

**MINUTES OF THE JULY MEETING OF LAOIS COUNTY COUNCIL HELD IN ÁRAS
AN CHONTAE ON THE 25TH OF JULY 2016**

PRESENT:	Councillors	Tom Mulhall	In the Chair
		William Aird	Paddy Bracken
		John Joe Fennelly	Caroline Dwane Stanley
		Padraig Fleming	David Goodwin
		James Kelly	John King
		Jerry Lodge	Seamus McDonald
		John Moran	Catherine Fitzgerald
		Aidan Mullins	Mary Sweeney
		Noel Tuohy	Brendan Phelan
		Ben Brennan	
APOLOGIES:	Councillor		Paschal McEvoy

IN ATTENDANCE:

Messers John Mulholland, Chief Executive, Gerry Murphy, Head of Finance, Kieran Kehoe, Director of Services, Mr. Donal Brennan, Director of Services, Ms. Irene Delaney, Administrative Officer, & Ms. Michelle McCormack, Executive Secretary.

88. WELCOME

On the proposition of the Cathaoirleach, Councillor Tom Mulhall, the Members unanimously welcomed Mr. Donal Brennan, recently appointed Director of Services with Laois County Council and wished him every success in his new role.

89. CONFIRMATION OF MINUTES OF THE JUNE MEETING OF LAOIS COUNTY COUNCIL HELD ON THE 27TH OF JUNE 2016

On the proposition of Councillor John Moran seconded by Councillor John Joe Fennelly, the Minutes of the June meeting of Laois County Council held on the 27th of June 2016 were agreed as circulated.

90. CONFIRMATION OF THE MINUTES OF THE A.G.M. OF LAOIS COUNTY COUNCIL HELD ON THE 27TH OF JUNE 2016

On the proposition of Councillor John King seconded by Councillor Seamus McDonald, the Minutes of the A.G.M. of Laois County Council held on the 27th of June 2016 were agreed as circulated.

91. REPORTS ON MUNICIPAL DISTRICT MEETINGS HELD IN JUNE 2016 FOR NOTING

On the proposition of Councillor Mary Sweeney seconded by Councillor John Moran, the reports on Municipal District Meetings held in June 2016 were noted by the Members.

92. DISPOSAL OF LAND UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT, 2001

(i) DISPOSAL OF 0.0172 HECTARES OF LAND AT 55 BIANCONI WAY, RIDGE ROAD, PORTLAOISE

On the proposition of Councillor William Aird seconded by Councillor Caroline Dwane Stanley, the Members unanimously agreed to the disposal of 0.0172 hectares of land at 55 Bianconi Way, Ridge Road, Portlaoise in the townland of Borris Little for a consideration of €99,000.00

(ii) DISPOSAL OF 0.0055 HECTARES OF LAND AT THE TILES, ABBEYLEIX, CO. LAOIS.

On the proposition of Councillor John Joe Fennelly seconded by Councillor Mary Sweeney, the Members unanimously agreed to the disposal of 0.0055 hectares of land at The Tiles, Abbeyleix, Co. Laois in the townland of Tonduff for a consideration of the Deed of Conveyance (March 2014).

(iii) DISPOSAL OF FREEHOLD INTEREST AT 15 ST. JOHNS SQUARE, PORTLAOISE, CO. LAOIS.

On the proposition of Councillor Noel Tuohy seconded by Councillor Caroline Dwane Stanley, the Members unanimously agreed to the disposal of freehold interest at 15 St. Johns Square, Portlaoise, Co. Laois in the townland of Borris Little for a consideration of €300.00.

93. TAKING IN CHARGE OF THE ROAD AT CAPPAGH NORTH, PORTLAOISE, CO. LAOIS

On the proposition of Councillor Catherine Fitzgerald seconded by Councillor William Aird, the Members unanimously agreed to the taking in charge of the road at Cappagh North, Portlaoise, Co. Laois from the junction with the L-2110-29 to a point 1100m/1.1 km north of the junction to include the roadway up to the bridge

94. NOTICE OF PROPOSED MATERIAL CONTRAVENTION OF PORTLAOISE LOCAL AREA APLAN 2012-2018

(i) PLANNING REF: 15/248

The Members were circulated with a planning report on the proposed material contravention of the Portlaoise Local Area Plan 2012-2018. It was noted that the proposed development is for construction of end of life vehicle and waste metal processing facility along with the internal and external storage of materials on site. The planning application will also include the following:-

- The erection of processing office and sales building
- The erection of weighbridge and weighbridge office
- The erection of boundary treatments
- The erection of signage

- The provision of concrete and hard core areas
- New site entrance and all associated ancillary site development works

The development is subject to an application to Laois County Council for a waste permit at Clonminam Industrial Estate, Portlaoise. On the proposition of Councillor Caroline Dwane Stanley seconded by Councillor Jerry Lodge, the Members unanimously agreed to the proposed material contravention.

(ii) PLANNING REF: 16/82

The Members were circulated with a planning report on the proposed material contravention of the Portlaoise Local Area Plan 2012-2018. It was noted that the proposed development is for construction of 46 dwellings consisting of (i) 7 no. 5 bedroom 2 storey detached dwellings, (ii) 25 no. 4 bedroom 2 storey detached dwellings, (iii) 10 no. 3 bedroom 2 storey semi-detached dwellings, (iv) 4 no. 2 bedroom bungalow dwellings, (v) pumping station, (vi) modification of former vehicular set down area to form new site entrance, (vii) landscaping and boundary treatment, (viii) services and all associated ancillary works and provision of Part V units at Heathfield, Portlaoise, Co. Laois. On the proposition of Councillor John Joe Fennelly seconded by Councillor William Aird, the Members unanimously agreed to the proposed material contravention with the condition that 10% be allocated to social housing.

(iii) PLANNING REF: 15/544

The Members were circulated with a planning report on the proposed material contravention of the Portlaoise Local Area Plan 2012-2018. It was noted that the proposed development is for construction of 31 no. two storey, 3 bed dwelling houses incorporating 3 no. Part V units, footpaths, parking spaces, new vehicular access onto existing road, foul and storm water drainage, public open space and all ancillary site works and services on 0.760 hectares of land at Roselawn, Harpurs Lane, Portlaoise, Co. Laois. On the proposition of Councillor Jerry Lodge seconded by Councillor Caroline Dwane Stanley, the Members unanimously agreed to the proposed material contravention on the condition that a before and after survey be carried out on the Wall at Harpur's Lane

95. LAOIS COUNTY COUNCIL – MONTHLY MANAGEMENT REPORT FOR JULY 2016

Mr. John Mulholland, Chief Executive briefed the meeting on this matter and the report for July was circulated. The report for July 2016 was unanimously agreed and noted. A number of queries were raised on the report and the Directors of Services responded to the various queries raised.

96. PART 8 OF THE LOCAL GOVERNMENT PLANNING & DEVELOPMENT REGULATIONS, 2001 AS AMENDED IN RESPECT OF THE EXTENSION OF THE PORTLAOISE SOUTHERN ROUTE BETWEEN R426 TIMAHOE ROAD AND N77 ABBEYLEIX ROAD

In accordance with Part 15 of the Local Government Act, 2001, Councillor William Aird excused himself from the meeting. The Members were circulated with the Planning Report on the proposed development. The route proposed for the Portlaoise Southern Circular is as follows:-

- From west to east, the scheme starts at the Abbeyleix Road, where it is proposed to replace the existing roundabout junction connecting the Abbeyleix Road to Fr. Browne Avenue with a new roundabout northwest of its present location, thereby allowing the Portlaoise Southern Circular to connect to the Abbeyleix Road without the need for a new junction. Relocation of the existing roundabout will also allow the provision of a cul-de-sac junction to maintain access to the existing houses north of the existing roundabout. A connection will also be provided to maintain the emergency access to the ESB Station;
- From the Abbeyleix Road Roundabout, the Portlaoise Southern Circular extends eastwards for some 200m at which point a roundabout (the Central Roundabout) is proposed which will form the junction between the Portlaoise Southern Circular and the Kylekiproe Connector. This roundabout will also serve the development of adjoining lands;
- From the Central Roundabout, the Portlaoise Southern Circular extends eastwards for a further 500m approximately to form a junction with the Timahoe Road. The existing roundabout serving the Timahoe Road and the Portlaoise Southern Circular Road will be replaced by a new, larger roundabout. A simple priority junction will be provided on the Portlaoise Southern Circular Road between the Central Roundabout and the Timahoe Road to serve the development of adjoining lands;
- North of the new Timahoe Road Roundabout, the existing Timahoe Road will be realigned to provide a new roundabout that will serve the People's Park and the future development of adjoining lands;
- A storm water retention basin will be provided between the Central Roundabout and the Timahoe Road Roundabout as part of the sustainable urban drainage system for the Scheme.

On the proposition of Councillor Catherine Fitzgerald seconded by Councillor Mary Sweeney, the Members unanimously agreed to proceed with Part VIII of the Local Government Planning & Development Regulations 2001 in respect of the extension of the Portlaoise Southern Route between R426 Timahoe Road and N77 Abbeyleix Road. The Members requested that the residents in the area be fully consulted/briefed during the process.

97. RATIFICATION OF PPN MEMBERS TO THE SPCs

(i) RATIFICATION OF MS. ELIZABETH WHITE, NATIONAL LEARNING NETWORK AS THE SOCIAL INCLUSION PILLAR REPRESENTATIVE OF LAOIS PPN

On the proposition of Councillor William Aird seconded by Councillor Paddy Bracken, the Members unanimously agreed to the ratification of Ms. Elizabeth White, National Learning Network, Dublin Road, Portlaoise, Co. Laois as the Social Inclusion Pillar representative of Laois PPN to the Community, Social, Cultural & Heritage SPC.

(ii) RATIFICATION OF MR. MICHAEL COBBE AS THE COMMUNITY & VOLUNTARY PILLAR REPRESENTATIVE OF LAOIS PPN TO THE HOUSING SPC

On the proposition of Councillor Seamus McDonald seconded by Councillor John Moran, the Members unanimously agreed to the ratification of Mr. Michael Cobbe, Killenard, Portarlinton as the Community & Voluntary Pillar Representative of Laois PPN to the Housing SPC.

98. FIX DATE IN SEPTEMBER FOR LOCAL PROPERTY TAX MEETING – NOTICE OF CONSIDERATION OF SETTING A LOCAL ADJUSTMENT FACTOR

It was unanimously agreed that the meeting to discuss the Local Property Tax would be held on the 12TH of September 2016 at 2.30 p.m.

99. LAOIS LOCAL COMMUNITY DEVELOPMENT COMMITTEE ANNUAL REPORT 2015 FOR NOTING

The Members were circulated with a copy of the Laois Local Community Development Committee Annual Report 2015 and the report was noted by the Members of the Council.

100. RATIFICATION OF CONFERENCES & ATTENDANCE AT TRAINING

On the proposition of Councillor John Moran seconded by Councillor John King, the Members unanimously agreed to the ratification of conferences/attendance at training as circulated.

101. CORRESPONDENCE

The following correspondence was noted which had been received since the last meeting of the Council:-

- (i) Correspondence received from Dr. Susan O' Reilly, Chief Executive Officer, Dublin Midlands Hospital Group dated the 14th of July 2016 in relation to Portlaoise General Hospital. It was agreed that a letter issue to the Minister for Health with regard to the Portlaoise General Hospital

- (ii) Correspondence received from the Department of Social Protection dated the 11th of July 2016 in relation to the Carer's Allowance applications
- (iii) Correspondence received from the OPW dated the 6th of July 2016 in relation to Heywood Gardens
- (iv) Correspondence received from the OPW dated the 27th of June 2016 in relation to Heywood Gardens
- (v) Correspondence received from Deputy Sean Fleming dated the 27th of June 2016 in relation to Heywood Gardens
- (vi) Correspondence received from the OPW received on the 23rd of June 2016 in relation to Heywood Gardens - concern was again raised in relation to the staffing issue at Heywood Gardens and the reduced opening hours at Emo Court and it was agreed on the proposal of John Joe Fennelly seconded by Councillor Caroline Dwane Stanley that the O.P.W be contacted and requested to meet the Members to clarify the position at both the above locations and discuss other locations of concern in the County. The Members also requested that Minister Canney be contacted with a view to receiving a deputation from Laois County Council.

102. CONSIDERATION OF THE DRAFT LAOIS COUNTY DEVELOPMENT PLAN 2017-2023 UNDER SECTION 111 (5) (C) OF THE PLANNING & DEVELOPMENT ACT, 2000 AS AMENDED

Ms. Angela McEvoy, Senior Planner gave a presentation to the Members on the Draft County Development Plan 2017-2023 & the Strategic Environmental Assessment/Appropriate Assessment and advised that any amendments which the Members have should be indicated at this stage of the process. Ms. McEvoy briefed the Elected Members on all aspects of the draft Plan and clarified the queries raised.

Following any amendments, the Plan will be prepared, public notice of same will be advertised in the local and national papers and submissions will be invited from the public. She also advised that following public consultation a Chief Executive's report will be prepared on any submissions received and circulated to the Members in January 2017.

The following 8 amendments were agreed as requested by the Members following the consideration of the Draft Laois County Development Plan 2017-2023:-

Amendment No 1

**Proposed by Councillor Caroline Dwane Stanley
Seconded by Councillor John Joe Fennelly to:**

Include the following paragraph under section 2.2.

Census 2016

The preliminary Census 2016 returns released on Thursday 14th July 2016 have determined the population to be 84,732 people. This is 1,076 higher than what was projected under M2F1 Recent scenario; a 1.3% variance. The variance in this regard is *quite low* and within acceptable margins under the projection methodology. The variance appears to be due to a higher than anticipated net gain in inter-regional migrants. However, the data is not yet available to specify from where these new entrants came. One possibility is a slightly lower than expected loss towards the Dublin Region. It must also be clarified that the preliminary figures represent the de facto population. This equates to the total number of people recorded on Census night, including those visiting from elsewhere and tourists. Therefore, until the figures have been finalised by the CSO, it will not be possible to conclude a definitive increase in the resident population.

Amendment No 2

**Proposed by Councillor Mary Sweeney
Seconded by Councillor Noel Tuohy to**

Amended Table No 6 – Rural Area Designations - Replace time periods of 5 years and 10 years with “substantial” as per the following table:-

RURAL AREA DESIGNATION	DEFINITION	CRITERIA
RURAL AREAS UNDER STRONG URBAN INFLUENCE	<p>Those rural areas within easy commuting distance of the main urban centres in County Laois and adjacent counties including the GDA¹ which are experiencing pressure from the development of urban generated housing in the open countryside. These areas are essentially:-</p> <ul style="list-style-type: none"> • The north and eastern areas in the County • 5 km buffer zones around the Principal town, Key service Town and Service Towns of Graiguecullen and Mountmellick • National, Strategic Regional Routes and 	<p>It is an objective to recognise the individual housing needs of people intrinsic to the rural areas located within the areas defined as ‘rural areas under strong urban influence’. Such needs may be accommodated on lands within the rural area under strong urban influence, subject to the availability of a suitable site and normal proper planning and sustainable development criteria.</p> <p>It is an objective of the Council only to permit single houses in the area under strong urban influence to facilitate those with a local rural housing need² in the area, in particular those that have lived in an rural area.</p> <p>In order to demonstrate a genuine rural housing need, any of the following criteria shall be met:</p>

**STRONG
RURAL AREA**

Regional Routes as defined in chapter 11

Continued high levels of single rural houses in these locations would inhibit the growth of the County's urban areas which would result in a failure to achieve the growth targets. It would also cause further deterioration of rural amenities.

The key development plan objectives in these areas seeks to facilitate the **genuine** housing requirements of the rural community as identified by the planning authority in the light of local conditions while on the other hand directing urban generated development to areas zoned for new housing development in towns and villages.

The rural areas that traditionally have had a strong agricultural base, that are restructuring to cope with changes in the agricultural sector and have an extensive network of smaller rural towns, villages and other settlements. In these areas, the focus of urban generated housing should be in the network of settlements to support the development of services and infrastructure and to take pressure off development in the open countryside.

(a) the application is being made by a long term landowner or his/her son or daughter seeking to build their **first** home on the family lands; or

(b) the applicant is engaged in working the family farm and the house is for that persons own use; or

(c) the applicant is working in rural activities³ and for this reason needs to be accommodated near their place of work; or

(d) the application is being made by a local rural person(s) who have spent a substantial period of their life (**minimum 10 years**) living in the local rural area, and, who for family and/or work reasons need to live in the rural area.

It is an objective to recognise the individual housing needs of people intrinsic to the rural area located within the rural areas defined as strong rural areas.

It is an objective of the Council to permit single houses in the strong rural areas to facilitate those with a rural housing need in the area.

In order to demonstrate a rural housing need, any of the following criteria should be met:

(a) the application is being made by a long term landowner or his/her son or daughter seeking to build their **first** home on the family lands; or

(b) the applicant is working in rural activities and for this reason needs to be accommodated near their place of work; or

(c) the application is being made by a local rural person(s)⁴ who for family and/or work reasons wish to live in the

STRUCTURALLY WEAK RURAL AREAS

The rural areas generally exhibit characteristics such as persistent and significant population decline as well as a weaker economic structure based on indices of income, employment and economic growth. These rural areas are more distant from the major urban areas and the associated pressure from urban generated housing.

local rural area in which they have spent a substantial period of their lives (**minimum 5 years**) and are seeking to build their first home in the local rural area⁵.

To help stem decline and strengthen structurally weak areas, it is an objective of the Council that in **general**, any demand for permanent residential development should be accommodated, **subject** to meeting normal planning and environmental criteria.

Amendment No 3

**Proposed by Councillor William Aird
Seconded by Councillor John King to:**

Remove point (i) and (ii) from Trans 14

TRANS 14 Consider permitting access for single dwellings for full time farmers or farmers and / or their children who derive a substantial portion of their income from farming the land, subject to the following provisions:

- ~~i. The farm in question is of minimum size of 37 hectares;~~
- ~~ii. Substantial portion of income is defined as a minimum of 50% of income as verified by a suitably qualified person [for example, a financial accountant];~~
- iii. An alternative site with access onto a minor road is not available;
- iv. The proposed development can be accommodated without the creation of a specific traffic hazard;
- v. Where possible an existing entrance is used;
- vi. The Councils road standards are fully met.

Amendment No 4

**Proposed by Councillor John Joe Fennelly
Seconded by Councillor William Aird to :**

Insert into Table 19: Public Water Supply Objectives

Portlaoise PWS:

OBJ1 Complete the Upgrade to the Disinfection System and extend Manganese Treatment at the Kilminchy Water Treatment Plant to ensure that the development of new production boreholes to meet increased demand is not limited by the capacity of the Water Treatment Plant.

OBJ2 Develop new borehole sources and augment storage at Kilminchy WTP.

OBJ3 Complete Roll-Out of new PLCs on all boreholes and connect plant and boreholes to county-wide SCADA

OBJ4 Complete Portlaoise Evidence Based Cryptosporidium Risk Assessment 2015

OBJXX Ensure that the Portlaoise Water Supply Improvement scheme is included in future Irish Water Capital Investment Programme's as a project to meet increased demand within Portlaoise

Amendment No 5

Proposed by Councillor John Joe Fennelly

Seconded by Councillor Noel Tuohy to:

Insert into Table 20: Public Wastewater Objectives

Portlaoise Wastewater Agglomeration:

OBJ1 Complete the IW Pilot Drainage Area Plan (DAP) and subject to funding and resources, based on the results of this pilot and risk assessments to implement more complete monitoring of Section 16 Discharge Licences to reduce the volume and concentration of effluent load being discharged to the public sewer thus freeing up capacity in the WWtW which is operated by Aecom on as a Design, Build and Operate model.

OBJ2 Repair damaged or substandard sewers to relieve blockages in the network.

OBJ3 Improve Storm Water Management at the WWtW to relieve surcharging in the network in the vicinity of the Mountmellick Road.

OBJXX Ensure that any required upgrades to the Portlaoise Wastewater treatment Plant is included in future Irish Water Capital Investment Programme's as a project to meet increased demand within Portlaoise

Amendment No 6

Proposed by Councillor John King

Seconded by Councillor John Joe Fennelly to:

Include the following policy under Energy:-

ENXX Ensure a setback distance of 1.5 km of Wind turbines from schools, dwellings, community centres and all public roads in all areas open for consideration for wind farm development

Amendment No 7

Proposed by Councillor Caroline Dwane Stanley
Seconded by Councillor Noel Tuohy to:-

Remove the area around Cul na Mona/ Cashel Bogs from the Preferred area for Wind Energy development from the Wind Energy Classified Areas Map

Amendment No 8

Proposed by Councillor John Joe Fennelly
Seconded by Councillor Caroline Dwane Stanley to:

Insert the following policy under Tourism

TM... Support and promote, with the co-operation of key stakeholders, the development of the Fort of Maryborough in Portlaoise and ensure that any development will not result in negative impacts on the fabric or setting of the site;

On the proposition of Councillor John King seconded by Councillor John Moran, the Members unanimously agreed to the draft plan going on display for a ten week period of public consultation.

103. NOTICE OF MOTIONS

Notice of Motions No: 20/2016 & 23/2016 were discussed together as follows:

Notice of Motion No: 20/2016

Councillor Noel Tuohy proposed the following Notice of Motion:-

“That this Council call on the Minister for Health to retain and enhance services at The Midland Regional Hospital, Portlaoise and clear up any doubt that currently exists about the services”

This Notice of Motion was seconded by Councillor Caroline Dwane Stanley

Notice of Motion No: 23/2016

Councillor Willie Aird proposed the following Notice of Motion:-

“That Laois County Council call on the Minister for Health, Simon Harris, irrespective of the report commissioned by Dr. Susan O’ Reilly to give an unequivocal commitment to the people of County Laois and surrounding Counties that the services of the accident and emergency Department will not be downgraded or opening hours to the public reduced”

This Notice of Motion was seconded by Councillor John King. The Members again expressed concern again in relation to the future of services at Portlaoise Hospital and requested that Minister Harris, T.D., be requested to receive a deputation from Laois County Council as a matter of urgency.

Notice of Motion No: 21/2016

Councillor Willie Aird proposed the following Notice of Motion:-

“That Laois County Council request Cluid to change their policy regarding allowing people in their accommodation to purchase same”

This Notice of Motion was seconded by Councillor Caroline Dwane Stanley. It was agreed that a letter issue to Cluid Housing Association in this regard.

Notice of Motion No: 22/2016

Councillor William Aird proposed the following Notice of Motion:-

“That Laois County Council call on the Minister for the Environment, Community and Local Government to change the regulations whereby people who qualify for the disabled persons grant or the essential repairs grant must have their property tax paid in full”

This Notice of Motion was seconded by Councillor Caroline Dwane Stanley. It was agreed that a letter issue to the Minister for the Environment, Community & Local Government in this regard.

This concluded the business of the meeting.

SIGNED: _____
CATHAOIRLEACH

CERTIFIED: _____
A/DIRECTOR OF
CORPORATE AFFAIRS

