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 9th July 2018 at 2.00 p.m.

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Present: Councillor B. O'Donoghue (Cathaoirleach)

Councillor F. Browne
Councillor J. Deane
Councillor M. Doran
Councillor A. Gladney
Councillor T. Kinsella
Councillor W. Lacey
Councillor A. McDonald
Councillor K. Murnane
Councillor C. Murphy
Councillor J. Murphy
Councillor J. Pender
Councillor J. Pender
Councillor F. Phelan
Councillor W. Quinn

Apologies: Councillor J. Cassin

Councillor A. Dalton Councillor D. Foley

In attendance: Ms. K. Holohan, Chief Executive

Mr. D. McInerney, Director of Services, Transportation, Environment, Water Services, Building Control and

Emergency Services.

Mr. M. Brennan, Acting Director of Services, Housing,

Community, Recreation and Amenity.

Mr. B. O'Donovan, Acting Senior Engineer, Environment.

Mr. K. Comerford, Head of LEO

Ms. F. O'Neill, Acting Director of Services, Planning &

Corporate Services.

Ms. A. Oakes, Acting Senior Executive Officer, Corporate

Services.

Ms. B. Whelan, Assistant Staff Officer, Corporate

Services

Pat Deering, TD was also in attendance.

OPENING PRAYER

The opening prayer was recited in Irish by the Members.

VOTES OF SYMPATHY

- John Comerford, Station Officer, Carlow Fire Services on the death of his brother Liam Comerford, 4 Strawhall, Carlow.
- Michael O'Toole, Water Services, on the death of his mother,
 Noreen O'Toole, Slaneyquarter, Tullow, Co. Carlow.
- Pat Fennel, Amenity Trust, on the death of his mother Marie Fennell, 22 Avondale Drive, Carlow.
- Maura O'Connor & Family, 12 Lodge Court, Borris, Co. Carlow on the death of her husband Thomas.
- Sally Murphy & Family, Shangarry, Myshall, Co. Carlow on the death of her husband John.
- Rita Townsend & Family, Ballypierce, Kildavin, Bunclody, Co.
 Wexford on the death of her husband Pat.
- Shem Beck & Family, Monemore, Bagenalstown, Co. Carlow on the death of his wife Mary.
- The Minchin Family on the death of David Minchin, Linden, Station Road, Bagenalstown, Co. Carlow.

VOTES OF CONGRATULATIONS

- Michael Lyng Motors on receiving prestigious Award for Excellence in after sales and customer service.
- Member welcomed Clár Funding and thanked Deputy Deering and Michael Brennan for their input in securing funding.
- Michael Brennan, Senior Executive Officer on his appointment as acting Director of Services, Housing, Community, Recreation and Amenity.
- Carlow Senior Hurling on winning the Joe McDonough Cup.
- All involved with the success of Carlow Community Games in Ardattin.
- All involved with the organisation of Summerfest 2018 and Carlow Rugby Club for hosting the event.
- All involved with the organisation of Muinebheag Fleadh Festival.

Councillor Browne referred to the work involved with the organising and training for Carlow Community Games and suggested that some financial assistance be made in Budget 2019 to help alleviate costs.

1(a) CONFIRMATION OF MINUTES

Proposed by Councillor T. Kinsella Seconded by Councillor W. Quinn 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 11th June, 2018 at 2.00 p.m. having been circulated to each Member be taken as read, confirmed as to accuracy and accordingly signed.

1(b) The minutes of the Annual Meeting held on 11th June 2018 were

Proposed by Councillor F. Browne Seconded by Councillor J. Murphy 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 11th June at 3.45 p.m. having been circulated to each Member be taken as read, confirmed as to accuracy and accordingly signed.'

Councillor Phelan queried if there are proposals to mark the retirement of Seamus O'Connor, retired Director of Services.

The Chief Executive advised that the issue has been raised with Seamus O'Connor and his response is awaited.

Members' approval was sought to suspend Standing Orders to allow for up-to date report on the effects of recent heatwave across County Carlow.

It was Proposed by Councillor J. Murphy, seconded by Councillor M. Doran to suspend Standing Orders.

D. McInerney presented a report to the Members outlining the major implications for Water Services, the Fire Service and Road Services during the recent dry spell. D. McInerney outlined the increased call outs for the Fire Service to deal with gorse fires and the cost implications for the Council. He spoke of concerns for water supply across the county from the Central Regional Water Supply Scheme and the Northern Regional Water Supply Scheme and of monitoring river levels in the Burrin and Slaney rivers. He stated that a well in Bilboa had run dry and that a water tank is being filled daily by the Fire Service. He spoke of water supply in Myshall being supplemented by supply from Leighlinbridge and that the Council had been targeting leakages in the past number of weeks with concentration on the CRWSS area. Fifteen customers with high water usage had been identified and Irish Water have been requested to concentrate on fixing leaks.

D. McInerney spoke of the importance of getting the message out to people to conserve water.

Councillor Quinn queried update on water issue in Borris. D. McInerney to check out.

D. McInerney further advised of treating road surfaces with limestone dust to prevent tar from bleeding through to the surface due to the high temperatures and to date €32,000 has been spent on this treatment.

2. CIRCULARS

(a) Circular FPSO5/2018 Urban Regeneration & Development Fund – Call for Proposals

Members had for consideration Circular FPSO5/2018 Urban Regeneration & Development Fund.

The minimum overall value of the proposal is set at €2m for towns greater than 10,000 and the minimum matched-funding of €500,000 is required.

Members queried how the Council will finance the €500,000 matching contribution and if the Council will be ready to make a Category A bid. Members also queried when submissions, made under the Public Realm, will be reviewed by the Chief Executive and brought back to the members for consideration.

The Chief Executive advised that all issues in relation to this funding is being considered and a briefing will be held for Members in September or earlier if Members so wish, due to September deadline.

The Members expressed the view that the closing date of 28thSeptember, 2018 for receipt of applications is unrealistic and that the timeline given for the preparation and submission of applications is unacceptable.

Councillor McDonald raised issue of protocol for attendance at meetings and that Oireachtas Members should not be excluded from attending meetings.

(b) Circular Pl03/2018 Revision of Development Contribution Guidelines in respect of Telecommunications Infrastructure

Members noted Circular on Revision of Development Contribution Guidelines in respect of Telecommunications Infrastructure. The circular recommends that the 2013 Guidelines be now revised to ensure that waivers are applied in Development Contribution Schemes in respect of both mobile phone and broadband infrastructure. Councillors Murnane and Quinn referred to large profitable private companies receiving various waivers and reductions in development contribution charges. Members welcomed the roll out of broadband in rural areas.

F. O'Neill advised that the operators must demonstrate that their infrastructure provides services to customers who would not otherwise be able to avail of an adequate mobile or broadband service and that it does not extend to pylons.

Proposed by Councillor F. Browne Seconded by Councillor M. Doran AND

Following a show of hands it was unanimously resolved:'That we, the Members of Carlow County Council approve the revision of
2013 Development Contribution Guidelines for Planning Authorities and

2013 Development Contribution Guidelines for Planning Authorities and that Carlow County Council updates its Development Contribution Scheme to ensure such waivers are applied in respect of both mobile phone and broadband infrastructure.

- 3. BUSINESS PRESCRIBED BY STATUE, STANDING ORDERS OR RESOLUTIONS OF THE COUNCIL.
- (a) Disposal of Council's Rented Equity portion of Shared Ownership Loan in dwelling situated at 38, Ashfield, Royal Oak Road, Bagenalstown, Co. Carlow

Proposed by Councillor W. Quinn Seconded by Councillor K. Murnane AND

Following a show of hands it was unanimously resolved:'That we, the Members of Carlow County Council approve the

disposal of Council's Rented Equity portion of Shared Ownership Loan (Freehold Interest) in dwelling situated at 38, Ashfield, Royal Oak Road, Bagenalstown, Co. Carlow to Shane Hickey & Marie Walsh, in consideration of the sum €25,114.34 in accordance with the terms of the statutory notice already circulated and in accordance with Local Government Act 2001, Section 183 (1), Planning & Development Act 2000, Section 211. The consent of the Minister for Housing, Planning and Local Government is not necessary for the disposal of the said dwelling.'

(b) Disposal of Council's Rented Equity portion of Shared Ownership Loan in dwelling situated at 8, St. Killians Crescent, Carlow

Proposed by Councillor F. Browne Seconded by Councillor W. Lacey AND

Following a show of hands it was unanimously resolved:'That we, the Members of Carlow County Council approve the
disposal of Council's Rented Equity portion of Shared Ownership Loan
(Freehold Interest) in dwelling situated at 8, St. Killian's Crescent,
Carlow, to Ken & Joanne Woods in consideration of the sum of
€26,299.52 in accordance with the terms of the statutory notice already
circulated and in accordance with Local Government Act 2001, Section
183 (1), Planning & Development Act 2000, Section 211. The consent of
the Minister for Housing, Planning and Local Government is not
necessary for the disposal of the said dwelling.'

(c) Disposal of Council's Rented Equity portion of Shared Ownership Loan in dwelling situated at 84, The Laurels, Tullow Road, Carlow.

Proposed by Councillor F. Browne Seconded by Councillor J. Deane AND

Following a show of hands it was unanimously resolved:'That we, the Members of Carlow County Council approve the
disposal of Council's Rented Equity portion of Shared Ownership Loan
(Freehold Interest) in dwelling situated at 84, The Laurels, Tullow Road,
Carlow, to Brendan & Sharon Dowling in consideration of the sum of
€23,434.55 in accordance with the terms of the statutory notice already
circulated and in accordance with Local Government Act 2001, Section 183
(1), Planning & Development Act 2000, Section 211. The consent of the

Minister for Housing, Planning and Local Government is not necessary for the disposal of the said dwelling.'

(d) Part VIII 4 No. House at St Mary's Court, Rathnapish, Carlow

This proposal for Part VIII 4 no. Houses at St. Mary's Court, Rathnapish was brought to the June meeting of Council. Issues were raised by the Members and following discussion it was agreed that the matter be deferred for discussion to the Carlow Municipal District Meeting. The proposal to proceed with the development was agreed by the Members of Carlow M.D.

Members approval was sought to proceed with the proposal for the development of 4 no houses at St. Mary's Court, Rathnapish, Carlow.

Proposed by Councillor F. Browne Seconded by Councillor W. Lacey AND

Following a show of hands it was unanimously resolved:'That we, the Members of Carlow County Council approve the
development of 4 no. houses at St. Mary's Court, Rathnapish, Carlow in
accordance with Planning and Development Act 2000 (as amended),
Planning and Development (Housing) and Residential Tenancies Act
2016, Planning and Development (Strategic Housing Development)
Regulations 2017 and Related Commencement Order, Planning and
Development Regulations 2001-2017, Planning and Development Acts
2000-2013, Planning and Development Regulations 2001-2017 Part
VIII'.

Councillor Phelan queried the number of car parking spaces proposed.

(e) Adoption of Flood Risk Management Plan

B. O'Donovan presented report to the Members for consideration and adoption of the Flood Risk Management Plans for the Barrow, Slaney and Nore rivers as they refer to County Carlow.

The following issues were raised by the Members:-

- Wall at Tullowbeg not a proper flood defense.
- Opportunity for Insurance Companies to raise premiums in relation to properties located near flood risk areas.
- If flood maps are amended following flood defense measures, properties and areas on flood maps encounter problems when

- applying to the planning authority for planning permission and where there is no longer flood risk involved.
- If Planning Department in considering applications will accept there are areas of less than 1% risk of flooding.
- Members welcomed flood defense in Tinnahinch and called on Kilkenny County Council to put measures in place on the Kilkenny side.
- Issue with river in Borris as large stones deposited in a field in Borris. D. McInerey advised that this issue is now resolved.
- Underground rivers in Bagenalstown not dealt with when work was being done on storm drains.
- Odour at Avondale Drive. D. McInerney advised that he was not aware of this issue and that it may be due to combined sewers not disconnected.
- B. O'Donovan advised that the OPW has committed €1bn to a ten year programme for the implementation of 118 flood schemes nationally. Issues raised by the Members were addressed by D. McInerney and B. O'Donovan.

It was

Proposed by Councillor M. Doran Seconded by Councillor W. Quinn

To proceed with the proposal to adopt the Flood Risk Management Plan for the Barrow, Slaney and Nore rivers as they refer to County Carlow.

And following a roll call vote

Member of Carlow County Council	For	Against	Abstain	Absent
Fergal Browne	V			
John Cassin				V
Andrea Dalton				V
Jim Deane	V			
Michael Doran	V			
Denis Foley				V
Andy Gladney	V			
Thomas Kinsella				V
Walter Lacey	V			

Arthur McDonald	√		
Ken Murnane	√		
Charlie Murphy			V
John Murphy	√		
Brian O'Donoghue	√		
William Paton		V	
John Pender	√		
Fintan Phelan	√		
William Quinn	√		

The vote resulted in: 12 for: 1 against: 5 absent

The motion was carried.

'That we, the Members of Carlow County Council approve the adoption of the Flood Risk Management Plan for the Barrow, Slaney and Nore as they refer to County Carlow in accordance with Section 20 of Statutory Instrument No. 122/2010.

4. DEPARTMENTAL PROGRESS REPORTS

(a) Economic Development Progress Report

K. Comerford, presented the Economic Development, Business Support and Tourism Report for July 2018.

Members welcomed new appointments of Economic Development Officer and European Development Officer and paid tribute to K. Comerford and staff for their commitment to the economic development of County Carlow. Best wishes were extended to Anna Byrne on her retirement.

Councillor Phelan called for full support for tea rooms at Ducketts Grove. Councillor McDonald paid tribute to Paddy Gardiner for work done in Bagenalstown.

Councillor McDonald referred to Ballymoon Castle and that the owner is willing to provide for car parking facilities if Carlow County Council wishes to consider. Councillor McDonald also raised issue of hotel for Bagenalstown.

Councillor Browne queried availability of sites for advanced factories and of IDA visit in October.

Councillor Murnane urged continued pressure for opportunities for the Braun Site.

Councillor Quinn raised issue of recruitment of a Heritage Officer for County Carlow.

Councillor O'Donoghue raised issue of Clonmore Castle.

Councillor Browne queried if new Local Electoral Areas will be in place before Local Elections 2019.

Councillor Paton called for three area engineers to be considered, one for each revised electoral area, in Budget preparations.

Councillor Browne queried delay in letting of apartments in Maryborough Street, Graiguecullen and requested a report on the matter. The Chief Executive advised that a report will be brought to the September meeting of Council.

All issues raised by the Members were addressed by the Chief Executive, K. Comerford and M. Brennan.

(b) Corporate Services Progress Report

Members noted Corporate Services Progress Report to 30th June 2018.

(c) Planning Progress Report

Members had Planning Progress Report to 30th June 2018.

Councillor McDonald raised issue of delay in validation of planning applications resulting in applicants having to reinsert notice in newspaper leading to extra costs for applicants.

Councillor C. Murphy raised issue of taking-in-charge of housing estate Potters Way, Bunclody. Management company not satisfactory and sales are being held up.

Councillor Doran raised issue of reluctance of the Planning Authority to grant planning permission for particular house designs in certain locations.

Councillor Paton raised issue of proposals to allow for planning applications to be submitted electronically and availability of plans online when permission is granted.

Councillor Lacey raised issue of derelict sites referring to a particular site on Tullow Street and queried if any payments have been received under Derelict Sites Act. Councillor Lacey also referred to Data Protection Regulations and implications for Members.

Councillor Quinn raised issue of taking in charge of St. Mullins Close and Hotel Street, Housing Estates, Tinnahinch.

Councillor Murnane queried delay in completing works on Brereton House.

Councillor Kinsella called for a separate advice leaflet to facilitate agricultural planning applicants.

Councillor C. Murphy called for outside consultants to review the County Development Plan on behalf of the Councillors.

Councillor McDonald raised planning issue in St Brigid's Crescent, Bagenalstown.

F. O'Neill addressed Members queries and advised that issues in relation to Planning may be raised at planning workshop for Members.

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

(a) General Data Protection Regulations 2018 Briefing
Avril Oakes, Acting Senior Executive Officer presented a briefing to
Members on General Data Protection Regulations 2018 (GDPR).
The GDPR and the law enforcement Directive provide for significant
reforms to current data protection rules. The regulations provide for
higher standards of data protection for individuals and impose increased
obligations on organisations that process personal data. Members
expressed concerns in relation to their role and responsibilities under the
new regulations and the challenges facing local government around
information sharing and the GDPR.

Councillor Phelan referred to exemptions for Councillors under Section 40 of the Regulations.

A. Oakes advised that a number of local authorities had sought clarification from the Data Protection Commission in relation to exemptions under Section 40. A. Oakes further stated that the process was at a preliminary stage, is evolving and urged caution until all actions required to bring the Local Authority into compliance with the new Regulations have been established.

Councillor Quinn queried if Councillor' insurance would cover Councillors in the event of breach of regulations.

Councillor Pender queried a letter of thanks issued to an individual in relation to submission for Tullow Footbridge and Associated Works as the individual has clarified that they did not make a submission.

Issues raised by the Members were addressed by the Chief Executive and A. Oakes.

(b) Agriculture

There was no issue arising.

(c) Conference Attendance Approvals

Proposed by Councillor J. Pender Seconded by Councillor J. Deane AND

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council, approve the following forthcoming conferences for July 2018.

Changing Trends and Approaches To Drug and Alcohol Abuse, Brandon Hotel, Tralee, Co. Kerry. 2rd to 5th August 2018

6. TRANSPORTATION, ENVIRONMENT & WATER SERVICES, BUILDING CONTROL & EMERGENCY SERVICES

Fee: €145

(a) Public Lighting

D. McInerney presented report to the Members on Public Lighting. Councillor Murnane sought clarification on the number of public lights in the County.

Members expressed dissatisfaction with delays in repairing faults.

D. McInerney advised that some issues that arise are not part of the maintenance contract and delays experienced are with the Electricity Supply Board.

Extension of time.

Proposed by Councillor F. Phelan Seconded by Councillor J. Murphy

Following a show of hands it was resolved:-

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

(b) Consultation of the Draft Irish Water Investment Plan 2020 to 2024

Members had report from D. McInerney on the Draft Irish Water Investment Plan 2020 to 2024.

D. McInerney advised that submissions on the Draft Plan are invited by 20th July 2018 and that Carlow County Council will be making a submission.

Councillor McDonald referred to communication from Irish Water on harmonisation of Irish Water charges and the need for the Council to make submissions on the issue.

Councillors Pender and Paton raised issue of capacity of Tullow Waste Water Treatment Plant and future requirements.

Councillor Pender referred to Grange facility not being up to standard. Councillor Doran referred to the larger towns infrastructure being at capacity level and of commitment required by Irish Water to upgrade infrastructure to attract industry/economic development.

Queries raised by the Members were addressed by D. McInerney.

7. CHIEF EXECUTIVE REPORT

Members had Chief Executive Monthly Management Report for the period 1st to 30th June,2018.

Councillor McDonald queried if there has been a directive on the ruling by the European Court of Justice in relation to building or buying of property in a local area and the lifting of 'local connection' restriction.

F. O'Neill advised that there are no updated Ministerial Guidelines and current policy still stands.

8. CORRESPONDENCE

Members noted correspondence from the Office of the Minister for Higher Education in relation to Members' Notice of Motion on funding Higher Education.

Members noted Notice of Motion from Donegal County Council in relation to the killing of Palestinians in Gaza by the Israeli Defence Forces.

Members noted correspondence from the office of the Minister for Health in response to Members correspondence in relation to St. Luke's Hospital, Kilkenny, Primary Care Centres and step-down beds.

Members noted correspondence from the Office of the Director of Corporate Services, Child and Family Agency in response to Members correspondence in relation to a case in Galway.

Members noted correspondence from the office of Minister for Foreign Affairs and Trade in relation to Members' Notice of Motion of human rights violations against Falun Gong practitioners.

Members noted correspondence from IDA Ireland to the Chief Executive in relation to IDA Ireland presenting at the October meeting of the Council.

Members noted correspondence from the Office of National Lead for Elective Care, Acute Strategy and Planning, HSE in response to Members' correspondence in relation to late cancellations of hospital appointments.

Members noted correspondence from the National Screening Service in relation to CervicalCheck.

Members noted Notice of Motion from Kerry County Council opposing efforts to require people to work until they are 68.

Members noted Notice of Motion from Kerry County Council calling on An Post and the Government to seek a new international partner to allow Post Offices to offer full Banking Services.

Members noted correspondence to the Chief Executive from the Diocese of Kildare and Leighlin thanking Carlow County Council for their assistance during KANDLE Family Fun Day.

Members noted correspondence from TUSLA in response to Members' correspondence in relation to serious concerns on not acting on the complaint in the Galway rape case

Members noted email from the office of Minister Daly, Minister of State for Mental Health in response to Members correspondence concerning Mental Health Services in Carlow/Kilkenny.

9. Notices of Motion

Standing in the name of Cllr. Fintan Phelan

Proposed by Councillor F. Phelan Seconded by Councillor W. Paton AND

Following a show of hands it was unanimously resolved:'That we, the Members of Carlow County Council approve the
Carlow County Council recognizes that people with disabilities have the
same right to use and enjoy public spaces that we all share, therefore
we wholeheartedly support the establishment of an annual national
"Make Way Day" taking place on 26th Sept, 2018. Carlow County

Council will annually support and promote a local #MakeWayCarlow campaign as part of the wider "Make Way Day" and we will write to the government calling on them to support, establish, fund and resource an annual national "Make Way Day" which would be localised in each region. The purpose of this day is to highlight, to all of us, the small actions and adjustments we can make to ensure those with disabilities can use and enjoy our public spaces.'

Standing in the name of Cllr. John Cassin

That we, the Members of Carlow County Council approve that this Council supports County Carlow becoming free from goods and services produced in Israeli settlements illegally established on stolen Palestinian land and therefore urges Councillors to support the Control of Economic Activity (Occupied Territories) Bill, 2018."

The Motion was proposed by Councillor Gladney and Seconded by Councillor Deane.

It was proposed by Councillor Phelan, Seconded by Councillor Murnane that the Motion be deferred to the September meeting of Council for debate.

And Following a roll call vote to defer to September Meeting of Council

Member of Carlow County		Against	Abstain	Absent
Council				
Fergal Browne				V
John Cassin				√
Andrea Dalton				V
Jim Deane	V			
Michael Doran	V			
Denis Foley				√
Andy Gladney	√			
Thomas Kinsella		√		
Walter Lacey				V
Arthur McDonald	V			
Ken Murnane	√			
Charlie Murphy		√		
John Murphy	V			
Brian O'Donoghue		V		
William Paton	V			

John Pender	V		
Fintan Phelan	V		
William Quinn	√		

The vote resulted in: 10 for: 3 against: 5 absent It was resolved to defer the Notice of Motion to the September meeting of Council.

10. ANY OTHER BUSINESS WITH THE CONSENT OF THE CATHAOIRLEACH

- Councillor Quinn raised issue of Borris Development Plan.
- Councillor Murnane raised issue of Oireachtas Members attending Council Meetings and Workshops.
- Councillor Murnane raised issue of gate at St. Mary's Park, Carlow and presented a petition from the residents to have the gates remain in place between house no 75 and house no. 76 St. Mary's Park.
- Councillor Murnane stated that the response by Tusla to Members' Notice of Motion was unacceptable.
- Councillor Deane raised issue of bottle banks overflowing, suggesting action be taken against the contractor to have the bottle banks emptied regularly.
- Councillor Deane raised issue of closure of the Children's Diabetic Clinic in Carlow and that the Council write to the HSE on the matter.

This concluded the business of the meeting.