

MIONTUAIRISCÍ DE CHRUINNIÚ IOMLÁNACH CURTHA AR ATHLÓ
DE CHOMHAIRLE CONTAE CHILL CHAINNIGH A TIONÓLADH DÉ
LUAIN, 28 SAMHAIN, 2022 AG 3.00 P.M. I SEOMRA NA COMHAIRLE,
HALLA AN CHONTAE & TRÍ FHOIRNE MS



MINUTES OF ADJOURNED PLENARY MEETING OF KILKENNY
COUNTY COUNCIL HELD ON MONDAY, 28TH NOVEMBER, 2022 AT 3.00 P.M.
IN THE COUNCIL CHAMBER, COUNTY HALL & VIA MS TEAMS

Chair: Cllr. Pat Fitzpatrick.

Elected Members: *Council Chamber*

Cllrs. John Brennan, Tomás Breathnach, Martin Brett, Peter Cleere, John Coonan, Maria Dollard, Michael Doyle, David Fitzgerald, Joe Malone, Michael McCarthy, Eugene McGuinness, Denis Hynes, Fidelis Doherty, Pat Dunphy.

MS Teams

Cllrs. Mary Hilda Cavanagh, Deirdre Cullen, Matt Doran, Joe Lyons, Patrick O'Neill, Andrew McGuinness, Ger Frisby.

Officials: Sean McKeown, Tim Butler, Martin Prendiville, Mary Mulholland, Fiona Deegan, Denis Malone, Aileen McGrath, Annette Fitzpatrick, Anne Maria Walsh, Seamus Kavanagh, Brendan Sheahan & Kevin Hanley.

Apologies: Cllr. Michael Delaney.

1. *Dearbhú Miontuairiscí - Confirmation of Minutes*

- (i) **Minutes of October Plenary Meeting held on Monday, 17th October, 2022**
Proposed by Cllr. Michael McCarthy, seconded by Cllr. Mary Hilda Cavanagh and agreed.
"That the Minutes of Plenary Meeting of Kilkenny County Council held on Monday, 17th October, 2022 as circulated with the Agenda be and are hereby approved".
- (ii) **Minutes of Meeting SPC1: Economic Development, Enterprise Support, Tourism, Planning & Development Policy**
Proposed by Cllr. Michael McCarthy, seconded by Cllr. John Coonan and agreed.
"That the Minutes of SPC1: Economic Development, Enterprise Support, Tourism, Planning & Development Policy held on Thursday 7th July, 2022, as circulated with the Agenda be and are hereby approved".

Fógraí - Announcements

Cathaoirleach Pat Fitzpatrick extended congratulations to the following:

- All the winners of the Chamber Business Awards.
- Miriam Walsh, Camogie Player of the Year and the eight players from Kilkenny who received All Stars.

He wished the best for Yulefest and encouraged all to Shop Local this Christmas.

Vótaí Comhbhrón - Votes of Sympathy

Cathaoirleach Cllr. Pat Fitzpatrick extended vote of sympathy to the following:

- Kevin Hanley, IT Department on the death of his mother Bridie Hanley, Galway.
- Eamon O'Neill, Housing Maintenance Department on the death of his father Dan O'Neill, Castlecomer.
- Matt Hennessy, Water Services on the death of his mother Annie Hennessy, Windgap.

- Family of the late Margaret Buggy, Ferrybank [*Pensioner*].
- Family of the late Vicky Phelan on their huge loss.
- Family of the late Mary O'Shea, Piltown.
- Family of the late Sergeant John Tuohy.
- Family of the late Bishop Martin Drennan, Piltown.
- Family of the late Paddy Fortune, Tullogher.
- Family of the late Joan Butler, Glenmore.
- Family of the late Breda Beegan, Glenmore.
- Family of the late Anna Murphy, The Rower.
- Family of the late Paddy Griffin, Glenmore.
- Family of the late Anna & Fintan Murphy, The Rower.
- Family of the late Breda Deegan, Glenmore.
- Family of the late Billy Boland, Glenmore.
- Family of the late Joan Ryan, Tullogher.
- Family of the late Ann Maher, Piltown.
- Family of the late George Culleton, Piltown.
- Family of the late Angela Ireland O'Sullivan, Ballyhale,
- Family of the late Tom Friend, Mooncoin.
- Family of the late Ned Moloney, Windgap.
- Family of the late Wattie Hayes, Kilmanagh.
- Family of the late Betty Aylward, Mooncoin.
- Family of the late Johnny Coady, Piltown.
- Family of the late Bevin Sice, Piltown.
- Family of the late Jimmy Bowe, Piltown.
- Family of the late Danny Doran, Mooncoin.
- Family of the late Ann Maher, Piltown.
- Family of the late Mick Dalton, Piltown
- Family of the late Michael Hayes, Kilmacow.
- Family of the late Billy Phelan, Carrigeen.
- Family of the late Leslie Bowes, Fiddown.

All Members were associated with the votes of sympathy.

2. (a) *Tithíocht & Díuscairt Eile - Housing & Other Disposal*

- (i) It was proposed by Cllr. John Coonan seconded by Cllr. Matt Doran and agreed:

"That in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in plot of land at Kilcreene, Kilkenny to Brian Dowling & Agnes Dowling, Clonsharra, Kilcreene, Kilkenny for the nominal fee of €1,500 (fifteen hundred euro) and each party will be responsible for their own legal costs associated with the sale. Kilkenny County Council will erect a post & rail fence along the new boundary line. Area measures 0.286 acre. The Consent of the Minister for Housing, Local Government and Heritage is not required." (Notice sent to Members on the 7th November, 2022).

- (ii) It was proposed by Cllr. Fidelis Doherty seconded by Cllr. Andrew McGuinness and agreed:

"That in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in Property at The Watergate Theatre, Parliament Street, Kilkenny to The Watergate Theatre Company CLG, The Watergate Theatre, Parliament Street, Kilkenny by way of longterm lease for a term of 25 years at an annual rent of €100. Each party to be responsible for their own legal costs associated with the lease. The Consent of the Minister for Housing, Local Government and Heritage is not required." (Notice sent to Members on the 7th November, 2022).

- (iii) It was proposed by Cllr. Maria Dollard seconded by Cllr. Deirdre Cullen and agreed:

“That in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in land at Kilalloe, Callan, Co. Kilkenny to Liam Cunningham, Ballymack, Cuffesgrange, Co. Kilkenny for the sum of €50,000 (fifty thousand euro) with each party being responsible for their own legal costs associated with the sale. Site area measures 1.01 acre. The Consent of the Minister for Housing, Local Government and Heritage is not required.” (Notice sent to Members on the 7th November, 2022).

- (iv) It was proposed by Cllr. Deirdre Cullen seconded by Cllr. Michael Doyle and agreed:

“That in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in land at Upper Paddock, Thomastown, Co. Kilkenny to Upper Paddock Biodiversity Garden Committee, by way of Lease agreement for a term of 10 years and a nominal rent of €10.00 per annum. The Consent of the Minister for Housing, Local Government and Heritage is not required.” (Notice sent to Members on the 7th November, 2022).

- (v) It was proposed by Cllr. David Fitzgerald seconded by Cllr. Michael McCarthy and agreed:

“That in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in Property at Ballykeeffe Quarry (Amphitheatre), Ballykeeffe, Kilmanagh, Co. Kilkenny – which measures approx.. 1.3339 ha - to Kilmanagh Ballycallan Killaloe Community Enterprise Group Ltd, The Old School House, Kilmanagh, Co. Kilkenny by way of long term lease for a period of 15 years and at an annual rent of €52. Kilmanagh Ballycallan Killaloe Community Enterprise Group Ltd will be responsible for all legal costs associated with the lease, including those of Kilkenny County Council. The Consent of the Minister for Housing, Local Government and Heritage is not required.” (Notice sent to Members on 7th November, 2022).

- (vi) It was proposed by Cllr. Deirdre Cullen seconded by Cllr. John Coonan and agreed:

“That in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its Leasehold interest in property at Aghaviller, Hugginstown, Co. Kilkenny to Liam Aylward & Kathleen Aylward, Aghaviller, Hugginstown, Co. Kilkenny for the nominal sum of €10.00 (ten euro) with the Purchaser being responsible for all legal costs associated with the sale, including those of Kilkenny County Council. The Consent of the Minister for Housing, Local Government and Heritage is not required.” (Notice sent to Members on the 7th November, 2022).

(b) (i) Cuid 8/ Part 8: St. Kieran’s Street and Market Square Urban Enhancement Scheme and Refurbishment of the Northern Section of the Market Yard

Mr. Tim Butler presented the Acting Chief Executive Part 8 Report on the St. Kieran’s Street and Market Square Urban Enhancement Scheme and Refurbishment of the Northern Section of the Market Yard, Kilkenny City.

He outlined to the Members the detail of the proposed development which consists of three related but independent work packages:

- Refurbishment and Resurfacing of St. Kieran's Street.
- Refurbishment of Market Square.
- Refurbishment of the Northern Section of the Market Yard Car Park.

He advised that extensive public consultation has taken place. Ten Public Submissions were received and the issues raised have been addressed in the Report.

Presentation on the proposed Plan was given to the Kilkenny City Municipal District Elected Members and the full Plenary Council earlier this year.

The Acting Chief Executive recommends that Kilkenny County Council proceeds with the proposed development in accordance with the plans made available for public inspection and taking into account the commitments and recommendations as outlined in his report.

Contributions were received from Cllrs. John Coonan, Andrew McGuinness, Eugene McGuinness and Martin Brett. The Members support the proposal and welcomed the refurbishment in this area as a public amenity. Concerns were expressed in relation to anti-social behaviour and Members asked for continuous engagement with the Gardaí on these issues.

It was proposed by Cllr. John Coonan, seconded by Cllr. Andrew McGuinness and agreed that:

"We the Members of Kilkenny County Council approve the 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 development at St. Kieran's Street & Market Square and Urban Enhancement Scheme and Refurbishment of the Northern Section of the Market Yard, Kilkenny City."

(c) (i) **Nuashonrú Tuile - Flood Update**

Mr. Seamus Kavanagh, Senior Engineer gave a PowerPoint Presentation on Flood Relief Management update.

In his Presentation he gave an overview on the following:

- Background - Selection of Schemes and National Funding available.
- Funding for six schemes approved for County Kilkenny over the next ten years - €29.8m.
- Phasing of the six schemes into Tranche 1 and Tranche 2.
- Tranche 1: Graiguenamanagh & Ballyhale.
- Tranche 2: Freshford & Pltown (Lot 1) and Thomastown and Inistioge (Lot 2).
- Overview on flooding in Freshford, Thomastown and Inistioge in October/November 2022.
- Update on progress on Graiguenamanagh and Ballyhale Flood Relief Scheme.
- Minor Works Schemes - 3 Projects funded by OPW and details of the three schemes.
- Funding under Climate Adaptation at Kilmanagh and Tullaroan due to recent subsidence following heavy rainfall.
- Ongoing actions by Kilkenny County Council on Flood Management via communications, monitoring of water levels, distribution of sandbags and ongoing liaison with OPW.

Cllr. Pat Fitzpatrick thanked Mr. Seamus Kavanagh for the Presentation. He thanked the Area staff, frontline staff and Emergency Services for their work during recent flooding events.

Contributions were received from Cllrs. Pat Fitzpatrick, Michael McCarthy, Mary Hilda Cavanagh, Deirdre Cullen, Joe Lyons, Michael Doyle, Tomás Breathnach, Maria Dollard, Peter Cleere, Pat Dunphy, Fidelis Doherty, Denis Hynes, David Fitzgerald & Eugene McGuinness.

Members were frustrated with the delay in progressing the six schemes. They asked for the projects to be expediated as a lot of properties are affected and people are concerned for their safety and protecting their property.

Specific issues were raised as follows:

- Freshford – timescale for Scheme, properties being flooded on numerous occasions.
- Thomastown – taking so long to progress scheme, subsidence at the Quay Wall.
- Inistioge – no progress since announcement of funding.
- Callan – Kings River, area flooded, 3 times in 2022, complimented staff for their immediate response to assist people flooded.
- Seek clarification on start dates for schemes, more support needed from national Government.
- Cleaning Rivers – who is responsible. What is role of Inland Fisheries? Problems with fish passes and a lot of growth of algae on River bed.
- Rationale for designation of schemes into the 2 Lots.
- Issue with storm water/sewerage overflow in Michael Street, Kilkenny.
- River Management Plan required.
- Survey locations at risk of flooding.
- Review of N77 Road and Dinan Bridge.

Mr. Butler and Mr. Kavanagh responded to the issues raised. Members were advised that planning a Flood Relief Scheme is a long process. Consultants need to be approved. Various environmental and hydrogeology reports have to be commissioned and data collected to plan a scheme to protect all properties. Public consultation needs to be undertaken. Planning approval is required from An Bord Pleanála. Members were asked for their patience in dealing with all aspects of planning for a scheme before any works are undertaken.

Mr. Kavanagh advised that minor flood works are undertaken where possible. Site investigation is being carried out on the Quay Wall in Thomastown. Funding under Climate Adaption is very welcome and works proceed as soon as funding is allocated.

Cllr. Pat Fitzpatrick thanked all for their input into this item. He stated that flooding of properties is a huge worry for the owners. He urged the Executive to prioritise schemes and seek early resolution.

(d) (i) *Nuashonrú ar Fhorbairt Tuaithe – Rural Development Update*

Ms. Annette Fitzpatrick, Acting Senior Executive Officer gave a PowerPoint Presentation on Rural Funding received in County Kilkenny over the period 2020 to 2022.

In her presentation she gave an overview on the following:

- Rural Regeneration Development Fund – projects undertaken and in progress – overview of latest project to be progressed in Piltown.
- Town & Village Fund – List of towns that received funding and projects undertaken.
- Building Acquisition Measure.
- Streetscape Enhancement Measure.

- CLÁR Fund and list of areas that received funding.
- Total allocation received in 2022 - €3.2m.
- Total allocation received in 2021 - €1.8m.
- Review of RRDF Projects in Callan and Thomastown.

She advised that all the projects are very welcome and required matched funding from the Council and Community Groups. She gave details of new schemes launched recently in relation to Energy Support and advised that the closing date is Friday, 2nd December, 2022.

These Schemes are administered by POBAL directly.

- Community & Voluntary Sector Energy Support Scheme
- Community Support Fund.

Details of Schemes are available on the POBAL website.

Cllr. Fitzpatrick thanked Ms. Fitzpatrick for her presentation.

(ii) ***Scéim Deontais Áiseanna Pobail agus Cultúrtha (CCFCS) 2022***
Community and Cultural Facilities Capital (CCFCS) Grant Scheme 2022

Ms. Annette Fitzpatrick presented her report on the Community & Cultural Facilities Capital Grant Scheme for 2022. She advised that the budget for this Scheme is €250,000 funded from Development Contributions. 15 applications were received seeking funding of €498,573. All applicants were evaluated in a two stage evaluation process using an agreed set of criteria as set out in the Report.

The Evaluation Committee recommended 9 applications be granted aided. The nine successful applications are listed in the Report and are recommended for approval by the Council.

It was proposed by Cllr. Peter Cleere, seconded by Cllr. Tomás Breathnach and agreed that:

“That the Community & Cultural Facilities Capital [CCFCS] Grant Scheme 2022 is hereby approved by the Members of Kilkenny County Council.”

(e) (i) ***Nuashonrú ar Mhonaóir Eacnamaíoch - Economic Monitor Update***

Ms. Aileen McGrath, Acting Local Enterprise Officer presented the Economic Dashboard to the Members.

In her presentation she gave an overview on the following to October 2022 for County Kilkenny:

- Population Statistics.
- Labour Market – Kilkenny and National figure.
- Industry Activity – IDA Companies, EI Companies, Local Enterprise Employment figures, numbers employed in private businesses.
- Residential Property & Planning Statistics and data, details of properties for rent and for sale. Average monthly rent and purchase cost in Kilkenny compared to national averages.
- Third Level Education – number of students from Kilkenny enrolled and those enrolled in SETU.
- Further projects generating employment.
- “Careers Kilkenny” event 30th December, 2022.

Contributions were received from Cllrs. Tomás Breathnach, Martin Brett and Maria Dollard in relation to the presentation:

- Workshop required to consider new LECP.
- Careers Fair – encourage more women to enter workplace.
- Vacancies in various sectors of employment.

Ms. Aileen McGrath responded to the issues raised. Cllr. Pat Fitzpatrick thanked Ms. McGrath for the overview and the update on Economic data.

(ii) ***Léirmhíniú/Tráchtairacht Ráiteas Socheacnamaíoch do LECP***
Interpretation/Commentary Socio Economic Statement for LECP

Mr. Denis Malone advised that the LECP is currently in progress and is at Stage 2. The Economic Statement is currently being drafted and it is opportune to advise Members on how the data is compiled for the Plan. He introduced Antony Pollard from Turley Associates who have been appointed Consultants for the LECP.

Mr. Pollard presented a PowerPoint presentation. In his Presentation he gave an overview on the following:

- *SWOT Analysis carried out by the Consultants* – strategy/opportunities and weaknesses and threats identified from the Socio-Economic Statement for 2023-2028.
- *Demographics for County Kilkenny* – Population data from Census 2022, 4.5% growth since 2016, changes in age profile, fall in age group 25 to 29 years. 61% growth relates to births, inward migration - low.
- Suggested Growth to 2028 – approx. 8.2%

Local Economy

- 93% businesses employ less than 10 people.
- 6 businesses employ more than 250 people.
- 727,000 tourists in 2019.
- 4,691 Enterprises (private)

Housing

- 41,279 dwellings in 2022 – increase of 5.2% since 2016 i.e. over 2,000 houses in 6 years.
- Statistics on Social Housing list and homeless households.
- Vacancy rate 7.7% in 2022.
- 557 unoccupied holiday homes in 2022.

Cllr. Fitzpatrick thanked Mr. Pollard for all the statistics that fed into the new Plan.

(f) (i) ***Tuarascáil Mhíosúil an Phríomhfheidhmeannaigh***
Chief Executive's Monthly Report

Mr. Sean McKeown, Acting Chief Executive presented his Monthly Management Report to the Members.

Cllr. Fitzpatrick advised that the Chief Executive Report will be taken as read and noted. Any Members can contact the Acting Chief Executive if they have any questions.

(ii) ***Tuarascáil Táscaire Feidhmíochta 2021 - Performance Indicator Report 2021***

Mr. Tim Butler, Director of Services presented his report on the Local Performance Indicators for 2021 for the information of the Members. He advised that each Local Authority is required to report on 42 Performance Indicators to NOAC. NOAC has published the Annual Report for 2021 earlier this month. The Report offers us the opportunity to review our performance against all the other Local Authorities.

Kilkenny County Council will aim for further improvements in some areas in 2023. Kilkenny County Council's collection rates in the various income streams are one of the highest in the country. He advised that the schedule attached to the report outlined Kilkenny's performance with the national average.

Cllr. Fitzpatrick thanked Mr. Butler for the report.

3. ***Comhfhreagras - Correspondence***

None.

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

None.

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

(i) **Schedule of Meetings**

It was proposed by Cllr. Martin Brett, seconded by Cllr. Fidelis Doherty and agreed.

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

(i) **Report of SPC1: Economic Development, Enterprise Support, Tourism, Planning & Development Policy**

It was proposed by Cllr. John Coonan, seconded by Cllr. Martin Brett and agreed that Report of SPC1: Economic Development, Enterprise Support, Tourism, Planning & Development Policy held on Thursday 7th July, 2022 be taken as read and noted.

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

None.

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

None.

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

None.

10. *Aon Ghnó Eile - Any Other Business*

Cllr. Denis Hynes requested update on the provision of car parking spaces for those with Autism. Mr. Butler advised that it is proposed to designate a space in the Market Yard, Kilkenny shortly and usage of this will be reviewed in 2023.

11. *Fógraí Rúin - Notices of Motion*

None.

12. *Fógraí i dtaobh Rúin ó Údaráis Áitiúla eile ag lorg tacaíochta ó Chomhairle Chontae Chill Chainnigh - Notices of Motion from other local authorities seeking support of Kilkenny County Council*

It was proposed by Cllr. Martin Brett, seconded by Cllr. Tomás Breathnach and agreed by all that the following Notices of Motion numbered 40 (22) and 45 (22) received from other Local Authorities be taken as read and noted:

40 (22) Offaly County Council

At the October meeting of Offaly County Council, the Members passed a resolution highlighting the difficulties faced by emergency medical technicians including low salary and poor working conditions resulting in a number of technicians leaving the service. They further highlighted the issue of the ambulances covering countrywide, often leaving none available for Offaly and surrounding areas."

41 (22) Cork County Council

"Cork County Council calls on the EPA to put in place a full suite of end of waste criteria to support the circular economy and climate action. These criteria must allow for an efficient means to move materials out of the waste streams in all areas including:

- construction and demolition waste materials such as concrete, topsoil, concrete products such as blocks and kerbs, timber, etc to reduce the demand for virgin materials and it must allow for materials from smaller projects coming to locations such as civic amenity sites.
- re-use schemes such as paint, bicycles, etc coming to locations such as civic amenity sites.
- Items such as furniture, toys, tools, equipment and schoolbooks coming to locations such as civic amenity sites to extend their useful life or for parts to extend the life of other items.

Members agreed that a copy of this letter would be circulated to the EPA and the Southern Regional Assembly".

42 (22) Wicklow County Council

"That Wicklow County Council asks the Government to recognise the European Commission's confirmation that the Government could exceptionally address the case of C.J. Gaffney and the MV Mary Kate through the European Maritime Fisheries Fund (EMFF)".

43 (22) Sligo County Council

"In light of the huge staffing issues our health service is now facing that Sligo County Council calls on the Minister for Health to undertake a review of the numbers of doctors and nurses being trained annually with a view of doubling capacity within the system as is required.

Furthermore, that the Minister for Health instructs the Department of Health and the Health Service Executive to implement a workforce strategy for the retention of nurses and doctors to stay working within our health service instead of paying millions for recruitment campaigns overseas.

That this Motion be relayed to the Minister for Health, the Taoiseach, the Tanaiste and every Local Authority."

44 (22) Monaghan County Council

That this Council call on the Ministers for Environment and Finance to initiate a scheme, similar to the "Fair Deal" Scheme, whereby pensioners and retired people's homes would have solar panels fitted to their homes, thereby greatly reducing their energy costs."

45 (22) Monaghan County Council

That this Council call on the Government to defer the introduction of a "concrete/block levy" for the foreseeable future.

Cllr. Tomás Breathnach thanked the Cathaoirleach, Members and staff for their condolences and kind thoughts on the death of his sister Patty. He appreciated the messages received and support to all his family at this difficult time.

That concluded the business of the meeting.

CATHAOIRLEACH

DATE