

**MINUTES OF MARCH MEETING OF LAOIS COUNTY COUNCIL HELD  
ON THE 27<sup>TH</sup> OF MARCH 2006 IN ÁRAS AN CHONTAE, PORTLAOISE  
AT 11.00 A.M.**

<b>PRESENT:</b>	Councillor	Larry Kavanagh	In the Chair
	Councillors	John Bonham	Paddy Bracken
		Ray Cribbin	James Daly
		James Deegan	William Aird
		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	
	<b>APOLOGIES:</b>	Councillor	Bill Delaney

**IN ATTENDANCE:**

Messers Peter Carey, County Manager, Ian McCormack, A/Director of Services, Mary White A/Director of Services, Gerry Gibson, Director of Services, Declan Byrne, Director of Services, Michael O'Hora, Senior Engineer, Gerry Murphy, Head of Finance, Anna Marie Delaney, Senior Executive Officer, Housing. Gerry Gillen, Senior Executive Officer, Corporate Affairs , Michelle McCormack, Assistant Staff Officer, Corporate Affairs, Breda Creed, Clerical Officer, Corporate Affairs.

**32. VOTE OF SYMPATHY**

On the proposal of Councillor James Daly, the Members unanimously agreed that a vote of sympathy be extended to Mrs Mary Daly, on the death of her mother Mrs Lena O'Keeffe.

On the proposal of Councillor Dick Miller, the Members unanimously agreed that a vote of sympathy be extended to the Brennan and Wellwood families on their recent losses.

**33 CONFIRMATION OF MINUTES**

On the proposition of Councillor Tom Jacob seconded by Councillor John Joe Fennelly, it was unanimously agreed that the Minutes of the Meeting of Laois County Council held on the 27<sup>th</sup> of February, 2006 as circulated be adopted and signed.

In relation to the minutes Councillor Marty Phelan enquired as to when Mr Ned Brennan, Head of Operations with the Respond Housing Association would be addressing the Council. Mr. Declan Byrne, Director of Services, indicated that an official from Respond would possibly be available to attend the April Meeting of Laois County Council.

Councillor Phelan also requested an update on the position regarding the proposed attendance by a delegation from the Council at a meeting with officials of the N.R.A.

Mr. Gerry Gibson, Director of Services indicated he is awaiting confirmation of a date for the holding of the proposed meeting with the officials of the N.R.A.

#### **34. PART VIII OF THE LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS**

- **Housing Development and Sewerage Treatment System at Camross (documentation enclosed)**

The Members had been circulated with the Planning Report in relation to the proposed Housing Development and Sewage Treatment System at Camross, Co. Laois. The site for the proposed residential development is located at Longford Crossroads, Camross, which is to consist of:

- 8 No 3 bedroom semi-detached single story dwellings.
- 4 No 2 bedroom semi-detached single storey dwellings.

The proposal will also involve associated site development works and the provision of a sewerage treatment system.

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

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

- (i) **Disposal of 7.8m at Main Street, Portarlinton in the townland of Cooltederry to James & Miriam McLoughlin for a consideration of €50.**

Councillor Ray Cribbin 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 Paul Mitchell seconded by Councillor James Deegan, the Members unanimously agreed to the disposal of 7.8m at Main Street, Portarlinton in the townland of Cooltederry to James & Miriam McLoughlin for a consideration of €50.

- (ii) **Disposal of 1.65 hectares at Clanmalire, Portarlinton in the townland of Clanmalire, to Cluid Housing Association, 1 Birch Grove, Birchwood, Killure, Waterford for a consideration of €600,000**

On the proposal of Councillor Paul Mitchell, seconded by Councillor Ray Cribbin, the Members unanimously agreed to the disposal of 1.65 hectares at Clanmalire, Portarlinton in the townland of Clanmalire, to Cluid Housing Association, 1 Birch Grove, Birchwood, Killure, Waterford for a consideration of €600,000

- (iii) **Disposal of 0.021 hectares at Davitt Road, Mountmellick in the townland of Ballycullenbeg to Sarah Dempsey, Davitt Road, Mountmellick for a consideration of €100.00.**

On the proposal of Councillor Paddy Bracken, seconded by Councillor Seamus McDonald, the Members unanimously agreed to the disposal 0.021 hectares at Davitt Road, Mountmellick in the townland of Ballycullenbeg to Sarah Dempsey, Davitt Road, Mountmellick for a consideration of €100.00.

### **36. APPROVAL OF THE ELECTED COUNCIL TO THE RAISING OF A LOAN**

#### **APPROVAL OF ELECTED COUNCIL TO THE RAISING OF LOAN FROM HOUSING FINANCE AGENCY IN RESPECT OF AFFORDABLE HOUSING SCHEME (PART V) AT SLEATY ROAD, GRAIGUECULLEN, CO LAOIS.**

On the proposal of Councillor James Daly seconded by Councillor Michael Rice, the Members unanimously agreed to the raising of a loan not exceeding €1,150,280 from the Housing Finance Agency Plc., in respect of the acquisition of 7 Affordable Housing Units (Part V) at Sleaty Road, Graiguecullen, Co. Laois.

### **37. TAKING-IN-CHARGE OF COOLNABANCH/CASTLECUFFE/BROUGHLA GROUP WATER SCHEME**

On the proposal of Councillor Seamus McDonald, seconded by Councillor Paddy Bracken, the Members unanimously agreed to the Taking-in-Charge of Coolnabanch/Castlecuffe/Broughla Group Water Scheme, pursuant to the provisions of Section 6 of the Local Government (Sanitary Services) Act 1962.

### **38. IMPLEMENTATION OF NEW FIXED CHARGE (FC) PROCEDURE FROM 3<sup>RD</sup> APRIL 2006 TO REPLACE ON THE SPOT**

The Members were circulated with a copy of a report on

- Replacement of the Fines On-the-Spot (FOTS) system by new Fixed Charge (FC) system from April 2006.
- Outline of Provisions of Road Traffic Acts in relation to operation of Fixed charge System by Local Authority Traffic Wardens.
- Synopsis on the introduction of the new fixed charge system.

A lengthy discussion ensued regarding the contents of the reports and related matters. Mr. Gerry Gibson replied to concerns that were highlighted by some of the Members. The Members expressed their opposition to the new fixed charge system for various reasons. The Members unanimously agreed that a letter should be issued to the Minister opposing the introduction of the new fixed charge system.

### **39. CONSULTATION ON THE LAOIS HERITAGE PLAN - PRESENTATION BY MS. CATHERINE CASEY, HERITAGE OFFICER.**

The presentation given by Ms. Catherine Casey, Heritage Officer, as part of Phase 1 of the consultation process on the Laois Heritage Plan, included the following:

- Background to Heritage Plan.
- Selection of actions to date.
- Plans/Issues for the future.
- Plan preparation time table.
- Relevance for elected members.

The Members complemented the Heritage officer on her work to date.

### **40. PRESENTATION BY MR GERRY FINN, BORDER, MIDLANDS, REGIONAL ASSEMBLY.**

Mr Gerry Finn, Border, Midland and Western Regional Assembly, presented the NDP/CSF Summary Progress Report 2000 to the end of June 2005. Mr Finn outlined the financial and physical progress that has been made with regard to the current NDP/CSF Operational Programmes. He informed the Members that the national consultation process for the next NDP 2006-2013 has begun and the programme is expected to start in early 2007. Mr. Finn reminded the Members of the upcoming changes in relation to funding. He highlighted the fact that Ireland no longer enjoys Objective 1 Status. Mr. Finn outlined the main challenges facing the region and the measures which need to be taken to successfully address these challenges. While the Members welcomed Mr. Finn's presentation some Councillors indicated that they felt that their many concerns could not be properly addressed at this time. The Cathaoirleach requested that arrangements be made for Mr Finn to meet with the Members at some time in the near future.

### **41. COMMUNITY INVOLVEMENT IN ROADWORKS SCHEME - 2006**

Members were circulated with copy of the Community Involvement in Roadworks Scheme - 2006.

Mr Gerry Gibson replied to questions that were put by some Members

On the proposal of Councillor John Joe Fennelly seconded by Councillor Brendan Phelan the Community Involvement in Roadworks Scheme - 2006 was adopted by the Members.

### **42. RURAL WATER PROGRAMME 2006.**

The Members were circulated with a copy of the Rural Water Programme 2006, details of the proposed allocation of Capital Funding and a draft Works Programme outlining the works that it is proposed to undertake on Group Schemes, Small Water Schemes and Sewerage Schemes in 2006

Ms. Mary White, Acting Director of Services, replied to Members queries.

On the proposal of Councillor James Deegan which was seconded by Councillor James Daly the Rural Water Programme 2006 was adopted by the Members.

Councillor Brendan Phelan enquired if a report had been requested from the Department regarding the issues surrounding access to boreholes on private property. Councillor William Aird requested that a request be made for a Department official to attend the April meeting of the Council to hear the Councillors concerns in relation to this matter.

#### 43 PROPOSED AMENDMENT TO WATER SERVICES INVESTMENT PROGRAMME 2004-2006

Councillor Mary Sweeney proposed that consideration of the proposed amendment to the Water Services Investment Programme be deferred.

Following some discussion on the matter a roll call vote was taken on the motion that Timahoe be added to the group of five villages that are being advanced at present. The result of the roll call vote is set out hereunder.

COUNCILLOR		FOR	AGAINST	ABSENT
FIRST NAME	SURNAME			
William	AIRD	√		
John	BONHAM			√
Paddy	BRACKEN	√		
Ray	CRIBBEN	√		
James	DALY	√		
James	DEEGAN	√		
Bill	DELANEY			√
John Joe	FENNELLY	√		
Catherine	FITZGERALD	√		
Dave	GOODWIN	√		
Tom	JACOB	√		
Larry	KAVANAGH	√		
Michael	LALOR	√		
Jerry	LODGE			√
Seamus	MCDONALD	√		
Dick	MILLER	√		
Paul	MITCHELL	√		
Michael	MOLONEY	√		
John	MORAN	√		
Brendan	PHELAN	√		
Marty	PHELAN	√		
Michael	RICE			√
Brian	STANLEY	√		
Mary	SWEENEY	√		
John D	TURLEY	√		
<b>TOTAL</b>		<b>21</b>		<b>4</b>

The result of the roll call vote was 21 votes in favour of the motion. As a result of the vote the proposed amendment to the Water Services Investment Programme was adopted.

#### **44 SALE OF PRIVATE SITES POLICY AS RECOMMENDED BY THE S.P.C.**

The Members were circulated with a draft Policy Document relating to the Sale of Private Sites Scheme. Councillor Brian Stanley outlined the conditions contained in the draft document. Mr Declan Byrne, Director of Services replied to the questions that were put to him in relation to the draft Policy Document. On the proposal of Councillor John Joe Fennelly, seconded by Councillor Brenda Phelan the Sale of Private Sites Policy as recommended by the S.P.C. was adopted by the Members.

#### **45. AMENDMENT TO SCHEME OF SALE PRIORITIES FOR THE ALLOCATION OF AFFORDABLE HOUSING AS RECOMMENDED BY THE S.P.C.**

The Members were circulated with a copy of the Scheme of Sale Priorities for the allocation of Affordable Housing. Councillor Brian Stanley outlined the main changes that it was proposed to make to the Scheme. Mr Declan Byrne, Director of Services replied to questions that the Members had in relation to this matter.

Following discussion by the Members and on the proposal of Councillor Brendan Phelan which was seconded by Councillor John Joe Fennelly the amendments were adopted.

#### **46. CORRESPONDENCE.**

Mr Gerry Gillen, Senior Executive Officer indicated that the following items of correspondence had been received since the last meeting:-

- (1) Correspondence received from Córas Iompair Éireann regarding Laois County Council's request for the restoration of a stop at Ballybrophy Station on the 9.30 Inter City train from Cork to Dublin.
- (2) Correspondence received from Mountmellick Development association Ltd. in response to submissions made at the February meeting of Laois County Council.
- (3) Correspondence received from the Office of the Minister of Agriculture and Food regarding Laois County Council's request that the provisions of the Nitrates Directive not be implemented until additional research is completed.

## 47. NOTICE OF MOTIONS.

### Notice of Motion No: 13/06

Councillor James Deegan proposed the following Notice of Motion:-

**"That the Council explore the feasibility of using alternative energy as a source of heating in one or more of it's public buildings in county Laois."**

This motion was seconded by Councillor Brendan Phelan. The Members were advised that the new building (Block 2) of Áras an Chontae has been designed with the objective of maximizing natural ventilation and reducing energy demand. The new gas-fired boiler plant serves all of Áras an Chontae and displaces the original oil/peat fired plant. The resultant energy savings accrues to both existing and new buildings. Water heating in the new office gives priority to solar panel with back-up from the heating plant. The design configuration and the construction details combined with the ventilation features result in a very low energy consumption building. Efficiencies of 55% have been assumed as a target for the original system. The energy efficiency features of the new building have been supported by Sustainable Energy Ireland. A Sustainability Task Group has been set up as a sub group of the County Development Board. The Housing Department is also examining energy efficiency measures in its housing projects.

### Notice of Motion No: 14/06

Councillor Brian Stanley proposed the following Notice of Motion:-

**"That the members be informed of this Council's policy in relation to the use of 'Management Companies' by developers in new housing developments, the number of completed developments and the number of those in the planning process that involve management companies"**

This motion was seconded by Councillor William Aird. Mr Gerry Gibson, Director of Services, replied to questions that were put to him by some Members. The Members were advised that the Council has used Management Companies primarily to ensure the satisfactory ongoing maintenance and upkeep of communal areas and infrastructure. Generally Management Companies have been used for:

- Apartment/Duplex accommodation
- Nursing Home Developments
- Integrated development with high class leisure facilities
- Maintenance and operation of private waste treatment facilities
- Maintenance of Open Space
- Exclusive gated developments.

The new Laois County Development Plan 2006-2012 in Section 3.22 makes provision for Management companies with appropriate bonding arrangement so as to ensure the long-term maintenance and upkeep of a development.

In line with the current Development Plan, Management companies are generally not required for houses. Generally speaking they are used for Apartment/Duplex accommodation and Private Communal infrastructure. Currently the Planning & Transportation SPC are preparing a Policy document in relation to the 'Taking In Charge' of Housing developments. This Policy Document will examine, in detail, the appropriate use of Management Companies. It should be borne in mind that where appropriate, Management Companies provide:

- Apartment/Duplex accommodation with a clear framework for the management of the overall property.
- Insulate the Local Authority from ongoing maintenance/operation costs for infrastructure that is specific to a single development.

This concluded the business of the meeting.

Signed



Cathaoirleach



Director of Corporate Affairs