

## CARLOW COUNTY COUNCIL

**Minutes of the April Monthly Meeting of Carlow County Council,  
held in The Council Chamber, County Offices, Athy Road, Carlow,  
on Monday 9<sup>th</sup> April 2018 at 2.00 p.m.**

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

**In attendance:** Ms. K. Holohan, Chief Executive  
Mr S. O'Connor, Director of Services, Housing, Community,  
Building Control & Emergency Services,  
Mr P Delaney, Head of Finance  
Mr. K Cullinane, Acting Director of Services,  
Transportation, Environment & Water Services  
Mr E. Brophy, Acting Director of Services, Corporate,  
Planning, Economic Development, Health and Safety.  
Mr. B. O'Donovan, Acting Senior Engineer, Environment  
Mr. M Brennan, Senior Executive Officer, Community  
Ms. A. Oakes, Acting 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**

- Marie Lohan & Family, Pairc Mhuire, Bagenalstown, Co. Carlow on the death of her husband John.
- Lily Butler & Family, Castletown, Tinryland, Co. Carlow on the death of her husband Tom.
- Chris Jones & Family, The Parade, Bagenalstown, Co. Carlow on the death of her husband Michael.
- The Kelly Family, Ballyellen, Goresbridge, Co. Kilkenny on the death of their father Joe.
- Tim Butler & Family, Goslingstown, Callan Road, Kilkenny on the death of his mother Margaret Butler, Dominick Street, Kilkenny City.
- Patricia Lodge, 'Curra Dubh', Ridge Road, Portlaoise, Co. Laois on the death of her husband Jerry (Member of Laois County Council).
- Marie Lynch & Family, Oakley Park, Tullow Road, Carlow on the death of her husband Des.

## **VOTES OF CONGRATULATIONS**

- Carlow GAA on their recent success with Carlow Footballers being promoted to Division 3 and Carlow Hurlers being promoted to Division 1B.
- Carlow native Tom Ryan on his appointment as new Director General of the GAA.
- Raging Bull Boxing Club, Carlow on their recent success in the National Boxing Championships.
- Dolmen Celtic Soccer Club, Carlow on their promotion to the top level division next season.
- St. Catherine's Community Services Centre on winning the Aontas Star 2018 with 'Making Connections' Learning and Training Initiative, Carlow in the category for Adult Learning Initiatives that promote The Learner Voice.

## **1. CONFIRMATION OF MINUTES**

**Proposed by Councillor J. Pender**  
**Seconded by Councillor T. Kinsella**  
**AND**

Following a show of hands it was unanimously resolved:-

*'That the Minutes of the March Monthly Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday 12<sup>th</sup> March, 2018 at 2.00 p.m. having been circulated to each Member be taken as read, confirmed as to accuracy and accordingly signed.*

Councillor Phelan referred to circular issued from the Department of Housing, Planning and Local Government that discussions on planning applications should not take place at County Council level or Municipal District level. Members requested that the Council write to the Department seeking clarity on the issue referring to the Taoiseach's intervention in the planning process in County Clare on behalf of Donald Trump.

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

### **(a) Approval of Draft Annual Report 2017**

Members had for consideration Draft Annual Report 2017 which outlines the work of Carlow County Council in delivering important public services during the year. Members were advised that observations/comments must be received by 30<sup>th</sup> April 2018.

### **(b) To approve disposal of site Numbers 8, 9 and 10 Strawhall Industrial Estate, Carlow**

Members' approval was sought to the disposal of site numbers 8,9 and 10 Strawhall Industrial Estate, Carlow (ex Whitelite).

**Proposed by Councillor J. Cassin**  
**Seconded by Councillor J. Pender**  
**AND**

Following a show of hands it was unanimously resolved:-

*'That we, the Members of Carlow County Council approve the disposal of Site No's 8, 9 and 10 Strawhall Industrial Estate Carlow (ex Whitelite) to Anthony Murphy, C/O Crean O'Flaherty, Solicitors, Bunclody, Co. Wexford, in consideration of the sum €2,000 in total plus all associated*

*costs, in accordance with the terms of the statutory notice already circulated and in accordance with Local Government Act 2001, Section 183 (1), Planning & Development Act 2000, Section 211. The consent of the Minister for Housing, Planning and Local Government is not necessary for the disposal of the said sites.*

**(c) To approve disposal of Council's ownership of portion of car park associated with supermarket located at Carpenter Way, Carlow.**

Members' approval was sought to the disposal the Council's ownership of portion of car park associated with supermarket located at Carpenter Way.

**Proposed by Councillor J. Cassin**

**Seconded by Councillor J. Deane**

**AND**

Following a show of hands it was unanimously resolved:-

*'That we, the Members of Carlow County Council approve the disposal of the Council's ownership of portion of car park associated with supermarket located at Carpenter Way on the Carlow Inner Relief Road 0.001 Ha (10 sq. metres) to Paddy Raggett in consideration of the sum of €100 in accordance with the terms of the statutory notice already circulated and in accordance with Local Government Act 2001, Section 183 (1), Planning & Development Act 2000, Section 211. The consent of the Minister for Housing, Planning and Local Government is not necessary for the disposal of the said portion of car park.'*

**(d) To approve lease of 0.137 ha at Mountain View Housing Estate, Hacketstown.**

Members' approval was sought to the lease of 0.137 ha at Mountain View Housing Estate, Hacketstown to Hacketstown Playground Group.

**Proposed by Councillor B. O'Donoghue**

**Seconded by Councillor J. Pender**

**AND**

Following a show of hands it was unanimously resolved:-

*'That we, the Members of Carlow County Council approve the lease of 0.137 ha at Mountain View Housing Estate, Hacketstown to Hacketstown Playground Group for a period of 10 years in consideration of the sum of €10 per annum in accordance with the terms of the statutory notice already circulated and in accordance with Local*

*Government Act 2001, Section 183 (1), Planning & Development Act 2000, Section 211. The consent of the Minister for Housing, Planning and Local Government is not necessary for the lease of the said lands.*

**(e) Membership of Carlow Local Community Development Committee (LCDC)**

M. Brennan, Senior Executive Officer, Community sought Members' approval to the appointment of Ms. Eilish Langton to the membership of the Carlow Local Community Development Committee following the resignation of Ms Jules Michael, Civic Society.

**Proposed by Councillor J. Cassin  
Seconded by Councillor F. Phelan  
AND**

Following a show of hands it was unanimously resolved:-

*'That we, the Members of Carlow County Council approve the appointment of Ms Eilish Langton to the membership of the Carlow Local Community Development Committee following the resignation of Ms Jules Michael, Civic Society in accordance with Section 128C (3) (b) of the Local Government Act 2001 as inserted by section 36 of the Local Government Reform Act 2014.*

**3. DEPARTMENTAL PROGRESS REPORTS**

**(a) Transportation Progress Report**

Members welcomed Progress Report for the Transportation Section for the period to 30<sup>th</sup> April, 2018.

Issues raised by the Members included the following:-

- Councillor Browne requested an update Carlow Southern Relief Road. K. Cullinane advised of new legislative provisions in the intervening period since the scheme was approved by Council. Environmental reports are required which will determine if a new Part V111 is required or approval by An Bord Pleanala.
- Councillor McDonald raised issue of By-pass for Muinebheag with a bridge over the railway line and requested that consideration be given to this proposal.
- Councillor Gladney raised issue of traffic calming at Royal Oak, Bagenalstown.

- Councillor Doran raised issue of Class 3 roads in rural areas be considered as part of Severe Weather Maintenance Plan.
- Councillor Dalton raised issue of Tullow Street Renewal Project extending from Shamrock Square to Potato Market and called for lower Tullow Street to be considered as part of the Project. Councillor O'Donoghue referred to injury to a child due to buggy tipping over on cobble in Tullow Street. R. Wickham advised that Lower Tullow may be considered under IPB retained earnings dividend (RED) schedule of works. Members called for works to commence as early as possible for the benefit of businesses on Tullow Street. The Chief Executive advised that Phase 1 in conjunction with Irish Water will commence in the summer to minimise traffic disruption and Phase 2 will most likely be in Q1, 2019 to minimise traffic disruption.
- Councillor Pender queried why the Chief Executive Report on N81 Tullow Footbridge Scheme and associated road configuration, due on the April Agenda was not on the Agenda. Members expressed disappointment that no communication was received by the Members on the issue. The Chief Executive apologised to the Members advising that the report was not on the Agenda as an issue had arisen in relation to the project. The Chief Executive advised that Section 29 of the Planning and Development (Housing) and Residential Tenancies Act 2016, which was enacted on 3<sup>rd</sup> July 2017, as amended, stipulates that the Chief Executive is required within eight weeks of the public consultation period to submit a report to the Elected Members. (S.179 (3) (a) of Planning & Development Act 2000 as amended by Sect 29 of the Planning & Development (Housing) & Residential Tenancies Act 2016. A Resolution by Members must be passed not later than six weeks after receipt of Chief Executive's Report. The Act also provides that if a resolution is passed not to proceed with a proposal, the reason for same shall be outlined in the resolution. In accordance with the 2016 amendment of the Act, the Chief Executive's report should have been submitted to Members of the Council within the period ending 9<sup>th</sup> February 2018. As the report was not submitted within that period the process has not proceeded in accordance with the relevant Act and Regulations.

Members accepted the Chief Executive's apology and it was proposed by Councillor J. Pender, Seconded by Councillor F. Browne and agreed to re-commence a new Part V111 process for Tullow Bridge. Members welcomed that the new Part V111 process will be for the footbridge only and requested that works not take place over the Christmas period. The Chief Executive advised that consideration will be given to submissions made on the first Part V111 and that concerns raised by the Members will be discussed with Transport Infrastructure Ireland.

- Councillor McDonald sought details on how applicants for Local Improvement Scheme 2018 were prioritised as presented at the Muinebheag Municipal District meeting.
- Members welcomed proposals for Carlow Town Bus Service.
- In response to Member's query regarding LED lighting R. Wickham advised that contracts have been awarded for LED lighting on N80 around Carlow Town.

## **(b) Environment & Water Services Progress Reports**

Members welcomed progress report on Environment and Water Services to 30<sup>th</sup> April 2018.

Issues raised by the Members included the following;-

- Emptying of bottle banks more frequently and to improve the overall appearance of bottle banks to make the area more aesthetically pleasing.
- Funding Waste Management Treatment Plants. The importance of being proactive and having a report/plan in place to inform Irish Water and the Department on infrastructure capacity and future requirements.
- The attendance of a representative from Irish Water at pre planning meetings for large developments.
- Water quality testing
- Dog receptacles – B.O'Donovan advised that dog receptacles have been delivered and a contract will be in place shortly.
- Provision of burial grounds when capacity reached. B. O'Donovan advised that he has met with burial ground caretakers and a report will be prepared for the May/June meeting of Council.

- Town bins being used for household waste – spot checks required by Environmental Patrol Officer.
- Litter prevention and control. The need to liaise with companies such as Supermacs and McDonalds for their support in dealing with the issue. B. O'Donovan advised of engagement with Supermacs on design of litter prevention poster.
- If planning sought, could septic tanks be accepted in the interim if Treatment Plants at capacity.
- If €57,000 WERLA funding to tackle illegal dumping is specifically for Mount Leinster, Clashganny and Clogrennane Woods.
- No street cleaning on weekends in Bagenalstown
- Consultation with residents on new walkway at Royal Oak to Pairc Mhuire, Bagenalstown.

All issues raised by the Members were addressed by K. Cullinane and B. O'Donovan.

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

##### **(a) Health**

Councillor Cassin queried update on Kelvin Grove.

Councillors Cassin, Phelan and Gladney raised issue of trolley crisis at St. Luke's Hospital, Kilkenny, inadequate mental health service, the need for Primary Care Centres and step-down beds.

Members requested that the Council write to the Minister for Health on proposed measures to alleviate the trolley crisis.

Councillor McDonald advised of HSE meeting on 10<sup>th</sup> April where representatives from all health faculties will be in attendance.

##### **(b) Conference Attendance Approvals**

**Proposed by Councillor J. Pender**

**Seconded by Councillor M. Doran**

**AND**

Following a show of hands it was unanimously resolved:-

*'That we, the Members of Carlow County Council, approve the following forthcoming conferences for April, 2018.*



## **Forthcoming Conferences: April 2018**

Cross Border Tourism Conference,  
Four Seasons Hotel,  
Carlingford,  
Co. Louth.  
11<sup>th</sup> April 2018

**Fee: €38**

Accessibility & Inclusion through Infrastructure,  
Sea Lodge Hotel,  
Waterville,  
Co. Kerry.  
11<sup>th</sup> to 13<sup>th</sup> May 2018

**Fee: €145**

### **5. COMMUNITY, HOUSING, RECREATION & AMENITY, BUILDING CONTROL & EMERGENCY SERVICES**

#### **(a) Closure of Viaduct in Borris**

S. O'Connor presented a report to Members on the temporary erection of barriers at Viaduct in Borris.

S. O'Connor advised that the element of the Viaduct regarded as dangerous extends for a distance of 150 metres with a drop of 30ft to 40ft with the remaining walkway accessible from the graveyard side. Councillor Quinn expressed the views of the people of Borris and Borris Tidy Towns at the closure. Councillor Quinn referred to similar Viaduct in Waterford and presented photos to the meeting, showing no railings at this location, stating both Viaducts are governed by the same Insurance Company.

Councillor Quinn presented a petition from the Borris Community to the Chief Executive requesting the removal of the barriers erected.

Members supported Councillor Quinn on the issue, but accepted there is a health and safety issue and called for funding to be accessed for the proposed works.

S. O'Connor advised of funding issue stating an application was made for funding and that a repeat application will be made when this year's grant scheme opens in April.

Councillor Cassin queried update on housing scheme at Burrindale, Pollerton area.

S. O'Connor acknowledged Members concerns in relation to this development and advised that he will revert to Members with revised options for their consideration.

## **Presentation by Kildare & Leighlin Faith Development Services**

Members welcomed Julie Kavanagh and Catriona Kelly from Kildare and Leighlin Faith Development Services to the meeting.

Ms Kavanagh and Ms Kelly gave a presentation to Members on the Diocesan Family Picnic Day scheduled to take place on Saturday 16<sup>th</sup> June in the grounds of St. Patrick's College, Carlow.

The purpose of the event is to reach out to all families of the diocese to come together for a fun filled day.

Ms Kavanagh outlined plans in place for the running of the event, welcomed Members support and welcomed suggestions in relation to traffic management.

Members suggested free parking in public car parks in the town for part of the day to accommodate people travelling to the event.

The Chief Executive to consider this matter.

## **6. CHIEF EXECUTIVE REPORT**

Members had Chief Executive Monthly Management Report for the period 1<sup>st</sup> to 31<sup>st</sup> March 2018.

Councillor Cassin sought update on report for Tullow Road Renewal Project and queried update on leasing of land to soccer club.

In response to Councillor Phelan, the Chief Executive advised of rescheduled date of Wednesday 11<sup>th</sup> April for Public Realm briefing.

## **7. CORRESPONDENCE**

**Members noted correspondence from Gerry Adams T.D** thanking Members for their good wishes on his retirement as leader of Sinn Féin.

**Members noted resolution from Clare County Council** supporting the call for publicly-funded higher education and rejecting income contingent loans.

**Members noted resolution from Clare County Council calling on the Minister for Housing, Environment and Local Government and the Minister for Finance** to put in place a redress scheme to provide financial support to purchasers of houses and apartments who now find that their property was not properly constructed and is non-compliant with Building and Fire Regulations.

**Members noted resolution from Clare County Council** calling on the Minister for Trade and Employment to introduce financial incentives to companies who are prepared to employ apprentices.

**Members noted correspondence from the Office of the Minister of Health** in response to Members' letter concerning the inclusion of fibromyalgia on the long term illness scheme.

Councillor Phelan expressed his disappointment with the response. The Cathaoirleach suggested that the issue be raised at the HSE South meeting.

**Members noted resolution from Clare County Council** requesting the Minister for Communications, Climate Action and Environment, in view of recent findings that 73% of deep water fish in the North West Atlantic Ocean had ingested micro plastic, to tackle this issue.

**Members noted email from the Department of Environment, Community and Local Government** in response to email from Fiona O'Neill, Senior Executive Office, Planning regarding funding for completing and taking in charge of Housing Developments.

Councillor Phelan sought further clarification on response as it is unclear regarding funding for completion of unfinished estates.

## **8. NOTICES OF MOTION**

Standing in the name of Cllr. Arthur McDonald

'Carlow County Council are asking the Minister for Agriculture to support the motion that Fianna Fail passed in the Dáil recently of €200/hd payment for suckler cows'.

Members requested that the Notice of Motion be amended as the Fianna Fáil Notice of Motion was not before them for consideration.

Following consideration, it was

**Proposed by Councillor A. McDonald**

**Seconded by Councillor T. Kinsella**

**AND**

Following a show of hands it was unanimously resolved:-

*'That we, the Members of Carlow County Council are asking the Minister for Agriculture to consider payment of €200/hd for suckler cows.'*

The Notice of Motion to be circulated to all Local Authorities for their support.

Standing in the name of Cllr. Walter Lacey

**Proposed by Councillor W. Lacey**

**Seconded by Councillor W. Quinn**

**AND**

Following a show of hands it was unanimously resolved:-

*“Carlow County Council calls on the Minister for Health Deputy Simon Harris to request the HSE to review the decision to restrict the use of Versatis pain relief Patches to patients, in chronic pain, outside those experiencing post herpetic neuralgia, and to revert to the pre-December status while this review is being undertaken”.*

**9. ANY OTHER BUSINESS WITH THE CONSENT OF THE CATHAOIRLEACH**

- Services at Bagenalstown Area Office. The Chief Executive advised that a review of all services in the Bagenalstown Office is being undertaken and will revert to Members at the May meeting of Council.
- Consideration be given to Free Parking in public car parks on the afternoon of Family Fun Day on 16<sup>th</sup> June. The Chief Executive to consider the matter.

This concluded the business of the meeting.