



MINUTES OF PLENARY MEETING OF KILKENNY COUNTY COUNCIL
HELD ON MONDAY, 16TH JANUARY, 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, Martin Brett, Peter Cleere, John Coonan, Maria Dollard, Michael Doyle, David Fitzgerald, Denis Hynes, Michael McCarthy, Andrew McGuinness, Eugene McGuinness, Pat Dunphy.

MS Teams

Cllrs. Eamon Aylward, Tomás Breathnach, Mary Hilda Cavanagh, 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, Anne Maria Walsh, Noelle Brett & Tony Lauhoff.

Apologies: Cllrs. Fidelis Doherty.

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

(i) **Minutes of December Plenary Meeting of Kilkenny County Council**

Proposed by Cllr. Matt Doran, seconded by Cllr. Deirdre Cullen and agreed.

"That the Minutes of December Plenary Meeting held on Monday, 19th December, 2022 as circulated with the Agenda be and are hereby approved".

(iv) **Minutes of SPC 1 Meeting: Economic Development, Enterprise Support, Tourism, Planning & Development Policy**

Proposed by Cllr. Tomás Breathnach seconded by Cllr. John Coonan and agreed.

"That the Minutes of SPC1 Meeting: Economic Development, Enterprise Support, Tourism, Planning & Development Policy held on Thursday 6th October, 2023 as circulated with the Agenda be and are hereby approved".

Fógraí - Announcements

Cathaoirleach Cllr. Pat Fitzpatrick congratulated the students in Presentation Secondary School who won first place in the Social & Behavioural Sciences Intermediate Group Category and to all students from Kilkenny who took part in the BT Young Scientist.

Vótáí Comhbhrón - Votes of Sympathy

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

- Helen Walton on the death of her mother May Whyte, Cullohill, Co. Laois.
- Family of the late Cllr. Davy Daniels, Waterford City.
- Family of the late Cllr. Sean Smith, Cavan.
- Family of the late Pakie Galvin, Clara.

All Members were associated with the votes of sympathy.

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

- (i) It was proposed by Cllr. Martin Brett seconded by Cllr. Andrew 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 Freehold interest in Property at Upper White Bridge, Kilkenny to Michael Foley, Terry Foley, Denis Foley and David Foley, the Per Reps of Mary Foley, Deceased, Upper White Bridge, Kilkenny for the nominal sum of €10.00 (ten euro) with the Purchaser being responsible for all legal costs associated with the sale, including those of Kilkenny County Council. The Consent of the Minister for Housing, Local Government and Heritage is not required."

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

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

"That the County Council of the County 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."

Development: TC101 - Whitehall, Paulstown, Co. Kilkenny.

(c) (i) Clár Caipitil Trí Bliana 2023-2025 - Capital Three Year Programme 2023-2025

Mr. Sean McKeown, Acting Chief Executive presented his report on the draft 2023-2025 Capital Budget for Kilkenny County Council as circulated with the Agenda.

He advised that the Council is required to present the Capital Budget to the Elected Members. The total expenditure proposed in the Capital Budget for the three years is €164m. This figure does not include projects which are 100% funded by relevant Departments such as Housing, Roads, and Fire Services. The total estimated expenditure on these projects is estimated to be €992.7m.

He referred Members to the Report circulated and advised that all Capital Projects are referred to in detail in pages 2 to 16. He referred the Members to Table 1 on page 17. Summary details of projects requiring funding from Kilkenny is listed in this Table.

Total Expenditure:.....€163.969 million
Total Income in Grants:€120.491 million
Balance to be Funded by Kilkenny County Council:€43.478 million

He advised that €26m has been identified in matched funding and this is set out in Table 2. A balance of €17m of funding needs to be identified. All the projects listed in the Report will not be completed within the three years.

The Programme will be reviewed annually. Current estimates may increase due to additional construction costs and cost inflation.

He advised Members on the position on non mortgage debt. Two Term loans of €8.5m have been approved by the Council but not yet drawn down. Once these loans are drawn down the total non mortgage loan finance to be serviced will amount to €27m. Provision is included in the annual Revenue Budgets to service the loan repayments. Our focus will be on investments that are essential to generate and drive economic activity while protecting and promoting our social and cultural objective.

He outlined to the meeting that any project proposal not contained within this Capital Programme can only proceed if a funding source is identified and is available. The three year budget will be reviewed on an annual basis to take account of any changing circumstances. He advised that the full details of the programme was presented to the Elected Members at the CPG meeting and a Workshop. Copy of PowerPoint Presentation has been circulated to the Members.

Contributions were received from Cllrs. Pat Fitzpatrick, Mary Hilda Cavanagh and Andrew McGuinness. Members thanked the Executive for outlining the ambitious programme of Capital Projects in the pipeline and for the work undertaken to acquire funds under the various schemes.

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Andrew McGuinness and agreed that the Three Year Capital Programme for 2023 - 2025 is hereby noted.

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

Mr. Sean McKeown, Acting Chief Executive presented his Monthly Report as circulated. Cathaoirleach advised that the Report will be taken as read. Any queries can be addressed to the Acting Chief Executive.

(d) (ii) ***Plean Seachadta Seirbhíse 2023 - Service Delivery Plan 2023***

Mr. Tim Butler, Director of Services presented the Acting Chief Executive's Report on the draft Service Delivery Plan for 2023. He advised the Members that the adoption of the Service Delivery Plan for each year is a Reserved Function.

Kilkenny County Council is required to set out the objectives and strategies contained in the adopted Corporate Plan and each Service Areas is required to set out in the Service Delivery Plan the actions the Council will take in 2023 to meet the commitments and deliver the services. The actions listed by each Service Area will also have taken into consideration the provisions made in Budget 2023.

It was proposed by Cllr. John Coonan, seconded by Cllr. Martin Brett and agreed that:

"That the Draft Service Delivery Plan for 2023 is hereby approved by the Members of Kilkenny County Council."

(d) (iii) ***Deimhniú Aitheantais Shibhialta - Certificate of Civil Recognition***

This item was deferred.

(e) (i) ***Nuashonrú Ráithe na Mainistreach - Abbey Quarter Update***

Cathaoirleach Cllr. Pat Fitzpatrick welcomed Mr. Tony Lauhoff, Senior Engineer and Mr. Jason Clerkin, Abbey Quarter Development Partnership to the meeting. He invited them to give a Presentation to the Members on the Abbey Quarter.

Mr. Tony Lauhoff gave an overview on the following in the PowerPoint Presentation:

- Projects completed in Phase 1 to date with photos.
- Brewhouse – fully occupied in 2022.
- Mayfair Library – to be completed and open in 2023.

- Tea Houses – refurbished, seeking tenants.
- Skate Park – Completed
- Riverside Garden Project – Planning Stage.
- Phase 2 – Urban Street/Park – Planning granted, design stage completed, waiting on Departments approval to go to tender, URDF funding in place.
- Extension in Linear Walk – preparing documents for plans, boardwalk at Greensbridge.
- Conservation Plan – Steering Group established, liaising with all relevant statutory agencies.
- Adopted Masterplan – outlined number of stages with projects/plans undertaken, 10-15 years plan to deliver.
- Building 7 within Masterplan is the next project.

Mr. Jason Clerkin gave an overview on the work of the Abbey Quarter Partnership:

- Ongoing deliberation on uses in the Abbey Quarter, residential, commercial, educational, parking etc. – building uses need to be flexible.
- Streets and public realm provision is critical to move forward with buildings and to attract companies to the area.
- Hotel site being considered.
- Building 7 – offices/services/ground floor uses.
- Building 12 & 13 – Residential/Mixed Uses – important part of site.
- Phased approach to development.

Mr. Denis Malone gave an update on the following:

- Masterplan Area Extension & Review.
- Area of Masterplan to be extended to include Vicar Street/Greensbridge.
- Opportunities to review phasing of development.
- Extend the principles of Urban Design Code.
- Consider housing delivery and appropriate mix of uses.
- Take into account Climate Action, integration of accepted land uses and transport.
- Online survey completed in December 2022.
- Dates for online engagement (18th January, 2023) and three further public consultation meetings.
- Draft Masterplan to be published at the end of February 2023.

Cllr. Pat Fitzpatrick thanked the three speakers for the in-depth overview on the progress in the Abbey Quarter.

Contributions were received from Cllrs. Andrew McGuinness, Peter Cleere, Martin Brett, John Coonan, Maria Dollard, Eugene McGuinness, David Fitzgerald, Joe Lyons, Tomás Breathnach and Michael Doyle.

Issues raised by Members related to the following:

- Welcome the new Library opening in 2023, funds for new stock.
- Parking on Horsebarrack Lane.
- Phased introduction of commercial uses, what type.
- Welcomed review of Masterplan and acknowledge input by the public on the online survey.
- Concerns regarding the progress of development.
- Opening up St. Francis Abbey to the public.
- View of River obscured by vegetation.
- Expectation of new jobs to Kilkenny not displacement of existing jobs.
- Transfer of sites to Partnership.

- Provision of Social Housing.
- Comply with European and National Policies on Transport and substantial development, Climate Action etc.
- Demand for new hotels in the City.
- Provision of public toilets in this area.
- Concerns for existing retail premises.
- Propose meeting with all relevant agencies on works on the river bank in Kilkenny and all across the County, establish River Management Committee.

Sean McKeown, Tony Lauhoff, Tim Butler, Martin Prendiville, Denis Malone and Jason Clerkin responded to all the issues raised by the Members.

Members were advised that the review of the Masterplan is opportune and will enable a number of areas to be considered in light of changing policies, needs etc. Delivery of housing is very important to support 24 hour use in this area of the City. Uses within the City will support and benefit the City. It is not intended to compete with existing businesses.

Mr. Martin Prendiville advised that 60% of the site remains in public ownership. Mr. Tim Butler advised that he will organise a meeting on the management of the entire River Nore bank.

Mr. Sean McKeown confirmed that Sweeney's Orchard lands are being retained in the ownership of Kilkenny County Council for social housing.

(f) (i) ***Straitéis Comhpháirtíochta Spóirt - Sports Partnership Strategy***

Cathaoirleach Cllr. Pat Fitzpatrick welcomed Mr. David Denieffe, Chair of Kilkenny Recreation Sports Partnership and Ms. Nicola Keeshan, Sports Co-ordinator to the Plenary Meeting via Teams. He invited Ms. Keeshan to give her Presentation.

Ms. Nicola Keeshan thanked the Council for affording them the opportunity to present to the Members their Strategic Plan for 2022-2025 which has been recently launched.

In her presentation she presented an overview on the following:

- Details of Board Members (13) and staff (5) and sub-committees.
- Process in developing the Strategic Plan.
- Vision and Mission Statement for KRSP.
- Strategic Pillars contained in the Plan and summary of actions.
 - Active Empowerment
 - Active People
 - Active Places
 - Active Promotion
 - Active Partnerships
 - Active Government
- Contact details for further information.

Cllrs. Maria Dollard and Eamon Aylward thanked Nicola Keeshan for the Presentation and all the work undertaken in promoting sport for all groups. They wished them well with their new Strategic Plan and offered them support.

3. *Comhfhreagras - Correspondence*

None.

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. Andrew McGuinness seconded by Cllr. John Coonan and agreed.

(ii) Approve venue for February Plenary Meeting

Cathaoirleach advised invitation has been received to hold Plenary Meeting in James Stephens Barracks, Kilkenny.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Mary Hilda Cavanagh and agreed that the Plenary Meeting for February 2023 be held in James Stephens Barracks, Kilkenny.

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

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

It was proposed by Cllr. Ger Frisby, seconded by Cllr. Deirdre Cullen 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

19 (22) Cllr. Peter Cleere

It was proposed by Cllr. Peter Cleere, seconded by Cllr. Martin Brett and agreed that:

"I request Kilkenny County Council to provide in tabular format, per Municipal District for the previous 3 years, the amount of social housing applicants that have refused offers of a Council house across the County "

Cllr. Peter Cleere spoke on the motion. Ms. Mary Mulholland, Director of Services presented details on Housing Applicant refusal rates in a PowerPoint Presentation. She advised on the refusals rates for the years 2020, 2021 and 2022 for the County and each individual Municipal District. She further advised on the reasons why applicants refused offers of accommodation.

It was agreed to circulate the details to all Members. Ms. Mulholland advised that Housing staff will attend each Municipal District to give an overview on the various Housing Schemes and options available. Cllr. Fitzgerald requested that a full report on Housing be included on the Agenda of the Plenary Meeting also.

01 (23) Cllr. Fidelis Doherty

This Notice of Motion was deferred to February Meeting.

02 (23) Cllr. Tomás Breathnach

It was proposed by Cllr. Tomás Breathnach, seconded by Cllr. Michael McCarthy and agreed that:

"Kilkenny County Council writes to the Department of Education, Department of Environment, Climate & Communications and to the Department of Transport to give full recognition to the role of school transport in facilitating safe access to schools for our pupils and students, including safety in the vicinity of school entrances and, as a measure to reduce the numbers of motor vehicles on our roads with a consequent reduction in emissions to increase funding for school transport as a practical measure to combat climate change."

Cllr. Breathnach spoke on the motion.

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 Coonan, seconded by Cllr. Maria Dollard and agreed by all that the following Notices of Motion numbered 01 (23) and 06 (23) received from other Local Authorities be taken as read and noted:

01 (23) Kerry County Council

"That we Killarney MD write to the relevant Ministers requesting that when the Ukrainian Refugees return home, when it's safe to do so, that we would retain their current accommodation for the homeless and those on our Local Authority Housing List, where possible. If passed, I request this would be circulated to all other Local Authorities."

02 (23) Cork County Council

"That Cork County Council would write to the Minister for Housing, Local Government & Heritage of Ireland to express concern at the proposed Planning & Development Bill coming before cabinet this week which will limit local Councillors' powers. The proposed bill seeks to change the term of the County Development Plan to ten years which is far too long. Members also agreed to circulate the letter to all local authorities as well as LAMA and AILG."

03 (23) Cork County Council

"That Cork County Council would write to the Government and the Minister for Finance to reintroduce an income tax credit scheme to incentivise and encourage many more Irish people to take out personal health insurance cover while also preserving the existing rebate of up to €200 at the point of purchase."

04 (23) Cork County Council

“That Cork County Council would write formally to the Minister for Transport requesting that his Department (Department of Transport) would contribute financially to the LIS Scheme (Local Improvement Scheme). Presently, all funding comes from the Department of Community & Rural Development. The anomalies in the scheme in which there must be two active farmers on the scheme and people have to reapply. It was also agreed that a copy of this letter would be circulated to the Minister for Community & Rural Affairs.”

05 (23) Monaghan County Council

“That this Council calls on the Minister for Health, Department of Health and the HSE to put in place proper, sensitive procedures to avoid any future retention of a baby's organs, at post-mortem, without the express permission of the parent, to request that:

- Clear, written communication on consent forms be discussed with families at the time of death/prior to post-mortem taking place
- Best practice models be examined from other countries to ensure the Irish system is fit-for-purpose & with proper oversight
- Communication of post-mortem results be respectful and delivered by meeting with assigned medical professional - clear definition of this process should immediately become standard procedure for all hospitals
- Post-mortem documentation should include a clear, concise and fully completed document for families
- In cases where organs need to be retained; reasons must be clearly explained and a swift timeframe for their return must be communicated to parents.

Monaghan County Council demand that an investigation take place into the cases outlined by Primetime (RTE) on 3rd November, 2022 and any other similar case that were not highlighted and that:

- Families who have had organs from their baby retained, be informed of what was taken and why, and what happened to the organs. These families should be afforded an in-person meeting to be given details.
- An independent inquiry takes place to determine why Consultant A was continuously used as a private pathologist after being found to be negligent in his former public-sector pathology role. This inquiry should also find reason as to why earlier recommendations, made by independent reviews, were not implemented.
- Clarification is needed on whether Consultant A is still conducting perinatal post-mortems.”

06 (23) Meath County Council

“Meath County Council calls on the Government to amend the Electricity Regulation Act and associated legislation to allow for the consideration and possible implementation of nuclear power generation in Ireland.”

That concluded the business of the meeting.

CATHAOIRLEACH

DATE