

## CARLOW COUNTY COUNCIL

### **Minutes of the February Monthly Meeting of Carlow County Council, held in The Council Chamber, County Offices, Athy Road, Carlow, on Monday 10th February 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 D. Foley,  
Councillor F. Hunter  
Councillor T. Kinsella  
Councillor W. Lacey  
Councillor A. McDonald,  
Councillor J. Murnane-O'Connor,  
Councillor C. Murphy  
Councillor J. Murphy  
Councillor T. O'Neill  
Councillor P. O'Toole  
Councillor W. Paton  
Councillor J. Pender,  
Councillor W. Quinn.  
Councillor J. Townsend.  
Councillor C. Townsend,

In attendance: Mr. T. Barry, County Manager  
Mr. D. McInerney, Director of Services  
Transportation & Safety & Emergency Services.  
Ms. B. O'Brien, Director of Service - Community and  
Enterprise, Economic Development & Corporate Services.  
Mr. T. Butler, Acting Director of Services, Housing,  
Recreation & Amenity & Special Projects.  
Mr. D. Walsh, Senior Planner  
Ms. F. O'Neill, Senior Executive Officer, Planning  
Mr. R. Fitzgerald, Financial Accountant  
Ms. A. O'Connor, Executive Planner

Ms. P. Murphy, Executive Planner  
Mr. Gerard Guerin, Chief Fire Officer  
Mr. Eoin O'Dowd, Assistant Chief Fire Officer  
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:-

- The family of Jonny Byrne, Tomard, Leighlinbridge who died tragically.
- The Dalton Family, Main Street, Borris on the death of Peggy Dalton
- The Family of the late Josephine Fitzgerald, The Ridge, Old Leighlin.

Members were unanimous in their condemnation of the 'neknominations' drinking challenge following the tragic death of Jonny Byrne and pleaded with people to stop this on line craze. Members praised the efforts of the late Jonny Bryne's father in going public pleading with people to stop this game which has the most horrific consequences.

Members also praised the Chief Celebrant Fr Tom Lalor who spoke directly to young people at Jonny Byrnes funeral mass appealing to them to say no if faced with such social media challenges.

## **VOTES OF CONGRATULATIONS**

The Members expressed votes of congratulations to:-

- Mount Leinster Rangers on winning the All-Ireland Senior Club Hurling Semi-Final.
- Ballon Improvement Group on being shortlisted with Ballon Village Landscape Plan at the National Planning Awards 2014 to be held in Dublin Castle on 21st February.

- Kieran Cullinane, Project Engineer of Carlow Main Drainage, Engineering staff and staff of Carlow County Council and the OPW on the success of Carlow Main Drainage Scheme.
- Mapalarter for their excellent updates on severe weather warnings and river levels.  
The County Manager praised the staff that worked on Carlow Main Drainage but said the flood relief scheme was mitigation measures and Carlow must be vigilant of weather alerts.
- Horse trainer Tom Foley of Aughabeg stables on winning the Two Mile Handicap Hurdle at Leopardstown with 'Never Enough Time'.
- Matthew Carroll of Dunroe, Borris on receiving a kidney transplant.
- Paul Horan, Lecturer and historian on Carlow 'The Medieval Capital of Ireland'.
- Claire Minnock of Carlow Nationalist on her recent engagement.
- Pauric Ahern, son of Councillor Ann Ahern on being commissioned as a 2nd Lieutenant in the Irish Defence Forces.

## **1. CONFIRMATION OF MINUTES**

**Proposed by Councillor A. Ahern**

**Seconded by Councillor T. O'Neill**

**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 13th January 2014, at 2.00p.m having been circulated to each Member, be taken as read, confirmed as to accuracy and accordingly signed.

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

**(a) Approval to attendance of Cathaoirleach at St Patrick's Day Parade in New York**

**Proposed by Councillor W. Paton**

**Seconded by Councillor W. Quinn**

**AND**

Following a showing of hands it was unanimously resolved:-

*“That we, the Members of Carlow County Council hereby approve the attendance of the Cathaoirleach at the St. Patrick’s Day Parade in New York.*

**(b) Filling of vacancy on Housing & Social Policy Strategic Policy Committee**

**Proposed by Councillor F. Browne**

**Seconded by Councillor M. Doran**

**AND**

Following a showing of hands it was unanimously resolved:-

*“That we, the Members of Carlow County Council nominate Councillor E. Brophy to the Membership of Carlow County Council Housing & Social Policy Strategic Policy Committee”.*

**(c) Filling of vacancy on Traveller Accommodation Committee**

**Proposed by Councillor F. Browne**

**Seconded by Councillor M. Doran**

**AND**

Following a showing of hands it was unanimously resolved:-

*“That we, the Members of Carlow County Council nominate Councillor E. Brophy to the Membership of Traveller Accommodation Committee following the resignation of Councillor M. Abbey.*

**(d) Filling of vacancy on Local Authority Members Association (LAMA)**

**Proposed by Councillor F. Browne**

**Seconded by Councillor M. Doran**

**AND**

Following a showing of hands it was unanimously resolved:-

*“That we, the Members of Carlow County Council nominate Councillor E. Brophy to the Membership of Local Authority Members Association (LAMA) following the resignation of Councillor M. Abbey.*

**(e) Filling of vacancy on Public Art Working Group Committee**

**Proposed by Councillor F. Browne**

**Seconded by Councillor M. Doran**

**AND**

Following a showing of hands it was unanimously resolved:-

*“That we, the Members of Carlow County Council nominate Councillor E. Brophy to the Membership of Public Art Working Group Committee following the resignation of Councillor M. Abbey.*

**(f) To adopt Draft Traveller Accommodation Programme 2014-2018**

Members had for their consideration Draft Traveller Accommodation Programme 2014-2018.

Mr. T. Butler advised that the Draft Traveller Accommodation Programme went on public display for a two month period to the 6th January 2014. Four submissions were received prior to the preparation of the Draft and two were received during the Draft publication period. The report set out the submissions received and responses.

Members raised issues in relation to tenancy agreements, removal of rent supplement for anti social behaviour and policy in relation to horses.

Issues raised by Members were addressed by Mr. Butler.

It was

**Proposed by Councillor W. Paton**

**Seconded by Councillor W. Quinn**

**AND**

Following a showing of hands it was unanimously resolved:-

*“that we, the Members of Carlow County Council hereby approve the Draft Traveller Accommodation Programme 2014-2018 in accordance with The Housing (Traveller Accommodation) Act 1998.”*

Councillor O’Toole raised issue in relation to land for expansion of educational facilities for the boys and girls national schools in Tullow.

### **3. PLANNING**

#### **(a) Review of Carlow County Development Plan 2009-2015- Consideration of Manager's Report on the Issues Paper**

The County Manager gave an overview of Carlow County Development Plan 2009-2015.

Ms Arlene O'Connor, Executive Planner gave a presentation to Members on the process to date. Ms O'Connor advised that as part of the pre-draft consultation stage the Council published an Issues Paper to encourage public participation in the preparation of the new Carlow County Development Plan. Copies of the Issues Paper were placed on public display and made available on the Council's website. The consultation stage took place from 28th August, 2013 until 24th October, 2013 inclusive. A total of 108 submissions were received on the Pre-Draft Consultation phase of the Plan.

The Members had for their consideration the Managers Report on submissions received and the Manager's responses. The Elected Members were requested to issue any directions relating to any items they wanted addressed in the County Development Plan at this meeting. The Members were advised that the Manager's Report forms part of the statutory procedure for the preparation of the Plan. The Members were informed that the Draft Plan will be prepared by 5th May, 2014 and following a review period by Members the draft plan will go on public display on 1st July, 2014. The Plan must be adopted between 4th and 10th August 2015.

Members raised the following issues:-

- Appropriate Assessment Screening and the impact on rural development. Members also raised issue of strict statutory time limits for submission of Appropriate Assessment Screening Reports.
- Removal of Lime Kiln on former Irish Sugar land from Protected Structure List.

Ms O'Connor advised that the services of the Heritage Officer from Kilkenny County Council will be engaged to review the Record of Protected Structures and a decision will be made.

- Draft Landscape Character Assessment Workshops. Members requested that the workshops be open to the public and not

confined to organised groups dealing with pylon issue. The County Manager advised that four workshops are planned. No dates have been set but will possibly be last two weeks in February to be agreed with area committees.

- Zoning of lands for educational purposes with particular regard to educational facilities in Tullow as there is serious concern relating to the girls national school, Tullow. Ms O'Connor advised that zoning is not part of the County Development Plan but a general policy can be included. Zoning of lands is dealt with under Local Area Plans.
- Windturbines. Members requested that any planning applications received for windfarms by Carlow County Council should not be processed until completion of the 'Expert Review' under Justice McGuinness.

Mr Walsh advised that existing strategy would apply to any current planning application as per circular PL20-13 issued to all Planning Authorities. A pre planning meeting has taken place with Galetch Energy Development but no application has been lodged with Carlow County Council.

- Phasing of development levies for Carlow Town Centre and linking of shopping centre to town centre. Retail shopping development Carlow Town.
- Oakpark. Footpath and cycle paths to Oakpark and public access to Oakpark House.
- Burial Ground, Tullow. Ms O'Connor advised that a general policy can be included in Draft County Development Plan with specifics in Local Area Plan.
- By-Pass Bagenalstown. Can be examined as part of Local Area Plan for Bagenalstown.
- Proposed charges by Waterways Ireland for Inland Waterways. Members expressed concern that a significant increase in charges will reduce tourism potential.
- Ballymoon Castle. The castle is only accessible to the public via a small wooden structure over a ditch.
- Bridges built by CIE in need of restoration and reinforcement with special mention of Kilcarrig Bridge.
- People living locally should have precedence when applying for Planning Permission.
- Borris Viaduct great potential as a community facility.

- Windmills green in colour to adapt better to the landscape.
- Housing. Development on private lanes should be permitted. Timber fencing should not be permitted in housing estates, adequate parking facilities for owners and visitors in housing estates, letters boxes should not be permitted at ground level and there should be better use of green areas.  
10% of land in Tullow be zoned for serviced sites and by-pass for Tullow.  
The County Manager advised that the Local Area Plans for Bagenalstown and Tullow will be brought forward for Review.

All issues raised by Members were addressed by County Manager, Mr. Walsh and Ms. O'Connor.

## **UPDATE ON VISUAL**

The Chairman welcomed the new Chief Executive Officer of VISUAL Ms Ann Mulrooney to the Chamber.

Ms Mulrooney gave a very informative presentation to Members on VISUAL and the George Bernard Shaw Theatre. She set out her objectives and goals for the coming year and looked forward to developing new strategies to move the company forward.

Members thanked Ms. Mulrooney for her presentation, pledged their support and wished her well with her endeavours.

Queries raised by Members were addressed by Ms. Mulrooney.

### **(b) Proposed Variation No. 1.1 of the Carlow County Development Plan 2009-2015**

Mr. D. Walsh gave an overview on the proposed Variation No. 1.1 of the Carlow County Development Plan 2009-2015.

Mr. Walsh outlined the three main stages in the variation process and advised that the Draft Variation will provide greater clarity and will act to strengthen the proper planning and sustainable development of the County with particular reference to the location and level of residential development and provision of key services and facilities. It will not alter the core principles of the County Development Plan.

Members raised the following issues;-

- Inclusion of table of settlements of towns would add clarity. Mr Walsh advised that the table of settlements can be included as part of text.



- Retail Strategy not included.
- Potential Logistic Park at Rathcrogue. Mr. Walsh advised the Logistics Park does not form part of the proposed variation.
- Upgrade of Tullow / Castledermot Road to National Secondary Road as a link to the N9.
- Dezoning of lands from residential to comply with Regional Guidelines. Mr Walsh advised that lands may be dezoned from residential to Strategic Reserve and Educational/Industrial purposes. Members requested a balanced approach to dezoning. Mr Walsh advised that dezoning in each settlement will be brought to Council with lands close to centre of settlement prioritised for housing and lands further away could be considered for alternative uses.
- One-off serviced sites vital for people born and bred in villages to take pressure off one-off rural housing. Members requested strict guidelines for serviced sites.
- Appropriate Assessment requiring stricter planning procedures. Mr Walsh advised that guidance is given at pre planning meetings.
- Sporting facilities should be considered when rezoning lands.
- Quarries: 25 year life span should be considered.
- Parking Dr. Cullen Park. The rezoning of part of Erin Foods site for parking.
- Core Strategy which limits residential zoning may have negative impact on business development.

Mr Walsh advised that this Core Strategy is an interim document to comply with the Planning and Development (Amendment) Act 2010 and a revised Core Strategy will be developed as part of the review of the County Development Plan.

**Proposed by Councillor F. Browne**

**Seconded by Councillor W. Paton**

**AND**

Following a showing of hands it was unanimously resolved:-

*“That we, the Members of Carlow County Council, hereby approve that the Draft Variation No. 1.1 to the Carlow County Development Plan 2009-2015 with amendments made to Draft Core Strategy, Draft SEA Screening Report and Draft Appropriate Assessment Screening*

*go on public display in accordance with the Planning and Development (Amendment) Act 2010, South East Regional Planning Guidelines 2010, Planning and Development (Strategic Environmental Assessment) Regulations 2004 and Article 6(3) and (4) of the EU Habitats Directive. This Draft Variation No 1.1 is to comply with the legislative requirements for the remaining statutory life of the County Development Plan”.*

### **Extension of time**

Suspension of Standing Orders

It was unanimously agreed to suspend that part of Standing Orders of Carlow County Council to facilitate the Meeting to 7.00pm.

## **4. TRANSPORTATION & EMERGENCY SERVICES**

### **(a) Transportation Progress Report**

Members welcomed report from Mr. D. McInerney on the Roads Service in Carlow to end of December 2013.

Members raised the following issues:-

- Surface Dressing Beechwood Park, Friarstown to Mountain View not satisfactorily completed. Mr McInerney advised that some experimental works were carried out at these areas and will be reviewed.
- Footpaths, Dublin Street and Tullow Street. Mr. McInerney advised that a Specific Improvement Allocation in excess of €0.5m would be required for Tullow Street. No allocation for this work in 2014.
- Bridges. Members welcomed funding for bridges under new initiative by the Department. Works will begin with Regional Road bridges.

### **(b) 2014 Roadworks Programme**

Members had for their consideration Draft Roadworks Scheme for 2014.

The total allocation available for 2014 is €5,490,497 of which €234,797 is allocated from the NRA for National Roads, €4,325,900

is allocated from the Department of Transport for Non-National Roads and the balance of €930,000 is allocated from local funding.

Members raised the following issues:-

- Murphy's Corner – surface dressing footpath
- CIS Schemes with community contributions for cul de sacs etc.
- Public Lighting Bagenalstown, bridge in Leighlinbridge and flooding pumping station Tinryland.
- Members thanked the Director of Services, Engineering Staff, Staff and Civil Defence on the success of Carlow Main Drainage Scheme. Members also requested that the Council write to the OPW expressing their thanks.

Issues raised by Members were addressed by Mr. McInerney.

**Proposed by Councillor J. Townsend**

**Seconded by Councillor J. Murnane-O'Connor**

**AND**

Following a showing of hands it was unanimously resolved:-

*“That we, the Members of Carlow County Council hereby approve the Roadworks Scheme 2014 as set out.*

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

Members welcomed Progress report from Chief Fire Officer G. Guerin.

The report covered the following areas of responsibility:-

- Occupation Health and Safety Assessment Specification Award from the National Standards Authority of Ireland for Health and Safety Management Standard.
- County Risk Categorisation/Risk Assessment Project – 2013
- Capital Programme
- Fire Service Operations. Operation Incidents 2013 -.487an increase of 25% on 2012.
- Training and Development
- Carlow Technical Rescue Extrication Team
- Major Emergency Management
- Fire Safety Schools Programme

- Enforcement: Fire Services Act – Inspections
- Fire Safety Certificates
- Disability Access Certificates
- Planning
- Licensing
- Building Control and Building Control (Amendment) Regulations 2013 coming into force on the 1st March 2014.
- Commencement Notices
- Statistics

Members complimented the Fire Service on their handling of recent incident on the River Barrow. Members raised issue of refuelling centre in Carlow for coast guard helicopters engaged in such incidents.

#### **(d) Building Control (Amendment) Regulations 2014**

Mr Eoin O’Dowd, Assistant Chief Fire Officer gave a presentation to Members on Building Control (Amendment) Regulations 2014.

The new documents required with a Commencement Notice for a specific development are as follows:-

- Certificate of Compliance (Design) signed by the Assigned Certifier
- Notice of Assignment of Person to inspect and certify works (Assigned Certifier) signed by the building owner
- Undertaking by Assigned Certifier, signed by the Assigned Certifier
- Notice of Assignment of Builder, Signed by the Building Owner
- Undertaking by Builder, signed by the Principle or Director of a building company only
- Plans, Specifications and particulars, which demonstrate how the building or works will comply with all Building Regulations.
- Certificate of Design (Completion) and submission of documents which demonstrate compliance with the building regulations are required upon completion of works.

Specific types of development referred to are as follows:-

- New domestic dwellings
- Extensions to existing domestic dwellings of 40m<sup>2</sup> or more
- Works which require a Fire Safety Certificate.

Members thanked Mr. O'Dowd for his presentation and queries raised by Members were addressed by Mr. Guerin and Mr. O'Dowd.

## **5. FINANCE AND INFORMATION TECHNOLOGY**

### **(a) Audit Report 2012**

Members had for their consideration Statutory Audit Report for the Year Ended 31st December 2012.

Members raised the following issues;-

- Voluntary Housing Projects dating back to 1999 where final accounts remain outstanding.
- Loan repayments and rate arrears.

Queries raised by Members were addressed by Mr. R. Fitzgerald, Financial Accountant.

**Proposed by Councillor J. Murnane-O'Connor**

**Seconded by Councillor T. O'Neill**

**AND**

Following a showing of hands it was unanimously resolved:-

*"That we, the Members of Carlow County Council hereby approve the Statutory Audit Report for the year ended 31st December 2012 in accordance with Section 120 of the Local Government Act, 2001.*

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

### **(a) Agriculture**

There were no matters arising.

**(b) Health**

Councillor McDonald, as a Member of the HSE South Regional Forum, expressed dissatisfaction with lack of response from the HSE on a range of health issues in Carlow raised at the Forum meetings.

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

There were no tenders opened since the last Council Meeting.

**7. CORRESPONDENCE**

**Members noted correspondence from the Department of Environment, Community and Local Government** in relation to European Parliament and Local Elections which will be held on Friday 23rd May, 2014.

**Members noted resolution from South Tipperary County Council**

*“I call on the Ministers for Finance, Education and Social Welfare to immediately review the flat fee of €833.00 introduced in the October budget for apprentices attending Institutes of Technology. This fee is a barrier to training. To support the development of a skilled technical workforce in County Tipperary, I call for the fee to be waived.”*

**Members noted correspondence from the Office of the Minister for Social Protection** in response to Members correspondence in relation to the centralisation of rent allowance applications.

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

Members attendance at the following conferences were approved:-

Developing/Supporting Enterprise Locally,  
Connacht Hotel,  
Dublin Road, Galway.  
10th to 11<sup>th</sup> January 2014

Cllr. T. O'Neill

<p>Wind Turbines – The Pros and Cons,  Gleeson’s Town House,  Roscommon, Co. Roscommon.  21<sup>st</sup> to 23<sup>rd</sup> February 2014</p>	<p>Cllr. T. O’Neill</p>
<p>Changes to Construction Tendering for LA’s,  Celtic Ross Hotel,  Rosscarbery, Co. Cork.  31st January to 2<sup>nd</sup> February 2014</p>	<p>Cllr. W. Quinn</p>
<p>Keeping Communities Safe/Fire Safety,  Westport Plaza Hotel,  Westport, Co. Mayo.  7<sup>th</sup> to 8<sup>th</sup> February 2014</p>	<p>Cllr. A. McDonald</p>
<p>Combatting the Fear of Crime,    Clanree Hotel,  Letterkenny, Co. Donegal.  7<sup>th</sup> to 9<sup>th</sup> February 2014</p>	<p>Cllr. T. O’Neill</p>
<p>Empowering Communities/Local Govt Policy,  Connacht Hotel,  Dublin Road, Galway.  7<sup>th</sup> to 8<sup>th</sup> March 2014</p>	<p>Cllr. A. McDonald</p>
<p>Tidier Towns Conference  Corrin Event Centre,  Cork Marts Complex,  Fermoy, Co. Cork.  12<sup>th</sup> February 2014</p>	<p>Cllrs. J. Pender,  J. Townsend &amp;  A. McDonald</p>
<p>Powers of LA’s to Stem Anti Social Behaviour,  Manor West Hotel,  Tralee, Co. Kerry.  14<sup>th</sup> to 15th February 2014</p>	<p>Cllr. J. Murnane  O’Connor</p>

Protection for Consumers/  
New Building Regs.,  
Connacht Hotel,  
Dublin Road, Galway.  
21<sup>st</sup> to 22<sup>nd</sup> February 2014

Cllr. J. Murnane  
O'Connor

An Overview of Irish Water and its Functions  
Bewleys Hotel,  
Newlands Cross, Clondalkin,  
Dublin 22.  
14<sup>th</sup> to 16<sup>th</sup> February 2014

Cllr. F. Browne

Clare Tourism Conference,  
Falls Hotel,  
Ennistymon, Co. Clare.  
21<sup>st</sup> to 22<sup>nd</sup> February 2014

Cllr. W. Fennell

There was no further business to be transacted.