

**MINUTES OF OCTOBER MONTHLY MEETING OF LAOIS COUNTY  
COUNCIL HELD AT ÁRAS AN CHONTAE, PORTLAOISE ON THE  
20<sup>TH</sup> OF OCTOBER 2008**

<b>PRESENT:</b>	Councillors	Thomas Jacob	In the Chair
		Willie Aird	Mary Sweeney
		Patrick Bracken	Ray Cribbin
		James Deegan	David Goodwin
		Geraldine Delaney	John D. Turley
		J.J. Fennelly	James Daly
		Laurence Kavanagh	Michael Moloney
		Michael Lalor	Jerry Lodge
		Dick Miller	Seamus McDonald
		Brendan Phelan	Catherine Fitzgerald
		Martin Phelan	Michael Rice
		Paul Mitchell	

<b>APOLOGIES:</b>	Councillors	Brian Stanley	John Bonham
		John Moran	

**IN ATTENDANCE:**

Messers Peter Carey, County Manager, Gerry Gibson, Director of Services, John Daly, Director of Services, Mr. Declan Byrne, Director of Services, Mr. Gerry Murphy, Head of Finance Ms. Anna Marie Delaney, Director of Services, , Mr. John O'Donoghue, Senior Engineer, Ms. Angela McEvoy, A/Senior Planner, Mr. Donal Kiely, Senior Executive Planner, Ms. Emer Shanahan, Executive Planner, Mr. Michael O'Hora, Senior Engineer, Mr. John Gavin, Senior Executive Engineer, Ms. Orla Barrett, Senior Executive Engineer, Ms. Josephine Kavanagh, A/Senior Executive Officer, Ms. Ann Marie Kirrane, A/Administrative Officer, & Ms. Catherine Gorman, A/Executive Secretary.

**116. KYLETALESHA LANDFILL**

**100. CONFIRMATION OF MINUTES**

On the proposal of Councillor William Aird, seconded by Councillor David Goodwin, it was agreed by the Members that the Minutes of the September meeting held on the 29<sup>th</sup> July 2008 as circulated be adopted and signed.

#### **101. WELCOME AND INTRODUCTION OF NEW LAOIS YOUTH COUNCIL**

The Cathaoirleach, Councillor Tom Jacob welcomed the new Laois Youth Council and Ms. Patricia Cullen, Youth Officer with the V.E.C. to the September Council Meeting and congratulated the students present who had been elected from the 13 secondary schools in the county.

The Members were briefed by Dominic Reddin, Community & Enterprise Officer.

The aim of Laois Youth Council is to promote Youth participation at a local level and it will be a forum where young people will be the voice representing young people in Laois.

The County Manager and the Members welcomed the Laois Youth Council and extended congratulations to all involved in the project, school authorities, parents for their assistance and co-operation in the development.

It was agreed to invite back the Laois Youth Council to the May 2009 meeting of Laois County Council.

#### **102. PROPOSED MATERIAL CONTRAVENTION OF THE PORTLAOISE LOCAL AREA PLAN IN ACCORDANCE WITH SECTION 34 (6) OF THE PLANNING & DEVELOPMENT ACT, 2000, IN RELATION TO THE FOLLOWING:-**

Application to erect two no. dwelling units at Clonminam, Portlaoise, Co. Laois – Ref. 08/673.

Councillor James Deegan proposed the approval of the Proposed Material Contravention of the Portlaoise Local Area Plan in accordance with Section 34 (6) of the Planning & Development Act, 2000. This was seconded by Councillor John Bonham.

A roll call vote was taken which resulted as follows:

COUNCILLOR	FOR	Against	Absent
<b>Name</b>			
William Aird	√		
John Bonham	√		
Patrick Bracken	√		
Raymond Cribbin	√		
James Daly	√		
James Deegan	√		
Geraldine Delaney			√
John Joe Fennelly	√		
Catherine Fitzgerald		√	
David Goodwin	√		
Thomas Jacob	√		
Laurence Kavanagh	√		
Michael Lalor	√		
Jeremiah Lodge	√		
Seamus McDonald	√		
Dick Miller	√		
Paul Mitchell			√
Michael Moloney			√
John Moran	√		
Brendan Phelan		√	
Martin Phelan	√		
Michael Rice	√		
Brian Stanley	√		
Mary Sweeney	√		
John D. Turley	√		
<b>TOTAL</b>	<b>20</b>	<b>2</b>	<b>3</b>

The result of the Roll Call was 20 votes for the proposal, 2 against and 3 absent.

The Cathaoirleach declared the proposal of Councillor James Deegan seconded by Councillor John Bonham to be approved.

### 103. REPORTS ON AREA & SPC MEETINGS HELD IN SEPTEMBER 2008

On the proposal of Councillor Paddy Bracken, seconded by Councillor John Moran, the reports on area meetings held in July and September 2008 were noted, as circulated.

On the proposal of Councillor Paddy Bracken seconded by Councillor John Bonham, the reports on SPC meetings held in September 2008 were noted, as circulated.

**104. CAR PARK AND PARKING PLACE (AMENDMENT) BYE-LAWS PORTLAOISE 2008**

Members were circulated with the Car Park and Parking Place (Amendment) Bye-Laws Portlaoise, 2008. On the proposition of Councillor Mary Sweeney seconded by Councillor Brian Stanley, the Members unanimously adopted the Car Park and Parking Place (Amendment) Bye-Laws Portlaoise 2008.

**105. PORTLAOISE APPOINTED STANDS (AMENDMENT) BYE-LAWS 2008**

Members were circulated with the Portlaoise Appointed Stands (Amendment) Bye-Laws 2008. On the proposition of Councillor Brian Stanley seconded by Councillor John Moran, the Members unanimously adopted the Portlaoise Appointed Stands (Amendment) Bye-Laws 2008.

**106. PART VIII OF THE LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS, 2001 – 2007 IN RESPECT OF:**

**(a) RURAL DWELLING AT KILCOTTON, BORRIS-IN-OSSORY**

Members were circulated with the planning report on rural dwelling at Kilcotton, Borris-in-Ossory. On the proposal of Councillor Laurence Kavanagh, seconded by Councillor Martin Phelan, the Members unanimously agreed to proceed with the proposed development.

**(b) RURAL DWELLING AT RATHNALEIGH, ERRILL**

Members were circulated with the planning report on rural dwelling at Rathnaleigh, Errill. On the proposal of Councillor Martin Phelan, seconded by Councillor John Joe Fennelly, the Members unanimously agreed to proceed with the proposed development.

**(c) RURAL DWELLING AT FISHERSTOWN, BALLYBRITTAS**

Members were circulated with the planning report on rural dwelling at Fisherstown, Ballybrittas. On the proposal of Councillor James Deegan, seconded by Councillor Ray Cribbin, the Members unanimously agreed to proceed with the proposed development.

**(d) RURAL DWELLING AT DYSARTBEAGH, MOUNTRATH**

Members were circulated with the planning report on rural dwelling at Dysartbeagh, Mountrath. On the proposal of Councillor Michael Lalor, seconded by Councillor John Joe Fennelly, the Members unanimously agreed to proceed with the proposed development.

**(e) PLAYGROUND AT OLD BOYS SCHOOL, BALLYRAGGETT ROAD, DURROW**

Members were circulated with the planning report on playground at Old Boys School, Ballyraggett Road, Durrow. On the proposal of Councillor John Bonham, seconded by Councillor John Joe Fennelly, the Members unanimously agreed to proceed with the proposed development.

**(f) PUMPHOUSE AND ASSOCIATED WORKS AT GLEBE, ATTANAGH**

Members were circulated with the planning report on pumphouse and associated works at Glebe, Attanagh. On the proposal of Councillor John Bonham, seconded by Councillor Martin Phelan, the Members unanimously agreed to proceed with the proposed development.

**(g) REFURBISHMENT OF AND EXTENSION TO STRADBALLY COURTHOUSE, STRADBALLY.**

Members were circulated with the planning report on refurbishment of and extension to Stradbally Courthouse, Stradbally. On the proposal of Councillor James Deegan, seconded by Councillor Ray Cribbin, the Members unanimously agreed to proceed with the proposed development.

Councillor James Deegan advised that the railings on the east side of the Courthouse on the Timahoe Road were protruding onto the public road. He proposed that they not be altered but ensure that pedestrian requirements are taken into consideration.

**107. TAKING IN CHARGE OF:**

**(a) ATTANAGH GROUP WATER SCHEME**

On the proposition of Councillor John Bonham, seconded by Councillor John Joe Fennelly, the Members unanimously agreed to the taking in charge of Attanagh Group Water Scheme.

**(b) RATHEVAN GROUP WATER SCHEME**

On the proposition of Councillor William Aird, seconded by Councillor Mary Sweeney, the Members unanimously agreed to the taking in charge of Rathevan Group Water Scheme.

**(c) KYLETALESHA GROUP WATER SCHEME**

On the proposition of Councillor William Aird, seconded by Councillor Brian Stanley, the Members unanimously agreed to the taking in charge of Kyletalesha Group Water Scheme.

**(d) BALLYMULLEN GROUP WATER SCHEME**

On the proposition of Councillor John Joe Fennelly, seconded by Councillor John Bonham, the Members unanimously agreed to the taking in charge of Ballymullen Group Water Scheme.

**108. TAKING IN CHARGE OF ROSSVALE & ROSSVALE COURT HOUSING ESTATES, MOUNTMELICK ROAD, PORTLAOISE, CO. LAOIS.**

On the proposition of Councillor Brian Stanley, seconded by Councillor Jerry Lodge, the Members unanimously agreed to the taking in charge of Rossvale and Rossvale Court Housing Estates, Mountmellick Road, Portlaoise, Co. Laois.

Councillor Brian Stanley queried what plans the Council have to provide drainage and kerbing at grass verge in front of Rossvale Estates and in particular for the green area between Rossvale and Liogard Estates. Mr. Kieran Kehoe, S.E.O., advised that a meeting would be arranged between Laois County Council and the Residents Associations.

Compliments were paid to Mr. Jim O'Sullivan, Building Control Officer, on the tremendous work achieved in the taking in charge of Rossvale Estates.

On the proposition of Councillor Jerry Lodge, seconded by Councillor Mary Sweeney, it was agreed that a workshop regarding the operation of

bonds and other matters in respect of housing estates be arranged for elected members.

**109. POLICY ON SHOP FRONTS FROM PLANNING & TRANSPORTATION SPC**

The Members were circulated with the policy on Shop Fronts which has been approved by the Planning & Transportation Strategic Policy Committee.

On the proposition of Councillor Martin Phelan, seconded by Councillor John Bonham, the Members unanimously adopted the Policy on Shop Fronts.

Councillor Catherine Fitzgerald queried the management of derelict sites. Mr. John Daly, Director of Services, advised that active measures are in place to deal with same.

**110. NATIONAL TIDY TOWNS RESULTS 2008**

Members were circulated with details in relation to the national Tidy Towns Results 2008 and noted that there was a substantial increase in marks awarded to towns and villages across the County and great credit was due to the voluntary Tidy Towns Committees who worked tirelessly to keep their areas litter free.

The efforts of the Environment Section and the Area Offices which give every assistance possible to Tidy Towns Committees have also been a factor.

Compliments were also paid to the County Horticulturalist Ms. Maeve Flynn on all the work she has achieved and the assistance she has given to the Tidy Town Committees.

**111. WELCOME TO CAMROSS ACTIVE RETIREMENT GROUP**

The Cathaoirleach welcomed to the September Council Meeting the members of Camross Active Retirement Group.

He advised that Laois County Council were delighted that they have chosen to include visiting Aras an Chontae as part of their schedule of outdoor events throughout the month.

## **112. PROGRESS REPORT ON THE IMPLEMENTATION OF THE MIDLANDS REGIONAL WASTE MANAGEMENT PLAN 2005/2010**

Members were circulated with the progress report on the Implementation of the Midlands Regional Waste Management Plan 2005/2010. It was noted that this was a progress report only on work being carried out at regional and local level.

## **113. CORRESPONDENCE**

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

- (i) Letter received from Killarney Town Council in relation to Notice of Motion 15/08 passed by Laois County Council on the 30<sup>th</sup> June, 2008.
- (ii) Acknowledgement dated 18<sup>th</sup> September 2008 from Mary Delaney, Community Services Manager, Health Service Executive, in relation to Notice of Motion passed at the July Council Meeting re. C.T. scanner at Portlaoise.
- (iii) Letter of reply dated 17<sup>th</sup> September, 2008, from Batt O’Keeffe, Minister for Education and Science regarding Notice of Motion 45/07 – Provision of a defibrillator in all primary and post-primary schools.
- (iv) Letter received from Clonmel Borough Council in relation to Notice of Motion 15/08 passed by Laois County Council on the 30<sup>th</sup> June, 2008.
- (iv) Acknowledgement dated 11<sup>th</sup> September 2008 from Margaret McCarthy, Private Secretary, Office of the Minister for Education and Science in relation to income level for Higher Education Grants.
- (v) Correspondence received from Ballinasloe Town Council, re. notice of motion adopted by their members “That this Council contact the Minister for Foreign Affairs requesting that he use every diplomatic measure at his disposal to influence the authorities in Belarus with a view to reversing their decision to not allow children in that region to travel to Ireland”.
- (vi) Acknowledgement received from Dublin City Council regarding Notice of Motion 15/08.
- (vii) Acknowledgement received from Office of the Minister, Environment, Heritage and Local Government, re. Notice of Motion 19/08 – Energy Efficiency Grants.
- (viii) Acknowledgement received from Clones Town Council regarding Notice of Motion 15/08.
- (ix) Letter received from Office of the Minister, Environment, Heritage and Local Government, in connection with the revision of local electoral areas in County Laois.



- (x) Letter received from Office of the Minister for Education and Science, regarding Notice of Motion 10/08 – Holiday earnings for reckonable income purposes under the Third Level Student Support Scheme.
- (xi) Letter received from Office of the Minister, Environment, Heritage and Local Government, re. Notice of Motion 15/08.
- (xii) Acknowledgment received from the Office of the Taoiseach regarding the WTO
- (xiii) Acknowledgment received from the Minister for Agriculture, Fisheries and Food regarding the WTO.

#### **114. ANY OTHER BUSINESS**

Councillor James Daly enquired as to whether a meeting between Carlow County Council/Town Council in relation to (Graiguecullen) Luggacurren Electoral Area had been arranged. John Daly, Director of Services, advised that same was being arranged for mid-October.

Councillor Mary Sweeney sought clarification regarding payment of DPG Grants. Ms. Anna Marie Delaney, Director of Services, advised that additional funding has been sought from the D.O.E.H.L.G.

Councillor Michael Lalor complimented the County Manager and all staff involved on the excellent work carried out on the White Horse River in Mountrath.

On the proposition of Councillor James Daly, seconded by Councillor Martin Phelan, a vote of congratulations was given to Councillor James Deegan on his appointment as Chairman of the Association of Irish Regions (AIR).

#### **115. NOTICES OF MOTION**

##### **Notice of Motion No. 24/08 – Councillor Brian Stanley**

“That the members of this Council be furnished with detailed accounts covering the last five years for the Kyletalesha Landfill, so as to enable us to make a full assessment of its operation and ensure that this important facility remains in Council ownership”.

This motion was seconded by Councillor Catherine Fitzgerald. The members were briefed as follows:

The following are details of Operating and Capital Costs incurred in Kyletalesha Landfill in the period 2003 to 2007:

Year	Operating Costs €	Capital Costs €
2003	1,192,694	1,524,477
2004	1,271,612	2,952,703
2005	1,340,754	1,373,185
2006	1,425,723	3,873,672
2007	1,329,656	3,436,799
<b>Total</b>	<b>6,560,439</b>	<b>13,160,836</b>

Details of Income received from Landfill are set out below:

Year	Income €
2003	3,826,078
2004	4,680,822
2005	5,306,126
2006	5,166,234
2007	4,315,474
<b>Total</b>	<b>23,294,734</b>

When Expressions of Interest have been received and evaluated, a full report will be prepared for the members of Laois County Council.

As previously notified, the Capital Debt at 31/12/2007 was €8.3 million.

**Notice of Motion No. 25/08 – Councillor Brian Stanley**

“That this Council, in light of the substantial changes in weather patterns, put in place a proper action plan to deal with flooding, this needs to include identifying likely locations of flooding and having sufficient staff on call”.

This motion was seconded by Councillor William Aird. The members noted that an integral part of the preparation of the new Major Emergency Management Framework Plan is the preparation of sub-plans for specific areas.

In that regard a specific sub-plan has been prepared for severe weather/flood related situations.

**Notice of Motion No. 26/08 – Councillor William Aird**

“That this Council recommend that the public representatives on the Kyletalesha Monitoring Committee, namely Mr Paddy Bracken, Mr Marty Phelan and Mr Brian Stanley, be present for all discussions in relation to the landfill site and particularly in relation to possible discussions of expressions of interest”.

This motion was seconded by Councillor Brian Stanley. The members were advised that Expressions of Interest have been invited from interested parties to provide waste management services at Kyletalesha Landfill. The services to be provided can include land purchase and/or partnership arrangements.

When the Expressions of Interest have been received and evaluated, a report will be prepared for the members of Laois County Council.

The Kyletalesha Monitoring Committee will be kept informed of developments throughout the process.

**Notice of Motion No. 27/08 – Councillor William Aird**

“That this Council call on the County Manager to outline his plans if any to respond to the Department of Environment’s request for a 3% cut-back”.

This motion was seconded by Councillor Laurence Kavanagh. The members were advised that the matter of a 3% reduction is a directive from the D.o.E.H.L.G. This matter is currently receiving attention and the members will be briefed in due course.

This concluded the business of the meeting.

Signed:

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Cathaoirleach

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Director of Corporate Affairs