

**MINUTES OF FEBRUARY MEETING OF LAOIS COUNTY COUNCIL HELD ON
THE 27TH OF FEBRUARY 2006 IN ÁRAS AN CHONTAE, PORTLAOISE AT 11.00**

A.M.

PRESENT:	Councillor	Larry Kavanagh	In the Chair
	Councillors	John Bonham	Paddy Bracken
		Ray Cribbin	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
		John D Turley	
	APOLOGIES:	Councillor	William Aird

IN ATTENDANCE:

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

17. VOTE OF SYMPATHY

On the proposal of Councillor Martin Phelan, the Members unanimously agreed that a vote of sympathy be extended to the Bergin Family, Ballacolla on the death of their mother at the weekend.

On the proposal of Councillor Tom Jacob, the Members unanimously agreed that a vote of sympathy be extended to Mr. Michael Corrigan, Waterworks Caretaker, Laois County Council on the recent death of his wife Geraldine.

On the proposal of Councillor Mary Sweeney, the Members unanimously agreed that a vote of sympathy be extended to the Madigan family on the recent death of Tony Madigan.

18. CONFIRMATION OF MINUTES

On the proposition of Councillor John Joe Fennelly seconded by Councillor Brendan Phelan, it was unanimously agreed that the Minutes of the January Meeting of Laois County Council held on the 30th of January 2006 as circulated be adopted and signed.

In relation to the minutes Cllr. Marty Phelan enquired as to when the review of Speed Limits would be commenced. Mr. Gerry Gibson, Director of Services indicated that this review would commence in May of 2006.

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

(a) Construction of Water Treatment Plant at Dunacleggan, Donaghmore

The Members were circulated with the Planning Report in relation to the proposed development of a Water Treatment Plant at Dunacleggan, Donaghmore, Co. Laois. The proposed site for development is located to the rear of the existing creamery in Donaghmore and is in close proximity to a disused burial ground. The proposed development involves the provision of a potable water treatment plant and a pumping station. The development also involves the provision of a number of small above ground tanks, a hardstanding area and a paladin security fence. The above ground tanks are proposed to be 4.75 m³ pre-cast chlorine contact tanks.

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

(b) Construction of Water Treatment Plant at Grantstown, Ballacolla

The Members were circulated with the Planning Report in relation to the proposed development of a Water Treatment Plant at Grantstown, Ballacolla, Co. Laois. The proposed development involves the provision of a new water treatment plant at Grantstown, Ballacolla with associated site works. The construction of this potable treatment plant will take place in conjunction with the Ballacolla Group Water Scheme. The site is located off the public road and is accessed via an upgraded access laneway. The subject site is located north of an existing National Heritage Area of Coolacurragh Wood and West of the National Nature Reserve of Grantstown Lough and Wood

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

(c) Construction of Water Treatment Plant at Slatt Lower, The Swan

The Members were circulated with the Planning Report in relation to the development of a Water Treatment Plant at Slatt Lower, The Swan, Co. Laois. The proposed development will involve the installation of a new potable water treatment plant and a pumping station at Slatt Lower, The Swan. The subject site is within the existing Council facility at the western approach to the village. The site is not zoned in the current County Development Plan. The height of the treatment plant enclosure will not exceed 4 metres and the enclosure will be coloured green to blend in with the existing environment. The development will include a number of small above ground tanks, a hardstanding area and a paladin security fence. The site will be grassed and landscaped.

On the proposition of Councillor Michael Rice seconded by Councillor Dick Miller, the Members unanimously agreed to proceed with the proposed development.

(d) New Sewage Works at Mountrath

The Members were circulated with the Planning Report in relation to the proposed development of a New Sewage Works at Mountrath. The proposed development will involve the provision of a new waste water treatment plant at Dysartbeigh, Mountrath.

The site is located in Dysartbeigh, Mountrath at the end of a narrow Cul de Sac south of Mountrath. The proposed development has been designed to cater for a population of 4,500. The present capacity requirement is 1,500 (p.e.). This development is part of the Laois Towns and Villages Wastewater Improvement Scheme.

On the proposition of Councillor Michael Lalor seconded by Councillor Bill Delaney, the Members unanimously agreed to proceed with the proposed development

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

(i) Disposal of 0.023 hectares at Clonminam, Portlaoise in the townland of Knockmay to Margaret Douglas, Rathleague, Portlaoise.

On the proposal of Councillor Brian Stanley seconded by Councillor Jerry Lodge, the Members unanimously agreed to the disposal of 0.023 hectares at Clonminam, Portlaoise in the townland of Knockmay to Margaret Douglas, Rathleague, Portlaoise for a consideration of €5,000

(ii) Disposal of 0.201 hectares at Johnstown Road, Rathdowney in the townland of Rathdowney to Mr. Laurence Phelan, Springhill, Killeslin, Co. Laois.

Councillor Brendan Phelan excused himself from the meeting for the discussion of this item in accordance with Part 15 of the Local Government Act, 2001

On the proposal of Councillor John Joe Fennelly seconded by Councillor Ray Cribbin, the Members unanimously agreed to the disposal of 0.201 hectares at Johnstown Road, Rathdowney in the townland of Rathdowney to Mr. Laurence Phelan, Springhill, Killeslin, Co. Laois subject to conditions and a site fine of €66,000

(iii) Disposal of 0.58 hectares at Johnstown Road, Rathdowney in the townland of Rathdowney to Mr. David Ryan, Beledy, Rathdowney, Co. Laois.

On the proposal of Councillor Martin Phelan seconded by Councillor John Bonham, the Members unanimously agreed to the disposal of a site measuring 0.58 hectares at Johnstown Road, Rathdowney in the townland of Rathdowney to Mr. David Ryan, Beledy, Rathdowney, Co. Laois subject to conditions and a site fine of €175,000

21. AMENDMENT TO DISPOSAL OF LAND UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT, 2001

(i) AMENDMENT TO THE DISPOSAL RESOLUTION 15TH DECEMBER 2003 SITES 9, 10 & 11 AT MOUNTRATH INDUSTRIAL ESTATE

At the Council Meeting held on December 15th it was agreed to dispose of sites 9, 10 & 11 measuring 0.63 acres at Mountrath Industrial Estate by way of Section 183 Notice to Mr. Dominic Dunne, Ross, Ballyfin, Portlaoise, Co. Laois by way of a 500 year lease and a site fine of €73,000.

Since then the Council's Solicitors have advised that it is required that the disposal be in the names of Dominic & Attracta Dunne, Ross, Ballyfin, Portlaoise, Co. Laois.

On the proposal of Councillor Michael Lalor seconded by Councillor Tom Jacob, the Members unanimously agreed to the disposal of sites 9, 10 & 11 measuring 0.63 acres at Mountrath Industrial Estate to Dominic & Attracta Dunne, Ross, Ballyfin, Portlaoise by way of a 500 year lease and a site fine of €73,000

(ii) AMENDMENT TO DISPOSAL RESOLUTION 29TH MARCH 2004, SITE AT MOUNTRATH INDUSTRIAL ESTATE

The Council agreed to the disposal of a site measuring 0.50 acres at Mountrath Industrial Estate by way of Section 183 Notice at it's meeting on the 29th of March 2004 to Mr. Dominic Dunne, Ross, Ballyfin, Portlaoise, Co. Laois by way of a 500 year lease and a site fine of €48,000.

The Council's Solicitors have advised that it is required that the disposal be in the names of Dominic & Attracta Dunne, Ross, Ballyfin, Portlaoise.

On the proposal of Councillor Brian Stanley seconded by Councillor John Joe Fennelly, the Members unanimously agreed to the disposal of a site measuring 0.50 acres at Mountrath Industrial Estate to Dominic & Attracta Dunne, Ross, Ballyfin, Portlaoise by way of a 500 year lease and a site fine of €48,000.

(iii) AMENDMENT TO DISPOSAL RESOLUTION 26TH MAY 2003, SITES 1 & 12 AT MOUNTRATH INDUSTRIAL ESTATE

The Council agreed to the disposal of sites 1 & 12 measuring 0.60 acres at Mountrath Industrial Estate by way of Section 183 Notice at it's meeting on the 26th of May 2003 to Mr. Ken Cahill, Portlaoise Road, Mountrath, Co. Laois by way of a 500 year lease and a site fine of €67,000.

The Council's Solicitors have advised that it is required that the disposal be in the names of Ken & Martina Cahill, Portlaoise Road, Mountrath, Co. Laois.

On the proposal of Councillor Bill Delaney seconded by Councillor Martin Phelan, the Members unanimously agreed to the disposal of a site measuring 0.60 acres at Mountrath Industrial Estate to Ken & Martina Cahill, Portlaoise Road, Mountrath, Co. Laois by way of a 500 year lease and a site fine of €67,000

(22) APPROVAL OF THE ELECTED COUNCIL TO THE RAISING OF A LOAN

(i) APPROVAL OF ELECTED COUNCIL TO THE RAISING OF A LOAN NOT EXCEEDING €398,775 FROM THE HOUSING FINANCE AGENCY PLC.

On the proposal of Councillor Tom Jacob seconded by Councillor Brian Stanley, the Members unanimously agreed to the raising of a loan not exceeding €398,775 from the Housing Finance Agency Plc., in respect of the acquisition of 3 Affordable Housing Units (Part V) at Ashbrook Gardens, Mountrath Road, Portlaoise.

(ii) APPROVAL OF ELECTED COUNCIL TO THE RAISING OF A LOAN NOT EXCEEDING €175,000 FROM THE HOUSING FINANCE AGENCY PLC.

On the proposal of Councillor Mary Sweeney seconded by Councillor Jerry Lodge, the Members unanimously agreed to the raising of a loan not exceeding €175,000 from the Housing Finance Agency Plc., in respect of the acquisition of 1 Affordable Housing Unit (Part V) at Powers Court, Abbeyleix Road, Portlaoise

(iii) APPROVAL OF ELECTED COUNCIL TO THE COMPLETION OF A MORTGAGE BETWEEN LAOIS COUNTY COUNCIL AND MOUNTMELICK VOLUNTARY HOUSING ASSOCIATION

On the proposal of Councillor Patrick Bracken seconded by Councillor Seamus McDonald, the Members unanimously agreed to the completion of a mortgage between Laois County Council and Mountmellick Voluntary Housing Association Ltd., 27 Patrick Street, Mountmellick, Co. Laois for an amount not exceeding €214,731 in accordance with Section 6 of the Housing (Miscellaneous) Provisions) Act, 1992 for the construction of 2 additional accommodation units at Wolfe Tone Street, Mountmellick, Co. Laois.

(23) PRESENTATION BY MR. NED BRENNAN, HEAD OF OPERATIONS, RESPOND

Mr. Declan Byrne, Director of Services indicated that this presentation had been deferred and would take place at the Council Meeting scheduled for the 27th of March 2006.

(24) REPORT ON VOLUNTARY HOUSING IN COUNTY LAOIS

The Members were circulated with a copy of a report on Voluntary Housing in Laois. A lengthy discussion ensued regarding the contents of the report and related matters.

Councillor Martin Phelan enquired as to whether or not a reply had been received from the National Roads Authority regarding the request that had been made that officials of the Authority attend a meeting of the Council. It was agreed that a further letter in this regard should be issued.

Councillor Jerry Lodge enquired as to whether or not a reply had been received from the BMW Regional Assembly regarding the request that had been made seeking the attendance at a future meeting of the Council of BMW officials to discuss the issue of under-spending in Laois. It was agreed that a further letter in this regard should be issued.

(25) ROADWORKS PROGRAMME 2006

The Members were circulated with a copy of a report on the Roadworks Programme for 2006 which had recently been finalised. On the proposal of Councillor John Joe Fennelly seconded by Councillor Dick Miller, the Members unanimously agreed to adopt the Roadworks Programme for 2006.

Councillor Dick Miller asked that clarification be given to him with regard to the up to date position in relation to the carrying out of improvement works at Moneycross junction. Mr. Gerry Gibson, Director of Services indicated that it was his hope that Laois County Council will be on site by the middle of Summer this year. A discussion ensued regarding discretionary funding. Mr. Gerry Gibson, Director of Services responded to the various queries that were raised by the Members.

(26) PRESENTATION BY MS. YVONNE MURPHY, COMMUNITY & DEVELOPMENT OFFICER ON THE LOCAL ANTI-POVERTY STRATEGY UPDATE

Ms. Yvonne Murphy updated the Members with regard to the Local Anti-Poverty Strategy. The Members were advised that a proposal is going to the Department for the delivery of social and rural programmes in 2007 and thereafter. The proposal would be going before the County Development Board at their meeting on the 2nd of March 2006 and if approved it will be submitted to the Department. The Members complimented Yvonne Murphy and those with whom she is working with regard to their efforts in the production of the Strategy. The County Manager also acknowledged the work of the Community & Enterprise Section and welcomed the proposals. He also acknowledged the input of Laois Leader, Mountmellick Development Association and Portlaoise Community Action Project.

(30) ARTS ACT GRANTS

On the proposal of Councillor John Bonham seconded by Councillor Michael Moloney, the Members unanimously agreed to approve the Arts Act Grants allocations for 2006 that were contained in the report that had been circulated to them.

(31) NOTICE OF MOTIONS

Notice of Motion No: 06/06

Councillor Brian Stanley proposed the following Notice of Motion:-

"That the Planning Department of this Council ensure the proper treatment of the boundaries of all new developments and that the relevant conditions of planning permission are fully enforced"

This motion was seconded by Councillor Tom Jacob. The Members were advised that the issue of boundary treatment for all new developments is an important matter for consideration by the Planning Authority. In general terms, relevant conditions are included in grants of Planning Permission seeking in the first instance to retain the existing boundary screening, augmented by additional landscaping using native species. In addition, detailed landscaping schedules to further assist in the integration of proposed developments are sought. Suitable permanent boundary treatment comprising of block wall or concrete paneling as appropriate is required. In the event of these conditions not being complied with, the Enforcement Section of the Planning Authority can initiate appropriate proceedings against the guilty parties in order to have matters rectified.

Notice of Motion No: 07/06

Councillor Jerry Lodge proposed the following Notice of Motion:-

"That this Council agrees to immediately implement the provisions of Section 180 of the Planning & Development Act, 2000 and to take in charge all relevant housing estates in the County"

This motion was seconded by Councillor Michael Moloney. The Members were advised that Laois Council endeavours to comply with the requirements of Section 180 of the Planning and Development Act 2000 regarding the Taking in Charge of housing estates in the context of its operational programme and resources. The Planning & Transportation SPC is currently reviewing policy in relation to the Taking in Charge of estates and will seek the full co-operation of all relevant parties including developers and resident groups in implementing its policy in this regard.

Notice of Motion No: 08/06

Councillor Michael Moloney proposed the following Notice of Motion:-

"That Laois County Council call on the Minister for Environment, Heritage & Local Government to proceed with introducing the use of the P.P.S.N.s in connection with the compilation and maintenance of the Register of Electors"

This motion was seconded by Councillor Jerry Lodge. It was agreed that a letter would issue to the Minister for Environment, Heritage & Local Government in this regard.

Notice of Motion No: 09/06

Councillor Michael Moloney proposed the following Notice of Motion:-

"That Laois County Council should follow the example of Fingal County Council and introduce the practice of broadcasting

This motion was seconded by Councillor Jerry Lodge

Mr. Gerry Gillen, Senior Executive Officer indicated that there were a number of issues to be taken into consideration with regard to introducing this practice. It was agreed that the matter would be considered and that a report would be brought before the Council at a future date for consideration by the Members.

Notice of Motion No: 10/06

Councillor Martin Phelan & William Aird proposed the following Notice of Motion:-

"That this Council call on Ms. Mary Coughlan, Minister for Agriculture not to implement the Nitrates Directive until a full research is complete"

This motion was seconded by Councillor James Daly. It was agreed that Teagasc be written to in this regard.

Notice of Motion No: 11/06

Councillor Martin Phelan proposed the following Notice of Motion:-

"That this Council call on the N.R.A. to send a member of the Board to a Council meeting to learn first hand of the problem regarding the removal of graded junction at Cuffsborough and Aghaboe"

This motion was seconded by Councillor Brendan Phelan

Mr. Gerry Gillen, Senior Executive Officer read correspondence which had been received from the N.R.A. which had been received recently in response to a previous Notice of Motion No: 388/04. The letter stated that the issue had been discussed at technical level at various stages in the past year. The M7/M8 Portlaoise Castletown/Portlaoise Cullahill Scheme put forward by Laois County Council had included an M7/M8 motorway/interchange at Ballycuddahy and four grade separated junctions, a half dumb-bell junction on the realigned R435 near Borris-in-Ossory, a half dumb-bell junction on the R434 near Aghaboe and a full dumb-bell junction

on the R433 near Rathdowney as well as the upgrading of the existing half junction on the R445 near Clonkeen to accommodate all movements. An Bord Pleanála had removed the half dumb-bell junction where the proposed M7 intersects the R434 Regional Road near Aghaboe. The reason given for this decision was 'to reduce adverse environmental impacts from additional traffic using the regional road network and villages in the vicinity including Ballacolla and to avoid prejudicing a future direct motorway link between the M7 and M8. The scheme now being advanced is the scheme as approved by An Bord Pleanála which did not include the junction near Aghaboe.

A lengthy discussion ensued and the Members indicated that they would organize a delegation to the N.R.A. to discuss the matter.

On the proposal of Councillor Michael Moloney seconded by Councillor Brian Stanley, the Members unanimously agreed that a delegation meet with officials of the N.R.A. to discuss the matter

Notice of Motion No; 12/06

Councillor Martin Phelan proposed the following Notice of Motion

"That this Council request Eircom to remove poles that interfere with entrances to houses and that they be re-located at not cost to landowners"

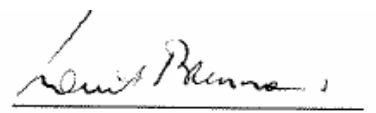
This motion was seconded by Councillor Bill Delaney

It was agreed that a letter would issue to Eircom in this regard.

This concluded the business of the meeting

Signed:


Cathaoirleach


Director of Corporate
Affairs