

## CARLOW COUNTY COUNCIL

### **Minutes of the March Monthly Meeting of Carlow County Council, held in The Council Chamber, County Offices, Athy Road, Carlow, on Monday 10th March at 2.00 p.m**

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Present: Councillor D Hurley, Cathaoirleach  
Councillor A. Ahern (Nee Long)  
Councillor E. Brophy  
Councillor F. Browne  
Councillor M. Doran  
Councillor W. Fennell,  
Councillor F. Hunter  
Councillor T. Kinsella  
Councillor W. Lacey  
Councillor A. McDonald,  
Councillor J. Murnane-O'Connor,  
Councillor C. Murphy  
Councillor J. Murphy  
Councillor P. O'Toole  
Councillor W. Paton  
Councillor J. Pender,  
Councillor W. Quinn.  
Councillor J. Townsend.  
Councillor C. Townsend,

Apologies: Councillor D. Foley  
Councillor T. O'Neill

In attendance: Mr. S. O'Connor, Deputy County Manager  
Ms. B. O'Brien, Director of Service - Community and Enterprise, Economic Development & Corporate Services.  
Mr. J. Carley, Director of Service - Environment, Water Services & Health and Safety.  
Mr. E. Brophy, Senior Executive Officer, Corporate Services.  
Ms. B. Whelan, Assistant Staff Officer, Corporate Services.

## **OPENING PRAYER**

The opening prayer was recited in Irish by the Members.

## **VOTES OF SYMPATHY**

The Members expressed votes of sympathy to:-

- Martin Farrell, Fire Fighter, on the death of his father Jim Farrell, Bilboa, Carlow.
- Edward Murphy husband of the late Patricia Casey, former County Registrar and Returning Officer for Carlow County Council.
- Breda Donohue, The Ridge, Old Leighlin on the death of her husband George Donohue pensioner with Carlow County Council.
- Eileen Looney & Family on the death of her son Paddy Looney, 106, Church Street, Graiguecullen, Carlow.
- Helen Joyce & Family, Main Street, Borris on the death of her husband Ted.
- Sheila Sinnott, Coolroe, Ardattin, Co. Carlow on the death of her sister Myra Lalor, Abbeyleix.
- Jorge Harenberg, Ballycormack Lodge, on the death of his wife Lulu.
- The Family of the late Richard Ferrissey, Eastwood, Bagenalstown and Guernsey.
- The Nolan Family, Rathellen, Leighlinbridge on the death of Paddy Nolan.
- The Coogan Family, Graiguecullen on the death of Chrissie Coogan, 4 Church Street, Graiguecullen, Carlow.
- The Dooley Family on the death of Mary Dooley, 48 Avondale Drive, Carlow.

## **VOTES OF CONGRATULATIONS**

The Members expressed votes of congratulations to:-

- Sarah Doyle, Natasha Doyle, Catherine Doyle and Anna Doyle representing St. Laurence O'Toole Athletic Club on winning the All Ireland u/14 Inter County Cross Country Relay.
- Niall Harvey, representing Presentation College, Carlow on coming 3rd in the junior boys cross country in Cork.

- Brian O’Driscoll, on his retirement as an Irish professional rugby union player and paid tribute to him as being one of the greatest ever rugby players.
- Mount Leinster Rangers on competing in the All Ireland Club Hurling Championship Final on St Patrick’s Day in Croke Park.
- Members paid tribute to the Garda sub aqua team and civil defence teams on their recent difficult search efforts on the river Barrow.

Councillor J. Townsend complimented the Council and J. McLoughlin Group on reaching agreement in relation to outstanding issues at Pembroke and Water Lane. This agreement enabled Carlow Main Drainage works to be completed.

Councillor Murnane-O’Connor welcomed the re-development at Penneys and stressed the importance of maintaining the business in the Town Centre whilst work is in progress.

## **1. CONFIRMATION OF MINUTES**

**Proposed by Councillor A. McDonald**

**Seconded by Councillor W. Paton**

**AND**

Following a showing of hands it was unanimously resolved:-

“That the Minutes of the Monthly Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday 10th February 2014, at 2.00p.m having been circulated to each Member, be taken as read, confirmed as to accuracy and accordingly signed.

Members of a concerned group from the Old Leighlin area of County Carlow were in attendance at the meeting to voice their opposition to proposed plans to build 21 Wind Turbines in the Old Leighlin area. A heated debate ensued with some Members requesting that no application for wind turbines be processed until after the McGuinness Review findings. The Deputy County Manager advised of Section 34 of the Planning Act where the planning authority must make its decision on an application within the prescribed 8 week period. If further information is sought the applicant has six months to do so. Mr O’Connor advised that existing strategy has to apply to any

current planning application as per circular PL20-13 issued to all Planning Authorities. He advised of a five week submission period from the date of receipt of application and urged people to voice their concerns by lodging written submissions.

Members requested urgent review of Carlow County Development Plan in relation to Wind Energy as the current Plan does not protect the citizens of County Carlow and called for a special meeting to discuss the issue.

At the end of the debate Members of the concerned group voiced their anger at proposals for wind turbines in the Old Leighlin area.

Councillor O'Toole raised issue in relation to zoning of lands for educational purposes in Tullow and emphasised the importance in relation to all schools in Tullow. Councillor O'Toole also raised issue in relation to burial ground, Tullow.

Councillor McDonald proposed that this Council write to the Minister for the Environment, Community and Local Government requesting that all planning applications in relation to wind energy be stalled until new guidelines come into effect. This proposal was seconded by Councillor Murnane-O'Connor.

Councillor Doran proposed that where planning permissions have been granted for wind turbines and where works have not commenced that the works be stalled. This was seconded by Councillor Kinsella.

Mr. O'Connor advised of Council's legal obligation under the Planning Act and said that such proposals may be in breach of regulations and may lead to actions for compensation.

## **2. ENVIRONMENT, WASTE SERVICES & HEALTH & SAFETY**

### **(a) Water and Environment Progress Report**

Members welcomed Water and Environment Services Activity Report to date.

The report covered the following areas of responsibilities.

- Infrastructure
- Current Status of Capital Infrastructure Schemes
- Small Schemes
- Irish Water Set Up Process

- River Basin Management Plan
- Water Metering Project Domestic Customers
- EPA Quality of Drinking Water in Ireland Report 2011
- Individual Well Grants
- Water Conservation
- Licencing of Waste Water Treatment Plants
- Waste Management and Water Quality Regulatory Activity
- Health and Safety
- Promotion of Environmental Awareness
- Energy Management
- Veterinary Service
- Waste Management Facilities

Members raised the following issues.

- Success of Carlow Main Drainage and complimented staff involved on the scheme.
- Complimented staff and farmers on drainage works on the River Burrin. Mr. Carley thanked the landowners for their help with the works process.
- Dog fouling need for dispensing units and signage.
- Smokeless Fuel and inspections
- Opening of Powerstown on Mondays and future plans.
- Fluoridation in water supplies.
- Illegal dumping and naming and shaming. Members requested that the Council write to the Data Protection Commissioner to revise legislation which currently precludes Local Authorities from naming and shaming.
- Surface water and storm water remaining a function of the Roads Authority.
- Bad taste and smell from water in Gortnahowan, Tullow.

Councillor McDonald queried why he was not invited to attend meetings in relation to the Burrin Drainage as he had originally started the process. Councillor McDonald was advised by members of the Burrin Drainage committee that the meetings were arranged with committee members. Councillor McDonald is not a member of this committee.

All queries raised by Members were addressed by Mr. Carley.

### **3. COMMUNITY & ENTERPRISE & ECONOMIC DEVELOPMENT & CORPORATE SERVICES**

#### **(a) Local Government Reform Act 2014 – County of Carlow Local Electoral Areas & Municipal Districts Order 2014 (S.I. No. 40 of 2014)**

Members noted correspondence from Ms B. O'Brien on Local Government Reform 2014 and Ministerial Order S.I. No 40 of 2014 relating to the County of Carlow Local Electoral Areas and Municipal Districts Order 2014.

Members raised the following issues:-

- Carlow Municipal District should be known as Carlow/Tullow Municipal District.
- Members expressed regret at the demise of Carlow and Muinebheag Town Councils and raised issues in relation to the future of McGrath Hall, Bagenalstown and Town Hall, Carlow.

All queries raised by Members were addressed by Ms. O'Brien.

#### **(b) Local Government Reform Act 2014 – Establishment of Local Community Development Committees – Update**

Members had from Ms. B. O'Brien update on the establishment of Local Development Committee (LCDC) under the Local Government Reform Act 2014. The report set out a broad outline of the process for the establishment of LCDC's in all Local Authorities in the coming months.

Members expressed dissatisfaction with membership of LCDC's comprising of only 3 elected members.

Miss O'Brien advised that regulations and guidelines in relation to selection of LCDC membership will issue to Local Authorities in March.

#### **(c) Establishment of Local Enterprise Office (LEO) – Update**

Members welcomed the establishment of Local Enterprise Office as a one stop shop to support micro and small businesses in the County. Members praised the work of Kieran Comerford, CEO of County Carlow Enterprise Board for his objectives promoting enterprise and

encouraging the establishment of new businesses in the County during the past year.

Members requested SPC meeting for Economic Development. Members raised issue of disincentive for people to become self employed as they do not qualify for social welfare payments in the event of becoming unemployed.

All queries raised by Members were addressed by Ms.O'Brien.

**(d) Agriculture**

There was no matter arising.

**(e) Health**

Members requested that this Council write to the Minister for Health in relation to support for parents of children on home dialysis following their discharge from hospital.

Members expressed dissatisfaction with HSE response in relation to X-Ray services at St Dymphna's Hospital, Carlow. Members requested that the Council write to the HSE in relation to update on progress with the backfilling of post to fill the vacancy created by the retirement in January 2014 of permanent post holder.

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

Members noted tenders opened since last Council meeting and queried price variations for refurbishment works.

Queries raised by Members were addressed by Mr. O'Connor

**4. CORRESPONDENCE**

**Members noted resolution from Limerick City and County Council**

*"That, Limerick County Council would call upon the Government to immediately take steps to legislate against all types of top-ups and bonuses where tax payers' money is involved and, furthermore, that the support of all local authorities be sought for this Motion."*

**Members noted resolution from Clones Town Council**

*"We call on the Minister for the Environment, Community and Local Government, Deputy Phil Hogan, T.D to abolish the extra charge*

*people are forced to pay, as a result of taxing their car for a three-month period as apposed to a twelve-month period.”*

**Members noted resolution from Edenderry Town Council**

*“That Edenderry Town Council calls on the Government to overturn the decision to impose a Student Service Charge on apprentices wile undergoing the education module of their apprenticeship training in Institute of Technologies.*

*This motion to be forwarded to Minister for Finance, Minister for Education and Skills and the Minister for Jobs, Enterprise and Innovation.”*

**Members noted correspondence from the Department of Environment, Community and Local Government** in response to Members correspondence in relation to housing adaptation grants.

**Members noted resolution from Donegal County Council**

*“In light of the recent revelations regarding Irish Water, this Council calls on the Government and the Minister for the Environment to disband Irish Water and revert back to the Status Quo of the service being delivered by Local Authorities.*

*It was further resolved to send a copy to An Taoiseach, Mr. Enda Kenny, T.D and to the Minister for the Environment, Community and Local Government, Mr. Phil Hogan, T.D.”*

**Members noted correspondence from the Health Service**

**Executive** in response to Members correspondence in relation to X-ray Services at St. Dymphna’s Hospital, Carlow.

**5. Fógraí Rúin/Notices of Motion.**

**Standing in the name of Cllr. Walter Lacey**

Proposed by Councillor Lacey

Seconded by Councillor Browne

And following a showing of hands it was resolved:-



*“That Carlow County Council call on the government to amend legislation to allow Contractors & Farmers to tax their Combine Harvesters for a three month period.”*

**Standing in the name of Cllr. William Paton**

Proposed by Councillor Paton

Seconded by Councillor Hurley

And following a showing of hands it was resolved:-

*“That Carlow County Council invite Mr. Chris Monaghan, of the H.S.E., James' Green, Kilkenny to the April meeting of Carlow County Council to make a presentation regarding the HSE policy document, "Time to Move on from Congregated Settings - A Strategy for Social Inclusion" followed by the usual question and answer session.”*

**Standing in the name of Cllr. Tom O'Neill**

Proposed by Councillor Browne

Seconded by Councillor Doran

And following a showing of hands it was resolved:-

*“That Carlow County Council calls on the Minister for the Environment Community and Local Government to ensure that persons who are unemployed are considered for suitable positions for the European and Local Elections on 23<sup>rd</sup> May, 2014.”*

**(6) Any other business with the consent of the Cathaoirleach.**

Members raised the following issues:-

- Support for staff at Elvery's Sports as the company has been put into examinership.
- Separated parents who share the care and financial responsibility of their children only one parent is eligible to avail of One Parent Tax Credit. Members requested that the Council write to the Minister to examine this issue as it penalises families who have separated but take a collaborative approach to sharing responsibility.

- Members raised issue of €30,000 in funding advised by the County Manager in relation to health and safety issues at entrance to Ballyknockan, Leighlinbridge. Members also raised issue of availability of special contribution of €82,000 for Ballyknockan and requested information on where this money will be spent.

**(8) Any other business with the consent of the Cathaoirleach.**

Member's attendance at the following conferences were approved:-

Wind Turbines – The Pros and Cons,  
Gleeson's Town House,  
Roscommon, Co. Roscommon.  
21<sup>st</sup> to 23<sup>rd</sup> February 2014

Cllrs. A. Ahern &  
W. Lacey

Cross Border Tourism,  
Ballymascanlon Hotel,  
Dundalk, Co. Louth.  
9<sup>th</sup> April 2014

Cllr. J. Pender

Empowering Communities/Local Gov Policy,  
Connacht Hotel,  
Dublin Road, Galway.  
7<sup>th</sup> to 8<sup>th</sup> March 2014

Cllr. C. Townsend

Succession Law & Tax Planning  
Bewleys Hotel,  
Newlands Cross,  
Naas Rd., Dublin 22.  
7<sup>th</sup> to 9<sup>th</sup> March 2014

Cllr. D. Foley

ACCC Annual Conference 2014,  
Slieve Russell Hotel,  
Ballyconnell, Co. Cavan.  
6<sup>th</sup> to 7<sup>th</sup> March 2014

Cllr. W. Fennell

Role of Ombudsman Conference,  
Scotts Limerick Hotel,  
Ashbourne Avenue, Limerick.  
21<sup>st</sup> to 23<sup>rd</sup> March 2014

Cllr. D. Foley

12<sup>th</sup> Carlow Tourism National Conference,  
Talbot Hotel,  
Portlaoise Road, Carlow Town.  
3<sup>rd</sup> to 5<sup>th</sup> April 2014

Cllrs. D. Foley,  
W. Fennell,  
W. Lacey, P. O'Toole,  
F. Browne &  
J. Townsend

This concluded the business of the meeting.