Seán O'Mahony and a site at Ardagh, Co. Limerick.
Ombudsman Reference No: LC/28/09/2179

1. Background to the complaint:

At the outset, the Council wishes to state the following:

- Preplanning meetings are not statutory meetings. Guidance is give by planners at these meetings. Any applicant for a major development would be advised to engage his/her own agents and experts to provide advice on planning matters and the servicing of the proposed development.
- Any applicant who is dissatisfied with the Council's decision in respect of a planning application may appeal the planning authority's decision to An Bord Pleanála. In this instance, Mr. O'Mahony did not avail of the opportunity of appealing the Council's decision to An Bord Pleanála.

a) Planning application ref 063641:

In 2004 Mr. Sean O'Mahony purchased farm land outside the settlement boundary of Ardagh on a heavily trafficked regional road on the opposite side to the village core. It is the Council's understanding that the lands were purchased "outright" and not subject to planning. This information was supplied in the copy of the application form which accompanied Mr O'Mahony's first application for planning permisison on the lands (063641). Please see A3 in the appendix which accompanies this report.

In material submitted to the Council on 12th of May 2006 in preparation for a preplanning meeting, Mr. O'Mahony's agent submitted his notes of a meeting with Michael Geraghty, Executive Planner and Mark Collins from the Council's roads department. Please see A1 in the appendix

On 19th of June 2006 a preplanning meeting was held in respect of a site at Ardagh. In attendance were Sonja Reidy, Planning Department Limerick County Council, Seán O'Mahony, the prospective applicant, and Councillor Francis Foley, M.C.C. A copy of the minute of the meeting is attached (A2 in appendix). Issues discussed included design, site suitability and roads issues. The minute of that meeting notes that foul sewers would need to be discussed with Andy Walsh, Executive Engineer, Water Services.

On 28th of November 2006 Mr. O'Mahony submitted an application for planning permission for: A) Development of public parklands, 1 no. Filling Station, 81 no. dwelling houses and 6 no. apartments comprising of 15 no. 4 bed dwellings, 27 no. 3 bed dwellings, 20 no. 3 bed dwellings with attic room, 14 no. 2 bed dwellings, 5 no. 2 bed dwellings with attic room, 4 no. 3 bed apartments, 2 no. 2 bed apartments, 1 no. bin store, 6 no. domestic garages, and all associated site development works. (B) Relocation of 38Kv ESB lines and placing underground the existing ESB lines within the site, and (C) Outline permission for development of 10 no. detached houses with garages, 1 no. crèche, 1 Guesthouse comprising of 20 no. bedrooms, function room and bar, and all associated site development works at Rearasta, Ardagh. Planning register reference 063641 refers.

This application was referred to Water Services for comment. The Water Services report of 12th of January 2007 outlines difficulties with the proposal. Please see attached report - A4 in appendix.

Following a telephone conversation between Sonja Reidy, Executive Planner and Joe O'Connor, Mr. O'Mahony's agent, in which Ms. Reidy outlined the reasons for refusal of the application, the application went on time extension on 30th January 2007. Please see document A5 in appendix for details of reasons for refusal.

On 14th of February 2007, while application 063641 was on a time extension, Mr O'Mahony and his agent Joe O'Connor attended a meeting at County Hall with Tom Enright, Director of Services, Kieran O'Gorman, Senior Executive Engineer and

Gráinne O’Keeffe, Executive Planner. Francis Foley M.C.C. was also present. A copy of the minute of the meeting is attached - see A6 in appendix.

On 12th June 2007, again while application 06 3641 was on a time extension, Mr. O’Mahony attended a meeting at County Hall with Tom Enright, Director of Services, Kieran O’Gorman, Senior Executive Engineer and Karen Burke, Executive Planner from Limerick County Council,. Niall Collins T.D. and Councillor Francis Foley M.C.C. were also in attendance. A copy of the minute of this meeting is attached (A7 in appendix). At this meeting sewerage was, again, highlighted as a major issue.

On the 17th of July 2007 Mr. O’Mahony withdrew this application.

II Planning Ref: 081288:

On the 20th of June 2008 Limerick County Council received a planning application from Mr. O’Mahony for the development of 10 no. serviced sites and associated site development works, 1 no. guesthouse comprising 20 no. bedrooms, function room and bar and associated site development works, 1 no. filling station with shop and car showrooms and associated site development works and full planning permission for the construction of associated site development works including roads, sewers, services, establishment of landscaping proposals, the facilitation works to the public road, the relocation of 38kv ESB lines and placing underground of existing lines at Reerasta North, Ardagh. Planning Register 081288 refers. Please see A8 in appendix.

On the 11th of August 2008, the application was recommended for refusal. Please see A9 in appendix for planner’s report which outlines reasons for recommending refusal.

This application went on a time extension on the 14th of August 2008.

On the 7th of October 2008 the Council’s Environmental Section submitted a report on the proposal. The report outlines that Mr. O’Mahony’s proposal to treat sewerage onsite and then discharge it to the public sewer in Ardagh and that this proposal in problematic. Please see document A10 in appendix.

Kieran O’Gorman and Karen Burke met Mr. O’Mahony’s agent, Joe O’Connor in early February 2009 and advised that a refusal of planning permission by the Council could be appealed to An Bord Pleanála.

On the 10th of February 2009 Limerick County Council issued notification of a decision to refuse permission. A copy of the decision to refuse permission and the reasons for refusal is attached as A12 in appendix.

As stated previously, Mr. O’Mahony did not exercise his option of appealing the Council’s decision to An Bord Pleanála.

2. Confirmation that the council received Mr. O’Mahony’s letters dated 30th July 2009 and 13th of August 2009:

The planning department has been unable to locate the original of Mr. O’Mahony’s letter of 30th of July which was addressed to the County Manager.

The planning department received Mr. O’Mahony’s letter of 13th of August 2009 requesting a refund of planning fees.

3. Confirmation as to whether the council issued substantive replied to Mr. O’Mahony’s letters dated 30th July 2009 and 13th of August 2009:

a) Letter of 30th of July:

The council has not issued a reply to Mr. O’Mahony’s letter of 30th of July 2009. Please see item 4 below for reasons for non issue of reply to this letter

b) Letter of 13th of August:

The planning department issued a general acknowledgment to Mr. O’Mahony’s letter of 13th of August 2009 requesting a refund of planning fees on the 29th of October (copy attached). A substantive reply to the letter of 13th of August issued on the 2nd of November 2009. Please see A15 in appendix section for replies issued in response to this letter.

4. If no substantive reply issued to Mr. O'Mahony the reason for the delay in providing such a response:

a) Letter of 30th of July

Mr. O'Mahony's letter of 30th of July was principally expressing his dissatisfaction that the reply to his 23rd of June letter came from Tom Enright, Director of Planning rather than from the County Manager.

In accordance with the Local Government Act, 2001, the County Manager has delegated the majority of his functions exercisable by him on behalf of Limerick County Council in its capacity as a planning authority to Mr. Enright. Hence it was appropriate for Mr. Enright to issue the reply to the 23rd of June letter. In this instance, Mr. Enright issued the reply after discussing the matter with the County Manager.

In the letter of the 30th of July Mr. O'Mahony repeats the same points as outlined in the letter of 23rd of June and objects to Mr. Enright, Director of Planning having signed the previous reply, rather than the County Manager.

As the reply issued in July in response to the 23rd of June letter addressed the issues raised in the 30th of July letter (apart from who replied as outline above), the Council considers that a reply to the 30th of July letter is not necessary.

b) Letter of 13th of August:

A detailed reply to Mr. O'Mahony's letter of 13th of August issued as soon as a decision on whether his planning application met the relevant criteria of the Planning and Development Regulations for the refund of planning fees.

5. Copies of any reply issued, or in the event that a response has not issued, details as to when the Council expects to be in a position to do so together with a copy of the proposed response:

a) Letter of 30th of July:

No reply issued – please see above for reasons.

b) Letter of 13th of August:

Copy of general acknowledgement to letter of 13th of August – see A15 in appendix section.

Copy of detailed reply to letter of 13th of August - see A15 in Appendix. This letter outlines reasons for refusing Mr. O'Mahony's request for a refund of planning fees. In summary, the application for a refund of planning fees was refused as it did not meet the criteria for a refund as set out in Article 162 of the Planning & Development Regulations 2001 – 2008.

6. Copies of any site meetings with Mr. O'Mahony or anyone acting on his behalf:

Mark Collins Executive Engineer, Water Services, Newcastle West Area Office, met Mr. O'Mahony and his agent Joe O'Connor on site. No record of the meeting was kept.

7. Copies of all the preplanning meetings Mr. O'Mahony or anyone acting on his behalf attended with the Council:

- No record located on council's preplanning system of meeting held with Michael Geraghty and Mark Collins of Limerick County Council as described in correspondence of 12th of May 2006. M. Geraghty recollects that the location of the proposed development outside the settlement boundary and speed limits were discussed at that meeting. Agent's account attached as A1 in appendix.
- Copy of minutes of preplanning meeting held with Sonja Reidy, Executive Planner on 19th June 2006 – attached as document A2 in appendix .

- Copy of minutes of meeting with Tom Enright, Director of Services, Kieran O’Gorman, Senior Executive Engineer and Gráinne O’Keeffe, Executive Planner held on 14th February 2007 – please see A6 in appendix.
- Copy of minutes of meeting held with Tom Enright, Director of Services, Kieran O’Gorman, Senior Executive Engineer and Karen Burke, Executive Planner held on 12th of June 2007 – see A7 in appendix.

8. Details of the Council’s procedures for preplanning meetings and whether these were followed in this instance:

The general points discussed at the meeting are noted on the record sheet as shown for the preplanning meeting held with Mr. O’Mahony on the 19th of June 2006 (A2 in appendix). The record sheet details who attended the meeting and the matters discussed. The council representative and the person requesting the meeting sign the form agreeing that the form represents a true account of the meeting.

In this instance, the record sheet was completed by both parties accordingly.

This record sheet also indicates that preplanning consultations do not prejudice any planning applications.

A copy of this form is given to the prospective applicant and it is recommended that it is submitted with any planning application submitted in respect of the site in question. Mr. O’Mahony duly submitted his copy as part of planning application 063641.

Correct procedures were followed.

9. The council’s comments on Mr. O’Mahony’s claims that he was not informed at the first preplanning meeting that there was no adequate treatment system to accommodate the first planning application:

The material submitted by the agent acting on his behalf in preparation for the preplanning meeting with Sonja Reidy indicated that sewerage issues had been discussed at a meeting held with Michael Geraghty, Executive Planner and Mark Collins, Newcastle West Area office in February 2005 or February 2006 (the agent indicates different years in the correspondence outlining this meeting.).

See notes of preplanning meeting with Sonja Reidy (document A2) where sewerage was raised as an issue. The minute of that meeting notes that further discussions with Andy Walsh Area Engineer, Newcastle West Area Office would be necessary.

The planner's initial report in respect of application 081288 (document A9 in appendix) states that, with regard to preplanning meeting ref 1742 (the meeting referred to in question 9), the applicant was advised to:

"...have further preplanning discussions prior to submission which did not occur prior to previous planning application [063641]."

As stated at the beginning of this report, any applicant for a major development would be advised to engage his/her own agents and experts to provide advice on planning matters and the servicing of the proposed development.

10. The council's comments on Mr. O'Mahony's claims that at his last meeting he was advised to go back and speak to the sanitary engineers when they had already approved everything for him:

In the absence of a specified date, it is assumed that this question refers to a meeting held on 7th April 2009. Following the expiry of the period during which Mr. O'Mahony could have appealed the Council's decision to refuse application 081288 to An Bord Pleanála, Tom Enright, Director of Planning and Kieran O'Gorman, Senior Executive Engineer met Mr. O'Mahony in County Hall. At this meeting the five reasons for refusing application 081288 were outlined to Mr. O'Mahony (please see A12 in appendix for refusal reasons).

Mr. O'Mahony expressed his dissatisfaction at not obtaining planning permission and informed Mr. Enright and Mr. O'Gorman that he intended to take matters further.

11. The council's comments on Mr. O'Mahony's claims that at an earlier preplanning meeting with Ms. Sonja Reidy of the planning department he was encouraged and instructed as to how a development for 75 houses plus apartments, filling station, pub/guesthouse, housing for the elderly should be laid out:

The minutes of the preplanning meeting held on the 19th of June 2006 (A2 in appendix) make no reference to Mr. O'Mahony being "instructed" to apply for 75 houses, etc. Rather the minutes indicate that the provision of a 20-place crèche for 75 dwellings was discussed. This would have been in the context of the relevant regulations which stipulate the provision of crèche places in proposed developments of 75 or more residential units.

In any event, prospective applicants are not "instructed" but rather advised regarding planning matters and specifically any development proposal which they wish to discuss at such a meeting. However, as already stated, any advice given at preplanning meetings is not binding on the outcome of any future planning applications.

12. The council's comments on Mr. O'Mahony's claim as to why he was not told at the start of the planning application that this planning application was premature which would have saved him a lot of time and money and that preplanning meetings are to avoid unnecessary expenses:

Preplanning meetings are intended to discuss broad policy issues and are not legally binding; this is stated on the preplanning meeting request form. An application for planning permission must be judged on its own merits and the contents of such meetings cannot solely determine the outcome of planning application.

As already outlined satisfactory sewerage treatment had been identified as one of a number of issues of concern in respect of any proposed development on Mr. O'Mahony's lands.

13. Any further information which would assist the Ombudsman in her examination of this complaint:

From information submitted with the first planning application (063641), Mr. O'Mahony purchased the land in question in 2004. The land was not purchased subject to planning permission but purchased "outright".

Records of meetings held indicate that treatment of sewerage was flagged as an issue from early on – it was first mentioned in the meeting of 14th of February 2005 /6 and at subsequent meetings thereafter. Please see the meetings minutes - A1, A2 and A7 - attached in the appendix.

The water services reports prepared in response to both planning applications indicate difficulties in the provision of satisfactory sewerage disposal. Please see attached reports - A4 and A10 in appendix.

When 063641 was initially recommended for refusal Sonja Reidy, the Executive Planner contacted Mr. O'Mahony's agent and outlined the reasons for refusal. The reasons included sewerage but also other issues such as archaeology, design, impact on rural character of the area, etc. Please see attached minute – A5 in appendix.

With regard to the second application, 081288, there were a number of reasons for refusal including sewerage issues but also archaeology, etc. Please see the notification of decision for schedule or reasons for refusal – A12 in appendix.

Following the refusal of 081288, Mr. O'Mahony did not exercise his option to appeal the council's decision to An Bord Pleanála.

APPENDIX – COPIES OF DOCUMENTS MENTIONED IN REPORT

- A1. Copy of correspondence submitted by Mr. O'Mahony's agent requesting a preplanning meeting with Sonja Reidy. This document outlines a meeting with Michael Geraghty and Mark Collins from Limerick County Council held in February 2005 or February 2006.
- A2. Copy of record of preplanning meeting ref: 1742 held with Sonja Reidy on the 19th of June 2006.
- A3. Copy of application form submitted with planning application 063641 which indicates type and date of ownership of the site.
- A4. Copy of report dated 12th January 2007 from Water Services in response to proposals contained in 063641.
- A5. Copy of addition to computerised record for preplanning ref 1742 which outlines contact between Sonja Reidy and Mr. O'Mahony's agent and which lists reasons for refusal.
- A6. Copy of meeting held on 14th of February 2007 between Council staff and Mr. O'Mahony and his agent.
- A7. Copy of meeting held on 12th June 2007 between Council staff and Mr. O'Mahony.
- A8. Application form in respect of planning application 081288 received in the planning department on the 20th June 2008.
- A9. Copy of planner's report recommending refusal dated the 11th of August 2008.
- A10. Copy of Environment Department report dated 7th October outlining difficulties with the applicant's proposal to pump treated sewerage to public sewer in Ardagh.
- A11. Copy of planner's report dated 4th of February 2009 recommending refusal.
- A12. Copy of notification of decision to refuse planning permission dated the 10th of February 2009.
- A13. Copy of Mr. O'Mahony's letter of 23rd of June 2009 (which also had letter dated 28th of May 2009 attached) to the County Manager.
- A14. Copy of reply issued in July to Mr. O'Mahony's letter of 23rd of June.
- A15. Copies of general acknowledgement and of detailed response to Mr. O'Mahony's letter of 13th of August 2009 requesting a refund of planning fees.



17th June, 2015

To: All Local Authorities

A Chara,

I write to inform you that the Members of Donegal County Council at their Adjourned May Meeting on the 15th June, 2015 adopted and approved the following:-

“That Donegal County Council supports the Irish Deaf Society’s call for Irish Sign Language to be recognised as an Official Language”

Members asked that it be circulated to all Local Authorities and the Taoiseach’s Office for consideration.

Yours Sincerely,

RP

Liam Ward
Meetings Administrator



17th June, 2015



To: All Local Authorities

A Chara,

I write to inform you that the Members of Donegal County Council at their Adjourned May Meeting on the 15th June, 2015 adopted and approved the following:-

"That this Council would ensure that 30% of all social houses built or bought under the Social Housing Strategy 2020 will be located in rural areas and that this motion will be passed to all other Local Authorities."

Members asked that it be circulated to all Local Authorities for consideration.

Yours Sincerely,

Liam Ward
PP. Liam Ward
Meetings Administrator



17th June, 2015



To: All Local Authorities

A Chara,

I write to inform you that the Members of Donegal County Council at their Adjourned May Meeting on the 15th June, 2015 adopted and approved the following:-

"Donegal County Council welcomes the wage increase awarded to Dunne's Stores workers but we believe that it is now time for all employers to guarantee their employees a minimum and liveable number of hours of employment."

Members asked that it be circulated to all Local Authorities and the Irish Congress of Trade Unions for consideration.

Yours Sincerely,

Liam Ward
P.P. Liam Ward
Meetings Administrator



Comhairle Contae Mhuineacháin Monaghan County Council

Acmhainní Daonna
Human Resources
047 30586

Airgeadas
Finance
047 30589

Na Bóithre
Roads
047 30597

Clár na dToghthóirí
Register of Electors
047 30551

Comhshaol
Environment
042 9661240

Na hEalaíona
Arts
047 38182

asachtaí /Deontais Tithlocha
Housing Loans/Grants
047 30527

Leabharfann an Chontae
County Library
047 74700

Mótarcháin
Motor Tax
047 81175

Músaem an Chontae
County Museum
047 82928

Pleanáil
Planning
047 30532

Pobal
Community
047 73719

Rialú Dóiteáin/Foirgnimh
Fire/Building Control
047 30521

Oifig Fiontair Áitiúil
Local Enterprise Office
047 71818

Seirbhís Uisce
Water Services
047 30504/30571

13th July 2015

Our Ref: July2015/96

Meetings Administrator
Each Local Authority.



A Chara,

At the July meeting of Monaghan County Council, the Members passed the following resolution and I was directed to forward same to you for attention.

That in view of the work carried out by the Kevin Bell Repatriation Trust (KBRT) bringing home the remains of people who die as a result of an accident/tragic circumstances abroad, for burial at home in Ireland, and in view of the fact that KBRT is a non-profit making registered charity and operates on a voluntary basis, that Monaghan County Council calls on the Minister for Foreign Affairs to ensure that funding is allocated on an annual basis to the KBRT, thereby ensuring the viability of the KBRT into the future.

It was agreed that the resolution would be circulated to all local authorities.

I would be grateful if you would bring the contents of this letter to the attention of the elected members.

Mise, le meas,

Carmel Thornton
Meetings Administrator

Fáilteann an tÚdarás Áitiúil roimh chomhfhreagras i nGaeilge.

Comhairle Contae Mhuineacháin, Oifig an Chontae, An Gleann, Mhuineachán, Éire.
Monaghan County Council, Council Offices, The Glen, Monaghan, Ireland.

00353 47 30500 00353 47 82739 www.monaghan.ie

Oifig an Aire

44 Sráid Chill Dara, Baile Átha Cliath 2, Éire.

Office of the Minister

44 Kildare Street, Dublin 2, Ireland.



**An Roinn Iompair,
Turasóireachta agus Spóirt** 
Department of Transport, Tourism and Sport

Tel: +353 1 670 7444 Locall: 1890 443311 Fax: +353 1 604 1183 Web: www.dttas.ie Email: minister@dtas.ie

10 July 2015

Our Ref: PD/15/8603

Mr Christy O'Connor
Limerick City & County Council
Merchant's Quay
Limerick

Dear Mr O'Connor

On behalf of the Minister for Transport, Tourism & Sport, Paschal Donohoe T.D., I wish to thank you for your letter about extending the Wild Atlantic Way to Limerick. I apologise for the delay in responding but a further reply will issue to you as soon as possible.

Yours sincerely,

Chris Smith
Private Secretary to Minister Donohoe





Fáilte Ireland

National Tourism Development Authority

Ms Tina Knox
Administrative Officer
Corporate Services & Change Management
Limerick City & County Council
Merchants Quay
Limerick



July 10th, 2015

Dear Ms Knox,

Our Chief Executive Shaun Quinn has passed your recent correspondence in relation to Limerick's position on the Wild Atlantic Way to me for direct follow up.

The Wild Atlantic Way was developed as an innovative experience brand to present the West of Ireland internationally as a compelling tourism product of scale and singularity. The Wild Atlantic Way encompasses the coastline and hinterland of the nine coastal counties of the West of Ireland – Donegal, Leitrim, Sligo, Mayo, Galway, Clare, Limerick, Kerry and Cork. It is an over-arching brand under which individual destinations and businesses can trade collectively with much greater potential visibility and clarity of message in the international marketplace.

The physically signed route is designed to merely act as a device to guide visitors out to the coastal communities of the western seaboard. The geography of the Wild Atlantic Way as laid out in the **Operational Programme 2015-2019** is the area surrounding the spine of the route itself, the landmass to the west of the route as far as the coast and the immediate landmass to the east of the route.

Fáilte Ireland appointed The Paul Hogarth Company (through a tender process) to work with us to guide the Route Identification Process for the development of the Wild Atlantic Way. Four regional steering groups were established in July 2012 for this process, one each in the North West, the West, the Mid West and the South West. These groups were made up of Fáilte Ireland representation (both national and regional teams), Local Authorities in the region, the Local Development Companies and other key agencies as appropriate e.g. UdarásnaGaeltachta.

In the case of the Mid West Steering group the following organisations were represented – Fáilte Ireland, Limerick City Council, Limerick County Council, Clare County Council, Shannon Development, West Limerick Resources and Clare Local Development Company. The role of these groups was to agree the route of the Wild Atlantic Way through the counties in the jurisdiction of the Regional Steering Group, in this case through the counties of Clare & Limerick. This was done through agreement of the Route Selection Criteria and the Public Consultation Process.

The Mid West Regional Steering group met four times between July 2012 and February 2013. During this time a public consultation process was undertaken from November 14th, 2012 to December 14th, 2012. The process was advertised through local media outlets (press and radio) as well as on Fáilte Ireland's website. Fáilte Ireland invited written submissions on the draft route - maps were available on the Fáilte Ireland website and physically in the Tourist Offices and at each of the 15 public meetings. One of these public meetings was held at the Foynes Community Centre on Thursday November 22nd, 2012.

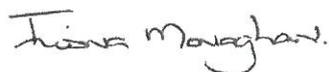
As part of this process Fáilte Ireland received numerous written submissions from local businesses, local community groups, politicians and citizens. All submissions were reviewed and evaluated and considered in determining the final agreed route of the Wild Atlantic Way. The submissions can be found in the **Route Identification Report** which is available on the Fáilte Ireland website.

All members of the Mid West Regional Steering group signed off on the routing as the optimal route to bring the Wild Atlantic Way proposition to life and to be of scale to encourage international visitors to the West of Ireland. As part of the process it was agreed that key urban centres such as Cork, Killarney & Limerick would be critical gateway towns providing ease of access to visitors travelling from Dublin and the East and also as important accommodation hubs. It is therefore critical that all accommodation providers in Limerick City are well versed in the Wild Atlantic Way proposition and can act as ambassador and advocates for the experience brand.

Limerick City is a vibrant urban centre with an excellent accommodation base and uniquely positioned as a touring base for a variety of tourism experiences including the Wild Atlantic Way. Fáilte Ireland is currently finalising a Gateway Strategy for Limerick City which will present a framework for the city and environs to capitalise on the variety of tourism experiences both within the City and the environs. It is envisaged that the strategy will be completed in the coming weeks and launched in early September.

I trust the above will address the concerns raised at the recent meeting of Limerick City & County Council.

Sincerely,



Fiona Monaghan
Head of the Wild Atlantic Way Programme
Fáilte Ireland

cc: Shaun Quinn, Fáilte Ireland
Paul Keeley, Fáilte Ireland