

## Minutes of Council Meeting held on 16<sup>th</sup> December, 2013 at 3.00 pm

Chair: Cllr P. Dunphy

Cllrs: Cllrs. M. Fitzpatrick, M. O' Brien, T. Prendergast, D. Fitzgerald, T. Breathnach, M. Shortall, J. Brennan, P. Cuddihy, M. H. Cavanagh, C. Connery, M. Brett, A. McGuinness, P. Millea, J. Coonan, C. Long, E. Aylward, S. Treacy, M. Noonan, T. Maher, A.M Irish, F. Doherty.

Officials: J. Crockett, J. Mulholland, J. McCormack, P O'Neill, D. Malone, N. Louw, J. O' Reilly & Anne Maria Walsh

Apologies: Cllrs. M. Doran, B. Ireland, P. Crowley, J. Moran.

### 1. Confirmation of Minutes - Dearbhú Miontuairiscí:

- (a) **Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 18<sup>th</sup> November, 2013.** Proposed by Cllr. C. Connery, Seconded by Cllr. F. Doherty and agreed:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on the 18<sup>th</sup> November, 2013 as circulated with the agenda be and are hereby approved."
- (b) **Minutes of Thomastown Electoral Area meeting held on 11<sup>th</sup> November, 2013.** Proposed by Cllr. S. Treacy, Seconded by Cllr. T. Prendergast and agreed:- "That the minutes of the Thomastown Electoral Area Meeting held on 11<sup>th</sup> November, 2013 as circulated with the agenda be and are hereby approved".
- (c) **Minutes of Piltown Electoral Area Meeting held on 12<sup>th</sup> November, 2013.** Proposed by Cllr. C. Long, Seconded by Cllr. T. Breathnach and agreed:- "That the minutes of Piltown Electoral Area Meeting held on 12<sup>th</sup> November, 2013 as circulated with the agenda be and are hereby approved".
- (d) **Minutes of Strategic Policy Committee No. 3 - Environmental Policy, Fire Services, Emergency Planning Meeting held on 4<sup>th</sup> November, 2013.** Proposed by Cllr. T. Maher, Seconded by Cllr. E. Aylward and agreed:- "That the minutes of Special Meeting held on 13<sup>th</sup> November, 2013 as circulated with the agenda be and are hereby approved".
- (e) **Minutes of Forward Planning & Development Strategic Policy Committee Meeting held on 20<sup>th</sup> November, 2013.** Proposed by Cllr. M. Shortall, Seconded by Cllr. S. Treacy and agreed:- "That the minutes of Forward Planning & Development Strategic Policy Committee Meeting held on 20<sup>th</sup> November, 2013 as circulated with the agenda be and are hereby approved".

Cllr. P. Dunphy wished the members and all the citizens of Kilkenny a very peaceful and safe Christmas.

**Cllr. P. Dunphy extended congratulations to the following:**

- Bennettsbridge and Mullinavat and the Rower Inistioge Hurling teams on recent successes.
- Stuart Delaney, James Stephens Army Barracks on receiving the Best Soldier Award at the recent passing out ceremony.

Cllr. Dunphy extended a vote of sympathy to Cllr. C. Long on the death of her mother Mary Coffey.

Votes of sympathy were extended to the following:

- Mick Fagan, Ballygreek, Mullinavat, Co. Kilkenny on the death of Josephine Fagan.
- Tim O' Mahony & Family, Carrickmourne, Thomastown, Co. Kilkenny on the death of Eileen O' Mahony.
- Paddy Butler & Family, Cooleshal, Freshford, Co. Kilkenny on the death of Angela Butler.
- Stephen Foskin, Deerpark, Mullinavat, Co. Kilkenny on the death of Peter Foskin.
- Shane O' Neill, Rochestown Lane, Rochestown, Clane, Co. Kildare on the death of Michael O' Neill,
- Dick, Mary & Yvette Cody, Carrigcloney, Glenmore, Co. Kilkenny on the death of Donal Cody.
- Annette Comiskey, Robinstown, Glenmore, Co. Kilkenny on the death of Marian Hennessy.
- Pat Irish & Family, Nicholastown, Slieverue, Co. Kilkenny on the death of Michael O' Neill.

Cllr. Dunphy advised books of condolences are available in all libraries and area offices to enable people to offer vote of sympathy on the death of Nelson Mandela.

Cllr. Long thanked on behalf of her family the members and staff for their attendance at her mother's funeral.

The meeting was adjourned for 15 minutes as a mark of respect to Mary Coffey.

Meeting resumed at 3.30p.m.

**2. Business prescribed by Statute, Standing Orders or Resolutions of the Council. - Gnó forordaithe do réir Reachtaíochta, Orduithe Seasta, nó Rúin an Chomhairle.**

**(a) Housing & Other Disposal - Tithíocht & Díuscairt Eile**

- (i) Proposed by Cllr. A. McGuinness, Seconded by Cllr. C. Connery and agreed: - "It is the intention of Kilkenny County Council, in accordance with Section 183 of the Local Government Act, 2001 to dispose of property at 16 Pockocke Valley, Johnswell Road, Kilkenny to Anthony & Therese Chandley, Waterford Road, Kilkenny for the sum of €102,000 with each party being responsible for their own legal costs associated with the sale".
- (ii) Proposed by Cllr. T. Maher, Seconded by Cllr. J. Coonan and agreed: - "That in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in property at Ballymack, Cuffesgrange, Co. Kilkenny to Ellen Cunningham, Ballymack, Cuffesgrange, Co. Kilkenny for a nominal sum with each party being responsible for their own legal costs associated with the sale".

**(b) Roads - Bóithre**

- (i) Proposed by Cllr. C. Long, Seconded by Cllr. A.M. Irish and agreed; - "That the County Council of the County of Kilkenny in exercise of the powers conferred on them by Section 11 of the Roads Act 1993 and in compliance with Section 180 of the Planning & Development Act 2000, as amended by Section 59 of the Planning & Development Act, 2010 hereby declares the road (37 Residential Units) Kylemore, Fiddown, Co. Kilkenny to be a public road".
- (ii) Proposed by Cllr. F. Doherty, Seconded by Cllr. E. Aylward and agreed: - "That the County Council of the County of Kilkenny in exercise of the powers conferred on them by Section 11 of the Roads Act 1993 and in compliance with Section 180 of the Planning & Development Act 2000, as amended by Section 59 of the Planning & Development Act, 2010 hereby declares the road Millbanks Grove, Rosbercon, Co. Kilkenny to be a public road".
- (iii) Proposed by Cllr. T. Maher, Seconded by Cllr. D. Fitzgerald and agreed: - "That the County Council of the County of Kilkenny in exercise of the powers conferred on them by Section 11 of the Roads Act 1993 and in compliance with Section 180 of the Planning & Development Act 2000, as amended by Section 59 of the Planning &

Development Act, 2010 hereby declares the road (30 House Development) at The Meadows, Callan, Co. Kilkenny to be a public road”.

- (iv) Proposed by Cllr. A. McGuinness, Seconded by Cllr. D. Fitzgerald and agreed:- “We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of the Richview, Castlecomer Road, Kilkenny in accordance with Section 180 of the Planning & Development Act 2000 as amended by Section 59 of the Planning & Development Act, 2010”.
- (v) Proposed by Cllr. S. Treacy, Seconded by Cllr. M. O’ Brien and agreed:- “We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of Broguemaker Hill, Thomastown, Co. Kilkenny in accordance with Section 180 of the Planning & Development Act 2000 as amended by Section 59 of the Planning & Development Act, 2010”.
- (vi) Proposed by Cllr. J. Coonan, Seconded by Cllr. D. Fitzgerald and agreed:- “We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of Clongowan, Smithsland North, Waterford Road, Kilkenny in accordance with Section 180 of the Planning & Development Act 2000 as amended by Section 59 of the Planning & Development Act, 2010”.

(c) **Water Services - Seirbhísí Uisce**

Takeover of Ballinearla No. 1 Group Water Scheme

Proposed by Cllr. C. Long, Seconded by Cllr. T. Breathnach and agreed: - “That the takeover of the Ballinearla No. 1 Group Water Scheme by Kilkenny County Council is hereby approved”.

(d) **Planning - Pleanail**

Draft Development Plan consider Managers report circulated on 29<sup>th</sup> November, 2013

Cllr. D. Fitzgerald withdrew from the meeting for this item.

Mr. Crockett advised the members that 75 submissions were received on the Draft County and City Plans. 31 submissions related to the City & Environs Plans and 44 related to the County Plan. All submissions were examined in

detail and a separate response to each included in the report circulated. The majority of the submissions related to the following areas:-

- Record of Protected Structures
- Rural Housing Policy
- Wind Energy
- Retail Strategy
- Smithwick's Brewery Site

Manager advised the members that they have until 24<sup>th</sup> January, 2014 to consider the report and the submissions. Special meetings can be arranged in January, 2014 to allow members time to consider the report in detail. The current issues that needs to be considered is residential development in the city and environs and the Eirgrid development.

Mr. Malone advised that he is currently working on a submission to Eirgrid. It is expected that the submission will be sent to Eirgrid before the 20<sup>th</sup> December, 2013. Draft submission has been circulated today and he requested members to consider the draft submission and submit any comments to him by Thursday evening 19<sup>th</sup> December, 2013. He stated that the submission is based on the strategic proposal. Once the route is identified the Council can be more specific in a further submission.

Contributions were received from Cllr. M. Shortall, P. Dunphy, T. Breathnach, J. Coonan, M. Noonan, M. O' Brien, P. Cuddihy, T. Maher, P. Millea, M. H. Cavanagh, M. Brett, S. Treacy, C. Long and A.M Irish.

Most contributions related to the strategic infrastructure proposed in the Eirgrid Project and compliance with the policies and objectives identified in the County Development Plan. The main issues discussed were as follows:-

- Cables to be underground – similar to gas network
- Cost benefit analysis should be carried out
- Comparison with other European networks
- Use of motorway routes more suitable than corridors currently identified – land in public ownership.
- Compliance with policies in Development Plan and future plans
- Landscape character assessment
- New/improved technology to be used
- Kilkenny is a heritage County – consideration needs to be given to this.
- Distance from residential properties
- Distance from populated areas
- Devaluation of property
- Regard to be had to resolution passed at November council meeting

- Further information required on infrastructure in the Great Island Zone/Slieveure/Glenmore.

Mr. Crockett advised that the submission needs to be very balanced. The Council is required to be consistent with national and regional policies. The option of using motorway routes will be included in the submission and the resolution passed by the members.

Mr. Malone responded to the issues raised by members and agreed to include these issues in the submission.

3. **Urgent Correspondence - Comhfhreagras Práinneach**

None

4. **Business adjourned from a previous Meeting - Gnó ar athló ó chruinniú**

**roimhe seo**

None.

5. **Fix Dates and Times of Meetings - Dátaí agus Amanta do chruinnithe a shocrú:**

- (i) Schedule of meetings from December- February 2014. Proposed by Cllr. C. Connery Seconded by Cllr. T. Maher and Agreed.

6. **Consideration of Reports and Recommendations of Committees of the Council - Plé ar Thuairiscí agus Moltaí ó Choistí an Comhairle:**

(i) Report on Thomastown Electoral Area Meeting held on 11<sup>th</sup> November, 2013 Proposed by Cllr. S. Treacy, Seconded by Cllr. T. Prendergast and agreed. Cllr. M. O' Brien requested update on putting lights on the bridge in Bennettsbridge. Mr. Mulholland advised that this bridge is a protected structure, very costly and difficult to get suitable lighting for the bridge. Area Engineer will be preparing a further report on this.

(ii) Report on Piltown Electoral Area Meeting held on 12<sup>th</sup> November, 2013. Proposed by Cllr. F. Doherty, Seconded by Cllr. T. Breathnach and agreed.

(iii) Report on SPC 3 – Environmental Policy, Fire Services and Emergency Planning Meeting held on 13<sup>th</sup> November, 2013 Proposed by Cllr. T. Maher, Seconded by Cllr. E. Aylward and agreed. Cllr. Connery raised an issue about illegal dumping on lands owned by Coillte and concerns about the cost incurred by Coillte in removing and disposing the rubbish.

Contribution was also received from Cllr. T. Maher in relation to this. Mr. O’ Neill advised that the Council has met Coillte on a number of occasions to discuss this. Coillte have an enforcement procedure in place and there is no exemption from the cost of disposing of rubbish or abandoned cars. Kilkenny County Council does not operate a landfill facility and the Council also has to pay for disposal of rubbish collected.

Cllr. Dunphy advised that he intends to launch a litter campaign in the New Year aimed at children and teenagers to encourage them to be more pro-active in recycling and keeping communities litter free.

Contributions were received from Cllr. J. Brennan, T. Breathnach, F. Doherty, M. Noonan, J. Coonan, M. Brett, E. Aylward in relation to anti-litter campaign, where domestic waste is being disposed of and register to collect this data, and promotion of green flags for secondary schools.

Mr. Crockett advised that discussions are being held at national level in relation to new waste management bill. A report will be prepared for next SPC meeting.

Mr. O’ Neill welcomed the Chairman’s initiative and further discussion will take place in January, 2014 to progress this.

(iv) Report on SPC 1 – Forward Planning & Development Strategic Policy Committee Meeting held on 20<sup>th</sup> November, 2013. Proposed by Cllr. M. Shortall, Seconded by Cllr. S. Treacy and agreed. Cllr. Shortall requested further information on the national allocation of €10m for unfinished housing estates. Mr. McCormack advised that the Department has not issued a circular yet and it is expected that information will be made available to the Councils in January, 2014.

**7. Other Business set forth in the Notice convening the Meeting -**

**Gnó Eile romhainn i bhFógra reachtála an Chruinnithe**

None.

**8. Education & Training - Oideachas agus Oiliúint**

(i) Conferences - Request for approval to attend as per circulated list. Proposed by Cllr. C. Connery, Seconded by Cllr. A. McGuinness and agreed.

(ii) Summary proceedings at Conferences have been received from: - Proposed by Cllr. C. Connery, Seconded by Cllr. A. McGuinness and agreed.

**9. Matters Arising from Minutes - Gnótha ag éirí as Miontuairiscí**

Cllr. O' Brien raised again the issue of lighting on the bridges at Bennettsbridge and Graiguenamanagh. Cllr. Prendergast supported the issue for the Graiguenamanagh bridge. Mr. Mulholland advised that this matter is under review until the best solution is identified.

**10. Any Other Business - Aon Ghnó Eile**

None.

**11. Notices of Motion - Fógraí Rúin:**

**15(13) Cllrs. T. Breathnach, M. Shortall and T. Prendergast**

Proposed by Cllr. T. Breathnach, Seconded by Cllr. M. Shortall and agreed:- “ That Kilkenny County Council should write to the Gardai, the NRA, the RSA and the Department of Transport to seek a role for Kilkenny County Council in determining the locations at which speed detection units operate”.

Cllr. Breathnach stated that a number of roads have been re-aligned and speed limits have not changed. Once the location of the speed detection units are known people slow down. A request should be made to allow the elected members to have an input in determining the locations.

Cllr. M. Brett, M. Shortall and T. Maher contributed to the notice of motion. It was agreed to raise this item at the next JPC meeting on 6<sup>th</sup> January, 2014.



**12. Notices of Motion from other local authorities seeking support of Kilkenny County Council County Council - Fógraí i dtaobh Rúin ó Údaráis Áitiúla eile ag lorg tacaíochta ó Chomhairle Chontae Chill Chainnigh:**

**33(13) Clare County Council - 13<sup>th</sup> November, 2013**

“That Clare County Council calls on the Minister for Transport to extend the derogation period to allow adequate time to resolve the height restriction of 4.65 metres for vehicles using the country’s road network”.

**Noted.**

**34(13) Macroom Town Council - 19<sup>th</sup> November, 2013**

“That Macroom Town Council calls on the Minister for the Environment, Community and Local Government, members of Dail Eireann and Seanad Eireann that in the light of recommendations published on Wednesday October 30<sup>th</sup> 2013 by the Congress of Local and Regional Authorities , part of the Council of Europe which states that Ireland needs greater Constitutional Protection for Local Government and it is failing to protect Local Democracy and the continued centralisation of power and decision making at National Level, instead of greater devolution to local communities”.

That the draft Local Government Reform Bill issued on the 17<sup>th</sup> October, 2013 should now be referred to the Constitutional Convention so that a discussion can take place on the issues raised by the Council of Europe which runs entirely contrary to the key principals of the European Charter for Local Self Government which was ratified by Ireland on the 14<sup>th</sup> May, 2002”.

**Noted.**

**35(13)Waterford City Council - 21<sup>st</sup> November, 2013**

“Waterford City Council urgently requests the Government to have a total review of legislation in the area of Anti-Social Behaviour with the objective of strengthening the powers of the Gardai and Local Authorities to tackle this issue in an effective manner”.

**Noted.**

**36(13) Offaly County Council - 27<sup>th</sup> November, 2013**

“That Offaly County Council writes to the Minster for Health requesting that he lift the ban on Nurse recruitment”.

**Noted.**

**37(13) Donegal County Council - 2<sup>nd</sup> December, 2013**

“Regarding the recent suggestion that Vehicle Motor Tax may be decentralised (Similar to Driving Licence Applications) I ask Donegal County Council to support a proposal that Motor Tax should be left with Local Authorities who have excellent records as far as this work is concerned”.

**Noted.**

**38(13) Donegal County Council - 2<sup>nd</sup> December, 2013**

“That Donegal County Council acknowledges the vital work of the Credit Union movement within the county and understands that a credit union’s main strength is that it is local. Further Donegal County Council supports the Irish League of Credit Unions in their fight against the over zealous regulatory regime and moves towards consolidation being imposed on them by the Government and the Central Bank”.

**Noted.**

Meeting concluded at 5.15p.m. and Cllr. Dunphy wished all a very Happy Christmas and New Year.

Signed:\_\_\_\_\_

Cathaoirleach

Date:\_\_\_\_\_