



COMHAIRLE CONTAE CHORCAÍ

Minutes of Proceedings at Meeting of Cork County Council held in the Council Chamber, County Hall, Cork on 10th April, 2017.

I LATHAIR

Comhairleoir S. MacCraith, Méara Chontae

Comhairleoiri Mac Seafraida, Daltúin, Ní Fhúarthain, D. Ó Donnabháin, Ní Dheasmhumhnaigh, Ó Cainte, S. Ó Coileán, M. Ó Murchú, Ó hEarchaí, R. Mhic Cárthaigh, Ó Colmáin, Lombard, C. Ó Murchú, Ní Cochláin, S. Ó Donnabháin, G. Ní Mhuimhneacháin, Críod, Ó Gráda, Ó Luasaigh, Ó Riain Ó Conbhuí, P. Ó Suilleabháin, C. MacCárthaigh, Ó Ceocháin, Sheppard, De Barra, Ó Cadhla, Rasmussen, N. Ó Coileán, A. Ó Suilleabháin, Uí Thuama, Ó hEigearthaigh, S. NicCárthaigh, Léanacháin-Foghlú, N. MacCárthaigh, Ní Bhrian, Ó Floinn, Ó Dúghaill, Mhic Dháibhí, J. Uí Mhurchú, Ó Sé, G. Ó Murchú, G. Ó Murchú, B. Ó Muimhneacháin, Uí Mhaoláin, T. Ó Coileán, D. Ó Coileán, Ó Cearúill, C. Ó Suilleabháin, P.G. Ó Murchú, Uí hEigearthaigh, Ó hAodha, Ó hUrthuile.

PRESENT

Councillor S. McGrath, County Mayor presided.

Councillors Jeffers, D'Alton, Forde, Ó Donnabháin, Desmond, Canty, J. Collins, M. Murphy, Harris, R. McCarthy, Coleman, Lombard, K. Murphy, Coughlan, J. O'Donovan, G. Moynihan, Creed, O'Grady, Lucey, Ryan, Conway, P. O'Sullivan, K. McCarthy, Keohane, Sheppard, Barry, Ó Cadhla, Rasmussen, N. Collins, A. O'Sullivan, Twomey, Ml. Hegarty, S. McCarthy, Linehan-Foley, N. McCarthy, O'Brien, O'Flynn, Doyle, Dawson, J. Murphy, O'Shea, G. Murphy, G. Murphy, B. Moynihan, Mullane, T. Collins, D. Collins, Carroll, C. O'Sullivan, P.G. Murphy, Hegarty, Hayes, Hurley.

Chief Executive, Senior Executive Officer, Director of Planning, Senior Planner.

CONFIRMATION OF MINUTES

1/4-1

Cllr. G. Keohane referred to Pg.8 of the Minutes regarding Lands at Ard na Cloughy Carrigaline and said that he has no recollection of receiving correspondence at the meeting.

The Senior Planner said that discussion did take place on the letter regarding the fact that there was an offer for €1 and it did not follow through. He said discussion then followed that there was no other lands available in that part of Carrigaline. He said he read out the correspondence at the meeting and it was agreed that it would be attached to the minutes.

Cllr. M. D’Alton asked if the EU directive for SEAs could be included for Ringaskiddy, this was agreed.

Proposed by Councillor K. Murphy

Seconded by Councillor T. Collins

RESOLVED:

“That the minutes of the “In Committee” Meeting of the Council held on 27th March, 2017, be confirmed and signed by the Mayor.”

2/4-1

Cllr. M. Hegarty asked if there were maps included in the minutes.

The Senior Planner advised Members of the format of the minutes and advised that mapping is still being prepared and will be issued to Members at the end of the week. He recommended agreeing wording subject to mapping.

Cllr. F. O’Flynn referred to submission 16/16/12686408 and asked if 5 acres was included. Cllr. D. O’Brien said that it was on the list of amendments. Cllr. N. McCarthy said the submission was for 5 acres and it wasn’t clarified at the meeting that this was included.

The Chief Executive said that nobody debated that issue and there was a proposal for 15 acres which changed and the confusion around same seems to be with the Members.

Cllr. K. Conway said that the map for Stoneview BM 03 02 07 is not adequate as it doesn’t show the area and if the size of the shaded area is 1 or 5 acres.

The Chief Executive said it is clear but a larger map can be provided.
The Senior Planner said that is the site that was agreed at the meeting.

Cllr. A. Lombard said that a note is needed for the Southern side of Carrigaline, members were not aware what they were voting for. The Mayor advised that this was already noted in the minutes.

Cllr. K. Murphy said that the flood plains need to be looked at and maps revisited in the whole County where CFRAMS were not included.

Cllr. D. Ó Donnabháin referred to Pg.178 of the minutes and said that was not what was being sought from the zoning and it was asked for part 5 to be removed to simplify proposal.

The Chief Executive said that the intention is for a simplified phased proposal to enable the delivery of office accommodation first.

The Senior Planner said the more detailed flood study will be included and we will work with Members on same.

Cllr. A. Lombard queried the process followed for votes taken at the meeting.

The Chief Executive said that there is no issue with the process followed, and that he is satisfied with the wording of the minutes . The Mayor said the format of decisions was reflected in the minutes .

The Chief Executive said that the proposal for 5 acres in submission 16/16/12686408 was put to the floor and defeated and no map was presented on the night. He said that maps will be finalised shortly and the rationale for amendments must also be recorded.

The following amendment was circulated to Members:

Amendment to page 124 – of the Minutes of Council Meeting on 27th March, re Point Number 10 :

10. Cllr. P. O’Sullivan proposed, seconded by Cllr. S. Sheppard, the following:-

P.Condon read the resolution, as put forward by Cllr O’Sullivan, who agreed the wording as an accurate account .

The motion consists of four elements and these changes will be required to be the subject of Environmental Reports including SEA/AA/SFRAt.

1. *Zoning Objective LI-X-01:*
 - i. *Delete text reference b) from zoning objective*
 - ii. *Re-order a) to e) of zoning objective to a) to d)*
 - iii. *Include reference to public open space (22 acres)*
 - iv. *Edit the site area to reflect reduced area of LI-X-01*
2. *Insert new zoning objective LI-X-02 (formerly northern portion of LI-X-01 and also including western portion of LI-I-02) as, medium B density residential development, up to a maximum of 250 dwellings, incorporating a landscape buffer between the residential units and other uses. Δ (TIA and RSA required). Also insert site area.*
3. *Amend site area of LI-I-02.*
4. *Insert new zoning objective LI-X-03 (western portion of LI-O-01) as, lands are to remain predominantly open space and rural in character. Limited potential for individual services sites, at very low density and up to a maximum of 15 dwellings, subject to a single agreed landscaping based scheme for all the lands. Any future development is dependent upon the provision of an adequate access. Δ (TIA and RSA required). Also insert site area.*

The Director of Planning recommended no change to the Plan.

The Mayor requested that a vote be taken on the motion, which resulted as follows:-

FOR: Councillors McGrath, Jeffers, D’Alton, Forde, Ó Donnabháin, Canty, J.A. Collins, M. Murphy, Harris, R. McCarthy, Coleman, Lombard, K. Murphy, Coughlan, J. O’Donovan, G. Moynihan, Creed, O’Grady, Lucey, Ryan, Conway, P. O’Sullivan, Keohane, Sheppard, Barry, Ó Cadhla, Rasmussen, N. Collins, A. O’Sullivan, Ml. Hegarty, S. McCarthy, Linehan-Foley, N. McCarthy, O’Brien, O’Flynn, Doyle, Dawson, O’Shea, G. Murphy, Mullane, D. Collins, Carroll, J. O’Sullivan, C. O’Sullivan, P.G. Murphy, M. Hegarty, Hayes, Hurley.

[48]

The Mayor declared the proposal carried.

CONFIRMATION OF MINUTES

The Chief Executive stated that PPU would revert to the next meeting of 24th April, with

1. Amendments including maps, agreed by resolution on 27th March.
2. A list outlining the proper planning and development **rationale** outlined by members for each resolution that was carried on the 27th March.

Proposed by Councillor B. Ryan

Seconded by Councillor D. Canty

RESOLVED:

“That the minutes of the Meeting of the Council held on 27th March, 2017, be confirmed and signed by the Mayor, subject to: - Amendments including maps, agreed by resolution on 27th March, and a list outlining the proper planning and development **rationale** outlined by members for each resolution that was carried on the 27th March.

Suspension of Standing Orders – Bus Eireann Strike

Councillor J. Carroll proposed, seconded by Councillor D. O’Grady the suspension of Standing Orders to discuss the recent Bus Eireann strike.

It was agreed that this matter would be taken at 1pm.

VOTES OF SYMPATHY

2/4-1

TO: The wife and family of the late Martin McGuinness, former Deputy First Minister.

Cllr. D. O’Grady said that Mr. McGuinness was an IRA volunteer, a peacemaker and displayed bravery, determination, strength and generosity. He thanked the Mayor for opening a Book of Condolences in County Hall on the passing of Martin McGuinness.

TO: Cllr. Kevin Murphy, on the death of his brother, Des.

TO: Deputy Sean Haughey TD, on the death of his mother, Maureen Haughey, daughter of Sean Lemass and wife of the late Charlie Haughey.

TO: Amanda Wallace, Contact Centre, on the death of her grandmother.

TO: Pat Cotter, former employee Passage West, on the death of his wife Mary.

STATUTORY BUSINESS

Section 183 of the Local Government Act, 2001:

Members noted the following disposal.

DISPOSAL OF LAND AT YELLOWFORD, BALLYMACODA, CO. CORK.

3(a)/4-1

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 10th March, 2017

Property: Yellowford, Ballymacoda, Co. Cork.

From Whom Acquired: Re-possessed Council Housing stock.

To Whom It Is Proposed

To Dispose: Mr. Patrick Byrne, Gleannfia, Mogeely.

Consideration: €137,000.00.

DISPOSAL OF APARTMENT NO.12 BROWNE COURT APARTMENTS, LOWER BROWN STREET, YOUGHAL, CO. CORK.

3(b)/4-1

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 10th March, 2017

Property: Apartment No. 12, 3rd Floor
Browne Court Apartments, Lower Brown Street, Youghal, Co. Cork.

From Whom Acquired: Re-possessed Council Housing stock.

To Whom It Is Proposed

To Dispose: Katherine Larkin, 21 Cloverhill Estate, Blackrock, Cork.

Consideration: €68,000.00.

DISPOSAL OF SITE AT HARBOUR ROW, (ADJACENT TO NO. 18) COBH, CO. CORK.

3(c)/4-1

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 16th March, 2017

Situation: Disposal of site at Harbour Row (adjacent to No. 18), Cobh, Co. Cork

Area: 0.0043998 hectares.

From Whom Acquired: Property registered to Cork County Council since 1964.

**To Whom It Is Proposed
To Dispose:** Smartspace Developments Ltd.

Consideration: €21,500.00

DISPOSAL OF CUL NA GREINE, DUBLIN HILL MIDDLE, CO. CORK.

3(d)/4-1

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 16th March, 2017

Property: Cul na Greine, Dublin Hill Middle, Co. Cork.

From Whom Acquired: Historic Council land.

**To Whom It Is Proposed
To Dispose:** Tina Sexton.

Consideration: €1.00

DISPOSAL OF 4 ST. COLEMAN'S SQUARE, COBH, CO. CORK.

3(e)/4-1

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 22nd March, 2017

SITUATION: 4 St. Colemans Square,
Cobh,
Co. Cork.

AREA: Dwellinghouse

**TO WHOM IT IS
PROPOSED TO DISPOSE:** Martin & Theresa Scott

CONSIDERATION: 73,227.60 (subject to change depending on
month and year of redemption)

PURPOSE: Acquire the Council's interest under
the Shared Ownership Scheme.

Section 19 of the Local Government Act, 2001:

CASUAL VACANCY IN THE MEMBERSHIP OF COUNCIL

5/4-1

The Senior Executive Officer advised that correspondence had been received from Gearóid Murphy accepting the nomination to fill the casual vacancy arising from former Cllr. Daniel Fitzgerald.

In accordance with Standing Orders, Councillor Frank O’Flynn proposed, seconded by Councillor Bob Ryan, the following proposal:

“That Gearóid Murphy be hereby co-opted to Cork County Council to replace former Councillor Daniel Fitzgerald.”

The Mayor and Members welcomed Councillor Murphy to the Chamber and wished him well for the future. The Chief Executive congratulated Councillor Murphy and said that it is an honour for him and his family to hold the position and that staff would be available for any guidance and assistance through the Corporate Services section.

Cllr. Murphy thanked the Members and the Chief Executive for their good wishes and said he looked forward to working with Members and staff.

FILLING OF VACANCIES ON COMMITTEES AND EXTERNAL BODIES

6/4-1

On the proposal of Cllr. F. O’Flynn, seconded by Cllr. B. Ryan, Cllr Gearóid Murphy was nominated to the Economic Development SPC.

On the proposal of Cllr. F. O’Flynn, seconded by Cllr. B. Ryan, Cllr Gearóid Murphy was nominated to the Housing SPC.

On the proposal of Cllr. F. O’Flynn, seconded by Cllr. B. Ryan, Cllr Gearóid Murphy was nominated to the County Library Committee.

On the proposal of Cllr. F. O’Flynn, seconded by Cllr. B. Ryan, Cllr Ian Doyle was nominated to the International and EU Affairs Committee.

On the proposal of Cllr. F. O’Flynn, seconded by Cllr. B. Ryan, Cllr Mary Rose Desmond was nominated to the CASP Policy Committee.

On the proposal of Cllr. F. O’Flynn, seconded by Cllr. B. Ryan, Cllr Gearóid Murphy was nominated to the Joint Policing Committee.

On the proposal of Cllr. F. O’Flynn, seconded by Cllr. B. Ryan, Cllr Gearóid Murphy was nominated to the Bottlehill Liaison Committee.

On the proposal of Cllr. F. O’Flynn, seconded by Cllr. M. R. Desmond, Cllr Bob Ryan was nominated to the Avondu/Blackwater Partnership.

FILLING OF CASUAL VACANCY ON THE NORTH CORK LCDC

7/4-1

Proposed by Councillor M. Linehan-Foley

Seconded by Councillor T. Collins

RESOLVED:

“That in accordance with the provisions of Section 4(2) and Sections 32-35 of the Local Community Development Committee (Section 128E) Regulations 2014 (SI No. 234 of 2014), the approval is conveyed to the appointment of Mr Ned Brennan(RESPOND) as a replacement representative for the Voluntary Housing Bodies on the North Cork LCDC. The previous nominee (Ms. Margaret Fenton) is hereby de-selected.”

REPORTS & RECOMMENDATIONS OF COMMITTEES

Roads & Transport SPC:

REPORT ON EASY PAYMENT METHOD OF MOTOR TAX PAYMENTS

8(a)/4-1

Cllr. D. Hurley gave an overview of the background from the Roads and Transport SPC, and said that it would not be a function of the Council to implement, so a request has been sent to the Department indicating the Council’s willingness to act as a Pilot and also asked them to cease quarterly fees.

On the proposal of Cllr. Hurley, seconded by Cllr. K. Murphy, the Report on Easy Payment Method of Motor Tax Payments was agreed.

DRAFT POLICY ON DISABLED PERSONS PARKING

8(b)/4-1

Cllr. D. Hurley gave an overview of the policy and Cllr. M. D’Alton proposed that the following would be included.

“In 4(d) where it says, “Where public realm works are being designed or carried out, and where bus stops are being provided or modified, consideration to be given to providing adequate clearance for disabled access”, that the underlined part be reworded to say “adequate clearance for disabled access should be provided”. If Council is doing a public realm enhancement, there should always be provision for disabled access.”

This was agreed

On the proposal of Cllr. D. Hurley, seconded by Cllr. K. Murphy, the policy on Disabled Persons Parking was agreed.

DRAFT POLICY ON ADVERTISING VEHICLES ON PUBLIC ROADS

8(c)/4-1

Cllr. D. Hurley outlined the terms and detail of the document and outlined exemptions for same.

During a discussion, Members made the following points:-

- Need to clarify that mobile advertising is included;
- People are now placing cars on private property at side of roads;
- Control needed re converting trucks into advertising on lands adjacent to busy roads;
- It should be implemented correctly in all areas;
- Will community/sporting groups be facilitated for temporary signs;
- Will Council remove signs or impose a fine under the Litter Act;
- Is Council responsible if someone hurts themselves from these signs;
- Will extra resources be deployed for this;
- Notice of public meetings should also be exempt;
- Communicate with small businesses before removing signs or imposing fines , need to take a pro-business approach ;
- Sought update on water harvesting motion put before Council previously;
- Concerns regarding the survival of businesses without advertising;
- Include “or authorised by each Municipal District” instead of “law” in exemptions;
- Policy is not anti-business or communities, down to each Municipal District how they govern;

It was agreed to refer the matter back to the Roads & Transport SPC.

Ballincollig/Carrigaline Municipal District:

MANAGER’S REPORT UNDER SECTION 179, PLANNING AND DEVELOPMENT ACT, 2000:

9/4-1

On the proposal of Cllr. D. Canty, seconded by Cllr. S. McGrath, the recommendation from the Ballincollig/Carrigaline Municipal District, was deferred to the next Council Meeting, as follows:-

Proposed Development of Pedestrian and Cycle Greenway and Ancillary Works from Glenbrook to Raffeen Bridge.

Bandon /Kinsale Municipal District:

MANAGER’S REPORT UNDER SECTION 179, PLANNING AND DEVELOPMENT ACT, 2000:

10/4-1

Proposed by Councillor A. Lombard

Seconded by Councillor K. Murphy

RESOLVED:

“Noting that in accordance with Article 179 of the Local Government (Planning and Development) Act, 2000, notice of the proposed development was published, that 7 no. submissions were received in respect of the proposal, approval pursuant to Article 179 of the said Act is given for the following:-

Proposed Housing Development at Kilnagleary (Phase 1) for 49 Social Housing Units at Kilnagleary, Carrigaline, Co. Cork.”

Members welcomed the proposal but had concerns regarding the effects on infrastructure which is already inadequate.

The Chief Executive said the proposal had been debated at length and a significant response was given to the Municipal District. He said the Traffic Report is satisfactory, and the issue relating to Ferney Road is well known and will form part of the Capital Programme.

Cllr. D’Alton asked for Members of the Ballincollig/Carrigaline MD to be equally informed.

Corporate Policy Group:

CONFERENCE LIST, APRIL 2017

11/4-1

Proposed by Councillor K. Murphy

Seconded by Councillor M. Hegarty

RESOLVED:

“That the attendance by Council members at Conferences on the Conference List for April, 2017 approved by the Corporate Policy Group at their meeting on the 4th April, 2017, be hereby approved.”

REPORTS & RECOMMENDATIONS OF OFFICERS

STATUTORY PUBLIC CONSULTATION LOWER LEE (CORK CITY) FLOOD RELIEF SCHEME.

12/4-1

Members noted the Flood Relief Scheme for the Lower Lee (Cork City).

The following observations were made:

Cllr Diarmaid O’Cadhla

Noted that members had requested briefings from alternate sources of opinion. These briefings did not occur, and the decision is compromised.

Concerns remain with regard to the heritage impact of the scheme, and the safety of the people of Cork City.

Cllr Marcia D’Alton

- Was the two page letter enclosed with the minutes and sent to the Corporate Policy Group intended to speak on my behalf of all Members of Council? (It speaks of “we the Council”.) It does not represent her views.
- Requested that the minutes of the Southern Committee meeting and the minutes of comments in relation to the scheme made at this meeting are to be appended. Need to see and confirm their content before they go to the OPW.
- Have concerns about the heavy construction nature of the proposals, the loss of centuries of heritage, visibility to the river and access to the river for recreational purposes and would like them noted in the submission to the OPW.

Cllr Mary Rose Desmond

Acknowledged that flooding was of extreme concern to home owners and businesses. Agreed with previous observations that concerns remain with regard to the heritage, architectural and amenity impacts of the scheme.

QUARTERLY REPORT OF THE CHIEF EXECUTIVE ON CORPORATE AND LIBRARY SERVICES.

13/4-1

On the proposal of Cllr. K. Murphy, seconded by Cllr. F. O'Flynn, the Quarterly Report of the Chief Executive on Corporate and Library Services was approved.

Suspension of Standing Orders – Bus Eireann Strike

Members made the following points:-

- This is an attack on Rural Ireland and an attack on working standards;
- Staff will lose up to €150 per week;
- Lack of access to the city for students and workers;
- Hospital appointments have to be cancelled;
- The Minister is not for the employees, he should stand aside;
- The Minister should not stand aside this is an LRC issue;
- The money needed to keep Bus Eireann afloat could be found;
- This is a social service rural Ireland has no other form of transport;
- The Minister has failed and should get involved.

It was agreed to write to the Minister for Transport.

It was agreed that the remaining items on the Agenda would be deferred to the Council Meeting on 24th April, 2017.

This concluded the business of the Meeting