

MINUTES OF ORDINARY COUNCIL MEETING HELD ON MONDAY, 21ST JANUARY, 2019 AT 3.00 P.M.

Chair: Eamon Aylward.

Cllrs: John Brennan, Tomás Breathnach, Mary Hilda Cavanagh, Peter Cleere, Fidelis Doherty, Matt Doran, Michael Doyle, Pat Dunphy, David Fitzgerald, Ger Frisby, Pat Fitzpatrick, Breda Gardner, David Kennedy, Joe Malone, Andrew McGuinness, Michael McCarthy, Patrick McKee, Pat Millea, Malcolm Noonan, Melissa O'Neill, Patrick O' Neill, Maurice Shortall & Sean Tyrrell.

Officials: Colette Byrne, Martin Prendiville, Tim Butler, Sean McKeown, Mary J. Mulholland, Denis Malone, Nicolaas Louw, Eimear Cody, Paddy Crotty, Amy Granville & Anne Maria Walsh.

1. Confirmation of Minutes

(a) **Minutes of Special Meeting of Kilkenny County Council held on Friday, 23rd November, 2018**

Proposed by Cllr. Matt Doran, seconded by Cllr. Pat Fitzpatrick and agreed:

"That the Minutes of Special Meeting of Kilkenny County Council held on Friday, 23rd November, 2018 as circulated with the Agenda be and are hereby approved".

(b) **Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 17th December, 2018**

Proposed by Cllr. Fidelis Doherty, seconded by Cllr. David Kennedy and agreed:

"That the Ordinary Meeting of Kilkenny County Council held on Monday, 17th December, 2018 as circulated with the Agenda be and are hereby approved".

(c) **Minutes of SPC 5 Meeting: Environmental Protection, Water Services & Energy held on Wednesday, 19th September, 2018**

Proposed by Cllr. Maurice Shortall, seconded by Cllr. John Brennan and agreed:

"That Minutes of SPC5: Environmental Protection, Water Services & Energy held on Wednesday, 19th September, 2018 as circulated with the Agenda be and are hereby approved".

Cllr. Aylward congratulated Dunamaggin GAA on their semi-final win and all involved in the awards night for the various national competitions and the County Tidy Estates.

Cllr. Aylward extended votes of sympathy to:

Cllr. Tomás Breathnach & his family on the death of his brother Jack Walsh.

The family of the late Paddy Murphy, Busherstown.

The family of the late Mai Dunphy, Glenmore.

The family of the late Paschal Power, Mullinavat.

The family of the late Jim Walsh, Kilmacow.

The family of the late Tom Butler, Kilmanagh.

The family of the late Paddy Sharkey, Johnstown.

The family of the late Josephine Fardey, Piltown.

The family of the late Maura Carroll, Mooncoin.

The family of the late Lory O'Brien, Jamestown.

The family of the late Kieran O'Keeffe, Mooncoin.

All Members were associated with the vote of sympathy to Cllr. Tomás Breathnach. It was proposed by Cllr. Eamon Aylward, seconded by Cllr. Mary Hilda Cavanagh and agreed:

"That the meeting be adjourned for 15 minutes as a mark of respect to the late Jack Walsh [brother of Cllr. Tomás Breathnach].

Meeting resumed at 3.30 p.m.

Cllr. O'Neill requested that her statement at the January Meeting on Disability be withdrawn. She wishes to have the statement amended to "*The Council could do more for Disability*". This was accepted by the Cathaoirleach.

2. (a) **Housing & Other Disposal – Tithíocht & Díuscairt Eile**

- (i) It was proposed by Cllr. Peter Cleere seconded by Cllr. Sean Tyrrell and agreed:

"That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot of ground at Ballynolan, Leighlinbridge, Co. Carlow as identified on the attached map, to Hugh McDonnell, Killinane, Bagenalstown, Co. Carlow for Nil consideration with each party being responsible for their own legal costs associated with the sale. Area measures 0.18 hectare." [Notice sent to members on the 9th January, 2019]

Cllr. Melissa O'Neill queried why the consideration was "Nil". Mr. Prendiville advised that this was an area of land due to be returned in accordance with legal contracts to the original landowner following completion of road project.

- (ii) It was proposed by Cllr. Peter Cleere seconded by Cllr. Fidelis Doherty and agreed:

"That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in plot of ground at Cranavonane, Leighlinbridge, Co. Carlow to Edmund and Katherine Cullen, Cran House, Leighlinbridge, Co. Carlow for Nil consideration and Kilkenny County Council will be responsible for all legal costs associated with the sale. Area of land is 0.498 hectare." [Notice sent to members on the 9th January, 2019].

- (iii) It was proposed by Cllr. Mary Hilda Cavanagh seconded by Cllr. Michael McCarthy and agreed:

"That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in land at Foulkscourt, Johnstown, Co. Kilkenny to Thomas Henderson and Edmond Henderson, Foulkscourt, Johnstown, Co. Kilkenny for Nil consideration and Kilkenny County Council will be responsible for all legal costs associated with the sale. The land measures 7.19 hectare." [Notice sent to members on the 9th January, 2019]

(b) **Planning**

- (i) **Chief Executive's Report on Submissions received to Draft Local Area Plans for Callan**

Ms. Colette Byrne, Chief Executive presented her report on submissions for material alterations to the Draft Local Area Plan for Callan. She advised the Members that if the material alterations outlined in the report are accepted by the Members that the Draft Plan will go back out for a period of further public consultation.

Contributions/Queries were received from Cllrs. S. Tyrrell, P. Millea, D. Kennedy & M. Doran in relation to the following:

- clarify replies to submissions made.
- zoning for low density houses.
- need to provide serviced sites.
- low density zoning designated by professional Planning staff - opportunities to develop houses in urban areas instead of one off rural houses.

Mr. Louw responded to the issues raised.

It was proposed by Cllr. Matt Doran, seconded by Cllr. Peter Cleere and agreed that:

“We the members of Kilkenny County Council having considered the proposal to make a Local Area Plan for Callan under Section 18-20 of the Planning & Development Act 2000 as amended and having considered the Chief Executive’s Report as circulated on the 16th January, 2019 on the written submissions made during the formal consultation period do hereby consider that the proposed Draft Local Area Plan should be altered in accordance with the procedures under Section 20(3) of the Planning & Development Act 2000 as amended and with our decision made at a meeting of Kilkenny County Council held on the 21st January 2019”.

(ii) **Chief Executive's Report on Submissions received to Draft Local Area Plans for Thomastown**

Ms. Colette Byrne, Chief Executive presented her report on submissions for material alterations to the Draft Local Area Plan for Thomastown. She advised the Members that if the material alterations outlined in the report are accepted by the Members that the Draft Plan will go back out for a period of further public consultation.

Contributions/Queries were received from Cllrs. D. Kennedy, B. Gardner, P. O'Neill, M. Doran, F. Doherty, T. Breathnach & M. Shortall in relation to the following:

- Concerns regarding the amount of zoned residential land.
- Need to re-energise the town centre.
- Plan limited to development of town centre and not looking to future development on the outskirts.
- Supply of vacant houses - limited availability for couples re-locating.
- Development on agricultural land.
- Issues with use of car park.
- Footpath to Soccer Club on Dublin Road.
- National legislation is imposing restrictions.

Mr. Denis Malone advised Members that the review of zoned land is an evidenced based analysis of current supply. If there is not enough land to meet future demand there is the option for a variation to the Plan. If there are blockings to the delivery units, a change in zoning can be considered.

Mr. Nicolaas Louw advised on procedures for a variation to the Development Plan and Local Area Plan. Planning is active on land management and vacant sites. The draft Local Area Plan must comply with the National Planning Framework and the core strategy contained in the Kilkenny County Development Plan. This identifies the amount of land requested to meet the future growth in the population. The amount of housing land required in Thomastown is approximately 6.7 ha to deliver 160 units over the period of the Plan. The approach is to develop from the centre outward.

Ms. Byrne stated that the Local Area Plan contained objectives and strategies for the development of the town. There are works that are required and these will be done when resources are available. She referred to the Rural Regeneration application submitted. Funding is required to advance any projects. The centre of the town needs to be rejuvenated.

It was proposed by Cllr. Peter Cleere, seconded by Cllr. Malcolm Noonan and agreed that:

"We the members of Kilkenny County Council having considered the proposal to make a Local Area Plan for Thomastown under Section 18-20 of the Planning & Development Act 2000 as amended and having considered the Chief Executive's Report as circulated on the 16th January, 2019 on the written submissions made during the formal consultation period do hereby consider that the proposed Draft Local Area Plan should be altered in accordance with the procedures under Section 20(3) of the Planning & Development Act 2000 as amended and with our decision made at a meeting of Kilkenny County Council held on the 21st January 2019".

(iii) **Part 8: Amendments to Development at Bolton Callan**

Ms. Mary Mulholland presented the Chief Executive Report on the Part 8 proposed Housing Development for Bolton, Callan.

She advised that amendments to the Part 8 already approved by the Council is due to requirement for finished floor levels to be higher than anticipated at original Part 8 stage following the detailed design of the underground services. Due to concerns regarding overlooking of the 2 x 2 storey houses [Nos. 13 & 14] on adjacent bungalows, the amendments is for the change of house types to 2 one storey, 2 bedroom houses. The details of proposals were out on public display and no submissions were received.

It was proposed by Cllr. Melissa O'Neill, seconded by Cllr. Sean Tyrrell and agreed that:

*"We the members of Kilkenny County Council approves Part 8 in accordance with Section 179 of the Planning & Development Act 2000 as amended and Part VIII of the Planning & Development Regulations 2001, as amended for the **Development at Bolton Callan**, as circulated."*

(iv) **Part 8: Part 8: Housing at Castlecomer Road, Kilkenny City**

Ms. Mary Mulholland presented the Chief Executive's Report on the Part 8 proposed Housing Development at Castlecomer Road, Kilkenny City.

Ms. Mulholland advised that the original proposal put forward on public display provided for 18 housing units as follows:

- o 2 Houses and 4 Apartments on existing car park area.
- o Conversion of existing building to 10 Apartments.
- o Demolition of existing dormer house and construction of 2 apartments.
- o Associated site works.

Information meeting was held in the Newpark Hotel on 7th November, 2018. 19 valid submissions were received before the closing date. Further consultations/meeting were held with the people who made submissions. The proposal has also been discussed at two meetings of the Housing Task Force.

Having considered the issues raised in the submissions and following discussions with the Design Team, the layout has been amended to provide

for an increase in car parking from 16 to 23 spaces. One 3 bed house has been omitted from the car park area, one 3 bed has been replaced with 2 x 1 bed units and the building line of the new build on the car park on both the Castlecomer Road and the access road has been moved back from the edge of the footpath and an additional green area introduced to soften the approach.

Ms. Mulholland confirmed that there will be a Management Company to deal with issues arising. The units will be owned by the Local Authority. The social housing demand in Kilkenny City is 1,212, 39% require 1 bed units and a further 39% required a 2 bed unit.

The proposed amended development is appropriate for this City centre site. The scale and density is in accordance with National Guidelines and the County & City Development Plan.

Ms. Mulholland stated that this is a good proposal for this site and recommend that the Council proceed with the proposed development as amended.

Contributions/Queries were raised by Cllrs. P. Cleere, A. McGuinness, M. O'Neill, B. Gardner, P. McKee, D. Kennedy, P. O'Neill, M. Noonan, J. Malone, M. Shortall, MH Cavanagh, P. Fitzpatrick, M. Doran, P. Millea & J. Brennan.

The issues raised by Members were as follows:

- Waiting list for Social Housing in excess of 2,000 applications.
- Demand is for 1 & 2 bed units.
- Ideal site - central location, adjacent to amenities.
- Acknowledge the positive engagement from the residents adjoining the site. Their contribution towards achieving a well designed development.
- Acknowledged the work of staff over the last few months.
- Development should not create problems for existing residents.
- Welcomed inclusion of disabled access units.
- Welcomed proposal to have management services on site, ownership of units going forward.
- Concerns about Anti-Social Behaviour.
- Houses - will they be available to purchase under Tenant Purchase Scheme.
- Clarify the issue on balconies.
- Not enough car parking spaces/green areas.
- Impact on value of adjoining properties.
- Council should not have bought the site.
- Development inappropriate on car park area/Members have concerns about this area.
- Defer development on car park area.
- Traffic Management for construction traffic.
- Ongoing consultation with existing residents. Clarify timelines for making decision on Part 8 - defer this item.
- Clarification from Department - is design acceptable - is funding in place.

Proposal to proceed with Part 8 was made by Cllr. Peter Cleere, this was seconded by Cllr. Melissa O'Neill.

An amendment to defer this item to the February Meeting was made by Cllr. Andrew McGuinness and seconded by Cllr. Malcolm Noonan.

Ms. Mary Mulholland and Ms. Eimear Cody responded to all issues raised by the Elected Members.

Ms. Mulholland advised that all issues that could be addressed have been dealt with. The Housing Department has gone back to the Design Team on a number of occasions. As a result, other projects are not being progressed. Deferral of decision would not be recommended. She advised that the Department will not fund this project unless the entire site is developed as one Scheme. The purchase of any building/land is an Executive Function. Ms. Cody stated that there is never a perfect site. This building is perfect for conversion to apartments as there is a concrete slab in place on the first floor. The car park area has been redesigned following consultations and submissions and the building line of the houses on the access road is to be moved back a further 2m from the edge of the footpath.

Ms. Mulholland confirmed that there will be constructive engagement with residents during the project. Already there has been 18 meetings with residents. The Council does not have any more proposals to bring to the table. She recommended that the project proceed.

Cllr. Aylward thanked Elected Members and staff for their contributions to this item. He advised that he is moving to take a roll call on the amendment proposed by Cllr. Andrew McGuinness, seconded by Cllr. Malcolm Noonan, that the decision on this Part 8 be deferred to the February Meeting.

Voting in Favour [6] *Pat Fitzpatrick, Andrew McGuinness, Patrick O'Neill, Joe Malone, Patrick McKee & Malcolm Noonan*

Voting Against [18] *Eamon Aylward, John Brennan, Tomás Breathnach, Mary Hilda Cavanagh, Peter Cleere, Fidelis Doherty, Matt Doran, Michael Doyle, Pat Dunphy, David Fitzgerald, Ger Frisby, Breda Gardner, David Kennedy, Michael McCarthy, Pat Millea, Melissa O'Neill, Maurice Shortall & Sean Tyrrell.*

The amendment was defeated.

It was proposed by Cllr. Peter Cleere seconded by Cllr. Melissa O'Neill that:

*"We the members of Kilkenny County Council approves Part 8 in accordance with Section 179 of the Planning & Development Act 2000 as amended and Part VIII of the Planning & Development Regulations 2001, as amended for the **Housing at Castlecomer Road, Kilkenny City**, as circulated."*

Voting in Favour [23] *Eamon Aylward, John Brennan, Tomás Breathnach, Mary Hilda Cavanagh, Peter Cleere, Fidelis Doherty, Matt Doran, Michael Doyle, Pat Dunphy, David Fitzgerald, Ger Frisby, Pat Fitzpatrick, Breda Gardner, David Kennedy, Joe Malone, Andrew McGuinness, Michael McCarthy, Pat Millea, Malcolm Noonan, Melissa O'Neill, Patrick O'Neill, Maurice Shortall & Sean Tyrrell.*

Voting Against [1] *Patrick McKee*

The proposal was carried by 23 votes to 1 vote.

(c) (i) **Nominate Member to LCDC for Kilkenny City West**

Members were advised that a vacancy has occurred following resignation of Cllr. David Fitzgerald from the LCDC. Members are requested to nominate a Member from the Kilkenny City West Municipal District.

It was proposed by Cllr. Matt Doran, seconded by Cllr. Mary Hilda Cavanagh and agreed that:

"That Kilkenny County Council hereby appoints Cllr. Joe Malone to LCDC for Kilkenny City West".

(ii) **Approval to LCDC Membership**

Report on membership of the Kilkenny Local Community Development Committee was circulated with the Agenda. Approval of the Council is required to the current Membership.

It was proposed by Cllr. David Kennedy seconded by Cllr. Melissa O'Neill and agreed that:

"Approval of Kilkenny County Council is hereby noted to the current membership of Kilkenny Local Community Development Committee."

(iii) **Presentation from Comhairle na Nóg**

Cllr. Eamon Aylward welcomes representatives of Comhairle na nÓg, Niall Byrne and Saoire Ryan to the Council Meeting. He invited them to make their presentation.

Niall Byrne & Saoire Ryan gave a PowerPoint presentation and gave an overview on the following:

- What is Comhairle na nÓg.
- Kilkenny Comhairle na nÓg - Membership etc.
- What does Comhairle na nÓg do.
- How discussions lead to actions.
- Programme for 2018 - "Be Well Launch".
- Proposed 2019 actions - Topic is Transport.
- Involvement in Consultative Forum.

Cllr. Aylward thanked them for their presentation. At this stage Kate Carroll, Co-ordinator joined for questions.

Contributions/Queries were received from Cllrs. M. O'Neill, M. Shortall, A. McGuinness, P. Cleere, B. Gardner, F. Doherty & D. Kennedy.

Members thanked them for their presentation and offered encouragement and support in their endeavours with Comhairle na nÓg.

Issues raised by Members related to:

- Membership - all County represented.
- Inclusion of disability in all forms of transport, use of school bus ticket to be extended for use all year round.
- Congratulated them on their publication "Be Well" on youth mental health.
- Important forum for young people to express their views.
- Encourage the involvement of more young people.
- Welcomed the involvement of the Community Section of Kilkenny County Council with Comhairle na nÓg.

Ms. Kate Carroll responded to the issues raised by the Members. She advised that Comhairle na nÓg has a membership of 24 - 6 from each Electoral Area. There is a low uptake from the Piltown Electoral Area and would welcome promotion of this at Municipal District level.

Ms. Mulholland advised that the Community Section will assist in the promotion of Comhairle na nÓg and will encourage consultation/research with the Municipal Districts on their topic of transport for their 2019 action.

At this stage Members agreed to take Items 2 (d) (ii) to 10 in advance of discussion on the Chief Executive Report.

(d) (ii) **Report on Change to the Register of Electors**

Report on changes to the Register of Electors was noted by all Members.

3. **Correspondence**

None.

4. **Business Adjourned From a Previous Meeting**

None.

5. (i) **Schedule of Meetings from July, 2018 to October, 2018**

It was proposed by Cllr. Melissa O'Neill seconded by Cllr. Fidelis Doherty and agreed.

(ii) **Fix date for March Monthly Meeting**

It was proposed by Cllr. Maurice Shortall, seconded by Cllr. David Kennedy and agreed:

"That the March Monthly Meeting be fixed for Monday, 25th March, 2019 at 3.00 p.m."

(iii) **Fix date for Workshop for RSES**

It was proposed by Cllr. Malcolm Noonan, seconded by Cllr. Peter Cleere and agreed that a Workshop be held on Monday, 11th February, 2019 at 4.00 p.m. to consider the draft Regional Spatial & Economic Strategy.

6. **Consideration of Reports and Recommendations of Committees of the Council**

Proposed by Cllr. Tomás Breathnach, seconded by Cllr. Maurice Shortall that report taken as read and noted that the:

"Report of SPC 5: Environmental Protection, Water Services & Energy held on Wednesday, 19th September, 2018 as circulated with the Agenda be noted and hereby approved".

7. **Other Business set forth in the Notice convening the Meeting-**

None.

8. **Conferences – Request for approval to Attend**

Schedule of Conferences circulated with the Agenda was proposed by Cllr. Melissa O'Neill seconded by Cllr. Maurice Shortall and agreed.

9. **Matters Arising from Minutes**

None.

10. **Approval to attend St. Patrick's Day Celebration in New York**

It was proposed by Cllr. Matt Doran, seconded by Cllr. Patrick O'Neill and agreed that:

"The Cathaoirleach and one Official attend St. Patrick's Day Celebrations in New York."

2. (d) (i) **Chief Executive Report**

Ms. Colette Byrne presented her monthly Management Report. Cllr. Aylward advised Members that the report is taken as read.

Queries were received from Cllrs. D. Kennedy, B. Gardner, P. Fitzpatrick, M. Noonan, M. O'Neill & F. Doherty in relation to the following:

- Low Cost Safety Measures.
- Taken in Charge.
- Status of works - Inistioge Water Scheme.
- Funds for Parks/Playgrounds - cost of safety works on lands at Ferrybank.
- Illegal dumping.
- Ring Road Extension - clarify position following legal challenge.
- HGV Management Plan.
- Works on Bridge House.
- CLÁR Funding - remove funding for first responders.
- Clarity on underpass on N25.

At this stage the time was 5:58 p.m., it was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Melissa O'Neill and agreed to suspend Standing Orders to complete this item on the Agenda.

Mr. Denis Malone advised that works have been completed on the Bridge House. The next stage will be to provide a new roof. The owners are in consultation with the Planning Department.

Ms. Byrne advised that she will check the position on who funded safety works for the land at Ferrybank.

Mr. Tim Butler advised that applications have been submitted to Department for low cost safety projects. In relation to the Inistioge Water Scheme an alternative wayleave is being sought.

Mr. Butler advised that the Northern Ring Road extension was granted approval by An Bord Pleanála in July 2014. Challenges on this extension were made to the High Court who referred it to the European Court for advice on the interpretation of EU Directives. The Courts have decided that planning must consider the effects of both types of bridges instead of one type only. The Council has now engaged Consultants to work on new Environmental Assessment Reports required for a planning application. The current cost of the project is estimated at approximately €20m and Kilkenny County Council will be applying to DTTAS for funding under Non National Road Grants.

11. **Notices of Motion**

Deferred to February Meeting.

12. **Notices of Motion from other local authorities seeking support of Kilkenny County Council**

Deferred to February Meeting.

That concluded the business of the meeting.

CATHAOIRLEACH

DATE