



# Comhairle Contae Chorcaí

## Cork County Council

Minutes of Proceedings at Meeting of Cork County Council held in the Council Chamber, County Hall, Cork and by Microsoft Teams on Monday 26<sup>th</sup> February 2024.

### I LATHAIR

#### Comhairleoir Proinsias Ó Flíonn, Méara Chontae

**Comhairleoiri:** Uí Chochláin, Ó Colmáin, Ó Murchú C, Ó Suilleabháin Sean, Uí Shuilleabháin M, Ó Donnabháin, Ó Coileáin D, Ó Murchú PG, Ní Chróinín, Heinhold, Mac Craith, Uí Daltún, Uí Ní Charthaigh U, Bhuachalla, De Faoite, Daltún-Ó Suilleabháin, Ní Cheallacháin, Barra, Sheppard, Rasmussen, Ó Conbhubhair Sean, Ó Conchubair Alan, MacCarthaigh N, Uí Bhriain, Ó'Laoighaire, Dawson, De Róiste, Ó Muineacháin B, Ó Dubhghaill, Ó Sé Sean Pól, Ó Murchú Gearóid, Críod, Uí Muineacháin G, Ó Luanaigh, Ó Cochláin M, Uí Loinsigh, Ó Luasa, Ó Haodha Padriagh, Ó Murchú Gearóid, Kenny, Ó Madaoin, Ó Sé Tony, Léineacháin Uí Foghlú, Ó hÉalaithe, Ó Héigheartaigh, Ní Heachthigheirn, Uí Thuama, MacCarthaigh Susan, Mac Uaid, Ní Cheallaigh, Ó Cearbhaill, Ó Muirthile, Uí Chaochlaioich, Ó Haodha Pól.

### PRESENT

#### Councillor Frank O'Flynn, County Mayor, presided.

**Councillor:** Coughlan, Coleman, Murphy K, O'Sullivan J, O'Sullivan M, O'Donovan, Collins D, Murphy PG, Cronin, Heinhold, McGrath, D'Alton, McCarthy U, Buckley A, White, Dalton O'Sullivan, O'Callaghan, Barry, Sheppard, Rasmussen, O'Connor S, O'Connor A, McCarthy N, O'Brien, O'Leary, Dawson, Roche, Moynihan B, Doyle, O'Shea JP, Murphy Gerard, Creed, Moynihan G, Looney, Coughlan M, Lynch, Lucey, Hayes Pat, Murphy Gearóid, Kenny, Madden, O'Shea Tony, Linehan-Foley, Healy, Hegarty M, Ahern, Twomey, McCarthy S, Quaide, Kelly, Carroll, Hurley, Coakley, Hayes Paul

Chief Executive, Senior Executive Officer Corporate Services.

#### [a] CONFIRMATION OF MINUTES

1/2-2

*Proposed by Cllr. Deirdre O'Brien  
Seconded by Cllr. John Paul O'Shea*

### RESOLVED:

That the minutes of the Meeting held on 12<sup>th</sup> February 2024 be confirmed and signed by the Mayor.

#### [b] VOTES OF SYMPATHY

2/2-2

**TO:** Cllr. Danny Collins on the death of his nephew Michael John Lynch

**TO:** Charles & Aileen Dullea on the death of their son Darragh Dullea

**TO:** Paddy O’Friel on the death of his wife Mary O’Friel.

**TO:** Keane family on the death of Brendan Keane

**[c] STATUTORY BUSINESS**

**DISPOSAL OF PROPERTY**

**SECTION 183 OF THE LOCAL GOVERNMENT ACT 2001:**

3/2-2

**MUNICIPAL DISTRICT OF WEST CORK**

***Lease of land at Creggane, Rosscarbery, Co. Cork***

3(a)/2-2

In accordance with the provisions of Section 183 of the Local Government Act 2001, the disposal of the property as shown hereunder shall be carried out in accordance with the terms specified in the notice issued to members dated 16<sup>th</sup> February 2024.

**Situation:** Creggane, Rosscarbery, Co. Cork

**Consideration:** €2540 per annum

**CHIEF EXECUTIVE REPORT IN ACCORDANCE WITH SECTION 179A OF THE PLANNING & DEVELOPMENT ACT 2000 AS AMENDED.**

**MUNICIPAL DISTRICT OF CARRIGALINE:**

4/2-2

**Monkstown Active Travel Link and Public Realm Enhancement**

4(a)/2-2

Members resolved to approve Part 8 Chief Executive’s report in respect of road reconfiguration and public realm enhancements within Monkstown, Co. Cork. This scheme will provide a strategic pedestrian and cycle route that will form an integral part of a wider network that connects to Ringaskiddy, Carrigaline, Crosshaven, Passage West and onwards to Cork City.

**Carrigaline Transportation and Public Realm Enhancement Plan (TPREP) Phase 1B**

4(b)/2-2

Members resolved to approve Part 8 Chief Executive’s report in respect of proposed road reconfiguration and active travel enhancements in Carrigaline, Co. Cork. This scheme provides strategic pedestrian and cycle routes as part of Phase 1B of the Carrigaline Transportation and Public Realm Enhancement Plan (CTPREP), which was prepared by Cork County Council to provide the framework for an integrated transport network for Carrigaline.

**During this discussion, the Members made the following points:**

- Said these are significant plans with significant amounts of investment.
- Said there has been significant engagement with the Roads Directorate.
- Said both projects are exciting and positive.

## CASUAL VACANCIES:

### **SECTION 19 OF THE LOCAL GOVERNMENT ACT 2001:**

5/2-2

#### ***Filling of the Casual Vacancy arising from the resignation of Cllr James Kennedy.***

“That Eoghan Kenny be co-opted as a Member of Cork County Council to fill the vacancy created by the resignation of Councillor James Kennedy.”

***Proposed by Councillor Cathal Rasmussen***

***Seconded by Councillor Liam Madden***

At this juncture Councillor Eoghan Kenny joined the meeting.

Members welcomed Eoghan Kenny adding their well wishes for the future and said they looked forward to working with him. Members said that he will be a very strong addition to the Kanturk/Mallow Municipal District. Chief Executive, Valerie O’Sullivan on behalf the staff welcomed Cllr. Kenny. Tributes were also paid to Cllr. James Kennedy on his retirement. Councillor Kenny thanked members for the warm welcome and added that he was looking forward to working with them and for the people of the Kanturk/Mallow Municipal District.

## **[g] CORRESPONDENCE FROM GOVERNMENT DEPARTMENTS COMHFHREAGRAS Ó RANNA RIALTAS**

### **DEPARTMENT OF TOURISM, CULTURE, ARTS, GAELTACHT, SPORT AND MEDIA**

6/2-2

Correspondence received 09/02/24 from Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media in response to the Council’s letter dated 11/01/24 in relation to making changes to incorporating Ryan Tubridy into the Sunday morning schedule.

***Members noted the correspondence from the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.***

### **DEPARTMENT OF SOCIAL PROTECTION**

7/2-2

Correspondence received 09/02/24 from Department of Social Protection in response to the Councils letter dated 02/02/24 in relation to funding allocated for Storm Babet.

***Members noted the correspondence from the Department of Social Protection.***

## **[h] NOTICES OF MOTION**

### **DEPOSIT RETURN SCHEME**

***Cllr. Gobnait Moynihan proposed, seconded by Cllr. Audrey Buckley***


“Ask Cork County Council to discuss their plans, in the new Deposit Return Scheme.”

Members noted the response from Louis Duffy, Director of Services, Environment, Emergency Services, Climate Change and Rural Broadband, as follows:

**RESPONSE:**

The Local Authority Sector will formally launch the new ‘National Waste Management Plan for a Circular Economy’(NWMPCE) on March 1<sup>st</sup> 2024. It aims to reduce the quantity of waste going to disposal and promote the Waste Hierarchy and the Circular Economy.

The Plan covers stakeholder responsibilities in some detail and aims to ensure the full application of the polluter pays principle, which should reduce the cost and resource demands of waste management in the Local Authority Sector.

The Deposit Return Schemes are intended to be self-funding and managed by the retail sector, or more specifically at this time by a Company operating on behalf of the sector.  is the company.

Cork County Council does not have a responsibility to provide or support any part of the service, however we have engaged with the Regional Waste Management Office in Limerick in respect of issues that may arise in the deployment of the service such as provision for collection of containers that are rejected by the machines and also in regard to disabled persons access to use the machines. Furthermore we will continue to promote the service on our Environmental Awareness platforms.

The Council Executive will continue to monitor the deployment of the service and the achievement of recycling targets as set out in law and in the NWMPCE. We will also continue to work with the DECC and the Waste Management Planning Offices to identify improvements that the system may require to ensure that they contribute effectively and sufficiently to the achievement of targets in respect of the specific materials.

**During this discussion, the members made the following points:**

- That the scheme is not available in smaller stores which is forcing people to shop in larger stores.
- The system should be introduced to civic amenity and bring sites.
- That each store availing of the scheme receives a handling fee.
- There are issues which need to be ironed out with Members accepting that it was early days yet.
- The scheme was not given enough thought.
- The scheme has given larger chains an advantage.
- The scheme is causing mass confusion amongst customers and staff.

*Members agreed to refer this matter to the Environment, Climate Action & Biodiversity SPC for further discussion.*

## **NATIONAL ROUTES**

9/2-2

***Cllr. Joe Carroll proposed, seconded by Cllr. Patrick Gerard Murphy***

“That this council would write to Transport Infrastructure Ireland requesting them to review its policy on planning in relation to National Routes. As it is now the situation where all land holdings on the National Routes are effectively sterilised in terms of planning. Their policy is creating great hardship for families all over the country, as sons and daughters of landowners are denied access on to these roads. And they are also not allowed to exit via their parents existing entrance.”

**During this discussion, the members made the following points:**

- There are issues getting planning permission for new properties due to restrictions on access to the N71.
- People are being excluded from accessing new proposed properties through existing entrances on the N71.
- Each application should be judged on a case-by-case basis rather than a blanket no.
- TII are vetoing applications without knowing the area well enough.
- This a problem which is occurring throughout the country.

*Members agreed to write to Transport Infrastructure Ireland requesting them to review its policy on planning in relation to National Routes.*

## **REVALUATION OF RATES**

10/2-2

***Cllr. Michael Hegarty proposed, seconded by Cllr. Joe Carroll***

“That we request the minister for housing and local government to sanction/sign the order for the Revaluation by the Valuation office of Business and Commercial Properties in County Cork ASAP.”

**During this discussion, the members made the following points:**

- Cork County Council is one of two local authorities which has not had a revaluation.
- There is an unfairness in the system.
- Premises where no commercial work is occurring are being valued.
- There is confusion regarding the whole system.
- Clarity is needed on how rates are calculated.
- People have a right to an appeal through the evaluation tribunal.

*Members agreed to write to the Minister for Housing and Local Government & Heritage to sanction/sign the order for the Revaluation by the Valuation office of Business and Commercial Properties in County Cork ASAP.*

Chief Executive Valerie O’Sullivan agreed to revert to members with how rates are calculated.

## USE OF EXISTING CCTV CAMERAS IN TOWNS

11/2-2

*Cllr. Ian Doyle proposed, seconded by Cllr. Seamus McGrath*

“That Cork County Council would give an update on the current position as regards the use of existing CCTV cameras in our towns and the possible extensions of same to other towns”.

Members noted the response from Nicola Radley, A/Director of Services, Corporate Services.

### **RESPONSE:**

The Garda Síochána (Recording Devices) Act 2023 was enacted and signed into law by the President on the 5<sup>th</sup> of December 2023. Section 6 of this Act will repeal the current authorisation process for community CCTV provided for by section 38 of the Garda Síochána Act 2005 and will revoke the related statutory instrument S.I. 289 of 2006. (Garda Síochána (CCTV) Order, 2006).

The final text of the Act has not yet been published on the Statute Book but is expected shortly. Whilst the legislation has been enacted, it has not yet come into effect, and won't until after the operational code of practice has been agreed.

When the Act is commenced, any new Community CCTV schemes will fall under the provisions of the Recording Devices Act 2023,

In 2019 Cork County Council carried out an audit of the Community CCTV in its administrative area, which was authorised under section 38 of the 2005 Act, using specialist CCTV consultants. The report identified 15 existing Community CCTV schemes in Cork County. Of these 15 schemes, 8 are operational, 7 are non-operational. There were 7 additional proposed Community CCTV schemes.

Section 7 of the 2023 Act provides for a transition period of 4 years within which the authorisation of existing community CCTV schemes under section 38 of the 2005 Act remains valid. After this 4 year transition period a new authorisation under section 27 of the 2023 Act will be required.

A further consideration for potential CCTV schemes are the ongoing operational and maintenance costs involved, which are considerable. The CCMA Corporate Committee have established a working group to advise on the best way forward regarding CCTV schemes and will comment on the draft code of practice once published.

### **During this discussion, the members made the following points:**

- That its important for new public realm improvements to be policed by CCTV.
- CCTV is needed to deter illegal dumping which is increasing.
- The existing systems in place need to be reenacted and that new systems need to be brought forward.
- Said that funding will be an issue.
- Asked how long before we see CCTV on the ground.
- Asked who the data controller is.

Chief Executive Valerie O’Sullivan agreed with the sentiments of members regarding the need for CCTV. Ms. O’Sullivan said the final details of the Act not yet available. The Chief Executive said she will come back with detail regarding the existing systems.

## **FLOOD MANAGEMENT**

12/2-2

***Cllr. Liam Quaide proposed, seconded by Cllr. Susan McCarthy***

“That Cork Co. Council would call on the three party leaders in government to establish a separate agency to lead and co-ordinate on all aspects of flood management, given the scale and complexity and enduring nature of these challenges nationally. This agency would oversee co-ordination between all relevant entities, including local authorities, the OPW, the Dept. of Environment, Inland Fisheries Ireland, Irish Water, Coillte and the Dept. of Agriculture, addressing funding and regulatory snags that arise with flood works more efficiently, and working on land use changes in some areas of flood risk. The agency would also provide a 'one-stop shop' service for residents and business owners on such issues as financial supports, individual property protection and managed retreat.”

**During this discussion, the members made the following points:**

- That the set of challenges is enormous in scale and complexity.
- That a wider agency is needed.
- Flood works are facing regulatory snags and delays.
- There is discontent growing amongst the public.
- There have been 2 flood events in Midleton in the past 10 years.
- Future proofing is needed to deal with future events.
- A forward and proactive approach is needed.
- A one stop shop would alleviate a lot of pressures.
- Current system is not working.
- Some members thought that we are overburdened by national agencies.

Chief Executive Valerie O’Sullivan urged caution with calling for the establishment of yet another national agency and that the agency best equipped to deal with the issue is Cork County Council. No newly established agency would be able to act faster than Cork County Council and that any potential flood defence scheme would be cheaper than paying out affected households and businesses for damages during a flood event. She is currently working on a dedicated flood defence team and has been told that funding would not be an issue.

*Members agreed to amend the motion as follows:*

“That Cork Co. Council would call on all party leaders to establish a separate agency to lead and co-ordinate on all aspects of flood management, given the scale and complexity and enduring nature of these challenges nationally. This agency would oversee co-ordination between all relevant entities, including local authorities, the OPW, the Dept. of Environment, Inland Fisheries Ireland, Irish Water, Coillte and the Dept. of Agriculture, addressing funding and regulatory snags that arise with flood works more efficiently, and working on land use changes in some areas of flood risk. The agency would also provide a 'one-stop shop' service for residents and business owners on such issues as financial supports, individual property protection and managed retreat.”

*Members agreed to write to all party leaders to establish a separate agency to lead and co-ordinate on all aspects of flood management and that this agency would also provide a 'one-stop shop' service for residents and business owners on such issues as financial supports, individual property protection and managed retreat.*

**[k] VOTES OF CONGRATULATIONS**

13/2-2

**TO:** DBM Community First Responders

**TO:** Bambi Thug Ray Robinson on representing Ireland this summer in Sweden at the Eurovision song contest

**TO:** Cork Palestine Solidarity Campaign on hosting the All-Munster Rally for Palestine in Cork on Saturday 24<sup>th</sup> February

**TO:** Kevin O'Callaghan on being part of the Paralympic Squad in Sweden

**TO:** Danielle Winter on being placed 10<sup>th</sup> in the Women's 18 ys 2000m and 9<sup>th</sup> in the Women's 17/18 500 m at the World Indoor Rowing Championships

**TO:** Fermoy Musical Society on 100-year celebrations

**TO:** All winners at the Mayors Community Awards

**i] ANY OTHER BUSINESS**

14/2-2

**LEADER FUNDING UPDATE**

***Cllr. Bernard Moynihan proposed, seconded by Mayor, Cllr. Frank O'Flynn.***

Members queried had there been an update on the allocation of Leader funding following correspondence sent on 23<sup>rd</sup> February 2024 asking the Minister to prioritise allocation of the funding. The Mayor said that there has been no update back from the Minister.

**NEW TOURISM PLAN**

Members asked will they see the plan and if coastal erosion is included.

The Chief Executive said it is a Fáilte Ireland plan that Cork County Council are feeding into and that Capital Projects are different to this.

**~ THIS CONCLUDED THE BUSINESS OF THE MEETING ~**