

- COMHAIRLE CHONTAE CHILL CHAINNIGH - KILKENNY COUNTY COUNCIL

*Clár do Ghnáth-Chruinniú Chomhairle Chontae Chill Chainnigh
le reachtáil ar de Luan, 20 Iúil, 2020 ar a 3.00 i.n.*

AGENDA FOR THE ORDINARY MEETING OF KILKENNY COUNTY COUNCIL

MONDAY, 20TH JULY, 2020 AT 3.00 P.M.

Watergate Theatre, Parliament Street, Kilkenny

1. Dearbhú Miontuairiscí - Confirmation of Minutes
 - (a) Minutes of Annual Meeting of Kilkenny County Council held on Friday, 12th June, 2020 [*copy of Minutes attached*].
 - (b) Minutes of Ordinary Meeting of Kilkenny County Council held on Friday, 12th June, 2020 [*copy of Minutes attached*].

2. Gnó forordaithe do réir Reachtaíochta, Orduithe Seasta, nó Rúin an Chomhairle
Business Prescribed by Statute, Standing Orders or Resolutions of Council
 - (a) Tithíocht & Díuscairt Eile - Housing & Other Disposal
 - (i) “That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in land at Hebron Industrial Estate, Hebron Road, Kilkenny, as identified on the enclosed map as Site A & Site B, to Dunreidy Engineering Ltd, Unit 53 Hebron Industrial Estate, Kilkenny, for the sum of €407,500 (four hundred and seven thousand five hundred euros). This land measures approx. 4.7 acres. Each party will be responsible for their own legal costs associated with the sale.” (*Notice sent to members on the 24th June, 2020*).
 - (ii) “That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot of land at Lavistown, Clara, Co. Kilkenny to Ger Langton and Marilyn Langton, Lavistown, Clara, Co. Kilkenny for the sum of €23,000 (twenty three thousand euros) with each party being responsible for their own legal costs associated with the sale. Plot measures 0.6 acres.” (*Notice sent to members on the 24th June, 2020*).
 - (iii) “That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot of land at Tinvaun, Knocktopher, Co. Kilkenny to Simon Brophy, Tinvaun, Knocktopher, Co. Kilkenny for the sum of €800 (eight hundred euros) with each party being responsible for their own legal costs associated with the sale. Plot measures 0.58 acres.” (*Notice sent to members on the 24th June, 2020*).

- (iv) "That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Danganbeg, Knocktopher, Co. Kilkenny - as identified on the attached map - to Thomas Davis, Danganbeg, Tinvaun, Knocktopher, Co. Kilkenny for Nil consideration, with each party being responsible for their own legal costs associated with the sale. Plot(s) combined measures 0.46 acres." (Notice sent to members on the 24th June, 2020).
- (v) "That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Scart, Mullinavat, Co. Kilkenny - as identified on the attached map - to Eileen Laherty, Scart, Mullinavat, Co. Kilkenny for Nil consideration, with each party being responsible for their own legal costs associated with the sale. Plot(s) measures 0.18 acres." (Notice sent to members on the 24th June, 2020).
- (vi) "That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Templemartin & Lyrath, Kilkenny - as identified on the attached map - to Noel Phelan, Templemartin, Kilkenny for €5,000 (five thousand euro), with each party being responsible for their own legal costs associated with the sale. Plot(s) measures 4.1 acres." (Notice sent to members on the 24th June, 2020).
- (vii) "That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Cranavonane, Leighlinbridge, Co. Carlow - as identified on the attached map - to Edmund and Katherine Cullen, Cran House, Leighlinbridge, Co. Carlow for Nil consideration, with each party being responsible for their own legal costs associated with the sale. Plot(s) combined measures 0.06 acres." (Notice sent to members on the 24th June, 2020).
- (viii) "That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Garrindarragh, Mullinavat, Co. Kilkenny - as identified on the attached map - to Sean McCarthy, Garrindarragh, Mullinavat, Co. Kilkenny for €500 (five hundred euros), with each party being responsible for their own legal costs associated with the sale. Plot(s) measures 0.16 acres." (Notice sent to members on the 24th June, 2020).
- (ix) "That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Danganbeg, Knocktopher, Co. Kilkenny - as identified on the attached map - to John & Johanna Farrell, Danganbeg, Knocktopher, Co. Kilkenny for Nil consideration, with Kilkenny County Council being responsible for all legal costs associated with the sale/exchange. Plot(s) measures 0.75 acres." (Notice sent to members on the 24th June, 2020).

- (x) “That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Moanduff, Leighlinbridge, Co. Carlow - as identified on the attached map - to Catherine Brennan, Old Leighlin, Co. Carlow for €1,000 (one thousand euros), with each party being responsible for their own legal costs associated with the sale. Plot(s) combined measures 0.7 acres.” (Notice sent to members on the 24th June, 2020).
- (xi) “That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Sraghgaddy, Gowran and Kilmacahill, Paulstown, Co. Kilkenny - as identified on the attached map - to Denis and Margaret Drennan, Garryduff, Paulstown, Co. Kilkenny for Nil consideration and with Kilkenny County Council being responsible for the legal costs associated with the Deed of Exchange. Plot(s) combined measures 0.76 acres.” (Notice sent to members on the 24th June, 2020).
- (xii) “That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Moanduff, Leighlinbridge, Co. Carlow - as identified on the attached map - to Chris O’Dwyer, Leighlinbridge, Co. Carlow for €500, with each party being responsible for their own legal costs associated with the sale. Plot(s) combined measures 0.415 acres.” (Notice sent to members on the 24th June, 2020).
- (xiii) “That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Coolnakisha, Leighlinbridge, Co. Carlow - as identified on the attached map - to Michael Foley, Old Leighlin House, Old Leighlin, Co. Carlow for Nil consideration, with each party being responsible for their own legal costs associated with the sale. Plot(s) combined measures 1.01 acres.” (Notice sent to members on the 24th June, 2020).
- (xiv) “That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Cloghrystick, Milford, Co. Carlow - as identified on the attached map - to Liam Walsh, Cloghrystick, Milford, Co. Carlow for €750 (seven hundred and fifty euro), for Plot 605.1z, with the Purchaser being responsible for all legal costs associated with the sale. Plot(s) combined measures 0.68 acres.” (Notice sent to members on the 24th June, 2020).
- (xv) “That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Templemartin, Kilkenny - as identified on the attached map - to Noel Phelan and Anna Phelan, Templemartin, Kilkenny for Nil consideration, with Kilkenny County Council being responsible for all legal costs associated with the sale. Plot(s) combined measures 0.05 acres.” (Notice sent to members on the 24th June, 2020).

- (xvi) "That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Ballygeardra, Hugginstown, Co. Kilkenny - as identified on the attached map - to James Phelan, Ballygeardra, Hugginstown, Co. Kilkenny for Nil consideration and with each party being responsible for their own legal costs associated with the sale. Plot(s) combined measures 1.03 acres." (Notice sent to members on the 24th June, 2020).
- (xvii) "That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Blanchsfieldland, Hebron, Kilkenny - as identified on the attached map - to Mary and John Gleeson, Blanchsfieldland, Kilkenny for €3,600 (three thousand six hundred euros) and with each party being responsible for their own legal costs associated with the sale. Plot(s) combined measures 0.56 acres." (Notice sent to members on the 24th June, 2020).
- (xviii) "That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Coolnakisha, Leighlinbridge, Co. Carlow - as identified on the attached map - to Edmund & Katherine Cullen, Cranavonane, Leighlinbridge, Co. Carlow for €2,000, with each party being responsible for their own legal costs associated with the sale. Plot(s) combined measures 1.5 acres." (Notice sent to members on the 24th June, 2020).
- (xix) "That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Garrandarragh, Mullinavat, Co. Kilkenny - as identified on the attached map - to Peter Purcell, Garrandarragh, Mullinavat, Co. Kilkenny for €2,000, with each party being responsible for their own legal costs associated with the sale. Plot(s) combined measures 0.96 acres." (Notice sent to members on the 24th June, 2020).
- (xx) "That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Kilkeasy, Hugginstown, Co. Kilkenny - as identified on the attached map as Plot 195z.103A and 195z.101 - to Thomas Millea, Kilkeasy, Hugginstown, Co. Kilkenny for Nil consideration, with each party being responsible for their own legal costs associated with the sale. Plot(s) combined measures 0.19 acres." (Notice sent to members on the 24th June, 2020).
- (xxi) "That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Kilkeasy, Hugginstown, Co. Kilkenny - as identified on the attached map as Plot 195z.103B - to David Millea, Kilkeasy, Hugginstown, Co. Kilkenny for Nil consideration, with each party being responsible for their own legal costs associated with the sale. Plot(s) combined measures 0.01 acres." (Notice sent to members on the 24th June, 2020).

- (xxii) "That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Garrandarragh, Mullinavat, Co. Kilkenny - as identified on the attached map - to Noreen Kelly, Garrandarragh, Mullinavat, Co. Kilkenny for Nil consideration, with Kilkenny County Council being responsible for all legal costs associated with the sale. Plot(s) combined measures 0.29 acres." (Notice sent to members on the 24th June, 2020).
- (xxiii) "That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Knockmoylan, Mullinavat, Co. Kilkenny - as identified on the attached map - to Per Reps John Murphy, Knockmoylan, Mullinavat, Co. Kilkenny for €5,000 (five thousand euros), with each party being responsible for their own legal costs associated with the sale. Plot(s) combined measures 0.24 acres." (Notice sent to members on the 24th June, 2020).
- (xxiv) "That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Shankill, Paulstown, Co. Kilkenny - as identified on the attached map - to Sean Ryan, Shankill, Paulstown, Co. Kilkenny for Nil consideration. Kilkenny County Council to arrange Boundary Amendment with Land Registry to minimize legal fees and charges. Plot(s) combined measures 0.04 acres." (Notice sent to members on the 24th June, 2020).
- (xxv) "That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Kilree, Sheastown, Co. Kilkenny - as identified on the attached map - to Patrick Hayes, Kilree, Sheastown, Co. Kilkenny for €625 (six hundred and twenty five euros), with each party being responsible for their own legal costs associated with the sale. Plot(s) combined measures 3.27 acres." (Notice sent to members on the 24th June, 2020).
- (xxvi) "That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest by way of lease in former Public Convenience Building at Convent Road, Graiguenamamagh, Co. Kilkenny to Graiguenamamagh Mens Shed Group, for a period of 12 years and an annual rent of €52, with each party to be responsible for their own legal costs. The building measures 40sqm approx." (Notice sent to members on the 24th June, 2020).
- (xxvii) "That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot(s) of land at Ennisnag, Co. Kilkenny - as identified on the attached map - to Noel & Breda Phelan, Ennisnag, Stoneyford, Co. Kilkenny for the sum of €1,160 (one thousand one hundred and sixty euros), with the Purchasers being responsible for all legal costs associated with the sale, including those of Kilkenny County Council. Plot(s) combined measures 0.3 ha." (Notice sent to members on the 24th June, 2020).

- (xxviii) “That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in land at Drumdowney, Slieverue, Co. Kilkenny (as identified on the attached map) to Patrick Fleming and Mary Fleming, Drumdowney, Slieverue, Co. Kilkenny for the sum of €3,000 (three thousand euros) with the Purchaser being responsible for all legal costs associated with the sale, including those of Kilkenny County Council. Area measures 0.38 hectare.” (Notice sent to members on the 24th June, 2020).
- (xxix) “That, in accordance with Section 183 of the Local Government Act, 2001, Kilkenny County Council approves of the disposal of its interest in a plot of ground at Stangs, Gowran, Co. Kilkenny, which measures approx. 0.11 ha., as identified on the attached map, to Liam Comerford, Paul Comerford and Mark Comerford, Stangs, Gowran, Co. Kilkenny, for the nominal sum of €100 (one hundred euros) with the Purchaser being responsible for all legal costs associated with the sale, including those of Kilkenny County Council.” (Notice sent to members on the 24th June, 2020).
- (xxx) “That, in accordance with the provisions of Section 183 of the Local Government Act, 2001, Kilkenny County Council hereby approves of the disposal of its interest in a plot of land at Abbey Quarter, Horse Barrack Lane, Parliament Street, Gardens Td, Kilkenny – as outlined on the attached map - to Kilkenny Abbey Quarter Development Limited, for the sum of €900,000 (nine hundred thousand euros), with each party to be responsible for their own legal costs associated with the transfer. Site area measures 5,829m² approx.” (Notice sent to members on the 24th June, 2020).

(b) Pleanail - Planning

- (i) Part 8: Restructuring & Renovation of Sessions House, Thomastown [Report Attached]
- (ii) Part 8: Proposed Car Parks for Greenway [Presentation]

(c) Gnóthaí Corparáideacha - Corporate Affairs

- (i) Update: Covid-19 [Presentation]
- (ii) Chief Executive’s Monthly Report [Report Attached]

(d) Comhshaol - Environment

- (i) Graveyard Grant Scheme 2020 [Report Attached]
- (ii) Animal Welfare Charter Committee [Report Attached]

3. Comhfhreagras - Correspondence
4. Gnó ar athló ó chruinniúroimhe seo - Business adjourned from a previous Meeting
5. Dátaí agus Amanta do chruinnithe a shocrú - Fix Dates & Times of Meetings
 - (i) Fix venue for September Monthly Meeting.
6. Plé ar Thuairiscí agus Moltaí ó Choistí an Comhairle Consideration of Reports & Recommendations of Committees of the Council
7. Gnó Eile romhainn i bhFógra reachtála an Chruinnithe - Other Business set forth in the Notice convening the Meeting
8. Oideachas agus Oiliúint - Education & Training
 - (i) Conferences – Request for approval to attend as per circulated list [Attached].
9. Gnótha ag éirí as Miontuairiscí - Matters Arising from Minutes
10. Aon Ghnó Eile - Any Other Business
11. Fógraí Rúin - Notices of Motion

01 (20) Cllr. David Fitzgerald

“Arising from the unanimous decision of the members of the Kilkenny City Municipal District, we the Members of Kilkenny County Council request the Minister for Local Government to amend and authorise the change of our local authorities official name from “Kilkenny County Council” to “Kilkenny City and County Council” to bring our official name in line with other Local Authorities such as Limerick and Waterford City and County Councils.”

02 (20) Cllr. Peter ‘Chap’ Cleere

“To call on the Minister to introduce legislation to never allow inflatable toys to be used at rivers, lakes or beaches as the devices are vulnerable to the slightest breeze or current and can put a child in significant danger. Equally, the temporary loss of such a device could attract children or adults to try and retrieve them from the water and thereby get into a life-threatening situation.”

03 (20) Cllr. Martin Brett

“That we in Kilkenny County Council ask the Minister for Transport to clarify when the back log of driving tests will be cleared, as of the 9th of July there is 741 on the list.”

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

08 (20) Carlow County Council

“This Council condemns the action of the PSNI in disrupting the Black Lives Matter (BLM) protest in Guildhall Square in Derry on June 6th by issuing fines and threatening court action against organisers and participants. This contrasted with the inaction of the PSNI in face of large gatherings on beaches and in major retail outlets over prior weeks.

The organisers of the protest, the North West Migrants’ Forum enforced strict rules to maintain social distancing. Very clear social distancing marks were drawn on the ground, in the same way many stores manage crowds queuing.

Council notes that Amnesty International and the northern Committee on the Administration of Justice have expressed concern about the way application of the regulations arising from the Covid-19 pandemic were altered on the evening prior to the Black Lives Matter protest, clearly suggesting that the point of the changes was to facilitate the PSNI in taking action against protesters.

Council backs the call for a full review of how policing was conducted at the BLM events. Council supports the demand for a public apology to the BAME [Black Asian and Minority Ethnic] Community. Council calls for the withdrawal of all fines and threats of court action against BLM protesters.

09 (20) Kerry County Council

“To ask Kerry County Council to write on behalf of the members to the Department of An Taoiseach and the Department of Tourism asking that the VAT rate on the tourism industry be reduced to 0% to try and alleviate the pressure on related businesses and attempt to avoid the complete decimation of this sector. This is not a decision for the next Government. It is a decision that needs to be made now.”

10 (20) Westmeath County Council

“That Westmeath County Council is recognising the stress, uncertainty and worry of the Leaving Certificate Class of 2020 discuss possible options of assisting these students pursue their chosen career this autumn, where some may want to attend Third Level Education and others follow the apprenticeship of their choice.

The proposal of “First Choice for All” should be accommodated as much as possible”.

11 (20) Limerick City & County Council

“That Limerick City and County Council support the National Small Business Recovery Plan in order to protect the thousands of jobs that SMEs provide throughout County Limerick and that Limerick City and County Council write to the Government and, in particular, Mr. Leo Varadkar, TD, the new Minister for Enterprise, Trade and Employment to fund and immediately implement the findings and recommendations of the National Small business Recovery Plan, and that Limerick City and County Council circulate this Motion to all other Councils.

12 (20) Sligo County Council

“That Sligo County Council bans the use at official and unofficial Bathing places and sale of at any location within the county of inflatable dinghies and all dangerous inflatable products, and that the Council write to the Department of Housing, Planning and Local Government to seek a nationwide Ban on these dangerous products before more young lives are lost.

These products have consistently warned of the dangers of these products and have been described by Irish Water Safety as “Floating Killers”.

13 (20) Sligo County Council

“A huge proportion of the lands in Ireland have no registered rights of way. In the most recent book of Mr. Peter Bland SC on the area it appears there is an anomaly in the legislation regarding the registration of rights of way in The Property Registration.

At the moment you may assert a right of way by prescription in that the right of way has been used as a right without permission, without secrecy and without consideration for in excess of 12 years in an application form but you must declare that the right is not a right of way of necessity for them to be able to consider the application. This obviously precludes most applications.

I call on Sligo County Council to write to the Minister for Agriculture and the Minister for Justice to amend the legislation to permit the property Registration Authority to include rights of way by necessity in their remit which are surely the simplest to adjudicate from map inspections and should be kept away from costly court proceedings in order to free up the courts or to set up an Independent adjudicator to deal with these matters quickly”.

14 (20) Roscommon County Council

“That Roscommon County Council call on the present or incoming Government to financially support all Tidy Towns 7 Voluntary Groups in County Roscommon to ensure maintenance of all public areas not under the remit of the Local Authority. The future of ongoing support form Local business and fundraising will be seriously impacted due to Covid-19. In the interest of visual appearance and tourism after this pandemic, we need to attract additional visitors to the country to support our local business (ratepayers). The good work of many volunteers both in County Roscommon and Nationwide needs to be supported.”