

## **Minutes of November Council Meeting held on 21<sup>st</sup> November, 2016 at 3.00p.m.**

**Chair:** Cllr. M. Doran

**Cllrs:** M. Shortall, M. H. Cavanagh, J. Brennan, P. Fitzpatrick, M. Noonan, J. Malone, M. McCarthy, E. Aylward, T. Breathnach, P. Dunphy, G. Frisby, F. Doherty, P. O' Neill, A. McGuinness, B. Gardner, P. McKee, S. Tyrrell, D. Kennedy and M. Doyle, P. Millea and P. Cleere, M. O' Neill.

**Officials:** C. Byrne, M. Mulholland, T. Butler, M. Prendiville, S. Walton, D. Malone, M. Mullally, E. Cody, M. Delahunty, K. Hanley, D. Breen, C. McCarthy and A. M. Walsh

**Apologies:** D. Fitzgerald

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

#### **(a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 17<sup>th</sup> October, 2016**

Proposed by Cllr. P. Fitzpatrick, Seconded by Cllr. J. Brennan and agreed:- "That the minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 17<sup>th</sup> October, 2016 as circulated with the agenda be and are hereby approved".

Mr. S. Walton advised the meeting that he had issued to members a proposed submission on the draft Flood Plans and sought approval of members to send in the submission. Cllr. M. Noonan thanked Mr. Walton for preparing the submission on behalf of the members and for including all the concerns raised by the members on behalf of the affected residents.

Contributions were also received from Cllrs. P. McKee, M. Doyle, P. Cleere, D. Kennedy, P. Dunphy, B. Gardner, M. O' Neill, F. Doherty, M. Shortall and T. Breathnach in relation to the following:-

- Dredging of rivers
- Proposed hard defences i.e. walls
- Clarify who is responsible for small streams etc
- Update on Pilot Schemes in Thomastown and Graiguenamanagh
- More consultation required at design stage
- Habitat Directive is not an impediment to works
- Update on works at Ballyragget.

Mr. Walton responded to the queries raised by the members. He advised that the riparian owners are responsible for cleaning the rivers adjoining their lands. Any proposed works will require planning consent. Further consultations will be carried out. He advised that he will send out the relevant legislation to the members.

Cllr. T. Breathnach proposed that the Council write to the Department requesting consideration to be given to developing a scheme for funding works by private individual similar to the Community Involvement in Roadworks. Cllr. P. Dunphy seconded the proposal and all members agreed.

Cllr. M. Doran extended votes of sympathy to the following:-

- To Cllr. D. Kennedy and his family on the death of father Kevin Kennedy.
- To Pat Burke Ganger in the Callan Area on the death of his mother Elizabeth Burke.
- To Denis Lawlor, Water Services on the death of his father Francis Lawlor.
- The Frisby Family, C/o Enie Aylward, Killeen, Mullinavat, Co. Kilkenny on the death of Michael Frisby.
- The Kelly Family, C/o Mattie Kelly, Bigwood, Mullinavat, Co. Kilkenny on the death of Dick Kelly.
- Noreen Butler, Woodview, Freshford, Co. Kilkenny on the death of Mick Butler.
- The Dwyer Family, Ballyveria, Glenmore, Co. Kilkenny on the death of Mick Dwyer
- Mrs. Eileen Irish & Family, Ballinlammy, Glenmore, Co. Kilkenny on the death of Mrs. Eileen o' Connell.

Cllr. Doran proposed an adjournment of 15 minutes as a mark of respect to Cllr. D. Kennedy. This was seconded by Cllr. P. Dunphy and agreed.

Cllr. D. Kennedy thanked members and staff for their express of sympathy to him and his family.

Meeting resumed at 3.30p.m.

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

**(a) Housing & Other Disposal - Tithíocht & Díuscairt Eile**

- I.** Proposed by Cllr. M.H. Cavanagh, Seconded by Cllr. P. Millea 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 freehold interest in property at No. 45, Fr. Murphy Square, Kilkenny as outlined on the attached map, to John and Peggy Kennedy, with each party being responsible for their own legal costs associated with the sale”.
- II.** Proposed by Cllr. P. Fitzpatrick, Seconded by Cllr. M. 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 a plot of ground at Paulstown, Co. Kilkenny to Niamh Kealy, Aisling Kealy, Orla Kealy and Eugene Kealy, Kellymount, Paulstown, Co.

Kilkenny for the sum of €5,000 with each party being responsible for their own legal costs associated with the sale. Plot measures 0.407 acres.”

- III.** Proposed by Cllr. P. Fitzpatrick, Seconded by Cllr. M. O’ Neill and agreed:-  
“Notice is hereby given that after the expiration of 10 days from the date of this Notice, it is the intention of Kilkenny County Council to dispose of its interest in property measuring 0.12 acre at Abbeyview, Gowran, Co. Kilkenny to Gowran Community Housing for the Elderly in accordance with the terms of the Housing Acts 1966 to 2002.” Consent of the Minister is not required.
- IV.** Proposed by Cllr. M. Shortall, Seconded by Cllr. M. H. Cavanagh 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 Ballynaslee, Ballyragget, Co. Kilkenny to Canice Farrell, Knockatrina House, Durrow, Co. Laois for the sum of €4,500 with each party being responsible for their legal costs associated with the sale. Plot measures 0.49 acre.”
- V.** Proposed by Cllr. M.H. Cavanagh, Seconded by Cllr. J. Brennan 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 Ballynaslee, Ballyragget, Co. Kilkenny to Kathleen Moore, Ballynaslee, Co. Kilkenny for the sum of €250 with each party being responsible for their legal costs associated with the sale. Plot measures 0.179 acre.”
- VI.** Proposed by Cllr. P. Millea Seconded by Cllr. M. H. Cavanagh 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 Ballytarsna, Cashel, Co. Tipperary to Triona Maher, Ballytarsna House, Cashel, Co. Tipperary for the nominal sum of €10.00 with Kilkenny County Council being responsible for all legal costs associated with the sale.”
- VII.** Proposed by Cllr. M. McCarthy, Seconded by Cllr. T. Breathnach 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 Ballykelly, Cashel, Co. Tipperary to Acorn Healthcare Ltd, Ballykelly, Cashel, Co. Tipperary for the sum of €625 with each party being responsible for their own legal costs associated with the sale.”
- VIII.** Proposed by Cllr. M. O’ Neill, Seconded by Cllr. M. H. Cavanagh 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 Rahinch, Littleton, Thurles, Co. Tipperary to Donal Kearney, Ballyvinane, Littleton, Thurles, Co. Tipperary for the sum of

€500 with each party being responsible for their own legal costs associated with the sale.”

- IX.** Proposed by Cllr. B. Gardner, Seconded by Cllr. M. Noonan 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 Rathcunikeen, Two Mile Borris, Thurles, Co. Tipperary to Reps. John Russell, Rathcunikeen, Two Mile Borris, Thurles, Co. Tipperary for the sum of €395 with each party being responsible for their own legal costs associated with the sale.”
- X.** Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. P. Dunphy 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 Newtown, Horse & Jockey, Thurles, Co. Tipperary to Joseph Moloney, Pouldine, Horse & Jockey, Thurles, Co. Tipperary for the sum of €500 with each party being responsible for their own legal costs associated with the sale.”
- XI.** Proposed by Cllr. A. McGuinness, Seconded by Cllr. P. McKee 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 Newtown, Horse & Jockey, Thurles, Co. Tipperary to Mary O’Brien, Pouldine, Horse & Jockey, Thurles, Co. Tipperary for the sum of €395 with each party being responsible for their own legal costs associated with the sale.”
- XII.** Proposed by Cllr. P. Millea, Seconded by Cllr. M. H. Cavanagh 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 Rathcunikeen, Two Mile Borris, Thurles, Co. Tipperary to Pat & Breda Ryan, Rathcunikeen, Two Mile Borris, Thurles, Co. Tipperary for the nominal sum of €10.00 with Kilkenny County Council being responsible for all legal costs associated with the sale.”
- XIII.** Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. M. 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 Grangefertagh, Johnstown, Co. Kilkenny to Peter Ryan, Grangefertagh, Johnstown, Co. Kilkenny for nil consideration, with Kilkenny County Council being responsible for all legal costs associated with the sale. Area measures 14.01 acre.”
- XIV.** Proposed by Cllr. J. Brennan, Seconded by Cllr. M. O’Neill 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 Rathcunikeen, Two Mile Borris, Thurles, Co. Tipperary to Edward Donnelly, Ballydavid, Littleton, Thurles, Co. Tipperary for the nominal sum of €10.00 with Kilkenny County Council being responsible for all legal costs associated with the sale.”

- XV.** Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. M. 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 Rathcunikeen, Two Mile Borris, Thurles, Co. Tipperary to John Bourke, Rathcunikeen, Two Mile Borris, Thurles, Co. Tipperary for the sum of €395 with each party being responsible for their own legal costs associated with the sale.
- XVI.** Proposed by Cllr. M. O’ Neill, Seconded by Cllr. M. H. Cavanagh 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 Ballykelly, Cashel, Co. Tipperary to John O’Connor, Ballykelly Stud, Cashel, Co. Tipperary for the sum of €625 with each party being responsible for their own legal costs associated with the sale.”
- XVII.** Proposed by Cllr. P. Cleere, Seconded by Cllr. P. Dunphy 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 Ballytarsna, Cashel, Co. Tipperary to John P. Dwyer, Ballytarsna, Cashel, Co. Tipperary and/or his Personal Representative(s), for following consideration: -  
Plots C, G, K & L - nominal sum of €10.00 with Kilkenny County Council being responsible for all legal costs associated with the sale. Combined area measures 1.168 acres.  
  
Plot H – sum of €3,000 with each party being responsible for their own legal costs associated with the sale. Plot measures 1.43 acres.”
- XVIII.** Proposed by Cllr. F. Doherty, Seconded by Cllr. M. 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 Aughnagomaun, Horse & Jockey, Thurles, Co. Tipperary to Patrick Hassett, Aughnagomaun, Horse & Jockey, Thurles, Co. Tipperary for the sum of €395 with each party being responsible for their own legal costs associated with the sale.”
- XIX.** Proposed by Cllr. P. Fitzpatrick, Seconded by Cllr. M. 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 Ballytarsna, Cashel, Co. Tipperary to Personal Representatives of Michael O’Dwyer, namely, Margaret O’Dwyer and/or Dan O’Dwyer, Ardmayle, Cashel, Co. Tipperary for the sum of €625 with each party being responsible for their own legal costs associated with the sale.”

- XX.** Proposed by Cllr. P. O' Neill, Seconded by Cllr. M. H. Cavanagh 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 Aughnagomaun, Horse & Jockey, Thurles, Co. Tipperary to Samuel Ryall, Aughnagomaun, Horse & Jockey, Thurles, Co. Tipperary for the sum of €395 with each party being responsible for their own legal costs associated with the sale."
- XXI.** Proposed by Cllr. P. Fitzpatrick, Seconded by Cllr. M. O' Neill 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 Garranmore, Cashel, Co. Tipperary to Yvonne Raeburn, Garryard, Cashel, Co. Tipperary for the nominal sum of €10.00 with each party being responsible for their own legal costs associated with the sale."
- XXII.** Proposed by Cllr. J. Brennan, Seconded by Cllr. M. Doyle 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 Ballyvinane, Ballydavid, Littleton, Co. Tipperary to James Bourke, Ballyhudda, Thurles, Co. Tipperary for nil consideration with Kilkenny County Council being responsible for all legal costs associated with the sale."
- XXIII.** "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 Newtown, Littleton, Co. Tipperary to James Bourke, Newtown, Littleton, Co. Tipperary for nil consideration with Kilkenny County Council being responsible for all legal costs associated with the sale." –  
**Withdrawn due to technical issue.**
- XXIV.** Proposed by Cllr. M. McCarthy, Seconded by Cllr. P. McKee 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 measuring approx 0.1217 acres at Smithsland South, Loughboy, Waterford Road, Kilkenny to Thomas Brett, Waterford Road, Kilkenny, for the sum of €5,000 with the Purchaser being responsible for all legal costs associated with the sale."
- XXV.** Proposed by Cllr. M. McCarthy, Seconded by Cllr. A. McGuinness 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 2 no. plots of ground at Ballygown & Tomard, Milford, Co. Carlow to Patrick & Patricia Amond, Woodview, Ballygown, Milford, Co. Carlow for the nominal sum of €10.00 with Kilkenny County

Council being responsible for all legal costs associated with the sale. Plots combined measure 0.143 acres.”

- XXVI.** Proposed by Cllr. M.H. Cavanagh, Seconded by Cllr. G. Frisby 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 2 no. plots of ground at Glashare, Johnstown, Co. Kilkenny to Anthony & Margaret Phelan, Glashare, Johnstown, Co. Kilkenny for the nominal sum of €10.00 with Kilkenny County Council being responsible for all legal costs associated with the sale. Plots combined measure 0.6 acres.”
- XXVII.** Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. G. Frisby 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 3 no. plots of ground at Graiguepaudeen, Urlingford, Thurles, Co. Tipperary to John O’Dwyer, Graiguepaudeen, Urlingford, Thurles, Co. Tipperary for the nominal sum of €10.00 with Kilkenny County Council being responsible for all legal costs associated with the sale. Plots combined measure 2.78 acres.”
- XXVIII.** Proposed by Cllr M.H. Cavanagh, Seconded by Cllr. M. 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 3 no. plots of ground at Warrenstown, Johnstown, Co. Kilkenny to Ken Whitford, Violet Hill, Johnstown, Co. Kilkenny for the total sum of €4,395 with each party being responsible for their own legal costs associated with the sale. Combined Plots 239a & 239b measure 0.506 acres and Plot 246 measures 0.575 acres”
- XXIX.** Proposed by Cllr. P. Millea, Seconded by Cllr. M. H. Cavanagh 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 4 no. plots of ground at Inchroukem & Graiguepaudeen, Urlingford, Thurles, Co. Tipperary to Martin Campion, Graiguepaudeen, Urlingford, Thurles, Co. Tipperary for the nominal sum of €10.00 with Kilkenny County Council being responsible for all legal costs associated with the sale. Plots combined measure 2.04 acres.”
- XXX.** Proposed by Cllr. M.H. Cavanagh, Seconded by Cllr. M. 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 3 no. plots of ground at Inchirourke, Urlingford, Co. Kilkenny to Richard & Barbara Stanley, Fennor, Thurles, Co. Tipperary for the nominal sum of €10.00 with Kilkenny County Council being responsible for all legal costs associated with the sale. Plots A & B combined measure 0.728 acres and Plot Z measures 0.568 acres.”
- XXXI.** Proposed by Cllr. P. Millea, Seconded by Cllr. M.H. Cavanagh 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 Oldtown, Cullahill, Co. Laois to Stephen Dunne, Tifeagha, Freshford, Co. Kilkenny for the sum of €1,500 with each party being responsible for their own legal costs associated with the sale. Plot measures 1.19 acre.”

**XXXII.** Proposed by Cllr. M.H. Cavanagh, Seconded by Cllr. M. 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 plot of ground at Glashare, Johnstown, Co. Kilkenny to William Delaney, Glashare, Johnstown, Co. Kilkenny for the sum of €1,500 with each party being responsible for their legal costs associated with the sale. Plot measures 0.23 acre.”

**XXXIII.** Proposed by Cllr. P. Millea, Seconded by Cllr. M.H. Cavanagh 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 3 no. plots of ground at Grangefertagh, Johnstown, Co. Kilkenny to William Quaney, Grangefertagh, Johnstown, Co. Kilkenny for the sum of €395 with each party being responsible for their own legal costs associated with the sale. Combined Plots measure 0.491 acre.”

**XXXIV.** Proposed by Cllr. M.H. Cavanagh, Seconded by Cllr. M. 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 3 no. plots of ground at Rathduff, Stoneyford, Co. Kilkenny to Michael & Theresa Phelan, Rathduff, Stoneyford, Co. Kilkenny for the nominal sum of €10.00 with Kilkenny County Council being responsible for all legal costs associated with the sale. Plot 254a.107 measures 1.18 acre, Plot A measures 0.242 acre and Plot B measures 0.172 acres.”

**XXXV.** Proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. J. Brennan 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 Ballynaslee, Ballyragget, Co. Kilkenny to Thomas & Gemma Dunne, ‘Seefeld’, Ballynaslee, Co. Kilkenny for the sum of €250 with each party being responsible for their legal costs associated with the sale. Plot measures 0.076 acre.”

**(b) Corporate Affairs - Gnóthaí Corparáideacha**

**(i) Chief Executives Report**

Cllr. M. Doran advised members that he is allowing Notice of Motion 31(16) submitted by Cllr. Gardner to be taken now. Cllr. Doran proposed to the members that the CE Report be deferred to the end of the meeting in order to deal with more urgent business. Cllr. B. Gardner moved her notice of motion.



“That the Council supports the Councillors to be able to ask questions to the Chief Executives Report via the Chair, allowing time limit on questions to ensure no time wasters and knowledge is shared wisely”.

She stated that a lot can be learned by asking questions and questions should be asked in public and not behind closed doors. Cllr. J. Malone seconded the notice of motion stating that members should be allowed ask questions in an open and transparent manner.

Contributions were also received from Cllrs:- M.H. Cavanagh, P. McKee, M. O’ Neill, P. Cleere, D. Kennedy, M. Shortall, A. McGuinness, T. Breathnach, G. Frisby, P. Dunphy, M. Noonan, J. Brennan and M. Doran.

Issues raised were as follows:-

- Management of time to deal with other important issues
- Availability of CE to deal with any questions from members
- Rotate discussion on the CE report with the notice of motions
- Clarify legal requirement and Standing Orders.

Mr. Butler advised that the CE report is required monthly by statute in accordance with the Local Government Reform Act 2014.

Cllr. M. Doran, advised that as Cathaoirleach he wished to manage all items on the agenda and ensure that all items are taken by members including the notice of motions. Ms. C. Byrne stated that she is always available to any member at all times either on the phone or in person.

Cllr. M. H. Cavanagh proposed an amendment “That the CE Report be moved to the end of the Agenda for the meeting and that it be taken at the end of the agenda at every second month”. Cllr. F. Doherty seconded this. At this stage Cllr. Doran advised the meeting that he is taking a vote on the amendment. A roll call was taken:-

**12 members voted in favour of amendment** i.e. Cllrs. J. Brennan, M.H. Cavanagh, M. McCarthy, P. Millea, P. Cleere, M. Doyle, P. O’ Neill, M. Doran, E. Aylward, F. Doherty, P. Dunphy and G. Frisby.

**9 members voted against the amendment** i.e. Cllrs. P. Fitzpatrick, B. Gardner, D. Kennedy, A. McGuinness, S. Tyrrell, J. Malone, P. McKee, M. Noonan, M. O’ Neill.

**2 members abstained** – Cllr. Breathnach and Shortall.

**The amendment was carried by 12 votes to 9 votes.**

**(ii) Update on Yulefest Kilkenny 2016**

Ms. Mary Mulholland gave a powerpoint presentation on the forthcoming Christmas Festival “Yulefest”. She outlined in her presentation the vision for the development a National and International festival of craft, food, entertainment and family events in Kilkenny. She acknowledged the support from local businesses and producers. An overview of the feature events were outlined. In addition to lighting up Kilkenny City, the Council has also funded lights in the main towns in County Kilkenny.

Kilkenny County Council needs everyone to support the festival and all the events during the weekends in December.

Members thanked Ms. Mulholland for her presentation and were looking forward to a very exciting festival in December.

Contributions were received from Cllrs. M. Noonan, B. Gardner, S. Tyrrell, P. O’Neill D. Kennedy, P. McKee, J. Malone, P. Cleere, F. Doherty in relation to the following:-

- Developing a protocol on the use of the Parade
- St. Mary’s Museum – Staffing of facility
- Welcome use of Social Media
- Acceptance of sponsorship from certain financial institutions
- Extending the festival to other areas outside of the City

Ms. Byrnes, Ms. Mulholland and Mr. Butler responded to the queries raised by the members.

**(iii) Section 85 Local Government Act, 2001- Planning Application in respect of New Ross to Waterford Greenway**

Mr. T. Butler advised the members that Kilkenny County Council will be applying for planning on behalf of Waterford City & County in relation to the New Ross to Waterford Greenway. The entire route is 22km and the final 62m is an administrative area of Waterford City and County. A resolution of the Council is required. It was proposed by Cllr. F. Doherty, Seconded by Cllr. P. Dunphy and agreed: - “We the members of Kilkenny County Council agree the entering of a Section 85 Agreement with Waterford City and County Council to facilitate a planning application under Part VIII of the Planning & Development Acts, 2000-2015, and the Planning & Development Regulation 2001-2015 as amended in respect of New Ross to Waterford Greenway”.

Cllrs. F. Doherty, T. Breathnach, M. O’Neill and G. Frisby welcomed this development and requested more engagement with the public and property owners. Members requested that the name of the project be amended to include reference to Kilkenny as most of the Greenway is located in the administrative area of Kilkenny.

**(iv) Broadband – Presentation**

Mr. T. Butler gave a powerpoint presentation. He gave an overview on the National Broadband Strategy:-

- Role of relevant government departments
- Tender for Broadband rollout
- Engagement with local authorities
- Clarification on Blue and Amber areas
- How to monitor Broadband speed

Copy of the map outlining high speed broadband in County Kilkenny was circulated for member's information. It was agreed to email this to all members. Contributions were received from Cllrs. M. Doran, P. O' Neill, D. Kennedy, P. Dunphy, F. Doherty, M. Shortall, A. McGuinness, T. Breathnach, P. Fitzpatrick, M. O' Neill, P. Cleere and B. Gardner in relation to the following:-

- Inability to access broadband in the rural areas
- Kilkenny County is not a priority for the rollout
- Role of Kilkenny County Council
- Need to get public involved in speed testing, create public awareness about this.
- Circulate map to all post offices, public buildings
- Fibre to home – linking up with Open Eir
- Need to have broadband strategy at Municipal District level

Mr. Butler responded to the issues raised and advised that the PPN will be used to circulate the map. It is not within the remit of the Council to deal with the tender. The Local Authority is required to plan for the implementation in the following areas:-

- Planning, licences etc
- Location of ducts
- Road openings
- Identification of heritage and significant environmental areas.

**(v) Draft Names and Commemorative Memorial Policy**

Mr. T. Butler presented his report on the draft policy on naming of infrastructure and installation of commemorative monuments or plaques. He referred to the civic memorial policy which was adopted by the Council in June 2015 and this will be incorporated into the proposed draft. He further advised that a committee of the Council will be set up consisting of 5 elected members and will meet 4 times a year. Relevant staff will support the committee in their deliberations.

Contributions were received from Cllrs. T. Breathnach, F. Doherty, D. Kennedy, P. Dunphy, M. O' Neill, M. Shortall, M. Doran. Members welcomed the draft policy and sought cross party representations on the committee.

It was suggested that the sub committee would present their recommendations to the relevant SPC and then to the full Council. Members of

the public need to be consulted also. The naming of all structures should be advertised for public consultation. Mr. T. Butler advised that it is a matter for each Municipal District to nominate its member and come back to the full Council and then the Council elects the chair of the Committee. It was proposed by Cllr. T. Breathnach, Seconded by Cllr. M. Shortall and agreed: - "That Kilkenny County Council adopts the naming and commemorative memorial policy as presented to the meeting.

Cllr. Doran allowed notice of motion 19(16) to be moved.

Cllr. M. Noonan proposed: - "That Kilkenny County Council acknowledges the immense contribution of the late John Bradley to the City and County of Kilkenny through a lifetime of academic study and writings on the archaeological and historic origins of the City and the use of Kilkenny as a template in developing our understanding of the origins of Irish towns. In doing so we refer a proposal to dedicate the Kilkenny Room of the St. Marys Medieval Mile Museum to the memory of John Bradley to the newly established civic memorials committee for consideration who may deem fit to recognise same by the installation of a memorial plaque in his honour. Furthermore we will endeavour to include a selection of John's writings and books in our branch libraries as a resource for the people of Kilkenny.

This was seconded by Cllr. B. Gardner and agreed.

**(c) Planning- Pleanail**

**(i) Consideration of Variation 1 to the Kilkenny County Development Plan 2014-2020 - Variation 2 to the City and Environs Development Plan 2014-2020**

Ms. Mary Mulholland presented an overview on the proposed variations to the County Development Plan and the City and Environs Development Plan. She outlined in detail the site specific development standards for the Mount Juliet Estate which is included in the current Development Plan. The proposed variation is to allow for development of 13 additional houses in Mount Juliet and also to investigate and support the extension of the Nore Valley Walk walking route along the River Nore. Locations of the proposed units to be developed were outlined and this would involve the relocation of the maintenance area.

Ms. Mulholland advised that the proposed variation in relation to Part V and development standards for apartments are to align the Development Plans with national legislation and guidelines issued in 2015.

She advised members that the proposed variation at St. Joseph's Road, Kilkenny is to change the zoning objective from community facilities to residential.

The purpose of this variation is to support development of housing under the local authority construction programme. She outlined the number of housing applicants for Kilkenny City and the location of lands owned by the Local Authority in Kilkenny City with potential for housing development. Ms. Mulholland highlighted that there is limited private development underway in the City and that there is very limited supply of houses for rent.

In conclusion Ms. Mulholland advised the members that any development proposal in Mount Juliet and in St. Joseph's Road will require planning consents.

At this stage, it was proposed by Cllr. J. Malone, seconded by Cllr. G. Frisby and agreed to extend standing orders to complete item 2(c) on the agenda.

The Cathaoirleach advised the members that he is going to allow discussion on each part of the proposed variations.

- **Proposed Variation 1(a) Mount Juliet**

Contributions were made by Cllr. M. O' Neill, D. Kennedy, P. O' Neill, M. H. Cavanagh, A. McGuinness, P. McKee, B. Gardner, P. Fitzpatrick, M. Noonan, T. Breathnach and P. Cleere in relation to the following:-

- Additional houses will detract from Mount Juliet
- Depreciate the tourism value of the estate- no additional benefits for tourism or the economy of the County.
- Existing units have not been developed
- Residential development not subject to Part V requirements
- Welcomed the additional bedroom development in the hotel, welcomed the investment in the hotel and job creation
- Lack of engagement with public and elected members, existing residents do not want further development
- Sensitive nature of the landscape and heritage of the area.

Cllr. Doran advised that a vote is being taken on proposed Variation 1(a) it was proposed by Cllr. D. Kennedy, Seconded by Cllr. P. O' Neill "We the members of Kilkenny County Council, having considered the proposal to make Variation 1(a) to the Kilkenny County Development Plan 2014-2020 under Section 13 of the Planning & Development Acts, 2000-2015, and having considered the Chief Executives Report as circulated on the 28<sup>th</sup> October, 2016, prepared in accordance with Section 13(4) of the above acts, the recommendations as set out in the Chief Executives report, and with our decision made at a meeting of Kilkenny County Council held on 21<sup>st</sup> November, 2016, do hereby resolve not to vary the Kilkenny County Development Plan in accordance with Proposed Variation 1(a)"

**Vote as follows:- For 23**

Cllrs. M. Shortall, M. H. Cavanagh, J. Brennan, P. Fitzpatrick, M. Noonan, J. Malone, M. McCarthy, E. Aylward, T. Breathnach, P. Dunphy, G. Frisby, F. Doherty, P. O' Neill, A. McGuinness, B. Gardner, P. McKee, S. Tyrrell, D. Kennedy and M. Doyle, P. Millea and P. Cleere

### **Against - 0**

Therefore the proposed variation of the County Development Plan for Mount Juliet was not approved by the Council.

### **Proposed Variation 1 (b) and 1 (c) – Part V and development standards for apartments**

Contributions were received from Cllrs. M. O' Neill, M.H. Cavanagh, P. Dunphy, J. Brennan, F. Doherty, S. Tyrrell in relation to the following:-

- Reduction from 20% to 10% for Part V
- Units being transferred to Voluntary housing bodies, privatising social housing
- Why change development plans now

Ms. Byrne, Mr. D. Malone and Mr. Mullally advised the meeting that the proposed changes are to align the Development Plans with national legislation and guidelines. The Local Authority have to comply with the law and is obliged to implement the 10% for Part V in planning decisions. There is an option within Part V to allow voluntary housing bodies to take the Part V units and on occasions it can be very appropriate to do it in relation to applicants with special needs etc. Voluntary Housing Bodies contribute to provision of social housing. Cllr. M. H. Cavanagh proposed that decision on Variation 1 (b) + (c) be deferred to the next Council Meeting. This was seconded by Cllr. J. Brennan and agreed.

### **Proposed Variation 2 (a) and (b) – Part V and Development standards for apartments.**

Cllr. M. H. Cavanagh proposed that decision on Variation 2(a)+ (b) be deferred to the next Council meeting. This was seconded by Cllr. J. Brennan and agreed.

### **Proposed Variation 2 (c) St. Josephs Road, Kilkenny.**

Cllr. M. H. Cavanagh proposed that decision on Variation 2(c) be deferred to the next council meeting. This was seconded by Cllr. J. Brennan.

Members were not in agreement and it was decided to proceed with this item.

Contributions were received from Cllrs. A. McGuinness, J. Malone, P. McKee, S. Tyrrell, P. O' Neill, M. Noonan, M. O' Neill, D. Kennedy, B. Gardner, P. Fitzpatrick, M. H. Cavanagh and M. Shortall in relation to the following:-

- High density of housing development in the area

- Traffic issues
- Lack of recreational space
- Take on board community issues and concerns
- Site is not suitable for residential uses
- Use adjacent lands to Tullaroan Road, consider purchase of other lands use CPO powers if necessary
- Use of EPA Building for community purposes, engage with O'Neill Centre and Fr. McGrath Centre if additional space is required.
- Aware of lack of housing supply in the City.

Mr. Malone responded to the issues raised and advised that the density is 15 to the acre. The proposed development would have to be similar to building in a suburb. Opportunities would arise for dealing with traffic and recreational issues for the entire area.

He advised that there will be a review of the Loughmacask Plan in 2017. Public consultation was undertaken in the area. 2 meetings were held with the local residents.

Cllr. Doran advised that a vote would now be taken on proposed variation No. 2(c)

It was proposed by Cllr. A. McGuinness, seconded by Cllr. J. Malone "We the members of Kilkenny County Council, having considered the proposal to make Variation 2(c) to the Kilkenny City & Environs Development Plan 2014-2020 under Section 13 of the Planning & Development Acts 2000-2015, and having considered the Chief Executives Report as circulated on the 28<sup>th</sup> October 2016, prepared in accordance with Section 13(4) of the above acts, the recommendations as set out in the Chief Executives report, and with our decision made at a meeting of Kilkenny County Council held on 21<sup>st</sup> November 2016, do hereby resolve not to vary the Kilkenny City & Environs Development Plan in accordance with Proposed Variation 2(c)".

**For:-** Cllrs. M. Shortall, M. H. Cavanagh, J. Brennan, P. Fitzpatrick, M. Noonan, J. Malone, M. McCarthy, E. Aylward, T. Breathnach, P. Dunphy, G. Frisby, F. Doherty, P. O' Neill, A. McGuinness, B. Gardner, P. McKee, S. Tyrrell, D. Kennedy and M. Doyle, P. Millea and P. Cleere

**Against: -0**

Therefore the proposed variation No. 2(c) to rezone lands at St. Josephs Road was not approved.

- (ii)** Proposed by Cllr. M. Shortall, Seconded by Cllr. P. Fitzpatrick and agreed:- "We the members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of the following development in accordance with 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"- T7, The Acorns, Upper & Lower, Ballyhimmin, Castlecomer, Co. Kilkenny, Oak Hill, Ballyhimmin, Castlecomer, Co. Kilkenny, Beech Court, Ballyhimmin, Castlecomer, Co. Kilkenny, Ard Crann, Ballyhimmin, Castlecomer, Co. Kilkenny.

**(iii)** Proposed by Cllr. S. Tyrrell, Seconded by Cllr. P. McKee and agreed:-“That the County Council of the County of 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”- Housing Estate at Rosehill, Maidenhill, Kells Road, Kilkenny.

**(iv)** Proposed by Cllr. A. McGuinness, Seconded by Cllr. P. McKee and agreed: “That the County Council of the County of 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”- Robertshill, Circular Road, Kilkenny.

**(v)** Proposed by Cllr. P. McKee, seconded by Cllr. M. Noonan and agreed:-“That the County Council of the County of 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”- Talbots Grove, Talbots Gate and Talbots Court, Freshford Road, Kilkenny. The Grange, Dunningstown Road, Kilkenny.

Cllr. P. McKee requested that public lights be provided on the access road to the housing development on the Freshford Road.

It was agreed by the members that the remaining items on the agenda will be taken at an adjourned meeting on Friday 25<sup>th</sup> November, 2016 commencing at 2.00p.m.

**Meeting then concluded.**