

**MINUTES OF THE JUNE MEETING OF LAOIS COUNTY COUNCIL HELD IN  
ARAS AN CHONTAE, PORTLAOISE, ON THE 26<sup>TH</sup> OF JUNE 2017**

**PRESENT:**                    **Councillor** Tom Mulhall                    In the Chair

**Councillors** William Aird                    Paddy Bracken  
   Ben Brennan                    John Joe Fennelly  
   Catherine Fitzgerald                    John King  
   David Goodwin                    Jerry Lodge  
   Seamus McDonald                    Paschal McEvoy  
   John Moran                    Brendan Phelan  
   Mary Sweeney                    Aidan Mullins  
   Padraig Fleming                    Caroline Dwane Stanley  
   Aidan Mullins

**APOLOGIES:**                **Councillors** James Kelly                    Noel Tuohy

**IN ATTENDANCE:**

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

**92.        VOTES OF SYMPATHY**

On the proposition of the Cathaoirleach, Councillor Tom Mulhall, the Members unanimously agreed to extend a vote of sympathy to the following:

- Ms. Ailish Kelly on the recent death of her mother, Mrs. Mona Guinan, Sranure, Cloneygowan, Tullamore, Co. Offaly
- Mr. Dominic Reddin on the recent death of his sister, Ms. Tina Sadler, Raheenmoyle, Kilcormac, Co. Offaly.
- The Gillespie Family on the recent death of Mr. Terry Gillespie, Fisherman's Lock, Leighlinbridge, Co. Carlow and former employee of Laois County Council
- The Dunne Family on the recent death of Ms. Maureen Dunne, Easter Hill, Portlaoise

In accordance with Laois County Council's Bereavement Protocol, a minutes silence was observed as a mark of respect to the deceased.

**93.        CONFIRMATION OF THE MINUTES OF THE MAY MEETING OF  
LAOIS COUNTY COUNCIL HELD ON THE 29<sup>TH</sup> OF MAY 2017**

On the proposition of Councillor Seamus McDonald seconded by Councillor John Joe Fennelly, the Minutes of the May meeting held on the 29<sup>th</sup> of May 2017 were confirmed as circulated.

**94.        REPORT ON CPG MEETING HELD ON THE 22<sup>ND</sup> OF MAY 2017**

On the proposition of Councillor John Moran seconded by Councillor Mary Sweeney, the report on the CPG meeting held on the 22<sup>nd</sup> of May 2017 was confirmed as circulated.

**95. REPORTS ON MUNICIPAL DISTRICT MEETINGS HELD IN MAY 2017**

On the proposition of Councillor John Joe Fennelly seconded by Councillor Mary Sweeney, the reports on the Municipal District Meetings held in May 2017 were confirmed as circulated.

**96. REPORTS ON STRATEGIC POLICY COMMITTEE MEETINGS HELD IN JUNE 2017**

On the proposition of Councillor John Moran seconded by Councillor John King, the reports on the Strategic Policy Committee Meetings held in June 2017 were confirmed as circulated.

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

**(i) DISPOSAL OF FREEHOLD INTEREST AT 24 LORD EDWARD STREET, MOUNTMELICK**

On the proposition of Councillor Paddy Bracken seconded by Councillor Seamus McDonald, the Members unanimously agreed to the disposal of freehold interest at 24 Lord Edward Street, Mountmellick, Co. Laois in the townland of Ballycullenbeg for a consideration of €300.00

**(ii) DISPOSAL OF FREEHOLD INTEREST AT 142 ST. BRIGID'S PLACE, PORTLAOISE**

On the proposition of Councillor Caroline Dwane Stanley seconded by Councillor William Aird, the Members unanimously agreed to the disposal of freehold interest at 142 St. Brigid's Place, Portlaoise, Co. Laois in the townland of Moneyballytyrell for a consideration of €300.00.

**(iii) DISPOSAL OF FREEHOLD INTEREST AT LAUREL HILL, COOLRAIN**

On the proposition of Councillor David Goodwin seconded by Councillor Seamus McDonald, the Members unanimously agreed to the disposal of freehold interest at Laurel Hill, Coolrain, Co. Laois in the townland of Laurel Hill for a consideration of €300.00

**(iv) DISPOSAL OF FREEHOLD INTEREST AT 33 THE SHOWGROUNDS, RATHDOWNEY**

On the proposition of Councillor John King seconded by Councillor Brendan Phelan, the Members unanimously agreed to the disposal of freehold interest at 33 The Showgrounds, Rathdowney, Co. Laois in the townland of Rathdowney for a consideration of €1.00

**(v) DISPOSAL OF FREEHOLD INTEREST AT PAROCHIAL HOUSE, CAMROSS, MOUNTRATH**

On the proposition of Councillor John Joe Fennelly seconded by Councillor Brendan Phelan, the Members unanimously agreed to the disposal of freehold interest at Parochial House, Camross, Mountrath in the townland of Camross for a consideration of €1.00

**(vi) DISPOSAL OF FREEHOLD INTEREST AT 21 HAWTHORN WAY, ESKER HILLS, PORTLAOISE**

On the proposition of Councillor William Aird seconded by Councillor Caroline Dwane Stanley, the Members unanimously agreed to the disposal of freehold interest at 21 Hawthorn Way, Esker Hills, Portlaoise, Co. Laois in the townland of Borris Little for a consideration of €1.00

**(vii) DISPOSAL OF FREEHOLD INTEREST AT 7 AN BOITHRIN NUA, SEANDOIRE, DURROW**

On the proposition of Councillor Brendan Phelan seconded by Councillor John King, the Members unanimously agreed to the disposal of freehold interest at 7 An Boithrin Nua, Seandoire, Durrow in the townland of Castledurrow Demense for a consideration of €1.00

**(viii) DISPOSAL OF FREEHOLD INTEREST AT 3 ROSSVALE COURT, PORTLAOISE**

On the proposition of Councillor William Aird seconded by Councillor Caroline Dwane Stanley, the Members unanimously agreed to the disposal of freehold interest at 3 Rossvale Court, Portlaoise, Co. Laois in the townland of Maryborough for a consideration of €1.00

**98. CONSIDERATION OF THE 3<sup>RD</sup> CHIEF EXECUTIVES REPORT IN RELATION TO SUBMISSIONS RECEIVED ON THE AMENDMENTS TO THE DRAFT LAOIS COUNTY DEVELOPMENT PLAN 2017-2023 AND ADOPTION OF THE DRAFT LAOIS**

Ms. Angela McEvoy delivered a presentation to the Members and referred to the 3<sup>rd</sup> Chief Executives Report in relation to submissions received on the amendments to the draft Laois County Development Plan 2017-2023 which was circulated to the Members on the 29<sup>th</sup> of May 2017.

Councillor William Aird proposed a deferral of the consideration of this item to facilitate further clarification and discussion and this was seconded by Councillor Ben Brennan.

A roll call vote was taken on Councillor William Aird's proposal which resulted as follows:

COUNCILLOR		FOR	AGAINST
FIRST NAME	SURNAME		
William	AIRD	✓	
Paddy	BRACKEN		✓
Ben	BRENNAN	✓	
Caroline	DWANE STANLEY		✓
John Joe	FENNELLY		✓
Catherine	FITZGERALD		✓
Padraig	FLEMING		✓
David	GOODWIN	✓	
James	KELLY		Absent
John	KING	✓	
Jerry	LODGE		✓
Seamus	MCDONALD		✓
Paschal	MCEVOY		✓
John Robert	MORAN	✓	
Tom	MULHALL	✓	
Aidan	MULLINS		✓
Brendan	PHELAN		✓
Mary	SWEENEY	✓	
Noel	TUOHY		Absent

Total Number of Votes - 7 votes in favour, 10 votes against with 2 Members absent – therefore, the consideration of the matter was not deferred. However, the Members agreed to adjourn for a period of half an hour to discuss matters further.

Following the adjournment, the meeting re-convened to consider the matter.

**Submission No. 1 – Department of Housing, Planning, Community & Local Government in relation to Wind Energy**

The following recommendation was made by the Chief Executive:-

Having regard to the requirements of the Wind Energy Guidelines to have an appropriate evidential basis to underpin the Wind Energy Strategy for the County, it is recommended that the revised Wind Energy Map, ref: 1.6.5 not be incorporated into the Laois County Development Plan 2017-2023 and the previous version of the Map be retained.

Following a discussion in relation to this issue and advice from the Chief Executive, Mr. John Mulholland, with regard to the legality of including the revised Wind Energy Map, ***it was proposed by Councillor Mary Sweeney and seconded by Councillor William Aird not to accept the Chief Executive's Recommendation.***

The Chief Executive advised the meeting that not accepting his recommendation will result in a decision by Laois County Council not to support Government policy in relation to wind energy. He further advised that such a course of action will result in a Ministerial Direction being issued, the likely appointment of an Inspector by the Minister and the probability of leaving the Council open to legal challenge. In addition, the Members will also be required to submit a written evidence based justification to support their decision.

A roll call vote was taken on Councillor Mary Sweeney's proposal which resulted as follows:

COUNCILLOR		FOR	AGAINST
FIRST NAME	SURNAME		
William	AIRD		✓
Paddy	BRACKEN		✓
Ben	BRENNAN		✓
Caroline	DWANE STANLEY	✓	
John Joe	FENNELLY	✓	
Catherine	FITZGERALD	✓	
Padraig	FLEMING	✓	
David	GOODWIN		✓
James	KELLY		Absent
John	KING		✓

Jerry	LODGE	✓	
Seamus	MCDONALD		✓
Paschal	MCEVOY	✓	
John Robert	MORAN		✓
Tom	MULHALL		✓
Aidan	MULLINS	✓	
Brendan	PHELAN	✓	
Mary	SWEENEY		✓
Noel	TUOHY		Absent

Total Number of Votes - 8 votes in favour not to accept the Chief Executive's Report and 9 votes against the proposal. The vote having been taken Mr. John Mulholland, Chief Executive confirmed the requirement on the Members to submit evidence based written justification to underpin the decision.

On the basis of the vote taken to include the amended map, Ms. Angela McEvoy, Senior Planner briefed the Members on the process in relation to Section 31 Ministerial Direction as referred to in the Department's submission.

### **Submission No. 2 – Transportation Infrastructure Ireland**

Further to proposed Material Alteration Ref. Section No. 6 – No. 4, it is recommended that the proposed additional policy be amended as follows;

- Consider permitting access for replacement dwellings for persons who [or their families] own the original house and site for a minimum of 10 years [documentary evidence in this regard to be submitted] subject to the following provisions:
  - The original dwelling is in-situ and is habitable;
  - The cost of refurbishment of and/ or extension to the original dwelling is prohibitive;
  - The applicant complies with the provisions of the local need factor of the rural housing policy as outlined in Section 2.6. 1;
  - An alternative site with access onto a minor road is not available;
  - The proposed development can be accommodated without the creation of a specific traffic hazard;
  - The proposal would not result in the creation of a new access onto a national road in an area where speed limits of greater than 60km/h apply and where possible an existing entrance is used;
  - The Councils road standards are fully met;
  - The site is of minimum size of 0.202 hectares [0.5 acres]; If necessary, a replacement septic tank drainage system in accordance with the requirements of the EPA Code of Practice: Waste Water Treatment and Disposal Systems Serving Single Houses (p.e ≤10) 2009 shall be installed on the site.

- Further to proposed Material Alteration Ref. Retail Strategy – 2, it is recommended that the proposed additional text be amended as follows; If and when deemed necessary by the Planning Authority, following consideration of all relevant factors, a Traffic and Transport Assessment (TTA) will be required for retail developments over a particular threshold (100sqm), as set out in the Traffic Management Guidelines 2003, and the Traffic Transport Assessment Guidelines 20142007

***Proposed by Councillor Paschal McEvoy  
Seconded by Councillor John Joe Fennelly  
To accept the Chief Executive's Report***

### **Submission No. 3 – Environmental Protection Agency**

Further to proposed Material Alteration Ref. Section 4 – No.10, it is recommended that the proposed additional policy be amended as follows;

- Support, promote and facilitate the provision and the development of outdoor activities and seek to preserve, improve and extend recreational amenities at appropriate locations.

***Proposed by Councillor John Joe Fennelly  
Seconded by Councillor John Moran***

### **Submission No. 4 – Department of Education & Skills was noted**

### **Submission No 13 - Keep Ireland Open**

Amend Policy GEOL 1 as follows:

- GEOL1 Work with stakeholders to protect, preserve, enhance, maintain, manage, conserve, recognise and, where appropriate, restore the character conservation value and integrity of these sites for their amenity, scientific, heritage and historic values(including County Geological Sites listed in Table 28, proposed NHA's, areas near site and areas of geomorphological importance.

***Proposed by Councillor Jerry Lodge  
Seconded by Councillor Paddy Bracken***

### **Submission No 14 Dunnes Stores**

Recommendation as follows:-

<b>County Laois Retail Hierarchy</b>	
<b>Retail Function</b>	<b>Centre</b>
Major Town Centre MRPGS: Principal Town	Portlaoise
County Town Centre MRPGS: Key Service Town	Portarlinton
County Town Centre MRPGS: Service Towns	Mountmellick
	Rathdowney
	Mountrath
	Stradbally
	Durrow
	Abbeyleix
County Town Centre MRPGS: Local Service Towns	Durrow
	Rathdowney
Newly Emerging Local Service Town	Ballylynan
District Centre MRPGS: Service Town	Carlow Environs
Neighbourhood Centres	Fairgreen, Mountmellick Road, Portlaoise; Mountmellick Road, Portlaoise; Kilminchy, Dublin Road, Portlaoise; Mountrath Road, Portlaoise; Lismard, Timahoe Road, Portlaoise; Sandy Lane, Portarlinton; Graigue Village Shopping Centre, Killeshin Road, Graiguecullen; Numbers Road, Graguecullen; and Connolly Road, Mountmellick.
Villages	Includes zoned villages only

*Proposed by Councillor John Moran*

*Seconded by Councillor Caroline Dwane Stanley*

### **Submissions No. 9 – Irish Wind Energy Association**

It was noted that this submission was considered during the discussion of No. 1 – Department of Housing, Planning, Community & Local Government. The Roll Call Vote in relation to Submission No. 1 relates.

### **Submissions No. 10 – Element Power Ireland Ltd**

It was noted that this submission was considered during the discussion of No. 1 – Department of Housing, Planning, Community & Local Government. The Roll Call Vote in relation to Submission No. 1 relates.

### **Submissions No. 11 – Gaeltech Energy Services**



It was noted that this submission was considered during the discussion of No. 1 – Department of Housing, Planning, Community & Local Government. The Roll Call Vote in relation to Submission No. 1 relates.

### **Submissions No. 12 – Coillte**

It was noted that this submission was considered during the discussion of No. 1 – Department of Housing, Planning, Community & Local Government. The Roll Call Vote in relation to Submission No. 1 relates.

### **ADOPTION OF THE LAOIS COUNTY DEVELOPMENT PLAN 2017-2023**

On the proposition of Councillor Jerry Lodge seconded by Councillor John Joe Fennelly, the Members unanimously adopted the Laois County Development Plan 2017-2023.

In accordance with Section (12)(a) of the Planning & Development Act, 2000, as amended, where a planning authority makes a development plan, it shall **publish a notice of the making of the plan in at least one newspaper circulating in its area**; (b) A notice under this subsection shall state that a copy of the plan **is available for inspection at a stated place or places** (and the copy shall be kept available for inspection accordingly); (c) In addition to the requirements of *paragraphs (a) and (b)*, a planning authority **shall send a copy of the development plan to the Minister, the prescribed authorities, any adjoining planning authorities, the Board, any town commissioners and local community development committee within its area.**

Laois County Development Plan 2017-2023 becomes operational and comes into effect 4 weeks from date of adoption.

### **99. THE PRIVATE RENTAL MARKET IN COUNTY LAOIS**

The Members were circulated with a report on the Private Rental Market in County Laois and same was discussed. The report set out the scale of the escalation in the rental market in terms of cost and predictability of rental increases. It was noted that rental costs in Laois are 52.5% higher than at the trough in the market in late 2011. Mr. Gerry Murphy, Head of Finance indicated that there is a case for Rent Pressure Zones to be established in a number of areas in Laois and recommended that Laois County Council make a formal request to the Housing Agency and the Department of Housing, Planning, Community & Local Government in this regard. Mr. Gerry Murphy, Head of Finance responded to the various housing queries raised.

### **100. PRESENTATION BY MR. DONAL BRENNAN, DIRECTOR OF SERVICES ON PORTLAOISE LIBRARY**

Mr. Donal Brennan, Director of Services gave a detailed presentation on Portlaoise Library and briefed the Members on the costs and associated matters. Members expressed concerns about the current housing situation and queried expenditure on the new library infrastructure in the context of that housing situation. The Members thanked Mr. Brennan for a very comprehensive presentation.

**101. ADOPTION OF THE LAOIS COUNTY COUNCIL ANNUAL REPORT 2016**

On the proposition of Councillor Paddy Bracken seconded by Councillor John King, the Members unanimously agreed to the adoption of the Laois County Council Annual Report for 2016.

**102. LAOIS COUNTY COUNCIL MONTHLY MANAGEMENT REPORT FOR JUNE 2017 (IN ACCORDANCE WITH CIRCULAR LETTER LG 18/2014)**

Mr. John Mulholland, Chief Executive briefed the meeting on this matter and the report for June was circulated. The report for June 2017 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.

**103. RATIFICATION OF CONFERENCES/ATTENDANCE AT TRAINING**

It was noted that there were no conferences for ratification and Members were circulated with the list of forthcoming training and conferences for July 2017 which was agreed

**104. CORRESPONDENCE**

The following correspondence was circulated which had been received since the last meeting of Laois County Council

- (i) Correspondence received from the Office of the Tánaiste and Minister for Justice and Equality in relation to Notice of Motion No: 18/2017
- (ii) Correspondence received from the Office of the Tánaiste and Minister for Justice and Equality in relation to Notice of Motion No: 20/2017
- (iii) Correspondence received from the Department of Housing, Planning, Community and Local Government in relation to Notice of Motion No:

**105. NOTICE OF MOTIONS**

**Notice of Motion No: 21/2017**

Councillor Catherine Fitzgerald proposed the following Notice of Motion:-

***“That this Council call on the Minister for Communications, Climate Action & Environment, Mr. Denis Naughten that full services that are provided in Portlaoise Mai Centre at the moment are maintained into the future. Taking on board the economic consequences for Portlaoise and it’s environs”***

This Notice of Motion was seconded by Councillor William Aird. It was agreed that a letter issue to the Minister in this regard and also to the Minister for Justice & An Post.

**Notice of Motion No: 22/2017**

Councillor Catherine Fitzgerald proposed the following Notice of Motion:-

**“That this Council request the TII to re-erect speed limit signs adjacent to camera signs on all roads as appropriate”**

This Notice of Motion was seconded by Councillor Paschal McEvoy. It was agreed that a letter issue to the TII in this regard.

This concluded the business of the meeting.

**SIGNED:\_\_\_\_\_**  
**CATHAOIRLEACH**

**CERTIFIED:\_\_\_\_\_**  
**DIRECTOR OF SERVICES**  
**CORPORATE AFFAIRS**