

# MINUTES OF ORDINARY COUNCIL MEETING HELD ON MONDAY, 21<sup>ST</sup> OCTOBER, 2019 AT 3.00 P.M.

**Chair:** Peter Cleere.

**Cllrs:** Eamon Aylward, Tomás Breathnach, John Brennan, Martin Brett, Mary Hilda Cavanagh, John Coonan, Deirdre Cullen, Michael Delaney, Fidelis Doherty, Matt Doran, Michael Doyle, Pat Dunphy, David Fitzgerald, Pat Fitzpatrick, Ger Frisby, Joe Lyons, Joe Malone, Andrew McGuinness, Eugene McGuinness, Malcolm Noonan & Patrick O'Neill.

**Officials:** Colette Byrne, Sean McKeown, Mary J. Mulholland, Martin Prendiville, Anne Maria Walsh, Tony Lauhoff, Fiona Deegan & Seamus Kavanagh.

**Apology:** Cllr. Denis Hynes, Cllr. Michael McCarthy & Mr. Tim Butler.

## 1. Confirmation of Minutes

### (a) Minutes of Ordinary Meeting of Kilkenny County Council held on Monday 16<sup>th</sup> September, 2019

Proposed by Cllr. Fidelis Doherty, seconded by Cllr. John Coonan and agreed:

*"That the Ordinary Meeting of Kilkenny County Council held on Monday, 16<sup>th</sup> September, 2019 as circulated with the Agenda be and are hereby approved".*

Cathaoirleach Peter Cleere wished every success to all involved in Savour Kilkenny Festival during the Bank Holiday weekend.

The Cathaoirleach extended votes of sympathy to:

- Cllr. Fidelis Doherty on the death of her Mother-in-law Ellen Doherty.
- James Fenlon, Machinery Yard on the death of his wife Rita Fenlon.
- Richard Kealy, Castlecomer Area on the death of his Mother Mary Kealy.
- Family of the late Martin Joseph Butler, Jenkinstown [Pensioner].
- Family of the late Philomena Larkin, Kilkenny [Pensioner]
- Paddy Donnelly and Family on the death of his daughter Mary Power.
- Aylward Family on the death of Eugene Aylward.

## 2. (a) Planning

### (i) Part 8: Demolition of the Maturation Building on the Abbey Quarter [Former Smithwicks Brewery] Site

Mr. Tony Lauhoff, Senior Engineer, presented the Chief Executive's Report on Part 8. He advised that the Part 8 was on public display in July 2019. Three submissions were received and these are included in the Report. There is also Third Party submissions to An Bord Pleanala as per Article 250 (3) of the Regulations. An Bord Pleanala has indicated that its determination on this will not be made before 28<sup>th</sup> November, 2019. The Chief Executive recommends that Kilkenny County Council proceed with the proposed development. No development works will take place pending a determination of An Bord Pleanala.

It was proposed by Cllr. Matt Doran, seconded by Cllr. John Coonan and agreed:

*"We the Members of Kilkenny County Council approves the proposed Part 8 in accordance with Section 179 of the Planning & Development Act 2000 as amended and Part VIII of the Planning & Development Regulations 2001, as amended for the proposed Demolition of the former Maturation Building on the Abbey Quarter [former Smithwicks Brewery] Site, as circulated."*

Cllr. Malcolm Noonan voted against proceeding with the proposed development.

(ii) **Material Contravention: St. Kieran's College**

Mr. Sean McKeown presented the Chief Executive's Report on the Material Contravention of the Kilkenny City & Environs Development Plan 2014-2020 for Planning File P19/465. He advised that the Chief Executive is recommending to the Council that the proposed development at St. Kieran's College should be granted as a material contravention. The proposal involves a change of use from community to office to facilitate use by Lighthouse Studios Ltd. for a period of three years only. There is also a previous permission for use as office of other space in St. Kieran's College granted under P17/863. This expansion is supported by Cartoon Saloon and IDA.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Malcolm Noonan and agreed:

*"That in accordance with Section 34(6) of the Planning and Development Act 2000, as amended, a Decision to Grant Planning Permission shall be made, subject to appropriate conditions, to:*

*Fr. Dermot Ryan, St. Kieran's College Trustees  
c/o Bluett & O'Donoghue Architects, 2, John Street, Kilkenny,*

*for temporary permission for 5 years for change of use of part of the front range of St Kieran's College to office use; Fitting of fire rated partition and door on second floor corridor; All associated works. The property is included in the Record of Protected Structures, Ref. B24. Ref. No. in Planning Register – P.19/465"*

Voting in Favour [22] *Cllrs. Eamon Aylward, Tomás Breathnach, John Brennan, Martin Brett, Mary Hilda Cavanagh, Peter Cleere, John Coonan, Deirdre Cullen, Michael Delaney, Fidelis Doherty, Matt Doran, Michael Doyle, Pat Dunphy, David Fitzgerald, Pat Fitzpatrick, Ger Frisby, Joe Lyons, Joe Malone, Andrew McGuinness, Eugene McGuinness, Malcolm Noonan & Patrick O'Neill.*

Voting Against: *None*

(iii) **Taking in Charge: Hunters Wood, Newmarket**

Report on Taking in Charge of Services for three houses in Hunters Wood, Newmarket has been circulated.

It was proposed by Cllr. Matt Doran, seconded by Cllr. Joe Lyons and agreed that:

*"We, the Members of Kilkenny County Council approve the initiation of proceedings for the taking in charge of the following development in accordance with Section 11 of the Roads Act, 1993 and in compliance with Section 180 of the Planning and Development Acts 2000 as amended by Section 59 of the Planning & Development Act 2010."*

**Developments:** *TC109 – Hunter's Wood, Newmarket.*

(b) (i) **Winter Services Maintenance Plan 2019-2020**

Mr. Seamus Kavanagh, Senior Engineer presented Report on Winter Maintenance Plan for 2019/2020. The period covered in the Plan commenced on 14<sup>th</sup> October, 2019 and will be in place until 30<sup>th</sup> April, 2020.

The service delivery target is to keep Priority 1 & 2 Road Network frost/ice free 24 hours a day, 7 days a week. The total length of Priority 1 & 2 Road Network is 427km. The Area Engineers will liaise with the Municipal District Members on proposed service of Priority 3 routes. There will also be discussions with IFA, schools and emergency service providers.

Contributions were received from Cllrs. P. O'Neill, P. Fitzpatrick, P. Dunphy, M. Doran, M. Noonan, E. Aylward, T. Breathnach, F. Doherty, M. Delaney, J. Coonan, J. Brennan and G. Frisby.

The issues raised by Members were as follows:

- Routes serving schools not listed as Priority 1 & 2.
- Provision of salt bunkers to schools.
- Liaising with IFA – Grit available in locations.
- Treating footpaths.
- Discretion for Area Engineers on treating other roads.
- Provision of budget for each Municipal District.
- Involve Resident Associations.
- Preventative Maintenance Programme for clearing gullies and drains.
- Inclusion of some identified areas of road adjoining the motorways.

Mr. Kavanagh responded to all the queries/issues raised by Members and advised that there are over 3,000km of roads in the County. 15% of these roads are included in this Plan. The Area Engineer will discuss maintenance of other roads with the Elected Members. The dispersal of salt on the routes covered the footpaths in the City and towns. Any additional routes will require additional budget.

It was proposed by Cllr. Malcolm Noonan seconded by Cllr. Pat Fitzpatrick and agreed to approve the Winter Maintenance Plan 2019/2020 as presented.

(c) (i) **2020 Bank Overdraft Facility**

Mr. Martin Prendiville, Head of Finance advised Members that the Council will require overdraft facility of €13m for 2020. This is the same as 2019. The facility has been used on a number of occasions during 2019, due to periods of time between making payments and received Department grants.

It was proposed by Cllr. Tomás Breathnach, seconded by Cllr. Fidelis Doherty and agreed:

*"That subject to the sanction of the Minister for the Department of Housing, Planning and Local Government, Kilkenny County Council hereby approves overdraft borrowings to a maximum amount of €13,000,000 for the full year ending 31st December, 2020."*

(d) (i) **Chief Executive's Monthly Report**

Ms. Colette Byrne, Chief Executive presented her monthly Chief Executive's Report.

Queries were raised by Cllrs. Martin Brett, Malcolm Noonan, Fidelis Doherty, Eamon Aylward, Pat Fitzpatrick, Eugene McGuinness and Tomás Breathnach in relation to:

- Timeframe for Loughmacask LAP.
- Building Condition Surveys on Protected Structures.

- Pesticides in River Nore.
- Door to Door Inspections on Waste Management.
- Breakfast Briefings.
- Public Lighting Retrofit.
- Invitation to Irish Water to attend Council Meeting.
- Quality of work in laying new pipework by Irish Water and sub-contractors.
- Update on adoption of Regional Spatial & Economic Strategy.
- Agree to have question raised in advance of meeting.

Ms. Colette Byrne, Mr. Sean McKeown and Mr. Seamus Kavanagh responded to the issues raised by the Members. Ms. Byrne advised that we will write to Irish Water expressing Councils dissatisfaction with Irish Water's decision not to attend a Council meeting and request that Irish Water reconsider its position.

(ii) **Appointment to SPC 1**

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Joe Malone and agreed:

*"That Kilkenny County Council hereby appoints Cllr. John Coonan to SPC 1: Economic Development, Enterprise Support and Tourism, Planning & Development Policy".*

(iii) **Appointment to SPC 2**

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Joe Malone and agreed:

*"That Kilkenny County Council hereby appoints Cllr. Pat O'Neill to SPC 2: Transportational Policy/Mobility Management & Water Services.".*

(iv) **Appointment to Comhairle na nÓg Steering Committee** It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Martin Brett and agreed that:

*"That Kilkenny County Council hereby appoints the following to Comhairle na nÓg Steering Committee:*

- (i) Cllr. Deirdre Cullen
- (ii) Cllr. Michael Delaney
- (iii) Cllr. Pat Dunphy
- (iv) Cllr. Martin Brett

Cllr. Peter Cleere thanked Cllr. Malcolm Noonan and former Councillor Maurice Shortall for their work and contribution to An Comhairle na nÓg over the last five years.

(v) **Performance Indicators 2018**

Report on Performance Indicators for 2018 has been circulated with the Agenda.

Queries were raised by Cllr. Pat Fitzpatrick, Cllr. Malcolm Noonan and Cllr. Fidelis Doherty in relation to waste collection and areas of concern.

Ms. Byrne advised that we have concerns in relation to the level of inspections under Building Control. The target of 15% was not attained due to changes in staff and the requirement to have the assigned staff trained. A five-day training course is required.

Mr. McKeown advised that there has been an increase in the take up of the 3 Bin Service by households. All private Waste Collectors have been met by the Environment Section. The 3 Bin Service applies to areas with more than 500 population. Any areas not covered by a private Waste Collector can be brought to the attention of the Environment Section.

(v) **Yulefest**

Mr. John Cleere gave a PowerPoint Presentation to the Elected Members. In his presentation he outlined the growth that has occurred since the Festival started in 2017. He outlined the events for Yulefest 2019. Ticket sales to-date have increased significantly for events even though we are still in the month of October.

Ms. Paula Lawlor stated that each year there is a theme to the festival. This year there is an expanded programme to encourage schools and communities to get involved. There are a number of rural events. She thanked Kilkenny Leader Partnership for funding a number of events.

This year, there is a schools programme which is supported by a company called "Recreate" and Cartoon Saloon to bring life to unused spaces in the City.

Cllr. Cleere thanked Paula Lawlor and John Cleere and their team for organising the events and for their presentation. He thanked the Members for providing funds in the budget for Yulefest and also thanked the Directors Mary Mulholland and Tim Butler.

(e) (i) **Abbey Quarter**

Mr. Tony Lauhoff and Mr. Jason Clerkin gave a PowerPoint presentation on the current status of projects in the Abbey Quarter. In the presentation an overview was given on the following:

- Development of the Brewhouse and Mayfair.
- Masterplan – Mix of development.
- Riverside Garden/Skate Park.
- New Street/development of St. Francis Park.
- Plots transferred to the Partnership.
- Phase 1 & 2 milestones and completion dates.
- Phase 2 Hotel and Adjacent Blocks.
- Tea Houses Restoration.
- Re-use of Squash Court Building for Culture Activities.

Cllr. Cleere thanked both for the detailed presentation and also for the time given to Members who visited the site on 4<sup>th</sup> October, 2019.

Contributions were received from Cllrs. John Coonan, Andrew McGuinness, Malcolm Noonan, Deirdre Cullen, Tomás Breathnach, David Fitzgerald, Fidelis Doherty, Pat Fitzpatrick and Martin Brett in relation to the following:

- Provision of retail space and potential impact on the High Street.
- Energy Masterplan.
- Mobility Management Plan.
- Third Level Education on site.
- Welcome the development of Riverside Park and Skate Park.
- Development of houses on Sweeney's Orchard.

- Car/Coach Parking in the area.
- Replacement of car parking spaces once new Library is developed.
- Watergate Theatre – proposal for integration with this development.
- Revisit Masterplan.
- Membership of the Abbey Quarter Partnership.

Mr. Jason Clerkin and Mr. Tony Lauhoff responded to all the issues raised by Members.

Ms. Colette Byrne advised that the delivery of Third Level Education is an ambition but there is a need for progress on University Status for both IT Colleges first. She stated that progress on the various elements of the Abbey Quarter's Public Realm is dependent on the availability of government funding i.e. URDF Funding and Fáilte Ireland. The Council will progress all projects through Planning and apply for any funding. The Masterplan should be reviewed in 2020 to see if amendments are required. Development of residential units is a priority. Sweeney's Orchard is a challenging site and there will need to be a mix of private and social on the overall site.

Mr. Prendiville advised that the membership of the Abbey Quarter Partnership was approved by the Elected Members some time ago and is written into the legal agreement.

(ii) **Economic Monitor Update**

Ms. Fiona Deegan gave a PowerPoint presentation on the activities of the LEO Office and an update on statistics in the Economic Dashboard. In her presentation she gave an overview on the 2019 statistics on the following:

- Business Information & Advisory Services.
- Enterprise Support Services.
- Entrepreneurship Support Services.
- Local Economic Development Services.

She gave a detailed overview on the Economic Dashboard for Co. Kilkenny. She further advised that there will be a Kilkenny Jobs Fair held on 27<sup>th</sup> & 28<sup>th</sup> December, 2019.

At this stage Cllr. Cleere left the meeting and Cllr. Andrew McGuinness, Leas Cathaoirleach took the Chair.

Cllr. Andrew McGuinness thanked Ms. Deegan for her detailed presentation.

Contributions were received from Cllrs. Tomás Breathnach, Eamon Aylward, Malcolm Noonan, Joe Lyons & Deirdre Cullen on the following:

- Detailed statistics on unemployment in Kilkenny.
- Shop Local Campaign
- Visits by IDA to Kilkenny.
- Levels of Poverty.
- Childcare Costs.

Ms. Colette Byrne and Ms. Fiona Deegan responded to the issues raised this year by Members. Ms. Byrne advised that we have received IDA visits. The development in the Abbey Quarter has commenced and this provides an offer of significant office space in the City Centre for further IDA visits. However, we need to see the private sector commencing development of residential units in Kilkenny City if we want to attract additional talent of people to Kilkenny.

Ms. Deegan referenced the recent jobs announcements in Kilkenny.

(f) (i) **Watershed**

Mr. Billy Murphy thanked the Members for giving them an opportunity to give an update on the activities of the Watershed over the last year. He also thanked Simon Walton and former Councillor Pat Millea for their contributions as Board members over the last few years. He acknowledged the input of Cllrs. Peter Cleere and Pat O'Neill in recent months.

Ms. Tina Dowling, Chief Executive of the Watershed gave a PowerPoint presentation on the activities of the Watershed. In her presentation she gave an overview on the different activities/sports available, revenue streams, costs of the operation, the number of visitors, capital projects and their plans for the future.

Cllr. Cleere thanked Ms. Dowling, Mr. Murphy and all the staff in the Watershed for their work in providing a fantastic facility for all the people using it.

Contributions were received from Cllrs. Malcolm Noonan, David Fitzgerald, Martin Brett, Andrew McGuinness, Tomás Breathnach, Peter Cleere, Deirdre Cullen and John Coonan in relation to:

- Additional Parking for large events.
- Shuttle Bus Service/encourage cycling.
- Capacity to cater for minority sports.
- Plans for future expansion.
- Age Friendly initiatives/schools programme
- Funding for replacement and updating equipment.

Ms. Dowling responded to the queries raised by the Members. She advised that there is a relationship with the Bridge Centre in relation to overflow parking. Every consideration is given to facilitating any requests for alternative sports. The Watershed is constantly looking at new initiatives.

Mr. Prendiville advised that the Watershed does not get any operational subsidy from Kilkenny County Council. The Council is paying a loan over 20 years for the development of this facility. This loan was drawn down in 2016.

3. **Correspondence**

E-mails circulated and noted by Members.

4. **Business Adjourned From a Previous Meeting**

None.

5. (i) **Schedule of Meetings from July 2019 to October, 2019**

It was proposed by Cllr. Martin Brett, seconded by Cllr. John Coonan and agreed.

(ii) **Dates for Budget Meetings: Municipal Districts & Plenary Council**

It was proposed by Cllr. Martin Brett, seconded by Cllr. Tomás Breathnach and agreed:

Plenary Council Meeting:..... Monday, 25<sup>th</sup> November, 2019 at 3.00 p.m.  
Piltown Municipal District:..... Wednesday, 6<sup>th</sup> November, 2019  
Kilkenny City Municipal District: ..... Friday, 8<sup>th</sup> November, 2019  
Castlecomer Municipal District: ..... Monday, 11<sup>th</sup> November, 2019  
Callan/Thomastown Municipal District:..... Wednesday, 13<sup>th</sup> November, 2019

Cathaoirleach advised Members that a Workshop on Budget 2020 will be held on Friday, 1<sup>st</sup> November at 4.00 p.m.

6. **Consideration of Reports and Recommendations of Committees of the Council**  
None.
7. **Other Business set forth in the Notice convening the Meeting–**  
None.
8. **Conferences – Request for approval to Attend**  
Schedule of Conferences circulated with the Agenda was proposed by Cllr. Martin Brett, seconded by Cllr. Deirdre Cullen and agreed.
9. **Matters Arising from Minutes**  
None
10. **Any Other Business**  
None.
11. **Notices of Motion**  
None.
12. **Notices of Motion from other local authorities seeking support of Kilkenny County Council**  
It was proposed by Cllr. John Coonan, seconded by Cllr. John Coonan, seconded by Cllr. Joe Malone and agreed that Notices of Motion 20 (19) to 24 (19) be taken as read and noted.  
**20 (19) Leitrim County Council**  
“That Leitrim County Council call on the National Transport Authority, The Minister for Transport and his Department to extend the area of operations for Local Area Hackney licenses from 5-7 kilometres to 16-20 kilometres.”  
**21 (19) Leitrim County Council**  
“That Leitrim County Council call on the Minister for the Environment to introduce a moratorium on the granting of planning permission for new wind farms until such time as the long overdue new guidelines are issued by the Minister.”  
**22 (19) Monaghan County Council**  
“That this Council supports the ongoing campaign by the National Ambulance Services Representative Association in their efforts to have Trade Union representation rights advocated on their behalf through the Psychiatric Nurses Association and further calls on Health Minister Simon Harris to instruct the HSE to resolve this issue through the Workplace Relations Commission and negotiation.”  
**23 (19) Wicklow County Council**  
“That Wicklow County Council has a social responsibility to serve, inform and protect the public and the environment from exposure to harm, and therefore it opposes the roll-out of unregulated 5G in the County of Wicklow based on the ‘precautionary principle’ pending the enactment by Dail Éireann of protective legislation.”  
**24 (19) Sligo County Council**  
“To request, in consultation with Coillte, for signage to be placed at local woodland areas and forest recreation walks in order to increase awareness of Lyme Disease, to advise the public of the dangers of contracting Lyme disease from ticks, and how to protect yourself when visiting the outdoors. And also to request for this motion to be forwarded to all local authorities for consideration.”

That concluded the business of the meeting.

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CATHAOIRLEACH

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DATE