

CARLOW COUNTY COUNCIL

Minutes of the January Monthly Meeting of Carlow County Council, held in The Council Chamber, County Offices, Athy Road, Carlow, on Monday 9th January 2017 at 2.00 p.m.

Present: Councillor J. Murphy (Cathaoirleach)
Councillor A. Ahern (Nee Long)
Councillor F. Browne
Councillor J. Cassin
Councillor J. Deane
Councillor M. Doran
Councillor D. Foley
Councillor A. Gladney
Councillor T. Kinsella
Councillor W. Lacey
Councillor A. McDonald
Councillor K. Murnane
Councillor C. Murphy
Councillor B. O'Donoghue
Councillor W. Paton
Councillor J. Pender
Councillor F. Phelan
Councillor W. Quinn.

In attendance: Mr. D. McInerney, Deputy Chief Executive
Ms. B. O'Brien, Director of Service – Corporate, Planning, Economic Development, Health and Safety
Mr S. O'Connor, Director of Services, Housing, Community, Recreation & Amenity, Building Control & Emergency Services
Mr. Liam Fitzgerald, Acting Director of Services, Transportation, Environment & Water Services
Ms. F. O'Neill, Senior Executive Officer, Planning
Ms. A. Sweeney, Senior Planner
Mr. E. Brophy, Senior Executive Officer, Corporate Services
Ms. B. Whelan, Assistant Staff Officer, Corporate Services

In commemorating the 1916 Rising the National Anthem was played.

OPENING PRAYER

The opening prayer was recited in Irish by the Members.

VOTES OF SYMPATHY

- Anselm McGowan, Planning Section on the death of his mother Philomena McGowan, Claremorris, Co. Mayo.
- The Breen Family, Rathgeran, Ballymurphy, Co. Carlow on the death of Peter Breen, former pensioner Carlow County Council.
- The Byrne Family, Fr. Cullen Terrace, Rathvilly, Co. Carlow on the death of Harry Byrne, former pensioner Carlow County Council.
- Ann Kinsella and Family 11, Oliver Plunkett Ave., Tinnahinch, Graiguenamanagh, Co. Kilkenny on the death of her husband Jim.
- Tony Murray and Family, Upper Main Street, Borris, Co. Carlow on the death of his wife Carmel.
- The McKelvie Family on the death of Jack McKelvie, Kilcloney, Borris, Co. Carlow.
- Martin Nevin and Family, Carlow Road, Leighlinbridge, Co. Carlow on the death of his sister Ellen (Nellie).
- The Gorman Family on the death of Michael Gorman, Craans, Ardattin, Co. Carlow.
- The Whelan Family on the death of Michael Whelan, Staplestown, Carlow.
- Billy Hughes and Family, 60 Conway Park, Bagenalstown, Co. Carlow on the death of his wife Maureen Hughes.
- The Kiely Family on the death of Dominic Kiely, 22 Fr. Cummins Park, Bagenalstown, Co. Carlow
- Pauline Naughton and Family, 50 Monacurragh, Carlow on the death of her husband Tony.
- Sadie O'Toole and Family, Ardoyne, Tullow, Co. Carlow on the death of her husband James.
- Pat O'Toole, 12 Shillelagh Grove, Tullow, Co. Carlow on the death of his brother James.
- The Monaghan Family on the death of Tilly Monaghan, Kilcarrig Street, Bagenalstown, Co. Carlow.
- The O'Neill Family on the death of James O'Neill, Slyguff, Bagenalstown, Co. Carlow.
- Patricia McCall and Family, Bough, Rathvilly on the death of her husband Joe.

- The Ryan Family on the death of Mary (Moll) Ryan, 4 Pollerton Road, Carlow.
- Paul and Teasie Stynes, 84, New Oak Estate, Carlow on the death of their son Mark.
- Margaret Davitt and Family, Kilcumney, Goresbridge, Co. Carlow on the death of her husband Tony.

VOTES OF CONGRATULATIONS

- James McAssey, St. Laurence O'Toole Athletic Club, on winning the Odlum Cup Cross Country with Oran O'Flaherty and Brian Kirwan 2nd and 3rd respectively and St. Laurence O'Toole winning the team event in this race.
Bronwen Kiernan on winning the Lambert Cup with Emma Furey and Ruth Kavanagh 2nd and 3rd respectively and winning the team event for St Laurence O'Toole.
- All involved with the success of Borris New Year's Eve music and fireworks display.
- All involved with the provision, installation and turning on of Christmas Lights in Muinebheag.

Councillor Cassin raised issue of 1916-2016 committee being active going forward. Councillor Phelan said a handful of 1916-2016 events have yet to be commemorated.

Councillor Lacy suggested that the composition of the committee going forward be discussed.

1. CONFIRMATION OF MINUTES

The minutes of the December Council Meeting held on 12th December, 2016 were:-

Proposed by Councillor W. Lacey

Seconded by Councillor J. Pender

AND

Following a show of hands it was unanimously resolved:-

'That the Minutes of the December Monthly Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday 12th December at 2.00 p.m. having been circulated to each Member be taken as read, confirmed as to accuracy and accordingly signed.'

2. CIRCULARS

(a) Circular Letter PL 12/2016 APH 6/2016 Recent An Bord Pleanála Decision on Short Term Letting

Members noted Circular Letter PL 12/2016 APH 6/2016 outlining An Bord Pleanála's decision in relation to the exclusive use of residential apartment for short term holiday lettings.

3 BUSINESS PRESCRIBED BY STATUE, STANDING ORDERS OR RESOLUTIONS OF THE COUNCIL

(b) Muinebheag /Royal Oak Local Area Plan 2017-2022

E. Brophy, Meetings Administrator, brought to the attention of the Elected Members, the requirement of Part 15 of the Local Government Act 2001 as amended, in relation to Disclosure of Interest. He advised that any Member, or any connected person, who has a pecuniary or other beneficial interest on any item in the subject matter before the meeting must disclose the nature of that interest and then withdraw fully from the meeting for as long as the matter is being discussed or considered.

Having regard to Part 15 of the Local Government Act 2001 as amended, in relation to the Disclosure of Interests, it was noted that Councillor Arthur McDonald did not attend that part of the meeting dealing with the Draft Muine Bheag / Royal Oak Local Area Plan and adoption thereof.

Ms Anita Sweeney, Senior Planner, outlined the Local Area Plan process to date and referred to the Chief Executive's Report of December 2016, as circulated, relating to submissions on the proposed Material Alterations to the Draft Muine Bheag / Royal Oak Local Area Plan 2016 – 2022. Ms. Sweeney advised that the material alterations went on display from 21st October to 18th November, 2016, which included four No. proposed material alterations. Nine submissions were received on the material alterations, the details of which were outlined in the Chief Executive Report, including the persons and bodies who made submissions, a summary of the issues raised and the opinion of the Chief Executive on the submissions received.

Ms. Sweeney brought to Members attention submission from the Department of Education and Skills (No. 8), referencing the concept of multi campus school arrangements and advised that text is to be included and that the Council is also open to the concept of a multi-campus school arrangement, where two or more schools, primary or secondary share the same site. This is a non-material amendment.

Ms Sweeney also advised of two submissions (Nos. 6 and 7) from the Southern Regional Assembly and the Department of Housing, Planning, Community and Local Government, referencing lands located along the Dunleckney Stream within the revised flood lines. It was recommended that these lands be retained as open space and amenity and Members approval was sought to the material amendment.

It was noted the Muine Bheag / Rooyal Oak Local Area Plan 2017 – 2023 shall have effect four weeks from the day that is made.

Following discussion, it was
Proposed by Councillor D. Foley
Seconded by Councillor A. Gladney

“That the area located along the Dunleckney Stream, within the revised floodlines, as outlined in the Chief Executive’s Report of December 2016, relating to the Draft Muine Bheag / Royal Oak Local Area Plan 2016 – 2022, be retained as open space and amenity

And following a roll call vote

<i>Member of Carlow County Council</i>	<i>For</i>	<i>Against</i>	<i>Abstain</i>	<i>Absent</i>
Ann Ahern nee Long	√			
Fergal Browne	√			
John Cassin	√			
Jim Deane				√
Michael Doran	√			
Denis Foley	√			
Andy Gladney	√			
Thomas Kinsella	√			
Walter Lacey	√			
Arthur McDonald				√
Ken Murnane	√			

Charlie Murphy	√			
John Murphy	√			
Brian O'Donoghue	√			
William Paton	√			
John Pender	√			
Fintan Phelan	√			
William Quinn	√			

The vote resulted in: 16 for, 2 absent.

The Motion in favour of the material amendment was carried.

Making of Muine Bheag Royal Oak Local Area Plan 2017 – 2023

Members' approval was sought to proceed to make the Muine Bheag / Royal Oak Local Area Plan 2017 – 2023, subject to modification to the material amendment, as approved by the Members.

The making of the Muine Bheag / Royal Oak Local Area Plan 2017 – 2022, in accordance with the Planning and Development Act 2000 as amended, was:

Proposed by Councillor D. Foley
Seconded by Councillor A. Gladney

And following a roll call vote

<i>Member of Carlow County Council</i>	<i>For</i>	<i>Against</i>	<i>Abstain</i>	<i>Absent</i>
Ann Ahern nee Long	√			
Fergal Browne	√			
John Cassin	√			
Jim Deane	√			
Michael Doran	√			

Denis Foley	√			
Andy Gladney	√			
Thomas Kinsella	√			
Walter Lacey	√			
Arthur McDonald				√
Ken Murnane	√			
Charlie Murphy	√			
John Murphy	√			
Brian O'Donoghue	√			
William Paton	√			
John Pender	√			
Fintan Phelan	√			
William Quinn	√			

The vote resulted in: 17 for, 1 absent.

The Motion was carried.

The Deputy Chief Executive referred to the process to date in the preparation and making of the Muine Bheag / Royal Oak Local Area Plan 2017 – 2023 and acknowledged the work of the Director of Services for Planning Bernie O'Brien, Senior Planner Anita Sweeney, Executive Planner Arlene O'Connor and Senior Executive Officer, Fiona O'Neill. The Deputy Chief Executive also acknowledged the input of the Elected Members, in particular the Members of the Municipal District of Muine Bheag and the Area Manager, Seamus O'Connor. Councillor Doran, as Chairman of the Economic Development, Enterprise Support and Planning S.P.C., acknowledged the input from the Members of the S.P.C. to the process and complimented the public consultation process, including the workshops, which it is hoped will be replicated in the future.

The Cathaoirleach thanked all involved in the preparation and making of the Muine Bheag / Royal Oak Local Area Plan 2017 – 2023.

(a) Draft Speed Limit Review for County Carlow

Members welcomed the Draft Speed Limit Bye Laws presented to the Members by L. Fitzgerald, Acting Director of Services.

Councillor Paton noted that the complete list of roads in housing estates in the Carlow Municipal District was missing from the Ninth Schedule page 28 of the report and requested that they be included.

A discussion took place on the Draft Speed Limit Review and issues raised by the Members included the following;-

- Tullow-Castledermot Road at Grange
- Extension of speed limit sign on Newtown- Nurney Road to accommodate new houses
- Link Road/Browneshill Road need for a speed limit sign
- Browneshill Crossroads dangerous and needs to be addressed
- Swimming Pool, Bagenalstown speed checks required
- Clár Funding for Drumphea and Garryhill. L. Fitzgerald advised that various signs have been ordered.
- Tullow Road opposite Nissan Garage 50km sign merits extension beyond private dwellings
- Ballinabranna Craanlusky Road extend speed limit sign out further.
- Requirement for Road Safety Officer to visit schools and educate children on road safety and the use of pedestrian crossings.
- There currently obtains a dual speed limit sign at Grange with 30km during school and church hours.

Issues raised by the Members were addressed by L. Fitzgerald.

Following discussion on the Draft Speed Limit Bye Laws it was

Proposed by Councillor W. Paton

Seconded by Councillor M. Doran

AND

Following a show of hands it was unanimously resolved:-

“That we, the Members of Carlow County Council hereby approve the Draft Speed Limit Bye Laws subject to the following amendments:-

- *Reduction of speed limit at Grange to 50km and dual zone with 30km during school and church times.*
- *Extend speed limit sign on Newtown- Nurney Road to accommodate new houses*
- *Extend speed limit sign on Ballinabranna Craanlusky Road*

- *Extend 50km speed limit sign on Tullow Road opposite Nissan Garage to beyond private dwellings.*

Councillor Quinn raised issue of traffic management at Phase 3 works on new watermain, Borris.

5 TRANSPORTATION, ENVIRONMENT AND WATER SERVICES

(a) Report on Roundabout at R448 Mortarstown

Members welcomed report on Road Safety Audit of New Roundabout at R448 Mortarstown.

A discussion took place on the issue with Members continuing to express concerns in relation to safety at the Roundabout with increased usage when schools complex is completed and opened. The Members requested that the safety at the roundabout be monitored when it is fully operational.

Queries raised by the Members were addressed by L. Fitzgerald.

(b) Report on the Transfer Facility Option at Powerstown Landfill Site

Members had report from L. Fitzgerald on the closure of Powerstown Landfill and the operation of a transfer station at the site.

Mr Fitzgerald advised of meetings with 2 no. potential operators of the transfer station. The operators of a transfer station would not require a subsidy from the Council.

Mr Fitzgerald advised that to commence the process of establishing a transfer station there is a requirement to seek planning permission and to obtain a permit from the EPA.

Members expressed regret that the Council is unable to provide the facility due to budgetary constraints and queried costs to service users if transfer station is established by a private operator at the site.

Members suggested that a two year contract be issued to a private operator. Members also requested an update meeting with the Strategic Policy Committee or full Council when clarification is received from the EPA regarding permit.

Issues raised by the Members were addressed by the Deputy Chief Executive and L. Fitzgerald.

4. CORPORATE, PLANNING, ECONOMIC DEVELOPMENT AND HEALTH AND SAFETY.

(a) Agriculture

There were no matters arising.

(b) Health

- Councillor Quinn raised issue of agency staff being employed to provide Home Help Service at local level with local people not being afforded the opportunity to apply for these positions.
- Councillor Cassin queried update on Kelvin Grove and if response had been received from the Minister for Health in relation to Cystic Fibrosis sufferer Shantelle Tynan's medical treatment abroad.
- Councillor McDonald raised issue of requirement for 'step down bed facilities' in Carlow. Councillor McDonald also advised of HSE meeting to be held on 17th January where Members concerns in relation to health issues can be raised.

(c) Conference Attendance Approvals

Proposed by Councillor J. Pender

Seconded by Councillor W. Paton

AND

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve the attendance of The Cathaoirleach of Carlow County Council, The Mayor of Carlow Municipal District and the Cathaoirleach of Muinebheag Municipal District or their nominated representative at the St. Patrick's Day Parade in New York'.

Proposed by Councillor J. Pender

Seconded by Councillor A. McDonald

AND

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council hereby approve the attendance of Members at the following forthcoming conferences.

The Finance Act 2016,
Four Seasons Hotel,
Carlingford.
Co. Louth.
13th, 14th & 15th January 2017

Fee: €100

Tackling Japanese Knotweed &
Functions of Local Authorities & NRA,
The Clonakilty Hotel,
Clonakilty.
Co. Cork.
27th, 28th & 29th January 2017

Fee: €100

6. CHIEF EXECUTIVE REPORT

Members noted Chief Executive's Report to 31st December, 2016.

The following issues were raised by the Members.

- Councillor Pender raised issue of vandalism to Council's mast with potential disruption to Council's WAN.
- Councillor Paton raised issue of security measures in place by Carlow County Council in the event of a cyberattack.
- Councillor Murnane queried the number of households on HAP Scheme and number of households on RAS Scheme prior to and after 2011. Councillor Murnane said a two tier system has developed as those after April 2011 are deemed to have their social housing needs met.
- The Deputy Chief Executive advised that clarification is required from the Minister in relation to article stating that applicants who refuse housing in certain areas are given other choices.

Issues raised by the Members were addressed by the Deputy Chief Executive and S. O'Connor, Director of Services.

7. Comhfhreagras/Correspondence

Members noted resolution from Leitrim County Council as to why Leitrim is one of 10 counties that have no representation on the newly formed Citizens Assembly.

Members noted resolution from Leitrim County Council calling on the GAA to reverse their policy of selling the exclusive broadcasting rights of Gaelic Games to subscription viewing channels.

Members noted correspondence from the Central Bank on Review of Mortgage Measures.

Members noted resolution from Clare County Council on the operation of the Data Protection Act whereby Councillors are inhibited from the proper discharge of their responsibility in accordance with their mandate.

Members noted correspondence from TUSLA in response to Members correspondence regarding funding for Carlow Regional Youth Services.

Members noted resolution from Sligo County Council calling on the Government to progress the Coroner's Bill providing for an automatic inquest into every maternal death in the state.

Members noted resolution from Sligo County Council calling on the Department to introduce legislation as is in place for other European Countries for the control of over grown trees in housing estates and built up areas.

Members noted resolution from Sligo County Council calling on the Minister to return all water charges collected to the people who paid and to put proper compensation in place for all group water schemes.

Members noted resolution from Tipperary County Council calling on the Government to immediately establish a new Agency to acquire and manage all domestic housing mortgage arrears accounts (plus two years in arrears) from the existing Lending Agencies within the state.

Members noted resolution from Tipperary County Council calling on all Councils to support a call for both increased awareness and increased funding for services in the areas of both Dyspraxia and Dyslexia.

Members noted resolution from Tipperary County Council calling on the Taoiseach requesting that Councillors are represented on the All Island Civic Forum on Brexit.

Members noted correspondence from the Department of Housing Planning, Community and Local Government in response to Members motion calling on the Minister to release funding for emergency accommodation for homeless families.

8. Any other business with the consent of the Cathaoirleach.

Issues raised included the following:-

Councillor C. Murphy -footpaths at Clonegal graveyard in need of repair.

Councillor J. Cassin – update on graveyard for Carlow Town.

Councillor W. Paton – Right of way at roundabout at Carlow IT needs to be highlighted.

The Deputy Chief Executive responded to queries raised.

This concluded the business of the meeting.