

**MINUTES OF ADJOURNED JANUARY MEETING OF THE COUNCIL HELD ON
THE 4TH FEBRUARY 2005 IN ÁRAS AN CHONTAE, PORTLAOISE AT 11.00
A.M.**

PRESENT: Councillor William Aird In the Chair

ALSO PRESENT: Councillors John Bonham, Patrick Bracken, James Daly, James Deegan, Bill Delaney, John Joe Fennelly, Catherine Fitzgerald, David Goodwin, 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

Apologies: Councillors Raymond Cribbin Larry Kavanagh

IN ATTENDANCE:

Messers Peter Carey, County Manager, Louis Brennan, Director of Services, John Daly, Director of Services, Gerry Gibson, Director of Services, Declan Byrne, Director of Services, Gerry Murphy, A/Head of Finance, Peter Dolan, Senior Planner, Ms. Angela McEvoy, A/Senior Executive Planner & Ms. Michelle McCormack, Assistant Staff Officer, Corporate Affairs

3. WELCOME TO COUNTY MANAGER

The Cathaoirleach, Councillor Willie Aird welcomed the new County Manager, Mr. Peter Carey to Laois County Council and assured Mr. Carey of the full support of the Council. The members and Directors of Services also associated themselves with the words of welcome to the new County Manager and wished him every success in Laois.

Mr. Carey, County Manager thanked members for their warm welcome and stated that he looked forward to working in Laois.

4. WELCOME TO STUDENTS

Mr. Willie Aird, Cathaoirleach of Laois County Council, welcomed students and their teacher from Colaiste Iosagaín, Portlarlington as part of the second level schools programme 2005.

5. EXPRESSION OF THANKS

The Cathaoirleach, Councillor Willie Aird extended thanks to all members who took part in the Guard of Honour for the late Councillor Michael Turley.

The County Manager, Mr. Peter Carey extended sympathy to the Turley Family on the recent death of Councillor Michael Turley.

6. VOTE OF CONGRATULATIONS

On the proposition of Councillor Dick Miller it was unanimously agreed that the Laois Team be congratulated on winning the O' Byrne Cup.

7. CLOSURE OF SUGAR BEET FACTORY IN CARLOW

Members expressed concern in relation to the recent announcement of the closure of the sugar beet factory in Carlow and it was agreed that Greencore be contacted with a view to attending the February meeting of the Council in order to outline their future plans in relation to the Carlow Factory and the harvesting of the beet crop in the South Leinster region.

8. NOTICE OF INTENTION TO PROPOSE A RESOLUTION UNDER SECTION 140 OF THE LOCAL GOVERNMENT ACT 2001 SUBMITTED IN THE NAMES OF CLLRS. WILLIAM AIRD, BRIAN STANLEY, MARY SWEENEY, JERRY LODGE, THOMAS JACOB AND CATHERINE FITZGERALD

Notice is hereby given in accordance with Section 140(3) of the Local Government Act, 2001 that Laois County Council intends to consider a resolution under Section 140 of the Local Government Act, 2001 in the following form:

"That the Manager do cause the publication and service of the relevant statutory notices for a proposed variation of the Development Plan in accordance with the procedure prescribed for that purpose under Section 13 of the Planning and Development Act, 2001 to facilitate the zoning of lands situated at Rathbrennan and Ballyclyder, Baronly of Maryborough East, County of Laois the subject of Folios:

- 14198F County Laois
- 9951F County Laois (Part)
- 75 (Rev) County Laois (Part)
- 9547F County Laois (Part)
- 9128F County Laois

To mixed use zoning under the Laois County Development Plan.

Members noted the County Manager's Report in relation to this matter which informed the Council that there were serious legal misgivings with respect to the submitted resolution.

Following a discussion on the matter and on the proposal of Councillor James Deegan seconded by Councillor Mary Sweeney, it was unanimously agreed that the Section 140 motion would be withdrawn.

9. NOTICE OF MOTION NO. 02/05

The Cathaoirleach indicated that he had received a request to discuss this Notice of Motion at an early stage in the meeting. This Notice of Motion submitted by Councillor Paul Mitchell which had been compiled by the students of Colaiste Iosagain who were in the public gallery. It was agreed that it be discussed to enable the students to hear the discussion in relation to it.

"That Laois County Council, in the interest of openness, transparency and public awareness ensure that all applicants for a tree-felling place a public notice in local papers and at site detailing number and type of trees to be cut down"

This motion was seconded by Councillor John Bonham.

Members and Students were informed that the Gardaí are responsible for tree-felling licences. Laois County Council has powers under Section 70 of the 1993 Roads Act to serve notices on the owners/occupiers of land on which hedges/trees are a potential hazard to persons using the public road. Failure to comply with this notice could result in Laois County Council instituting legal proceedings against the landowner.

The students were complimented on this Notice of Motion. The County Manager indicated that Laois County Council would examine the matter and that the regulations would be enforced if necessary.

10. CONFIRMATION OF MINUTES

- (a) On the proposition of Councillor Bill Delaney seconded by Councillor Catherine Fitzgerald, the minutes of the December meeting held on the 13th of December 2004 were confirmed and signed
- (b) On the proposition of Councillor Catherine Fitzgerald seconded by Councillor James Daly, the minutes of the Budget meeting in committee held on the 17th of December 2004 were confirmed and signed
- (c) On the proposition of Councillor James Daly seconded by Councillor Catherine Fitzgerald, the minutes of the Statutory Budget Meeting held on the 20th of December 2004 were confirmed and signed.

11. REPORT ON DECEMBER AREA COMMITTEE MEETINGS OF LAOIS COUNTY COUNCIL

Members noted the report on December Area Committee Meetings of Laois County Council held in December 2004

12. PERFORMANCE VERIFICATION UNDER SUSTAINING PROGRESS GENERAL OPERATIVES AND RELATED GRADES

On the proposition of Councillor Tom Jacob seconded by Councillor Michael Lalor, members unanimously agreed to the payment of the 2nd phase of the benchmarking increase and the 3% and 2% general round increases due with effect from 01/01/05 and 01/07/05 in accordance with Circular letter dated 07/01/05

13. REPRESENTATIONAL PAYMENT FOR COUNCILLORS

On the proposition of Councillor John Bonham seconded by Councillor Seamus McDonald, members unanimously agreed to the representational payment for Councillors in accordance with LG 27/04 dated the 17th December 2004.

14. NOMINATION OF REMAINING FOUR MEMBERS TO THE VOCATIONAL EDUCATIONAL COMMITTEE

On the proposition of Councillor John Bonham seconded by Councillor Brian Stanley, members unanimously agreed that the following four members which are representative of the sectoral interests be nominated to the Vocational Educational Committee:-

- Rev. Nancy Gillespie, The Rectory, 1 The Glebe, Stradbally
- Dymphna Kennedy, Jamestown House, Borris-in-Ossory
- Andrias McQuillan, 22 Glynnside, Portlaoise
- Rev. Fr. John Byrne, P.P., Portlaoise

The members welcomed the new members to the Vocational Educational Committee and were pleased to see that gender balance had been achieved. It was hoped that this would be extended to other committees of the Council.

15. MATERIAL CONTRAVENTION OF THE LAOIS COUNTY DEVELOPMENT PLAN 2000 IN RELATION TO PLANNING REFERENCE 04/1099

Members were presented with a planning report on this item. This application is for permission to develop a 8.95 hectare site with access from the Mountmellick Road (N80). The land here is reasonably flat and is currently unused/in agriculture use. This site is unzoned except for a small portion to the south east.

On the proposition of Councillor Michael Moloney, it was agreed that the meeting be adjourned for a short period to enable members to have a more detailed discussion on this matter.

On the proposition of Councillor Brian Stanley seconded by Councillor Tom Jacob, members unanimously agreed that the County Development Plan be contravened to facilitate the following development:-

- (a) Construct a new section of road diverting the N80 Mountmellick Road to a new junction with the proposed Portlaoise Western Circular Relief Road
- (b) Construct a section of the Portlaoise Western Circular Relief Road including a roundabout
- (c) Construct a supermarket providing 1,000 sq.m. of retail space at ground floor and a coffee shop with 194 sq. m retail space at first floor
- (d) Construct 11 lock-up retail units providing a total retail space of 1,102 sq.m. at ground floor level with 20 2-bedroomed apartments over second and third stories

- (e) Construct a building with a total gross area of 715 sq.m. comprising a public house and take-away food outlet on the ground floor and restaurant on the first floor
- (f) Construct a clock feature in the retail square
- (g) Construct a crèche with a total gross area of 511 sq.m accommodating up to 102 children
- (h) Construct a petrol filling station
- (i) Construct 236 dwellings and
- (j) All associated site works at Rossleaghan, Clonreher West, Mountmellick Road, Portlaoise

16. APPROVAL TO THE RAISING OF A LOAN FOR HOUSING PRUPOSES

- (a) On the proposition of Councillor James Daly seconded by Councillor Michael Rice, members unanimously agreed to the raising of a loan not exceeding €2,500,000 from the Housing Finance Agency in respect of Affordable Housing Scheme (Part V) at Heath Hill Square, Graiguecullen
- (b) On the proposition of Councillor Tom Jacob seconded by Councillor Paul Mitchell, members unanimously agreed to the raising of a loan not exceeding €4,000,000 from the Housing Finance Agency Plc., for the following housing purposes:-
 - Shared Ownership Loans
 - Annuity Loans
 - House Improvement Loans
 - Land Purchase

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

- (a) IMPROVEMENTS TO MAIN STREET, PORTLAOISE BETWEEN CHURCH STREET AND CHURCH AVENUE

Members were circulated with the relevant planning report in relation to this matter and were advised that the proposed development is for improvements to the Main Street. The result should be the achievement of a safer and better road carriageway between Church Street and Church Avenue and to provide safer and better walking routes in this area. On the proposition of Councillor Tom Jacob seconded by Councillor Brian Stanley

the members unanimously agreed to carry out the improvements to Main Street, Portlaoise between Church Street and Church Avenue.

It was agreed that no works will take place at Upper Main Street until further consultation takes place with the residents and business people regarding the loading bay outside of Nino's Restaurant.

(b) CONSTRUCTION OF TWO NO. BLOCKS OF 2 STOREY APARTMENT BUILDINGS AND DEMOLITION OF 3 NO. EXISTING DWELLING HOUSES AT RAILWAY ROAD AND CANAL ROAD, PORTARLINGTON

Members were circulated with the relevant planning report in relation to this matter and were advised that the proposed development is for the construction of 2 no. blocks of 2 storey apartment buildings, block 1 consisting of 12 social 2 bedroomed apartment units and block 2 consisting of 8 social 2 bedroom apartment units.

Also includes the demolition of 3 no. existing dwelling houses at junction of Railway Road and Canal Road, Portarlington in the townland of Cooltederry. On the proposition of Councillor James Deegan seconded by Councillor Michael Moloney members unanimously agreed to this development.

(c) CONSTRUCTION OF 4 NO. SEMI-DETACHED SINGLE STOREY DWELLINGS FOR SOCIAL HOUSING AT RATHMOYLE, ABBEYLEIX

Members were circulated with the relevant planning report in relation to this matter and were advised that the proposed residential development is for the provision of 4 no. semi-detached single storey dwellings for social housing.

On the proposition of Councillor John Joe Fennelly seconded by Councillor Martin Phelan members unanimously agreed to this development.

18. SCHEDULE OF IMPROVEMENT WORKS TO BURIAL GROUNDS

Members were circulated with a schedule of improvement works to burial grounds for 2005. It was noted that improvements to Mountmellick, Sleaty & Rosenallis would be carried out in 2005. Members welcomed the schedule but also expressed concern regarding the areas not included.

Councillor Jerry Lodge proposed that the loan of €200,000 be increased to €300,000 so as to provide toilet facilities at Portlaoise Cemetery. The County Manager stated that this matter would be examined and that members would be updated at the March meeting.

19. CORPORATE PLAN

On the proposition of Councillor John Joe Fennelly seconded by Councillor Mary Sweeney the members unanimously adopted the Corporate Plan 2004-2009

20. EXTINGUISHMENT OF PUBLIC RIGHTS OF WAY

- (a) On the proposition of Councillor Willie Aird seconded by Councillor Mary Sweeney, it was unanimously agreed that the extinguishment of public right of way at Higgs Lane (R425) Ballyclider Road, Portlaoise be deferred to the February meeting
- (b) On the proposition of Councillor John Bonham seconded by Councillor Catherine Fitzgerald, members unanimously agreed to the extinguishment of the public right of way at New Inn/Vicarstown Road (L-3930), Portlaoise
- (c) On the proposition of Councillor Michael Moloney seconded by Councillor James Deegan, members unanimously agreed to the extinguishment of the public right of way at Castle Road (L-7815) Morette, Emo, Portlaoise

21. DRAFT COUNTY DEVELOPMENT PLAN 2005

On the proposition of Councillor James Daly seconded by Councillor Jerry Lodge, members unanimously agreed to the suspension of Standing Orders to adjourn the meeting for a period of one hour to facilitate discussions on the County Development Plan. The Cathaoirleach complimented and acknowledged the active participation of the members to date in relation to the draft County Development Plan and thanked members for their involvement. The members proceeded to consider the amendments to the plan on a chapter by chapter basis.

Chapter 1 - Introduction

Councillor Jerry Lodge proposed that the zoning proposals for all towns and villages with the exception of Abbeyleix, Durrrow, Mountrath, Rathdowney & Stradbally be deleted. Councillor James Deegan made a counter proposal to this amendment:-

"That Laois County Council include the zoning proposals for all towns and villages as contained in Section 2 of the Draft County Development Plan"

A roll call vote was taken which resulted as follows:-

12 for, 9 against, 3 absent

This proposal was carried by 12 votes to 9

Chapter 3 - Settlement & Housing Policy

A discussion took place in relation to the provision of housing for the elderly and on the proposition of Councillor Brian Stanley seconded by Councillor Tom Jacob, it was agreed that this section be amended in order to provide encouragement for the provision of housing for the elderly in appropriate locations. The amended wording which was adopted was:-

"Encourage the provision of housing for the elderly in appropriate locations which will facilitate their continued integration in local communities and meet the needs of the aged population"

22. ADJOURNMENT OF MEETING

As the time had reached 5.00 p.m., it was agreed that the meeting would reconvene on Monday, February 7th 2005.

This concluded the business of the meeting.

SIGNED: _____
CATHAORILEACH

CERTIFIED: _____
DIRECTOR CORPORATE AFFAIRS

