

**MINUTES OF NOVEMBER COUNCIL MEETING
HELD ON MONDAY, 18TH DECEMBER, 2017 AT 3.00 P.M.**

Chair: David Fitzgerald

Clrs: Eamon Aylward, John Brennan, Tomás Breathnach, Mary Hilda Cavanagh, Peter Cleere, Fidelis Doherty, Matt Doran, Michael Doyle, Pat Dunphy, Ger Frisby, Pat Fitzpatrick, Breda Gardner, David Kennedy, Andrew McGuinness, Patrick McKee, Joe Malone, Michael McCarthy, Pat Millea, Malcolm Noonan, Melissa O'Neill, Patrick O'Neill, Maurice Shortall and Sean Tyrrell.

Officials: Colette Byrne, Sean McKeown, Mary J. Mulholland, Tim Butler, Martin Prendiville, Denis Malone, Nicolaas Louw, Caitriona O'Sullivan, Tony Lauhoff, Seamus Kavanagh, Frank Stafford, Michael Delahunty, Kevin Hanley, Joe Daly & Anne Maria Walsh.

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

- (a) **Minutes of Ordinary Meeting of Kilkenny County Council held on Monday, 20th November, 2017.**

Proposed by Cllr. Fidelis Doherty, seconded by Cllr. Sean Tyrrell and agreed:

"That the Minutes of the Ordinary Meeting of Kilkenny County Council held on Monday 18th December, 2018, as circulated with the Agenda be and are hereby approved".

- (b) **Minutes of Statutory Budget Meeting of Kilkenny County Council held on Friday, 24th November, 2017.**

Proposed by Cllr. Andrew McGuinness, seconded by Cllr. Michael McCarthy and agreed:

"That the Minutes of Statutory Budget Meeting of Kilkenny County Council held on Friday, 24th November, 2017, as circulated with the Agenda be and are hereby approved".

- (c) **Minutes of SPC 1: Economic Development, Enterprise Support & Tourism held on Friday, 16th June, 2017**

Proposed by Cllr. Tomás Breathnach, seconded by Cllr. Patrick O'Neill and agreed:

"That the Minutes of SPC 1: Economic Development, Enterprise Support & Tourism held on Friday, 16th June, 2017, as circulated with the Agenda be and are hereby approved".

- (d) **Minutes of SPC 5: Environmental Protection, Water Services & Energy held on Thursday, 28th September, 2017**

Proposed by Cllr. Maurice Shortall, seconded by Cllr. John Brennan and agreed:

"That the Minutes of SPC 5: Environmental Protection, Water Services & Energy held on Thursday, 28th September, 2017, as circulated with the Agenda be and are hereby approved".

Cllr. Fitzgerald congratulated the following:

- Pride of Place winners Newpark Close and well done to Ballykeeffe Amphitheatre, Tullahought Kells entries.
- Invest Kilkenny Launch - Acknowledged Fiona Deegan, Sean McKeown and Colette Byrne on the launch.
- Business Awards Winners Transmate.
- Plough & Star Watergate Production
- Kilkenny Community Radio launch.
- Yulefest Committee, the Chairperson Ann Marie Freyne and Paula Lawler and her team.
- Eddie Keher on his approval to receiving Freedom of City.

Cllr. Fitzgerald extended Christmas Greetings to all citizens in Kilkenny.

He advised members of the following events:

- Wellie Race, Castlecomer on Monday, 1st January, 2018.
- Suicide Awareness, Kilkenny on Wednesday, 3rd January, 2018.

Votes of Sympathy

Cllr. David Fitzgerald extended votes of sympathy to the following:

- Breda Strappe, Human Resources on the death of her father Anthony Strappe.
- Pauline Murray, Finance on the death of her father Jack Shanahan.
- The Family of Val Reynolds Kilkenny.
- The Family of Michael Murphy Snr., Tullogher.
- The Family of Phyllis Mernagh, Glenmore.
- The Family of Victor Mullally, Glenmore.

2. Business Prescribed by Statute, Standing Orders or Resolutions of the Council ***Gnó forordaithe do réir Reachtáíochta, Orduithe Seasta, nó Rúin an Chomhairle.***

(a) Planning – Pleanail

(i) Chief Executive's Report on Submissions to the Proposed Material Alterations to the Draft Ferrybank Belview Local Area Plan

Mr. Denis Malone presented the Chief Executive's Report as circulated with the Agenda. He advised Members of the statutory procedure for making a Local Area Plan and in particular where there is a proposed Material Alteration to the Plan.

Documents were on display in October 2017. Nine submissions were received, two from Statutory Bodies and seven others. Summary of issues raised and the Chief Executive response and recommendations is included in the Report circulated. He referred Members to the submission made by the Department of Housing, Planning, Community & Local Government in relation to housing on land zoned for agriculture.

Queries arose from Cllrs. Tomás Breatnach, Melissa O'Neill, Ger Frisby and Maurice Shortall in relation to the following:

- Status of PLUTS.
- Re-zoning of land at Belview.
- Rural Housing Policy.
- Clarification on request from Department to remove the proposed material alteration to Section 6.4.16.
- Status of National Planning Framework and Metropolitan Area Strategic Plans.

Ms. Byrne and Mr. Malone responded to the queries raised.

Mr. Malone recommended to members that the Local Area Plan be adopted. It was proposed by Cllr. Melissa O'Neill, seconded by Cllr. Fidelis Doherty and agreed that:

"We, the members of Kilkenny County Council having considered the proposal to make a Local Area Plan for Ferrybank-Belview under Section 18-20 of the Planning & Development Act 2000 as amended, and having considered the Chief Executive's Report as circulated on the 12th September 2017 on the written submissions to the Draft Plan, having considered that the Draft should be altered in accordance with our decisions made at the meeting of Kilkenny County Council held on the 18th September, 2017, having published the proposed Material Alterations on the 6th of October, 2017, having considered the Chief Executive's Report as circulated on the 12th December 2017 on the submissions to the proposed material alterations at the meeting of Kilkenny County Council held on 18th December, 2017 do hereby make the Ferrybank Belview Local Area Plan 2017. (The Local Area Plan being the proposal published as the "draft" plan as modified by resolution of the Council 18th September 2017 (and modified by any resolution dated 18th December, 2017)".

(ii) **Part 8: Brewhouse**

Mr. Tony Lauhoff presented the Chief Executive's Report as circulated with the Agenda. He gave a PowerPoint presentation on the Part 8 Planning for the Brewhouse.

In his presentation he gave an overview to Members on the following:

- Current status of the building and approved Part 8 Planning.
- Proposed changes required following issues which arose in the detailed design process.
- Features of the proposed development in the Part 8 currently before the Elected Members.
- Details of the public display period and public information meeting.
- Five submissions received - referred Members to the Chief Executive's Report.
- Reports from Planning Authority and Conservation Officer.

Mr. Lauhoff recommended to Members that the development as proposed proceed.

Queries arose from Cllrs. Malcolm Noonan, Breda Gardner, Tomás Breathnach and Patrick McKee in relation to the following:

- Material finish of the Building including insulation.
- Retention of internal fittings.
- Visual impact of PV cells.
- Energy Strategy - ownership of energy.
- Asbestos in building.
- Protected structure status.
- Environment Impact Assessment.
- Monitoring of Rivers.
- Connectivity between Horse Barrack Lane and Parliament Street - pedestrian access.
- Condition of buildings backing onto the lane from Parliament Street.
- Compliment designers of logo for Abbey Quarter.

Mr. Tony Lauhoff responded to the queries raised and advised that An Bord Pleanála has made a determination that an EIS is not required for this project. There is regular monitoring of water quality in the River Nore and Breagagh.

He further advised that it is not unusual to have some asbestos in buildings of that era and procedures are in place for dealing with asbestos. Issues on external and internal finish will be finalised in the detail design and the boundary wall will be removed to open up the area as a public realm space.

It was proposed by Cllr. Tomás Breathnach, seconded by Cllr. Patrick McKee and agreed that:

"We the members of Kilkenny County Council approves 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 Brewhouse Building, as circulated."

(iii) Taking in Charge of Estates: Seville Lawns, Margaretsfield, Callan Road.

It was proposed by Cllr. Patrick McKee and seconded by Cllr. Tomás Breathnach and agreed:

"That the County Council of the County of Kilkenny, in exercise of the powers conferred on them by Section 11 of the Roads Act, 1993 and in compliance with Section 180 of the Planning & Development Act, 2000 as amended by Section 59 of the Planning & Development Act 2010, hereby declares the road listed in the Public Notice and listed below, to be a Public Road".

(iv) Variation to City Development Plan - Temporary Car Parking on Abbey Quarter.

Mr. Tony Lauhoff advised the meeting that he will give in his presentation an overview of the parking option study undertaken by a Consultant in relation to parking in Kilkenny. In his PowerPoint presentation he outlined the following:

- objective contained in Development Plans 2014-2020.
- objective contained in Kilkenny Local Area Plan 2005.
- Terms of Reference for the recent parking study.
- Summary of existing car parking spaces i.e. 4,419.
- Traffic count result on various car parks.
- Summary of existing parking usage - very limited capacity.
- Car Parking Requirements.
- Requirement for car parking for the Abbey Site.
- Requirement for car parking for growth of City Centre.
- Key consideration for site selection and factors to be considered.
- Advantages/disadvantages of multi-storey car parks in various locations as identified in the Local Area Plan adopted in 2005 and carried forward to the City and Environs Development Plan 2014 - 2020.
- Recommended long-term and short-term car parking - consider surface car parking.
- Requirement for coach parking.
- Proposed coach parking on Abbey Site.

Mr. Lauhoff advised that the study undertaken by Road Plan Consultancy included a review of private car parking. The information given was on the basis that it would be treated as commercially sensitive and not released into the public domain.

Cllr. Fitzgerald thanked Mr. Lauhoff for the detailed presentation. He advised that the members are not been asked to make any long term decisions today. There are challenges in the provision of additional car parking and in particular coach parking at Irishtown.

Contributions were received from Cllrs. A. McGuinness, M. O'Neill, M. Noonan, B. Gardner, D. Kennedy, P. O'Neill, P. McKee, P. Fitzpatrick, MH Cavanagh, T. Breathnach, J. Malone, M. Shortall, P. Millea and J. Brennan in relation to the following:

- Multi storey car parking not suitable for a Medieval City, restrict view of castle and other important buildings.
- Option for underground parking not considered.
- Additional car parking to adhere to Disability Strategy Plan.
- Smarter Travel/Mobility Strategy - changes required to reduce the volume of traffic coming into the City.
- Provision of Park & Ride.
- Expansion of Bus Service.
- Need extra provision for bicycle parking.
- Status of Social Housing on Abbey Quarter Site.
- Clarify the length of time for "temporary" use.
- Estimated cost of providing temporary car park on Abbey Quarter Site and number of spaces to be provided.
- Increase in tourism numbers is contributing to the requirements for additional car and coach parking in the City.

- Parking of buses on Castle Road is not sustainable, solution needs to be found elsewhere in the City.
- Consideration to be given to long-term solutions - need to plan for future years.
- Support the need for short-term temporary car parking - trial basis.
- Members should be given all information on private car parks.

Cllr. Fitzgerald reminded the members that the item listed on the Agenda relates to temporary car parking and not multi-storey parking.

Ms. Colette Byrne advised that the Development Plan included objective for multi-storey parking and the presentation given today is to give members the information gathered from a recent study of car parking in the City and car parking trends etc.

The City required additional parking that should be spread across the City. The City also needs a bus service. The proposal for members consideration is the provision of temporary surface parking on part of the Abbey Quarter site, which will not be required for immediate / short-term development.

Mr. Lauhoff responded to the specific queries raised by the members. He advised that the Members can decide the period for temporary when they are dealing with Part 8 Report. The cost of providing a space on surface ground is €4,000 compared to €15,000 for a space in a multi-storey car park. 300 spaces could be provided on a temporary basis subject to planning on an area in the Abbey Quarter near St. Frances Bridge. There is ongoing consultation on the provision of houses including social houses throughout the entire site and this will be dealt with as part of the Design Guidelines.

He stated that Smarter Travel and Mobility Management needs to be revisited and taken on board together with the Disability Strategy.

Ms. Byrne re-iterated that the discussion for today is the provision of temporary car parking at the Abbey Quarter and for Members to consider the Council commencing a variation of the Kilkenny City & Environs Plan 2014 - 2020 to allow for temporary car parking.

Any policy review will be advertised for public consultation and will come back to the full Council for discussions and any proposed development by Kilkenny County Council will be also subject to Part 8 Planning.

The urban design framework is on public display to the 22nd January, 2017 and a report will be on the Agenda for the January Meeting.

Cllr. Fitzgerald again advised the Members that the item on the Agenda for discussion is temporary car parking on the Abbey Quarter Site and he requested Members approval to allow the variation to go forward.

It was proposed by Cllr. Peter Cleere, seconded by Cllr. Mary Hilda Cavanagh and agreed that Kilkenny County Council would commence a variation of the Kilkenny City & Environs Development Plan 2014-2020 to allow for temporary car parking on the Abbey Quarter Site.

(b) Corporate Affairs - Gnóthaí Corparáideacha

(i) **Chief Executives Report**

Ms. Colette Byrne presented her monthly Chief Executive Report to the Members.

It was proposed by Cllr. Pat Millea, seconded by Cllr. Maurice Shortall and agreed that the Chief Executive Report be taken as read and noted.

(ii) **Fill vacancy on SPC: Housing**

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Patrick McKee that Cllr. Maurice Shortall fill the vacancy on SPC 4.

It was proposed by Cllr. Melissa O'Neill, seconded by Cllr. Malcolm Noonan that Cllr. Breda Gardner fill the vacancy on SPC 4.

Cllr. Fitzgerald advised as there is two nominations a vote will be taken.

Cllrs. J. Brennan, MH Cavanagh, P. Fitzpatrick, M. McCarthy, P. Millea, M. Shortall, P. Cleere, M. Doyle, A. McGuinness, P. O'Neill, M. Doran, D. Fitzgerald, J. Malone, P. McKee, E. Aylward, T. Breathnach, F. Doherty, P. Dunphy and G. Frisby [19] voted for Cllr. Maurice Shortall.

Cllrs. B. Gardner, D. Kennedy, S. Tyrrell, M. Noonan and M. O'Neill [5] voted for Cllr. Breda Gardner.

As Cllr. Shortall received 19 votes it was declared that he has been nominated to fill the vacancy on SPC 4: Housing.

(iii) **Circular LG 07/2017 Expenses & Allowances of Local Authority Members and Circular LG 08/2017 Update in Relation to Expenses & Allowances for Local Authority Members**

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Patrick McKee and agreed:

"That Kilkenny County Council hereby approves Circular LG 07/2017 Expenses & Allowances of Local Authority Members and Circular LG 08/2017 Update in Relation to Expenses & Allowances for Local Authority Members and approved the payment of €1,000 in respect of allowance to Members of Municipal Districts and Area Committees".

(c) Finance- Airgeadas

(i) **Report of Audit Committee on Annual Financial Statement 2016 & Audit Report**

Mr. Tim Butler presented the Report from the Audit Committee and advised Members that the Local Government Auditor attended the Audit Committee Meeting and provided clarification on a number of issues.

A number of matters are to be brought to the attention of the Council in relation to special development contributions, property register and procurement/purchasing compliance.

It was proposed by Cllr. Fidelis Doherty, seconded by Cllr. Pat Dunphy and agreed:

"That the Kilkenny County Council Audit Committee Report for 2016 be noted".

(d) Environment- Comhshluaol

(i) **Graveyard Grant Recommendation**

Mr. Sean McKeown advised that funding be approved to two graveyards as part of the 2017 allocation. A number of queries arose from Cllrs. P. McKee, M. Shortall, F. Doherty, P. Cleere and J. Brennan in relation to additional funding/works to a number of graveyards. Ms. Mulholland responded to these queries.

It was proposed by Cllr. Melissa O'Neill, seconded by Cllr. John Brennan and agreed:

"That Kilkenny County Council hereby approves the payment of Graveyard Grants 2017 in accordance with the list circulated to Members on 12th December, 2017".

(e) Roads- Bóithre

(i) **Update on Roads**

Mr. Seamus Kavanagh, Acting Senior Engineer gave a PowerPoint presentation on the Roadworks Scheme for 2017.

In his presentation he outlined to the Members details of the following:

- Total Road Network in County - 3,223 km.
- Total spend in 2017 - €23m.
- Overview on projects on Non National routes under Restoration Improvement/Maintenance Works & Discretionary Grant.
- Community Involvement Schemes.
- Local Improvement Scheme.
- Bridge Rehabilitation Work.
- Low Cost Accident Scheme.
- Western Environs LIHAF.
- Storm Ophelia.

Mr. Frank Stafford, Senior Executive Engineer gave a PowerPoint presentation on the National Road Network Pavement Improvement & Minor Works Programme.

In his presentation he gave an overview on the following:

- Pavement Improvement and Minor Works Programme.
- Detail of the National Network in Co. Kilkenny.
- Works undertaken over the last five years on the N10, N24, N25, N76, N77 and N78 and details of proposed works to be commenced subject to funding being approved.
- Planned works for 2018 subject to TII approval.
- Capital Investment of €35m on roads in Kilkenny since 2006.
- Further eight schemes at application, planning or tender stage to be delivered over the next few years.

Copy of both presentations were circulated to members at the meeting.

Cllr. Fitzgerald thanked Mr. Kavanagh and Mr. Stafford for their detailed presentations.

Queries were received from Cllrs. P. Dunphy, M. Shortall, M. Noonan, F. Doherty, M. O'Neill, P. McKee and T. Breathnach in relation to the following:

- Tower Bridge/Carrick Road.
- Temporary speed limit on N24.
- Minor works required on N78.
- Programme - Replacement of LED lights.
- Provision of over bridges on Bohernatounish Road & Old Dublin Road.
- Culvert in Thomastown.
- Recent Meeting with TII.
- Develop policy on improvements for entrances into towns/villages from the motorways.
- Audit on right hand turns.

Mr. Butler, Kavanagh and Stafford responded to the specific queries raised.

Mr. Butler advised that changes to the speed limit on national roads must go through a Consultant and be approved by TII. The Council cannot undertake this on our own. Cllr. Fitzgerald asked that clarification be given at the January meeting on temporary speed limit on N24.

Ms. Colette Byrne complemented the Roads Staff on all the projects/works undertaken on the entire road network in the County and for the additional funding secured each year due to projects being ready to proceed.

3. **Urgent Correspondence - Comhfhreagras Práinneach**

None

4. **Business adjourned from a previous Meeting- Gnó ar athló ó chruinniúroimhe seo**

None.

5. **Fix Dates and Times of Meetings - Dátaí agus Amanta do chruinnithe a shocrú:**

(i) **Schedule of Meetings from December, 2017 to March, 2018**

It was proposed by Cllr. Matt Doran, seconded by Cllr. Fidelis Doherty and agreed.

6. **Consideration of Reports and Recommendations of Committees of the Council-Plé ar Thuairiscí agus Moltaí ó Choistí an Comhairle:**

(i) **Chairman's Report of SPC 4: Housing held on 20th June, 2017**

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Melissa O'Neill and agreed that the Chairman's Report of SPC4 Housing held on 20th June, 2017 be noted and taken as read.

- (ii) **Chairman's Report of SPC 5: Environmental Protection, Water Services & Energy held on Thursday, 9th February, 2017**

It was proposed by Cllr. Maurice Shortall, seconded by Cllr. Pat Dunphy and agreed that the Chairman's Report of SPC 5 Environmental Protection, Water Services & Energy held on 9th February, 2017 be noted and taken as read.

- (iii) **Chairman's Report of SPC 5: Environmental Protection, Water Services & Energy held on Thursday, 13th April, 2017**

It was proposed by Cllr. Maurice Shortall, seconded by Cllr. Pat Dunphy and agreed that the Chairman's Report of SPC5 Environmental Protection, Water Services & Energy held on 13th April, 2017 be noted and taken as read.

- (iv) **Chairman's Report of SPC 1: Economic Development, Enterprise Support & Tourism held on Friday, 16th June, 2017**

It was proposed by Cllr. Patrick McKee, seconded by Cllr. Pat Millea and agreed that the Chairman's Report of SPC 1 Economic Development, Enterprise Support & Tourism held on 16th June, 2017 be noted and taken as read.

- (v) **Chairman's Report of SPC 5: Environmental Protection, Water Services & Energy held on Thursday, 28th September, 2017**

It was proposed by Cllr. Maurice Shortall, seconded by Cllr. Pat Dunphy and agreed that the Chairman's Report of SPC5 Environmental Protection, Water Services & Energy held on 28th September, 2017 be noted and taken as read.

7. **Other Business set forth in the Notice convening the Meeting -
Gnó Eile romhainn i bhFógra reachtála an Chruinnithe**

None.

8. **Education & Training- Oideachas agus Oilíúint**

- (i) **Conferences - Request for approval to attend as per circulated list.**

It was proposed by Cllr. Fidelis Doherty, seconded by Cllr. Maurice Shortall and agreed.

9. **Matters Arising from Minutes - Gnótha ag éirí as Miontuairiscí**

None.

10. **Any Other Business - Aon Ghnó Eile**

None.

Cllr. Fitzgerald wished all members and staff a very Happy Christmas.

That concluded the Business of the Meeting.

CATHAOIRLEACH

DATE