MIONTUAIRISCÍ ÓN GCRUINNIÚ IOMLÁNACH DE CHUID CHOMHAIRLE CONTAE CHILL CHAINNIGH TIONÓLTA AR AN LUAN, 19 FEABHRA 2024 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, 19TH FEBRUARYANUARY, 2024 AT 3.00 P.M. IN THE COUNCIL CHAMBER, COUNTY HALL & VIA MS TEAMS

Chair: Cllr. Michael Doyle.

Elected Members: Council Chamber

Cllrs. John Brennan, Martin Brett, Tomás Breathnach, Mary Hilda Cavanagh, John Coonan, Deirdre Cullen, Fidelis Doherty, Maria Dollard, Pat Dunphy, Pat Fitzpatrick, David Fitzgerald, Denis Hynes, Joe Lyons, Joe Malone, Michael McCarthy, Andrew McGuinness, Eugene McGuinness & Patrick O'Neill.

MS Teams

Cllrs. Eamon Aylward, Peter Cleere, Michael Delaney, Matt Doran & Ger

Frisby.

Officials: Lar Power, Martin Prendiville, Tim Butler, Sean McKeown, Mary Mulholland,

Fiona Deegan, Aileen McGrath, Mary Walsh, Denis Malone, Dearbhala Ledwidge, Martina Comerford, Ronan Ryan, Breda Maher & Anne Maria

Walsh.

1. Dearbhú Miontuairiscí - Confirmation of Minutes

(i) *Miontuairiscí an Chruinnithe Iomlánaigh -* **Minutes of Plenary Meeting**Proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. John Coonan and agreed:

"That Minutes of Minutes of Plenary Meeting of Kilkenny County Council held on Monday, 15th January, 2024 as circulated with the Agenda be and are hereby approved".

Vótaí Comhbhrón - Votes of Sympathy

Cathaoirleach, Cllr. Michael Doyle extended vote of sympathy to the following:

- Caroline Manning, Water Services on the death of her brother Tony Byrne.
- Johnny Fitzsimmons, Kilkenny City MD on the death of his sister Kathleen Gallen.
- Daniel Kinsella, Housing Maintenance on the death of his father John Kinsella.
- Family of the late Eddie Byrne, Kilkenny City [Pensioner]
- Family of the late John Costelloe, Kilmacow [Pensioner]
- Family of the late Maureen Mullins.
- Family of the late Stephen Murphy, Kilkenny.
- Family of the late Stephen Sheehan, Kilkenny.
- Family of the late Maudie Dunphy, Glenmore.
- Family of the late Gay Power, Glenmore.
- Family of the late Jim Conway, Glenmore.
- Family of the late Michael Ryan [Snr.], Glenmore.

2. (a) <u>Tithíocht & Díuscairt Eile</u> - Housing & Other Disposal

(i) It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. John Coonan 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 11 Jacob Street, Kilkenny to David Roberts, Kilkenny for the nominal sum of \in 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."

(ii) It was proposed by Cllr. Martin Brett, seconded by Cllr. David Fitzgerald 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 Richview, Castlecomer Road, Kilkenny (as identified on the attached map) to Laurence Conroy and Gobnait Loughman, 27 Richview, Castlecomer Road, Kilkenny for the sum of €8,000 (eight thousand euro) with the purchaser being responsible for their own legal costs and the legal costs of Kilkenny County Council associated with the sale. Site area measures 0.0365 ha. The Consent of the Minister for Housing, Local Government and Heritage is not required."

(iii) It was proposed by Cllr. Michael McCarthy, seconded by Cllr. Fidelis Doherty 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 Kilalloe, Callan, Co. Kilkenny (as identified on the attached map) to Eamonn McGrath, Kilmanagh, Co. Kilkenny for the sum of €48,000 (forty eight thousand euro) with each party being responsible for their own legal costs associated with the sale. Site area measures 1.01 acre. The Consent of the Minister for Housing, Local Government and Heritage is not required."

(iv) It was proposed by Cllr. Michael McCarthy, seconded by Cllr. Pat Fitzpatrick 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(s) of land at Shankill, Paulstown, Co. Kilkenny – as identified on the attached map - to Sean Esmonde, Graiguenaspidogue, Nurney, Co. Carlow for Nil consideration. Kilkenny County Council to be responsible for all legal fees relating to this matter and will arrange Boundary Amendment with Land Registry to minimize legal fees and charges. Plot(s) combined measures 80.94m² (0.02 acres).

(v) It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Martin Brett 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 the Freehold Interest where a Transfer Order is already in place for a property at 80 Old Golf Links Road, Newpark Lower, Kilkenny− as identified on the attached map - to Mr John Byrne and Ms. Marie Byrne for the nominal sum of €10. The Consent of the Minister for Housing, Local Government and Heritage is not required.

(b) Pleanail - Planning

(i) Tuarascáil an Phríomhfheidhmeannaigh ar Shíneadh a chur le Plean Ceantair Áitiúil Challainn

Chief Executive's Report on Extension of the Callan Local Area Plan 2019

(ii) Tuarascáil an Phríomhfheidhmeannaigh ar Shíneadh a chur le Plean Ceantair Áitiúil Bhaile Mhic Andáin

Chief Executive's Report on Extension of the Thomastown Local Area Plan 2019

Mr. Sean McKeown advised the meeting that Items 2 (b) (i) and (ii) will be taken together. He stated that the reports circulated outlined the rationale for the proposed extension to the Callan Local Area Plan and the Thomastown Local Area Plan in accordance with Section 19 of the Planning & Development Act 2000 as amended. This extension would allow for the alignment of the core strategies of both Plans with the City & County Development Plan 2021-2027.

Both Local Area Plans were adopted in March 2019 and it is recommended that the Members extend both Plans for a period of three years. The objectives contained in the Callan and Thomastown Local Area Plan to achieve sustainable development remains valid and extending the Local Area Plans will provide additional time needed for their completion. The level of population growth in Callan and Thomastown to-date is in line with the projections and there is sufficient land zoned and serviced to accommodate the target population growth of both towns to 2027. At this stage the core strategy will be reviewed.

It was proposed by Cllr. Andrew McGuinness, Seconded by Cllr. David Fitzgerald and agreed that:

"We the Members of Kilkenny County Council, having sought an opinion from the Chief Executive on extending the Callan Local Area Plan 2019 under Section 19 (1)(e) of the Planning & Development Act as amended, and having considered the Chief Executive's opinion as outlined at the meeting of Kilkenny County Council held on the 19th February 2024, formed in accordance with Section 19 (1)(e)(ii) of the above Act, do hereby consider that the Callan Local Area Plan should be extended for 3 years to 2027, in accordance with the procedures under Section 19 (d)-(f) of the Planning & Development Act 2000 as amended".

It was proposed by Cllr. Deirdre Cullen, seconded by Cllr. Joe Lyons and agreed that:

"We the Members of Kilkenny County Council, having sought an opinion from the Chief Executive on extending the Thomastown Local Area Plan 2019 under Section 19 (1)(e) of the Planning & Development Act as amended, and having considered the Chief Executive's opinion as outlined at the meeting of Kilkenny County Council held on the 19th February 2024, formed in accordance with Section 19 (1)(e)(ii) of the above Act, do hereby consider that the Thomastown Local Area Plan should be extended for 3 years to 2027, in accordance with the procedures under Section 19 (d)-(f) of the Planning & Development Act 2000 as amended".

(iii) Ag Glacadh i gCúram: Taking in Charge Ayrfield, Kilkenny

It was proposed by Cllr. Martin Brett, seconded by Cllr. Eugene McGuinness 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: TC 141 Ayrfield, Kilkenny

(iv) Ag Glacadh i gCúram: Taking in Charge Larchfield, Kilkenny

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Eugene McGuinness 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: TC 170 Sycamore Drive, Larchfield, Kilkenny

(c) Timpeallacht - Environment

(i) Adoption of Draft Climate Action Plan

Mr. Sean McKeown stated that this is a very significant day for Kilkenny County Council. The Members will adopt the first Climate Action Plan for the County. The Council has completed all the work on drafting the Plan, Public Consultations, various reports and have adhered to the tight timeframe in meeting the statutory deadline for the adoption of the Plan.

Ms. Dearbhala Ledwidge presented a Powerpoint Presentation to the Members.

In her presentation she gave an overview on the following:

- Legislation underpinning the comprehensive process required in the development of the Climate Action Plan.
- Various stages outlined between September 2022 to February 2023.
 Processes undertaken and the various reports commissioned.
- Scope of the Climate Action Plan.
- The draft Plan is prepared in accordance with 5 strategic goals and contained 95 actions.
- Climate Action Objectives Reduce energy usage by 50% and carbon emissions by 51% before 2030.

Reports circulated with the Agenda:

- Draft Plan 2024-2029.
- Chief Executive Report on submissions received.
- Final AA Determination.
- Nature Impact Report.
- SEA Environmental Report.

Ms. Dearbhala Ledwidge thanked the Members for their engagement in the various Workshops and Public Consultations.

Cllr. Michael Doyle welcomed the Climate Action Plan. He thanked the Director of Services, Ms. Dearbhala Ledwidge and her team for all the work involved. He hoped that the Government will provide funding to achieve the targets contained in the Plan.

Contributions were received from Cllrs. Mary Hilda Cavanagh, Andrew McGuinness, David Fitzgerald, Maria Dollard, Pat Dunphy, Pat Fitzpatrick, Martin Brett, Joe Lyons, Fidelis Doherty, Eugene McGuinness and John Coonan as follows:

- Protection of the environment agricultural practices. Funding required to meet the targets, need to engage with this Sector.
- Is there a National Climate Action Plan?
- Decarbonisation Zone in Kilkenny City.
- Energy Masterplan.
- Ring Road not been progressed funding not been spent?
- Slurry Spreading time period to be reviewed, weather related.
- Review and reporting on actions contained in the Plan.
- Farm Inspections.
- Illegal Dumping.
- Cost of implementing the Actions by all Sectors business, public, farmers etc.
- Return Scheme plastic bottles, cans etc.
- Continuous Education and Awareness Programmes.

Ms. Dearbhala Ledwidge advised that the Climate Action Plan relates to the activities of the Council. The Council will be supporting other Sectors to achieve their targets. Capital funding is already in place for the Public Lighting Project and changes to our fleet. The SPC and Plenary Council will receive regular updates on the progress of Actions contained in the Plan.

Mr. Tim Butler responded to the issues raised in relation to the Ring Road and advised that a number of studies are being undertaken in relation to Traffic Movements in Kilkenny City. Projects are being progressed under Active Travel funding. Strategic Assessment has been submitted on the Northern Ring Road to the Department. Transport Strategy has been incorporated into the City and County Development Plan. Once the SUMP process has been finalised a Presentation will be made to the Elected Members. Implementation of the findings will require funding support from the Department of Transport and TII. Cost of Reports commissioned were claimed under Active Travel funding and not TII funding.

Mr. Sean McKeown responded to the query raised on farm inspections. He advised that 81 farm inspections were carried out. Staff engage with the farmer on issues that arise during the inspection and time is given to address the issues. Only three cases were notified to the Department of Agriculture as required in the legislation. The vast majority of the farm inspections are compliant.

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Andrew McGuinness and agreed that:

"That pursuant to the provisions of the Climate Action and Low Carbon Development Acts 2015 to 2021, and having considered the following:

- the Draft Kilkenny County Council Climate Action Plan 2024 2029,
- the Chief Executive's Report on Submissions, and
- the SEA and AA Reports and Determinations, carried out in accordance with the requirements and regulatory provisions of the SEA Directive (DIR 2001/42/EC) and Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC)

we the Members of Kilkenny County Council hereby agree to make the Kilkenny County Council Climate Action Plan 2024 – 2029 in accordance with the proposed modifications set out in the Chief Executive's Report on Submissions."

(d) Forbairt Eacnamaíoch - Economic Development

(i) Festival Grants 2024

Mr. Sean McKeown advised that 17 applications have been received under the Tourism Festival Grant Scheme. The amount available for Festivals and Event Grants is €112,000. €2,000 has been set aside for managing the Festival Kit. 80% of the remaining amount of €110,000 is to fund festivals. Following evaluation and review of applications it is recommended to the Elected Members that 13 applications receive funding totalling €88,000 as set out in the table attached to the Report circulated. Four applications were deemed ineligible and will be directed to alternative funding.

Contributions were received form Cllrs. Andrew McGuinness, Fidelis Doherty and Pat Fitzpatrick in relation to the allocation. Members welcomed the grants and noted that Kilkenny is synonymous with festivals and cater for many festivals throughout the year. They acknowledge the work of all volunteers in making their festivals a success.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Fidelis Doherty and agreed that:

"That the Festival & Event Grants 2024 are hereby approved by the Members of Kilkenny County Council, as per report circulated."

(ii) Update on Economic Monitor

Ms. Aileen McGrath, LEO gave a Presentation on the Economic Monitor for Quarter 4 2023.

In her Presentation she gave an overview on the following:

- *Housing:* Ownership, average prices for a home, available houses for sale in the City and County.
- *Housing Rental Market*: Average cost of monthly rent in Kilkenny and Dublin City, number of properties available for rent in Kilkenny is 17.
- Planning: Live Planning Permission for residential development 2,210 units. 19 Housing Schemes active or build out in Kilkenny City. Status of developments in Ferrybank Area and in the towns/villages settlements in the County.
- *Labour Force:* Participation rate over 60% in 2022, unemployment rate is 4.9%. Number on the Live Register was 2,410.
- Business Demography: 6,150 enterprises in the private business economy in 2021, statistics on employment in various size of businesses, 1,100 people employed under LEO supports/Client portfolio.
- *Careers Kilkenny*: 36 stands, 750 people attended the Careers Fair in February 2024.
- *Third Level Education:* 4,160 students from Kilkenny enrolled in Third Level institutions. 29% enrolled in SETU.

Contributions were received from Cllrs. John Coonan, Pat Fitzpatrick and Deirdre Cullen on the following:

- Careers Event well attended.
- Local and public transport bus/train for students to get to Waterford and Carlow Colleges on time.
- Vacant units on Nuncio Road Kilkenny, timeframe for occupation.

Mr. Tim Butler advised that the Council should write to NTA expressing the concerns of the Members in relation to the lack of public transport connecting Kilkenny to Carlow and Waterford to meet the student demand.

Ms. Mary Mulholland advised that the Housing Department has raised their concerns with the Voluntary Housing Body and understand that all legal requirements will be completed in the next few weeks.

(e) Pobol Cultúr - Community & Culture

(i) Arts Act Grants 2024

Ms. Mary Mulholland referred to report circulated with the Agenda. She advised that the Budget for Arts Grant for 2024 is €25,000. 31 applications were received. An assessment panel has reviewed all the grant applications. A number of applications were not approved. It is recommended that the Elected Members approve grants to a total value of €25,000 to 24 applications.

It as proposed by Cllr. Andrew McGuinness, seconded by Cllr. Eugene McGuinness and agreed that:

"That Kilkenny County Council approves the allocation of €25,000 to the 24 applicants approved under the Arts Grants 2024, as per report circulated".

(e) Gnóthaí Corparáideacha - Corporate Affairs

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

Mr. Lar Power, Chief Executive presented his monthly Chief Executive Report for Members information.

Cllr. Maria Dollard requested that Minutes of CPG Meetings be circulated to all Members.

Cllr. David Fitzgerald requested clarification on building works for accommodating Ukrainian Refugees and International Protection Applicants under the emergency planning legislation.

Cllr. Mary Hilda Cavanagh acknowledged the commencement of work on the N77 Ballyragget to Ballynaslee. She paid tribute to the late Cllr. Jack Murphy who worked tirelessly to get this project underway.

Mr. Tim Butler advised Minutes will be circulated.

Mr. Sean McKeown advised that legislation has been enacted in relation to Planning exemptions for emergency works to accommodate Beneficiaries of Temporary Protection from Ukraine and International Protection Applicants. Provision of the Planning Acts will not apply to specified classes of temporary development The Planning Authority are applying the statutory provisions. Issues have arisen and Enforcement proceedings have been initiated in some cases.

3. *Comhfhreagras -* Correspondence

(i) Response from Minister Patrick O'Donovan in relation to Flood Relief Schemes in Kilkenny [NOM 14-2023]

Concerns were raised by Cllrs. Michael McCarthy, Mary Hilda Cavanagh, Deirdre Cullen, Pat Fitzpatrick, Denis Hynes, Eugene McGuinness, Michael Doyle and Michael Delaney in relation to the response received from the Minister.

Members are concerned in relation to the delays in progressing any project approved. The timeframe involved in getting through the various stages of plans/reports, design and planning is far too long. Community are frustrated at how long it is taking. Funding has been announced since 2018. Minister was invited to attend a MD Meeting in Callan/Thomastown. Members sought clarification on the delays, availability of staff and consultants to progress scheme.

Mr. Tim Butler advised that he has the same concerns as Members. In 2018 OPW/Local Authority had 120 Flood Schemes which required substantial works. 30 Schemes were selected and progressed. Graiguenamanagh and Ballyhale were selected in this first tranche. Ballyhale has progressed to Planning and CPO, applications are with An Bord Pleanála. Graiguenamanagh will be submitted for Planning in 2024.

Freshford and Piltown have been identified for Pilot Projects. The capacity to deliver all the required environment and hydrology reports is limited to five Consultants in Ireland. Mr. Tim Butler estimated that it will take two years to complete all Reports before Consultants are appointed to progress. Mr. Tim Butler advised that every effort is being made to progress all schemes in Co. Kilkenny.

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) Sceideal na gCruinnithe Schedule of Meetings
 It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Fidelis Doherty and agreed.
- (ii) **Fix date for March Plenary Meeting**It was proposed by Mary Hilda Cavanagh, seconded by Cllr. Andrew McGuinness and agreed to hold March Plenary Meeting on Monday, 25th March, 2024 at 3.00 p.m.

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

None.

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

(i) Schedule of Conferences circulated with the Agenda was proposed by Cllr. Martin Brett, seconded by Cllr. Fidelis Doherty and agreed.

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

None.

10. Aon Ghnó Eile - Any Other Business

(i) Cllr. Eugene McGuinness raised the issues of parking on O'Loughlin Road/Assumption Place on match days and the proposed installation of flood lighting in Nowlan Park.

Mr. Tim Butler advised that there is a continuous engagement with the GAA and the Gardaí.

- (ii) Cllr. Fidelis Doherty reminded the meeting that the Hedge Cutting Season ends shortly and requested that invasive species and the Asian Hornet be discussed in tandem with the Bio-diversity Plan.
- (iii) Cllr. Martin Brett sought clarification on the status of the draft Masterplan for St. Canice's Hospital and complex.

Mr. Sean McKeown advised that the process has been extremely slow and it is hoped to bring the draft Plan to the Kilkenny City MD shortly.

11. Fógraí Rúin - Notices of Motion

01 (24) Cllr. Fidelis Doherty

It was proposed by Cllr. Fidelis Doherty, seconded by Cllr. Denis Hynes and agreed that:

"In relation to facilities such as car parks in locations such as GAA grounds that are of general community use and which are not covered under funding such as the CLÁR scheme may I please seek of Kilkenny County Council to have such community areas included in the remit of additional funding such as the LIS or the CIR schemes. Such grounds, if outside of a CLÁR area are being disenfranchised as they fall outside of the criteria and so are being disadvantaged."

Cllrs. Fidelis Doherty, Denis Hynes, John Brennan, Pat Fitzpatrick and Pat Dunphy spoke on the Motion. Members expressed concerns on the lack of funding, areas covered in the County and limited scope of works. They requested a review of the CLÁR Scheme and extra funding under the Local Improvement Scheme.

Mr. Tim Butler advised that the CLÁR Schemes covers areas of population decline. There are 20 areas in Kilkenny. The Council did write to the Department seeking a review. In order to qualify for funding there must be residents and two herd numbers on the road.

Ms. Mary Mulholland advised that other funding is available for Community facilities. It should be noted that funding schemes are moving away from hard surface car parks due to Climate Action.

02 (24) Cllr. Mary Hilda Cavanagh

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Pat Fitzpatrick and agreed that:

"That we write to the Minister for Housing, Local Government and Heritage and request as a matter of urgency, that the Grant scheme for "Housing Adaptation Grants for Older People and People with Disability" be amended to include repair or replace doors and windows to include all doors and windows including double glazed. At the moment double glazed are not included in the scheme. The section in question is Section 3 "What can I use this grant For?"

Cllrs. Mary Hilda Cavanagh, Eugene McGuinness, John Brennan and Pat Fitzpatrick spoke on the motion. Members asked for clarification on "End of Life" definition. Double glazed doors and windows are not a standard requirement for all houses.

Ms. Mary Mulholland advised that the Council is implementing the Schemes across all applications.

Applications for people to stay in their houses are prioritised.

- 285 grants have been dealt with in 2023.
 - o 180 Housing Aid for Old People.
 - 93 Adaptations and
 - o 12 Mobility Aids for a disability.

There is an allocation each year and applications need to be priroitised to those most in need.

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

None

Cllr. Tomás Breathnach thanked all the Members and the Executive for their support, words of sympathy during his recent family bereavement. It is greatly appreciated by all the family.

That concluded the business of the meeting.

CATHAOIRLEACH	DATE