

MIONTUAIRISÍ ÓN GCRUINNIÚ IOMLÁNACH DE CHUID
CHOMHAIRLE CONTAE CHILL CHAINNIGH TIONÓLTA
AR AN LUAN, 25 MARTA 2024 AG 3.00 I.N. I SEOMRA NA COMHAIRLE,
HALLA AN CHONTAE & VIA FOIRNE MS



MINUTES OF PLENARY MEETING OF KILKENNY COUNTY COUNCIL
HELD ON MONDAY, 25TH MARCH, 2024 AT 3.00 P.M.
IN THE COUNCIL CHAMBER, COUNTY HALL & VIA MS TEAMS

Chair: Cllr. Michael Doyle.

Elected Members: *Council Chamber*

Cllrs. Martin Brett, Tomás Breathnach, Mary Hilda Cavanagh, Peter Cleere, John Coonan, Deirdre Cullen, Michael Delaney, Fidelis Doherty, Maria Dollard, Pat Dunphy, Pat Fitzpatrick, David Fitzgerald, Ger Frisby, Joe Malone, Andrew McGuinness & Eugene McGuinness.

MS Teams

Cllrs. Eamon Aylward, John Brennan, Matt Doran, Denis Hynes, Joe Lyons & Michael McCarthy.

Officials: Lar Power, Sean McKeown, Fiona Deegan, Tim Butler, Martin Prendiville, Mary Mulholland, Michael Leahy, Mary Walsh, Seamus Kavanagh & Anne Maria Walsh.

1. **Dearbhú Miontuairiscí - Confirmation of Minutes**

- (i) **Miontuairiscí an Chruinnithe Iomlánaigh - Minutes of Plenary Meeting**
Proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Martin Brett and agreed:
"That Minutes of Plenary Meeting of Kilkenny County Council held on Monday, 19th February, 2024 as circulated with the Agenda be and are hereby approved".
- (ii) **Miontuairiscí ar Chruinniú Speisialta - Minutes of Special Meeting**
Proposed by Cllr. Michael Delaney, seconded by Cllr. Ger Frisby and agreed:
"That Minutes of Special Meeting of Kilkenny County Council held on Monday, 12th February, 2024 as circulated with the Agenda be and are hereby approved".
- (iii) **Miontuairiscí ar Chruinniú Speisialta - Minutes of Special Meeting**
Proposed by Cllr. Fidelis Doherty, seconded by Cllr. Eugene McGuinness and agreed:
"That Minutes of Special Meeting of Kilkenny County Council held on Tuesday, 5th March, 2024 as circulated with the Agenda be and are hereby approved".
- (iv) **Miontuairiscí Chruinniú SPC 5 - Minutes of SPC 5 Meeting**
Proposed by Cllr. Martin Brett, seconded by Cllr. Michael Delaney and agreed:
"That Minutes of SPC 5 Meeting: Community, Culture & Fire Services held on Wednesday, 15th February, 2023 as circulated with the Agenda be and are hereby approved".
- (v) **Miontuairiscí Chruinniú SPC 5 - Minutes of SPC 5 Meeting**
Proposed by Cllr. Martin Brett, seconded by Cllr. Tomás Breathnach and agreed:
"That Minutes of SPC 5 Meeting: Community, Culture & Fire Services held on Wednesday, 12th April, 2023 as circulated with the Agenda be and are hereby approved".
- (vi) **Miontuairiscí Chruinniú SPC 5 - Minutes of SPC 5 Meeting**
Proposed by Cllr. Martin Brett, seconded by Cllr. Tomás Breathnach and agreed:
"That Minutes of SPC 5 Meeting: Community, Culture & Fire Services held on Wednesday, 21st June, 2023 as circulated with the Agenda be and are hereby approved".

(vii) **Miontuairiscí Chruinniú SPC 5 - Minutes of SPC 5 Meeting**

Proposed by Cllr. Tomás Breathnach, seconded by Cllr. Martin Brett and agreed:

"That Minutes of SPC 5 Meeting: Community, Culture & Fire Services held on Wednesday, 19th October, 2023 as circulated with the Agenda be and are hereby approved".

Fógraí - Announcements

Cathaoirleach Cllr. Michael Doyle thanked:

- all involved in St. Patrick's Festival and all celebrations across the County in particular Marian Flannery and her team for the diverse range of events and the St. Patrick's Festival Committee chaired by Cllr. Joe Malone.

Cllr. Mary Hilda Cavanagh congratulated the Urlingford Community for the wonderful Parade.

Vótaí Comhbhrón - Votes of Sympathy

Cathaoirleach, Cllr. Michael Doyle extended vote of sympathy to the following:

- Edward Tyler, Newrath Area Office on the death of his brother Sean Tyler, Kilmacow.
- Bruton Family, Dunboyne, Meath on the death of John Bruton former Taoiseach.
- Family of the late Jim Kearns, Mooncoin.
- Family of the late Bridget Hartley, Glemore.

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

- (i) It was proposed by Cllr. Deirdre Cullen, seconded by Cllr. Pat Fitzpatrick 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 Stonecarthy, Stoneyford, Co. Kilkenny – as identified on the attached map - to Joseph Mullally, Stonecarthy, Stoneyford, Co. Kilkenny for the nominal sum of €10.00 and Kilkenny County Council will be responsible for all legal costs associated with the sale. Area measures 145.68 m² (0.036 acres). The Consent of the Minister for Housing, Local Government and Heritage is not required."

- (ii) 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 Stonecarthy, Stoneyford, Co. Kilkenny – as identified on the attached map - to Colm Mullally, Stonecarthy, Stoneyford, Co. Kilkenny for the nominal sum of €10.00 and Kilkenny County Council will be responsible for all legal costs associated with the sale. Combined area measures 2670.93 m² (0.66 acres) comprising of 245-Z1 (526.09m²), 245-Z2 (323.75m²) and 246-Z1 (1821.09m²). The Consent of the Minister for Housing, Local Government and Heritage is not required."

- (iii) It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Michael Delaney 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 a property at Urlingford, Co. Kilkenny – as identified on the attached map - to Health Services Executive HSE – South, Lacken, Dublin Road, Kilkenny for the sum of €115,000. The site extends to circa 650 sq.m (0.16 acres) and the floor area of the building extends to circa 117.62 sq. m. The Consent of the Minister for Housing, Local Government and Heritage is not required."

- (iv) It was proposed by Cllr. Michael Doyle, 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 land at Danesfort, Co. Kilkenny – as identified on the attached map - to Liam Mullen, Pigeon Park, Danesfort, Co. Kilkenny Beneficiary of the Estate of the late Mrs Elizabeth O’Shea for the sum of €2,000 and Mr Mullen will be responsible for all legal costs associated with the sale. Area measures 849.84 m² (0.21 acres). The Consent of the Minister for Housing, Local Government and Heritage is not required.”

- (v) It was proposed by Cllr. Peter Cleere, 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 plot of land at Graiguenamanagh, Co. Kilkenny – as identified on the attached map - to Westcourt Healthcare Limited for €142,000.

Land area measures 2.18 acres (0.8819 ha). The Consent of the Minister for Housing, Local Government and Heritage is not required.

(b) **Pleanail - Planning**

- (i) **Ag Glacadh i gCúram: Taking in Charge: Initiation - Hillview, Bennettsbridge.**
It was proposed by Cllr. Deirdre Cullen, seconded by Cllr. Pat Fitzpatrick 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 & Development Act, 2000 as amended by Section 59 of the Planning & Development Act 2010”.

Development: TC183 Hillview, Bennettsbridge, Co Kilkenny

- (ii) **Ag Glacadh i gCúram: Taking in Charge - Harrowville, Leggettsrath West**
It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. John Coonan 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 & Development Act, 2000 as amended by Section 59 of the Planning & Development Act 2010”.

Development: TC175 - Harrowville, Leggettsrath West, Kilkenny

- (iii) **Ag Glacadh i gCúram: Taking in Charge Final - Greenoaks/Fairways.**
It was proposed by Cllr. Fidelis Doherty, seconded by Cllr. Pat Dunphy and agreed that:

“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.”

Estate: TIC018 - Greenoaks/Fairways, Ferrybank, Co Kilkenny

(c) **Bóithre- Roads**

(i) **Road Works Programme 2024**

Mr. Tim Butler presented the Roadworks Scheme for 2024. He advised the Members that a total of €12.36m in grants has been allocated by Transport Infrastructure Ireland and a total of €17.8m in grants has been allocated by the Department of Transport. Approximately €3.5m will be spent on Active Travel measures during 2024. Each Electoral Area has considered the draft Roadwork Scheme at recent meetings. It is a matter for the Plenary Meeting to adopt the Roadwork Scheme for 2024. It is noted that there is no funding allocation for the N24 Waterford to Cahir included in 2024.

The two Circulars received in relation to the grant funding are included in the Report circulated.

Contributions were received from Cllrs. Andrew McGuinness, Pat Fitzpatrick, Mary Hilda Cavanagh, Pat Dunphy, Fidelis Doherty, Tomás Breathnach, Deirdre Cullen and Peter Cleere.

Issues raised by Members are as follows:

- Welcomed the investment but more is needed due to damage caused by flooding.
- Lack of funding for Community Involvement Scheme – request letter to be sent again to Minister.
- Local Improvement Scheme funding is not adequate to cover the outstanding applications submitted.
- Concerns over no funding provided for N24 and N25, level of accidents on these roads are a cause of concern.
- Request meeting with TII.
- Status of Speed Limit Review.
- Low Cost Safety Scheme – need to increase funding for Engineering works.
- Enforcement of Speed Limits.
- Change the R693 Freshford Road to a National Road.
- Welcomed the allocation for N77 Ballyragget to Ballynaslee.
- Additional funding is covering the increased cost of materials – no additional roads being improved.

Mr. Butler responded to the issues raised. He advised that a meeting with TII will be arranged shortly. Funding is being targeted towards Climate Change and drainage works. Kilkenny is doing well with funding for Low Cost Safety Schemes – 15 locations are improved each year in Kilkenny.

The changes to speed limits will be implemented shortly. Once the signage is in place. A letter will be sent to the Minister in relation to funding for the N24 and N25 and additional funding for CIR and LIS Schemes.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Pat Fitzpatrick and agreed that:

“We the Members of Kilkenny County Council approves the Roadworks Scheme for 2024, as circulated.”

(d) **Airgeadas - Finance**

(i) **Dréacht-Ráiteas Airgeadais Bliantúil - Draft Annual Financial Statement**

Mr. Martin Prendiville referred to the Unaudited Annual Financial Statement [AFS] for the Year 2023 circulated with the Agenda. He advised that the Local Government Auditor has commenced the 2023 Statutory Audit.

When the Audit is complete the final AFS will be brought back to the Members with the Audit Report for consideration. He outlined the main items of note in the Accounts for the year:

- Expenditure for the year €114m – higher than adopted in the Budget, increased grant funding received during the year.
- Surplus achieved in the Year - €19k.
- Balance Sheet – €45m, €17m of this set aside for Capital funds.
- Non-Mortgage Loans - €13.4m outstanding.
- Mortgage Housing Loans – 86 new loans issued over the last 5 years.
- Capital Expenditure - €93m.
- Collection Rates – Rents and Annuities remained at 96% and 90%, Rates Collection dropped to 87% due to number of customers delaying payments.
- Areas of Concern:
 - Pension Liabilities,
 - RCT issue on purchase of Turnkey housing units.

Members noted the Unaudited Financial Statement for 2023.

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Andrew McGuinness and agreed that:

“We, the Members of Kilkenny County Council, hereby adopt the Annual Financial Statement for year ending 31st December, 2023.”

(ii) **Faomhadh do Róchaiteachas - Approval to Over Expenditure**

Mr. Martin Prendiville advised that it is a Reserved Function to approve any over expenditure incurred in the year. The total over expenditure amounted to €18,705,750 across all service areas.

Most of this over expenditure was due to additional grant funding being received after the Budget was adopted.

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Andrew McGuinness and agreed that:

“That Kilkenny County Council hereby approves of Excess Expenditure for year ending 31st December, 2023 as follows in accordance with S104(2) Local Government Act 2001:

	Housing & Building	€
A01	Maintenance & Improvement of LA Housing	3,543,211
A02	Housing Assessment, Allocation and Transfer	5,328
A04	Housing Community Development Support	5,166
A05	Administration of the Homeless Service	304,653
A06	Support to Housing Capital Programme	61,431
A07	RAS and Leasing Programme	495,785
A08	Housing Loans	274,129
A09	Housing Grants	414,118
A11	Agency & Recoupable Services	535,859
A12	HAP Programme	50,952
	<i>Subtotal</i>	<i>5,634,514</i>
	Road Transportation & Safety	
B01	NP Road – Maintenance & Improvement	264,172
B02	NS Road – Maintenance & Improvement	239,388
B04	Local Road – Maintenance & Improvement	4,553,754
B05	Public Lighting	94,181
B07	Road Safety Engineering Improvement	349,577
B09	Car Parking	85,457
B10	Support to Roads Capital Programme	46,163
B11	Agency & Recoupable Services	715,610
	<i>Subtotal</i>	<i>6,348,302</i>

	Water Services	
C01	Water Supply	292,132
C02	Waste Water Treatment	63,612
C04	Public Conveniences	54,860
C06	Support to Water Capital Programme	9,022
	<i>Subtotal</i>	419,626
	Development Management	
D01	Forward Planning	17,116
D03	Enforcement	56,306
D05	Tourism Development and Promotion	457,117
D06	Community & Enterprise Function	1,435,091
D09	Economic Development and Promotion	314,381
D10	Property Management	2,230
	<i>Subtotal</i>	2,282,241
	Environmental Services	
E02	Recovery & Recycling Facilities Operations	288,407
E05	Litter Management	18,432
E06	Street Cleaning	337,928
E09	Maintenance of Burial Grounds	267,127
E10	Safety of Structures and Places	53,706
E11	Operation of Fire Service	126,135
E13	Water Quality, Air and Noise Pollution	397,009
E15	Climate Change & Flooding	74,884
	<i>Subtotal</i>	1,563,628
	Recreation and Amenity	
F01	Leisure Facilities Operations	52,317
F02	Operation of Library and Archival Service	156,315
F03	Outdoor Leisure Areas Operations	714,369
F05	Operation of Arts Programme	173,812
F06	Agency and Recoupable Services	21,999
	<i>Subtotal</i>	1,118,812
	Agriculture, Education, Health & Welfare	
	Miscellaneous Services	
H01	Profit & Loss Machinery Account	271,680
H04	Franchise Costs	24,412
H05	Operation of Morgue and Coroner Expenses	32,243
H07	Operation of Markets and Casual Trading	2,315
H11	Agency & Recoupable Services	1,007,985
	<i>Subtotal</i>	1,338,635
	TOTAL	€18,705,758

(iii) ***Dréachtchlár Caipitil Trí Bliana - Draft Three Year Capital Programme***

Mr. Martin Prendiville referred to the Draft 2026-2029 Capital Budget Report circulated with the Agenda. The total estimated expenditure for the six year period is estimated to be €832m and the estimated match funding required is €70m.

At this stage it was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Mary Hilda Cavanagh and agreed that the meeting stand adjourned for 15 minutes to meet Minister McGrath.

Mr. Prendiville gave a PowerPoint Presentation to the Members and gave an overview on the following:

- Legislation – Chief Executive is required to prepare a Capital Budget.
- Grant Funding for classes of infrastructure and the sources of these grants.

- Capital Spend 2019-2023 - €324m excluding Housing and Roads was €55.8m
- Photographic overview of several Capital Projects.
- Capital Programme 2024-2029 - €832m.
 - €483m for Housing and €121m for Roads which mainly is funded 100%.
- Total grant funding is €762.6m.
- Match funding required is €70.2m from Kilkenny County Council's own resources.
- Presented detailed list of projects included across all the service Departments.
- Advised that provision needs to be made for cost inflation. Estimates only available at this stage for many projects.
- Overview of Borrowings by the Council:
 - Term Loan of €13.5m drawn down in 2016.
 - Term Loan of €5m drawn down in 2020
 - Term Loan of €5m approved and not drawn down yet.
- Outstanding commitments on completed projects €8.5m being funded through Revenue Account.
- Funding available for Kilkenny County Council matched resources - €40.8m identified.
- Funding shortfall €29.4m
- Will seek additional grant funding and other funding opportunities.
- Capital Programme will be reviewed annually.

Cllr. Michael Doyle thanked Mr. Martin Prendiville for a very comprehensive Report and Presentation on a very ambitious Programme of Projects across the County.

Contributions were received from Cllrs. Michale Doyle, Mary Hilda Cavanagh, David Fitzgerald, Joe Lyons, Maria Dollard, Andrew McGuinness, Pat Fitzpatrick, Deirdre Cullen, Tomás Breathnach, John Coonan and Joe Lyons.

The issues raised as follows:

- Investment in County very welcome and this stimulates economic development e.g. Graiguenamanagh Hub.
- All projects will need to be prioritised for the matched funding available.
- Flood Relief Schemes – funding available and very little progress.
- Potential link from Woodstock to Greenway.
- Butts Regeneration – replacement programme needs to be innovative.
- Waterford Airport – investment in the facility a concern – second airport needs to be located near motorways.
- Redevelopment of Meuble's – maintain shop front area.
- Mobility Hub – Abbey Quarter.
- Completion of Ring Road.
- Car Parking spaces near new Library.
- Dereliction in towns and villages, funding, vacant sites needs to be purchased and redeveloped, preservation orders on buildings an issue.
- Funding for approved housing bodies – included in Capital Budget.

Mr. Martin Prendiville responded to all the issues raised by the Members. He advised the capital contribution to Waterford Airport has been included in our Capital Budget for a number of years and it is understood that significant private investment is planned for the airport. Grant for dereliction currently applies to Kilkenny City only. All capital projects outlined will not proceed together. Grant funding and matched funding must be in place before any project proceeds. He thanked all the Capital Teams in all Service Areas on delivering much needed projects and there are many more worthwhile projects planned.

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. David Fitzgerald and agreed by all that:

"We the Members of Kilkenny County Council approves the Draft Three Year Capital Programme, as circulated."

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

(i) **Sceideal na gCruinnithe - Schedule of Meetings**

It was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Mary Hilda Cavanagh and agreed.

(ii) **Fix date for April Plenary Meeting**

It was proposed by Cllr. Pat Fitzpatrick, seconded by Cllr. Mary Hilda Cavanagh and agreed that the April Plenary Meeting be held on Monday, 22nd April, 2024

4. (e) **Gnóthaí Corparáideacha - Corporate Affairs**

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

Mr. Lar Power, Chief Executive presented his monthly report. Cllr. Michael Doyle advised that he has been requested to allow Notice of Motion No. 07(24) and 08(24) to be considered under the Monthly Report as they relate to reports on Ukrainian Response Unit and International Protection Applicants included in the Chief Executive's Report. He advised the meeting that he has allowed the Proposers to move these motions.

It was proposed by Cllr. David Fitzgerald, seconded by Cllr. Mary Hilda Cavanagh and agreed that:

07 (24) Cllr. David Fitzgerald

"Kilkenny County Council undertakes to ensure that any and all applications for the provision of temporary accommodation for the Ukrainian response and international protection applicants are compliant with the Kilkenny City and County Development Plan and all statutory fire, environmental, health and safety provisions to ensure that all emergency facilities are safe, fit for purpose and integrate into the communities where the facilities are located."

Cllrs. David Fitzgerald, Mary Hilda Cavanagh, Eugene McGuinness, Peter Cleere, Deirdre Cullen and Pat Fitzpatrick all spoke on the motion. All raised concerns on the lack of facilities in the various communities and the lack of consultation with communities when there are proposed in place to provide accommodation for Ukrainian and International Protection Applicants. Members requested that all statutory provisions and regulations apply to all developments.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Michale Doyle and agreed that:

08 (24) Cllr. Andrew McGuinness & Cllr. Michael Doyle

"That this Council would write to Roderic O'Gorman, Minister for Children, Equality, Disability, Integration and Youth, to express our deep concern and disappointment regarding the lack of consultation with local communities and the Elected Members of Kilkenny County Council in relation to the accommodation of IPAS.

Also, to outline our opposition to accommodating large numbers of occupants in various areas in Kilkenny City & County with little regard for infrastructure, amenities, capacity, planning and the local area, potentially creating serious problems for proposed future occupants and local communities. "

Cllr. Maria Dollard was not in agreement with this Notice of Motion.

Cllrs. Andrew McGuinness, Michael Doyle, Joe Malone, Maria Dollard, Martin Brett, John Coonan and Joe Lyons spoke on the Notice of Motion.

Members raised concerns on the lack of consultation with communities and Elected Members. As previously referred to concerns were again raised in relation to accommodating large number of people with no infrastructure and amenities which will lead to excessive demands on existing services.

Mr. Sean McKeown responded to both Notice of Motions and advised that there are two Statutory Instruments in place for temporary exemption under the Planning & Development Acts. Kilkenny County Council is required to deal with any development for accommodation under this legislation. Developments must comply with other Statutory Regulations e.g. Fire, Water, Waste Water, Health & Safety etc. There is no formal public consultation in place for these exempted developments. The City & County Development Plan does not apply to these developments. He further advised that a number of Enforcement Planning files have been opened in some cases.

At 5.58 p.m. it was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Michael Delaney and agreed that Standing Orders be suspended to finish this item.

Ms. Fiona Deegan advised that all projects are put through rigorous compliance required by the Local Authority. All projects are scrutinised. 59 projects were assessed. She stated that she will not discuss any specific property. There is a Technical Working Group in place.

A Community Integration Forum is also active to ensure all agencies involved are providing the relevant services to the 872 Ukrainian people living in state provided accommodation. She expressed her disappointment and serious concerns that individual properties are being raised while they are going through a process as a lot of properties do not end up accommodating Ukrainians or International Protection Applicants.

Mr. Lar Power concluded that Kilkenny County Council's role is ensuring compliance. The facilities are planning exempt and the Council has no planning role except for compliance. The Elected Members have no statutory role. The team are doing exceptional work in integrating people into our communities.

That concluded the business of the meeting.

CATHAOIRLEACH

DATE