

CARLOW COUNTY COUNCIL

Minutes of the July Monthly Meeting of Carlow County Council, held in The Council Chamber, County Offices, Athy Road, Carlow, on Monday 10th July 2017 at 2.30 p.m.

Present: Councillor W. Paton (Cathaoirleach)
Councillor A. Ahern (Nee Long)
Councillor F. Browne
Councillor J. Cassin
Councillor J. Deane
Councillor D. Foley
Councillor A. Gladney
Councillor T. Kinsella
Councillor A. McDonald
Councillor K. Murnane
Councillor C. Murphy
Councillor J. Murphy
Councillor B. O'Donoghue
Councillor J. Pender
Councillor F. Phelan

Apologies: Councillor M. Doran
Councillor W. Lacey
Councillor W. Quinn.

In attendance: Mr. P Delaney, Deputy Chief Executive
Ms. B. O'Brien, Director of Service – Corporate, Planning, Economic Development, Health and Safety,
Mr S. O'Connor, Director of Services, Housing, Community, Building Control & Emergency Services,
Mr L. Carroll, Acting Assistant Chief Fire Officer.
Ms F. O'Neill, Senior Executive Officer, Planning,
Mr. C. Comerford, Head of LEO,
Mr. M. Brennan, Senior Executive Officer, Community
Mr. E. Brophy, Senior Executive Officer, Corporate Services,
Ms. B. Whelan, Assistant Staff Officer, Corporate Services

In commemorating the 1916 Rising the National Anthem was played.

OPENING PRAYER

The opening prayer was recited in Irish by the Members.

VOTES OF SYMPATHY

- Brendan Dowling Carlow Municipal District and Danny Dowling, Carlow Amenity Trust on the death of their brother Paul Dowling, Coorlaghen, Killeshin, Carlow.
- Jerry Crowley, Water Services on the death of his father Tadhg Crowley, Drishanebeg, Millstreet, Cork.
- John and Margaret Ryan, Mullannagaun, Ballymurphy, Borris, Co. Carlow on the death of their son Michael.
- The O'Connor Family, Kilree Lane, Bagenalstown, Co. Carlow on the death of David O'Connor.
- Kathleen Travers and Family, 20 Springfield Drive, Rathnapish, Carlow on the death of her husband Paddy.
- John Kelly and Family, Maple Drive, Royal Oak Road, Bagenalstown, Co. Carlow on the death of his wife Kathleen.
- Annette Kelly and Family, McGamhna Road, Carlow on the death of her husband Oliver.
- Noreen Doyle, Shillelagh Grove, Tullow, Co. Carlow on the death of her husband James.

Members wished Laura Gates, School Warden, a speedy recovery to full health following her recent assault.

Members wished the Cathaoirleach Councillor Paton a speedy recovery to full health.

VOTES OF CONGRATULATIONS

- Carlow Senior Ladies Football on winning the Leinster Junior Championship 2017 and Carlow Senior Men's football on reaching the quarter Final of the Leinster Football Championship 2017.
- Carlow Senior Hurlers on winning the Christy Ring Cup 2017.
- All involved with the success of the Hurling and Camogie Féile 2017 in Carlow town and county.
- Dermot Mulligan, Museum Curator, Council Officials and all involved with the walk along the Barrow Way on 24th June when the relic of St. Willibrord was walked from the Old Leighlin Cathedral to the Cathedral

of the Assumption, Carlow. Members complimented all involved on the dignified way in which the walk was held.

1. CONFIRMATION OF MINUTES

The minutes of the June Council Meeting held on 12th June 2017 were

Proposed by Councillor J. Pender

Seconded by Councillor D. Foley

AND

Following a show of hands it was unanimously resolved:-

'That the Minutes of the June Monthly Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday 12th June at 2.00 p.m. having been circulated to each Member be taken as read, confirmed as to accuracy and accordingly signed.'

The minutes of the Annual Meeting held on 12th June 2017 were

Proposed by Councillor J. Murphy

Seconded by Councillor D. Foley

AND

Following a show of hands it was unanimously resolved:-

'That the Minutes of the Annual Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday 12th June at 2.30 p.m. having been circulated to each Member be taken as read, confirmed as to accuracy and accordingly signed.'

Disposal of Plot of ground 0.284 acres at The Harrow Cross, Oldtown, Nurney, Co. Carlow to Patrick & Kathleen Dermody.

This item was deferred at the June meeting of Council for further consideration. Councillor McDonald raised the issue and S. O'Connor, Director of Services sought the Members' approval to the disposal of Plot of ground 0.284 acres at The Harrow Cross, Oldtown, Nurney, Co. Carlow to Patrick & Kathleen Dermody with the condition that the new owners maintain the property.

Proposed by Councillor A. McDonald

Seconded by Councillor A. Gladney

AND

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve in accordance with Planning & Development Act 2000 – Section 211, Local Government Act,

2001– Section 183 (1) the disposal of Plot of ground 0.284 acres at The Harrow Cross, Oldtown, Nurney to Patrick & Kathleen Dermody, in consideration of the sum of €1,000.00 in accordance with the terms of the statutory notice already circulated and with the condition that the property be preserved and maintained by the new owners. The consent of the Minister for Housing, Planning, Community and Local Government is not required’.

Members also suggested that the property be added to the record of Protected Structures. Members were advised that this issue can be dealt with as a separate procedure later.

2. CIRCULARS

(a) Circular Fire 04-17 Fire Safety in Local Authority controlled Multi-storey Social Housing

Members had Circular Fire 04-17 on Fire Safety in Local Authority controlled Multi Storey Social Housing.

Mr. Liam Carroll, Acting Assistant Chief Fire Officer advised that Carlow Fire Service has been proactive and reviewed multi storey social housing buildings in Carlow to ensure they are meeting their statutory obligations in regards to Fire Safety.

Members welcomed this proactive approach and suggested a press release be sent out giving assurances to people on fire safety standards in multi storey social housing in Carlow.

Members expressed their sympathies to all affected by the devastating fire at Grenville Tower in West London.

Members congratulated Carlow Fire & Rescue Service’s Technical Rescue Team on their recent success in the annual Trauma and Extrication Challenge. Members also thanked the Fire Service for the review of Lifebuoys throughout Carlow.

(b) Circular APH 2/2017 Rebuilding Ireland Housing Land Map

Mr. S. O’Connor, Director of Services Housing advised of requirement for housing authorities to prepare Strategic Development and Management Plans for lands in their ownership with emphasis on prioritising those sites with the most potential to deliver housing in the short to medium term. Local Authorities are requested to review and update data on the Rebuilding Ireland Housing Land Map.

S. O’Connor advised that each Local Authority must bring forward a Strategic Development and Management Plan for its residential land assets by 30th September 2017.

A discussion took place on the issue with Members querying if there is sufficient lands zoned as residential in County Carlow and queried details of the Land Aggregation Scheme sites.

P. Delaney, Deputy Chief Executive outlined the backround to the abolition of the Housing Land Aggregation Scheme. As a result the Council is now incurring annual loan charges circa € 225,000. The Department of Housing Planning & Local Government will not recoup the land costs until such time as housing is constructed on the lands in question. The Council has raised the issue with the Department but has not received a favourable reply. Concerns were raised in relation to Council owned lands at Rathvilly as development will not take place in the short to medium term and requested that the issue be examined.

Councillor Browne suggested that the Council seek expression of interest on serviced sites in Rathvilly and that the Council contact owners of vacant properties within a one mile radius of Carlow Town Centre.

Councillor McDonald proposed that the Minister for Housing address the September meeting of Council. S. O'Connor advised that the Minister will be visiting Carlow in August and suggested Members should meet with him during this visit.

Councillor McDonald proposed and it was seconded by Councillor Cassin and agreed that Deputy John Paul Phelan, Minister of State, Department of Housing, Planning & Local Government with responsibility for Local Government and Electoral Reform, be invited to address the Members at the September meeting of Council.

Councillor Cassin queried if the Council had received a response from the HSE in relation to proposals for Kelvin Grove, Athy Road. Ms. B. O'Brien advised that discussions have taken place in relation to the property and that the lands are under the Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area. A further letter is to issue to the HSE on the issue.

All queries raised by the Members were addressed by S. O'Connor.

(c) Planning & Development (Housing) and Residential Tenancies Act 2016, Planning & Development (Strategic Housing Development) Regulations 2017 and Related Commencement Order

Ms. B. O'Brien, Director of Services, Planning advised that the main purpose of the Planning and Development (Housing) and Residential Tenancies Act 2016 is to give effect to a number of priority legislative measures in Rebuilding Ireland, aimed at enhancing housing supply and the functioning of the private rented sector. B. O'Brien outlined the five main provisions to the legislative measures with the new provisions operative from 3rd July, 2017.

Councillors Paton and Phelan said these legislative measures undermined the role of the Planning Authorities by allowing direct application to an Bord Pleanála in respect of large scale residential developments (100 units +).

Queries raised by the Members were addressed by Ms. O'Brien.

3. BUSINESS PRESCRIBED BY STATUE, STANDING ORDERS OR RESOLUTIONS OF THE COUNCIL

(a) Lease of Premises known as The Old Dispensary, Pairc Mhuire, Tullow, Co. Carlow to Tullow Men's Shed

Members' approval was sought to the lease of premises known as the Old Dispensary, Pairc Mhuire, Tullow, Co. Carlow to Tullow Men's Shed.

Proposed by Councillor J. Pender
Seconded by Councillor B. O'Donoghue
AND

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council hereby approve the lease of Premises known as The Old Dispensary, Pairc Mhuire, Tullow, Co. Carlow to Tullow Men's Shed, in consideration of the sum of €100 annual rent (lease for 5 years) in accordance with the terms of the statutory notice already circulated and in accordance with the Local Government Act 2001-Section 183 (1), Planning and Development Act 2000 – Section 211. The consent of the Minister for Housing, Planning, Community and Local Government is not required'.

(b) To consider Report of the Deputy Chief Executive relating to submissions received on Proposed Variations No. 1 (a) Vacant Site Levy and 1 (b) Social Housing Provisions, of the Carlow County Development Plan 2015-2021.

Members had for consideration report of the Chief Executive relating to submissions and observations received from the public and prescribed bodies on Proposed Variations No.1 (a) Vacant Site Levy and 1 (b) Social Housing Provisions of the Carlow County Development Plan 2015-2021. Proposed Variation no 1 (a) focuses on the introduction of the vacant site levy and Proposed Variation 1(b) focuses on changes to Part V Social and Affordable Housing and Development Contribution requirements.

In response to Members queries on Vacant Site Levy and ability to pay Ms. F. O'Neill, Senior Executive Officer, Planning advised of annual charge of 3% of the market value of the land with reduced and zero rates applying in certain

circumstances. Ms. O'Neill advised that the owner can appeal to An Bord Pleanála and the Valuation Tribunal.

Ms. B. O'Brien, Director of Planning advised that any money received by a planning authority is to be spent in the vicinity of the vacant site.

Members approval was sought to the proposed variations no 1 (a) Vacant Site Levy and 1 (b) Social Housing Provisions, of the Carlow County Development Plan 2015-2021.

On the proposition of Councillor D. Foley, seconded by Councillor F.Browne

And following a roll call vote

<i>Member of Carlow County Council</i>	<i>For</i>	<i>Against</i>	<i>Abstain</i>	<i>Absent</i>
Ann Ahern nee Long	√			
Fergal Browne	√			
John Cassin		√		
Jim Deane		√		
Michael Doran				√
Denis Foley	√			
Andy Gladney		√		
Thomas Kinsella	√			
Walter Lacey				√
Arthur McDonald		√		
Ken Murnane	√			
Charlie Murphy		√		
John Murphy	√			
Brian O'Donoghue	√			
William Paton	√			
John Pender	√			

Fintan Phelan		√		
William Quinn				√

The vote resulted in: 9 for, 6 against, 3 absent

'We, the Members of Carlow County Council approve the proposed Variations No.1 (a) and 1 (b) of the Carlow County Development Plan 2015-2021 in accordance with Section 13 of the Planning and Development Acts 2000 – 2016.'

(c) Section 85 Agreement with Kilkenny County Council to carry out all Statutory Food Safety Functions as contracted by the FSAI on behalf of Carlow County Council.

Members' approval was sought to enter a Section 85 Agreement with Kilkenny County Council to carry out all Statutory Food Safety Functions as contracted by the FSAI on behalf of Carlow County Council. Kilkenny County Council has agreed to continue carrying out Food Safety inspections on behalf of Carlow County Council until contract arrangement between Local Authorities and the FSAI are reviewed nationally in July, 2019.

**Proposed by Councillor J. Murphy
Seconded by Councillor B. O'Donoghue
AND**

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve that Carlow County Council enter an Agreement under Section 85 of the Local Government Act, 2001, with Kilkenny County Council to carry out all Statutory Food Safety Functions as contracted by the FSAI on behalf of Carlow County Council.'

4. DEPARTMENTAL PROGRESS REPORTS

(a) Planning Progress Report

Members welcomed Planning Progress Report to 30th June, 2017 from Ms. B. O'Brien, Director of Services.

Queries raised by the Members in relation to current position of Housing Developments not in the charge of Carlow County Council including Unfinished Estates were addressed by Ms. F. O'Neill.

Issue raised by the Members in relation to 17, Pairc Mhuire, Bagenalstown was addressed by Ms. O'Neill.

(b) Economic Development Progress Report

Members welcomed Economic Development Progress Report to 30th June, 2017 from Ms. B. O'Brien, Director of Services and Mr. K. Comerford, Head of LEO.

Councillor Phelan welcomed the opening of new hotel 'The Clink' in Dublin Street.

Councillor Phelan expressed disappointment that the IDA website for the South East focuses on investing in Waterford with no reference to opportunities to invest in Carlow. He said the new Regional Development Manager should come before the Council at a public meeting. K. Comerford advised of three IDA visits to Carlow.

Members spoke of importance of promoting Carlow at every opportunity and having a positive approach 'talking Carlow up'.

Councillor Phelan said Carlow was being let down at regional and national level.

Councillor Ahern said Tullow Street, the centre of Carlow Town, is not attractive for investment.

Councillor Murnane queried if there is strategy in place and being pursued to attract businesses to the region post Brexit. K. Comerford advised of Brexit Unit in each Government Department dealing with the issue.

All issues raised by the Members were addressed by K. Comerford.

(c) Corporate Services Progress Report

Members had Corporate Services Progress Report from Ms. B. O'Brien, Director of Services.

Councillor O'Donoghue welcomed the Boundary Commission recommendation that the entire County of Carlow with the entire county of Kilkenny should form a 5- seat constituency. He called on the Council to write to the Minister to have the legislation enacted without delay.

Councillor O'Donoghue also queried if the Register of Electors could be updated electronically. E. Brophy advised that currently under the Electoral Acts it is not possible but that the use of P.P.S numbers is being considered.

PRESENTATION BY UNION OF STUDENTS IN IRELAND

The Cathaoirleach welcomed Annie Hoey, former President of the Students Union of Ireland and Lorna Fitzpatrick President of Carlow I.T. Students Union to the Chamber to address members and seek their support on Funding of Higher Education.

Ms. Hoey gave a presentation to the Members calling on the Government to fully invest in the publicly-funded third level education model. Ms. Hoey referred to the Cassells Report and international exemplar – Germany efficiently delivering Higher Education with minimum cost to the learner. The Students Union of Ireland are not in favour of the implementation of an income contingent loan scheme.

Members said they supported the students call for publicly funded third level education and supported Notice of Motion from Tipperary County Council calling on the government to extend children's allowance for parents of third level students who have no access to grants due to earnings before tax. Ms. Hoey to send a Draft Notice of Motion. A Notice of Motion will issue from Carlow County Council to the Minister supporting the Union of Students in Ireland in their quest for publicly funded third level education.

Members complimented Ms Hoey and Ms. Fitzpatrick on their presentation and wished them well with their endeavours.

5. CORPORATE, PLANNING, ECONOMIC DEVELOPMENT AND HEALTH AND SAFETY

(a) Agriculture

Councillor Kinsella raised issue of bees killed in the Ballinkillen area and called for restricted use of toxic herbicides that are harmful to the bee population.

(b) Health

Councillor Phelan referred to illegal dumping in Co. Wicklow. The waste which includes asbestos is on land that drains into a tributary of the river Slaney, which provides drinking water to homes in Carlow and Wexford. Councillor Phelan requested that the Deputy Chief Executive write to Irish Water on the matter and that the Members be kept informed.

(c) Conference Attendance Approvals

Members unanimously agreed following a show of hands to the forthcoming Conferences.

Dr. Douglas Hyde Conference 2017,
Douglas Hyde Centre,
Portahard,
Frenchpark,
Co. Roscommon
13th to 15th July 2017 **Fee: €30**

Corporate Governance & The Councillor,
Clayton Whites Hotel,
Wexford.
30th June to 2nd July 2017 Fee: €145

What does a Hard Brexit mean for Ireland,
The Clonakilty Hotel,
Clonakilty,
Co. Cork.
23rd to 25th June 2017 Fee: €100

ODCE/Office of the Director of Corporate Enforcement
The Clonakilty Hotel,
Clonakilty,
Co. Cork.
7th to 9th July 2017 Fee: €100

Doing More with Less,
Managing Time & Productivity,
The Clonakilty Hotel,
Clonakilty,
Co. Cork.
21st to 23rd July 2017 Fee: €100

Changing Trends & Approaches
To Drug & Alcohol Abuse,
Casey's Hotel,
Baltimore,
West Cork.
1st to 3rd September 2017 Fee: €145

Councillor Browne raised issue of Quarterly Report Form to be completed by the Members and said it was an unnecessary obligation on Members and will not be continuing with this practice. The Cathaoirleach advised of legal obligation as part of Corporate Governance.

6. COMMUNITY, HOUSING, RECREATION & AMENITY, BUILDING CONTROL & EMERGENCY SERVICES

(a) Membership of Local Community Development Committee (LCDC)

Mr. Michael Brennan, Senior Executive Officer, Community advised of vacancies in the Membership of Carlow Local Community Development Committee (LCDC) following the resignation of Mr. Brian Hand Civic Society and Ms. Mary Walsh Carlow County Development Partnership CLG. Members' approval was sought to the proposal that the Civic Society position be filled by Ms. Jules Michael and Carlow County Development Partnership CLG position by Mr. Karl Duffy.

Proposed by Councillor B. O'Donoghue

Seconded by Councillor J. Cassin

AND

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve the appointments of Ms. Jules Michael to the Civic Society position and Mr. Karl Duffy to the Carlow County Development Partnership CLG of Carlow Local Community Development Committee (LCDC) in accordance with Section 128C (3) (b) of the Local Government Act 2001 as inserted by section 36 of the Local Government Reform Act 2014.

Extension of time.

Members unanimously resolved following a show of hands

'We, the Members of Carlow County Council, in accordance with Standing Orders, approve the continuation of the meeting to 6.00p.m'

7. FINANCE, INFORMATION TECHNOLOGY & CULTURE (LIBRARIES, ARTS & COUNTY MUSEUM)

(a) Irish Public Bodies Retained Earnings Distribution (RED) 2017 - 2019 (Preliminary Report)

Mr P. Delaney, Head of Finance presented a preliminary report on Irish Public Bodies Retained Earnings Distribution (RED) 2017 -2019. The purpose of the RED is to address the current elevated level of public liability claims by carrying out works at loci where there is a history of repeated claims and to strengthen measures to investigate and defend fraudulent or exaggerated claims. P. Delaney advised of potential increased premiums due to IPB introducing a modified community rating model from 2017. P. Delaney advised that a proposed schedule of works is currently being drawn up.

Queries raised by the Members were addressed by P. Delaney.

8. CHIEF EXECUTIVE REPORT

Members had for consideration Chief Executive's Monthly Management Report for June 2017.

Councillor Cassin raised issue of works undertaken by Waterways Ireland on the Barrow Track.

Ms. B. O'Brien advised that Carlow County Council has corresponded with Waterways Ireland on the matter advising of their statutory obligations in relation to works on the Barrow Track. Ms O'Brien advised that works carried out were routine maintenance and not subject to planning permission. She advised of meetings with Waterways Ireland and that queries raised by the Members are being pursued.

9. CORRESPONDENCE

Members supported Notice of Motion from Tipperary County Council calling on the government to extend children's allowance for parents who have children in Third Level Education but do not qualify for grants.

Members noted Notice of Motion from Tipperary County Council calling on the Minister for Health to take the necessary measures to make Regional Health Forum Committees relevant.

Members noted correspondence from the office of the Minister for Health thanking members for letter concerning Orkambi drug.

Members noted correspondence from the office of the Minister for Arts, Heritage, Regional, Rural and Gaeltacht Affairs in connection with the Town and Village Renewal Scheme.

Members noted correspondence from Dr. Yue Xiaoyong, Ambassador of the People's Republic of China to Ireland thanking the Members and officials of Carlow County Council for making his visit to Carlow memorable.

Members noted Notice of Motion from Sligo County Council requesting AILG to provide briefing on the role, funding and activities of the LGMA and that an elected councillor will be included as a speaker at the said briefing.

Members noted correspondence from the Department of Housing, Planning Community and Local Government in response to members'

letter on rural housing guidelines and the European Commission Judgement on the Flemish Decree.

Members noted correspondence from the Department of Health in response to Members' letter concerning the provision of therapy services for children with disabilities in Carlow and Kilkenny.

Members noted correspondence from the Department of Transport, Tourism and Sport regarding local suppliers of tar for Road Projects.

Members noted Notice of Motion from Sligo County Council calling on the Government to prioritise ratifying the United Nations Convention on the Rights of Persons with Disabilities.

10. Notice of Motion.

Standing in the name of Cllrs. J. Cassin, J. Deane and A. Gladney

A discussion took place on the Notice of Motion regarding the Government's new waste management proposals. Following discussion and on the proposition of Councillor B. O'Donoghue, seconded by Councillor J. Cassin it was agreed that the Notice of Motion be amended and the wording 'stops these new charges' be removed to read as follows:-

'Carlow County Council is deeply concerned with the Government's new waste management proposals. The Council will write to Minister Naughton asking that he establishes a national regulator, introduces more measures to reduce, reuse and recycle waste, introduce supports for low income families and those with medical conditions.'

Councillor C. Murphy requested that the Council reconsider alternatives for paper receptacles at Myshall and Drumphea, Garryhill.

Councillor Browne said shadow invoicing of new bin charges should be introduced for several months for the benefit of customers.

9. Any other business with the consent of the Cathaoirleach

Concerns were raised at the 24 week waiting period for a driving test. The issue is to be raised with the Road Safety Authority, National Driving Test Centre.

This concluded the business of the meeting.