

**MINUTES OF THE OCTOBER MEETING OF LAOIS COUNTY COUNCIL HELD IN ÁRAS AN
CHONTAE ON THE 21ST OF OCTOBER 2013**

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

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.

93. CONFIRMATION OF THE MINUTES OF THE SEPTEMBER MEETING HELD ON THE 30TH OF SEPTEMBER 2013

On the proposition of Councillor James Deegan seconded by Councillor John King, the Minutes of the September Meeting held on the 30th of September 2013 were confirmed as circulated.

94. REPORTS ON AREA & SPC MEETINGS HELD IN SEPTEMBER 2013

The Members were circulated with a copy of reports on Area & SPC Meetings held in September 2013 for noting and were confirmed on the proposition of Councillor John Joe Fennelly seconded by Councillor John King.

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

(i) DISPOSAL OF 0.005 HECTARES OF LAND AT SHANAVAUR, MOUNTRATH, CO. LAOIS.

On the proposition of Councillor John Joe Fennelly seconded by Councillor John King, the Members unanimously agreed to the disposal of 0.005 hectares of land at Shanavaur, Mountrath, Co. Laois in the townland of Shanavaur for a consideration of €1.00

(ii) DISPOSAL OF 5.549 HECTARES OF LAND AT THE COURSE, DURROW

On the proposition of Councillor John King seconded by Councillor James Deegan, the Members unanimously agreed to the disposal of 5.549 hectares of land at the Course, Durrow in the townland of Course for a consideration of €200,000

(iii) DISPOSAL OF 0.048 HECTARES OF LAND AT 9 GREEN ROAD, PORTLAOISE

On the proposition of Councillor Kathleen O' Brien seconded by Councillor John Joe Fennelly, the Members unanimously agreed to the disposal of 0.048 hectares of land at 9 Green Road, Portlaoise in the townland of Maryborough for a consideration of €20,950

(iv) DISPOSAL OF 0.0270 HECTARES OF LAND AT 73 CHERRY GROVE, KNOCKMAY

On the proposition of Councillor Jerry Lodge seconded by Councillor Kathleen O' Brien, the Members unanimously agreed to the disposal of 0.0270 hectares of land at 73 Cherrygrove, Knockmay, Portlaoise, in the townland of Knockmay for a consideration of €27,500

96. TAKING IN CHARGE OF THE FAIRWAYS, ABBEYLEIX

On the proposition of Councillor Mary Sweeney seconded by Councillor John Joe Fennelly, the Members unanimously agreed to the taking in charge of the Fairways, Abbeyleix. The Members extended thanks to the residents and the committee and also to the Director of Services and his staff for all the excellent work carried out at this location.

97. APPROVAL OF OVERDRAFT ACCOMMODATION IN THE SUM OF €8,000,000 FOR THE YEAR ENDING DECEMBER 31ST 2014

On the proposition of Councillor Ray Cribbin seconded by Councillor John King, the Members unanimously agreed to the approval of overdraft accommodation in the sum of €8,000,000 for the year ending December 31st 2014

98. COUNTY MANAGER'S REPORT ON THE ISSUES ARISING FROM PUBLIC CONSULTATION IN RELATION TO THE DRAFT DEVELOPMENT CONTRIBUTION SCHEME 2013 – 2017

Ms. Anna Marie Delaney, Director of Services indicated that the statutory basis for the operation of the various development contribution schemes is set out in the Planning & Development Act 2000 – 2010. The draft scheme has been prepared and put on public display. The public consultation period involved a six week consultation period. Ms. Angela McEvoy, Senior Planner outlined the four submissions which had been received and the County Managers recommendations on same. Ms. McEvoy advised that the Draft Development Contribution Scheme for 2013 – 2017 was before the Members for adoption.

The following queries were raised by the Members:

- Development levies in relation to wind turbines,

- Development levies for childcare facilities and in particular the condition that 5 jobs must be created in order to qualify for the 15% reduction
- Development levies for one off houses in rural areas
- Development levy on car parking spaces

Ms. Anna Marie Delaney, Director of Services responded to the various queries. It was also agreed that the condition requiring 5 jobs to be created in relation to private childcare in order to qualify for the proposed 15% reduction be reduced to 3 jobs.

It was agreed that the Scheme would be amended, to reflect the issues raised by the Members and discussed again in the afternoon. Issues were raised in relation to one off housing and the water/wastewater charge. The scheme without these to be circulated in the afternoon to inform the Elected Members how it would be applied from the 1st of January 2014

99. COUNTY MANAGER'S INTERIM REPORT ON TWO YEAR REVIEW OF THE OBJECTIVES OF THE LAOIS COUNTY DEVELOPMENT PLAN 2011-2017

The Members were circulated with a copy of the County Manager's Interim Report on the two year review of the objectives of the Laois County Development Plan 2011-2017. Ms. Angela McEvoy, Senior Planner briefed the Members on the details of same. The report detailing progress made to date was noted by the Members.

100. PRESENTATION BY MR. MICHAEL MOORE, SENIOR PROJECT ENGINEER AND COMMUNICATIONS MANAGER (GRID LINK) PROJECT & MR. LOUIS FISHER, EIRGRID PLANNING MANAGER

Mr. Michael Moore, Senior Project Engineer & Communications Manager (Grid Link) Project & Mr. Louis Fisher, Eirgrid Planning Manager were in attendance to give a presentation on the Gridlink Project – Stage 1 Report on identification of corridors.

The presentation informed the Members on the Company's proposals to bring 400 kv powerlines from Knocknacara in County Cork to Dunstown in North Kildare via Great Island in Wexford. In response to questions from the Members, the Members were advised that this is an entirely different project to the proposed substation in Ratheniska and that the preference was to use overhead cables.

101. 12.30 P.M. – AWARD OF CERTIFICATES TO PARTICIPANTS TO THE IPB ALL-ISLAND NATIONAL PRIDE OF PLACE COMPETITION

Ms. Anna Marie Delaney, Director of Services welcomed the following groups to accept a presentation of a certificate in recognition of their participation in the All Island National Pride of Place Awards 213 in Derry in November:-

- Residents of Knockmay
- South East Laois Arts Network
- Portarlinton Town

Both the Cathaoirleach and County Manager extended warm congratulations to all the groups for their work in their communities. The County Manager also extended his thanks to Ms. Anna Marie Delaney, Director of Services, Mr. Ian McCormack, Senior Executive Officer, Ms. Georgina Ireland, Administrative Officer, Ms. Honor Deevy, Senior Staff Officer and all the staff involved with the Pride of Place.

102. EASTERN & MIDLANDS REGIONAL WASTE MANAGEMENT PLANNING – BRIEFING NOTE

Mr. Kieran Kehoe, Director of Services advised the Members that the Minister has reconfigured the waste management regions in the Action Programme for Effective Local Government and indicated that Laois is now in the Eastern & Midlands Region. Dublin City are the lead authority in this region.

Mr. Kieran Kehoe, Director of Services advised the Members that to date Ireland was divided into 10 regions for waste management planning. However, under the Action Programme for Effective Local Government, there will now be 3 regions, i.e. Eastern & Midlands, Southern & Connact & Ulster. Laois are now part of the Eastern & Midlands region with Dublin City being the lead authority.

Mr. Kieran Kehoe, Director of Services responded to all queries raised and indicated that there will be equal participation from all local authorities.

103. COUNTY MANAGER'S REPORT ON THE ISSUES ARISING FROM PUBLIC CONSULTATION IN RELATION TO THE DRAFT DEVELOPMENT CONTRIBUTION SCHEME 2013 – 2017

The County Manager, Mr. Peter Carey indicated that on foot of the queries raised in relation to the above the concerns of the Members were taken into account and a revised document was circulated to the Members with suggested amendments as follows:-

Section 6.5 – Exemptions & Reductions

- New projects or grant supported expansions by IDA/EI shall be subject to the following levy structure
 - 1st 500 sq. m. @ €30
 - 2nd 500 sq. m @ €10
 - Above 1000 sq. m @ €7.50
- A 33% reduction shall apply to new business developments by local entrepreneurs where 5 or more new jobs are being created.
- A 33% reduction shall apply in the Retail Core of Portlaois, Portarlinton, Graiguecullen, and Mountmellick as defined in the Laois County Development Plan 2011 – 2017 and Local Area Plans respectively and in the village and town centre zoned areas for each town and village within the County Development Plan 2011-2017
- A 15% reduction shall apply to new childcare developments where 3 or more new jobs are being created.

- Table 2 - A Shortfall in provision of car parking spaces in Town Centre Zoned Areas - €1,000 per space:
 - In cases where the shortfall is between 1 – 5 spaces – no charge will be applied
 - In cases where the shortfall is between 5 – 10 spaces – 50% of the charge will be provided
 - In cases where the shortfall is 10+ full charge will apply
- Proposes development levies for wind turbines as follows:-
 - (i) Wind Turbines and other renewable energy installation generating > 0.5 MW - €1,000 per 0.1MW
- In addition, the following would also be applied:-
 - (i) Turbine between 75-100m - €25,000 per turbine
 - (ii) Turbine over 100 m - €50,000 per turbine

On the proposition of Councillor James Deegan seconded by Councillor John Joe Fennelly, the Members unanimously adopted the Draft Development Contribution Scheme 2013 – 2017 with the above amendments. The Scheme comes into effect from the 1st of November 2013.

104. TOURSIM UPDATE – EVENTS AND FESTIVALS 2013 – MR. DOM REDDIN, LAOIS COUNTY COUNCIL TOURISM OFFICER

Mr. Dominic Reddin, Tourism Officer with Laois County Council gave a very comprehensive presentation to the Members on festivals, events and activities for 2013/2014

The County Manager, Mr. Peter Carey thanked Mr. Reddin and all the staff in this area for the progress to date and acknowledged the work of the board of Laois Tourism, the business/trade community and Laois Chamber of Commerce and in particular the community at large. The County Manager also paid tribute to the Members for their continued support. The Cathaoirleach, Ms. Mary Sweeney paid tribute to Mr. Reddin and his team and the Members assured Laois County Council of their continued support in their forthcoming budget.

105. CORRESPONDENCE

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

- (i) Correspondence received from the Department of Finance dated the 11th of October 2013 in relation to Notice of Motion No's 24/2013, 25/2013, 26/2013 & 28/2013
- (ii) Correspondence received from the Department of the Environment, Community & Local Government dated the 10th of October 2013 in relation to Notice of Motion No: 31/2013
- (iii) Correspondence received from the Department of Housing & Planning in relation to Notice of Motion No: 32/2013

106. NOTICE OF MOTIONS

Notice of Motion No: 33/2013

Councillor Tom Mulhall proposed the following Notice of Motion:-

“That Laois County Council review all speed limits across the Country”

This motion was seconded by Councillor Padraig Fleming

The Members were advised that Laois County Council will be undertaking a review of the Speed Limits for the County, in the coming months.

Notice of Motion No: 34/2013

Councillor James Daly proposed the following Notice of Motion:-

“That Laois County Council amend the County Development Plan to make it easier for people to extend the duration of their planning permission. This is of particular importance for applicants who have been granted planning permission for one-off houses in rural Laois where that Planning Permission is now close to it’s expiration date. Because of the effect of the recession on families personal finances, and the restrictions by banks on mortgage offers, many applicants are not now in a position to start construction but fully intend to at some future date. The system appears unfair in that Planning Permission for much larger housing developments for multiple houses are being extended”

This motion was seconded by Councillor William Aird. The Members were advised that Section 42 of the Planning & Development Act 2000 as amended relates to extensions of duration to Planning Permissions.

In assessing these applications, the Planning Authority must have regard to changes in relation to Planning Policy since the initial assessment of the planning application.

Many new policies came in under the Laois County Development Plan 2011 – 2017 in relation to flooding, appropriate assessment, EPA testing for wastewater treatment for single houses as a result of European and National Legislation.

The Planning Authority also has regard to the financial circumstances of the applicant once the assessment of the policies above are compliant and generally are able to extend permissions however, applicants should make themselves aware of changes to policies such as flooding, appropriate assessment, EPA testing for wastewater treatment for single houses as they may have an impact on the decision to extend a planning permission.

Applicants have been advised of change to County Development Plan Policy and in these circumstances have the following options available to them

- Commence and complete dwelling in compliance with the authorized planning permission
- Commence the development and complete substantial works (up to roof level in the case of a dwelling) before the planning permission expires
- Apply for EPA test and subsequently apply for planning permission again

Laois County Council cannot accept an EPA test carried out to support an application to extend time on a permission as this may mean a material alteration to the permission granted in the first place and the Planning Authority are precluded from attaching new conditions to extensions of duration.

Finally, other types of development such as industrial units, housing developments, etc., have been refused permission to extend their permission for reasons pertaining to flooding and appropriate assessment. The EPA test does not relate to these developments but other policies do.

Notice of Motion No: 35/2013

Councillor William Aird proposed the following Notice of Motion:-

“That Laois County Council bring forward at the November meeting the necessary wording of an item on the agenda so that Ratheniska Group Water Scheme can be taken over by the Council”

This motion was seconded by Councillor James Deegan. The Members were advised that Ms. Mary Donohue, Rural Water Liaison Officer is currently working closely with Ratheniska Group Water Scheme to finalise the administrative aspects of the take-over of the scheme. It is expected that the take-over will be completed this year.

Notice of Motion No: 36/2013

Councillor William Aird proposed the following Notice of Motion:-

“That Laois County Council be forwarded the documentation that clearly states that farmer burning bushes have to give the date and time as to when this will take place”

This motion was seconded by Councillor Brendan Phelan. The Members were advised that there is an exemption under the Waste Management (Prohibition of Waste Disposal by Burning) Regulations, 2009 that allows farmers to dispose by burning untreated/uncontaminated wood, trees, trimmings, leaves, bushes or similar materials generated by agricultural practices.

This exemption does not apply unless the waste is generated by agricultural practices so it does not apply to green waste originating from a domestic or commercial setting. Burning of such wastes arising from agricultural activities may only be undertaken as a final measure following the application of the following waste hierarchy:

- Waste arisings are reduced in accordance with best agricultural practice
- Waste is reused where practicable

- Waste is recycled through shredding and used as compost or wood chippings
- Waste is salvaged for use as fuel where practicable

Further to the above measures, it is important that framers note that it is illegal to cut any vegetation between 1st of March and the 31st of August each year pursuant to the Wildlife Act, 1976, as amended, as this is the bird nesting season. In addition to the strict terms of the agricultural exemption, farmers are also reminded to adhere to the precautions that follow when disposing of gorse, scrub and other such agricultural green waste through burning.

In accordance with the regulations and to prevent the callout of the Fire Brigade and related associated costs to the farmer carrying out the burning an appropriate form was devised for completion and submission by the local authority to Fire Control. This form was circulated to the Members for their convenience.

This concluded the business of the meeting.

SIGNED:

CATHAOIRLEACH

CERTIFIED:

DIRECTOR OF CORPORATE

AFFAIRS