

MINUTES OF NOVEMBER COUNCIL MEETING HELD ON MONDAY, 15TH JANUARY, 2018 AT 3.00 P.M.

Chair: David Fitzgerald

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

Officials: Colette Byrne, Martin Prendiville, Mary J. Mulholland, Sean McKeown, Tim Butler, Nicolaas Louw, Denis Malone, Martin Mullally, Kevin Hanley, Michael Delahunty & Anne Maria Walsh.

Apologies: Matt Doran.

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

- (a) **Minutes of Ordinary Meeting of Kilkenny County Council held on Monday, 18th December, 2017.**

Proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Mary Hilda Cavanagh and agreed:

"That the Minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 18th December, 2017, as circulated with the Agenda be and are hereby approved".

- (b) **Minutes of SPC 1: Economic Development, Enterprise Support & Tourism held on Friday, 15th September, 2017.**

Proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Patrick McKee and agreed:

"That the Minutes of SPC 1 Economic Development, Enterprise Support & Tourism held on Friday, 15th September, 2017, as circulated with the Agenda be and are hereby approved".

The Cathaoirleach extended good wishes for the New Year to Members, staff and all citizens in Kilkenny.

He congratulated Yulefest and particularly Paula Lawlor for the wonderful Christmas Festival, Castlecomer Wellie Race, Christmas Tree Festival and Tour of the Cribs.

He reminded the Elected Members to complete the Declaration of Interests and Political Donations Forms as soon as possible.

Cllr. Malcolm Noonan congratulated Cartoon Saloon for being nominated for the Oscars.

Votes of Sympathy

The Cathaoirleach extended votes of sympathy to the following:

- Brendan Slattery, Kilkenny Municipal District on the death of his sister Margaret Doyle.
- Philip Dunne, Water Services, Caretaker on the death of his sister Mary Dunne.
- The Family of Hughie O'Neill, Ferrybank.
- The Family of Stephen Dooley.
- The Family of Paul Quinn, Freshford.

- The Family of Mrs. Fitzgerald
- The Family of Ms. Margaret Kenny
- The Family of Cannon Tom Murphy

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

(a) **Planning – Pleanail**

(i) **Chief Executive's Report on Submissions to the Castlecomer Draft Local Area Plan**

Mr. Denis Malone, Senior Planner presented the Chief Executive Report on submissions to Draft Castlecomer Local Area Plan 2018. He advised the Members that public consultation had taken place during October/November 2017. 27 submissions were received, 4 from Statutory Bodies and 23 from private individuals.

All submissions were considered and a number of alterations were made to the Draft Plan. Details of all submissions and the Chief Executive's responses is included in the Report.

Mr. Malone further advised that there is a quantum of land zoned for Housing and the Council must keep within that amount. Changes have been made to the zoning at the Old Creamery Site and Ballyhemmon Road.

Contributions were received from Cllrs. Maurice Shortall, John Brennan, Melissa O'Neill, Pat Fitzpatrick, Malcolm Noonan and Tomás Breathnach.

Members thanked the Planning Staff for arranging a Public Consultation meeting in Castlecomer.

Issues arising from Members were as follows:

- Provision of Pedestrian Bridge within Discovery Park.
- Location of Aldi Store - centre of town.
- Support new commercial activities.
- Additional land zoned for Housing.
- Restrictions on Rural Housing - Guidance from Department.
- Re-use existing building - Derelict Sites etc.
- Traffic Management Plan.
- Provision of Broadband.

Cllr. Brennan referred to Submission No. CC5 and recommended changes to the zoning from commercial to general business and this was seconded by Cllr. Maurice Shortall.

Mr. Denis Malone responded to the issues raised by the Members. He advised that the Rural Planning Guidelines are being reviewed by the Department following an EU case. Department has advised that the Rural Housing Policy in the current Development Plan is not to change until new guidance is issued.

He stated that the Draft Plan has sufficient land zoned to provide new houses. Any proposal for retail development will be considered to ensure that it has a positive impact and does not impact on existing businesses and if the proposed development would be appropriate for the size of the town.

This Plan will be published for a further period of public consultation.

It was proposed by Cllr. Maurice Shortall, seconded by Cllr John Brennan and agreed that

"We the members of Kilkenny County Council having considered the proposal to make a Local Area Plan for Castlecomer under Section 18-20 of the Planning & Development Act 2000 as amended and having considered the Chief Executive's Report as circulated on the 9th January, 2018 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 15th January 2018".

(ii) **Chief Executive's Report on Submissions to the Draft Urban Design Code for the Abbey Quarter**

Mr. Denis Malone, Senior Planner presented the Chief Executive Report on the submissions received on the Abbey Quarter Urban Design Criteria and Development code.

He advised that this is an objective contained in the current Kilkenny City & Environs Development Plan 2014 - 2020. The draft code was available for a four week public consultation period in November and December 2017. Twenty submissions were received, ten submissions were very similar and have been dealt with together. Summary of submissions and the Chief Executive's response and recommendation is included in the Report circulated. There is no change required on the Draft Urban Design Criteria and Development Strategy following receipt of the submissions.

Contributions were received from Cllrs. Sean Tyrrell, Malcolm Noonan, Patrick McKee, Breda Gardner, Melissa O'Neill, David Fitzgerald and David Kennedy.

The issues raised by Members are as follows:

- Need for proposals for Social/Private Housing, no timeframe for delivery of Social Housing at the Northern end of the site.
- Archaeology Investigations.
- Temporary Car Park.
- Support Development of Linear Park, Mayfair & Brewhouse.
- Need to facilitate Cultural/Community Groups to be included on the site.

Cllr. David Fitzgerald requested Members to focus on the item on the Agenda i.e. Design Code for the Site.

Mr. Denis Malone advised that the purpose of the design code is to give guidance on proposals coming forward e.g. what the buildings will look like and use of buildings.

Future planning proposals will be assessed against the Design Code. It is still a high priority and objective to put housing on the site. Approximately 30% to 35% of the site will be for housing.

Ms. Colette Byrne advised that the Design Code for the Abbey Quarter has more provision for Housing than was originally intended. There is now 30% to 35% of the overall site proposed for Housing. This is putting a framework in place to guide future development. There must be a good mix in the overall development. It is a priority to deliver housing. Kilkenny County Council has acquired land in the City for housing. The Minister has written to the Council with targets for 2018 and the New Homes Task Force will also be focussing on the delivery of units.

The Cathaoirleach advised that the recommendation is to approve the Draft Urban Design Criteria and Development Code.

It was proposed by Cllr. Maurice Shortall, seconded by Cllr. John Brennan and agreed:

"We, the members of Kilkenny County Council, having considered the following:

- *The Draft Urban Design Code for the Abbey Quarter, the Appropriate Assessment (AA) Screening and Assessment of need for Strategic Environmental Assessment, all of which were placed on public display on the 24th November 2017, and*
- *The Chief Executive's Report on Submissions received, circulated 9th January 2018,*

do hereby resolve to make the Urban Design Code in accordance with the recommendations contained in the Chief Executive's Report".

Voting For: [15] Cllrs. John Brennan, Pat Fitzpatrick, Michael McCarthy, Maurice Shortall, Peter Cleere, Michael Doyle, Andrew McGuinness, Patrick O'Neill, David Fitzgerald, Joe Malone, Pat McKee, Eamon Aylward, Tomás Breathnach, Pat Dunphy & Ger Frisby.

Voting Against: [5] Cllrs. David Kennedy, Sean Tyrrell, Melissa O'Neill, Breda Gardner & Malcolm Noonan

This proposal was carried.

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

(i) **Chief Executives Report**

Ms. Colette Byrne presented her Monthly Management Report. She advised that Kilkenny County Council has signed a Memorandum of Agreement with Coillte in relation to a feasibility and scoping study of the Woodstock Estate as a Tourism & Recreation Flagship Project for Co. Kilkenny. It is intended to develop a business plan for the Woodstock Estate and tender documents will be prepared in order to procure specialist services.

Contributions were received from Cllrs. Peter Cleere, Sean Tyrrell, Tomás Breathnach, Melissa O'Neill, Patrick McKee, David Fitzgerald, Malcolm Noonan, Michael Doyle, David Kennedy, Pat Fitzpatrick, Andrew McGuinness and Pat Dunphy on the Chief Executive's Report.

The issues raised by Members are as follows:

- Library - sign up initiative to be encouraged.
- Status of LIHAF - Western Environs/Ferrybank.
- Status of Local Area Plan - Loughmacask.
- RAPID Funding - €64,500 - clarify works.
- **Housing:** Tenants Handbook, Standards for Social Housing, Audit of Housing Stock, Housing Maintenance, Lack of take up on Repair & Lease Scheme.
- Landscaping on N76 Road Project.
- Status of N24 Works - Local & Regional importance - Request funds from Department.
- Welcome Refugee Resettlement Programme.
- Welcome the preparation of Woodstock Estate Feasibility Study.

Members indicated their wish for an early meeting and the holding of a Special Meeting to discuss the Tenants Handbook. Date to be agreed by the Members.

Mr. Tim Butler, Ms. Mary J. Mulholland, Mr. Michael Delahunty and Mr. Denis Malone responded to individual Members queries.

A submission on the importance of the N24 as a regional route has been made to the National Planning Framework. It is a matter for the Members at Budget Meeting to provide additional monies for Housing Maintenance.

(ii) **Draft Protocol - Civic Honours**

Ms. Anne Maria Walsh presented the Report issued on Draft Protocol for Civic Honours. She outlined that the Local Authority has powers under the Local Government Act 2001 to confer a civic honour on a distinguished person. In the draft Protocol circulated to Members, it is proposed to have a procedure in place for:

- Conferring a Civic Honour with a Civic Reception.
- Presentation of Certificates of Civic Recognition for all Municipal Districts.
- Official welcome to mark visits of distinguished guests.

The conferring of any honour is a reserved function and it is recommended that the Council adopts the Draft Protocol.

Contributions were received from Cllr. Andrew McGuinness, Patrick McKee, Melissa O'Neill, David Kennedy, Joe Malone, David Fitzgerald, Maurice Shortall, John Brennan, Malcolm Noonan, Pat Fitzpatrick, Tomás Breathnach and Patrick O'Neill.

A number of members voiced their concerns that the adoption of a Protocol is pre-mature. Decisions on new Protocol should be taken when a decision has been made in relation to changes to the Electoral Areas and status of Kilkenny Municipal District.

Other Councillors stated that all Municipal Districts should have opportunities to confer civic honours in the County and this required the adoption of a Protocol.

Mr. Tim Butler advised that the Freedom of Kilkenny City is not affected by this draft document. The Draft Protocol is to put a procedure in place for Civic Honours across the County.

Cllr. Andrew McGuinness proposed the deferral of adoption of Protocol until May 2018. This was seconded by Cllr. Patrick McKee.

Cllr. David Fitzgerald proposed an amendment that the Draft Protocol be adopted and this was seconded by Cllr. Maurice Shortall.

The Cathaoirleach asked for a vote on the amendment.

Voting For Adoption of Protocol [10]:

John Brennan, Maurice Shortall, Michael Doyle, Breda Gardner, Patrick O'Neill, David Fitzgerald, Malcolm Noonan, Tomás Breathnach, Pat Dunphy & Melissa O'Neill.

Voting Against Adoption of Protocol [10]:

Pat Fitzpatrick, Michael McCarthy, Peter Cleere, David Kennedy, Andrew McGuinness, Sean Tyrrell, Joe Malone, Patrick McKee, Eamon Aylward & Ger Frisby.

Cllr. David Fitzgerald in his position as Cathaoirleach has the casting vote where there is an equality of votes. Cllr. Fitzgerald cast his vote in favour of adopting the Draft Protocol as presented. Therefore the Draft Protocol on Civic Honours is hereby adopted.

(c) **Environment- Comhshaol**

(i) **Community & Cultural Facilities Capital Grant Scheme 2018 - 2020**

Mr. Michael Delahunty presented the report circulated to Members with the Agenda. He advised the meeting that consultation on a revised Community & Cultural Facilities Capital Scheme for 2018-2020 has taken place with the Strategic Policy Committee and all the Municipal Districts.

There are not any significant amendments required but a number of minor amendments were made taking account of issues that had arisen during the lifetime of the previous Scheme.

When the next call for application is made, it is intended to have an information evening for Community Groups. There will be a Workshop shortly for Members to give them information on all grants schemes available.

It was agreed that feedback be given to unsuccessful applications. Issues that have been considered in drafting the new scheme related to allowing applications where works have commenced and also where long term leasing applies to projects.

The application process for 2018 will commence in mid February with a closing date for receipt of applications on 1st May, 2018.

Contributions were received from Cllrs. Malcolm Noonan, Melissa O'Neill, John Brennan, Pat Dunphy, Tomás Breathnach and Maurice Shortall as follows:

- Information Evening required for applicants.
- Parish owned land causing issues.
- Need to ensure proper governance for successful applications.
- Pre Planning/Preparation is essential.
- Geographical spread of funding.

Mr. Delahunty responded to the issues raised.

It was proposed by Cllr. Malcolm Noonan, seconded by Cllr. Melissa O'Neill and agreed:

"That Kilkenny County Council hereby approve the Community & Cultural Facilities Capital Scheme 2018 - 2020."

(ii) Strategy for Public Libraries 2018 - 2020

Ms. Mary Mulholland gave a PowerPoint Presentation on the Strategy for Public Libraries 2018-2022. In her presentation which was circulated to the Members she outlined the following:

- Ambition outlined in the Strategy.
- Current Profile of Libraries, nationally and in Co. Kilkenny.
- Three Strategic Pillars and six enablers included in the Draft Strategy.
- Consultation Period - closing date 26th January, 2018.
- Key issues that need to be addressed by Kilkenny County Council.

Ms. Mulholland encouraged Members to make a submission to the Draft Strategy. She advised that Kilkenny County Council will make a submission.

Contributions were received from Cllrs. David Fitzgerald, Peter Cleere, Melissa O'Neill, Tomás Breathnach, Malcolm Noonan and Breda Gardner. The issues raised by Members were as follows:

- Need to increase membership.
- Provision for Book Fund needs to be increased over a defined period.
- Development of archives with the Library Service.
- Complimented staff on the range of services available with Libraries in Kilkenny.
- Encouraged the public to make submissions.

Ms. Mulholland advised members that the development of the Library infrastructure and funding for new Libraries is based on a national issue and capital grants need to be allocated to projects.

In relation to the Book Fund it is a matter for the Elected Members to provide funding when budgets are being considered.

(iii) Update on CLÁR/REDZ / Town & Village Projects

Mr. Tim Butler together with Mr. Seamus Kavanagh and Mr. Frank Stafford presented a PowerPoint Presentation on the updated position on the following grants:

- CLAR 2016/2017 Grant Scheme.
- Town & Village Renewal 2017 Funding.
- REDZ Scheme 2016 Projects.

In the presentation the various measures covered by the grant schemes, details and phases of projects funded and works carried out were outlined. The amount of money spent on the individual projects and the grant funding approved was highlighted for members information.

As the time of the meeting reached 5.55 p.m. it was proposed by Cllr. Joe Malone, seconded by Cllr. Melissa O'Neill and agreed to suspend Standing Orders to complete this item.

Mr. Butler agreed to circulate the presentation to Members.

Cllrs. Michael Doyle and David Fitzgerald stated that there is significant funding available for community projects throughout the County.

Ms. Colette Byrne advised that the CPG agreed that it would be appropriate for the Council to host a Workshop for the Elected Members on 29th January, 2018 to brief Members in greater detail on the various sources of funding available. The purpose of the Workshop would be to identify projects and commence the planning of the projects so that the Council will have a priority list ready for funding applications.

The Cathaoirleach sought agreement on the proposed date of the Workshop - 29th January, 2018.

The Members were agreeable.

That concluded the Business of the Meeting.

CATHAOIRLEACH

DATE