

**Minutes of the Ordinary Meeting of Kilkenny County Council held on Friday 15th
January 2010 at 3.00p.m. in the Council Chamber, County Hall.**

Cathaoirleach: Cllr. Michael O' Brien

Present: Cllrs. M. H. Cavanagh, P. Millea, M. Shortall, J. Brennan, M. Fitzpatrick, M. Brett, M. Noonan, M. Doran, W. Ireland, P. Crowley, T. Maher, S. Treacy, P. O' Neill, A. Phelan, E. Aylward, A. M. Irish, F. Doherty, C. Long, T. Breathnach, P. Dunphy.

Also Present: J. Crockett County Manager, P. O'Neill, J. McCormack Directors of Services, J. Dempsey Head of Finance, S. Walton & B. Mernagh Senior Engineers, D. Malone Senior Planner, D. McDonnell Management Accountant, A.M. Walsh and M. Mullally Senior Executive Officers, C. Reilly and C. Kelly Executive Planners, A. Doyle Conservation Officer and A. Waldron Meetings Administrator.

At the outset of the meeting the Cathaoirleach congratulated Mr. John Bryan on his election as President of the IFA. It was agreed that Mr. Bryan would be invited to address a future Council Meeting of Kilkenny County Council.

The Cathaoirleach noted the purchase of St. Mary's Church. He thanked the Mayor for his efforts to secure the purchase of this historically important building and thanked the Minister for the Environment John Gormley for the funding contribution received from the Department. Adding to the Cathaoirleach's congratulations, the Mayor thanked the County Manager for his tireless work in achieving the purchase of St. Mary's and he also added his thanks to the Department of the Environment for funding. In turn the County Manager thanked all the elected members in Kilkenny, the Department of the Environment, the Church of Ireland and the Heritage Council for their contributions both in effort and funding to securing purchase of this historic building which should add value to the heritage of Kilkenny.

Congratulations were offered to Kilkenny on achieving litter free status in the recent IBAL survey.

Congratulations were also offered to the participants and organisers of the Wellington Race in Castlecomer who had braved the weather to make the 30th Anniversary race such a success on New Year's Day.

The sympathy of the Council was offered to John Mulholland Director of Services on the death of his mother in law the late Mary Kavanagh. It was noted that the late Mrs. Kavanagh had been a member at one stage of Carlow County Council from 1979 to 1985.

The sympathy of the Council was also offered to Cllr. Malcolm Noonan on the death of his uncle.

Contributions Cllrs. M. H. Cavanagh, M. Doran, M. Shortall and M. Brett.

Votes of Sympathy:-

- Margaret Dermody, Knockmoylan, Mullinavat, Co. Kilkenny on the death of her father John Fitzpatrick.
- Josh Fripps, Dungooley, Carrigeen, Co. Kilkenny on the death of his father Michael Fripps.
- Sarah Roche, Robinstown, Glenmore, Co. Kilkenny on the death of her mother Mary Roche.
- Joan Ryan, Ballygorey, Mooncoin, Co. Kilkenny on the death of her mother Ellen Walsh.
- The Connolly Family, Castletobin, Piltown, Carrick on Suir, Co. Kilkenny.
- Pat Murphy, Smithstown, Maddoxtown, Co. Kilkenny on the death of his father Paul Murphy.
- Noel & Mary Moore, Columcille, Thomastown, Co. Kilkenny on the death of Dick Moore.
- Frank Costello, Ballyhale, Co. Kilkenny on the death of his brother John Costello.
- Mrs. Mary Moore, Columcille, Thomastown, Co. Kilkenny on the death of her husband Richard Moore.
- Mary Ireland, Stonecarthy, Stoneyford, Co. Kilkenny on the death of her brother John Costello.
- Edward & Chris Walsh, Ennisnag, Stoneyford, Co. Kilkenny on the death of their son Edward Walsh Jnr.
- Noreen Fitzpatrick, Kilcreddy, Ballyhale, Co. Kilkenny on the death of her father John Fitzpatrick.

It was agreed following cross party support that a note would be issued to the members and staff of Kilkenny County Council looking for voluntary contributions toward a fund to be set up in respect of the recent earthquake in Haiti.

Contributions Cllrs. M. H. Cavanagh, A. Phelan and E. Aylward.

Before commencement of the items on the agenda of this meeting a discussion took place regarding the response of Kilkenny Local Authorities to the recent severe weather in County Kilkenny. Tributes were paid by the Cathaoirleach, Mayor, Members and County Manager:-

- To the members of the Emergency response team, the County Council and Borough Council, Civil Defence, HSE, Garda Siochana, Army, Emergency Services and IFA for their co-ordinated response throughout the duration of the situation which arose throughout the City and County.
- To the members and officials who initiated the coordinated inter agency response.
- To the local media for their communications throughout the recent crisis. Particular tribute was paid to KCLR for their ongoing community response during the past weeks.
- Congratulations were sent to the staff of Kilkenny County Council - both the indoor staff who manned the phones and the outdoor staff who attended the

emergency situations. Particular thanks were offered to the staff at area level who worked ongoing unsocial hours over the Christmas period.

- Congratulations were given to community groups and individuals who responded in such a spirited way to the difficulties.

It was proposed by Cllr. M. H. Cavanagh, Seconded by Cllr. M. Doran and resolved:- "That Kilkenny County Council write to the Department of Environment, Heritage and Local Government to seek recoupment of the costs incurred by Kilkenny Local Authorities which are believed to be in excess of €550,000.

Simon Walton, Senior Engineer presented a report to the members which outlined the response of Kilkenny Local Authorities to the recent severe weather covering the period December 12th to January 13th. This report detailed the level of salting which took place over that period, the co-ordinated response, the number of calls which had come through the operations centre, roads and traffic management, humanitarian responses and problems arising for water services. It was noted that over 2500 calls had been received from members of the public in the 5 day period from Saturday 9th of January until Wednesday 13th of January and verbal advice issued to 1300 people.

Philip O' Neill Director of Services for Water informed the meeting that the level of water supplies were improving rapidly and that water restrictions were being lifted from most areas. He thanked the public who had conserved water during that time and appealed to owners of vacant properties to inspect their property as a number of severe leaks had been reported from such premises.

He confirmed to the meeting that over 2500 people had collected water from the various fire stations around the county.

It was agreed that Kilkenny County Council's response to the recent severe weather would be placed as an item on the agenda for all the next area meetings and that a formal report emerging from feedback from members at these meetings would come before a future Council Meeting.

Contributions Cllrs. P. Dunphy, M. Doran, M. H. Cavanagh, M. Noonan, T. Breathnach, P. O' Neill, P. Millea, T. Maher, S. Treacy.

1. Confirmation of Minutes - Dearbhú Miontuairiscí:

- (a)** Minutes of Ordinary Meeting of Kilkenny County Council held on 21st December, 2009

Proposed by Cllr. M. Brett, Seconded by Cllr. P. Dunphy and resolved:- "That the Minutes of Ordinary Meeting of Kilkenny County Council held on 21st December, 2009 copy of which had been circulated to each member with the agenda be and are hereby approved".

It was agreed that a follow up letter would be issued in respect of the notice of motion sent to the Department regarding compensation for flood damage.

- (b)** Minutes of Statutory Budget Meeting held on Monday 14th of December, 2009

Proposed by Cllr. T. Maher, Seconded by Cllr. M. Shortall and resolved:- “That the Minutes of Statutory Budget Meeting held on Monday 14th of December, 2009 copy of which had been circulated to each member with the agenda be and are hereby adopted”.

2. Business prescribed by Statute, Standing Orders or Resolutions of the Council. - Gnó forordaithe do réir Reachtaíochta, Orduithe Seasta, nó Rúin an Chomhairle.

Housing & Other Disposal - Tithíocht & Díuscairt Eile

(a) Corporate - Gnóthaí Corparáideacha

Presentation regarding operation of the Watershed Complex

This presentation was made by Mr. Dermot Gaynor the CEO of the Water Shed.

The first section of the presentation consisted of a review of the operation of the Water Shed during 2009, the period covering roughly 12 months since the opening of this facility. In making the presentation, Dermot Gaynor informed the meeting that the success of the Watershed was a vindication of the vision and commitment of the Borough and County Council's with there being usage of the facility and significant positive feedback.

The presentation covered the business model, detailed the number of visits during the first year, outlined the user mix, gave details of membership and confirmed that the facility traded marginally ahead of a break even basis for its first year. Dermot Gaynor informed the meeting that 23 permanent jobs had been created with 24 part time and free lance staff in employment.

The second part of the presentation outlined future plans and development as well as covering the key challenges facing the facility in the future.

Following the presentation, the Cathaoirleach thanked Dermot Gaynor for both his presentation and for how the facility had run over the first 12 months. Members contributing expressed satisfaction with how the facility had operated over its first year. There were a number of queries and suggestions from members covering areas such as; the pricing structure for College students and over 55's, inclusion in promotional and tourism brochures, creating a link with the forthcoming Olympics in London and creating linkages with health service providers to assist rehabilitation in appropriate cases.

Contributions Cllrs. M. Brett, M. Fitzpatrick, M. Noonan, M. Doran, A. Phelan, P. Crowley, T. Maher, T. Breathnach.

(b) Housing

Annual Housing Report 2009

It was proposed by Cllr. M. Fitzpatrick, Seconded by Cllr. B. Ireland and resolved: - "That the Annual Housing Report for 2009 be and is hereby agreed".

It was agreed that as a detailed debate had taken place at the December meeting that the report would be taken as read.

At this juncture it was agreed that item C(ii) would be taken.

(c) Planning - Pleanail

(ii) Proposed Variation 1(a) &(b) to Kilkenny County Development Plan 2008-2014.

Proposed by Cllr. P. O' Neill, Seconded by Cllr. T. Maher and resolved:- "We the members of Kilkenny County Council, having considered the proposal to make Variation 1 (a) & (b) to Kilkenny County Development Plan 2008-2014 under Section 13 of the Planning & Development Acts 2000-2007, and having considered the County Manager's Report as circulated on the 22nd December 2009 prepared in accordance with Section 13 (4) of the above act, do hereby consider that the County Development Plan should be varied in accordance with the procedures under Section 13 of the Planning & Development Acts 2000-2007, and with our decision made at a meeting of Kilkenny County Council held on the 15th January 2010".

(d) Community & Enterprise - Pobal agus Fiontar

Five Year County Library Development Plan- Deferred.

3. Urgent Correspondence - Comhfhreagras Práinneach

None

4. Business adjourned from a previous Meeting - Gnó ar athló ó chruinniú roimhe seo:

None

5. Fix Dates and Times of Meetings - Dátaí agus Amanta do chruinnithe a shocrú:

Schedule of meetings from January-March – Agreed.

6. Consideration of Reports and Recommendations of Committees of the Council - Plé ar Thuairiscí agus Moltaí ó Choistí an Comhairle:

None

7. **Other Business set forth in the Notice convening the Meeting -**

Gnó Eile romhainn i bhFógra reachtála an Chruinnithe

None

8. **Education & Training**

Conferences – Request for approval to attend as per circulated list – Agreed.

9. **Matters Arising from Minutes - Gnótha ag éirí as Miontuairiscí**

None

10. **Any Other Business - Aon Ghnó Eile**

None

11. **Notices of Motion - Fógraí Rúin:**

None

12. **Notices of Motion from other local authorities seeking support of Kilkenny County Council County Council - Fógraí i dtaobh Rúin ó Údaráis Áitiúla eile ag lorg tacaíochta ó Chomhairle Chontae Chill Chainnigh:**

None

At this juncture the meeting reverted to item C (i) under Planning.

(c) Planning – Pleanail

(i) Proposed Additions to and Deletions from the Record of Protected Structures for County Kilkenny.

Introducing this item the County Manager confirmed to the meeting that a decision on whether or not to add or delete a structure from the record of protected structures must be made not later than 12 weeks after the closing date for submissions. i.e. the date of this meeting.

Noting that a number of representations and submissions had been made, he informed members that in the case of a decision by the elected members not to add a structure recommended for inclusion by the Minister for the Environment, following the publication of the NIAH survey, the planning authority shall inform the Minister for the Environment in writing of the reason for the decision. He also informed members that if

the members decided in these instances not to add a building to the record of protected structures, there must a valid reason for doing so and this reason must be given by the elected members.

Denis Malone Senior Planner, drew member's attention to the report circulated for the December meeting together with the letter sent to members on the 21st of December and the report circulated before this meeting outlining a number of corrections to the original report. Relevant extracts from the NIAH Survey had been circulated to members together with a list of proposed additions and deletions for which submissions and representations had been made.

Following a discussion on the implications of inclusion on the Record of Protected Structures and a discussion on how this item should proceed, there was agreement that for structures included in the reports where no submission was received, the Record should reflect the recommendations in the reports circulated. Where submissions had been received, it was agreed that members would seek agreement on these specific items following discussion at this meeting .

At this juncture, it was agreed that the members would now look at these specific items and confirm their agreement whether the additions should remain on the report or be "delisted" by way of majority vote indicated by show of hands.

Much of the debate took place when discussing the first structure in order to establish a method for proceeding with the other structures under discussion.

C. 567 Dwelling at Mill Street, Thomastown

Decision taken not to add the building to the Record of Protected Structures following majority vote of Kilkenny County Council.

Reasons for decision - "The building is currently uninhabitable. Nothing of architectural merit remains as alterations have been carried out. The roof is not slated as stated in the NIAH survey but consists of synthetic tiles. The façade of the house is of modest architectural aspirations. However, the inside of the house is in poor repair".

C. 569 Dwelling at the Mall, Thomastown

Decision taken not to add the building to the Record of Protected Structures following majority vote of Kilkenny County Council.

Reasons for decision: - "The house at this property had not been a protected structure in 2008 at the time the current owner purchased same. As there may be a development taking place adjacent to this site it would be premature to have same included in the Record of Protected Structures".

C. 580 2 Noreview Terrace, Thomastown

Add to RPS as per report

C.581 Dwelling at Maudlin Street

Add to RPS as per report.

C. 590 House at Lady well Street, Thomastown

Add to RPS as per report.

C. 591 House at Ladyswell, Thomastown

Decision taken not to add the building to the Record of Protected Structures following majority vote of Kilkenny County Council

Reasons for decision: - "The national inventory of architectural heritage is inaccurate".

C.593 (1) Maudlin Street, Thomastown.

Add to RPS as per report.

C.605 House at Maudlin Street, Thomastown

Add to RPS as per report.

C.609 3 Noreview Terrace, Thomastown

Add to RPS as per report.

C.610 Building with Dormer Attic, The Quay, Thomastown

Add to RPS as per report.

At this juncture it was proposed by Cllr. P. Millea, Seconded by Cllr. P. O' Neill and resolved: - "That Standing Orders be extended until 6.30 p.m. to allow this item to be concluded.

C.612 Nore View Terrace, Thomastown

Add to RPS as per report.

C.634 Dwelling at Barrow Lane, The Quay, Graignamanagh

Decision taken not to add the building to the Record of Protected Structures. Reason for decision: The building is located in the Architectural Conservation Area for Graiguenamanagh and it is felt that this affords sufficient protection to the building.

It was noted that the reference should read Barrow Lane, Graignamanagh and not "Narrow Lane" as appears in the Inventory.

C.652 House High Street, Castlecomer

Add to RPS as per report

C. 653 Cushendale, Wollen Mills, High Street, Graignamanagh

Add to RPS as per report.

C.683 93/94 Kilkenny Street, Castlecomer

Add to RPS as per report.

C. 688 House Kilkenny Street, Castlecomer

Add to RPS as per report.

C.768 Callan Motor Garage, Green Lane Lower, Callan

It was agreed by majority vote that this entry should not be added to the Record of Protected Structures for County Kilkenny.

Reasons for decision: - "The Structure is a galvanised structure and therefore of little architectural heritage. Contrary to the entry in the National Inventory of architectural heritage, the property was never a cinema".

C. 800 Dwelling at Mill Street, Callan (James Ryan)

It was agreed by a majority vote that this entry would not be added to the Record of Protected Structures.

Reasons for decision: - "Inclusion on this register may prevent the redevelopment of the building. This building is placed on a site which is waiting to be developed to provide a new health care facility including a pharmacy on this site which would hugely enhance the community where this structure is based".

C.810 & 812 Granite Building at New Ross Road, Graiguenamanagh.

Add to RPS as per report.

C.832 Thatched cottage, Baunlusk, Kells Road, Kilkenny.

C.834 Thatched cottage, Kyleneaskeagh, Cuffesgrange

C.836 Thatched Cottage, Skeaghacloran, Callan

C.837 Thatched Cottage, Ahanure North, Callan

It was agreed that all thatched cottages included as proposed additions to the record of protected structures to County Kilkenny be added to the RPS as per report.

During a discussion on this topic the need for funding for thatched cottages was discussed and suggestion came forward that some funding from the second tax for homes could be diverted for same.

C.841 Richview House, Castlecomer Road.

Add to RPS as per report.

C.663 "Power" former public House Milepost Village, Slieverue

Add to RPS as per report.

c. 696 Castlecomer Cooperative Creamery, High Street, Castlecomer

It was agreed by majority vote that only one building on the creamery site should be added to the Record of Protected Structures.

Reasons for decision:- Members felt that as the Creamery house is listed on the RPS that there is sufficient protection. It was agreed that one of the buildings in the creamery site (structure No. 7 as per the submission report received from Carrig Conservation) which is of architectural value should be added to the RPS.

C. 665 Brothers of Charity complex, Belmont.

Add to RPS as per report.

C.670 Mountain View House, Rockshire, Ferrybank.

It was agreed by majority vote that this structure would not be added to the RPS.

C.671 Newrath House, Newrath.

It was agreed that this house would added to the RPS.

There was one structure proposed for deletion from the Record of Protected Structures on the request of the owners

C.483 Glass house, Gorteen, Belview

Submissions were received on the above requesting for it to remain on the RPS. The Local Authority's recommendation had been to delete it from the Record of Protected Structures.

Following a discussion on the above it was agreed by majority vote that the structure would remain on the Record of Protected Structures.

It was proposed by Cllr. P. Millea, Seconded by Cllr. T. Breathnach and resolved:- “ That Kilkenny County Council hereby approve of the proposed additions to the Record of Protected Structures for County Kilkenny in accordance with the report forwarded to members on 15th December 2009 as amended by the report subsequently issued to members of Kilkenny County Council before the meeting of the 15th of January, 2010 and further amended by the decision not to add certain buildings as agreed at the meeting of Kilkenny County Council on 15th January, 2010”.

The Cathaoirleach thanked the members for their diligence and attention to this particular item.

The meeting concluded at 6.30p.m.

CATHAOIRLEACH

DATE