

**MINUTES OF THE JUNE MEETING OF LAOIS COUNTY COUNCIL HELD IN ÁRAS AN CHONTAE ON THE 24<sup>TH</sup> OF JUNE 2013**

<b>PRESENT:</b>	Councillors	Paul Mitchell	In the Chair
		William Aird	Lisa Delaney
		John Bonham	Paddy Bracken
		Ben Brennan	Ray Cribbin
		James Daly	James Deegan
		John Joe Fennelly	Catherine Fitzgerald
		Padraig Fleming	David Goodwin
		Alan Hand	John King
		Michael Lalor	Jerry Lodge
		Seamus McDonald	John Moran
		Tom Mulhall	Kathleen O'Brien
		Brendan Phelan	Martin Phelan
		Mary Sweeney	
<b>APOLOGIES:</b>	Councillor	Rotimi Adebari	

**IN ATTENDANCE:**

Messers Peter Carey, County Manager, Kieran Kehoe, Director of Services, Gerry Murphy, Head of Finance, Ms. Anna Marie Delaney, Director of Services, Ms. Josephine Kavanagh, Administrative Officer & Ms. Michelle McCormack, Executive Secretary.

**56. CONFIRMATION OF THE MINUTES OF THE MAY MEETING OF LAOIS COUNTY COUNCIL HELD ON THE 27<sup>TH</sup> OF MAY 2013**

On the proposition of Councillor William Aird seconded by Councillor John Bonham the Minutes of the May Meeting of Laois County Council held on the 27<sup>th</sup> of May 2013 were confirmed as circulated.

**57. REPORTS ON SPC & AREA MEETINGS HELD IN JUNE 2013 FOR NOTING**

The Members were circulated with a copy of the reports on the SPC & Area Meetings held in June 2013 and same were noted.

**58. DISPSOAL OF LAND UNDER SECTION 183 OF THE LOCAL GOVERNMENT ACT, 2001**

- (i) **LEASE OF GROUND FLOOR OFFICES IN BLOCK 2, ÁRAS AN CHONTAE, PORTLAOISE, CO. LAOIS, FOR A PERIOD OF 5 YEARS FOR A CONSIDERATION OF €25,000 PER ANNUM**

On the proposition of Councillor Mary Sweeney seconded by Councillor James Daly, the Members unanimously agreed to the lease of Ground Floor Offices in Block 2, Áras an

Chontae, Portlaoise, Co. Laois, for a period of 5 years to Laois Community & Enterprise Development Company, T/A Laois Partnership Company, for a consideration of €25,000 per annum.

**(ii) DISPOSAL OF 0.691 HECTARES AT DOON, BORRIS-IN-OSSORY, CO. LAOIS IN THE TOWNLAND OF DOON, BORRIS-IN-OSSORY FOR A CONSIDERATION OF €950.00**

On the proposition of Councillor John Joe Fennelly seconded by Councillor John King, the Members unanimously agreed to the disposal of 0.691 hectares at Doon, Borris-in-Ossory, Co. Laois in the townland of Doon, Borris-in-Ossory for a consideration of €950.00

**(iii) DISPOSAL OF 0.01 ACRES OF LAND AT CRAYDON COURT, PORTLAOISE, CO. LAOIS IN THE TOWNLAND OF PORTLAOISE TOWN FOR A CONSIDERATION OF €950.00**

On the proposition of Councillor Alan Hand seconded by Councillor William Aird, the Members unanimously agreed to the disposal of 0.01 acres of land at Craydon Court, Portlaoise, Co. Laois in the townland of Portlaoise Town for a consideration of €950.00

**(iv) DISPOSAL OF 0.2 HECTARES OF LAND AT R430 MOUNTRATH ROAD, ABBEYLEIX, CO. LAOIS IN THE TOWNLAND OF TULLYROE FOR A CONSIDERATION OF €3,333**

On the proposition of John Bonham seconded by Councillor John Joe Fennelly, the Members unanimously agreed to the disposal of 0.2 hectares of land at R430 Mountrath Road, Abbeyleix, Co. Laois in the townland of Tullyroe for a consideration of €3,333.

**59. PART VIII OF THE LOCAL GOVERNMENT PLANNING & DEVELOPMENT REGULATIONS, 2001 IN RESPECT OF CONSTRUCTION OF 1 NO. 5 BED SINGLE STOREY DWELLINGHOUSE AND ASSOCIATED SITE WORKS AT SITE NO. 9 ARD EDMOND, CASTLETOWN, CO. LAOIS.**

The Members were circulated with the Planning Report on the proposed development. The proposed scheme involves:-

- (i) The construction of a new single-storey dwellinghouse of 171 square metres floor area
- (ii) The provision of boundary treatment comprising a mix of solid block wall, timber fencing and timber post and chain link fencing .

Various ancillary works including site access and foul and water drainage facilities are also proposed as part of the project. The access road serving the site is in place. Foul effluent will be discharged to the public foul sewer.

On the proposition of Councillor John Joe Fennelly seconded by Councillor Martin Phelan, the Members unanimously agreed to proceed with Part VIII of the Local Government Planning & Development Regulations 2001 in respect of the construction of 1 No. 5 bed single storey dwellinghouse and associated site works at Site No. 9, Ard Edmond, Castletown, Co. Laois.

Councillor John Fennelly requested that Laois County Council would not build any further social housing at this location and that residents would be informed at all times if there are future developments considered at this location .

Councillor Fennelly also expressed concern with regard to the boundary wall and the condition of the overall site. Mr. Gerry Murphy, Director for Housing Services indicated that he would re-examine the height of the boundary wall.

#### **60. LOCAL ELECTORAL BOUNDARY COMMITTEE REPORT 2013**

The Members were circulated with a copy of the Local Electoral Boundary Committee Report which was published on the 30<sup>th</sup> of May 2013 and same was noted.

#### **61. ADOPTION OF LAOS COUNTY COUNCIL ANNUAL REPORT 2012**

The Members were circulated with a copy of the Laois County Council Annual Report for 2012. On the proposition of Councillor Seamus McDonald seconded by Councillor William Aird, the Members unanimously agreed to the adoption of the Laois County Council Annual Report 2012 as circulated.

#### **62. ADOPTION OF THE EXTENSION OF DEVELOPMENT CONTRIBUTION SCHEME FOR A PERIOD OF FOUR MONTHS FROM THE 1<sup>ST</sup> OF JULY 2013 TO THE 31<sup>ST</sup> OF OCTOBER 2013**

The Members were advised that this extension is required in order to allow for the statutory timescale, i.e. six week period public consultation, 4 weeks within which to submit the Managers Report and 6 weeks within which Members must adopt a scheme.

On the proposition of Councillor Mary Sweeney seconded by Councillor John Joe Fennelly, the Members unanimously agreed to the extension of Development Contribution Scheme for a period of four months from the 1<sup>st</sup> of July 2013 to the 31<sup>st</sup> of October 2013.

#### **63. COMMUNITY INVOLVEMENT IN ROADWORKS SCHEME**

The Members were advised that an allocation of €243,121.00 is available for the Community Involvement In Roadworks Scheme for 2013 and were circulated with the listing of applicants.

On the proposition of Councillor John Joe Fennelly seconded by Councillor John Bonham, the Members unanimously adopted the Community Involvement in Roadworks Scheme as circulated.

A discussion ensued wherein Members expressed concern in relation to some rural communities where works are required. It was agreed that a letter issue to the Minister in relation to some rural areas which are outstanding since 2008.

#### **64. LAOIS GROUPED TOWNS SEWERAGE SCHEME – APPROVAL OF DBO CONTRACT**

Mr. Kieran Kehoe, Director of Services advised the Members that Department of the Environment, Community & Local Government have approved the tender, in the amount of €11,439,642.30 by Response Engineering Ltd./Ward & Burke JV for Laois Grouped Towns Sewerage Scheme – Design Build Operate (DBO Contract).

Mr. Kieran Kehoe, Director of Services also paid tribute to the Members & the Staff of the Water Services Section. The Members paid tribute to all involved in same and welcomed the development.

On the proposition of Councillor James Deegan seconded by Councillor John Joe Fennelly, the Members unanimously approved the DBO Contract as outlined.

The County Manager, Mr. Peter Carey also welcomed the development which is the biggest infrastructural project for a number of years and which will provide economic stimulus for the County and in addition facilitate future developments in the County. The County Manager also complimented all the staff involved in the Water Services Section.

#### **65. ADDITIONAL FUNDING UNDER THE RESTORATION IMPROVEMENT PROGRAMME**

Mr. Kieran Kehoe, Director of Services advised the Members of the additional funding under the Restoration Improvement Programme. The Members welcomed the additional funding.

#### **66. CORRESPONDENCE**

The Members were circulated with the following items of correspondence:-

- (i) Correspondence received from the Department of Environment, Community & Local Government dated the 5<sup>th</sup> of June 2013 in relation to Notice of Motion No: 09/2013
- (ii) Correspondence received from the Department of Environment, Community & Local Government dated the 6<sup>th</sup> of June 2013 in relation to Notice of Motion No: 17/2013
- (iii) Correspondence received from the Department of Environment, Community & Local Government dated the 6<sup>th</sup> of June 2013 in relation to Notice of Motion No: 13/2013
- (iv) Correspondence received from the Department of Environment, Community & Local Government dated the 5<sup>th</sup> of June 2013 in relation to Notice of Motion No: 14/2013
- (v) Correspondence received from the Department of Agriculture, Food and the Marine, Dublin 2 dated the 6<sup>th</sup> of June 2013 in relation to Notice of Motion No: 04/2013

- (vi) Correspondence received from the Office of the Minister for Housing & Planning dated the 12<sup>th</sup> of June 2013 in relation to Notice of Motion No: 10/2013

Mr. James Deegan sought an update on the request that had been made by the Laois Wind Energy Awareness Group to make a presentation at the July Council Meeting. Councillor Deegan proposed that the Group make the presentation and this was seconded by Councillor Catherine Fitzgerald.

## 67. NOTICE OF MOTIONS

### Notice of Motion No: 18/2013

Councillor Mary Sweeney proposed the following Notice of Motion:-

*“In light of potential future applications for Windfarms in the Laois Area – that Laois County Council impose a moratorium on such applications until the revised national Guidelines are issued”*

This motion was seconded by Councillor Catherine Fitzgerald.

### Notice of Motion No: 19/2013

Councillor Pdraig Fleming proposed the following Notice of Motion:-

*“That Laois County await the outcome of the comprehensive review of the “Wind Energy Development Guidelines” which was recently announced by the Department and is envisaged will be completed by the end of the year and to implement a moratorium on decisions regarding wind turbines until the review is completed and published”*

This motion was seconded by Councillor Patrick Bracken.

The Members were advised of the following response to both Notice of Motion No: 18 & 19/2013.

Following further consultation with the Department of the Environment on this matter, they have advised as follows:-

- Existing National (Government) policy towards renewable/wind energy in planning terms is clear and the announced focused review of the wind energy guidelines is relating to one specific aspect – noise – rather than the principle of such development, which it is settled Government policy to encourage (subject to planning considerations re: siting and design) and which policy Local Authorities must implement
- Any moratorium would be in conflict with the above and
- There are cases precedent on this (see Glencar Resources –v- Mayo County Council)

Councillor Pdraig Fleming requested that there be an immediate review of the County Development Plan. Ms. Anna Marie Delaney, Director of Services indicated that Laois County Council cannot restrict anyone lodging planning permission,

Mr. Peter Carey, County Manager also advised the Members that Laois County Council could not act on the Motion as it was both in conflict with Government policy and illegal. The County Manager also indicated that it would be a waste of public funds to have the County Development Plan revised as the new guidelines are expected.

While the County Manager fully understood the Members concern, he re-iterated that the planning system cannot preclude any planning application. Furthermore, there cannot be a negative objective in the County Development Plan. It was noted that the Development Plan is not against wind energy it is against wind turbines in the wrong areas. The County Managers again advised that Laois County Council cannot legally act on the vote.

A lengthy discussion ensued on the matter. However a roll call vote was taken on Councillor Fleming's proposal (Notice of Motion No: 19/2013) which resulted as follows:-

COUNCILLOR		FOR	AGAINST	ABSENT	ABSTENTION
FIRST NAME	SURNAME				
Rotimi	ADEBARI			✓	
Willie	AIRD			✓	
John	BONHAM			✓	
Paddy	BRACKEN	✓			
Ben	BRENNAN	✓			
Raymond	CRIBBIN		✓		
James	DALY			✓	
James	DEEGAN			✓	
Lisa	DELANEY				✓
John Joe	FENNELLY	✓			
Catherine	FITZGERALD	✓			
Pdraig	FLEMING	✓			
David	GOODWIN	✓			
Alan	HAND	✓			
John	KING				✓
Michael	LALOR			✓	
Jerry	LODGE	✓			
Seamus	MCDONALD	✓			
Paul	MITCHELL		✓		
John Robert	MORAN		✓		
Tom	MULHALL		✓		
Kathleen	O'BRIEN		✓		
Brendan	PHELAN		✓		
Martin	PHELAN		✓		
Mary	SWEENEY			✓	

As a result of the Roll Call Vote, there was 9 votes in favour of Councillor Fleming's proposal, 7 votes against with 7 absent and 2 abstentions.

This concluded the business of the meeting.

SIGNED: \_\_\_\_\_  
CATHAOIRLEACH

CERTIFIED: \_\_\_\_\_  
DIRECTOR OF CORPORATE  
AFFAIRS