

MIONTUAIRISCÍ CRUINNIÚ SPEISIALTA CEADAITHE A
THUGTAR AR DÉ HAoine, 3RD MEÁN FÓMHAIR, 2021
AG 3.00 P.M. VIA MS. TEAMS



MINUTES OF ADJOURNED SPECIAL MEETING HELD
ON FRIDAY, 3RD SEPTEMBER, 2021 AT 3.00 P.M. VIA MS. TEAMS

Chair: Cllr. Fidelis Doherty.

Cllrs: Eamonn Aylward, Tomás Breathnach, John Brennan, Martin Brett, Mary Hilda Cavanagh, Peter Cleere, John Coonan, Deirdre Cullen, Michael Delaney, Maria Dollard, Matt Doran, Michael Doyle, Pat Dunphy, Pat Fitzpatrick, Ger Frisby, Denis Hynes, Joe Lyons, Joe Malone, Michael McCarthy, Andrew McGuinness & Eugene McGuinness.

Officials: Colette Byrne, Sean McKeown, Martin Prendiville, Tim Butler, Denis Malone, Fiona Deegan, Nicolas Louw, Caitriona O'Sullivan, Naomi Scully & Anne Maria Walsh.

Apologies: Cllrs. David Fitzgerald and Patrick O'Neill.

Cathaoirleach Cllr. Fidelis Doherty welcomed the Elected Members and members of the public to the meeting.

Ms. Anne Maria Walsh, Meetings Administrator advised Members of their legal requirements in relation to the Code of Conduct and Disclosure of Interests. She referred to letter issued to the Elected Members on 31st August, 2021. She requested that if any Member had a disclosure to make, it should be done before the item is discussed. The Member will have to remove themselves from the meeting while the matter is being discussed.

Ms. Colette Byrne, Chief Executive presented her report dated 23rd August, 2021 on the proposed Material Alterations to the Draft Kilkenny City & County Development Plan 2021-2027. She stated that we are now in the concluding stage of the adoption of a new Development Plan for the City and County. The Council has put a lot of time and effort into getting to this stage. It has been a lengthy process. It is a matter for the Elected Members to make the Development Plan as this is a reserved function. She advised that Mr. Sean McKeown and Mr. Denis Malone will present the details on the submissions made and recommendations contained in her report.

Cathaoirleach invited Mr. Sean McKeown and Mr. Denis Malone to outline the process for today.

Mr. Sean McKeown briefly recapped on the process that has brought us to this stage in the preparation of the City & County Development Plan and outlined the procedure for the meeting. Mr. McKeown stated that:

- The Development Plan sets out the overall core strategy, objectives and zoning policy of the Council for the sustainable development of the City & County of Kilkenny for the next 6 years, including residential, commercial, amenity, urban and rural development.
- The process of preparing the Development Plan began back in 2018. The process was deferred twice since then: firstly to await the adoption of the Regional Spatial and Economic Strategy and secondly as a result of the emergency legislation introduced by the Minister on foot of the Covid-19 pandemic.

- the Draft Plan was placed on public display last December for a period of 12 weeks. 463 submissions were received on the Draft Plan. At a Special Meeting held on 8th June, 2021, the Members agreed to a number of material alterations to the Draft Plan on foot of the submissions received.
- The proposed alterations to the Draft Development Plan were then placed on public display for a period of 4 weeks to the 28th July, 2021. A total of 628 submissions were received. The purpose of the Meeting today is to consider the Chief Executive's Report and recommendations on those submissions. Members received the Chief Executive's Report on 23rd August last, and an Addendum dated 26th August.
- Members are required to adopt the Development Plan by 8th September next when the deadline expires for the statutory period provided from when the process commenced.
- Members in making the Development Plan are required to have regard to: the proper planning and sustainable development of the City & County; their statutory obligations; and relevant Government and National Policies.

In response to queries from Elected Members in relation to legislation introduced last July by Government affording discretion to local authorities to seek an extension to the process for making their Development Plan, Mr. Denis Malone confirmed that this provision does not apply in the case of Kilkenny. Mr. Malone explained that a necessary consequence of extending the duration of the existing Development Plan would be that environmental assessments are required to be undertaken within the statutory 'guillotine' period for the review of the new Development Plan, and it would not have been possible to complete these in the case of Kilkenny by 8th September next.

Mr. Sean McKeown referred to the Addendum to the Chief Executive's Report that was sent to all Members on the 26th August last. Mr. Denis Malone advised that following receipt of the Office of the Planning Regulator (OPR) submission, it is recommended that Section 11.5.2 of the Plan be amended as the restrictions in relation to the scale of windfarms have no national policy basis. The Chief Executive's recommendation is to delete the limit of 65m in height for community based windfarms.

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Andrew McGuinness and agreed by all:

"To delete the limit of 65m in height for community based wind farm development."

Cllr. Mary Hilda Cavanagh referred to the submissions received from the public in relation to windfarm developments in Johnswell/Castlewarren area. She requested clarification on why Members cannot consider these submissions and if Members vote against the Plan what are the consequences. She stated that the submissions reflect the views of people in that area in relation to development of the area and any proposed windfarm development of scale.

Cllr. Andrew McGuinness stated that from the volume of submissions, calls, e-mails etc. from the people of Johnswell/Castlewarren is very clear in their opposition to windfarms being developed in the area. He stated that Members are disappointed that these submissions cannot be considered.

Contributions were received from Cllrs. Eugene McGuinness, Denis Hynes, John Brennan, Maria Dollard, Pat Fitzpatrick, Martin Brett, Joe Malone, Pat Dunphy, John Coonan, Deirdre Cullen, John Brennan, Joe Lyons, Eamon Aylward and Matt Doran.

All Members voiced their concerns on the “Acceptable in Principle” designation of a number of areas in the County for windfarm development. Members expressed their views that the recommendations received from the OPR on the designations of Castlebanny and Templeorum/Tullahought in the wind strategy are unacceptable. Members stated that the recommendation of the Chief Executive would not be accepted in relation to Castlebanny and Templeorum/Tullahought.

Members raised queries in relation to the following:

- Review of Plan/amendments to Plan.
- Variation of Plan/Material Contravention.
- What happens if a Planning Application is received?
- Energy targets set by Government and County Council, National Guidelines & National Strategy, legal status of Guidelines.
- Areas designated as “Acceptable in Principle” for wind development.
- Disappointed that all other areas of Development Plan is being overshadowed by Renewable Energy Strategy.
- Attention being given to larger wind projects and not community based wind projects.
- Clarify role of Planning Regulator.
- Clarify the process of accepting/rejecting the Chief Executive’s recommendation – consequences of Members decisions.
- Wind strategy designation of the Johnswell/Castlewarren area.
- Timeline for making the Plan.

Mr. Denis Malone advised:

- The submissions received in relation to Johnswell/Castlewarren were made too late in the process. The process for the preparation and adoption of the Development Plan is set out in the legislation. Amendments made by the Elected Members in June 2021 were published in July 2021 and did not include any alteration to the designation in the wind strategy in the Johnswell/Castlewarren area. In accordance with Section 12(7) and (8) Members can only deal with submissions made on the amendments published in July 2021. Any proposal on the designation in Johnswell/Castlewarren cannot be taken today.
- The Council has two years to make a new Development Plan. Meeting today is to make the Plan with or without the proposed recommendations of the Chief Executive. There is no process to defer making the Plan beyond the two year limit. If the Plan is not made, the Draft Plan as agreed with amendments in June 2021 will be the new Plan, if no decision is made by the Members by 8th September, 2021. The deadline for Members to make the Plan is 8th September, 2021 and this cannot be extended.
- The Members are required to consider the submission from the OPR separately and this will be dealt with shortly. He further advised that submissions received in respect of the areas of Castlebanny, Templeorum/Tullahought and Johnswell/Castlewarren will each be dealt with separately at the meeting.
- The Local Authority is mandated by Government to show how the Council will contribute to national targets for renewable energy. The renewable energy targets cover all types of energy – windfarms, solar etc. The Council is obliged to prepare a wind strategy as part of the Development Plan. The guidelines are mandatory and have a legal basis. Mr. Sean McKeown advised that a Planning Application for wind development can either be lodged with the Council or an application is made to An Bord Pleanála if it qualifies as a Strategic Infrastructure Development.

- The Development Plan can be amended if a variation was required during the term of the Plan. The Council would be legally required to carry out all statutory assessments.
- The Office of the Planning Regulator (OPR) reviews all Development Plans and makes recommendations to each Council as appropriate. It is a matter for the Elected Members to accept/not to accept the OPR's recommendation. If the Elected Members do not accept the OPR's recommendation, the Council is required to notify the OPR within 5 working days and outline the reasons for the decision. The OPR will consider the notification and has 4 weeks to inform the Minister. The Minister can then take steps to ensure that the Development Plan is in accordance with the proper planning and sustainable development of the area. The Minister can issue a draft direction to the Council which goes on public display for 2 weeks. The Chief Executive prepares a report on the public submissions and the Elected Members also make a submission to the OPR. Thereafter, the Minister decides on a direction to the Council.
- There are no penalties in legislation apart from a Ministerial direction.

Cllr. Fidelis Doherty thanked all the Members for their input into the discussion on Wind Energy Development and noted all the concerns from the public and Members. She thanked the Executive for clarification on the processes and legislation. She said that the Council is prevented legally from dealing with submissions on Johnswell/Castlewarren area.

Mr. Sean McKeown advised that each of the 628 submissions received on the proposed material alterations to the Draft City & County Development Plan is referenced and responded to by the Chief Executive in her Report. The submissions have been grouped into various categories to enable the Members to consider those submissions that are similar in substance. Some of the submissions comprise issues that can be considered in more than one category, and these are therefore considered in more than one category. Mr McKeown proceeded to outline the submissions in each category.

CATEGORY 1

Mr. Sean McKeown advised that the **first category** relates to submissions from prescribed bodies where the Elected Members have indicated they intend to accept the Chief Executive's Response and Recommendations. These are submissions referred to in Section 2B of the Chief Executive's Report as follows:

All with the prefix KK-C176-: 1; 3; 9; 24; 49; 50; 55; 70; and 628.

If Members agree with the Chief Executive's Response and Recommendations, a resolution is required.

Cllr. Tomás Breathnach sought clarity on Submission No. 72 from LAWPRO. Mr. Sean McKeown advised that LAWPRO is not a prescribed body and is dealt with in Category 2.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Michael Doyle and agreed by all that:

"Kilkenny County Council accepts the recommendation contained in the Chief Executive's Report dated 23rd August, 2021 in relation to the following submissions:

KK-C176-: 1; 3; 9; 24; 49; 50; 55; 70; and 628."

CATEGORY 2

Mr. Sean McKeown advised that the **second category** relates to submissions from non-prescribed bodies where the Elected Members have indicated they intend to accept the Chief Executive's Response and Recommendation. These are submissions referred to in Section 2C of the Chief Executive's Report as follows:

All with the prefix KK-C176-: 2; 5; 6; 10; 16, 17, 21, 35, 48, 60, 62 & 72.

If Members agree with the Chief Executive's Response and Recommendations, a resolution is required.

It was proposed by Cllr. Joe Lyons, seconded by Cllr. Andrew McGuinness and agreed by all that:

"Kilkenny County Council accepts the recommendation contained in the Chief Executive's Report dated 23rd August, 2021 in relation to the following submissions:

KK-C176-: 2; 5; 6; 10; 16; 17; 21, 25, 35; 48; 60; 62 and 72."

CATEGORY 3

Mr. Sean McKeown advised that the **third category** relates to submission KK-C-176-58 received from the Office of the Planning Regulator (OPR). The OPR makes 5 recommendations under 4 key themes. The Chief Executive's Response and Recommendation on these are referred to in Section 2A of the Chief Executive's Report. The Elected Members can either accept or reject the Chief Executive's recommendations.

Mr. Denis Malone outlined in his PowerPoint Presentation the five recommendations from the OPR under the following 4 headings:

- Core Strategy - (2)
- Renewable Energy & Climate Change
- Economic Development
- Zoning Amendment.

Core Strategy

Mr. Malone advised that the recommendation from the OPR in relation to the Core Strategy is to include a review of Local Area Plans for Callan, Castlecomer and Thomastown within 12 months of the adoption of the Plan. Cllr. Tomás Breathnach raised a query in relation to Tier 4 Villages. Mr. Malone responded that there is a commitment to review Tier 4 Smaller Towns and Villages in relation to boundaries and further specific objectives.

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Michael Doyle and agreed by all that:

"Kilkenny County Council accepts the recommendation contained in the Chief Executive's Report dated 23rd August, 2021 in relation to Core Strategy (Point 1) of OPR Submission KK-C176-58."

Renewable Energy & Climate Change

Mr. Malone advised that the recommendation from the OPR in relation to the deletion of the threshold for wind turbines of 65m in height has already been dealt with earlier and Members have agreed to accept this recommendation.

Mr. Malone advised that recommendation 2 (a) will be dealt with under Section 3.4.

Mr. Malone advised that the recommendation contained in 2 (b) in relation to climate change is to reinstate the target of 100% of electricity by renewables, to retain Linguan Valley as “Not Normally Permissible” to re-designate Templeorum Hills, Castlebanny and 3 smaller areas to the South of the County as “Acceptable in Principle”.

Mr. Malone presented a map (*as attached to Minutes*) on the proposed recommendations. Cllr. Andrew McGuinness advised that the Members were not in favour of accepting the recommendation to re-designate Castlebanny & Templeorum Hills as “Acceptable in Principle”.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Michael Doyle:

“That Kilkenny County Council do not accept recommendation 2(b) contained in the Chief Executive’s Report dated 23rd August, 2021 in relation to designation of areas for Renewable Energy as contained in the OPR Submission KK-C176-58” and Coillte Renewable Energy’s Submission KK-C176-4.”

Cathaoirleach advised that in any situation where the Members are not accepting the Chief Executive’s Recommendation a Roll Call Vote will be taken.

Roll Call was taken.

In favour of not accepting the Chief Executive’s Recommendation [22]

Cllrs. Fidelis Doherty, Eamonn Aylward, Tomás Breathnach, John Brennan, Martin Brett, Mary Hilda Cavanagh, Peter Cleere, John Coonan, Deirdre Cullen, Michael Delaney, Maria Dollard, Matt Doran, Michael Doyle, Pat Dunphy, Pat Fitzpatrick, Ger Frisby, Denis Hynes, Joe Lyons, Joe Malone, Michael McCarthy, Andrew McGuinness & Eugene McGuinness.

The proposal was passed unanimously by all 22 Elected Members present.

Cllrs Dunphy and Breathnach asked for clarity on submission KK-C176-4 from Coillte Renewable Energy. It was noted that as the Elected Members had rejected the Chief Executive’s recommendations in relation to the OPRs submission on Renewable Energy, then as a consequence the Elected Members also rejected the Chief Executive’s recommendations on submission KK-C176-4.

Economic Development

Mr. Malone advised that the recommendation from the OPR in relation to Economic Development is to ensure that a mechanism is put in place to advance the preparation of the Joint Retail Strategy in advance of the Ferrybank/ Belview Local Area Plan. He stated that the Chief Executive’s recommendation is that its incorporation into the Development Plan is not critical and therefore the recommendation is to provide for the Joint Retail Strategy in advance is not considered necessary at this stage. Kilkenny County Council will work with Waterford City & County Council on a Joint Retail Strategy and there is an objective in the Waterford City & County Development Plan to do this within one year of the adoption of the Waterford Development Plan.

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Andrew McGuinness and agreed by all that:

“Kilkenny County Council accepts the recommendation contained in the Chief Executive’s Report dated 23rd August, 2021 in relation to Economic Development (Point 3) of OPR submission KK-C176-58”

Zoning Amendment

Mr. Malone advised that the OPR is seeking the reversal of the proposed zoning from General Business to Existing Residential on lands at Lacken on the Dublin Road, Kilkenny identified on map displayed. (Previous submission to the Draft Plan refers KK-C162-148).

Cllrs Andrew McGuinness and Eugene McGuinness expressed their concerns in relation to increased traffic congestion on the Dublin Road if the site was to be developed for residential purposes and that the bus service would be unable to expand if zoning is changed.

Cllr. Tomás Breathnach asked for clarity if a non-residential application could be accommodated if zoning reverted back to residential. Mr. Malone advised that there is some business already on these zoned lands. Any planning application will be dealt with on its merits.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Martin Brett:

"That Kilkenny County Council do not accept the recommendation contained in the Chief Executive's Report dated 23rd August, 2021 in relation to zoning amendment (Point 4) of the OPR Submission KK-C176-58."

Roll Call was taken.

In favour of not accepting Chief Executive's Recommendation [20]

Cllrs. Fidelis Doherty, Eamonn Aylward, John Brennan, Martin Brett, Mary Hilda Cavanagh, Peter Cleere, John Coonan, Deirdre Cullen, Michael Delaney, Matt Doran, Michael Doyle, Pat Dunphy, Pat Fitzpatrick, Ger Frisby, Denis Hynes, Joe Lyons, Joe Malone, Michael McCarthy, Andrew McGuinness & Eugene McGuinness.

In favour of accepting the Chief Executive's Recommendation [2]

Cllrs. Tomás Breathnach and Maria Dollard

This proposal was passed by 20 in favour of not accepting the Chief Executive's Recommendation to 2 in favour of accepting.

Category 4

Mr. Sean McKeown advised that the **fourth category** relates to submission KK-C-176-8 received from the OPW. Members will be aware that the OPW is the statutory agency responsible for flood defence schemes and for reducing flood risk in urban areas. The Chief Executive has recommended that the OPW's recommendation is accepted. The Members can either accept or reject the Chief Executive's recommendation.

Mr. Denis Malone presented the map of the site at the Canal Walk, Kilkenny. He advised that in 2008 the site was zoned residential. Since then, revised flood maps have been prepared. New CFRAMS maps are available and zoning land for development on flood plains gives incorrect signals. The entire site on Canal Walk, Kilkenny is now within a flood plain. There is a live Planning permission on this site and this can be executed before 2022. A Plan-making Justification Test has been carried out and this site failed. It is recommended that this site revert to the zoning proposed under the Draft Plan as Amenity/Green Links/Biodiversity Conservation/Open Space/Recreation.

Cllrs. Andrew McGuinness, Mary Hilda Cavanagh, Eugene McGuinness and Maria Dollard contributed to the discussion on this issue.

Members raised concerns in relation to the following:

- Opportunity to seek further Planning permission.
- Owner spent considerable money on flood relief works since 2004.
- Need to future proof the site for no residential development.
- Must adhere to Planning policies not to build on flood plains.
- CFRAMS mapping shows entire site in a flood plain - Can't argue with science.

Mr. Malone responded to the queries raised. He stated that standards have changed in the intervening time. Proper planning and sustainable development underpins all Planning applications.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Mary Hilda Cavanagh:

“That Kilkenny County Council do not accept the recommendation contained in the Chief Executive’s Report dated 23rd August, 2021 in relation to Submission No. KK-C176-8 from OPW” (Point 5).

Roll Call was taken.

In favour of not accepting Chief Executive’s recommendation [17]

Cllrs. Fidelis Doherty, Eamonn Aylward, John Brennan, Martin Brett, Mary Hilda Cavanagh, John Coonan, Deirdre Cullen, Michael Delaney, Matt Doran, Michael Doyle, Pat Dunphy, Pat Fitzpatrick, Ger Frisby, Denis Hynes, Joe Malone, Michael McCarthy & Andrew McGuinness.

In favour of accepting Chief Executive’s recommendation [5]

Cllr. Peter Cleere, Joe Lyons, Eugene McGuinness, Maria Dollard and Tomás Breathnach.

The proposal was passed by 17 in favour of not accepting the Chief Executive’s Recommendation to 5 in favour of accepting.

CATEGORY 5

Mr. Sean McKeown advised that the **fifth category** relates to the following submissions received on the Wind Strategy in respect of Castlebanny:

All with the prefix KK-C176: 4; 14; 18; 19; 20; 22; 25; 30; 31; 51; 52; 56; 57; 59; 61; and 65.

The Chief Executive’s Response and Recommendations on foot of these submissions are referred to in Section 3.1 of the Chief Executive’s Report. The Members can either accept or reject the Chief Executive’s recommendations. Mr. McKeown stated that the decision already made by the Elected Members on the Chief Executive’s recommendation to submission KK-C-176-58 from the OPR is also relevant here.

Mr. Denis Malone advised the meeting that the recommendation from the OPR in relation to Castlebanny is to redesignate the area as “Acceptable in Principle” and the Chief Executive’s Recommendation is consistent with the OPR Recommendation.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Pat Dunphy:

“That Kilkenny County Council do not accept the recommendation to retain the designation as “Acceptable in Principle” in relation to Castlebanny area contained in the Chief Executive’s Report dated 23rd August, 2021 in relation to the following submissions.

KK-C176 - 4; 14; 18, 19; 20; 22; 25; 30; 31; 51; 52; 56; 57; 59; 61 and 65”

Roll Call was taken.

In favour of not accepting the Chief Executive’s Recommendation [22]

Cllrs. Fidelis Doherty, Eamonn Aylward, Tomás Breathnach, John Brennan, Martin Brett, Mary Hilda Cavanagh, Peter Cleere, John Coonan, Deirdre Cullen, Michael Delaney, Maria Dollard, Matt Doran, Michael Doyle, Pat Dunphy, Pat Fitzpatrick, Ger Frisby, Denis Hynes, Joe Lyons, Joe Malone, Michael McCarthy, Andrew McGuinness & Eugene McGuinness.

The proposal was passed unanimously by all 22 Elected Members present of not accepting the Chief Executive’s Recommendation.

CATEGORY 6

Mr. Sean McKeown advised that the **sixth category** relates to the following submissions received on the Wind Strategy in respect of Templeorum/Tullahought:

All with the prefix KK-C176-: 4; 7; 39; 40; 43; 46; 52; and 61.

The Chief Executive's Response and Recommendations on foot of these submissions are referred to in Section 3.3 of the Chief Executive's Report. The Members can either accept or reject the Chief Executive's recommendations. Mr. McKeown stated that the decision already made by the Elected Members on the Chief Executive's recommendation to submission KK-C-176-58 from the OPR is also relevant here.

Mr. Denis Malone advised the meeting that the recommendation from OPR in relation to Templeorum/Tullahought is to redesignate the area as "Acceptable in Principle" and the Chief Executive's Recommendation is consistent with the OPR recommendation.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Martin Brett:

"That Kilkenny County Council do not accept the recommendation to retain the designation as "Acceptable in Principle" in relation to Templeorum/Tullahought area contained in the Chief Executive's Report dated 23rd August, 2021 in relation to the following submission.

KK-C176 - 4; 7; 39, 40; 43; 46; 52 and 61."

Roll Call was taken.

In favour of not accepting the Chief Executive's Recommendation [22]

Cllrs. Fidelis Doherty, Eamonn Aylward, Tomás Breathnach, John Brennan, Martin Brett, Mary Hilda Cavanagh, Peter Cleere, John Coonan, Deirdre Cullen, Michael Delaney, Maria Dollard, Matt Doran, Michael Doyle, Pat Dunphy, Pat Fitzpatrick, Ger Frisby, Denis Hynes, Joe Lyons, Joe Malone, Michael McCarthy, Andrew McGuinness & Eugene McGuinness.

The proposal was passed unanimously by all 22 Elected Members present of not accepting the Chief Executive's Recommendation.

CATEGORY 7

Mr. Sean McKeown advised that the **seventh category** relates to the following submissions received on the Wind Strategy in respect of Johnswell/Castlewarren:

All with the prefix KK-C176-: 11; 12; 13; 15; 23; 26 - 29 inclusive; 32 - 34 inclusive; 36 - 38 inclusive; 41; 42; 44; 45; 47; 53; 54; 63; 64; 66 - 69 inclusive; 71; 73 - 627 inclusive.

Mr. McKeown stated that there are 7 themes raised in these submissions and the Chief Executive's Response and Recommendation to each theme is referred to in Section 3.2, sub-sections (a) to (g) of her Report. In relation to 3.2 (a) and 3.2 (b) he reminded Elected Members as advised earlier in the Meeting that as neither the matter of the Wind Strategy Designation for Johnswell/Castlewarren or the text in Section 11.5.2(d) of the Draft Development Plan were subject to a proposed material alteration, the Members are now precluded from considering these issues at this stage in the process as per Section 12 (7) of the Planning & Development Act.

Mr. Denis Malone summarized sub-sections (c) - (g) of Section 3.2. It was noted that the decision already made by the Elected Members on the Chief Executive's recommendation to submission KK-C-176-58 from the OPR is also relevant here.

Mr. Malone stated that a number of submissions sought a change to the Strategic Aim - Chapter 11. The Chief Executive's recommendation is to amend the text of the Strategic Aim as follows:

“To generate 100% of electricity demand for the County through renewables by 2030 by promoting and facilitating all forms of renewable energies and energy efficiency improvements in a sustainable manner as a response to climate change in suitable locations having due regard to natural and built heritage, biodiversity and residential amenities.”

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. John Brennan and agreed by all that:

“Kilkenny County Council accepts the recommendation to amend the text of the Strategic Aim in Chapter 11 as follows:

“To generate 100% of electricity demand for the County through renewables by 2030 by promoting and facilitating all forms of renewable energies and energy efficiency improvements in a sustainable manner as a response to climate change in suitable locations having due regard to natural and built heritage, biodiversity and residential amenities.”

Cllrs. Mary Hilda Cavanagh, Andrew McGuinness, Eugene McGuinness, Pat Fitzpatrick, Maria Dollard, Denis Hynes and John Brennan again expressed their disappointment in being unable to deal with all the submissions in relation to Johnswell/Castlewarren. They stated their support to the people who are against windfarms in that area.

Section 4 of the Chief Executive’s Report

Mr. Sean McKeown advised that there are a number of minor corrections and modifications as outlined in Section 4 of the Chief Executive’s Report that have arisen following internal review of the proposed material alterations. The Chief Executive is satisfied that these modifications are minor in nature and that they are therefore unlikely to have a significant effect on the environment or adversely affect the integrity of a European site, and they do not relate to:

- (i) an increase in the area of land zoned for any purpose, or
- (ii) an addition or deletion from the record of protected structures.

It was proposed by Cllr. Tomás Breathnach, seconded by Cllr. Andrew McGuinness and agreed by all:

“That Kilkenny County Council accepts the minor correction and modifications as outlined in Section 4 of the Chief Executive’s Report dated 23rd August, 2021.”

Mr. Sean McKeown advised that a final resolution was required to make the Development Plan.

It was proposed by Cllr. Mary Hilda Cavanagh, seconded by Cllr. Andrew McGuinness:

“That the Members make the Development Plan.”

As the time was approaching 6.00 p.m.

It was proposed by Cllr. Andrew McGuinness, seconded by Cllr. Maria Dollard and agreed:

“To suspend Standing Orders to enable the meeting to finish.”

It was proposed by Cllr. Denis Hynes, seconded by Cllr. Pat Fitzpatrick:

“That the Members reject the making of the Development Plan”

Cllr. Mary Hilda Cavanagh requested clarification of the implications for the Plan if the majority of Members voted not to make the Plan.

Mr. Denis Malone advised that the Council has gone through the statutory process for the making of a new Development Plan. The current Development Plan expires and the Draft Plan and amendments made in June 2021 by the Members will effectively become the Plan if Members do not make the Plan before the 8th September, 2021. There is nothing in the legislation to allow the process to be suspended.

At this stage, it was proposed by Cllr. John Brennan, seconded by Cllr. Maria Dollard to adjourn the meeting for 10 minutes to allow Members to consider their position. After some discussions Cllr. Maria Dollard withdrew her seconder to the adjournment.

Cathaoirleach Cllr. Fidelis Doherty advised the Members that we have now considered the Chief Executive's Report and have made a number of decisions on the Development Plan and the Chief Executive's Report, it is now time to take a vote on making the Development Plan. She advised that a proposal to Make the Development Plan is before the Members and advised that an amendment to reject the Making of the Development Plan is also before the Members and we will now have a roll call on that amendment.

Roll Call was taken:

Vote in favour of rejecting the Making of the Development Plan.

For (5): Cllrs. Maria Dollard, Pat Fitzpatrick, Denis Hynes, Joe Malone and Eugene McGuinness.

Against (17): Cllrs. Fidelis Doherty, Eamonn Aylward, Tomás Breathnach, John Brennan, Martin Brett, Mary Hilda Cavanagh, Peter Cleere, John Coonan, Deirdre Cullen, Michael Delaney, Matt Doran, Michael Doyle, Pat Dunphy, Ger Frisby, Joe Lyons, Michael McCarthy and Andrew McGuinness.

The proposal to reject the Making of the Development Plan is lost by 5 votes to 17 votes.

Cllr. Fidelis Doherty advised that we will take a roll call on the proposal to Make the Plan.

Ms. Anne Maria Walsh, Meeting Administrator read the proposal to Make the Development Plan into the Minutes:

Resolution to make the Kilkenny City and County Development Plan 2021-2027

"We the Members of Kilkenny County Council, in accordance with the provisions of the Planning and Development Act 2000 (as amended), having considered the following:

- *The Draft Kilkenny City & County Development Plan 2021 and Environmental Reports, published 22nd December 2020,*
- *The Chief Executive's Report on Submissions received to the Draft Plan, dated 25th May 2021, and Addendum (dated 7th June 2021) to the Chief Executive's Report.*
- *The changes made by the Elected Representatives at the public Council Meeting held on the 8th June 2021.*
- *The Resolution of the Council to amend the Draft Plan, signed on the 8th June 2021,*
- *The Proposed Material Alterations to the Draft Plan and Environmental Reports, published 30th of June 2021,*

- The *Chief Executive's Report on Submissions to the Proposed Material Alterations to the Draft Kilkenny City & County Development Plan 2021-2027*, published 23rd August 2021, and the Addendum (dated 26th August) as discussed at the County Council meeting on the 3rd September, 2021,
- The statement signed by the Senior Planner in relation to compliance with Section 12(10)(c) of the Planning and Development Act, as amended,

do hereby resolve to make the Kilkenny City and County Development Plan 2021-2027 in accordance with the recommendations contained in the *Chief Executive's Report* of the 23rd August 2021 & *Addendum* of the 26th August, 2021 with the exception of the changes made in accordance with the decisions of the Members during the meeting and resolutions passed today on the 3rd September, 2021".

She advised that all the resolutions passed in relation to rejecting the Chief Executive's recommendation today will be added to the signed resolution as an Appendix.

Roll Call was taken.

Vote in favour of Making the Development Plan with the relevant changes as agreed today:

Against (17): Cllrs. Fidelis Doherty, Eamonn Aylward, Tomás Breathnach, John Brennan, Martin Brett, Mary Hilda Cavanagh, Peter Cleere, John Coonan, Deirdre Cullen, Michael Delaney, Matt Doran, Michael Doyle, Pat Dunphy, Ger Frisby, Joe Lyons, Michael McCarthy and Andrew McGuinness.

For (5): Cllrs. Maria Dollard, Pat Fitzpatrick, Denis Hynes, Joe Malone and Eugene McGuinness.

The proposal to Make the Development Plan is passed by 17 votes to 5 votes.

Cllr. Mary Hilda Cavanagh, Andrew McGuinness, John Coonan, Tomás Breathnach, Joe Malone and Denis Hynes thanked all the Members for their input, work on the Development Plan over the last year. They thanked all the Planning staff for their work and availability to deal with all queries from the Members. They also thanked the Executive for all the time given to Members in facilitating Workshops, Meetings etc.

They thanked the public for their engagement in public consultation, making submissions and discussions with the Elected Members on the issues that affect their communities.

Cathaoirleach Cllr. Fidelis Doherty thanked all involved in the process of making a new Development Plan for the City & County. Members have actively engaged in this process over the last year. The public have also engaged even though consultation was through a different format. The making of a Development Plan is a huge decision for Members as it effects all our communities and the development of the County. She thanked all the staff for their assistance to the Elected Members.

That concluded the business of the meeting.

