

Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 18th July, 2011.

Cathaoirleach: Cllr. P. Cuddihy

Councillors: Cllrs. M.H. Cavanagh, P. Millea, M. Shortall, J. Brennan, J. Coonan, M. Fitzpatrick, M. Brett, P. Cuddihy, M. Noonan, A. McGuinness, B. Manning, M. Doran, W. Ireland, T. Maher, P. Crowley, T. Prendergast, S. Treacy, C. Long, T. Breathnach, P. Dunphy, A.M. Irish, E. Aylward, F. Doherty, M. O'Brien, J. Galway

Apologies: Cllr. C. Connery

In attendance: J. Crockett, S. Walton, J. Dempsey, M. Arthurs, Carol McCarthy, Denis Lawlor, Lynda Madden, David Smyth and A.M Walsh

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

- (a)** Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 20th of June 2011. Proposed by Cllr. J. Galway, Seconded by Cllr. J. Brennan and resolved:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 20th of June, 2011 as circulated with the agenda be and are hereby approved".
- (b)** Minutes of Annual Meeting held on the 24th June, 2011 Proposed by Cllr. M. Doran, Seconded by Cllr. M. Noonan and resolved:- "That the minutes of the Annual Meeting held on the 24th June, 2011 as circulated with the agenda be and are hereby approved".
- (c)** Minutes of Meeting of Forward Planning & Development (S.P.C 1) held on the 11th April, 2011 Proposed by Cllr. M. Shortall, Seconded by Cllr. S. Treacy and resolved: - "That the minutes of the Meeting of Forward Planning & Development (S.P.C 1) held on the 11th April, 2011, as circulated with the agenda be and are hereby approved".
- (d)** Minutes of Meeting of Infrastructure, Transportation, Water Services & Other Policy Issues (S.P.C 2) held on the 10th June, 2011 Proposed by Cllr. P. Millea, Seconded by Cllr. M. Brett and resolved: - "That the minutes of the Meeting of Infrastructure, Transportation, Water Services & Other Policy Issues (S.P.C 2) held on the 10th June, 2011, as circulated with the agenda be and are hereby approved".

- (e) Minutes of Ballyragget Electoral Area Meeting held on the 20th June, 2011 Proposed by Cllr. M.H. Cavanagh, Seconded by J. Brennan and resolved:-
“That the minutes of the Ballyragget Electoral Area Meeting held on the 20th June, 2011, as circulated with the agenda be and are hereby approved.”

Cllr. P. Cuddihy congratulated the following:-

1. Garda Ethel O’Flynn who was awarded a Scott’s Medal for bravery – the sixth ever female to receive this medal.
2. Ciara Trait, Conor Ryan and Diarmuid O’Flynn on winning medals at the Special Olympics in Athens.
3. Dr. Faul on his retirement after 56 years as a doctor and 42 years of these in Kilkenny City.
4. O’Loughlin Gaels on winning the All Ireland Feile Division 1 Hurling.

Cllr. P. Cuddihy wishes Dunnamaggin G.A.A. Club every success with their Ride-on-Lawnmower fundraising event on Sunday 24th July, 2011.

The Chairman welcomed the announcement of €5.6m grant allocation for the new City Library Project.

Votes of Sympathy were sent to the following:-

- Family of Eire Conroy, former storekeeper with Kilkenny County Council.
- Anne Britton, Planning Department on the death of her mother.
- John Walsh, Roads Department on the death of his mother-in-law, Mrs Carlos.
- Family of James Bergin, Freshford, Co. Kilkenny, former employee in the Castlecomer Area.
- The Purcell Family, The Parade, Kilkenny on the death of their mother.
- Family of Kathleen O’Kelly, Barrack St, Castlecomer, former employee of Kilkenny County Council from 1935-1948.
- Breda Aylward & Family, Mullenakill, Tullogher, Co. Kilkenny on the death of Mrs. Mackey.
- The Reid Family, Ballyhale, Co. Kilkenny on the death of Jenny Reid.
- The Cunningham Family, Bawngarrett, Piltown, Co. Kilkenny on the death of Mary Cunningham.
- Connie Delaney, The Sweep, Piltown, Co. Kilkenny on the death of Anastatia Delaney.
- Mrs. Cathriona Evison, Loon, Castlecomer, Co. Kilkenny on the death of Kathleen O’Kelly.

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

(a)Other Disposal - Díuscairt Eile

- (i) Proposed by Cllr. M. Brett, Seconded by Cllr. M. Fitzpatrick and agreed:- “That Kilkenny County Council hereby approves of the disposal of its interest in land at No. 12 Banim Terrace, Kilkenny in accordance with Section 183 of the Local Government Act, 2001 to Mary Brennan and Jimmy Doheny 9 Riverside Drive, Kilkenny.”
- (ii) Proposed by Cllr. P. Millea, Seconded by Cllr. T. Maher and agreed:- “That Kilkenny County Council hereby approves of the disposal of its interest in land at Coolkip, Horse & Jockey, Thurles, Co. Tipperary in accordance with Section 183 of the Local Government Act, 2001 to John & Margaret Hogan Coolkip, Horse & Jockey, Thurles, Co. Tipperary.”
- (iii) Proposed by Cllr. M. Doran, Seconded by Cllr. M.H.Cavanagh and agreed:-“That Kilkenny County Council hereby approves of the disposal of its interest in land at Coolkip, Horse & Jockey, Thurles, Co. Tipperary in accordance with Section 183 of the Local Government Act, 2001 to Mr. Michael Bourke Maxfort, Moycarkey, Horse & Jockey, Thurles, Co. Tipperary.”
- (iv) Proposed by Cllr. C. Long, Seconded by Cllr. E. Aylward and agreed:-“That Kilkenny County Council hereby approves of the disposal of its interest in land at Ballykillaboy, Kilmacow, Co. Kilkenny in accordance with Section 183 of the Local Government Act, 2001 to Mr. Tom Roche at Ballykillaboy, Kilmacow, Co. Kilkenny.”
- (v) Proposed by Cllr. M.H Cavanagh, Seconded by Cllr. J. Galway and agreed:-“That Kilkenny County Council hereby approves of the disposal of its interest in land at Newtown, Littleton, Thurles, Co. Tipperary in accordance with Section 183 of the Local Government Act, 2001 to Mr. James Bourke Newtown, Littleton, Thurles, Co. Tipperary.”
- (vi) Proposed by Cllr. P. Millea, Seconded by Cllr. B. Ireland and agreed:-“That Kilkenny County Council hereby approves of the disposal of its interest in land at Coolkip, Horse & Jockey, Thurles, Co. Tipperary in accordance with Section 183 of the Local Government Act, 2001 to Mr. Patrick Hogan at Summerville, Horse & Jockey, Thurles, Co. Tipperary.”
- (vii) Proposed by Cllr B. Ireland, Seconded by Cllr. T. Maher and agreed:- “That Kilkenny County Council hereby approves of the disposal of its interest in land at Danesfort, Co. Kilkenny in accordance with Section 183 of the Local Government Act, 2001 to Mr. Richard Butler at Danesfort, Co. Kilkenny.”
- (viii) Proposed by Cllr. F. Doherty, Seconded by A. M. Irish and agreed:-“That Kilkenny County Council hereby approves of the disposal of its interest in land at Jamestown, Glenmore, Co. Kilkenny in accordance with Section 183 of the Local Government

Act, 2001 to Mr. Thomas Walsh at Jamestown, Glenmore, Co. Kilkenny.”

(b)Roads - Bóithre

(i) Parks Bye Laws

Mr. Simon Walton, Senior Engineer, advised members that following consultation with An Garda Síochána, it has been decided to introduce relevant and targeted bye-laws to define appropriate behaviour standards at certain recreational amenities. These bye-laws will facilitate enforcement by An Garda Síochána to ensure acceptable behaviour standards. An amount of approx €35,000 was spent on the replacement of maliciously damaged playground equipment, playground surfaces, parks infrastructure and for landscaping in 2010. Some playground equipment has had to be removed arising from the extent of mal-treatment being suffered.

Contributions were received from Cllr. M. Fitzpatrick, Cllr. M. Brett, Cllr. M. Doran, Cllr. M. Noonan, Cllr. M. Shortall, Cllr. M. O’Brien, Cllr. B. Manning, Cllr. P. Crowley, Cllr. T. Breathnach, Cllr. P. Millea, Cllr. T. Maher, Cllr. J. Galway and Cllr. F. Doherty.

Members welcomed the introduction of bye-laws and raised issues in relation to the implementation of the bye-laws in co-ordination with the alcohol bye-laws, CCTV cameras, intimidation in playgrounds, closure of facilities at night time, emphasis on education at both primary and secondary level students, erection of appropriate signage, control of dogs and horses in the rivers. The condition of the canal walk particularly at weekends and public lighting was raised as this area would not be covered in the Parks Bye-Laws.

Mr. Walton responded to the queries raised by members and advised that the Parks Bye-Laws will not solve all the problems. A number of local authority staff will also be appointed as authorised officers in conjunction with the Gardai. He stated that public lighting was provided on the Canal Walk as far as Gallowshill and that CCTV cameras have been used in some locations, provision of CCTV in all locations is not financially realistic.

He advised the members that the Parks Bye Laws once approved by the council will go on public display and will revert to members for final adoption in October 2011.

The Draft Parks Bye Laws as circulated were approved to go on public display on the proposal of Cllr. M. Fitzpatrick, Seconded by Cllr. T. Maher and agreed.

**(ii) Part 8 Report and Recommendation for N78
Damerstown/Julianstown Road Improvement Scheme**

Proposed By Cllr. J. Brennan, Seconded by Cllr. M.Shortall and agreed:-

“That Kilkenny County Council hereby approves the proposals for a Road Improvement Scheme on the N78 Damerstown/Julianstown Road, in accordance with Part 8, Article 81 of the Planning & Development Act, 2000-2010 and Planning & Development Regulations, 2000-2010.”

Mr. Simon Walton advised members that funding has been provided in 2011 and the scheme will advance to a more detail design and discussions with the affected landowners. Contributions were received from Cllr. J.Brennan, Cllr. M. Shortall and Cllr. P. Millea. Members welcomed the improvements scheme as there are a number of dangerous bends at this location, and the improvement works will ensure a safer road.

(c)Planning - Pleanail

(i) Manager’s Report on Submissions to Proposed Variation 2 to the County Development Plan

Mr. Denis Malone advised members that the proposed variation is necessary to incorporate the core strategy required by the Planning & Development Act 2010 in the Development Plan. This will bring the plan into alignment with the South Eastern Regional Authority Guidelines 2010-2022.

The obligations of the members are set out in the cover letter dated 11th July 2011 circulated with the Manager’s Report on submissions dated 4th July 2011.

Mr. Denis Malone advised members that a supplementary Manager’s Report on proposed Variation No. 2 has been circulated on the 18th July 2011 in relation to submission P. 11 of the original report and proposed wording on waste water treatment system.

Mr. Malone outlined for members the process involved in varying the County Development Plan. This has been documented in the letter dated 11th July 2011 circulated to members with the Manager’s Report on submissions dated 11th July 2011.

Mr. Crockett advised the members that he is recommending that the submission on the Ferrybank Shopping Centre will be defined as “Tier 1 – Level 2 Gateway Suburban Local Centre” and the submission P.10 from Le Cheile Housing would be supported in principle for Voluntary Housing at that location in Mooncoin.

Contributions were received from Cllrs, C. Long, P. Dunphy, T. Breathnach, M. O'Brien, A.M. Irish, P. Cuddihy, E. Aylward, M. Noonan, P. Millea, M.H Cavanagh. The issues raised by members related to the Ferrybank Shopping Centre, Voluntary Housing in Mooncoin, submission from H.S.A re major accident hazard sites, engagement with the adjoining local authority on a joint retail strategy, Gateway designation, zoning of industrial lands in Urlingford.

Mr. Malone responded to queries raised by members. The designation for the Ferrybank area allows the developer to consider options to increase the size of retail space, however this is subject to a future planning application.

The Local Area Plan for Urlingford has expired in 2010. There is some land zoned for industrial development. Mr. Malone updated the members on the Serveso sites within Kilkenny County. Mr. Malone advised members in his opinion the land at Mooncoin should be designated for social and voluntary housing, allowing the Council to benefit from a number of units within any developments.

Mr. Crockett stated that the proposal by members for the Ferrybank Area as a Gateway Suburban Local Centre will allow the appropriate level of Services for the local population without damaging the core centre of Waterford City.

It was proposed by Cllr. P. Dunphy and seconded by Cllr A.M Irish and agreed for an amendment be made to the Manager's Recommendation on submission P.10 – in that the entire site behind the existing nursing home in Mooncoin be used “only for Voluntary Housing for the elderly”, and on submission P.11 – that the word “local” be added to the designation definition. Amendment now reads “ Gateway Suburban Local Centre”.

It was proposed by Cllr T. Breathnach and seconded by Cllr. P Cuddihy and agreed that “Kilkenny County Council should write to Waterford City Council and to Waterford County Council to invite them to engage in a process which would lead to the production of a Joint Retail Strategy which could then be adopted by all three local authorities. In the event of this invitation not being taken up by these authorities then Kilkenny County Council should write to the Minister for the Environment, Community and Local Government to urge them to direct all three authorities to engage in a process which would lead to the production of a Joint Retail Strategy which could then be adopted by all three local authorities.”

It was proposed by Cllr. P. Dunphy and seconded by Cllr A.M Irish and agreed “We the members of Kilkenny County Council, having considered the proposal to make Variation 2 to the Kilkenny County Development Plan 2008-2014 under Section 13 of the Planning & Development Acts 2000-2010, and having considered the County Manager's Report as circulated on the 12th July 2011 and supplementary Manager's Report dated 18th July 2011 prepared in accordance with Section 13 (4) of the above acts, do hereby consider that the Kilkenny County Development Plan should be varied and modified in

accordance with the procedures under Section 13(6) of the Planning & Development Act 2000 as amended and with our decision made at a meeting of Kilkenny County Council held on the 18th July 2011”.

(ii) Manager’s Report on Submissions to Proposed Variation 1 to the City & Environs Development Plan

Mr. Denis Malone advised members that the proposed variation is necessary to incorporate the core strategy required by the Planning & Development Act 2010 in the Development Plan. This will bring the plan into alignment with the South Eastern Regional Authority Guidelines 2010-2022.

The obligations of the members are set out in the cover letter dated 11th July 2011 circulated with the Manager’s Report on submissions dated 4th July 2011.

Variation No. 1 was approved by Kilkenny Borough Council on the 11th July 2011. Kilkenny City & Environs Development Plan is a joint plan and each local authority is required to adopt its own section. No material alterations were made by Kilkenny Borough Council at their meeting.

Cllr O’Brien requested clarification on the expected increase in population and the zoning of land to cater for this together with details of unused permissions and vacant units.

Mr. Malone advised the council that the expected growth in population is 1800 over the next 6 years. There is no additional zoning of land required, the current zoning has been aligned to that figure and it is a matter of regulating what is already zoned. All factors such as growth in population, unfinished housing estates have all been taken into consideration.

Cllr. J. Coonan queried the size of active open space within developments.

Mr. Malone stated that the minimum requirement is 2.4 hectares for every 1,000 population. Guidelines are set out in the development plan. Unusable open space is not counted.

It was proposed by Cllr M. Fitzpatrick, Seconded by Cllr. J. Coonan and agreed:-“We the members of Kilkenny County Council, having considered the proposal to make Variation 1 to the Kilkenny City & Environs Development Plan 2008-2014 under Section 13 of the Planning & Development Acts 2000-2010, and having considered the County Manager’s Report as circulated on the 12th July 2011 prepared in accordance with Section 13 (4) of the above acts, do hereby consider that the Kilkenny City & Environs Development Plan should be varied and modified in accordance with the procedures under Section 13(6) of the Planning & Development Act 2000 as amended and with our decision made at a meeting of Kilkenny County Council held on the 18th July 2011”.

(d) Environment – Timpeallacht

Mr. David Smyth, Environment Enforcement Officer gave a powerpoint presentation to members on the activities of the environment section in relation to enforcement. Approx 1500 complaints were investigated in 2010 by Kilkenny County Council in relation to litter, abandoned cars etc. An outline of the work of the environment enforcement team was highlighted in the presentation. Prosecution in court is the last resort. Every effort is made to deal with issues outside of the legal process. A total of 12 cases were prosecuted in court. A new litter management plan for 2012 – 2014 will be presented to members before the end of the year.

Chairman Cllr. P. Cuddihy thanked the staff for their continued work in this area. Contributions were received from Cllr. M. Brett, Cllr. A.M Irish, Cllr. E. Aylward, Cllr. S. Treacy, Cllr. B. Manning and Cllr. P. Cuddihy. Issues raised by members related to street cleaning in all the towns and villages throughout the county, green flags for all schools, emphasis on education of young people particularly at secondary level, how to report an incident and community involvement.

Ms. C. McCarthy, Acting Senior Engineer replied to the queries raised and advised members that the total cost to the local authority for the service is €1.4m. Street cleaning service is being reviewed and it is hoped that the level of service can increase within the available budget. Many of the secondary schools in County Kilkenny are registered for the Green Flag awards scheme.

3. Urgent Correspondance – Comhfhreagas Práinneach

Copies of replies received by Kilkenny County Council have been circulated for members attention.

4. Business adjourned from a previous Meeting - Gnó ar athló ó chruinniú roimhe seo:

No issue.

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

Schedule of meetings for July – September 2011:- Proposed by Cllr. P. Crowley, Seconded by Cllr. P. Millea and agreed.

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

- (a) Chairman's Report of Meeting of Forward Planning & Development Strategic Policy Committee (S.P.C 1) held on the 11th April, 2011 – Proposed by Cllr. M. Shortall, Seconded by Cllr. J. Galway and agreed.
- (b) Chairperson's Report and Recommendation following meeting of the Ballyragget Electoral Area Committee held on the 20th June, 2011. Proposed by Cllr. M.H. Cavanagh, Seconded by Cllr. J. Brennan and agreed.

7. **Other Business set forth in the Notice convening the Meeting - Gnó Eile romhainn i bhFógra reachtála an Chruinnithe**

None.

8. **Education & Training**

Conferences – Request for approval to attend as per circulated list.
Proposed by Cllr. M. Brett, Seconded by Cllr. M.H Cavanagh and agreed.

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

None.

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

The Cathaoirleach requested members approval to receive a further three people to address the Council in relation to the forthcoming presidential election. It was proposed by Cllr. M. Noonan, Seconded by Cllr. J. Coonan and agreed that all candidates would be given the opportunity to address the council. It was agreed that the members would be available from 2pm on Monday, 19th September, 2011.

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

5(11), 6(11) and 7(11) deferred to September Council Meeting.

10 (11) – Proposed by Cllr. T. Prendergast and seconded by Cllr. Ml. O'Brien and agreed "That Kilkenny County Council calls on the Government and particularly its Minister for Defence to ensure that the future of James Stephens barracks, Kilkenny is secure and that there will be no scale down or closure of this barracks. There are 300 soldiers of all ranks stationed in Kilkenny plus 20 civilians if this scale down or closure happens it will have a devastating effect on the local community and surrounding areas."
Cllr. Prendergast outlined that there are 300 personnel stationed in Kilkenny and proposal to relocate have been included in the White Paper on Defence. The barracks could be downsized to 150 and may eventually close. Noted

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:

9(11) Carrickmacross Town Council

“That this Local Authority, in light of the potentially catastrophic danger to public health posed by various nuclear power plant reactors in Japan; renews its opposition to Westminster’s plans to build 5 new nuclear power stations along the Irish Sea in Britain and calls on the new government in Dublin to voice these concerns to Westminster in the strongest possible terms. As well as calling on Dublin to take further legal steps confirming Ireland’s status as a Nuclear Free State.

That if this motion is adopted that it be circulated to other Local Authorities in Ireland for their support.” - Noted

10(11) Donegal County Council

“That this council recognised that the Universal Social Charge is an unjust and regressive tax, bearing down most heavily on those least able to afford it, and calls on the Government to abolish the Universal Social Charge.” - Noted

11(11) Monaghan Town Council

“That this council calls on the Minister for Environment, Phil Hogan T.D to address as a matter of urgency the crippling cost of rates on commercial properties.” - Noted

12(11) Carlow Town Council

“That this council recognises that:

- The Universal Social Charge is an unjust and regressive tax, bearing down most heavily on those least able to afford it;
- The Universal Social Charge affects people earning as little as €77 per week;
- The Universal Social Charge is indiscriminate and affects someone earning €100,000 at the same rate as someone earning €16,016;
- Low income workers, including medical card holders, working lone parents and working widows, who were exempt from the health and income levies which the Universal Social Charge replaced, are no longer exempt.
- Coupled with the changes to tax credits and bands introduced in Budget 2011, the Universal Social Charge has increased the burden of taxation on the working poor.” - Noted

13(11) South Tipperary County Council

“That this council calls on the Department of Environment, Community and Local Government to stop the spending cuts to Community & Voluntary Forums and to re-instate all cuts that have taken place to date. Furthermore, that this motion be forwarded to all Local Authorities for their consideration.” - Noted

14(11) Clonmel Borough Council

“That Clonmel Borough Council agrees to ask the Minister and the Department of the Environment, Community and Local Government to give serious consideration to keeping summer time going the entire year around rather than the present system of putting the clocks back an hour at winter time, as the reasons for doing this are no longer valid. Also if this motion is agreed, that it should be circulated to all local authorities.” - Noted

15(11) South Tipperary County Council

“That South Tipperary County Council agrees to ask the Minister and the Department of the Environment to give serious consideration to keeping summer time going the entire year around rather than the present system of putting the clocks back an hour at winter time, as the reasons for doing this are no longer valid.” - Noted

16(11) South Tipperary County Council

“That South Tipperary County Council asks the Department of Environment, Community and Local Government to advise the Council as to what Draft Directives which may affect the operation of Local Authorities are currently before the EU.” - Noted

17(11) Clare County Council

“That the Litter Act be amended to state that where there is a reasonable doubt that landowners are not penalised for illegal dumping.” - Noted

18(11) Donegal County Council

“That this Council act to protect Right of Ways in our County.” - Noted

Signed: _____
CATHAOIRLEACH

Date: _____