

CARLOW COUNTY COUNCIL

**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.**

Present: Councillor W. Paton (Cathaoirleach)
Councillor F. Browne
Councillor J. Cassin
Councillor A. Dalton
Councillor J. Deane
Councillor M. Doran
Councillor D. Foley
Councillor A. Gladney
Councillor T. Kinsella
Councillor W. Lacey
Councillor A. McDonald
Councillor K. Murnane
Councillor C. Murphy
Councillor J. Murphy
Councillor B. O'Donoghue
Councillor J. Pender
Councillor F. Phelan
Councillor W. Quinn

In attendance: Ms. K. Holohan, Chief Executive
Mr P Delaney, Head of Finance
Mr. D. McInerney, Director of Services, Transportation,
Environment & Water Services
Mr E. Brophy, Acting Director of Services, Corporate,
Planning, Economic Development, Health and Safety.
Ms. J. Kavanagh, Acting Director of Services, Housing,
Community, Building Control & Emergency Services,
Mr. B. O'Donovan, Acting Senior Engineer, Environment
Mr. R. Wickham, Acting Senior Engineer, Transportation
Mr. M. Brennan, Senior Executive Officer, Community
Mr. J. Shorthall, Acting County Librarian
Ms. A. Oakes, Acting Senior Executive Officer, Corporate
Services.
Ms. B. Whelan, Assistant Staff Officer, Corporate
Services

OPENING PRAYER

The opening prayer was recited in Irish by the Members.

VOTES OF SYMPATHY

- Josephine Delaney, Tenant Liaison Officer on the death of her mother, Katherine Fennelly, Derrynaserra, Coolrain, Co. Laois.
- John Comerford, Station Officer, Carlow Fire Services on the death of his father Jack Comerford, 13, Bestfield, Athy Road, Carlow.
- The Byrne Family on the death of Catherine Byrne, 'Crann Ard', Templepeter, Rathoe, Co. Carlow.
- Jim Coakley & Family, 110 Kevin Barry Ave., Carlow on the death of his wife Margaret Rose Coakley.
- The Family of the late James McAndrew Kenny, Leeds, England and formerly of John Sweeney Park, Carlow and Tullow, Co. Carlow
- Benny & Molly Amond, Ballygowan, Milford, Co. Carlow on the death of their son Trevor Amond, 106, Rochford Manor, Graiguecullen, Carlow.
- The Kealy Family, Dranagh, St. Mullins, Co. Carlow on the death of Peter Kealy.
- The Family of the late Martin O'Reilly, London, England and formerly of Clonmelsh, Milford, Co. Carlow.
- The Comerford Family on the death of Finbar Comerford, 64, St. Brigid's Crescent, Bagenalstown, Co. Carlow.
- The McCormack Family on the death of Denis McCormack, Royal Oak, Bagenalstown
- The Doyle Family on the death of Tony Doyle, Shangarry Cross, Myshall, Co. Carlow.
- Frances Doran, 40 Woodglade, Fenagh, Co. Carlow on the death of her mother Jane O'Brien, 14 Fenagh, Co. Carlow.
- Helen Doyle & Family, 30 Mountain View, Myshall, Co. Carlow on the death of her husband Pat.
- The Kenny Family, Straduff, Fenagh, Co. Carlow on the death of their mother Mary.

VOTES OF CONGRATULATIONS

- Carlow Soccer Team on winning the Oscar Traynor Trophy Final.
- Nurney Villa on their success in the U/17 Leinster Soccer League
- Carlow Hurlers on reaching the Joe McDonagh Cup Final.
- Mount Leinster Rangers on reaching the u/14 Hurling Féile Final.
- The organisers of Writers Festival, Borris, Co. Carlow
- Carlow Arts Festival and Carlow Fringe Festival 2018 on their excellent week long programme of events, celebrating the many riches the arts have to offer.
- Myshall u/14 Camogie on their success in Féile 2018.

1. CONFIRMATION OF MINUTES

Proposed by Councillor D. Foley
Seconded by Councillor B. O'Donoghue
AND

Following a show of hands it was unanimously resolved:-

'That the Minutes of the May Monthly Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday 14th May, 2018 at 2.00 p.m. having been circulated to each Member be taken as read, confirmed as to accuracy and accordingly signed.

Councillor Browne raised issue of Lifeguards for Carlow Town. Councillors Gladney, Foley and Doran raised issue of lifeguards for Bagenalstown, Rathellen Lough and Leighlinbridge. Members also suggested that Lifeguards be recruited earlier when weather is good. E. Brophy advised of risk assessment being carried out by Irish Water Safety and a report is awaited for guidance on the matter.

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

(a) Part VIII Tullow Footbridge

D. McInerney advised of Planning Report on the N81 Tullow Footbridges and Associated Works. The report covered submissions received 2017 and 2018 and responses to issues raised 2017 and 2018. All observations received for the 2017 Part VIII Planning Application that were deemed relevant to the 2018 Part VIII Planning Application were considered under the 2018 application.

Councillor Paton expressed concern regarding sight line from Bunclody side turning on to Thomas Traynor Bridge. D. McInerney advised that flashing lights and statutory signage will be in place.

Councillor Pender raised issue of bridge as a protected structure and of aluminium structure and queried time frame for works.

D. McInerney advised that most works will take place during night-time to minimise impact on businesses.

Aidan Farrell from Transport Infrastructure Ireland advised that, if approved, tender documents will issue in two weeks with works commencing in twelve weeks. The works to be undertaken at night time will be specified in the tender documents.

The Cathaoirleach thanked all involved in bringing the project forward.

It was

Proposed by Councillor J. Pender

Seconded by Councillor B. O'Donoghue

To proceed with Part VIII Tullow Footbridge and Associated Works.

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>
Fergal Browne	√			
John Cassin	√			
Andrea Dalton	√			
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	√			
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The vote resulted in: 18 for
The motion was carried unanimously.

‘That we, the Members of Carlow County Council approve the N81 Tullow Footbridges and Associated Works proceed as per Chief Executive’s recommendation Part VIII Planning Report.’

(b) Part VIII 58 Houses at Shillelagh Road, Tullow, Co. Carlow

J. Kavanagh, Acting Director of Services, Housing Department presented report to the Members on proposals to carry out housing development of 58 units at Shillelagh Road, Tullow, Co. Carlow.

The members raised the following issues:

- >Incorrect zoning and proposed the removal of house numbers 51-56 as land currently zoned amenity.
- >Amend contour of road to facilitate access to Boys National School.
- >Change one-bedroom apartments to two-bedroom apartments.
- >Access for Fire Brigade.
- >Boundary wall.
- >Traffic Control, traffic congestion and traffic calming measures.
- >Discharge of surface water from the development.
- >Engagement with Irish Water regarding infrastructure.

Following discussions Councillor Paton proposed the Part VIII 58 Houses at Shillelagh Road, Tullow proceed subject to the following amendments:-

- Removal of houses 51-56
- Change one-bedroom apartments to two-bedroom apartments
- Traffic Control measures
- Discharge of surface water.

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>
Fergal Browne	√			
John Cassin	√			
Andrea Dalton	√			
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: 18 for

The motion was carried unanimously.

'That we, the Members of Carlow County Council approve the proposed Part VIII 58 Housing Scheme at Shillelagh Road, Tullow Co. Carlow proceed in accordance with the recommendations in report dated 10th May, 2018 subject to the following amendments:-

- *Removal of houses numbers 51-56*
- *Change one-bedroom apartments to two-bedroom apartments*
- *Traffic Control measures*
- *Surface water goes into stream*

and 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'.

(c) Part VIII 1 No. House at Crowsgrove, Kildavin, Co. Carlow

Councillors J. Murphy, C. Murphy and T. Kinsella raised issue of 24inch drain at this development at Crowsgrove, Kildavin.

D. McInerney confirmed that an engineering solution has been found which will leave the manhole and pipes accessible and protected.

It was

Proposed by Councillor C. Murphy

Seconded by Councillor J. Murphy

To proceed with Part VIII for 1 no. House at Crowsgrove, Kildavin, Co. Carlow.

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>
Fergal Browne	√			
John Cassin	√			
Andrea Dalton	√			
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: 18 for

The motion was carried unanimously.

'That we, the Members of Carlow County Council approve that the proposed 1 No. house at Crowsgrove, Kildavin, Co. Carlow proceed in accordance with the recommendations in report dated 29th May, 2018 and 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.

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

Members had Chief Executive report dated 29th May, 2018 for consideration and approval in respect of Part VIII for 4 no. houses at St. Mary’s Court, Rathnapish, Carlow.

Councillor Phelan proposed that house nos. 1 and 2 be moved beyond house nos. 3 and 4 to take cognisance of the Pidgeon Club and the location of the development in relation to some houses in Castlewood Gardens.

Councillor Cassin expressed the view that creating an infill site could lead to anti -social behaviour.

Councillor Dalton suggested the space be used to provide parking facilities.

A. Sweeney, Chief Planner expressed concern at relocating two houses to any area not subject to Part VIII Public Consultation.

Councillor Phelan proposed amendment to proceed with house numbers 3 and 4 only.

This proposal was seconded by Councillor McDonald. The proposal was overruled.

It was

Proposed by Councillor Browne

Seconded by Councillor Murnane.

To defer Part VIII 4 no. Houses at St. Mary’s Court, Rathnapish, Carlow to July Meeting of Council.

And following a roll call vote

Member of Carlow County Council	For	Against	Abstain	Absent
Fergal Browne	√			
John Cassin	√			
Andrea Dalton		√		
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: 12 for: 5 against: 1 abstention
The motion was carried.

'That we, the Members of Carlow County Council approve the deferral of decision on Part VIII 4 no. houses at St. Mary's Court, Rathnapish, Carlow to the July meeting of Council.'

(e) Part VIII 4 No. House at Dereen Heights, Carlow

The Chief Executive advised of recommendation that dwellings 1 and 2 be omitted and that this area be retained as open space. This will facilitate vehicular access and on- site parking to dwellings 3 and 4.

It was

**Proposed by Councillor Cassin
seconded by Councillor Browne**

To proceed with proposal recommending removal of dwelling 1 and 2 in accordance with revised layout circulated.

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>
Fergal Browne	√			
John Cassin	√			
Andrea Dalton	√			

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: 18 for
The motion was carried unanimously.

‘That we, the Members of Carlow County Council approve the Part VIII for 4 No. Houses at Dereen Heights, Carlow proceed as per recommendation in report dated 29th May, 2018 with the removal of dwellings 1 and 2, in accordance with revised layout circulated and 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.

(f) Membership of Carlow Local Community Development

M. Brennan, Senior Executive Officer, Community sought Members’ approval to the appointment of Mr. John Murphy (B.E.A.M) to the membership of the Carlow Local Community Development Committee, Social Inclusion.

Proposed by Councillor D. Foley
Seconded by Councillor M. Doran
AND

Following a show of hands it was unanimously resolved:-

‘That we, the Members of Carlow County Council approve Mr. John Murphy (B.E.A.M) to the membership of the Carlow Local Community Development Committee to fill the vacancy of Social Inclusion in accordance with Section 128C (3) (b) of the Local Government Act 2001 as inserted by section 36 of the Local Government Act 2014.

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

(a) Carlow Town Development Forum

Members had for consideration Carlow Town Development Forum 2018-2020 Terms of Reference.

The Carlow Town Development Forum is being established to oversee and direct the implementation of a Town Centre Action Plan. The report set out the composition and responsibilities of the Carlow Town Development Forum.

Councillor Phelan sought clarification on the role of the Carlow Town Development Forum, queried the role of the elected Members and The Town Centre Co-ordinator.

The Chief Executive advised that the position of Town Centre Co-ordinator has yet to be filled.

The Chief Executive advised of the role of the Forum and advised that the Town Centre Co-ordinator will feedback the activities of the Town Centre Forum to the elected Members at Municipal District level.

Members expressed disappointment that no elected members form part of the Carlow Town Development Forum. Members also urged that main stakeholders and community form part of the Forum.

Councillors Deane and Phelan urged any member, if he/she so wishes, to become a member of the Forum.

The Chief Executive stated it would be impractical for all eighteen Members to sit on the Forum.

The item was deferred at 3.45pm to facilitate the Annual General Meeting.

The Order of business resumed at 4.30pm.

Councillor Brian O’Donoghue, the newly elected Cathaoirleach, presided in the chair.

On resumption of item 3 (a) Councillor Phelan stated that the Chief Executive had assured him that the Elected Members will not be excluded from decision making of Carlow Town Development Forum. Nominations to the Forum are to be discussed at upcoming Municipal District Meeting.

(b) Service Indicators 2017

Members had for noting Service Indicators for 2017.

(c) Health

Councillor Cassin expressed dissatisfaction with current Mental Health Services in Carlow/Kilkenny. Councillor Cassin requested that the Council again write to the Minister for Health requesting that the issue be addressed as a matter of urgency. Councillor Cassin also suggested a delegation to the Dáil to highlight the issue.

Members concurred with Councillor Cassin on lack of adequate mental health services and called for more localised services.

Councillor Paton raised issue of Primary Care Centre, Tullow. Councillor McDonald advised that the issue has been raised at Health Forum South Meetings and is at Finance stage with a possible timeline of two years. Members requested a letter issue to the Minister for Health on the issue.

4. CHIEF EXECUTIVE REPORT

Members had Chief Executive Monthly Management Report for the period 1st to 31st May 2018.

Councillor Browne raised issue of Couthouse railings. E. Brophy had circulated correspondence from the Court Service assuring the Elected Members of their commitment to having the railings restored as quickly as possible. Councillor Browne urged the Chief Executive to keep the matter under review and put pressure on the Court Service to complete the works as soon as possible.

Councillor Gladney welcomed the refurbishment of Muinebheag Fire Station.

Councillor Paton congratulated all involved with the housing programme. Councillors Cassin, Murnane and Browne queried update on project for Tullow Road Area and leasing of land.

The Chief Executive advised of series of meetings with the community and state agencies. She advised of ongoing discussions with the Department to secure funding. There is currently no time frame for the project. E. Brophy excused himself from this discussion as a member of the Board of Éire Óg Football Club.

Councillors Doran and C. Murphy welcomed €585,000 in funding for Community Involvement Schemes.

Councillor Doran queried update on public lighting upgrade project. D. McInerney advised that a review of public lighting is currently being undertaken and is being done on a regional basis. A report will be prepared for the July meeting of Council on public lighting.

Councillor Quinn raised issue of IPBMI funding for footpaths in the Borris area.

Councillor Browne referred to the huge anomaly in funding for footpaths.

Councillor Dalton queried funding for repairs to footpaths in existing housing estates.

All queries raised by the Members were addressed by D. McInerney.

5. CORRESPONDENCE

Members noted correspondence from Limerick City and County Council supporting resolution adopted by Carlow County Council calling on the Minister for Agriculture to consider payment of €200/head for suckler cows.

Members noted correspondence Willie Mullins, Horse Trainer thanking Members for their letter of congratulations.

Members noted correspondence from the Office of the Director General of the Health Service and the Health Service Executive in response to Members letter expressing concerns at the lack of action on the complaint in the Galway Rape Case.

Members noted Notice of Motion from South Dublin County Council expressing solidarity with the Palestinians and the unarmed peaceful protestors who were shot at, with some being murdered by the IDF.

Members noted correspondence from Department of Health and from the Office of the Director General of the Health Service in response to Members correspondence concerning the late cancellation of hospital appointments.

Members noted correspondence from the Office of the Director General of the Health Service in response to Members correspondence regarding the issue of Cervical Smear Scandal.

Members noted Notice of Motion from Waterford City and County Council welcoming the statutory investigation into Cervical Check and to consider lowering to twenty years to be the age of eligibility for the screening service.

Members noted Notice of Motion from Waterford City and County Council calling on the Minister of Health to request the HSE to review the decision to restrict the use of versatis pain relief patches.

Members noted Notice of Motion from Waterford City and County Council calling on the Department of Education and Skills and /or Department of Health to introduce a scheme to provide all teachers & Special Needs Assistants (who are physically able) with Occupational First Aid training, encompassing CPR.

Members noted Notice of Motion from Waterford City and County Council calling on the Minister of Health to include those that are not children or Young Adults in the provision by the HSE of Free Style Libre to sufferers of Type 1 Diabetes.

Members noted correspondence from Senator Jennifer Murnane-O'Connor re Summerfest, Oakpark, Carlow.

6. Notice of Motion

Standing in the names of Cllrs. William Quinn & William Paton

Pedestrian Bridge across the River Barrow at Tinnahinch

D. McInerney advised that R. Wickham, Acting Senior Engineer has commenced negotiations with Kilkenny County Council regarding pedestrian bridge across the River Barrow at Tinnahinch. D. McInerney advised that the existing bridge is listed as a protected structure in the Carlow County Development Plan and recorded on the National Inventory of Architectural Heritage Register with National Importance. It was

Proposed by Councillor W. Quinn

Seconded by Councillor W. Paton

AND

Following a show of hands it was unanimously resolved:-

‘That we, the Members of Carlow County Council call on Carlow County Council to start the process of engagement with Kilkenny County Council to install a pedestrian bridge across the River Barrow at

Tinnahinch in south Carlow as the existing bridge has no footpath on either side due to the bridge being so narrow.”

The Notice of Motion to be forwarded to Kilkenny County Council.

Councillor McDonald raised issue of Kilcarrig Bridge being a health and safety hazard.

Standing in the name of Cllr. Brian O’Donoghue

Proposed by Councillor B. O’Donoghue

Seconded by Councillor F. Browne

AND

Following a show of hands it was unanimously resolved:-

‘That we, the Members of Carlow County Council approve that Carlow County Council calls on the Minister for people with Disabilities to examine and review the polices and authorities of the NDA (National Disability Authority) to assist the authority in being more fit for purpose and to allow them to impose sanctions and to publish findings of investigations in relation to government bodies and all organisations who are providing or should be providing services and/or information to people with disabilities including poor literacy skills, especially in relation to bodies or organisations who are found to be non compliant in relation to following guidelines and offering services for people with disabilities’

Standing in the name of Cllr. Ken Murnane

Proposed by Councillor K. Murnane

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 need for support from Carlow County Council with regard to taxi insurance. Taxis in Carlow are finding it increasingly difficult to obtain insurance and I am asking Carlow County Council to write to the Minister requesting that there should be some help and support in providing this vital service to the public.’

7. ANY OTHER BUSINESS WITH THE CONSENT OF THE CATHAOIRLEACH

- Councillor Cassin raised issue of old graveyard at Barrow Track overgrown and in need of maintenance.
- Councillor Pender raised issue of dead and emaciated horses at location outside Carlow Town where the owner or the occupier of the land takes no responsibility for the horses.
- Councillor Quinn expressed disappointment that there was no media presence at Bagenalstown Municipal District Meeting and that Meeting and AGM were notified at two different locations.
- Councillors McDonald, Doran and Quinn raised issue of Planning matters, with different interpretation by planners of what is acceptable in terms of the County Development Plan and lack of clear guidelines. The Cathaoirleach proposed a workshop with Planners and Members.
- Councillor Murnane raised issue of response from the DPP to Members' correspondence on the sentencing in the Galway Rape Crisis case.

This concluded the business of the meeting.