

**MINUTES OF FEBRUARY MEETING OF LAOIS COUNTY COUNCIL HELD IN ÁRAS AN
CHONTAE, PORTLAOISE ON THE 26TH OF FEBRUARY 2007 AT 11.00 A.M.**

PRESENT: Councillor Michael Lalor In the Chair

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

APOLOGIES: Councillors Larry Kavanagh

IN ATTENDANCE:

Messers Peter Carey, County Manager, Gerry Gibson, Director of Services, Declan Byrne, Director of Services, Gerry Murphy, Head of Finance, John Daly, Director of Services, Ms. Anna Marie Delaney, Director of Services, Ms. Irene Delaney, A/Senior Executive Officer & Ms. Michelle McCormack, Executive Secretary.

13. ADJOURNMENT OF MEETING

At the request of the Fianna Fail group, the members agreed to an adjournment for a period of ten minutes.

14. VOTE OF SYMPATHY

On the proposition of the Cathaoirleach, Councillor Michael Lalor, the Members unanimously extended a vote of sympathy to the families of the two gentlemen from the Garda Forces and the Fire Service, Mr. Brian Kelleher and Mr. Michael Liston who were tragically killed at the weekend. Also it was unanimously agreed that a vote of sympathy be extended to Mr. Michael Malone, former County Manager on the death of his mother, Brigid.

15. CONFIRMATION OF MINUTES

On the proposition of Councillor James Daly seconded by Councillor Ray Cribbin, it was unanimously agreed that the Minutes of the January meeting held on the 29th of January 2007 as circulated, be adopted and signed.

16. PART VIII OF THE LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS, 2001

On the proposition of Councillor James Deegan seconded by Councillor Ray Cribbin, the Members unanimously approved the undertaking of the development works outlined in the proposal relating to the Section of Road, Stradbally By-Pass between the N80 Portlaoise and Regional Road R427 Vicarstown Road. The provision of this section of road will provide access to industrial zoned land and will provide a section of the Stradbally By-Pass. The development is in accordance with the proper planning and sustainable development of the area and the County Development Plan 2006.

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

On the proposition of Councillor David Goodwin seconded by Councillor Patrick Bracken, the Members unanimously agreed to the disposal of 1 rood 30 perches at Coolagh, Clonaslee in the townland of Coolagh, Clara Hill, Clonaslee for a consideration of €200

On the proposition of Councillor John Joe Fennelly seconded by Councillor Bill Delaney, the Members unanimously agreed to the disposal of 0.643 acres at Sconce Lower, Mountrath, Co. Laois in the townland of, Sconce Lower, Mountrath for a consideration of €200

18. IMPLEMENTATION OF THE DISABILITY ACT, 2005

On the proposition of Councillor Mary Sweeney seconded by Councillor Tom Jacob, the Members unanimously agreed to the implementation of the Disability Act, 2005. Members were circulated with the proposals and were advised that the implementation plan is to be published before the 31st of July 2007. The Members welcomed the implementation of the Disability Act and requested that they be kept fully informed of developments.

Councillor William Aird proposed that a letter issue to the Minister for the Environment, Heritage & Local Government to have the staff embargo lifted on staffing numbers. This proposal was seconded by Councillor Mary Sweeney.

19. ARTS ACTS GRANTS & TYRONE GUTHRIE CENTRE BURSARY AWARDS

Members were circulated with a list of the successful applicants for funding under the Arts Act Grants 2007 and the successful applicant for the Tyrone Guthrie Centre Bursary 2007. On the proposition of Councillor Brian Stanley and seconded by Councillor Martin Phelan, the Members unanimously agreed to the payment of grants outlined.

The Members suggested that funding be increased to a sum of €20,000 for next years applicants. It was agreed that consideration would be given in next year's budget for increasing the current allocation of €10,000.

20. CORRESPONDENCE

Ms. Irene Delaney, A/Senior Executive Officer indicated that there were no items of correspondence to be discussed.

21. NOTICE OF MOTIONS

Notice of Motion No: 04/07 – Councillor Michael Moloney

Councillor Michael Moloney proposed the following Notice of Motion:-

“That Laois County Council call on the Minister for Finance to strengthen the legislation in order to make credit card companies more accountable for the levels of credit being afforded to vulnerable people “

This motion was seconded by Councillor Brian Stanley. Councillor Moloney requested that a letter issue to the Financial Regulator in this regard.

Notice of Motion No: 05/07

Councillor Catherine Fitzgerald proposed the following Notice of Notice of Motion:-

“That Laois County Council pay all costs incurred by residents relating to the preparation of reports in connection with the proposed acquisition of property by the Council by means of Compulsory Purchase Order”

This motion was seconded by Councillor Jerry Lodge. This Notice of Motion is submitted as a result of consultations that the Roads Section have had in relation to the proposed Part VIII scheme for the Borris Road/Rathevan/Colliers Lane realignment. In particular, it refers to consultation with three residents on Colliers Lane whose front gardens will be affected by this realignment.

While not required to statutorily, it has been the practice in Roads, particularly in urban areas, to inform affected parties individually in relation to a proposed Part VIII scheme of the likely affects a road scheme could have on their property prior to going to Part VIII for the purposes of transparency and partnership and to address the issues as far as possible before the Part VIII is put on display. This practice has tended to pre-empt problems occurring later. It also allows the Roads Section to have a clearer understanding of the extent and costs of accommodation works and the overall cost of the scheme at the preliminary design stage and also to 'tweak' the design to minimise potential impacts. Finally, it makes it easier to deal with submissions made on the Part VII Scheme.

The issue in relation to costs incurred by affected parties in putting together technical submissions prior to CPO is that no costs are paid until attendance at an oral hearing. However, at this stage, a technical input is not required from the residents. All is required is that the individuals are made aware of the facts and that they put their concerns in writing during the consultation period. A response to the issues raised will form part of the Part VIII Managers Report to the members. Agreement on compensation and accommodation works will follow the detailed design and negotiation.

Notice of Motion No: 06/07

Councillor Brian Stanley proposed the following Notice of Motion:-

***“That Laois County Council contacts the Minister for the Environment, Heritage & Local Government to urge him to increase the level of grant aid available for group sewerage schemes. Also that the Sanitary Section of Laois County Council investigate the options available in terms of new technology for group waste water treatment systems and organise a presentation for Councillors on it.*”**

This motion was seconded by Councillor Tom Jacob.

In 2006, the Laois Rural Water Monitoring Committee wrote to the Department of the Environment, Heritage & Local Government highlighting the deficiency in the current level of funding of €2,031.58 per domestic connection for Grouped Sewerage Schemes. It was confirmed at that time that the Department of the Environment, Heritage & Local Government did not intend to increase the funding. The Laois County Council Rural Water Liaison Officer will write to the Minister, again highlighted that there is a need for increased funding and requested that it be reviewed.

The Water Services Section of Laois County Council have investigated alternative technologies for the conveying of domestic sewage. These alternatives such as Septic Tank Effluent Pump Systems and Vacuum systems have reduced capital costs compared to traditional gravity sewer systems, but have greater operational and maintenance costs. To date, any applications received by the Water Services Section for Grouped Sewerage Systems have not been viable as the contribution required from the house-hold on top of the grant has been excessive, in many cases greater than €6,000 - €7,000. The Group Schemes have been advised to re-evaluate the capital cost based on a Septic Tank Effluent Pump System or Vacuum System. The Local Authority's Water Services Engineers review the designs proposed by the group's private engineer.

Councillor Stanley requested that this letter issue to the Department of the Environment, Heritage & Local Government and that they be requested to increase the grant aid to at least the level that is available to group water schemes. Councillor Stanley also requested that the Director of Services would look at the various options.

Notice of Motion No: 07/07

Councillor Martin Phelan proposed the following Notice of Motion:-

“That Laois County Council invite C.I.E. to attend the March Meeting of the Council in order to discuss matters relating to the provision of all of it’s services to Laois”

This motion was seconded by Councillor Tom Jacob. It was agreed that a letter issue to the C.I.E. and also Bus Eireann with regard to the provision of bus shelters. The County Manager suggested that a list of areas where bus shelters need to be provided should be drawn up and will be forwarded to Bus Eireann.

Notice of Motion No: 08/07

Councillor Martin Phelan proposed the following Notice of Motion:-

“That Laois County Council re-consider the conditions that are being attached to planning applications in respect of farm buildings relating to the spreading of slurry”

This motion was seconded by Councillor Brian Stanley.

At a meeting in Áras an Chontae between the Planning Authority of Laois County Council and representatives of the Irish Farmers Association concerns were raised in relation to a condition that restricted the spreading of slurry. Having considered the matter in some detail the Planning Authority has amended the condition in a way that allows for the spreading of slurry on the agricultural land whilst protecting adjoining property owners. The amended condition that is now used in all new agricultural applications is as follows: Landspreading shall not encroach upon any adjoining properties due to safeguarding the amenities of the area.

Notice of Motion No: 09/07

Councillor Martin Phelan proposed the following Notice of Motion:

“That Laois County Council arrange a meeting of the special committee which was recently formed in order to consider the arrangements that are to be put in place with regard to the transportation of construction materials for the M7 & M8 Motorway Projects”

This motion was seconded by Councillor Jerry Lodge.

It was agreed at a meeting of Laois County Council that this item be a standing item on the Borris-in-Ossory Area Meeting Agenda. This is a Public Private Partnership Project. Councillor Deegan proposed that we meet with the Public Private Partnership Project Team. Mr. Gerry Gibson, Director of Services indicated that it is the PPP Unit of the N.R.A.’s responsibility to deliver such projects. Councillor Brian Stanley indicated that this is a public contract on behalf of the local and national government. Members requested that the PPP unit be invited to the March Meeting of Laois County Council.

22. KYLETELISHA LANDFILL REMEDIATION PROGRAMME

Mr. John Daly, Director of Services updated the Members on the ongoing works which are being undertaken at Kyletalesha Landfill to deal with the odour problem. He indicated that the odour problems were related to the gas extraction process which has now been completed in Cells 1 to 5 and Cell 12 and is being progressed as quickly as possible in Cell 13. An Odour Neutraliser has been installed on Cell 13 and is being commissioned at present. Odour Assessment specialists from RPS Consulting Engineers have visited the site, taken samples and will be reporting within the next two weeks.

The Health Service Executive have been commissioned to carry out an independent assessment of any health effects from landfill odours. This work is ongoing. The HSE have visited the site and surrounding area on a number of occasions, are carrying out investigations and will report in the next six to eight weeks. Health concerns of local residents were passed on directly to HSE and will be addressed in the final report. Odour patrols are being carried out on a daily basis to the site perimeter and occasional all night patrols take place in surrounding areas.

The members expressed their concerns in relation to Cell 13 and requested that it be capped and sealed as soon as possible. The County Manager responded to the Members. He indicated that there has been significant improvements at the Landfill and that the Council are operating to an E.P.A. licence with very onerous conditions. The E.P.A. are satisfied with the programme in place to deal with the odour issue.

This concluded the business of the meeting.

SIGNED: _____
CATHAORILEACH

CERTIFIED: _____
DIRECTOR CORPORATE AFFAIRS

