

**Minutes of Ordinary Meeting of Kilkenny County Council held on
19th March, 2013 at 3.00p.m.**

- Cathaoirleach:** Cllr. M. Fitzpatrick
- Cllrs:** Cllrs. M.H. Cavanagh, P. Millea, M. Shortall, J. Brennan, C. Connery, J. Coonan, M. Brett, P. Cuddihy, M. Noonan, A. McGuinness, D. Fitzgerald, M. Doran, W. Ireland, T. Maher, P. Millea, J. Moran, T. Prendergast, S. Treacy, C. Long, T. Breathnach, P. Dunphy, A.M. Irish, E. Aylward, F. Doherty.
- In Attendance:** J. Crockett, J. Mulholland, J. McCormack, P. O' Neill, D. Malone, C. O' Sullivan, C. Kelly, D. McDonnell and A.M. Walsh.
- Apologies:** Cllr. M. O' Brien

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

- (a) Minutes of Ordinary Meeting of Kilkenny County Council held on the 18th February, 2013.** Proposed by Cllr. C. Connery, Seconded by Cllr. J. Coonan and agreed:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on the 18th February, 2013 as circulated with the agenda be and are hereby approved."
- (b) Minutes of Strategic Policy Committee Meeting No. 3 - Environmental Policy, Fire Services & Emergency Planning Meeting held on 4th February, 2013.** Proposed by Cllr. E. Aylward, Seconded by Cllr. M. Noonan and agreed: - "That the minutes of Strategic Policy Committee Meeting No. 3 held on 4th February, 2013 as circulated with the agenda be and are hereby approved".
- (c) Minutes of SPC 5 - Arts, Culture, Heritage, Tourism and Education Meeting held on 22nd February, 2013.** Proposed by Cllr. J. Coonan, Seconded by Cllr. T. Prendergast and agreed:-" That the minutes of the SPC 5 Meeting held on 22nd February, 2013 as circulated with the agenda be and are hereby approved".
- (d) Minutes of Ballyragget Electoral Area Meeting held on 4th March, 2013.** Proposed by Cllr. C. Connery, Seconded by Cllr. M. Shortall and agreed:- "That the minutes of the Ballyragget Electoral Area Meeting held on 4th March, 2013 as circulated with the agenda be and are hereby approved".

(e) Minutes of Piltown Electoral Area Meeting held on 7th March, 2013.

Proposed by Cllr. F. Doherty, Seconded by Cllr. E. Aylward and agreed: -“That the minutes of the Piltown Electoral Area Meeting held on 7th March, 2013 as circulated with the agenda be and are hereby approved”.

(f) Minutes of Local Traveller Accommodation Consultative Committee Meeting held on 7th March, 2013.

Proposed by Cllr. A. McGuinness, Seconded by Cllr. M. Fitzpatrick and agreed:- “That the minutes of Local Traveller Accommodation Consultative Committee Meeting held on 7th March, 2013 as circulated with the agenda be and are hereby approved.

Cllr. M. Fitzpatrick congratulated the following:-

- Congratulations to all involved in the Tradfest over the St. Patrick's Weekend.
- Congratulations to all involved in the St. Patrick's Day Parade
- Thanks to all those involved in events to mark International Women's Day.
- Well done to all young students who were involved in the County Student Enterprise Awards.
- Congratulations to Robert Grace, Graiguenamanagh who wrote a song for the National Contest for the Eurovision 2013.
- Best wishes are extended to the Special Olympics Committee who celebrates 10 years in existence and thanks are extended to all who have been involved over the 10 years.
- Congratulations to Cllr. A.M Irish on the birth of her daughter Ellen.

Votes of Sympathy

- Dermot Gaynor Watershed on the death of her father Arthur Gaynor
- Family of the late Nancy Hanrahan, Kilkenny (Pensioner)
- Family of the late Mattie Aylward, Glenmore who died in a traffic accident.
- Family of the late Jimmy Walters, Kells Road, Kilkenny.
- Ann Marie Phelan, Ogan House, Ballyhale, Co. Kilkenny on the death of her mother Bridget Fowler.
- Elaine Delahunty, Grange, Mooncoin, Co. Kilkenny on the death of her mother Alice Dwyer.
- Ned Quinn & Family, Luffany, Mooncoin, Co. Kilkenny on the death of Maura Quinn.
- Michael Flynn, Skeard, Kilmacow, Co. Kilkenny on the death of Peter Flynn.
- Patrick Malone, Ballygriffin, Carrigeen, Co. Kilkenny on the death of Helen Malone.
- Helen Whelan, Church Road, Mullinavat, Co. Kilkenny on the death of Eily Gaule.
- Mai Tyler, Grange, Mooncoin, Co. Kilkenny on the death of Paul Tyler.

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. T. Maher, Seconded by Cllr. P. Millea and agreed: - “That in accordance with the provisions of Section 183 of the Local Government Act, 2001 Kilkeny County Council hereby approves of the disposal of its interest in property at Ballytarsna, Cashel, Co. Tipperary, measuring 2.044 hectares to Eamon Fanning, Clonroe, Gorey, Co. Wexford for the sum of €12,200 with each party being responsible for their own legal costs associated with the sale”.
- (ii) Proposed by Cllr. M. Doran, Seconded by Cllr. T. Maher and agreed:- “That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkeny County Council hereby approves of the Lease of its lands at Haggard Road, Kells, Co. Kilkeny, measuring 1.53 acres, the purposes of providing Community Playground facility to Kells Hall Committee for a period of 20 years at a rent of €10 per annum, with each party being responsible for their own legal costs associated with the lease”.

Cllr. Doran requested that the name of the lease be amended to Kells Region Economic Enterprises and this was agreed by all.

(b) Housing Disposal – Díuscairt Tithíocht

Proposed by Cllr. T. Prendergast, Seconded by Cllr. S. Treacy and agreed:- “That it is the intention of Kilkeny County Council to dispose of its interest in property at Curragh Lane, Skeoghvosteen, Co. Kilkeny to Thomas O’ Grady and Martin O’ Grady in accordance with the terms of the Housing Acts 1966 to 2002”.

(c) Roads – Bóithre

- (i) Proposed by Cllr. F. Doherty, Seconded by Cllr. E. Aylward and agreed:- “That Kilkeny County Council hereby approves of the proposal to publish Notice of Intention to extinguish the public right-of-way at Belview Port, Gorteens, Slieverue, Co. Kilkeny”
- (ii) Proposed by Cllr. S. Treacy, Seconded by Cllr. T. Prendergast and agreed:- “That the County Council of Kilkeny 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 hereby declares the roads at the Paddocks, Paulstown, Co. Kilkeny to be Public Roads”.
- (iii) Proposed by Cllr. C. Long, Seconded by Cllr. P. Dunphy and resolved:- “We the members of Kilkeny County Council approve the initiation of

proceedings for the taking in charge of 7 Houses at New Road, Mooncoin, Co. Kilkenny – Road No. L7417 in accordance with Section 180 of the Planning and Development Act, 2000”.

- (iv) Proposed by Cllr. C. Connery, Seconded by Cllr. M. Shortall and resolved:-
“We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of Chapel Fields, Main Street, Urlingford, Co. Kilkenny in accordance with Section 180 of the Planning & Development Act 2000”.
- (v) Proposed by Cllr. M. Brett, Seconded by Cllr. J. Coonan “We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of Public Road No. L6701 at Bohernatounish Road, Kilkenny in accordance with Section 180 of the Planning and Development Act 2000”.
- (vi) **2013 Draft Road Works Scheme**
Mr. J. Mulholland referred members to his report dated 12th March, 2013 circulated with the agenda. He stated that members have been consulted at local area meetings.

The total funds available for road works in 2013 is €13.9m significantly reduced since 2012. He noted that the Council has now discretion in relation to €1.2m of this fund to be spent on priority maintenance works subject to the approval of the NRA. There will be full consultation with members at electoral area level prior to any changes been made.

A visual assessment of the County Local roads will be undertaken in 2013. Details of projects on national roads are included in the report for member’s information. He referred to the Community Involvement Scheme and advised that Local Authorities have been informed that they may no longer set aside 7.5% of the Restoration/improvement /maintenance grant for this purpose. The NRA propose to run a pilot scheme, whereby the Local Authority will be required to apply for funding to run pilot CIR Schemes where the level of local contribution from beneficiaries will vary from 20% to 50% depending on the type of work to be done.

Mr. Mulholland stated the Draft Road Work Scheme for 2013 has been prepared against a background of reduced road grant income and represents the fairest and most effective distribution of the €13.9.m and recommends adoption of the scheme by the Council.

Contributions were received from Cllrs. P. Dunphy, P. Millea, T. Breathnach, M. Doran, S. Treacy, J. Brennan and T. Maher. The issues raised by members were as follows:-

- Current status of Mooncoin By Pass – No funding provided in 2013 and current condition of road network in Mooncoin.

- Applications on hand for Community Involvement Scheme – Ballyragget area has greatest number and require an increase in funds, current conditions of these lanes.
- Flexibility in spending road grants
- Establish interest from CIR applicants
- Complete road marking on the Callan By Pass
- Public lighting – Pilot Scheme at Westcourt Business Park

Cllr. T. Breathnach proposed that the Council write to the Minister and requests that the discretion the County Council had in allocating 7½% of their relevant grants to the Community Involvement Scheme be restored. This was seconded by Cllr. P. Dunphy and agreed by all members.

Cllr. M. Doran advised that the SPC for Transportation recommends that the Council write to applicants on the existing CIR schemes seeking their up to date position and to confirm their interest under the new provisions of the revised scheme as announced by the Department. He further advised that the SPC Committee recommends that the Department be requested to amend the CIR Scheme to allow applicants to avail of finance by way of a loan.

Mr. Mulholland responded and advised that an amount of €5m was available nationally for CIR and it was the intention to write to all applicants to establish the interest in the new CIR scheme at this stage, it would be pre-mature to anticipate if loans would be required and that the council would consider this proposal at a later stage.

Cathaoirleach advised that the proposal by Cllr. T. Breathnach is similar to notice of motion No. 2(13) listed on the agenda and declared that the notice of motion has now been dealt with.

Mr. Mulholland responded to all queries raised by members. It was proposed by Cllr. M. Brett, Seconded by Cllr. T. Maher and agreed: - “That the Draft Road Works Scheme 2013 is approved by Kilkenny County Council”.

(vii) Circular RLR 3/2013 Flexibility on Road Grants

Noted.

(viii) Circular RW3/2013 Community Involvement Road Works

Noted

(d) Planning – Pléanail

Extension to Loughmacask Local Area Plan.

Mr. D. Malone Senior Planner referred to report dated 12th March, 2013 which has been circulated with the agenda. He advised members that a number of permissions have been granted in the plan area since its adoption in 2008 and none of these permissions have commenced. There is an option in the planning

legislation to extend the life of a local area plan by deferring publication of the notice stated the authority's intention to review the plan for a further period not extending 5 years.

As there has been a significant downturn in the housing sector and having regard to National Spatial Strategy, Kilkenny City & Environs Development Plan and the Core Strategy variation, it is recommended that the Plan be extended.

Contributions were received from Cllrs. T. Breathnach, M. Noonan and D. Fitzgerald.

The issues raised related to:-

- Local Area Plan- Legal status with the new County Development Plan
- Changes in building control legislation etc any implications for area plan
- Area of land included in the plan – some land not serviced, is there requirement to have all lands still included in the plan.

Mr. Malone responded to all queries raised. It was proposed by Cllr. M. Brett, Seconded by Cllr. J. Coonan and agreed:- "That we the members of Kilkenny County Council, having requested that the County Manager give his opinion on extending the Loughmacask Local Area Plan 2008 under Section 19(1)(e) of the Planning & Development Acts 2000-2012, and having considered the County Manager's opinion as outlined at the meeting of Kilkenny County Council held on the 19th of March, 2013, formed in accordance with Section 19(1)(e)(ii) of the above acts, do hereby consider that the Loughmacask Local Area Plan should be extended in accordance with the procedures under Section 19 (d)-(f) of the Planning & Development Acts 2000-2012".

Update on Review of Development Plans 2014-2020

Mr. Malone gave a PowerPoint presentation on the work in progress on the new County and City Development Plans. He advised that the draft plan will be issued to members in early April 2013. 4 meetings are planned to discuss the draft plans in April and May 2013 and the draft plans will go on public display in June, 2013.

Queries were raised by Cllr. M. Noonan, T. Breathnach and J. Coonan.

The issues related to:-

- Public consultation/public meetings to facilitate engagement by the public
- Changes in local government – role of Kilkenny Borough Council
- Date of adoption of plans

- Review of Retail Strategy

Mr. Malone responded to the queries raised and advised that final decisions have not been made in relation to the format for public consultation. The dedicated website will be available and maybe meetings at local area level. The plan must be adopted by May 2014.

Mr. Crockett advised that the Development Plans will be adopted in May 2014 prior to any changes which may affect the Borough Council.

(e) Corporate

“Keeping Communities Safe” – Presentation on Reform Programme for Fire Service

Mr. Crockett County Manager circulated a summary on “Keeping Communities Safe” – A framework for Fire Safety in Ireland. He advised members of the principal elements included in the document.

- Structure to deliver effective Fire Service
- Risk based approach project
- Shared services between Carlow and Kilkenny
- Roles of the Fire Service – Safety & Response
- Major Emergency Management
- Quality Assurance and Performance reporting
- Implementation Plan for 2013-2015 is being finalised.

Contributions were received from Cllrs. J. Coonan, T. Prendergast, P. Cuddihy, T. Maher, T. Breathnach and P. Millea.

Issues raised by members are as follows:-

- Change in the number of front line staff – firemen
- Role of officers and admin staff in shared service
- Service level agreement with another local authority
- Defibrillators in all fire stations
- Risk categorisation – grading of fires across five bands.
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Mr. Crockett responded and advised that the framework has only recently being published and the framework has been signed off by international experts in the area of fire service delivery. Any proposed reduction in the number of staff in fire authorities will be subject to discussion with staff and trade unions. Members will be kept informed of any changes being made in the Fire Service. Reviews are currently in progress on the existing service, capabilities and equipment.

(f) **Water Services - Seirbhísí Uisce**

Update Irish Water – Presentation

Mr. P. O' Neill made a power point presentation on Irish Water and the phased transition of the service from the Local Authority to Irish Water. He advised that the Water Services Bill 2013 was currently before Dail Eireann and further legislation will be published by the end of 2013. Dedicated call centres have been established and each household has received an information leaflet. A local authority transition office has been set up in Dublin and Waterford to facilitate local authority input, to provide data to negotiate, service level agreements.

Installation of Domestic Metering will commence this year. Local Authority personnel will be undertaking water meter surveys to gather information on where to locate the individual meters.

Contributions were received from Cllrs. J. Brennan, M. Shortall, P. Dunphy, T. Breathnach and M. Doran. The issues raised by members are as follows:-

- Knowledge and expertise of local authority personnel
- Metering in rural areas
- Post 2014- what is the charge if meters are not installed
- Transfer of Council assets – any compensation to the local authority.
- Allowance for domestic use – 40,000 gallons
- Private group scheme connected to public supplies
- Local contact centre for customers and elected members

Mr. O' Neill responded to all queries raised by members. Mr. Crockett advised that there will be an “assessed” Charge which may be based on the number in the household but that this is a matter for the Commission for Energy Regulation. Charges will be effective not earlier than January, 2014.

3. **Urgent Correspondence - Comhfhreagras Práinneach**

None

4. **Business adjourned from a previous Meeting - Gnó ar athló ó chruinniú**

roimhe seo:

None

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

- (i) Schedule of meetings from March - May 2013. Proposed by Cllr. J. Brennan, Seconded by Cllr. B. Ireland and agreed.
- (ii) Agree date for Special SPC Planning Meeting – It was proposed by Cllr. J. Brennan, Seconded by Cllr. B. Ireland that a special SPC planning meeting in committee be held on Thursday 4th April, 2013 at 2.00p.m.

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

- (i) Chairman's Report of SPC 1 – Forward Planning & Development Strategic Policy Committee Meeting held on 4th February, 2013. Proposed by Cllr. S. Treacy, Seconded by Cllr. P. Cuddihy and agreed.
- (ii) Chairman's Report of SPC 4 – Housing and Social Strategic Policy Committee Meeting held on Friday 23rd November, 2012. It was proposed by Cllr. M. Fitzpatrick, Seconded by Cllr. T. Maher and agreed.

Cllr. T. Maher requested that housing investigate the parking of a number of caravans at local authority houses.

Cllr. M. Shortall requested an updated report on housing adaptation grants for 2013. Mr. J. McCormack agreed to have it for the next monthly meeting.

- (iii) Report on Strategic Policy Committee Meeting No. 3 – Environmental Policy, Fire Services and Emergency Planning Meeting held on 4th February, 2013. Proposed by Cllr. T. Maher, Seconded by Cllr. P. Cuddihy and agreed.
- (iv) Chairman's Report of SPC 5 Arts, Culture, Heritage, Tourism and Education Meeting held on 22nd February, 2013. Proposed by Cllr. J. Brennan, Seconded by Cllr. J. Coonan and agreed.
- (v) Chairman's Report on Ballyragget Electoral Area Meeting held on 4th March, 2013. Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. J. Brennan and agreed.
- (vi) Report on Piltown Electoral Area Meeting held on 7th March, 2013. Proposed by Cllr. P. Dunphy, Seconded by Cllr. E. Aylward.

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

Gnó Eile romhainn i bhFógra reachtála an Chruinnithe

None.

Education & Training – Oideachas agus Oiliúint

(i) Conferences – Request for approval to attend as per circulated list.
Proposed by Cllr. M. Shortall, Seconded by Cllr. E. Aylward and agreed.

(vii) Summary of proceedings at Conferences have been received from

Councillor	Date of Conference	Title of Conference
Cllr. A. McGuinness	18 th January 2013	Criminal consequences of Breaching Local Authority Regulations
Cllr. E. Aylward	25 th January, 2013	New personal insolvency legislation
Cllr. P. Millea	1 st -3 rd February 2013	Cumann Merriman
Cllr. J. Moran	8 th &9 th February 2013	Tourism – Making the Difference
Cllr. E. Aylward	15 th February, 2013	The Finance Bill
Cllr. F. Doherty	15 th &16 th February,2013	AMAI Spring Conference
Cllr. F. Doherty	22 nd & 23 rd February 2013	Cash for Gold- Burglaries- Drugs
Cllr. J. Coonan	1 st & 2 nd March, 2013	Action Plan for Jobs

Proposed by Cllr. M. Shortall, Seconded by Cllr. E. Aylward and agreed.

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

None

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

None

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

02(13) Cllrs. M.H. Cavanagh, C. Connery, J. Brennan, P. Millea and M. Shortall.

“That this Council would write to Minister Alan Kelly and Minister Phil Hogan and request that the discretion which County Council’s had in the past in allocating 7½% of their relevant grants to the Community Involvement Scheme be restored”.

Refer to 2(vi) Discussion on Draft Roadwork’s Scheme 2013.

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:

04(13) Shannon Town Council - 18th February, 2013

“That Shannon Town Council debate recommending to the Minister for Transport to enact legislation making the wearing of high visibility vests or belts/bands by pedestrians compulsory at times of darkness or low visibility in all areas”.

Noted

05(13) Shannon Town Council - 18th February, 2013

“Shannon Town Council condemn the proposed planning saving of €721million by the HSE and the reduction of staff by 4,000 in 2013 because of the impact these measures will have on frontline services”.

Noted

Signed:_____

Date:_____

Cathaoirleach