

## CARLOW COUNTY COUNCIL

**Minutes of the July Monthly Meeting of Carlow County Council, held in The Council Chamber, County Offices, Athy Road, Carlow, on Monday 11<sup>th</sup> July 2016 at 2.00 p.m.**

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**Present:** Councillor J. Murphy (Cathaoirleach)  
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 B. O'Donoghue  
Councillor W. Paton  
Councillor J. Pender  
Councillor F. Phelan  
Councillor W. Quinn,

**Apologies:** Councillor A. Ahern (Nee Long)  
Councillor C. Murphy

**In attendance:** Ms. B. O'Brien, Deputy Chief Executive  
Mr. Dan McInerney, Director of Services, Transportation, Environment and Water Services  
Mr Seamus O'Connor, Director of Services, Housing, Community, Recreation & Amenity, Building Control & Emergency Services  
Ms. F. O'Neill, Senior Executive Officer, Planning  
Mr. T. Butler, Senior Executive Officer, Housing,  
Ms A. O'Connor, Executive 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**

- The family of the late John English, Hollymount, Carlow former Traffic Warden with Carlow County Council.
- Louise Hutton, IT Department, on the death of her father Joe Hutton, 11, Little Barrack Street Carlow
- The Family of the late Ann Redmond, Ballymartin, Borris, Co. Carlow
- Marie Butler and Family, The Burrows, Athy, Co. Kildare on the death of her husband Daniel.
- The Family of the late Dermot Farrell, 45, Springfield Park, Burrin Road, Carlow.
- The Nolan Family, Ballydarton, Myshall, Co.Carlow on the death of Mary Nolan
- The Family of the late Joan Lawler, St. Brigid's Crescent, Bagenalstown, Co. Carlow
- The Rossiter Family, Bishop Street, Tullow on the death of their mother Muriel
- The O'Brien Family, 'St. Clares', The Numbers, Graiguecullen, Carlow on the death of Anne O'Brien
- Sheila Lacey and Family 159, J.K.L Ave. Carlow on the death of her husband Walter.
- Owen McManus and Family, Church Road, Staplestown, Carlow on the death of his wife Geraldine McManus.
- The Family of the late Catherine Byrne, 'St. Therese', Hanover Road, Carlow
- John Adams and The Craig Family, Ballickmoyler, Co. Laois on the death of Kate Craig.

## **VOTES OF CONGRATULATIONS**

- Councillor Quinn, staff and all involved with the success of Pride of Place, Borris
- Marcus Lawler, Carlow on competing in the European Athletic Championships in Amsterdam.

- Father John McEvoy was welcomed on his appointment as PP of Rathvilly
- Father Michael Kelly SPS Adm, Rathvilly on his appointment as PP Raheen
- Father Tom Kennedy from Bagenalstown on celebrating his 100<sup>th</sup> birthday.
- Carlow Tourism and Eoin Lyng, Head of IT, on the launch of new tourism app and looked forward to the app being further developed to include all of County Carlow
- The Irish soccer supporters for their exemplary conduct at the Euros 2016 receiving the prestigious award Médaille de la Ville de Paris.
- Carlow Old Persons Forum on their involvement with Carlow Pride of Place, Borris 2016.
- Jake Hennessy, 27 Heatherhill, Graiguecullen on winning Bronze medal in the U/18 Javelin and U18 Discus at the International Wheelchair and Amputee Sports World Games in Prague.
- Heather Humphries and Pat Deering on securing €6.5m for Carlow under the Rural Development Programme (LEADER) 2014-2020.
- John Kelly on his appointment as new principal of Bishop Foley National School

## 1. CONFIRMATION OF MINUTES

The minutes of the Council Meeting held on 9<sup>th</sup> June, 2016 were:-

**Proposed by Councillor A. McDonald**

**Seconded by Councillor W. Lacey**

**AND**

Following a showing of hands it was unanimously resolved:-

*'That the Minutes of the June Monthly Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Thursday, 9<sup>th</sup> June, 2016, at 2.00 p.m. having been circulated to each Member be taken as read, confirmed as to accuracy and accordingly signed.'*

The minutes of the Annual Meeting held on 9<sup>th</sup> June, 2016 were:-

**Proposed by Councillor W. Quinn**

**Seconded by Councillor D. Foley**

**AND**

Following a showing of hands it was unanimously resolved:-

*'That the Minutes of the Annual Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Thursday, 9<sup>th</sup> June, 2016, at 2.30 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 7/2016 Vacant Site Levy – Urban Regeneration and Housing Act 2015.**

Members had for consideration Circular Letter PL 7/2016 in relation to the implementation of the vacant site levy provisions introduced under the Urban Regeneration and Housing Act 2015.

Ms. F. O'Neill advised that a preliminary assessment of the number of potential vacant sites will be prepared and presented to the Elected Members together with a Chief Executive Report.

The vacant levy site is to be applied annually by the Local Authority at a rate of 3% of the market value of the vacant site. The levy is payable by the registered owner and non-payment will remain a charge on the land concerned.

A vacant site register is to be maintained from 1<sup>st</sup> January, 2017. A notice must issue to the registered owner by 1<sup>st</sup> June 2018 and the levy becomes payable from 1<sup>st</sup> January 2019.

All queries raised by the Members were addressed by the Deputy Chief Executive and Ms. O'Neill.

Councillor Quinn requested a report on outstanding development levies over €10,000 on development lands owned by banks for the September

**(d) Amendment to the Waste Management (Collection Permit) Regulations 2007 under S.I. No 346**

Mr. D. McLnerney advised in relation to Circular Letter Ref: 05/16 and of price freeze to end of June 2017. As part of this agreement customers will receive from January 2017 a dual billing process enabling them make a comparison between their current price plan and pay by weight charge.

Mr McLnerney advised that the collection of waste in bags is prohibited from 1<sup>st</sup> July, 2016 except in specific local authority bag collection designation areas. These designated areas will be established in consultation with the service providers.

Issues in relation to the future of Powerstown Landfill were addressed by D. McLnerney.

**(e) Taking in Charge by Irish Water of Group Water Schemes  
Circular WSP01/16**

Mr. McInerney advised of the taking in charge by Irish Water of Group Water Schemes and the issues arising and the necessary processes. Mr. McInerney advised of Group Water Schemes in County Carlow and addressed issues raised by the Members.

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

**(a) Section 85 Agreement with Kildare County Council – N81 Tullow  
Footbridge**

Members had report from L. Fitzgerald, Senior Engineer, Roads on proposals to widen the bridge in Tullow on the entrance from the Thomas Traynor Street side and to provide footways external to the bridge parapet wall. The work will be funded by Transport Infrastructure Ireland through the regional bridge management office which is located in Kildare County Council.

The proposed works will necessitate the undertaking of a Part 8 planning process.

To enable this to happen it is necessary to enter a Section 85 Agreement with Kildare County Council.

Members' approval was sought to initiate the process by entering into a Section 85 agreement with Kildare County Council.

**Proposed by Councillor W. Paton**

**Seconded by Councillor F. Browne**

**AND**

Following a showing of hands it was unanimously resolved:-

*'That we, the Members of Carlow County Council approve the entering into a Section 85 Agreement with Kildare County Council to initiate the process for the construction of dedicated pedestrian footways/boardwalks and associated site works at CW-N81-003.00 Tullow Bridge in accordance with the design referred to in Section 85 Agreement and in accordance with the provisions of the Roads Act 1993 to 2007, Section 85 of the Local Government Act 2001.'*

Councillor Paton requested full consultation with Council before works are progressed.

**(b) To consider the taking in charge of Ballyknockan Manor Phase 1 Housing Scheme, Leighlinbridge.**

Members welcomed the proposal to take in charge Ballyknockan Manor Phase 1 Housing Estate. Mr. L Fitzgerald, Senior Engineer advised in his report dated 20<sup>th</sup> June 2016 that following the public consultation period no submissions were received.

Members' approval was sought to the taking in charge of Ballyknockan Manor Phase 1

**Proposed by Councillor M. Doran**

**Seconded by Councillor A. McDonald**

**AND**

Following a showing of hands it was unanimously resolved:-

*'That we, the Members of Carlow County Council approve the taking in charge of Ballyknockan Manor Phase 1 Housing Estate in accordance with Section 11 of the Roads Act 1993, Section 180 of the Planning and Development Act 2000 as amended and Section 59 of the Planning and Development Act 2010.'*

Members raised issue of funding for speed signs and plans for Phase 2.

**(c) Proposed Tullow Draft Local Area Plan 2016-2022**

Members had report dated 30<sup>th</sup> June from Ms B.O'Brien on the review of Tullow Local Area Plan 2010-2016 and the preparation of New Tullow Local Area Plan 2016-2022.

Members' approval was sought to the Planning Authority proceeding with the publication of the Draft Tullow Local Area Plan 2016-2022, in accordance with Section 20 of the Planning and Development Act 2000-2015.

**Proposed by Councillor W. Paton**

**Seconded by Councillor J. Pender**

**AND**

Following a showing of hands it was unanimously resolved:-

*'That we, the Members of Carlow County Council hereby approve the Planning Authority to proceed with the publication of the Draft Tullow Local Area Plan 2016-2022, in accordance with Section 20 of the Planning and Development Act 2000-2015.'*

**4. DEPARTMENTAL PROGRESS REPORTS**

### **(a) Housing Progress Report**

Members had progress report on Housing to 30<sup>th</sup> June 2016.

A discussion took place on the differentiation in market rents in Carlow and the HAP rent caps. Members noted the revised HAP limits for each county. Members also raised issue of low level of income limit applied to Carlow in order to qualify for inclusion on the social housing list.

T. Butler advised that these issues have already been raised with the Department on a number of occasions. Councillor Murnane requested that Senator Murnane-O'Connor be asked to raise the issue with the Department as to why a lower income limit is applied to Carlow in order to qualify for social housing in comparison to neighbouring counties Kildare and Kilkenny.

Queries in relation to Fruithill Housing Estate were answered by T. Butler.

### **2(b) Circular Housing 31/2016 Housing Assistance Payment (HAP) Scheme.**

Members noted Circular: Housing 31/2016 relating to amendments to, and strengthening of, the supports available under the HAP scheme, provided for by the Housing Assistance Payment (Amendment) (No. 2) Regulations 2016, which have legal effect from 1<sup>st</sup> July 2016.

### **2(c) Circular Housing 25/2016 Summary of Social Housing Assessments 2016**

Members noted Circular: Housing 25/2016 advising that each housing authority is required to prepare a summary of the social housing assessments carried out in its administrative area.

The Minister had directed that the summary be prepared on 21<sup>st</sup> September 2016.

Mr. S. O'Connor, Director of Services invited Mr. Alan O'Neill, Acting Chief Fire Officer to address the meeting on recent actions of Carlow Fire Service in helping to save the life of a man who suffered cardiac arrest in Hacketstown.

Mr. O'Neill gave an account of happenings on that morning and introduced Fire Fighters from Carlow Fire Service John Connolly and Gerard Doyle to the meeting.

Mr. O'Neill in his account of procedures that followed the emergency stressed that the availability of a community defibrillator and the Fire

Fighters trained as First Responders was crucial to saving the person's life prior to the arrival of an ambulance crew.

Mr. S. O'Connor spoke of the importance of an ambulance service being attached to the Fire Services to provide a complete public care system. The Members congratulated all involved and thanked Carlow Fire Service for their excellent work with a successful outcome.

#### **4(c) Emergency Services Progress Report**

Mr. Alan O'Neill, Acting Chief Fire Officer presented Emergency Services and Building Control July 2016 Progress Report to the Members.

Issues raised by the Members in relation to Section 26 of the Fire Services Act, Hacketstown Training Centre and Bagenalstown Fire Station were responded to by Mr. O'Neill.

#### **4(b) Recreation & Amenity Progress Report**

Ms. S. O'Connor presented Recreation and Amenity Progress Report to July 2016.

In response to Members' queries in relation to workshops lying idle in Ducketts Grove Mr. O'Connor advised that these buildings are in the charge of Carlow County Development Partnership under a three year lease. Councillor Browne suggested that the tea rooms be extended into the vacant craft shop.

The following issues were also raised by the Members:

- Update on works outstanding in New Oak Estate under SEAI Grants Scheme
- Dog fouling – staff monitor dog fouling in evenings on a trial basis.
- Security Carlow Town Park
- Lack of tourism signs specific to Carlow local attractions.
- €20,000 Structure at Risk Fund for Clonmore Church of Ireland welcomed.
- Lack of location signage to aid tourists in South Carlow for Borris, St. Mullins, Mount Leinster and The Blackstairs
- Dangerous wall separating Church and graveyard at Church of Ireland, Rathvilly
- Bagenalstown Improvement Group – Twinning signs removed.
- Maintenance of gardens Ducketts Grove.



- Notice of Motion calling for a special meeting to discuss disposal of leases at three locations. E. Brophy advised in respect of same.

All queries raised by the Members were addressed by Mr. O'Connor.

### **Extension of time.**

**Proposed by Councillor M. Doran**

**Seconded by Councillor F. Browne**

**AND**

Following a showing of hands it was unanimously resolved:-

*'We, the Members of Carlow County Council revoke that part of Standing Orders to facilitate the continuation of the meeting to 6.00p.m'*

Members paid warm tributes to Mr. Tim Butler, Senior Executive Officer, Housing as he leaves the service of Carlow County Council to take up appointment as Director of Services with Kilkenny County Council. Members thanked Tim for his dedication to the role of Housing Officer, which he carried out in an exemplary fashion and for his courteous manner at all times.

Tim thanked the Members for their kind words and said he thoroughly enjoyed working with the Members and staff of Carlow County Council and looked forward to new challenges ahead.

## **5. CORPORATE, PLANNING, ECONOMIC DEVELOPMENT AND HEALTH AND SAFETY**

### **(a) Health**

Members raised the issue of crisis in mental health services in the age category 10-16 year olds. Councillor Phelan said early intervention is vital and requested that letters issue from Carlow County Council to Tusla, the HSE and Helen McEntee, as Minister responsible for Mental Health, for increased funding for services in this age category.

Members requested in particular:-

- (1) The additional €26,000 requested by Carlow Regional Youth Services to fund the Follaine Counselling Service from September be provided without delay.
- (2) That the mental health service supports available for 10- under 16 year olds be outlined.

Members also requested a letter issue to the Minister for Health expressing Members concerns at the recent article in the Sunday Business Post on

proposals to axe trauma care in nine hospitals including St. Lukes Hospital, Kilkenny.

Councillor McDonald requested a letter issue to the Minister for Agriculture on the recent shooting of animals on a farm in Monaghan in the interest of public safety. Councillor McDonald requested that the Minister clarify if the Department had proof that the animals tested positive for bovine tuberculosis.

Councillor Doran raised issue of duplication of charities and the need for Charity Regulations to be examined in order for people's confidence to be restored.

**(b) Tenders for opening, if any**

Members noted tenders opened since the last meeting.

**(c) Conference Attendance Approvals**

The forthcoming conferences were proposed by Councillor Doran and seconded by Councillor O'Donoghue and approved following a showing of hands.

BREXIT The Economic consequences for Ireland,  
The Clonakilty Hotel,  
Clonakilty,  
Co. Cork.  
5<sup>th</sup>, 6<sup>th</sup>, & 7<sup>th</sup> August 2016 **Fee: €100**

Local Economic & Community Plans,  
The Clonakilty Hotel,  
Clonakilty,  
Co. Cork.  
26<sup>th</sup>, 27<sup>th</sup> & 28<sup>th</sup> August 2016 **Fee: €100**

Douglas Hyde Conference 2016  
Northern & Western Regional Assembly,  
The Square,  
Ballaghaderreen,  
Co. Roscommon.  
21<sup>st</sup> July 2016 **Fee: €40**

**(f) Conference Attendance Reports**

There were no Conference Attendance Reports.

## 6. Chief Executive's Report

Members had Chief Executive's Report to 30<sup>th</sup> June 2016.

Councillor Phelan raised issue of ballot of staff for industrial action in relation to the merger of Carlow and Kilkenny Library Services. He reiterated that a merger of the services is unacceptable.

**Extension of time.**

**Proposed by Councillor F. Phelan**

**Seconded by Councillor F. Browne**

**AND**

Following a showing of hands it was unanimously resolved:-

*We, the Members of Carlow County Council revoke that part of Standing Orders to facilitate the continuation of the meeting to 6.30p.m'*

## 7. Comhfhreagras/Correspondence

**Members noted correspondence from Department of Environment, Planning and Local Government** in relation to Housing Assessment Regulations 2011.

**Members noted Resolution from Donegal County Council** in relation to eligibility status of Community Employment Programmes for seasonal workers.

**Members noted correspondence from Health Service Executive South** in relation to Notice of Motion on attendance at A&E hospitals in January 2016 due to icy conditions.

**Members noted correspondence from journalist Olivia O'Leary** in response to Members' correspondence on recent article on depression.

**Members noted correspondence for Department of Health** in relation to the location of the new children's hospital.

**Members noted Notice of Motion from Dun Laoghaire-Rathdown County Council** in relation to the collection of green waste from 1<sup>st</sup> July, 2016.

**Members noted correspondence from Dublin City Council** in relation to amendment to the terms of new Tenant Purchase Scheme.

**Members noted correspondence from Department of Agriculture** in relation to mild prices.

**Members noted email from David Ryan, Carlow Institute of Technology** thanking members for their vote of congratulations.

**Members noted Resolution from Monaghan County Council** in relation to new Tenant Purchase Scheme.

Members noted Resolution from Cork County Council on the ongoing shortage of places in special education classes for students with an autism spectrum disorder diagnosis at secondary level.

## **7. Notices of Motion.**

### Standing in the name of Cllr. Arthur McDonald

“That Carlow County Council initiate the design and provide plans for a bridge at the by-pass road between Royal Oak Road and the Borris Road in Bagenalstown. This is necessary due to increased traffic and the need for further industrial development in the area.”

Councillor McDonald expressed dissatisfaction that Carlow County Council has not advanced plans for a bridge in Bagenalstown. D. McInerney advised of Carlow County Council’s position in relation to feasibility and design of bridge and availability of funding.

### Standing in the name of Cllr. Fergal Browne

“That Carlow County Council re-affirms its commitment to supporting and further improving the facilities at Duckettsgrove and calls on Carlow Development Partnership to review their role in same.”

This item was raised under Recreation and Amenity Report and S.O’Connor advised in respect of same.

### Standing in the name of Cllr. Ken Murnane

“That Carlow County Council calls on Irish water to clarify its commitment relating to water and sewage lines which pass through houses, gardens and yards installed by Carlow County Council in housing estates over the last 50 years. Normal wear and tear of these systems will result in breakdowns and will require maintenance. Householders should be exempt from these repair costs as the pipe for repair will be serving a whole housing estate or at minimum a line of

adjacent houses. Home owners or tenants cannot be responsible for maintaining a system that was installed, where the pipes are laid inside the property border as a community system. A commitment from Irish Water is urgently required to allay resident fears and to carry out the necessary repairs in the Carlow area.”

D. McInerney advised that this issue was raised in a Parliamentary query in October 2015 and by Senator Murnane O'Connor in Seanad Eireann.

D. McInerney circulated to Members response received from Irish Water in relation to Notice of Motion. The response, which was similar to response to Parliamentary query in October 2015, that under Sections 43 and 54 of the Water Services Act 2007, responsibility for maintenance and replacement of any water or wastewater pipes, connections or distribution systems, which are located within the boundary of their property rests with the owner.

Mr. McInerney advised that the Minister, in response to Senator Murnane-O'Connor's question, indicated that the Department is engaging with Irish Water to set out clearly the respective responsibilities of Irish Water and property owners in relation to water supply and wastewater infrastructure. The Minister acknowledged that clarity in relation to these matters is important for homeowners and will expedite work with Irish Water on this issue so that definite clarity can be provided for all.

Mr. McInerney advised that further clarification on the issue is now awaited from the Minister.

It was agreed that the Pre-Budget Meeting be held on 25<sup>th</sup> July and that a Special Meeting be convened at 2.00pm prior to Budget Meeting to discuss disposal of leases at the following three locations.

- >grounds at Castlemore, Tullow
- >former FCA grounds Green Lane, Carlow
- >lands off the Tullow Road, Carlow

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

Members raised issue of New Roundabout, Kilkenny Road with regard to bus bays and cycle paths. Mr. McInerney advised that these issues have been raised with design engineers and the works are in accordance with

standards. Mr McInerney is to advise design engineers and the Regional Roads Authority that Carlow County Council does not accept the Roundabout as constructed.

This concluded the business of the meeting.