

Minutes of the adjourned November Monthly Meeting of Carlow County Council, held in The Council Chamber, County Offices, Athy Road, Carlow, on Monday 18th November 2013 at 2.00 p.m

Present: Councillor D Hurley, Cathaoirleach
Councillor A. Ahern (Nee Long)
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 C. Townsend,
Councillor J. Townsend.

Apologies: Councillor M. Abbey

In attendance: Mr. T. Barry, County Manager
Mr. J. Carley, Director of Service - Environment, Water Services & Health and Safety.
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. S. O'Connor, Director of Services, Housing, Recreation & Amenity & Special Projects.
Mr. Dominic Walsh, Senior Planner
Ms. Fiona O'Neill, Senior Executive Officer, Planning

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 Doogue Family on the death of Joan Doogue, Dublin Road, Carlow

VOTES OF CONGRATULATIONS

The Members expressed votes of congratulations to:-

- Mount Leinster Rangers on their tremendous success on becoming the first Carlow Club to reach a Leinster Senior Hurling Championship Final.
- Eire Óg on winning the County Minor Football Championship
- Staff for the manner in which they represented Carlow Local Authorities at the County Carlow Person of the Year 2013 Awards and Co-Operation Ireland Pride of Place Awards.
- The Chairman Councillor Hurley for the manner in which he carried out his official duties at the Award Ceremonies.
- Rachel Doyle on being chosen as County Carlow Person of the Year 2013.
- To the following recipients of Awards:-
 - Ade Oke, Inter Cultural
 - Orla Jackman, Youth
 - Fr. John Dunphy, Leadership
 - “Talk it Over” , Health & Wellbeing
 - Fr. Seamus Whelan, International
 - Maureen O’Sullivan, Courage
 - Pat O’Brien, Sport
 - Fenagh Steam Rally Committee, Hall of Fame
- Carlow Projects representing the County in the 2013 Co-Operation Ireland Pride of Place Awards:-
 - Carlow Town - Runner up in large urban category

- “Panchaea” County Arts Office Community Arts Project in collaboration with HSE – Commended.
- Irish Water Safety – National Awards 19th November 2013
All Ireland Charles Thompson Award will be presented to Carlow County Council for work carried out on Water Safety in Carlow
Mary Foster, Chairman of County Carlow Water Safety Committee nominated by Mr. Dan McDonnell County Carlow Water Safety Officer for the Volunteer of the Year Award.
 - McGrath Park Integrated Community Sports Facility on winning the Excellence in Local Government Awards 2013 for the best sports development.
 - Other entries that were highly credited in Excellence in Local Government Awards 2013 included:-
 - "Panchaea" - County Arts Office Community Arts Project in collaboration with HSE (Sustaining the Arts)
 - "Breathe Carlow - Carlow Active Town" (Smarter Travel)
 - "Pan Celtic International & Carlow 800 Festivals" (Festival of the Year).

1. TRANSPORTATION & EMERGENCY SERVICES

(a) Winter Services Plan 2013/2014

Members welcomed details of Carlow Local Authorities Winter Services Plan 2013/2014. Mr McInerney advised that the Draft Plan has been updated in the context of winter maintenance operations on the M9 Motorway now being the responsibility of the NRA appointed contractor.

Mr McInerney advised of priority rating of routes with the Plan detailing the routes under each priority heading.

Mr. McInerney said the Winter Services Plan and accompanying maps will be made available on the Council's website and Carlow Local Authorities will be taking the necessary measures to facilitate maximum publicity for the national "Be Winter Ready" Information Campaign.

Queries raised by Members were addressed by Mr. McInerney.

(b) Rural Transport Programme – Restructuring Plan

Members noted report of 5th November 2013 from Mr. D. McInerney on Rural Transport Programme – Restructuring Plan.

Under the Plan instead of 35 number Independent Rural Transport companies there will be 18 number Transport Co-ordination Units (TCUs). Carlow and Kilkenny will be one area. Existing Rural Transport Companies were afforded the opportunity to apply to become one of the 18 TCUs. Notification to groups is due end of December.

The new programme is expected to be launched February 2014.

Members welcomed the new restructuring Plan providing a valuable service in rural areas.

(c) Building Control (Amendment) Regulations 2013

Members noted The Building Control (Amendment) Regulations 2013 which come into effect, in their entirety, on the 1st March 2014.

The 2013 Amendments will be the most significant amendments of the Building Control System since the introduction of the Regulations in 1991.

Mr McInerney advised that Carlow County Council carried out one of the highest number of inspections nationally relating to Building Control and Commencement Notices in the past year.

A Commencement Notice will be required in respect of design and construction of a new building, extension to a dwelling involving a total floor area no greater than 40m² and works to which Fire Safety Certificates applies.

The report set out detailed requirements that must accompany a Commencement Notice. The Fee remains at €30.00. The report also set out the requirements in relation to 7 day Notice and Certificate of Compliance on Completion.

Mr McInerney advised that Registers shall be maintained by the Building Control Authority. Authorised Persons must be a person maintained on register by the Society of Chartered Surveyors, the Royal Institute of Architects or of the Institute of Engineers of Ireland. The Amendment Regulations place significant responsibilities on private individuals, developers and designers and will significantly increase the workload for the Building Control Authority.

Members welcomed the amended regulations but queried the financial cost for individuals to comply with Regulations.

Queries raised by Members were addressed by Mr. McInerney.

2. PLANNING

To consider report on Eirgrid Route Options through County Carlow in the context of the current County Development Plan.

Councillor Paton requested that this item be dealt with in conjunction with item 5 on Agenda 'Notice of Motion' standing in the name of Councillors Paton and Quinn to amend Carlow County Development Plan 2009-2015.

Councillor Paton requested that the Notice of Motion at item 5 be withdrawn to be replaced by an Amended Notice of Motion (Draft 5) as circulated to Members standing in the name of Councillor Paton as follows:-

“Mindful of the need for a secure supply of electricity which is vital for the development of County Carlow, the South East Region, the economy :p>

(a) We the members of Carlow County Council oppose the transmission of electricity associated with “The Grid Link Project”, via 400 Kv overhead power lines supported on unsightly steel pylons,

and

(b) We call upon EirGrid to substantially underground the transmission network associated with “The Grid Link Project”,

and

(c) Pursuant to the recommendations of the “High L 3” prepared by CAAS Limited for Carlow County Council on EirGrid’s Grid Link Stage One Report, we instruct the County Manager to engage an independent consultant(s) to prepare a new “Route Constraint Report for County Carlow” which should:

(i) provide written indications about the evaluation criteria and priorities which in the view of Carlow County Council that should be used for route selection and evaluation for “The Grid Link Project” and

(ii) proactively engage and make written submissions about each of the proposed routes (the said to a “preferred” route but rather highlight the constraints along each route),

furthermore

(d) We affirm our confidence in the current County Carlow Development Plan and we instruct the County Manager:

- (i) to appoint an independent consultant(s) to develop a new Landscape Character Assessment report for all of County Carlow which, having regard to the CAAS “High Level Strategic Report 2013”, identifies areas throughout County Carlow requiring robust protection by reason of high sensitivity, special areas of conservation, landscape areas of high amenity value, historical landscapes etc. (It is proposed that the policy statements attached to the new Landscape Character Assessment should not give rise to the prohibition of development but development, where permitted, should not seriously injure or obstruct these landscapes and development should be designed and located to minimise its impact.)*
- (ii) to report back to the elected members by 31st January 2014 with a draft Landscape Character*
- (iii) to ensure that the elected members meet with the independent consultant(s) in advance of the commencement of work on the new Landscape Character Assessment to discuss the methodology and approach of the assessment,*
and finally
- (e) We instruct the County Manager:**(i) to forward to EirGrid a copy of the “Route Constraint Report for County Carlow” outlined in part (c) of this motion when complete,*
- (ii) to put Eirgrid on notice in writing that Carlow County Council is engaging in a new Landscape Character Assessment to be completed by 31st January 2014,*
- (iii) to request EirGrid to apply evaluation methods to the objectives of all County Development Plans along the proposed routes to ensure consistency having regard to the different approaches used in assessing and designating landscapes and*
- (iv) to request EirGrid to take the new Landscape Character Assessment and “Route Constraint Report for County Carlow” into account when making its decision on route selection.”*

Members agreed to consider this Notice of Motion as circulated and to the withdrawal of Notice of Motion at item 5 on Agenda. Councillor Paton thanked fellow Members and Consultant Planner, Catherine Larkin for their input and assistance in preparing the new Motion. Councillor Paton reiterated that this is just the beginning of a process and is not a variation of Carlow County Development Plan. Members thanked Councillor Paton for his work in preparing the Notice of Motion.

A discussion ensued wherein Members expressed their support of the Notice of Motion and welcomed the preparation of a new Route Constraint Report for Carlow and the development of a new Landscape Character Assessment report for all of County Carlow. The County Manager advised that the Route Constraint Report will be clear and concise and will not make any reference to one route over the other. He also advised that a new Landscape Character Assessment report is achievable by 31st January 2014.

The County Manager said the issues facing County Carlow are National issues and acknowledged the work Councillors are doing engaging with their communities and bringing their findings to the Chamber.

He spoke of Carlow County Development Plan being a robust, balanced Plan, a statutory document where everyone has an input. A variation of Carlow County Development Plan would take a 26-28 week process. He said it is uncertain if An Bord Pleanála will consider Development Plan in force at Eirgrid's route selection time or at Planning Application time.

Members requested that a copy of the "Route Constraint Report for County Carlow when completed be forwarded to Eirgrid and also to advise Eirgrid that a new Landscape Character Assessment is to be completed by 31st January 2014.

Members also requested that Eirgrid ensure consistency of approach and fairness along the proposed routes having regard to the objectives of all County Development Plans. Members also raised issue of Community Gains Fund when route is selected to enhance areas.

Members requested workshops and the opportunity to engage with consultants during the process and in preparation for submissions. Members requested the County Manager to inform Eirgrid that a letter sent to Eirgrid in October 2012, from the executive of Carlow County Council supporting their proposals for the economic benefit of County Carlow, be withdrawn. It was agreed that the County Manager write to Eirgrid advising that this letter was issued on behalf of the executive of Carlow County Council and not the Members.

Members were afforded the opportunity to attend SPC meeting on Environment on Thursday 21st as Eirgrid is on the Agenda.

A vote was taken on the Proposed Motion as follows:-

<i>Members of Carlow County Council</i>	<i>For</i>	<i>Against</i>	<i>Abstain</i>	<i>Absent</i>
<i>Cllr. Michael Abbey</i>				✓
<i>Cllr. Anne Aherne(Nee Long)</i>	✓			
<i>Cllr. Fergal Browne</i>	✓			
<i>Cllr. Michael Doran</i>	✓			
<i>Cllr. Wayne Fennell</i>	✓			
<i>Cllr. Denis Foley</i>	✓			
<i>Cllr. Fred Hunter</i>		✓		
<i>Cllr. Des Hurley</i>	✓			
<i>Cllr. Thomas Kinsella</i>	✓			
<i>Cllr. Walter Lacey</i>	✓			
<i>Cllr. Arthur McDonald</i>	✓			
<i>Cllr. Jennifer Murnane-O'Connor</i>	✓			
<i>Cllr. Charlie Murphy</i>	✓			
<i>Cllr. John Murphy</i>	✓			
<i>Cllr. Tom O'Neill</i>	✓			
<i>Cllr. Pat O'Toole</i>	✓			
<i>Cllr. William Paton</i>	✓			
<i>Cllr. John Pender</i>	✓			
<i>Cllr. William Quinn</i>	✓			
<i>Cllr. Caroline Townsend</i>	✓			
<i>Cllr. Jim Townsend</i>	✓			

*The vote resulted as follows: 19 for, 1 against, 1 absent
The resolution was carried.*

Mr Conor Skeahan of CAAS Ltd who had delivered a High Level Strategic Report for Carlow County Council on the route corridor options through County Carlow complimented Members on their proactive approach and engagement in the process. He urged effective submission by Carlow Local Authorities calling on Eirgrid to substantially underground the transmission network, highlighting constraints along each route and notifying Eirgrid of new Landscape Character Assessment to be completed by 31st January 2014. Members thanked Mr. Skeahan for his contribution to the debate.

3. COMMUNITY & ENTERPRISE & ECONOMIC DEVELOPMENT & CORPORATE SERVICES

(a) Local Government Bill 2013

Members had, for their consideration, from Ms. B. O'Brien, Explanatory Memorandum on the Local Government Bill 2013. The Bill is currently going through the Houses of the Oireachtas. The Local Government Bill sets out Government Policy on reforms to the local government system as set out in *Putting People First – Action Programme for effective Local Government* designed to strengthen local government.

While acknowledging the need for reform Members were unanimous in their condemnation of the abolition of Town Councils and said it was a retrograde step, a total sell-out by the Minister and reprehensible.

The County Manager advised that these changes were brought about following the Local Government Efficiency Group Review directed towards improving and extending the delivery of local public service in an efficient and effective way.

(b) Agriculture

Members raised the following issues:-

- Delay in payment of Disadvantaged Area Payments to farmers due to digitisation of maps issue.
- Cutting of hedgerows

(c) Health

Members raised the following issues:-

- St Lukes Hospital, Kilkenny assessment of maternity services in compliance with Health Information and Quality Authority (HIQA) standards
- Cuts to medical card holders
- Primary Care Centre for Tullow
- The representatives of the Regional Health Forum South expressed dissatisfaction with HSE responses to issues raised at HSE South Forum meetings on the operation of health services in County Carlow.

(d) Tenders for opening, if any

Members noted tenders opened since last meeting.

In response to Members query Mr. Brophy advised that it is not always the lowest tender that is chosen but the most economic tender.

4. CORRESPONDENCE

Members noted resolutions from Donegal County Council

“That Donegal County Council call on this Government to “Reverse its Policy”, which does not classify Down’s Syndrome as a Low Incidence Disability, and as a consequence prevents these Children from availing of essential resource teaching hours.”

“That the Council discuss the problems concerning the influx of camper vans taking up spaces in prime Car-parks.”

Members noted resolution from Cavan County Council

“The need to support our towns and villages.”

Members supported resolution from Kildare County Council

“That this council write to the Minister for the Environment, Community and Local Government requesting a national equalisation scheme as part of the introduction of water charges. This scheme should seek to offset the individual costs borne by householders who need to install domestic softening systems in areas of high water hardness. This request should also go to our fellow city and county councils for support.”

5. Notices of Motion.

Fógraí Rúin/Notices of Motion.

Standing in the names of Councillor William Paton and Councillor William Quinn

On the proposition of Councillor Paton it was agreed in conjunction with item 2 on the Agenda that the following Notice of Motion be withdrawn.

“That Carlow County Council amend the 2009-2015 County Development Plan and insert the following paragraphs into Page 108 of the plan (immediately after the paragraph ending – “The local cultural and social landscape, which includes interpretation of local traditions and customs, can contribute to and enhance the visitor’s enjoyment of their holiday, while also being sustainable for local people in the long term”.)

There is a need to protect and conserve views and prospects adjoining public roads and river valleys throughout the county where these views are of high amenity value. In conserving views, it is not proposed that this should give rise to the prohibition of development along these routes but development, where permitted, should not seriously hinder or obstruct these views and should be designed and located to minimise their impact. The views and prospects to be preserved and protected are contained in Appendix 7 to the Plan.

It is the policy of Carlow County Council to preserve and improve places or areas from which views or prospects of special amenity value exist, as identified in Appendix 7, particularly but not confined to, those Views and Vistas listed in Table 1 of Appendix 7 and the Scenic Routes listed in Table 2 of Appendix 7”.

Standing in the names of Councillor William Paton

"That Carlow County Council call on the Minister for Agriculture, Food and Marine to set up an amnesty for unwanted horses and ponies whereby the animals are brought to local marts on appointed days and destroyed humanely by registered vets, rather than being allowed to starve in fields over the coming winter or turned out on the road posing a considerable danger to motorists and pedestrians alike."

Members agreed in principle to the above Notice of Motion for the welfare of neglected horses and ponies but had reservations as to how it may be implemented and delivered.

Standing in the names of Councillor Jim Townsend

" That the Lime Kiln on The Sugar Factory site on the Athy Road be classified as a National Monument in order to remind people of the mistakes which were made during the "Celtic Tiger" era. Consideration should also be given to erect a small interpretative centre on the site in order to attract more tourists to Carlow."

A discussion ensued with some Members expressing their opposition to the proposal.

A vote was taken on the Proposed Notice of Motion as follows:-

<i>Members of Carlow County Council</i>	<i>For</i>	<i>Against</i>	<i>Abstain</i>	<i>Absent</i>
<i>Cllr. Michael Abbey</i>				✓
<i>Cllr. Anne Aherne(Nee Long)</i>		✓		
<i>Cllr. Fergal Browne</i>				✓
<i>Cllr. Michael Doran</i>		✓		
<i>Cllr. Wayne Fennell</i>	✓			
<i>Cllr. Denis Foley</i>				✓
<i>Cllr. Fred Hunter</i>	✓			
<i>Cllr. Des Hurley</i>		✓		
<i>Cllr. Thomas Kinsella</i>				✓
<i>Cllr. Walter Lacey</i>				✓
<i>Cllr. Arthur McDonald</i>	✓			
<i>Cllr. Jennifer Murnane-O'Connor</i>				✓
<i>Cllr. Charlie Murphy</i>				✓
<i>Cllr. John Murphy</i>		✓		
<i>Cllr. Tom O'Neill</i>		✓		
<i>Cllr. Pat O'Toole</i>				✓
<i>Cllr. William Paton</i>	✓			
<i>Cllr. John Pender</i>	✓			
<i>Cllr. William Quinn</i>				✓
<i>Cllr. Caroline Townsend</i>	✓			
<i>Cllr. Jim Townsend</i>	✓			

The vote resulted as follows: 7 for, 5 against, 9 absent

The resolution was carried.

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

There was no further business to be conducted.

This concluded the business of the meeting.