

**MINUTES OF SEPTEMBER MEETING OF LAOIS COUNTY COUNCIL**  
**HELD ON THE 25<sup>TH</sup> SEPTEMBER 2006 IN ÁRAS AN CHONTAE,**  
**PORTLAOISE AT 11.00 A.M.**

<b>PRESENT:</b>	<b>Councillor</b>	<b>Michael Lalor</b>	<b>In the Chair</b>
	<b>Councillors</b>	<b>John Bonham</b>	<b>Paddy Bracken</b>
		<b>Ray Cribbin</b>	<b>James Daly</b>
		<b>James Deegan</b>	<b>William Aird</b>
		<b>John Joe Fennelly</b>	<b>Catherine Fitzgerald</b>
		<b>David Goodwin</b>	<b>Thomas Jacob</b>
		<b>Jerry Lodge</b>	<b>Bill Delaney</b>
		<b>Seamus McDonald</b>	<b>Michael Moloney</b>
		<b>Dick Miller</b>	<b>Paul Mitchell</b>
		<b>John Moran</b>	<b>Brendan Phelan</b>
		<b>Martin Phelan</b>	<b>Michael Rice</b>
		<b>Brian Stanley</b>	<b>Mary Sweeney</b>
<b>APOLOGIES:</b>	<b>Councillor</b>	<b>John D Turley</b>	<b>Larry Kavanagh</b>

**IN ATTENDANCE:**

**Messers: Peter Carey, County Manager; Gerry Gibson, Director of Services; Declan Byrne, Director of Services; Gerry Murphy, Head of Finance; Martin Daly Senior Executive Officer; John O' Donoghue, Senior Engineer; Kieran Kehoe, Senior Executive Engineer; Steve Craig, Graduate Engineer; Gerry Gillen, Senior Executive Officer Corporate Affairs.**

**Misses: Anna Marie Delaney, Director of Services; Carmel McNicholl, Senior Executive Officer; Fionnula Daly, Senior Social Worker; Catherine Casey, Heritage Officer; Lorna Gleeson, Acting A/O; Breda Creed, Acting Assistant Staff Officer.**

**119. VOTE OF SYMPATHY**

**The Cathaoirleach, on behalf of the Members and on his own behalf, extended good wishes for a speedy return to full health to the County Manager Mr Peter Carey, who had recently been ill.**

**The Members unanimously agreed that the sympathy of the Council be extended to the following individuals and families who had recently suffered bereavements.**

**To Mr Gerry Gibson, Director of Services, on the death of his father.**

**To the Cooney Family on the death of their mother Matilda.**

**To the Ward Family on the death of Har Ward, a former employee of Laois County Council.**

**To the Dunne Family, New Road, Portlaoise.**

**To Councillor Mary Sweeney on the death of her aunt, Ms. Maureen Scully.**

**To the Haughney Family on the death of Mick, a former Laois footballer.**

**To the representatives of the late Peter Fitzpatrick, Kilcotton and to Mr John Whelan on the death of his father.**

## 120. CONFIRMATION OF MINUTES

On the proposition of Councillor John Bonham which was seconded by Councillor Tom Jacob, it was unanimously agreed that the Minutes of the Meeting of Laois County Council held on the 31<sup>st</sup> of July, 2006 as circulated be adopted and signed.

## 121. MATERIAL CONTRAVENTION OF THE COUNTY DEVELOPMENT PLAN 2000 IN ACCORDANCE WITH SECTION 34(6) OF THE PLANNING & DEVELOPMENT ACT, 2000 IN RELATION TO:-

Application for permission to demolish no. 14 & 15 Patrick street, Mountmellick & construct commercial & retail development, anchor unit, retail & storage units, commercial & office element, open service yard, 248 car parking spaces in a multi-storey car park, ingress & egress will be via a new road exit, new ESB substation to be provided, diversion of foul & stormwater pipes, boundary treatments, landscaping, connections to existing public services and all associated development works at the rear of Patrick street, Mountmellick.  
(Planning Ref: No. 06/519)

On the proposition of Councillor Michael Moloney, seconded by Councillor Paddy Bracken, the Members unanimously agreed to the proposed material contravention of the County Development Plan.

## 122. PART VIII OF THE LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) REGULATIONS IN RESPECT OF:

### (a) Portarlington Water Supply Improvement Scheme.

The Members were informed that the item relating to the Portarlington Water Supply Scheme had been mistakenly included on the agenda and that they had dealt with this item at the July Meeting of the Council.

### (b) Refurbishment and Adaptation of Durrow Courthouse, Durrow, Co. Laois.

The Members had been circulated with the Planning Report in relation to the proposed Refurbishment and Adaptation of Durrow Courthouse, Durrow, Co. Laois. On the proposal of Councillor John Bonham which was seconded by Councillor Martin Phelan, the Members adopted the proposal.

### (c) Knockmay Development Project.

The Members had been circulated with the Planning Report in relation to the proposed Phase 1 of Knockmay Development Project (Oakleaf Place) to include the following:

New Access road off Harpur's Lane, new pedestrian link to Cherrygrove, closing off existing access to Oakleaf Place. These proposals will necessitate the demolition of a no. of houses and the construction of a no. of replacement houses, including 2 no. houses fronting into Harpur's Lane.

Other works to include -front elevation treatment, extension to a no. of houses, new front boundary walls, additional parking, elimination of existing pedestrian way.

The Members welcomed the proposal to proceed with Phase 1 of the Knockmay Re-Development Project and congratulated those who had been involved with advancing the project to this stage. Various concerns were raised by Councillors, and in addressing these Mr Byrne informed the meeting that a dedicated Project Worker and Tenant Liaison Officer would be assigned to the Project, to work in partnership with tenants and resident's groups. The County Manager, Mr Peter Carey welcomed the development as a landmark project for Laois County Council, and paid tribute to the Members for their foresight in supporting the project.

On the proposal of Councillor William Aird which was seconded by Councillor Brian Stanley the Members unanimously adopted the proposal to proceed with Phase 1 of Knockmay Re-Development Project.

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

(a) On the proposal of Councillor Tom Jacob which was seconded by Councillor Brian Stanley the Members unanimously agreed to the Disposal of the Freehold of property at 104 St Brigid's Place, Portlaoise to Patrick Maher and Elizabeth Maher for the sum of €127.00

(b) On the proposal of Councillor David Goodwin which was seconded by Councillor Michael Moloney, the Members unanimously agreed to the Disposal of the Freehold of property at 5 Lord Edward Street, Mountmellick, Co. Laois. to Mary Collins, for the sum of €127.00

(c) On the proposal of Councillor Michael Rice which was seconded by Councillor Dick Miller the Members unanimously agreed to the Disposal of the Freehold of property at 2 Rathduff, Hollymount, Carlow to Michael and Bridget Shannon for the sum of €127.00

(d) On the proposal of Councillor Ray Cribbin which was seconded by Councillor Paul Mitchell, the Members unanimously agreed to the Disposal of 0.53 acres approx (Site No. 16) at Portarlinton Industrial Estate in the townland of Cooltederry, to Portarlinton Enterprise Centre Limited, Portarlinton, Co. Laois., by way of a site fine of €1000 and subject to certain conditions.

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

On the proposal of Councillor Ray Cribbin seconded by Councillor Paul Mitchell the Members unanimously agreed to amend the disposal notice which they had previously adopted relating to the disposal of land measuring 0.7 acres at Link Road, Portarlinton. The original Section 183 Notice had been discussed at the Council Meeting on 31<sup>st</sup> July 2006 and the Members had approved the disposal to Portarlinton Community Development Ltd. (P.C.D.A.) by way of a 99 year lease. P.C.D.A. Ltd. have now requested that the disposal be in the name of Portarlinton Childcare Committee Limited.

**125. APPOINTMENT OF A MEMBER OF LAOIS COUNTY COUNCIL AS A DIRECTOR OF PORTLAOISE COMMUNITY ACTION PROJECT LTD.**

On the proposal of Councillor James Daly which was seconded by Councillor Mary Sweeney, the Members unanimously agreed to the appointment of Councillor William Aird as a Director of Portlaoise Community Action Project Ltd.

**126. TAKING IN CHARGE OF SLATT/WOLFHILL GROUP WATER SCHEME.**

On the proposal of Councillor James Daly which was seconded by Councillor Michael Rice, the Members unanimously agreed to the Taking in Charge of Slatt/Wolfhill Group Water Scheme.

**127. DRAFT POLICY ON BURIAL GROUNDS AS RECOMMENDED BY THE ENVIRONMENT & WATER SERVICES STRATEGIC POLICY COMMITTEE.**

The Members had been circulated with the Draft Policy on Burial Grounds as recommended by the Environment & Water Services Strategic Policy Committee. Following discussions the Members, on the proposal of Councillor Mary Sweeney which was seconded by Councillor John Moran, adopted the Draft Policy on Burial Grounds subject to the following amendment;

Item 2. The time allowed for artificial flowers and wreaths to remain on graves will be removed from the policy. This matter will be dealt with as an operational matter by each individual Graveyard Committee.

**128. DRAFT BYE-LAWS FOR THE PRESENTATION OF WASTE AS RECOMMENDED BY THE ENVIRONMENT & WATER SERVICES STRATEGIC POLICY COMMITTEE.**

The Members had been circulated with the draft Bye-Laws for the Presentation of Waste. Mr John Daly, Director of Services, replied to a number of questions that were posed by various Councillors. On the proposal of Councillor Mary Sweeney which was seconded by Councillor James Daly the Draft Bye-Laws for the Presentation of Waste were adopted subject to an amendment to item 14c.

**Bags, boxes or other packaging for the presentation of residual waste and dry recyclables approved by Laois County Council**

**Pre-paid bags or other packaging purchased from service providers may be used for the presentation of residual waste or dry recyclables, where they are clearly marked indicating that they are for the specific purpose of residual waste collection or for the collection of dry recyclables, subject to the bags or packaging having been approved for use by Laois County Council.**

#### **129. PARKING PLACE & CAR PARK BYE-LAWS - PORTLAOISE**

**(a) Proposed amended Parking Bye-Laws for Portlaoise.**

**Mr Gerry Gibson, Director of Services replied to a number of questions that were posed by various Members.**

**On the proposal of Councillor Brian Stanley which was seconded by Councillor William Aird the Members adopted the Proposed amended Parking Bye-Laws for Portlaoise.**

**Following further discussion Councillor Martin Phelan proposed that the position pertaining to Bull Lane, Portlaoise be reviewed after a period of six months. This proposal was seconded by Councillor Michael Moloney, and unanimously agreed by the Members.**

**(b) Draft Parking Areas and Car Park Bye-Laws 2006 Portlaoise.**

**On the proposal of Councillor Brian Stanley which was seconded by Councillor William Aird, the Members agreed to the adoption of the Draft Parking Areas and Car Park Bye-Laws 2006 Portlaoise.**

#### **130. DRAFT HERITAGE PLAN 2007-2011.**

**The Members were circulated with the Draft Heritage Plan 2007-2011 as recommended by the Housing, Social and Cultural Strategic Policy Committee. The Members welcomed the Draft Heritage Plan and commended Ms. Catherine Casey, Heritage Officer, for her work in promoting Heritage awareness in Laois. Mr Peter Carey, County Manager also welcomed the Plan and acknowledged the input of all concerned. On the proposal of Councillor Tom Jacob which was seconded by Councillor John Moran, the Members unanimously adopted the Draft Heritage Plan 2007-2011.**

#### **131. APPROVAL TO PROCEED WITH THE JAMES FINTAN LALOR PERCENTAGE FOR ART PROJECT AT ÁRAS AN CHONTAE.**

**On behalf of the Members the Cathaoirleach welcomed the proposal to proceed with the project. Mr Declan Byrne, Director of Services, outlined the details of**

the proposal and the funding arrangements that he anticipated would apply in respect of the project. He sought the approval of the Members in principle to proceed with the Project. On the proposal of Councillor James Deegan which was seconded by Councillor John Joe Fennelly, the Members unanimously agreed to grant their approval in principle to proceed with the James Fintan Lalor percentage for Art Project at Áras an Chontae.

#### 132. FIX DATE FOR THE HOLDING OF THE OCTOBER MONTHLY MEETING.

On the proposition of Councillor James Deegan which was seconded by Councillor Jerry Lodge, the Members unanimously agreed to fix 23<sup>rd</sup> October as the date for the October monthly meeting of the Council.

#### 133. CORRESPONDENCE

Mr Gerry Gillen, Senior Executive Officer, advised there was no correspondence for noting.

#### 134. ANY OTHER BUSINESS.

(a) In relation to the Ballyteegan Sewerage Extension, Councillor Tom Jacob congratulated everyone concerned on the progress made to date, and suggested that immediate application be made for the required E.S.B. connections, as long delays in this area could have a negative impact on the delivery of the project.

(b) In relation to Broadband the Members enquired as to the availability and effectiveness of the network in Laois. On the proposal of Councillor Martin Phelan which was seconded by Councillor Mary Sweeney, the Members requested that an audit of the service be carried out. The Members also requested that a co-ordinator from the Midland Regional Authority attend a meeting of the Council to address the Members concerns relating to the availability of Broadband in Laois.

(c) The Members noted the fact that construction work had recently commenced at the Money Cross junction.

(d) A proposal by Councillor William Aird which was seconded by Councillor Ray Cribbin to the effect that a letter should issue to Mr Mick O'Dwyer, in recognition of his work with the Laois Senior Football team was unanimously approved.

#### 135. NOTICES OF MOTION:

Notice of Motion: No 39/06

Councillor Brian Stanley proposed the following Notice of Motion:-

"That Laois County Council examine the possibility of using the methane gas that emanates from the landfill at Kyletalesha with a view of maximising the benefits

that can be derived from this resource in terms of a "waste to energy" process".

The Motion was seconded by Councillor Jerry Lodge.

Mr Gerry Gillen, read the reply to the Notice of Motion which was as follows:

Laois County Council Environment Section has instructed their consulting engineers "RPS Consulting Engineers Ltd.," to look at the possibility of harnessing gases generated at the landfill for energy generation with the ultimate possibility of connection to the national grid.

Councillor Brian Stanley welcomed the reply and requested that an update in relation to this matter be prepared in advance of the November Council meeting.

Notice of Motion: No 40/06

Councillor James Deegan proposed the following Notice of Motion:-

"That Laois County Council call on the Minister of the Environment, Heritage and Local Government to provide further funding for the Rock of Dunamase".

The Motion was seconded by Councillor Tom Jacob. Councillor James Deegan listed issues to be addressed i.e. Lighting, Access, Ongoing Maintenance, and the possibility of providing an Interpretative Centre at the site. It was unanimously agreed that a letter should issue to the Minister.

Notice of Motion: No 41/06

Councillor William Aird proposed the following Notice of Motion:-

"That Laois County Council give consideration, immediately, to the employment of an Archivist"

The Motion was seconded by Councillor Martin Phelan.

Mr Gerry Gillen, read the reply to the Notice of Motion which was as follows:

The County Manager is currently considering the obligations placed on the Council under the relevant legislation with regard to the statutory duty to managing archives and will make a decision in this regard in due course.

Notice of Motion: No 42/06

Councillor Martin Phelan proposed the following Notice of Motion:-

"That Laois County Council consider not signing any contracts relating to the N7-N8 Road Project, until the N.R.A. re-instate the graded junctions which have been removed from the originally proposed project".

The Motion was seconded by Councillor John Bonham.

Mr Gerry Gibson, read the reply to the Notice of Motion which was as follows:

The N7-N8 is a National Roads Project designated as a Public Private Partnership Project in the National Roads Plan. The N.R.A. have sought tenders for this project and are examining the tenders with a view to selecting a successful tender. Implementation of the project is a matter between the

successful contractor and N.R.A.'s Public/Private Partnership Unit which has the statutory authority to implement the Scheme.

Mr Gibson informed those present that he is awaiting clarification from the N.R.A. in relation to the provision of the graded junctions.

Notice of Motion: No 43/06

Councillor Martin Phelan proposed the following Notice of Motion:-

"That Laois County Council call on Iarnróid Eireann to have additional trains stop at Ballybrophy and to provide extra services for the area".

The Motion was seconded by Councillor Brendan Phelan. The Members unanimously adopted the Notice of Motion and requested that a representative from Iarnróid Eireann be requested to attend a meeting of the Council to address the Members concerns in this regard.

Notice of Motion: No 44/06

Councillor Martin Phelan proposed the following Notice of motion:-

"That Laois County Council call on the Minister of the Environment, Heritage and Local Government to provide additional funding for the prevention of flooding in Laois".

The Motion was seconded by Councillor Brian Stanley and was unanimously adopted.

Notice of Motion: No 45/06

Councillor James Daly, Councillor John Moran, Councillor Dick Miller, and Councillor Michael Rice proposed the following Notice of Motion:-

"That Laois County Council query E.S.B. Contracts regarding the substantial increase in the costs incurred in the provision of Public lighting throughout the County".

The Motion was seconded by Councillor John Joe Fennelly.

Mr Gerry Gillen, read the reply to the Notice of Motion which was as follows:

The cost of providing new public lights by E.S.B. Contracts has increased as follows:-

- (i) The cost of providing a light/bracket on an existing wooden pole has increased from €295 in 2005 to €812 in 2006.
- (ii) The cost of providing a new light on a 6 metre steel column has increased from €1362 (including civil works) in 2005 to €1364 in 2006 with additional costs for civil works at a cost of €45 per metre. The civil works referred to includes trenching and the installation of underground ducting.

The above prices were quoted by E.S.B. Contracts in the past two years and can be queried again by Laois County Council.



The Members expressed concerns that these increases were having a very negative impact on the provision of Public lighting, and requested that a representative from the E.S.B. be requested to attend a meeting of the Council in order to hear the concerns of the Members in this regard.

Notice of Motion: No: 46/06

Councillor Michael Moloney proposed the following Notice of Motion:-

"That Laois County Council call on the Health Service Executive to finalise the provision of a replacement Oratory at the hospital in Portlaoise, for use by the people of Laois who are attending the hospital"

The Motion was seconded by Councillor William Aird. The Members unanimously adopted this Notice of Motion.

Notice of Motion: No: 47/06

Councillor Michael Moloney proposed the following Notice of Motion:-

"That Laois County Council call on the Minister for the Environment to examine the requirement to place both an advertisement and a site notice in respect of planning application. Instances have been reported of Site Notices having being removed leading to applicants having to re-apply through no fault of their own for planning permission".

Mr Gerry Gibson, read the reply to the Notice of Motion as follows:

Article 20 , Planning & Development Regulations, 2001, states that 'a Site Notice shall be maintained in position on the land or structure concerned for a period of 5 weeks from the date of receipt of the Planning Application by the Planning Authority and shall be renewed or replaced if it is removed or becomes defaced or illegible within that period.' The onus is therefore on the applicant to ensure that the notice remains in place for the required statutory period.

This hasn't been identified as a major problem and it is extremely important that those residing in the immediate vicinity of the proposed development be informed. At this point in time, when there is an unprecedented level of development that impacts on third parties, the Regulations relating to Site Notices serve the intended purpose adequately, that is to provide information to those most likely to be directly affected by the proposed development.

There is already a provision which provides that in exceptional circumstances where the Planning Authority is satisfied that a ' Site Notice erected by the applicant has been maliciously defaced or destroyed by any person other than the applicant' the Planning Application will not be invalidated. (Article 26(7) Planning & Development Regulations 2001)

Notice of Motion: No 48/06

Councillor Michael Moloney proposed the following Notice of Motion:-

"That Laois County Council call on the Minister for Finance to give his approval for the acquisition of the Advanced Environmental Solutions,(AES) Company, by Bórd Na Mona, as soon as possible.

The Motion was seconded by Councillor Jerry Lodge and was unanimously agreed by the Members.

Notice of Motion: No 49/06

Councillor Catherine Fitzgerald proposed the following Notice of Motion:-

"That Laois County Council request the Minister for Housing, Mr Noel Ahern T.D. to receive a deputation in relation to the provision of facilities in Laois to meet the needs of victims of domestic violence".

The Motion was seconded by Councillor William Aird.

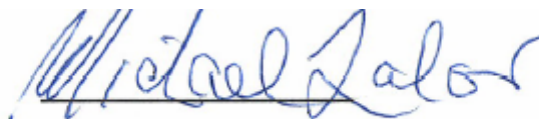
Mr Gerry Gillen, read the reply to the Notice of Motion which was as follows:

The Homeless Strategy for County Laois is currently under review by the Homeless Forum. The issue of facilities for victims of domestic violence will be addressed as part of this review, and the revised strategy will be brought to the December meeting of the Housing, Social and Cultural Strategic Policy Committee. It may be prudent to await the outcome of same.

Following discussion the Members decided to proceed with the issuing of a request to the Minister, as set out in Notice of Motion.

This concluded the business of the meeting.

Signed:



Director of Corporate Affairs