

# - COMHAIRLE CHONTAE CHILL CHAINNIGH - KILKENNY COUNTY COUNCIL

Clár do Ghnáth-Chruinniú Chomhairle Chontae Chill Chainnigh  
le reachtáil ar de Luan, 19 Aibreán, 2021 ar a 3.00 i.n.

## AGENDA FOR THE ORDINARY MEETING OF KILKENNY COUNTY COUNCIL

MONDAY, 19<sup>th</sup> APRIL, 2021 AT 3.00 P.M. VIA MS TEAMS

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

- (a) Minutes of Plenary Meeting of Kilkenny County Council held on Monday, 15<sup>th</sup> March, 2021 [*copy of Minutes attached*].
- (b) Minutes of Special Meeting of Kilkenny County Council held on Monday, 29<sup>th</sup> March, 2021 [*copy of Minutes attached*].
- (c) Minutes of SPC 1 Meeting: Economic Development, Enterprise Support and Tourism held on Friday, 4<sup>th</sup> December, 2020 [*copy of Minutes attached*].
- (d) Minutes of SPC 5: Environmental Protection, Water Services & Energy held on 6<sup>th</sup> February, 2019 [*copy of Minutes attached*].
- (e) Minutes of SPC 5: Environmental Protection, Water Services & Energy held on Friday 29<sup>th</sup> March, 2019 [*copy of Minutes attached*].
- (f) Minutes of SPC 5: Environmental Protection, Climate Action & Energy held on Friday 4<sup>th</sup> September, 2020 [*copy of Minutes attached*].
- (g) Minutes of SPC 4: Environmental Protection, Climate Action & Energy held on Friday 4<sup>th</sup> December, 2020 [*copy of Minutes attached*].
- (h) Minutes of SPC 4: Environmental Protection, Climate Action & Energy held on Monday 9<sup>th</sup> December 2019 [*copy of Minutes attached*].
- (i) Minutes of SPC 5: Community, Cultural & Fire Services held on Wednesday, 12<sup>th</sup> February, 2020 [*copy of Minutes attached*].
- (j) Minutes of SPC 5: Community, Cultural & Fire Services held on Wednesday, 17<sup>th</sup> September, 2020 [*copy of Minutes attached*].
- (k) Minutes of SPC 5: Community, Cultural & Fire Services held on Wednesday, 12<sup>th</sup> November, 2020 [*copy of Minutes attached*].
- (l) Minutes of SPC 5: Community, Cultural & Fire Services held on Wednesday, 4<sup>th</sup> December, 2019 [*copy of Minutes attached*].

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

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

- (i) "Notice is hereby given, that at a meeting of the Council to be held after the expiration of 10 days from the date of this notice, it is the intention of Kilkenny County Council 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 Parkmore, Callan Road, Kilkenny - as identified on the attached map - to Mary Cody, Parkmore, Callan Road, Kilkenny for the nominal sum of €10.00 with Kilkenny County Council being responsible for all legal costs associated with the sale. Plot measures 0.057 acres. The Consent of the Minister of the Environment, is not required." (Notice sent to members on the 1<sup>st</sup> April, 2021).

- (ii) "Notice is hereby given, that at a meeting of the Council to be held after the expiration of 10 days from the date of this notice, it is the intention of Kilkenny County Council 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 No. 1 Beech Grove, Rosbercon, New Ross, Co. Kilkenny – as identified on the attached map - to James Dooley, No. 1 Beech Grove, Rosbercon, New Ross, Co. Kilkenny for the nominal sum of €10.00 with the Purchaser being responsible for all legal costs associated with the sale. Plot measures 45.91m<sup>2</sup>. The Consent of the Minister of the Environment, is not required." (*Notice sent to members on the 1<sup>st</sup> April, 2021*).
- (iii) "Notice is hereby given, that at a meeting of the Council to be held after the expiration of 10 days from the date of this notice, it is the intention of Kilkenny County Council 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 1, Brookfield, Ballyragget, Co. Kilkenny to Martina Comerford, as Personal Rep of Daniel Comerford and Alice Comerford, Deceased, 1 Brookfield, Ballyragget, Co. Kilkenny for the nominal sum of €10.00 with the Purchaser being responsible for all legal costs associated with the sale. Plot measures 154.2 square metres approx. The Consent of the Minister of the Environment is not required." (*Notice sent to Members on the 7<sup>th</sup> April, 2021*).

(b) **Pleanail - Planning**

- (i) Proposed Part 8 Construction Access to the Greenway
- (ii) Proposed Part 8: Canal Road, Johnstown

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

- (i) Chief Executive's Monthly Report [*Report Attached*].
- (ii) Draft Annual Report 2020 [*Report Attached*]

(d) **Bóithre - Roads**

- (i) Roadworks Scheme 2021 [*Report Attached*]

(e) **Airgeadas - Finance**

- (i) Finance Update.
- (ii) AFS 2020 [*Report Attached*]

(f) **Pobol Cultúr - Community & Culture**

- (i) LCDC Annual Report 2020 [*Report Attached*]

(g) **Tithíocht- Housing**

- (i) Housing Update & Capital Delivery

3. **Comhfhreagras - Correspondence**

- (i) Correspondence from Minister for Justice regarding Parental Alienation". [Notice of Motion 10-2020]
- (ii) Correspondence from Minister of Public Expenditure & Reform and Department of Transport in relation to implementing a plan to sustain the country's Post Offices [Notice of Motion 11-2020]
- (iii) Correspondence from Minister in relation to maternity and paternity leave for Elected Representatives [Notice of Motion 14-2020].

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

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

- (i) Fix date for Annual Meeting.
- (ii) Presentation from Presidents of Carlow & Waterford IT
- (iii) Schedule of Meetings [Report Attached].

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

- (i) Report of SPC 1: Economic Development, Enterprise Support and Tourism held on Friday, 18<sup>th</sup> September, 2020 [copy of Report attached].
- (ii) Report of SPC 1: Economic Development, Enterprise Support and Tourism held on Friday, 4<sup>th</sup> December, 2020 [copy of Report attached].
- (iii) Report of SPC 5: Environmental Protection, Water Services & Energy held on 6<sup>th</sup> February, 2019 [copy of Minutes attached].
- (iv) Report of SPC 5: Environmental Protection, Water Services & Energy held on Friday 29<sup>th</sup> March, 2019 [copy of Minutes attached].
- (v) Report of SPC 5: Environmental Protection, Climate Action & Energy held on Friday 4<sup>th</sup> September, 2020 [copy of Minutes attached].
- (vi) Report of SPC 4: Environmental Protection, Climate Action & Energy held on Friday 4<sup>th</sup> December, 2020 [copy of Minutes attached].
- (vii) Report of SPC 4: Environmental Protection, Climate Action & Energy held on Monday 9<sup>th</sup> December 2019 [copy of Minutes attached].
- (viii) Report of SPC 5: Community, Cultural & Fire Services held on Wednesday, 12<sup>th</sup> February, 2020 [copy of Minutes attached].
- (ix) Report of SPC 5: Community, Cultural & Fire Services held on Wednesday, 17<sup>th</sup> September, 2020 [copy of Minutes attached].
- (x) Report of SPC 5: Community, Cultural & Fire Services held on Wednesday, 12<sup>th</sup> November, 2020 [copy of Minutes attached].
- (xi) Report of SPC 5: Community, Cultural & Fire Services held on Wednesday, 4<sup>th</sup> December, 2019 [copy of Minutes attached].

7. **Gnó Eile romhainn i bhFógra reachtála an Chruinnithe - Other Business set forth in the Notice convening the Meeting**
8. **Oideachas agus Oiliúint - Education & Training**
  - (i) AILG Elected Members Training Programme 2021
9. **Gnótha ag éirí as Miontuairiscí - Matters Arising from Minutes**
10. **Aon Ghnó Eile - Any Other Business**
11. **Fógraí Rúin - Notices of Motion**

**01 (21) Cllr. David Fitzgerald**

"That Kilkenny County Council support and work with alternative sports organisations including the provision of a suitable site to build a multi-purpose sports facility and arena in Kilkenny."

**02 (21) Cllr. Peter Cleere**

"That Kilkenny County Council on the first anniversary of the Global Coronavirus pandemic would light up all public buildings in Kilkenny BLUE over one weekend as soon as possible as a tribute to those who have lost their lives in the pandemic. The blue could also signify our appreciation of our Healthcare staff and frontline workers who are working tirelessly to keep us all safe."

**03 (21) Cllr. Peter Cleere**

"That Kilkenny County Council would proactively approach the new entity (*Technological University of the South East*) once it has attained university status and is formally set up, with the view to implementing the 'From Charter To Framework - the case for higher education in Kilkenny' recommendations which would incorporate a significant campus facility for Kilkenny."

**04 (21) Cllr. Maria Dollard**

"That this Council recognises the importance of community participation in the energy transition, and supports the installation of rooftop solar power for community buildings, particularly school buildings. The Council notes that while residential, commercial, industrial and business buildings benefit from an exemption to planning permission for the installation of solar panels covering less than 50% of the roof area (*SI83/2007, SI235/208*), community buildings and schools are not subject to the same exemptions, and this creates an unfair burden and significant additional cost on schools and community buildings seeking to install solar panels.

Noting this, the Council will formally request of the Minister for Housing, Planning and Local Government to include as a matter of urgency schools and community buildings in the exemptions from planning permission for the installation of solar panels"

**05 (21) Cllr. Joe Malone**

"In welcoming the proposed Biodiversity Park at Dunmore, Kilkenny I would ask that the Council consider the means for providing coffee/refreshments on site."

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

**04 (21) Galway County Council**

"That Galway County Council circulate the "Agri Kids Be Farm Safe Presentation" to all 31 Local Authorities and invite each local authority to join in this initiative of Framing Safety and Safety Measures in Council Awareness Programs at a local level."

**05 (21) Clare County Council**

"That Clare County Council call on the Minister for Transport, Climate, Environment and Communication to provide specific funding to all local authorities in order to create a role for an active and sustainable travel officer so that alternatives to the dependency on cars can be worked on. The role would also include modal shift, behavioural change and designing for the active mobility of people of all ages and abilities who have a right of access to our public streets."

**06 (21) Clare County Council**

"I am calling on Minister Darragh O'Brien and Minister of State Peter Burke to urgently review planning policy in relation to the Development of Residential property.

- 1. What I am looking for is more clarity and transparency in relation to developers applying for private residential development and disposal of the total development when completed for social housing.*
- 2. Developers are required to deliver on Part V of their obligations in the delivery of a portion of the development for Social and Affordable Housing and this has to be agreed with the planners with input from Senior Officers within the housing section.*
- 3. Planning and housing have a duty to deliver balanced tenure and sustainable communities where a mix of housing would be available for both private and social needs.*
- 4. The development of large scale social housing requires considerable assistance and support at local level and in some instances local services are not sufficient to provide school placements and other essential supports for some vulnerable families and this has to be a consideration for planners.*
- 5. Currently members of the public wishing to purchase their own property are finding it very difficult to find private property for sale as the policy in planning is mostly focused on the delivery of social housing and in turn this policy puts more pressure on local authorities waiting lists and for the lower to middle income bracket they cannot get on the list due to income thresholds.*

Public confidence needs to be strengthened in the whole planning process and I am hopeful the Ministers will find the balance required in the development of vibrant communities."

**07 (21) Clare County Council**

"In light of the incredible service and commitment given to the country by our frontline staff, healthcare workers, carers and lifesavers over the period of the Covid 19 Global Pandemic I call on the government to explore any and every manner to tangibly recognise this extraordinary above and beyond service.

I propose this recognition should be in the form of direct tax-free bonus payment similar to the €500 one off payment scheme introduced in Scotland, a tax credit, additional paid leave, or other appropriate clear and tangible reward to mark this commitment. To do this I call on the Department of Health to lead a cross department group with the achievement of above as its one objective."

**08 (21) Limerick City & County Council**

"That Limerick City and County Council acknowledge the oversight role played by Councils in Mother and Baby Homes, and call on all Councils to write to the Government to establish a national day of recognition for the women and their children impacted; and that the Council write to the Minister for Children asking that the survivors be given access to a written copy of the Final Report of the Commission of Investigation into Mother and Baby Homes."

**09 (21) Limerick City & County Council**

"That Limerick City and County Council requests the Minister for Housing, Local Government and Heritage to immediately suspend the statutory time period for the preparation of the Draft Limerick Development Plan 2022-2028 until such time as (a) public health restrictions are lifted to allow for safe face-to-face engagement between the Elected Members, the public and the Executive and (b) the Department provides a definition of the 'social and economic need' as referred to in the National Planning Framework."

**10 (21) Clare County Council**

"Given the impact Covid 19 has had nationally on work and living patterns, and the opportunities this creates to 'proactively address issues of town/village decline' and to promote 'compact growth' in those settlements, we would ask the Minister of Housing, Local Government and Heritage that he undertake a review to the current National Planning Framework, and prior to the outcome, he remove reference to, and requirement for local authorities to adhere to, the two tiered approach to land zoning in the delivery of the next County Development Plan due to its negative impact on the 'facilitation of the building of homes within the existing footprint of rural settlements' and the ability to deliver on our own rural development goals. We further request this motion be forwarded to every one of our Oireachtas Members and to every other local authority in Ireland for their observations."

**11 (21) Clare County Council**

"We are calling on the Government to enforce the laws of the land that exist in relation to tackling the unauthorised occupation of public lands all over Ireland. Level 5 Covid restrictions have been in place for some time and are likely to continue to the future. Local authorities are precluded from taking action at this time and in the interest of Public Health & Environmental considerations we are calling on the Government to engage a Task Force and design a mechanism or policy to protect all citizens in Ireland from the unauthorised occupation of Public Lands. WE would also request the circulation of the motion to the other 30 Local Authorities, The Oireachtas Members, LAMA and the AILG."

**12 (21) Kerry County Council**

"That Killarney MD would write to the Minister for Health requesting the immediate introduction of payment to student nurses, once they take up placement duties. If this motion is passed, I ask that it would be circulated to all other Local Authorities requesting their support."

**13 (21) Kerry County Council**

"That this Council calls on the Government to utilise its seat on the United Nations Security Council to delivery Statehood to the Palestinian people."

**14 (21) Kerry County Council**

"That this Council writes to Ms. Samantha Power, newly appointed Head of US Aid by President Biden to address this Council at some future date."

**15 (21) Tipperary County Council**

"That Tipperary County Council calls on the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, MS. Catherine Martin, T.D., to consider providing extra supports to regional newspapers who provide an essential service to many communities including in County Tipperary during the Covid pandemic."

**16 (21) Tipperary County Council**

"That Tipperary County Council write to the Minister of Environment, Climate and Communication, Eamon Ryan, TD seeking a 75% rebate in the PSO levy on ESB bills for Community Halls and facilities because of their inability to fundraise due to Covid-19. This motion if passed should be circulated to all other Councils and DPER."

**17 (21) Tipperary County Council**

"That Tipperary County Council call on the Government to introduce a National day of recognition for the survivors and victims of Mother and Baby Homes. The Survivors of Mother and Baby Homes should have the right to information about their birth Mother and their full identity. The Government would establish a proper redress scheme for survivors and victims and immediately provide counselling and other mental health services to survivors of Mother and Baby Homes to support them in this remarkable difficult time. Also, that we as a Council recognise the Historical role that County, Borough and Town Councils from Tipperary played in the running of Mother and Baby institutions in this County, so that we can be sure that this sad part of our past is known and not hidden away. That the government would also support the excavation, exhumation and where possible the identification of remains of babies buried at institutions and insure their dignified reburial and in particular support the endeavours of the We are Still Here Sean Ross Group to complete a 3D scan dig of identified burial locations at Sean Ross. The Council also calls on Minister Roderic O'Gorman to extend the lifetime of the Commission to allow the DPC (Data Protection Commission) to fully investigate the destroying of recordings of evidence without making full transcripts. This immediate action is required to preserve the testimony of witnesses."

**18 (21) South Dublin County Council**

"During the massive struggle that has been waged by ex-Debenhams workers across the companies 11 stores in Ireland the deficit of workers protection in liquidations has again been sharply exposed. This Council calls for the immediate implementation of the Duffy/Cahill Report compiled in 2016 in the aftermath of The Cleary's dispute – as one way of strengthening workers' rights and tackling the legal outs provided to major corporations who engage in tactical liquidations in order to avoid their obligations under hard won workers' rights. If passed this Council communicates such in writing to Government, to all Local Authorities and to the ICTU offering its support for implementation."

**19 (21) Sligo County Council**

"I call on Sligo County Council to make a formal submission to the Minister for Housing, Local Government & Heritage outlining our complete opposition to the proposed provisions of the Land Development Agency Bill 2021.

The proposed removal of the Section 183 reserved function of Elected Members in relation to the disposal of local authority held land to the LDA as provided for in Part 7 Section 56 of the bill is unacceptable and an affront to local democracy. As advocates for the empowerment of local government, we can never support or accept any diminution in the reserved functions and powers of elected Councillors.

I also have concerns regarding the potential long term implications for local authorities in delivering social and affordable housing on local authority held land due to the extensive remit of the LDA. I believe that this is a major battle in our ongoing fight to preserve the local democratic function in the face of ever increasing centralism."

**20 (21) Sligo County Council**

"To call on Sligo County Council to write to the Government and An Post asking them to give a 2 year extension to the current contract that most of the local Post Offices are engaged in. This is because Covid-19 has had a dramatic negative effect on their income due to the reduction in footfall".

**21 (21) Sligo County Council**

"To call on Sligo County Council to formally request the Minister for Agriculture to seek the appointment of 'an Independent Meat Regulator' with statutory powers. The purpose of such an independent regulator will be to have legislative powers to investigate anti-competitive behaviour by meat processors, meat traders, bodies associated with the trade of meat, trade of meat by-products and/or trade by retailers who operate along the meat supply chain."

**22 (21) Sligo County Council**

"That Sligo County Council engage with their relevant partners including Sligo PPN, Sligo Volunteer Centre to address the urgent needs of the hundreds of community groups across County Sligo who are facing a funding crisis to keep electricity, insurance, credit facilities, heating, maintenance costs and other recurring fixed costs serviced as a result of the Covid-19 pandemic.

Whilst recognising that there has been many beneficial schemes open to the C&V sector to in turn support their communities over the pandemic, there is now a requirement to support the C&V sector themselves to stay afloat.

In addition, that this Local Authority write to the Taoiseach, Tanáiste, Leader of the Green Party and the Minister for Rural Affairs and Community Development to request a scheme be devised to address the Community and Voluntary Sectors funding needs.

That this motion also be relayed to every Local Authority in the country".

**23 (21) Dún Laoghaire-Rathdown County Council**

"That Dún Laoghaire-Rathdown County Council, recognising the scale of the Housing crisis, reaffirms its commitment to work with Government and all relevant agencies towards delivering new housing units and in particular ensuring that sufficient Social and Affordable housing is built for those in need of same.

Recognizing, however, its responsibility to use Dún Laoghaire-Rathdown property in the best interests of society this Council rejects the provisions contained in the Land Development Agency 2021 Bill published by the Government removing the role of the elected members of Local Authorities in approving the transfer or sale of lands to the Land Development Agency.

The Council further agrees to write to the Minister for Housing, Local Government and Heritage urging a removal of that provision and to ensure that elected Councillors retain the right to control such sales or transfers and be able to prepare and plan for appropriate housing delivery on Council owned lands. The Council further agrees to circulate this motion to each Local Authority and the Association of Irish Local Government requesting their support for this."

**24 (21) Wicklow County Council**

"That the Members of Wicklow County Council call on the Government to reinstate, in the Land Development Agency Bill, the legal requirement that Councillors must consent to the sale of all public land in the ownership of the Council by way of a Disposal Motion (*Section 183*) voted for by a majority of Councillors in public session."



**25 (21) Laois County Council**

We, the Members of Laois county Council are expressing our strong opposition to the Land Development Agency Bill 2021. If enacted, it will remove the powers from Local Authority Members in particular, the local knowledge and also our reserved functions under Section 183 notices for the disposal of public lands owned by Local Authorities. It is a further erosion of Local Authority Members Power. The Members are strongly requesting that this part of the Bill be dissolved.

**26 (21) Louth County Council**

"Calling on the Minister of Housing and or the Oireachtas Members to amend the LDA Bill to remove s.49 and 56 of the bill as it is ultra virus the programme of Government and is a direct stripping of Local Government Councillors executive powers."

**27 (21) Mayo County Council**

"Mayo County Council wishes to formally outline its complete opposition to the proposed provisions of the Land Development Agency Bill 2021. The proposed removal of the Section 183 reserved function of Elected Members in relation to the disposal of the local authority held land to the LDA as provided for in Part 7 Section 56 of the bill is unacceptable and an affront to Local Democracy. As advocates for the empowerment of local government, we can never support or accept any diminution in the reserved functions and powers of Elected Councillors."

**28 (21) Limerick City & County Council**

"That Limerick City and County Council request Iconic Newspapers Ltd. To recognise the National Union of Journalists and engage with the NUJ worker representatives to address concerns of their employees working in the Limerick Leader newspaper."

**29 (21) Cork City Council**

"That Cork City Council will send a letter of support which condemns the racial and misogynistic abuse being inflicted on the Lord Mayor of Dublin Cllr. Hazel Chu."

**30 (21) Galway County Council**

"I call on Galway County Council to make a formal submission to the Minister for Housing, Local Government & Heritage outlining our complete opposition to the proposed provisions of the Land Development Agency Bill 2021.

The proposed removal of the Section 183 reserved function of Elected Members in relation to the disposal of local authority held land to the LDA as provided for in Part 7 Section 56 of the bill is unacceptable and an affront to local democracy. As advocates for the empowerment of local government, we can never support or accept any diminution in the reserved functions and powers of elected Councillors.

I also have concerns regarding the potential long term implications for local authorities in delivering social and affordable housing on local authority held land due to the extensive remit of the LDA. I believe that this is a major battle in our ongoing fight to preserve the local democratic function in the face of ever increasing centralism."