

**MINUTES OF THE FEBRUARY MEETING OF LAOIS COUNTY COUNCIL HELD ON THE 28<sup>TH</sup>  
OF FEBRUARY 2022 IN ÁRAS AN CHONTAE**

<b>PRESENT:</b>	Councillor	Conor Bergin	In The Chair
	Councillors	Willie Aird John Joe Fennelly James Kelly Caroline Dwane Stanley Thomasina Connell Padraig Fleming Ollie Clooney Seamus McDonald Barry Walsh	Paddy Bracken Aidan Mullins P.J. Kelly John King Paschal McEvoy Catherine Fitzgerald Noel Tuohy Aisling Moran

**APOLOGIES:** Ben Brennan

**IN ATTENDANCE:**

Messers John Mulholland, Chief Executive, Donal Brennan, Director of Services, Simon Walton, Director of Services, Ms. Angela McEvoy, A/Director of Services, Mr. Gerry Murphy, Head of Finance, Ms. Irene Delaney, A.O., & Ms. Michelle McCormack, S.O.

**1. UKRAINIAN SITUATION**

On the proposition of Councillor Aidan Mullins and seconded by Councillor Caroline Dwane Stanley, the Members unanimously agreed that the Ukrainian flag will fly over the building as a show of solidarity following the ongoing crisis. The offices of Laois County Council will also be lit up in the national colors. On the proposition of Councillor James Kelly, the Members unanimously agreed that a letter of support issue to the Ukrainian Embassy to offer them Laois County Council's support and expressing solidarity with the Ukrainian people.

The support was endorsed by all Members present. The Chief Executive and Directors of Services also requested that they be associated with the show of solidarity and support.

**2. VOTES OF SYMPATHIES**

On the proposition of Councillor Conor Bergin, Cathaoirleach, the Members unanimously passed a vote of sympathy to the Doran Family, Clonad, Portlaoise on the recent death of Mr. Mick Doran, partner of Ms. Catherine Murphy, Senior Executive Technician, Planning Department.

On the proposition of Councillor Caroline Dwane Stanley, the Members unanimously passed a vote of sympathy to the Loughlin family, St. Brigid's Place, Portlaoise, Co. Laois on the recent death of Ms. Maura Loughlin.

On the proposition of Councillor Caroline Dwane Stanley, the Members unanimously passed a vote of sympathy to the Brophy family, Clonrooske View, Knockmay, Portlaoise, Co. Laois on the recent death of Ms. Kathleen Brophy.

On the proposition of Councillor Willie Aird, the Members unanimously passed a vote of sympathy to the O' Brien family, Ballon, Carlow on the recent death of Ms. Ann O' Brien, sister of Ms. Claire O' Brien, Roads Department, Laois County Council.

On the proposition of Councillor Willie Aird, the Members unanimously passed a vote of sympathy to the Shore Family, Old Knockmay Road, Togher, Portlaoise on the recent death of Mrs. Evelyn Shore

The Chief Executive on behalf of the Management & Staff of Laois County Council joined in the sentiments expressed by the Members to the bereaved families.

**3. MINUTES OF THE JANUARY MONTHLY MEETING HELD ON THE 31<sup>ST</sup> OF JANUARY 2022**

On the proposition of Councillor James Kelly seconded by Councillor John King, the Members unanimously agreed the minutes of the January monthly meeting held on the 31<sup>st</sup> of January 2022 as circulated.

Councillor Willie Aird acknowledged with thanks the correspondence which had issued to Minister Eamon Ryan, T.D., Minister for Climate Action, Communication, Networks & Transport in relation to the prohibition for waste disposal by burning and the subsequent response from the Department on same.

**4. REPORT ON CPG MEETING HELD ON THE 24<sup>TH</sup> OF JANUARY 2022**

On the proposition of Councillor Pdraig Fleming seconded by Councillor Ollie Clooney, the Members unanimously agreed the report on CPG meeting held on the 24<sup>th</sup> of January 2022 as circulated.

**5. REPORT ON MUNICIPAL DISTRICT MEETINGS HELD IN DECEMBER 2021/JANUARY 2022**

On the proposition of Councillor John Joe Fennelly seconded by Councillor Seamus McDonald, the Members unanimously agreed the report on Municipal District meetings held in December 2021/January 2022 as circulated.

**6. FILLING OF CASUAL VACACY ON LAOIS COUNTY COUNCIL**

The Members were advised that notification had been received from the Fine Gael Party on the 11<sup>th</sup> of February 2022 nominating Mr. Barry Walsh, Main Street, Ballyroan, Co. Laois to fill the casual vacancy on Laois County Council following the resignation of Ms. Mary Sweeney.

On the proposition of Councillor Willie Aird seconded by Councillor Thomasina Connell, Mr. Walsh was unanimously co-opted to Laois County Council to fill the casual vacancy on Laois County Council.

The Members individually and collectively formally welcomed Councillor Walsh to Laois County Council. The Chief Executive, Mr. John Mulholland on behalf of the Management & Staff of Laois County Council also extended a warm welcome to Councillor Walsh to the ranks of Laois County Council.

Councillor Walsh thanked the Fine Gael Members for their support and subsequently took his seat on Laois County Council and in doing so extended his good wishes to Ms. Mary Sweeney on her retirement. The Members assured Councillor Walsh of their support to him going forward.

**7. NOMINATION OF MEMBER OF LAOIS COUNTY COUNCIL TO THE FOLLOWING**

**HOUSING REGENERATION & PLANNING STRATEGIC POLICY COMMITTEE**

On the proposition of Councillor Thomasina Connell seconded by Councillor Willie Aird, the Members unanimously agreed to nominate Councillor Barry Walsh to the Housing Regeneration & Planning Strategic Policy Committee.

**LAOIS ARTS THEATRE**

On the proposition of Councillor Thomasina Connell seconded by Councillor Willie Aird, the Members unanimously agreed to nominate Councillor Barry Walsh to the Laois Arts Theatre.

**LAOIS & OFFALY EDUCATION & TRAINING BOARD**

On the proposition of Councillor Thomasina Connell seconded by Councillor Willie Aird, the Members unanimously agreed to nominate Councillor Barry Walsh to the Laois & Offaly Education & Training Board.

**LOCAL TRAVELLER ACCOMMODATION CONSULTATIVE COMMITTEE**

On the proposition of Councillor Thomasina Connell seconded by Councillor Willie Aird, the Members unanimously agreed to nominate Councillor Barry Walsh to the Local Traveller Accommodation Consultative Committee.

**PORTLAOISE ENTERPRISE BOARD**

On the proposition of Councillor Thomasina Connell seconded by Councillor Willie Aird, the Members unanimously agreed to nominate Councillor Barry Walsh to the Portlaoise Enterprise Board.

**8. DISPSOAL OF LAND UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT, 2001**

**DISPOSAL OF FREEHOLD COMPRISING 0.0133 HECTARES OF LAND AT 7 BIANCONI WAY, RIDGE ROAD, PORTLAOISE, CO. LAOIS**

On the proposition of Councillor Caroline Dwane Stanley seconded by Councillor Noel Tuohy the Members unanimously agreed to the disposal of freehold comprising 0.0133 hectares of land at 7 Bianconi Way, Ridge Road, Portlaoise, Co. Laois in the townland of Borris Little for a consideration of €1.00

**DISPOSAL OF FREEHOLD COMPRISING 0.0626 HECTARES OF LAND AT 19 BELADD UPPER, PORTLAOISE**

On the proposition of Councillor Willie Aird seconded by Councillor Catherine Fitzgerald, the Members unanimously agreed to the disposal of freehold comprising 0.0626 hectares of land at 19 Beladd Upper, Portlaoise, Co. Laois in the townland of Beladd for a consideration of €1.00.

**DISPOSAL OF LEASEHOLD COMPRISING 0.0289 HECTARES OF LAND AT 30 DERRYWOOD, DURROW, CO. LAOIS**

On the proposition of Councillor Ollie Clooney seconded by Councillor James Kelly, the Members unanimously agreed to the disposal of leasehold comprising 0.0289 hectares of land at 30 Derrywood, Durrow, Co. Laois in the townland of Durrow, Townparks for a consideration of €1.00

**DISPOSAL OF FREEHOLD COMPRISING 0.0160 HECTARES OF LAND AT 371 MARKET MEWS, MARYBOROUGH VILLAGE, PORTLAOISE, CO. LAOIS**

On the proposition of Councillor Caroline Dwane Stanley seconded by Councillor Noel Tuohy, the Members unanimously agreed to the disposal of freehold comprising 0.0160 hectares of land at 371 Market Mews, Maryborough Village, Portlaoise, Co. Laois in the townland of Clonroosk Little for consideration of €1.00.

**DISPOSAL OF 3.42 HECTARES (PLOT C) OF LAND AT J17 NATIONAL ENTERPRISE PARK, TOGHER, PORTLAOISE**

Councillor James Kelly seconded by Councillor Paschal McEvoy proposed the disposal of 3.42 hectares (Plot C) of land at J17 National Enterprise Park, Togher, Portlaoise in the townland of Togher for a consideration of €1,060,200 plus VAT.

A counter proposal was made by Councillor Aisling Moran not to dispose of the land pending a re-assessment of the costings going forward. There was no seconder for that counter proposal.

A discussion ensued and various queries raised were responded to.

The proposal by Councillor James Kelly, seconded by Councillor Paschal McEvoy, for the disposal of 3.42 hectares (Plot C) of land at J17 National Enterprise Park, Togher, Portlaoise in the townland of Togher for a consideration of €1,060,200 plus VAT was adopted by the meeting without (further) objection.

On the proposition of Councillor Willie Aird and seconded by the Cathaoirleach, Councillor Conor Bergin, it was agreed that the meeting be adjourned for a short period to allow Councillor Moran to address comments made by her to the Cathaoirleach.

**9. COSTINGS AND EXPENDITURE IN RESPECT OF THE DEVELOPMENT OF J17 ENTERPRISE PARK, THE CUBE & COUNTY LIBRARY**

The Members were circulated with a detailed report in relation to the costings and expenditure in respect of the development of the J17 Enterprise Park, the Cube & the County Library projects. A lengthy discussion ensued during which many questions were responded to. It was agreed to forward additional information to Councillor Moran.

**10. DEPARTMENT OF TRANSPORT ROAD GRANT ALLOCATIONS 2022**

The Members were circulated with a copy of the road grant allocations for 2022 and same was agreed on the proposition of Councillor John Joe Fennelly seconded by Councillor Thomasina Connell.

Councillor Willie Aird proposed that the Minister for Transport, Climate Action, Communications, Networks and Transport, Mr. Eamonn Ryan be invited to County Laois to visit the J17 National Enterprise Park at Togher and same was agreed.

**11. ADOPTION OF THE LITTER MANAGEMENT PLAN 2022-2024**

The Members were circulated with a copy of the Litter Management Plan for 2022-2024 and same was agreed on the proposition of Councillor Seamus McDonald seconded by Councillor Aidan Mullins. Various issues were raised by the Members in the course of the discussions on the plan which were responded to by the various Directors of Service.

**12. DRAFT RIVER BASIN MANAGEMENT PLAN FOR IRELAND 2022-2027 – PRESENTATION BY MS. ANN MARIE CALLAN, EXECUTIVE SCIENTIST**

Ms. Ann Marie Callan, Executive Scientist delivered a comprehensive presentation on the draft River Basin Management Plan for Ireland for 2022-2027 and responded to the various queries raised by the Members.

**13. AUDIT COMMITTEE REPORT ON THE ANNUAL FINANCIAL STATEMENT AND STATUTORY AUDIT REPORT 2020**

The Members were circulated with a copy of the Audit Committee Report on the Annual Financial Statement and Statutory Audit Report for 2020 which was unanimously agreed on the proposition of Councillor Padraig Fleming and seconded by Councillor John King.

**14. STATUTORY AUDIT REPORT FOR THE YEAR ENDED THE 31<sup>ST</sup> OF DECEMBER 2020**

The Members were circulated with a copy of the Statutory Audit Report for the year ended the 31<sup>st</sup> of December 2020 which was unanimously agreed on the proposition of Councillor Padraig Fleming and seconded by Councillor John King.

**15. AUDIT COMMITTEE ANNUAL REPORT 2021**

The Members were circulated with a copy of the Audit Committee Annual Report for 2021 which was unanimously agreed on the proposition of Councillor Padraig Fleming and seconded by Councillor John King.

**16. STRATEGIC AUDIT PLAN 2022-2024**

The Members were circulated with a copy of the Strategic Audit Plan 2022-2024 which was unanimously agreed on the proposition of Councillor Padraig Fleming and seconded by Councillor John King.

**17. INTERNAL AUDIT PLAN 2022**

The Members were circulated with a copy of the Internal Audit Plan 2022 which was unanimously agreed on the proposition of Councillor Padraig Fleming and seconded by Councillor John King.

**18. MONTHLY MANAGEMENT REPORT FOR FEBRUARY 2022**

The Members were circulated with a copy of the Monthly Management Report for February 2022 and the Directors of Services responded to the various queries raised by the Members.

**19. TRAINING AND CONFERENCES**

The Members were circulated with a copy of the conferences and training for ratification and same was agreed on the proposition of Councillor Paschal McEvoy seconded by Councillor John King.

**20. CORRESPONDENCE**

The following correspondence was circulated which was received since the last meeting:-

- (i) Correspondence from Cork County Council in relation to special parking spaces at schools for persons with hidden disabilities
- (ii) Correspondence from Clare County Council dated the 22<sup>nd</sup> of February 2022 in relation to the Household Benefits Package and its exemption from property tax
- (iii) Correspondence from Clare County council dated the 22<sup>nd</sup> of February 2022 in relation to a system of compensation and indemnity as a component of the licensing system for forestry
- (iv) Extension of period of Tenure of the Chief Executive – the Cathaoirleach, Councillor Conor Bergin advised the Members that he was in receipt of documentation in relation to the extension of the period of tenure of the Chief Executive, Mr. John Mulholland for a further period of three years in accordance with the provisions of Section 147 of the Local Government Act, 2001, as amended.
- (v) Vote of Congratulations – the Members unanimously congratulated Ms. Angela McEvoy, Acting Director on her success in the recent competition for Director of Services with Laois County Council.

## 21. NOTICE OF MOTIONS

### Notice of Motion No: 05/2022

Councillors Aisling Moran, Aidan Mullins, Ben Brennan and Pdraig Fleming proposed the following Notice of Motion:-

*“That this Council as the Enforcement Authority call for the closure of the Eirgrid site at Coolnabacky until a full and thorough investigation is completed into the non-disclosure of 300,000 litres of oil over the aquifer on this environmentally sensitive site including the planning application and reports carried out”*

This Notice of Motion was seconded by Councillor Pdraig Fleming. The Members were advised that by order dated 23/04/2014 An Bord Pleanála granted approval for the development of the Laois Kilkenny grid reinforcement project. The statutory approval provided for, inter alia, **a substation at a site at Coolnabacky on which two 400/110-kilovolt, 500-megavolt ampere transformers and two shunt reactors are to be positioned in transformer bunds between two substation buildings.** The enclosures will be plan area 25m x 10m each for transformers and plan area 14m x 10m each for shunt reactors. Both will be surrounded on three sides by fire walls 400 mm thick and approximately 10m high of reinforced concrete construction. The fourth side of the enclosure building will comprise a cladding with ventilation grills. The banded enclosures will be approx. 1metre deep giving a total bund capacity of 500 cubic metres or 500,000 litres. There is no additional level of complexity in the construction of these bunds and their construction will be actively monitored by Laois County Council.

The transformer bunds are clearly detailed in a number of drawings and various reports attached to the original planning application. The drawings show the location of the reactors and the transformers on site, the reports provide commentary on the risk and mitigation measures to be put in place in relation to transformer oils.

In terms of mitigation the EIS states that *“oil storage and the transformers will be stored in designated areas with an impervious base. These areas will be banded to a volume of 110% of the capacity of the largest tank/container within the banded area(s) (plus an allowance of 30 mm for rainwater ingress). Filling and draw-off points will be located entirely within the banded area..... In the event of an environmental incident at the proposed substation the ESB Networks Emergency Response Procedure will be activated. The Environmental Incident Reporting System is a key component of this procedure. Environmental significance is*

*classified into major, minor and general. All environmental incidents will be reported to the ESB Networks Environmental Systems Manager immediately. All environmental incidents/non-conformances will be logged in the Environmental Incident Reporting System within 2 working days. Details of the appropriate corrective action taken by the relevant supervisor in charge will be entered into the environmental incident reporting system, for review by the environmental management team within ESB Networks.”*

The Board concluded that, subject to the implementation of the identified mitigation measures, the proposed development, in itself or in combination with other plans or projects, would not adversely affect the integrity of the River Barrow and River Nore Special Area of Conservation, in view of the conservation objectives for this site.

The Board concluded that the proposed development would not be likely to have significant adverse effects on the environment.

The Board considered that, subject to compliance with the eleven planning conditions set out in its order, the proposed development:

- *“Would be in accordance with national policies and guidance, and with regional and local development policies,*
- *Would represent a benefit for this region by virtue of the enhancement of electricity supply,*
- *Would not seriously injure the amenities of the area or of property in the vicinity,*
- *Would not seriously injure the visual or recreational amenities of the area,*
- *Would not seriously injure the ecology of the area, including bird life, protected species and habitats, and area designed for environmental protection,*
- *Would not give rise to water pollution, and would not affect drinking water supplies,*
- *Would not adversely affect the hydrology or hydrogeology of the area,*
- *Would not give rise to risk of or exacerbation of flooding,*
- *Would not be prejudicial to public health,*
- *Would, therefore, be in accordance with the proper planning and sustainable development of the area.”*

Furthermore, the Board’s Inspector in summing up his opinion on proposed mitigation measures stated *“Overall, it may be said that the mitigation measures recommended in the Natura Impact Statement are all tried and tested and amount to good practice during both the construction phase and operational phase of a project.”*

Laois County Council, as planning authority is clear that the transformers, the shunt reactors the bund and the transformer oil, that is an integral part of the 500MVA transformer system, have statutory approval.

It is the role of Laois County Council to ensure that planning conditions are complied with and that the development accords with the commitments given in the EIS and EIR. To this end the Chief Executive of Laois County Council has allocated additional staffing resources in respect of monitoring the project and carrying out inspections on site.

In addition, Laois County Council will, where and as appropriate, use its powers under the Water Pollution Act to remedy any deficiencies or attend to any matters that might give rise to pollution to groundwaters resulting from the construction or operational phases of project.

Having regard to the foregoing the Planning Authority is of the view that it does not have any grounds on which to close the Eirgrid site.

Following a lengthy discussion on the matter Councillor Aisling Moran advised the meeting that following discussion with An Bord Pleanala, she had been advised that the disclosure of the containment of 300,000 litres of oil to run the transformers on the Coolnabacky site was new information in relation to the project and that a new planning permission would be required. It was agreed that Laois County Council would issue correspondence to An Bord Pleanala in relation to clarification of same as a matter of urgency.

As the time had reached 5.00 p.m., the Members unanimously agreed to the suspension of Standing Orders on the proposition of Councillor James Kelly and seconded by Councillor Noel Tuohy.

#### Notice of Motion No: 06/2022

Councillor Aisling Moran proposed the following Notice of Motion:-

***“That the Chief Executive under Section 136 of the Local Government Act 2001 (as amended) outline the full itemised list of costings in relation to The Cube, Junction 17 & Portlaoise Library as requested at the December 2021 Council Meeting”***

Councillor Pdraig Fleming proposed that this Notice of Motion not proceed and this was seconded by Councillor Paschal McEvoy and agreed.

#### Notice of Motion No: 07/2022

Councillor James Kelly proposed the following Notice of Motion:-

***“That Laois County Council calls on the Department of Justice to (a) take full responsibility for the policy and governance of the State’s Coroner Service including the payment of fees and expenses associated with the service provided by Coroners thereby removing the cost and responsibilities associated with the service from Local Authorities and (b) to ensure that in the event of a sudden unexpected death, car accident, death by suicide, drowning etc that a full weekend Post Mortem service be provided”***

This Notice of Motion was seconded by Councillor Ollie Clooney. It was agreed that correspondence issue to the Department of Justice in this regard.

#### Notice of Motion No: 08/2022

Councillor Noel Tuohy proposed the following Notice of Motion:-

***“That this Council advise as to the progress, if any, in locating a suitable site to be used as a memorial/reflective area for those who have been bereaved through Covid-19”***

This Notice of Motion was seconded by Councillor Aisling Moran. The Members were advised that the Government will be asking Councils to arrange a small commemorative event around the 20<sup>th</sup> of March to coincide with a National event to be organised on the same date. Laois County Council are currently examining options for such an event.

#### Notice of Motion No: 09/2022

Councillor Noel Tuohy proposed the following Notice of Motion:-

***“That this Council assess the signage or shortage of same to key visitor sites in Laois”***

This Notice of Motion was seconded by Councillor James Kelly. The Members were advised that there is signage on the motorway and approach roads to the Rock of Dunamaise, Emo House & Gardens and the Donaghmore Workhouse & Museum. The Slieve Bloom Mountains are also signposted from the various approach roads. A Wayfinding, Interpretation Strategy and associated Signage Scheme for the Slieve Bloom Mountains in both the Laois and Offaly



areas is currently being developed. The aim is to improve the visitor's ability to find key attractions and to generate a positive user experience at each attraction.

Various measures are also being developed under the Outdoor Recreation Infrastructure Scheme (ORIS) for County tourism, amenity and recreational signage in various locations across the County.

New signage and Interpretative panels were also installed by Fáilte Ireland at the Rock of Dunamaise, Emo House and Gardens and Timahoe Round Tower.

This concluded the business of the meeting.

**SIGNED:**

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**CATHAOIRLEACH**

**CERTIFIED:**

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**DIRECTOR OF SERVICES  
CORPORATE AFFAIRS**