

**MIONTUAIRISCÍ AR AN GCRUINNIÚ IOMLÁNACH DE
CHUID CHOMHAIRLE CONTAE CHILL CHAINNIGH TIONÓLTA AR
AN LUAN, 17 AIBREÁN 2023 AG 3.00 I.N. I
SEOMRA NA COMHAIRLE, HALLA AN CHONTAE & VIA FOIRNE MS**

**MINUTES OF PLENARY MEETING OF KILKENNY COUNTY COUNCIL
HELD ON MONDAY, 17TH APRIL, 2023 AT 3.00 P.M.
IN THE COUNCIL CHAMBER, COUNTY HALL & VIA MS TEAMS**



Chair: Cllr. Pat Fitzpatrick.

Elected Members: *Council Chamber*

Cllrs. John Brennan, Tomás Breathnach, Martin Brett, John Coonan, Fidelis Doherty, Maria Dollard, Michael Doyle, Pat Dunphy, David Fitzgerald, Denis Hynes, Joe Malone, Michael McCarthy, Andrew McGuinness, Eugene McGuinness.

MS Teams

Cllrs. Eamon Aylward, Mary Hilda Cavanagh, Peter Cleere, Deirdre Cullen, Michael Delaney, Matt Doran, Ger Frisby, Joe Lyons & Patrick O'Neill.

Officials: Sean McKeown, Tim Butler, Mary Mulholland, Martin Prendiville, Denis Malone, Fiona Deegan, Seamus Kavanagh, Eimear Cody & Anne Maria Walsh.

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

(i) **Minutes of March Plenary Meeting**

Proposed by Cllr. Andrew McGuinness, seconded by Cllr. Eugene McGuinness and agreed:

"That the Minutes of March Plenary Meeting held on Monday, 20th March, 2023 as circulated with the Agenda be and are hereby approved".

(ii) **Minutes of the SPC1 Meeting: Economic Development, Enterprise Support, Tourism, Planning & Development Policy**

Proposed by Cllr. Eugene McGuinness, seconded by Cllr. John Coonan and agreed:

"That the Minutes of SPC1 Meeting: Economic Development, Enterprise Support, Tourism, Planning & Development Policy held on Thursday, 8th December, 2022 as circulated with the Agenda be and are hereby approved".

Fógraí - Announcements

Cathaoirleach, Cllr. Pat Fitzpatrick wishes the Kilkenny Roots Festival and Féile Lachtain every success.

Vótaí Comhbhrón - Votes of Sympathy

Cathaoirleach Cllr. Pat Fitzpatrick extended vote of sympathy to the following:

- Cllr Tomás Breathnach on the death of his brother Richard Walsh.
- Cllr. Fidelis Doherty on the death of her father in law Richard Doherty.
- Deirdre Southey, Arts Office on the death of her mother Mai Southey.
- Family of the late Sean Kelly, Ballycallan [*Pensioner*].
- Family of the late Craig Breen who passed away in a tragic accident.
- Family of the late Peter Donovan, Thomastown.
- Family of the late Pat Dowling, brother of former Cllr. Dick Dowling.
- Family of the late Liam Williams, Kilmacow.

- Family of the late Ellen Crowe, Kilmacow.
- Family of the late Eva Kelly, Newtown, Carrigeen.
- Family of the late Dickie Walsh, Ferrybank.
- Family of the late Wazzie Kenneally, Barnadown, Hugginstown.
- Family of the late Cecelia O’Sullivan, Waddingtown, Mooncoin.
- Family of the late Pat Dowling, Cappagh, Glenmore.
- Family of the late Emma Synnott, Mooncoin.
- Family of the late Liam Maher, Piltown.
- Family of the late Johnny Aylward, Rosberdon, New Ross.
- Family of the late Noel Kenny, Ballinacrony, Piltown.
- Family of the late Josephine Treacy, Mullinahone, Glenmore.
- Family of the late Danny O’Brien, Oldcourt, Piltown.
- Family of the late Shem Farrell, Owing, Piltown.
- Family of the late Kate Quinn, Mooncoin.
- Family of the late June Prendergast, Burrellspark, Thomastown.
- Family of the late Teddy O’Neill, Tower Road, Piltown.
- Family of the late Dick Doherty, Garnarea, Piltown.
- Family of the late Anne Greene, Tory View, Newrath.
- Family of the late Michael Hahessy, Mooncoin.
- Family of the late John Dungan, Ballyglassoon, Piltown.
- Family of the late Anthony Mulhearn, Ballyknockbeg Mullinavat.
- Family of the late James Hayes, Ballincur, Mooncoin.
- Family of the late Ann Purcell, Station Road, Bennettsbridge.
- Family of the late James Coffey, Belline, Piltown.
- Family of the late Margaret Cody, Mullinahone, Glenmore.
- Family of the late Rose Phelan, Ballybought Street.

Cllrs. Mary Hilda Cavanagh and Pat Dunphy were associated with the votes of sympathy.

Cllr. Tomás Breathnach and Cllr. Fidelis Doherty thanked the Members and staff for their expressions of sympathy to their late family members.

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

Cllr. Patrick O’Neill made a declaration of interest in Item 2 (a) (iv) and withdrew from the meeting.

- (i) It was proposed by Cllr. Martin Brett seconded by Cllr. Tomás 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 Tomard, Leighlinbridge, Co. Carlow – as identified on the attached map - to Thomas Cleere, Tomard, Leighlinbridge, Co. Carlow for the sum of €1,000 (one thousand euro) and each party will be responsible for their own legal costs associated with the sale. Area combined measures 0.15 acre. The Consent of the Minister for Housing, Local Government and Heritage is not required.” [Note: The Land Development Agency Act, 2021 requires that the disposal of any relevant public land by a Local Authority be firstly offered to the Land Development Agency for its consideration].”

- (ii) It was proposed by Cllr. Andrew McGuinness seconded by Cllr. Pat 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 Council, in accordance with Section 183 of the Local Government Act, 2001, to dispose of its interest in land at Coneykeare, Leighlinbridge, Co. Carlow – as identified on the attached map - to John Kelly, Seskin Lower, Leighlinbridge, Co. Carlow for the nominal

sum of €10 (ten euro) and each party will be responsible for their own legal costs associated with the sale. Area combined measures 0.16 acre. The Consent of the Minister for Housing, Local Government and Heritage is not required.” [Note: The Land Development Agency Act, 2021 requires that the disposal of any relevant public land by a Local Authority be firstly offered to the Land Development Agency for its consideration].”

- (iii) It was proposed by Cllr. Fidelis Doherty seconded by Cllr. Tomás 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 Council, in accordance with Section 183 of the Local Government Act, 2001, to dispose of its interest in land at Deerpark and Glendonnell, Mullinavat, Co. Kilkenny – as identified on the attached map - to Martin Woods, Glendonnell, Mullinavat, Co. Kilkenny for the nominal sum of €10 (ten euro) and each party will be responsible for their own legal costs associated with the sale. Area combined measures 0.38 acre. The Consent of the Minister for Housing, Local Government and Heritage is not required.” [Note: The Land Development Agency Act, 2021 requires that the disposal of any relevant public land by a Local Authority be firstly offered to the Land Development Agency for its consideration].

- (iv) It was proposed by Cllr. Michael Doyle seconded by Cllr. Eugene 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 Council, in accordance with Section 183 of the Local Government Act, 2001, to dispose of its interest in land at Dunbell Little, Bennettsbridge, Co. Kilkenny – as identified on the attached map - to Patrick Gerrard O’Neill, Ballyreddin, Bennettsbridge, Co. Kilkenny for the nominal sum of €10 (ten euro) and Kilkenny County Council will be responsible for all costs associated with the sale. Area combined measures 0.2 acre. The Consent of the Minister for Housing, Local Government and Heritage is not required.” [Note: The Land Development Agency Act, 2021 requires that the disposal of any relevant public land by a Local Authority be firstly offered to the Land Development Agency for its consideration].

(b) (i) Ag Glacadh i gCúram - Taking in Charge

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Martin Brett and agreed that:

“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.”

Development: TC103 & TC173 – Lakeside, Kilkenny

(c) (i) Scéim na nOibreacha Bóthair 2023 - Roadworks Scheme 2023

Mr. Tim Butler presented the Roadworks Scheme for 2023. He advised that all Municipal Districts have approved the draft Scheme for their area.

It was proposed by Cllr. John Brennan, seconded by Cllr. Pat Dunphy and agreed that:

“We the Members of Kilkenny County Council approves the Roadworks Scheme for 2023, as circulated.”

(d) (i) **Tithíocht - Housing**

Ms. Mary Mulholland advised that the Housing Team will update each Municipal District on Capital Housing Delivery in their Areas on a regular basis. Ms. Eimear Cody will present a general overview at the meeting today and she will present an overview on policies introduced over the last year.

Ms. Eimear Cody, Senior Engineer presented the following in her presentation:

- Housing demand on an annual basis from 2015 to 2022 – decrease of approx. 1,200 over the years, current gross demand is 1,578.
- Overview on housing demand as per First Area Preference and type of unit. 50% of the gross demand are transfer requests.
- Overview of age profile for one bed units – 2 bed units are provided for older applicants.
- Housing Capital Activity for 2023. On site – 12 Projects, 154 units, value €37m.
- 21 projects in the pipeline, 117 units, value €34m
- Housing Capital Delivery for 2023. Target is 153 units on 11 sites.
- Overview of Tenure Types – Social, market rental/cost rental/affordable and market purchase.

Ms. Mary Mulholland presented the following in her presentation:

- Details of programmes to deliver units through Social Housing Investment, Capital Advanced Leasing/Social Housing Leased Programme and Capital Assistance Scheme.
- Overview on existing Housing Policies/Programmes.
 - Local Authority Home Loan.
 - Improvement Works in lieu.
 - Mortgage to rent
 - Buy & Renew Scheme.
 - Prepare to Leave Scheme.
- Overview on new policies/programmes introduced in 2022/2023.
 - First Home Scheme
 - Affordable Purchase Scheme
 - Croí Conaithe
 - Ready to Build Scheme.
 - Leave to Remain
 - Tenant in situ Acquisition Scheme
 - First Refusal Scheme.
- Planning Exemption Measures – Temporary
 - Exemption from Section 179 Local Authority Development.
 - Works must commence on development no later than 31st December, 2024.
 - Purpose - to accelerate Housing Delivery.

Cllr. Pat Fitzpatrick thanked Ms. Mary Mulholland and Ms. Eimear Cody for the detailed presentation on the Capital Projects and the many schemes to incentivise delivery of units.

Contributions were received from Cllrs. Pat Dunphy, Matt Doran, David Fitzgerald, Maria Dollard, Tomás Breathnach, Martin Brett, Fidelis Doherty, Mary Hilda Cavanagh, John Brennan, Denis Hynes and Michael Doyle.

Members thanked the presenters and all the Housing staff for the delivery of all housing services during these challenging times.

Specific issues/concerns raised by Members are as follows:

- Eligibility criteria for the various schemes.
- Lack of Irish Water infrastructure to encourage housing development across the County.
- Write to Department for necessary funding to be allocated.
- Boiled Water Notice – Castlecomer.
- Continuous changes in regulations – need to protect approved applicants on housing list.
- Notice to Quit – clarify position of Local Authority.
- Potential evictions – tenants not approved for Social Housing.
- HAP/RAS Tenancies – refusal to accept rent allowances.
- Delays in assessing housing applications – lack of staffing resources.
- Need to increase funding on Croí Conaithe Scheme urgently
- Level of Dereliction – grant not sufficient to meet cost.
- Purchase of land for future social houses development in the Abbey Quarter, St. Canice’s Hospital lands.
- Construction costs – inflation etc.
- Housing SPC Meeting – all Members to be invited to future meetings.
- Downsizing – Policy.
- Review LIHAF – investment in Housing in this Area.
- Prepare a summary document on each policy for Members information.

Mr. Sean McKeown and Mr. Denis Malone updated the meeting on the review of the Masterplan for the Abbey Quarter and the status of the draft Masterplan for St. Canices’s Hospital Campus.

Mr. Tim Butler advised that public consultation is in progress at the moment on Irish Water’s Capital Investment Plan. Kilkenny County Council will be making a submission. He gave an update on the status of the Castlecomer Scheme. In relation to the LIHAF, significant housing construction has commenced in that area.

Ms. Mary Mulholland responded to specific housing issues raised. She outlined to the Members the position of the Local Authority in relation to those tenants who have received notices of termination from their landlords. A staff member has been designated to meet all those tenants and advise them on options available for them and to prevent them from entering homelessness.

Mr. Sean McKeown and Ms. Mary Mulholland acknowledged the work of the Housing Staff in such challenging and stressful situations. There is an increased demand in all Housing Services and they asked the Members for their patience in dealing with queries received. Staff recruitment is ongoing however there is a shortage of staff in the sector nationwide.

Cllr. Pat Fitzpatrick thanked all the Members for their contributions.

(e) (i) ***Dréacht-Tuarascáil Bhliantúil 2022 - Draft Annual Report 2022***

Mr. Tim Butler presented the draft Annual Report for 2023 for approval of the Elected Members. He advised that the Annual Report is a summary of actions and projects/schemes for the Year 2022. The draft Report once adopted by the Members will be edited for publication and translated into Irish.

It was proposed by Cllr. John Coonan, seconded by Cllr. Fidelis Doherty and agreed that:

“That the Draft Annual Report for 2022 is hereby approved by the Members of Kilkenny County Council.”

(ii) ***Tuarascáil Mhíosúil an Phríomhfheidhmeannaigh***
Chief Executive's Monthly Report

Mr. Sean McKeown presented his Monthly Chief Executive's Report.

Cllr. Pat Fitzpatrick advised Members to contact Mr. Sean McKeown directly if they had specific queries.

3. *Comhfhreagras - Correspondence*

Response from TII in relation to NOM 18-2021 on Car Parking at Motorway Intersection

The correspondence received from TII was taken as read and noted.

Cllr. Tomás stated that it was a positive response from TII and asked when a Feasibility Report would be undertaken. Mr. Butler advised that the TII will be appointing Consultants. Kilkenny County Council will liaise with TII and welcome the change in policy considering safety and climate change.

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

None.

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

(i) **Schedule of Meetings**

It was proposed by Cllr. John Coonan seconded by Cllr. Andrew McGuinness and agreed.

(ii) **Agree date for Annual Meeting.**

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Michael McCarthy and agreed that the Annual Meeting for 2023 be held on Friday, 16th June, 2023 at 3.00 p.m.

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

(i) **Report of the SPC1 Meeting: Economic Development, Enterprise Support, Tourism, Planning & Development Policy**

It was proposed by Cllr. Michael Doyle, seconded by Cllr. Michael McCarthy and agreed that Report of SPC1 Meeting: Economic Development, Enterprise Support, Tourism, Planning & Development Policy held on Thursday 6th October, 2023 be taken as read and noted.

7. *Gnó Eile romhainn i bhFógra reachtála an Chruinnithe*
Other Business set forth in the Notice convening the Meeting

None.

8. *Oideachas agus Oiliúint - Education & Training*

None.

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

None.

10. *Aon Ghnó Eile - Any Other Business*

None.

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

04 (23) Cllr. Pat Dunphy

It was proposed by Cllr. Pat Dunphy, seconded by Cllr. Pat Fitzpatrick and agreed that:

"That Kilkenny County Council welcomes the decision by Government to extend the Croi Conaithe Vacant Property Refurbishment Grant to those who wish to renovate a vacant or derelict property and rent it out. This measure will boost the supply of rental properties and that this Council further calls on Government to increase the vacant property refurbishment grant rates from their current €30,000/€50,000 to €50,000/€70,000 respectively to reflect the significant costs involved in renovating a vacant or derelict property".

Cllr. Pat Dunphy and Cllr. Pat Fitzpatrick spoke on the Motion.

05 (23) Cllr. Tomás Breathnach

It was proposed by Cllr. Tomás Breathnach, seconded by Cllr. Maria Dollard and agreed that:

"That Kilkenny County Council write to the Minister for Housing, Planning and Local Government to seek to ensure grant assistance is made available to households for an upgrade of its septic tank/wastewater treatment system in all cases where an existing defective septic tank/wastewater system poses a risk to human health and/or the environment irrespective of it being registered by the prescribed registration date of 01/02/2013."

Cllr. Tomás Breathnach and Cllr. Maria Dollard spoke on this Motion.

06 (23) Cllr. Tomás Breathnach

It was proposed by Cllr. Tomás Breathnach, seconded by Cllr. Pat Dunphy and agreed that:

"That Kilkenny County Council should write to the Minister for Housing, Planning and Local Government to seek the exclusion from the Section 254 licence system of telecommunication apparatus including monopole/support structures for antennae which receive/relay/transmit radio/electromagnetic waves in towns and villages and to make such applications part of the normal planning system and subject to a public consultative process."

Cllrs. Tomás Breathnach and Pat Dunphy spoke on the Motion. Mr. Denis Malone advised the meeting on the planning requirements for Section 254 licences. Appeals can be lodged to An Bord Pleanála in relation to Section 254 Applications.

07 (23) Cllr. Peter Cleere

The following Motion was not moved:

"I call on Kilkenny County Council to provide in tabular format the social housing need for each housing application for every settlement in Kilkenny's towns, villages and townlands"

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**

It was proposed by Cllr. John Brennan, seconded by Cllr. John Coonan and agreed by all that the following Notices of Motion numbered 19 (23) and 24 (23) received from other Local Authorities be taken as read and noted:

19 (23) Clare County Council

"In the context of the acknowledged desire, necessity and urgency to bring derelict and vacant properties back into use, I call on Clare county council to write to the Minister for Housing and Local Government requesting that the laudable Croi Conaithe Scheme targeted to assist this objective is adjusted to allow owners of qualifying properties to access the scheme subject to conditions that the property is subsequently used for long term occupancy either through sale or long term lease. If supported, I request this motion be circulated to all other local authorities."

20 (23) Tipperary County Council

“That Tipperary County Council explores the possibility of offering Apprentice Schemes within the Council and in addition look at the possibility of including an apprenticeship clause for contractors tendering for large Council led construction projects.”

21 (23) Tipperary County Council

“That Tipperary County Council request the Government to amend the Mother and Baby Homes Redress Scheme to include the 24,000 survivors who were excluded from the redress Scheme.”

22 (23) Sligo County Council

“This Council write to Minister for Health asking him to make the CF medication Kaftrio available to all patients to require it within the State.”

23 (23) Wexford County Council

(a) Any person or body, on payment of the prescribed fee, may make a submission or observation in writing to a planning authority in relation to a planning application within the period of 5 weeks beginning on the date of receipt by the authority of the application.

(b) Any submission or observation received

Shall- (i) State the name of the person or body making the submission or observation, and

(ii) Indicate the address to which any correspondence relating to the application should be sent.

(2) Subject to article 26, the planning authority shall acknowledge any submissions or observations as soon as may be after receipt in the form set out at Form No. 3 of Schedule 3, or a form substantially to the like effect.

(3) Where a submission or observation, under this article, is received by the planning authority after the period of 5 weeks beginning on the date of receipt of the application, the planning authority shall return to the person or body concerned the submission or observation received and the fee and notify the person or body that their submission or observation cannot be considered by the planning authority.

(4) Where the planning authority so consents, a submission or observation under sub-article (1) may be made in electronic form.

“This Council asks the Minister to strengthen section 29/b/ sub sections (1) and (2) of the planning and development, *(submissions or observations in relation to planning application)* to put an end to bogus submissions or objections and that the SPC would look to see if this local authority could change our own policies to avoid this.”

24 (23) Offaly County Council

“That Offaly County Council calls on the Government to extend the Eviction Ban for all “No Fault” tenants who face eviction until meaningful action is taken, to include measures that will ensure that thousands of children and their parents around the country aren’t added to the growing Homeless List.”

Cllr. Joe Malone spoke on Notice of Motion 20(23).

That concluded the business of the meeting.

CATHAOIRLEACH

DATE