

**MINUTES OF MONTHLY MEETING OF ROSCOMMON COUNTY COUNCIL
IN COUNCIL CHAMBER, ÁRAS AN CHONTAE, ROSCOMMON
ON MONDAY, 24th October, 2022 AT 2.15 PM.**

PRESENT: Councillor Tom Crosby **PRESIDED**

MEMBERS: Cllr L. Fallon, Cllr E. Kelly, Cllr P. Fitzmaurice, Cllr D. Kilduff, Cllr M. McDermott, Cllr A. Waldron, Cllr O. Leyden, Cllr T. Ward, Cllr N. Dineen, Cllr V. Byrne, Cllr J. Keogh, Cllr M. Mulligan, Cllr J. Murphy, Cllr J. Naughten, Cllr K. Shanagher and Cllr L. Callaghan.

OFFICIALS: Shane Tieman, Chief Executive
Majella Hunt, Director of Services
Caitlín Conneely, A/Director of Services
Sean Mullarkey, Acting Head of Finance
Fiona Ni Chuinn, A/Director of Services
Greg O'Donnell, A/Director of Services
Patricia Bohan, Meetings Administrator
Claudette Collins, Asst. Staff Officer
Darragh Kelly, Communications Officer

Apologies: Cllr J. Cummins

144.22 DISCLOSURE OF CONFLICT OF INTEREST (SECTION 177 OF THE LOCAL GOVERNMENT ACT 2001 AS AMENDED)

There were no declarations from the Members.

145.22 PROPOSAL TO AWARD FREEDOM OF THE COUNTY TO AOIFE O'ROURKE

The Cathaoirleach congratulated Aoife O'Rourke who recently won a European boxing title in Montenegro. This was Roscommon's second European women's boxing title.

On the **PROPOSAL** of Cllr. Fitzmaurice
SECONDED by Cllr. Waldron

It was **AGREED** to honour Aoife O'Rourke with the Freedom of the County in accordance with S74 of the Local Government Act 2001 to honour her boxing success.

146.22 ADOPTION OF MINUTES

On the **PROPOSAL** of Cllr. Murphy
SECONDED by Cllr. Callaghan

It was **AGREED** to adopt the minutes of the Plenary Meeting of 26.09.2022

147.22 MATTERS ARISING

Cllr. Fitzmaurice referred to a notice of motion tabled at the previous plenary meeting in respect of fire

services supporting Castlerea town. He requested the station's closure be reconsidered, claiming reaction times for fire call-outs to Castlerea were inadequate. He extended his sympathies to the family of a lady who lost her life following a recent house fire in Ballaghaderreen and commended the quick response of fire units who attended the scene of the fire.

Cllr. Leyden said she and her colleagues would continue to attempt to find a solution to the delivery of fire services for Castlerea working with the Executive. Cllr. Dineen said there was an urgency to deliver a fire station to support the town's growing population. He said there was a good fire service in the county but said the current response times to a recent fire in Castlerea were inadequate. Cllr. Waldron said he was encouraged the executive was working with local representatives to find a solution to the issue.

148.22 MANAGEMENT REPORT

- Management Report for Quarter 3 2022 noted.
- Cllr K. Shanagher welcomed the allocation of €5,000 for the Joint Policing Committee (JPC) under the Community Safety Innovation Fund to increase digital safety awareness. She commended those responsible for making the funding application.

149.22 ROSCOMMON COUNTY COUNCIL AUDIT COMMITTEE REPORT ON THE AUDITED ANNUAL FINANCIAL STATEMENT (AFS) 2021 AND LOCAL GOVERNMENT AUDITOR'S REPORT

- The Reports were noted by the Members.

150.22 DERELICT SITES POLICY

A report on the amended Draft Derelict Sites Policy was presented to the meeting by the Chairman of the Housing, ICT and Rural Strategic Policy Committee, Cllr. Fitzmaurice:

- The amended Draft Policy was presented and approved for recommendation to the Plenary Committee for approval at the aforementioned SPC meeting on 22nd September.
- The Derelict Sites Act 1990 as amended is the legislation under which the Council assesses dereliction and places a duty on owner/occupier to take reasonable steps to ensure land does not continue to be derelict.
- The Draft Policy outlines the step by step procedure to identify and process derelict sites under the legislation:
 - The policy focuses on Towns and villages
 - A charge a derelict sites levy of 7% of site valuation on all sites as per the regulations i.e. 1st January annually
 - Consideration of purchase of derelict site by CPO depending on site conditions and housing need.

Cllr. Naughten stated that the matter had been discussed at the CPG meeting and the policy will be of benefit to the Council to deal with derelict sites.

Acting Director of Services Fiona Ni Chuinn said an online form has been developed to report derelict sites

and will be available at the end of October.

On the **PROPOSAL** of Cllr. Fitzmaurice
SECONDED by Cllr. Naughten
It was **AGREED** to adopt the Derelict Sites Policy.

151.22 DANGEROUS STRUCTURES AND PLACES POLICY

The Chairman of the Housing, ICT and Rural Water SPC, Cllr. Fitzmaurice presented the policy to the Members for consideration:

- The draft policy was presented to and recommended by the members of the Housing, ICT and Rural Water SPC on September 22nd 2022 to be forwarded to the Council for adoption.
- The scheme is now administered by the Housing Section of the Council.
- Under the terms of the Act whereby the owner of the dangerous site refuses to pay for works carried out by the local authority, a mark will be placed on his/her property portfolio and such dangerous sites would take precedence over derelict sites.
- Where a person upon whom a Notice is served does not comply, Roscommon County Council, through its Law Agent (legal representatives), may make an application to the District Court in the matter.

Acting Director of Services Fiona Ni Chuinn said it was considered appropriate to have a dedicated policy in respect of dangerous sites. She said a lot of work had been carried out by the Council's Vacant Homes Officers with owners of dangerous structures and places. There is now a form on the Council's website for members of the public to identify any such sites.

The members welcomed the policy and discussed as follows:

- Cllr J. Keogh said the new policy was discussed by the Corporate Policy Group and recommended for adoption and would give the Council powers to investigate any dangerous structures or sites that would endanger life or property.
- Dangerous sites were often classified as protected buildings and said it was not easy to 'front up' the costs of reinstating a building.
- Recently, Cloonshanville Cemetery where a local friary on the grounds of the Cemetery was deemed unsafe, is causing a lot of concern. This had resulted in a portion of the building and a number of graves being sealed off in the graveyard. Work was ongoing which was taking a lot of funding and time to make the building safe. The process could be slow and merely identifying buildings as unsafe didn't make them any safer.
- There is a potentially dangerous building in Athleague village adjacent to a public amenity. Is it the policy of the local authority to make such buildings safe if the owner was unwilling to commit to making the building safe?
- Is a site or building containing mica or pyrite considered a dangerous building?

Responding, Acting Director of Services Fiona Ni Chuinn said the Council's Heritage Officer was working with groups to support refurbishment works through Heritage and Improvement grants. She said if the Council were required to carry out work, then the cost of such work would be recoupable from the owner. Interest would be at a rate of 5% per annum in respect of works.

On the issue of homes affected by mica or pyrite, Ms Ni Chuinn said the issue was a matter for an Engineers Report on the policy concerned.

On the **PROPOSAL** of Cllr. Fitzmaurice

SECONDED by Cllr. Keogh

It was **AGREED** to adopt the Dangerous Structures and Places Policy.

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152.22 PRESENTATION ON CROÍ CÓNAITHE (TOWNS) FUND SCHEME - HOUSING

Details of the new Croí Cónaithe (Towns) Fund Scheme were announced by Acting Director of Services Fiona Ni Chuinn. The scheme was launched by the Government in July as part of the Government's 'Housing for All' plan:

- The initiative consists of two funding streams, the Vacant Property Refurbishment Grant and the Ready to Build Scheme for serviced sites or new homes. The initial stream is to provide funding for the refurbishment of vacant properties in towns and villages, which was expanded to rural areas in September.
- The target of the scheme is to provide 2,000 homes countrywide under the scheme by 2025 which will be activated by the Council's Vacant Homes Officer.
- Under stream one, a maximum grant of €30,000 is available for occupation as a principal residence and can be payable up to €50,000 if the application meets certain criteria. To be eligible, properties must either be on the Derelict Sites Register or have a Surveyors/Engineers report, stating the property is unsafe, or structurally unsound. Properties must be vacant for two years or more and built before 1993.
- The Ready to Build Scheme under stream two in respect of serviced sites will mean local authorities will make available service sites to potential individual purchasers. Sites must be available at a discount of the market value, dependent on servicing costs, but not exceeding €30,000 for the site as a principal private residence. Priority under the scheme is for applicants who are first-time buyers or who have a particular need. The scheme is open for applications from both urban and rural areas. The scheme, will be adjudicated using criteria such as the level of vacancy, alignment with local development plans and the role of the fund as part of wider regeneration plans. There is clawback on the scheme of up to ten years. Structural works, painting, roofing and professional services are among the works considered under the grant.
- To date, thirteen applications had been submitted. Applications for the scheme are currently being received and can be made online.

The Members welcomed the update on the scheme and discussed as follows:

- Is the scheme open to vacant rural home owners at present and is there access to information on the Council's website?
- Is the local authority was receiving the maximum grant available or if the grant was only applicable to sites that are currently vacant or for sites that can be purchased.
- Does the scheme apply to properties being considered for change of use? If so, would property owners have to apply for change of use planning if converting a property from a business to a home?
- Is there an opportunity for the local authority to avail of other grants to refurbish vacant properties in towns and villages as vacant homes are being under-utilised.
- There is a concern in respect of recipients moving to a town or village setting, from a rural area. There is a huge desire among many legislators to move people from rural areas with a consequently negative impact on those areas.
- Rental income should be eligible for full 'clawback' after ten years and that rental income would be used to pay back any clawback.
- Is there was a second part of the scheme in respect of affordable serviced sites?
- There is lot of confusion concerning grants at present and it is a huge disadvantage in having in live in a property for ten years to be eligible for the grant. Would like to see applicants being considered while works are being carried out to properties.
- The eligibility threshold should be reduced to 2/3 years, rather than 10 years, otherwise householders would have to borrow money.
- Would like to see the LA carry out an independent assessment and apply the grant based on that assessment.
- 'Repair and Lease' scheme seems to be more suitable for landlords
- If a couple owning a house are currently in the process of renovating a house, can they now apply for the grant?
- The scheme should be applied to principal private residencies and said there was merit in the scheme being extended to the private landlords. A condition of eligibility should be that refurbished properties would be available to the rental market for a number of years.
- The availability of funds in the scheme may be a limiting factor in extending the scheme. If the scheme were extended to rental properties, then the value of rents would have to be reduced for a ten-year period.

On the **PROPOSAL** of Cllr Kilduff
SECONDED by Cllr. Ward

It was **AGREED** to write to the Minister to extend the scheme to private landlords for rental properties

Responding to the queries raised, Ms. Ní Chuinn stated:

- There was initial confusion over the 400 population as originally envisaged but the scheme is available countywide.
- The definition of vacant sites were local authority sites, not privately owned or development-led.
- The Government had set aside €50m at the start of the scheme so it may not be extended to rental properties.
- With regard to property change in usage, there were derogations in place, noting there were other schemes available to householders such as the 'Buy and Renew Scheme' to restore properties, only where there was a housing need.

- Stream 2 relates to affordable sites.
- The Council has identified affordable sites in each of the towns and sent a list to the Department.
- The information will be available on the website to view soon.

The Chief Executive stated that a number of national schemes were being launched to activate housing need and availability. He said the local authority had appointed Vacant Homes Officers and said Members would receive a summary of each operational housing scheme in due course.

153.22 PRESENTATION ON RESIDENTIAL ZONED LAND TAX

The Chief Executive. Mr. Shane Tieman introduced the proposed Residential Land Zoned Tax that replaces the Vacant Site Levy and which will be collected by the Revenue Commissioners.

The onus is upon the landowner to register for tax, determine the market value of their land, file an annual tax return and pay the tax on a self-assessment basis, at a rate of 3% of the market value.

Acting Director of Services Greg O'Donnell gave a presentation to members on the aforementioned Residential Zoned Land Tax (RZLT) which forms part of the Government's 'Housing for All' strategy targeting the provision of 33,000 new homes per year.

- The aim of the tax was to encourage the activation of zoned and serviced residential development land for housing which would replace the Vacant Site Levy from 2024, announced in this year's budget.
- The schedule for the new tax would begin on November 1st with the publication of the 'draft map' and public notices with a deadline of January 1st next year (2023) for the acceptance of submissions. Arising from this, the assessment of submissions and amendments of the 'Draft Map' would take place in March 2023.
- Determinations would be issued to landowners on their submissions by April 1st next year. By May 1st, a public notice and the display of a 'Supplemental Map' would be published with the final date for submissions fixed for June 1st. On August 1st, notification would be forwarded to affected landowners of determinations with the publication of a 'final map' by December 1st 2023.
- The final step will be the activation of the measure as a taxation by the Revenue Commissioners on 1st January 2024
- Under the guidelines published, local authorities are responsible for identifying 'lands in scope', through the preparation of three stages of maps and the undertaking of public consultation as well as the assessment of submissions.
- Roscommon County Council would be engaged with the final confirmation of 'lands in scope', the annual review of the map and the publication of the revised final map by January 31st each year.
- Appeals can be made to An Bord Pleanála against the inclusion of land on the draft map, only after notification of any determination by the local authority. The landowner's appeal is restricted to setting out why the land does not meet the criteria with no cost to lodge an appeal. Landowners can also appeal against determinations on the annual review map by August 1st each year after 2024 with An Bord Pleanála deciding annual appeals within sixteen weeks.
- The determination of 'lands in scope' would be in respect of lands which are 'appropriately zoned', that is residential or mixed use, where residential zoning is 'permitted in principle' and served by roads, footpaths, lighting, foul sewer and surface water drainage and water supply. Exclusions from land in scope include if residential use is not 'permitted in principle', if land is contaminated,

contains significant archaeological remains, on the derelict sites register or if used for infrastructure or community services. The onus is upon the landowner to register for tax, determine the market value of their land, file an annual tax return and pay the tax on a self-assessment basis, at a rate of 3% of the market value.

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The Cathaoirleach thanked Mr. O'Donnell for his presentation and the Members discuss as follows:

- How the value of the land determined - a number of landowners with lands located in town boundaries have no interest in having their lands rezoned.
- This new tax is good in practice in towns and cities where lands are being held against development. However, this was different in Roscommon where no-one was in a position to develop land, where there would not be demand for housing.
- Are lands being used for Agricultural use to receive an exemption and it is noted the onus was on landowners to make their own returns. This could result in requests to the local authority to rezone lands. The Government should look at the scheme on a regional basis
- Will the tax collected locally be returned to the county by Revenue?
- There is an issue in the operation of the scheme whereby residents previously living in zoned rural areas who are now living in urban area such as Monksland. The levy would inhibit the construction industry locally and said it was likely legal challenges would ensue from the introduction of the tax.
- The priority for the local authority is to acquire further land for housing development. There is a need to focus on lands where there is an appetite for development. The levy will put unsuspecting land owners at risk who should be communicated to directly through the relevant Local Area Plans.
- The levy, though well-meaning was only relevant to big population centres. Can land could be dezoned and avoid the levy, and if the local authority do an assessment, will An Bord Pleanala have the right to appeal? There should be an initial appeal process at Council level.

Responding to the Members concerns, Mr. O'Donnell said he understood the farmland exemption still remained. He said the issue of lands being viable was a valid issue and would be considered as part of the local area plans process. He said the new policy was a 6% tax being replaced by a 3% tax and said the local Area plan process could be undermined by local appeals, if the new tax was subject to such scrutiny. Monies collected by Revenue under the new regime would come back to the county, not in a direct but in an unidentifiable manner.

The Chief Executive said a lot of zoned land was based on the local authority's Core Strategy which determines the development of Local Area Plans. He said the changing of zoning by a material contravention had to be on real and substantive grounds.

154.22 APPOINTMENT OF PPN REPRESENTATIVE FOR JOINT POLICING COMMITTEE - BOYLE MD

On the **PROPOSAL** of Cllr. Callaghan
SECONDED by Cllr. Naughten

It was **AGREED** to appoint Mr. Benny Nerney as the PPN Representative of the Boyle Municipal District to the Joint Policing Committee.

155.22 APPOINTMENT OF ELECTED MEMBER TO THE JPC FOLLOWING THE RESIGNATION OF CLLR. D.

KILDUFF

- This matter was deferred to the November Plenary Meeting

156.22 APPOINTMENT OF ELECTED MEMBER TO THE LCDC FOLLOWING THE RESIGNATION OF CLLR. D. KILDUFF

- This matter was deferred to the November Plenary Meeting

Tributes were paid to Cllr. Kilduff on his contribution to the Committee.

157.22 CHIEF EXECUTIVE BUSINESS

There was no Chief Executive matters for the meeting.

158.22 NOTICE OF MOTION - 13.22 POSTAL DELIVERIES IN COUNTY ROSCOMMON - CLLR. NAUGHTEN

“That Roscommon County Council write to the Chief Executive of An Post asking him to directly intervene, where postal deliveries are being delayed to people living in Monksland and parts of wider South Roscommon area. Residents are being informed their post was delayed because they used Co Roscommon in their address.”

Cllr. Naughten said the issue was of particular concern for residents living near the town of Athlone. He requested a letter be sent to the Chief Executive of An Post to ensure there were no further delays in post for people affected.

Members supported the motion citing similar difficulties in Curraghboy, and the border with East Galway near Ballinasloe. Some people are receiving LPT notices for Galway, despite living in County Roscommon. It was requested that any letter sent to An Post should detail other areas affected. The matter of receiving Eircodes was also raised and there are cases of locations in county Roscommon on the Eircode finder as being listed in Co. Westmeath, including the Athlone MD office in Monksland.

Cllr. Naughten acknowledged the support of his colleagues in this matter.

On the **PROPOSAL** of Cllr Naughten
SECONDED by Cllr Ward

It was **AGREED** that Roscommon County Council write to the Chief Executive of An Post asking him to directly intervene, where postal deliveries are being delayed to people living in Monksland and parts of wider South Roscommon area. Residents are being informed their post was delayed because they used Co Roscommon in their address.

159.22 QUESTION - 02.22 CASTLEREA FIRE STATION - CLLR. FITZMAURICE

“At last month's Council meeting in the reply to my notice of motion on Castlerea Fire Service, a table of figures for the number of fires or incidents attended by fire brigades in the Castlerea Area was given from 2017 to 2022. Can the elected members have the map of the area these figures related to? Can we also

have the map of the fire ground are covered by Castlerea Fire Station in 2016 and the number of call outs in this area from 2017 to 2022?”

The following reply was circulated to the Members:

The Fire Services in Roscommon town have confirmed that they do not have “the number of call outs in this area from 2017 to 2022”. This information is held in Mayo County Council (CAMP Fire Control Centre) and by Galway County Council as they control the data for the area of County Galway previously covered by Castlerea Fire Station. This information has not yet been received and will be issued as soon as it is available. A map of the area these figures relate to is attached along with a map of the fire ground area covered by Castlerea Fire Station in 2016.

160.22 CORRESPONDENCE

Resolutions from other Local Authorities:

- **6th October, 2022 – Resolution, Monaghan County Council**

That Monaghan County Council calls on the Irish Government to establish an all-Ireland Citizens' Assembly to debate and discuss our constitutional future.

- **11th October, 2022 – Resolution, Fermanagh & Omagh District Council**

That Fermanagh & Omagh District Council supports fully the Justice for Noah campaign. This Council requests that there should be a rigorous, open and transparent police investigation, where every avenue is explored, to get justice for Noah and his family. This Council also calls on the Secretary of State to withdraw the PII (Public interest immunity) Certificate in this case.

Replies to Resolutions from Roscommon County Council:

- **28th September, 2022** – Reply from Heather Humphries T.D., Minister for Social Protection, in response to Notice of Motion regarding Ukrainian Nationals receiving access to the TUS Scheme.

161.22 VOTES OF CONGRATULATIONS AND SYMPATHY

- The Strokestown team on winning the County Senior Football Final at the weekend.
- The Elphin/Ballinameen team who captured the county U-20 title
- Willie Hegarty who celebrated 25 years commentating on county finals on local radio.
- Clann na nGael Ladies Football team on recently winning the County Senior title

162.22 ANY OTHER BUSINESS

- Meetings Administrator Patricia Bohan reminded members of the new guidelines governing the administrator of the Electoral Register, which she said was now a rolling register. Ms. Bohan said

there would be a national campaign to promote the changes. Any person applying to be included on the electoral register will now be included on the register with immediate effect. Members will be informed of the changes in due course.

NEXT MEETING

The next meeting will be on Monday, 28th November, 2022.

This concluded the business of the meeting.

The foregoing Minutes are
Confirmed and Signed:

Patrick Bohan
Meetings Administrator

Tom Barry

Cathaoirleach

Patrick Bohan
Countersigned