

**MIONTUAIRISCÍ DO GHNÁTH-CHRUINNIÚ  
CHOMHAIRLE CHONTAE CHILL CHAINNIGH LE REACHTÁIL  
AR DE LUAN, 20 DEIREADH FÓMHAIR, 2021**



**MINUTES OF ORDINARY COUNCIL MEETING HELD  
ON MONDAY, 18<sup>TH</sup> OCTOBER, 2021 AT 3.00 P.M.  
IN WATERGATE THEATRE & VIA MS TEAMS**

**Chair:** Cllr. Fidelis Doherty.

**Elected Members**

*Watergate Theatre:* Cllrs Tomás Breathnach, John Brennan, Martin Brett, Michael Doyle, Pat Dunphy, David Fitzgerald, Pat Fitzpatrick, Denis Hynes, Joe Malone & Andrew McGuinness.

*Via MS Teams:* Cllrs Eamon Aylward, Mary Hilda Cavanagh, Peter Cleere, John Coonan, Deirdre Cullen, Michael Delaney, Maria Dollard, Matt Doran, Ger Frisby, Joe Lyons, Michael McCarthy, Eugene McGuinness & Patrick O'Neill.

**Officials**

*Watergate Theatre:* Colette Byrne, Sean McKeown, Mary Mulholland, Tim Butler, Fiona Deegan, Denis Malone, Carol McCarthy, Kevin Hanley, Anne Marie Shortall & Anne Maria Walsh.

**Apologies:** Martin Prendiville.

**1. Dearbhú Miontuairiscí - Confirmation of Minutes**

- (i) **Minutes of September Plenary Meeting of Kilkenny County Council**  
Proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. David Fitzgerald and agreed.  
*"That the Minutes of Plenary Meeting of Kilkenny County Council held on Monday, 20<sup>th</sup> September, 2021 as circulated with the Agenda be and are hereby approved".*
- (ii) **Minutes of SPC 5: Community, Cultural & Fire Services**  
Proposed by Cllr. Pat Dunphy, seconded by Cllr. Tomás Breathnach and agreed.  
*"That the Minutes of SPC 5: Community, Cultural & Fire Services held on Thursday 6<sup>th</sup> May, 2021 as circulated with the Agenda be and are hereby approved".*
- (ii) **Minutes of SPC 5: Community, Cultural & Fire Services**  
Proposed by Cllr. Pat Dunphy, seconded by Cllr. Martin Brett and agreed.  
*"That the Minutes of SPC 5: Community, Cultural & Fire Services held on Thursday 15<sup>th</sup> July, 2021 as circulated with the Agenda be and are hereby approved".*

**Fógraí - Announcements**

Cllr. Fidelis Doherty congratulated the following:

- All involved in Kilkenny Day.
- Brendan McCarthy, Clogh on taking part in the National Elite Boxing Championship Finals.

Cllr. Fidelis Doherty welcomed the following:

- Kilkenny Catwalk
- Start of the new Mayfair Library
- Re-opening of Smithwicks Brewery Experience next summer.

She requested all to be safe around Halloween and enjoy it with their children.

## Vótaí Comhbhrón - Votes of Sympathy

Cathaoirleach Cllr. Fidelis Doherty extended Votes of Sympathy to the following:

- Cllr. Martin Brett and Family on the death of his brother Eugene.
- John Powell, Water Services on the death of his mother Catherine Powell.
- Frank Doheny, Water Services on the death of his mother Catherine Doheny.
- Family of the late Ann Norris, Slieverue.
- Family of the late John Carey, Gowran.

Cllr. Doherty proposed an adjournment of 15 minutes as a mark of respect to Cllr. Martin Brett. This was seconded by Cllr. John Brennan and agreed by all.

Cllr Martin Brett thanked Members, Executive and staff for their support over the last two weeks.

Meeting was adjourned at 3.10 p.m.

Meeting resumed at 3.25 p.m.

### 2. (a) *Ag Cúram/Taking in Charge: Completion of Process - Whitescastle, Whitescastle Lower, Knocktopher, Co. Kilkenny*

It was proposed by Cllr. Michael Doyle, seconded by Cllr. Deirdre Cullen and agreed that:

*"That the County Council of the County Kilkenny, in exercise of the powers conferred on them by Section 11 of the Roads Act 1993 and in compliance with Section 180 of the Planning & Development Act, 2000 as amended by Section 59 of the Planning & Development Act 2010, hereby declares the road listed in the Public Notice and listed below to be a Public Road."*

*Development: TC115: Whitescastle, Whitescastle Lower, Knocktopher, Kilkenny*

### (b) *Plean Cothabhála Geimhridh - Winter Maintenance Plan*

Cllr. Fidelis Doherty introduced the Winter Maintenance Plan 2021/2022 and advised that this Plan has been discussed and considered at all the Municipal District Meetings.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Tomás Breathnach and agreed that:

*"That Kilkenny County Council approves the Winter Maintenance Plan 2021/2022 as circulated to the Members."*

### (c) (i) *Dréacht-Fhodhlíthe Corrthrádála do Cheantair Bhardasacha Draft Casual Trading Bye-Laws for Municipal Districts of Castlecomer, Callan-Thomastown and Piltown*

Members were advised that a presentation has been given on the draft Bye-Laws at a previous meeting. Cllr. Peter Cleere acknowledged the work of the staff in drafting the Bye-laws and their consideration of the designated Casual Trading Bays.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Pat Fitzpatrick and agreed that:

*“That Kilkenny County Council approves the initiation of the consultation process in relation to formulating of Casual Trading Bye-Laws 2021 for the Municipal Districts of Castlecomer, Callan-Thomastown & Piltown as outlined in Report dated 8<sup>th</sup> October, 2021”.*

(ii) **Nuashonrú ar an Dréachtphlean Bainistíochta Abhantraí  
Update on Draft River Basin Management Plan**

Ms. Carol McCarthy, Catchment Team Manager with LAWPRO gave a PowerPoint Presentation on the Draft River Basin Management Plan for Ireland 2022-2027.

In her presentation she gave an overview on the following:

- Purpose and Content of Plan.
- Condition of our waters – National Picture.
- Condition of waters in County Kilkenny.
- Details of Nitrates/Phosphate levels in the South East.
- Significant pressures for Water Bodies at risk.
- Main themes in the Plan.
- Agricultural Measures.
- Selected Plan Measures & Highlights.
- Details on how to make submissions.

She advised that LAWPRO will have a virtual Consultation Room and that the closing date for submissions is 31<sup>st</sup> March, 2022.

Cllr. Fidelis Doherty thanked Ms. McCarthy for her detailed overview of the Draft Plan.

Contributions were received from Cllrs. John Brennan, David Fitzgerald, Tomás Breathnach, Mary Hilda Cavanagh, Maria Dollard, Michael Doyle, Joe Lyons, Peter Cleere, Pat Fitzpatrick, Pat Dunphy, Deirdre Cullen, Eugene McGuinness and Denis Hynes.

Members thanked Ms. McCarthy for the presentation. The queries raised by Members are as follows:

- Testing regime for water supplies.
- Lack of progress from Irish Water in improving Water Services Infrastructure – need to come to Council Meeting.
- Lack of infrastructure hindering Housing Developments.
- Concerns on deteriorating water with run off from agriculture.
- Solutions required to improve water quality.
- Grants for septic tank upgrades.
- Liaising with adjoining Counties on the Rivers Nore, Suir and Barrow.
- More education/training required to support the agriculture sector.
- Need to protect water at source.
- Cleaning rivers and streams – who is responsible, funding required.
- Problems with fish passes.
- Pollution incidents – not taken seriously.

Cllr. Peter Cleere proposed that Irish Water be asked to come to a Council meeting as soon as possible, this was seconded by Cllr. Pat Fitzpatrick and agreed by all.

Mr. Tim Butler responded to the queries raised in relation to Irish Water's Investment Programme for County Kilkenny and advised that he will contact Irish Water to request them to attend a Council meeting.

Ms. Carol McCarthy responded to the issues raised in relation to the River Basin Management Plan. She advised that there is a focus on agriculture as it is contributing to the deterioration of the water quality. LAWPRO engages with the farming communities. They are working closely with the Federation for Group Water Schemes, Teagasc, IFA and Dairy Advisors.

She advised on the Septic Tank Grant Scheme and stated that any upgrade in a high status area is automatically eligible for grant.

The cleaning of rivers is the responsibility of the adjoining land owner. The spreading of slurry is regulated under certain conditions and is confined to a certain period of the year. In any pollution incident it is very difficult to obtain evidence for enforcement proceedings and go to court.

**(d) (i) Nuashonrú: Monatóireacht Eacnamaíoch - Update: Economic Monitor**

Ms. Fiona Deegan presented the Economic Dashboard for Quarter 3 of 2021. In her presentation she gave an overview and statistics for the following:

- *Labour Market* - Live Register, Pandemic Unemployment Payment, Employment Wage Subsidy Scheme and Percentages relating to unemployment.
- *Residential Property* - Properties for sale/rent in County Kilkenny, average sale price/monthly rent, data on multi-unit developments with planning permission and under consideration for planning.
- *Business Activity* - statistics on supported employment. IDA job announcements and Rates Waiver Scheme in 2021.
- *Investment in Schools* - proposed developments of new schools, extensions and relocations.

She advised that Kilkenny County Council will run the Careers Fair again this year after Christmas.

It was agreed to e-mail the document to the Members.

**(e) (i) Tuarascáil Mhíosúil an Phríomhfheidhmeannaigh  
Chief Executive's Monthly Report**

Ms. Colette Byrne presented her monthly report to the Members.

Mr. Sean McKeown advised that a draft Direction has been received from Minister Peter Burke in relation to the Development Plan 2021-2027 adopted in September 2021. He advised that there is a process to be followed:

- Draft Direction must be published within two weeks.
- Two weeks allowed for public to make submissions.
- Four weeks for Chief Executive to consider submissions received and prepare Report/Response.
- Special Meeting to be convened to consider Chief Executive Report/Response.

He advised that a Special Meeting for Members needs to be convened by the end of the first week in December 2021 at the latest. Elected Members can submit a submission directly to the Minister also by 12<sup>th</sup> November, 2021. Copy of the draft Direction will be e-mailed to all Members.

Cllr. Peter Cleere requested details of additional properties being valued for the Local Property Tax and also the number of planning applications received to-date.

Cathaoirleach advised Cllr. Peter Cleere to refer his request directly to the Chief Executive.

### 3. *Comhfhreagras - Correspondence*

None.

### 4. *Gnó ar athló ó chruinniúroimhe seo - Business adjourned from a previous Meeting*

None.

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

#### (i) **Schedule of Meetings**

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Tomás Breathnach and agreed.

### 6. *Plé ar Thuairiscí agus Moltaí ó Choistí an Comhairle* **Consideration of Reports & Recommendations of Committees of the Council**

#### (i) **Report of SPC 5: Community, Cultural & Fire Services**

It was proposed by Cllr. Martin Brett, seconded by Cllr. John Brennan and agreed that Report of SPC 5: Community, Cultural & Fire Services held on Thursday 6<sup>th</sup> May, 2021 be taken as read and noted.

#### (ii) **Report of SPC 5: Community, Cultural & Fire Services**

It was proposed by Cllr. Martin Brett, seconded by Cllr. John Brennan and agreed that Report of SPC 5: Community, Cultural & Fire Services held on Thursday 15<sup>th</sup> July, 2021 be taken as read and noted.

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

None.

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

#### (i) **Approval to Attend Conferences**

Schedule of Conferences circulated with the Agenda was proposed by Cllr. Joe Malone, seconded by Cllr. Martin Brett and agreed.

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

None.

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

Cllr. Deirdre Cullen requested an update on her Notice of Motion passed by Kilkenny County Council in relation to Period Poverty.

Mr. Tim Butler advised that products have been made available in the City Library and Ferrybank Library as a trial. A review will be carried out next year on this trial.

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

### 14 (21) Cllr. Pat Dunphy

It was proposed by Cllr. Pat Dunphy, seconded by Cllr. Mary Hilda Cavanagh and agreed:

*"That Kilkenny County Council call on the Minister for Climate Action, Communications and Transport, Mr Eamon Ryan TD, to stop the roll out of 5<sup>th</sup> generation cellular technology across the country until the system can be vetted and proven safe. Apart from safety concerns, this system is giving rise to a lot of masts appearing in a lot of places without proper analysis of where the best positions are. They should be kept well away from populated areas.*

*The question has to be asked are providers following the guidelines in the Kilkenny County Development Plan which says that:*

- (a) the alternative sites considered and why the alternatives were unsuitable;*
- (b) the number of existing masts within a County;*
- (c) the long-term plans of the developer in the County and the potential for further masts;*
- (d) the plans of other promoters and any prior consultations which the developer may have had with other mast owners;*
- (e) all technology shall comply with the strictest environmental quality requirements, including the latest International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines and mitigate adequately against the potential to impact negatively on human health and wellbeing.*

*It does seem that if a provider owns a site in a built up area then they apply for a mast on that site as they own the site without showing that alternative sites were looked at. Kilkenny County Council call on the Minister to include points A to E in legislation to ensure those steps are carried out by providers".*

Cllr. Pat Dunphy spoke on this Notice of Motion.

### 15 (21) Cllr. Deirdre Cullen

It was proposed by Cllr. Deirdre Cullen, seconded by Cllr. Andrew McGuinness and agreed:

*"Kilkenny County Council supports the introduction of legislation to make 'Stalking' a standalone criminal offence in Irish law and supports the passage of the Non-Fatal Offences Against the Person (Amendment) (Stalking) Bill 2021 introduced by Fianna Fáil Senator Lisa Chambers in Seanad Éireann. Noting that the Irish Law Reform Commission recommended in their 2016 Report on Harmful Communications and Digital Safety that consideration should be given to the creation of a standalone offence of 'Stalking' citing evidence from other jurisdictions, in particular Scotland, England and Wales, where reporting and prosecution of such offences increased following the introduction of 'Stalking' as a standalone criminal offence."*

### 16 (21) Cllr. Maria Dollard

Cllr. Maria Dollard amended the wording of the Notice of Motion on the Agenda.

It was proposed by Cllr. Maria Dollard, seconded by Cllr. Mary Hilda Cavanagh and agreed:

*"That Municipal Districts agrees to place on their Agendas a standing item: 'Climate Action' in order to provide a focus on the work of the Municipal Districts and the wider community, as leaders for championing action."*



Mr. Sean McKeown responded to this Notice of Motion. He advised that a quarterly update will be given in the Chief Executive Report. He stated that a Climate Action Plan will come before Members in 2022. This Plan will be brought to the Municipal Districts and SPC also. Opportunities will be explored to improve communications on the Actions in the Plan and the Council will engage with the PPN to strengthen leadership through the communities for Climate Change.

Cllr. Mary Hilda Cavanagh agreed with reporting to the Members through the Chief Executive Report. Cllr. Tomás Breathnach stated that climate change permeates across all functions of the Council and across all communities.

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

It was proposed by Cllr. Martin Brett, seconded by Cllr. John Brennan and agreed by all that the following Notices of Motion numbered 67 (21) to 70 (21) received from a number of Local Authorities be taken as read and noted:

**67 (21) Leitrim County Council**

"That Leitrim County Council write to the Taoiseach, the Tánaiste and the Minister for Agriculture seeking to have our river drainage boards reinstated, in this County, in order to alleviate the serious water-logging of agricultural land and very serious flooding in many areas. Also, that this motion be forwarded to the Councils of all neighbouring counties, as they, too, are in the same predicament."

**68 (21) Leitrim County Council**

"That Leitrim County Council call on the Government to introduce a comprehensive housing grant scheme for the renovation or reconstruction of old and derelict houses in rural areas and in towns and villages."

**69 (21) Clare County Council**

"Re Streetscape Enhancement Grant Scheme 2021: That Clare County Council call on Heather Humphries, Minister of Rural and Community Development to extend the date for works to be completed from 5<sup>th</sup> November, 2021 to allow successful applicants sufficient time to complete same".

**70 (21) Meath County Council**

"That Meath County Council calls on the Department of Agriculture to put in place a policy to control Japanese Knot Weed on agricultural land and private property and to take responsibility for the eradication of this invasive species. Local Authorities across the country have already invested heavily to eradicate this weed from the sides of the roads."

That concluded the business of the meeting.

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CATHAOIRLEACH

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DATE