

**MINUTES OF JULY MEETING OF LAOIS COUNTY COUNCIL HELD ON THE  
25<sup>th</sup> OF JULY 2005 IN ÁRAS AN CHONTAE, PORTLAOISE AT 11.00 A.M.**

**PRESENT:** Councillor Larry Kavanagh In the Chair

**ALSO PRESENT:** Councillors William Aird, John Bonham, Patrick Bracken, Ray Cribbin, James Daly, James Deegan, Bill Delaney, John Joe Fennelly, David Goodwin, Catherine Fitzgerald, Thomas Jacob, Michael Lalor, Jerry Lodge, Seamus McDonald, Michael Moloney, Dick Miller, Paul Mitchell, John Moran, Brendan Phelan, Martin Phelan, Michael Rice, Brian Stanley, Mary Sweeney, John D. Turley

**IN ATTENDANCE:**

Messers Louis Brennan, Deputy County Manager, Ian McCormack, A/Director of Services, John Daly, Director of Services, Mary White, A/Director of Services, Anna Marie Delaney, A/Director of Services, Gerry Murphy, Head of Finance, Gerry Gillen, Senior Executive Officer, Corporate Affairs & Ms. Michelle McCormack, Assistant Staff Officer, Corporate Affairs

**121. CONFIRMATION OF MINUTES**

- (a) On the proposition of Councillor Tom Jacob seconded by Councillor Ray Cribbin, it was unanimously agreed that the minutes of the June meeting of Laois County Council as circulated be adopted and signed.

Arising from the minutes queries were raised regarding the progress that was being made in relation to the erection of signs on the motorway. Ms. Mary White, A/Director of Services indicated that agreement has been reached with the N.R.A. in relation to signage on the Motorway for Emo, The Heath, Ballybrittas and Vicarstown and also for services at roundabouts.

In relation to the signing of Portarlington, Ms. Mary White, A/Director of Services indicated that she has written to Kildare County Council in regard to this sign. Kildare County Council have indicated that the matter will be discussed by their members with a view to having a directional sign for Portarlington erected at the location where currently Monasterevin is signed.

A query was also raised regarding the issue of the slip road at the Togher roundabout on the motorway which was never opened. Assurances were given that this matter would be followed up. A query was also raised relating to the provision of a sign for Portarlington at the Ballydavis exit on the eastbound carriageway. Ms. Mary White, A/Director of Services indicated that this matter would be attended to in early course

- (b) On the proposition of Councillor William Aird seconded by Councillor Michael Lalor, it was unanimously agreed that the minutes of the Annual Meeting of Laois County Council held on the 27<sup>th</sup> of June 2005 as circulated be adopted and signed.

## 122. RAISING OF LOANS FROM THE HOUSING FINANCE AGENCY PLC

- (a) On the proposition of Councillor John Joe Fennelly seconded by Councillor Seamus McDonald, the members unanimously agreed to the raising of a loan not exceeding €2,819,379 from the Housing Finance Agency Plc., in respect of construction of 20 Affordable Housing Units (Phase 2) at Balladine, Abbeyleix
- (b) On the proposition of Councillor Tom Jacob seconded by Councillor William Aird, the members unanimously agreed to the raising of a loan not exceeding €5,633,680 from the Housing Finance Agency Plc., in respect of construction of 50 Affordable Housing Units at Colliers Lane, Portlaoise

Councillor William Aird queried the number of units available for single people in the proposed development. Ms. Anna Marie Delaney, A/Director of Services indicated that the proposal includes for the provision of 15 two bed units at this location and that the applications of single people will be examined when those houses are being allocated.

## 123. PART V111 OF THE LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS 2001

### (i) Togher Link Road

The members were circulated with the relevant planning report in relation to the proposed development. The proposed development comprises of a new roundabout junction and the upgrading of a section of the existing Clonminam Estate Road from the junction of Fr. Brown Avenue with the proposed Clonminam Link Road and the construction of a 0.15 km section of road from the Clonminam Industrial Estate Road to tie into the Togher Logistics Road.

Both the new road and the upgraded section will comprise of a single undivided two-lane carriageway with a 3m wide shared footway/cycleway on both sides with verge, public lighting and associated drainage and ancillary services.

On the proposition of Councillor William Aird seconded by Councillor Mary Sweeney, the Members unanimously agreed to proceed with the proposed development.

- (ii) **Construction of 4 No. 3 bed single storey semi-detached affordable dwellings, 6 No. 2 bed single storey semi-detached social dwellings, 18 No. 3 bed single storey semi-detached social dwellings with associated site development works at Errill in the townland of Errill**

The members were circulated with the relevant planning report in relation to the proposed development. The proposed development comprises of 28 dwellings located to the south of Errill with access from the local road leading to the school and church.

On the proposition of Councillor Brendan Phelan seconded by Councillor Martin Phelan, the Members unanimously agreed to proceed with the proposed development.

- (iii) **Construction of 8 No. semi-detached two storey affordable dwellings, 3 No. private sites, 4 No. 2 bed single storey semi-detached social dwellings, 18 No. 3 bed semi-detached two storey social dwellings, 2 No. 4 bed two storey semi-detached social dwellings with associated site development works at Clonaslee in the adjoining townlands of Ballynakill and Clonaslee**

The Members were circulated with the relevant planning report in relation to the proposed development. The proposed development comprises of 32 dwellings and three numbers private sites and is located to the north-east of Clonaslee on the road to Tullamore. The development accords with the proper planning and sustainable development of the area. On the proposition of Councillor David Goodwin seconded by Councillor Michael Moloney, the Members unanimously agreed to proceed with the proposed development.

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

##### **(i) EQUITY PART OF SHARED OWNERSHIP**

The Members were circulated with a number of Section 183 Notices as outlined hereunder. It is a requirement of the Land Registry Office that such notices be formally passed by resolution of the Council prior to the registration of the property in question in the sole ownership of the occupier following the redemption of the Council's Equity Part of the Shared Ownership Loans.

##### **Disposal of Equity Part of Shared Ownership Loan No: 610084/F**

On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of the Equity Part of Shared Ownership Loan No: 610084/F - Property at 147 The Hermitage, Portlaoise to Frances Brophy

##### **Disposal of Equity Part of Shared Ownership Loan No: 610069/F**

On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of the Equity Part of Shared Ownership Loan No: 610069/F - Property at 172 St. Brigid's Place, Portlaoise to Ann-Marie Lynch

**Disposal of Equity Part of Shared Ownership Loan No: 610078/F**

On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of the Equity Part of Shared Ownership Loan No: 610078/F - Property at 64 Clanmalire Close, Portarlinton to Joseph Murphy & Geraldine Jones

**Disposal of Equity Part of Shared Ownership Loan No: 610090/F**

On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of the Equity Part of Shared Ownership Loan No: 610090/F - Property at 49 Kilnacourt Wood, Portarlinton to Christine Clinton

**Disposal of Equity Part of Shared Ownership Loan No: 610156/F**

On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of the Equity Part of Shared Ownership Loan No: 610156/F - Property at 52 Borris Little, Portlaoise to Brian & Michelle McEvoy

**Disposal of Equity Part of Shared Ownership Loan No: 610039/F**

On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of the Equity Part of Shared Ownership Loan No: 610039/F - Property at 12 Balladine Heights, Abbeyleix to Martina Bergin

**Disposal of Equity Part of Shared Ownership Loan No: 610031/F**

On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of the Equity Part of Shared Ownership Loan No: 610031/F - Property at Clonreher, Portlaoise to George & Mary McEvoy

**Disposal of Equity Part of Shared Ownership Loan No: 610112/F**

On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of the Equity Part of Shared Ownership Loan No: 610112/F - Property at 31 Derrywood, Kilkenny Road, Durrow to Olivia Keenan

**Disposal of Equity Part of Shared Ownership Loan No: 610136/F**

On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of the Equity Part of Shared Ownership

Loan No: 610136/F - Property at Kilkenny Road, Ballinakill to Hugh & Winifred Murphy

**Disposal of Equity Part of Shared Ownership Loan No: 610141/F**

On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of the Equity Part of Shared Ownership Loan No: 610141/F - Property at Spa Street, Portarlington to Sarah & Pascal Dolan

**Disposal of Equity Part of Shared Ownership Loan No: 610071/F**

On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of the Equity Part of Shared Ownership Loan No: 610071/F - Property at 104 Cherrygrove, Portlaoise to Anthony Carroll & Michelle Murphy

**Disposal of Equity Part of Shared Ownership Loan No: 610091/F**

On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of the Equity Part of Shared Ownership Loan No: 610091/F - Property at Coolderry Cottage, Ballacolla to Muriel Dempsey

**Disposal of Equity Part of Shared Ownership Loan No: 610063/F**

On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of the Equity Part of Shared Ownership Loan No: 610063/F - Property at 39 Dr. Murphy Place, Portlaoise to Kate O' Connor

**Disposal of Equity Part of Shared Ownership Loan No: 610018/F**

On the proposal of Councillor William Aird seconded by Councillor Brian Stanley, the Members unanimously agreed to the disposal of the Equity Part of Shared Ownership Loan No: 610018/F - Property at 68 Rossvale, Portlaoise to Conor Moore & Nicola Doheny

**(ii) DISPOSAL OF LANDS AT DURROW TO COFFEY CONSTRUCTION**

On the proposal of Councillor John Joe Fennelly seconded by Councillor Michael Lalor, the Members unanimously agreed to the disposal of lands to Coffey Construction for a consideration of €1,421,132 in accordance with the terms of notice dated 13<sup>th</sup> of April 2005 and amended by notice dated the 18<sup>th</sup> of July 2005 and outlined in the cover letter dated the 18<sup>th</sup> of July 2005 which had been circulated.

On the proposition of Councillor Marty Phelan seconded by Councillor John Bonham, it was agreed that the installation of a footpath on the Ballacolla Road should be completed within five years and that it should extend to the existing speed limit.

The Members had been circulated with a copy of "Bridging the Gap - Action Research Project - Customer Service Charter" for 2005 which was prepared by the Community & Enterprise Section. The Members noted the contents of the document and complimented those who had been involved in it's preparation.

#### **126. PRESENTATION BY RPS MCOS CONSULTANTS ON THE PROPOSED REPLACEMENT WASTE MANAGEMENT PLAN FOR THE MIDLANDS**

Mr. Larry O' Toole from MCO' Sullivan was in attendance to brief members on the proposed Waste Management Plan for the Midland Region. Concerns were expressed by a number of Members in relation to the possible development of any thermal treatment plant in County Laois. Mr. Larry O' Toole responded to the various queries that were raised. Some Members also expressed concern in relation to the possibility that charges may be levied for the use of the recycling facilities at Kyletalisha Civic Amenity Area. Mr. John Daly, Director of Services responded to these queries. Councillor William Aird stated he would be opposed to the installation of equipment until the Members have an opportunity for further consultation on the issue. This proposal was seconded by Councillor Michael Moloney. Mr. John Daly, Director of Services indicated that a report would be brought before Members at the September meeting of the Council with regard to the costs involved in providing and operating the proposed recycling facilities.

#### **127. MOUNTMELICK TOWN DRAFT PARKING PLACES BYE-LAWS**

The Members were circulated with a copy of the Mountmellick Town Draft Parking Places Bye-Laws 2005. On the proposition of Councillor David Goodwin seconded by Councillor Michael Moloney, the Members unanimously agreed that consideration of this item be deferred to the September meeting of Laois County Council. The Members requested that they receive details of the submissions that had been received. It was agreed that a meeting would be arranged between the members of the Mountmellick Electoral Area and Ms. Mary White, A/Director of Services in order that the concerns of the Members might be addressed

#### **128. DRAFT CASUAL TRADING BYE-LAWS FOR FITZMAURICE PLACE, PORTLAOISE, MARKET SQUARE , ABBEYLEIX AND THE SQUARE, BALLINAKILL**

The Members requested that additional time be allowed in order that further consultation could take place regarding this matter. It was agreed that consideration of the matter be deferred to the September meeting of Laois County Council. It was agreed that a consultation process with regard to the introduction of Casual Trading Bye-Laws in respect of Portarlinton, Mountrath & Abbeyleix

should be commenced over the coming months. The Members requested that the range of produce covered by the Bye-Laws in the schedule be broadened. It was

agreed that further consideration would be given to the concerns that had been expressed by the Members.

## **129. DRAFT BYE-LAWS FOR 'OFF ROAD VEHICLES ON THE HEATH COMMONAGE LANDS**

Councillor James Deegan proposed that the Draft Bye-Laws for 'The Use of Off Road Vehicles' on the Heath Commonage Lands be adopted. He proposed that the process necessary to extend the area covered by the Draft Bye-Laws be commenced as soon as possible as in his opinion the map attached to the Draft Bye-Laws did not cover the entire area of the Heath. This proposal was seconded by Councillor John Moran

## **130. PRESENTATION BY DR. JOHN O' NEILL, ENVIRONMENTAL RESOURCE MANAGEMENT**

Dr. John O' Neill from Environmental Resource Management was in attendance to brief members in relation to the need to prepare a Strategic Environmental Assessment in conjunction with the preparation of the Portlaoise Area Plan. Following his presentation a number of queries that had been raised were dealt with by Dr. O'Neill.

## **131. POLICY ON THE INTEGRATION OF PUBLIC TRANSPORT IN COUNTY LAOIS**

The Members were circulated with a copy of the policy document on Integrated Public Transport in County Laois which had been prepared by the Planning & Transportation Strategic Policy Committee. The document examines elements of public transport provision in the County and highlights important issues in relation to transport within the County.

On the proposition of Councillor James Daly seconded by Councillor Paul Mitchell, the Members unanimously agreed to adopt the policy on Integration of Public Transport in County Laois

## **132. CORRESPONDENCE**

Mr. Gerry Gillen, Senior Executive Officer advised members of the following correspondence:-

- (i) Reply from the Minister for the Environment regarding Notice of Motion No. 25/05 regarding walkers using high visibility jackets
- (ii) Reply from the E.S.B. regarding the vacation of the E.S.B. premises at Portlaoise. Members requested that a further letter be issued to the E.S.B. with regard to a piece of land across from the Town Park
- (iii) Reply from An Tanaiste regarding Notice of Motion No. 14/05 regarding the abolition of the Health Boards
- (iv) Reply from the Minister for the Environment regarding funding for smaller villages under the Water Services Investment Programme

### **133. N7 UPGRADE AT DEREEN CROSS**

With the permission of the Cathaoirleach, Councillor Martin Phelan raised a concern that he had relating to upgrading works at Dereen Cross in Durrow. It was agreed that a further meeting should be arranged with the landowner in question with a view to attempting to reach an agreement for the acquisition of the property in question.

### **134. RAHEENABROGUE ROAD AT TONDUFF**

With the permission of the Cathaoirleach, Councillor Mary Sweeney raised a concern she had regarding the road at Tonduff Cross. She enquired as to whether or not a particular area is included in the re-alignment works . Ms. Mary White, A/Director of Services confirmed that the area that had been referred to is to be included.

### **135. LEASING OF COUNCIL PROPERTY**

This issue was raised by Councillor Michael Moloney with particular reference to property such as the Dunamaise Theatre where Council Members are also Board Members. The Deputy County Manager advised that all such leases would, in future, be legally proofed in the light of recent events and changing circumstances, It was agreed that such leases would in future be made available to Councillors who are Board Members.

### **136. DRAFT COUNTY DEVELOPMENT PLAN**

On the proposal of the Cathaoirleach, it was unanimously agreed that a Special Meeting of the Council would be convened at 11.00 a.m. on Monday, September 12<sup>th</sup> 2005 to consider the County Manager's Report in respect of the submissions that had been received following the public consultation process.

### **137. NOTICE OF MOTIONS**

#### **Notice of Motion No: 31/05**

Councillor Brian Stanley proposed the following Notice of Motion :-

*"That this Council supports the ongoing call from the family of the late Councillor Eddie Fullerton and from Bunrana Town Council and Donegal County Council for a full independent inquiry chaired by a person of international repute, into the circumstances surrounding his murder and furthermore calls on our Government to insist on full co-operation from the British Authorities to assist the Fullerton family in their quest for truth and justice"*

This motion was seconded by Councillor Tom Jacob. It was agreed that the letter be directed to An Taoiseach. Councillor Michael Moloney proposed that the motion be amended to read:-

*"That this Council supports the ongoing call from the family of the late Councillor Eddie Fullerton and from Bunrana Town Council and Donegal County Council for a full independent inquiry chaired by a person of international repute, into the circumstances surrounding his murder and furthermore calls on our Government to insist on full co-operation from the British Authorities to assist the Fullerton family in their quest for truth and justice and that any person who makes any such threat to any member of any party should be held accountable"*

This proposed amendment to the Notice of Motion was agreed to by Councillor Brian Stanley

#### **Notice of Motion No: 32/05**

Councillor Ray Cribbin proposed the following Notice of Motion:

*"That Laois County Council write to the Department of the Environment & Local Government seeking a review of the requirements that persons seeking Shared Ownership Loans and other housing related loans must provide documentary evidence of their having being refused lending facilities by financial institutions before they can be considered for a loan by local authorities"*

This motion was seconded by Councillor William Aird. It was agreed that a letter should issue to the Department of the Environment & Local Government in this regard.

#### **Notice of Motion No: 33/05**

Councillor Michael Moloney proposed the following Notice of Motion:

*"That Laois County Council call on the Minister for Social, Community & Family Affairs to examine the possibility of the Department maximising the use of electronic communications technology in forwarding income certification relating to applicants for housing to local authorities in order to relieve the burden placed on applicants in accessing such information"*

This motion was seconded by Councillor Bill Delaney. It was agreed that a letter should issue to the Department of Social, Community & Family Affairs in this regard.

#### **Notice of Motion No: 34/05**

Councillor Michael Moloney proposed the following Notice of Motion:

*"That Laois County Council examine the opportunities that will be presented by the staging of the Olympic Games in London in 2012"*

This motion was seconded by Councillor John Joe Fennelly.

The following reply to this Notice of Motion was read into the record of the meeting.

"Everything that it is possible to do will be done by Laois County Council in order to ensure that the opportunities to gain from the potential spin offs that may result from the staging of the Olympic Games in London in 2012 are maximised in County Laois. With this in mind it is proposed that efforts should commence immediately to establish a special committee that will be representative of the sports and commercial interests that are based in the county. It is suggested that the Council should be instrumental in establishing such a committee. If it is agreed to establish the committee it is further suggested that the Council should be represented on the committee by the Cathaoirleach and the Director of Services with responsibility for Economic Development."

**Notice of Motion No. 35/05**

Councillor Michael Moloney proposed the following Notice of Motion:-

*"That Laois County Council calls on the Minister for the Environment to examine the regulations pertaining to the claiming of refunds of motor tax in situations where vehicles are off the road due to having being involved in road traffic accidents with a view to allowing refunds of motor tax in cases where the vehicle is off the road for periods in excess of one month"*

This motion was seconded by Councillor William Aird. It was agreed that a letter should issue to the Minister in this regard.

This concluded the business of the meeting

Signed:

\_\_\_\_\_   
Cathaoirleach

\_\_\_\_\_   
Director of Corporate Affairs