

Comhairle Contae Fhine Gall Fingal County Council

Minutes of the County Council Meeting held on Monday, 12th June, 2023 in the Council Chamber - County Hall, Swords, at 5.00 pm

MEMBERS PRESENT

Councillors:

Boland, Cathal
Burtchaell, John
Butler, Darragh
Carey, Ian
Dennehy, Brian
Dennison, Kieran
Donnelly, Angela
Doyle, Tania
Graves, Ann
Guerin, Jimmy
Hanaphy, Breda
Healy, David
Henchy, Adrian
Hopkins, Joan
Humphreys, James
Kitt, Tom
Lavin, Anthony
Leddy, Ted

Councillors:

Maguire, Grainne
Mahony, Howard
Manton, Biggid
McDonagh, Brian
Milligan, Dean
Mulhille, Paul
Murphy, Tony
Newman, Joe
O'Brien, Eoghan
O'Donoghue, Robert
O'Leary, Tom
Raney, Pnaceh, JK
SÓ Roida, Sib, Seama
Tomney, Karininn
Tseayin, Stoban
Walecy, Natalie
Walecy, Daniel
Whooley, Daniel

Apologies for inability to attend were received for Councillor Tom O' Leary.

The Mayor, Councillor Howard Mahony, presided.

OFFICIALS PRESENT

AnnMarie Farrelly (Chief Executive); Mary Egan (Director of Services/People, Corporate & Digital); John Quinlivan (Director of Services/Economic, Enterprise, Tourism and Cultural Development); David Storey (Director of

Services/Environment, Climate Action & Active Travel); Mary T Daly (Director of Services/Operations & Water); Oliver Hunt (Head of Finance); Robert Burns (Director of Housing Services and Community Development); Matthew McAleese (Director of Services Planning and Strategic Infrastructure); Nikki Halleran (A/Senior Executive Officer); Roisin Burke (Senior Planner); Paul Barnes (Events Manager).

ANNOUNCEMENT

The Mayor, Councillor. H. Mahony, at the start of the meeting reminded Members that Standing Orders would apply to all aspects of the meeting.

F/216/23 (Agenda Item No 1)

Confirmation and Re-Affirmation of Minutes of Council Meeting held on Monday 8th May 2023

Minutes of the County Council Meeting held on 8th May 2023 which had been circulated were considered.

It was **PROPOSED** by Councillor K. Dennison, seconded by Councillor K. Power and **RESOLVED –**

“That the minutes of the County Council Meeting held on 8th May 2023 be **ADOPTED.**”

F/217/23 (Agenda Item No 2)

Filling of Casual vacancy on Fingal County Council following the resignation of Councillor Seána Ó Rodaigh

The report by the Chief Executive, setting out the required procedures, which had been circulated was READ.

The nomination of Brendan Ryan to fill the casual vacancy was proposed by Councillor R. O'Donoghue and seconded by Councillor M. McCamley.

In accordance with Section 19 of the Local Government Act 2001, as amended, Brendan Ryan was co-opted as a Member of Fingal County Council.

F/218/23 (Agenda Item No 3)

Appointment of one Member to the Community Development, Heritage, Culture & Creativity Strategic Policy Committee (SPC)

The report by the Chief Executive, which had been circulated, was **CONSIDERED**.

It was proposed by Councillor R. O'Donoghue, seconded by Cllr. J. Walsh and **AGREED**:

"That Councillor Brendan Ryan be appointed to the Community Development, Heritage, Culture & Creativity Strategic Policy Committee."

F/219/23 (Agenda Item No 4)

Appointment of one Member to North Dublin Regional Drugs and Alcohol Task Force

The report by the Chief Executive, which had been circulated, was **CONSIDERED**.

It was proposed by Councillor R. O'Donoghue, seconded by Cllr. M. McCamley and **AGREED**:

"That Councillor Brendan Ryan be appointed to the North Dublin Regional Drugs and Alcohol Task Force."

F/220/23 (Agenda Item No 5)

Appointment of one Member to County Heritage Forum

The report by the Chief Executive, which had been circulated, was **CONSIDERED**.

It was proposed by Councillor R. O'Donoghue, seconded by Cllr. M. McCamley and **AGREED**:

"That Councillor Brendan Ryan be appointed to the County Heritage Forum."

F/221/23 (Agenda Item No 6)

Appointment of one Member to Comhairle Na nÓg

The report by the Chief Executive, which had been circulated, was **CONSIDERED**.

It was proposed by Councillor R. O'Donoghue, seconded by Cllr. M. McCamley and **AGREED**:

"That Councillor Brendan Ryan be appointed to the Comhairle Na nÓg Committee."

F/222/23 (Agenda Item No 7)

Appointment of one Member to the Howth Special Amenity Area Order (SAAO) Management Committee

It was **AGREED** to **DEFER** this item to the July Council Meeting.

F/223/23 (Agenda Item No)

EMERGENCY MOTION

The Mayor, Councillor. H. Mahony, advised the Members that an emergency motion had been received prior to the meeting.

The motion from Councillor A. Graves was ruled in order and would be heard 15 minutes before the end of the meeting.

F/224/23 (Agenda Item No)

QUESTIONS

It was proposed by Councillor K. Dennison, seconded by Councillor C. Boland and **RESOLVED**:

"That in accordance with Standing Order No. 53, Questions numbered 8 to 18, be **ADOPTED**."

F/225/23 (Agenda Item No 8)

Councillor C. Boland - CCTV - Illegal Dumping of Litter and Waste

F/226/23 (Agenda Item No 9)

Councillor J. Hopkins - Wrap Around Support for People Availing of Social Housing

- F/227/23** (Agenda Item No 10)
Councillor K. Power - Cost Rental Backstop
- F/228/23** (Agenda Item No 11)
Councillor A. Donnelly - Direct contact details for Utility Companies and Public Bodies
- F/229/23** (Agenda Item No 12)
Councillor P. Mulville - Bike Share Schemes
- F/230/23** (Agenda Item No 13)
Councillor D. Healy - Solar Panels
- F/231/23** (Agenda Item No 14)
Councillor T. Kitt - Additional Dog Wardens
- F/232/23** (Agenda Item No 15)
Councillor T. Murphy - Urban Gull Colonies in Fingal
- F/233/23** (Agenda Item No 16)
Councillor J. Walsh - Licence Applications for Approval of Phone Masts/Communications Infrastructure
- F/234/23** (Agenda Item No 17)
Councillor A. Henchy - Biodiversity Plan - Recruitment of Two key Posts
- F/235/23** (Agenda Item No 18)
Councillor J. Humphreys - Planning and Development (Street Furniture Fees) - Budget 2023
- F/236/23** (Agenda Item No 19)
Report of Committees
- a** **Report of Balbriggan/Rush-Lusk/Swords Services B Area Committee Meeting held on Thursday 11th May 2023**

The report by the Chief Executive, which had been circulated, was **CONSIDERED**. It was proposed by Councillor K. Power, seconded by Councillor R. O'Donoghue and **RESOLVED**:

"That the recommendations contained in the report of Committee of Balbriggan/Rush-Lusk/Swords (B) meeting held on 11th May 2023, are hereby **ADOPTED.**"

b Report of Corporate Policy Group Meeting held on Tuesday 30th May 2023

The report by the Chief Executive, which had been circulated, was **CONSIDERED.**

It was proposed by Councillor H. Mahony, seconded by Councillor E. O'Brien and **AGREED.**

c Report of Blanchardstown-Mulhuddart/Castleknock-Ongar Services B Area Committee Meeting held on Thursday 1st June 2023

The report by the Chief Executive, which had been circulated, was **CONSIDERED.** It was proposed by Councillor T. Kitt, seconded by Councillor M. McCamley, and **RESOLVED:**

"That the recommendations contained in the report of Committee of Blanchardstown-Mulhuddart/Castleknock/Ongar Services B meeting held on 1st June 2023, are hereby **ADOPTED.**"

d Report of Howth/Malahide Services B Area Committee Meeting held on Wednesday 7th June 2023

The report by the Chief Executive, which had been circulated, was **CONSIDERED.** It was proposed by Councillor A. Lavin, seconded by Councillor E. O'Brien and **RESOLVED:**

"That the recommendations contained in the report of the Howth Malahide Area Committee Services B meeting held on 7th June 2023 be **ADOPTED.**"

e Report of Balbriggan/Rush-Lusk/Swords Services B Area Committee Meeting held on Thursday 8th June 2023

The report by the Chief Executive, which had been circulated, was **CONSIDERED.** It was proposed by Councillor A. Henchy, seconded by Councillor K. Power and **RESOLVED:**

"That the recommendations contained in the report of the Balbriggan/Rush-Lusk/Swords Area Committee Services B meeting held on 8th June 2023 be **ADOPTED.**"

F/237/23 (Agenda Item No 20)

Financial Matters

- a **Financial assistance to Approved Housing Bodies under the Capital Assistance Scheme- Call for CAS 2017 to provide units of living accommodation in the Fingal Area**

The report by the Chief Executive, which had been circulated, was **CONSIDERED.** It was then proposed by Councillor M. McCamley, seconded by Councillor K. Dennison and **RESOLVED:**

"That the recommendations contained in the report be **ADOPTED.**"

F/238/23 (Agenda Item No 21)

Proposed Disposal of Properties

- a **Proposed exchange of lands at Kellystown, Dublin 15 between Fingal County Council and Castlethorn Construction Unlimited Company**

The report by the Chief Executive which had been circulated was **CONSIDERED.** It was proposed by Councillor H. Mahony and seconded by Councillor K. Dennison and **RESOLVED:**

"That the lands referred to in the attached report be exchanged in accordance with the terms specified therein."

F/239/23 (Agenda Item No 22)

Declaration of Roads

- a **Ballygossan Park, Phase 1, Skerries, Co Dublin**

The report by the Chief Executive, which had been circulated, was **CONSIDERED.**

It was **AGREED** to **DEFER** this item to the July Council Meeting.

**b Entrance off Roundabout on R121 opposite The Boulevard,
Blanchardstown, Dublin 15**

The report by the Chief Executive, which had been circulated, was **CONSIDERED**.

It was **AGREED** to **DEFER** this item to the July Council Meeting.

F/240/23 (Agenda Item No 23)

Flavours of Fingal Planning Licence

The report by the Chief Executive which had been circulated was **CONSIDERED**.
A presentation was given to the Members by Paul Barnes, Events Manager.
Following discussion, the report was **NOTED**.

F/241/23 (Agenda Item No 24)

Draft Active Travel Strategy for Fingal

The attached report by the Chief Executive which had been circulated was
CONSIDERED. It was proposed by Councillor E. O'Brien, seconded by Councillor
K. Dennison, and **RESOLVED**:

"That the Active Travel Strategy for Fingal is hereby **ADOPTED**."

F/242/23 (Agenda Item No 25)

Chief Executive's Report

The report by the Chief Executive, which had been circulated, was
CONSIDERED.

During the course of the discussion the following motion was proposed by
Councillor A. Graves and seconded by Councillor A. Donnelly.

"The Sinn Féin team will establish a committee to explore options on the re-municipalisation of Fingal's Domestic Waste Collection services, by setting up cross-party group similar to that established in Dublin City Council. We are calling on the Chief Executive to support the objectives of this group by providing necessary resources."

SUSPENSION OF STANDING ORDERS

The Mayor called for a 3 minute break.

Following discussion, the Mayor instructed that a roll call vote be taken on Cllr A. Graves motion and on a division the voting resulted as follows:

FOR: 13 THIRTEEN

AGAINST: 21 TWENTY ONE

ABSTAIN: 1 ONE

FOR: Councillors Hopkins, Joan; Mulville, Paul; Burtchaell, John; Mulligan, Dean; Donnelly, Angela; Hanaphy, Breda; Graves, Ann; Tracey, Natalie; Whooley, Daniel; Power, Karen; Walsh, John; Doyle, Tania; Humphreys, James.

AGAINST: Councillors Mahony, Howard; Maguire, Grainne; Murphy, Tony; Carey, Ian; O'Brien, Eoghan; Kitt, Tom; Manton, Brigid; McCamley, Mary; Tormey, Aoibhinn; Shovlin, Siobhan; Lavin, Anthony; Newman, Joe; Boland, Cathal; Healy, David; Henchy, Adrian; Butler, Darragh; Dennehy, Brian; O'Donoghue, Robert; Dennison, Kieran; Leddy, Ted; Rane, Punam.

ABSTAIN: Councillor Onwumereh, JK.

The Mayor then **DECLARED** the Motion **LOST**.

The Chief Executive's report was **NOTED**.

F/243/23 (Agenda Item No 26)

Mayor's Business - Councillor H. Mahony

It was **NOTED** that there was no business under this heading.

F/244/23 (Agenda Item No 27)

Conference Report

- a AILG - Thursday 15th June 2023 - Mullingar Park Hotel - OPR Overview of Existing and Emerging Planning Legislation and Policy Guidance - Eastern & Midlands/Northern & Western Region**

The notice which had been circulated was **NOTED**.

- b AILG - Saturday 17th June 2023 - Avalon House Hotel - "Overview of Existing Planning Legislation and Policy Guidance" - Southern Region**

The notice which had been circulated was **NOTED**.

- c AILG - Saturday 22nd July 2023 - Sligo Park Hotel - Uisce Éireann (Irish Water) - A briefing for Councillors**

The notice which had been circulated was **NOTED**.

F/245/23 (Agenda Item No 28)

Correspondence

- a Letter dated 20th April 2023 from Wexford County Council re Able Disabled Campaign**

The correspondence, which had been received, was **NOTED**.

- b Letter dated 25th April 2023 from Westmeath County Council re Construction of Affordable Housing Units**

The correspondence, which had been received, was **NOTED**.

- c Letter dated 8th May 2023 from Mayo County Council re Grant Level Croí Cónaithe**

The correspondence, which had been received, was **NOTED**.

- d Letter dated 9th May 2023 from Clare County Council supporting Macra na Feirme Campaign**

The correspondence, which had been received, was **NOTED**.

- e Letter dated 16th May 2023 from Kerry County Council re - National Pension Scheme for the State**

The correspondence, which had been received, was **NOTED**.

- f** **Letter dated 16th May 2023 from Kerry County Council - Correspondence with Elected Members to paperless electronic system**

The correspondence, which had been received, was **NOTED**.

F/246/23 (Agenda Item No 29)
 Departmental/Ministerial Correspondence

- a** **Letter received 6th April 2023 from Minister of State for Planning and Local Government re Motion 33 - Hybrid Meetings - Council Meeting 17th January 2023**

The correspondence, which had been received, was **NOTED**.

- b** **Correspondence dated 11th May 2023 from the Office of the Minister re Item 1 - Special Meeting 12th April - Eviction Ban**

The correspondence, which had been received, was **NOTED**.

F/247/23 (Agenda Item No)
 VARIATION OF ORDER OF BUSINESS

The Mayor sought the agreement of the Members to vary the order of business and to take Agenda Item 34 at this stage and this was **AGREED** by the Members.

MOTIONS - STATUTORY FUNCTIONS

F/248/23 (Agenda Item No 34)
 Councillor D. Whooley - Trial of Rainscapes to be allocated in the 2024 Council Budget

The motion, in the name of Councillor D. Whooley was proposed by Councillor D. Whooley and seconded by Councillor H. Mahony.

Following discussion, the motion was **AGREED**.

F/249/23 (Agenda Item No 30)

Councillors J. Hopkins and P. Mulville - Special Amenity Area Orders for Rogerstown, Malahide and Baldoyle Estuaries

The motion, in the name of Councillors J. Hopkins and P. Mulville was proposed by Councillor J. Hopkins and seconded by Councillor P. Mulville.

Following discussion, the report of the Chief Executive was **ACCEPTED**.

F/250/23 (Agenda Item No 31)

Councillor JK Onwumereh - Internships and Work Experience Programmes

The motion, in the name of Councillor JK. Onwumereh was proposed by Councillor JK. Onwumereh and seconded by Councillor B. Dennehy.

Following discussion, the motion was **AGREED**.

F/251/23 (Agenda Item No 32)

Councillor C. Boland - 2007 Planning Permission in respect of North Runway Dublin Airport

The motion, in the name of Councillor C. Boland was proposed by Councillor C. Boland and seconded by Councillor K. Power.

Following discussion, the report of the Chief Executive was **ACCEPTED**.

F/252/23 (Agenda Item No 33)

Councillor P. Conroy - Counselling Services for Councillors

It was **AGREED** to **DEFER** this item to the July Council Meeting.

F/253/23 (Agenda Item No 35)

Councillor P. Rane - Removal of Graffiti in Fingal areas

The motion, in the name of Councillor P. Rane was proposed by Councillor P. Rane and seconded by Councillor K. Dennison.

Following discussion, the report of the Chief Executive was **ACCEPTED**.

F/254/23 (Agenda Item No 36)

Councillor K. Power - Dedicated e-mail address to report dead birds

The report on the motion in the name of Councillor K. Power was **ACCEPTED**.

F/255/23 (Agenda Item No 37)

Councillor T. Murphy - Sporting facilities capacity

The report on the motion in the name of Councillor T. Murphy was **ACCEPTED**.

NON-STATUTORY MOTIONS

F/257/23 (Agenda Item No 39)

Councillor D. Mulligan - Water Outage due to Trunk Water Main Connection

The report on the motion in the name of Councillor D. Mulligan was **ACCEPTED**.

F/264/23 (Agenda Item No)

EMERGENCY MOTION

The following emergency motion in the name of Councillor A. Graves was proposed by Councillor A. Graves and seconded by Councillor N. Treacy:

“In light of time constraints - that this Council calls on the Chief Executive to seek independent legal opinion on behalf of elected representatives who have concerns around the omission of a summary of the HSE submission to the Ministerial Direction as part of the Chief Executives report. Specifically advising whether an addendum is required to ensure a balanced report.

Section 31(9) of the Planning and Development Act 2000 (as amended) states that the Chief Executive’s Report on submissions received by the Planning Authority is required to:

- (a) summarise the views of any person who made submissions or observations to the planning authority;

- (b) summarise the views of and recommendations (if any) made by the Elected Members of the planning authority;
- (c) summarise the views of and recommendations (if any) made by the regional assembly;
- (d) make recommendations in relation to the best manner in which to give effect to the draft direction.

As stated by the Executive, "While the Act does not reference specific public bodies and that as a result submissions from such bodies fall under category (a) the views of any person who made submissions or observations to the planning authority and while the submission from the HSE (FIN-C568-14) was listed as one of the submissions received" the same logic could be applied to the submission from the daa which was summarised. It would appear that of the 163 submissions, only one submission, received from daa expressed views which were supportive of Draft Direction 2(c) and this was the one that was summarised, while the HSE, has rejected the ministerial direction and called for the retention of standards that protect human health and asserts that the original text is not inconsistent with the National Objectives as stated by FCC and the OPR and supports the amendment that councillors agreed. They further state that "The inclusion of the strategic objectives in the Fingal Development Plan was a health protection measure. If the Ministerial Direction is confirmed, then these health protection standards should be incorporated into the Noise Abatement Strategy formulated by the Aircraft Noise Competent Authority."

The omission of a summary of such importance is concerning and one that needs clear and explicit legal advice for Councillors to ensure that there are no ambiguities in the future that would impact negatively on the Development Plan."

SUSPENSION OF STANDING ORDERS

It was **AGREED** to extend the meeting by 15 minutes to conclude the consideration of the emergency motion.

Following discussion, the motion was **AGREED**.

The Meeting concluded at 8.10pm.

MAYOR

DATE
