

CARLOW COUNTY COUNCIL

**Minutes of the January Meeting of Carlow County Council, held in
The Council Chamber, County Offices, Athy Road, Carlow, on
Monday 14th January 2019 at 2.00 p.m.**

Present: Councillor B. O'Donoghue (Cathaoirleach)
Councillor F. Browne
Councillor J. Cassin
Councillor A. Dalton
Councillor J. Deane
Councillor M. Doran
Councillor D. Foley
Councillor T. Kinsella
Councillor W. Lacey
Councillor A. McDonald
Councillor K. Murnane
Councillor C. Murphy
Councillor J. Murphy
Councillor W. Paton
Councillor J. Pender
Councillor F. Phelan
Councillor W. Quinn

Apologies: Councillor A. Gladney

In attendance: Ms. K. Holohan, Chief Executive
Ms. B. O'Brien, Director of Service – Corporate, Planning,
Economic Development, Health and Safety,
Mr D. McInerney, Director of Services, Transportation,
Environment & Water Services
Mr. M. Brennan, Acting Director of Services, Housing,
Mr. R. Wickham, Acting Senior Engineer, Transportation
Mr. K. Comerford, Head of LEO
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

- Sandra Moody, Community & Recreation Department on the death of her mother Mina Corrigan, Ricketstown, Rathvilly, Co. Carlow.
- Former Councillor Ann Ahern on the death of her brother Pdraig Long, 5 Quinagh, Green, Carlow.
- Mary O'Regan & Family, Browneshill, Carlow on the death of her husband Kevin.
- Paul & Noelline Connell & Family, 11 The Glade, Oak Park Road, Carlow on the death of their daughter Aisling.
- Des Ward & Family, Milltown, Borris, Co. Carlow on the death of his wife Geraldine.
- The O'Brien Family, Kilree Crossings, Bagenalstown, Co. Carlow on the death of their mother Kathleen.
- Tommy and Lily Byrne & Family, 114, St Clare's Road, Graiguecullen, Carlow on the death of their daughter Sinead Webber.
- The McCormack Family on the death of their brother Mick McCormack, Ballybrack, Ballymurphy, Co. Carlow.

VOTES OF CONGRATULATIONS

- All involved with the annual Christmas Day Swim in aid of Our Lady's Hospital for Sick Children, Crumlin, Dublin
- All involved with the success of New Year's Eve Fireworks at Borris and to Kieran Comerford, Head of LEO for his support of the event.
- St Laurence O'Toole athletes on their success in the following:-
 - Senior Men's Team Event**
Odlum Cup - St Laurence O'Toole's
 - Individual Mens**
Johnny Jones Cup - James McAssey
 - Senior ladies team event**
Lambert Cup - St Laurence O'Toole's
 - Individual Women's**
Bronwen Kiernan.

1(a) CONFIRMATION OF MINUTES

Proposed by Councillor A. Dalton
Seconded by Councillor T. Kinsella

Following a show of hands it was unanimously resolved:-
'That the Minutes of the December Monthly Meeting of Carlow County Council held in the Council Chamber, County Offices, Athy Road, Carlow, on Monday 10th December, 2018 at 2.00 p.m. having been circulated to each Member be taken as read, confirmed as to accuracy and accordingly signed.

Arising from the minutes of the December meeting Councillor Cassin sought clarification on the funding of loan in relation to Carlow Eastern Relief Road. Following discussion it was agreed that the Chief Executive would deal with this issue in committee at the end of the meeting.

Councillor Phelan queried if bins removed from Tullow Street can be relocated to Dublin Street. D. McInerney advised that this was an issue for the Carlow Municipal District engineer and could be taken up at Carlow Municipal District meeting.

2. CIRCULARS

(a) Circular Letter FPS 08 -2018 Issuing of Urban Development & Building Heights Guidelines for Planning Authorities

Members noted Circular Letter FPS 08-2018 advising of guidelines for Planning Authorities on Urban Development and Building Heights. The Guidelines remove the height cap for new buildings in urban areas to support the accommodation of anticipated population growth and their development needs by building up.

B. O'Brien, Director of Planning advised that the Guidelines will be reviewed as part of the County Development Plan in the context of scale and height of buildings.

(b) Public Consultation on Process to Reform Electoral Registration Process

Members noted government proposals to reform the electoral registration process. A public consultation process was launched on the 17th December, 2018. The proposals aim to make it simpler and user friendly for people to register to vote or change registration details.

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

(a) Carlow County Council Noise Action Plan 2018.

Members had for consideration and approval Carlow County Council Noise Action Plan 2018 from D. McInerney, Director of Services.

Issues raised by the Members included the following:-

- Implications for future development and businesses close to major road networks
- If consistent dog barking, causing disturbances, is included in the Plan as noise pollution
- Boy racers causing noise pollution.
- Noise levels Kildavin.

D. McInerney advised that the Plan deals specifically with noise levels experienced from road traffic over a long period of time.

D. McInerney advised that new development being impacted by noise levels from traffic associated with new development would be minimal. He also advised in the context of one submission that the new surface on the N80 at Kildavin should achieve an improvement in the noise levels being experienced in this area and that road works and reduced speed limits have improved noise levels at Ballon.

D. McInerney to bring issues raised by the members to the attention of the Environmental Protection Agency.

It was proposed

**Proposed by Councillor W. Lacey
Seconded by Councillor F. Browne
AND**

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve the amended 2018 Draft Noise Action Plan and that the Plan be issued to the Environmental Protection Agency for publication.'

**(b) Right of access across the front of Leighlinbridge
Wastewater Pump station to The Garrison Waterside Holiday
Homes.**

Members had report from E. Brophy on Carlow County Council's intentions to give right of access over land fronting Leighlinbridge Wastewater Works.

E. Brophy sought Members' approval to right of access.

Proposed by Councillor M. Doran
Seconded by Councillor A. McDonald
AND

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve the granting of the right of access over land area 0.0055ha, owned exclusively by Carlow County, fronting Leighlinbridge Wastewater Pump Station and outside the boundary wall of the station, to the General Public in consideration of the sum of €10.00. The granting of the right of access is in accordance with Section 183 (1) of the Local Government Act 2001. The consent of the Minister for Housing, Planning and Local Government is not required.'

(c) Disposal of Council's Rented Equity Portion of Shared Ownership Loan, Bagenalstown, Co. Carlow

Proposed by Councillor A. McDonald
Seconded by Councillor W. Quinn
AND

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve the disposal of Council's Rented Equity portion of Shared Ownership Loan in dwelling situated at Bagenalstown, Co. Carlow in consideration of the sum €37, 458.62 in accordance with the terms of the statutory notice already circulated and in accordance with the 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 required for the said disposal.'

(c) Disposal of Council's Rented Equity Portion of Shared Ownership Loan- Leighlinbridge, Co. Carlow

Proposed by Councillor M Doran
Seconded by Councillor A. Dalton
AND

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve the disposal of Council's Rented Equity portion of Shared Ownership Loan in dwelling situated at Leighlinbridge, Co. Carlow in consideration of the sum €23,873.77 in accordance with the terms of the statutory notice already circulated and in accordance with the 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 required for the said disposal.'

(e) Disposal of Council's Rented Equity Portion of Shared Ownership Loan- Tullow Road, Carlow.

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

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve the disposal of Council's Rented Equity portion of Shared Ownership Loan in dwelling situated at Tullow Road, Carlow in consideration of the sum €35,116.75 in accordance with the terms of the statutory notice already circulated and in accordance with the 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 required for the said disposal.'

(f) Disposal of Council's Rented Equity Portion of Shared Ownership Loan- Tullow Road, Carlow

**Proposed by Councillor A. Dalton
Seconded by Councillor J. Cassin
AND**

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve the disposal of Council's Rented Equity portion of Shared Ownership Loan in dwelling situated at Tullow Road, Carlow in consideration of the sum €34,345.77 in accordance with the terms of the statutory notice already circulated and in accordance with the 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 required for the said disposal.'

(g) Disposal of Plot of ground at Ard na Greine, Tullow, Co. Carlow.

**Proposed by Councillor W. Paton
Seconded by Councillor J. Cassin
AND**

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council approve the disposal of Plot of ground at Ard na Greine, Tullow, Co. Carlow, to Electricity Supply Board (ESB), of Two Gateway, East Wall Road, City of Dublin, in consideration of the sum €1.00 in accordance with the terms of the statutory notice already circulated and in accordance with the 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 required for the said disposal.'

(h) Control of Horses Act, 1996, Draft Bye-Laws 2019.

Members welcomed Draft Bye-Laws 2019 for the Control of Horses from M. Brennan, Acting Director of Services for Housing. Members' approval was sought to formally initiate the public consultation process for the Draft Bye-Laws 2019 for Control of Horses.

Issues raised by Members in relation to the Draft Bye-Laws were addressed by M. Brennan.

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

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council, approve that Carlow County Council initiate the public consultation process for the Draft Bye-Laws 2019 for the Control of Horses in accordance with Local Government Act 2001-2014, Part 19, Section 200.'

**(i) Taking in Charge of Castle Oaks, Old Dublin Road, Carlow
(See amendment [in red] hereunder to January Minutes made
at April 2019 Council Meeting)**

D. McInerney advised in his report dated 4th December, 2018 that following the required advertisement no submissions were received in response to the public notice.

D. McInerney sought Members' approval to formally resolve the taking in charge of Castle Oaks, Housing Development, Old Dublin Road, Carlow.

**Proposed by Councillor F. Browne
Seconded by Councillor K. Murnane
AND**

Following a show of hands it was unanimously resolved:-

'That we, the Members of Carlow County Council, approve the taking in charge of roads and services in the Housing Development, Castle Oaks, Old

Dublin Road, Carlow 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’.

Extract from Minutes of Meeting of Carlow County Council held on 8th April, 2019:-

Amendment to January Monthly Meeting of Carlow County Council held on 14th January, 2019.

3 (i) Taking in Charge of Castle Oaks, Old Dublin Road, Carlow

Members’ approval was sought to amend item 3 (i) of the January Monthly Meeting of Carlow County Council to the correct proposal adopted by the Members.

Proposed by Councillor W. Paton

Seconded by Councillor W. Quinn

Following a show of hands it was unanimously resolved:-

‘That we, the Members of Carlow County Council hereby approve that item 3 (i) of the January Monthly Meeting be amended to the correct proposal adopted by the Members as set out in report dated 2nd April 2019 from E. Brophy to read as follows:-

D. McInerney advised in his report dated 8th January 2019 that the above scheme has been surveyed for defects, and that the estate is deemed to be in a condition suitable for taking in charge.

D. McInerney sought Members’ approval to the necessary advertisement to enable the taking in charge procedure to commence.

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

(a) Health

The following issues were raised by the Members under Health matters.

- Health and Safety issue for pedestrians by inconsiderate parking of vehicles by motorists on footpaths etc. The need for Gardai to

raise public awareness by publishing safe parking guidelines in the local media and on social media.

- Inadequate train service serving Carlow having adverse effect on people using the service to attend hospital appointments and car parking facilities at Carlow Railway Station.
- The effect a 'No Deal Brexit' may have on referral of patients to Northern Ireland for treatment.
- Members queried adequate parking solutions at Carlow Institute of Technology and the new Tyndall College Complex, Kilkenny Road.
- Car parking charges at Bagenalstown Railway Station leading to parking issues in Bagenalstown.
- Current position in relation to Kelvin Grove. Women's Refuge for Carlow and the need for Community Centre similar to Amber Centre, Kilkenny. Members queried if Kelvin Grove was listed on the vacant site register and suggested Compulsory Purchase Order of site.

The Chief Executive advised that for the Council to secure the Kelvin Grove House it would have to be purchased and that the HSE has no firm proposals for the disposal of remainder of Kelvin Grove site.

The Chief Executive further advised that TUSLA will not provide funding towards operational costs of a Women's Refuge in Carlow as their interpretation of a separate report on demand for such services is that there is no need for a Women's Refuge in Carlow. They do, however, consider the need for safe houses. The Chief Executive advised that stakeholders do not agree with TUSLA's interpretation, that a refuge could be funded through the capital assistance scheme but that without a commitment from TUSLA to fund revenue costs it is difficult to move forward. The Chief Executive advised that she would contact Tusla with a view to holding a meeting for stakeholders to explore the matter further.

The Members called for the report that Tusla is basing its decision on to be made public.

Councillor Paton requested that Councillors be invited to attend the stakeholders' meeting.

Members called for safe houses in the interim with the end objective being a Holistic Centre.

5. TRANSPORTATION, ENVIRONMENT & WATER SERVICES, BUILDING CONTROL & EMERGENCY SERVICES

(a) Community Water Development Fund 2019

Members had from D. McInerney details of a Community Water Development Fund. The Fund aims to support communities in progressing water related projects and initiatives. Grants awarded will range from up to €5,000; up to €10,000 and up to €25,000. Closing date for receipt of applications is Tuesday 12th February 2019 at 7.00p.m.

D. McInerney urged Members to bring the details of funding available to the attention of their local communities.

In response to Members query D. McInerney advised that he will again write to the Waterways Ireland regarding the dredging of rivers.

Queries raised by Members in relation to the funding were addressed by D. McInerney.

6. CHIEF EXECUTIVE REPORT

Members had for consideration Chief Executive Monthly Management Report for the period 1st to 31st December, 2018.

The following issues were raised by the Members.

- Anti social behaviour in housing estate and queried if the vacant Tenant Liaison Officer post will be filled following recent retirement.
- Filling of post of Tullow Road Development Officer.
- Co-ordinate approach for advertising the hosting of visitors during the National Ploughing Championships being held in County Carlow.
- Facility for the recycling of plastic
- Strategy for Ducketts Grove
- Powerstown Community Fund and if phase 6 will end the funding.
- Budget for road drainage
- Litter fines and maintenance of unfinished estates
- Loss of revenue due to ceasing of fines for late/non return of library books
- No water in Carlow Sub Aqua Club.
- Anomaly of Local Property Tax charge as unfinished housing estates, such as Rivercourt, Carlow, not exempt from Local Property Tax. The Chief Executive advised of difference between unfinished housing estate and estate not taken- in-charge for Local Property Tax purposes.

Issues raised by the Members were addressed by D. McInerney and M. Brennan.

7. Notices of Motion

Standing in the name of Cllr. W. Paton

Deferred from the December meeting.

"That Carlow County Council develop two roundabouts in Carlow town as follows:

- (i) at the junction of the Hanover Road meeting the Hanover Road and
- (ii) at the junction of the Hanover Road meeting the Kilkenny Road (per the attached map) to allow for the safe passage of traffic.

Members had response from R. Wickham, Acting Senior Engineer, Roads in relation to Notice of Motion. A decision in relation to the roundabouts is awaited from consultants as both junctions referred to were included in assessment during the recent consideration of the My Carlow Plan.

Standing in the name of Cllrs. John Cassin & F. Phelan

Proposed by Councillor F. Phelan

Seconded by Councillor J. Cassin

AND

Following a show of hands it was unanimously resolved:-

'Carlow County Council is very concerned given that on average, Carlow residents are 40km from the nearest Emergency Department the equivalent to a 37-minute drive during off peak times. The longest average in the country. This coupled with, at times, low ambulance cover can be life threatening. Carlow County Council calls on the Minister for Health to address the council on what measures will be taken to alleviate this issue.'

Councillor Phelan called on the Minister for Health to visit Carlow to address the Members on the issue or at least to address the issue by corresponding directly to the Members Notice of Motion.

Councillor Dalton called for a stand- alone emergency department in Carlow to deal with minor injuries.

Councillor Browne referred to inadequate train service serving Carlow.

The lack of step down beds was also voiced as a major issue for Carlow.

Councillor Paton advised of six Carlow Emergency First Responder Groups and of proposals to expand to Leighlinbridge and Tinryland. He advised of 4 hour training sessions and invited the Members to participate in training sessions.

8. Correspondence

Member noted resolution from Donegal County Council on proposals to initiate and organise a programme of celebration and commemoration of the First Dáil within the County in 2019.

Members noted correspondence from Michael D. Higgins thanking Members for their good wishes on his re-election as President of Ireland.

Members noted email from Carlow PPN requesting the opportunity to present to Members on the new Carlow Universal Access Movement. This was agreed by the Members.

Member noted resolution from Donegal County Council on proposals to support the demands from the public for an Irish Language Act in the Six Counties.

Member noted resolution from the South & West Kerry Municipal District of Kerry County Council calling on Donald Trump to help the undocumented in America to become citizens of America.

Member noted resolution from Monaghan County Council that medical report required by drivers over 70 years old applying for a driving licence to drive a car be included in the Medical Card services.

Member noted resolution from Roscommon County Council calling on the Minister for Health to bring forward legislation that those persons who qualify for Home Help hours and Care Packages must be immediately provided for by the HSE.

Member noted resolution from Adare-Rathkeale Municipal District of Limerick City and County Council calling on the Taoiseach and Micheál Martin to consider position of Minister Shane Ross following his proposals to increase fines and penalty points for speeding and the non-carrying of a driver's licence.

Members noted correspondence to the Chief Executive from the Standards of Public Commission in respect of declarable interests of councillors and employees.

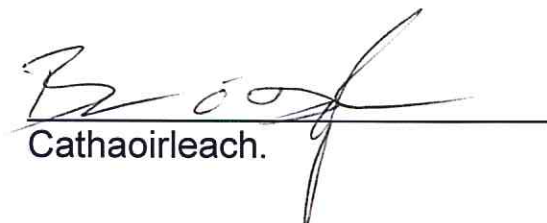
9. ANY OTHER BUSINESS WITH THE CONSENT OF THE CATHAOIRLEACH

The following issues were raised by the Members:-

- Councillor Murnane expressed disappointment at responses from TUSLA to Members' correspondence in relation to the Galway Rape Crisis case.
- Councillor Cassin raised issue of public lighting being turned off at motor way interchanges on the N9. D. McInerney advised that a response is awaited from Transport Infrastructure Ireland in relation to this issue.
- Councillor Quinn queried how a joint Irish/English pension will be dealt with following Brexit.
- Councillor Browne raised issue of light being out in crib at courthouse over the Christmas period.

In response to Members query in relation to continuation of road from Éire Óg to Ballinacarrig D. McInerney advised of a legal implication and of the necessity to re-enter the Part 8 process due to legislative changes.

This concluded the business of the meeting.


Cathaoirleach.