



## COMHAIRLE CONTAE CHORCAÍ

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### Minutes of Proceedings at Meeting of Cork County Council held in the Council Chamber, County Hall, Cork on 14<sup>th</sup> May, 2018.

#### I LATHAIR

Comhairleoir D. Ó hUrthuile, Méara Chontae

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

#### PRESENT

Councillor Declan Hurley, County Mayor presided.

Councillors McGrath, Jeffers, Forde, Ó'Donnabháin, Desmond, Canty J. Collins, M. Murphy, Harris, R. McCarthy, Coleman, Lombard, K. Murphy, Coughlan, O'Donovan, G. Moynihan, Creed, O'Grady, Lucey, Ryan, Conway, P. O'Sullivan, Keohane, Barry, O'Cádhlá, Rasmussen, N. Collins, Ahern, Twomey, Hegarty, S. McCarthy, Linehan Foley, O'Brien, N. McCarthy, O'Flynn, Doyle, Dawson, O'Shea, Gearóid Murphy, G. Murphy, B. Moynihan, Mullane, D. Collins, Carroll, J. O'Sullivan, C. O'Sullivan, P. G. Murphy, Hegarty, Hayes.

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

Councillor Noel McCarthy requested clarification from the Mayor as to why a Notice of Motion was refused and referred back to the appropriate Municipal District/Divisional Committee.

The Mayor responded to Councillor McCarthy stating that Standing Order 20 of the Standing Orders Regulating the Proceedings of the Council outlines that the Mayor, following consultation with the Meetings Administrator and the member responsible for the motion, shall have discretion to refer to a Committee or Municipal District meeting any motion which is not relevant to the business as set out on the Agenda or is more appropriately considered by a committee of the Council or by a Municipal District.

The Mayor referred to Standing Order 21, which provides that the Mayor, following consultation with the Meetings Administrator and the member responsible for the motion, shall have the discretion to refuse or amend any motion to secure compliance with these Standing Orders.

The Mayor advised Councillor McCarthy the matter would be discussed under AOB if time permitted

Councillor Bernard Moynihan requested than an issue relating to the Water/Waste Water Scheme at Knocknagree be discussed at the meeting. The Mayor advised Councillor Moynihan the matter would be discussed under AOB if time permitted.

## **CONFIRMATION OF MINUTES**

**1(a) /1-5**

Proposed by Councillor Derry Canty

Seconded by Councillor Kevin Conway

### **RESOLVED:**

“That the minutes of the meeting of the Council held on 16<sup>th</sup> April, 2018, be confirmed and signed by the Mayor.”

**1(b) /1-5**

Proposed by Councillor Noel McCarthy

Seconded by Councillor Derry Canty

### **RESOLVED:**

“That the minutes of the Special Meeting of the Council held on 23<sup>rd</sup> April, 2018, be confirmed and signed by the Mayor.”

## **VOTES OF SYMPATHY**

**2/1-5**

TO: Margaret O ‘Doherty on the death of her husband, William.

TO: Nancy Clifford on the death of her husband, Michael.

The Mayor and all members wished to be associated with the votes of sympathy.

## **STATUTORY BUSINESS**

### **Section 183 of the Local Government Act, 2001:**

Members noted the following disposals.

### **AMENDMENT TO DISPOSAL OF SERVICED SITE AT NO. 14 MA NA GREINE, KILLEAGH, CO. CORK**

**3(a)/1-5**

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 20<sup>th</sup> April, 2018.

**DISPOSAL OF LAND AT SUNBERRY HEIGHTS, BLARNEY, CO. CORK**

3(b)/1-5

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 30<sup>th</sup> April, 2017.

**LOCAL GOVERNMENT ACT, 2001:**

4/1-5

Proposed by Councillor Kevin Murphy

Seconded by Councillor Frank O’Flynn

**RESOLVED:**

“That Cork County Council agrees to the making of an Agreement, as presented to them, under Section 85 of the Local Government Act, 2001 and Section 14 of the Roads Act, 1993, with Limerick City and County Council for the carrying out by Limerick City and County Council of the relevant statutory procedures, procuring the necessary design work, acquiring the land and carrying out of the construction works and any other powers, functions and duties necessary for the N/M20 Cork to Limerick Road Improvement Scheme.

**FILLING OF VACANCIES ON COMMITTEES AND EXTERNAL BODIES**

**Arts, Culture and Language Strategic Policy Committee**

5(a) /1-5

Proposed by Councillor Des O’Grady

Seconded by Councillor Melissa Mullane

**RESOLVED:**

“Councillor Mellissa Mullane is appointed to the position of Chair of the Arts, Culture and Language Strategic Policy Committee, replacing Councillor Des O’Grady”.

**Housing Strategic Policy Committee**

5(b) /1-5

Proposed by Councillor Melissa Mullane

Seconded by Councillor Des O’Grady

**RESOLVED:**

“Councillor Des O’Grady is appointed to the Housing Strategic Policy Committee, replacing Councillor Melissa Mullane”.

**REPORTS & RECOMENDATIONS OF COMMITTEES**

**CORPORATE POLICY GROUP**

**6/1-5**

Members approved the Conference List for May, 2018.

**MUNICIPAL DISTRICT OF EAST CORK**

**7/1-5**

“That this Municipal District support a call for Cork County Council to align itself with nearby County Councils i.e. Kerry, Waterford, etc in the creation of a data centre to uphold its obligations under the General Data Protection Regulations 2018.”

Members noted the response from the Director of Corporate Services, which outlined as follows;

It is understood that the matter referred to in the Notice of Motion relates to GDPR in the context of the monitoring of CCTV systems. This matter has been raised by the Local Government sector and, following a meeting with the Office of the Data Protection Commissioner, the matter has been raised by the sector with the Department of Justice and Equality. It should be noted that any further development of CCTV has been paused pending clarification of the outcome of the deliberations. The concerns of the council will be brought to the attention of the Department of Planning, Housing and Local Government, and the Department of Justice and Equality.

In the discussion that followed members made the following points:

- The Gardaí do not want to be sole data controllers of CCTV.
- Cork County Council should consider partnering with other local authorities to deliver a data centre, and this would potentially limit the cost to the tax payer.
- CCTV has a number of useful purposes including littering and dog fouling enforcement.
- The data centre in limerick cost in the region of €2.7 million to construct, and has an annual running cost of €500,000.
- Once GDPR is running, collaboration with other local authorities would be of benefit.

The Mayor said that member’s concerns will be brought to the attention of the Department of Planning, Housing and Local Government, and the Department of Justice and Equality.

**MUNICIPAL DISTRICT OF KANTURK MALLOW**

**8/1-5**

“Following the recent call for proposals under the Clár Programme, noting that each County can submit fifteen applications and Cork has historically been treated as three counties due to its size and the fact that County Cork has a very high concentration of Clár areas, that an urgent request for a

meeting be sought with Minister Ring in relation to Clár and other funding opportunities for Cork County.”

Members noted the response from the Director of Municipal District Operations and Rural Development, which outlined as follows;

There is an allocation of €5million in total for 2018, of which, up to €4 million is available under 2 measures to be operated via Local Authorities for a range of School and Community projects.

Measure 1: Support for Schools/Community Safety Measures (€2M)

Measure 2: Play Areas (Including MUGAs) (€2M)

The Department of Rural and Community Development advised that the 2018 scheme will allow for applications to be submitted to the LA from Schools, Community Groups and also from Local Development Companies.

Up to **15 applications in total**, between measures 1 and 2, could then be submitted by the LA, providing that they were of sufficient quality and are consistent with developmental planning at a local level, LECP's, Town plans and any other relevant plans, for onward submission to the Department for its consideration.

The Department will select a number of projects in whole or in part and will take the proportion of the county that is within CLÁR into account in the decision making process (e.g. Clare has more than 120 District Electoral Divisions (DEDs) in CLÁR, whereas Wicklow only has 7). Where facilities have received funding in the past, particularly under CLÁR 2017, the Department may take that into account when making final decisions regarding project selection and may prioritise those that have not received funding previously.

Cork County Council submitted 15 projects and also included an additional 5 reserve projects for consideration.

The Council will write to the Department of Rural and Community Development in respect of the Notice of Motion and request that the Department would have regard to same.

In the discussion that followed members made the following points:

- The Clár Programme is a wonderful initiative and there is huge demand for funding under the programme.
- The fact that only 15 applications in total are allowed per county leads to anomalies between larger and small counties.
- The current system of allocating Clár funding is not fit for purpose.
- €1 million in grant funding for Local Improvement Schemes was allocated to County Cork in 2018
- The July deadline for expending funding received under the Local Improvement Scheme must also be reviewed.
- Unless we comply by having the first funding allocation spent by July, we will not qualify for the second allocation.
- Can the executive confirm if the LIS money will be spent in time.
- The Council should put in place a Clár action plan in each of the Municipal District areas.
- Grant funding under the Clár Programme is very important for safety works and measures in small villages.
- The Department needs to allocated more funding to Clár.
- It is imperative that this council demands more Clár funding for the county.

The Chief Executive confirmed the Director of Services, Roads and Transportation recently wrote to the Department of Rural and Community Development expressing concerns in relation to the requirement to have the works completed and funding drawn down by 29th July 2018, and sought a relaxation of this deadline.

Members agreed that that an urgent request for a meeting be sought with Minister Ring in relation to Clár and other funding opportunities for Cork County.

## **MUNICIPAL DISTRICT OF BLARNEY MACROOM**

9/1-5

That Blarney Macroom Municipal District calls on the Minister for Housing, Planning and Local Government to initiate an immediate review of the Derelict Sites Act 1990 with a view to ensuring that the Act can effectively deal with the issue of derelict sites and provides adequate penalties on the owners of derelict sites. Furthermore that the review should investigate the following specific issues:

- (i) Improvements to Section 29 of the Act and in particular a mechanism to require Financial Institutions to provide information to local authorities to assist in the location of property owners
- (ii) where a financial institution has obtained a judgment mortgage on a derelict site and is the de facto owner of said derelict site, placing the responsibility for removing dereliction under the Act with them.
- (iii) inclusion of a Section to provide for an offence by a body corporate, similar to Section 158 of the Planning and Development Act 2000.

Members noted the response from the Senior Executive Officer, Municipal District Operations and Rural Development, which outlined as follows;

The matter was raised at Ballincollig Carrigaline Municipal District Meeting held on 15th January, 2018 and Blarney Macroom Municipal District Meeting held on the 23rd March, 2018.

The derelict sites legislation is cumbersome and has elements within it which are time consuming and are open to legal interpretation which makes it a difficult process to work with when the Local Authority needs to be able to actively intervene and achieve quick results in towns and villages. There would be merit in a complete review of the legislation to deal with many of its shortcomings.

During the discussion that followed, members' comments included as follows;

- Section 29 of the Derelict Sites Act 1990 is not fit for purpose.
- In a lot of cases the establishment of ownership is a problem.
- The number of houses that are derelict is a disgrace.
- There are numerous derelict properties that are there for the taking
- There is merit for a complete review of the Derelict Sites Act as outlined in the Senior Executive's report.

Members agreed to write to the Minister for Housing, Planning and Local Government on the matter.

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

Part 8 Report: Development of 6 Social Units at Mardyke Park, Skibbereen, Co. Cork.

Proposed by Councillor Joe Carroll

Seconded by Councillor Christopher O’Sullivan

**RESOLVED:**

“Noting that in accordance with Article 179 of the Local Government (Planning and Development) Act, 2000, notice of the proposed development was published, 2 No: submissions were received in respect of the proposal, approval pursuant to Article 179 of the said Act is given for the following:-

**Development of 6 Social Units at Mardyke Park, Skibbereen, Co. Cork.**

**CHAPTER 2 SECTION 128B (1)(i) OF THE LOCAL GOVERNMENT REFORM ACT 2014**

**11/1-5**

**2017 LCDC North/South & West Annual Reports**

The 2017 LCDC Annual Reports 2016 of the North/South Cork and West Cork were noted.

**REPORTS AND RECOMMENDATIONS OF OFFICERS**

**NATIONAL PLANNING FRAMEWORK- GROWTH ALLOCATION FOR METROPOLITAN CORK AND RURAL CORK**

**12/1-5**

The Chief Executive informed members that the Corporate Policy Group had sought a briefing on the National Planning Framework – Population Growth Allocation that would be brought to full council.

The Chief Executive said the figures outlined in the report present a significant challenge into the future for Cork County Council and the ability to grow Metropolitan Cork and the remaining County at similar rates to the period 2006-2016.

The Senior Planner then gave a presentation to members on the National Planning Framework – Population Growth Allocation for Metropolitan Cork and Rural Cork, which outlined as follows;

National Population Projection:	+1,000,000
Southern Region Population Growth Allocation:	+340,000-380,000 (Median 360,000)
	▪ Limerick City & Suburbs +50,000-55,000

- Waterford City & Suburbs +30,000-35,000
- Cork City & Suburbs +105,000-125,000 (Median 115,000)

Southern Region **City & Suburbs** - 3 City & Suburbs CSO Designation

Total Existing Population: c356,000

Total Growth Allocation: c196,000

**56% Growth**

Southern Region **Remaining Area** - 9 Local Authorities across Southern Region

Total Existing Population: c1,284,000

Total Growth Allocation: c164,000

**12% Growth**

**Cork County administrative area** – No Specific Allocation, 1 of 9 Local Authorities amongst which approx 164,000 to be Distributed

**Estimate Re:** Allocation of Remainder of Southern Regional Allocation (164,000) Proportional to Existing Populations Outside Cork, Limerick and Waterford City & Suburbs

<b>Council Area</b>	<b>Total Population</b>	<b>Total Population Adjusted to Exclude City Areas</b>	<b>Adjusted Population as % of Overall 'Outside Cities' Population</b>	<b>Estimated Allocation Proportional to Populations</b>
Cork County	417,211	335,211	27.2	43,520

- Estimate New Cork County administrative area Population Growth Allocation of approx 43,520 up to 2040.
- Equates to approx 1,978 population growth per annum for 22 years.
- Equates to approx 989 housing units per annum (2.4 occupancy, applied Vacancy Rate )

**New Cork County Administrative Area Annual Average Growth Rate**

2006-2016 1.2%

2018-2040 0.5%

**Metropolitan Cork** Pop of c100,000 Large Towns, Strategic Employment Areas Suburban Rail

- No Specific growth allocation but represents a significant employment and population growth opportunity for Cork, the Region and State
- NPF Policy Objective 64 Metropolitan Area Strategic Plan may enable up to 20% of City & Suburbs Population Growth to take place in wider Metropolitan Area in addition to growth identified for the Metropolitan Area



## Capacity in Towns

- Network of Towns throughout the County
  - o Placemaking
  - o Choice
  - o Quality of Life
- NPF supportive of sustainable growth in towns

## Rural Communities

- Sustainable economic and population growth opportunities in small towns, villages and open countryside
- NPF supportive of sustainable growth in rural communities

### Notes:

1. Changing Local Government Administrative Boundaries and the fact NPF Figures are ranges focussed on the Region and City & Suburbs mean figures are estimates derived using best currently available data sources.
2. Estimated growth allocation, when taken with population growth allocation for Cork City & Suburbs, is significantly lower than that sought in the Joint Cork County Council /Cork City Council Submission to the NPF, entitled **Cork 2050**
3. Growth target of approx 750,000 by 2040 sought in **Cork 2050** would require doubling of estimated Cork County Population Growth Allocation
4. Investment in Infrastructure, Services and Zoned Lands required.

The Chief Executive thanked the Senior Planner for his report and confirmed he has raised the population growth figures with both the Southern Regional Assembly and with senior officials in the Department of Housing, Planning and Local Government.

The Chief Executive said that while the population growth figures for Cork City and suburbs is positive news, the real issue is that the remaining county metropolitan area has a population of 100,000 which is larger than Limerick city and suburbs populations and that it would appear that the NPF has not recognised this fully in terms of its capacity as an engine of growth for the region. The overall estimated new county population allocation is also a serious concern but is a particular issue in metropolitan area where the level of growth does not appear to be commensurate with the proven track record and future capacity.

The Chief Executive said that the potential reduction in population growth figures in respect of the new Cork County administrative area would have a number of implications, including Housing, Zoning, Rural Towns and Villages and also the other towns in the CASP Area. The Chief Executive said it is of critical importance that members in the Southern Regional Assembly are aware of this

During the discussion that followed, members' comments included as follows;

- The bulk of the projected population increases have been allocated to the main cities.
- The reduction in the annual average growth rate for the county of 1.2% down to 0.5% is very significant.
- The National Planning Framework is a subversive way of limiting the number of rural housing.
- 989 houses per annum is well short of what will be required
- Once you strip away the figures for one off housing we will be left bereft of any other development.

- This will be very significant for the metropolitan area and for the rest of the county.
- In 2017, 4,000 planning applications were received by Cork County Council.
- Members requested the executive to provide figures identifying how many housing units the 4, 000 planning applications resulted in.
- We should be looking at developing railway corridors which will enable people to live and work within the Cork Metropolitan Area.
- Some members commented that railway corridors are not sustainable with the exception of the Cork to Dublin and Dublin to Belfast corridors.
- There is a crisis across West Cork where many communities are folding up due to falling populations.
- West Cork needs a strong town with a population of 15,000 plus.
- The IDA has no interest in putting industry into West Cork.
- Cork County Council has to make a strong submission for a strong town in West Cork.
- The project population growth rate of 0.5% is shocking.
- Will investment lead or follow the population?
- Other local authorities in the southern region will also be seeking a larger allocation in terms of population growth.
- The 2040 NPF is redefining urbanisation.
- Urbanisation growth on rural areas appears to have been missed.
- There are three strands to the issue; these are Economic Development, Population Growth and Infrastructure.
- Where there is no projected growth, no funding will follow.
- Unrealistic growth in our main cities will lead to urban sprawl into green belt areas.
- The elected members on the regional assemblies have an important role to play
- There is huge potential in our provincial towns such as Bandon
- Cork County Council could lead the way by progressing light rail in our provincial towns
- Ireland is now entering a period of significant growth. The population growth figure of 0.5% will ultimately result in the stagnation of Cork County.
- It represents a downgrading of Cork , and an unbelievable reduction of the ability and confidence in Cork
- National bodies such as TII and Irish Water will not invest in Cork
- Therefore liaising with utility companies is very important.
- Has the Executive developed a strategy to combat this?
- Could the Executive engage with the European Investment Bank rather than relying on funding from national bodies such as TII
- We need to lobby our T.D's and engage with Oireachtas members on the issue and a joint meeting should be between Cork County Council, Ministers and the Tánaiste.
- We must deploy sufficient resources and effort to bring about change.
- The population growth figures need to be more balanced and in keeping with our evidence based submission.
- The disparity in projected growth between the City/Suburbs and Rural Cork is indefensible.
- Each party should raise and progress our issues on this matter.
- We need an organised cross party approach to ensure this doesn't happen
- There is a misconception in the regional assembly that Cork is going to benefit from this.
- All views expressed in this chamber will be brought to the regional assembly
- We need to make our senior ministerial colleagues aware of this.
- The key point to note is that growth figures and targets are directly related to the level of funding we will get.
- The future plans of 989 housing units per annum will potentially exasperate an already horrible housing crisis.
- If it is adopted it will govern our planning policy going forward, therefore we cannot accept it.

The Mayor stated that as elected representatives we have an obligation and duty to reject what it is proposed.

The Senior Planner stated the county metropolitan area should have had its own growth assessment, and the Planning Directorate made a submission to both the Department and the Southern Regional Assembly so they are aware of our position. The Senior Planner then referred to page 2 of the report circulated to members at the meeting, stating that the estimated growth allocation, when taken with population growth allocation for Cork City & Suburbs, is significantly lower than that sought in the Joint Cork County Council /Cork City Council Submission to the NPF, entitled Cork 2050.

The Senior Planner said that the growth calculations are based on an estimate of us retaining our current proportion of the rural population. The Senior Planner then referred to the Planning Policy Unit's strategy for approach and confirmed that the PPU has assigned a co-ordinator to work with and maintain strong communications with the Southern Regional Assembly.

The Senior Planner said the growth figures circulated to members and the National Planning Framework looked at new growth *i.e. people yet to be born or to immigrate*. The Senior Planner outlined that household formation rates among existing population would generate an additional requirement for housing per annum that would be measured in hundreds however NPF concerned with growth rather than household formation so we focused our presentation on estimated growth

The Chief Executive stated the Planning Directorate is completely on top of this issue and has carried out an extensive analysis. The Chief Executive said that we have to raise awareness of this issue through the Corporate Policy Group and Planning Policy Strategic Policy Group.

The Chief Executive noted that the regional assembly is charged with introducing new Regional Spatial and Economic Strategies that will set out population and employment growth figures for each local authority. The Chief Executive said that we will be raising awareness of the capacity of our towns to try and win the highest level of population growth from the National Spatial Strategy in order to attract investment.

The Chief Executive informed members that the matter will result in challenges to the level of growth we can deliver, and that we are engaging at an executive level on the matter.

The Chief Executive also asked members to note of the following items;

- Cork County Council is moving towards being classed as a rural authority as the majority of its towns with populations less than 10,000 will be classed as rural towns.
- The NPF referenced that up to 20% of growth (within the city & suburbs) being utilised for the metropolitan area.
- The introduction of a new proposed planning regulator will seek to ensure that Cork County Council's plans are in line with national planning guidelines and growth targets, and this will be a significant challenge for this local authority.
- 164,000 in growth is to be allocated to the remainder of Southern Region. We need 89,000 or 55% of this growth.
- In terms of investment, Cork County Council will not be spending money on what TII and Irish Water should be as we cannot take over the role of these national bodies.

Some members said view it was regretful that they did not have details of Senior Planner's report at last week's Southern Regional Assembly meeting, and that if any further information comes to light it would be beneficial .

The Chief Executive then asked members has the Southern Regional Assembly provided them with information and the challenges it faces.

Member's agreed to write to Minister Damien English, Department of Housing, Planning and Local Government highlighting to him all of the issues debated at the meeting and to invite Minister English to attend a meeting of Cork County Council to discuss the matter further.

## **CORRESPONDENCE FROM GOVERNMENT DEPARMENTS**

### **CIVIL DEFENCE**

**13/1-5**

Members noted the letter from Office of the Minister with responsibility for Defence in response to Member's request that extra funding is allocated by the Department of Defence for Civil Defence.

The Senior Executive Officer confirmed the letter has been forward to the Chief Fire Officer.

### **VOTING AGE**

**14/1-5**

Members noted the correspondence from the Department of Housing, Planning and Local Government in connection with the development of the necessary Constitution Amendment Bill on reducing the voting age to 16 years of age.

### **TOWN AND VILLAGE RENEWAL SCHEME**

**15/1-5**

Members welcomed the response outlined in the letter received from the Department of Rural and Community Development.

## **NOTICE OF MOTIONS**

### **PLANNING AND DEVELOPMENT (AMENDMENT)(NO2)REGULATIONS 2018**

**16/1-5**

Councillor Gerard Murphy proposed, seconded by Councillor Kevin Murphy, the following notice of motion:-

*“Re: Planning and Development (amendment)(no2)Regulations 2018. Re: conversion of town and village centre shops, commercial premises to residential accommodation and the Planning Exemption now applicable. That the Council set out clearly a simple and effective administrative process to deal with exemption procedures to firstly encourage more accommodation in our towns and villages which would also facilitate the councils efforts to revitalize the core of these centres.”*

Members noted the report from the Director of Planning which outlined as follows:-

Planning and Development (Amendment )(No. 2) Regulations 2018( S.I. No. 30 of 2018) providing an exemption, for a period of time, for a change of use and related works of vacant commercial premises for residential purposes.

This regulation provides an exemption for change of use, and related works, of certain vacant commercial properties to residential use without the need to obtain planning permission.

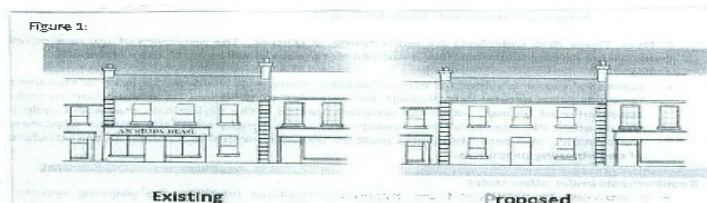
The exemption applies

- Existing buildings that have a current commercial use with reference to Class 1, 2, 3 & 6
  - Class 1** – use as a shop
  - Class 2** – use as (a) financial services (b) professional services (other than health & medical) (c) any other service (including use as a betting office )
  - Class 3** - use as an office
  - Class 6** – use as a residential club, a guest house or hostel (other than a hostel where care is provided)
- Change of use must occur between 8<sup>th</sup> February, 2018 – 31<sup>st</sup> December, 2021.
- The structure concerned, or so much of it that is the subject of the proposed development is required to be vacant for a period of 2 years immediately prior to when the development takes place.

**A number of other conditions and limitations apply** some of which include,

- The works to the building must primarily relate to works which only affect the interior of the structure although some limited works to the external appearance of the structure are permitted and must be consistent with the character of the structure and of neighbouring properties.
- External works to existing ground floor shop fronts must be consistent with the fenestration details and architectural and streetscape character of the remainder of the structure or of neighbouring structures. See example in figure 1 below.
- Works to the ground floor of any structure shall not conflict with an objective in a development plan for the structure to remain in retail use, with the exception, as mentioned above, of works solely for the provision of on-street access to upper floors.
- No more than 9 individual residential units can be provided in a building, thereby keeping below the Part V social housing obligation threshold of 10 housing units.
- Minimum standards shall apply to residential units being developed such as minimum requirements in relation to overall floor areas, storage space requirements and the need for adequate natural light in living rooms and bedrooms.
- Works to a protected structure shall not be permitted unless a section 57 declaration has been issued by a planning authority to indicate the works will not affect the character or elements of the structure which has been identified for protection.
- Works for the provision of on-site wastewater treatment and disposal systems i.e. septic tanks, shall not be permitted under the exemption.
- Works shall not be permitted in a number of limited areas, such as areas of special planning control, areas to which special amenity area orders relate and within certain proximity distances of establishments to which the major accident regulations apply.
- A number of other general restrictions as set out in Article 9 of the Principal Regulations are identified as applying to this exemption. In addition, development must not contravene a condition attached to a permission issued under the Act, including any condition specifying the permitted use of the building concerned.

This is a summation of the new Regulations in relation to change of use of use and related works of vacant commercial premises for residential purposes- further information is available in attachments to Circular PL01/2018 and attached Regulations.



### Process

The new Regulations operate from the 08/02/2018 to 31/12/2021.

If the applicant considers that the change of use is exempt (taking account of the limitations mentioned), they need to:

- notify the Planning Authority at least 2 weeks prior to the commencement of the proposed change of use
- such notification should consist of the location of the structure (map), the number of units involved, unit sizes (floor areas) and the number of bedrooms in each unit.
- the Planning Authority must keep a record (Register) of each notification received

With regard to the process involved, the Chief Executive outlined to the meeting that effectively it is a self certification system.

In the discussion that followed members made the following points:

- Members thanked the Director of Planning for the response and commented that it appears to be a simple process, which is very welcomed.
- It is a very valuable change to the Planning Acts that should encourage people with buildings that are standing idle to make use of their properties.
- Details of the regulation need to be publicised and information should be made available to the public.
- It will help revitalise our villages and towns that are currently run down or dilapidated
- A key point to note is that it will help towards providing accommodation for single occupants as there is currently a shortfall in these types of housing units.

Members agreed to invite Minister Damien English to attending a meeting of full council to discuss various housing schemes.

## **APPOINTMENT OF A SUPER JUNIOR MINISTER EXCLUSIVELY TO DEAL WITH HOMELESSNESS**

17/1-5

Councillor Melissa Mullane proposed, seconded by Councillor Diarmaid O’Cádhlá, the following notice of motion:-

“That this council writes to the Minister for Housing, Planning and Local Government to consider the appointment of a super junior minister exclusively to deal with homelessness. “

In the discussion that followed members made the following points;

- The housing and homeless crisis is at epidemic levels.
- We currently have a minister who deals with Housing, Planning and Local Government with an additional 2 junior ministries tied to his department.
- We need immediate task forces with proper powers and functions that are properly funded in each local authority to deal with homelessness at a local level
- In March of this year we 9681 people across the state homeless. Those figures include 3646 children.
- These are minor's still of school age and under the protection of the state. Yet we do little to help them.
- We leave them homeless, living in bed & breakfasts, shelters or hotel rooms and each morning having to cope with the challenges of having no home and to be expected to deal with all the social issues that all children deal with daily but with all the pressures and stigma of being homeless.
- In the Northern Division 15 people including 7 children are living in emergency accommodation.
- These figures do not include rough sleepers.
- We recently witnessed a prompt reaction to address the fodder crisis, which was solved immediately.
- Sadly this is not the case with homelessness as between 40 and 50 homeless people died in 2017.
- The Government housing and homeless policy is failing.
- The Government is not doing enough to provide greater numbers of turnkey housing units.
- 1800 turnkey units were offered by the Government; however, less than 600 were purchased.
- The single biggest driver of family homelessness are landlords issuing vacant possession notices to quit when selling their property under pressure from banks.

At 1.15pm following the proposal of Councillor John O’Sullivan, seconded by Councillor John Paul O’Shea, members agreed an extension of time to 2:00pm.

Members raised the following points;

- There emergency nature of what is happening in housing and homelessness needs to be addressed.
- Homelessness is increasing and come the winter months we will see even more people needlessly die.
- The Government needs to increase funding to housing volunteer groups like the Simon Community.

Members agreed to write to the Minister for Housing, Planning and Local Government on the matter.

## REGISTER OF ELECTORS

18/1-5

Councillor Frank O’Flynn proposed, seconded by Councillor Gearóid Murphy, the following notice of motion:-

“That Cork County Council call on Mr. Eoghan Murphy TD Minister for the Environment to put in place a user friendly on line format to enable people to register on line on the Register of Electors and also to check if they are registered on it as this would facilitate all people who are entitled to vote to ensure that they are on the register of electors.”

Members noted the report of the Director of Corporate Services, which outlined as follows;

Cork County Council and many other LA’s store and display our own register of electors data via a link from the [www.checktheregister.ie](http://www.checktheregister.ie) website. This online facility is available through Cork County Council’s website currently. A new upgrade of the iReg Software is being planned, which will make it easier for Cork county citizens to access and view their data on the aforementioned website. This upgrade will include improved searching functionality and the ability to input your Eircode. This is due to be implemented in Quarter 3 this year.

There would be merit in the Department introducing a system which would allow for the Register of Electors to be done through electronic means nationally and administered through each Local Authority.

In the discussion that followed members made the following points;

- One of the most important things we can do is vote
- One must be registered in order to vote.
- People should check the register to see if they are registered to vote.
- It is clear the check the register online system is not working properly.
- Voting should be linked to PPS number
- Given that we can renew our passports online it is high time that we should have an on line format to enable people to register on line on the Register
- Anything we can do to facilitate making it easier for people to get on and search the register should be pursued including the use of PPS number, date of birth and Eircode.
- The online register system is case sensitive and this can lead to difficulties when trying to find your details on line
- Some local authorities had Gardaí in their buildings that were witnessing forms in an attempt to make easier for people to register
- Legislation does not currently allow people to register online
- It is crucial that we move to this new type of system.
- We need to facilitate people while maintaining certain safeguards.
- We do not want a return to electronic voting machines
- We need to inform people they can check at their local libraries or through their local elected councillor to see if they are on the register

Members agreed to write to Minister Eoghan Murphy, Minister for Housing, Planning and Local Government



## OPERATION OF HOMELESS SERVICES IN CORK COUNTY

19/1-5

Councillor Des O'Grady proposed, seconded by Councillor Melissa Mullane, the following notice of motion:-

"To seek a written report on the operation of Homeless Services in Cork County specifically the Homeless HAP Place Finder Service and the use of Section 10 funding to directly rent private homes for homeless families. The report to include the number of families that have been supported by the HAP Place Finder Service to access HAP housing so far, the number of deposits paid and the number of families given advance rental payments. The report to also include the number of designate Council staff assigned to the HAPPFs scheme including the dedicated officer. Information on whether private houses have been directly rented by Cork County Council using section 10 funding to provide for homeless families and if the Council has been asked by the Department of HPCLG to re-categorise families previously considered homeless."

Members noted the report of the Director of Services, Housing, which outlined as follows

Cork County Council does not have a Homeless HAP Place Finder Service at this time. The Council made an application for funding of this service in its 2018 submission to the DHPCLG. Approval has now been granted and the service will be introduced in the coming weeks.

Currently there are no designated staff assigned to the HAPPFs. However there has been regular ongoing contact with the Place Finders Service provided by Cork City Council and a number of Cork County Council families have availed of it – eleven families and two single persons since 1<sup>st</sup> Oct 2017.

Section 10 funding continues to be applied to families categorized as homeless within the County. However, funding has not been used by the Council to directly rent private houses for homeless persons. Cork County Council has not had to re-categorise any families previously considered homeless.

Members thanked the Director of Housing for the report, and during discussion that followed members made the following points;

- The HAP Place Finder Service can give an eligible person two months' rent to keep them in their home, or can facilitate a deposit for a new accommodation.
- Members asked why the HAP Place Finder Service has not been fully utilised to its full capacity in the county.
- We as the elected body of council were never informed of this service
- In January, the Minister made councils aware of Section 10 funding.
- Why has Cork County Council not availed of the funding.
- It is very disappointing that we had no prior knowledge of the HAP Place Finder Service or Section 10 funding.
- Members requested that all housing circulars to sent to members of the Housing Strategic Policy Committee.

The Chief Executive said that he is not aware why Housing SPC members were not made aware of the HAP Place Finder Service or Section 10 funding. The Chief Executive said that Section 10 funding is used for renting private rented accommodation and he confirmed the reason why it has not been utilised by Cork County Council is because we did have the need to utilise it. The Chief

Executive informed members that funding has recently been received for a full time staff member to work on HAP Place Finder Service.

Members welcomed news that a staff member is to be appointed, and requested their name contact details would be circulated to members.

## **STRATEGY TO IMPLEMENT THE USE OF PLASTIC ROADS BY DIRECT LABOUR AND CONTRACTORS**

**20/1-5**

Councillor Eoghan Jeffers proposed, seconded by Councillor Melissa Mullane, the following notice of motion:-

That this council would request the Roads and Transport Department of Cork County Council to develop a strategy to implement the use of plastic roads by direct labour and contractors where feasible, for repair works and new construction”

Members noted the report of the Director of Services, Roads, which outlined as follows

The Roads Directorate is aware of some research /pilot projects abroad in the substitution of plastic pellets in road surfacing macadams and asphalts, to replace some of the bitumen in the mixture and also of work, at the research /pilot stage, in creating all plastic road surfaces, both of which provide for the recycling of waste plastic materials.

We have no information that any such products are incorporated into a formal specification for approved road making /surfacing materials to date in any country where they are being trialled.

None of these type materials are included in the current TII specification, but should this change, Cork County Council would review the position.

Members thanked the Director of Roads for the report, and during discussion that followed members made the following points;

- We need to address the amount of plastic going to landfill as China is no longer accepting plastic waste.
- Plastic roads are 60% stronger and can last up to three times longer, where plastic pellets are used as a substitute for bitumen
- Heavy rain, cold weather and ice do not impact on plastic road conditions.
- One km of road will use one tonne of plastic or one million plastic bags
- It could certainly be used for the surfacing of public walkways etc.
- The use of modular roads a new concept and should also be examined, as they can be used for storing water after flooding and as modular roads are hollow they are ideal for facilitating the installation of utility services.

Members agreed that the matter should be referred to the Environment SPC and Roads & Transportation Policy SPC for further consideration. Members also agreed that details of the notice of motion be forwarded to Transport Infrastructure Ireland (TII).

## NATIONAL EMERGENCY ON THE ISSUE OF HOUSING AND HOMELESSNESS

21/1-5

Councillor Diarmaid O’Cádhla proposed, seconded by Councillor Des O’Grady, the following notice of motion:-

Recognising that there is a National Emergency on the issue of housing and homelessness, and our responsibility in this matter, we request reporting as follows:

1. Both directly and indirectly, how does Council deliver services to the homeless in our Divisional areas?
2. Who is Council providing homeless services to; the number and average size of family units, the number of unattached individuals, and the numbers of people with classes of the various disability types or with substance addiction issues?
3. Whether the numbers reported as homeless in county Cork are impacted by the Minister’s recent re-classifications, and if so, to what extent?
4. What finance does Council expend on homeless services, from its own resource, and from central Government resourcing?
5. To what extent is Council’s work with Rough Sleepers aimed at rehabilitation, and elimination of this aspect of homelessness?
6. What level of Quality Auditing takes place on the delivery of homeless services, both on Council’s direct work and on services provided via other agencies, charities etc?
7. What role does Council have in the supervision of homeless shelters, in particular the Simon, St. Vincent’s and Edel House?
8. What role does Council have in the Homeless Persons Unit at Drinan Street?

In addition, this council resolves to:

9. Establish a ‘Members Oversight Group’ to work with the Housing Department and to monitor the experience of service users – such group to respect the privacy and dignity of users and staff, and also the providers of emergency accommodation

Members noted the report of the Director of Services, Housing, which outlined as follows

Funding for homeless services is provided under Section 10 of the Housing Act 1988. 90% of expenditure is recouped from the Department of Housing, Planning, Community and Local Government with the remaining 10% funded from the Council’s revenue budget. There are currently two Tenancy Sustainment Officers in place to deal with homelessness in North Cork and West Cork and the Council has a joint arrangement with Cork City Council to deal with homelessness in the South Cork area through the homeless facility in Drinan Street. Funding is directly provided for two facilities in Cork County – Westgate Foundation in Ballincollig (6 beds) and Fellowship House in Togher (10 bed facility). In addition funding is provided for homeless persons for emergency B&B’s. In 2017, Cork County Council’s overall expenditure on homelessness was €836,810, 90% of which was recouped from the DHPCLG.

In 2018 to date Section 10 funding has been provided to accommodate a total of 22 families in emergency B&B/Hotel Accommodation in South Cork and a further 14 families in North and West Cork combined. Family size in South Cork varies from 1 to 8 children, with nearly half of all families presenting with 2 or 3 children. B&B accommodation for a further 9 single adults (3 in South Cork and 6 in North and West combined) is being funded by Cork County Council. Of the individuals and families in South Cork, 3 are categorised as having either a physical or mental disability. Cork County Council does not require applicants to disclose if they have substance addiction issue as a Basis of Need and therefore this information is not recorded. Cork County Council has not been requested by the DHPCLG to re-classify any homeless persons within Cork County. In 2017, Cork County Council's overall expenditure on homelessness was €836,810, 90% of which was recouped from the Dept under Section 10 funding, with the remaining 10% being funded by CCC. The two tenancy sustainment officers work closely with homeless persons to ensure accommodation needs are met as quickly as possible. Rough sleeping has not been an issue in Cork County to date.

Cork County Council is currently negotiating a service level agreement with both Westgate Foundation and Fellowship House and certified accounts are provided by all homeless facility providers on an annual basis. Similar agreements are in place with all homeless providers in the city. Cork City Council is the lead authority for homelessness in the South West Region and is responsible for the disbursement of Section 10 funding within the region which it does in conjunction with the South West Regional Local Authorities including Cork County Council.

During discussion that followed members made the following points;

- One member called for the establishment a 'Members Oversight Group' to work with the Housing Department, and to collaborate with Cork City Council and other agencies.
- €10 million per annum is being spent on housing and homelessness,
- To what degree are we delivering a service for homeless people.
- An oversight group should be taking into consideration, what extent is the service aimed at rehabilitation of people experiencing long term homelessness.
- One member called for the service delivered by Homeless Persons Unit at Drinan Street to be closed down as it is not fit for purpose.
- The process of admission to Cork Jail is more humane than dealing with the Drinan Street unit.

The Mayor advised members that Cork County Council has no role in relation to the services delivered by the Homeless Persons Unit at Drinan Street, which comes under the remit of the Health Service Executive.

Members then raised the following points;

- The housing crisis is not alleviating and the situation is stark for many families.
- The Homeless Persons Unit should be moved out of Drinan Street to a proper unit where people will be treated with dignity.
- The Simon Community provides an excellent service for homeless people
- We need to work with our city counterparts and the HSE
- There should be one coordinating body responsible for homelessness across the entire county.

The Chief Executive advised members that the matter of the establishing of a 'Members Oversight Group' committee would need to be discussed by the Housing SPC at which the Director of Housing would be present.

The remaining items on the agenda were differed to the next meeting to be held on the 28<sup>th</sup> May, 2018.

#### **VOTES OF CONGRATULATIONS**

TO: Councillor Sinead Sheppard on the birth of her baby boy.

TO: Raffeen Creek Pitch & Putt Club on winning the Junior County Pitch &Putt Title

TO: Rachel Sheehan, Passage West GAA Football on winning the Munster Minor Football Medal with Cork.

TO: Bandon Rugby Club U'18s on their success of winning the All Ireland.

TO: Everyone that participated in the Darkness into Light in aid of Pieta House.

#### **ANY OTHER BUSINESS**

##### **Opening of Tenders**

The Mayor informed members that the 1 tender for the Dursey Island Cable Car and Visitor Centre development would be opened at the meeting

**This concluded the business of the meeting.**